Congressional Record

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE SIXTY-SIXTH CONGRESS

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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
SECOND SESSION.

SENATE.

SATURDAY, *February 21, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy gracious favor Thou hast revealed unto us the path of life. Thou hast conditioned our highest good upon the achievement of character, and Thou hast given to us the great principles upon which we may build a character that can stand the test of time. We pray Thy blessing upon us today that we may have our eyes ever on Thy Word, our hearts ever going out in humble obedience to Thy will, and our lives consecrated to Thy service. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Wednesday, February 18, 1920, was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 12351) to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 12351. An act to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C., was read twice by its title and referred to the Committee on Commerce.

CALLING OF THE ROLL.

Mr. BRANDEGEE obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	King	Pittman
Ball	Gay	Kirby	Poindexter
Beckham	Glass	Knox	Ransdell
Brandegee	Gronna	Lenroot	Robinson
Capper	Hale	Lodge	Sheppard
Chamberlain	Harris	McKellar	Simmons
Colt	Harrison	McLean	Smith, Ga.
Culberson	Henderson	McNary	Smoot
Cummins	Johnson, Calif.	Moses	Spencer
Curtis	Johnson, S. Dak.	Nelson	Stanley
Dial	Jones, N. Mex.	New	Sterling
Dillingham	Jones, Wash.	Norris	Thomas
Edge	Kellogg	Nugent	Townsend
Elkins	Kendrick	Overman	Trammell
Fletcher	Kenyon	Page	Walsh, Mont.
France	Keyes	Phipps	Warren

Mr. GRONNA. I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. DIAL. I desire to state that my colleague [Mr. SMITH of South Carolina] is absent on account of illness. I ask that this notice may continue for the day.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. SUTHERLAND] is detained by illness.

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] and the Senator from Delaware [Mr. WOLCOTT] are absent on public business.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The Senator from Nebraska [Mr. HITCHCOCK], the Senator from Maryland [Mr. SMITH], the Senator from California [Mr. PHELAN], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Ohio [Mr. POMERENE] are absent on official business.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

SALE OF SHIPS.

Mr. BRANDEGEE. Mr. President, I find in the RECORD, on page 3380, under the date of February 20, the following:

> The Vice President laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, ordered to lie on the table and be printed.

The RECORD then proceeds to print the message of the President, which is Senate Document No. 231, entitled "Sale of ships." It does not print the accompanying paper to which it refers. The President stated:

> I am, nevertheless, transmitting it in order that the Senate may be in possession of all the information there is in any way relating to the vessels in question. I had intended to submit this to Congress at the appropriate time, after the ratification of the treaty with Germany.

Of course, the message of the President is not fully intelligible except as the paper, in the nature of an agreement or understanding between him and Lloyd-George, is printed with it, and I ask unanimous consent that in the permanent issue of the RECORD the understanding submitted by the President may be printed immediately following the message of the President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut?

Mr. FLETCHER. May I ask the Senator to state again what his request is? I could not follow it, owing to some confusion in the Chamber.

Mr. BRANDEGEE. The request is that the paper which the President transmitted with his message be printed in the RECORD in conjunction with the message.

Mr. FLETCHER. Yes; I think that is right.

The PRESIDENT pro tempore. The Chair hears no objection, and it is ordered accordingly.

Mr. BRANDEGEE. While I have the floor, Mr. President, I desire to state in this connection that last Saturday, as will appear on page 2907 of the RECORD, I introduced the resolution to which the President replied. I stated then as follows:

> I simply desire to state that I have several times heard, from what I think is good authority, that there was some understanding between the President and Lloyd-George, or some member of the British Government, in relation to the disposition of the German ships or the proceeds derived from them in case they were disposed of. I do not know whether or not that is a fact. If it is, I should like to know it, as being germane to the subject which we are now considering. I should like to have the resolution considered and agreed to.

Thereon, for about half a column, there were questions and answers between me and several Senators in relation to that matter.

Mr. KING. May I ask the Senator whether the matter about which he inquires related only to the captured ships—not to the interned ships?

Mr. BRANDEGEE. The resolution, as the Senator will see from the RECORD, on page 2907, did not call them interned ships. It describes them as the German ships which the Shipping Board were proposing to sell. It also inquired whether there was any understanding or agreement in relation to any other ships that came into our possession after the close of hostilities.

I did not know whether we had acquired any such shipping or not, and inasmuch as the Shipping Board was proposing to sell, and doubt was expressed by the Senator from Nebraska [Mr. HITCHCOCK] both previously and in his talk the other day as to the title of this Government in those ships, I desired to see what was the status of those ships, how they came into our possession, as to whether we had a right to sell them, and as to whether there was any agreement either as to their sale or as

to their disposition. I alleged nothing. I simply wanted to ascertain the status.

I see in the Washington Post this morning, on the first page, an article by the Associated Press headed:

No deal for vessels.
Emphatic denial President's reply to Senate inquiry.
Transmits Paris proposal.
Crediting Germany with surplus valuation contemplated.

Mr. President, I did not allege that there was any deal by the President of the United States with anyone for the sale of ships or anything else. I introduced a resolution, respectfully worded, containing the clause "if not incompatible with the public interest," and, as appears in the RECORD, I stated that if it was incompatible with the public interest, of course the President would say so, and I did not want the information if it was incompatible with the public interest.

The President states that—

The ships for the purchase of which bids have been asked by the Shipping Board were taken over by Executive orders issued pursuant to the joint resolution of Congress of May 12, 1917, authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction under enemy ownership—

And so forth. Then the President states that that was the way we came into the possession of these ships, which were afterwards taken over by Executive order by virtue of that action of Congress. He proceeds to state:

There is not, nor has there been, any agreement or understanding between the President of the United States and officials of Great Britain concerning the sale of the ex-German vessels in possession of the United States.

Of course, I did not intimate that there was. I wanted to know whether there was any understanding as to their disposition. The title was in question. I wanted to know in what way they were to be disposed of. It appears that they were disposed of, so far as the agreement made by the President which he sent here, but which has not yet been printed in the RECORD.

Mr. ROBINSON. Did the Senator state that they were disposed of?

Mr. BRANDEGEE. No; I did not.

Mr. ROBINSON. I simply call attention to the fact that the President says that—

This understanding, which recognizes American rights with regard to German vessels taken in our ports, does not relate to the disposition of such vessels by the United States.

The statement of the President is that the understanding which he reached with Lloyd-George, and which is contained in the paper which is not printed in connection with the President's reply, and which paper the Senator has asked may be printed, did not relate to the disposition of the vessels, but related to a recognition of American rights.

Mr. BRANDEGEE. The Senator does not ask a question, but he makes a statement which I myself was about to make, which is made here by the President and is printed in the RECORD. I entirely agree with the Senator. The President states that there was no agreement for the disposition of the ships or for their sale. I never made any charge whatever. I asked if the President would inform us whether there was an understanding for their disposition. The disposition of a vessel may be made in several ways, I suppose; that is, there are several ways of disposing of a vessel. As I understand the President, the disposition made of these vessels by the agreement to which he is a party is that they are to be the property of the United States, and the agreement when it is printed will show, in effect, for I read it very hastily——

Mr. LODGE. Mr. President, I rise to a question of order. I am trying to follow what the Senator from Connecticut is saying, but there is so much talking in the Chamber on this side that I can not hear it; at least, the confusion interferes with hearing.

Mr. ROBINSON. Will the Senator from Connecticut yield for a brief statement?

Mr. BRANDEGEE. I am trying to make a connected statement, but I yield for a question.

Mr. ROBINSON. If the Senator will yield, I desire to explain that, on account of the confusion in the Chamber, I could not hear the statement which he made just prior to my interruption of him a moment ago, but I understood him to say that the understanding which is embraced in the paper which was not printed related to the disposition of the vessels. I was merely pointing out the fact that the President stated that it did not relate to that.

Mr. BRANDEGEE. Mr. President, I suppose the Senator from Arkansas and I might argue here all day as to what the word "disposition" means. The President evidently understands that "disposition" means parting with the title to the ships. The agreement states that not only these ships but the ships which were enemy property in allied ports—to paraphrase it and state it briefly—shall be the property of the Governments where they were interned, that there shall be an appraisal of them, and that when it is ascertained what the claim of each country against Germany is for damage caused to its merchant shipping by the German submarine warfare the balance shall be adjusted; to take the specific case of America, that if the German ships which we interned are valued at more than the claim which we have against Germany for damages, the excess of valuation shall be paid into the reparation fund and be credited to Germany. The President says:

I believe the above information fully answers the Senate's inquiry. However, I am transmitting herewith a draft of a proposed understanding in regard to ex-enemy merchant tonnage to which I have given assent, subject to future action of Congress, as provided therein. Although this understanding, which recognizes American rights with regard to German vessels taken in our ports, does not relate to the disposition of such vessels by the United States, I am, nevertheless, transmitting it in order that the Senate may be in possession of all the information there is in any way relating to the vessels in question. I had intended to submit this to Congress at the appropriate time, after the ratification of the treaty with Germany.

Mr. President, I am glad that the President saw fit to transmit this agreement, which it was impossible to describe—at least I found it impossible to describe it—in any more polite or definite language than I employed. The agreement which the President made, so far as he could make it, subject to the subsequent consent of Congress, to a large extent bears out my information in the premises—that there was an agreement which provided that, in some way, the excess of the value of the German ships taken by the Allies should be paid into the reparation fund.

I am glad the President sent in this agreement, whether the agreement provides strictly, in his opinion, for a disposition of those ships or not. In my opinion, it does. Here are German ships which we simply seized by force, the title to which, according to the Senator from Nebraska [Mr. HITCHCOCK], is in question. If he simply said, "There is no agreement for a disposition of the ships," and relied upon a quibble or a difference in definition or interpretation of what the Senate meant by the word "disposition," I should not have felt it was quite frank; but the President knew that the Senate wanted information which would reveal the true status of those ships, and he very properly sent to us the agreement which he made. It is a lengthy agreement. I read it hastily here last night, and supposed it would be printed in the RECORD. It is an important agreement.

Mr. EDGE. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BRANDEGEE. I yield.

Mr. EDGE. In view of the rather extended agitation during the past few days as to the sale of the ships which have been advertised by the Shipping Board, and an apparently general desire to secure more money for the ships; in view also of the implied arrangement on the part of the President, if acquiesced in by Congress, it would make little difference, would it not, as to how much additional we received for the ships, as we shall be compelled under that agreement to pay into the reparation fund the difference between the appraisement already made and any additional money we might receive for the sale of the ships?

Mr. BRANDEGEE. Of course, whether the ships are sold or not would make some difference to us in this way, that if the ships were sold and there was a balance above our claim against Germany it would be paid into the reparation fund from the proceeds of the sale, whereas if they are not sold and there is such a balance it will have to be appropriated for by Congress and raised by taxation.

Mr. LODGE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. LODGE. The ships to which the Senator is now referring are those that were interned in our ports.

Mr. BRANDEGEE. Yes.

Mr. LODGE. Of course he excludes, as I understand, entirely the ships, such as those of the *Imperator* class, for instance, which were covered by the treaty and which we have already returned.

Mr. BRANDEGEE. The President says in his message, I think in a part which I did not take occasion to read to the Senate as not bearing upon the point I was discussing, that these are the only German ships of which we are now in possession; that there were some which were taken and allocated to the different allied Governments for the transportation of troops after the cessation of hostilities, which have been returned.

In relation to the President's remark that he had intended to send this agreement to us at the appropriate time after the

ratification of the treaty, I am very glad that he did not wait that length of time, because this question may be of some immediate interest at this session of Congress. I notice the Senator from Washington has reported a bill providing for the reconditioning of these ships. But why is it not appropriate that we should have this knowledge now in order to decide whether to hold these ships or whether to sell them? Why would it be more appropriate after the treaty with Germany shall be ratified?

I do not pretend to know the full history of this case, Mr. President; I do not understand why the President made his agreement simply with Lloyd-George, who is the only other signatory to the agreement, and not with the representatives of any of the other allied Governments. No doubt there is a good reason for that, but I do not see it; and I do not see what this question has to do in any way with the treaty with Germany. It appears to be a supplemental agreement which the President himself says he was not going to transmit here until after the treaty was ratified.

That is all I care to say about this matter, Mr. President, except——

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BRANDEGEE. Yes.

Mr. ROBINSON. The matter which the Senator has asked to be printed has already been printed as a document and has just come down. It is Document No. 231.

Mr. BRANDEGEE. It has just been handed to me, I will say to the Senator, and I should like to have it read by the Secretary for the information of the Senate.

Mr. ROBINSON. I myself should be very glad to have that done.

Mr. BRANDEGEE. The message was not read yesterday, and, if there is no objection, I should like to have the message read with the agreement.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

To the Senate:

I have the honor to acknowledge the receipt of a resolution passed by the Senate on February 14, requesting the President to inform that body "whether any, and if so, what, agreement or understanding exists between him and officials of Great Britain concerning the disposition by the United States of America of the German ships which the Shipping Board is proposing to sell, or which were acquired by the United States after the termination of hostilities between said United States and the Central European Teutonic powers."

The ships for the purchase of which bids have been asked by the Shipping Board were taken over by Executive orders issued pursuant to the joint resolution of Congress of May 12, 1917, authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, under enemy ownership or under the registry of an enemy country. The Government of the United States is not in possession of any ex-German vessels except those taken over under this resolution. Under an armistice agreement between the German Government and the allied and associated powers certain German vessels were taken over primarily for the transport of food to Europe, including Germany, and for the transportation of troops. Of the tonnage so taken over, certain passenger vessels were allocated to the United States temporarily for the purpose of repatriating American soldiers. When the transportation of our troops was completed, these vessels were all surrendered in accordance with the agreement under which they were temporarily allocated to this Government for such use.

There is not, nor has there been, any agreement or understanding between the President of the United States and officials of Great Britain concerning the sale of the ex-German vessels in possession of the United States, nor is there any agreement or understanding with respect to what disposition shall be made of those ships by the United States.

I believe the above information fully answers the Senate's inquiry. However, I am transmitting herewith a draft of a proposed understanding in regard to ex-enemy merchant tonnage to which I have given assent, subject to future action of Congress as provided therein. Although this understanding, which recognizes American rights with regard to German vessels taken in our ports, does not relate to the disposition of such vessels by the United States, I am, nevertheless, transmitting it in order that the Senate may be in possession of all the information there is in any way relating to the vessels in question. I had intended to submit this to Congress at the appropriate time, after the ratification of the treaty with Germany.

WOODROW WILSON.

THE WHITE HOUSE,
February 20, 1920.

"The allied and associated Governments whose signatures are hereto affixed, severally agree as regards merchant shipping as follows:

"1. The reparation commission will, as soon as possible, compile a list giving fullest particulars available on all enemy ships still in existence, captured, seized, or detained by any allied or associated Government during the war, and also all other enemy ships or boats which the enemy powers are required to cede under the treaty of peace.

"2. The reparation commission will taks such steps as will secure that each of the allied and associated Governments will retain as its own the complete title to and use of all ships captured, seized, or detained during the war as a war measure and prior to November 11, 1918, and will own the same free from any claim of any of the other allied or associated Governments.

"In all cases where the ships and boats so to be retained by any allied or associated Government are in excess of the claims of such Governments, respectively, for war losses in merchant ships, such Governments shall not make any claim for a share in other ships and boats ceded under the treaty of peace.

"3. In all cases where the ships and boats so to be retained by any such Governments are insufficient to satisfy in full the claims of such Governments, respectively, for war losses in merchant ships, the enemy ships which remain and which are to be ceded under the treaty of peace will be divided into three classes, viz, liners, other merchant ships, and fishing boats, and will be distributed to such Governments on the basis of ton for ton and class for class of the ships and boats lost and not replaced by the ships and boats retained, but in proportion to the balances due on the claims of such Governments, respectively.

"4. As the ships and boats so to be retained will, in the case of Brazil, China, Cuba, Siam, and the United States, exceed the total amount of tonnage which would be allocated to those countries were the total enemy tonnage captured, seized, detained, or still in existence shared in proportion to losses of ships and boats during the war, in each such case a reasonable value on the excess of ships and boats over the amount which would result from such a division will be determined. The amount of the value so fixed will be paid over by each such State to the reparation commission for the credit of Germany toward the sums due from her for reparation, in respect to war losses of merchant ships.

"5. As soon as the reparation commission has collected the necessary information, and is in a position so to do, they will give public notice that after an interval of two months they will proceed to divide the vessels except those captured, seized, or detained by the allied and associated Governments which are to be retained by them, respectively, as hereinbefore provided. If within one month of the publication of the notice any allied, associated, or neutral Government, person or corporation a national of such Government and acting through such Government, notifies the commission that they have an equitable claim against any vessel which has not been, or is not being, satisfied by the enemy Governments, that claim will be considered on its merits by the commission, which may adopt any procedure it thinks fit, provided it is expeditious and is calculated to do substantial justice as between the allied and associated Governments on the one hand and the claimant on the other.

"The commission will have power to determine claims so presented, and such determination will be conclusive, and the commission will also have power to enforce its findings.

"Dated May —, 1919.

"WOODROW WILSON
"(Subject to the explanation contained in the attached memorandum).
"D. LLOYD-GEORGE.

"I deem it my duty to state, in signing this document, that, while I feel confident that the Congress of the United States will make the disposal of the funds mentioned in clause 4 which is there agreed upon, I have no authority to bind it to that action, but must depend upon its taking the same view of the matter that is taken by the joint signatories of this agreement."

PETITIONS AND MEMORIALS.

Mr. WARREN presented a resolution adopted by the Wyoming Wool Growers' Association, at Cheyenne, Wyo., favoring increased appropriation of funds for the United States Sheep Experiment Station in Fremont County, Idaho, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented a petition of the California State Board of Forestry, praying for the enactment of legislation providing for an airplane patrol of the western forests, which was referred to the Committee on Public Lands.

He also presented a petition of the Women's Democratic Club, of Alameda County, Calif., praying for the enactment of legislation giving rank to Army nurses, which was referred to the Committee on Military Affairs.

Mr. HALE presented a petition of sundry postal employees of Ellsworth, Me., praying for the enactment of legislation granting annual and sick leave to regular postal employees, which was referred to the Committee on Post Offices and Post Roads.

FEDERAL TRADE COMMISSION.

Mr. WALSH of Montana. Mr. President, some time ago, upon the motion of the Senator from Indiana [Mr. WATSON], the Senate adopted a resolution inquiring into the character of the employees of the Federal Trade Commission. A clause was appended to the resolution reading as follows:

> The committee is further directed to inquire generally into the work of the commission, the procedure it has adopted, the authority it has exercised, its attitude toward the business of the country, and make report respecting the value of the commission as a governmental agency.

The duty of investigating was intrusted by the resolution to the Committee on Interstate Commerce. That committee apparently appointed a subcommittee to conduct the investigation, and I have here a questionnaire prepared by the committee and submitted to every individual or corporation against whom any complaint has been lodged by the Federal Trade Commission. The questionnaire is so extraordinary in its character that I desire to invite the attention of the Senate to it. It reads as follows:

> UNITED STATES SENATE,
> COMMITTEE ON INTERSTATE COMMERCE,
> *January 30, 1920.*
>
> GENTLEMEN: The United States Senate by resolution has directed a subcommittee of the Committee on Interstate Commerce to inquire generally into—
>
> The work of the Federal Trade Commission;
> The procedure it has adopted;
> The authority it has exercised; and
> Its attitude toward the business of the country;
>
> and to make report respecting the value of the commission as a governmental agency.
>
> As a firm which has had a complaint filed against it by the commission (either pending or disposed of), a statement is desired from you on any and all points you desire to make, included in the scope of the inquiry as indicated above.
>
> It is desired particularly to ascertain:
>
> 1. If complaint is pending or disposed of.
> 2. How long the complaint was (or has been) pending.
> 3. What kind of hearings were given, where was hearing held, and did you have ample opportunity to present your case.
> 4. If complaint against you was dismissed, what was the reason therefor.
> 5. If a decision or finding has been made, was it made as a "consent order" or not, and were the facts "stipulated" by agreement or stated by the commission?
> 6. If a "consent order" was entered, did it actually affect your acts or was it entered "to save the face of the commission"?
> 7. Was the finding of the commission (if one has been made) an equitable one? If not, in what respect do you consider the commission has erred?
> 8. If you consider that complaint against you was unwarranted, what do you believe was the reason that the complaint was filed by the commission?
> 9. If finding was made, have you appealed or do you intend to appeal for a judicial review of the same?
> 10. Do you have any information tending to establish the fact that the Federal Trade Commission has used its power to aid private enterprises in an unwarranted manner? If so, what are the facts and what are the connections, political or otherwise, between the firm so favored and the commission or any member or employee thereof.
> 11. Has the attitude of the Federal Trade Commission on your case been helpful or prejudicial to the business of the country? In your answer please explain why and how.
> 12. Please express your opinion on the value of the commission as a governmental agency, and the reason for your opinion.
> 13. If you believe that the work of the commission could be better handled by some other governmental agency or by reformation of its own procedure or policy, please indicate definitely your suggestions for the change or the improvement.
> 14. Give file number of complaint in your answer.
>
> As the committee will begin its hearings within a few days, it is urgently requested that you, with the aid of your attorneys, prepare and forward an answer to this letter at the earliest possible moment.
>
> Please be perfectly frank in the information which you give to the committee. Any information which you desire to give in confidence will be so treated.
>
> A large part of the information asked for herein is of record with the Federal Trade Commission, but time is not available to digest completely all of the record in every case. Evidence suggested by you will not be treated as volunteered, but the facts will be established by the records of the commission or by witnesses duly subpœnaed.
>
> Respectfully, yours,
>
> CHARLES E. TOWNSEND,
> *Chairman Subcommittee.*

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NORRIS. Did the Senator read the resolution that gave authority from the Senate for this investigation?

Mr. WALSH of Montana. I read that part of it which is pertinent to this matter.

Mr. NORRIS. As I remember the resolution, there was not anything in it that was pertinent to any of those questions. I supposed it was confined only to investigating whether or not they had Socialists, and so forth, among their employees.

Mr. WALSH of Montana. The Senator evidently overlooked the concluding paragraph, which reads as follows:

> The committee is further directed to inquire generally into the work of the commission, the procedure it has adopted, the authority it has exercised, its attitude toward the business of the country, and make report respecting the value of the commission as a governmental agency.

Mr. NORRIS. Oh, yes.

Mr. WALSH of Montana. I do not think the committee is going beyond the scope of its power at all in prosecuting an inquiry of this kind. What I wish to invite your attention to, however, is that it is making this inquiry concerning all of these matters of the people against whom complaints have been filed by some competitors in their business and who have been made the subject of inquiry by the commission as to the propriety and character of the methods which they pursue in the prosecution of their business, for the purpose of determining whether those methods are unfair within the statute.

Mr. NORRIS. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. NORRIS. It strikes me that it would be similar to providing for the trial of a judge before a jury composed of criminals whom he had sentenced in his court.

Mr. WALSH of Montana. I was going to say, in that connection, that I am not to be understood as indicating that in my judgment the offenses contemplated by the statute creating the Federal Trade Commission involve grave moral turpitude. Of course, if they did, they would be made penal offenses. But, Mr. President, the situation would be quite analogous if one went to the penitentiary to get the views of those incarcerated there touching the law, the jury, and the court through the action of which they happened to be confined.

> No man e'er felt the halter draw,
> With good opinion of the law.

The wail that in all probability will be set up by those who have thus been made the objects of inquiry by the commission can be very readily imagined. I can not see what particular value could attach to any observations that these gentlemen might make by way of criticism of the commission, or of the law, or of the treatment which they got.

Mr. TOWNSEND. Mr. President——

Mr. WALSH of Montana. I yield.

Mr. TOWNSEND. Will the Senator yield for me to say a word there, as I am holding hearings before another committee and have a witness on the stand?

Mr. WALSH of Montana. Certainly.

Mr. TOWNSEND. I have just learned that the Senator is criticising certain questionnaires that were sent out by the committee which was authorized to investigate the Federal Trade Commission. I have not learned before that even the commission was taking any exception to what we are doing. I endeavored to see to it that those papers were prepared in such a manner as to get the opinion of the people of the United States who had had to do with the commission or with whom the commission had had to do. I asked for frank statements under all pertinent heads which I thought would bring about a basis for investigation on the part of the commission. The Senator is quite mistaken if he believes that we are receiving wails from those who have been prosecuted. We are receiving their opinions in many cases, and many of them are very complimentary to the commission.

Mr. WALSH of Montana. Yes; I shall put some of those in the RECORD.

Mr. TOWNSEND. I have sent to every organization in this country that has come to my attention which has passed resolutions condemning the Federal Trade Commission, including the United States Chamber of Commerce, and have insisted that they must give us their reasons, the basis for those condemnations. These are solely for the use of the committee in establishing a method of procedure under the comprehensive resolution which was adopted. If the Senator has put into the RECORD that resolution and the amendment offered by the Senator from Iowa [Mr. CUMMINS], which was to investigate all of the activities of the Federal Trade Commission, and if he can think of any more proper method of procedure than we have adopted—because we have not only written to the people who have been investigated, against whom complaint has been made, but we have written to every man or every concern that has come to our attention that has had knowledge of the workings of the Federal Trade Commission—I shall be glad to have him

suggest it. That does not mean that the committee is limited to these reports or that it accepts what has been said to it, but we want to know what the complaints are that have been made in order that we can properly investigate them.

Mr. WALSH of Montana. Mr. President, I have permitted an interruption because the Senator has advised us that he is due at some other committee with which he is at work; but I interrupt the Senator to inquire whether he has submitted a similar questionnaire to those rivals of the corporations or companies or firms to whom these questionnaires have been sent, and if he will furnish us with a copy of the questionnaire addressed to the complainants upon whose complaint the proceedings were instituted?

Mr. TOWNSEND. In every case where we could get the information as to who was interested in these matters we have asked for this information, and we are asking for it and other information every day.

Mr. WALSH of Montana. The Senator has misunderstood me. I am inquiring of the Senator if he has addressed a similar questionnaire to those parties upon whose complaint the proceedings were instituted, as well as the parties against whom the proceedings were addressed?

Mr. TOWNSEND. I do not know that I have sent out any general letter on that subject, but I can assure the Senator that we will send out letters and are sending them out to every business concern in this country which has been interested in the proceedings of the Federal Trade Commission. I think every Democratic Member, as well as those Members on this side of the Chamber, will agree that this committee are not starting out on a persecuting proposition. The commission understand that as well as I do. What we want to do is to get at the facts. We are not making public the letters which have been submitted to us. We are simply collecting the data that we believe will be useful to us in making the investigation.

Mr. WALSH of Montana. Mr. President, in all of these proceedings, as in other proceedings before courts or tribunals, there is a party corresponding to a complainant or plaintiff and a party corresponding to a defendant. The complainant in the proceedings before the commission, ordinarily being a rival in business, charges that the party accused has resorted to unfair practices in the prosecution of his business destructive of the trade of the complainant, and he asks the interposition and the exercise of the power of the Federal Trade Commission to arrest those practices and to put a stop to them. It is quite evident that the questionnaire has been addressed in every case to him who stands in the attitude of the defendant, and never——

Mr. TOWNSEND. The Senator is entirely mistaken about that.

Mr. WALSH of Montana. Wait a minute until I get through with the statement—and that no corresponding questionnaire has been addressed to those who stand in the attitude of the plaintiff or the complainant.

Mr. TOWNSEND. We have not as yet reached that class, but if the Senator will withhold his criticism until the committee gets to work, it will be more timely and may be more just. He should understand this: The chairman of the committee has been in touch with the Federal Trade Commission, and I do not think it believes that I am working or that any other member of the committee is working through any unfair means to the commission. I am satisfied that they do not. Perhaps the Senator has information which I do not possess, but I have told them frankly what I was trying to do, and have consented that they should cooperate, that their counsel should be present at all hearings, and I informed them that I wanted their advice as how best to proceed to get the facts in this case. We have not yet actively reached the second branch of it. We are simply trying to get some information upon which we can establish an orderly procedure.

Mr. WALSH of Montana. I am giving the Senate my own view about this matter; and my own view about it is that if a questionnaire of this character was sent out at all, it ought to be sent out at the same time to both parties to the controversy. My own judgment about the matter is that in neither case will one be very much enlightened by the answers which are received, because, of course, the prevailing party will be profoundly impressed with the wisdom and propriety of the action of the commission, while the losing party will ordinarily be in a condemnatory mood.

Mr. TOWNSEND. I trust the Senator will have a little confidence in the committee and believe it has sufficient intelligence to digest and weigh the information which comes to it; and I can assure him that if a case is presented or a letter is presented to us by one of these people complained against, and the case is established so that we can understand what it is, we shall proceed further to determine the other side of that case.

Mr. WALSH of Montana. Of course, I have no doubt that the committee now will proceed to inquire into the other side.

Mr. TOWNSEND. Oh, well, the Senator has not influenced the commission in the least. What he has said has had no effect upon the committee, because it established that policy to proceed upon when it first met. He has not influenced it.

Mr. WALSH of Montana. I do not care to engage in any controversy with the Senator. I am calling attention to the fact that this set of questions was propounded to the defendants and nothing corresponding was addressed to the other side.

I wish to inquire of the Senator if he will have the kindness to tell us exactly what this question No. 6 means:

If a "consent order" was entered, did it actually affect your acts or was it entered "to save the face of the commission"?

Mr. TOWNSEND. That questionnaire was put out for the purpose of determining just exactly what were the facts in the case. I did not remember that the words "to save the face of the commission" were included. Is that language in the questionnaire?

Mr. WALSH of Montana. I read it from the questionnaire.

Mr. TOWNSEND. I confess I did not notice those particular words. I think they should not have been used.

Mr. WALSH of Montana. It occurs to me that the question is rather leading. A leading question is one which suggests the answer which the interrogator hopes will be given to it, and it occurred to me that this quite clearly indicated the hope of the propounder that the one to whom it was addressed would answer that the consent was entered into merely to save the face of the commission. Would not that suggest itself to the Senator?

Mr. TOWNSEND. I am perfectly willing to admit that it might have that inference, but there was no such thought in my mind, and while I intended to read over the papers which were stamped with my signature I did not observe that specific language.

Mr. WALSH of Montana. The fact is——

Mr. TOWNSEND. But I have read the answers which I have received, and I am receiving hundreds of them. I am perfectly satisfied that the answers which come to us from various people to whom we have sent these letters are going to be of great service to the committee.

Mr. WALSH of Montana. It will not be surprising if these answers are generally characterized as I have indicated.

We were told some time ago by the senior Senator from Pennsylvania [Mr. PENROSE] that he had had numberless complaints about the action of the Federal Trade Commission, some of them couched in language that would not be fit to be introduced into the RECORD. I thought at the time that that was some evidence at least that the Federal Trade Commission was functioning, as those responsible for the passage of the law expected it would. I have no doubt that quite a large number of firms in the State of the Senator from Pennsylvania have become the object of the investigations conducted by the Federal Trade Commission. Indeed, I have a copy of its last annual report before me giving a list of all the proceedings that were instituted and those that had been disposed of. The first in that long list is the case of the Federal Trade Commission against the Curtis Publishing Co., whose principal place of business is, I understand, in the city of Philadelphia, in the State of Pennsylvania.

It is charged with "stifling and suppressing competition by refusal to sell its publications to dealers who will not agree not to sell or distribute the publications of certain of its competitors, in alleged violation of section 5 of the Federal Trade Commission act, and, further, attempting to create a monopoly by means of price fixing conditioned on the nonsale of competitors' publications, in alleged violation of section 3 of the Clayton Act." The disposition of that case is not reported in the annual report of the Federal Trade Commission, but I have before me the record in the case, showing that the commission found the charges to be sustained, and an order went out commanding and directing the Curtis Publishing Co. to desist from the practices complained of.

It will be remembered that the Curtis Publishing Co. is the publisher of the Saturday Evening Post, the Ladies' Home Journal, and the Country Gentleman. These are highly popular periodicals; they are found upon every bookstand and in every bookstore in the country. The publishers have forced upon their agents a contract under which they agree not to sell or put out the periodicals of any competing publisher, the agreement being aimed particularly at the publishers of the Pictorial

Review and the Crowell Publishing Co. I read from the findings of the commission in that case as follows:

PAR. 2. That the respondent, the Curtis Publishing Co., for several months last past, in the course of interstate commerce, has sold and made contracts for sale, and is now selling and making contracts for sale, of large supplies of its publications and periodicals for use and resale within the United States and the Territories thereof and the District of Columbia, and has fixed, and is now fixing, the price charged therefor on the condition, agreement, or understanding that the purchasers thereof shall not use or deal in the publications or periodicals of a competitor or competitors of respondent, and that the effect of such sales and contracts for sale, on such conditions, agreements, or understandings, may be and is to substantially lessen competition and to tend to create a monopoly.

The contracts put out by the Curtis Publishing Co. to their agents obligating them not to deal in or handle the Pictorial Review or any of the publications of the Crowell Publishing Co. are set forth in the record.

I have no doubt that the answer of the Curtis Publishing Co. to the questionnaire addressed to them by the Interstate Commerce Committee will not be particularly laudatory of the action of the Federal Trade Commission. Of course, it has its redress if its rights have been invaded in any respect. It has filed its petition in the proper court—the district court for the eastern district of Pennsylvania—to enjoin the commission from carrying out the order made against them, and the validity of it will in due course be determined in that proceeding.

Mr. KENYON. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Iowa.

Mr. KENYON. I am interested in learning if the Senator from Montana knows whether a questionnaire has been sent to the packers and what response they have made.

Mr. WALSH of Montana. No; but the packers have been made the subject of inquiry by the commission, and as these questionnaires were sent to everyone, as I understand, who has thus been made the subject of proceedings before the commission, I assume as a matter of course that the packers have received the questionnaire. I doubt not that their feelings concerning the Federal Trade Commission generally and its procedure will scarcely be complimentary. Whether their opinion under the circumstances will be of any value to the committee or the public is another question.

Happily, as we are informed by the chairman of the subcommittee, not all the answers to the questionnaires will be condemnatory in character. The fact of the matter is that many firms engaged in business have been obliged to resort to questionable practices in order to meet competition of that character by their rivals, and it was for the purpose of relieving the men who are desirous of doing business upon just lines and according to honest principles that the act was passed, as well to bring to bay those who were inspired by a desire to carry on their business along lines that could not be approved. These men, as well as everybody else engaged in their particular line of business, are glad to have been made the subject of these proceedings before the Federal Trade Commission, because they are all now enjoined, every one of them, from proceeding to carry out the practices which many of them condemn.

This answer was made by one of the defendants to the questionnaire to which I have called the attention of the Senate:

LOUISVILLE VARNISH CO.,
Louisville, February 16, 1920.

Senator CHARLES E. TOWNSEND,
Chairman Subcommittee Committee on Interstate Commerce,
Washington, D. C.

DEAR SIR: Your letter of January 30, regarding the work of the Federal Trade Commission, was received a few days ago.

It gives us a great deal of pleasure to state that the manner in which the complaint against our company was handled by the Federal Trade Commission was most satisfactory in every respect, and without their assistance we would never have been able to change the questionable customs which had existed in our trade for so many years.

It is my idea that every one of the fifty-odd defendants who were joined with us in this complaint are of the same opinion.

Yours, very truly,

P. H. CALLAHAN, *President.*

Mr. President, no one can read No. 6 of the questionnaire, to which I have called attention, and believe that it was conceived in any spirit of friendliness to the action of the commission. Indeed, I must say that I was astounded when I saw the name of the Senator from Michigan [Mr. TOWNSEND] appended to it. I had always regarded him as an eminently fair and eminently just man, and the consternation which he exhibited when his attention was called specifically to question No. 6 confirms the opinion I formed at once on seeing it, that he had intrusted the preparation of the questionnaire to some clerk and had not had an opportunity to supervise the work himself.

Mr. KENYON. Will the Senator read that question again? There was so much confusion in the Chamber at the time that I could not hear it clearly.

Mr. WALSH of Montana. No. 6 reads:

If a "consent order" was entered, did it actually affect your acts or was it entered "to save the face of the commission"?

Mr. JONES of Washington. Mr. President, I do not desire to divert the Senator nor to take him off the floor by a call for the regular order, but I have to leave the Chamber in a moment or two, and I desire to present two reports.

Mr. WALSH of Montana. The Senator need not apologize. I am through.

Mr. JONES of Washington. Has the Senator from Montana concluded?

Mr. WALSH of Montana. I have concluded.

SALE OF SHIPS.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably with amendments the bill (S. 3928) relating to the ships acquired from Germany, and for other purposes, and I submit a report (No. 430) thereon.

I had intended to ask unanimous consent for the consideration of the bill to-day, but in view of the message from the President of the United States and the facts disclosed, I think I will not ask for its consideration to-day and probably not before the middle of next week.

If this country must turn over any surplus that it gets for the ships, over and above the submarine losses during the war, there is no special inducement why we should make special efforts to get anything more than a fair, bona fide price of the ships. I desire to look into that proposition very carefully, and I know that other Senators would like to do so, too. I therefore simply submit the report with the statement that I expect to call it up not before Wednesday of next week.

Mr. FLETCHER. In connection with the proposed understanding, which does not affect the disposition of the ships but simply establishes or recognizes our rights, may I suggest to the Senator that that was all made conditioned on its approval by Congress? So it is wholly a question for Congress to determine.

Mr. JONES of Washington. Yes; I know that, but I thought it was hardly proper to ask unanimous consent for the consideration of the bill before Senators had had an opportunity to look into the matter. I thought probably they would like to look into the report also to get the facts.

Mr. CHAMBERLAIN. Mr. President, as I understood the reading of the message from the President, the more we get for the ships the more we shall have to pay somebody.

Mr. JONES of Washington. We will have to pay for the benefit of Germany.

Mr. CHAMBERLAIN. And the less we get for them, the cheaper it will be for America?

Mr. JONES of Washington. That is true.

Mr. CHAMBERLAIN. That is the way it sounds.

Mr. JONES of Washington. That is the way it looks to me.

Mr. FLETCHER. That is, if Congress so orders.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

NATIONAL MARINE EXPOSITION.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the joint resolution (S. J. Res. 148) authorizing the Department of Commerce to participate in the National Marine Exposition to be held in New York in April, 1920, and I submit a report (No. 431) thereon.

I desire to state that there is an express provision that this shall not involve any expense upon the part of the United States. It authorizes the Secretary of Commerce to allow the use of such ships as he may deem proper and helpful in connection with the marine exposition.

Mr. SMOOT. Does the joint resolution specifically provide that there shall be no expense?

Mr. JONES of Washington. It does.

Mr. SMOOT. Many times in the past that proviso has been inserted in just such resolutions, and still appropriations have been made for expenses. I desire the Senator now to state, as he has already stated, that if the joint resolution passes there will be no appropriation asked for in the future.

Mr. JONES of Washington. I will certainly oppose any request for an appropriation.

Mr. KING. Mr. President, let the joint resolution be reported.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 148) was read, as follows:

Whereas the National Marine League of the United States is to hold an exposition in New York next April for the purpose of demonstrating to the public the needs of the maritime industries of the United States and the means by which the interests of such maritime industries may be encouraged and promoted; and

Whereas it is believed that participation by the Department of Commerce in such exposition may tend to promote, develop, and foster the foreign and domestic commerce of the United States: Therefore be it

Resolved, etc., That the Secretary of Commerce be authorized, in his discretion, to cooperate with the managers of such exposition and to furnish such exhibits from the various bureaus and branches in his department as, in his judgment, may be of value in the performance of the functions of the department: *Provided*, That such cooperation and the furnishing of such exhibits shall be without expense to the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PROTECTION OF TRADE-MARKS.

Mr. BRANDEGEE. From the Committee on Patents I report back favorably with amendments the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

I ask unanimous consent for the present consideration of the bill. I will explain it very briefly. If it causes any debate, I shall not attempt to take up the time of the Senate. It is a bill which passed the House and has the unanimous report of the Committee on Patents.

Mr. SMOOT. I should like to have the bill explained.

Mr. BRANDEGEE. Does the Senator desire me to explain it now or does he wish to have it read first?

Mr. SMOOT. Let it be read in full. That may explain it sufficiently.

The bill was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. FLETCHER. I desire to ask the Senator from Connecticut a question. I recall that I introduced a bill—I did not prepare it, but it was recommended by the department—at the last session, and I had it referred to the Committee on Commerce. That committee, after quite extensive hearings, reported the bill favorably, and the Commissioner of Patents finally agreed to the bill as it was reported. As I recall, the bill was passed by the Senate. I should like to ask the Senator from Connecticut if this bill conforms to the bill which was favorably acted on by the Senate at the last session?

Mr. BRANDEGEE. Mr. President, the Senator from Florida introduced in the Sixty-fifth Congress, second session, Senate bill 4889. It was then Calendar No. 508. The bill was favorably reported, under date of August 29, 1918, and it was passed by the Senate. The Nolan bill, so called, which the Secretary has just read to the Senate, is a duplicate of the bill which the Senator from Florida introduced and which the Senate heretofore passed. The House of Representatives, however, did not pass the bill during that Congress. It was on the calendar, favorably reported, but in the House there was not time for consideration, and the bill could not be brought up. The House has this year passed a duplicate of the bill which the Senate passed a year or two ago. I shall not make any request in reference to the printing of the report on the bill until I see whether or not the Senator from Utah [Mr. SMOOT] wants to ask any further question about it. The situation is that a similar bill has been passed by both branches of Congress. In the last Congress it was passed by the Senate, recommended favorably by the House committee, and was placed on the House Calendar. In this Congress it has been passed by the House.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I yield.

Mr. SMOOT. I will say to the Senator that I have read the report and also the bill, and as nearly as I can follow them it is exactly similar to the bill referred to by the Senator from Florida [Mr. FLETCHER]. I have no objection to the passage of the bill at this time.

Mr. KING. Mr. President, I should like to ask the Senator from Connecticut a question.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the junior Senator from Utah?

Mr. BRANDEGEE. Certainly.

Mr. KING. I desire the Senator from Connecticut to explain wherein the bill differs from existing law, and whether exigencies have arisen, aside from such as might have been produced by reason of the international convention, that would call for such an elaborate measure as this.

Mr. BRANDEGEE. Mr. President, the bill is the result of hearings before the Committee on Commerce and the Committee on Patents in the Senate and the Committee on Patents in the House of Representatives. I have not gone into it exhaustively, as to the changes it proposes in existing law, because the bill has been passed by both branches of Congress. The meeting of the Senate committee on the bill was attended by the Senator from Pennsylvania [Mr. KNOX] and the Senator from Minnesota [Mr. KELLOGG]; and Representative MERRITT, of the House of Representatives, appeared before the committee and explained the bill. The bill had received the approval of the Commissioner of Patents, and, I am free to say, that except that it is to enforce an international convention, I assume it is not so much a change in the existing law as a new provision of law. I was going to ask, Mr. President, that House report No. 411 may be printed in the RECORD, unless the Senator from Utah desires that it shall be read.

Mr. KING. No.

Mr. BRANDEGEE. And that House report No. 1090, Sixty-fifth Congress, third session, be also printed in the RECORD. Report No. 411 contains a letter from the junior Senator from Virginia [Mr. GLASS], who was at the time it was written the Secretary of the Treasury, fully endorsing the bill.

The PRESIDENT pro tempore. In the absence of objection, the reports referred to by the Senator from Connecticut will be printed in the RECORD.

The reports are as follows:

[House Report No. 411, Sixty-sixth Congress, first session.]

The Committee on Patents, to which was referred H. R. 9023, a bill to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, reports the bill to the House with a recommendation that the bill do pass.

Hearings were held on this measure on October 15, at which time there appeared before the committee Hon. James T. Newton, United States Commissioner of Patents; Mr. C. E. McGuire, assistant secretary general, International High Commission; Mr. Thomas P. Robinson, representing the American Patent Law Association; and Mr. Chauncey P. Carter, Washington, D. C., all urging the passage of this bill.

The purpose of this legislation is to give effect between the convention of the United States and the Central and South American States and Cuba for the protection of trade-marks. This convention was signed in Buenos Aires August 20, 1910, and ratified by the Senate February 8, 1911.

An international bureau which will act for the northern States of South America and for the United States has been established in Habana, pursuant to the convention, but is unable to deal with the United States in the absence of specific statute giving the requisite authority to the Commissioner of Patents. South American States which subscribed to the convention are awaiting action by Congress on the pending bill.

A statement from the Secretary of the Treasury, Hon. Carter Glass, concerning the convention and its purposes is herewith attached:

TREASURY DEPARTMENT,
Washington, October 14, 1919.

Hon. JOHN I. NOLAN,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I understand that the Committee on Patents is about to consider House bill 9023, permitting the Commissioner of Patents to open a register for marks transmitted by the International Trade-Mark Registration Bureau at Habana as duly registered there. I trust that the committee will see its way clear to recommend the passage of this bill, which will enable the Commissioner of Patents to record in the appropriate way and with proper legal sanction the receipt of the official notice from Habana that marks there deposited have been given the full effect of the international convention.

The International Trade-Mark Registration Bureau has already begun actively to function, and we have every reason to believe that it will render genuine and substantial purpose to the manufacturers and exporters of the United States.

No hesitancy has been observed on our part in appropriating the quota of the United States toward the expense of the bureau in its initial year, and we ought not, therefore, to refrain from taking any other steps necessary to give full effect to the convention. In future years the bureau will be practically self-supporting and will be a source of satisfaction to all of those interested in closer commercial and financial relations between the American Republics.

I am, my dear Mr. Chairman,
Yours, sincerely, CARTER GLASS, *Secretary.*

The Committee on Patents reports the bill unanimously with a favorable recommendation for its passage.

This country will have failed to carry out its part of the convention unless this legislation is enacted.

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[House Report No. 1090, Sixty-fifth Congress, third session.]

The Committee on Patents, to whom was referred Senate bill 4889, reports the bill back to the House with a recommendation that the bill do pass.

The purpose of this legislation is to give effect to the convention between the United States and South American States for the protection of trade-marks. This convention was signed in Buenos Aires August 20, 1910, and ratified by the United States Senate February 8, 1911.

An international bureau which will act for the northern States of South America and for the United States has been established in

Habana, pursuant to the convention, but is unable to deal with the United States in the absence of specific statute giving the requisite authority to the Commissioner of Patents. South American States which subscribed to the convention are awaiting action by Congress on the pending bill.

A statement from the Treasury Department concerning the convention and its purposes is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 2, 1918.

MY DEAR SENATOR FLETCHER: I learn with much pleasure of the introduction of a bill seeking to execute the convention concerning trade-marks signed at Buenos Aires on August 20, 1910, and ratified by the United States in the following session of Congress. The fundamental principle of the protection of prior use rather than of mere formal priority of registration is assured to the merchants and manufacturers of those Republics of America that have ratified this convention. It is to be hoped that in a relatively short time all the Republics will have so acted; to date the convention has been ratified by the United States, Cuba, Dominican Republic, Guatemala, Honduras, Nicaragua, Panama, Costa Rica, Brazil, Ecuador, Paraguay, and Bolivia.

After a number of attempts the American Republics arrived at a simple but effective statement of this principle in the convention adopted in 1910. The convention provides for two international trade-mark registration bureaus—one at Habana, which will receive applications for registration from the countries of North and Central America and the West Indies, and one at Rio de Janeiro, which will receive applications for registration from the countries of South America. The two bureaus are intended to exchange each week statements of the applications received and the registrations granted. The regulations concerning the procedure of application and registration will be prepared by two international bureaus with due care and after consultation with the trade-mark registration authorities of the participating countries.

After waiting several years, and in part I think we may fairly say, as a result of the deep interest in the protection of industrial and literary property taken by the International High Commission at its meeting in Buenos Aires in April, 1916, enough ratifications were secured in the northern group of countries to make possible the inauguration of the bureau destined to serve that group. His Excellency the President of Cuba, upon receiving official notice of this fact, was able in December last to establish the International Trade-mark Registration Bureau at Habana, appointing a well-known and competent trade-mark authority of Cuba as the first director general. In the time that has elapsed since his appointment, Dr. Mario Díaz Irízar, director general of the bureau, has vigorously taken steps to be in a position at a very early date to receive applications for registration. The bureau may now count upon a generous appropriation toward its initial expenses made by the Cuban Congress, and, what is more noteworthy, an ample appropriation for the erection of a permanent building upon a site donated by the Cuban Government. The respective quotas of the other countries of the northern group which have ratified the convention for the first year of the operation of the bureau can be readily settled as soon as Dr. Mario Díaz Irízar comes to Washington to consult the Department of State and the Patent Office.

The legislation, the enactment of which is now thought necessary, will enable the Commissioner of Patents fully to carry out the convention in the spirit in which it was formulated at the Fourth International Conference of American States in Buenos Aires in 1910. The power of preliminary examination is essential if the Patent Office is to have the right to refuse to grant registration (so far as the United States is concerned) of trade-marks registered in the international bureau, while provision is necessary for civil suits to prevent the use of false designations of origin, as well as for broader powers of cancellation of registration. The enactment of legislation of the character suggested—the result of long and careful study on the part of technical authorities in this special field—will enable the United States quickly to put into effect so far as depends upon the Government the provisions of the convention of 1910 and thus directly to promote the successful operation of the Habana bureau, in turn stimulating the further ratification of the convention by enough countries of South America to make possible the opening of the bureau at Rio de Janeiro. With that final step the protection of trade-marks and commercial names throughout this hemisphere will be put upon an enduring and effective basis.

I trust, my dear Senator FLETCHER, that your committee will consider this matter favorably, and I beg to remain,

Very sincerely, yours,

L. S. ROWE,
Acting Secretary of the Treasury and Secretary General of the International High Commission.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington.

The United States will have failed to carry out its part of the convention until legislation is enacted in the direction herein recommended.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

Mr. BRANDEGEE. I ask that the amendments reported by the committee may be stated.

The PRESIDENT pro tempore. The Secretary will state the amendments.

The first amendment of the Committee on Patents was, in section 1, page 1, line 4, before the word "all," to insert "(a)"; and, on page 2, at the end of section 1, to add "(b) all other marks not registerable under the act of February 20, 1905, as amended, but which have been in bona fide use for not less than two years in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid and such formalities as required by the Commissioner of Patents have been complied with," so as to make the section read:

That the Commissioner of Patents shall keep a register of (a) all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, in connection with which the fee of $50 gold for the international registration established by article 2 of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark; (b) all other marks not registerable under the act of February 20, 1905, as amended, but which have been in bona fide use for not less than two years in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid and such formalities as required by the Commissioner of Patents have been complied with.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 2, to strike out "29" and insert in lieu thereof "28 (as to class (b) marks only)," so as to make the section read:

SEC. 6. That the provisions of sections 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 28 (as to class (b) marks only) of the act approved February 20, 1905, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States, or with Indian tribes, and to protect the same," as amended to date, are hereby made applicable to marks placed on the register provided for by section 1 of this act.

The amendment was agreed to.

The next amendment was to insert at the end of the bill a new section, as follows:

That section 5 of the trade-mark act of February 20, 1905, being Thirty-third Statutes at Large, page 725, as amended by Thirty-fourth Statutes at Large, page 1251; Thirty-sixth Statutes at Large, page 918; Thirty-seventh Statutes at Large, page 649, is hereby amended by adding the following words thereto: "And if any person or corporation shall have so registered a mark upon the ground of said use of 10 years preceding February 20, 1905, as to certain articles or classes of articles to which said mark shall have been applied for said period, and shall have thereafter and subsequently extended his business so as to include other articles not manufactured by said applicant for 10 years next preceding February 20, 1905, nothing herein shall prevent the registration of said trade-mark in the additional classes to which said new additional articles manufactured by said person or corporation shall apply, after said trade-mark has been used on said article in interstate or foreign commerce or with the Indian tribes for at least two years."

Mr. BRANDEGEE. Mr. President, I wish to say for the information of the junior Senator from Utah [Mr. KING] that the last amendment is a copy of a bill introduced in the other House by Representative MERRITT, and known as House bill 7157, House Calendar No. 141. The House Committee on Patents, the Commissioner of Patents concurring, suggested that if this bill could be placed as an amendment to the Nolan bill, House bill 9023, it would be desirable, and the House conferees would probably agree to it.

The bill now offered as an amendment has been favorably reported by the House Committee on Patents. Its object is this: During the war many of our great manufacturing plants were tremendously enlarged for war orders. There is one company in my State, the Winchester Repeating Arms Co., which employs 20,000 hands now in the city of New Haven. It multiplied its facilities by ten in order to furnish arms for the Government. That plant must go out of business or adapt itself to the condition of peace and must manufacture something else. They have gone into the manufacture of skates and other hardware appliances, mostly sporting goods. The name "Winchester" is trade-marked. There is now no way in which they can protect themselves in foreign countries. They make a skate which is called the "Winchester skate." This bill provides that, if they continue to use that name in foreign countries for two years, they may file their trade-mark on the Winchester skates, as well as on repeating arms. A similar condition has arisen in the case of many other articles.

The situation now is this: Take, for instance, the case of automobiles; a "shark" in Cuba, say, or in some other country, files an application for a trade-mark of the name "Packard," or "Simplex," or "Pierce Arrow," and gets a trade-mark. The result is that none of our automobiles of those names can be exported and landed in those countries under their laws without paying tribute to the shark who has trade-marked the names, although he has done so without the knowledge or consent of the manufacturers of the article. This proposed legislation is designed to correct that evil, so that the manufacturer here may trade-mark the name of his own product if he has used it in foreign commerce for two years. The bill is designed to relieve the situation I have described. Both the House and the Senate committee were unanimously of the opinion that it was a meritorious measure; and we wanted to facilitate the legislation by adding it as an amendment to the pending bill.

Mr. SMOOT. Do I understand the Senator to mean that in all foreign countries a trade-mark is issued without there be-

ing any requirement as to the use of the trade-mark within a given time?

Mr. BRANDEGEE. That is true in some countries, and it was thought if we could get this legislation attached to the pending bill providing for carrying out the convention of Buenos Aires, it would facilitate the protection of our manufacturers. There was no objection voiced to it.

Mr. SMOOT. I do not see why there should be a requirement of two years.

Mr. BRANDEGEE. As to that, the Commissioner of Patents said he thought one year, perhaps, would be enough.

Mr. SMOOT. I think one year would be ample.

Mr. BRANDEGEE. The only reason we did not reduce it to one year was that it would throw the matter into conference, and we were not asked to reduce it from two years to one.

Mr. SMOOT. The committee having reported other amendments which have gone into the bill, an amendment to the amendment, which he has now presented, would not change the situation, for the bill would have to go to conference in any event.

Mr. BRANDEGEE. I should just as lief reduce it to one year.

Mr. SMOOT. I move to strike out "two years" and insert "one year." I can not see why any American manufacturer should be compelled to send his goods into a foreign market for two years before this law applies to his goods.

Mr. BRANDEGEE. Neither can I see why that should be required. It was the opinion of the committee that the period should be reduced to one year, but they thought that an amendment would carry it into conference. As the Senator from Utah has suggested, however, probably the other amendments will take it into conference in any event. So far as I can do so, I accept the amendment striking out the "two years" and inserting "one year."

Mr. FLETCHER. Mr. President, I agree with the Senator from Utah that it is preferable to make the period one year. I do not see the use of any great length of time elapsing, and one year will certainly be ample enough to protect everybody.

The situation is as the Senator from Connecticut has indicated, not with reference to Cuba, because there is an international bureau now established at Habana in pursuance to other legislation and other conventions; but, with reference to Argentina, I am told, as an actual occurrence, that a merchant of Buenos Aires ordered a lot of goods from the United States which are shipped under a trade-mark. Under the laws of Argentina the "shark" to whom the Senator from Connecticut has referred can register that trade-mark even after that order is given and the goods are on the way, and when they arrive he can claim tribute. In one instance such an individual actually undertook to confiscate the American goods because they came under a trade-mark which he had registered and claimed as his own. This provision will obviate that sort of thing.

Mr. SMOOT. It is claimed there was an infringement upon his trade-mark.

Mr. FLETCHER. That is the claim made. I think this is very important legislation. I hope it will be enacted and that the amendment of the Senator from Utah will be agreed to, for I think it allows ample time for the use of the trade-mark.

Mr. BRANDEGEE. So far as I can I accept the amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The READING CLERK. In the amendment reported by the committee to add a new section, to be known as section 9, it is proposd to strike out the last two words of the section, "two years," and insert the words "one year."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CIVILIAN EMPLOYEES AT LANGLEY, VA.

Mr. NEW. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 371, being the bill (S. 3516) to authorize the Secretary of War, in his discretion, to furnish quarters at Langley Field, Va., to the civilian employees of the National Advisory Committee for Aeronautics, and for other purposes.

I think it will cause no discussion whatever. It is a very simple matter. If it causes any debate, I will withdraw the request.

Mr. FLETCHER. I suggest to the Senator that we finish the regular order. We are now, as I understand, under the head of reports of committees, and then will come the introduction of bills. It will take but a little while for us to finish that order, and then we will see about the motion of the Senator from Indiana. I shall object until we get through with the morning's business.

Mr. NEW. Of course, if there is objection, I withdraw the request.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Objection is made.

ORDER OF BUSINESS.

Mr. HARRISON. I submit a resolution which I desire to have read, and I ask unanimous consent for its consideration.

Mr. FLETCHER. Mr. President——

Mr. HARRISON. I withhold the request until the Senator from Florida can offer the bill he desires to introduce.

Mr. FLETCHER. I was only asking that we proceed with the regular order. We are now under the head of reports of committees, and if there are no further reports of committees, the introduction of bills and joint resolutions is in order.

Mr. HARRISON. I understood that the order of reports of committees had been concluded.

Mr. FLETCHER. I wish to have the announcement made, that is all.

The PRESIDING OFFICER. The order of business under which we are operating now is reports of committees. The resolution of the Senator from Mississippi will be in order later. Are there any further reports of committees? If not, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KNOX:

A bill (S. 3945) relating to married women intermarried with aliens; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 3946) to establish and maintain a forest experiment station in the State of Florida; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON of California (by request):

A bill (S. 3947) legalizing conveyances made by the Southern Pacific Railroad Co.; to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 3948) for the relief of the estate of John Scowcroft; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 3949) for the relief of the estates of Helen P. Carson, deceased, and Elizabeth Campbell, deceased; to the Committee on Claims.

ARMY REORGANIZATION.

Mr. RANSDELL. I submit an amendment intended to be proposed by me to the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes, to insert on page 20, line 5, after the words "major general," the words "two Assistant Chiefs of Engineers with the rank of brigadier general." I move that the amendment be printed and lie on the table.

The motion was agreed to.

IMPORTATION OF COAL-TAR PRODUCTS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," which was ordered to lie on the table and be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. MCNARY submitted an amendment proposing to appropriate $60,000 to enable the Secretary of Agriculture to cooperate with the War Department in the maintenance of an air patrol for fire prevention or suppression in the national forests of the Pacific coast, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ESTOPINAL.

Mr. RANSDELL. Mr. President, I ask unanimous consent that the Senate shall convene on Sunday, March 7, at 12 o'clock meridian, to consider resolutions in commemoration of the life, character, and public services of the late Representative from Louisiana, Hon. ALBERT ESTOPINAL.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT PUBLIC-SCHOOL SYSTEM.

Mr. HARRISON. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 310) was read, as follows:

Resolved, That a select committee of seven Senators, four from the majority party and three from the minority party, be appointed by the President of the Senate to investigate the public-school system of the District of Columbia.

That said committee shall investigate specifically the manner of appointing the superintendent, principals, teachers, and other employees of the public schools of the District; the personnel, adequacy, and pay of teachers and other employees of the public schools of the District; the accommodation, heating, lighting, ventilation, and sewerage of the public-school buildings of the District; the number of holidays, courses of study, and discipline adopted by the teachers and management of the public schools of the District; and such other policies adopted by the management of the public-school system of the District as, in the discretion of the committee, is advisable to investigate.

That the committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation.

That said committee may sit during the sessions of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible.

Mr. CURTIS. Mr. President, may I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. CURTIS. Is the resolution broad enough to include the question of the school facilities of the District?

Mr. HARRISON. I have tried to make it so broad that it would include everything pertaining to the public-school system in the District.

Mr. CURTIS. And the attendance?

Mr. HARRISON. If it does not include that, I am perfectly willing that an amendment shall be adopted which will cover it.

Mr. CURTIS. I think it is broad enough, but I asked the question in order to be sure.

Mr. HARRISON. I think it is, because it says "the whole public-school system." In the discretion of the committee, anything that is not specifically named might be investigated.

Mr. KING. Mr. President, I shall not object to the consideration of the resolution, but I do suggest to the Senator that the committee is entirely too large, and I ask him to accept a suggested amendment that the number be reduced to five.

Mr. HARRISON. That is perfectly agreeable to me. I ask that the resolution be so modified, and that it be made to read so that three of the committee will be selected from the majority party of the Senate and two from the minority party.

The PRESIDING OFFICER. The Secretary will state the modification, which is accepted by the Senator from Mississippi.

The READING CLERK. Strike out the word "seven" and insert "five," so that it will read "five Senators."

Strike out "four" and insert "three," and strike out "three" and insert "two," so as to read "three from the majority party and two from the minority party."

The PRESIDING OFFICER. Is there objection to the request for immediate consideration? The Chair hears none.

Mr. SMOOT. Mr. President, let the resolution be read again.

The PRESIDING OFFICER. The Secretary will read the resolution as modified.

The Reading Clerk read the resolution as modified, as follows:

Resolved, That a select committee of five Senators, three from the majority party and two from the minority party, be appointed by the President of the Senate to investigate the public-school system of the District of Columbia.

That said committee shall investigate specifically the manner of appointing the superintendent, principals, teachers, and other employees of the public schools of the District; the personnel, adequacy, and pay of teachers and other employees of the public schools of the District; the accommodation, heating, lighting, ventilation, and sewerage of the public school buildings of the District; the number of holidays, courses of study, and discipline adopted by the teachers and management of the public schools of the District; and such other policies adopted by the management of the public-school system of the District, as, in the discretion of the committee, is advisable to investigate.

That the committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers, to report such hearings as may be held in connection with such investigation.

That said committee may sit during the sessions of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible.

Mr. SMOOT. Mr. President, under the law that resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HARRISON. I endeavored to so draft the resolution that it would not have to be referred to the committee.

Mr. SMOOT. I am quite sure, if I caught the reading of it, that the Committee on Contingent Expenses is where it would have to be referred.

Mr. HARRISON. The resolution does not provide that the expense shall be paid out of the Treasury. If it did I should think without question it would have to go to that committee, but the resolution states nothing specifically about the payment of expenses.

Mr. SHERMAN. Mr. President, will the Senator from Mississippi yield for an inquiry?

Mr. HARRISON. Certainly.

Mr. SHERMAN. The purpose of this resolution is to investigate the conditions in the public schools of the District and to ascertain not only the conditions as to housing facilities, heating, future buildings, and so forth, but also to investigate the practical operation of the schools and what may be required in the way of current needs, and also, if there are any shortcomings, what they may be?

Mr. HARRISON. Yes, sir; the Senator states the object of the resolution.

Mr. SHERMAN. Mr. President, I should be very glad to have the resolution adopted. I prefer to have it adopted in this form rather than to have it come to the Committee on the District of Columbia.

Mr. SMOOT. Mr. President, I call the attention of the Senator from Mississippi to the wording of the resolution:

That the committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation.

How are they to be paid?

Mr. HARRISON. The object, of course, was that they were to be paid out of the Treasury.

Mr. SMOOT. Then we will have to make an appropriation for it.

Mr. HARRISON. I thought perhaps we could come back with another resolution later on to cover that.

Mr. SMOOT. I will say to the Senator that the proper way to do is either to offer a resolution in the regular form or to send this resolution to the committee, and the committee will amend it so as to conform to all of the other resolutions. One of those two things will be necessary unless you make it a joint resolution. If you want to do that, and let it go to the House and be passed by the House, then it will be paid out of the Treasury of the United States; but nothing can be paid out of the Treasury of the United States on a simple Senate resolution. This will be paid out of the contingent fund of the Senate, and that is where all of these expenses are paid from; and under the law this resolution would have to go to that committee, or you could not pay your stenographer or stenographers.

Mr. HARRISON. Suppose we should strike out the provision for the employment of a stenographer; in the Senator's opinion then would the resolution have to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMOOT. No; if this resolution can be complied with without the expenditure of any money, then it will not have to go to that committee.

Mr. HARRISON. Of course, the committee might see that it could not get along without a stenographer, and immediately come back with another resolution.

Mr. SMOOT. I see nothing in this resolution that would require it to go to the committee if you strike out the provision for the employment of a stenographer or stenographers, as long as the Senator felt that the committee appointed could attend to all of the work required under this resolution without the payment of a cent from the contingent fund of the Senate or from the Treasury.

Mr. HARRISON. Oh, I certainly feel that in the end it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Then, the very quickest way for the Senator to get action—and I want to say that I am in favor of the resolution—is to let it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HARRISON. I have no objection to that being done.

Mr. KING. Mr. President, I want to say to my colleague that I think one-half of the expenses of the investigation should be paid by the District, and not all charged to the Government of the United States.

Mr. SMOOT. That will bring up an entirely new precedent, because when the Senate wants to make an investigation it must pay the expenses.

Mr. KING. I shall insist that the District pay part of it.

Mr. SHERMAN. Mr. President, I hope the resolution will have early and favorable action. I think it will not be an expensive investigation.

Mr. SMOOT. I do not think there is any question but that the Committee to Audit and Control the Contingent Expenses of the Senate at the very first meeting that is held will report out the resolution. I expect that meeting to be early next

week, and in my opinion the committee will then report out the resolution.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

FINANCE BRANCH OF WAR DEPARTMENT.

Mr. KING. Mr. President, I have received a number of telegrams and communications with reference to the action of the Government heretofore taken in removing from one of the departments one agency for the payment of the expenses of the Government; and I have one of the types of the telegrams here, which I ask may be referred to the Committee on Military Affairs. They desire to secure the return of the finance branch to the Quartermaster Corps, the same as it was during the prewar period. This is signed by Mr. Lester D. Freed, president of the Salt Lake Chamber of Commerce. I do not ask that it be printed in the RECORD.

The PRESIDING OFFICER. The telegram will be referred to the Committee on Military Affairs.

PRICE OF WHEAT.

Mr. KING. I have also a telegram from the Chamber of Commerce of Ogden, Utah, which is a type of many I have received, protesting against what is known as the Gronna bill. I ask its reference to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. It will be so referred.

FOREST RESOURCES OF THE UNITED STATES.

Mr. CAPPER. I offer a resolution calling on the Secretary of Agriculture for certain information in regard to the forest resources of the United States. If there is no objection, I ask that it be given immediate consideration.

The PRESIDING OFFICER. The Secretary will state the resolution.

The resolution (S. Res. 311) was read, as follows:

Whereas it has been reported that the forest resources of the United States are being rapidly depleted, and that the situation is already serious and will soon become critical; and

Whereas these alleged facts are either largely unknown to the public or in dispute: Therefore be it

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to report to the Senate on or before June 1, 1920, on the following matters, using what information the Forest Service now has available, or what may be obtained readily with its existing organization:

1. The facts as to the depletion of timber, pulpwood, and other forest resources in the United States.

2. Whether, and to what extent, this affects the present high cost of materials.

3. Whether the export of lumber, especially of hardwoods, jeopardizes our domestic industries.

4. Whether this reported depletion tends to increase the concentration of ownership in timberlands and the manufacture of lumber, and to what extent; and if such concentration exists, how it affects or may affect the public welfare.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMOOT. Mr. President, I should like to have the resolution stated again; or perhaps the Senator from Kansas can tell me what I desire to know without reading the entire resolution. Do I understand the resolution to apply to lands generally or only to the public lands?

Mr. CAPPER. The forest resources generally.

Mr. SMOOT. I think at least some of the information asked for would be foreign to the public lands; and I was wondering whether it would be proper to adopt a resolution authorizing the Secretary of Agriculture to make an investigation of hardwoods in the United States, all of which, I think, are outside of the public lands.

Mr. CAPPER. There is no objection to the resolution covering the whole field. It simply asks for information that the Secretary of Agriculture probably has now. I do not think it will involve any extensive investigation or expense to the department.

Mr. SMOOT. I will ask to have the resolution stated again.

The PRESIDING OFFICER. The resolution will be restated.

The Reading Clerk again stated the resolution.

Mr. SMOOT. Of course, the statement of the first "Whereas" has reference entirely to the Forest Service; but the information asked for has a wider and broader scope, and as the Senator states that the information is already in the possession of the department I see no objection at all to having it compiled and put in this form.

Mr. CAPPER. I do not think there ought to be any objection at all to it.

Mr. SMOOT. No; I do not think there should be any objection if the information is already in the possession of the department; but if it were not in the possession of the department, then I think it would be questionable to compel the department to try to get all of that information by June 1.

Mr. CURTIS. Mr. President, as I understand, it only applies to such information as they have on hand.

Mr. CAPPER. Yes; as I stated.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

CIVILIAN EMPLOYEES AT LANGLEY, VA.

Mr. NEW. Mr. President, I ask unanimous consent for the consideration for the remaining three minutes of the morning hour of Senate bill 3516, Order of Business 371.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question, because if the bill is what I think it is I do not believe we can pass it in the two minutes that are left. The bill extends to civilian employees of the National Advisory Committee for Aeronautics the privilege of purchasing subsistence stores and commissarial supplies at cost plus 10 per cent.

Mr. NEW. Exactly.

Mr. SMOOT. Does the Senator think that is proper?

Mr. NEW. I certainly do.

Mr. SMOOT. I shall want to see a report on it before the bill is passed.

Mr. NEW. Well, here is the report on it.

Mr. SMOOT. It will take longer than two minutes to take it up and pass it, Mr. President.

The PRESIDING OFFICER. The Senator from Utah objects.

Mr. SMOOT. If we are going into the business of furnishing civilian employees of the Government food supplies at cost and 10 per cent——

Mr. NEW. Oh, Mr. President, this simply extends to the department authority to permit certain civilian employees of the National Advisory Committee for Aeronautics to buy from the commissary stores at cost plus 10 per cent. Those civilian employees are operating in connection with the Government forces at Langley Field. The Government is getting the benefit of what they are doing, and the department simply wants authority to house those people and to subsist them at Langley Field while they are doing this work.

Of course if the Senator from Utah objects to its consideration we can not pass it at this time.

Mr. SMOOT. I object to the principle of it, and I want to know really why the privilege should be granted to this class of civilian employees more than any other.

Mr. NEW. I withdraw the request.

The PRESIDING OFFICER. The request for unanimous consent is withdrawn. The morning hour is closed.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	Kenyon	Phipps
Ball	Frelinghuysen	Keyes	Pittman
Beckham	Gay	King	Poindexter
Borah	Glass	Knox	Ransdell
Brandegee	Gronna	Lodge	Sheppard
Capper	Hale	McKellar	Sherman
Chamberlain	Harris	McLean	Smith, Ga.
Colt	Harrison	McNary	Smoot
Curtis	Johnson, Calif.	Nelson	Spencer
Dial	Johnson, S. Dak.	New	Sterling
Dillingham	Jones, N. Mex.	Norris	Thomas
Edge	Jones, Wash.	Nugent	Trammell
Elkins	Kellogg	Overman	Walsh, Mont.
Fernald	Kendrick	Page	

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present.

Mr. LODGE. Mr. President, the pending question is the amendment which I moved to reservation No. 1, reported to the Senate by the Committee on Foreign Relations. I wish to say but a word in regard to the point made yesterday about the granting of the power to the President alone to give notice of withdrawal from the league. Thanks to the kindness of the Senator from Minnesota [Mr. KELLOGG], I have the cases here in regard to the exercise of that power by the President.

The usual method in the termination of treaties, as I suppose everyone knows, has been the termination by joint resolution of Congress, of course signed by the President, or the President

giving notice that owing to legislation adopted by Congress it made necessary the termination of an article in a treaty or of an entire treaty. But there are two cases in which the President alone gave notice. One was on March 23, 1899, when notice was given to the Swiss Government to terminate articles 8 and 12 of the treaty of 1850. The other one was notice given by President Taft in 1911 for the termination of the treaty with Russia. Subsequently the President informed the Senate of his action and received their approval.

Also, we found another interesting case where President Pierce in 1850 asked for authority to give notice to Denmark of the termination of the treaty of 1826, and that authority was given to him by Senate resolution. There was some question about it, raised by Mr. Sumner, and the Committee on Foreign Relations reported upon it favoring the resolution, which was passed, and the President was sustained. This last case is of interest, as it is a direct precedent for what is done here, the Senate giving authority to the President to give notice of termination of a treaty, which, of course, is parallel to giving notice of withdrawal from the covenant of the league, which is an article in the treaty. I think that this is the proper way of dealing with the question.

The new feature, of course, and the vital feature, is giving power to the two Houses of Congress to give the notice and conferring it formally upon the President, although the President in the two instances I have pointed out exercised the power of giving notice of termination or withdrawal without action by Congress. That is all I desire to say.

Mr. BORAH. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. BORAH. Suppose we should adopt the reservation as it was originally written, is it the opinion of the Senator from Massachusetts that the President could nevertheless give notice as President Taft did and as was given in the other instances cited and terminate the treaty?

Mr. LODGE. That is in line with those two precedents, which were never questioned at the time. I think it is at least doubtful whether the President has not the power to do that.

Mr. BORAH. If the President has not the power, we would have the right under the treaty to fix the method by which we could come in again or fix that by treaty, regardless of whether he has the power?

Mr. LODGE. I think there is no question about that. How the notice of withdrawal shall be given is, of course, something which concerns this country alone. I think we can put in any provision we please as to how, just as we arrange the time when the notice shall be given. We have the direct precedent, which I just quoted, of giving authority to the President to withdraw from the treaty by his own act.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield.

Mr. THOMAS. I voted against the first reservation last November for many of the reasons which the Senator has assigned for the introduction of the substitute, and I heartily concur in the conclusions at which the Senator has arrived. My impression is that if we are to pass any reservations upon the subject, that which is now before the Senate is the proper one.

Mr. WALSH of Montana. Mr. President, the reservation heretofore adopted by a majority of the Senate and now reported from the Committee on Foreign Relations reads as follows:

> The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

It is proposed to modify that so that the last clause shall read:

> And notice of withdrawal by the United States may be given by the President or by Congress alone whenever a majority of both Houses may deem it necessary.

The effect being that it is expressly declared that the United States may get out of the league by reason of notice given by the President or by reason of notice conveyed in some way or other upon the action of both Houses of Congress.

The original reservation was framed evidently with a view to making it easy to get out of the league. It is not quite so easy to pass an ordinary law as it would be to get out of the league under the reservation as originally reported. No matter how trivial may be the law in the ordinary acceptance of the term, it needs the concurrence of the legislative branch of the Government and of the President, and it is impossible to repeal a law either in whole or in part without such joint action.

The purpose evidently was to exclude the President from participation in the procedure of withdrawing from the league. I have no doubt that there were two purposes actuating those framing the reservation. As indicated, in the first place there was a purpose to make it easy to get out. We have different views about these matters and all of us indulge in our own opinions. My own opinion was at the time, and I have had no reason to change it, that a further consideration operating to induce the reporting of the reservation in the shape in which it reached us was an unreasoning and an unreasonable antipathy to the President of the United States, which everybody must recognize is a very large element in whatever opposition has developed to the treaty. I undertake to say that nine letters out of every ten which have reached me expressing opposition to the league breathe a spirit of hatred of the President of the United States. I may be wrong, but that is my notion about it, and it seems to me that in this particular case the element of personal antipathy went so far as to prompt an attempt to incorporate in this amendment a provision that is nugatory because against the very plain language of the Constitution, that any resolution of Congress requiring the joint action of both Houses must, in order to be effective at all, be submitted to the President of the United States and approved by him, or being disapproved must be returned and concurred in by a two-thirds vote of both Houses.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. Certainly.

Mr. KELLOGG. The Senator does not deny that the Senate alone may authorize the President to withdraw from a treaty?

Mr. WALSH of Montana. My view about that is that the power which makes the treaty may unmake the treaty. The President of the United States concurring with two-thirds of the Senate may make a treaty, and I have no doubt that the President of the United States and two-thirds of the Senate may unmake a treaty, the right being reserved to our Government to withdraw.

Mr. KELLOGG. Is there any doubt also about the fact that the power which makes the treaty may designate the manner of withdrawing from it?

Mr. WALSH of Montana. Yes; there is the gravest kind of doubt in my mind. I have no idea that the President of the United States and the Senate of the United States may abandon their functions and prescribe that we may get out of the league at any time the mayor of the city of Chicago so determines and declares. I have no doubt that such action on their part would be void. Has the Senator from Minnesota any doubt about it?

Mr. KELLOGG. Yes; I have doubt about it. I think that the Senate and the President can make a treaty to be terminated on the happening of any event, and the Senator will remember that he joined in a report of the Committee on the Judiciary to that effect.

Mr. WALSH of Montana. The Senator is very familiar with the decisions of the courts with reference to the matter to which he averts. They do not go so far as to say that a statute may be made to terminate upon any contingency whatever to be determined by anyone whomsoever.

Mr. KELLOGG. But the Senator was of the opinion that the proposed treaty to be made between France, Great Britain, and the United States, which was to continue in existence until the League of Nations should terminate or determine the fact that it was unnecessary for the further protection of France, was a constitutional exercise of the treaty-making power?

Mr. WALSH of Montana. The Senator will not——

Mr. KELLOGG. Let me finish. If that be true—and I think there is no doubt of it—it seems to me the Senate and the President may make a treaty from which either the President or the Congress may withdraw, if the treaty so provides.

Mr. WALSH of Montana. The distinction between the case to which the Senator refers and the one before us is perfectly plain to anyone who desires to see. A statute may be passed to terminate upon a certain contingency; that is to say, upon the transpiring of a certain event, or the existence of a certain condition, to be determined by some one, within certain limits, who may be designated in the statute. The council of the League of Nations, in the case to which the Senator refers, as provided in the treaty with France, is simply empowered to determine the fact as to whether the league affords sufficient protection to France against a possible further invasion by Germany. If that tribunal determines that it does, then that treaty, by its terms, ceases. Under the reservation before us the Congress of the United States is not called upon to determine the existence of any fact or any condition whatever. It is therein provided that whenever, in their judgment, in their wisdom, in

their discretion, bear in mind, the Congress of the United States, the two Houses of Congress, without any participation by the President whatever—not upon the determination of any fact, not upon the determination of any conditions, but when in their judgment it is no longer good public policy to continue our membership in the league they may act and terminate it. That is the difference between the two. All the authorities hold is that we may repose in some person or body the determination of whether a certain event has taken place or a certain condition exists, the statute or treaty to terminate upon the determination of that question; but to repose in the Congress of the United States power that by the Constitution is reposed jointly in the Congress and the President of the United States is as impossible as to repose it in the mayor of the city of Chicago.

Mr. KELLOGG. But the Senator is aware of the fact that many treaties have been abrogated by the action of Congress and the President. I might ask the Senator what the House of Representatives has to do with it then?

Mr. WALSH of Montana. That is very simple. The Congress of the United States is the legislative power in this country. By the joint action of the two Houses, with the approval of the President, a treaty which is a law may be abrogated, just the same as any other law may be repealed by a subsequent act of Congress.

Mr. KELLOGG. Does the Senator from Montana deny that the Senate and the President in making a treaty may authorize the President to give the notice of withdrawal without the concurrence of the Senate?

Mr. WALSH of Montana. I doubt it; and I doubt it because we can not derogate from the power of future Senates. We can not say to the Senate that shall exist here 10 years hence, "You are going to have nothing whatever to say about this matter; we are going to repose in the President of the United States, whosoever he may be 10 years from now, the power to terminate this treaty, if he sees fit so to do." The Senate at that time will be entitled to say whether or not that treaty shall be abrogated. That is my view about it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WALSH of Montana. I yield.

Mr. BRANDEGEE. Bearing in mind that we are now dealing with a reservation which does not become a part of the treaty, but which is our understanding and which is to be agreed to by the other signatories, if the Senate attaches a reservation that notice of withdrawal may be given by a Senate resolution, inasmuch as the only object of the reservation is to estop the other party from complaining, if they agree that that shall be good notice, would not that be a valid way to get us out of the treaty?

Mr. WALSH of Montana. I have just expressed my opinion that it would not be; and it would not be, it seems to me, for perfectly plain and obvious reasons. This treaty is no different from any other treaty. As very properly expressed by the Senator from Massachusetts [Mr. LODGE], we simply abrogate the treaty in part; other treaties we nullify in their entirety. We now ratify a treaty, say a treaty with Denmark; suppose we put in the treaty with Denmark that it might be abrogated at any time by notice given by the Senate of the United States, and 10 years from now the Senate of the United States should undertake to exercise that power. The President of the United States would say, "I have something to say about whether or not this treaty shall be abrogated. The Senate of the United States which existed 10 years ago can not deprive me of any power granted to me by the Constitution. This treaty will not be abrogated. I will not transmit the message, and I shall consider the treaty as still in force and effect until I concur in the action by which it is to be terminated."

Mr. COLT. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. I yield to the Senator from Rhode Island.

Mr. COLT. Is not this treaty a contract between the United States and the other members who may join in it?

Mr. WALSH of Montana. It is; but it is also a law of the United States.

Mr. COLT. And when we are making such a contract can we not annex to it any condition we may please in regard to giving notice as to its termination? Does not that become a part or a condition of the contract? I merely ask that question for information.

Mr. WALSH of Montana. The treaty is, of course, a contract between us and the other nations, and in addition to that it is a law of the United States; it is a law which every citizen of the United States is required to observe; it is a law which controls the action of the Government with reference to matters with which it deals. Our laws are made in a certain way; they are also abrogated in a certain way. We can not derogate in any way from the power of future Congresses or future Senates or future Presidents of the United States, and if we undertake to do so by a contract with a foreign nation any effort in that direction is, in my judgment, nugatory.

Mr. LENROOT. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. I do.

Mr. LENROOT. Assuming the correctness of the Senator's contention that the treaty may only be abrogated by the sovereign authority, whatever it may be, does the Senator contend that notice might not be given by anyone as provided for in the contract?

Mr. WALSH of Montana. Mr. President, we get confused here. Under any and all circumstances the actual physical act of giving notice will be performed by the President of the United States, because he is the only agency through which we confer with other powers. The important question is where is reposed the power to determine whether or not the notice will be given, and I contend that the Constitution vests that either in the Congress by a legislative act or in the President and the Senate as the treaty-making body?

Mr. LENROOT. But might we not by contract provide that, if anyone should give the notice, at the expiration of the two-year period, the authority that would have the right to terminate might do so at any time? Would not that be the effect of it?

Mr. WALSH of Montana. That is the point I am making. The power that makes the treaty is the President and two-thirds of the Senate, and they are entitled to say as the years pass by whether or not it shall continue in force. The present Senate can not do anything which will deprive future Senates and future Congresses and future Presidents of the United States from having their say as to whether or not the treaty shall continue in effect.

Mr. LENROOT. No. But this relates only to notice. Now, assuming that the Senator is right, that it might require future action to actually terminate the treaty, then all that this provision would accomplish would be to get rid of the two years' notice that is required, and that might be given by anyone who is prescribed in the contract as having authority to give the notice.

Mr. WALSH of Montana. I am not able to follow the Senator from Wisconsin.

Mr. President, I desire simply to add that when the framers of the Constitution were considering the principles of the new system of government they were about to establish they had the idea in mind, the merits, and the weakness of a single legislative body, as under the Articles of Confederation, enjoying executive as well as legislative power; but they had tried out that system and had abundant evidence before them of how futile it was to endeavor to build a stable and efficient government upon any such basis. I presented to the Senate some weeks ago a pamphlet in which it was seriously urged that we should return to that system under which we would have no President, a system under which we would have no two bodies of Congress, but one single body in which all governmental powers, at least all legislative and executive powers, would be vested. We had tried out that system, and the framers of the Constitution had before them the disastrous results which flowed from it. So they provided that Congress could not do anything in the way of legislation, either to make laws or to unmake laws, except the matter was submitted to the President of the United States and received his concurrence, unless, indeed, his objection should be overruled by a two-thirds vote. That system has worked admirably.

It is one of the essentials of our system that these two branches of the Government—the Congress and the Executive—concur either in the making of laws or in the unmaking of them. Why depart in this instance from the salutary provisions thus made by the founders of the Constitution in the light of the painful experience which they had had with the other system.

Stop and think what is contemplated, Mr. President. If the Congress of the United States and the President are in entire harmony, the provision for a joint resolution would meet all the requirements of the case; a concurrent resolution or absolute power in the President can be useful only when the Congress of the United States and the President are antagonistic to each other; when the Congress wants to get out and the President wants to stay in——

Mr. POINDEXTER. Mr. President——

Mr. WALSH of Montana. Just a moment—or the President wants to get out and the Congress wants to stay in. It is for such a case that provision is being made; and I ask you what kind of a spectacle do you afford to the world with the President of the United States sending notice to all the nations that we are out of the league and the Congress of the United States protesting against his action, or, upon the other hand, the two Houses of Congress insisting that we are out of the league and sending such notice to all the world, by some indirect channel, while the President of the United States publishes a proclamation to the effect that we are in the league and bound by the obligations that attach to it.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH of Montana. I yield.

Mr. POINDEXTER. If the Senator from Montana attaches so much value to the principle of a division of power on which he is now expatiating, and two branches of the legislative body and the separation of the Executive from the legislative powers, and of the judicial from either one of the others, which followed the unsuccessful experiment of the old Continental Congress—if the Senator believes that the present system under which we have lived for some one hundred and forty odd years is a good one, why does he advocate in the larger field of this league of all the nations of the world the concentration and consolidation of all the powers of government in the assembly of the league?

Mr. WALSH of Montana. That is quite aside from the question I am considering, and I do not care to be diverted from the question before us to discuss at this time the fundamentals suggested by the inquiry of the Senator.

Mr. President, I desire to call your attention to the fact that this very proposition which is now presented to us by the amendment proposed by the Senator from Massachusetts has already been considered and rejected by the Senate. It was directly involved in an amendment tendered by the Senator from Oklahoma [Mr. GORE] when this subject was last before the Senate for consideration. He proposed an amendment—I read from page 8134 of the CONGRESSIONAL RECORD of date November 8—so that if adopted the reservation would read:

> And notice of withdrawal by the United States may be given by the President or by a concurrent resolution of the Congress of the United States.

That motion was rejected by a vote of 18 yeas to 68 nays, and of the 18 who voted "yea" I have personal knowledge that at least half a dozen labored under a misapprehension of the nature of the amendment; so that there were not more than a dozen Senators who indorsed the idea at that time. Among those voting in the negative were the Senator from Massachusetts [Mr. LODGE], who now tenders an amendment of like import, and it was generally opposed upon the Republican side of the Senate. I call attention to this for the purpose of illustrating that the Senator from Massachusetts sometimes changes his mind, and, notwithstanding his rather strenuous protestations that no change whatever can be made in the reservation in relation to article 10, I still entertain the hope, upon this evidence before me, that he may yet be induced to change his mind about that.

Mr. President, on yesterday the Senator from Idaho [Mr. BORAH] made one of his entertaining speeches—and I always like to listen to him—in which he insisted that the Senate might just as well abandon this discussion at the present time, in view of the statements made by the Senator from Wisconsin [Mr. LENROOT] to the effect that no amendment whatever of the Lodge reservation in relation to article 10 could be tolerated, and the statement upon the part of the Senator from Nebraska [Mr. HITCHCOCK] that the Lodge amendment in relation to article 10 never could be accepted upon his side of the Chamber.

But, Mr. President, the statement made by the Senator from Wisconsin was to the effect, as I recall, that no change in the substance of the reservation in relation to article 10 could be made, leaving it open to inference that a change in the form of the reservation in relation to article 10 might be entertained. There are differences of opinion in relation to what amendments relate to matters of form and what amendments relate to matters of substance. Some there are who think that a certain proposed amendment to that reservation affect the form of it only, while others think that they modify it and affect the reservation in a matter of substance. Considering the reservation as to article 10, agreed to in the bipartisan conference, as is contended by the representatives from this side of the Chamber, I thought that a very material change in the substance and meaning of article 10 was thereby made, that the effect of it, so far as the United States was concerned, was quite materially altered, but a very high authority considered that the change was a matter of form only or, rather, that the substance of article 10 was not affected, although the form in which the reservation was drafted was objectionable. So that, Mr. President, desirous as I am, and desirous as I have been to arrive at some agreement, if we can, that will secure the necessary 64 votes for the ratification of the treaty, I am still hopefully awaiting suggestions of amendments from Senators upon the other side, even though they consider them as not affecting the substance but only the form of the reservation. Why should not Senators on both sides labor assiduously, strive earnestly at least, to express the ideas conveyed by the language of the reservations in such form as not to be needlessly offensive or as will make them objectionable to the President, whose concurrence is necessary, if we are to have a treaty at all.

For instance, it will be recalled that the reservation under consideration provides that the United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10. Now, in my judgment the excision of the language "or to interfere in controversies between nations" would be a mere matter of form as to this reservation. It would not in any manner whatever, in my judgment, affect the meaning of the reservation. It would stand with exactly the same force and effect as it would have if those words remained in. But, Mr. President, when it was proposed in the bipartisan conference to strike these words out this view, though concurred in by some of the Republican Members, did not meet the approval of the chairman of the committee, the Senator having charge of the treaty, who objected strenuously to the excision of the language referred to. He thought apparently there was much of substance in it. I considered it a mere matter of form, and in the view expressed by me there was, as I have said, some concurrence.

Let us suppose, now, that it were proposed upon the other side to strike out this language "or to interfere in controversies between nations." Some might consider that as an amendment affecting the form of the reservation only, while others would stoutly maintain, I dare say, that it goes to the substance of the reservation.

Referring to that matter causes me to say that my recollection about the circumstances attending the break in the bipartisan conference is not altogether, at least in details, in conformity with the account given by my esteemed friend, the Senator from Tennessee [Mr. MCKELLAR], on yesterday. My recollection—and it is exceedingly vivid—is that the bipartisan conference had agreed upon the amendment tendered by the Senator from Nebraska [Mr. HITCHCOCK] as the work of that committee.

I do not mean to say, now, that each member of the committee expressly declared his acceptance of or acquiescence in the reservation as it was reported; but the fact about the matter is that having reached that form the committee passed entirely from the alterations made to consider a suggestion that the words "or to interfere in controversies between nations" be stricken out as being useless, as having no meaning whatever. It was while the committee had that matter under consideration that the Senator from Massachusetts [Mr. LODGE] expressed his decided opposition to striking out the language referred to, and thereupon he asked his colleagues to go into the adjacent room for a conference. They were there some time, when we sent word to them that it was getting late, and that we would meet them the next morning. The press stated that meanwhile the Senator from Massachusetts had held a conference with the so-called irreconcilables on the Republican side of the Senate, and when the committee reassembled he told us that he would not be able to concede any change whatever in article 10. I have accordingly been obliged to assume that the conclusion at which he arrived was induced by the conference he had with those who are opposed to the treaty, not those who are in favor of its ratification.

Mr. BORAH. Mr. President, there were no irreconcilables on the bipartisan committee, I believe.

Mr. WALSH of Montana. No; but they evidently were keeping pretty close track of the proceedings, and I rather guess that having heard that the committee was on the eve of coming together they thought it timely to get into communication with the chairman of the committee.

Mr. BORAH. I must say that while the irreconcilables were trying to keep track of the committee, it was a very difficult thing to do, because that committee put it all over the Versailles conference on secrecy.

Mr. WALSH of Montana. We did the best we could. Yes; that reminds me. This is by way of digression, but I called the

attention of the Senator from Missouri [Mr. REED] some days ago, when some animadversions were being made by him upon the President of the United States by reason of his participation in the policy of secrecy that attended the meetings of the conference, to the fact that the press at the time it assembled carried the information to the world that the President of the United States was in favor of giving a large degree of publicity to the proceedings, but that he had been overruled by the other countries represented. I now have before me an article from the New York Times of January 11, 1919, a contribution from its regular correspondent, Mr. Oulahan, who says:

It is expected that the formula will soon receive publicity, as the American delegation has decided to propose open sessions of the inter-allied conference when the first meeting is held next week.

And when next week came the cables reported that they had been overruled.

The Senator from Idaho [Mr. BORAH], in his interesting contribution to the debate on yesterday, in which he protested the futility of further discussion on the treaty in the Senate, declared that the people of the United States were going to determine the whole matter at the ensuing election; that it would be impossible to keep it out of the campaign; that the American sovereigns were going to determine at that time whether the admonition of Washington concerning entangling alliances was to be put into the discard, and whether the historic doctrine of Monroe was any longer to be considered as a vital principle of American polity; that the league was even now a political issue thus to be resolved because the Republican national platform was foreshadowed in the address of Mr. Root before the convention in the State of New York. The Senator from Idaho read from the address referred to, as follows:

Immediately after March 4, 1921, a Republican President should urge upon the society of nations the reform of the league covenant, so as to make it establish the rule of public right rather than the rule of mere expediency, so as to make the peace of the world rest primarily upon law and upon the effectiveness and enforcement of law.

Mr. President, I do not believe that any issue will be raised upon that matter before the American people in the ensuing election. Indeed, I apprehend that there will be among the Democrats no particular opposition to that proposal of Mr. Root. It has been repeatedly asserted, and we all feel that way, that the covenant is by no means perfect. The Constitution of the United States was not perfect at the time it was framed; and although no convention was held for the purpose of revising it, there was common consent to the suggestion that it ought to be revised or at least its provisions supplemented, and amendments were proposed, some 10 of them, which were subsequently adopted without substantial opposition. I think it would not be unwise at all for the nations to get together after this treaty is ratified and the league is in operation, not only for the purpose of revising the covenant of the league but—if I may have the attention of the Senator from Colorado [Mr. THOMAS]—for the purpose of revising some other provisions of this treaty of which he spoke so impressively a few days ago.

Speaking for myself, I shall be glad to join with Mr. Root in his desire to have another congress assemble to see whether many of the objections which have been made to the covenant can not be obviated by concerted action of the signatory powers. But the Senator from Idaho did not read another part of Mr. Root's speech, in which he said:

It seems clear to me that in the interests of the world's peace, which all America desires to promote, this treaty ought to be ratified with the reservations of the Senate, and that without those reservations in their fair and honest substance it ought not to be ratified. I hope the treaty will be ratified with the reservations long before the presidential election. That will be done if the President permits it. If that is not done, then that is what I think the Republican Party ought to stand for.

Mr. President, that is in strict accord with the statements made in the letter of Mr. Root, sent to Mr. Hays at an early stage of this discussion, in which he declared that the treaty ought to be ratified, that there was much good in it, and he goes on to specify the particulars in which it has his approval.

The whole letter is an indorsement not only of the general plan of a League of Nations but of the specific covenant worked out at Versailles. Moreover, Mr. Root has declined to become a representative from the State of New York to the national convention, because he desires to accept the place tendered to him as a member of the commission which is to provide for the creation of the international court contemplated by the covenant. Mr. Root is not going to help carry out the provisions of the league unless in general the plan has his approbation, and he anticipates that in some form or other the league will come into being and be operative.

Mr. BORAH. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. BORAH. If the treaty should be ratified with the reservations known as the Lodge reservations—and I understand it to be the view of Mr. Root that it should be ratified, if at all, in that way—does the Senator think—speaking now of its going into politics—that the convention at San Francisco would ratify that action?

Mr. WALSH of Montana. That is just the point I was going to make. If the Senator is correct in saying that the State of New York will dominate the Republican convention, and that the platform adopted at the national convention is foreshadowed in the platform adopted by the convention for the State of New York, and the Democratic convention does what is expected of it—that it will declare in favor of the ratification of the treaty without reservations, or with such interpretive reservations as those offered by the Senator from Nebraska [Mr. HITCHCOCK]—then the issue will be between the Republicans upon the one side, favoring the ratification of the treaty with the Lodge reservations, and the Democrats upon the other side, favoring the ratification of the treaty without reservations, or with the interpretive reservations offered by the Senator from Nebraska. In that event, let me inquire of the Senator from Idaho, How are the people going to be heard upon the question as to whether or not we shall engage in entangling alliances with the powers of Europe or whether the Monroe doctrine shall be abandoned?

It is unnecessary to say again that not one of the eighty-odd Senators who voted for ratification believes that either the teachings of Washington or the doctrine of Monroe are disregarded in their action.

Mr. SMITH of Georgia. Mr. President, I should like to suggest, run a candidate who desires to take us at once out of the league, and under this reservation the people would have an opportunity of saying whether they wanted to come out or not.

Mr. WALSH of Montana. Exactly.

The Senator from California [Mr. JOHNSON] is more consistent about this. He denounces Mr. Root's platform. He says it does not express the correct Republican doctrine; that he and the Senator from Idaho [Mr. BORAH] represent the only attitude of their party on the treaty. He does not want to have anything to do with it. The Senator from Idaho has repeatedly declared that he is against a league, reservations or no reservations; he is against any league of nations; and that is the doctrine that he has been preaching with great power and with great eloquence both in the Senate and before the country. The Senator from California is quoted in this morning's paper as saying as follows:

ROOT WRONG ON LEAGUE, SENATOR JOHNSON SAYS.

Direct disagreement with Elihu Root's opinion of the peace treaty as a political issue, as expressed yesterday in a speech to the unofficial State convention of New York Republicans, was voiced last night by Senator HIRAM JOHNSON, of California, a candidate for the Republican presidential nomination.

In a formal statement Senator JOHNSON declared it would be "neither fair to the other members of the league nor to the people of the United States to enter the league, as Mr. Root suggested, and then have the President inaugurated next March take steps to re-form the league covenant."

"If the league," the statement said, "establishes a rule of expediency rather than a rule of public right, as Mr. Root says it does, then it is neither wise nor statesmanlike for the United States to become a party to the present covenant for the brief space of a few months.

"If the league is all that Mr. Root says it is, then the time to re-form it is not on the 5th of March, 1921, but now. If it presents all the dangers to the United States which Mr. Root describes, then the time to avoid its dangers is now, and not after we have irrevocably become a party to it."

Mr. JOHNSON of California. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON of California. Substantially, I think, the Senator from Montana has quoted me correctly. I ask him if he does not believe that if the dangers that are pointed out by Mr. Root are present in this covenant, the duty devolves upon the Senate of the United States to remove those dangers right now? If this covenant is, as Mr. Root suggests, a mere doctrine of expediency rather than an expression of the right, then we ought not to enter into any such covenant with either an express or a mental reservation that we are going to re-form it on the 5th day of March, 1921.

Mr. Root's position is that this is a covenant fraught with dangers; that those dangers ought to be avoided; that it does not represent the rule of right, but the rule of expediency; that we should enter into it with the so-called Lodge reservations and on the 5th day of March, 1921, rewrite it, re-form it, and amend it. I say, in response to that, that you can not amend it under the rules and under the provisions of the document after once you are in it, and that the time to amend it and to protect America is right now, before we go into it.

In that I take issue with Mr. Root, as has been suggested by the Senator from Montana. To me it is wholly illogical; not only illogical, but it is worse. It is a crime against the American people to say that we should go into a document which he describes as so dangerous and wrong as this document with the idea subsequently, on the 5th of March, 1921, of amending the document, when under its very provisions you can not amend it without the consent of practically every member of the league. Today let us remove its dangers. Let us take its sting out of it. Let us make it American to-day—not on the 5th of March, 1921.

Mr. WALSH of Montana. I gladly yielded to the Senator from California, whose earnestness and ability I admire and respect. I am sure, however, that he will relieve me from any obligation of acting in the capacity of a judge between himself and the distinguished Republican statesman from the State of New York.

But, Mr. President, I wish to remind the Senator from Idaho [Mr. BORAH] that in view of the situation of affairs to which I have called attention, if he expects to present to the people of the United States at the next election the question whether we ought to have a League of Nations or not, not any particular league but any league, in accordance with his contention, he will have to see that Mr. Root's ideas do not prevail in the Republican convention, and that it declares unequivocally in favor of the rejection of the treaty and against entering into any league of nations whatever, or if the treaty should be meanwhile ratified, to see that there is incorporated in the platform a plank as suggested by the Senator from Georgia [Mr. SMITH], declaring that the President nominated by that party, if elected, will immediately give notice of withdrawal pursuant to the provisions of the covenant in that regard. Otherwise, I find it impossible to conceive that the question which the Senator would like to discuss before the people at the next election, and which he would, of course, discuss with his usual ability and power, can be an issue, as he asserts it will be in the campaign now before us.

Mr. BORAH. It will be presumption upon my part, of course, to assume that the Senator from Idaho could have any considerable influence in the Chicago convention against a program which might be agreed upon by those who are more experienced in party affairs, but I do not think I need to say to the Senator from Montana that small as the influence may be, it will be there, and it will be exerted until the convention is over, and so far as I am individually concerned the question will be presented to the American people after the convention is over.

Mr. WALSH of Montana. Then the only way, it seems to me, that the Senator will be able to get it there will be to hold another convention and make the rejection of the treaty the corner stone of his platform.

Mr. BORAH. Not necessarily hold another convention, although that might happen; but I want to see the Democratic candidate who stands up before the American people at the next election and advocates the league as it now stands.

Mr. WALSH of Montana. That is what I suggested. Then the question will be between the covenant without reservations and the covenant with the Lodge reservations.

Mr. BORAH. I venture to say the Senator's party will not have a candidate for President advocating a league without reservations.

Mr. WALSH of Montana. I am inclined to believe the Senator is correct about that, which emphasizes the point I made, that the only way there can be presented to the people the issue which he desires to debate before them is to introduce in the platform of his party a plank denouncing the league, if the treaty is not ratified in the meanwhile, or declaring that notice should forthwith be given of withdrawal.

Mr. BORAH. The corrective influence of public opinion has its effect even upon a candidate for the Presidency. I remember that in the last campaign the convention had hardly closed until the candidate for President upon the Republican ticket felt under the necessity of writing a new platform. He had heard from some people from whom he had not heard in the convention. I am perfectly willing to take my chances in the next campaign regardless of what may be said at those conventions on the proposition that the question will be fought out before the American people as to whether we shall go into the league at all or not.

Mr. JOHNSON of California. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. JOHNSON of California. In order that I may make entirely plain what doubtless is entirely plain to the Senator from Montana, I think it is necessary only to call to his attention, and to the attention of the Senate, the provisions of article 26 of the covenant in order that he may realize, just as I thought I realized when I read the utterances of ex-Senator Root, of New York, the utter fallacy of the suggestion of the plan he proposed last night to the Republican convention in New York. Will the Senator pardon me if I occupy his time to that extent?

Mr. WALSH of Montana. I gladly yield to the Senator.

Mr. JOHNSON of California. The Senator will recall Mr. Root's denunciation of article 10, a denunciation as vitriolic and more forceful perhaps than that of the most implacable foe of article 10 upon this floor. The Senator will recall that he said after that denunciation that this league represented no rule of right but merely a rule of expediency. I do not quote exactly, but the substance of what he said. Of course if it does not deal with a rule of right, no right-thinking American would want to join it. But then he says, "Join, but the instant you elect a Republican President, on the 5th of March, re-form your league, rewrite it, transmute it into what it is not to-day, and into what it is not made even by reservations." Now, reform it, amend it, transmute it, how? Under article 26, the only method in the league covenant, and article 26 provides:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

That is, your council must unanimously recommend and approve your amendment. What chance would there be after you enter this thing so denounced by Mr. Root to transmute it, reform it, and amend it on the 5th day of March, 1921?

Of course, the Senator from Montana will answer, "No chance at all." Therefore I say the advice of Mr. Root is like the advice of some distinguished gentlemen in Europe—"get into this league, pull America into it, and once you are in you never are going to get out except by the possibility of your right of withdrawal under your Lodge reservation." You will be in it, you can not amend it, you can not transmute it, you can not re-form it. You are there and you stay under the direction and under the control and under the tutelage and under the command of European and Asiatic diplomacy. I say, therefore, that ex-Senator Root is wrong in what he suggests. I do not follow him, intellectually or otherwise, as a leader, I will say to the Senator from Montana.

Mr. LODGE. May I ask the Senator from California a question?

Mr. WALSH of Montana. Certainly; I yield for that purpose.

Mr. LODGE. In describing the method of amendment, the Senator from California has stated that those amendments have to be agreed to by the members of the league, not by the representatives of the league, but by members of the league, by the Governments.

Mr. JOHNSON of California. Yes; which makes it all the more difficult.

Mr. LODGE. Exactly; it makes it practically impossible.

Mr. JOHNSON of California. It makes it practically impossible to amend the league. Ex-Senator Root in the last analysis says: "Go into a thing that is wrong, go into a thing that does not deal with a rule of right at all, go into a thing that does a wrong, that almost commits a crime against your country, and on the 5th of March, 1921, amend it," when you can not amend it at all.

Mr. COLT. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Rhode Island.

Mr. COLT. I should like to say a word as to what I understand to be Mr. Root's position as outlined in his letter to Chairman Hays and in his letter to the Senator from Massachusetts [Mr. LODGE] and in his New York address.

Mr. Root has always favored the league with reservations. Mr. Root's objection to the league lay in the line of compulsory arbitration instead of voluntary arbitration. Mr. Root's position was that the purpose of the league is to prevent war. The purpose of the league therefore is to settle by arbitration the causes or the disputes which lead to war. Mr. Root says that three-quarters of the disputes which lead to war are the subject of arbitration, are justiciable and not political.

Mr. Root's objection was that the covenant permitted a nation to choose whether a dispute was the subject of arbitration or was not the subject of arbitration; hence that nation could say that the dispute was not a subject of arbitration, and would, therefore, leave it to the council for investigation and report.

Now, the objection to the council, as I understand, according to Mr. Root's view, is that the council is not a judicial body; that it would decide questions according to expediency; and

hence that the league as now framed would permit all questions of dispute to be determined not by a judicial tribunal but by the council and upon grounds of expediency.

Mr. Root would have had a provision in the covenant that all matters in dispute which were justiciable must be submitted to a court to decide. He would determine by law what disputes were justiciable and what were not justiciable. The covenant as it now stands enumerates the disputes that are justiciable, but it does not oblige the nation to submit any dispute to a court for final judicial determination. That was Mr. Root's fundamental objection to the league. He would start where the second Hague tribunal left off, and where he did a great work in framing an international judicial court, and he would have an international judicial court created where three-quarters of the disputes must be settled finally by an international judicial tribunal, therefore leaving perhaps one-quarter of the disputes—most dangerous disputes though they may be, political issues—to be determined or to be investigated and passed upon by the council.

Mr. Root has always indorsed this league, with reservations guarding the Monroe doctrine and American interests, but he would have amended it so that we should have an international judicial tribunal which would finally determine, as a matter of law and public right, disputes between nations, instead of having those disputes referred to the council for investigation and report.

Mr. BRANDEGEE. Did he not also at one time advise breaking the heart of the world by striking out article 10 entirely?

Mr. COLT. Mr. Root, in his letter to Mr. Hays, was in favor of reaining article 10 for the period of five years. Why? Because he thought that in this World War we had upset the world, and that the responsibility should fall upon the United States, for a few years at least, to protect the territorial boundaries and political independence of nations as settled by the peace conference. Upon further reflection, two or three months afterwards, he reached the conclusion—which I believe is the conclusion of the American people and of almost everyone who has reflected upon the subject—that we should assume no contractual obligations under article 10 to preserve the territorial boundaries or political independence of the members of the league against external aggression.

Mr. Root says that the league is fundamentally to settle disputes by law and not by force, that article 10 does not properly belong in the covenant, and that it imposes a responsibility which the United States should not assume by way of contract.

Mr. WALSH of Montana. I understand the remarks of the Senator from California [Mr. JOHNSON] precipitate a controversy between himself and the distinguished ex-Senator from the State of New York rather than between the Senator from California and myself; but I feel quite at liberty to say that in my opinion there is no serious obstacle to securing, in the manner provided in the covenant, the amendment which Mr. Root contemplates seeking. His position has been very accurately stated by the Senator from Rhode Island [Mr. COLT]. What Mr. Root desires is some amendment which will provide for the establishment of an international court and for fixing the rules of international law by which it shall be guided. I have no doubt that unanimity even can be secured for amendments of that character. To elucidate his hopes, I read from his letter to Mr. Hays, as follows:

> The first change which I should make in this agreement accordingly would be to give effectiveness to the judicial settlement of international disputes——

Mr. JOHNSON of California. Mr. President, will the Senator permit an inquiry? I simply wish to know from what the Senator is reading.

Mr. WALSH of Montana. I read from Mr. Root's letter to Mr. Hays.

Mr. JOHNSON of California. That is the original letter where he favored article 10?

Mr. WALSH of Montana. Yes; it is the original letter to Mr. Hays.

Mr. JOHNSON of California. That is where he favored article 10?

Mr. WALSH of Montana. What I read has nothing to do with article 10, but he did favor the retention of article 10, as stated by the Senator from Rhode Island [Mr. COLT], for a period of five years. I am trying to indicate exactly the character of amendment which Mr. Root expects to accomplish by the conference which he contemplates shall be called after a Republican President is inaugurated on the 4th of March, 1921. He says:

> The first change which I should make in this agreement accordingly would be to give effectiveness to the judicial settlement of international disputes upon questions of right—upon justiciable or judicial questions—by making the arbitration of such questions obligatory under the system established by The Hague conference, or before the proposed court of arbitral justice, or, if the parties prefer in any particular case, before some specially constituted tribunal; putting the whole world upon the same footing in that respect that has been created between the United States and practically every nation now represented in Paris, by means of the special treaties which we have made with them. The term "justiciable questions" should be carefully defined, so as to exclude all questions of policy, and to describe the same kind of questions the Supreme Court of the United States has been deciding for more than a century.
>
> When that is done, the reference to arbitration in article 12 will have some force and effect instead of being as it is now a mere idle form.
>
> The second change which I think should be made is to provide for a general conference followed by regular conferences at stated intervals to discuss, agree upon, and state in authentic form the rules of international law, so that the development of law may go on, and arbitral tribunals may have continually a more perfect system of rules of right conduct to apply in their decisions.

That very clearly discloses the character of work that Mr. Root desires to confide to this new conference.

Mr. JOHNSON of California. Will the Senator yield to me?

Mr. WALSH. I yield to the Senator from California.

Mr. JOHNSON of California. I have no desire to indulge in any controversy with ex-Senator Root or anybody else other than that which I have suggested in my article of last evening in the newspapers, but in the interest of historical accuracy I desire to repeat that the letter which has just been read by the Senator from Montana was substantially the first utterance of Mr. Root upon this question. In his first letter, Mr. Root substantially approved of article 10, with the right of withdrawal from that article after, I think, a period of five years. Am I correct in that?

Mr. WALSH of Montana. That is my recollection.

Mr. JOHNSON of California. In the second letter that Mr. Root wrote, which is dated June 19, 1919, and addressed to Senator LODGE, we find, however, that his views concerning article 10 materially changed. In that letter he said:

> You can, however, put into the resolution of consent a reservation refusing to agree to article 10, and I think you should do so.

Then, in his statement night before last, in relation to article 10, we find he said:

> The reservations adopted by the Senate remedy, so far as the United States is concerned, the chief objections to the treaty. They prevent our entrance into the League of Nations from being an abandonment of the Monroe doctrine, with irreparable injury to the United States and no benefit to the rest of the world. Especially important is it that they prevent the incredible mistake of article 10.

These varying expressions make Mr. Root's views neither conclusive nor persuasive with me.

Mr. WALSH, of Montana. Mr. President, I conclude by calling attention to the fact that Mr. Root very accurately foreshadowed the resolution which was adopted by the Republican convention of the State of New York on the subject of the treaty. That resolution provides:

> We favor the immediate ratification of the pending treaty of peace with such distinct reservations and declarations as shall make it clear to all the world that the United States retains its unconditional rights to withdraw from the League of Nations on proper notice.

Then follows a general description of the other provisions of the so-called Lodge reservations. I emphasize that apparently there is going to be no question presented to the people of the United States at the next election as to whether we shall ratify the treaty or shall not ratify the treaty. Apparently this issue, should the present attempt to secure the approval of the Senate fail, is to be, Shall we ratify the treaty with the Lodge reservations, or shall we ratify the treaty without the reservations, or with the Hitchcock interpretative reservations?

Mr. President, I want to add that there is another plank in the New York platform which has some relevancy to the matter upon which I addressed the Senate this morning, namely, the investigation by the Interstate Commerce Committee of the Senate of the Federal Trade Commission. Apparently that body is not in high favor with the Republican organization of the State of New York. Of it the platform says:

> We charge that the Federal Trade Commission as at present constituted has dellberately prostituted its proper function. It has persecuted trade instead of promoting trade.

It is not altogether clear, Mr. President, whether that is intended as a denunciation of the law under which the Federal Trade Commission was organized or whether it is simply a denunciation of the personnel of the commission, to be reformed, of course, when a Republican President has the power of appointing its members. I content myself with the remark that if it is a denunciation of the law, it is the only law, so far as I know, passed during seven years of Democratic administration that as yet has met with the disapprobation of any gathering of Republicans, a record that is, perhaps, without a parallel in the history of the Republic.

Mr. SMITH of Georgia. Mr. President, it is exceedingly interesting to contemplate the possible platforms that might be developed for candidates and parties out of the covenant of the

League of Nations, but I am more interested in getting a vote on the reservations than I am in discussing possible party platforms.

As to the reservations now before the Senate, I cordially approve of the provision that leaves it to the two Houses, and a majority of each, to declare that we shall exercise our privilege of withdrawing from the league. I am not particular about giving the President the power also, though I am very particular about not allowing the President to veto the action of a majority of the two Houses of Congress and force us to obtain a two-thirds vote in order to give the requisite notice. I am perfectly willing for the President also to have the right, because, as this is a plunge into the unknown, I do not object to facilities for getting out if any well-established authority or high official of real responsibility wishes to take us out.

However, I discussed this subject when it was previously under consideration. I have no doubt about the constitutionality of the provision that permits us to withdraw by the action of a majority of each House. I discussed that question last November, and shall not now repeat what I then said in support of the constitutionality of a similar provision. I am more interested in reaching a vote on the pending reservation, and however pleasant it would be for me to enter into a constitutional discussion on the subject, I simply cite what I once before said instead of repeating it.

I hope we may come to a vote, and, unless some Senator wishes to move to strike out the privilege to the President of giving a notice, I hope we shall adopt the proposed reservation.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to reservation No. 1.

Mr. HITCHCOCK. Mr. President, I move to amend the original text so as to strike out the word "concurrent" and to insert the word "joint," so that it will read:

> Notice of withdrawal by the United States may be given by a joint resolution of the Congress of the United States.

Mr. LODGE. Mr. President, my amendment to the reservation is pending, I think.

The PRESIDENT pro tempore. The Chair is advised that the yeas and nays have been ordered upon the amendment to the reservation offered by the Senator from Massachusetts.

Mr. HITCHCOCK. But, Mr. President, as I understand the rules of the Senate, in all cases of a motion to strike out and insert——

Mr. LODGE. My motion is not a motion to strike out and insert, but is a motion to amend.

Mr. HITCHCOCK. It is a motion to strike out "a concurrent resolution" and insert certain other words. It appears in the form of a motion to strike out and insert.

Mr. LODGE. It is not a motion to strike out and insert, for it leaves the whole text, except for a few words, practically untouched.

Mr. HITCHCOCK. The Senator proposes to strike out the words "a concurrent resolution of the" and to insert the words "the President or by," and also to strike out the words "of the United States" and insert "alone whenever a majority of both Houses may deem it necessary." That is clearly a motion to strike out and insert, and under Rule XVIII——

Mr. LODGE. Yes; I know what the rule is.

Mr. HITCHCOCK. It is perfectly competent to perfect the original text before the motion to strike out and insert is voted upon.

Mr. LODGE. Mr. President, a motion to strike out and insert would cover the whole reservation. The Senator is not trying to perfect my amendment nor is he trying to perfect the text; he is offering an entirely independent amendment.

The PRESIDENT pro tempore. The Chair is of the opinion that when the yeas and nays have been ordered upon a particular question a further amendment is not in order unless the order for the yeas and nays is vacated.

Mr. HITCHCOCK. Mr. President, I am not aware that the yeas and nays have been ordered; I have not so understood; but I trust the Senator from Massachusetts will not prevent, by any parliamentary ruling, a fair opportunity to vote upon this amendment. I have proceeded on the theory that this question would be subject to the same rules as any matter before the Senate, so that when a motion is made to strike out and insert Senators would be privileged to perfect the original text or to amend the matter proposed to be inserted. I can not very well——

Mr. LODGE. The Senator's proposition is to substitute the word "joint" for the words "the President or by Congress alone whenever a majority of both Houses may deem it necessary."

Mr. HITCHCOCK. No; my motion is to substitute the word "joint" for the word "concurrent" in the original text.

That which I have read is my amendment.

I am proceeding on the theory, Mr. President, that the Senator has moved to strike out certain words and insert others; and what I want to do, before that is voted on, is to secure the opportunity to vote upon perfecting the original text. Then, if that is defeated, the question will naturally recur upon the motion made by the Senator from Massachusetts.

Mr. LODGE. Of course, the Senator's amendment to strike out the word "concurrent" and insert the word "joint" does not touch my amendment at all.

Mr. HITCHCOCK. If my motion should be defeated, the Senator's amendment would come up as a matter of course.

Mr. LODGE. Absolutely; but I do not think the Senator's amendment is a perfecting amendment. I am not proposing to strike out the whole of the reservation; I am only proposing to strike out certain words.

Mr. HITCHCOCK. The Senator is moving to strike out certain words. Before those words are stricken out, it seems to me that, under the practice of the Senate, we are entitled to have voted upon a motion to perfect the original text. This is a report of a committee; and how else can we have the opportunity of getting before the Senate a vote upon this proposition?

Mr. LODGE. Mr. President, of course what I want is a vote on my amendment. If that is voted down, it will be open to the Senator to make his motion.

Mr. HITCHCOCK. But if it should not be voted down we will have no way in which we can go on record upon this proposition. It has been the quite invariable custom here in the Senate, where a motion to strike out and insert is made, to give the privilege of perfecting the original text or of perfecting the pending amendment.

Mr. LODGE. I know that; but I do not think that this is that case. I do not think this case is covered by that practice. I shall not, however, make any objection if the Senator subsequently wishes to move to insert the word "joint."

Mr. HITCHCOCK. I think it would be out of order for me to do that after the amendment offered by the Senator from Massachusetts is adopted. I think it would be out of order to offer any amendment to it.

Mr. LODGE. I have no objection. I do not want to prevent any vote on a mere technicality. I do not think this is a technicality. I think we ought to have a vote on both amendments.

Mr. HITCHCOCK. Then I ask unanimous consent that we first vote upon the question of inserting the word "joint" in place of the word "concurrent" in the original text.

Mr. FRANCE. Mr. President, I call for the regular order.

Mr. HITCHCOCK. Then I insist upon my proposition that we are entitled to an opportunity to present amendments to the original text before the motion to strike out and insert is put; and I cite the President pro tempore to the last part of Rule XVIII, which provides that—

> Motions to amend the part to be stricken out shall have precedence.

Mr. WALSH of Montana. Mr. President, I have here a reference to a precedent upon the point made by the Chair that the amendment is not in order, the yeas and nays having been ordered. I interpret this precedent to permit the submission of any amendment going to perfect the text which the amendment proposes to strike out.

The PRESIDENT pro tempore. The Chair is not advised as to the form in which the amendment has been presented by the Senator from Massachusetts, not having been in the chair at the time his amendment was proposed. The Chair finds that the proposal by the Senator from Massachusetts is as follows:

> Amendment proposed by Mr. LODGE to the reservations to the treaty of peace with Germany, viz: Amend reservation No. 1 so that it will read as follows.

Then there follows the entire reservation.

The Senator from Nebraska proposes now to strike out the word "concurrent" and substitute for it the word "joint." In the opinion of the Chair, it is an amendment proposing to perfect the text, and is therefore in order.

Mr. HITCHCOCK. On my amendment I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska to strike out the word "concurrent" and insert the word "joint."

Mr. LODGE. I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	King	Nugent
Ball	France	Knox	Overman
Brandegee	Gay	Lenroot	Page
Capper	Henderson	Lodge	Poindexter
Chamberlain	Hitchcock	McKellar	Robinson
Colt	Johnson, Calif.	McNary	Sheppard
Culberson	Johnson, S. Dak.	Moses	Simmons
Cummins	Jones, N. Mex.	Myers	Smoot
Curtis	Kellogg	Nelson	Thomas
Dial	Kenyon	New	Walsh, Mont.
Fernald	Keyes	Norris	Warren

Mr. McKELLAR. I wish to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Mississippi [Mr. WILLIAMS] are detained from the Senate by illness.

The Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Delaware [Mr. WOLCOTT], the Senator from Kentucky [Mr. STANLEY], the Senator from Maryland [Mr. SMITH], and the Senator from Ohio [Mr. POMERENE] are absent on public business.

The Senator from Missouri [Mr. REED] is necessarily absent.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Members.

The names of the absent Senators were called, and Mr. DILLINGHAM, Mr. ELKINS, Mr. HALE, Mr. HARRISON, Mr. KENDRICKS, Mr. SHIELDS, Mr. SMITH of Georgia, Mr. STERLING, and Mr. TRAMMELL answered to their names when called.

Mr. McLEAN, Mr. FRELINGHUYSEN, Mr. SPENCER, Mr. KIRBY, Mr. EDGE, Mr. JONES of Washington, Mr. HARRIS, Mr. WATSON, Mr. PITTMAN, Mr. BECKHAM, Mr. PHIPPS, Mr. TOWNSEND, and Mr. PHELAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. BRANDEGEE. Mr. President, as appears on page 8803 of the CONGRESSIONAL RECORD of November 19, 1919, the Senate rejected the resolution of ratification offered by the Senator from Alabama [Mr. UNDERWOOD] to ratify the treaty as it stood, without any reservations or amendments, by a vote of 38 to 53, every Democrat who voted voting for it except the Senator from Missouri [Mr. REED], the Senator from Tennessee [Mr. SHIELDS], the Senator from Georgia [Mr. SMITH], the Senator from Colorado [Mr. THOMAS], the Senator from Florida [Mr. TRAMMELL], and the Senator from Massachusetts [Mr. WALSH], and one Republican voting for it, the Senator from North Dakota [Mr. McCUMBER]. On the resolution of ratification proposed by the Senator from Massachusetts [Mr. LODGE], the resolution of ratification was rejected by a vote of 39 to 55; so that the attempt to ratify the treaty was rejected by the Senate both with reservations and without them.

If that treaty was not rejected, it never can be rejected. Is it so that any treaty that is presented here must be ratified, whether two-thirds of the Senate agree to it or not? How can the Senate reject a treaty if it has not rejected that treaty?

The Senator from Massachusetts [Mr. LODGE] appeared here a few days ago and, although he was not in the vote of the House, moved to reconsider the action of the Senate. A point of order was made that he was not in the vote of the House, and therefore was ineligible to make the motion, and the point of order was overruled by the Chair, although it is a clear rule of parliamentary law. Now we are dealing with this matter, if we are dealing with it at all, in a totally irregular and unwarranted way. The treaty stood rejected. We can only act on a treaty by resolution. All sorts of resolutions to ratify the treaty were voted down. The Chair announced in each case that they had been rejected for lack of a two-thirds vote. The Senator from Massachusetts announced to the Senate that the treaty was dead. Before that he notified the Democrats that if they voted against his reservations the treaty was dead. The Democrats to whom I have referred received a letter from the President stating that the reservations adopted by the Senate nullified the treaty and advised them to kill it, which they did. It seems that the only thing that does not stay dead when it is dead is a treaty, especially if it is to involve the United States in Europe, Asia, and Africa against the will of the people of the United States. It has more lives than a cat.

Mr. President, the Senate, after months of debate in a dignified way and in a constitutional way, adopted what are known as the Lodge reservations. They were the reservations agreed upon and recommended by the Committee on Foreign Relations of this body. The chairman of the committee, the Senator from Massachusetts [Mr. LODGE], was instructed by the committee to report them and to advocate them. He did so; and the Senate agreed with him and with the committee and made them its action. Then, under the rule of the Senate, they were incorporated in the resolution of ratification, and the resolution was rejected. That action became the action of the Senate of the United States in the eyes of all the world. Every foreign power took notice of it. All the world knew that the United States Senate had determined upon its line of policy. Lord Grey, who had been here looking over the situation for several months, went home and wrote a letter to the London Times in which he stated that any European power that dealt with the United States hereafter was put upon notice that it must deal with it upon the terms prescribed by the Senate of the United States in those Lodge reservations. They were the solemn, deliberate announcement by this body of the foreign policy of the United States. They were the conditions upon which we were to do business with Europe; and everybody knows they are the conditions upon which Europe will have to transact business with us if we enter any such thing as this proposed League of Nations.

Now, without any further action of the Committee on Foreign Relations, the Senator from Massachusetts, having under the ruling of the Chair gotten this matter before the Senate again, proceeds to offer amendments—not the committee amendments—proceeds to try to modify the well-considered and deliberate action of the Senate taken by a majority vote after due debate upon each and every reservation. I do not know how many more modifications there are. If the Senate believed in those reservations then, why does it not stand for them now? Are we going to get anywhere by proceeding to pull to pieces the reservations that the Senate adopted, and that have been taken notice of by Europe, and that they say they are ready to accept? If we believe in them, and they are ready to accept them, what is all this talk about compromising worth? What is all this talk about compromise anyway? Whom are we compromising with but with ourselves? Is anybody talking about the President compromising? Not on your life! He stands pat. He, at least, knows his mind. He probably has some principle about his attitude. He has some conviction about it. He wrote a letter to be read at the Jackson Day dinner, saying that he would not accept these reservations. Will the Senate stand by its own action?

If the President should come to the Senate, his partner in the treaty-making business, and say, "Here, we differ about this thing; let us compromise it," that would be one thing. That has not happened, and will not happen. But here a majority of the Senate, having expressed its will in a constitutional manner, is approached by the minority of the Senate and told, "Here, we have been beaten about this thing. Now, let us compromise. You give us half of what you won." What is the quid pro quo? Where does the compromise come in?

I have a fight with a fellow as to the ownership and possession of a box of oranges, and I thrash him, and I am walking away with my box of oranges, and the loser comes up to me and says, "I will compromise with you for half of them." I may be obtuse, Mr. President, but I have some sort of Yankee notion about trading, and I do not see what I get out of that kind of a trade.

Here we are frittering away time about a lot of irrelevant and immaterial little verbal modifications of some very essential things. Everybody knows that they do not amount to anything except to render the Senate ridiculous if it proceeds to strike out and insert words merely for the purpose of finding synonyms for the words already in the reservations. Everybody can take these 14 reservations and express them in different forms of words. There is not one of them but that any Senator on this floor can twist around and re-form so as to mean exactly the same thing, and use some different words in doing so. Has it come to that, that the Senate wants to present that kind of a spectacle to the world? Everybody knows that this is nothing but leather and prunella. It is nothing but a vain performance and a sham. Somebody is trying to commit a fraud, to perpetrate a deception upon somebody. That is all there is to it.

Everybody knows that it does not make any difference how many different words you use to express the same idea, or how much you change the great majority of these reservations in minor details. There are two cruxes in this situation, and everybody admits that they will not be changed. We are not going to sell the Monroe doctrine to Europe, nor to abandon it, and we are not going to assume one iota of the obligations of article 10—not a scintilla. You may as well face that right now. I suppose it is thought to be good strategy to make as many changes as possible in these sine qua nons and these reservations in the hope that the Senate will get in a changing mood and will not know when to stop. Well, they will know all right, Mr. President. The Senate may not be such an intelligent body as it used to be, but I take the liberty of prophesying that it will know when a change is proposed in the substance of article 10.

The Senator from Nebraska [Mr. HITCHCOCK], who has been perfectly frank about this matter, so far as I know, in his utterances of what went on in this unofficial tentative compromising assembly which was engineered and the proceedings of which were kept secret, stated openly to the newspapers right straight along that you could not fool him, that there had to be a real substantial concession in the reservation to article 10, or else there would be no agreement whatever to ratify the treaty. I think very likely he is right.

Are we going to make a real substantial concession in the reservation to article 10? No; we are not, and everybody knows it. The Senator from Nebraska knows it. Why prolong this autopsy, Mr. President? It can not be for the mere physical delight of pawing over the remains. We might just as well order the disinfectant now and get this ghastly sight out of the way. Everybody knows that we are not going to put this country into this foreign League of Nations except with the reservations that the Senate put on it. If the advocates of the ratification of the treaty want to accept those reservations they can accept them, and if they are afraid of the responsibility of saving their country they can put it up to the President. If he thinks he wants to strangle his own child and has the courage to do it, he can refuse to file the instrument of ratification. Everybody will then know exactly who did it. On the contrary, if he wants to accept the Lodge reservations he can have a chance to do so.

So far as I am concerned, Mr. President, the reservations that the Senate has already adopted are good enough for me. I voted for them once. I shall vote for them again if I have a chance.

The only inconsistency or apparent inconsistency in which I find myself on the first proposed compromise modification to the irreducible minimum is that it happens to be one that will enable us to get out of this thing more easily if we are ever trapped into it, and therefore I have a certain sort of respect for it and a certain desire to vote for it. I would vote to give the doorkeeper the right to withdraw us from the league. So I rather dislike to vote against this because it gives more people the right to get us out if we ever should get in, but I feel that it would not be consistent with my attitude as a member of the Committee on Foreign Relations that voted for the reservations as they stand, which the Senate has made its own by its action, and having succeeded in persuading the Senate that what the Foreign Relations Committee recommended to it was wise and good, I do not want to proceed to tear it down now. This process, if it is to go on, must be continued by others than myself. Therefore I for one shall vote against any proposed modification put forward under the fraudulent name of a compromise.

Mr. LODGE. Mr. President, I had something to do with the drafting of these reservations. I voted for them and I voted to ratify with them. I think I am as much interested in them and in their preservation, as far as the personal part of it goes, as almost anyone.

In stating what has happened parliamentarily the Senator from Connecticut [Mr. BRANDEGEE] omitted one incident, and that was the suspension of Rule XIII. The treaty was rejected by the Senate both without any reservations and with the reservations that happen to bear my name. Unfortunately we did not have a majority which would have enabled us to send that action of the Senate to the President. The treaty remained here.

Last November, on the 18th, it was stated by me that if there were any modifications which the other side desired to propose we should be glad to receive them if they were presented before the next day when the vote was to come. None were presented and we went to the vote.

After Congress came together again I stated more than once that if the minority on the reservations desired to present modifications, of course we would listen to them and consider them. I said that in the Senate and I said it in the press. Some weeks passed and finally I was asked by a Democratic Senator to meet certain other Democratic Senators and discuss modifications which they wished to suggest, and I and three other Republican Senators met with them.

Mr. President, I did not feel then and I do not feel now that I would have been justified either in my own opinion or in the opinion of the country if I had simply slammed the door in the face of the Senators who desired to suggest modifications and had stated that we would not even listen to them. We did listen to them. We talked the propositions over for several days. I took occasion to make a public statement that we were ready to make changes in phraseology, but that there were certain questions of principle on which there could be no change, and to that position I at least have adhered.

The country I believe desired action. The country, I also believe, by a very overwhelming majority, practically almost unanimously, were against the ratification of the treaty without reservations, and by an overwhelming majority were in favor of ratifying the treaty with reservations.

My endeavor was, as I have sought all along, to ratify the treaty with reservations that I considered would protect the United States. To make another effort in that direction I therefore took the only course which was open to me to bring the treaty again before the Senate. The treaty was still lying here. I moved to suspend Rule XIII. By suspending that rule against reconsideration it was then open to me to move to reconsider the last vote taken. That was the vote on the motion which I made to lay upon the table the motion to reconsider.

I made the motion to reconsider. I was entitled to make it because I voted with the prevailing side; and I also was entitled to make it because Rule XIII had been suspended—the whole rule. If Senators will take the trouble to read that rule they will see that it suspends everything connected with the rule relating to reconsideration. In that way I brought the treaty back and I believe I did it correctly and in a parliamentary way.

The bipartisan conference, as it was called, broke off on the two reservations comprising the Monroe doctrine and article 10, on which we declined to make any change involving a principle, and so far as the bipartisan conference goes that remains now as it did then.

Then on my own responsibility, not in behalf of the committee, I printed and offered certain changes which I proposed in the reservations as they stood. Most of those changes are changes of phraseology. Three of them are changes which I think ought to have been made in the reservations originally. Personally I was never satisfied with the manner in which we provided for the assent of other powers in what is known as the preamble, but it is really the resolving resolution.

I also thought that article 14 needed perfecting; that it was deficient. I also felt that the first reservation as it stood did not carry out the intention of the Senate when it put it on by a majority vote.

Mr. HITCHCOCK. When the Senator refers to article 14 he means reservation 14?

Mr. LODGE. I meant reservation 14. I thank the Senator.

Those are substantive changes which I should have liked to have made on the 19th of November if I had had the opportunity. The others were changes in phraseology; they seemed to me unimportant. I have mentioned the three that seemed important. The others seemed to me unimportant, but if they would serve by a simple change of phraseology to enable us to ratify the treaty in the Senate and put the responsibility for further action upon where it belongs I was ready to do it.

Mr. President, the changes which I have proposed are before the Senate. I think I am as much attached to them even as those who voted against them when it came to the question of ratification. I think I am as desirous of keeping them as they are. They have acquired a sanctity with some of my friends which they did not have, I think, until after the 19th of November. But there they are. If they will help us to ratify the treaty, I am willing to support them, but further I can not go. I can never assent to any change in principle in the two reservations relating to the Monroe doctrine and article 10. The purpose of article 10 is to free the United States from any obligation whatever of any name or nature, and if it is less than that—I can only speak for myself—I can not vote for it. I say the same of the Monroe doctrine. But if by adopting the other reservations which are proposed, some of which I regard as improvements, we can secure a two-thirds vote of the Senate, I should be glad to do it and get it out of the way.

It is going to be in the campaign, as the Senator from Idaho [Mr. BORAH] said yesterday. No matter what we do, we are not going to take it out of the campaign. How idle it is to think that it is coming out of the campaign. Here is the convention of the great State of New York which has met and put in elaborate statements in regard to it. That will be the position of the Republican Party when it meets in Chicago, in my judgment. We are not going to get it out of the campaign. I should like to have the Senate dispose of it if I can. If I can not, if Senators on the other side are going to insist that there shall be a substantial change in article 10 or a substantial change on the Monroe doctrine, we can save the time of the Senate by settling that now and dropping it, and letting it lie here as it has lain before, in a state of semianimation.

That, Mr. President, has been what I have tried to do, and tried honestly to do, and I am ready to go on and make the effort, but I think it only fair to the country and to the Senate to have it understood that the votes are not here to ratify the treaty with substantial changes in article 10 and on the Monroe doctrine.

Mr. ASHURST. Mr. President, from my viewpoint the Senator from Massachusetts [Mr. LODGE] has political sins for which he should be called to answer, but his manful and successful attempt to bring the peace treaty again before the Senate is not a political sin for which he will have to answer. He acted the part of the statesman in trying to bring the treaty to life.

I am supposed to be a politician; and, indeed, I am, or I would not be here. I say to my brother Senators that when you lose the art of being a politician you will also lose your seat in the Senate.

This is a political Republic, governed by political parties. The Constitution when framed made no reference to political parties, but they grew and developed, and they will exist here because of the very logic of events and the necessity of the occasions. Men die; they pass away; their voices are silenced; but a vital principle should live on, and it can only be galvanized into an actuality by a political party. The individual does not live long enough; he has not the strength to address the necessary people in the course of an ordinary lifetime to bring about a reform in a government of this extent except through a political party.

I have heard considerable animadversion from the Senator from Connecticut [Mr. BRANDEGEE], my learned friend to whom I always listen with delight, upon men who change their minds. I hold no brief for the President of the United States. He is well able to take care of himself. He has not forced me into supporting the treaty; he has forced nobody; but I respectfully assert that he is the only man in the United States that can not change his mind on this treaty until we act. He put his name, in the presence of his fellow workers, to a solemn treaty. How ridiculous, how foolish, for him now to begin "dickering" and bargaining with the Senate and to say, "Make certain changes and I will try to compromise with our allies."

The President of the United States, I repeat, as I said on the 23d of January, will be the most delighted individual that ever sat in the presidential chair when we announce to him that we are able to do something on this treaty without asking his nod of approval. Men respect you in this world only in so far as you respect yourself. The President did his duty as he saw it, and I believe no more conscientious man ever existed in any particular work than he was when he was doing that duty. He believed what he was doing was right. Let the Senate, therefore, express itself and ratify the treaty in some form so that he may have a chance again to make some diplomatic stroke that will begin to let our country liquidate the Great War.

Change our minds? Certainly we change our minds. Are we going to remain static and fixed in spite of everything? "If we restrain our necessary action for fear of being laughed at, or carped at, we shall take root here where we sit or sit staid statues only."

I knew a man, one of the greatest men the Southwest ever produced, who boasted throughout the Pacific coast that he never changed his mind. He took a journey into the mountains. He was a botanist and naturalist. On that journey he discovered on the mountain top a red berry which he ate, a cool, refreshing, delicious, sweet berry. He announced he was going to have the bushes transplanted to the valley where he lived and declared he would send some samples to his friends that they might partake of that cool, sweet, refreshing, delicious berry. Inside of four hours he was prostrate upon a bed of pain. Physicians were sent for, a trained nurse was sent for, and for two weeks that man who boasted that he never changed his mind hovered between life and death from the effects of that berry so sweet and delicious to the taste. Through the efforts of his physicians he finally regained his strength.

He changed his mind about the berry, Mr. President. He concluded that he would not advise his friends to eat of it; that he would not ask them to grow it upon their own farms and vineyards for their own use; but he made another discovery, for he found that the use of this berry had relieved him of a disease which for 20 years had fastened itself upon him, and that that berry was a specific for that disease. So he changed his mind about the berry the second time, Mr. President, and he did not ask that the berry be entirely banished from Pharmacopœia, but asked that the berry be retained therein. So here in the Senate and in all departments of life we change our minds when facts are presented justifying such action. We should act upon the situation as it presents itself to our views to-day.

Mr. MYERS. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. Certainly.

Mr. MYERS. I want to ask the Senator if he has been eating any of those berries? [Laughter.]

Mr. ASHURST. I prefer to regale myself on the oranges which the Senator from Connecticut did not get. If I do eat a berry and find that it is poisonous, I change my mind. If I later find that it is a medicine, I again change my mind. Therefore I commend the attitude of the Senator from Massachusetts, who sought again to bring the treaty before the Senate. Sir Oliver Lodge avers that he can bring back departed spirits, and I presume there is many a dry soul who wishes that he could [laughter]—and we should like to see Sir HENRY CABOT LODGE call the departed spirit of this treaty, because the American people are not now paying attention to politics. Talk candidates to them, and you get nowhere; talk principles, and audiences will listen.

Mr. THOMAS. Does the Senator find any analogy between the case of the Senator from Massachusetts, in reviving this treaty, and the proceedings of the other Mr. Lodge in summoning the spirits of the departed back to earth?

Mr. ASHURST. There may not be much analogy, and it may be that the work of one is as futile as that of the other, but I regard the attitude of Senator HENRY CABOT LODGE as much more commendable than that of Sir Oliver Lodge, because the Senator at least is within the domain of possibilities.

But now, Mr. President, abandoning facetiousness, let me say too many men throughout this country to-day are talking about their rights and not enough men are talking about duties; too many people are trying to make a fortune and not enough are trying to do their duty to their country.

Let me merely read some figures, which I put into the RECORD in January, about what the French people have done. They have, in round numbers, but one-third of the population of the United States. Their battle losses, as compared to ours, were enormous. Within one year after the armistice France filled in 74,000,000 cubic yards of excavated earth; France built 900 miles of double-track road that had been destroyed and blown up during the war; France rebuilt 90 per cent of her single-track road, or over 500 miles that had been blown up during the war; France had 1,100 bridges and tunnels destroyed during the war, and she has rebuilt 550 of them within a year after the armistice. She has built 60,000 stone houses and has 96,000 more in the process of reconstruction. She had 500,000 destroyed during the war. I have here other figures which I shall not take the trouble just now to read. France has demonstrated a resiliency, a bravery, and a courage in the arts of peace just as she demonstrated bravery and resiliency and courage in the war that were beyond the range of eulogy.

But here this great Senate is not able to ratify any kind of a peace treaty, because a large number of Senators, forsooth, want to ratify it only in the precise way the President thinks it should be ratified, and a large number of other Senators—"irreconcilables," so called—want no treaty at all. What are the facts? Eighty Senators want a treaty. There were roll calls which demonstrated on the 19th of last November that only 15 Senators opposed any kind of ratification. There were 38 Senators who were in favor of an unconditional ratification; that is, without amendments or reservations; there were 39 Senators who voted for the ratification of the treaty with the Lodge reservations; and, upon a reconsideration, 41 Senators voted for the ratification of the treaty with the Lodge reservations; and 41 Senators voted for the ratification of the treaty with the Hitchcock reservations.

I desire now to salute and pay my tribute of respect to the leader on this side of the Chamber, the Senator from Nebraska [Mr. HITCHCOCK]. He has with courage and prudence led this side. Let him now lead further and ask his fellow Democrats to vote their convictions and not the White House convictions. We shall then have a treaty ratified in 50 hours.

The White House! No man has a greater veneration for the work of Woodrow Wilson than have I. Senators, when we have left these seats forever, when the record of our time is gathered into history's golden urn and our voices are silent, when we are but forgotten dust, Woodrow Wilson's name will shine resplendently among the moral leaders of the world; he will go down into history as a moral leader whether his league fails or functions. Let us in these stirring times do something to convince the people that we also are attempting to be leaders and Senators worthy of a great Republic by not listening to what the White House says. We were not sworn to come here and, in the case of a treaty, do what the White House says. I am as good a Democrat as ever sat here, but I do not consider that it is a part and province of my Democratic duty to vote for the ratification of a treaty only when the White House says so. I repeat, if we will vote our own convictions instead of Woodrow

Wilson's convictions, we shall soon convince the people that we can meet responsibilities.

The Senator from Massachusetts takes an attitude that is unbecoming to him; he serves notice that with the Lodge resolutions is the way in which the treaty must be ratified. Does he also want to join the irreconcilables? Are we to have a White House irreconcilable and a Lodge irreconcilable and a set of irreconcilables fifteen in number?

There will be enough irreconcilables next election day. Senators keep talking about the elections. Are we so stupid and bereft of knowledge that we have forgotten that the way to win elections is to do our duty; that the way to win esteem is to do our duty? You can not convince the people that the Senate has done its duty when we remember that this treaty has been here since about the 10th or 12th day of July last.

Mr. Hoover is a man who, I think, will never be President. [Laughter.] He is a man whom I do not think my party will nominate, because he will not commit himself to either party; and no man is going to be President unless he is either a Democrat or a Republican. But let Mr. Hoover announce that he is a Republican and believes in the Republican Party, or let him announce that he is a Democrat and believes in the Democratic Party, and he will be the next President; not because he can write history, not because he has a pleasing personality, not because he is a politician, as I am and you are, but because he belongs to that rare and that valuable kind of men whose greatness is the arduous greatness of things done and not the greatness of things talked about. "Seest thou a man diligent in his business? He shall stand before kings"; meaning, of course, that any man who does the duty of the hour is the man who is made the king's servant.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. ASHURST. I do.

Mr. FRANCE. In the remark which the Senator just made was he referring to the reduction of the high cost of living by Mr. Hoover?

Mr. ASHURST. I will say that I have not agreed with Mr. Hoover in all of his views. I am not very enthusiastic about Mr. Hoover as a Democratic candidate for the Presidency, because I do not feel sure that I favor a food dispenser to sit and preside at the pie counter; but Mr. Hoover performed more intelligent and more constructive work in the way of food conservation during the recent war than any other individual in the United States or in Europe.

I feel it is the duty of the Senate to act. Some Senators rend the air with their shoutings when they find a split infinitive. I am not going to be afraid to act or recalcitrant because I find a split infinitive here or there. I want constructive action.

Senators on the other side are in charge of this Congress. You have not made a good record. You have not had a complete chance as yet, for the book is not closed. I have not so much to brag about myself, but your record is poor. What have you done for the private soldier? You have treated him like a Chinese gambler; you have done nothing. Where is the soldiers' homestead bill? Where is the bill appropriating $250,000,000 for building the irrigation projects of the West? Yes; $250,000,000 is a tremendous sum, but it is just the amount of money that the United States has saved by preventing the sale of the ex-German ships. I want that to go out to the reclamationists of the West.

I repeat, you have not made a good record, but the books are still open, and I warn you now that if you think you are going to carry the next election by a traduction of Woodrow Wilson you will be sadly disappointed. The way for political parties to win victories that are enduring, and the way for men to win victories that are worth the winning, is to do something for the common people of this country.

I have read to you what France has done. That showing means that France, with one-third of the population of this country, has done more work than we have done. Ponder upon that! France, with one-third of our population, has done more work than we have done. While we have talked, they have worked. I ask the leadership on the other side to bring out the bill, not appropriating but lending $250,000,000 to the great, wonderful West to reduce the high cost of living, and we in the Western States will pay it back in 10 years. Bring out a bill showing the private soldier that you have remembered his services with gratitude and that you have refuted the statement that Republics are ungrateful. Pass those bills before you begin to talk about leadership or capitalizing Wilson's mistakes if he has made any.

Mr. President, I should not consume so much time, but I never felt more earnest about a situation than I feel now. This great Sanhedrin, the Senate, should have disposed of the treaty in one month, but here the treaty is before us and we make no forward move. We should be keeping pace with the hour. When Senators go out and face audiences they will be utterly amazed, they will be utterly paralyzed, to find that the Senate has been traduced all over the country because of the fact that, although 80 of us want some kind of a treaty, we have been unable to agree. I "speak by the book" when I say that Woodrow Wilson will be a delighted individual when we send this treaty back to him ratified in some form. Mark that. I say I speak by the book. I do not mean by that I have been told by anybody at the White House that he will be delighted to see this treaty out of the way; but is there a Senator here who would deny my statement? The President will be delighted to see us act, to see us function; he will be delighted to know that we can act upon occasions.

Now, let us face a few facts as they exist. The treaty as it came from Versailles can not be ratified. Whether it should be ratified or not in that form is beside the question; it can not be ratified in that form. What is the duty of this side, therefore? The duty of this side is to vote for such reservations or changes as will bring about the ratification of the treaty. I conceive it, accordingly, to be my duty to vote for reservations or amendments that will bring about an early ratification of the treaty.

The great European war sprang from an ultimatum which was delivered to Serbia. It may be that history never repeats herself; but I see portentous things on the horizon. An ultimatum was again delivered to Jugo-Slavia, greater Serbia, the other day, in which she was told by the premiers of Great Britain, France, and Italy that the treaty of London would be enforced and that Italy would be supported. That may look like a small matter, but just so it also looked small about the 25th or 26th day of July, 1914, when the previous ultimatum was delivered to Serbia. Yet here we sit, and although certain Governments in Europe are again beginning to serve ultimatums on other Governments, and the very Government that was overrun and to which the ultimatum was served in 1914 is receiving another ultimatum, we are not moved to action; we see no reason to hurry in our duty; we see no reason to perform our functions; we think there is no occasion for action.

We still remain at war with Germany and make no forward move, sleepy, somnolent, thinking only of politics, thinking only of what political prestige this party or that party is going to get out of the treaty.

I agree with all the statements that have been made to the effect that the treaty can not be kept out of politics; that it is going to get into politics; that, indeed, it is in politics now. But we can a least do this: We can ratify it and send it to the President. Then our responsibility has ended, our duty has been performed.

Mr. President, I am going to end these remarks with a story that I once read. I have forgotten where I read it, but it seems apropos. I have been trying to recall whether it was Addison or Macaulay who told the story. I think it was Addison, but if I am wrong the Senator from the center of culture and estheticism, the Senator from Massachusetts [Mr. LODGE], will correct me.

There was an upholsterer who kept a coach and servants, whose house furnished forth a good fare, and who was educating his family in accordance with the best traditions, but suddenly he conceived the idea that he could instruct people as to what ought to be done in Holland and what ought to be done in Prussia and what ought to be done in Russia, and he neglected his shop so completely, talking about what ought to be done in Holland and what ought to be done in Russia and in Prussia and in France, that his customers began to fall away. Still he lingered over his favorite theme of upholstering foreign nations, and instead of taking care of his own upholstering business in the way that he should, he insisted upon upholstering France, upholstering Prussia, and upholstering Russia. His customers continued to fall away, poor workmanship came out of his shop, and finally he found himself a bankrupt. The family coach and the family plate were sold; his eldest daughter, who was attending college, was required to come home; and his son was apprenticed out as an indentured servant to another man—all because he insisted upon upholstering Spain and Holland and Prussia and Russia and neglected his own affairs. Here we sit insisting upon upholstering Jugo-Slavia, insisting upon upholstering all of the foreign countries of the earth, and 110,000,000 of the best people on earth are entirely neglected by us. Let us begin now to take care of legislation for the American people and stop upholstering foreign nations.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. HITCHCOCK. I should like to have it stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In the reservation offered by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee, before the word "resolution," it is proposed to strike out "concurrent" and in lieu thereof to insert "joint," so that if amended it will read:

And notice of withdrawal by the United States may be given by a joint resolution of the Congress of the United States.

Mr. LODGE. Mr. President, that makes no change in the existing law. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Secretary will call the roll upon the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Massachusetts.

The Assistant Secretary proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS] and therefore withhold my vote.

Mr. EDGE (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the junior Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife, and I have promised to take care of him during his absence. Therefore I must withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). My colleague [Mr. SMITH of South Carolina] is detained by illness. He is paired with the Senator from South Dakota [Mr. STERLING].

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea" on the amendment of the Senator from Nebraska.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I find that I can transfer my pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE], and I do so and will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted. I therefore transfer my pair with him to the junior Senator from Massachusetts [Mr. WALSH] and will allow my vote to stand.

Mr. BECKHAM (after having voted in the affirmative). Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The PRESIDENT pro tempore. He has not.

Mr. BECKHAM. I have a pair with that Senator. In his absence I withdraw my vote.

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I note that he is absent from the Chamber. I transfer that pair to the Senator from California [Mr. PHELAN] and will let my vote stand.

Mr. KIRBY. I have a general pair with the senior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. ASHURST. My colleague, the Senator from Arizona [Mr. SMITH], is absent on the business of the Senate; that is, he is a member of the committee investigating Mexican affairs.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Alabama [Mr. BANKHEAD] with the Senator from Missouri [Mr. REED]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 26, nays 38, as follows:

YEAS—26.

Ashurst	Harrison	Kirby	Robinson
Chamberlain	Henderson	McKellar	Sheppard
Culberson	Hitchcock	Myers	Simmons
Fletcher	Johnson, S. Dak.	Nugent	Trammell
Gay	Jones, N. Mex.	Overman	Walsh, Mont.
Glass	Kendrick	Pittman	
Harris	King	Ransdell	

NAYS—38.

Ball	Fernald	Keyes	Poindexter
Borah	France	Knox	Shields
Brandegee	Frelinghuysen	Lenroot	Smith, Ga.
Capper	Gore	Lodge	Smoot
Colt	Gronna	McLean	Spencer
Cummins	Hale	McNary	Townsend
Curtis	Johnson, Calif.	Moses	Warren
Dillingham	Jones, Wash.	Nelson	Watson
Edge	Kellogg	New	
Elkins	Kenyon	Norris	

NOT VOTING—32.

Bankhead	McCormick	Pomerene	Sutherland
Beckham	McCumber	Reed	Swanson
Calder	Newberry	Sherman	Thomas
Dial	Owen	Smith, Ariz.	Underwood
Fall	Page	Smith, Md.	Wadsworth
Gerry	Penrose	Smith, S. C.	Walsh, Mass.
Harding	Phelan	Stanley	Williams
La Follette	Phipps	Sterling	Wolcott

So Mr. HITCHCOCK's amendment to Mr. LODGE's amendment was rejected.

The PRESIDENT pro tempore. The question now recurs upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to reservation No. 1.

Mr. LODGE. Mr. President, this is Saturday evening, and we have nearly reached the hour of 5 o'clock. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate adjourn. [Putting the question.] By the sound the yeas seem to have it.

Mr. FLETCHER. I call for a division.

On a division, the Senate refused to adjourn.

The PRESIDENT pro tempore. The question recurs upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to reservation No. 1, upon which the yeas and nays have been ordered. The Secretary will state the reservation as proposed to be amended.

The ASSISTANT SECRETARY. As proposed to be amended, the first reservation would read:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by the President or by Congress alone whenever a majority of both Houses may deem it necessary.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. SUTHERLAND]. In his absence I withhold my vote.

Mr. DIAL (when his name was called). I have a pair with the Senator from Colorado [Mr. PHIPPS] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. EDGE (when his name was called). Making the same announcement that I made before as to the transfer of my pair, I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. As he is absent, I transfer that pair to the senior Senator from California [Mr. PHELAN] and vote "nay."

Mr. HARRIS (when his name was called). Making the same announcement as before in regard to my pair and its transfer, I vote "nay."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], which I transfer to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. JONES of Washington (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON]. I find that I can not make a transfer on this vote, and I therefore withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement as to the transfer of my pair that I made on the last vote, I vote "nay."

Mr. KIRBY (when his name was called). Making the same announcement as to the transfer of my general pair with the senior Senator from New York [Mr. WADSWORTH] to the junior Senator from Arizona [Mr. SMITH], I vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE'S name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent on account of illness. If he were present, he would vote "nay."

Mr. MCNARY (when Mr. MCCUMBER'S name was called). The senior Senator from North Dakota [Mr. MCCUMBER] is absent on account of illness in his family. He is paired with the Senator from Colorado [Mr. THOMAS]. I was requested by him to state that if he were present he would vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I make the same announcement with reference to my colleague [Mr. SMITH of South Carolina], who is paired with the Senator from South Dakota [Mr. STERLING]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair as on the previous vote, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. THOMAS (when his name was called). Owing to the absence of my pair, the Senator from North Dakota [Mr. MCCUMBER], I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from Delaware [Mr. WOLCOTT] to the Senator from Vermont [Mr. PAGE] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). Making the same announcement as on the former vote and transferring my pair with the Senator from Maryland [Mr. SMITH] to the Senator from Massachusetts [Mr. WALSH], I will let my vote stand.

Mr. PAGE entered the Chamber and voted in the affirmative.

Mr. WATSON (after having voted in the affirmative). The Senator from Vermont [Mr. PAGE] having voted, I withdraw the transfer of my pair to him and withhold my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Alabama [Mr. BANKHEAD] with the Senator from Missouri [Mr. REED]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 32, nays 33, as follows:

YEAS—32.

Ashurst	Edge	Kenyon	New
Ball	Elkins	Keyes	Page
Capper	Fernald	Lenroot	Shields
Chamberlain	Frelinghuysen	Lodge	Smith, Ga.
Colt	Gore	McLean	Smoot
Cummins	Hale	McNary	Spencer
Curtis	Henderson	Myers	Townsend
Dillingham	Kellogg	Nelson	Warren

NAYS—33.

Borah	Harrison	McKellar	Robinson
Brandegee	Hitchcock	Moses	Sheppard
Culberson	Johnson, Calif.	Norris	Sherman
Fletcher	Johnson, S. Dak.	Nugent	Simmons
France	Jones, N. Mex.	Overman	Trammell
Gay	Kendrick	Phelan	Walsh, Mont.
Glass	King	Pittman	
Gronna	Kirby	Poindexter	
Harris	Knox	Ransdell	

NOT VOTING—31.

Bankhead	La Follette	Reed	Thomas
Beckham	McCormick	Smith, Ariz.	Underwood
Calder	McCumber	Smith, Md.	Wadsworth
Dial	Newberry	Smith, S. C.	Walsh, Mass.
Fall	Owen	Stanley	Watson
Gerry	Penrose	Sterling	Williams
Harding	Phipps	Sutherland	Wolcott
Jones, Wash.	Pomerene	Swanson	

So Mr. LODGE'S amendment to the committee reservation No. 1 was rejected.

The PRESIDENT pro tempore. The question now recurs upon reservation No. 1 as reported by the committee. It will be read.

The Assistant Secretary read as follows:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Assistant Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same announcement that I made on the last roll call with reference to my pair, I withhold my vote.

Mr. EDGE (when his name was called). Making the same announcement that I previously made with reference to my pair and its transfer, I vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement with regard to my pair and its transfer, I vote "nay."

Mr. HENDERSON (when his name was called). Making the same announcement regarding my pair and transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). I have a general pair with the Senator from Virginia [Mr. SWANSON]. I find that I can transfer that pair to the Senator from Wisconsin [Mr. LA FOLLETTE], which I do. I vote "yea."

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair and transfer, I vote "nay."

Mr. KIRBY (when his name was called). Making the same announcement of my general pair with the senior Senator from New York [Mr. WADSWORTH] and its transfer, I vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE'S name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. On this vote, by a transfer of pairs, he is paired with the senior Senator from Virginia [Mr. SWANSON]. If present, on this question the Senator from Wisconsin would vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I make the same announcement with reference to the pair of my colleague as on the previous vote. If present, my colleague would vote "nay."

Mr. STERLING (when his name was called). Making the same announcement with reference to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote. If I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Massachusetts [Mr. WALSH]. I vote "yea."

Mr. DIAL. I transfer my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. MCCUMBER] to the junior Senator from Mississippi [Mr. HARRISON] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Alabama [Mr. BANKHEAD] with the Senator from Missouri [Mr. REED]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 45, nays 20, as follows:

YEAS—45.

Ashurst	Fernald	Keyes	Poindexter
Ball	Fletcher	Knox	Sherman
Borah	France	Lenroot	Shields
Brandegee	Frelinghuysen	Lodge	Smith, Ga.
Capper	Gore	McNary	Smoot
Chamberlain	Gronna	Moses	Spencer
Colt	Hale	Myers	Townsend
Cummins	Henderson	Nelson	Trammell
Curtis	Johnson, Calif.	New	Warren
Dillingham	Jones, Wash.	Norris	
Edge	Kellogg	Nugent	
Elkins	Kenyon	Page	

NAYS—20.

Dial	Johnson, S. Dak.	McKellar	Robinson
Gay	Jones, N. Mex.	Overman	Sheppard
Glass	Kendrick	Phelan	Simmons
Harris	King	Pittman	Thomas
Hitchcock	Kirby	Ransdell	Walsh, Mont.

NOT VOTING—31.

Bankhead	La Follette	Pomerene	Swanson
Beckham	McCormick	Reed	Underwood
Calder	McCumber	Smith, Ariz.	Wadsworth
Culberson	McLean	Smith, Md.	Walsh, Mass.
Fall	Newberry	Smith, S. C.	Watson
Gerry	Owen	Stanley	Williams
Harding	Penrose	Sterling	Wolcott
Harrison	Phipps	Sutherland	

So the committee reservation No. 1 was agreed to, as follows:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether

all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

Mr. LODGE. I move that the Senate as in legislative session adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 23, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 21, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, dear Lord, the higher ideals and give us the courage to put them in the common daily duties of life.

We realize that theory, be it never so beautiful, is but rubbish if it does not inspire the soul to higher, nobler life. A creed is but the expression of man's conception. Religion is the life of God in the soul.

Trust no Future, howe'er pleasant!
Let the dead Past bury its dead!
Act,—act in the living Present!
Heart within, and God o'erhead!

In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ABSENCE OF A QUORUM.

Mr. GARD. Mr. Speaker, a very important bill is to be taken up for consideration to-day. I make the point of order that there is no quorum present.

The SPEAKER. Does the gentleman wish a quorum for the reading of the statement on the conference report on the railroad bill or after the statement is read?

Mr. GARD. I will withhold it until after it is read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes."

The message also announced that the Vice President had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Labor Department.

RETURN OF THE RAILROADS—CONFERENCE REPORT.

The SPEAKER. Under the special order to-day the conference report on the railroad bill is under consideration.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN of Illinois. I think the report ought to be read, Mr. Speaker.

The SPEAKER. The full bill?

Mr. MANN of Illinois. It has never been read in the House.

The SPEAKER. Does the gentleman object?

Mr. MANN of Illinois. I do.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read the conference report.

Mr. ESCH. Mr. Speaker, will the gentleman from Illinois agree that the leading titles be read, such as Title II, relating to reconstruction legislation, and Title III, as to labor, and section 422, relating to the so-called standard return in section 6?

Mr MANN of Illinois. Well, Mr. Speaker, that might be perfectly satisfactory, but this bill, which is the most important bill, probably, that this Congress will pass, has never been read in the House in the shape it is in. It seems to me that a matter of such importance to be voted upon ought to be read.

Mr. GARD. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. ESCH]?

Mr. MANN of Illinois. I object.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further a nend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment, insert the following:

"TITLE I.—DEFINITIONS.

"SECTION 1. This act may be cited as the 'transportation act, 1920.'

"SEC. 2. When used in this act—

"The term 'interstate commerce act' means the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended;

"The term 'commerce court act' means the act entitled 'An act to create a commerce court, and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910;

"The term 'Federal control act' means the act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918, as amended;

"The term 'Federal control' means the possession, use, control, and operation of railroads and systems of transportation, taken over or assumed by the President under section 1 of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, or under the Federal control act; and

"The term 'commission' means the Interstate Commerce Commission.

"TITLE II.—TERMINATION OF FEDERAL CONTROL.

"SEC. 200. (a) Federal control shall terminate at 12.01 a. m., March 1, 1920; and the President shall then relinquish possession and control of all railroads and systems of transportation then under Federal control and cease the use and operation thereof.

"(b) Thereafter the President shall not have or exercise any of the powers conferred upon him by the Federal control act relating—

"(1) To the use or operation of railroads or systems of transportation;

"(2) To the control or supervision of the carriers owning or operating them, or of the business or affairs of such carriers;

"(3) To their rates, fares, charges, classifications, regulations, or practices;

"(4) To the purchase, construction, or other acquisition of boats, barges, tugs, and other transportation facilities on the inland, canal, or coastwise waterways; or (except in pursuance of contracts or agreements entered into before the termination of Federal control) of terminals, motive power, cars, or equipment, on or in connection with any railroad or system of transportation;

"(5) To the utilization or operation of canals;

"(6) To the purchase of securities of carriers, except in pursuance of contracts or agreements entered into before the termination of Federal control, or as a necessary or proper incident to the adjustment, settlement, liquidation and winding up of matters arising out of Federal control; or

"(7) To the use for any of the purposes above stated (except in pursuance of contracts or agreements entered into before the termination of Federal control, and except as a necessary or proper incident to the winding up or settling of matters arising out of Federal control, and except as provided in section 202) of the revolving fund created by such act, or of any of the additions thereto made under such act, or by the act entitled 'An act to supply a deficiency in the appropriation for carrying out the act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918,' approved June 30, 1919.

"(c) Nothing in this act shall be construed as affecting or limiting the power of the President in time of war (under sec-

tion 7 of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916) to take possession and assume control of any system of transportation and utilize the same.

"GOVERNMENT-OWNED BOATS ON INLAND WATERWAYS.

"SEC. 201. (a) On the termination of Federal control, as provided in section 200, all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called transportation facilities') acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act (except the transportation facilities constituting parts of railroads or transportaion systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued, and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the time above fixed for such transfer. All payments under the terms of such contracts, and for claims arising out of the operation of such transportation facilities by or through the President prior to the termination of Federal control, shall be made out of moneys available under the provisions of this act for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control. Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts.

"(b) All other payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds now or hereafter made available for that purpose.

"(c) The Secretary of War is hereby authorized, out of any moneys hereafter made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State whose constitution prohibits the ownership of such terminal facilities by other than the State or a political subdivision thereof.

"(d) Any transportation facilities owned by the United States and included within any contract made by the United States for operation on the Mississippi River above St. Louis, the possession of which reverts to the United States at or before the expiration of such contract, shall be operated by the Secretary of War so as to provide facilities for water carriage on the Mississippi River above St. Louis.

"(e) The operation of the transportation facilities referred to in this section shall be subject to the provisions of the interstate commerce act as amended by this act or by subsequent legislation, and to the provisions of the 'shipping act, 1916,' as now or hereafter amended, in the same manner and to the same extent as if such transportation facilities were privately owned and operated; and all such vessels while operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels, whether the United States is interested therein as owner, in whole or in part, or holds any mortgage, lien, or interest therein. For the performance of the duties imposed by this section the Secretary of War is authorized to appoint or employ such number of experts, clerks, and other employees as may be necessary for service in the District of Columbia or elsewhere, and as may be provided for by Congress.

"SETTLEMENT OF MATTERS ARISING OUT OF FEDERAL CONTROL.

"SEC. 202. The President shall, as soon as practicable after the termination of Federal control, adjust, settle, liquidate, and wind up all matters, including compensation, and all questions and disputes of whatsoever nature, arising out of or incident to Federal control. For these purposes and for the purpose of making the payments specified in subdivision (a) of section 201, all unexpended balances in the revolving fund created by the Federal control act or of the moneys appropriated by the act entitled 'An act to supply a deficiency in the appropriation for carrying out the act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918,' approved June 30, 1919, are hereby reappropriated and made available until expended; and all moneys derived from the operation of the carriers or otherwise arising out of Federal control, and all moneys that have been or may be received in payment of the indebtedness of any carrier to the United States arising out of Federal control, shall be and remain available until expended for the aforesaid purposes; and there is hereby appropriated for the aforesaid purposes, out of any money in the Treasury not otherwise appropriated, $200,000,000 in addition to the above, to be available until expended.

"COMPENSATION OF CARRIERS WITH WHICH NO CONTRACT MADE.

"SEC. 203. (a) Upon the request of any carrier entitled to just compensation under the Federal control act, but with which no contract fixing or waiving compensation has been made and which has made no waiver of compensation, the President: (1) Shall pay to it so much of the amount he may determine to be just compensation as may be necessary to enable such carrier to have the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of the standard contract between the United States and the carriers, accruing during the period for which such carrier is entitled to just compensation under the Federal control act, and also the sums required for dividends declared and paid during the same period, including, also, in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of the period for which the carrier is entitled to just compensation under the Federal control act bears to the last dividend period; and (2) may, in his discretion, pay to such carrier the whole or any part of the remainder of such estimated amount of just compensation.

"(b) The acceptance of any benefits by a carrier under this section—

"(1) Shall not deprive it of the right to claim additional compensation, which, unless agreed upon, shall be ascertained in the manner provided in section 3 of the Federal control act; but

"(2) Shall constitute an acceptance by the carrier of all the provisions of the Federal control act as modified by this act, and obligate the carrier to pay to the United States, with interest at the rate of 6 per cent per annum from a date or dates fixed in proceedings under section 3 of the Federal control act, the amount by which the sums received on account of such compensation, under this section or otherwise, exceed the sum found due in such proceedings.

"REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL.

"SEC. 204. (a) When used in this section—

"The term 'carrier' means a carrier by railroad which, during any part of the period of Federal control, engaged as a common carrier in general transportation, and competed for traffic, or connected, with a railroad under Federal control, and which sustained a deficit in its railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation; but does not include any street or interurban electric railway which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both; and

"The term 'test period' means the three years ending June 30, 1917.

"(b) For the purposes of this section—

"Railway operating income or any deficit therein for the period of Federal control shall be computed in a manner similar to that provided in section 209 with respect to such income or deficit for the guaranty period; and

"Railway operating income or any deficit therein for the test period shall be computed in the manner provided in section 1 of the Federal control act.

"(c) As soon as practicable after March 1, 1920, the commission shall ascertain for every carrier, for every month of the period of Federal control during which its railroad or system of transportation was not under Federal operation, its deficit in railway operating income, if any, and its railway operating income, if any, (hereinafter called 'Federal control return'), and the average of its deficit in railway operating income, if any, and of its railway operating income, if any, for the three corresponding months of the test period taken together, (hereinafter called 'test period return'): *Provided*, That 'test period return,' in the case of a carrier which operated its railroad or system of transportation for at least one year during, but not for the whole of, the test period, means its railway operating income, or the deficit therein, for the corresponding month during the test period, or the average thereof for the corresponding months during the test period taken together, during which the carrier operated its railroad or system of transportation.

"(d) For every month of the period of Federal control during which the railroad or system of transportation of the carrier was not under Federal operation, the commission shall then ascertain (1) the difference between its Federal control return, if a deficit, and its test period return, if a smaller deficit, or

(2) the difference between its test period return, if an income, and its Federal control return, if a smaller income, or (3) the sum of its Federal control return, if a deficit, plus its test period return, if an income. The sum of such amounts shall be credited to the carrier.

"(e) For every such month the commission shall then ascertain (1) the difference between the carrier's Federal control return, if an income, and its test period return, if a smaller income, or (2) the difference between its test period return, if a deficit, and its Federal control return, if a smaller deficit, or (3) the sum of its Federal control return, if an income, plus its test period return, if a deficit. The sum of such amounts shall be credited to the United States.

"(f) If the sum of the amounts so credited to the carrier under subdivision (d) exceeds the sum of the amounts so credited to the United States under subdivision (e), the difference shall be payable to the carrier. In the case of a carrier which operated its railroad or system of transportation for less than a year during, or for none of, the test period, the foregoing computations shall not be used, but there shall be payable to such carrier its deficit in railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation.

"(g) The commission shall promptly certify to the Secretary of the Treasury the several amounts payable to carriers under paragraph (f). The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States for the amount shown in such certificate as payable thereto. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"INSPECTION OF CARRIERS' RECORDS.

"SEC. 205. The President shall have the right, at all reasonable times until the affairs of Federal control are concluded, to inspect the property and records of all carriers whose railroads or systems of transportation were at any time under Federal control, whenever such inspection is necessary or appropriate (1) to protect the interests of the United States, or (2) to supervise matters being handled for the United States by agents of the carriers, or (3) to secure information concerning matters arising during Federal control, and such carriers shall provide all reasonable facilities therefor, including the issuance of free transportation to all agents of the President while traveling on official business for these purposes.

"Such carriers shall, at their expense, upon the request of the President, or those duly authorized by him, furnish all necessary and proper information and reports compiled from the records made or kept during the period of Federal control affecting their respective lines, and shall keep and continue such records and furnish like information and reports compiled therefrom.

"Any carrier which refuses or obstructs such inspection, or which willfully fails to provide reasonable facilities therefor, or to furnish such information or reports shall be liable to a penalty of $500 for each day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action to be brought by the United States.

"CAUSES OF ACTION ARISING OUT OF FEDERAL CONTROL.

"SEC. 206 (a) Actions at law, suits in equity, and proceedings in admiralty, based on causes of action arising out of the possession, use, or operation by the President of the railroad or system of transportation of any carrier (under the provisions of the Federal control act, or of the act of August 29, 1916) of such character as prior to Federal control could have been brought against such carrier, may, after the termination of Federal control, be brought against an agent designated by the President for such purpose, which agent shall be designated by the President within 30 days after the passage of this act. Such actions, suits, or proceedings may, within the periods of limitation now prescribed by State or Federal statutes but not later than two years from the date of the passage of this act, be brought in any court which but for Federal control would have had jurisdiction of the cause of action had it arisen against such carrier.

"(b) Process may be served upon any agent or officer of the carrier operating such railroad or system of transportation, if such agent or officer is authorized by law to be served with process in proceedings brought against such carrier and if a contract has been made with such carrier by or through the President for the conduct of litigation arising out of operation during Federal control. If no such contract has been made process may be served upon such agents or officers as may be designated by or through the President. The agent designated by the President under subdivision (a) shall cause to be filed, upon the termination of Federal control, in the office of the clerk of each district court of the United States, a statement naming all carriers with whom he has contracted for the conduct of litigation arising out of operation during Federal control, and a like statement designating the agents or officers upon whom process may be served in actions, suits, and proceedings arising in respect to railroads or systems of transportation with the owner of which no such contract has been made; and such statements shall be supplemented from time to time, if additional contracts are made or other agents or officers appointed.

"(c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the interstate commerce act, may be filed with the commission, within one year after the termination of Federal control, against the agent designated by the President under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under Federal control at the time the matter complained of took place. The commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the interstate commerce act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a).

"(d) Actions, suits, proceedings, and reparation claims, of the character above described pending at the termination of Federal control shall not abate by reason of such termination, but may be prosecuted to final judgment, substituting the agent designated by the President under subdivision (a).

"(e) Final judgments, decrees, and awards in actions, suits, proceedings, or reparation claims, of the character above described, rendered against the agent designated by the President under subdivision (a), shall be promptly paid out of the revolving fund created by section 210.

"(f) The period of Federal control shall not be computed as a part of the periods of limitation in actions against carriers or in claims for reparation to the commission for causes of action arising prior to Federal control.

"(g) No execution or process, other than on a judgment recovered by the United States against a carrier, shall be levied upon the property of any carrier where the cause of action on account of which the judgment was obtained grew out of the possession, use, control, or operation of any railroad or system of transportation by the President under Federal control.

"REFUNDING OF CARRIERS' INDEBTEDNESS TO UNITED STATES.

"SEC. 207. (a) As soon as practicable after the termination of Federal control the President shall ascertain (1) the amount of the indebtedness of each carrier to the United States which may exist at the termination of Federal control, incurred for additions and betterments made during Federal control and properly chargeable to capital account; (2) the amount of indebtedness of such carrier to the United States otherwise incurred; and (3) the amount of the indebtedness of the United States to such carrier arising out of Federal control. The amount under clause (3) may be set off against either or both of the amounts under clauses (1) and (2), so far as deemed wise by the President, but only to the extent permitted under any contract now or hereafter made between such carrier and the United States in respect to the matters of Federal control, or, where no such contract exists, to the extent permitted under paragraph (b) of section 7 of the standard contract between the United States and the carriers relative to deductions from compensation: *Provided*, That such right of set-off shall not be so exercised as to prevent such carrier from having the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of such standard contract, accruing during Federal control, and also the sums required for dividends declared and paid during Federal control, including, also in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of Federal control bears to the last regular dividend period: *And provided further*, That such right of set-off shall not be exercised unless there shall have first been paid such sums in addition as may be necessary to provide the carrier with working capital in amount not less than one twenty-fourth of its operating expenses for the calendar year 1919.

"(b) Any remaining indebtedness of the carrier to the United States in respect to such additions and betterments shall, at the request of the carrier, be funded for a period of 10 years from the termination of Federal control, or a shorter period at the option of the carrier, with interest at the rate of 6 per cent per annum, payable semiannually, subject to the right of such carrier to pay, on any interest-payment day, the whole or any part of such indebtedness. Any carrier obtaining the funding of such indebtedness as aforesaid shall give, in the discretion of the President, such security, in such form and upon such terms, as he may prescribe.

"(c) If the President and the various carriers, or any of them, shall enter into an agreement for funding, through the medium of car trust certificates, or otherwise, the indebtedness of any such carrier to the United States incurred for equipment ordered for the benefit of such carrier, such indebtedness so funded shall not be refundable under the foregoing provisions.

"(d) Any other indebtedness of any such carrier to the United States which may exist after the settlement of accounts between the United States and the carrier and is then due shall be evidenced by notes payable in one year from the termination of Federal control, or a shorter period at the option of the carrier, with interest at the rate of 6 per cent per annum, and secured by such collateral security as the President may deem it advisable to require.

"(e) With respect to any bonds, notes, or other securities, acquired under the provisions of this section or of the Federal control act or of the act entitled 'An act to provide for the reimbursement of the United States for motive power, cars and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes,' approved November 19, 1919, the President shall have the right to make such arrangements for extension of the time of payment or for the exchange of any of them for other securities, or partly for cash and partly for securities, as may be provided for in any agreement entered into by him or as may in his judgment seem desirable.

"(f) Carriers may, by agreement with the President, issue notes or other evidences of indebtedness, secured by equipment trust agreements, for equipment purchased during Federal control by or through the President under section 6 of the Federal control act, and allocated to such carriers respectively; and the filing of such equipment trust agreements with the commission shall constitute notice thereof to all the world.

"(g) A carrier may issue evidences of indebtedness pursuant to this section without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification.

"EXISTING RATES TO CONTINUE IN EFFECT.

"SEC. 208. (a) All rates, fares, and charges, and all classifications, regulations, and practices, in any wise changing, affecting, or determining, any part or the aggregate of rates, fares, or charges, or the value of the service rendered, which on February 29, 1920, are in effect on the lines of carriers subject to the interstate commerce act, shall continue in force and effect until thereafter changed by State or Federal authority, respectively, or pursuant to authority of law; but prior to September 1, 1920, no such rate, fare, or charge shall be reduced, and no such classification, regulation, or practice shall be changed in such manner as to reduce any such rate, fare, or charge, unless such reduction or change is approved by the commission.

"(b) All divisions of joint rates, fares, or charges, which on February 29, 1920, are in effect between the lines of carriers subject to the interstate commerce act, shall continue in force and effect until thereafter changed by mutual agreement between the interested carriers or by State or Federal authorities, respectively.

"(c) Any land grant railroad organized under the act of July 28, 1866 (chapter 300), shall receive the same compensation for transportation of property and troops of the United States as is paid to land grant railroads organized under the land grant act of March 3, 1863, and the act of July 27, 1866 (chapter 278).

"GUARANTY TO CARRIERS AFTER TERMINATION OF FEDERAL CONTROL.

"SEC. 209. (a) When used in this section—

"The term 'carrier' means (1) a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation is under Federal control at the time Federal control terminates, or which has heretofore engaged as a common carrier in general transportation and competed for traffic, or connected, with a railroad at any time under Federal control; and (2) a sleeping car company whose system of transportation is under Federal control at the time Federal control terminates; but does not include a street or interurban electric railway not under Federal control at the time Federal control terminates, which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both;

"The term 'guaranty period' means the six months beginning March 1, 1920.

"The term 'test period' means the three years ending June 30, 1917; and

"The term 'railway operating income' and other references to accounts of carriers by railroad shall, in the case of a sleeping car company, be construed as indicating the appropriate corresponding accounts in the accounting system prescribed by the commission.

"(b) This section shall not be applicable to any carrier which does not on or before March 15, 1920, file with the commission a written statement that it accepts all the provisions of this section.

"(c) The United States hereby guarantees—

"(1) With respect to any carrier with which a contract (exclusive of so-called cooperative contracts or waivers) has been made fixing the amount of just compensation under the Federal control act, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the amount named in such contract as annual compensation, or, where the contract fixed a lump sum as compensation for the whole period of Federal operation, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than an amount which shall bear the same proportion to the lump sum so fixed as six months bears to the number of months during which such carrier was under Federal operation, including in both cases the increases in such compensation provided for in section 4 of the Federal control act;

"(2) With respect to any carrier entitled to just compensation under the Federal control act, with which such a contract has not been made, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half of the annual amount estimated by the President as just compensation for such carrier under the Federal control act, including the increases in such compensation provided for in section 4 of the Federal control act. If any such carrier does not accept the President's estimate respecting its just compensation, and if in proceedings under section 3 of the Federal control act it is determined that a larger or smaller annual amount is due as just compensation, the guaranty under this paragraph shall be increased or decreased accordingly;

"(3) With respect to any carrier, whether or not entitled to just compensation under the Federal control act, with which such a contract has not been made, and for which no estimate of just compensation is made by the President, and which for the test period as a whole sustained a deficit in railway operating income, the guaranty shall be a sum equal to (a) the amount by which any deficit in its railway operating income for the guaranty period as a whole exceeds one-half of its average annual deficit in railway operating income for the test period, plus (b) an amount equal to one-half the annual sum fixed by the President under section 4 of the Federal control act;

"(4) With respect to any carrier not entitled to just compensation under the Federal control act, which for the test period as a whole had an average annual railway operating income, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the average annual railway operating income of such carrier during the test period.

"(d) If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (1), (2), or (4) of subdivision (c) is in excess of the minimum railway operating income guaranteed in such paragraph, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States. If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (3) of subdivision (c) is in excess of one-half of the annual sum fixed by the President with respect to such carrier under section 4 of the Federal control act, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States. The amounts so paid into the Treasury of the United States shall be added to the funds made available under section 202 for the purposes indicated in such section. Notwithstanding the provisions of this subdivision, any carrier may retain out of any such excess any amount necessary to enable it to pay its fixed charges accruing during the guaranty period.

"(e) For the purposes of this section railway operating income, or any deficit therein, for the test period shall be computed in the manner provided for in section 1 of the Federal control act.

"(f) In computing railway operating income, or any deficit therein, for the guaranty period for the purposes of this section—

"(1) Debits and credits arising from the accounts, called in the monthly reports to the commission equipment rents and joint facility rents, shall be included, but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are not under Federal control at the time of termination thereof, shall be excluded;

"(2) Proper adjustments shall be made (a) in case any lines which were during any portion of the period of Federal control, a part of the railroad or system of transportation of the carrier, and whose railway operating income was included in such income of the carrier for the test period, do not continue to be a part of such railroad or system of transportation during the entire guaranty period, and (b) in case of any lines acquired by, leased to, or consolidated with, the railroad or system of transportation of the carrier at any time since the end of the test period and prior to the expiration of the guaranty period, for which separate operating returns to the commission are not made in respect to the entire portion of the guaranty period;

"(3) There shall not be included in operating expenses, for maintenance of way and structures, or for maintenance of equipment, more than an amount fixed by the commission. In fixing such amount the commission shall so far as practicable apply the rule set forth in the proviso in paragraph (a) of section 5 of the "standard contract" between the United States and the carriers (whether or not such contract has been entered into with the carrier whose railway operating income is being computed);

"(4) There shall not be included any taxes paid under Title I or II of the revenue act of 1917, or such portion of the taxes paid under Title II or III of the revenue act of 1918 as by the terms of such act are to be treated as levied by an act in amendment of Title I or II of the revenue act of 1917; and

"(5) The commission shall require the elimination and restatement of the operating expenses and revenues (other than for maintenance of way and structures, or maintenance of equipment) for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period.

"(g) The commission shall, as soon as practicable after the expiration of the guaranty period, ascertain and certify to the Secretary of the Treasury the several amounts necessary to make good the foregoing guaranty to each carrier. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States, for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"(h) Upon application of any carrier to the commission, asking that during the guaranty period there may be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as are necessary to enable it to meet its fixed charges and operating expenses, the commission may certify to the Secretary of the Treasury the amount of, and times at which, such advances, if any, shall be made. The Secretary of the Treasury, on receipt of such certificate, is authorized and directed to make the advances in the amounts and at the times specified in the certificate, upon the execution by the carrier of a contract, secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this section such carrier will repay to the United States any amounts which it has received from such advances in excess of the guaranty, with interest at the rate of 6 per cent per annum from the time such excess was paid. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to make the advances referred to in this subdivision.

"(i) If the American Railway Express Co. shall, on or before March 15, 1920, file with the commission a written statement that it accepts all the provisions of this subdivision, the contract of June 26, 1918, between such company and the Director General of Railroads, as amended and continued by agreement dated November 21, 1918, shall remain in full force and effect during the guaranty period in so far as the same constitutes a guaranty on the part of the United States to such company against a deficit in operating income.

"In computing operating income, and any deficit therein, for the guaranty period for the purposes of this subdivision, the commission shall require the elimination and restatement of the operating expenses and revenues for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period, and to exclude from operating expenses so much of the charge for payment for express privileges to carriers on whose lines the express traffic is carried as is in excess of 50.25 per cent of gross express revenue.

"For the guaranty period the American Railway Express Co. shall pay to every carrier which accepts the provisions of this section, as provided in subdivision (b) hereof, 50.25 per cent of the gross revenue earned on the transportation of all its express traffic on the carrier's lines, and every such carrier shall accept from the American Railway Express Co. such percentage of the gross revenue as its compensation. In arriving at the gross revenue on through or joint express traffic, the method of dividing the revenue between the carriers shall be that agreed upon between the carriers and such express company and approved by the commission.

"If for the guaranty period as a whole the American Railway Express Co. does not have a deficit in operating income, it shall forthwith pay the amount of its operating income for such period into the Treasury of the United States. The amount so paid shall be added to the funds made available under section 202 for the purposes indicated in such section.

"The commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount necessary to make good the foregoing guaranty to the American Railway Express Co. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of such company upon the Treasury of the United States for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Upon application of the American Railway Express Co. to the commission, asking that during the guaranty period there may be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as are necessary to enable it to meet its operating expenses, the commission may certify to the Secretary of the Treasury the amount of, and times at which, such advances, if any, shall be made. The Secretary of the Treasury, on receipt of such certificate, is authorized and directed to make the advances in the amounts and at the times specified in the certificate, upon the execution by such company of a contract, secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this subdivision such company will repay to the United States any amounts which it has received from such advances in excess of the guaranty, with interest at the rate of 6 per cent per annum from the time such excess was paid. There is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to enable the Secretary of the Treasury to make the advances referred to in this subdivision.

"NEW LOANS TO RAILROADS.

"SEC. 210. (a) For the purpose of enabling carriers by railroad subject to the interstate commerce act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this act and before the expiration of two years after the termination of Federal control, make application to the commission for a loan from the United States, setting forth the amount of the loan and the term for which it is desired, the purpose of the loan and the uses to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for and the ability of the applicant to make good the obligation, as the commission may deem pertinent to the inquiry.

"(b) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making,

in whole or in part, of the proposed loan by the United States is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, the commission may certify to the Secretary of the Treasury its findings of fact and its recommendations as to: the amount of the loan which is to be made; the time, not exceeding five years from the making thereof, within which it is to be repaid; the character of the security which is to be offered therefor; and the terms and conditions of the loan.

"(c) Upon receipt of such certificate from the commission, the Secretary of the Treasury, at any time before the expiration of 26 months after the termination of Federal control, is authorized to make a loan, not exceeding the maximum amount recommended in such certificate, out of any moneys in the revolving fund provided for in this section. All such loans shall bear interest at the rate of 6 per cent per annum, payable semiannually to the Secretary of the Treasury and to be placed to the credit of the revolving fund provided for in this section. The time, not exceeding five years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, which shall be adequate to secure the loan, the terms and conditions of the loan, and the form of the obligation to be entered into, shall be prescribed by the Secretary of the Treasury.

"(d) The commission or the Secretary of the Treasury may call upon the Federal Reserve Board for advice and assistance with respect to any such application or loan.

"(e) There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $300,000,000, which shall be used as a revolving fund for the purpose of making the loans provided for in this section, and for paying the judgments, decrees, and awards referred to in subdivision (e) of section 206.

"(f) A carrier may issue evidences of indebtedness to the United States pursuant to this section without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification.

"EXECUTION OF POWERS OF PRESIDENT.

"SEC. 211. All powers and duties conferred or imposed upon the President by the preceding sections of this act, except the designation of the agent under section 206, may be executed by him through such agency or agencies as he may determine.

"TITLE III.—DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES AND SUBORDINATE OFFICIALS.

"SEC. 300. When used in this title—

"(1) The term 'carrier' includes any express company, sleeping car company, and any carrier by railroad, subject to the interstate commerce act, except a street, interurban, or suburban electric railway not operating as a part of a general steam railroad system of transportation;

"(2) The term 'adjustment board' means any railroad board of labor adjustment established under section 302;

"(3) The term 'labor board' means the railroad labor board;

"(4) The term 'commerce' means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation; and

"(5) The term 'subordinate official' includes officials of carriers of such class or rank as the commission shall designate by regulation formulated and issued after such notice and hearing as the commission may prescribe, to the carriers, and employees and subordinate officials of carriers, and organizations thereof, directly to be affected by such regulations.

"SEC. 301. It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference, it shall be referred by the parties thereto to the board which under the provisions of this title is authorized to hear and decide such dispute.

"SEC. 302. Railroad boards of labor adjustment may be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof.

"SEC. 303. Each such adjustment board shall, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon the written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, (3) upon the adjustment board's own motion, or (4) upon the request of the labor board whenever such board is of the opinion that the dispute is likely substantially to interrupt commerce, receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving only grievances, rules, or working conditions, not decided as provided in section 301, between the carrier and its employees or subordinate officials, who are, or any organization thereof which is, in accordance with the provisions of section 302, represented upon any such adjustment board.

"SEC. 304. There is hereby established a board to be known as the "railroad labor board" and to be composed of nine members as follows:

"(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the commission shall by regulation prescribe;

"(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the commission shall by regulation prescribe; and

"(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

"Any vacancy on the labor board shall be filed in the same manner as the original appointment.

"SEC. 305. If either the employees or the carriers fail to make nominations and offer nominees in accordance with the regulations of the commission, as provided in paragraphs (1) and (2) of section 304, within 30 days after the passage of this act in case of any original appointment to the office of member of the labor board, or in case of a vacancy in any such office within 15 days after such vacancy occurs, the President shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall, as far as he deems it practicable, select an individual associated in interest with the carriers or employees thereof, whichever he is to represent.

"SEC. 306. (a) Any member of the labor board who during his term of office is an active member or in the employ of or holds any office in any organization of employees or subordinate officials, or any carrier, or owns any stock or bond thereof, or is pecuniarily interested therein, shall at once become ineligible for further membership upon the labor board; but no such member is required to relinquish honorary membership in, or his rights in any insurance or pension or other benefit fund maintained by, any organization of employees or subordinate officials or by a carrier.

"(b) Of the original members of the labor board, one from each group shall be appointed for a term of three years, one for two years, and one for one year. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Each member shall receive from the United States an annual salary of $10,000. A member may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

"SEC. 307. (a) The labor board shall hear, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions, in respect to which any adjustment board certifies to the labor board that in its opinion the adjustment board has failed or will fail to reach a decision within a reasonable time, or in respect to which the labor board determines that any adjustment board has so failed or is not using due diligence in its consideration thereof. In case the appropriate adjustment board is not organized under the provisions of section 302, the labor board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than

100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the labor board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions which is not decided as provided in section 301 and which such adjustment board would be required to receive for hearing and decision under the provisions of section 303.

"(b) The labor board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the labor board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 301. The labor board may upon its own motion within 10 days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the labor board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The labor board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision.

"(c) A decision by the labor board under the provisions of paragraphs (a) or (b) of this section shall require the concurrence therein of at least 5 of the 9 members of the labor board: *Provided*, That in case of any decision under paragraph (b), at least one of the representatives of the public shall concur in such decision. All decisions of the labor board shall be entered upon the records of the board and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each adjustment board, and the commission, and shall be given further publicity in such manner as the labor board may determine.

"(d) All the decisions of the labor board in respect to wages or salaries and of the labor board or an adjustment board in respect to working conditions of employees or subordinate officials of carriers shall establish rates of wages and salaries and standards of working conditions which in the opinion of the board are just and reasonable. In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances:

"(1) The scales of wages paid for similar kinds of work in other industries;

"(2) The relation between wages and the cost of living;

"(3) The hazards of the employment;

"(4) The training and skill required;

"(5) The degree of responsibility;

"(6) The character and regularity of the employment; and

"(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

"SEC. 308. The labor board—

"(1) Shall elect a chairman by majority vote of its members;

"(2) Shall maintain central offices in Chicago, Ill., but the labor board may, whenever it deems it necessary, meet at such other place as it may determine;

"(3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time, data and information relating to such questions to the end that the labor board may be properly equipped to perform its duties under this title and that the members of the adjustment boards and the public may be properly informed;

"(4) May make regulations necessary for the efficient execution of the functions vested in it by this title; and

"(5) Shall at least annually collect and publish the decisions and regulations of the labor board and the adjustment boards and all court and administrative decisions and regulations of the commission in respect to this title, together with a cumulative index-digest thereof.

"SEC. 309. Any party to any dispute to be considered by an adjustment board or by the labor board shall be entitled to a hearing either in person or by counsel.

"SEC. 310. (a) For the efficient administration of the functions vested in the labor board by this title, any member thereof may require, by subpœna issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent. Any member of the labor board may administer oaths and examine any witness. Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In case of failure to comply with any subpœna or in case of the contumacy of any witness appearing before the labor board, the board may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpœna, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or foreiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpœna and under oath, he may so testify or produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 311. (a) When necessary to the efficient administration of the functions vested in the labor board by this title, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the board is authorized to consider or investigate. Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the labor board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of $500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

"(b) Every officer or employee of the United States, whenever requested by any member of the labor board or an adjustment board duly authorized by the board for the purpose, shall supply to such board any data or information pertaining to the administration of the functions vested in it by this title, which may be contained in the records of his office.

"(c) The President is authorized to transfer to the labor board any books, papers, or documents pertaining to the administration of the functions vested in the board by this title, which are in the possession of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal control act and which are no longer necessary to the administration of the affairs of such agency.

"SEC. 312. Prior to September 1, 1920, each carrier shall pay to each employee or subordinate official thereof wages or salary at a rate not less than that fixed by the decision of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal control act, in effect in respect to such employee or subordinate official immediately preceding 12.01 a. m. March 1, 1920. Any carrier acting in violation of any provision of this section shall upon conviction thereof be liable to a penalty of $100 for each such offense. Each such action with respect to any such employee or subordinate official and each day or portion thereof during which the offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 313. The labor board, in case it has reason to believe that any decision of the labor board or of an adjustment board

is violated by any carrier, or employee or subordinate official, or organization thereof, may upon its own motion after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine.

"SEC. 314. The labor board may (1) appoint a secretary, who shall receive from the United States an annual salary of $5,000; and (2) subject to the provisions of the civil-service laws, appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the board by this title and as may be provided for by Congress from time to time. All of the expenditures of the labor board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the labor board.

"SEC. 315. There is hereby appropriated for the fiscal year ending June 30, 1920, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be expended by the labor board, for defraying the expenses of the maintenance and establishment of the board, including the payment of salaries as provided in this title.

"SEC. 316. The powers and duties of the Board of Mediation and Conciliation created by the act approved July 15, 1913, shall not extend to any dispute which may be received for hearing and decision by any adjustment board or the labor board.

"TITLE IV.—AMENDMENTS TO INTERSTATE COMMERCE ACT.

"SEC. 400. The first four paragraphs of section 1 of the interstate commerce act, as such paragraphs appear in section 7 of the commerce court act, are hereby amended to read as follows:

"'(1) That the provisions of this act shall apply to common carriers engaged in—

"'(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

"'(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipe line, or partly by pipe line and partly by railroad or by water; or

"'(c) The transmission of intelligence by wire or wireless;—from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country, but only in so far as such transportation or transmission takes place within the United States.

"'(2) The provisions of this act shall also apply to such transportation of passengers and property and transmission of intelligence, but only in so far as such transportation or transmission takes place within the United States, but shall not apply—

"'(a) To the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State and not shipped to or from a foreign country from or to any place in the United States as aforesaid;

"'(b) To the transmission of intelligence by wire or wireless wholly within one State and not transmitted to or from a foreign country from or to any place in the United States as aforesaid; or

"'(c) To the transportation of passengers or property by a carrier by water where such transportation would not be subject to the provisions of this act except for the fact that such carrier absorbs, out of its port-to-port water rates or out of its proportional through rates, any switching, terminal, lighterage, car rental, trackage, handling, or other charges by a rail carrier for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district.

"'(3) The term "common carrier" as used in this act shall include all pipe-line companies; telegraph, telephone, and cable companies operating by wire or wireless; express companies; sleeping-car companies; and all persons, natural or artificial, engaged in such transportation or transmission as aforesaid as common carriers for hire. Wherever the word "carrier" is used in this act it shall be held to mean "common carrier." The term "railroad" as used in this act shall include all bridges, car floats, lighters, and ferries used by or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and also all switches, spurs, tracks, terminals, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards, and grounds, used or necessary in the transportation or delivery of any such property. The term "transportation" as used in this act shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported. The term "transmission" as used in this act shall include the transmission of intelligence through the application of electrical energy or other use of electricity, whether by means of wire, cable, radio apparatus, or other wire or wireless conductors or appliances, and all instrumentalities and facilities for and services in connection with the receipt, forwarding, and delivery of messages, communications, or other intelligence so transmitted hereinafter also collectively called messages.

"'(4) It shall be the duty of every common carrier subject to this act engaged in the transportation of passengers or property to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates, fares, and charges applicable thereto, and to provide reasonable facilities for operating through routes and to make reasonable rules and regulations with respect to the operation of through routes, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof as between the carriers subject to this act participating therein which shall not unduly prefer or prejudice any of such participating carriers.

"'(5) All charges made for any service rendered or to be rendered in the transportation of passengers or property or in the transmission of intelligence by wire or wireless as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: *Provided*, That messages by wire or wireless subject to the provisions of this act may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as are just and reasonable, and different rates may be charged for the different classes of messages: *And provided further*, That nothing in this act shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers for the exchange of services.

"'(6) It is hereby made the duty of all common carriers subject to the provisions of this act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this act which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this act upon just and reasonable terms, and every unjust and unreasonable classification, regulation, and practice is prohibited and declared to be unlawful.'

"SEC. 401. The fifth, sixth, and seventh paragraphs of section 1 of the interstate commerce act, as such paragraphs appear in section 7 of the Commerce Court act, are hereby amended by inserting '(7)' at the beginning of such fifth paragraph, '(8)' at the beginning of such sixth paragraph, and '(9)' at the beginning of such seventh paragraph.

"SEC. 402. The paragraphs added to section 1 of the interstate commerce act by the act entitled 'An act to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes,' approved May 29, 1917, are hereby amended to read as follows:

"'(10) The term "car service" in this act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of

equipment, and the supply of trains, by any carrier by railroad subject to this act.

"'(11) It shall be the duty of every carrier by railroad subject to this act to furnish safe and adequate car service and to establish, observe, and enforce just and reasonable rules, regulations, and practices with respect to car service; and every unjust and unreasonable rule, regulation, and practice with respect to car service is prohibited and declared to be unlawful.

"'(12) It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense, and the carrier, receiver, or operating trustee so failing or refusing shall forfeit to the United States the sum of $100 for each offense, which may be recovered in a civil action brought by the United States.

"'(13) The commission is hereby authorized by general or special orders to require all carriers by railroad subject to this act, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the commission may, in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this act relating thereto.

"'(14) The commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad subject to this act, including the compensation to be paid for the use of any locomotive, car, or other vehicle not owned by the carrier using it, and the penalties or other sanctions for nonobservance of such rules, regulations or practices.

"'(15) Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine: (a) to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission; (b) to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers of locomotives, cars, and other vehicles, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals, including main-line track or tracks for a reasonable distance outside of such terminals, as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them. In time of war or threatened war the President may certify to the commission that it is essential to the national defense and security that certain traffic shall have preference or priority in transportation, and the commission shall, under the power herein conferred, direct that such preference or priority be afforded.

"'(16) Whenever the commission is of opinion that any carrier by railroad subject to this act is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over other lines of roads, as in the opinion of the commission will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable.

"'(17) The directions of the commission as to car service and to the matters referred to in paragraphs (15) and (16) may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose. It shall be the duty of all carriers by railroad subject to this act, and of their officers, agents, and employees, to obey strictly and conform promptly to such orders or directions of the commission, and in case of failure or refusal on the part of any carrier, receiver, or operating trustee to comply with any such order or direction such carrier, receiver, or trustee shall be liable to a penalty of not less than $100 nor more than $500 for each such offense and $50 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States: *Provided, however*, That nothing in this act shall impair or affect the right of a State, in the exercise of its police power, to require just and reasonable freight and passenger service for intrastate business, except in so far as such requirement is inconsistent with any lawful order of the commission made under the provisions of this act.

"'(18) After 90 days after this paragraph takes effect no carrier by railroad subject to this act shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this act over or by means of such additional or extended line of railroad, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad, and no carrier by railroad subject to this act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment.

"'(19) The application for and issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the commission may from time to time prescribe, and the provisions of this act shall apply to all such proceedings. Upon receipt of any application for such certificate the commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which such additional or extended line of railroad is proposed to be constructed or operated, or all or any portion of a line of railroad, or the operation thereof, is proposed to be abandoned, with the right to be heard as hereinafter provided with respect to the hearing of complaints or the issuance of securities; and said notice shall also be published for three consecutive weeks in some newspaper of general circulation in each county in or through which said line of railroad is constructed or operates.

"'(20) The commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line of railroad, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, operation, or abandonment covered thereby. Any construction, operation, or abandonment contrary to the provisions of this paragraph or of paragraph (18) or (19) of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of the State or States affected, or any party in interest; and any carrier which, or any director, officer, receiver, operating trustee, lessee, agent, or person, acting for or employed by such carrier, who knowingly authorizes, consents to, or permits any violation of the provisions of this paragraph or of paragraph (18) of this section, shall upon conviction thereof be punished by a fine of not more than $5,000 or by imprisonment for not more than three years, or both.

"'(21) The commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this act, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this act, and to extend its line or lines: *Provided*, That no such authorization or order shall be made unless the commission finds, as to such extension, that it is

reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this act which refuses or neglects to comply with any order of the commission made in pursuance of this paragraph shall be liable to a penalty of $100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"'(22) The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching or side tracks, located or to be located wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam railroad system of transportation.'

"SEC. 403. The fifteenth and sixteenth paragraphs of section 1 of the interstate commerce act, added to such section by the act entitled 'An act to amend the act to regulate commerce, as amended, and for other purposes,' approved August 10, 1917, are hereby amended by inserting '(23)' at the beginning of such fifteenth paragraph and '(24)' at the beginning of such sixteenth paragraph.

"SEC. 404. Section 2 of the interstate commerce act is hereby amended to read as follows:

"'SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property or the transmission of intelligence, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation or transmission of a like kind of traffic or message under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.'

"SEC. 405. The first paragraph of section 3 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning thereof.

"Section 3 of the interstate commerce act is hereby amended by adding after the first paragraph a new paragraph to read as follows:

"'(2) From and after July 1, 1920, no carrier by railroad subject to the provisions of this act shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the commission may from time to time prescribe to assure prompt payment of all such rates and charges and to prevent unjust discrimination: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia.'

"The second paragraph of section 3 of the interstate commerce act is hereby amended to read as follows:

"'(3) All carriers, engaged in the transportation of passengers or property, subject to the provisions of this act, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers or property to and from their several lines and those connecting therewith, and shall not discriminate in their rates, fares, and charges between such connecting lines, or unduly prejudice any such connecting line in the distribution of traffic that is not specifically routed by the shipper.

"'(4) If the commission finds it to be in the public interest and to be practicable, without substantially impairing the ability of a carrier owning or entitled to the enjoyment of terminal facilities to handle its own business, it shall have power to require the use of any such terminal facilities, including main-line track or tracks for a reasonable distance outside of such terminal, of any carrier, by another carrier or other carriers, on such terms and for such compensation as the carriers affected may agree upon, or, in the event of a failure to agree, as the commission may fix as just and reasonable for the use so required, to be ascertained on the principle controlling compensation in condemnation proceedings. Such compensation shall be paid or adequately secured before the enjoyment of the use may be commenced. If under this paragraph the use of such terminal facilities of any carrier is required to be given to another carrier or other carriers, and the carrier whose terminal facilities are required to be so used is not satisfied with the terms fixed for such use, or if the amount of compensation so fixed is not duly and promptly paid, the carrier whose terminal facilities have thus been required to be given to another carrier or other carriers shall be entitled to recover, by suit or action against such other carrier or carriers, proper damages for any injuries sustained by it as the result of compliance with such requirement, or just compensation for such use, or both, as the case may be.'

"SEC. 406. Section 4 of the interstate commerce act is hereby amended to read as follows:

"'SEC. 4. (1) That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this act, but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence: *And provided further*, That rates, fares, or charges existing at the time of the passage of this amendatory act by virtue of orders of the commission or as to which application has theretofore been filed with the commission and not yet acted upon, shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the commission.

"'(2) Wherever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points it shall not be permitted to increase such rates unless after hearing by the commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.'

"SEC. 407. The first paragraph of section 5 of the interstate-commerce act is hereby amended to read as follows:

"'SEC. 5. (1) That, except upon specific approval by order of the commission as in this section provided, and except as provided in paragraph (16) of section 1 of this act, it shall be unlawful for any common carrier subject to this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid each day of its continuance shall be deemed a separate offense: *Provided*, That whenever the commission is of opinion, after hearing upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this act, or upon its own initiative, that the division of their traffic or earnings, to the extent indicated by the commission, will be in the interest of better service to the public, or economy in operation, and will not unduly restrain competition, the commission shall have authority by order to approve and authorize, if assented to by all the carriers involved, such division of traffic or earnings, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the commission to be just and reasonable in the premises.

"'(2) Whenever the commission is of opinion, after hearing, upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this act, that the acquisition, to the extent indicated by the commission, by one of such carriers of the control of any other such carrier

or carriers either under a lease or by the purchase of stock or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, will be in the public interest, the commission shall have authority by order to approve and authorize such acquisition, under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the commission to be just and reasonable in the premises.

"'(3) The commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1) or (2), as it may deem necessary or appropriate.

"'(4) The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

"'(5) When the commission has agreed upon a tentative plan, it shall give the same due publicity and upon reasonable notice, including notice to the governor of each State, shall hear all persons who may file or present objections thereto. The commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end, the commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon application, reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan.

"'(6) It shall be lawful for two or more carriers by railroad, subject to this act, to consolidate their properties or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership, management, and operation, under the following conditions:

"'(a) The proposed consolidation must be in harmony with and in furtherance of the complete plan of consolidation mentioned in paragraph (5) and must be approved by the commission;

"'(b) The bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock at par of such corporation, shall not exceed the value of the consolidated properties as determined by the commission. The value of the properties sought to be consolidated shall be ascertained by the commission under section 19a of this act, and it shall be the duty of the commission to proceed immediately to the ascertainment of such value for the properties involved in a proposed consolidation upon the filing of the application for such consolidation.

"'(c) Whenever two or more carriers propose a consolidation under this section, they shall present their application therefor to the commission, and thereupon the commission shall notify the governor of each State in which any part of the properties sought to be consolidated is situated and the carriers involved in the proposed consolidation, of the time and place for a public hearing. If after such hearing the commission finds that the public interest will be promoted by the consolidation and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, with such modifications and upon such terms and conditions as it may prescribe, and thereupon such consolidation may be effected, in accordance with such order, if all the carriers involved assent thereto, the law of any State or the decision or order of any State authority to the contrary notwithstanding.

"'(7) The power and authority of the commission to approve and authorize the consolidation of two or more carriers shall extend and apply to the consolidation of four express companies into the American Railway Express Co., a Delaware corporation, if application for such approval and authority is made to the commission within 30 days after the passage of this amendatory act; and pending the decision of the commission such consolidation shall not be dissolved.

"'(8) The carriers affected by any order made under the foregoing provisions of this section and any corporation organized to effect a consolidation approved and authorized in such order shall be, and they are hereby, relieved from the operation of the "antitrust laws," as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and of all other restraints or prohibitions by law, State or Federal, in so far as may be necessary to enable them to do anything authorized or required by any order made under and pursuant to the foregoing provisions of this section.'

"SEC. 408. The paragraph of section 5 of the interstate commerce act, added to such section by section 11 of the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone,' approved August 24, 1912, is hereby amended by inserting '(9)' at the beginning thereof.

"The two paragraphs of section 11 of such act of August 24, 1912, which follow the paragraph added by such section to section 5 of the interstate commerce act, are hereby made a part of section 5 of the interstate commerce act. The first paragraph so made a part of section 5 of the interstate commerce act is hereby amended by inserting '(10)' at the beginning thereof, and the second such paragraph is hereby amended by inserting '(11)' at the beginning thereof.

"SEC. 409. Section 6 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph, '(2)' at the beginning of the second paragraph, '(3)' at the beginning of the third paragraph, '(4)' at the beginning of the fourth paragraph, '(5)' at the beginning of the fifth paragraph, '(6)' at the beginning of the sixth paragraph, '(7)' at the beginning of the seventh paragraph, '(8)' at the beginning of the eighth paragraph, '(9)' at the beginning of the ninth paragraph, '(10)' at the beginning of the tenth paragraph, '(11)' at the beginning of the eleventh paragraph, '(12)' at the beginning of the twelfth paragraph, and '(13)' at the beginning of the thirteenth paragraph.

"SEC. 410. The third paragraph of section 6 of the interstate commerce act is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That the commission is hereby authorized to make suitable rules and regulations for the simplification of schedules of rates, fares, charges, and classifications and to permit in such rules and regulations the filing of an amendment of or change in any rate, fare, charge, or classification without filing complete schedules covering rates, fares, charges, or classifications not changed if, in its judgment, not inconsistent with the public interest.'

"SEC. 411. The seventh paragraph of section 6 of the interstate commerce act is hereby amended by striking out the proviso at the end.

"SEC. 412. The two paragraphs under (a) of the thirteenth paragraph of section 6 of the interstate commerce act are hereby amended so as to be combined into one paragraph to read as follows:

"'(a) To establish physical connection between the lines of the rail carrier and the dock at which interchange of passengers or property is to be made by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of the railroad right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a track or tracks to the dock. The commission shall have full authority to determine and prescribe the terms and conditions upon which these connecting tracks shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier: *Provided*, That construction required by the commission under the provisions of this paragraph shall be subject to the same restrictions as to findings of public convenience and necessity and other matters as is construction required under section 1 of this act.'

"SEC. 413. Paragraph (c) of the thirteenth paragraph of section 6 of the interstate commerce act is hereby amended to read as follows:

"'(c) To establish proportional rates, or maximum, or minimum, or maximum and minimum proportional rates, by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.'

"SEC. 414. Section 10 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph, '(2)' at the beginning of the

second paragraph, '(3)' at the beginning of the third paragraph, and '(4)' at the beginning of the fourth paragraph, and by inserting after the words 'transportation of passengers or property,' in the proviso in the first paragraph thereof, the words 'or the transmission of intelligence.'

"SEC. 415. Section 12 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph, '(2)' at the beginning of the second paragraph, '(3)' at the beginning of the third paragraph, '(4)' at the beginning of the fourth paragraph, '(5)' at the beginning of the fifth paragraph, '(6)' at the beginning of the sixth paragraph, and '(7)' at the beginning of the seventh paragraph.

"SEC. 416. Section 13 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph and '(2)' at the beginning of the second paragraph, and by adding at the end thereof two new paragraphs to read as follows:

"'(3) Whenever in any investigation under the provisions of this act, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice made or imposed by authority of any State, or initiated by the President during the period of Federal control, the commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this act.

"'(4) Whenever in any such investigation the commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, which is hereby forbidden and declared to be unlawful, it shall prescribe the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, or discrimination. Such rates, fares, charges, classifications, regulations, and practices shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding.'

"SEC. 417. Section 14 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph, '(2)' at the beginning of the second paragraph, and '(3)' at the beginning of the third paragraph.

"SEC. 418. The first four paragraphs of section 15 of the interstate commerce act are hereby amended to read as follows:

"'SEC. 15. (1) That whenever, after full hearing, upon a complaint made as provided in section 13 of this act, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this act for the transportation of persons or property or for the transmission of messages as defined in the first section of this act, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this act, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and what individual or joint classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any rate, fare, or charge for such transportation or transmission other than the rate, fare, or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

"'(2) Except as otherwise provided in this act, all orders of the commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than 30 days, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction.

"'(3) The commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated; and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line. The commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character; nor shall the commission have the right to establish any route, classification, or practice, or any rate, fare, or charge when the transportation is wholly by water, and any transportation by water affected by this act shall be subject to the laws and regulations applicable to transportation by water.

"'(4) In establishing any such through route the commission shall not (except as provided in sec. 3, and except where one of the carriers is a water line), require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established: *Provided*, That in time of shortage of equipment, congestion of traffic, or other emergency declared by the commission it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest.

"'(5) Transportation wholly by railroad of ordinary live stock in car-load lots destined to or received at public stockyards shall include all necessary service of unloading and reloading en route, delivery at public stockyards of inbound shipments into suitable pens, and receipt and loading at such yards of outbound shipments, without extra charge therefor to the shipper, consignee or owner, except in cases where the unloading or reloading en route is at the request of the shipper, consignee or owner, or to try an intermediate market, or to comply with quarantine regulations. The commission may prescribe or approve just and reasonable rules governing each of such excepted services. Nothing in this paragraph shall be construed to affect the duties and liabilities of the carriers now existing by virtue of law respecting the transportation of other than ordinary live stock, or the duty of performing service as to shipments other than those to or from public stockyards.

"'(6) Whenever, after full hearing upon complaint or upon its own initiative, the commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation

of passengers or property, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their railway property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers; and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare or charge.

"'(7) Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than 120 days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing can not be concluded within the period of suspension, as above stated, the commission may extend the time of suspension for a further period not exceeding 30 days, and if the proceeding has not been concluded and an order made at the expiration of such 30 days, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period, but, in case of a proposed increased rate or charge for or in respect to the transportation of property, the commission may by order require the interested carrier or carriers to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased after the passage of this act, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge, is just and reasonable shall be upon the carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.'

"SEC. 419. The fifth paragraph of section 15 of the interstate commerce act is hereby amended by inserting '(8)' at the beginning of such paragraph.

"SEC. 420. Section 15 of the interstate commerce act is hereby amended by inserting after the fifth paragraph two new paragraphs, to read as follows:

"'(9) Whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, unless such diversion or delivery is in compliance with a lawful order, rule, or regulation of the commission, such carriers shall, in a suit or action in any court of competent jurisdiction, be jointly and severally liable to the carrier thus deprived of its right to participate in the haul of the property for the total amount of the rate or charge it would have received had it participated in the haul of the property. The carrier to which the property is thus diverted shall not be liable in such suit or action if it can show, the burden of proof being upon it, that before carrying the property it had no notice, by bill of lading, waybill, or otherwise, of the routing instructions. In any judgment which may be rendered the plaintiff shall be allowed to recover against the defendant a reasonable attorney's fee to be taxed in the case.

"'(10) With respect to traffic not routed by the shipper, the commission may, whenever the public interest and a fair distribution of the traffic require, direct the route which such traffic shall take after it arrives at the terminus of one carrier or at a junction point with another carrier, and is to be there delivered to another carrier.'

"SEC. 421. Section 15 of the interstate commerce act is hereby further amended by inserting '(11)' at the beginning of the sixth paragraph, '(12)' at the beginning of the seventh paragraph, '(13)' at the beginning of the eighth paragraph, and '(14)' at the beginning of the ninth paragraph.

"SEC. 422. The interstate commerce act is further amended by inserting after section 15 a new section to be known as section 15a and to read as follows:

"'SEC. 15a. (1) When used in this section the term "rates" means rates, fares, and charges, and all classications, regulations, and practices relating thereto; the term "carrier" means a carrier by railroad or partly by railroad and partly by water, within the continental United States, subject to this act, excluding (a) sleeping-car companies and express companies, (b) street or suburban electric railways unless operated as a part of a general steam railroad system of transportation, (c) interurban electric railways unless operated as a part of a general steam railroad system of transportation or engaged in the general transportation of freight, and (d) any belt-line railroad, terminal switching railroad, or other terminal facility, owned exclusively and maintained, operated, and controlled by any State or political subdivision thereof; and the term "net railway operating income" means railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents.

"'(2) In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: *Provided*, That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

"'(3) The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity (under honest, efficient, and economical management of existing transportation facilities) of enlarging such facilities in order to provide the people of the United States with adequate transportation: *Provided*, That during the two years beginning March 1, 1920, the commission shall take as such fair return a sum equal to 5½ per cent of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of 1 per cent of such aggregate value to make provision in whole or in part for improvements, betterments, or equipment, which, according to the accounting system prescribed by the commission, are chargeable to capital account.

"'(4) For the purposes of this section, such aggregate value of the property of the carriers shall be determined by the commission from time to time and as often as may be necessary. The commission may utilize the results of its investigation under section 19a of this act, in so far as deemed by it available, and shall give due consideration to all the elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under such law it is entitled to in establishing values for rate-making purposes.

Whenever pursuant to section 19a of this act the value of the railway property of any carrier held for and used in the service of transportation has been finally ascertained, the value so ascertained shall be deemed by the commission to be the value thereof for the purpose of determining such aggregate value.

"'(5) Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States.

"'(6) If, under the provisions of this section, any carrier receives for any year a net railway operating income in excess of 6 per cent of the value of the railway property held for and used by it in the service of transportation, one-half of such excess shall be placed in a reserve fund established and maintained by such carrier, and the remaining one-half thereof shall, within the first four months following the close of the period for which such computation is made, be recoverable by and paid to the commission for the purpose of establishing and maintaining a general railroad contingent fund as hereinafter described. For the purposes of this paragraph the value of the railway property and the net railway operating income of a group of carriers, which the commission finds are under common control and management and are operated as a single system, shall be computed for the system as a whole irrespective of the separate ownership and accounting returns of the various parts of such system. In the case of any carrier which has accepted the provisions of section 209 of this amendatory act the provisions of this paragraph shall not be applicable to the income for any period prior to September 1, 1920. The value of such railway property shall be determined by the commission in the manner provided in paragraph (4).

"'(7) For the purpose of paying dividends or interest on its stocks, bonds, or other securities, or rent for leased roads, a carrier may draw from the reserve fund established and maintained by it under the provisions of this section to the extent that its net railway operating income for any year is less than a sum equal to 6 per cent of the value of the railway property held for and used by it in the service of transportation, determined as provided in paragraph (6); but such fund shall not be drawn upon for any other purpose.

"'(8) Such reserve fund need not be accumulated and maintained by any carrier beyond a sum equal to 5 per cent of the value of its railway property determined as herein provided, and when such fund is so accumulated and maintained the portion of its excess income which the carrier is permitted to retain under paragraph (6) may be used by it for any lawful purpose.

"'(9) The commission shall prescribe rules and regulations for the determination and recovery of the excess income payable to it under this section, and may require such security and prescribe such reasonable terms and conditions in connection therewith as it may find necessary. The commission shall make proper adjustments to provide for the computation of excess income for a portion of a year and for a year in which a change in the percentage constituting a fair return or in the value of a carrier's railway property becomes effective.

"'(10) The general railroad contingent fund so to be recoverable by and paid to the commission and all accretions thereof shall be a revolving fund and shall be administered by the commission. It shall be used by the commission in furtherance of the public interest in railway transportation either by making loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account, or by purchasing transportation equipment and facilities and leasing the same to carriers, as hereinafter provided. Any moneys in the fund not so employed shall be invested in obligations of the United States or deposited in authorized depositaries of the United States subject to the rules promulgated from time to time by the Secretary of the Treasury relating to Government deposits.

"'(11) A carrier may at any time make application to the commission for a loan from the general railroad contingent fund, setting forth the amount of the loan and the term for which it is desired, the purpose of the loan and the uses to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for and the ability of the applicant to make good the obligation, as the commission may deem pertinent to the inquiry.

"'(12) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan from the general railroad contingent fund is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, the commission may make a loan to the applicant from such railroad contingent fund, in such amount, for such length of time, and under such terms and conditions as it may deem proper. The commission shall also prescribe the security to be furnished, which shall be adequate to secure the loan. All such loans shall bear interest at the rate of 6 per cent per annum, payable semiannually to the commission. Such loans when repaid, and all interest paid thereon, shall be placed in the general railroad contingent fund.

"'(13) A carrier may at any time make application to the commission for the lease to it of transportation equipment or facilities, purchased from the general railroad contingent fund, setting forth the kind and amount of such equipment or facilities and the term for which it is desired to be leased, the uses to which it is proposed to put such equipment or facilities, the present and prospective ability of the applicant to pay the rental charges thereon and to meet the requirements of its obligations under the lease, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of leasing such equipment or facilities to the applicant as the commission may deem pertinent to the inquiry.

"'(14) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the leasing to the applicant of such equipment or facilities, in whole or in part, is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant is such as to furnish reasonable assurance of the applicant's ability to pay promptly the rental charges and meet its other obligations under such lease, the commission may lease such equipment or facilities purchased by it from the general railroad contingent fund, to the applicant for such length of time, and under such terms and conditions as it may deem proper. The rental charges provided in every such lease shall be at least sufficient to pay a return of 6 per cent per annum, plus allowance for depreciation determined as provided in paragraph (5) of section 20 of this act, upon the value of the equipment or facilities leased thereunder. All rental charges and other payments received by the commission in connection with such equipment and facilities, including amounts received under any sale thereof, shall be placed in the general railroad contingent fund.

"'(15) The commission may from time to time purchase, contract for the construction, repair and replacement of, and sell, equipment and facilities, and enter into and carry out contracts and other obligations in connection therewith, to the extent that moneys included in the general railroad contingent fund are available therefor, and in so far as necessary to enable it to secure and supply equipment and facilities to carriers whose applications therefor are approved under the provisions of this section, and to maintain and dispose of such equipment and facilities.

"'(16) The commission may from time to time prescribe such rules and regulations as it deems necessary to carry out the provisions of this section respecting the making of loans and the lease of equipment and facilities.

"'(17) The provisions of this section shall not be construed as depriving shippers of their right to reparation in case of overcharges, unlawfully excessive or discriminatory rates, or rates excessive in their relation to other rates, but no shipper

shall be entitled to recover upon the sole ground that any particular rate may reflect a proportion of excess income to be paid by the carrier to the commission in the public interest under the provisions of this section.

"'(18) Any carrier, or any corporation organized to construct and operate a railroad, proposing to undertake the construction and operation of a new line of railroad may apply to the commission for permission to retain for a period not to exceed 10 years all or any part of its earnings derived from such new construction in excess of the amount heretofore in this section provided, for such disposition as it may lawfully make of the same, and the commission may, in its discretion, grant such permission, conditioned, however, upon the completion of the work of construction within a period to be designated by the commission in its order granting such permission.'

"SEC. 423. The first paragraph of section 16 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of such paragraph.

"SEC. 424. The second paragraph of section 16 of the interstate commerce act is hereby amended by inserting '(2)' at the beginning of such paragraph, and by striking out the last sentence thereof and inserting in lieu thereof the following as a new paragraph:

"'(3) All actions at law by carriers subject to this act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after. All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, unless the carrier, after the expiration of such 2 years or within 90 days before such expiration, begins an action for recovery of charges in respect of the same service, in which case such period of 2 years shall be extended to and including 90 days from the time such action by the carrier is begun. In either case the cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after. A petition for the enforcement of an order for the payment of money shall be filed in the district court or State court within one year from the date of the order, and not after.'

"SEC. 425. The third, fourth, fifth, and sixth paragraphs of section 16 of the interstate commerce act are hereby amended by inserting '(4)' at the beginning of the third paragraph, '(5)' at the beginning of the fourth paragraph, '(6)' at the beginning of the fifth paragraph, and '(7)' at the beginning of the sixth paragraph.

"SEC. 426. The seventh paragraph of section 16 of the interstate commerce act is hereby amended to read as follows:

"'(8) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of sections 3, 13, or 15 of this act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.'

"SEC. 427. The eighth and ninth paragraphs of section 16 of the interstate commerce act are hereby amended by inserting '(9)' at the beginning of the eighth paragraph and '(10)' at the beginning of the ninth paragraph.

"SEC. 428. The tenth paragraph of section 16 of the interstate commerce act is hereby amended to read as follows:

"'(11) The commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the commission's own instance or upon complaint, or to appear for or represent the commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the commission.'

"SEC. 429. The eleventh and twelfth paragraphs of section 16 of the interstate commerce act are hereby amended by inserting '(12)' at the beginning of the eleventh paragraph and '(13)' at the beginning of the twelfth paragraph.

"SEC. 430. Section 17 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph.

"SEC. 431. The second paragraph of section 17 of the interstate commerce act is hereby amended to read as follows:

"'(2) The commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be denominated, respectively, division 1, division 2, etc. Any commissioner may be assigned to and may serve upon such division or divisions as the commission may direct, and the senior in service of the commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the commission or any commissioner designated by him for that purpose may temporarily serve on said division until the commission shall otherwise order.'

"SEC. 432. The third and fourth paragraphs of section 17 of the interstate commerce act are hereby amended by inserting '(3)' at the beginning of the third paragraph and '(4)' at the beginning of the fourth paragraph.

"The fifth and sixth paragraphs of such section are hereby repealed.

"The seventh paragraph of such section is hereby amended by inserting '(5)' at the beginning of such paragraph.

"SEC. 433. Section 18 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph and '(2)' at the beginning of the second paragraph.

"Section 19a of the interstate commerce act is hereby amended by inserting '(a)' after the section number at the beginning of the first paragraph, '(b)' at the beginning of the second paragraph, '(c)' at the beginning of the seventh paragraph, '(d)' at the beginning of the eighth paragraph, '(e)' at the beginning of the ninth paragraph, '(f)' at the beginning of the tenth paragraph, '(g)' at the beginning of the eleventh paragraph, '(h)' at the beginning of the twelfth paragraph, '(i)' at the beginning of the thirteenth paragraph, '(j)' at the beginning of the fourteenth paragraph, '(k)' at the beginning of the fifteenth paragraph, and '(l)' at the beginning of the sixteenth paragraph.

"SEC. 434. Section 20 of the interstate commerce act is hereby amended by inserting '(1)' after the section number at the beginning of the first paragraph, '(2)' at the beginning of the second paragraph, '(3)' at the beginning of the third paragraph, and '(4)' at the beginning of the fourth paragraph.

"SEC. 435. The fifth paragraph of section 20 of the interstate commerce act is hereby amended to read as follows:

"'(5) The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys. The commission shall, as soon as practicable, prescribe, for carriers subject to this act, the classes of property for which depreciation charges may properly be included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The commission may, when it deems necessary, modify the classes and percentages so prescribed. The carriers subject to this act shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses. The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by carriers subject to this act, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and operating trustees. The provisions of this section shall also apply to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, kept during the period of Federal control, and placed by the President in the custody of carriers subject to this act.'

"SEC. 436. The sixth paragraph of section 20 of the interstate commerce act is hereby amended by inserting '(6)' at the beginning of such paragraph.

"The seventh paragraph of section 20 of the interstate commerce act is hereby amended by striking out 'Par. 7,' at the beginning of such paragraph and inserting '(7)' in lieu thereof.

"The eighth to twelfth paragraphs, inclusive, of section 20 of the interstate commerce act are hereby amended by inserting '(8)' at the beginning of the eighth paragraph, '(9)' at the beginning of the ninth paragraph, '(10)' at the beginning of the tenth paragraph, '(11)' at the beginning of the eleventh paragraph, and '(12)' at the beginning of the twelfth paragraph.

"SEC. 437. The eleventh paragraph of section 20 of the interstate commerce act is hereby amended by inserting immediately before the first proviso thereof the following:

"'*Provided*, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by and under the laws and regulations applicable to transportation by water, and the liability of the initial carrier shall be the same as that of such carrier by water.'

"SEC. 438. The third proviso of the eleventh paragraph of section 20 of the interstate commerce act (not counting the proviso added by section 437 of this act) is hereby amended to read as follows:

"'*Provided further*, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice.'

"SEC. 439. The interstate commerce act is further amended by inserting therein a new section between section 20 and section 21, to be designted section 20a, and to read as follows:

"'SEC. 20a. (1) That as used in this section the term "carrier" means a common carrier by railroad (except a street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation) which is subject to this act, or any corporation organized for the purpose of engaging in transportation by railroad subject to this act.

"'(2) From and after 120 days after this section takes effect it shall be unlaful for any carrier to issue any share of capital stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter in this section collectively termed "securities") or to assume any obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, natural or artificial, the commission by order authorizes such issue or assumption. The commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within its corporate purposes, and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

"'(3) The commission shall have power by its order to grant or deny the application as made, or to grant it in part and deny it in part, or to grant it with such modifications and upon such terms and conditions as the commission may deem necessary or appropriate in the premises, and may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of the foregoing paragraph (2).

"'(4) Every application for authority shall be made in such form and contain such matters as the commission may prescribe. Every such application, as also every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

"'(5) Whenever any securities set forth and described in any application for authority or certificate of notification as pledged or held unencumbered in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within 10 days after such sale, pledge, repledge, or other disposition, file with the commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the commission.

"'(6) Upon receipt of any such application for authority the commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which the applicant carrier operates. The railroad commissions, public service or utilities commissions, or other appropriate State authorities of the State shall have the right to make before the commission such representations as they may deem just and proper for preserving and conserving the rights and interests of their people and the States, respectively, involved in such proceeding. The commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.

"'(7) The jurisdiction conferred upon the commission by this section shall be exclusive and plenary, and a carrier may issue securities and assume obligations or liabilities in accordance with the provisions of this section without securing approval other than as specfied herein.

"'(8) Nothing herein shall be construed to imply any guaranty or obligation as to such securities on the part of the United States.

"'(9) The foregoing provisions of this section shall not apply to notes to be issued by the carrier maturing not more than two years after the date thereof and aggregating (together with all other then outstanding notes of a maturity of two years or less) not more than 5 per cent of the par value of the securities of the carrier then outstanding. In the case of securities having no par value, the par value for the purposes of this paragraph shall be the fair market value as of the date of issue. Within 10 days after the making of such notes the carrier issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities: *Provided*, That in any subsequent funding of such notes the provisions of this section respecting other securities shall apply.

"'(10) The commission shall require periodical or special reports from each carrier hereafter issuing any securities, including such notes, which shall show, in such detail as the commission may require, the disposition made of such securities and the application of the proceeds thereof.

"'(11) Any security issued or any obligation or liability assumed by a carrier, for which under the provisions of this section the authorization of the commission is required, shall be void, if issued or assumed without such authorization therefor having first been obtained, or if issued or assumed contrary to any term or condition of such order of authorization as modified by any order supplemental thereto entered prior to such issuance or assumption; but no security issued or obligation or liability assumed in accordance with all the terms and conditions of such an order of authorization therefor as modified by any order supplemental thereto entered prior to such issuance or assumption shall be rendered void because of failure to comply with any provision of this section relating to procedure and other matters preceding the entry of such order of authorization. If any security so made void, or any security in respect to which the assumption of obligation or liability is so made void, is acquired by any person for value and in good faith and without notice that the issue or assumption is void, such person may in a suit or action in any court of competent jurisdiction hold jointly and severally liable for the full amount of the damage sustained by him in respect thereof, the carrier which issued the security so made void, or assumed the obligation or liability so made void, and its directors, officers, attorneys, and other agents, who participated in any way in the authorizing, issuing, hypothecating, or selling of the security so made void or in the authorizing of the assumption of the obligation or liability so made void. In case any security so made void was directly acquired from the carrier issuing it the holder may at his option rescind the transaction and upon the surrender of the security recover the consideration given therefor. Any director, officer, attorney, or agent of the carrier who knowingly assents to or concurs in any issue of securities or assumptions of obligation or liability forbidden by this section, or any sale or other disposition of securities contrary to the provisions of the commission's order or orders in the premises, or any application not authorized by the commission of the funds derived by the carrier through such sale or other disposition of such securities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprison-

ment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

"'(12) After December 31, 1921, it shall be unlawful for any person to hold the position of officer or director of more than one carrier, unless such holding shall have been authorized by order of the commission, upon due showing, in form and manner prescribed by the commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of an operating carrier from any funds properly included in capital account. Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.'

"SEC. 440. Section 24 of the interstate commerce act is hereby amended to read as follows:

"'SEC. 24. That the commission is hereby enlarged so as to consist of 11 members, with terms of seven years, and each shall receive $12,000 compensation annually. The qualifications of the members and the manner of payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1923, and one for a term expiring December 31, 1924. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than six commissioners shall be appointed from the same political party. Hereafter the salary of the secretary of the commission shall be $7,500 a year.'

"SEC. 441. The Interstate commerce act is hereby further amended by adding at the end thereof three new sections, to read as follows:

"'SEC. 25 (1) That every common carrier by water in foreign commerce, whose vessels are registered under the laws of the United States, shall file with the commission, within 30 days after this section becomes effective and regularly thereafter as changes are made, a schedule or schedules showing for each of its steam vessels intended to load general cargo at ports in the United States for foreign destinations (a) the ports of loading, (b) the dates upon which such vessels will commence to receive freight and dates of sailing, (c) the route and itinerary such vessels will follow and the ports of call for which cargo will be carried.

"'(2) Upon application of any shipper a carrier by railroad shall make request for, and the carrier by water shall upon receipt of such request name, a specific rate applying for such sailing, and upon such commodity as shall be embraced in the inquiry, and shall name in connection with such rate, port charges, if any, which accrue in addition to the vessel's rates and are not otherwise published by the railway as in addition to or absorbed in the railway rate. Vessel rates, if conditioned upon quantity of shipment, must be so stated and separate rates may be provided for carload and less than carload shipments. The carrier by water, upon advices from a carrier by railroad, stating that the quoted rate is firmly accepted as applying upon a specifically named quantity of any commodity, shall, subject to such conditions as the commission by regulation may prescribe, make firm reservation from unsold space in such steam vessel as shall be required for its transportation and shall so advise the carrier by railroad, in which advices shall be included the latest available information as to prospective sailing date of such vessel.

"'(3) As the matters so required to be stated in such schedule or schedules are changed or modified from time to time, the carrier shall file with the commission such changes or modifications as early as practicable after such modification is ascertained. The commission is authorized to make and publish regulations not inconsistent herewith governing the manner and form in which such carriers are to comply with the foregoing provisions. The commission shall cause to be published in compact form, for the information of shippers of commodities throughout the country, the substance of such schedules, and furnish such publications to all railway carriers subject to this act, in such quantities that railway carriers may supply to each of their agents who receive commodities for shipment in such cities and towns as may be specified by the commission, a copy of said publication; the intent being that each shipping community sufficiently important, from the standpoint of the export trade, to be so specified by the commission shall have opportunity to know the sailings and routes, and to ascertain the transportation charges of such vessels engaged in foreign commerce. Each railway carrier to which such publication is furnished by the commission is hereby required to distribute the same as aforesaid and to maintain such publication as it is issued from time to time, in the hands of its agents. The commission is authorized to make such rules and regulations not inconsistent herewith respecting the distribution and maintenance of such publications in the several communities so specified as will further the intent of this section.

"'(4) When any consignor delivers a shipment of property to any of the places so specified by the commission, to be delivered by a railway carrier to one of the vessels upon which space has been reserved at a specified rate previously ascertained, as provided herein, for the transportation by water from and for a port named in the aforesaid schedule, the railway carrier shall issue a through bill of lading to the point of destination. Such bill of lading shall name separately the charge to be paid for the railway transportation, water transportation, and port charges, if any, not included in the rail or water transportation charge; but the carrier by railroad shall not be liable to the consignor, consignee, or other person interested in the shipment after its delivery to the vessel. The commission shall, in such manner as will preserve for the carrier by water the protection of limited liability provided by law, make such rules and regulations not inconsistent herewith as will prescribe the form of such through bill of lading. In all such cases it shall be the duty of the carrier by railroad to deliver such shipment to the vessel as a part of its undertaking as a common carrier.

"'(5) The issuance of a through bill of lading covering shipments provided for herein shall not be held to constitute "an arrangement for continuous carriage or shipment" within the meaning of this act.

"'SEC. 26. That the commission may, after investigation, order any carrier by railroad subject to this act, within a time specified in the order, to install automatic train-stop or train-control devices or other safety devices, which comply with specifications and requirements prescribed by the commission, upon the whole or any part of its railroad, such order to be issued and published at least two years before the date specified for its fulfillment: *Provided*, That a carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its railroad not included in the order; and any action arising because of an accident happening upon such portion of its railroad shall be determined without consideration of the use of such devices upon another portion of its railroad. Any common carrier which refuses or neglects to comply with any order of the commission made under the authority conferred by this section shall be liable to a penalty of $100 for each day that such refusal or neglect continues, which shall accrue to the United States, and may be recovered in a civil action brought by the United States.

"'SEC. 27. That this act may be cited as the "interstate-commerce act."'

"TITLE V.—MISCELLANEOUS PROVISIONS.

"SEC. 500. It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

"It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways

of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

"The words 'inland waterway' as used in this section shall be construed to include the Great Lakes.

"SEC. 501. The effective date on and after which the provisions of section 10 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 1, 1921: *Provided*, That such extension shall not apply in the case of any corporation organized after January 12, 1918.

"SEC. 502. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered."

And the Senate agree to the same.

JOHN J. ESCH,
E. L. HAMILTON,
SAMUEL E. WINSLOW,
Managers on the part of the House.

ALBERT B. CUMMINS,
MILES POINDEXTER,
FRANK B. KELLOGG,
ATLEE POMERENE,
JOS. T. ROBINSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TERMINATION OF FEDERAL CONTROL.
(Section 200 of the conference bill.)

The House bill in section 200, in connection with the termination of Federal control, did not repeal the Federal-control act, but specified the powers conferred upon the President by such act, which he should no longer exercise after the termination of Federal control. The Senate bill repealed the Federal-control act and sought by general language to "continue and extend" the powers granted by that act, in so far as necessary for the settlement of matters arising out of Federal control. The conferees, in section 200 of the conference bill, adopted the House method of dealing with this question.

GOVERNMENT-OWNED BOATS AND INLAND WATERWAYS.
(Section 201 of the conference bill.)

Section 201 of the House bill transferred to the Secretary of War on the termination of Federal control the transportation facilities acquired by the United States in pursuance of the Federal control act, which are now being operated on the Mississippi and Warrior Rivers and the Erie Canal. The Senate amendment transferred these transportation facilities to the Shipping Board. The conferees in section 201 of the conference bill recommend the procedure contained in the House bill with the insertion of language making it clear that the Secretary of War is to operate such transportation facilities, so that the lines of inland water transportation established by the President during Federal control shall be continued, and authorizing the Secretary of War to construct or contract for the construction of terminal facilities for the interchange of traffic between the lines so operated by him and other rail or water carriers. The Senate amendment also contained provisions transferring to the Shipping Board boats constructed by or authorized to be constructed for the United States for the navigation of the upper Mississippi. The House bill made no provision for these transportation facilities, inasmuch as they are already under the control of the Secretary of War, but the conferees recommend the insertion of a provision that when the possession of these transportation facilities reverts to the United States, at or before the expiration of the contract under which they are now being operated, they shall continue to be operated by the Secretary of War, so as to provide facilities for water carriage on the upper Mississippi.

SETTLEMENT OF MATTERS ARISING OUT OF FEDERAL CONTROL.
(Section 202 of the conference bill.)

Section 202 of the House bill directed the President to settle and wind up all matters, including compensation, arising out of and incident to Federal control, and for these purposes made available all unexpended balances of the revolving fund created by the Federal control act and of the $750,000,000 deficiency appropriation of June 30, 1919, and also all moneys derived from the operation of carriers or otherwise arising out of Federal control. The Senate amendment contained no such reference to appropriations and contained no explicit direction to the President to settle Federal control matters. The conferees recommend in section 202 of the conference bill the retention of the House provisions, adding an appropriation of $200,000,000 in order to enable the President to comply with the provision in section 207 of the conference bill that the carriers, when restored to their own operation, shall have on hand at least one-half a month's working capital, which provision was contained in section 2 of the Senate amendment.

COMPENSATION OF CARRIERS WITH WHICH NO CONTRACT WAS MADE.
(Section 203 of conference bill.)

Section 2 of the Federal control act authorizes the President, in the case of any carrier with which no contract for compensation had been made, to pay to such carrier not exceeding 90 per cent of the estimated amount of compensation. The Senate amendment in section 2 required the President to pay to the carrier in such cases the total amount of just compensation or standard return provided for under the Federal control act, in all cases where necessary to pay interest upon indebtedness. The House bill contained no such provision. The conference bill recommends the insertion of section 203 of the conference bill, which requires the President, where no contract for compensation has been made, to pay to the carrier so much of the amount he estimates as just compensation as may be necessary to enable the carrier to pay interest, taxes, and other corporate expenses accruing during the period for which compensation is reckoned and dividends for the same period. The section also authorizes the President to pay to such carrier up to 100 per cent of the estimated amount of such compensation in order to permit of prompt settlement of matters arising out of Federal control. The section also contains provisions that the acceptance of any payments thereunder shall obligate the carrier to repay to the United States with 6 per cent interest the amount by which the sums advanced exceed the sum found due when compensation is finally determined.

REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL.
(Section 204 of conference bill.)

The Senate amendment in section 5 contained a provision that railroads not operated by the Government during the period of Federal control should be paid the entire amount of their deficit during the Federal control period. No such provision was contained in the House bill. The conferees recommend, in section 204 of the conference bill, that carriers which sustained a deficit in railway operating income under their own operation during the period of Federal control shall be paid the amount by which such deficit exceeds the corresponding deficit during the test period. The computation of the amount payable is made by determining the deficit on income for each month of the Federal control period, during which the carrier operated its own line, and for the three corresponding months of the test period averaged together. In the case of a carrier which was in operation for less than a year during the test period, the amount payable is the entire amount of the deficit during the period of Federal control.

CAUSES OF ACTION ARISING OUT OF FEDERAL CONTROL.
(Section 206 of conference bill.)

The House bill in section 204 provided for the bringing of suits against the United States based on causes of action arising out of the possession, use, or operation by the President of railroads during Federal control. Such actions were to be brought against an agent designated by the President and process was to be served upon the local agents of the railroad in respect to whose operation the cause of action arose, if a contract was made with the carrier for the conduct of litigation arising out of operation during Federal control. Provision was also made, where no such contract has been made, for service of process upon agents or officers designated by the President. The House

bill also provided that suits of the character above described pending at the termination of Federal control should not abate but might be prosecuted to final judgment, substituting the agent designated by the President as defendant. The Senate amendment in section 1 provided that all actions based on causes of action growing out of the possession, use, control, or operation by the President might be brought against the United States and process served upon the United States District Attorney. The Senate amendment also provided for filing with the Interstate Commerce Commission reparation claims based on the unlawful collection of rates during Federal control. The conferees recommend in section 206 of the conference bill substantially the method of the House bill, adding a paragraph covering reparation claims and providing for the payment of final judgments out of the revolving fund, created by section 210 for the purpose of making loans during the transition period.

REFUNDING OF CARRIERS' INDEBTEDNESS TO THE UNITED STATES.
(Section 207 of the conference bill.)

Section 205 of the House bill provided that the President should ascertain the amount of indebtedness of each carrier to the United States, incurred for additions and betterments made during Federal control and properly chargeable to capital account, and also the amount of the indebtedness of the United States to each carrier arising out of Federal control. These amounts were required to be set off against each other to the extent permitted under the terms of the "standard contract" with the carriers relative to deductions and compensation. Such "standard contract" provides that the set off shall not be made in such manner as to deprive the carrier of sums necessary to pay fixed charges, taxes, and other corporate charges and expenses, but gives the President power, if he chooses, to make a set off, even though this might leave the carrier with no funds with which to pay dividends. The remaining amount of the indebtedness of the carrier on account of such additions and betterments was to be payable in 10 equal parts, one of such parts to be payable annually, beginning at the expiration of five years after the termination of Federal control. Any other indebtedness of the carrier was to be evidenced by notes payable on demand.

The Senate amendment provided for funding, without any right of set off, for a period of 10 years, or a shorter period, at the option of the carrier, of all the indebtedness to the United States incurred for additions and betterments, or for advances made by the United States, or incurred to pay off any carriers' indebtedness properly chargeable to capital account. Any remaining indebtedness of the carrier to the United States was to be evidenced by notes payable on demand, with the right in the President to set off against such amount any indebtedness of the United States to the carrier, to the extent permitted by the terms of the "standard contract," but no such set off was to be made unless the carrier had received such sums as were necessary to enable it to pay dividends at the regular rate of dividends paid during Federal control, and, in addition, sums necessary to provide the carrier with working capital in amount not less than one month's operating expenses, or due on account of materials and supplies not retained in kind.

The conference bill in section 207 provides that the right of set-off, instead of being first made against the indebtedness on open account, as provided in the Senate amendment, or against the indebtedness for additions and betterments, as provided in the House bill, may be made against either or both of these classes of indebtedness as the President may determine, and to the extent determined by him, subject to the limitation that such right of set-off can not be exercised beyond the extent permitted under the terms of the "standard contract," nor so as to prevent the carrier from having sums required for dividends declared and paid during Federal control, and working capital of not less than one-half a month's operating expenses. The conference bill also provides that the funding of the remaining indebtedness for additions and betterments shall be for a period of 10 years from the termination of Federal control, or a shorter period, at the option of the carrier, with interest at 6 per cent per annum, subject to the right of the carrier to pay before it is due the whole or any part of such indebtedness. Under the conference bill any other indebtedness is to be evidenced by notes payable in one year or a shorter period, at the option of the carrier.

EXISTING RATES TO CONTINUE IN EFFECT.
(Section 208 of conference bill.)

Section 206 of the House bill provided that all rates and divisions of joint rates in effect on the termination of Federal control should continue in force and effect until changed by State or Federal authority, respectively, or pursuant to authority of law. The Senate amendment provided that such rates and divisions of rates should remain in force until changed by competent authority. The conference bill, in section 208, adopts the House method of statement and provides that prior to the expiration of the guaranty period no rate shall be reduced without the approval of the commission.

GUARANTY TO CARRIERS AFTER TERMINATION OF FEDERAL CONTROL.
(Section 209 of the conference bill.)

(1) Carriers included. The guaranty provided by section 207 of the House bill applied only to a carrier by railroad under Federal control at the time Federal control terminates, or which engaged as a common carrier in general transportation and competed for traffic with a railroad under Federal control. It also excluded from the guaranty a carrier which within 60 days after Federal control terminated did not file with the commission schedules embodying general increases in its rates. The Senate amendment in section 5 did not contain this latter requirement, but included within the guaranty the roads which had competed for traffic, or connected, with a railroad under Federal control. The conference bill in section 209 in substance adopts the Senate definition of carriers to whom the guaranty is to apply.

(2) Period of guaranty. The Senate amendment provided that schedules of rates filed with the commission within 60 days after Federal control terminated should become effective four months after being filed with such changes as might be ordered by the commission, provided that until the commission rendered its decision, or until the expiration of the four months' period the guaranty should be applicable, thus making it possible for the guaranty to expire before the new rates became effective. The House bill, in section 207, fixed as a definite guaranty period the first six months after the termination of Federal control. The conference bill in section 209 adopts the House period of guaranty.

(3) Amount of guaranty. The House bill, in section 207, guaranteed to each carrier entitled to a guaranty that its railway operating income for the guaranty period as a whole should not be less than the average of such income for the three corresponding periods of six months during the test period, and in case during the test period the carrier had a deficit in railway operating income, the guaranty should be the amount by which any deficit in railway operating income for the guaranty period as a whole exceeds the deficit for the three corresponding periods during the test period, averaged together. The Senate amendment provided that in case of a carrier which had made with the President a contract for compensation under the Federal control act, the guaranty should be of an operating income for the guaranty period proportionate to the compensation so agreed upon, but that in respect to those carriers with which no contract had been made, and with respect to carriers not under Federal control, the guaranty should be based upon the railway operating income during the test period, and if the carrier had a deficit in the test period the guaranty should be against the entire deficit in operating expenses and taxes during the guaranty period.

The conference bill, in section 209, provides with respect to carriers with which a contract-fixing compensation has been made, that the railway operating income for the guaranty period as a whole shall not be less than one-half the amount named in such contract as annual compensation, including increases in such compensation provided for in section 4 of the Federal control act, relating to additions and betterments made by order of, or with the approval of, the President during the period of Federal control.

The conference bill provides with respect to carriers entitled to compensation under the Federal control act, with which such contract has not been made, that the railway operating income for the guaranty period as a whole shall not be less than one-half of the annual amount estimated by the President under the Federal control act, including the increases in such compensation provided in section 4 of the Federal control act. Provision is made that if the carrier does not accept the President's estimate and tries its remedy in the Court of Claims and it is there determined that a larger or smaller amount is due as compensation, the guaranty shall be increased or decreased accordingly.

With respect to any carrier, whether or not entitled to just compensation under the Federal control act, with which such a contract has not been made and as to which the President has not made any estimate of compensation and which in the test period sustained a deficit in railway operating income, the conference bill provides that the guaranty shall be the amount by which the deficit for the guaranty period as a whole exceeds one-half its average annual deficit for the test period plus an amount equal to one-half the annual sum fixed by the President

under section 4 of the Federal control act as interest on additions and betterments made by his order or with his approval during the period of Federal control.

With respect to a carrier not entitled to just compensation under the Federal control act, which for the test period as a whole had an average annual railway operating income, the conference bill provides that the guaranty shall be not less than one-half of the average annual railway operating income of such carrier during the test period.

(4) Return of excess over guaranty: The Senate amendment, in section 5, provided that the guaranty should not be payable unless the carrier accepts in writing the provisions of the guaranty section. It further provided that if any carrier during the guaranty period received an income in excess of the guaranty it should pay such excess into the Treasury. The House bill contained no such provision. The conference bill, in section 209, adopts the Senate provision with the limitation that the carrier may retain out of the amount of any such excess such amounts as are necessary to enable it to pay its fixed charges accruing during the guaranty period.

(5) Computation of railway operating income: The House bill contained detailed provisions as to the computation of railway operating income and provided for necessary adjustments made necessary to make the income for the guaranty period properly comparable with the test period income as defined in the Federal control act. The Senate amendment contained no such provision. The conference bill, in section 209, accepts the House provisions.

(6) Advances: The House bill made provision for advances to the carrier during the guaranty period not in excess of the estimated amount of guaranty, to enable it to meet its fixed charges and operating expenses upon execution of properly secured contracts for repayment of any overpayments. The Senate bill contained no such provision which the conference bill retains.

(7) American Railway Express guaranty: The House bill also contained a provision guaranteeing the American Railway Express Co. against a deficit during the guaranty period. The Senate bill contained no such provision. The conference bill, in section 209, retains the House provision, with the limitation that there shall not be included in operating expenses so much of the charge for payment for express privileges to carriers on whose lines the express traffic is carried as is in excess of 50.25 per cent of gross express revenue. The conference bill also inserts a provision that any operating income earned by the American Railway Express Co. in excess of the guaranty shall be paid into the Treasury, the acceptance of this provision, in writing, being a condition of obtaining the guaranty.

NEW LOANS TO RAILROADS.

(Section 210 of the conference bill.)

The House bill in section 208 created a revolving fund of $250,000,000 for the purpose of making loans to carriers during the transition period following the termination of Federal control. Detailed provision was made for the recommendation of the loans by the Interstate Commerce Commission, and the making of such loans by the Secretary of the Treasury. The Senate amendment appropriated $500,000,000 for loans to railroads, without any provision as to how these loans should be made, or any limitation as to the time during which they might be made. The conference bill, in section 210, adopts the provisions of the House bill, but increases the amount of the revolving fund to $300,000,000.

DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES AND SUBORDINATE OFFICIALS.

(Title III of conference bill.)

The House bill limited the disputes which were to be considered under its labor provisions to those involving employees who are members of certain specified railroad brotherhoods and shopmen's unions. The Senate amendment provided for the consideration of disputes of all employees and subordinate officials of carriers, organized or unorganized. The bill agreed to by the conferees provides for the adjustment of disputes of all railroad employees, not only members of the four brotherhoods or the shopmen's union, but also of other railroad labor organizations. Unorganized employees and employees of sleeping-car or express companies and subordinate officials are also included. The officials included within this last term are to be determined by the commission under the authorization of paragraph (5) of section 300.

The House bill established three adjustment boards, comprised of an equal number of the representatives of the specified railway brotherhoods and shopmen's unions and the railroads appointed directly by the employees and carriers. Such adjustment boards were authorized to receive disputes of any kind for consideration if both the railroad and the employees jointly agreed to submit the dispute to the consideration of the proper adjustment board. If the adjustment board failed or refused to decide the dispute, either half of the members of the board might refer it to a corresponding appeal commission, composed in the same manner as the adjustment board.

The Senate amendment placed disputes in two classes, those relating to wages and working conditions and those relating to grievances and matters of discipline. The latter class of disputes were to be considered by local regional boards of adjustment comprised of an equal number of representatives of labor and the carriers, appointed by the transportation board from nominees presented by the carriers and their employees. There was further created and established a committee of wages and working conditions, formed in the same manner. This committee had original jurisdiction over all disputes involving wages and working conditions and the power to amend or disapprove the decisions of the regional boards for the purpose of securing uniformity of practice. The Senate amendment provided special temporary tribunals for the consideration of disputes of subordinate officials. Finally, disputes as to grievances and matters of discipline which the regional boards failed to decide might be referred to the committee on wages and working conditions, and all decisions of the committee on wages and working conditions were denied effect until approved by the transportation board.

The conference bill (see section 302) permits the formation by agreement between the carriers and their employees of voluntary adjustment boards with jurisdiction over disputes involving grievances, rules, or working conditions. There is further established a railroad labor board composed of nine members appointed by the President, by and with the advice and consent of the Senate, three from nominees offered by the carriers, three from nominees offered by the employees of the carriers, and three to be directly appointed and to be representatives of the public (see section 304). The railroad labor board has exclusive jurisdiction over disputes involving wages, and also of disputes involving grievances, disputes, and working conditions in case no adjustment board has been formed by the carriers and employees who are parties to such dispute. The railroad labor board has appellate jurisdiction upon its own motion or upon the request of an adjustment board, in case such adjustment board is formed but fails to decide such disputes.

The House bill provided for no representation of the public upon any of its boards or commissions. The Senate amendment subjected all decisions of its tribunals to review by a public board, the transportation board. The conference bill (see section 307 (c)) provided for appointment of members to represent the public along with those representing the carriers and employees upon its supreme tribunal, and, moreover, requires that though a decision may be reached by a majority vote, nevertheless a decision in respect to wages is not effective unless at least one of the public representatives concurs therein.

The House bill made it the duty of carriers and their employees to take all possible means to adjust their differences in the first instance before referring the dispute to any adjustment board. The Senate amendment had no provision upon this subject. The conference bill contains a declaration, similar to that in the House bill, directing the officials of a carrier and their employees to appoint representatives to confer over all matters of dispute. In case of the failure of such conference, the House bill provided that no dispute should come within the jurisdiction of an adjustment board unless both the carriers and the employees jointly agreed to submit it to the adjustment board. The Senate amendment permitted disputes to reach a regional board or the committee on wages and working conditions upon the application of either party to the dispute, but made no provision for any action by any tribunal upon its own initiative. The provisions of the conference bill (see section 307 (a) and (b)) permits action by the railroad labor board not only upon application of either party or by petition of unorganized employees but also upon the adjustment board's or the railroad labor board's own motion.

The House bill made permanent all decisions issued by the Railroad Administration or the adjustment boards in connection therewith in respect to wages and working conditions. The Senate amendment had no provision upon this subject. The bill of the conferees, however (see section 312), forbids the carrier to reduce wages agreed to under such decisions during the guaranty period only.

The House bill contained no enforcement provisions, but relied on the voluntary observance by the parties of all decisions made by them. A blanket penalty was contained in the House bill, but there were no corresponding duties save that representatives upon the boards and commissions "shall" reach a decision, to which the penalty applies. The Senate amendment

made extensive use of criminal penalties to enforce all decisions of its tribunals and provided for a fine of $500 or imprisonment not exceeding six months for any carrier or official thereof who fails to obey any decision of its tribunals and for any person who enters into a conspiracy to restrain the operation of trains in interstate commerce. The conference bill contains no penalty provisions for a violation of a decision of the railroad labor board, but provides that all decisions shall be given extensive publicity. There is a further provision—see section 313—that the railroad labor board may, after notice and hearing, determine whether any decision by an adjustment board has been violated by either party to which the decision applies. In case the railroad labor board determines that such violation occurs, it may make public such findings in such manner as it may determine.

The House bill provided for the transfer to the adjustment boards and appeal commissions of certain records of the Board of Mediation and Conciliation, established under the Newlands Act, but both the House bill and Senate amendment permit the general jurisdiction of that board over all railroad labor disputes to remain. The conference bill, however, denies jurisdiction of the Board of Mediation and Conciliation over any dispute which may be adjusted by the adjustment boards or the Railroad Labor Board.

NATURAL GAS.

(Section 400 of conference bill.)

The House bill, in section 400, amended section 1 of the interstate commerce act so that the transportation of natural gas by pipe line was included within the jurisdiction of the commission. The Senate amendment contained no such provision. The conference bill, in section 400, continues the provisions of existing law under which such transportation of natural gas is not subject to the jurisdiction of the commission.

FREE PASSES BY CARRIERS.

The House bill, in section 400, amended the existing provisions of the interstate commerce act so as to put further restrictions on the right of carriers to issue free passes. The Senate amendment contained no such amendment of existing law. The conference bill strikes out the amendment contained in the House bill.

CAR SERVICE—REFRIGERATOR CARS.

(Section 402 of conference bill.)

Section 34 of the Senate amendment empowered the transportation board to require carriers to furnish refrigerator cars for the transportation of perishable commodities. The House bill contained no specific provision respecting refrigerator cars. Section 402 of the conference bill defines "car service" so as to include "special types of equipment," which term will embrace refrigerator cars, and makes it the duty of every carrier by railroad to furnish adequate car service.

CAR SERVICE—COAL CARS.

(Section 402 of conference bill.)

Section 402 of the House bill required carriers by rail to make just and reasonable distribution of cars for the transportation of coal among coal mines served by them, and, in time of car shortage, to maintain and apply just and reasonable ratings of such mines, and to count against each mine every car furnished to it. Section 34 of the Senate amendment required carriers by rail, during any period of car shortage, to make just, reasonable, and nondiscriminatory distribution of cars to coal mines, to establish regulations providing for rating such mines and the distribution of cars among them, to count against each mine every car furnished to it, and not to furnish cars in excess of such ratings, an exception being made in the case of cars used for coal necessary for the movement of trains. The provisions of the House bill were agreed to, and are contained in section 402 of the conference bill.

CAR SERVICE—POWER OF STATES.

(Section 402 of conference bill.)

Section 402 of the House bill provided "that nothing contained in this act shall impair the right of the State, in the exercise of its police power, to require just and reasonable freight and passenger service and the fair exchange and distribution of equipment for intrastate business." The Senate amendment contained no similar provision. The conference bill provides in section 402, "That nothing in this act shall impair or affect the right of a State, in the exercise of its police power, to require just and reasonable freight and passenger service for intrastate business, except in so far as such requirement is inconsistent with any lawful order of the commission made under the provisions of this act."

CONSTRUCTION AND ABANDONMENT OF LINES OF RAILROADS.

(Section 402 of the conference bill.)

The House bill in section 402 provided that the authority of the commission over the construction and abandonment of lines of railroads should not extend to any line located or to be located wholly within one State, or to any street car or electric interurban line. The Senate amendment specified that the authority of the transportation board in this connection "should not extend to the construction or abandonment of side tracks, spurs, industrial, team or switching tracks, located or to be located wholly within one State, or street, suburban, and interurban electric railways which are not operated as a part or parts of a general steam railroad system of transportation." Section 402 of the conference bill adopts the Senate provision, substituting the commission for the transportation board, however.

JOINT USE OF TERMINALS.

(Section 405 of the conference bill.)

Section 405 of the House bill provided that the commission might require the terminal of any carrier to be open to the traffic of other carriers upon such terms and for such compensation as the commission might prescribe. The Senate amendment, in section 11, provided that the transportation board might require one carrier to permit another carrier to use its "terminal, or other facilities including main-line track or tracks for a reasonable distance outside of such terminals," on such terms as the carriers might agree on or as the board might fix. Section 405 of the conference bill contains provisions on this subject similar to those in the Senate amendment. It is provided that the commission, if it is found to be in the public interest and practicable, may require one carrier to allow another to use its terminal facilities "including main-line track or tracks for a reasonable distance outside of such terminal," on such terms as the carriers may agree upon, or as the commission may fix, subject to the right, however, of the carrier whose terminal facilities are thus thrown open to sue for any damages sustained, or any compensation owed.

NON-DISCRIMINATION—EXTENSION OF CREDIT.

(Section 405 of the conference bill.)

Section 404 of the House bill and section 35 of the Senate amendment both amended section 2 of the interstate commerce act, extending the provisions of such section prohibiting discriminations by carriers. Section 404 of the conference bill adopts the extension of the prohibition of discrimination to the transmission of intelligence, while section 405 provides that, after July 1, 1920, no railroad shall relinquish possession of freight at destination until all rates and charges thereon have been paid, except under such rules as the commission may prescribe to assure prompt payment and prevent unjust discrimination. The latter provision virtually continues the operation of general order No. 25 of the Railroad Administration as supplemented, relating to the extension of credits by railroads.

LONG AND SHORT HAUL.

(Section 406 of the conference bill.)

The House bill contained no amendment to the so-called long-and-short-haul provisions of section 4 of the interstate commerce act. The Senate amendment in section 37 provided that, in exercising its authority to grant departures from the strict long-and-short-haul rule contained in section 4 of the interstate commerce act, the commission might not permit rates to the more distant point which were not "fairly compensatory," nor allow a circuitous route to maintain higher rates to intermediate points. The Senate amendment also stipulated that departures should not be permitted on account of merely potential water competition. The conference bill in section 406 adopts the provisions of the Senate bill on this subject, except that rates to the more distant point must be "reasonably compensatory," instead of "fairly compensatory," in order to be within the class of permitted departures, and an exception is made in favor of rates in conflict with the long-and-short-haul rule which have already been filed with the commission.

FEDERAL INCORPORATION.

The House bill contained no provision for Federal incorporation of railway carriers. The Senate amendment in sections 15 to 20, inclusive, provided for the conversion of State railroad corporations into Federal corporations, and in sections 21 to 23, inclusive, provided for the incorporation of new Federal railroad corporations, and in section 32 provided for the dissolution of such Federal corporations. These provisions, in connection with the compulsory consolidation provisions in the Senate amendment, were intended to bring about eventual Federal incorporation of all railroad carriers. The conference bill strikes out all of these sections providing for incorporation, reincorporation, and dissolution of Federal railroad corporations.

CONSOLIDATIONS, MERGERS, AND POOLING.

(Section 407 of conference bill.)

The House bill permitted consolidations, mergers, and pooling of earnings or facilities, subject to the approval of the commission, and for the purpose of carrying out any order of the commission approving a consolidation, merger, or pooling declared that the carriers affected by such order should be relieved from the operation of the antitrust and other restrictive or prohibitory laws. The Senate amendment, in section 9, declared that it is the policy of the United States to require consolidation of all the railroads of the country into not less than 20 nor more than 35 separate systems and provided (section 10) that the transportation board should prepare a plan for such consolidation. Voluntary consolidations were provided for within the period of seven years after the passage of the act, but at the end of that period the transportation board was given power to compel such consolidations. The Senate receded from the provisions for compulsory consolidation and agreed to the House provisions with respect to pooling as revised by the conferees. The House agreed to the Senate provisions for voluntary consolidations as revised by the conferees in section 407 of the conference report. Under these provisions the commission is authorized to permit the acquisition by one carrier of the control of another by lease or purchase of stock. The commission is directed to prepare a plan of consolidation, preserving existing routes and competition so far as possible. Before adopting such plan the commission is required to give a hearing and notify the governor of each State affected. Consolidations or mergers in harmony with the commission's plan are permitted, subject to the approval of the commission and subject to the requirement that the capital of the consolidated corporation shall not exceed the value of the consolidated properties as determined by the commission. An order of the commission approving a specified consolidation may be carried out notwithstanding any State or Federal restraining or prohibitory law to the contrary.

RAILROAD-OWNED WATER LINES.

The House bill, in section 408, amended the provisions of the Panama Canal act, relating to the ownership of water lines by railroads, so as to allow the commission, when satisfied that the public interests would not be injured, to continue existing service of water lines owned by a railroad or to permit the establishment of a proposed new service, except on inland waters. The Senate amendment contained no such provision and the conference bill strikes out this provision in the House bill.

POWER OF COMMISSION OVER INTRASTATE RATES.

(Section 416 of conference bill.)

Section 415 of the House bill provided that the commission should have authority to make such findings and orders as might in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in interstate commerce, on the one hand, and intrastate or foreign commerce, on the other hand, or any undue burden on interstate or foreign commerce; and that such findings or orders should be observed by the carriers, the law of any State or the decision or order of any State authority to the contrary notwithstanding. The Senate amendment provided that the commission shall make such findings and orders as will in its judgment remove any undue or unreasonable advantage, preference, or prejudice as between persons or localities in interstate or intrastate and foreign commerce, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and shall make the rates which in its judgment will remove such advantage, preference, or prejudice. The Senate amendment further declared that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States or other local authorities in relation to taxation or the lawful police powers of the several States, including the power to make intrastate rates, except as provided otherwise in the interstate commerce act.

The conference bill in section 416 provides that whenever the commission finds that any rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate and foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, it shall prescribe the rate, fare, or charge or the classification, regulation, or practice in such manner as in its judgment will remove such advantage, preference, prejudice, or discrimination. The carriers are compelled to observe the orders of the commission, the law of any State, or the decision or order of any State authority to the contrary notwithstanding.

JOINT RAIL AND WATER RATES.

(Section 418 of conference bill.)

Section 15 of the interstate commerce act, as amended by section 417 of the House bill and section 44 of the Senate amendment, authorized the commission to prescribe joint rates, fares and charges and the maximum or minimum or maximum and minimum to be charged in connection with through routes. Section 44 of the Senate bill, however, provided that the commission should not prescribe the minimum rate to be charged by a water carrier. The conference bill in section 418 limits the commission to prescribing maximum rates for through routes in any case where one of the carriers is a water line.

DIVISIONS OF RATES.

(Section 418 of the conference bill.)

Section 417 of the House bill and section 44 of the Senate amendment provided that the commission might, in case it found the division of any joint rate among carriers to be "unjust, unreasonable, or unduly preferential or prejudicial," establish a just and reasonable division of such rate, and require adjustments to be made accordingly. The Senate bill also mentioned certain factors to be taken into consideration by the commission in determining proper divisions of rates. Section 418 of the conference bill authorizes the commission to establish "just, reasonable, and equitable" divisions of rates where it finds such divisions to be "unjust, unreasonable, inequitable, or unduly preferential or prejudicial," and adopts substantially the language of the Senate bill with respect to the elements to be considered by the commission in reaching its decision.

SUSPENSION OF RATES.

(Section 418 of the conference bill.)

The House bill in section 417 authorized the commission to suspend rates for 120 days after their filing, at the end of which time they were to go into effect whether or not the commission had concluded its hearing, but that as to freight rates the carrier should keep a record in all cases where the commission had not concluded such hearing, and, if the commission finally found the rates too high the carrier was required to make refunds to the shippers affected. The Senate amendment provided for a suspension for 120 days, and, if the hearing was not then concluded, for a 30 days' further extension, after which time the rates were to go into effect whether or not the hearing was concluded, and without any duty on the carrier to make refunds if the rate was later found to be excessive. The conference bill retains the House provision but inserts the 30 days' further suspension provided for in the Senate amendment.

WATER CARRIERS—EMBRACING ENTIRE LENGTH OF LINE IN THROUGH ROUTE.

(Section 418 of the conference bill.)

The House bill and the Senate amendment both continued the provisions in section 15 of the interstate commerce act, forbidding the commission to require any railroad to embrace in a through route "substantially less than the entire length of its railroad," but the Senate amendment contained the provision that this restriction should not hinder the establishment of a through route where one of the carriers is a water line. The conference bill practically adopts the Senate provision on this subject, specifically relieving the commission from this restriction where one of the carriers is a water line.

TRANSPORTATION OF LIVE STOCK.

(Section 418 of the conference bill.)

Section 44 of the Senate amendment provided that through rates on live stock should include unloading and other incidental charges in the case of shipments consigned to public stockyards. The House bill contained no reference to this matter. The conference bill amplifies the provision of the Senate amendment and provides that "transportation wholly by railroad of ordinary live stock in carload lots destined to or received at public stockyards shall include all necessary service of unloading and reloading en route, delivery at public stockyards of inbound shipments into suitable pens, and receipt and loading at such yards of outbound shipments, without extra charge to the shipper," with certain exceptions concerning which the commission may prescribe rules.

DIVERSION OF TRAFFIC.

(Section 420 of the conference bill.)

Section 419 of the House bill added to the interstate commerce act a provision that whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, the carrier thus deprived of its right to participate in the haul of the property should have a right of action against the carrier by which or to which such traffic was unlawfully diverted for the total amount of the rate or charge it

would have received had it participated in the haul. It was provided that this provision should not apply where the diversion or delivery was in compliance with a lawful order of the commission, and that the carrier to which the property was diverted should not be liable if it could show that, when it carried the property, it had no notice of the routing instructions. The Senate amendment contained a similar provision, but afforded no relief if the diversion or delivery was in compliance with an order of the commission, and did not clearly give a right of action against the initial carrier guilty of the diversion. It also based the amount of damages upon the revenues accruing from the diverted traffic. The conference bill in section 420 accepts the House provision as appearing in the House bill.

TRAFFIC NOT ROUTED BY SHIPPER.

(Section 420 of the conference bill.)

The Senate amendment contained a provision not contained in the House bill that with respect to traffic not routed by the shipper the transportation board might direct the route which such traffic should take after it arrives at the terminus of one carrier and is to be delivered to another carrier. The conference bill in section 420 contains this provision of the Senate amendment, giving the power to the commission, whenever the public interest and fair distribution of the traffic require, to direct the route which such traffic shall take after it arrives at the terminus of one carrier or at a junction point with another carrier and is to be there delivered to another carrier.

RULE OF RATE MAKING.

(Section 422 of conference bill.)

The House bill continued the existing law authorizing the Interstate Commerce Commission to prescribe just and reasonable rates. Section 6 of the Senate amendment added to the just and reasonable rule a requirement that the rates must be adequate to enable the carriers as a whole to earn a fair return on the aggregate value of their property, and provided that if from such rates any carrier's railway operating income exceeded 6 per cent of the value of its railway property a portion of the excess should be turned over to the Government and placed in a railroad contingent fund, to be used for the purpose of making loans to or providing equipment for railroad carriers generally. The House receded from its disagreement to these provisions of section 6 and agreed to them as revised by the conferees in section 422 of the conference report. This section directs the commission to make rates adequate to provide the carriers as a whole—either in the entire country or in rate groups or territories to be established by the commission—with an aggregate annual net railway operating income equal as nearly as may be to a fair return on the aggregate value of the railway property held for and used in the service of transportation. The Senate bill required the establishment of rate districts, but the conference bill leaves their establishment to the discretion of the commission. The commission is authorized to determine the value of railway property, and is specifically directed in this connection not to give undue consideration to the property investment accounts. The commission is also authorized from time to time to determine and publish what percentage constitutes a fair return on railway property, except that for the two years beginning March 1, 1920, it is declared in this section that 5½ per cent of the aggregate value of the railway property shall constitute a fair return, unless the commission in its discretion adds thereto, in whole or in part, one-half of 1 per cent of such value to make provision for improvements and betterments chargeable to capital account. The result of these provisions is that 5½ per cent is fixed as a minimum and 6 per cent as a maximum during the next two years, and thereafter the matter is left to the discretion of the commission.

Section 6 of the Senate bill provided that one-half of any excess income between 6 and 7 per cent should be paid into the carrier's reserve fund and the other one-half into the contingent fund, and that the excess of such income above 7 per cent should be payable one-fourth to the carrier's reserve fund and three-fourths to the contingent fund. The conference bill provides that if any carrier earns in any year a net railway operating income in excess of 6 per cent of the value of its railway property, one-half of such excess must be placed in a reserve fund until such fund equals 5 per cent of the value of the carrier's property, and thereafter may be used for any lawful purpose by the carrier. The other one-half of such excess income must be paid into a general railroad contingent fund to be administered by the commission. The conference bill adds a provision that the value and the income of a group of carriers which are under common control and management and are operated as a single system shall be computed for the system as a whole.

The general railroad contingent fund is to be used to make loans to carriers to meet expenditures for capital account or to purchase equipment to be leased to the carriers. The making of such loans and the obtaining and leasing of such equipment is left to the commission.

LIMITATION OF ACTIONS.

(Section 424 of the conference bill.)

Section 424 of the House bill provided that all actions at law by carriers for recovery of charges shall be brought within two years from the time the cause of action accrues; and that all complaints for the recovery of damages shall be filed with the commission within two years after the cause of action accrues, unless the carrier after the expiration of such two years, or within 90 days before such expiration, begins an action for recovery of charges in regard to the same service, in which case such period of two years shall be extended to 90 days from the time the carrier's action is begun. In either case the cause of action shall be deemed to accrue upon delivery, or tender of delivery, of the shipment by the carrier. This provision was not contained in the Senate amendment. The conference bill retains the House provision as it appeared in the House bill.

DIVISIONS OF INTERSTATE COMMERCE COMMISSION.

(Section 431 of conference bill.)

The interstate commerce act now provides that in proceedings before the commission involving valuation of railroad property, under section 19a of the interstate commerce act, not less than five members of the commission shall participate. The House bill in section 429 amended this so as to require the participation of not less than three members. The Senate amendment contained no such provision. The conference bill in section 431 amends the provision of the interstate commerce act authorizing divisions of the commission, so as to provide that each division shall consist of not less than three members.

DEPRECIATION ACCOUNTING.

(Section 435 of the conference bill.)

Section 433 of the House bill required the commission to establish, and the carriers to comply with, schedules of depreciation for all classes of equipment and fixed improvements. The Senate amendment contained no such provision. Section 435 of the conference bill requires the commission to prescribe the classes of property for which depreciation charges may be included under operating expenses, and the percentage of depreciation which shall be charged with respect to each class of property. The commission may modify these classes and percentages when it deems necessary. Carriers are forbidden to charge to operating expenses depreciation charges on other classes of property, or to employ a percentage of depreciation other than that prescribed by the commission. Provision is also made for avoiding duplication of depreciation charges.

SECURITIES ISSUES.

(Section 439 of the conference bill.)

Both the House bill and the Senate amendment contained substantially similar provisions giving the commission power to regulate issues of securities by railroad carriers. The House bill provided in section 437 that the provisions of the section should not apply to notes maturing in not more than two years after the date thereof and aggregating (together with all other then outstanding notes of a maturity of two years or less) not more than 10 per cent per annum of the par value of the securities of the carrier then outstanding. The Senate amendment had a similar provision, but specified 5 per cent per annum in place of the 10 per cent per annum fixed in the House bill, and did not contain the provision of the House bill that, in considering the aggregate amount of the notes, there should be added the amount of similar notes then outstanding. The conference bill, section 439, retains this latter provision, but adopts the 5 per cent of the Senate amendment.

INCREASE OF INTERSTATE COMMERCE COMMISSION.

(Section 440 of the conference bill.)

The House bill in section 438 increased the membership of the Interstate Commerce Commission from 9 to 11 members, increased their compensation from $10,000 to $12,000 annually, and increased the salary of the secretary of the commission from $5,000 to $7,500 per annum. The Senate amendment did not increase the membership of the commission or the salary of the secretary, but did increase the salary of the commissioners as in the House bill. The Senate amendment further created a transportation board to be composed of five members appointed by the President with the advice and consent of the Senate, to which board was transferred practically all the powers of the Interstate Commerce Commission except the power with re-

spect to rates. The conference bill in section 440 adopts the House section exactly as appearing in the House bill, and contains no provision for a transportation board.

THROUGH FOREIGN SHIPMENTS BY RAIL AND WATER.
(Section 441 of conference bill.)

The House receded from its disagreement to the provisions of section 45 of the Senate amendment and agreed thereto with verbal changes by the conference in section 441 of the conference bill. This provision requires water carriers in foreign commerce whose vessels are registered under our laws to file with the commission a schedule of sailing dates, routes, and destinations, which schedules shall be published by the commission and distributed to railway agents for the information of shippers. On application by a shipper, a carrier by rail is required to secure from the carrier by water, which is required to furnish, rates for any specified shipment, and the carrier by water, on advice from the carrier by rail that such rates are accepted, is required to make firm reservation for the transportation of such shipment and to advise the carrier by rail of such reservation and of the prospective sailing date. Provision is made for the issuance by the rail carrier of through bills of lading under rules to be made by the commission, but it is expressly declared that the issuance of such through bill shall not constitute "an arrangement for continuous carriage or shipment" within the meaning of the interstate commerce act.

SAFETY DEVICES.
(Section 441 of the conference bill.)

Section 439 of the House bill added to the interstate commerce act a provision authorizing the commission to order a railroad to install automatic train-stop or train-control devices complying with the specifications prescribed by the commission, such order to be issued at least one year before the date specified for its fulfillment. The Senate amendment contained no such provision. The conference bill, in section 441, contains the House provision adding to the power of the commission a similar power as to other safety devices, but requiring the order, in case of all devices, to be made at least two years before the date specified for its fulfillment.

SECTION 10 OF THE CLAYTON ACT.
(Section 501 of conference bill.)

The Senate amendment in section 50 extended to July 1, 1920, the effective date of section 10 of the Clayton antitrust act prohibiting common directors of carriers and of corporations from which they purchase supplies. The House bill contained no such provision. The conference bill, in section 501, accepts the Senate provision making the effective date January 1, 1921.

UNLIMITED TICKETS.

The Senate amendment in section 51 provided that passenger tickets, except tickets at special rates for excursions, conventions, and other special occasions, shall not be limited and shall be honored when presented by any lawful owner. The House bill contained no such provision, and the conference bill eliminates it.

JOHN J. ESCH,
E. L. HAMILTON,
SAMUEL E. WINSLOW,
Managers on the part of the House.

The SPEAKER. Under the rule there is allowed five hours' debate, two and one-half hours to be controlled by the gentleman from Wisconsin [Mr. ESCH] and two and one-half hours by the gentleman from Tennessee [Mr. SIMS].

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-one Members are present. A quorum is present. The gentleman from Wisconsin [Mr. ESCH] is recognized for two hours and a half.

Mr. ESCH. Mr. Speaker, in view of the very large demand for time upon the gentleman from Tennessee [Mr. SIMS] and myself, and in view of the importance of the legislation, I ask unanimous consent that five legislative days may be allowed for Members of the House to print their remarks in the RECORD on the pending bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that five legislative days be allowed to all Members to print remarks on the pending bill. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, I wish the gentleman would make that "their own remarks."

Mr. ESCH. I accept that suggestion.

The SPEAKER. The request is that they be permitted to print only their own remarks. Is there objection?

There was no objection.

Mr. HULINGS. Mr. Speaker, I would like to inquire if that includes the printing of remarks of Members who have not spoken?

The SPEAKER. Yes.

Mr. ESCH. Mr. Speaker, in view of the demands made upon me for time, I shall try to confine my remarks to one hour. In that brief space I shall try to go over what may be considered material features of the bill as modified by the committee of conference.

It was stated on this floor yesterday that there had been unnecessary and unusual delay in connection with the preparation of this bill and of the report by the conference committee thereon. For the information of the House, I wish to state that the Committee on Interstate and Foreign Commerce on the 15th of July last began hearings, and on the 17th of November, just four months afterwards, a bill was passed through the House. The Senate passed its bill on the 19th of December, and two days thereafter the Senate and House bills were sent to conference, and the conferees, regardless of holiday recesses, held sessions mornings and afternoons and even Sundays, and concluded their labors last Wednesday. There has been no slacking on the job from beginning to end. If Members could realize the tremendous complexities of the problems that were presented, the diverse interests claiming recognition, and the difficulty, the almost insurmountable difficulty, of securing an agreement between the Senate and the House, they would not come to the conclusion that we have taken an unreasonable time to present this conference report. [Applause.]

The President in his message to both Houses a year ago stated, in effect, that as to the solution of the railroad problem he did not have a confident judgment of his own. Since this message no suggestions or recommendations as to the proper solution of the complicated railroad problem have come either to Senate or House Committees on Interstate Commerce from the White House. The committees therefore worked out their own solution as embodied in the pending conference report.

As to the conference report, it may be gratifying to the membership of the House to know that the form and structure of the House bill have been preserved. I think that the form and structure commend themselves to everyone because of their simplicity and because they render reference to the act much more easy. We not only secured acceptance by the Senate as to form and structure, but practically as to substance. There is but one substantive proposition contained in the Senate bill which was not contained in the House bill that was yielded to by the House conferees and yielded to only with material modifications. That is so-called section 6, providing for the rate of return on the value of the property. The other important and novel propositions presented in the Senate bill and which are not in the House bill, namely, the creation of a transportation board, compulsory consolidations, and Federal incorporation have gone out of the bill as the result of the work of the conferees. That, therefore, leaves section 6—now section 422—as the main new proposition as presented in the Senate bill.

I wish to take up some of the salient paragraphs or sections of the bill as to which material changes were made by the committee of conference. In section 201 we sought to perpetuate the operation of the barge lines on the lower Mississippi and the Black Warrior Rivers and also on the upper Mississippi River. We believed that it was absolutely essential, in view of the fact that the Government had already invested something like $9,000,000 in the barge line on the lower rivers and had commitments for several million dollars more, that this new venture should not fail, but should be continued in order to demonstrate its practicability and in order to aid transportation and relieve congestion. To that end the House bill provided that the management and operation of these barge lines should be placed in the hands of the Secretary of War. The Senate bill intrusted this to the Shipping Board. The Senate receded. The Secretary of War has jurisdiction.

In order to provide for the financing of these barge lines we make available unexpended balances out of former appropriations and also authorize an appropriation for the construction of the necessary transfer or exchange terminals at such points as East St. Louis, Natchez, a point opposite Vicksburg, Memphis, and the city of New Orleans. In view of the fact that the State of Louisiana owns the dockage rights on the Mississippi at New Orleans, private enterprise is barred, so the bill permits a loan to be made by the Government to the State of Louisiana for the construction of suitable terminals in the city of New Orleans. We trust that with this authorization in the statute it will not be difficult—and it ought not to be difficult—to secure the necessary appropriation which will make this venture on the lower Mississippi River and the Black Warrier a signal success. It can not be made a success until these necessary terminal facili-

ties and the full equipment are provided as now contemplated. [Applause.]

On the upper Mississippi we provide that should the existing contract be terminated before its term, or upon the completion of the term, then the Secretary of War is to take over the operation of the barge lines now being provided for the upper river. Like jurisdiction is given with reference to the barge line on the Erie Canal.

Another matter of considerable importance in connection with the conference report is contained in section 203, with reference to the settlement of matters arising out of Federal control.

Mr. WELTY. Mr. Speaker, will it disturb the gentleman if I ask him a question?

Mr. ESCH. I yield to the gentleman from Ohio.

Mr. WELTY. I understood the gentleman to say that an appropriation was made for the operation of these boats on the lower Mississippi, the Black Warrior River, and the upper Mississippi.

Mr. ESCH. I said unexpended balances in existing appropriations were made available for the completion of existing contracts.

Mr. WELTY. But there is nothing in the bill which provides for the continuation of the operation of those boats now constructed out of the funds allowed, namely, something over $9,000,000.

Mr. ESCH. We thought we had covered that in the bill.

Mr. WELTY. I think if you will refer to section 202 you will see that you simply refer to subdivision (a) of section 201, and do not refer to subdivisions (b) and (c) of section 201, so that this bill evidently has made no appropriation for the continuation of the barge lines and the boats that were constructed out of this $10,000,000.

Mr. ESCH. We say that authority shall be given to the Secretary of War to operate these lines. There would be warrant in that statute for the securing of appropriations to continue the operation should the unexpended balances be held insufficient.

Mr. WELTY. That is subdivision (b)?

Mr. ESCH. Yes.

Mr. WELTY. Now, if you will refer to section 202—and I do not care to be critical—it says:

For these purposes and for the purpose of making the payments specified in subdivision (a) of section 201, all unexpended balances in the revolving fund created by the Federal control act—

And so forth. But it does not refer to subdivision (b), which provides for their operation. Nor does it make any appropriation under subdivision (d). So that, if this bill passes, on March 1 there will be absolutely no funds available for the purpose of using these boats, which have been constructed at the expense of probably $10,000,000.

Mr. ESCH. I do not anticipate the difficulties that the gentleman sets forth. I believe that has been safeguarded, and that there will be no difficulty about the continuance or operation of these barge lines on the lower river.

Mr. WELTY. If the gentleman will yield further——

SEVERAL MEMBERS. No!

Mr. ESCH. I am very anxious to go on, and I am allotting to myself only one hour. I beg the gentleman's pardon.

In regard to the settlement of matters arising out of Federal control, you will notice that in section 203 of the bill we provide that there shall be appropriated in this bill the sum of $200,000,000 in addition to the amount made available in the section. The necessity for this large appropriation at this time is made clear through a request made of the conferees by Director Sherley of the Division of Finance of the United States Railroad Administration. And in order that this may be fully explained, I wish to read the statement of Director Sherley on this very matter:

In fuller explanation of the reasons that prompted the Railroad Administration to ask the conferees to carry in the pending bill an appropriation of $200,000,000 to be available for the purposes for which the previous $1,250,000,000 of appropriations were available, I beg to say that the immediate financial situation which will confront the Railroad Administration as of the 1st of March is that there will be to its credit in the Treasury and in the central administration after the payment of vouchers to meet requirements of various roads as of March 1, touching fixed charges, etc., approximately $100,000,000. There will be in the hands of Federal treasurers in the field approximately $215,000,000, and in the hands of agents and conductors in the form of cash and assets easily convertible into cash approximately $95,000,000, but these two latter sums will be fully required, together with lap-over items subsequently collected, for the payment of outstanding obligations of the Government, the greater part of these obligations being for wages for the last half of February and for materials and supplies and other current indebtedness coming over from the operation of the railroads.

By the terms of the funding section of the pending bill the Government, prior to the exercise of any right of set-off, must have furnished the carriers the sums sufficient to enable them, with other available corporate funds to meet their fixed charges, etc., and to have as a working capital a sum equal to one-twenty-fourth of the operating expense for the calendar year 1919. The requirement as to working capital, together with other requirements of the carriers, will probably result in the need of paying out to the carriers as of March 1 or shortly thereafterwards approximately $180,000,000. In addition to this immediate need there will shortly thereafter be demands made upon the Railroad Administration by various carriers for additional sums to enable them to meet subsequent interest charges. It was apparent, therefore, that in order to be in a position promptly to deal with this situation the Railroad Administration should be in immediate possession of additional funds in an amount not less than $200,000,000. As the financial statement submitted herewith shows, after these funds are made available there will need to be a final appropriation of approximately $436,322,885. It was thought there would be no valid objection to an appropriation in this bill in the amount of some $200,000,000 practically on account. This would enable the Railroad Administration to submit in regular course, as it expects to do, an estimate for the balance for the consideration of the Committee on Appropriations of the House, and subsequently of the Congress itself. The consideration of such an estimate will enable the Congress to make such inquiry as may be desirable touching details of these very large figures to the same extent that an estimate for the total of the two sums would give. The plan has the advantage, however, of making sure that the Government will have immediately available sums that are unquestionably needed as of the first of the month. If no appropriation were carried in this bill the Railroad Administration would be under the necessity of presenting an emergency estimate to the Congress and asking immediate consideration of it. After consultation with the chairman of the Committee on Appropriations, Mr. GOOD, yourself, and Senator CUMMINS, it seemed in the interest of the Government to make the request that was made, that there be carried in this bill the sum of $200,000,000.

Under the bill as agreed to by the Senate provision was made for one month's working capital. In conference we agreed to one-half month's working capital. The average working capital, based upon the Federal control period, amounts to practically $375,000,000 a month. We allow $200,000,000 as being half of one month's working capital plus a small additional amount to meet extra charges.

Unless this money is made available on the 1st of March, the Railroad Administration will not be able to meet the current accounts as they come due, and the Director General feels compelled to come to Congress and ask for this appropriation in this bill rather than to come to Congress to secure an urgent deficiency appropriation. It will not add one dollar to the Government's expense, because this is only part payment of the amount of $646,000,000 which the Government will still have to appropriate in order that we may clean up this entire matter of Federal control. I therefore trust that no objection will be made to the inclusion of this large item in the pending bill.

I have here a statement showing the various expenditures itemized and concentrated, drawn from more elaborate statements made to us by Mr. Sherley. These figures may be of interest, and I read them:

The Government's total expenditures for additions and betterments up to March 1, when Federal control is to end under the proclamation of the President, amount in even numbers to $1,152,000,000. The amount paid out for new equipment—that is, for the 100,000 freight cars and the 1,900 locomotives ordered during the period of Federal control and which were allocated to the several carriers—is $372,000,000. Of this sum $15,000,000 has already been paid in cash by some of these carriers, leaving, therefore, a balance for equipment of $357,000,000 which the Government has expended.

The amount paid for additions and betterments to roadways and equipment for the whole period of Federal control amounted to $70,000,000; but against this sum, under the terms of the bill, offsets are allowed by placing against the indebtedness of the carrier to the Government the Government's indebtedness to the carrier resulting from compensation under the Federal control act. There can be offset under the bill against the $780,000.000 for additions and betterments the sum of $461,000,000, leaving, however, as the sum to be funded $319,000,000. This latter sum is to be funded for a period of 10 years, with the option of the carrier to pay any time within the 10 years.

The net excess of operating expenses and compensation to the carriers over the operating revenues for all the roads up to March 1 is $854,000,000. There is due the corporations as compensation for interest and open accounts $1,442,000,000, against which can be applied interest due on Government notes and open accounts and additions and betterments and indebtedness of $709,000,000, making the net sum that must be paid the roads under the terms of the bill $733,000,000.

After set-offs there will be owing the Government on account of additions and betterments $319,000,000; allocated equipment—cars, locomotives, and so forth—$357,000,000; and other indebtedness which will be represented in long-time notes or one-year notes, $239,000,000, a total of $915,000,000. The total amount which the Government must appropriate to make up what may be considered a shortage is $646,000,000. If the $200,000,000 herein appropriated is made it would still leave $436,000,000 to be appropriated.

The Director General will appear before the Committee on Appropriations early in April setting forth the facts and circumstances and asking for that appropriation. In short, gentlemen,

the Government as a result of our experience under Federal control will have appropriated approximately $1,900,000,000. Of that sum $1,250,000,000 represents what has already been appropriated and the additional $200,000,000 herein provided will make $1,450,000,000.

The difference would approximately be what I have already stated the amount which the Government must still appropriate. So that this in a financial way represents our experience with Federal control. This additional sum of $646,000,000 will practically have to be charged off as a war cost. There may be those who will say that this is an expensive experiment. So it is. And yet, it is worth the price, because without the railroads during the war period transportation would have failed, and we would not have been able to supply our men across the seas with the necessities of life, with munitions, and all war material. So that the war cost that we must charge off is what we pay for the railroads' part in the winning of the war. [Applause.]

Another thing I wish to call your attention to is in regard to the short-line railroads. I do not think any one subject in connection with the bill has caused more discussion and aroused a greater interest than the short-line roads. We have sought to deal generously with those carriers. The conference agreement deals with them more generously than did the House bill. In the House bill we did not take care of all the short lines on the question of guaranty. We practically limited them to those that were in competition with the roads under Federal control, but did not take care of those "connected with" a road under Federal control.

The Senate bill had the latter provision, and the House has agreed to it. So that these short-line roads are now taken care of in the provision as to deficits and the guaranty provision. This guaranty provision is for a period of six months. Under the Senate bill there was uncertainty as to the period of the guaranty. It allowed two months in which to file claims for increases and four months thereafter in which the commission could determine the amount of such increases, leaving, therefore, the period rather undefined. The Senate has yielded and adopted the House provision as to a straight six months' guaranty.

But the question will be raised why we should guarantee at all. When Federal control ceases why not have the guaranty of the Government for a standard return also cease? The reason lies in the financial straits of the carriers when Federal control shall cease.

What is the situation? Prior to the war 60.38 per cent of the roads of class 1 earned a dividend and paid their interest. The balance did not. During the period of Federal control only 57 of the 175 class 1 roads earned their interest and only a few paid dividends. One hundred and eight of them did not earn their interest, and, of course, could not pay dividends, and many did not earn their operating expenses.

With this situation confronting the carriers on the 1st day of March, the committee of conference indorsed the attitude of both Senate and House, continuing the guaranty in the House bill for a straight term of six months.

In 1919, 108 class 1 roads lacked $60,000,000 of earning their interest and fixed charges. The net operating income last year was only practically half of the standard return which we guaranteed. Should we thrust these roads on their own resources on the 1st of March without a guaranty, I make the prediction that within three months 50 per cent of them would go into receiverships. Do we want to do that? Ought we to do it? No; because receiverships for railroads means receiverships for industrial plants and all classes of business throughout the country. [Applause.]

I believe that in other respects we have well taken care of the short lines with respect to the matter of the rule of rate making. The short line as a rule got only a pro rata of the distance haul, did not get a pro rata of really what its service was worth. In this bill we prescribe that the Interstate Commerce Commission shall have the right, even on its own initiative, to create just and equitable divisions of rates between the short line and its trunk-line connections, and we prescribe what the commission shall consider in arriving at what is a proper division of the rates. We also take care of them in the matter of the diversion of traffic. They have often suffered because the trunk line would divert traffic from the short line. We take care of them also with regard to traffic which is not routed by the shipper, but which the trunk line could at junction or terminal points divert to a favorite carrier. We take care of that situation. We also permit the joint use of terminals, and we adopt the Senate suggestion to the effect that there shall be included within terminal facilities main-line track or tracks within a reasonable distance outside of the terminal. It will avail a short line nothing if it can get to the city limits and then can not go over the tracks of the trunk line and into its terminal. We protect that situation under the supervision of the commission.

We take care of them in the matter of consolidations, and also allow them 100 per cent compensation under the Federal control act. We also take care of them in the matter of loans to carriers. I think on the whole the short-line roads have been fairly and possibly generously treated, but unless they are fairly and generously treated the trunk line itself may suffer, because the short line is the feeder for the trunk line, and it is as necessary to the people living thereon as is the trunk line to the people it serves.

In the guaranty section, the Senate bill provided that the excess of the guaranty over the standard return based on the test period should be paid into the Treasury of the United States. The House bill had no such provision. The House in this particular receded and the excess is to be paid into the Federal Treasury, but the House bill safeguarded this matter by giving the Interstate Commerce Commission supervisory control over the expenditures of the carrier during the six months, because you can readily understand that unless there is some supervisory control over these expenditures for maintenance of way, equipment, and so on, the carrier might spend so much money thereon that there would not be any surplus. The carrier might make abnormal, unreasonable expenditures. We give the commission a supervisory control over expenditures during the six-month period, and the commission can say to the carrier, "We shall demand a restatement of accounts at such time as we see fit and proper, in order that there may be no padding of the expense account of your roads during the six-month guaranty period." We go further and say to the roads that if during the six-month guaranty period they need advances to help pay operating expenses, we will make advances on proper security, and should the advances exceed the guaranty, the excess will have to be repaid.

We also provide for loans to carriers. The Senate bill had no provision with reference to creating a revolving fund out of which to loan money to carriers in need of funds. All the Senate provided was a short paragraph saying that the amount shall consist of $500,000,000. The House provision carried $250,000,000. The conferees agreed on $300,000,000. This was a very large concession by the Senate. The $300,000,000 provides for a fund to loan to carriers. Application for the loan must be within the first two years, and the loan can extend not beyond five years. It is necessary to create this revolving fund in order that the carriers may be able during this critical reconstruction period to borrow money at a reasonable rate of interest. We charge 6 per cent per annum for moneys loaned from this revolving fund.

As to the free-pass provision, I think that has caused many Members of this House more concern than even the larger and more important provisions of the bill, for everyone has been flooded with letters and telegrams in respect to it. The conferees of the House yielded to the Senate and struck out the provision relating to passes to attorneys and physicians and surgeons who do not devote the larger portion of their time to the service of the carrier. This leaves the law as it has been ever since the last amendment to the antipass provisions made by the Mann-Elkins Act of 1910.

An amendment of the long-and-short-haul clause is in the bill. It was not in the House bill. It was opposed in the House.

The Senate amended the fourth section of the interstate commerce act, but did not by any means make it rigid. The Senate amendment, in section 37, provided that, in exercising its authority to grant departures from the strict long-and-short-haul rule, contained in section 4 of the interstate commerce act, the commission might not permit rates to the more distant point which were not "fairly compensatory," nor allow a circuitous route to maintain higher rates to intermediate points. The Senate amendment also stipulated that departure should not be permitted on account of merely potential water competition. The conference bill, in section 406, adopts the provisions of the Senate bill on this subject, except that rates to the more distant point must be "reasonably compensatory," instead of "fairly compensatory," in order to be within the class of permitted departures, and an exception is made in favor of rates in conflict with the long-and-short-haul rule which have already been filed with the commission.

With reference to consolidations, the House bill provided for voluntary consolidations and the Senate bill provided for voluntary consolidations up to a period of seven years and then made them compulsory, giving the Government the right of exercising

the powers of eminent domain in condemning the securities of carriers, forcing a new incorporation under a Federal charter. We did not go that far. The Senate receded.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. HARDY of Texas. Before the gentleman leaves the long-and-short-haul clause, is there anything in the bill that will eliminate the unjust discriminations against intermountain States and the intermediate stations that now exist?

Mr. ESCH. Yes; I think the amendment will relieve that situation quite materially.

Mr. HARDY of Texas. Permit me to explain a little bit further. The last provision we had on that question we provided that in the future no greater charge should be made for a long haul than a short haul in any new rate without the consent of the Interstate Commerce Commission.

But we provided in that bill, unfortunately, that existing discriminations should continue, if an application is filed for its continuation, until a hearing by the commission to set it aside, and under that provision these existing discriminations have continued and the railroad commission has not been able to have hearings amounting to 5 per cent of those existing discriminations, so that the bill has resulted in the perpetuation of an unjust discrimination made in the long-and-short-haul clause under the old law, and I would like to know if there is anything in this bill that will correct that status as to existing discriminations?

Mr. ESCH. Yes; I think we have taken care of that, and believe we have met some of the objections of the intermountain country. Senator POINDEXTER was specially urgent in the conference that this provision be put in the bill.

Mr. HARDY of Texas. Will the gentleman, before he concludes his speech, explain the provision?

Mr. ESCH. I am afraid I have not the time; I have already consumed 45 minutes.

Mr. HARDY of Texas. I trust the gentleman will excuse me.

Mr. ESCH. As I was saying in regard to consolidations, we leave them voluntary, and we have inserted this very salutary provision, in my judgment: before a consolidation for the purposes of ownership and operation can be effected under the permission of the commission there must be a revaluation of the companies seeking to consolidate, and under that revaluation the securities that can be issued by the constituent parts seeking consolidation can not exceed the valuation as fixed by the commission. Now, if there is any water in any road of the constituent elements trying to make up the consolidation there is an opportunity for the commission to use the squeezing-out process. We think it will have a salutary effect, to what extent we do not know. Under the bill we give the commission the power to make a survey of all the railroads of the United States, with the view of putting all the railroads of the United States into a limited number of systems. No consolidation can hereafter be made unless it complies with the plan as prescribed by the commission. We have safeguarded this matter of consolidation in every possible way.

But, gentlemen, my time is short. I shall take up what is known as section 6. You will find it in section 422 of the pending bill. It provides for a rate of return on the valuation of the railroad property either taken as a whole or within a given district or territory. This provision was not in the House bill. Against it the House conferees stood for five or six weeks and until the compromise was finally reached. The whole basis for section 6 can be found in these words in the bill, on page 91, paragraph 5:

(5) Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for and shall pay it to the United States.

The large problem that has given difficulty to the Interstate Commerce Commission and to every regulatory body heretofore has been the fixing of rates on competitive traffic which will not allow one road to earn excessive income while another road on the same rate does not get a sufficient income. No formula has under existing law yet been discovered to meet that situation. You can meet it in two ways—by consolidation of all carriers under one system, where there would not be the problem of the weak and the strong, or under the plan suggested in section 422. The valuation of all railroad property used in the service of transportation in a given district or territory or in the country as a whole is to be made by the commission. The commission then prescribes such level of rates as will produce, as near as may be, a 5½ per cent return on such valuation. In this House I have strongly contended that we should adhere to the existing standard for rate making—that is, that rates should be just and reasonable—but longer consideration has driven me to the opinion that capital will not invest in railroad securities on merely a declaration that the commission shall fix just and reasonable rates.

Investors want something definite and fixed upon which they can reckon. The provisions of section 422 give that stability, that standard which, I trust, will encourage investment; but it is objected that we are making a standard based on the rate of return on the value of the property. What is the value of the property? For the present I acknowledge we have not yet available the physical valuation as prescribed by the act of 1913, but much information is already available to the commission secured under this act. Under section 422 the commission, in determining the aggregate value, shall give to the property investment account only such consideration as is allowed under the law of the land. We do not make capitalization—please mark this—we do not make capitalization the basis of valuation. It may amount to something, or it may amount to nothing. It is only one of the elements which the commission prior to the completion of the valuation work shall consider as laid down by the Supreme Court of the United States in the leading case of Smythe against Ames, One hundred and sixty-ninth United States Reports, opinion by Harlan, justice. What the valuation made by the commission will be I can not state. It will not be property investment account or the book cost, now estimated to be about $19,000,000,000, for everybody knows that book cost or property investment account exceeds the capitalization. Prior to 1907, when the uniform system of accounting was prescribed, these property investment accounts were no doubt padded, but since that time every dollar invested in railroad property is accounted for and can be found in the records of the Interstate Commerce Commission. It may be said, therefore, that neither the property investment account nor the capitalization will be the permanent standard of valuation. But the standard will be such as the commission will fix in the light of the information it already has and will secure as the result of the physical valuation act of 1913.

It is stated in the press and elsewhere that the railroads of the country are not worth more than, say, $12,000,000,000, based on the tentative valuation of three or four small roads, such as the Kansas City & Southwestern, the Texas Midland, and a Georgia road—as these valuations amount to only 50 per cent of the book cost or property investment account, all the railroads of the United States are worth practically only 50 or 60 per cent of their book cost or property investment account. When the valuation of the great trunk lines, the lines that do 90 per cent of the country's business, is completed I am confident we shall find that their valuation in many cases will equal and, in some, exceed the capitalization. The Burlington & Quincy has a low capitalization; the Pennsylvania has a low capitalization. The Pennsylvania in the last 20 years has invested $400,000,000, taken from its earnings without adding this vast sum to its capitalization. It spent this sum for betterments and improvements, thereby increasing the facilities of transportation and adding to the comfort and convenience of the people.

The valuation having been made, it does not mean that the Government guarantees to every carrier a 5½ per cent return upon its valuation. I know that there are some papers and some individuals who believe that section 422 constitutes a guaranty and that every road is to get a 5½ per cent return on the valuation of its property.

Nothing of the kind. There is no guaranty here in the respect that the Government must make good the difference between 5½ per cent and what the road actually does earn out of its business. There is no such guaranty. The Government does not make good a dollar. On the contrary, the Government takes one-half the excess over the fixed return and puts it into a Government fund for use in transportation. Under this section some roads may earn 2 per cent, some 3, some 4, and some 5 per cent. It will depend upon each road as to whether or not it will earn 5½ per cent. It is up to the roads, through efficiency, economy, and wise management, to increase their earnings, and if they get up to 5½ per cent or 6 per cent, in the discretion of the commission, one-half per cent being allowed for additions and betterments, not included in capital account, they keep every dollar of it. When they get beyond that there must be a division. The division is a 50-50 proposition, beyond the point where this minimum return stops.

I know there are men in this House, as there are elsewhere, who have great doubts as to the constitutionality of the power

of Congress to take this surplus and devote it to other uses than to the uses of the agency which develops the surplus. There are eminent counsel on both sides of this proposition. Ex-Justice Hughes, Mr. Thom, and Judge Lovett claim that this is an unconstitutional exercise of power. We have as eminent counsel on the other side who say they have no doubt but that it is a constitutional exercise of power. Elihu Root, John S. Miller, and John R. Milburn are of that opinion.

I am persuaded after further study, although in no way claiming to be an authority, that we have this power. Its constitutionality is further indorsed by the three men who in my opinion can speak with largest authority on the subject. These three men are Commissioner Clark of the Interstate Commerce Commission, the senior man in service on that commission, a man of great ability and large experience under the interstate commerce act. In his opinion Congress has this power; that this is no more a violation of the Constitution than it is for Congress to take excess-profits taxes and put them into the Treasury of the United States and then loan them out through the farm-loan act. He contends that this plan is the only way in which we can meet the problem of so fixing the rates between competitive points that they will not produce an excessive return to one carrier and less than a reasonable return to another. He stands for this proposition and for a division of the excess.

Who else supports this proposition? Judge Prouty, for many years the chairman of the Interstate Commerce Commission, one of the ablest chairmen that that commission has ever had, he, too, is in accord with this plan. And lastly, Director General Hines supports this plan. These three men do not have any qualms as to the constitutionality of an act of Congress giving one-half the excess to the Government.

What is the Government going to do with its half? Does it take money from one railroad and give it to another, as is so generally contended? It does not. The excess that goes to the Government goes to the Interstate Commerce Commission and constitutes a fund out of which the commission can loan money to the needy carrier at 6 per cent interest, or out of which it can purchase equipment for leasing the same to the carriers at a rental which will represent 6 per cent on the value of the equipment plus a depreciation charge.

The Government is losing nothing. This is not a guaranty. The Government will secure a large sum of money in peace times, when things again become normal. I do not expect the Government to get much of a fund in the very near future, but in time this plan will develop a considerable fund to be used for the purposes I have enumerated. So the Government is not losing anything. The Government is gaining something and commerce and transportation will be vastly stimulated by reason of it. [Applause.] We do not destroy the initiative of the carriers. I know that argument is made many times. Why, they get a half over the 6 per cent or the 5½ per cent, and that is a stimulus for the roads to use more efficiency, more initiative, more wise management, because the more the road earns above the minimum the larger the company's share will be.

We require that these excess earnings on the part of the carrier shall be utilized to develop a reserve fund that shall in time grow to be 5 per cent of the valuation of the road; and after this reserve fund has been accumulated the carrier can use the money as it deems best.

The CHAIRMAN. The gentleman has consumed one hour.

Mr. ESCH. I will occupy 10 minutes more.

I had at times some misgivings that we could come to an agreement on all these great disputed points that were submitted to conference. After eight weeks of constant effort we present our report. The Senate bill provided that the rate of return fixed in the act should continue for five years, thereafter to be changed by the commission in quinquennial periods with proper revaluations. The conference report lowers this five-year period to two years. We did this for the purpose of getting greater flexibility. We can not tell what the commercial conditions of the country will be for any period in the future.

We say that at the end of two years the stated return fixed in the act shall cease and then the rate of return shall be established by the commission. By that time the physical valuation of the roads will have been completed. By that time we will have had experience under the operation of the 5½ per cent return and with all this information the commission will be able to act wisely in determining what the rate of return shall be.

There is another matter, gentlemen, that I can only allude to briefly, and that is the question of labor. You know that the Senate provisions and the House provisions were radically different. The Senate bill provided for regional boards and for a board of wages and working conditions, with a final appeal to what is known as a transportation board. These regional boards were to take care of matters of grievances, and so forth. The wages and conditions board had charge of matters of wages and hours of service. There was more or less of compulsion all along the line. Then in case two or more employees conspired to stop or interrupt the transportation of the mails or interstate commerce, penalties were to be inflicted. This is the so-called antistrike clause of the Cummins bill. The House bill as it passed the House provided for the creation of adjustment boards, three in number, the membership of which, so far as the railroad employees were concerned, being specifically mentioned in the act. Then for each one of these adjustment boards we created a commission to act on appeals. On these boards and commissions there were to be an equal number of representatives of the carriers and an equal number of the representatives of the employees. There was no final appeal in the House bill. There was a penalty provided for a violation of the first and second sections of Title III of the House bill.

The conference report adopts portions of the so-called Anderson amendment and of the bill as the Committee on Interstate and Foreign Commerce originally reported it to the House. There is nothing in the conference bill of an antistrike character. There is no compulsion in the bill. The only thing that can be done by the railway labor board is to subpœna witnesses—to secure the attendance of witnesses—in order that a full, complete, and thorough investigation may be made.

We provide in the conference bill for the voluntary creation of adjustment boards, either by a single road or by a group of roads, by a single railroad employees' organization or by a group of railroad employees' organizations, and these adjustment boards are to have jurisdiction over disputes and matters of discipline, but not as to the matter of wages. The matter of wages is left to the railroad labor board, and this board can take jurisdiction of all appeals from adjustment boards and can determine them, and its decisions, so far as the machinery goes, is to be final.

There is nothing in the bill regarding the compulsory putting into effect of the award of this railway labor board. It relies for its effect upon the force of public opinion, and public opinion in this country is more effective than acts of legislatures and more effective than the decrees of courts. Public opinion once directed, as it will be, by the decisions of this railway labor board, will result in the adjustment of difficulties or will discourage the initiation of such difficulties. [Applause.]

I have been consistently opposed to antistrike legislation. I had not felt that it would be workable, even though it should be enacted into law, and I had come to that conclusion after a considerable study of the operation of antistrike laws in the various countries of Europe, countries which are as intelligent as our country and which have had large experience in railroad matters.

I find that whereas practically all of the countries of Europe during the first half of the last century have had antistrike legislation, and some of them had continued that legislation to comparatively recent years, these nations have repealed such laws. Let me call attention to some of these: France, by the act of 1849, made a strike a penal offense, but it was generally violated, and there were hundreds of prosecutions. So the act of 1864 recognized the right to strike on State railways particularly, as well as on public utilities. The Government in the great railroad strike in 1910, which started on the northern roads and spread to all the railroads of France, stopped that strike, although there was no law against striking. France stopped that strike, but how? By ordering the employees of the railways to the colors and threatening them with military punishment unless they responded or stayed at their tasks. But France has compulsory military service. We have not—yet. [Applause.]

Germany had no strikes prior to the war. The reason is plain. The Prussian railroads belonged to the Government, and every employee of the German roads was a Government official, semimilitary in character. Of course there were no strikes in Germany. The employees were not permitted to join unions. But since the war, since the armistice, there has not been any antistrike legislation, and the employees have the right to strike. Take Austria-Hungary. By the act of 1852 all strikes were made illegal. That law is no longer in force and effect. She has had her experience with such a law. She has repealed the law.

Italy, before 1889, made all strikes aud lockouts illegal. By the act of 1907 all State railway employees are made public servants, and yet with these laws Italy did not stop strikes. Look at the record. There were strikes in 1904, 1905, 1910, 1911, 1912, 1914, and only three weeks ago all Italy was tied up with a country-wide strike. With this experience of nations

as intelligent as our own, will antistrike legislation be more workable in America than it has been found to be in the countries of Europe?

We believe that in the bill we have presented a fair and a just method of adjusting and settling labor disputes. Even a portion of labor is in favor of this plan as presented in this bill. One hundred and ten thousand employees of railroads have expressed their indorsement of this bill. The more it is studied and the better it is understood the more it will win favor with the American people.

Gentlemen, we must pass this legislation or there will be no legislation on the 1st day of March. The President, by proclamation issued December 24, ordered that the roads should return to private operation at 12.01 a. m. March 1. I am one of those who believe that that action on the part of the President is a completed act. Under the Federal control act, which gave him the authority to return the roads prior to 21 months after the proclamation of the treaty of peace, he has exercised the power granted him in that act, and his order so proclaimed is not revocable. So that on the 1st of March the roads will return to private operation, and unless this bill is enacted there will be no legislation to take care of them in the interim. Will you run the risk? Will you fail to pass this bill to enable the roads to live? [Applause, the Members rising.]

I append a synopsis, prepared by Middleton Beaman, of the House legislative drafting service, covering the provisions of the bill relating to short-line railroads; also the proclamation of the President of December 24, 1919, relinquishing Federal control of the railroads:

PROVISIONS OF THE BILL H. R. 10453, BENEFITING SHORT-LINE RAILROADS.

REIMBURSEMENTS OF DEFICITS DURING FEDERAL CONTROL.

Section 204 of the bill, on page 9, contains an important provision for the benefit of short lines. Under the terms of this section the carrier which operated its own lines during the period of Federal control and sustained a deficit is to be paid the amount by which its deficit during that period exceeds the corresponding deficits during the test period. If it was not in operation for at least a year of the test period, the amount payable is the entire deficit during the period of Federal control.

GUARANTY FOR SIX MONTHS.

Section 209 of the bill, on page 21, includes within the definition of carriers to whom the guaranty is applicable practically all short lines whether or not under Federal control.

If the line was under Federal control and a contract for compensation was made, the guaranty is of one-half the annual amount fixed for compensation. If the carrier had made no contract, the guaranty is that the railway operating income of the carrier for the guaranty period as a whole shall not be less than one-half of the amount estimated by the President as just compensation, with opportunity to the carrier to secure additional amounts if the Court of Claims overturns the President's estimate. If the contract has not been made and no estimate of just compensation is made by the President and the road during the test period was under a deficit, the guaranty is of the amount by which the deficit for the guaranty period as a whole exceeds one-half the annual deficit of the test period. If during the test period the road had a railway operating income the guaranty is that during the guaranty period as a whole the income shall not be less than one-half the average annual income during the test period.

RULE OF RATE MAKING.

An important benefit to the short lines is contained in the provisions of section 422 of the bill on pages 88 and following, which direct the commission to establish rates so that carriers as a whole will earn a fair return on the value of their property. The section also provides that railroads earning more than 6 per cent on the value of their property must divide the excess equally with the Government. The part so paid to the Government is to be placed in a revolving fund for the purpose of making loans to the weak roads and leasing to them equipment.

THROUGH RATES AND DIVISIONS OF RATES.

Section 400 of the bill, on page 52, lines 19 to 23, adds to the existing law a provision making it the duty of all carriers to establish just, equal, and equitable divisions of joint rates.

Section 418 of the bill, on page 83, line 23, to page 85, line 5, gives the commission power in all cases to determine what are the just, reasonable, and equitable divisions of joint rates, and in reaching its decision the commission is required to give due consideration to the efficiency with which the carriers are operated, the amount of revenue required to pay their operating expenses, taxes, and a fair return on their property, the importance to the public of the transportation services of the carriers, and also whether any participating carrier is an originating, intermediate, or delivering line, and any other fact which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater proportion of the joint rate than another carrier.

DIVERSION OF TRAFFIC.

Section 420 of the bill, on page 87, gives to a carrier which has been deprived of its haul by reason of the diversion or delivery of traffic from its lines contrary to the routing instructions in the bill of lading a right of action against the carrier by which and to which such diversion is made, and the damages are the total amount of the rate or charge it would have received had it participated in the haul.

TRAFFIC NOT ROUTED BY SHIPPER.

Section 405 of the bill, page 65, lines 3 to 5, makes it unlawful for any carrier to unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper; and section 420 of the bill, page 88, lines 4 to 9, gives the commission power with respect to traffic not routed by the shipper to direct the route which such traffic shall take after it arrives at the terminus of one carrier or at a junction point with another carrier and is to be there delivered to another carrier. This provision removes the evil now existing resulting from the practice of the initial carrier in delivering freight at its terminus or junction point at the end of its haul to a favored carrier, thus depriving the short line of any opportunity for a fair division of the traffic.

JOINT USE OF TERMINALS.

Section 405 of the bill, in the paragraph beginning on page 65, line 6, authorizes the commission to require the terminal facilities of one carrier to be open to the use of another carrier, including within terminal facilities main-line track or tracks within a reasonable distance outside the terminal. This gives to many short-line roads opportunity to reach important traffic centers now closed to them.

CONSOLIDATIONS.

Section 407 of the bill, page 68, provides that the commission shall have authority to authorize pooling of traffic and earnings when found in the public interest. The commission may also authorize one carrier to acquire control of another by lease or stock control if in the public interest. The section further provides that the commission shall adopt a plan for the consolidation of railroad properties into a limited number of systems. Thereafter the commission may permit consolidations to be made in accordance with this plan. In all of the above cases, when the approval of the commission has been given, the carriers involved are relieved from all restraining or prohibitory laws, State or Federal, in so far as necessary to enable them to carry out any plan provided by the commission.

100 PER CENT OF COMPENSATION FOR FEDERAL CONTROL PERIOD.

Section 203 of the bill, on page 8, relieves the short lines against that provision of the Federal control act which allowed the President in cases where no compensation contract had been made to pay to the carrier only 90 per cent of the estimated amount of compensation. Section 203 permits the President to pay up to 100 per cent of the estimated amount in all cases and requires him to pay 100 per cent wherever necessary to enable the carrier to meet its fixed charges and the dividends accruing during the period for which compensation is due. The section further provides that the acceptance of benefits by the carrier will not deprive it of the right to pursue its remedies under the Federal control act for whatever amount it claims to be due.

LOANS TO RAILROADS.

Section 210 of the bill, on page 31, establishes a revolving fund of $300,000,000 for the purpose of making loans to the carriers during the two years' transition period following the termination of Federal control.

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RELINQUISHMENT OF FEDERAL CONTROL OF RAILROADS AND SYSTEMS OF TRANSPORTATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas, in the exercise of authority committed to me by law, I have heretofore, through the Secretary of War, taken possession of and have, through the Director General of Railroads, exercised control over certain railroads, systems of transportation, and property appurtenant thereto or connected therewith, including systems of coastwise and inland transportation, engaged in general transportation and owned or controlled by said railroads or systems of transportation, including also terminals, terminal companies and terminal associations, sleeping and parlor cars, private cars and private car lines, elevators, warehouses, telegraph and telephone lines, and all other equipment and appurtenances commonly used upon or operated as a part of such railroads and systems of transportation; and

Whereas I now deem it needful and desirable that all railroads, systems of transportation, and property now under such Federal control be relinquished therefrom;

Now, therefore, under authority of section 14 of the Federal control act approved March 21, 1918, and of all other powers and provisions of law thereto me enabling, I, Woodrow Wilson, President of the United States, do hereby relinquish from Federal control, effective the 1st day of March, 1920, at 12.01 o'clock a. m., all railroads, systems of transportation and property, of whatever kind, taken or held under such Federal control and not heretofore relinquished, and restore the same to the possession and control of their respective owners.

Walker D. Hines, Director General of Railroads, or his successor in office, is hereby authorized and directed, through such agents and agencies as he may determine, in any manner not inconsistent with the provisions of said act of March 21, 1918, to adjust, settle, and close all matters, including the making of agreements for compensation, and all questions and disputes of whatsoever nature arising out of or incident to Federal control, until otherwise provided by proclamation of the President or by act of Congress; and generally to do and perform, as fully in all respects as the President is authorized to do, all and singular the acts and things necessary or proper in order to carry into effect this proclamation and the relinquishment of said railroads, systems of transportation, and property.

For the purpose of accounting and for all other purposes, this proclamation shall become effective on the 1st day of March, 1920, at 12.01 o'clock a. m.

In witness whereof I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done by the President, through Newton D. Baker, Secretary of War, in the District of Columbia, this 24th day of December, the year of our Lord 1919, and of the independence of the United States the one hundred and forty-fourth.

[SEAL.] WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.

NEWTON D. BAKER,
Secretary of War.

The SPEAKER. The gentleman from Wisconsin [Mr. ESCH] used 1 hour and 12 minutes.

Mr. SIMS. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. BARKLEY] 35 minutes.

The SPEAKER. The gentleman from Kentucky [Mr. BARKLEY] is recognized for 35 minutes. [Applause.]

Mr. BARKLEY. Mr. Speaker, I appreciate the responsibility assumed by any Member of the House, and especially by a member of a conference committee on legislation of this importance, when he finds it impossible to agree to the bill reported from the conference. For nearly nine months, as a member of the Committee on Interstate and Foreign Commerce, I have labored with the committee under the able and distinguished leadership of my good friend and colleague from Wisconsin [Mr. ESCH], in whose courage and honesty of conviction I have the utmost confidence, in order that we might produce a measure which every Member of this House might support without apology. But I know of no safe guide in the performance of private or public duty except the conscience and the judgment with which Providence may have endowed us. Believing, as I do, that this measure as here presented is built upon a false conception of the functions of government, that it violates the fundamental principles of this Republic, that it in effect sets up a favored class and confers upon them guaranties and safeguards accorded by legislation to no other class, I can not support it without doing violence to my convictions and to the oath which I took upon entrance into this House.

When this measure came before the House originally in November last from the Committee on Interstate and Foreign Commerce, after the elimination of certain objectionable features which it contained, I supported it as it passed the House. While I did not agree to all its provisions, it was so much better than anything that seemed likely to pass through the Senate, so much better than the measure which had been reported from the appropriate committee of that body, that I felt constrained to give it my support. Therefore it can not be claimed that my opposition to this measure as now reported is based on any mere desire to defeat railroad legislation. I recognize full well that if and when the railroads are returned to their owners there must be legislation which will properly safeguard the rights and interests of all the people. But proper and sufficient legislation can be had without chaining the American people to this juggernaut of speculation which will result from the passage of this measure.

In a matter of this great importance, involving the rights and the interests of more than 100,000,000 people, involving also a legislative departure from any precedent ever set by this or any other similar legislative body, we owe it to ourselves no less than to those for whom we propose to legislate to scrutinize to the utmost and with every instrument available the effect which the passage of this measure will have upon the people as a whole, and upon the character and traditions of our Nation.

There are several provisions of this bill to which I object, but some of those objections might be overcome if others were not so serious, and, to me, insurmountable.

I think in fairness I should also say that there are some good provisions in the bill, for which, apart from the others, I would be glad to vote. There are many salutary amendments to the commerce act which I have heretofore indorsed, and which I have in my humble way assisted in having included in the bill which originally passed the House and even in the measure now before us. But in my opinion these excellent and salutary amendments to the general commerce act are entirely overbalanced and vitiated by what I believe to be the most uncalled-for and insidious departure from the true functions of legislation ever attempted by Congress in dealing with private industry or investment.

It is not necessary in this connection to discuss in any detail the policy or the necessity which resulted in the taking over of the roads by the Government during the war. It is well known by all who are familiar with conditions that this step was a prime necessity as a war measure. It is usually futile to speculate upon what might have happened in any circumstances if something had transpired that did not transpire. Therefore it is not worth while discussing now what might have been the result in the prosecution of the war and in the maintenance of the transportation facilities of the country if the Government had not taken over the roads and placed behind them and under them the power and the credit of the Government.

But we did take them over. We did operate them during the war. We did agree to pay them a sum equal to their average income for the three years previous, and we did agree that when returned they would be in practically as good physical condition as when taken over. In order that these agreements might be kept we have taxed the American people something over $850,000,000 in order to pay out of the National Treasury the losses sustained by the Government in the operation of the railroads. This amount must be wiped off the books as a war loss, due entirely to the fact that the expenses of the roads on account of increases in wages and costs of materials were larger than the increase in revenues resulting from increased rates.

The Government, however, has done much more than merely make good this loss. It has advanced to the roads out of the Treasury practically a billion and a quarter of dollars. Congress has already appropriated $1,250,000,000, and the pending bill carries an additional appropriation of $200,000,000, and the Railroad Administration informs us, through the director of finance, Mr. Sherley, that $436,000,000 more will be necessary as soon as the roads are returned to their owners, making a total of $1,886,000,000 taken out of the Treasury of the United States for the benefit of the railroads. The human mind refuses to grasp these enormous figures, but we may catch a faint conception of what they mean when we understand that this sum represents nearly one-third of all the taxes paid into the Federal Treasury by the American people during the year just closed. Whether still other appropriations will be required need not now be discussed, but we may be prepared to expect that they will be requested if the amounts already provided for are not sufficient.

I do not claim that these enormous expenditures or advancements could or should have been avoided. It was perhaps necessary for the Government to become the creditor of the roads, since the Government possessed and operated them. But in dealing with them in this pending bill, and in providing for their operation and control in the future, we must keep constantly in mind what has already been done in order that we may not lose sight of the sum total of past and prospective future outlays in money, either directly out of the Treasury or from the people in the form of increased rates or increased taxes.

The bill now under consideration also creates a so-called revolving fund, taken from the Treasury, which is to be loaned by the Government to the railroads on long-term notes, amounting to $300,000,000. In addition it guaranties to them for the next six months the same proportionate income which they have received from the Government during the period of Federal control, and if the same ratio of revenue and expenses should prevail during that six months which has prevailed on the average during the Federal control, the loss to the Government by reason of this guaranty will amount to nearly $200,000,000. In addition to all this, the pending bill proposes to make good the losses of all the railroads sustained during the period of the war and Federal control, whether the roads were ever taken over or not and regardless of whether they rendered any service to the Government in connection with the war.

This is nothing more nor less than a gift out of the Public Treasury amounting to more than $25,000,000, which Congress is presenting to certain railroads, many of which have neither a legal nor a moral claim upon the bounty of the Government. Adding all these various sums together, we find that in addition to the clear loss of $854,000,000 which the Government has sustained during the period of Federal control, due to the causes heretofore stated, the Government will have invested in the railroads in the form of loans, advances, and expenditures for their improvement and equipment the enormous sum of more than $1,500,000,000, coming directly from the Treasury, and which got into the Treasury through the Government's power to tax the people.

Let us admit that these expenditures and this investment of public funds were necessary. Let us admit even that it was the duty of the Government to make them. We must not ignore the fact that the Government during the period of Federal control was paying the roads an average compensation greater than that which they received for any other period of three consecutive years which may be selected in all the history of American railroading, and we must not overlook the further fact that except for this enormous advancement of money by the Government for betterments, improvements, and equipment, the roads would have been compelled to borrow it from private sources or make the expenditures, so far as possible, from current earnings. In other words, during the period of Federal control the railroads have received the highest average rate of compensation for any like period in their history, have been able to pay their usual dividends and the interest on their bonds, have been able to borrow from the Government already more than a billion of dollars, and will be returned to their owners in practically as good condition as and in many instances better condition than when they were taken over by the Government.

In view of all these financial contributions to the roads by the Government and by the people, may we not with propriety pause to ask ourselves whether it is our duty, under the guise of returning the roads to their owners, to fasten upon the people of the Nation a legislative guaranty of 6 per cent, or any other per cent, upon the value of all the railroad property in the United States? May we not with propriety and candor ask ourselves

whether we should embark upon this untried sea of fixing by law the net return which shall be guaranteed to any form of private industry?

When this bill was reported to the House in November last it contained a provision authorizing the Interstate Commerce Commission, in determining the justness and reasonableness of rates and charges, to take into consideration four things: The interest of the public, the interest of the shipper, the expenses of operation, including wages and taxes, and a fair return upon the value of the property held and used for transportation.

The House will remember the serious objections which were urged against this provision, because it singled out four things, at least two of which were vague and meaningless and by implication eliminated scores and even hundreds of other matters which the commission has always considered, and ought always to consider, in passing upon rates. By an overwhelming vote in the House that provision was stricken out of the bill and the law restored and left as it has existed ever since the commerce act was passed originally. This law and the practice of the commission have required that in the adjustment of controversies growing out of rates and charges by the railroads the chief consideration should be given to the question of justness and reasonableness, and this justness and reasonableness was a quality which must be applied not only to the railroads themselves but to the public as well.

For a rate that is unreasonably high for the carriers immediately becomes unjust to the public, and a rate that is unreasonably low for the public becomes unjust to the carriers. Consequently, the rule which has required that rates must be just and reasonable has been made to apply with equal force to the roads and to the public served by them.

When this railroad bill was originally introduced into the Senate by the distinguished Senator from Iowa [Mr. CUMMINS] it did not contain the provision which has since become generally known as "section 6," but is now section 422 of the pending bill, which in the bill as it passed the Senate provided that the commission should so adjust and fix the rates to be charged by the railroads as to produce a return of 6 per cent net upon the value of the property of all the railroads in the United States, the value to be ascertained and fixed by the commission. However, when the railroad bill was finally reported to the Senate from the Senate Committee on Interstate Commerce it contained this section 6, and it was included in the measure as it passed the Senate in December; and this section, and the guaranty provisions which it contained, constituted one of the great stumbling blocks over which the House and Senate conferees labored for many weeks.

During the long hearings held by the House committee on this legislation, covering a period of more than two months and a half, when the proponents of this guaranteed return appeared and urged its inclusion in the House bill, it received scant consideration, in spite of the able counsel who were employed to urge it upon the committee. I am sure my distinguished friend from Wisconsin, the chairman of the committee [Mr. ESCH], will not contradict that statement. It was given so little serious consideration that it was not proposed by anyone in the committee, and it is doubtful whether it would have received a vote if it had been proposed.

But there has been in existence during all the consideration of this legislation an organization whose sole object has been to foist this proposal upon the American people. While the people of the Nation have been bending their energies to solve the great problems which have come to the surface as a result of the World War, while they have their minds on other things, this organization has camped on the doorsteps of Congress, engaging in and directing the most powerful propaganda ever undertaken in behalf of private interests, and as a result of their activities we find in this measure what I consider the most vicious and insidious departure from established principles of equality and justice ever sanctioned by a legislative body. This poverty-stricken organization has maintained in the National Capital for more than a year luxuriously appointed quarters, with high-salaried agents constantly on hand to urge that legislative safeguards be afforded to them which no other class of industry or investment has ever received or requested.

In order that we may understand just what this provision does for the railroads and to the people, let me state it in a few sentences. It directs the commission to "initiate, modify, establish, or adjust" rates so that carriers as a whole will earn an aggregate annual net income equal to a "fair" return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation; and then follows a provision which declares that for the next two years this "fair" return shall be fixed at 5½ per cent plus an additional one-half of 1 per cent for betterments and improvements, which makes a total of 6 per cent net that the bill instructs the commission to produce on the aggregate value of all the property of all the railroads in the country. It then provides that if any road shall make more than 6 per cent under the rates fixed by the commission one-half of the excess shall be set apart in a fund to be used by the roads in making improvements and betterments chargeable to capital account, and the other one-half shall be paid to the Interstate Commerce Commission for the creation of a "revolving" fund to be used in making loans to other railroads or in purchasing equipment, such as cars, engines, and other equipment to be leased to them.

Those who have urged this proposition upon Congress have set up the claim that it is necessary to do it because the Interstate Commerce Commission has not treated the railroads fairly in the past in fixing rates. They claim that this thing must be done in order that capital may be induced to invest in railroad securities, in order that new capital may be brought into the railroad industry, in order that there may be larger extensions of railroad lines and railroad facilities in the United States. In other words, they tell us that in order that credit may be restored to the railroads of the country it is necessary for Congress by legislative enactment to put stilts under them and inject into their stocks values to which they are not entitled under normal conditions.

Let us examine the administration of the law which has existed for more than a quarter of a century. Let us look briefly into the history of railroading, the history of dividends, the history of the growth of American railroads in order to determine whether this indictment against the Interstate Commerce Commission is just or well founded. And in that connection I hope the Members of this House will not forget that the enactment of this measure in its present form is a legislative confirmation of all the charges and assertions which have been made against the commission by certain railroads which have for years been clamoring against it. It is a legislative indictment of the policy of the commission which has been upheld by the Supreme Court in scores of cases which they have decided. It is a legislative approval of all the anathemas which have been hurled at the commission by the railroad security holders who have demanded that, whatever else may happen, their dividends must be vouchsafed and guaranteed to them.

I maintain that this unprecedented, un-American, and unwholesome departure from the true functions of legislation is unnecessary, and in support of that assertion I summon the statements and records of the railroads themselves on file under oath before the Interstate Commerce Commission.

I quote briefly from a table taken from "Statistics of railways in the United States," based upon the records on file with the Interstate Commerce Commission, which is as follows:

Statement No. 21.—Amount and per cent of capital stock upon which dividends were declared, and amount and rate per cent of dividends declared for the years ended Dec. 31, 1917 and 1916, and June 30, 1916 to 1888.

Year ended.	Per cent of stock yielding dividends.	Amount of stock yielding dividends.	Amount of dividends declared.	Average rate on dividend-yielding stock.	Ratio of dividend declared to all stock.
Dec. 31, 1917:[1]					
Class I carriers and their nonoperating subsidiaries...	64.73	$5,539,378,650	$376,518,349	Per cent. 6.80	Per cent. 4.40
Class II carriers and their nonoperating subsidiaries...	18.05	63,797,350	4,860,931	7.62	1.83
Class III carriers and their nonoperating subsidiaries..	8.20	7,598,033	472,268	6.22	.51
Total, all classes..	63.32	5,610,774,033	381,851,548	6.81	4.24
Dec. 31, 1916[1]	62.02	$5,430,123,235	$366,561,494	6.75	4.19
June 30, 1916[1]	60.38	5,279,427,954	342,109,396	6.48	3.91
June 30, 1915[1]	60.45	5,219,846,562	328,477,938	6.29	3.86
June 30, 1914[1]	64.39	5,667,072,956	451,653,346	7.97	5.13
June 30, 1913[1]	66.14	5,780,982,416	389,077,546	6.37	4.22
June 30, 1912[1]	64.73	5,581,289,249	400,315,313	7.17	4.64
June 30, 1911[1]	67.65	5,730,250,326	460,195,376	8.03	5.42
June 30, 1910[1]	66.71	5,412,578,457	405,771,416	7.50	5.00
June 30, 1909[1]	64.01	4,920,174,118	321,071,626	6.53	4.13
June 30, 1908[1]	65.69	4,843,370,740	390,695,351	8.07	5.30
June 30, 1907	67.27	4,948,756,203	308,088,627	6.23	4.19
June 30, 1906	66.54	4,526,958,760	272,795,974	6.03	4.01
June 30, 1905	62.84	4,119,086,714	237,964,482	5.78	3.63
June 30, 1904	57.47	3,643,427,319	221,941,049	6.09	3.50
June 30, 1903	56.06	3,450,737,869	196,728,176	5.70	3.20
June 30, 1902	55.40	3,337,644,681	185,391,655	5.55	3.08
June 30, 1901	51.27	2,977,575,179	156,735,784	5.26	2.70
June 30, 1900	45.66	2,668,969,895	139,597,972	5.23	2.30
June 30, 1899	40.61	2,239,502,545	111,009,822	4.96	2.01
June 30, 1898	33.74	1,818,113,082	96,152,889	5.29	1.78

[1] Does not include returns for switching and terminal companies.

Statement No. 21.—Amount and per cent of capital stock upon which dividends were declared, etc.—Continued.

Year ended.	Per cent of stock yielding dividends.	Amount of stock yielding dividends.	Amount of dividends declared.	Average rate on dividend-yielding stock.	Ratio of dividend declared to all stock.
				Per cent.	*Per cent.*
June 30, 1897	29.90	$1,603,549,978	$87,110,599	5.43	1.62
June 30, 1896	29.83	1,559,024,075	87,603,371	5.62	1.68
June 30, 1895	29.94	1,485,618,453	85,287,543	5.74	1.72
June 30, 1894	36.57	1,767,925,565	95,515,226	5.40	1.97
June 30, 1893	38.76	1,809,600,846	100,929,885	5.58	2.16
June 30, 1892	39.40	1,825,705,437	97,614,745	5.35	2.11
June 30, 1891	40.36	1,796,390,636	91,117,913	5.07	2.05
June 30, 1890	36.24	1,598,131,933	87,071,613	5.45	1.97
June 30, 1889	38.33	1,629,750,927	82,110,198	5.04	1.93
June 30, 1888	38.56	1,490,267,149	80,238,065	5.38	2.08

I call attention to the fact that in 1888, one year after the creation of the Interstate Commerce Commission, one year after the passage of the act to regulate commerce, which became necessary on account of flagrantly abusive practices engaged in by some of the railroads, and before this commission had even adopted a policy of any sort or any uniformity of decisions, the percentage of railroad stock which paid dividends to the stockholders was only 38.35 per cent of the entire stock of the railroads. What was their trouble then? The commission had done nothing to them, for it had just been created. But under this repressive, stingy, and niggardly regulative body the percentage of railroad stock which paid dividends to the stockholders gradually increased until in 1917, the year before the roads were taken over by the Government, 63.32 per cent of all the railroad stock in the United States paid dividends, representing an increase of more than 64 per cent in dividend-paying railroad stock during 30 years of regulation by the Interstate Commerce Commission. This table also shows that while in 1888 the amount of dividends actually paid, if scattered over all the roads in the country, would have amounted to an average of 2.08 per cent upon the whole, under the policy of regulation under the administration of the commission subsequent to that date the condition of the roads and their earning power gradually became better until, in 1917, the amount of dividends actually paid, if scattered over all the roads in the country, would have amounted to 4.24 per cent upon the total amount of stock outstanding.

I desire to submit also and briefly quote from another table compiled from statements and records on file before the Interstate Commerce Commission showing the average rate of dividends paid by dividend-paying stock from June 30, 1892, to June 30, 1916, and for the calendar years 1916 and 1917, also the rate of earnings per mile of line, the per cent of property investment per mile for the same period, and the corporate surplus accumulations for each year from 1910 to 1917, both inclusive:

	Average income per mile of line.	Dividend rate.	Ratio of income to cost per mile of line.	Surplus accumulations.
1892	$2,194	5.35	3.77	
1893	2,099	5.58	3.88	
1894	1,729	5.40	3.20	
1895	1,743	5.74	3.26	
1896	1,853	5.62	3.48	
1897	1,781	5.43	3.29	
1898	2,088	5.29	3.75	
1899	2,188	4.96	4.02	
1900	2,479	5.23	4.53	
1901	2,593	5.26	4.69	
1902	2,776	5.55	5.02	
1903	2,852	5.70	5.19	
1904	2,707	6.09	4.23	
1905	2,896	5.78	5.10	
1906	3,212	6.03	5.58	
1907	3,343	6.25	6.61	
1908	2,841	8.07	4.78	
1909	3,145	6.53	5.34	
1910	3,487	7.50	6.73	$1,371,107,759
1911	3,156	8.03	4.87	1,541,991,152
1912	3,044	7.17	6.62	1,583,032,034
1913	3,420	6.37	6.12	1,767,320,318
1914	2,869	7.97	4.19	1,648,596,111
1915	2,840	6.29	4.09	1,556,787,176
1916	4,050	6.48	6.82	1,935,019,191
1916[1]	4,277	6.75	6.17	2,159,768,716
1917[1]	3,811	6.81	5.27	2,714,709,325

[1] Calendar year.

It will be seen from these figures that in 1892, four years after the adoption of the commerce act, only four years after the creation of the commission, the average dividend paid by the dividend-paying roads was only 5.35 per cent. But in 1917, 25 years afterwards, during all of which time this alleged repressive policy of the commission had been in operation, the dividends paid by the dividend-paying roads, comprising 65 per cent of the total, amounted to a net income of 6.81 per cent upon the stock, as represented by their dividends.

Therefore it is my earnest contention that there is no basis for the claim that in the past the Interstate Commerce Commission has held back dividends necessary to create credit among the railroads of the country.

It will be observed also from the statement contained in the table to which I have referred that during the past 25 years there has been an increase in the net earnings of the railroads per mile of line from $2,194 in 1892, until in 1916 the net earnings per mile of line amounted to $4,277, and in 1917 it was $3,811 per mile. In 1892 the ratio of income to cost per mile was 3.77 per cent, while in 1917 it was 5.27 per cent, and for the previous year it was 6.17 per cent. As already stated, the dividend rate had advanced from 5.35 in 1892 to 6.81 in 1917, and this is abundantly confirmed by the facts which show beyond all doubt that for the three years just prior to Federal control the roads had made the greatest earnings for any similar period in their history.

But these figures do not tell the whole story. The advocates of this guaranty proposal have told us that railroad construction will not continue in this country unless this guaranty of earnings is provided by law; and that it is necessary for Congress to legislate out of existence for them the ordinary hazards of business, and the human equations which enter into the question of failure or success in every other human enterprise. But in my judgment this claim, like the others, can not be sustained by the records and the information at our disposal with reference to the increase in railroad mileage in this country during the past years. I call your attention to the following table, which shows the increase in railroad mileage for each decade beginning with the year 1835 and ending with 1917:

Increase in railroad mileage in United States since 1835.

	Per cent.
1835 to 1840, from 1,098 to 2,818; net increase, 1,720	170
1840 to 1850, from 2,818 to 9,021; net increase, 6,203	220
1850 to 1860, from 9,021 to 30,635; net increase, 21,614	240
1860 to 1870, from 30,635 to 52,922; net increase, 22,287	73
1870 to 1880, from 52,922 to 93,671; net increase, 40,749	86
1880 to 1890, from 93,671 to 159,271; net increase, 65,600	70
1890 to 1900, from 159,271 to 192,940; net increase, 33,669	21
1900 to 1910, from 192,940 to 238,609; net increase, 45,669	24
1910 to 1913, from 238,609 to 249,803; net increase, 11,194	5
1910 to 1917, from 238,609 to 258,913; net increase, 20,304	8½

It will thus be seen that the increased mileage for the past 20 years amounts to more than 65,000 miles, a most remarkable record in view of the fact that gradually the virgin territory for the construction of pioneer railroad lines has grown less and less as the total mileage has increased. And while the percentage of increase for the earlier years is large as compared with the percentage for more recent years, we must not overlook the fact that as the total mileage increased, thus increasing the basis for calculation, the relative percentage would necessarily decrease, as indicated in the figures already given.

Not only has the increase in mileage in the last 20 years been enormous and uninterrupted, taking into consideration the gradual lessening of the areas suitable for railroad construction, but the increase in new construction since 1890 has kept pace with the increase in the population of the country. I quote again from the records of the Interstate Commerce Commission and from a table furnished to me by a member of that commission, showing the population of the country each year from 1890 to 1915, together with the total railway mileage for the same period, the miles of line per 100 square miles of territory, and the inhabitants per mile of line:

Summary of railway mileage in the United States, 1890 to 1915, and its relation to area and population.

Year ending June 30—	Population (official). (a)	Miles of line owned. (b)	Miles of line per 100 square miles of territory.	Inhabitants per mile of line.
Increase.....per cent.	60	58	54	3
1915	100,725,000	253,181	8.51	397
1914	99,027,000	252,231	8.48	392
1913	97,337,000	249,803	8.40	389
1912	95,656,000	246,816	8.30	386
1911	93,983,000	244,180	8.21	383
1910	91,972,266	240,438	8.08	382
1909	90,556,521	236,868	7.98	382
1908	88,938,527	230,494	7.87	373
1907	87,320,533	227,671	7.74	370

Summary of railway mileage in the United States, 1890 to 1915, and its relation to area and population.—Continued.

Year ending June 30—	Population (official). (a)	Miles of line owned. (b)	Miles of line per 100 square miles of territory.	Inhabitants per mile of line.
1906	85,702,539	222,575	7.55	373
1905	84,084,545	217,018	7.34	378
1904	82,466,551	212,577	7.20	379
1903	80,848,557	207,187	7.00	384
1902	79,230,563	201,673	6.82	388
1901	77,612,569	196,075	6.64	391
1900	75,994,575	192,941	6.51	393
1899	74,318,000	188,277	6.37	395
1898	72,947,000	185,371	6.28	394
1897	71,592,000	182,920	6.21	390
1896	70,254,000	181,154	6.15	384
1895	68,934,000	179,176	6.08	382
1894	67,632,000	176,603	6.02	379
1893	66,349,000	170,332	5.94	377
1892	65,086,000	165,691	5.78	380
1891	63,844,000	164,603	5.67	380
1890	62,947,714	159,272	5.51	384

From 1890 to 1915 the population of the country increased 60 per cent, the railroad mileage increased 58 per cent, and the miles of line per 100 square miles of territory 54 per cent, showing that population and railroad mileage have gone along hand in hand in the development of the Nation. And this parallel is more remarkable when we consider that the territory and need for new railroad construction has grown less as compared with the necessary increase in population.

Again, we have been told that in order to induce new capital to invest in railroad securities, it is necessary for Congress to guarantee a net return of 6 per cent upon the value of railroad property. That the roads have lost their credit, and in order that they may restore it, we must give them a privileged status never given by legislation to any other group of men or interests in the history of the United States. I deny that there is any such condition, or that, if it exists, it is due to anything the Interstate Commerce Commission or any other branch of this Government has done in dealing with the railroads. [Applause on the Democratic side.]

According to the statements of the railroads themselves on file before the Interstate Commerce Commission, in 1908 the railway capital of all the roads in the country was $16,198,731,489. In 1917 their railway capital, according to their own figures, was $19,754,941,991, an increase of $3,556,210,502 in a period of nine years. Their actual investment, as reported by and taken from their statements, in 1908 was $13,213,766,540, and in 1917 it was $18,574,297,873, an increase in investment of $5,360,531,333 in the same period of nine years. It seems preposterous to me to claim that the Government, through any agency it has set up, has so held the roads back, so repressed and depressed them, that they have lost their credit and are unable to invite capital to invest in them, when their actual investment has increased in 10 years more than 25 per cent, if they are telling the truth, and their mileage has increased as I have shown, their net return per mile and as a whole has constantly increased, and all the elements of growth and profit have been constantly increasing ever since they have been regulated under the law. There is but one conclusion which can be accepted as a result of these admitted facts. If the credit of the railroads has been impaired or lost, it is due to the conduct or misconduct of those who have manipulated them in an orgy of speculation, which resulted in the wrecking of many of the roads of the country in times too recent to be forgotten. [Applause on the Democratic side.]

We are asked now to pass a law that will penalize all the people in order to condone past misconduct and give value to stocks which were robbed of their value by financial manipulators. What will be the result if this measure shall pass and become a law?

My friend the gentleman from Wisconsin [Mr. ESCH] tells us that this is not a guaranty; and he is correct to the extent and in the sense that any deficit that might occur on any individual railroad would not be paid out of the Public Treasury. But I can see no difference in principle between levying taxes direct by the Federal Government to be turned over to the railroads and telling or instructing the Interstate Commerce Commission that it shall not only permit but see to it that the railroads themselves may tax the people direct in the form of increased railroad rates. [Applause on the Democratic side.]

I have asked officials of the commission to estimate for me what it will take in increased rates to restore the relationship between income and expenses which existed before Federal control and to provide for the guaranteed net return established by this bill, and I am informed that it will take increases which will amount in the aggregate to $1,214,000,000 per annum over the present revenues of the roads, to be collected from the people who are already overburdened with taxes and expenses of living. In a speech delivered not long ago by Director General Hines, whom I regard as one of the ablest railroad men in the United States, he made the statement that each dollar's increase in freight rates was multiplied four or five times in the ultimate cost to the consumer. I do not know whether his estimate is absolutely correct or not; but if we shall cut it down 50 per cent and say that he was only half correct in his estimate, the result of this legislation will be that the American people will have to dig out of their pockets between two and a half and three billion dollars for the railroads of the country in order that the unsuccessful, the mismanaged, and, in many cases, the extravagant and dishonest railroads may declare dividends, and in order that there may be injected into their stocks a value to which they are not entitled under any reasonable or normal conditions that exist in any industry in the world. [Applause on the Democratic side.]

What else will this legislation do? The gentleman from Wisconsin [Mr. ESCH] has told us to-day that this is not a guaranty. But when he presented the original Esch bill to the House in November he discussed this very question in his report to the House and made one of the best arguments against it which I have heard or seen from anybody who has discussed it. In that report, filed on November 10, 1919, after discussing at some length the objections to such a scheme from the standpoint of both propriety and legality, and with reference also to its practical workability, and after condemning it in unmeasured terms with what I believe was perfect candor and sincerity, he used the following language:

> It is contended that this plan is not in fact a guaranty, in that the Government is not responsible for losses. Yet the Government, through the commission, assures the security holders of the railroads that it will, under all circumtances and regardless of fluctuations in traffic, so adjust the rates that they will produce 6 per cent, for example, on the aggregate property investment account. This is nothing less than a guaranty.

That is the language of the gentleman from Wisconsin in his report upon the bill that passed this House in November. It was, in his opinion, a guaranty then, and it is equally a guaranty now. It is a guaranty, and the mere fact that the money which goes to make it good does not flow directly from the Treasury of the United States does not make it any the less a guaranty, because the same people who pay money into the Treasury of this Government will be compelled to pay the increased costs of transportation necessary to make good to the railroads the guaranty contained in this measure.

I can not, Mr. Speaker, support a measure which compels the people of the Nation to pay tribute to inefficiency and extravagance, in order that railroads that do not deserve 6 per cent or any other fixed or established per cent shall receive that return, and in order that the ordinary hazards of business and investment shall disappear through the magic touch of legislation. I can not support a measure which insures one class against failure by levying tribute upon others not similarly protected.

But in order to give this proposal a semblance of propriety, it is provided that if any railroad in the United States shall make more than 6 per cent, upon rates which have been declared to be legal, just, and reasonable, one-half of that excess shall be taken from it and used to create a fund to be loaned to other roads, or used to purchase equipment to be leased to them. In other words, after the commission has fixed rates that under the law are presumed to be just and reasonable, if any railroad, by honesty, efficiency, economy, and good management, should make more than 6 per cent, it is to be penalized by taking from it one-half of the excess above 6 per cent for the benefit of other roads which may not have been so efficiently, economically, or honestly managed, or which in the nature of things could not keep pace with their competitors.

I can not rid myself of the deep conviction that this is an unprecedented, if not vicious, departure from the legislative history of this Nation, for never before have we gone so far as to penalize economy and efficiency in order that the opposite qualities might receive more than their share of the rewards of honest effort. And if this policy shall be adopted with respect to the railroads, is there any reason in logic why it ought not to be adopted or why it may not be demanded with respect to other business in the United States?

The Constitution confers upon Congress the power to regulate commerce among the several States and with foreign countries. Under the decisions of the Supreme Court and the practices of the commission and other bodies from time to time established by Congress this power has developed into the regulation not only of commerce itself but also of the instrumentalities of

commerce, which includes the railroads. Therefore, if it is wise and proper, if it is in accordance with the theories and principles of our Government, that Congress shall not merely regulate commerce but shall regulate the earnings of commerce, why shall we not be compelled to follow this policy in logical sequence in the future and regulate the earnings of individuals and corporations which ship commerce over the railroads or produce things that enter into commerce? If we are to embark upon the policy of taking away from prosperous and successful railroads in order to give to unsuccessful or poorly managed railroads, why is it not just as righteous and as fair to take away from prosperous corporations or individuals a part of their earnings in order that it may be given to the improvident and the shiftless?

I maintain that neither of these things is constitutional. I took an oath when I came into this House to support the Constitution of the United States. I interpret that oath to mean that I would not, in the performance of my duties as a Member of this House, violate the fundamental law of the land upon the preservation of which depends the perpetuity of this Republic. There is a provision in that immortal document which declares that property shall not be taken from its rightful owner for the use of others without due process of law; nor can it be taken from its owner even for a public purpose without just compensation.

Let us see how this legislation will operate to do violence to that solemn constitutional safeguard to the rights of property. In order that this average of 6 per cent net may be guaranteed to all the railroads it will be admittedly necessary for those who live along or patronize well-managed, successful, and honest roads to pay more than the service they receive is worth, more than the roads themselves may ask for or need, in order that a fund may be created which is to be used for the benefit of others. Therefore if these well-managed and successful roads, under lawful rates which must in theory at least be "just and reasonable," are able by the exercise of economy and prudent business management to earn more than 6 per cent net, under the law and under the guaranties provided in the Constitution it belongs to them. If the rate is lawful, if it is approved by the commission as just and reasonable, they are entitled to earn all they can under that rate, and they are entitled to keep it as their reward for efficiency and economy.

We have no constitutional right to take away from them what they have saved honestly through efficient management in order to bolster up the credit of weak, mismanaged, or inefficient railroads. And if, upon the theory that a particular road is earning more than it is entitled to, we have a right to take away a part of its earnings, certainly we have no right, in the first place, to take it away from the people who pay it. For if a railroad earns more than it is entitled to earn or retain, it is because it is permitted or compelled to collect from the people an unreasonable rate which results in the excess, and if the people are paying an unreasonable rate to one road, in order that some other road somewhere else may be helped, we are taking away from them a part of their property without due process of law and without compensation. This, in my opinion, renders the law doubly unconstitutional. If the rates which the railroads collect are lawful rates, are just and reasonable for the service rendered, the roads are entitled to the earnings they may be able to realize from them. If they collect, even with the permission of the commission or under its compulsion, rates which are more than reasonable, and therefore unreasonable and unlawful, the excess belongs to the people, and they are entitled to retain what is theirs until it is taken away from them in the manner prescribed by the Constitution. And if this provision for taking a part of the excess shall be declared unconstitutional, and many roads are allowed or compelled to collect rates higher than they are entitled to, the result will be the taking from the people of hundreds of millions of dollars in excessive freight rates without even receiving an indirect benefit from the excess payment. There would in that event be no provision for the recapture of any of the excess or for its return to those who had paid it.

Now, let us see about the question of the valuation of the railroads upon which this 6 per cent net return is to be based. In 1913, seven years ago, Congress passed an act providing for the physical valuation of the railroads of the country. Up to the present time only five or six of them have been valued, and those five or six are contesting the valuation placed upon them by the Interstate Commerce Commission. It is admitted by everybody who knows anything about it that the valuation of the railroads of the whole country can not be completed within the next two years. Therefore during that two years we can not know with any degree of accuracy what the total value of the railroads is upon which we propose to fix this net return of 6 per cent. I received in my mail to-day a letter from Mr. Samuel Rae, president of the Pennsylvania Railroad Co., inclosing a speech which he had made somewhere asserting that the total value of the railroads of the United States amounts to more then $24,000,000,000. Under the Interstate Commerce Commission's reports their total capital is a little more than $19,000,000,000 and their total investment a little more than $18,000,000,000. Others whose opinions are entitled to consideration contend that their real value is much less than either figure given above. Whose estimate is to be taken? Whose figures are to be used as the basis upon which this tribute from the American people is to be required? It may be said that the commission shall fix its own value. But what will be its standard of valuation in the absence of the completed valuation provided for in the valuation act? Will its valuation be what it would require to reproduce the property at present prices? Or would its standard be the price the property would bring at a fair voluntary sale? Or shall the valuation be based upon earning capacity? All these standards may result in different amounts, and a combination of the three in still different figures.

The absurdity of fastening upon the country a rate structure which is designed to guarantee 6 per cent net upon a valuation that can only be guessed at is so obvious that it is almost inconceivable that Congress would seriously consider it. And the absurdity increases when we realize that this standard of return will be a permanent standard, for notwithstanding the bill provides that after the two years shall expire, after the rate structure has been set and ordained to produce 6 per cent, the commission may establish a different standard of what is a "fair" return, we know it will not be reduced, because the congressional sanction of 6 per cent as a minimum will be powerfully persuasive to operate against any reduction that might be possible. Therefore we are by this legislation compelling the commission to guarantee to the roads 6 per cent upon the value of their property when they themselves do not know what that value is.

This is a guaranty against failure. This is an attempt at legislative favoritism never before conceived by Congress nor proposed by others. It would be impossible of accomplishment if the people were fully aware of its real significance. This bill removes the incentive to individual initiative and responsibility. It takes away the hope of highest reward for work well done, the most powerful driving force that ever spurred men on to noble effort. It penalizes industry and brains and economy, and pays a tribute to inefficiency and improvidence. It reverses the doctrine of the Sacred Book by taking from those who can and will what is theirs and bestowing it upon those who can not or will not. It attempts to insure one class of investors against the risks of adversity and poor judgment, leaving all other classes to struggle along handicapped and hindered by the human frailties that beset us all. But I presume we should not despair. Congress is tedious, and the people are patient and long-suffering, and it may be that in due time legislation will remove the inequalities of judgment and foresight with which Providence has seen fit to burden us, and we will all be legislated into a common and monotonous level of intellect and merit where 6 per cent net may be our portion, whatever comes or goes.

During the past five years ending with 1919, the total liabilities of commercial concerns which failed in the United States amounted to the sum of $959,250,991, which is more than one-twentieth of the value of all the railroads of the country as claimed by the roads. There was never any thought of guaranty against loss or failure there, nor any congressional declaration of a fixed return upon the value of their property.

The liabilities of commercial enterprises and the proportion of men who enter business and fail have been variously estimated from time to time. But according to information contained in the issue of January 20, 1920, of Dun's Review, issued by the Mercantile Agency of R. G. Dun & Co., the average number of concerns in business in the United States per year during the last 30 years was 1,375,000. During that period of 30 years 391,289 commercial concerns failed. This was 28.5 per cent of the average number engaged in business during that period. Their total liabilities amounted to the enormous sum of $4,596,821,576, an amount equal to one-fourth the value of all the railroads in the United States, and do not include bank failures, amounting to $731,551,050. But nobody has ever proposed that Congress shall by legislation insure commercial enterprises against failure or financial stress. It would have been a wonderful thing if 25 or 30 years ago Congress had possessed the foresight to guarantee everybody against failure and bankruptcy. Billions of dollars in losses would have been avoided, and hundreds of thousands of men and women would have been saved from suffering and humiliation.

Why shall we guarantee one branch of industry, one kind of security, against failure or fluctuation, while we leave all others out in the weather to battle with the surging sea of competition

and strife? The merchant must take his chances of success. The lawyer and the physician must accept the uncertainty which goes with their professions. The manufacturer must undergo all the hardships and all the hazards of the producing world before he is sure of success. The farmer must contest with soil and season and all the vicissitudes which the elements may visit upon him. All these and others have no guaranty from the Government, and never have had. Perhaps they may never ask one. But is it fair to them, is it fair to the millions in this Nation who toil and spin, who ask the Government for nothing except the right to "life, liberty, and the pursuit of happiness"—is it fair to ask them, and all who shall come after them, to bear increased burdens in order that special favors may be bestowed by law upon one class which is set apart? To ask the question is to give its most emphatic answer.

I have no desire that the railroads of this country shall be dealt with other than in a spirit of liberality. I want them to succeed. I want them to pay dividends. I would like for every stockholder to be satisfied with his investment and realize upon it. But I look with great alarm upon the policy of saying by statutes what private industry shall earn and compelling those not engaged in it to make good the declaration.

I am willing to leave that liberality to the Interstate Commerce Commission. I have faith in their ability and their integrity. I think they, like everybody else, have learned something from the history of the past few years, and I know they are better qualified than Congress to determine the question both of earnings and of compensation for the services performed by the railways of this Nation. I am not willing to say by legislation that their policy in the past has been unjust, or that they have failed to recognize their obligation to the people and to the carriers over whom they have exercised jurisdiction. If Congress has lost its confidence in this great commission, which has grown in the respect and admiration of the people from its organization, it ought to abolish it and set up some other tribunal to take its place. This legislation will open a Pandora's box of trouble for the future, from which we will not soon escape. It commits us to a policy unsound in theory, insidious in its effect, and demoralizing to the Nation as a whole.

It enthrones money and makes a commodity of human labor, for while it makes it the duty of the roads and their employees to settle their wage and other controversies among themselves without resort to the tribunals set up in the act, it provides that those mutual agreements and settlements may be interfered with or set aside if calculated to interfere with dividends and net return of 6 per cent. It makes it impossible for either roads or employees to know whether their mutual and friendly settlements among themselves will be respected or permitted to endure, and thus by making everything revolve around the question of guaranteed return, forgetting the rights and the interests of those whose toil and whose patronage make success possible, this measure is designed to lift finance and the devotees of finance by pressing down upon all others.

Hence I protest against it. I protest against it in the name of the Constitution. I protest against it in the name of legislative propriety. I protest against it in the name of the sacred and fundamental doctrines of equal rights to all and special privileges to none, upon which the Nation was built and has grown great. I protest against it in the name of a hundred million people who will be compelled to pay tribute to the blunders of the past and the improvidence of the future. It is in this spirit that I express the hope that this measure may be sent back to the conference committee, where its objectionable features may be eliminated and a measure brought back which men can support without apology or regret, in the belief that they have performed their duty to their country. [Applause on the Democratic side, the Members rising.]

Mr. WINSLOW. Mr. Speaker——

Mr. SIMS. Does the gentleman from Wisconsin wish to yield to some one now, or shall I do so?

Mr. WINSLOW. Yes; we will yield to some one now, if agreeable to the gentleman from Tennessee.

Mr. SIMS. If it is agreeable to me that the gentleman from Wisconsin should yield further time?

Mr. WINSLOW. Yes.

Mr. SIMS. Certainly.

Mr. WINSLOW. I yield, in behalf of the gentleman from Wisconsin [Mr. ESCH], 15 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Speaker and gentlemen of the House, if one were to accept all the premises that are laid down in an argument made by any individual, it would follow as a matter of pure reasoning that the conclusion arrived at by that individual was correct. And, therefore, if one were to accept all the premises laid down by the gentleman from Kentucky [Mr. BARKLEY], it would follow naturally as a sequence in reasoning that his conclusion was correct. But some of the premises laid down by the gentleman from Kentucky [Mr. BARKLEY] are not correct.

In the first place, he asserts here, and asserts it beyond the fear of contradiction, that there is an explicit guaranty of 5½ or 6 per cent to every railroad in the country. I assert with equal positiveness, as a lawyer, that nowhere in this bill—in any line thereof—can he find by clear implication or by direction that there is a guaranty to any specific railroad of any particular amount. [Applause.] The contingent fund is to be devoted to certain purposes clearly outlined and defined in the bill, and it nowhere expresses any intent or declaration that any road in any region nor any road in a system as a whole is to be given a guaranty of either 5½ or 6 per cent. All that the contingent provision does say is that it shall be raised from the excess earnings of the various companies, and that it shall be paid to the Interstate Commerce Commission as a trustee, and that that trustee shall pay out that money for the improvement and betterment of the various companies as the need may be, and for the payment of rental for leased lines for transportation facilities. There is a vast difference in the explanation of the gentleman's bill as he defines it and in the explanation of the bill as it is written. Therefore that premise is not correct, and therefore his conclusion is not correct.

In the next place, he says this legislation is an indictment of the Interstate Commerce Commission. I refute that. One of the most prominent members of the Interstate Commerce Commission is Mr. Clarke; another, an ex-member of that commission, is Judge Prouty; and both of them indorse this legislation and this plan. [Applause.] Would they, as members and ex-members of this commission, be willing to write an indictment against themselves and then plead guilty to the same? So much, then, for these premises that are laid down by my distinguished friend from Kentucky.

Now, let us get down to the essence of this thing. I have prepared here in my humble way an argument as to the constitutionality of this clause in reference to rate making. I have some preliminary remarks here which I desire to have placed in the RECORD, but rather than take up the time of the committee—and only 15 minutes have been assigned to me—I propose to get right down to the question that has been propounded by the gentleman from Kentucky [Mr. BARKLEY], to wit: Is this provision of rate making and this division of the excess earnings of these various companies constitutional or not? I have just as much reverence for the Constitution as the gentleman claims and no doubt has. I do not know a man upon the floor of this House who does not join in that sentiment. But there are various constructions of what may be or may not be constitutional. And right here I beg leave to differ with the gentleman in regard to this construction.

Now, let me give you, if I can, very briefly, the reasons for my belief. I have, preliminary to what I am about to say, summarized the provisions of this clause of the bill. I have pointed out, as well as I am able, that this bill endeavors and does actually consider the transportation systems of the country as a whole or in regional districts. I have tried to show that the bill considers that phase of the question, and that phase of the question only, in making up these rates, and determining what shall be a just, fair, and reasonable rate. And there can be no doubt that if anyone reads the bill he must come to the conclusion inevitably that the purpose of the legislators here was to consider the transportation system of the country as a whole or in regions to be designated by the Interstate Commerce Commission. Now, taking that as a premise, what follows?

During the consideration of railroads, and so forth, under Government control one should be able to free his mind from all prejudice, local sentiment, or personal interest, and at the same time try to legislate for the greatest good to the greatest number, regardless of classes or persons or interests directly and selfishly affected. This may be difficult, as all are naturally subject to the influences of environment and personal welfare, but the duty is imperative when one honestly desires to obtain the best results. The mere statement of some facts will demonstrate the above assertion. This legislation affects the welfare of all the people of this country, in number over 100,000,000. The mileage of the railroads in the year 1918 was 257,618 miles, and of this mileage 240,179 miles were taken over by the Government. The stockholders owning this mileage number 670,000; the bondholders of the various railroads over 300,000. In 1913, $1,200,000,000 of railway stocks and bonds were held by savings banks and trust companies, and it is now estimated that savings banks, with over 4,000,000 shareholders, held $1,500,000,000 in railway securities in 1918. In addition to this, it is estimated

that the National and State banks hold at least $500,000,000 of railway securities, and that the life insurance companies have of their assets above 30 per cent invested in such securities. Over 2,000,000 men are employed in railroad service, with a total pay roll of over $2,500,000,000 per annum, and the amount invested in 250,473 miles of line in 1918, with deductions properly made, was nearly $18,000,000,000.

When, in addition to these startling facts, we also consider the great number of people dependent upon the 2,000,000 railway employees, and the very great number of shippers and travelers over these arteries of trade and communication, one should be more than ever impressed with the gravity of the problem that confronts the legislator in trying to solve it and obtain the best remedy in the solution.

There are many who are opposed to any form of legislation at this time and who approach this subject in a spirit of opposition. There are others who seem to be governed by partisan feeling, and again others are influenced by class distinction; and there may be—and no doubt are—many who are selfishly influenced by financial considerations. Whilst all these elements naturally have some weight in the personal determination of the legislator, I sincerely believe that one should attempt to free himself as much as possible from these considerations and view the matter solely in the light of the greatest good to the greatest number, and with the desire to enact some legislation rather than to oppose all forms of legislation because of the considerations above mentioned. The subject is so large that in the limited time given for debate no one can fully discuss the entire theme, and I shall not attempt in the brief time allotted me to discuss more than one feature of the conference report and the bill submitted by the conference.

I, however, shall refer to section 422, page 88, of the present bill, which contains the rule of rate making, and the discussion of which is found on pages 67 and 68 of the conference report. In brief, this section directs the commission to make rates adequate to provide the carrier as a whole—either in the entire country, or in rate groups or territory to be established by the commission—with an aggregate annual net railway operating income equal, as nearly as may be, to a fair return on the aggregate value of the railway property held for and to be used in the service of transportation. The designation of the rate districts is left to the discretion of the Interstate Commerce Commission, and the same commission is authorized to determine the value of railway property and is specifically directed not to give undue consideration to the property investment account of the railroads. The commission is also authorized from time to time to determine and publish what percentage constitutes a fair return on the value of railway property, except for the two years beginning March 1, 1920. The bill declares in this section that 5½ per cent of the aggregate value of the railway property, as above ascertained, shall constitute a fair return, unless the commission in its discretion adds thereto, in whole or in part, one-half of 1 per cent of such value, to make provision for improvements and betterments chargeable to capital account. The result of these provisions is that 5½ per cent is fixed as a minimum and 6 per cent as a maximum during the next two years, and thereafter the matter is left to the discretion of the commission.

The bill further provides, in this regard, that if any carrier earns in any year a net railway operating income in excess of 6 per cent of the value of its railway property, as above ascertained, one-half of such excess must be placed in a reserve fund until such fund equals 5 per cent of the value of the carrier's property, and thereafter may be used for any lawful purpose by the carrier. The other one-half of such excess income must be paid into a general railroad contingent fund to be administered by the Interstate Commerce Commission, and this contingent fund is to be used to make loans to carriers, to meet expenditures for capital account, or to purchase equipment, to be leased to the carriers. The making of such loans and the obtaining and leasing of such equipment are left to the discretion of the Interstate Commerce Commission.

The above analysis and statement briefly sums the gist of this portion of the bill. It will be noted the rate-making power still remains with the Interstate Commerce Commission, and it should also be noted that the commission shall not only initiate but that it has the right to modify or adjust rates, so that carriers—or as a whole in each of such rate groups or territories as the commission may from time to time designate—will under honest, efficient, and economical management and reasonable expenditures for structures and equipment earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation. Let me call your attention to the phrase, "A fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation."

The commission is also charged with the duty of considering, in the making of rates, the transportation needs of the country and the necessity of enlarging such transportation facilities, and it is impressed with the duty of making rates uniform for all in the rate group or territory which may be designated by the commission, and, further, that in consideration of this question of rates, due consideration shall be given to all the elements of value recognized by the law of the land for rate-making purposes, but shall give to the property investment account of the carrier only that consideration which under such law it is entitled to in establishing value for rate-making purposes.

From the reserve fund above mentioned the carrier may draw a sum sufficient to pay dividends or interest on its bonds or other securities or rent for leased roads, except only, however, to the extent that its net railway operating income for any year is less than a sum equal to 6 per cent of the value of the railway property held for and used by it in the service of transportation, determined as hereinbefore referred to, and this reserve fund shall not be drawn upon for any other purpose.

The purposes of the contingent fund have already been mentioned, but are more specifically set forth on page 94 of the bill under subdivision 10 of section 211. In brief, this contingent fund shall be used by the commission in the furtherance of public interests in railway transportation, either by making loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account or by purchasing transportation equipment and facilities and leasing same to carriers—all such loans to be adequately secured—and if there is a balance remaining in the contingent fund it shall be invested in obligations of the United States or deposited in authorized depositaries of the United States from time to time.

Care has been taken in this summary to present the salient features of this portion of the rate-making provision, because argument, no doubt, will be made that the creation of such a contingent fund and such a reserve fund and payment to the Government of the earnings in excess of 6 per cent and dividing the same in the way designated by the provisions of the bill is unconstitutional, in that when a carrier under the rules and regulations prescribed, declaring how a rate shall be made and how it shall be earned, earns more than the designated per cent that the earning carrier is legally entitled thereto. In other words, that when a rate has been declared a reasonable rate, and that rate which has been ascertained by certain rules is also declared to be just and reasonable, no portion of the earnings obtained by such rate can afterwards be declared as unfair and unreasonable, and that the taking away by the Government, except by taxation or similar process, is unlawful and unconstitutional. I am frank to say that when I first met this problem my old-fashioned idea of the rights of property and the sanctity thereof inclined me to the belief that this position was well taken, but approaching the matter with an open mind and a sincere desire to do what is best under all circumstances and having due regard to the legal phases of the question I am now of the opinion that this form of rate making and this division of excess earning above specified, 6 per cent, in the way provided in this bill is warranted by law. I desire, without unduly lengthening this argument, to give my reasons for that belief.

The leading case upon this subject, in my judgment, is that of Smyth against Ames, One hundred and sixty-ninth United States, page 524, in which it is explicitly decided that "the legislature has power to fix rates, and the limitation of judicial interference is protection against unreasonable rates." "This power, however, is not a power to destroy nor to compel service without reward." Budd against New York, One hundred and forty-third United States, pages 517 and 547. It seems clear from this case that under the commerce clause of the Constitution the Federal Government has the undoubted right to fix rates, and that the limitation upon that power by judicial interference is protection against unreasonable rates. In other words, the rates must be fair and just and reasonable. They dare not be destructive or confiscatory, nor dare they be such as to compel service without reward.

On the other hand, it is not compulsory upon the legislature to enact such laws as to insure to the railway company or like corporation such return as would pay a reasonable profit upon an honest investment, because it is decided in the Covington & Lexington Turnpike Co. against Sanford, One hundred and sixty-fourth United States, pages 578, 596, and 597, that such company is operating a public highway for use of the public,

and even though a loss is incurred by the stockholders in the operation of such public highway, such loss would not be an excuse for an unreasonable rate. In other words, investors must take their chances in some degree. A railway company also operates what might be termed a public highway, but when it obtains its charter its rights are impressed with the duty of rendering service to the public, and also with the knowledge that the rights of the public are paramount and superior to the rights of the individual or corporation, so far as such public service is concerned.

In this connection let me also refer to the Chicago & Grand Trunk Railway against Wellman, One hundred and forty-third United States, pages 339 and 344. Going one step further in this matter let us ask, Is 6 per cent a reasonable return for such investments? In that connection I refer to the case of Wilcox against the Consolidated Gas Co., Two hundred and twelfth United States, page 49, in which it is declared that such a per cent would be reasonable under the circumstances attending that case, and in that case consideration is given to the risk. It therefore follows that the Supreme Court has declared that 6 per cent can be established under such circumstances as a reasonable return and a fair return for such investments of this character. If you have thus far followed me, and agreed with me that Congress has power to fix rates, and if you also accept the decision in the Wilcox case, that the legislature can fix a certain per cent as reasonable, then the remaining question is, If a railroad company, under the rules of rate making as established, earned more, can such amount above the established per cent be taken by the Government and used by it for purposes indicated in the bill? In this connection it must be observed that the Government is not taking from the railroad company anything which it now possesses. It is not violating any contract relation between the Federal Government and the railway company. It is not legislating for the past; it is legislating for the future; and, therefore, I maintain that this legislation is not taking a property right of the railroad company; it does not take at this time anything which the railroad now possesses, either in land or tenements, or in present profits or earnings.

What it is attempting to do and what it actually does is to limit the amount that the railroad company shall receive as a fair and reasonable return upon its investment in property used for transportation service and in other investments made as specified in the bill, but even if this were not so the Supreme Court of the United States in defining the regulatory power of the Federal Government under the commerce clause of the Constitution has gone so far as to say that though a contract is valid when it was made as between a railroad company and an individual that if subsequent to the making of that valid contract Congress passes legislation which invalidates that contract for the purposes of interstate commerce such contract is nullified by such legislation. The statement of this is very clearly set forth in the case of Louisville & Nashville *v.* Motley (219 U. S., 467), with particular reference to page 485, in which it is decided that "if one agrees to do a thing which it is lawful for him to do and it becomes unlawful by an act of legislature the act avoids the promise."

This case clearly establishes that Congress has the right to regulate interstate commerce and that such right is not negatived or impeded by a contract which in any way directly interferes with proper regulations, even though the contract when made was valid, and also that when the rights were given under a charter or contract they were given with the knowledge that future events might compel modification or change in the interests of interstate commerce. A very curious case in this regard is referred to in the Motley case, and that is the case of the Union Bridge Co., in which the bridge was constructed over a navigable stream and after it had been completed for a number of years it was determined by the Federal authorities that the bridge somewhat impeded navigation and the Government compelled an alteration of the bridge to meet the new requirements and also was sustained in compelling the bridge company to pay the expense of such alteration. A similar decision was rendered in the Scranton bridge case, where the piers were erected on submerged land and it was afterwards determined that this structure must be changed and the expense thereof paid by the bridge company. All this notwithstanding the fact that at the time the bridges were constructed they had been approved by the Federal authorities under acts of Congress and charter privileges had been given for the making of such bridges.

The Minnesota rate case (230 U. S., 432) has been referred to in an argument on this subject, and in regard to that case permit me to say that Justice Hughes in rendering the decision clearly recognized the power of the Federal Government to supervise the rates of intrastate commerce when they are so intermingled with interstate commerce on roads engaged in both and when in the interests of interstate commerce such regulation becomes necessary. I beg leave to quote what he said in that case:

> But these considerations are for the practical judgment of Congress in determining the extent of the regulation necessary under existing conditions of transportation to conserve and promote the interests of interstate commerce.

I take it, therefore, that the Congress has the right to fix the definite per cent under its regulatory power given by the commerce clause of the Constitution. I affirm also that such definite rate may be a certain amount, to wit, 6 per cent; and now what shall be done with the surplus earnings of any one road, providing that this road is in a group in a rate region or territory? This bill considers the transportation system of the country as a whole. It also considers it in regional territories and declares that in such territories the rate system shall be uniform.

The rights of the public are to have efficient transportation not only over one road but, if possible, over all roads in the country. The rights of the public are paramount and superior to the rights of any one unit in the transportation system. Under the rate-making power and under any rule that may be established it would be impossible to make all rates for all roads, considered as units, exactly just, fair, and reasonable. In the very nature of things some would be excessive and others to the contrary. It therefore follows that in order to serve the public by a general transportation system—considered as a whole, or, if you please, considered in regions—there must be some plan devised by which equalization can be obtained as nearly as possible, so that all parts of the system, as a whole or as a region, may be efficiently and economically administered and a fair and a just return upon property investment honestly made.

If this bill did not consider, and in its very terms provide for, the use of this reserve fund and this contingent fund, obtained by the excess, in the way that it does, there might be some question as to the constitutionality of this provision; but the bill provides that a fair return shall be ascertained, and in making such determination the transportation needs of the country shall be taken into consideration, and that inasmuch as it is impossible, "without regulation and control in the interests of the commerce of the United States, considered as a whole," to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic, and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States; and then the bill provides that the United States, when receiving this fund from the trustee, again becomes a trustee, and it shall expend this excess, which is then a contingent fund, for the furtherance of the public interests in railway transportation, either by making loans to carriers to meet expenditures for capital account, or to refund maturing securities originally issued for capital account, or by purchasing transportation equipment and facilities and leasing the same to carriers as hereinafter prescribed, and that moneys in the fund not so employed shall be invested in obligations of the United States or deposited in authorized depositaries of the United States. What, then, becomes of this surplus fund above the 6 per cent? A portion of it is used to create a reserve fund for the benefit of the company, which portion shall not exceed 5 per cent of the honest investment of the company in property held for and used in the service of transportation, and the other half of the excess income is to be paid into this general railroad contingent fund to be administered by the commission, not for the benefit of any one particular road nor for the benefit of a few particular roads, but for the benefit of the transportation system considered in regional districts as a whole where rate-making power has been enforced.

With all due deference, then, to the opinion of others, I maintain that this provision in the bill is not only constitutional but that it is for the furtherance and conservation of the transportation facilities of the country.

Because of these reasons and these authorities cited, I beg leave to differ with the gentleman from Kentucky as to the constitutionality of this provision. [Applause.]

Mr. SIMS. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker, this bill is one of the most nefarious one-sided measures ever offered a legislative body for action. It hurls insult and defiance in the face of 2,000,000 railroad men,

and it is an affront to every Member of Congress who believes in a "square deal" and common justice to the working people. [Applause.]

The bill gives the railroad corporations of the country everything that they desire; it presents them with $300,000,000 of the people's money to finance them, guarantees them 6 per cent on their stocks and bonds, perpetuates the freight rates set up during the period of war, and provides the way for their further increase.

The bill, indeed, provides generously for the welfare of corporate interest, but in no spot or place has protection been accorded the public or the great army of railroad employees. This bill as reported by the conference committee places property rights above human rights; it makes the rights of capital superior to the rights of the common people.

On November 14 last, after a hard battle, a bill passed this House carrying with it a fairly decent labor section, and while it was not altogether satisfactory it was accepted because it did protect the employees of the railroads, in so far as it perpetuated the wages and working conditions granted them by the United States Government. This House bill also took good care of the railroads; it provided them with a revolving fund of $250,000,000, and through its provisions assured the railroads that they would prosper on their return to private ownership, but because it contained a fair labor section it was not satisfactory to the "big interests" of the country, and I have received in my office booklets and pamphlets calling attention to the good features of the bill that protected the railroads but declaring it was inconceivable that Congress knew what it was doing when it passed the bill with the Anderson amendment perpetuating the wages and conditions granted the employees of the railroads by the Government. I am led to believe, too, that possibly this had something to do with the side tracking of the House bill and is the reason for the present damnable, drastic bill which ties the railroad men hand and foot being substituted in its place.

The SPEAKER pro tempore (Mr. MANN of Illinois). The time of the gentleman from Pennsylvania has expired.

Mr. BURKE. Will the gentleman let me have five minutes more?

Mr. SIMS. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The gentleman is recognized for five minutes more.

Mr. BURKE. This bill, with its compulsory arbitration board, is no more like the bill that passed the House last November than day is like unto night.

True, it takes better care of the corporate interest, but not one atom of protection is accorded the great army of workers. It deals a body blow to their organized efforts to at any time attempt to better their condition or secure an increase in wages, because the compulsory railroad labor board established is aimed to destroy the railroad organizations.

This bill makes sure in more ways than one that the men are tied. It gives the railroad managements the privilege of having the compulsory board interfere if the management even suspects there will be any trouble. It plays further into the hands of the managements, in so far as a petition signed by 100 unorganized workers could have the board interfere in any dispute, and it leaves the board free to act of its own accord and intervene in any wage dispute. The railroad employees have no choice but to go to the board. They are forced under this bill to accept the findings of the board. What an injustice! What a crime against a loyal and law-abiding class of American citizens!

The talk going around of it being necessary to do something to prevent strikes will not deceive anyone; it is all tommy-rot, and is only an excuse to hide behind doing what the "big interests" of the country want done, and to detract the attention of the public from other features of the bill. For 35 years there has been no nation-wide strike; the men have gone along and settled their own differences, and it has not taken a compulsory board, established for corporate interest, composed of nine members, comprising six against one, at a salary of $10,000 each per year, or $90,000 yearly of the people's money, to effect a settlement.

Let me say to this Congress that compulsory arbitration is just as objectionable to the American people as antistrike legislation; and there is a reason for it, for the working classes have always received the worst of it when their differences were submitted to arbitration.

However, so that no Member of Congress may deceive himself, or attempt to justify his action in voting for this bill, which in its present shape is considered by the working people of the country as an outrageous encroachment upon their constitutional rights, let me say that there is just as much antistrike in this bill as in the original Cummins bill passed by the Senate. The wording may be changed, the issue beclouded, but the antistrike feature is embodied in the compulsory board established, and the rights of the railroad employees jeopardized.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. BURKE. Will the gentleman give me just one minute more?

Mr. SIMS. The gentleman has the right to extend his remarks.

Mr. BURKE. Just one minute more. I want to finish this statement.

Mr. SIMS. I yield to the gentleman one minute.

Mr. BURKE. Just think of it! The railroad employees are to have a board to regulate their wages and working conditions; a board with authority to reduce wages if it sees fit. But the meat packers of the country can fix the price of meat without any interference by a board; the shoe manufacturers of the country can fix the price of shoes; the clothing manufacturers, the price of clothing; the food profiteers and all the exploiters in the necessities of life can establish their own prices without any tribunal to interfere. But the man whose life is daily endangered by his work, who earns his wages honestly, must pay the prevailing prices in food and clothing, for he has no say in the matter, and the only restriction made upon him is that he must have no say in regard to his own wages or working conditions. A board established by law will decide that matter for him.

When the President, in taking over the railroads, declared that they were the arteries of the Nation's life and called on the railroad employees to do their part and keep the trains moving, the men responded with a generosity and a loyalty unequaled in history. All through the period of the war they stood at their post of duty; they kept troop trains moving, equipment trains going, and when other fields of labor offered better opportunity they remained at their post because they were skilled in the work, experienced in their line of duty, and though the wages they received were insufficient and far less attractive than those paid in other lines of work, the railroad man considered himself as a soldier on duty; he placed his country's interest above his personal interest and was faithful to his duty, because no inexperienced man could do his work.

It is a poor return for their loyalty and a scant appreciation of their services to attempt now to restrict them in their rights and to hamper them in such manner as to prevent them getting a "square deal."

The railroad men desire a continuation of Government ownership for at least two years in order that it might be thoroughly tested, but as this Congress is determined to return the roads at any cost, and Government ownership seems out of the question, then I believe the least thing Congress can do is to send this bill back to the conference committee with instructions to bring in a bill with a fair and decent labor section; to be just as generous to the human interest as it has been to the corporate interest.

This Congress can not justify the passage of any bill which places the value of corporate wealth above the value of human rights, and no Member can ever justify his position or explain to the American people why he votes to protect the railroad corporations of the country and to destroy the constitutional rights of 2,000,000 American citizens. [Applause.]

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. WELTY].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for three minutes.

Mr. WELTY. Mr. Speaker, three classes of people are vitally interested in this legislation—railroad owners, the employees, and the public—but this report does not attempt to care for the shipper and the general public, probably because they did not have their representatives at the Capitol during the period this bill was under consideration.

In the matter of the labor section, I can not agree with the gentleman from Pennsylvania [Mr. BURKE], who has just spoken on this report. After reading the labor provision over and over again, I do not find where any person is compelled to submit to even compulsory arbitration. Section 302 provides for an adjustment board composed of employers and employees and gives this board power to decide all disputes. Section 304 provides for a Railroad Labor Board composed of nine members, three from the employers, three from the employees, and three to represent the public, all to be appointed by the President, by and with the advice and consent of the Senate. But the Railroad Labor Board has no jurisdiction to settle disputes unless the adjusting board, composed of employers and employees, are unable to agree.

Thus you will see that any employee can quit his employment whenever he pleases, and is required to arbitrate only if there is a difference which can not be settled by the adjustment board. But, if there is an honest difference, why should either the employee or employer refuse to discuss their differences? The railroads are not operated in behalf of the owners and employees alone, but there are over a hundred million people directly or indirectly affected if transportation should be stopped because of a difference between the employers and employees. I am against any antistrike clause, because I do not see where any good can be accomplished by forcing a man to work if he does not want to; but I do think he should not cause others to quit until after arbitration is exhausted. Another feature I would like to see enacted is to make it unlawful to discharge an employee without cause. I want to make these statements because I shall vote to recommit the report to eliminate certain objectionable features, and if the same is not carried I shall vote "no" when it comes to the passage of the bill; but I will not vote against this report because of the labor features contained therein but because of special legislation in behalf of the railroad owners.

SPECIAL LEGISLATION AND COURT DECISION.

However, special legislation is not a new feature, for labor has a number of times received special favors at the hands of Congress since 1912. In 1914 Congress passed what is known as the Clayton Act, exempting labor unions and farm organizations from the operation of the Sherman antitrust law, and since the decision of the Danbury Hatters' case, in 1908–1915, Congress specifically exempted labor and farm organizations when appropriating money for the enforcement of the Sherman antitrust law. I am calling these matters to the attention of labor and farm organizations because strong efforts will be made to repeal these special acts, and although I am against the passage of class legislation I do not think it should be done until the cause is removed.

And, Mr. Speaker and gentlemen of the House, the cause is not with the legislative branch of our Government, but because the judiciary has utterly failed to interpret the Sherman antitrust law. Congress never intended that this act should apply to labor and farm organizations, but to combinations of capital in restraint of trade. Yet the Supreme Court enforced this law strictly in 1908 and 1915 in the Danbury Hatters' case, when the rights of labor were involved, but made a farce of it in the Standard Oil and Tobacco cases in 1911, in which cases they held that reasonable restraint was permissible. Because of these decisions the case against the United States Steel Co. et al., in which the Government charged unlawful combination in steel, and the case of United States against Reading Railroad, where the Government charged unlawful combination in coal, have been on the docket since that time and still remain undecided by the court. These cases were again argued by the Department of Justice last October. Now, I happen to know something about the Steel Trust. They pride themselves as being a $2,000,000,000 corporation. While prosecuting attorney of my county I remember a few cases where the grand jury indicted certain steel combinations who sold bridges to the county for twice their value, and pipes for four times the market price. I remember in one case the county paid a little over $10,000 for a bridge, and the evidence showed that the contractor paid out one-half of this amount to the other contractors in order to induce them to bid higher. This was in 1908 and 1909; they were crude then. I was able to produce the drafts showing payments to others who never furnished a pound of steel to my county, and this same Steel Trust had their subsidiary agents present at the different lettings. I do not know the character of the evidence submitted to the Supreme Court by the Department of Justice, but in my county the babes and sucklings know how they made some of their billions, yet the Federal courts have been contemplating since 1911 whether these and other acts constitute a violation of law.

In the face of these facts, is labor justified in its attacks on the legislative branch of our Government? Would the appointment of our Federal judges for a period of 15 or 20 years, instead of for life, help in this matter? There are those who object to this, because it might remove one of our landmarks, for they believe the judges should hold office for life; and yet these very men claim that a Member of Congress should be elected for only two years because it might produce an autocracy.

I believe that the present unrest is largely due because of this inequality before our courts. Man is attempting to find a solution—a resolution born in the mind and heart, seeking equality and righteousness. There are those who appear alarmed and demand drastic legislation, permitting punishment for advocating changes of laws. There is no need of becoming hysterical, as neither our public schools nor the religion of our fathers taught the use of force to destroy our Government. But the people are demanding a change of conditions. The Constitution was framed by our fathers in their knowledge of governments, and it was impossible for them to reach perfection with the only light from governments then existing.

The Constitution provided that the legislatures of the several States should elect the Senators for six years, because they represented wealth, while the judges are appointed by the President for life. And, gentlemen, ever since there has been constant strife between the rights of property and individuals, but in every contest, thank God, man has triumphed over wealth. Look at our history, as evidenced by the decisions of our Supreme Court. The decision of McCulloch against Maryland, which held the national bank act of 1816 constitutional, was reversed by the people under the leadership of Andrew Jackson in 1830. The Dred Scott decision of 1856 brought on the Civil War, the fourteenth and fifteenth amendments to the Constitution, while the income-tax decision of 1895 brought on the sixteenth amendment to the Constitution. What the decision of the Standard Oil and Tobacco cases of 1911, permitting reasonable restraint by wealth, while it denied the same in the Danbury Hatters' case in 1908 and 1915, will bring about no one seems to know.

There is no doubt in my mind that the present unrest is the best sign of life and that we are to have a new birth. Education and religion demand progress. The feudal days are gone, never to return again. Just now we seem to be striking aimlessly and in every direction, and at times one becomes impatient and almost despairs. I believe that our sane solution is to have our judges appointed for a term of years and then let them return to the people, there to mingle as one of the crowd. A life term is entirely too long and makes autocrats of the best of us. Let us not lose our independence by failing to be dependent upon each other.

Strong minds have spoken on this. Mr. Roosevelt once made a speech advocating the recall of judicial opinions, but he soon admitted the fallacy of that. W. J. Bryan advocates the election of our judges, but since so few of our people come in contact with and know the members of the Supreme Court and circuit courts of appeal, comprising in most cases more than one State, that would make it impossible to select the best men and it would be impractical to provide election machinery.

NO APPROPRIATIONS FOR WATERWAYS.

However, Mr. Speaker and gentlemen of the House, I did not take the floor to discuss the labor features of this bill, and would not have done so had it not been for the argument of the gentleman from Pennsylvania [Mr. BURKE], who has just left the floor.

Mr. Speaker, I would like to call the attention of the chairman of this committee to one feature of this bill. The Federal Government had appropriated $6,336,000 for the construction of boats for the lower Mississippi. It appropriated $3,300,000 for the construction of boats on the upper Mississippi, and, in addition to this, they have 29 boats now under operation and under Government control, also some barges on the Erie Canal and Warrior River. Under section 201 this act transfers the operations of all boats to the Secretary of War, and authorizes him to complete the contracts and expend the balance of the $9,636,000, but it does not provide for the operation of the waterways. Five hundred million dollars have been appropriated in this act for the purpose of taking care of the railroads, but not one cent has been appropriated for the purpose of taking care of waterways. When March 1 comes around there is not one penny for the purpose of continuing the operation of the boats on the Mississippi, the Warrior River, or the Erie Canal.

Let us examine the language of this report. Subdivision (a) of section 201 of the report provides:

> On the termination of Federal control * * * all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways * * * acquired by the United States * * * are transferred to the Secretary of War, who shall operate * * * such transportation facilities * * * and assume and carry out all contracts.

Subdivision (b) provides that—

> All payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds now or hereafter made available for that purpose.

Subdivision (c) provides that—

> The Secretary of War is hereby authorized, out of any moneys hereinafter made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between transportation facilities operated by him under this section—

And so forth.

Section 201, in part, provides:

For the purpose of making the payments specified in subdivision (a) of section 201, all unexpended balances in the revolving fund created by the Federal control act, etc., * * * are hereby reappropriated and made available until expended.

Thus you will note a beautiful legislative joker. If the person who drafted section 202 intended to operate these boats, as provided in subdivisions (b) and (c) of section 201, why did he omit these two subdivisions when it came to making the money available?

If the gentleman from Wisconsin wrote this section, it was an oversight, for I do not believe he ever knew how to serve two masters during his membership of 20 years in this House; but my guess is that some one else wrote this and some other sections of this report. It is plainly evident that whoever prepared this section believed that these boats and barges, valued at millions of dollars, should not be permitted to function. But, Mr. Speaker and gentlemen of the House, history again repeats itself. This is the first evidence that the railroads are going to play the same old game of cutthroat competition. After the Civil War one could clearly see the outlines of the Mississippi, Missouri, and Ohio Rivers by the line of smoke of hundreds of steamers carrying the commerce of our country, but the railroads procured most of these agencies of commerce and permitted them to rot along the banks of these wonderful rivers, capable of carrying so much commerce.

The report turns back the railroads and appropriates $500,000,000 for their use, and guarantees in addition an income of 5½ per cent on the value of their property and one-half of 1 per cent for improvements, but not one cent for waterways.

Selfishness will eventually ruin any nation and every business. The railroad interests are blind if they think that the people are not going to take a real active hand in this matter. The records of the Committee on Rivers and Harbors show that the Government has expended $203,062,537.93 to canalize and improve the Mississippi River, $23,828,149.69 on the Missouri, $160,467,695.23 to canalize the Ohio and its tributaries, making a total of $387,368,382.85 for these highways of commerce, to say nothing of millions spent on other rivers and harbors. I want to help build up our transportation systems, but we can not do it in this selfish manner. Early in the history of railroad transportation they thought to influence the State and county officers by issuing passes to those from whom they had occasion to ask favors. But public sentiment would not stand for this and other practices. The result was that the favors received by the railroads were few and far between, and transportation facilities were being crippled by our officers and those who exploited their resources, so that they were glad when the President took them over under Federal control.

Now, here we come into a new era when all realize that transportation is the lifeblood of a community, State, and Nation. The railroads in the past have been crippled by mismanagement, cutthroat competition, hostile legislation, and the issuance of watered stock. Each has had its inning; all received a knockout blow. The past is a dead issue, and we hope for a square deal. We must have these agencies and more of them. Water transportation never did injure rail transportation. We produce more than we consume. Our merchant marine, which cost us billions, must be maintained. Heavy bulky cargoes should be permitted to be hauled by water in order to relieve the railroads. The inland cities and communities have the right to have the cargoes delivered as near their door by boats and barges as possible. The people of New York State, who expended over $150,000,000 to rebuild the Erie Canal, have a right to use the same without interference on the part of the railroads. The Government reports show that the rail rates along waterways are 50 per cent less than the rate where there is no water competition. What has made the city of New York the largest city of the world but the Erie Canal and the fact that the railroads carry freight across this State for one-half of what they carry at other points?

Before the rebuilding of the Erie Canal freight was hauled from Chicago to New York by water for 7½ cents per hundred pounds, while the rail rate from New York to Lima, Ohio, is 25.2 cents per hundred pounds. Thus you will note why the railroads do not want water competition. In passing let me remind the man who is opposed to waterways, and cites the Erie Canal as an example, that since 1895 this canal has been under constant transformation. At that time they had over 500 boats carrying freight. Then the reconstruction period commenced. It was 6 feet deep and followed the natural depressions and streams; afterwards it was diverted along the hillside to avoid freshets, and finally they placed it back in the original bed and made it 9 feet deep, and then a fourth improvement came when it was made 12 feet deep, and the same is still uncompleted. If anyone tells you that little or no traffic is now on the Erie Canal, agree with him, but ask him how he expects any traffic while under construction. New York is an empire, and their people know how it came about. Inland cities can not compete unless they have cheaper transportation.

EFFECT OF PANAMA CANAL ON RAIL TRANSPORTATION.

Look at the effect the Panama Canal had on rail transportation. The records of the Interstate Commerce Commission show that soon after the opening of the canal a 40-cent rate was granted the Southern Pacific Co. between the Pacific and Atlantic terminals in order to compete with the water rate, making a reduction of from 10 to 45 cents per hundred pounds, depending on the commodity. But what happened to the Mississippi Valley? The rates, for instance, from north Pacific terminals to Lima, Toledo, and Cincinnati are as follows, per hundred pounds: Canned goods, 85 cents; steel and iron and paint, $1.80; canned salmon, 70 cents; and the rates from New York to these cities on the same commodities are: Twenty-five and two-tenth cents to Lima, 24.6 cents to Toledo, and 27.4 cents to Cincinnati. Thus you will note that to date the Panama Canal has not proven any benefit to the States not along the Atlantic or Pacific coasts. There seems only one hope to equalize this injustice to the States in the valley, and that is to procure a rate via New Orleans. Hearings were granted by the Railroad Administrator, upon the application of interested parties in the Mississippi Valley, on July 15, 1919, and the administrator granted shippers in Ohio, Indiana, and southern Michigan the same export rate via New Orleans as New York, effective December 31, 1919. Thus, if this rate is permitted to stand, all commerce from the Pacific States, the Orient, and South American Republics destined for the Mississippi Valley would go via New Orleans instead of New York. In this way the shipper in Ohio can procure practically the same rate from the Pacific States as the Atlantic Seaboard States. Is it any wonder the railways want to kill waterways? Should we of the Middle West sit idly by and permit all our cities and farm life to be stunted in growth because of lack of transportation? Gentlemen, this report should be recommitted and the waterways given at least half a chance.

ORDER OF DIRECTOR OF RAILROADS.

But, Mr. Speaker and gentlemen of the House, what else is going on? Protest was filed by the eastern railroads to this order of the Railroad Administrator, and already notice is being served on the Commerce Commission that as soon as the railroads go back to private ownership they expect to hog tie and deliver the people of these sovereign States to one port, and you are helping them by your vote to enact into law this conference report. The following correspondence, by and between the Railroad Administrator and Mr. Willard, acting for the eastern roads, may be of interest to shippers in the Mississippi Valley, and especially to Ohio, Indiana, and southern Michigan, to wit:

NOVEMBER 26, 1919.

Mr. WALKER D. HINES,
Director General of Railroads, Washington, D. C.

MY DEAR SIR: There has been brought to the attention of the railroad corporations in eastern territory the matter of an order issued by the Division of Traffic of the Federal Administration providing for the application of the same rates on traffic for export through the Gulf and other southern ports, from certain territory east of a line running north and south substantially through the center of Indiana, as are concurrently applied via New York, thus creating a condition which the interested corporations regard as inimical to their interests, and they accordingly desire this letter to be considered a protest against the action indicated.

The system carriers chiefly interested in the matter are the New York Central, Pennsylvania, Baltimore & Ohio, and Erie, with others largely so, and upon whose behalf this protest is written.

Among other things, the establishment of the rates referred to creates an entirely new situation or condition from any that has heretofore existed. To accomplish the purpose stated will require the movement of a considerable part of the business affected substantially double the distance that it is from a greater part of the territory involved to New York, Philadelphia, or Baltimore. It will work to "short haul" a number of the carriers upon whose lines the business originates and reduce their earning power accordingly. It will have the effect of introducing such an abnormal rate adjustment in the territory under consideration as to constitute a menace to the rate structure as a whole, fourth section violations being a prominent feature in the proposed adjustment.

It is, in the view of the corporations, a distinct departure from the principles enunciated in the fifteenth section of the interstate-commerce act, which provides that in establishing a through route—

"The commission shall not require any company without its consent to embrace in such route substantially less than the entire length of its railroad * * *."

The eastern carriers interested in this matter have not been given a hearing on the subject nor afforded an opportunity to state their objections.

In the event that a considerable volume of traffic should be diverted from the establishment of these rates it will have the effect of introducing an uneconomic burden upon the carriers, in that it will require the transportation of much of the business twice the distance that it would move through normal and well-established channels; that is to say, to New York, Philadelphia, and Baltimore, and thus make necessary a higher charge on other business to overcome this economic loss.

The interested railway corporations earnestly hope that their protest in this matter will be heeded and the proposed rates be not established.

Very truly, yours,

(Signed) D. WILLARD,
Chairman Presidents' Committee,
Official Classification Territory.

DECEMBER 8, 1919.

Mr. DANIEL WILLARD,
Chairman Presidents' Committee,
Official Classification Territory, Baltimore, Md.

MY DEAR MR. WILLARD: I have your letter of November 26 in regard to export rates recently published from central freight association territory to the South Atlantic and Gulf ports. These rates have been under consideration for nearly a year past. Numerous conferences have been held upon them. The publication is the last thing to be done. It was only after very thorough analysis and consideration that they were authorized. The basis is the same as is in effect to New York; Boston; Portland, Me.; Montreal, St. John, and Halifax, Canada. This same basis has been in effect from the same points of origin to New Orleans for many years past. It is practically extending the New Orleans rate to other Gulf ports and to South Atlantic ports south of Norfolk. Eastern railroads have no good grounds for objection on the basis of mileage as the distance to the Canadian ports is very considerably greater than to the South Atlantic or Gulf ports. The gross revenue will not be changed by the new adjustment, and the divisions of these rates will be fair and reasonable. If anything is thought to be out of line with the divisions after the roads are returned to private operation it can be readily adjusted by application to the Interstate Commerce Commission. You, I think, appreciate the difficulty at times in the past moving export freight through the ports of New York, Baltimore, and Philadelphia. The expense at those ports is constantly increasing. It is a question whether the cost to carriers for the further haul to South Atlantic or Gulf ports as compared to New York and Philadelphia is as great as if the traffic was hauled via the ports last mentioned. It is certainly in the best interest of the country as a whole to distribute the export traffic in a reasonable way among all ports, which is what we have in mind in this adjustment.

I believe these rate changes will make no serious reduction in the revenues of the central freight association carriers.

Yours, very truly,

WALKER D. HINES.

I want to submit the arguments advanced before the Railroad Administrator by persons interested in the commerce of the Mississippi Valley at the hearing to correct the revision of export rates of the United States Railroad Administration:

For many years the eastern trunk lines operating to North Atlantic ports from the States of Ohio, Michigan, Indiana, and that territory reached by their rails situated north of the Ohio River, have steadfastly refused as a whole to establish rates of freight on export traffic from the territory in question to South Atlantic and Gulf ports. This policy of the eastern trunk lines was obviously a selfish one designed to force the great movement of export traffic over their long haul to the North Atlantic ports and in this way avoid sharing the earnings accruing therefrom with the carriers operating south of the Ohio River to Gulf and South Atlantic ports. In these designs the eastern trunk lines have been very successful, as is substantiated by the records of the various ports which show the bulk of the exports from the Central West have moved through North Atlantic ports and have thus deflected from their natural channels which in a very large measure lie through Gulf and South Atlantic ports, particularly when the traffic is destined to South American, Central American, West Indies, Mexico, and the Orient.

The concentration of freight shipments for export at North Atlantic ports, and which as above explained are primarily due to the selfish policies of the eastern trunk lines in refusing to join the southern lines in the establishment and operation of freight rates to Gulf and South Atlantic ports in line with those prevailing to North Atlantic ports, has in turn forced the allocation at North Atlantic ports by the United States Shipping Board of hundreds of steamships, a large proportion of which would have been allocated to South Atlantic and Gulf ports were it not for the discrimination in rates in favor of North Atlantic ports, as is referred to. Moreover, this forced movement of export traffic through North Atlantic ports, particularly through the port of New York, subjects the Railroad Administration to a greatly increased cost of operation, due to the much higher terminal costs applying at New York as compared with terminal charges at southern ports.

The allocation of steamships to North Atlantic ports by the United States Shipping Board obviously imposes a greatly increased cost of operation of all said vessels as compared with what would be the cost of operating from southern ports, as consideration of the following statement of distances from various southern ports to certain Latin American ports, as compared with the distances to the same ports from the port of New York, will illustrate:

Distances in nautical miles from and to various ports and the percentage of difference in distances from the various ports as compared with New York.

To—	New York.	Charleston.		Mobile.		New Orleans.	
	Distance.	Distance.	Per cent.[1]	Distance.	Per cent.[1]	Distance.	Per cent.[1]
	Miles.	*Miles.*		*Miles.*		*Miles.*	
Habana	1,186	646	45.5	553	53.4	603	40.1
Kingston	1,474	1,064	27.8	1,107	24.9	1,135	23
Vera Cruz	2,017	1,455	27.9	825	59.1	789	60.9
Colon	1,974	1,564	20.8	1,371	30.5	1,390	29.6
Valparaiso	4,633	4,223	8.8	4,030	13	4,058	12.4

[1] Percentage of distance less than New York.

The above distances taken from "Table of Distances Between Ports," published by the Hydrographic Office under the authority of the Secretary of the Navy. (N. O. No. 117.)

It must be conceded, therefore, that the enforced allocation to and operation from North Atlantic ports to Latin American countries of hundreds of Shipping Board vessels, instead of the allocation to and operation of a large percentage of such vessels from southern short-haul ports, not only serves to multiply the cost of operation of our governmentally owned merchant marine but also imposes the maximum transportation cost on American products coming into competition with British and Japanese products, which latter enjoy as a whole the economies accruing from all-water transportation and are not imposed with inland rail transportation costs, as is the case with American products shipped from Ohio, Indiana, Illinois, and the Mississippi Valley and Southern States generally.

Therefore these discriminations in inland rates have made it impossible to—

First. Establish steamship lines from Gulf and South Atlantic ports to various countries of the world, particularly to Latin America.

Second. Have retarded the upbuilding of the Gulf and South Atlantic ports' facilities as a whole in that the volume of export and import traffic moving through these parts in many instances requires but a part of their present facilities to handle same; that is to say, that the port facilities of the South Atlantic and Gulf ports as a whole are used for the handling of export and import traffic to but a fraction of their present capacity.

Third. Has made it necessary to route a large volume of southern products for export via North Atlantic ports, by reason of the inadequate sailings and service from southern ports, which sailings and service, as above explained, would be automatically established were the inland adjustment of rates to southern ports from Central Western territory on a parity with inland rates from the same territory to North Atlantic ports.

Fourth. Has greatly increased the cost of operating the Government-owned merchant marine and thereby has added to the cost of American products competing with British and Japanese products.

It is obvious from this brief outline that the failure to establish rail rates to Gulf and South Atlantic ports from the Central Western section of the country in line with those rates existing to North Atlantic ports has not only retarded the development of southern ports but has deprived the Southern States of the steamship trade routes which would naturally follow the flow of a heavy volume of export freight from the Central Western section through those ports if the transportation charges thereon were on a parity with those applying to the North Atlantic ports and which in turn would permit of the operation of governmentally owned boats at minimum costs, thus bringing about the lowering of through transportation costs to many American manufacturers, a very desirable and necessary policy if American products are to successfully compete with British and Japanese products.

Not only have the Southern States and Mississippi Valley suffered economically from the discrimination against southern ports in rail rates, they have also suffered economically from the system of rates operated by the United States Shipping Board from North Atlantic ports versus Gulf and South Atlantic ports, the injustice in this respect being illustrated by the following example: The rates from South Atlantic and Gulf ports to Habana, Cuba, are the same as they are from New York and Boston, notwithstanding that the distance from the South Atlantic and Gulf ports are many hundreds of miles less than from New York, as the distances before enumerated show, and it can be proven that the actual cost of operating a vessel in one case is about half what it is in the other.

On the other hand, the rates from South Atlantic ports to European ports, where the distance is a small percentage greater than the distance from the North Atlantic ports, measured by the total distance involved, are very much higher than the rates from the North Atlantic ports to the same destinations. The Shipping Board has partly recognized the injustice of this latter basis by establishing on coal from Charleston, S. C., to European ports the same rates as apply from Hampton Roads and New York, and there should be no reason why they could not in the same manner accord the South Atlantic and Gulf ports a fair difference under the North Atlantic ports when it can be shown that the operating costs fully justify a difference.

Therefore, from the description of the existant situation, it is apparent that the United States Railroad Administration should establish rates from the Central West, including western Pennsylvania, Ohio, Indiana, Michigan, Illinois, Iowa, Minnesota, etc., on export traffic identical with the rates applying from the same points to North Atlantic ports, and should require the lines north of the Ohio River to divide these rates on an equitable basis with the lines south of the Ohio River. The United States Railroad Administration has already set a precedent for the equalization of the North Atlantic port rates via the South Atlantic and Gulf ports by their action in requiring the lines serving Ohio, Indiana, Michigan, Pennsylvania, Illinois, Iowa, Minnesota, etc., to publish export rates to Pacific coast ports which, in effect, on oriental traffic, Australian traffic, etc., equalize the through rates to these countries via North Atlantic ports; therefore no question of new policies on the part of the Railroad Administration is involved in this demand. The Railroad Administration are not called upon to reduce their revenues, because the same rates will apply to Gulf and South Atlantic ports as apply to North Atlantic ports, and the earnings to the Railroad Administration on the whole will be precisely the same. The proposition merely calls for the establishment of rates which will permit export traffic to flow through all our ports instead of continuing to foster an artificial means of forcing the traffic through North Atlantic ports, which practice has been so disastrous during the war.

There is another great problem in which the South is vitally interested and which the equalization of export rates as proposed will greatly alleviate, namely, that the South will be supplied with a sufficient number of cars to handle its products, which in quantity are shipping North, East, and West at the rate of about three cars to every one car received in the reverse direction. In the past hundreds of industries have been forced to close down because of the inability of the carriers to furnish them with cars, which would not have been the case if export traffic could have moved through the southern ports, in this way bringing into the South the necessary equipment to handle its heavy domestic shipments to the North, East, and West.

The fight will be on as soon as the bill becomes a law, and the shippers of the Mississippi Valley might just as well tighten their belts and buckle their armor, for if this order is vacated it will again work to their disadvantage. We must have these new and modern barges and steamers, constructed during the war, carry the commerce upon the greatest natural highways of commerce. Then we will again know the outline of the

Mississippi and its tributaries by the smoke produced from these agencies of commerce. The rate from Cincinnati to Toledo on coal is $1.50 per ton. Why not permit the barges, loaded at the mines, to continue their journey north without unloading and loading this coal at Cincinnati and Toledo?

Mr. Speaker and gentlemen of the House, 35 per cent of our export commerce before the war went via New Orleans. We had three canals in operation connecting the Ohio River with Lake Erie. They cost the Federal Government about $16,000,000. But because of the Civil War and the selfishness of the railroads these canals are now abandoned. But we hear a new voice calling from Ohio. The General Assembly of that State has passed an act creating canal districts, 25 miles wide on each side of the canals, permitting the people in these districts to vote whether they want to improve these canals, agreeing to build modern terminals if the canals are rebuilt, the cost to be borne according to benefit received. The property 25 miles away would pay a small proportion compared with the property where the terminals are located. Thus they realize that it is economy to pay a small amount if they can save a dollar on each ton of coal. Ohio, no doubt, will amend its constitution just as Illinois has, in order to help rebuild these canals, for there is not a taxpayer who would not be benefited by this cheaper transportation. And, gentlemen, the entire Mississippi Valley has had this new vision. The people of Illinois voted $20,000,000 to build a barge canal connecting Lake Michigan with the waters of the Gulf. This is not all. They realized that the valley possesses over 50 per cent of the population. The dry bones have taken on new life, the flesh is being formed, and these people will demand a righteous solution of this transportation problem, with no more discrimination in favor of the Eastern and Western States.

According to best reports the people in the Mississippi Valley do not only possess over 50 per cent of the voting population, but the region lying in the watershed of the valley and between Canada and the Gulf now produces 76 per cent of the wheat, 66 per cent of the bituminous coal, 47 per cent of the lumber, 70 per cent of the cotton, 55 per cent of the wool, 69 per cent of the petroleum, 94 per cent of the iron ore, 85 per cent of the corn, 81 per cent of the hogs, 52 per cent of the sheep, and 74 per cent of the cattle.

Why should not most of this export go down grade through the port of New Orleans instead of over the mountains to the east and west of this great valley? Thus you would not have your port closed during a portion of the winter season because of ice. Let us relieve this congestion by permitting commerce to take its natural course. Thousands of dollars of the products of our valley are being wasted because of the congestion at the port of New York, and thousands of cars are being used for storage and often banked up at Pittsburgh for want of an outlet.

GUARANTEES INCOME TO RAILROADS.

It is easy to see why the railroads received so much and the waterways were entirely forgotten when the framers of the bill came to open the door of the United States Treasury. The railroad operators and their security holders have been busy in the matter of propaganda, while few seemed interested in the waterways, because it meant no personal return to them.

This propaganda on the part of the railroads and security holders was most mischievous. They would have you believe that if we do not pass this legislation before March 1 the railroads would become bankrupt and those of us who would not support this bill were for the so-called Plumb plan. The fact is that the President issued the order for the return of the railroads to their owners on March 1, and I was glad to hear the chairman say that they would go back with or without legislation. Personally I would like to support this measure, for I am interested in the solution of our transportation problems and believe that with proper coordination we can build up a wonderful domestic and foreign commerce; but I am going to vote to recommit this report, with a hope of permitting the committee to make the necessary corrections. That the railroads would become bankrupt is the idle talk of those who do not know. The Interstate Commerce Commission is empowered under existing laws to place in effect the same rate they now enjoy.

But can you and I support this bill and defend the same? Let us further examine and see who wrote some of the other features of the bill. Subdivision 3 of section 422 provides that—

The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon * * * and shall take as such fair return a sum equal to 5½ per cent of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of 1 per cent of such aggregate value to make provision in whole or in part for improvements. * * *

It seems to me that if we are going to guarantee an income of 6 per cent to the railroads, then we should be ready to make an equal guarantee of income to the farmer, merchant, and manufacturer. Why not guarantee an income to the barber when he opens his shop or to those who raise chickens, assuring them an egg every time the hen cackles?

But the advocates of this report answer us that the courts have already decreed that rates which would yield an income of 6 per cent are "just and reasonable." If that is true, why make it a permanent law? The time may come when cost will be less and a net income of less than 6 per cent would be "just and reasonble." It may not seem high now with money as cheap as it is, but how can we expect a reduction in the cost of living when Congress votes into law a hard-and-fast income of 6 per cent over all expenses for the railroads? Think what a fruitful field we open if only the employer of labor and the employee can get together by raising salaries and wages, for the owners of the stock of these railroads need not be alarmed, for they are assured by law of their income of 5½ per cent and know that one-half of 1 per cent is always going back for the protection of the property.

Take, for instance, the Pennsylvania Railroad system. It had for the year 1917 a president at a salary of $75,460 and 11 vice presidents with salaries ranging from $20,000 to $40,620 and has 12 other officers whose salaries are over $20,000 per year, making a grand total for all these 23 officers of $681,960, almost twice as much as the combined salaries of the President of the United States, 10 Cabinet officers, 9 justices of the Supreme Court, the Vice President, and the Speaker of the House. What will hinder these officers from doubling their salaries? The stockholder will not complain, for he is assured his income. The only person who has reason to complain is the shipper, and he is never considered until called upon to pay.

Well, we are told that the railroads are costing the Government $39,000,000 per month, and the sooner we let go the better, and that the rates could not be raised before September 1, 1920. So it is, but your report guarantees 6 per cent income, and if there is a deficiency payment will be made out of the Treasury of the United States. Six months to September 1 would mean that we pay these roads two hundred and thirty-four millions more. But you say that Government ownership is more expensive than private ownership. Do not forget that when the President took over the railroads all employees continued to draw pay, from the president of the road on down to the man who received the least. If public ownership opens the door to inefficiency, dishonesty, and graft, you are not closing it by this bill. And while passing I want it distinctly understood that I am not for the so-called Plumb plan unless we can treat other property on the same basis. For instance, those who advocate the Plumb plan should also be willing to buy and pay for out of the Public Treasury every farm, every business and manufacturing plant, and turn them back to their original owners for operation. This may work under soviet rule in Russia, but never in America. All I desire is to help whip this report into shape so we need not hang our heads in shame because we voted for it.

Have any of you considered what the effect of this legislation will be on railroad stock? I have never purchased a share in my life, but now I think anyone can safely purchase without taking any chances. Here are a few quotations taken during the first week of this month, showing the sale of stock as quoted in one of our dailies:

	Cents.
Ann Arbor	11½
Rock Island	25¼
Denver & Rio Grande	7½
Denver & Rio Grande (preferred)	10¼
Erie	12
Kansas City Southern	15
Minneapolis & St. Louis	11¼
Pennsylvania R. R	41⅛
Northern Pacific	23½

A few days ago the Chicago & Alton was quoted as low as 6 cents. One year's dividend would buy the whole road! Oh, but you say that the 6 per cent guaranty is not based on the capital stock, because about eight billions of the railroad stock is watered. Do not forget that every one of those interested claim that the railroads are valued at more than the outstanding stock issued.

Another provision which smacks of the communists' philosophy and comes dangerously near violating the Constitution of our country is found in subdivision 6 of section 422, in the following language:

If under the provisions of this section any carrier receives for any year a net railway operating income in excess of 6 per cent of the value of the railway property held for and used by it in the service of transportation, one-half of such excess shall be placed in a reserve fund

established and maintained by such carrier, and the remaining one-half thereof shall * * * be recoverable by and paid to the commission for the purpose of establishing and maintaining a general railroad contingent fund as hereinafter described.

No such provision could have been conceived by the brain of man since the beginning of time save and except in this period of world unrest. If this is sound legislation, it is equally sound in the mercantile, industrial, and agricultural business. It does not only destroy every initiative but penalizes efficiency. It does not only open the opportunity to indifferences but dishonesty as well. We hear much condemnation of the cost-plus contracts during the war, and yet we repeat in time of peace and make it possible to increase salaries, wages, pay exorbitant prices on contracts to the favored few in order to dissipate the earnings of the company. This is what we, in these modern days, call taking property by "due process of law." Shades of our fathers, what next will come out of Washington!

We have heard arguments for and against the constitutionality of this law. I do not care to argue the constitutional question. The courts may claim that Congress can take all earnings over 6 per cent from one person and make him divide with his neighbor who is not so successful, but I have my very grave doubts. It seems so strange that the very fellows who have been loudest in denouncing socialism now ask permission to crawl under its wings. This fact might make it constitutional. I do not know. I may be a little old-fashioned in my beliefs, but I do love those ancient landmarks upon which this Republic was founded.

The history of this legislation shows the need of reform. The bill as passed in the House was never considered in the Senate, but there they struck out everything after the enacting clause and substituted the so-called Cummins bill, which in turn was rejected by the House, and as a result the conferees present a new bill which can not be amended, but must be either accepted or rejected as a whole. Of course it may not become a new Member to criticize when the chairman of the committee and the ranking Democrat have been Members of this House for 20 years and some other leaders have been here for more than a quarter of a century.

FIXES WAGE BY LEGISLATION.

These, Mr. Speaker, are the most serious objections to this report, but before closing let me call the attention of the House to but one more objectionable feature in this report. Then I shall not burden its membership any longer. Section 312 of the report fixes the wages of every employee until September 1, 1920. This may be innocent, but it is establishing a very bad precedent. The matter of wage should be left to the employer and employee for adjustment. We have provided a machinery to bring the employer and employee together. Then why not trust the very agency you create in this bill? The railroad men are all intelligent and possess a fine American spirit, and I believe that we can trust to them the wage solution. This all seems to surpass the comic opera. We pay, for instance, the heads of one of our railroads twice as much as we pay the heads of our executive, judicial, and legislative branches of our Government, and still refuse them permission to exercise any discretion. For instance, we tell the Commerce Commission that 6 per cent is a "just and reasonable rate"; the railroads can not charge what they choose for their service nor will we permit the railroads to determine what traffic they will handle for transportation. The law tells these high-salaried officers just what equipment they must have to furnish all manner of safety devices for the employees and the public. The Adamson law determines the hour of wage, and now this bill determines the wages officers of the various roads must pay every employee. I wonder why the conferees did not also fix the salary of the officers? Why should the public be compelled to pay these enormous salaries to these seeming supernumeraries? If they have anything to do under the law and this bill but make out the pay rolls and campaign to induce the Commerce Commission to increase the rate to the public after September 1, 1920, I would be pleased to be informed. I failed to see it.

Aside from these features, Mr. Speaker, the conference report shows some wisdom, and I hope that it may be recommitted with a view of permitting these corrections, so that I may join in the support of the bill. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WELTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. That privilege has been granted already by order of the House.

Mr. SIMS. Mr. Speaker, I yield to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, there seems to be a widely prevalent notion that some act of Congress is absolutely essential in order to turn the railroads back to private control. In various resolutions and petitions—most of them undoubtedly inspired by railroad interests or friends of railroad corporations—I find the notion crystallized in the form of an appeal to "speedily report—or pass—a bill restoring the railroads to their owners."

NO ACT OF CONGRESS NECESSARY.

I therefore desire to emphasize the fact that no action by Congress of any kind whatever is at all essential to enable the railroads to be returned to their original proprietors. They passed under Government control by virtue of the President's proclamation of December 26, 1917, and they will go back as a matter of course March 1, 1920, by virtue of like authority.

The taking possession and control of all transportation systems was done pursuant to section 1 of the act of August 29, 1916, empowering the President in time of war to assume this extraordinary authority. His proclamation was dated December 26, 1917, to go into effect on December 28, 1917, but for the purpose of accounting, the Government control began at midnight on December 31, 1917.

It is worth noting that the Government had exercised control over the railroads for nearly three months when, on March 21, 1918, the so-called Federal-control act went into effect. By section 14 of that act it was provided that the "President may relinquish all railroads and systems of transportation under Federal control at any time he shall deem such action needful or desirable."

Acting in accordance with this authority, the President issued his proclamation, dated December 24, 1919, announcing that on March 1, 1920, the railroads and systems of transportation under Federal control would be returned to private ownership. I confess that I am not one of those who believe that this is the proper time to relinquish control of the railroads. I believe it would be better to retain them under Federal supervision until some carefully matured plan is agreed upon, after careful study and deliberation, for the settlement and adjustment of the problems arising out of Government control. But whatever the opinion of individuals may be, the railroads go back to private ownership on March 1, 1920, and this bill is not at all necessary to effect that purpose.

THE FEDERAL-CONTROL ACT FAIR TO CARRIERS.

I am afraid that the scope and extent of the Federal-control act are not well understood. It provided for compensation to the carriers equivalent to their average annual railway operating income for the three years ending June 30, 1917, and where, due to a receivership or other abnormal conditions, the operating income would not furnish a fair measure of just compensation, the President was authorized "to make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just." Under section 6 of the act a revolving fund of $500,000,000 was created to pay the expenses of Federal control and to provide terminals, motive power, cars, and other necessary equipment. Later Congress appropriated $750,000,000 more for this purpose. Nearly all of this billion and a quarter has been expended for betterments. The Government has laid out for roadways and structures $780,405,512, and for cars and locomotives $372,000,000. What basis, then, is there for the plaint that the Government proposes to turn back the railroads depreciated and run down without making proper compensation to the owners? The fact is that the Government is turning over the railroads to their owners in better condition than it received them. So you will observe that so far as doing justice to the owners of the railroads is concerned, this original Federal-control act is fully as fair and just to the carriers as the bill before us. Even while this bill is being debated here to-day Members are bombarded with telegrams from banks and trust companies urging its passage and intimating that great uncertainty will prevail and serious damage be done to the stockholders if this bill does not became a law. This I deny. It may be that additional legislation may be necessary, and I will even agree that it will be necessary, in order to meet the problems and conditions resulting from Federal control. And I will go further and say that if this bill were confined wholly to the solution or alleviation of those conditions I would give it most earnest support. However, the bill before us is not confined solely to railroad problems immediately arising out of Federal control, but covers the whole range of transportation, rail and waterway, and drags in by the neck the labor question, which has no place in such a bill. Let us examine the scope of this bill.

SCOPE OF THE BILL.

The bill is 121 pages long. Twenty-one pages are devoted to the matter of compensation of the railroads, a plan for reimbursement of deficits during Federal control, the handling of causes of action arising out of Federal control, and the refunding of car-

riers' indebtedness to the United States. Thirteen pages are devoted to provisions aimed to guarantee to the railroads an income on their investment and further favoring them by the establishment of another revolving fund amounting to $300,000,000, out of which loans are to be made to railroads in distress. The wisdom of these provisions is very much doubted. They have inspired the bitterest protests on this floor. Men who rail against Government ownership seem to see no inconsistency in this extension of the principle of paternalism to railroad corporations. I am wondering if they would be equally indulgent in the matter of making loans to mechanics to build their own homes. Next come the labor provisions, containing 14 pages. They embody a system of railway boards for the adjustment of disputes between the railroads and their employees and involve principles and methods of settlement which are bound to lead to endless controversy. This is one part of the pending bill that ought to have been given more deliberate consideration. The balance of the bill, embracing 73 pages, is devoted to sundry amendments to the interstate commerce act, some good and some bad, but all of which might very well have been left for later consideration after the main problems incidental to the return of the railroads to private control were out of the way. But I am not so much concerned about the details of this bill as I am with the reflection that it is utterly unnecessary.

While nominally its title is "An act to provide for the termination of the railroads and the systems of transportation," it is confessed in the first section that it is "a transportation act."

ITS EFFECT.

If this bill becomes a law it will most assuredly accentuate and redouble the demand for Government ownership. The people will soon grow tired of seeing special interests specially favored and taxpayers in general will begin to ask why taxes are collected out of their hard-earned income to be set aside in revolving funds to loan to railroad corporations. Already the farmers are up in arms. The Corn Belt Meat Producers' Association, the Farmers' Grain Dealers Association of Minnesota, and the Illinois Farmers' Grain Dealers Association have passed the following ironical but very significant resolutions:

Resolved, That we ask our representatives in Congress to immediately enact legislation dividing the country into farm zones or districts, and guaranteeing to the farmers, in the aggregate, in each zone or district for a period of two years from the effective date of the legislation a net return of 5½ per cent profit, plus ½ per cent for new fences and barns; and that the said total of 6 per cent shall be above all taxes and above all cost of labor and supplies; and it shall be computed on the present cost of reproduction of the farms in said zones or districts in their present condition. Further, be it

Resolved, That as an incident to the foregoing guaranty, that Congress shall also be requested to guarantee (1) that we won't have a drought this summer, (2) that our sows will bring forth of their kind bountifully and plentifully, and (3) that our eggs will hatch, our hens will cackle, and our roosters will crow.

FEDERAL CONTROL INVOLVED NO MATERIAL CHANGE OF MANAGEMENT.

The popular view is that when the Government assumed the control of the railroads the proceeding involved a complete change of personnel and an entire change in system and methods of operation. As a matter of fact, there was no material change of personnel. The roads were run by the same managers, superintendents, yardmasters, telegraph operators, signalmen, locomotive engineers, foremen, and trackwalkers. There was no material change in the office force. It was like turning over the pages of a book and writing a new page with the legend "Subject hereafter to orders of the United States Government."

From thence onward the Government control was confined chiefly to consolidation of lines, arrangement of time schedules, and the distribution of cars for the handling of the Nation's business.

Many people during the war and since doubtless noticed things to find fault with. Cars were unclean and frequently there were delays in traffic. At times these abuses became so persistent as to lead many to express the opinion that the old managers who were kept in control under Government management were not overanxious to help the thought that Government control might be efficient. In any event there has been a zealous propaganda conducted in order to encourage discontent with Government management. However that may be, the railroads will go back to private ownership on March 1, whether this act passes or not.

GOVERNMENT OWNERSHIP NOT NOW THE ISSUE.

The question of the attitude of the Members here on Government ownership is of no moment. Personally I do not mind saying that sooner or later we must come to Government ownership if we are to avoid the evils of class ownership.

If the Government would operate the great public utilities the clamor of the workers for class ownership would subside.

The workers justify their demand by the contention that at the present time the railroads are owned and operated by and for the benefit of special classes, and they set up a claim to a joint share in the plunder.

The unfortunate thing about these conflicts is that the great middle class of consumers is forgotten. As a matter of fact, the railroads should be owned or controlled by neither capital or worker but by the entire people.

I think if we had to meet the problem of railroad transportation against the most we would attempt to do would be to lease the land and grant a concession to operate the railroads.

The origin of the great railroads and their early history make one of the most scandalous pages in our annals. The reputation of the railroads for fair play and honest dealing has always stood at a low ebb. In 1917 40 per cent of the operating railroads in the United States paid no dividends whatever to their stockholders. It was long a maxim current in Wall Street that every railroad had to fail and go into the hands of a receiver three times before it became a success. Figuratively the country is strewn with the bones of investors who ventured into the treacherous sands of railway speculation.

Mr. SIMS. Mr. Speaker, does the gentleman from Indiana wish to use more time now?

Mr. SANDERS of Indiana. No. [Cries of "Vote!"]

Mr. SIMS. Mr. Speaker, I yield to the gentleman from New York [Mr. MEAD] five minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. MEAD. Mr. Speaker, I am opposed to the conference report on the Cummins and Esch bills and shall vote to recommit it. I honestly believe it is a poor attempt to solve a great national problem, and favor the suggestions made by the Director General of Railroads, as well as Interstate Commerce Commissioner Woolley and others, that the Government retain control of the railroads for a period of two years, thereby giving them a fair peace-time test and affording Congress and the American people ample time to consider and enact legislation that will permanently settle this most difficult task.

The passage of this bill drives labor and capital further apart, for it contains a labor section which is tantamount to compulsory servitude.

It perpetrates a grave injustice upon the people of the United States, for by its provisions rates will be increased and an unprecedented subsidy established, which means a departure from the real principles of American competition.

A continuance of Government control can not in any way injure the prosperity of the Nation. On the other hand, the passage of this measure at this particular time will further increase the cost of living, for when you raise freight rates from 25 to 40 per cent you add at least one billion to the charges paid by shippers and several billions in added costs to the public at large. At this period of our country's history our paramount duty is to reduce the cost of living, not to increase it; to allay the existing unrest, not to stimulate it; to zealously guard against extravagance, not to throw open the doors of the people's Treasury, guaranteeing the earnings of a select class. If this bill becomes a law, it will be listed, in my estimation, as one of the greatest blunders in the history of the American Congress.

Of course, the President has ordered the roads back to their private owners, but that should not be used as a means of passing a bill granting special privileges to the railroad stockholders and inflicting industrial slavery on 2,000,000 of railroad workers.

Even though this bill be recommitted, it can be reported again and passed by Congress in time to provide for the operation of the roads as per the President's order, and while I think the best solution at this time is the continuation of Government control, yet if Congress wants to treat labor and the consumers generally as American citizens should be treated this bill can be amended without serious delay.

The proponents of this legislation would have us believe that the farmers are in favor of it, but this letter will refute that statement:

GENTLEMEN OF THE CONGRESS: On behalf of the 750,000 members of the farmers' organizations united in the Farmers' National Council to carry out their reconstruction program, I most earnestly request you to defeat the pending conference railroad bill.

Nearly every national farm organization of any size, regardless of its position on the return of the railroads, has opposed the Government guarantee of dividends or Government subsidy, which is specifically provided in section 15a (3) of this railroad bill, wherein the Interstate Commerce Commission is instructed to fix rates which will yield 5½ per cent on the aggregate value of the railroads and permitted to add not to exceed one-half of 1 per cent of such aggregate value.

May I repeat that the overwhelming majority of the organized farmers of America, and, in my judgment, of the unorganized farmers, are opposed to the return of the roads under the pending bill, and I express the hope that you will oppose such legislation and work for the two-year extension of Government operation, so that a plan fair to all the interests involved may be worked out for the final disposal of the railroads.

Yours, sincerely,

THE FARMERS' NATIONAL COUNCIL,
GEORGE P. HAMPTON,
Managing Director.

FEBRUARY 20, 1920.

The following extract from a statement by Judge George A. Anderson, formerly member of the Interstate Commerce Commission, explains very clearly why the railroad employees have but little faith in getting a square deal from the private owners, who operate the roads for profit only, especially when they are forced to relinquish the right to settle their disputes in a voluntary manner and forced arbitration is substituted:

[By Judge Anderson.]

Not only were railroad wages unconscionably low before the Government took over the railroads, but the ghastly burden of industrial accidents was until a few years ago left to rest almost entirely upon labor. The compensation acts, enacted against violent opposition by most of the railroads, have now to some degree ameliorated the fate of the victims of our numerous railroad-employee accidents. But the fellow-servant doctrine, the assumption of risk doctrine, the contributory negligence doctrine, all had their origin or greatest operation in the field of railroad-employee accidents. Broadly speaking, the old railroad management treated labor as a commodity to be bought in the lowest market and junked when shattered in service.

Labor has, and has reason to have, no confidence in getting a square deal if the railroads are returned to corporations operating them for private profit and dominated by the financial cliques that have of recent years controlled our great railroad systems. For that matter, neither have the security holders. Labor is embittered by generations of ill treatment and exploitation. The representatives of labor say, and with substantial truth, that the forces which, until December 26, 1917, dominated our transportation industry are representative neither of the rights of the millions of human beings who have done the essential transportation work nor of the rights of the other millions who have furnished the money to pay for the transportation facilities.

The great mass of American railroad workers are patriotic, loyal, and devoted citizens of this great and free Republic.

In defense of American rights as freemen they fought, bled, and died in the great World War; and as freemen they will never willingly allow those rights to be taken from them.

They neither seek nor do they want to be treated as a special class, but they do expect just and fair treatment, as well as the right to a voice and a vote in any board or court which we might create by law which by its decisions decides the compensation they are to receive, as well as the conditions under which they serve. Under the provisions of this act the workers are granted little or no voice in adjusting wage or service matters. And as one who believes in justice to all concerned, it is our duty in turning the roads back to see to it that labor is free—at least as free as it was when the Government took over control. If legislation setting up wage boards is to be written into this bill, a workable means should be adopted insuring to every worker a fair and square adjustment of the conditions and wages under which he must work.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SIMS. Mr. Speaker, I promised to yield time to several gentlemen who happen to be out of the Hall at the present moment, so I will take the floor temporarily. I do not mean that this shall be the closing speech on my part, although I intended to close on our side and may do it yet, but is in the nature of a reply more than anything else to some of the statements and arguments presented by the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Wisconsin [Mr. ESCH], for whom no man in the House entertains a higher regard than I do. [Applause.]

Let us review the labor legislation in this bill. A subcommittee of the House Committee on Interstate and Foreign Commerce, without any suggestion from anybody, so far as I know, got up what it thought was the best labor provision that could be offered to prevent strikes. What was the fundamental principle of the provision that we reported to the House? It was to have adjustment boards of equal membership chosen by the parties to the dispute, by the labor organizations and by the carriers or carrier representatives, and in case of failure to reach an agreement there was an appeal board established consisting of nine members, three to be appointed by the President upon the nomination of the railroads, three to be appointed by the President upon the nomination of the employees, and three to be appointed by the President from the public. It was provided that the three appointed on behalf of the public were to have no voting power at all, so that the determinations of the board had to be practically unanimous-consent agreements by the representatives of employers and employees. Five of the six appointed on behalf of the employers and employees had to agree in order that the agreement be binding. The public representatives had no vote and no other power except to reflect public opinion. Their function was purely advisory.

That was the provision of the bill that the House committee brought in, on the preparation of which our distinguished friend, the chairman of the committee [Mr. ESCH], put in many hours and many days of hard work. Upon the subcommittee was also Mr. WINSLOW, who has been a large employer of labor himself; Mr. HAMILTON, of Michigan, who has been a Member of the House as long as I have, which has been so long that I try to forget it when I am a candidate for reelection, for fear some one will say "long enough"; the gentleman from Kentucky [Mr. BARKLEY]; and myself. The fundamental idea of that provision was that a labor adjustment is an agreement freely entered into by both sides, or if not that it will not work. The way to prevent strikes is to prevent that which brings them about, either actual or alleged, and everybody knows that with that kind of a board the responsibility would be upon both sides to come to an agreement, to reach an adjustment that would be satisfactory to both sides.

When that bill came to this House and was considered in the Committee of the Whole an amendment was offered by the gentleman from Minnesota [Mr. ANDERSON], which was adopted in the Committee of the Whole. I stood by the report of the Committee on Interstate and Foreign Commerce in Committee of the Whole, but after the amendment carried in the Committee of the Whole somebody demanded a separate vote in the House, which, of course, was granted. There were only 40 or 50 majority in the Committee of the Whole for the Anderson amendment, but upon a yea-and-nay vote in the House the Members to the extent of 252 against 112 gave their judgment in favor of the amendment of Mr. ANDERSON in preference to the provision brought in by the subcommittee and the full Committee on Interstate and Foreign Commerce.

Now, this was a yea-and-nay vote, which I regarded as a most solemn instruction to the conferees not to depart from the principles involved in both propositions without first bringing the bill back to the House. But the Senate bill carried an antistrike provision, enforceable by criminal penalties.

Finally the Senate conferees yielded on the criminal-penalty provision. The conferees tentatively agreed that there should be five adjustment boards, composed of equal representatives of the parties to the dispute, and an appeal board, composed of five members, three representing the public and one each representing the employers and the employees. Three of the appeal board constituted a quorum and decided all questions coming before the appeal board. But this tentative agreement was replaced by the provisions now in this conference report, which give to the three public representatives the absolute power to prevent any agreement made by the parties to the dispute becoming effective without at least one of them agreeing with the parties to the controversy.

That brought in a new principle, contrary to the bill reported to the House by the House committee and contrary to the Anderson amendment that the House had adopted by more than a two-thirds vote. I said, "I can not agree to this provision," although I felt it was better than the tentative agreement or the antistrike provisions of the Senate bill.

What have we now? It is so arranged that even one member of the three representing the public can veto an absolutely unanimous agreement of all the parties to the controversy. An adjustment is the coming to a working agreement by which those who employ and those who are employed may work together in harmonious cooperation and not bring on a test trial of force, one the force of the invested dollar and the other the force of the human machine. The bill provides that at least one of the public group must agree to any decision before it is binding. Now, if we had carried that principle further and had said that no decision should be binding unless one of each group agreed to it, it would have looked like we intended to be fair. But all the representatives of the public have to do to prevent a harmonious, unanimous agreement becoming effective is to do nothing, and thereby put a pocket veto upon everything agreed to by the representatives of the two groups who must work harmoniously together if strikes are to be avoided.

The present bill provides for voluntary boards for the adjustment of grievances and working conditions, but not wages. It further provides that the labor board, upon its own initiative, may suspend anything that the voluntary boards agree to. It may vacate it, amend it, or ignore it, and in case it is of the opinion that the agreement would substantially increase rates it may vacate it on its own initiative.

How is a working agreement ever to be effective between employer and employee if those members of the board who necessarily have the least practical knowledge by way of experience of the subject matter and constituting only one-third of its membership have this arbitrary and autocratic power over the action of two-thirds of the board? What kind of a treaty would any nation ever ratify if it did not have any voice in the making of it? A treaty so made would be a treaty by violence, a treaty by force, and that is practically what is provided in this bill as to the power of the minority of the board. It can prevent any agreement being made simply by refusing to approve it. This bill gives to the public representatives power exceeding that of

two-thirds of the board, and is in theory and in fact minority rule. The two-thirds of the board may decide that they can work together and carry on transportation by unanimous agreement, but unless at least one of the three public representatives, be he some lawyer, doctor, or college professor, joins in the agreement there can be no decision.

Mr. RAYBURN. Will the gentleman yield?

Mr. SIMS. In a moment. There is no punishment provided for striking in this bill, and by giving an absolute veto power even by silence to the minority of the board you are absolutely inviting, encouraging, and promoting strikes under this bill. I think that the conference committee ought to further consider this bill, and if it can not make any other change it ought to change it so as to provide that at least one member of the employer group and one member of the employee group and one member of the public group shall all agree to any decision before it is valid and binding. Under this bill the three members representing the railroads and two representing the public can make a decision. Or three of the representatives of the public and two of the representatives of the railroads can come to a decision.

Or three of the labor representatives and two of the public can make a decision, but all six of the members representing employers and employees can make no valid decision, although constituting one more than a quorum of the board. Now, let us do the fair and the right thing both to the employers and the employees and give them the same power that the public representatives have in this bill.

One thing further I want to refer to. My friend Mr. ESCH is an able lawyer, and he believes that the power of the President in issuing his proclamation was absolutely exhausted under the law and that he can not do anything further regarding the return of the railroads; that he can not vacate or rescind his order. Remember, it is an order to take effect in the future. He has parted with none of his power, and retains it fully until March 1. Nobody else has been clothed with any power. I have no doubt that the President remains clothed with full and complete power until 12.01 o'clock a. m. on the 1st day of March, and until that time he can revoke or modify his order and can extend the effective date to a later day.

You will remember that the same talk was had, the same hurry was put up to the Committee on Interstate Commerce to get a report in early and have speedy action in the House and Senate before the 31st day of December, 1919, upon the idea that the President had stated in May that he was going to return the roads on that day to their owners. I did not believe that he would do so without legislation and I do not believe that he will not revoke his order and postpone the effective date thereof if legislation is not had by March 1. His order is executory in character, and I am surprised that any good lawyer should claim it to be otherwise. I have heard some lawyers say that it was like the power conferred in an instrument—that when exercised it is ended. The President under existing law has full power until 21 months after the issuance of the proclamation of peace, but if he sees fit to do so he has power to return the railroads at any time, but until the roads are actually returned the President has full power to revoke any order he may make or to modify it in any way.

It will not be necessary for the President to revoke his order, as I have no doubt that the Senate conferees will yield on almost anything in order to secure the passage of the bill by March 1. I believe they will yield on section 6 in the Cummins bill and that they will yield on the labor provisions, so as not to enable a minority on the labor board to have more power than a majority.

A very learned and adroit argument was made by the gentleman from Pennsylvania [Mr. DEWALT] to prove, in effect, that some railroads may earn lawfully that which may become unlawful to retain. Now, this bill provides that the Interstate Commerce Commission can declare the whole United States a rate district, and it has the power to fix a rate based upon the value of all the railroads in the United States, that must provide a minimum net return upon the value of the whole property of not less than 5½ per cent for the first two years, but after that time the commission will have power to make the minimum net return either less or greater than 5½ per cent on the value of the whole property in rate-making groups that may be established by the commission, which may be the whole United States or any part of it.

Now, what is the object of fixing an absolute minimum net return on value of the railroads? It is in effect fixing a minimum wage for the dollar. We establish the principle by this bill that a dollar invested in railroad property shall have for its minimum wage not less than 5½ per cent per annum upon the value of the railroad property within the rate-making district in which the dollar is invested. What is the result? The commission is given no power to fix the price of supplies that the railroad buys from the manufacturer that possibly holds stock in the railroad. It is given no power to fix the price or the wages paid, no power to fix the salaries of railway executives. I regret to tell it and would not if it was not already public. When I offered an amendment to the bill in the House that no amount in excess of $20,000 per annum of the compensation of any railway executive should be charged to operating expenses, I showed that 204 of them were getting not less than $20,000 and some of them more than $100,000, and the House refused to accept it but voted it down. So gentlemen of the House by their votes, in effect, said that those salaries are not excessive and should be treated as operating expenses.

What do you think of the rights of a poor laborer working under compulsion of necessity who gets not more than $4 or $5 a day, while railroad presidents who sit in Wall Street and do not see the roads more than once or twice a year get $100,000, all of which must come from the earnings of the road before it pays any dividends, and your 5½ per cent net comes on the property value after all these things are taken care of? Is that what gentlemen are in favor of in this bill? Do you want to go back home and present that situation to your constituents as the sum of all you could do in your efforts to take care of this situation? Why, if you can fix the minimum net profits upon a dollar invested in railways, why can not you fix it on a dollar invested in the manufacture of engines; why can not you fix it on the dollar invested in the manufacture of cars; why not fix it on the manufacture of steel rails for railroads, as well also as on the producers of coal for the railroads, all of which is a part of the expense of railroad operation and maintenance? Why not say to the Steel Trust that 6 per cent net is all you are entitled to on the value of your property, because practically everything you make is used by public utilities for the benefit of the public? Why not say to the coal barons, we allow the railroads only 6 per cent profit on their investment and we can not allow you any more on your investment? Of all over 6 per cent you can keep half, but in excess of 6 per cent the other half you must turn over to the Government.

Much of the railroad property is not used directly but indirectly in transportation. I mean in the actual movement of traffic. Take a station, for example. A terminal is just as necessary as the tracks. Look here under your eyes at the Terminal Station in Washington. It is owned by two railroad companies. I do not know how the commission is going to get at its value for the first two years. It has got to take the book value or some other kind of value, and it will be a guess, I do not care what it takes. Take the passenger terminal station, with not a cent collected for the use of it from any passenger, and yet it is property owned by the railroad company and used in transportation. Therefore, the freight, the traffic that does pay the 5½ per cent, must be sufficient to cover the value of this non-revenue-producing property.

Take the mammoth passenger stations in New York City. They cost about $150,000,000 each when constructed—their property and connections. Not a cent do they charge anybody for going into those mammoth stations, but they are railroad property, and they are used in transportation. Their value will be added to the total value on which 5½ per cent must be paid, and who will pay it? The freight traffic, and nothing else.

It is claimed by the railroads, or the railroad people, everywhere that, in addition to the 40 per cent increase in rates, 15 per cent just before the railroads were taken over by the Government and 25 per cent afterwards, that these rates will have to be materially increased, and you are voting for this increase if you vote for this bill, not only the increase in rates heretofore made to continue but by this new-fangled, socialistic, communistic legislation these war-made rates are to be further increased. This section is a beauty; this bill is a beauty. It has some good legislation in it, but we can take out all of the bad and leave all the good. This legislation is socialistic; it is communistic; it is capitalistic.

The commission after two years can make the net return 6 or 7 or 8 per cent. It has the power to do it on all of the value of all the property used on which the rate is based. That is capitalism. The minimum wage for Wall Street money or yours or mine that goes into it, and no minimum wage for the dollar of the farmer, none for the dollar of the raiser of wheat or corn, none for anybody but these preferred investors who have asked the privilege to exercise Government sovereignty through charter privileges to take private property for their use. That is capitalism by condemnation pure and simple. To take from the prosperous roads, those that have been efficiently managed and economically operated, a part of their earnings

is communism. A railroad can not refuse traffic. If it has not sufficient facilities, it must invest more money to get same, and then, if by the growth of the country, by the good judgment and industrious, efficient, and economical management, it makes more than 6 per cent, communism steps in and takes one-half of it on the theory that it was unlawful to make over 6 per cent.

Let me say something to you horny-handed sons of toil who, when you are at home, are telling the farmers that you put in your whole blessed time here working for them. Let me show those farmers how you are serving them in this House at this hour. Take the Baltimore & Ohio Chicago Terminal Railroad. The last year before Government control it operated 79 miles of railroad. It has a stock issue of $8,000,000. It has a bond issue of $33,044,000, or $418,072 per mile. The total bonds and stock amount to $41,044,000, or $519,544 per mile. Let us see what the owners of that stock are getting out of that terminal company in the way of net returns. In 1912–13 they had a deficit. In 1913–14 there was another deficit. In 1914–15 it made 4.06 per cent. In 1915–16 it made 4.01 per cent. The deficit for the whole time is 100 per cent. The railway operating revenue for 1917 per mile of that road was $24,577; railway operating expenses per mile for the same year were $25,372. The $40,000,000 investment does not pay expenses of operation, yet it comes under the provisions of this bill, and in the rate district in which Chicago may fall the value of that property will be added to the value of all of the other property on which the minimum 5½ per cent must be made. The value of the passenger terminal here in Washington will be added to all of the other railroad property of the owning roads. This terminal may not bring in a cent of net return, and the Chicago terminal may not bring a cent above expenses of operation, but you are providing in this bill that the value of nonrevenue-producing property shall become the basis for rates upon all of the property on which net earnings are made.

There is yet plenty of time before the primaries and much more time before the general election for the people to find out what we have voted to put on them by way of additional burdens by this bill. During this time the commission will be figuring out the 5½ per cent net minimum return on railroad property. If a railroad costs $500,000 per mile and another one costs $50,000 a mile, and they both perform the same transportation service, is it worth more money to the shipper to have a bale of cotton carried on one than on the other? This is capitalizing the unearned community value of the property and requiring by inflexible provisions of law that not less than 5½ per cent net must be paid on it.

Nobody knows what it will be. But not satisfied with this burden upon the people, we give a subsidy for the first six months. That is, we will continue the payment of the war rental for that period. We made a loss during the war, and it was expected we would, as we gave the roads a rental equal to the three years preceding the war and two of those years were the best they ever had. It was all right during the war. We provided to continue the war control for 21 months after the war, largely with the view and intention of letting the Government after its war-losing period have a little time to recoup these war losses and save loss to the taxpayers. Now, you are permitting the owners to take the roads back and agree to loan them through funding or otherwise over a billion dollars. How will you feel when you go home while rates are being increased on everything that the farmer grows, while increasing the earnings of the railroads by a pure subsidy, but decreasing the net earnings of the property which the farmer has, who has no Government franchise privileges, who has no Government subsidy guaranty, who has no Government protection against his labor costs by providing by law for a net profit in the value of his farm of 5½ per cent minimum?

What do you think about that, my good friends, both Democrats and Republicans? If you do not mind your constituents will come pretty near thinking you are plutocratic and capitalistic rather than democratic. Now, my friends, this labor provision legislation will come nearer producing strikes than preventing them. You have no penalty, not even a civil one by way of damages, against strikes. I will not say that as to the power to issue injunctions against strikes. But are you really going to help the weak roads? That is why you are taking away from the roads one-half of all net over 6 per cent, which will depreciate the value of the property on which excess earnings are made. I beg to say that a railroad has practically no value except its net earning power. Its property can not be used for anything except transportation. You can not reduce its net earnings without reducing the value of its property, as it has no other value.

Now, take a railroad like the Burlington or any other railroad built economically and operated under good management, and say it makes 10 per cent net on value. That is 4 per cent over the 6 which it is entitled to retain. You let it retain 2 per cent to put into its reserve that it does not need, and 2 per cent goes to the Government, to hold in trust as a contingent fund, which the Interstate Commerce Commission may either loan to railroads or use in the purchase of equipment to be leased to railroads. The funds loaned must be well secured, and 6 per cent interest must be paid on the loan. While the bill does not so provide, it is supposed that the so-called weak roads are to have the benefit of borrowing from this contingent fund over the so-called strong roads. The credit of any railroad must be poor indeed that would or could afford to borrow large amounts of money at 6 per cent and be compelled to give good security for such loans. In other words, such roads are necessarily already heavily indebted, or else they could borrow from private sources with good security at less than 6 per cent interest. Such a railroad must be bordering on insolvency and a receivership to justify it to borrow at such a high rate of interest. If such was the case, the Government would not and could not loan to such a railroad without being made a preferred creditor. It is inconceivable how a weak road can have its credit strengthened by going still deeper in debt at a high rate of interest. If its earnings have not been such as to give it credit prior to the Government loan, the mere fact of the additional burden of debt will not increase its net earnings but must necessarily increase its fixed charges.

It is but natural that such borrowing will add to the weakness of the road and that ultimately the road will have to be sold, and the Government will, in order to protect itself, have to buy it in, and thus become the owner of the road and must either operate it or sell it at the market price and take the loss. If a large fund is ever built up through excess earnings in this way the Government will eventually either become the owner of many railroads that can not any more compete with the strong roads, by reason of these Government loans, than they can without them, or else become the burden bearer of all these numerous weak roads, and take the losses on its loans that will naturally come to it in the inevitable receiverships that will result from this socialistic financing of the weak roads in time of peace and under normal conditions. But if the contingent fund should not be sufficient to loan all the weak roads all the money they will need and which it is assumed they can not otherwise procure, then the weak-road problem will not be solved and some other solution will have to be found.

But suppose some of the weak roads had rather lease equipment from the Government than borrow money, the Government must either purchase equipment or else manufacture it in its own shops, as it would have a right to do, and lease this equipment to the weak roads for a sum that will provide 6 per cent return on the cost of the equipment, and in addition thereto an amount as a depreciation fund that will enable the Government to purchase or manufacture the same amount of equipment to replace the equipment worn out and scrapped.

The Government will thus become the car builder, the engine builder, and the builder of all other equipment ultimately for all railroads. This will be inevitable, as no private corporation can compete with the Government in the purchase of equipment. Nor can any private manufacturer compete with the Government in the manufacture of equipment. The Government can acquire its materials for manufacture in vast quantities and at better prices than can any private corporation, and it can and will sell its manufactured equipment at the bare costs of manufacture, with no profits or dividends to be provided for in its operations. Or it can lease its equipment at a lower rental than can any private owner of such equipment. By the definite specific provisions of this bill we have actual, real, practical Government ownership of transportation facilities. There is no distinction or difference in principle in the Government ownership of engines, cars, and other railroad equipment than in the Government ownership of the tracks and terminals of the roads.

This bill, therefore, both in principle and policy, commits this country to the doctrine of Government ownership and operation of railroads. The necessary equipment property of railroads is fully equal to 25 per cent of the total value of railroad property.

The camel's head is in the tent and the process of full and complete nationalization of railroads will commence with the enactment of this bill, both as to Government ownership of the physical properties and as to Government financing of the railroads. Such is the logical and inevitable effect of the practical application of the mandatory provisions of this bill. It is true that in this way the Government funds with which to begin the process of Government ownership will not come directly through general taxation. It will begin by taking one-half of all the net

earnings of railroads as a whole in excess of 6 per cent and devote that sum to financing insolvent and discredited roads, which will result finally in the Government ownership of the weak roads, and also in the immediate Government ownership of railroad equipment and operation of same through lease contracts. This must inevitably follow eventually the enactment of this bill unless the excess-earnings provision is declared unconstitutional. If it is unconstitutional, then this bill is a complete failure in so far as its being any aid to the so-called weak roads, and if such proves to be the case, the death knell of any further experimenting with private ownership and Government regulation of railroads will have been sounded.

How is it conceivable that the weak roads can be strengthened by depriving the strong roads of a part of their net earnings for the benefit of weak roads without having the direct effect of weakening the strong roads to the extent of their net earnings so taken?

It is not thinkable that the weak roads can be strengthened by the aid that they receive from the net earnings of the strong roads without weakening the strong roads in a like ratio by the loss of net earnings. The result will be that the combined strength of all the roads will be no greater by reason of the operations of the contingent fund than the combined strength of all the roads was prior to establishing such sinking fund. As the value of railroad property depends entirely upon net earnings, the reduction of net earnings must necessarily reduce the value of the property of the railroad whose net earnings have been taken and to the extent the value is so reduced the railroad's property has been taken by the Government without just compensation, which is unconstitutional. I do not see how the President can fail to veto this bill on account of this unconstitutional excess-earnings contingent-fund provision. But regardless of any constitutional difficulty, I am unalterably opposed to providing for any definite, specific, statutory net return on the value of railroads, whether valued as single railroads or in systems or by groups, and I am firmly opposed to the recapture of any portion of the net earnings of any railroad in excess of such fixed statutory return. Such proposed recapture provisions in this bill will certainly tend to reduce and stifle individual incentive and enterprise and will result in discouraging the building up and improving of existing railroad properties and will put a stop to the construction of additional new lines, so badly needed in some sections of the country.

This bill provides that the Interstate Commerce Commission on its own initiative may establish both minimum and maximum rates, fares, and charges. This is a new departure in our interstate-commerce law. Heretofore the commission has only had power to determine a reasonable maximum rate. Just what effect the exercise of this new power will have upon rail rates as a whole remains to be seen. But it certainly empowers the commission to eliminate all competition as to rates. But, strange to say, this bill also authorizes the commission to divide the whole continental United States into competing systems. How are we to have competing systems of railroads if common minimum rates are to be established for all these systems? No road can reduce its rates to meet the demands of its shippers below the established irreducible minimum.

By the mandatory provisions of this bill the commission must establish a level of rates that will produce a net income of not less than 5½ per cent on the value of all the railroad property in the United States taken as a whole or in groups less than the United States as a whole. Therefore, the minimum level of rates can not and must not be less than will be necessary to produce the 5½ per cent net return on all the railroad property in the rate-making area. The imperial State of Texas can not put into effect an intrastate rate that would be valid if the rate, in the opinion of the commission, would result in giving rates within Texas that would be less than the established minimum level, or that might, in the judgment of the commission, tend to reduce the minimum net return below 5½ per cent on the railroad property as a whole in the rate-making district in which Texas is a part.

Will anyone attempt to say in practice what will be the margin of competition between the minimum and maximum rates in any class or commodity rate? What will be the margin between the minimum and the maximum rates on coal in the section of the United States east of the Mississippi and north of the Ohio and Potomac Rivers? What will be the margin between maximum and minimum rates? What will be the width of the zone of competition on coal in that competitive field? In that field it might, and probably would, be that the minimum level of rates on coal would be all that the strong roads would care to charge, and that such roads would make the established minimum also the maximum rates on coal in that field. Under this bill the commission could not prevent the strong roads taking such action which would result in the minimum becoming also the maximum rates on coal in that entire section of the country. While the strong roads may be able to make a good profit on minimum rates, the weaker roads could not possibly make more than operating expenses.

The result would be that the weaker roads would importune the commission to increase the minimum rates on coal. Or it might be that the strong roads could make a net return of 6 per cent on the level of minimum rates on all traffic in that district and would adopt the minimum established by the commission on all traffic as the maximum; and especially might this be the case as the strong roads will be required to give up one-half of all net earnings in excess of 6 per cent. But what would become of the weak roads in competition? Would they be in any better condition as to increase in net earnings than they are now? In practice the minimum will become the maximum rates and competition will cease to exist as completely as if all the roads in the rate-making territory were owned by one company.

Mr. Speaker, I have not the time at my command to point out in further detail all the objections I have to this bill. But I do not believe that it is, in fact, a measure that will make the private ownership and operation of railroads a success. I think it will prove to be the real beginning of a movement for Government ownership that will end in the complete nationalization of railroads in this country. I do not think it is possible to give the country the transportation service it needs and must have, coupled with profits on investment and operation. Private capital can not and will not invest in any kind or character of enterprise except for the profits expected to be secured thereby. In my opinion this bill will not create a demand for either the bonds or stocks of existing railroads in sufficient volume to furnish the new capital needed and that we will soon be asked to add further legislation to this measure looking to the further strengthening the credit of railroads. As a country grows older it naturally demands and must have cheaper transportation, and finally it demands and must have transportation at actual cost of furnishing it. I think this country has now reached that period. But associations of railway executives, committees of railroad security holders, groups of investment bankers, high-salaried railroad officials, and railroad lawyers are all engaged at this time in a desperate and determined effort to continue private ownership, private operation, and private financing of railroads.

Mr. Cleveland once said: "Unorganized good intentions and idle patriotic aspirations can not successfully contend for the mastery against the combined efforts of avarice and greed." The unorganized and unawakened public may not prove to be equal to the task of defending itself against the combined assaults now being made against it by the well-organized and well-disciplined forces of avarice and greed; but it is only a question of time as to when it will awaken and when it will organize, and then it will sweep every impediment out of its way.

The furnishing of the means and facilities of transportation to the public is a Government function, duty, and obligation. The Government may make use of private agencies in discharging this duty, but only upon condition that transportation through private agencies must be as efficient and as economical as it can be furnished by the Government through direct ownership and operation. The Government can and will, if it undertakes it, furnish transportation at cost. That is, at just what it costs the Government to furnish it, including no element of profit on investment or in operation.

Unless through private ownership and operation transportation can and will be furnished at rates, including profits on capital invested, not exceeding the rates charged by the Government, which will not include profits on investment, it is the duty of the Government to own and operate the railroads in the public interest.

But it is claimed by the advocates of continued private ownership and operation that by reason of private initiative and competitive service the privately owned and operated railroads can and will give a service equal to or better than can or will be given by the Government and will be so much more economically operated that the difference in costs of private operation as compared with Government costs of operation will enable the payment of a fair and reasonable profit on the capital invested at rates no higher than would be necessary under Government ownership and operation, exclusive of any profit on investment.

If this contention in favor of private ownership can be established to the satisfaction of the general public, the chief argument in favor of Government ownership would be greatly weakened, if not refuted. But only upon the assurance that private ownership and operation can and will furnish all needed transportation facilities at a cost to the public, including a profit

on capital sufficient to secure a reliable and dependable market for railroad securities in such volume as the present and future needs of the service may require, and at rates that will not exceed the rates for similar service furnished by the Government without including any profit on the investment, should private ownership and operation be adopted as a permanent policy.

There has never been any sort of compulsion, moral or otherwise, that has forced private capital to invest in railroad enterprises. The Government has never done anything to induce such investments, and no moral estoppel can be pleaded against the Government now acquiring all the railroads at their fair market value and resuming its natural and proper function of furnishing all needed transportation to the public at actual costs.

On account of the exercise of bad business judgment, more than half the railroad mileage of the United States prior to the present war, with Government regulation of rates, had ceased to be profitable. No longer would private capital take the chances of almost certain loss by investments in either the stocks or bonds of the so-called "weak sisters."

The owners of these "weak sisters," as well as other sisters not classed as "weak," began a most active campaign through newspaper and magazine advertising, by circularizing and through public addresses, to so affect public sentiment as to cause pressure to be brought against the Interstate Commerce Commission in favor of rate increases asked by the railroads, but which the railroads, prior to the war, had not been able to convince the commission that they were justly entitled to have. The charge was made that the commission had fixed rates so low that the railroads had been starved and that by reason of the action of the commission a state of arrested development was actually confronting the country; that unless rates were increased to such figures as would make railroad securities a desirable investment, Government ownership was inevitable.

On account of this self-defamatory campaign, more than anything else, it became very difficult to market stocks and bonds bearing rates of interest that did not on the face of the security suggest its own unsoundness. Higher rates were asked for, solely to increase profits on the investment.

At one time, just prior to Government control, there were about 40,000 miles of railroads in the hands of receivers in the United States, a mileage exceeding the total of Great Britain and Ireland, greater than all the mileage in the Republic of France, greater than all the mileage in Italy, Holland, Belgium, and Switzerland combined, and almost, if not quite, equal to all the mileage in the German Empire prior to the Great World War. Could there be more irrefutable evidence produced of the economic and financial failure of private operation and management of railroads?

It is alleged almost daily in the "influenced" press of the country that it would cost the Government $20,000,000,000 to purchase the railroads, and that at this time it would be impossible to float a bond issue of that amount without increasing the rate of interest to 5 per cent, or in excess of that amount; that such a rate of interest would bring down the market value of Liberty bonds to 75 or 80 cents on the dollar.

The whole bonded and short-time note indebtedness of all class 1 roads, exclusive of duplications, does not exceed $9,500,000,000 or $10,000,000,000 par value. The whole volume of outstanding stocks of all class 1 roads does not exceed $8,000,000,000 par value.

The market or realizable value of this whole volume of bonds upon the average will not exceed 80 cents on the dollar, as shown by actual sales made on the New York Stock Exchange for the three years of 1917, 1918, and 1919.

If the whole issue of bonds and short-time paper should amount to $10,000,000,000, its actual market value during the three years mentioned does not exceed eight billions. The outstanding railroad stocks of all class 1 roads, exclusive of duplications, will not exceed eight billions par value. The average market value of these stocks, as shown by actual sales for the three years mentioned, will not exceed 60 cents on the dollar par value or $4,800,000,000. Therefore the total market value of all the bonds, notes, and stocks of all class 1 roads, exclusive of duplications, at the average at which they have sold on the New York Stock Exchange, for the three years mentioned, does not exceed $12,800,000,000.

It does not matter how much or how little these railroads actually cost, or how much it would cost to reproduce them now, less depreciation, or how much or how little water there is in the stocks and bonds, they are justly and honestly worth what they can be sold for on an average normal market.

The owners have no right to be paid for them more than their true average market value as shown by actual sales during any period of three normal business years.

Tax-exempt bonds of the Government bearing 3¾ per cent interest can be easily sold at par. The interest on $12,800,000,000 at 3¾ per cent amounts to only $480,000,000 per annum. The Government is to-day paying about $940,000,000 per annum as a rental on the railroads that have been taken over by the Government for war purposes, a sum in excess of the interest on the whole estimated market value of all class 1 roads by $466,000,000 per annum.

If by any method of estimating or ascertaining the value of the railroads the value should be found to be $20,000,000,000, as claimed by some, the interest on that sum at 3¾ per cent would be only $750,000,000, or $190,000,000 less than the standard return now being paid by the Government as a rental for the roads.

But it will only be necessary to acquire the stocks of all the roads, either by agreement of by condemnation, in order for the Government to acquire the actual legal title to the roads, subject to the bonded indebtedness or other lien encumbrances on the roads so acquired. It would require the issuance and sale of not exceeding $5,000,000,000 in bonds by the Government, the annual interest charge on which, at 3¾ per cent, would be only $187,500,000 per annum.

The interest rates on the outstanding bonds of the railroads rarely exceeds 5 per cent; many bear 4½ per cent and 4 per cent, and some as low as 3½ per cent. All railroad bonds are subject to Federal, State, county, and municipal taxation. For this reason it will prove an easy undertaking to exchange 3¾ per cent tax-free Government bonds for railroad bonds at market value. Or the Government, if deemed advisable, can resort to condemnation proceedings and pay the value thus found for the railroad bonds.

Notwithstanding the innumerable receiverships and reorganizations that have taken place, no real amortization of railroad capitalization has resulted. In receiverships and reorganizations the bonds outstanding have usually been reduced in order to cut down fixed charges, but in such cases stock issues have usually been increased.

So that after reorganizations have taken place the form of the capitalization has been changed, but the volume remains as large or larger than prior to reorganization.

But by the Government acquiring the railroads through issuance of tax-free 3¾ per cent bonds the fixed charges can thus be so largely reduced, and with dividends on stocks entirely eliminated, that the entire cost of the railroads to the Government can and will be fully amortized in a period not exceeding 50 years, with lower rates to the public than would be necessary to be charged by the owners of the roads to enable them to pay operating expenses, maintenance, and fixed charges, plus a reasonable dividend on outstanding stocks without any amortization of capitalization.

The people will not submit to the payment of rates so onerous and burdensome as will be necessary in order to revive the weakened and debilitated credit of the railroads to such an extent as will enable them to sell their securities in the open markets of the world in competition with all other securities offered to private investors in such volume as will be absolutely necessary for new capital expenditures, without which the public interest can not be served.

With the railroads without credit and with all expenses of operation and maintenance higher than ever before known, it is little short of an act of folly to return the railroads to their owners. Regardless of our opinions and prejudices as to Government ownership of railroads, such is now or will soon become an absolute necessity.

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. SANDERS]. [Applause.]

Mr. SANDERS of Indiana. Mr. Speaker, this conference report on the railroad bill is the result of many months of labor. It comes back to us to-day with the sanction of a unanimous vote of the conferees from the Senate, both Republicans and Democrats, and with the consent of the conferees on the part of the House with the exception of the gentleman from Kentucky [Mr. BARKLEY] and the gentleman from Tennessee [Mr. SIMS]. The gentleman from Kentucky is of the opinion that a certain section of this bill is unconstitutional. So it resolves itself into this situation, that of those who believe the bill is unconstitutional the only one who objects to it is the gentleman from Tennessee [Mr. SIMS], who has just closed his argument. I have great respect for the gentleman from Tennessee, and you can readily see, gentlemen of the House, the embarrassment with which the gentleman from Tennessee is confronted. On May 19, 1919, the gentleman from Tennessee introduced a bill in this House to continue the Federal control of railroads until January 1, 1924. On November 5, 1919, he introduced a bill to continue Government control and operation of railroads until December 31, 1921. On

December 2, 1918, he introduced an additional bill to continue Government operation of railroads until December 31, 1921, and on August 2, 1919, by request, he introduced another bill to take the railroads and turn them over to the railroad employees for a period of 100 years. Now, with all of those bills, how could the gentleman be otherwise than embarrassed? [Applause on the Republican side.] And, gentlemen, this question, after it is stripped of all its verbiage and camouflage, is a question of whether we are going to have private ownership and management of the transportation systems of this country or whether we are going to have Government control or ownership. There has been a great deal said with reference to the labor provisions. That labor question is very simple.

Labor is opposed to the antistrike provision. They were also in favor of Government control and Government ownership. The House voted against the antistrike provision and voted against Government ownership. The Senate yielded, and in this bill there is no antistrike provision, and the only labor fight you have will be the fight for Government control or Government ownership or the Plumb plan. That is the thing that is before this body to-day.

There is one other thing that ought to be explained, and I have only a few moments, and that is what occurred at the fake double-barrel caucus the other night. It was contended there by the gentleman from Kentucky [Mr. BARKLEY] that the labor provisions of this bill were not written by the conferees, but he said they were written by an outside individual and did not have deliberate consideration in conference or even by the individual. On being pressed about the matter he said the person who wrote them was Mr. Hines. Mr. Hines directed a letter to Mr. BARKLEY in which he said:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, February 21, 1920.

Hon. A. W. BARKLEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am told that the impression has been created, as the result of a remark made by you in a recent conference of Members of Congress and others, that I originated the labor provisions in the railroad bill.

If this impression has been drawn from what you said, I am sure what you said was misconstrued, because I am satisfied any statement you may have made on the subject was accurate.

In order to prevent the possibility of the situation being confused and of the idea prevailing in any quarter that the labor provisions represent a policy originated by me instead of by Congress, I shall appreciate it if you will be good enough to read this letter to the House.

Through the courtesy of the conference committee I received last Saturday a draft of the labor provisions, showing that the conference committee had definitely adopted two leading principles. The first was that there ought to be a wage board upon which the public, the employees, and the carriers would be represented. The other was that statutory provision ought to be made for boards of adjustment to deal with grievances.

I took the action of the conference committee on these two leading principles as indicating its final conviction that these two principles should be incorporated in the legislation. Taking this as the foundation for my consideration in the matter, I addressed myself exclusively to the question whether the details of the provisions agreed upon by the conference would satisfactorily carry out these fundamental principles. In transmitting my suggestions to Senator CUMMINS I stated that "this redraft is not designed to propose any independent view of my own on this subject but is designed simply to take the general scheme of the draft as already agreed upon and modify it so as to incorporate therein the suggestions made in my letter of the 14th instant."

As to the wage board, I found that while the conference had adopted the three-party principle—that is, representation of the public, labor, and carriers—it had provided for only one representative of labor and one of the carriers as against three of the public. I therefore advised that a more satisfactory and reasonable application of the principle of three-party representation would be to have three representatives of labor and of the carriers, as well as of the public, making a board of nine instead of five.

As to the adjustment boards, I found that the provision agreed upon by the conference undertook to specify the organizations of employees which should be represented upon these boards and would result that the board of adjustment which would pass upon grievances would be dependent upon that particular organization to which the employees belonged, thus producing a great deal of confusion and endless jurisdictional conflicts between different organizations. I therefore advised that the entire matter of boards of adjustment be left to the agreement of the carriers and the employees instead of being made rigid and inelastic by statutory specifications.

In the original draft which came to me I found that the boards of adjustment created thereunder were to handle not only grievances but wage matters also. My experiences with the railway boards of adjustment and with wage matters in the Railroad Administration convince me that it will be impracticable for such boards to handle both grievances and wage matters because of the enormous amount of work involved, and I therefore suggested that the adjustment boards devote themselves solely to grievance matters.

There were various minor features which I suggested. One was that a man ought not to be disqualified, as he was by the provision agreed on in conference, from being a public representative of the wage board because he might theretofore have been an officer or member of a labor organization or an officer of a carrier. I also advised that representatives of the employees on the wage board should not be required, as they were in effect by the provision agreed on in conference, to give up honorary membership in their labor organizations. I also advised that there be added to the standards provided in the provision which the conference had agreed to for testing the reasonableness of wages the further standard of correcting inequalities due to former wage orders and adjustments.

I requested our division of law to take the provision as agreed on by the conference and to make such changes therein as would be necessary to express the changes in detail which I above suggested, and I submitted this revised draft of the provision as agreed on in conference to the conference committee.

I think I should add that the draft of these labor provisions as it came to me provided that a dispute could be taken up by the adjustment board under several alternative conditions, which included, among others, a written petition signed by 100 unorganized employees or subordinate officials directly interested in the dispute.

I think it important thus to make it clear that the fundamental principles of the labor provisions are the principles agreed on by the conference committee, and that my action was simply to suggest changes in detail which, in my opinion, would make the principles already adopted by the conference committee more workable than they would otherwise be. Copies of my letters on this subject to the representatives of the conference committee are attached.

Sincerely, yours,
WALKER D. HINES.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINSLOW. I yield the gentleman five minutes additional.

Mr. SANDERS of Indiana. That letter was sent to the gentleman, and he was asked to read it to the House but did not do so. [In fairness to the gentleman from Kentucky in revising these remarks I desire to insert at this point that he has since informed me he had not then received the letter.] I am not going into the other questions raised there at that caucus. I think it was not called properly. It was the last-ditch effort of all the forces who opposed this bill to join together to defeat this railroad legislation and bring about a chaotic condition that would foist Government ownership or Government control upon the people of this country against their will.

Mr. Speaker, this conference report embraces the legislation by which it is proposed to return the railroads to private operation under such terms as to make transportation a success.

It is constructive legislation. Whatever criticism may be directed against it, whatever faults may be attributed to it by those who may oppose it, everyone must concede that it recognizes that we have a real railroad problem and offers a solution. The bill as agreed upon by the conferees proceeds upon the assumption that transportation is a necessity, that it is a public function, that it is the duty of the Government to see that it does properly function, that this duty not only requires restrictive provisions by which the public is protected from any imposition on the part of the carriers but also requires provisions which shall foster and encourage the business of transportation by the quasi-public corporations.

The restrictive features fix the rates that may be charged; control the practices and regulations that may be made effective; prescribe in great detail and with minute exaction how the roads must be financed, the manner in which securities may be issued, and the way in which the capital shall be expanded. Consent of the Interstate Commerce Commission must be obtained to construct new lines of railroad, to extend the old lines, or to acquire or operate any line. No line or part of line can be abandoned without the consent of the commission. The railroad may be required to furnish facilities for transportation, and if it does not possess them to provide itself with adequate facilities to properly serve the public. It must distribute cars in the manner prescribed by the commission. It must permit other roads to use its terminals when directed by the commission to do so. These instances are merely illustrative of the restrictive regulations by which complete control is given to the Government over the instruments of transportation, and, indeed, over the owners of the instruments themselves.

Having given to the Interstate Commerce Commission the fullest authority to supervise the charges that shall be made and to determine the manner in which capital may be secured, and having granted to the commission the power to fix rates we have determined as a legislative policy that the roads in any given rate group considered as a whole, which are honestly, efficiently, and economically managed, shall have such rates as will yield a fair return on the property value. For a period of two years this is fixed as nearly as may be at 5½ per cent. This function of the commission does not differ materially from the function already exercised by the commission, except that the bill adopts the 5½ per cent for two years as a matter of legislative policy rather than leaving it to the commission.

The clearest illustration of attempting to meet the railroad problem in a constructive way is found in the provision for a recapture by the Government, to be used for transportation purposes, of one-half the amount earned by any road above 6 per cent. Where you have two competing roads between two shipping points these roads of necessity must charge the same rate, otherwise the road charging the lesser rate would get all the traffic. Yet a rate fixed for the carriage of freight between those

points might yield an unconscionably large return to one road, which by reason of a better route, roadbed, or other similar causes was able to operate at less cost, and yet the yield for the other road might not be large enough to even approach a fair return. This is the problem of the strong and the weak road, and that has been called by many students of the subject the real railroad problem.

I have reluctantly yielded to this doctrine of recaptured earnings. I do not believe in it at all upon principle, but its use in this case affords an apparent solution of the most perplexing question connected with the regulation of transportation.

Mr. Speaker, this legislation is too important, its effect upon the happiness and prosperity of our Nation too great, for any petty political consideration. It is no time for the play of partisanship. We on the Republican side of the House joined you on the Democratic side of the House in turning over these properties of the value of eighteen or twenty billion dollars to the President that they might be devoted to the one and single purpose of winning the war. We were united then in that crisis. We are now in the aftermath of that war and the reconstruction crisis is at hand. Our country's happiness is as much at stake as it was on April 6, 1917.

The settlement of the great areas of our country from the Atlantic to the Pacific and from the Dominion to the Gulf has been determined year after year and decade after decade by the location of the lines of transportation, until to-day they form a network of arteries through which courses the lifeblood of the Republic. Our transportation system unites the areas underlain with great beds of coal with the ore deposits of other sections. Its magic touch brings the tropical fruits of the Pacific coast and the sunny South into every village and hamlet in the land. It translates the great forests into the houses that dot the treeless prairies and make solid the long line of residences in the densely populated cities and towns. It winds through the coal fields and before many hours have passed lighted fires bring the welcome glow to many hearthstones in far distant parts of the land. It makes possible the varied and manifold activities of our industrial, business, and social world.

We have one-third of the railroads in the world; we have the cheapest transportation on earth; we have the best service and most efficiently managed railroads anywhere. It has been built up under governmental regulation, by private initiative, skill, and industry. We shall to-day give sway to American genius that will bring up our transportation to its highest point of efficiency and sustain it in all its vigor. [Applause.]

Those who are opposed to Government ownership and want private ownership to be inaugurated and do not want to bring about chaos should vote for this conference report. And it does not matter that there are some people who claim that they are labor leaders in this country, who still claim that we ought to have Government ownership and would direct us otherwise. The time has come when the rights of all of the 110,000,000 people of this country must be put above the rights of any class, and, so far as I am concerned and so far as my influence is concerned, I shall be for the course that will finally bring happiness and prosperity to all of our people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLACK. Mr. Speaker, I shall support this conference report, but in doing so I shall state very frankly that there are some of its provisions which I do not approve, and if the bill were before us for amendment I would do my best to seek to amend it in some particulars. In the limited time which I have at my disposal I shall not attempt to point out these provisions to which I object.

This railroad legislation is a very comprehensive measure and deals with many different phases of the transportation problem, and it would hardly be expected that a Member would find himself in accord and agreement with every provision of a bill which is so wide in its scope. To my way of thinking, it does, however, contain legislation which will be of such constructive and lasting benefit to the country, and is so badly needed, that I feel fully justified in supporting the conference report, notwithstanding there are some parts of it which I do not approve. We have been importuned with great vigor from certain sources to extend the period of Government control for a period of two years, but that would involve a responsibility which I think any Member might well consider before committing himself to such a program. I have no doubt that some Members have hastily replied to solicitations requesting them to favor a two-year extension, agreeing to do so without fully considering what such a course would involve.

I think it is generally admitted by every well-posted man that the minimum needs of the railroads for the next two years in the way of new capital investment will be $2,000,000,000. They must have that if they anywhere near meet the needs of the commerce of the country, and it must be provided by borrowed money. If they remain in the hands of the Government, then the Government must furnish this $2,000,000,000 to the railroads in the way of loans, and to do it it will have to issue its own bonds. Are you gentlemen who are in favor of a two-year extension of the period of Government control willing to vote to issue these bonds to get money to loan the railroads? If you are not, then you should meet the responsibility which is upon you by voting to turn them back to their owners, so that they may finance themselves by private borrowing.

If a Member favors Government ownership of railroads, then I concede that it is perfectly logical for him to favor a further extension of the period of Government control, with the various financial complications which it will involve; but if he does not, then it seems to me to be the logical thing to do to vote to turn them back, so that the Government may be relieved from the continual necessity of digging down into the Public Treasury to get funds to advance to the railroads. I am not one who believes that this bill will solve all the railroad problems. No man in the world is wise enough to write a bill that will do that; but Congress meets every year, and there will be nothing to hinder us from dealing adequately with any subject matter which may arise in the future. It is only by the practical experience with a law that we are able to appraise its real value and learn its defects. So it will be with this bill.

INTERESTS TO BE CONSIDERED IN ENACTING LEGISLATION OF THIS KIND.

The railroads are one of our basic industries and involve the rights of widely separated interests, and all of which are entitled to fair and honest treatment. First of all, there are the employees, which number about 2,000,000, and which have every right to honest treatment. Second, there is the management, whose executive ability, if properly exercised, will be responsible for the honest, efficient, and economical conduct of the transportation systems, and which management is sometimes composed of men who are part owners of the property and sometimes it is not. Third, there are the stockholders and bondholders of the roads, whose capital has been responsible for the roads' construction, and which has given us the best railroad system in the world. These investors range all the way from the man who has accumulated a few dollars and invested them in this manner up to the large banks and trust companies and insurance companies, which have very large amounts involved. Fourth, and then last of all but not least of all, is the public, which pays the bills, and without whose patronage the roads would son become a streak of rust and the employees find themselves without a job.

Have all these interests received fair consideration in this bill? I think that question can be safely answered in the affirmative. I have seen statements coming from sources like Labor, published by the Plumb Plan League, and from some of the labor leaders, stating that this conference report was written at the dictation of Wall Street interests, and such other rash and intemperate statements of that kind. Now, I do not always find myself in agreement on public questions with the gentleman from Wisconsin [Mr. ESCH], who is the chairman of this committee and in charge of the conference report, but no one could make me believe that he agreed to a conference report at the dictation of Wall Street or any other special interest, or that he was neglectful or indifferent to the lawful rights of labor or the public. I can say the same about the other members of the conference committee. There is a difference of opinion among them, just as there is a difference of opinion in the House, but I would hate to believe that these differences of opinion were inspired by unworthy and corrupt motives on either side instead of a lively consideration for the public good. I do not believe it.

Now, first, I will discuss this bill as to its labor provisions. I believe that the first legitimate charge on any industry is a fair and just wage to its employees. I would not vote for any bill which I thought would impair the rights of labor in securing this fair and just wage. I am quite well aware that some labor leaders will be loath to credit me with these motives, because I do not dance every time they play the fiddle, but I have long since ceased to be disturbed by criticism, and if I satisfy my own conscience as to what is right in a given matter of legislation I am very willing to let the political consequences take care of themselves. I have but one constituency to whom I account, and that is the constituency of the first congressional district of Texas, whom I have the honor to represent in this great legislative body.

In my judgment, the establishment of the labor board which is created by this bill will go a long way toward solving labor difficulties in a constructive manner. I shall not undertake to analyze the details set out in the bill which creates this

labor board. Suffice it to say that it provides for equal representation to labor, to railroad owners, and to the public. I am one who earnestly believes in the value of organization among laboring men, just as I believe in its value in the business world; but at the same time, just as I believe that some limitations and restrictions must be thrown around organizations of capital in the public interest, so do I believe that organizations of labor must be under some measure of public control.

This labor provision gives recognition to that principle, and unless I very erroneously appraise its value, it will serve just as useful purpose in securing and protecting the just rights of labor as it will the rights of capital and the public. I especially indorse that provision of the labor section which says:

In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration, among other relevant circumstances:
1. The scale of wages paid for similar kinds of work in other industries.
2. The relation between wages and the cost of living.
3. The hazards of the employment.
4. The training and skill required.
5. The degree of responsibility.
6. The character and regularity of the employment, and
7. Inequalities of increases in wages or of treatment, the result of previous orders or adjustments.

These provisions will insure a square deal to labor. Labor has a right to demand that. It has no right to demand more.

RULE OF RATE MAKING.

Mr. Speaker, I next want to discuss briefly that provision of the bill which introduces a definite and plain rule of rate making, and which has been frequently, erroneously, and unfairly referred to as a guaranty of earnings to the railroads. In my opinion, this is one of the best and most constructive provisions of the bill, and one which will do more to solve the difficulties of the railroad situation than any other.

In the first place, it is not in any sense a guaranty of earnings to any railroad. A Government guaranty of 5½ per cent would mean an attempt to assure a given income independently of rates, instead of assuring adequate rates subject to a limit of income. This bill does not assure or guarantee any railroad any specified earnings. It simply directs the Interstate Commerce Commission to grant a rate on the aggregate value of the roads which will, as nearly as may be, yield 5½ per cent to railroads which are honestly, efficiently, and economically managed. Is there anything unfair or unjust about that? I do not think so, and, in my judgment, anything less than that would not only be unfair and unjust, but would be a shortsighted policy in the caring for the public interest. Capital can not be conscripted to invest in any given industry, and unless it is given a reasonable assurance of protection it simply will not invest, and the particular industry involved must of necessity deteriorate and drift to bankruptcy.

Now, what is the situation as to the railroads? Of the 162 railroads or systems, 109 operate under conditions coming under the head of "less favorably situated." These 109 roads have a total mileage of 120,755, and serve double the area of territory served by the 53 remaining roads. You can not make a railroad rate for each railroad. You can not adjust rates to where they would barely meet the requirements of the 53 large roads without starving the less favorably located roads, but which are just as useful and essential to the territory which they serve as the stronger and more wealthy roads.

Anybody who has given any study to the railroad problem and knows anything at all about it knows that this is one of the big problems which are involved. It can only be met in three ways:

First. By the method provided in this bill, of directing uniform rates over a given territory which will yield in the aggregate as nearly as may be 5½ per cent on the value of all the roads in such territory, and provide that a part of the earnings of any road in excess of such stipulated return shall be recaptured for public use and be placed into a revolving contingent fund to be administered by the Interstate Commerce Commission for the benefit of the public in extending and improving transportation facilities.

Second. By requiring Federal incorporation of all the railroads and compelling their consolidation into a few great systems.

Third. By Government ownership, with all the complications which it would involve.

I am strictly opposed to the last two methods of dealing with the problem, and therefore I favor the first, which is the one which this bill provides, and which, I think, will be fair to capital, labor, and the public. It does not in any sense commit the Government to any sort of guarantee.

CONCLUSION.

I am also earnestly in favor of those provisions of the bill which will give the Interstate Commerce Commission full power to regulate bonds and securities issued by carriers in the future. This is a measure of protection which the public long has needed and which should have been enacted years ago. If it had been, we would have been saved scandals of watered stocks, which have done so much to discredit the railroads in the eyes of the public.

I shall not go into details as to this provision, but will simply say that it is one of the longest steps that has ever been taken by Congress in the protection of the public from exploitation of dishonest and fraudulent promoters.

It will work no injustice to any honest and well-managed railroad. No other kind is entitled to any consideration at the hands of the public. [Applause.]

Mr. SIMS. Mr. Speaker, how much time has the gentleman from Wisconsin left?

The SPEAKER. The gentleman from Wisconsin has 45 minutes remaining.

Mr. SIMS. How much have I left?

The SPEAKER. Fifty-five minutes.

Mr. SIMS. Mr. Speaker, will the gentleman from Massachusetts use some of his time now?

Mr. WINSLOW. We are willing to. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, I realize in the brief time allotted me I can not make any extended argument on this great question that we are now about to pass on, but I am opposed to Government ownership of railroads. [Applause.]

The question to-day as I see it is whether we will adopt this report and return the railroads to their private owners, or defeat it and continue Government operation and ownership of them. Mr. Gompers, Mr. Morrison, and the American Federation of Labor have publicly announced in the press that they will defeat for reelection any Member of Congress who does not vote as they direct, so I am fully aware that my vote on this measure may be my political undoing, but after mature and sincere consideration I have reached the conclusion that the welfare of my district, my State, and my country will be best subserved by these common carriers being returned to their private owners, and I am going to vote for the bill, and if it retires me to private life you will hear no complaint from me. I will have the satisfaction and consciousness of having fearlessly performed my duty as I see it, and this to me is worth more than any office in all the world. [Applause.]

Mr. Speaker, this bill in many respects does not meet my approval, but it represents the best efforts of some of the ablest men in Congress, who, after months of labor, have agreed to this report. I especially dislike some of the provisions which interfere with the various State railway commissions in the management of intrastate rates, but all police powers are reserved to the States, and when this report is adopted and the roads returned to their private owners, Congress, which is continuously in session, can amend the statute in this respect and correct this and all other inequities and injustices which appear in the bill. I will gladly support a bill repealing any provisions of this report which prove to be unfair to the public. The valuation of the railroads of the United States has been variously estimated at from $19,000,000,000 to $24,000,000,000. This great sum is owned by life insurance companies, savings banks, guardians and trustees of orphans, and by hundreds of thousands of men and women of the land, who have invested their savings in them. If the roads are returned without legislation, many of them will go into bankruptcy, causing life insurance companies, having out millions of policies purchased to protect loved ones, to become insolvent, rendering the policies worthless; a number of banks and thousands of individuals to become bankrupt, thus creating a panic the like of which will be without a parallel. In great financial panics every citizen is affected, whether rich or poor, and with the world in its present unsettled condition it is folly for Congress to pass any law that would cause financial distress to millions of our people.

I would not vote for any bill that, in my judgment, was unjust or unfair to the employees of railroads, for some of the finest men I know, some of the best friends I have, and some of my stanchest supporters in the past have been employees of railroads, and I dislike to disagree with those friends; but, in my judgment, in this conference report there is nothing in the world that is unfair to them. [Applause.] They object to the labor provisions of the bill because the public has representation on the labor board. Now, what are the labor provisions of

this bill? It authorizes the respective railroads and their employees to create adjustment boards and other machinery whereby they themselves can seek to settle and adjust their differences. If they succeed, well and good. The bill also creates a labor board, consisting of nine members, to be appointed by the President and confirmed by the Senate, each member of the board to be paid a salary of $10,000 per year, three of the nine members of the board to be selected by the President out of a list of six furnished him by the labor organizations, said three members being representatives of labor; three to be appointed from a list of six furnished by the railroad operators, said three to be representatives of the railroad owners; and three members to be selected by the President, representing the public.

Should controversies arise and the employees and railroad operators be unable to adjust their differences as to wages, working conditions, and so forth, this board is empowered to act as an appeal board, to summon witnesses, require the production of books, papers, and so forth, and to give both sides a fair and impartial hearing, and to make their finding, just as courts do in litigated cases. Under the terms of the law no finding of the board shall be binding unless one member of the board representing the public agrees to the report. When this board makes its finding there is no penalty or power to enforce compliance with its decision except public opinion. The extreme penalty is for the board to give publicity to the facts in the controversy and acquaint the public with the evidence in the case. Surely the employees of the railroads can have no reasonable objection to the public knowing the facts in any unadjustable controversy, for the public is vitally interested. Some railroad employees have told me their only objection to the conference report was the public having representation on the labor board; but, in my opinion, the public is entitled to first consideration, for they are the ones who suffer the inconveniences, sustain financial losses, and bear the ills of industrial unrest caused by strikes and the failure of the common carriers to function.

I am opposed to any autocracy that seeks to dictate class legislation for selfish purposes, whether that autocracy be capitalists or the American Federation of Labor. I believe the paramount duty of legislators is to legislate in the interests of all the people and not for any particular class. Capitalists are not required to invest their money in railroads, but if they do so the Governments, Federal and State, say the public's interest in transportation is supreme; therefore governments regulate how the railroads shall be operated, the charges the owners can collect for carrying passengers and freight, the number of trains they shall operate, how they shall be operated, the number of sidetracks they shall build, the number of depots they shall erect, and generally controls the business of the carrier in the interest of the public. I am happy to say there can be no involuntary servitude in America, except for punishment of crime, and no free citizen is compelled to work for common carriers; but if he voluntarily elects to so work, he does so with knowledge that the public is interested in the carriers' functioning, and he, as well as capital, should realize that the public has the paramount interest in the railroad transportation of the land.

The labor provisions of this bill work no hardship either upon the owners or employees of the railroads, but I hope its machinery may result in some good, in adjusting differences between the operators and employees, and thereby prove of great benefit to the public at large. There is no injustice to labor in this provision, and a careful study of it will so demonstrate, and a majority of the fair-minded men who are employed by railroads, when the roads have been returned to their owners, will agree in that opinion, but until the roads are returned the railroad employees will find fault with and oppose any legislation that provides for their return, for they are determined to force Government ownership, or the Plumb plan, and I am equally determined to do what I can to return the roads to their private owners. In corroboration of my statement that the American Federation of Labor will fight any legislation proposing to return the railroads to their owners, I quote from a letter addressed to me, dated Washington, D. C., February 17, 1920, and signed by B. M. Jewell, acting president of the railway employees department of the American Federation of Labor, as follows:

> Allow me, in behalf of the more than 2,000,000 railway employees in the United States, to present for your consideration their reasons why railroads should not be returned to private ownership.
>
> * * * * * * * *
>
> We therefore ask you to oppose any legislation that is intended to return the railroads at this time.

[Applause.]

The war with Germany ended at the signing of the armistice November 11, 1918, but we are still technically at war. I long for our country to be literally and technically at peace with all the world, and I have made up my mind to vote for any fair measures repealing all the extraordinary, drastic war measures enacted while we were at war. This bill repeals one of them and it has my support. [Applause.]

There is one other feature of the report that I shall discuss. Those opposing the bill have had much to say about the guaranty of returns to the owners of railroads for two years. There is no such guaranty in the bill.

The only guaranty by the Government is that the wages of the employees shall not be reduced before the 1st of next September, and the present guaranty of standard returns, which the Government is now guaranteeing and paying to the railroads, is continued for six months. Under Government operation the roads are losing a million dollars per day, and as long as the Government holds them this deficit is guaranteed to the roads to be paid out of the Federal Treasury. I think it is clearly in the interest of the taxpayers to limit this guaranty to six months and then close the door of the Treasury to the railroads rather than to continue to hold the roads and continue the guaranty indefinitely, for the longer the Government holds them the greater the burdens the taxpayers will have to bear. Government operation has proved expensive, inefficient, and highly unsatisfactory to the traveling public, to shippers of freight, and the owners of the roads. The railroads are in worse physical condition than when the Government took them over. From good authority I am informed that under normal conditions the railroads of the country require 2,000,000 tons of steel rails per year to keep the roads in first-class condition, while during the two years of Government control only 200,000 tons have been used; under private ownership a hundred million crossties were used annually, but under Federal control only 50,000,000 have been purchased; during the four years prior to Federal control the railroads built annually 100,000 freight cars, while during Federal control only 50,000 have been purchased; under private ownership 3,000 locomotives were built per year, and under Federal control 1,000 per year have been constructed. During Government operation the physical property, rolling stock, and engines of the roads have not kept up with the needs of the public, notwithstanding the fact that since Government operation there has been appropriated out of the Federal Treasury $1,250,000,000 to be used in betterment of railroads.

Director General Hines, of the Railroad Administration, says that the Government now owes the various railroads, under existing guaranties of standard returns, $636,000,000, which will have to be paid this year out of the Federal Treasury. Thus for the two years that the Government has operated the railroads the people of the United States have been taxed $1,886,000,000 for the use of the Railroad Administration, and I do not believe the people have received service commensurate with this colossal expenditure.

It is estimated that in the next few years the roads will require $1,000,000,000 yearly for betterment and repairs; and if the Government retains them, this sum will be paid or advanced out of the Treasury, to be collected from the taxpayers, who are already overburdened with taxation. Under these conditions, I think it is of supreme importance that this conference report be adopted and the roads returned to private owners. I am sure it will be best for the taxpayers of the land, for when they are returned the Government will not be called upon to make additional appropriations, and taxes should be lowered. But it is said this conference report guarantees a fixed return of 6 per cent on the money invested in railroads for the period of two years. I again assert there is no such guaranty. The contention is made that the rate section of the bill gives such a guaranty. I quote the provision:

> SEC. 422. * * * (2) In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: *Provided*, That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable and to prescribe different rates for different sections of the country.
>
> (3) The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity (under honest, efficient, and economical management of existing transportation facilities) of enlarging such facilities in order to provide the people of the United States with adequate transportation: *Provided*, That during the two years beginning March 1, 1920, the commission shall take as such fair return a sum equal to 5½ per cent of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of 1 per cent of such aggregate value to

make provision, in whole or in part, for improvements, betterments, or equipment which, according to the accounting system prescribed by the commission, are chargeable to capital account.

Under this provision the Interstate Commerce Commission is directed to group the various railroads of the United States into different zones. The commission is then to ascertain the actual value of the railroad properties in each zone, after eliminating all watered stock, and when the actual value of the property is ascertained the commission is to fix passenger and freight rates for each respective zone that will, with honest, economical, and efficient management, yield in revenue to the roads of the zone 5½ per cent. The Treasury of the United States guarantees nothing under this provision, nor is there any guaranty to any particular road that it will receive any fixed income. Under this proviso if a road makes 5½ per cent it keeps it; if it makes only 2 per cent, that is all it gets.

Some roads, notably in the South and West, under this provision will barely make enough to keep them out of the hands of receivers, while other roads in industrial centers and in the thickly populated sections of the country will make a much larger income than 5½ per cent. Therefore any rate that will let the railroads operate in the undeveloped sections of the country is too great a rate for those sections where there is great commerce. Hence the conferees in this bill propose to take from all roads half of their profits in excess of 6 per cent and give such excess to the United States to be used as a revolving fund by the Interstate Commerce Commission to be employed to stimulate the transportation system elsewhere throughout the United States. [Applause.]

Under the decision of the courts of our land no property can be confiscated, and the courts have held that while the Government has a right to fix rates of transportation in the interest of the public, they must fix such rates as will yield a fair return on the money invested to the owners of the common carriers. Any rate which does not do this is declared void by the courts of the land. The leading case which enunciates this doctrine is the case of Smyth against Ames, One hundred and sixty-ninth United States, and again, in the case of Budd against New York, One hundred and forty-third United States, the court held:

> While in the interest of the public the Government can fix rates for common carriers, this power does not give the Government the right to destroy nor compel service from the carriers without giving them reasonable compensation.

In my judgment, the public is vitally interested in having an efficient system of transportation. The Seaboard Air Line; the Central of Georgia; the Georgia Southern & Florida; the Atlanta, Birmingham & Atlantic; the Georgia, Alabama & Florida; the Hawkinsville & Florida Southern; the Albany & Northern; and the Ocilla Southern are the carriers operating in my district. Some of them are barely earning enough to keep out of the hands of receivers. If they are thrown back to their owners without legislation, a number of them will probably be junked and my people left high and dry without railroad facilities. My constituents are entitled to a system of railway transportation commensurate with their needs just as much as the great cities of New York, Chicago, and Philadelphia are entitled to it. It is essential to the public welfare that we have an efficient system of transportation functioning throughout the whole of the United States. Without transportation the farmers' crops in the fields would rot and go to waste, men, women, and children in the cities would die of starvation and freeze for want of clothing and fuel, industrial plants for want of coal would cease to operate and millions of people would be thrown out of employment, and our happy and prosperous land would be turned to one of distress and poverty. In my judgment, this conference report will insure such a system of transportation, continue the happiness and prosperity of our people, and I am going to vote for it. [Applause.]

In conclusion, I wish to say that I am paired with my good friend the chairman of the Ways and Means Committee, Mr. FORDNEY, who is called home on account of the critical illness of his daughter. When we paired he stated to me that he favored this bill, and that I would be at liberty to vote for it, because if he were here he would vote for it. Therefore I shall disregard my pair and vote. [Applause.]

Mr. SIMS. I yield 15 minutes to the gentleman from Illinois [Mr. DENISON], a member of the Committee on Interstate and Foreign Commerce. [Applause.]

Mr. DENISON. Mr. Speaker and gentlemen, I regret exceedingly that I can not follow the chairman of the committee [Mr. ESCH] and the other conferees in their views upon this conference report. I think the country is indebted to the gentleman from Wisconsin [Mr. ESCH] and to the other conferees on the part of the House for the conscientious and able services they have rendered in doing the very best they could to save the provisions of the House bill and report back an agreement that would meet the approval of the House. They had a most difficult task.

Of course, I take it that I am not in the position that the members of the conference committee are. I do not feel the same obligation to change my views, when I have positive convictions, as perhaps they do.

Before I proceed to discuss my objections to the conference report I want to make this statement in order that I may not be misunderstood. I do not quite agree with the gentleman from Indiana [Mr. SANDERS] in his broad statement as to what it means to oppose this conference report. I want to say that I never have been, and am not now, and so far as I can tell I will not be in favor of the Plumb plan or any part of it. I do not think it is American. I think it is really a soviet plan labeled with an American name, and therefore I do not approve of it at all.

Not only that, but I want to say that there is not a man in this House who is more bitterly opposed to the Government ownership or operation of the railroads than I am. Why, gentlemen, when the railroad-control bill was before the House I could see in it such a tendency toward Government ownership and was so bitterly opposed to that policy that I was one of two Republicans and two Democrats only in this whole House who stood up and voted against it. I am opposed to the Government ownership of railroads or any other business institutions. Let me tell you briefly just what this operation of the railroads by the Government has meant to the country. We have lost in operating expenses alone $854,423,434. In the last two months, since January 1, we have lost $207,646,434 in operating the roads, over $100,000,000 a month actual losses in operation. I think the railroads should have been returned to their owners long before now.

We have loaned and advanced to the railroads, or, rather, the railroads owe the Government, $938,615,551, which will have to be funded, and there are other investments made by the Railroad Administration in Liberty bonds, and so forth, on account of the operation of the railroads, of $93,283,900. So that adding these advancements and loans to the actual loss in operation it makes a grand total of $1,886,322,885 which the people now have invested in the railroads. Counting the $200,000,000 carried in this bill with what we have already appropriated makes the total appropriations for the railroads amount to $1,450,000,000. Deducting this from the amount already expended, $1,886,322,885, leaves a deficit of $436,322,885 which this Congress is going to be called upon soon to appropriate to finish up the debts of Government operation.

Not only that, but this bill authorizes the appropriation of $300,000,000 to loan to the railroads in the next two years, and a great deal more than that amount will be required before the time is up to supply their demands.

Not only that, but we are guaranteeing the standard return for another six months. My judgment is that if the losses in operation continue as they have in the last two months we will have actually lost in the operation of the railroads more than $1,250,000,000 before the guaranty period has expired.

I have not the slightest doubt that before the loan period of 26 months is over the railroads will owe the Government for loans and advancements as much as $1,750,000,000. So I figure that Uncle Sam will have $3,000,000,000 invested in the railroads, and not over $1,250,000,000 of it will ever come back, if that much.

So any man who is opposed to the immediate return of the railroads to their owners, in my judgment is not only using bad judgment but he is not thinking of the best interests of the Government or the people.

My respect for the good opinion of the Members of the House and of others who have made a study of this question prompts me to point out two or three unfortunate provisions in this bill and to state briefly my objections to them.

As a member of the committee that has had charge of the railroad bill, I have given the subject the best study I could since the hearings began in July and have reached certain conclusions in which I am positive and conscientious.

When the Esch bill was reported from our committee it contained a rule of rate making. In substance it directed the Interstate Commerce Commission to so adjust rates in the different rate-making districts of the country as to allow the railroads in the respective districts as a whole a fair return on their aggregate properties devoted to the public service, after making due provision for all proper costs of maintenance, operation, taxes, and depreciation.

To that the owners of the railroads are, I think, justly entitled. That far it is not only proper but under present conditions necessary to go in in order to secure the necessary capital

to rehabilitate and improve the transportation systems of the country.

But the House struck that provision out of the bill entirely and left it without any legislative rule or mandate to the commission for making rates. It was done over my protest. In addressing the House on that question I stated that if the House struck out the rule of rate making it would be striking the heart out of the bill as a constructive measure.

Now, the conferees have reported this bill with a rule of rate making that goes far beyond the provision of the original Esch bill, and consists of section 6 of the Cummins bill with slight modifications.

I am opposed to any guaranty by the Government of any particular return or income on private capital invested in any industry. I do not think it is necessary or wise. There are so many intricate questions of railroad valuation, railroad management, and railroad financing involved that Congress is not in a position to fairly and intelligently determine and fix by legislation the fair return of income on investment of private capital in the railroads of the country.

There is no valid reason why a fair return of capital invested in the railroads in the different rate-making districts of the country should be exactly the same or that it should be exactly the same from year to year. Investments of private capital in other industries or other securities do not yield the same returns in different parts of the country or in different years. People invest their capital in railroad securities just as they do in other industries with full knowledge of the conditions of the business, with the chance of loss and the hope of large returns before them. It is a mistake for the Government to single out investments of private capital in railroads from all other industries of the country and by legislation guarantee a fixed return on such investments without regard to any of the conditions which under natural economic laws determine the returns on all other investments. It is not only unwise but it is dangerous legislation. If we guarantee a fixed return on railroad investments for two years we will thereby blaze the trail and set the precedent for similar legislation by those that follow us. We will later be asked to do so for the years to come, and who knows but that we may be asked to do the same for investments of private capital in telephone and telegraph companies and other public utilities, in coal mines and other industries that are essential to public welfare.

The excuse for a legislative guaranty of income on such other investments may not now be as apparent as for investments in the railroads, but the principle involved is the same. It is paternalism pure and simple. A Congress might be elected that would think 7 per cent a fair return, or public sentiment might change and a Congress be elected that would think 2 per cent a fair return on railroad investments and legislation might be enacted guaranteeing that return. Congress should never attempt by legislation to even up and equalize the incomes arising from investments of private capital. Some investments in railroads have been wise and some unwise. Some railroads have been managed wisely and some unwisely. Some have been fortunate and others unfortunate because of natural conditions. Some have been honestly managed and some dishonestly managed. It is, I think, an unwise and dangerous policy for the Government to undertake by legislation to level up such investments by guaranteeing a fixed return. It is the first step toward socialism, and I am opposed to taking the first step in that direction. [Applause.]

Then, Mr. Speaker, I am absolutely opposed to section 312 of the bill. This section provides that the wages of all railroad employees and subordinate officers existing and in force on March 1 shall not be reduced before September, 1920. This in itself is innocent enough. Of course we all know, in fact, that the wages of railroad employees will not be reduced before September 1 next. I do not think they should be reduced before then nor after that time unless conditions of living should materially change. There may, in fact, be good reasons why they should be increased. But I am opposed to any law that purports to fix the wages of any class of employees in any industry. It is unwise and un-American and is another long step in the direction of socialism. The amount of wages that men should receive for their services ought to be determined in all cases by agreement between the employers and the employees. Wages should be determined by economical and industrial and social conditions. This can only be done by agreement between employers and employees. When wages are determined by the legislatures or by the Congress they will be determined by political conditions and considerations. It is a dangerous policy both for the Government and for the employees. [Applause.]

If we pass this bill fixing the wages of railroad employees for the next six months, more than likely we will be asked to fix them for a longer period, and this will be but the beginning of a policy that will again come back to mock us. We will receive demands from all sources for the fixing of wages, and the country should understand that if this law, which fixes the wages of the railroad men for six months, is approved, they may expect legislation in the future that will fix wages for a longer time or increase the wages of the railroad employees if a majority of the Congress should happen to be inclined that way.

On the other hand, the railroad men should understand that if they approve and accept this provision of the bill they may just as likely expect a reduction in wages by law, if public sentiment and a majority of the Congress should happen to be inclined that way. Such legislation is not in the interest of the public or of the railroad employees. As a friend of American workingmen I can not approve it. It is a dangerous precedent. It serves no good purpose in this bill and should not be enacted into law. [Applause.]

Right here I want to pause to say that, in my judgment, this plan here proposed for the adjustment of wage disputes is not workable. I do not think this so-called labor board will have very much to do. When a great wage question is to be adjusted, I think that the men will themselves try to adjust it by agreement with their employers, and if they can not do so they will not submit it to this board. Then what will be the result? The result will be possibly a great nation-wide strike will be threatened. And then the question will come right back to the President and to Congress and we will be asked to again fix the wages by law, in order to avert a strike; and you are setting a precedent for it now by fixing wages for six months in this bill. There is the danger. I am a friend of the railroad men, and I say this is a dangerous law for them and it is a dangerous law for the public.

I am opposed to all of the remainder of section 422 of the bill which contains the various provisions for the recapture or appropriation by the Government of the earnings of railroads over and above 6 per cent and the creation therewith of a general railroad contingent fund, to be used by the commission for transportation purposes, and particularly for aiding the so-called weak railroads. I think this is the most indefensible provision in the entire bill. It can not be justified by any sound principle of railroad economics or by any rule of morals, and in my judgment it clearly violates the fifth amendment to the Constitution by taking private property for public use without just compensation or due process of law.

Now, upon that question I want to say this: I think it is a dangerous precedent to start legislation here recapturing or taking over arbitrarily the excess profits of private capital invested in railroads.

Judge Hughes rendered an opinion to our committee suggesting that that provision of the bill would be absolutely unconstitutional and void. Now, let me put this question to you, which each must answer for himself: When a proposed law is presented to us and we form a conscientious conviction that that law would be contrary to the Constitution of our country, what is our duty? Oh, well, a Member told me a while ago that we have no right to consider our own conscientious objections when we come to a great question of this kind. I do not agree to that. Judge Cooley, in his work on Constitutional Limitations, states the rule that should guide us very clearly. He says that where a legislator has even a doubt as to the constitutionality of a proposed law, under his oath it is his duty to vote against it.

Then what is our duty when we have a positive conviction that a proposed law is unconstitutional? Must we just lay our convictions aside when we have taken an oath with our hand uplifted to Heaven that we will support and defend the Constitution? I can not do so. I believe this bill authorizes the taking of private property without due process or just compensation. I think Justice Hughes's opinion is sound. While I may not think he is a good politician, I have the highest respect for him as a judge and a lawyer.

Now, if I am anything at all I am a lawyer, at least a country lawyer. I have devoted my life to the study of law, and I believe, as firmly as I believe any legal proposition, that this provision of the bill is contrary to the Constitution of the country and therefore I can not vote for it.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SUMMERS of Washington. Is there any difference in effect between this proposed law and the income-tax law?

Mr. DENISON. There is a great deal of difference. The Government has a right to take excess profits by a tax for Gov-

ernment use, but that is only justified, in my judgment, as an extreme measure in time of war, and then the tax must be general and apply to all persons alike. This bill does not provide an excess-profits tax; it is nothing more nor less than the Government arbitrarily putting its strong arm into the earnings of the railroads that happen to have used foresight, that happen to have used good judgment, that happen to have used economy, that happen to have used brains, and happen to have been honest in their management. This bill would penalize a company of that kind, penalize the men and women who have money invested in a company of that kind, take away their earnings that they have made by rates just and reasonable, and put them into a fund—sort of a railroad jackpot—in order that the Government may take it and loan it to the poor roads that have been perhaps dishonestly or improperly or unfortunately managed to help them out. I do not believe that is constitutional, wise, or moral, and I can not vote for it. [Applause.]

Under the law the Interstate Commerce Commission has no power to prescribe any rate for transportation upon any railroad that is not in itself just and reasonable. If any railroad should charge any rate for transportation that is not just and reasonable, it could be made to refund it to the injured shipper. So that it must be assumed that all rates that are filed by the railroads and approved by the Interstate Commerce Commission are in themselves just and reasonable. And every railroad company is justly entitled to retain all it can earn for transporting passengers and freight at rates that are in themselves just and reasonable.

Now, railroads can not charge what they may choose for their services. They can only charge such rates as are approved by the Government, acting through the Interstate Commerce Commission, and such rates as are found by the commission to be just and reasonable.

Nor can the railroads determine what traffic they will handle. They are compelled by law to transport all traffic that is presented to them for transportation.

Nor can the railroads determine for themselves what equipment they will furnish for transportation purposes. Under the acts of Congress and the regulations of the State commissions and the laws of the various States the railroads are required to furnish adequate facilities of the latest and best approved type.

Nor can the railroads manage their properties as they would choose. They are compelled by the laws of Congress and of the various States, enacted in pursuance to the police powers thereof, to furnish all manner of safety devices, not only for the safety of the public but of the employees and passengers and the property they are transporting.

So that railroad companies have few rights in connection with the management of their own properties and no opportunity for the profitable employment of the capital they have invested unless, by the use of economy and good judgment in the management and operation of their properties, they can do a large business under the conditions which the Government has prescribed for them. It is unfair to those who have invested their money in the railroads to arbitrarily deprive them of the fruits of their economy and good management. It is wrong in principle for the Government to arbitrarily take from a railroad company any part of its earnings that it has made from rates which are just and reasonable.

This bill does not guarantee to each individual railroad an income of 5½ or 6 per cent, or any income at all. It only guarantees an income of that amount on the aggregate property of all of the railroads in the different districts that is held and used in the service of transportation. So that those who invest in railroads do not know whether they will get any income from their investment or not. At least there is no assurance of that fact from any of the provisions in this bill. On the other hand, the bill does take the excess earnings over and above 6 per cent from each particular railroad. So that if this bill becomes a law, those who will hereafter wish to invest in railroad stocks will know that under no circumstances will the companies be allowed to retain over 6 per cent. In my judgment such a law will destroy the inducement for private capital to invest in railroad securities. It will destroy the inducement for economical management of railroads. It will encourage waste and extravagance in the equipment and management of railroads, and will tend to injure and retard rather than to improve and develop the transportation service of the country.

The earnings of a railroad company from rates that are just and reasonable are the property of the company. The Government has no more right to arbitrarily take its earnings from rates that are just and reasonable than it has to take its physical properties. It can not do so under the fifth amendment of the Constitution without just compensation or due process of law. This bill provides for neither.

These so-called excess earnings are not taken by the levy of an excess-profits tax. That, of course, could be legally done. If that were done, the money would have to be paid into the Treasury of the Government and could be paid out only by an appropriation by Congress, as I have already stated.

They are not taken under the guise of an occupation or a license tax. The railroads are incorporated and operated under the laws of the different States. They are not creatures of the Federal Government. The bill simply authorizes the Government to arbitrarily take over or recapture the excess earnings of the railroads without giving any consideration therefor, and it seems to me that nothing could be plainer than that such a law will be unconstitutional and void.

There are many railroads in this country that have been improvidently built. Others have been extravagantly and wastefully constructed and managed. Others have been exploited, while still others have been built in fortunate parts of the country where population and industries have increased and they have been constructed and managed economically. The result of these divergent conditions has been that there are poor roads and prosperous roads and in the very nature of things this must naturally be so. But the people who invested their capital in the railroads all did so for the same purpose. It was not out of a spirit of patriotism or of charity that capital has been invested in railroads. People make such investments because of the chance and the promise of profits. Some must lose and others must win. But it seems to me wrong in principle for the Government to undertake to make all such investments equally profitable and especially to arbitrarily take the earnings from the prosperous and well-managed roads and use it for the benefit of the exploited, the unfortunate, or the poorly managed roads.

Moreover, I think it is a dangerous precedent. If the Government can arbitrarily take over the profits of the railroads over and above 6 per cent and use them for special purposes, it can take the profits over and above 2 per cent. Upon the same principle the excess earnings of telegraphs and telephones and other public utilities could be taken over. And if this kind of legislation is begun, it will be followed by other legislation of the same kind and, in my judgment, the results of it will come back to mock us. It is another step toward socialism and we should hesitate before we take it.

If the Government begins taking over the excess earnings of the railroads and using them for special purposes, as provided in this bill, it will lead, just as sure as time passes, to Government ownership of the railroads, and in my judgment some of those who have advocated this policy and have forced it into the bill are at heart believers in Government ownership of railroads.

I regret that the conferees on the part of the House found themselves compelled to incorporate such a provision in the bill. [Applause.]

Mr. Speaker, I desire to insert here at the close of my remarks a part of the opinion of Judge Hughes on the constitutionality of section 6 of the Cummins bill, which is the same in substance as the provision of this bill that I have just discussed.

JUDGE HUGHES'S OPINION.

It should be observed that this requirement is not made as a condition for the exercise of any franchise granted to the carrier by the Federal Government. It is to be considered in its application to carriers chartered by the States and entitled to engage in interstate commerce on compliance with such regulations as Congress may constitutionally prescribe. Under the doctrine of the recent decision in Hammer *v.* Dagenhart (247 U. S., 251), the right to engage in the business of transporting passengers, or of ordinary and wholesome commodities, between the States, while subject to appropriate regulation, may not be deemed to be subject to the absolute prohibition of Congress and hence is not to be regarded as a privilege to be granted on any terms Congress may see fit to impose.

Nor is the requirement with respect to "excess" earnings imposed as a condition of the enjoyment of any guaranty as to earnings which has been given by the Federal Government and accepted by the carrier, thus constituting a contract governing the carrier's operations. The carrier still must take its risk of losses. If it be said in a general sense that the provisions as to rates constitute a guaranty of proper and adequate rates, this is no more than the promise of the reasonable exercise of the power of regulation. There is no benefit conferred upon the carriers under the bill which can be regarded as justifying an exaction which otherwise could not be enforced.

Further, the requirement as to the payment of "excess" earnings does not purport to be imposed under the taxing power and in my judgment could not, in its present form, be sustained as a valid tax independently of the power of regulation. It would seem to be clear that the constitutional authority which would be invoked in the enactment of this legislation would be solely the power of Congress to regulate interstate commerce.

The general principles governing the constitutional authority of Congress to regulate interstate commerce are not open to dispute. It is a power to foster, to protect, to conserve; to prescribe the rules by which

interstate commerce shall be governed. It unquestionably embraces a broad authority to deal with all phases of transportation in interstate commerce and to govern the instrumentalities of that commerce, including the relation of carriers and their employees, as illustrated by the hours-of-service act, the employers' liability act, and the Adamson Act as to hours and wages. (Baltimore & Ohio Railroad Co. *v.* Interstate Commerce, 221 U. S., 612; Second Employers' Liability Cases, 223 U. S., 1; Wilson *v.* New, 243 U. S., 332.) It is also well settled that the exercise of the power may be in the nature of police regulations. (Lottery Case, 188 U. S., 321; Hipolite Egg Co. *v.* United States, 220 U. S., 46; Caminetti *v.* United States, 242 U. S., 470.) But in the most extreme applications and under the broadest definitions of this Federal power it has been recognized that it is not an unqualified or arbitrary power. It must be exercised subject to the limitations of the fifth amendment of the Federal Constitution prohibiting the deprivation of any person of liberty or property without due process of law. (Monongahela Navigation Co. *v.* United States, 148 U. S., 312, 336; Clark Distilling Co. *v.* Western Maryland Railway Co., 242 U. S., 331, 332; United States *v.* Cress, 243 U. S., 316, 326.)

The broad legislative discretion of Congress with respect to rates of transportation is thus subject to the limitation that the rates shall not be made so low as to be confiscatory. (Wilson *v.* New, 243 U. S., 332, 349, and cases there cited.) And aside from the imposition of confiscatory rates, the power to regulate does not justify the assertion of arbitrary control, however excellent the motive; that is, an exercise of power not appropriate to the subject. (Adair *v.* United States, 208 U. S., 161, 178, 180; Interstate Commerce Commission *v.* Chicago G. W. Railway Co., 209 U. S., 108, 118; Southern Pacific Co. *v.* Interstate Commerce Commission, 219 U. S. 433, 444; Interstate Commerce Commission *v.* Louisville & Nashville Railroad Co., 227 U. S., 88, 91; Hammer *v.* Dagenhart, 243 U. S., 251, 270, 276; Wilson *v.* New, 243 U. S., 332, 346.) As was said in Wilson *v.* New (243 U. S., 332, 346, 353), "It is equally certain that where a particular subject is within such authority the extent of regulation depends on the nature and character of the subject and what is appropriate to its regulation."

Having these general considerations in mind, the validity of the provision of the pending bill as to the disposition of so-called "excess" earnings may be considered in the following aspects:

First. On the assumption that the rates as fixed by the commission, under which the "excess" earnings have been realized, are just and reasonable rates.

It is to be borne in mind that rates fixed by competent legislative authority, which are not found to be confiscatory, are presumed to be just and reasonable and that the courts do not interfere with the exercise of the legislative discretion, whether it be exercised directly by Congress or through its subordinate agency in accordance with the standards which Congress fixes (Minnesota Rate Cases, 230 U. S., 352, 433; Wilson *v.* New, 243 U. S., 332, 349).

Section 6 of the bill provides that "rates of transportation shall at all times be just and reasonable." It is provided in section 1 of the bill that rates, fares, and charges in force at the time of the repeal of the Federal-control act of March 21, 1918, shall remain in force until changed by competent authority. It is further provided in section 5 of the bill that schedule of rates, fares, and charges filed with the commission in accordance with the "act to regulate commerce" within 30 days after Federal control ceases shall become effective at the end of four months after they are so filed, with such modifications as may be ordered by the commission, and the commission is required within that time to determine whether they shall be modified "in order to make them fair, just, and reasonable rates for the service to be performed." It is further provided in section 44 of the pending bill, amending section 15 of the "act to regulate commerce," that whenever the commission, after a hearing either on complaint or on its own initiative, shall be of opinion that any individual or joint rate, fare, or charge whatsoever charged or collected by any carrier is or will be unjust or unreasonable the commission is authorized to determine what will be the just and reasonable individual or joint rate, fare, or charge to be thereafter observed, and the carrier is prohibited from making any charge which is in conflict with this determination. Thus all the rates fixed and maintained are at all times open to inquiry and the commission has full authority to insist that the rates shall never be more than just and reasonable compensation for the services which the carrier renders. Nor does the bill interfere with the reparation proceedings which may be entertained on the application of persons aggrieved by extortionate charges.

Taking all the provisions of the bill into consideration, it would seem that the rates as fixed and permitted to be charged and collected by the carrier, assuming that the rates are not confiscatory, should be regarded as just and reasonable rates fixed and maintained by competent authority. It is also to be observed that section 6 of the bill, providing for the payment to the Railway Transportation Board of the so-called "excess" earnings, does not provide for a determination that the rates under which the described "excess" has been collected by the carrier were not just and reasonable rates for the services rendered.

If, however, the rates thus fixed, charged, and received by a carrier are to be deemed just and reasonable for the services rendered the carrier is entitled to these receipts as its property, and the taking by the Government of any portion of these receipts (except under a valid tax) for general governmental purposes or for the benefit of other carriers would appear to be a taking of property contrary to the fifth amendment of the Federal Constitution.

Of course, a carrier may be required to render the service involved in its undertaking as a carrier. It may be required to spend whatever money is necessary to make such service prompt and adequate. Its conduct in the performance of that service may be regulated with respect to facilities for transportation, the hours of service of employees, standards of wages, liabilities for injuries, the health and comfort and safety of all persons concerned in the transportation, and the receipt, handling, and delivering of commodities transported, but the requirement of the use of money for the manifold purposes which may be embraced in proper regulation and the protection and conservation of interstate commerce with respect to the carrier are in connection with the performance of the carrier's service. In the present case it must be assumed that the carrier has met all its responsibilities under the law, has given all the required facilities, has observed all regulations as to transportation, employees, passengers, and goods, and has charged the just and reasonable rates established by law, and that the earnings that it has left are the proceeds of its reasonable contracts made in conformity with law.

I do not think that the provision of section 6 as to "excess" earnings can be sustained under the principle of the case of Charlotte, Columbia & Augusta Railroad Co. *v.* Gibbes (142 U. S., 386), and other similar cases, as to the placing of the expenses of governmental supervision upon the corporations supervised, or under the doctrine of the case of Noble State Bank *v.* Haskell (219 U. S., 104), relating to an assessment under State law upon State banks for a depositors' guaranty fund, or of the case of Mountain Timber Co. *v.* Washington (243 U. S., 219), with respect to required contribution for a workman's compensation fund in order to provide compensation for injuries resulting from the hazards of the business. The provision in the pending bill does not relate to the expenses of supervision. It is not an imposition in the nature of an occupation tax or a license tax. The assessment in the Noble State Bank case has been described by the Supreme Court of the United States as being in the nature of an occupation tax upon all banks existing under the laws of the State. (See 243 U. S., 245.) In the Mountain Timber case the contributions for the workmen's compensation fund were required under the general police power of the State and these contributions were levied upon all employers in the described hazardous occupations according to percentages fixed in proportion to the hazards of each group.

The provision of the pending bill is not a tax laid upon all carriers with respect either to gross receipts or net receipts or any other basis for the assessment of a tax, but is simply a requirement of the payment to the Government board of the "excess" earnings of a carrier which the Interstate Commerce Commission determines to be more than a "fair return" upon the value of its property. Such an exaction goes beyond the limits of any decision known to me, and if the rates under which the so-called "excess" earnings are collected by the carrier are to be deemed to be just and reasonable rates, fixed and maintained as such under the authority of law, I am unable to escape the conclusion that the requirement as to the payment of the so-called "excess" earnings of a carrier exceeds the constitutional authority of Congress as applied to carriers not transacting their business under a Federal franchise or contract imposing such a condition.

Second. It will doubtless be insisted, however, that the provision in question should be viewed in another aspect. It may be said that the rates under which the so-called "excess" earnings have been obtained are not to be deemed just and reasonable rates, and while they were charged and collected as such under authority of law, that the fixing of the rates as just and reasonable is only tentative.

The argument will undoubtedly be that the bill requires the division of the country into districts and the carriers into "rate-making groups," and that section 6 requires the commission to take a comprehensive view of the rate-making group and that the level of rates is to be determined with reasonable reference to average conditions. In viewing rates from the standpoint of their effect in producing revenue in any rate-making group as a whole, the commission is directed to take into consideration the interest of the public, the shippers, the wages of labor, the cost of maintenance and operation (including taxes), a fair return upon the value of the property in the group, and the requirements for additional capital in order to enable the carriers adequately to perform their duties to the public. Hence it will be said that the rates fixed or maintained as just and reasonable for the services in question are fixed with reference to a group of carriers, and that so far as any particular carrier is concerned the finding as to the reasonableness of the rates charged by that carrier must be deemed to be merely a tentative finding. It will thus be contended that what is meant by the provision as to the payment to the Government board of "excess" earnings is that no carrier shall be allowed to receive for its services more than what is subsequently determined by the commission to be a "fair return" upon the value of its property held or used for the service: that all rates allowed are subject in the case of each carrier to this ultimate determination, and that to the extent that the rates produce the "excess" earnings they are to be deemed to be unreasonable. In this view it will be urged that no carrier is to be regarded as deprived of earnings from reasonable rates, but only of the "excess" earnings under the rule of limitation: and that, further, as the amount which the particular carrier is permitted to retain is determined to be a fair return upon the value of its property, it can not be said that there is an abuse of the regulatory power of Congress.

This argument encounters serious objections:

(1) It apparently takes no account of the fact that the individual rates charged by the carrier or the joint rates charged by the carrier in connection with other carriers may have been separately determined, either upon complaint or upon the commission's initiative, to be just and reasonable rates for the services which the particular carrier renders. The provision as to the payment of "excess" earnings appears to apply in every case where "any carrier shall receive from operation in any year more than a fair return, to be determined by the commission, upon the value of its property," even though the particular rates charged have been sustained, upon hearing, as just and reasonable.

It is difficult to understand upon what theory of proper regulation such rates are to be deemed to be unreasonable without any further inquiry as to the conditions of the service or as to matters directly relating to the rates themselves, but solely upon an inquiry with respect to the value of the carrier's property and the amount of the total net earnings derived by the carrier from its operations. The latter may be a legitimate inquiry for a court in determining whether a legislative body or its subordinate agency has transcended its authority in fixing a body of rates so low as to be confiscatory. But it is a different thing thus to conclude that rates which are not confiscatory, and which as individual or joint rates have been expressly found in the case of the particular carrier to be just and reasonable for the services rendered, were in fact not reasonable rates.

(2) Moreover, whether the rates which have produced the so-called "excess" earnings of the carrier have or have not been sustained in proceedings under section 15 of the "act to regulate commerce," as amended, with respect to the individual and joint rates of the particular carrier, the fact remains that the rates charged and collected have been fixed and maintained as just and reasonable rates, and that the bill does not require as a necessary preliminary to the required payment of the "excess" that there should be a finding that the rates were in fact unreasonable rates. The only finding required is that a particular carrier has earned more than the amount which the commission determines to be a "fair return" upon the value of its property held or used for the service.

The argument in support of the provision seems to assume that Congress, under the guise of regulating rates, either directly or through the commission, can abandon the fixing of what are reasonable rates for the services rendered by the carrier, and without any determination that the particular rates or the tariff schedule of a carrier are unreasonable, take the earnings of a carrier simply upon a determination that the carrier has received an "excess" over a "fair return" upon the value of its property.

This would appear to be not a regulation of rates, or of service, but of earnings. I do not understand that it is within the authority conferred upon Congress to regulate interstate commerce to determine how much a carrier not exercising a Federal franchise, or operating under a

Federal contract, shall earn in interstate commerce, assuming that the carrier discharges all the public obligations incident to its service and charges reasonable rates. In my view, the regulation of such a carrier must have direct relation to the services it renders, and if the question is of the amount of money it should receive for its service, to the reasonableness of its charges.

(3) Again, if the assumption could be indulged that the finding that a carrier has received more than a "fair return" is to be regarded as tantamount to a finding that the rates which produce the "excess" earnings are unreasonable rates, and that such a finding without an inquiry with respect to the rates themselves, but only as to earnings, could be sustained, there would be a further difficulty.

I lay on one side the question of the propriety of treating rates as being reasonable as to one carrier and as being unreasonable as to another carrier with respect to substantially the same services under similar conditions.

Assuming that it is the intent of the provision that the rates producing the "excess" earnings in the case of a particular carrier are to be deemed to be unreasonable as to that carrier, there is manifestly a question beyond that of the right of that carrier to complain. As I have said, the provision applies to "excess" earnings received under rates, although these may have been sustained as just and reasonable after full hearing in proceedings instituted on the complaint of shippers or on the initiative of the commission itself. The rates as originally fixed may have been sustained and shippers denied reparation. Or the rates as originally fixed may have been modified and the rights of shippers to reparation determined accordingly. Still, notwithstanding the rates are finally fixed and enforced as against shippers, the provision assumes the right to take the "excess" earnings obtained under such established rates on the theory that such rates are to be deemed unreasonable. Manifestly, in such case, the question of the validity of such a provision in the exercise of the regulating power is not exhausted by the mere consideration of what amounts to confiscation of the carrier's property.

Unreasonable rates constitute an unjust exaction from shippers or passengers. The rates maintained by Congress, or under its authority, in the exercise of its power of regulation of interstate commerce, are lawful because deemed to be reasonable, a presumption which the courts entertain, so long as the rates lie within the range of legislative discretion. But if we proceed on the assumption that the rates which are actually charged are extortionate, it would appear to be an abuse of the regulating power of Congress to enforce them. Congress, it may be said, could not, under the guise of regulating interstate commerce, compel shippers or passengers to pay confessedly extortionate charges for the services rendered. On the hypothesis that the charges are unreasonable, the power to authorize them, no less than the power to collect them, falls. The exaction and maintenance of such charges would deprive shippers and passengers of their property without due process of law.

But it may be said that the rates which produce the "excess" earnings are to be regarded as unreasonable only with respect to the carrier under the rule limiting its aggregate earnings, but that at the same time the rates maintained with respect to the persons paying the rates are to be regarded as reasonable as to such persons, and that the reasonableness of the rates with respect to shippers or passengers, although the rates are deemed to be unreasonable with respect to the carrier, may be sustained because they are based on average conditions and because of the use of the "excess" earnings for the benefit of shippers or passengers generally in aiding weak systems of transportation which are public utilities.

I regard this as a fallacy. I do not understand that rates charged by a carrier for the services it renders can properly be regarded as unreasonable with respect to the carrier and at the same time as reasonable with respect to those who pay the rates. The question of the reasonableness of the rates is essentially a question whether the charge made by the carrier and paid by the shipper or passenger for the service rendered is a charge which the shipper or passenger should pay to the carrier and the carrier should receive for that service. If it is established that the rate is a reasonable one for a shipper or passenger to pay, it is the carrier that renders the service for which the rate is to be paid, and it is proper that the carrier lawfully performing the service and furnishing all the required facilities therefor should receive and enjoy the proceeds of the rate thus charged. An attempt to divest the carrier of any portion of its earnings thus obtained, on the theory that the charges which it was reasonable for shippers and passengers to pay for its services it was unreasonable for the carrier to receive and retain would, in my judgment, be outside the scope of appropriate and valid regulation. The mere fact that it is proposed to devote the moneys or property of a carrier or of any other person to good uses can not be regarded as justifying the deprivation of the carrier or such person of the right to enjoy and retain his own property, except as it may be taken for proper governmental purposes through valid taxation or for public use on the payment of just compensation.

For the reasons stated I am constrained to the conclusion that the provision in section 6 of the pending bill as to the payment of "excess" earnings in its application to carriers not operating under a Federal franchise or contract permitting the imposition of such a condition violates the Federal Constitution.

I remain,

Very respectfully, yours,

(Signed) CHARLES E. HUGHES.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. COADY].

Mr. COADY. Mr. Speaker, I listened with a great deal of pleasure and admiration to the manly, courageous statement made by the gentleman from Georgia [Mr. CRISP]. [Applause.] It was not surprising to me, however, for I know him to be a man of moral and political courage. There was never a time in the history of this country when we needed more than we need to-day men of that type. I think the time has come when we should vote for these measures on their merit, irrespective of the pressure that may be brought to bear upon us. When principles are involved, men should stick to those principles regardless of political criticism and regardless of the political effect it may have on their future. As for myself, I had rather be thrown into the political scrap heap than to vote against the splendid constructive piece of legislation before the House at this particular time. [Applause.]

I want to say, however, that no undue pressure has been brought to bear upon me from any quarter. Whatever letters and communications I have received in opposition to this bill have been couched in proper language. No effort has been made to intimidate me in any way at all.

The President of the United States has by his proclamation designated March 1, 1920, as the day upon which Federal control of the railroads shall terminate, and these vast properties shall then be returned to their owners for their private operation and control.

Since the assumption of control by the Government the railroads have been, and are now, running at a great loss. Their owners could not now take them back without legislation such as is set forth in this conference report without suffering bankruptcy. Therefore if Congress fails by the end of next week to pass this constructive legislation, and the President does not further extend the time of Federal control and operation, financial ruin and disaster will overtake the roads, and the responsibility will be yours and mine. Are we willing to assume it?

The conference report now before us for our action presents, I believe, a satisfactory solution of the many difficult and grave problems growing out of Federal control. No plan will prove successful unless it makes a provision for adequately financing the roads in order to enable them to get sufficient equipment and to make needed betterments and extensions.

This bill contains such a plan. It tends to safeguard the credits of the roads, to improve their service to the public, to prevent destructive competition, and to correct abuses of the past, and is designed to be fair to the employees, as it should be. The just claims of labor will be taken care of.

We need the facilities of transportation, and the roads must have money to give them; but this money will not be forthcoming unless the public, which is expected to furnish it, is given some assurance of a fair and reasonable return on its investment.

I could not present the case for a return of 5½ or 6 per cent better than to quote from an interview given by Mr. Commissioner Clark, of the Interstate Commerce Commission, and printed in the Baltimore Sun of January 28 last. Mr. Clark is the oldest member of the commission in point of service and an authority of the highest standing.

He said, among other things:

It is a matter of common knowledge that the operating expenses of the railroads of the country have increased in much larger proportion than their revenues. The first heavy increase in the wages of the railroad employees was made retroactive for six months or for one-half of the first year of Federal control; whereas the increase in rates was applicable only to the last six months of that year. Putting aside the question of the relationship between the wages and revenues for that year, and considering merely the calendar year just closed, the figures show that the operating ratio has been over 85 per cent. That means that out of every dollar received in revenues 85 cents has been paid out in operating costs, leaving 15 cents to cover taxes, interest on funded debt, and return on other investments. No railroad could operate successfully under such a ratio.

CAN NOT HAVE TWO RATES.

Now that the question comes as to whether we shall have by legislative direction a standard or recognized, reasonable level of rates. That proposition is contained in section 6 of the Senate bill. Our experiences of the past show that for an accumulation of many reasons, including advantageous location, wise administration, and popular management, some of the roads are very prosperous, and others are not, under the same level of rates. The unprosperous roads are important to the communities they serve and could not be abandoned without irreparable injury to many industries in these communities. They can not charge higher rates than the prosperous roads under competition, as that would be the surest way for them not to get business. The great mass of tonnage moves along the line of least resistance in the way of freight rates. Therefore, if increased rates are to be given to the unprosperous roads that need them, they must also be given to the prosperous roads which do not need them.

The only way that the unprosperous roads can be afforded real relief is by fixing a limit on the amount which the more prosperous roads may retain out of their earnings under the established rates. Some say that this is unconstitutional. But I do not see any great difference in principle between that proposal and the policy we have been pursuing in other directions. For example, we have been collecting excess profit taxes on the one hand and lending money in farm loans on the other; or, we have been collecting income taxes graded in percentages according to the size of the individual income.

Moreover, the plan proposed is just what would result if a single corporation or the Government owned all the railroads. The aggregate revenues in that case would be spread over all the properties, although some of them would earn more than the average and some less.

5½ PER CENT NOT EXTRAVAGANT.

A return of 5½ or 6 per cent is certainly not an extravagant one. Figures which we have compiled and presented show that the return from rates in past years of class 1 railroads, which are the railroads having gross revenues in excess of $1,000,000 annually, have reached a trifle over 5 per cent on the book cost of the roads and equipment.

In the meantime the railroads of the country must continue to run under Government regulation. The fact that a plan presents some difficulties is no sound reason to condemn it, if the principles underlying it are right.

My information is that even this rate will be totally insufficient to enable the roads to pay dividends to their stockholders, and the best that can be done with it will be the payment of the interest on their bonded indebtedness. But it will insure the operation

of the roads under private ownership and control, and I believe this will prove to be the best thing for the shippers, the employees, and the public generally. [Applause.]

Mr. SIMS. Mr. Chairman, how much time has the gentleman from Wisconsin?

The SPEAKER. The gentleman from Wisconsin has 55 minutes remaining, and the gentleman from Tennessee 30 minutes.

Mr. SIMS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Speaker and gentlemen, the Government took the railroads over during the war without any consent on the part of the owners or the men who worked for them and on them. There is no reason, to my mind, now that the war is over, why we should not give them back in the same manner. For 25 years the employers and employees were able to settle their own grievances without interference. It is true the conditions of the roads are such that the railroad owners must be helped in order to get them back into real operation and condition, and on that account I am for the bill so far as that is concerned. I would be for the bill if it went further in recruiting the railroads, but when it undertakes to interfere between the men who work on the railroads and their employers, that is a different thing. You have in this bill a provision that the public shall sit in all cases, and the public must be one of the board making the decisions, yet not one man in this Congress would want the public to come in and settle differences between himself and his personal employees. Some one says, "Oh, well, it is not compulsory." No; it is not compulsory, but everyone knows that a finding made by a board of the character provided for, in which the railroad operators and the public agree, the majority of the board, would be practically compulsory upon the men who work on the roads. There is no question about that. Everyone will agree to that.

When the Esch bill passed the House we had up a lot of amendments. Finally, it was agreed that the Anderson amendment was one that we could all vote for. It passed this House with a great majority. The conferees were appointed after the Senate passed on the bill and they came together. The bill now comes back to us with practically everything the Senate wanted in it and nothing in it as it passed the House. Are we to forego everything and let them decide all those things for us? I am for the Anderson amendment as it was in the Esch bill.

I would be for this entire bill if you would strike out in section 304 paragraph 3, and any other paragraphs where the same provision occurs, which means the public shall interfere in settling the affairs of the employees. I belong to an organization, and, as I said once before on this floor, for 40 years we have been able to settle our own differences between the employers and the employees without the assistance of anyone. If you bring in a third party, or intimate a third party may be brought in, not interested, there will not be any settlement.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARLAND. Mr. Speaker, I ask unanimous consent to print in connection with my remarks part of a letter from Mr. Lee, president of the Brotherhood of Railroad Trainmen.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

GRAND LODGE BROTHERHOOD OF RAILROAD TRAINMEN,
Cleveland, Ohio, January 12, 1920.

Hon. M. M. GARLAND,
House of Representatives,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: I am exceedingly glad to receive your communication of the 8th, which is in reply to my letter of the 22d ultimo, in reference to the Anderson amendment of the Esch bill.

I hope, if the opportunity offers, you will make it clear on the floor that many of the locals of the different labor organizations may have written Congressmen or Senators, protesting against the Esch bill, as a result of information given out by the chief executives of their organizations in opposition to the original Esch bill as presented. I do not believe there is a local of either of the four transportation brotherhoods that would protest against the Anderson amendment to the Esch bill, but the Esch bill, as originally drafted, was referred to in special circulars by the undersigned, and our membership told plainly of the unfair principle contained therein. I am of the opinion the protests that you refer to from certain locals come as a result of such information given out prior to the adoption of the Anderson amendment.

Sincerely, yours,

W. G. LEE, *President.*

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, the condition of the transportation system of the Nation for some years has been steadily going from bad to worse. At this time, under Government operation, passenger service is very unsatisfactory, while freight transportation is nothing short of lamentable. It is contended this is unavoidable. Nevertheless, such condition exists. It can not be denied that some of the railroads at least, if not all, are largely responsible for the situation which now exists, and yet it can serve no good purpose now to attempt to fix the blame. The intolerable condition is here, and the American people demand it shall, if possible, be remedied.

The conference report provides for a fair, reasonable, just return to the invested capital. No fair-minded man ought to complain at a return of 5½ or 6 per cent. The American people who support the railroads will not complain, but the railroads may as well understand that promptness and efficiency in freight and passenger service must follow. No fair-minded merchant is going to complain if the railroads are permitted to earn 5½ or 6 per cent from the freight rate he is required to pay if he gets prompt delivery. The price of all commodities has advanced. No one expects freight and passenger rates to remain stationary, but those who travel and those who ship and receive freight have a right to expect more efficient service.

Mr. Speaker, to my mind the alternative is presented—take this report of the conferees or make ready for Government ownership. For my part I say, good Lord, deliver this Nation from Government ownership. Almost anything is preferable to Government ownership and Government operation of the railroads. Of course, it is the duty of every Member of this House to vote as if the result depended on that vote. Politics has no place in the consideration of such legislation. I am convinced if the railroads are returned to private ownership on the 1st of March without any legislation, as has been suggested, the most appalling financial disaster of recent years will follow. Almost all agree that some legislation is necessary to prevent a breakdown of the transportation system of the Nation.

To my mind the alternative is presented—take this report or take something infinitely worse. For these and other reasons I shall vote to adopt the report.

Something has been said about Wall Street dictating this report. I have served for 19 years with the gentleman from Wisconsin [Mr. ESCH]. When the new moon turns to green cheese, and not until then, will it be within the power of any man to dictate a report that JOHN ESCH writes as a conferee of this body. [Applause.]

Mr. EVANS of Nevada. Mr. Speaker, railroad legislation which empowers discriminating rates against inland points, giving advantage to points where land and water meet, can no longer be sustained by the statement that this is necessary to maintain the whole rate-making fabric.

The time has come to build upon the substantial structure of one national, mutual interest. We are proud of California, a great empire within itself. What kind of an empire would it be within itself if cut off by itself from mutual intercourse with all other States? It is the Union which makes that State great, and Nevada contributes her fair share. It is the duty of all the States to see that Nevada, still 90 per cent Government owned, has an even break in freight rates with coast points. We have great deposits of iron, running as high as 64 per cent, lying on the mountain sides, which will not move to market because of this discrimination; immense tonnages of copper which must lie dormant, while adjoining sections move their metals to reduction plants; hides, farm produce, and wool, which could be manufactured there into commercial products only for a discrimination which prevents factories locating within our State. Only a shortsighted policy of temporary sectional advantage stops progress. When will you learn that a rate which encourages development of Nevada will be your greatest source of profit? Nevada paid its portion for the Panama Canal. We oversubscribed our quota of the five Liberty loans by 130 per cent. Eight per cent of our population enlisted and went to war. You gentlemen all realize that freight rates can destroy competition. The great Comstock produced $600,000,000 of silver in Civil War times. Most of that enormous sum went to San Francisco. We of Nevada are proud of that city, which should be willing to vote for a rate enabling us to grow until they will be proud of Nevada. We ship great quantities of wool to Boston. The Pacific coast rate is $20. Our rate, 300 to 500 miles less over the same road in the same train, is just double, or $40. Give Nevada equal opportunity, confidence, and recognition of her honesty and ability to manage her own pursuits. There is wisdom in a course which will build up those inactive resources, turning our State into equal production with Wyoming, Idaho, and Oklahoma. Appealing to eastern men, this legislation can not become law without your sanction. Nevada belongs to New York, Ohio, New England, the Southern States, and the great farming section of the Middle West. You surely intend that it shall have an equal rate with points 500 miles farther away instead of a 100 per cent penalty. Will you, by inattention, vote to continue specific rates against your own

lands? Nevada demands equality; only this, and feel that we ask nothing much.

Even California should promote Nevada's welfare. Unless this plan is adopted it means that discrimination will continue holding Nevada to benefit coast States. Rail rates make it impossible for competition upon raw materials and finished goods, the difference being charged against our struggling industries to reimburse "out of pocket cost." Sugar is penalized in the same way. Astute rail managers are only waiting return of those grand properties to further fasten this inequality upon Nevada, which will prevent substantial investments for manufacturing, production, and developing 110,000 miles of almost entirely public domain.

Will not river and harbor points be content with colossal appropriations, stimulating development to an unheard of degree? While Iowa land has gone to $600 per acre, you should make it possible to develop Nevada land now lying neglected and overgrown with sagebrush.

While we are paying our proportion of the appropriations to rivers and harbors, in return we are discriminated against with rates prohibitive to production.

For more than 30 years rails have been permitted to destroy transportation on the great Mississippi, supported by residents there who were willing to wink at this injustice until now they find water transportation is needed. The natural waterways should be developed by rates protecting private investment in boats and terminals.

You gentlemen of the East must look ahead, taking the firm stand of mutual interest which will develop Nevada and inland water transportation.

Regardless of all representations you know there is injustice to charge double for a shorter than for a longer haul of the same commodity upon the same train, appealing to your sense of right and the future of all your country.

Calling your attention to shipping $50 per ton copper ore from a California point on the Western Pacific to the Utah smelters, 680 miles, is $7.80 per ton, while same ore from same point 182 miles to the Wabuska (Nev.) smelter is $10.50—680 miles to Utah is $7.80, 182 miles to Nevada is $10.50.

There is the case, four times farther miles hauled at one-fourth less cost. Thus Nevada enterprise is throttled under the fine phrasing of rate fabrics. These rate situations caused the recent action of States, as North Dakota.

The people of Nevada will not sanction renewal of an injustice so apparent.

Upholding the right of States to determine equality of freight rates as affecting themselves, we do not submit to differential treatment which promotes and builds other sections at our expense.

Your measure promotes not sound business but litigation. Guaranties encourage inefficiency. You have no right to guarantee returns upon any basis of value, and assuming aggregate value of rails, instead of fair present value, makes the error more apparent. Kansas City & Southern, covering 823 miles, scheduled at $104,000,000, Interstate Commerce Commission found reproduction value $48,000,000; considering depreciation, present value fixed at $40,000,000, or 38½ per cent of reported value. The Tonopah & Goldfield Railroad, 113 miles in Nevada, built some 15 years ago and unofficially estimated to have returned its cost net from the first year net operation, reported value $3,700,000; appraised by the Federal commission, reproduction value $2,180,000, present condition value fixed at $1,700,000, or 46 per cent of its reported value.

This measure means double prevailing rates, in and out, upon these lines, and illustrates what will befall the public everywhere. This measure is designed for the railroads and means look out for the cars. Any man or enterprise beware or be run over. Nowhere is transportation by water made possible or even recognized. It is a bill of, for, and by the railroads, wherein Congress authorizes Interstate Commerce Commission to disregard, annul, and set aside State rates and judgments of State courts, legislating an increase of $200,000,000 per annum above the Federal guaranty of $900,000,000 per year, based upon an average July 1, 1914, to June 30, 1917, three largest earning years the railroads ever had. No inducement there for efficient operation. A keen investing public by quotations places a total stock and bond value on all railroads not exceeding $10,000,000,000. Strike out the 5½ per cent provision and strike out the term "aggregate value" and insert "fair present value."

Your $20,000,000,000 estimates are based upon grand totals including duplications and without deductions for depreciation and destructions. Such calculations have no real value for reliable rate making.

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from Utah [Mr. WELLING].

Mr. WELLING. Mr. Speaker, this bill is in every way the most important piece of legislation which has been brought before the Congress since the close of the war. No other measure will be considered by the present Congress which compares with it in its far-reaching consequences upon the business and industry of our country. It has been more talked about in labor circles than any other measure which Congress has considered in a generation.

In order to determine our course in connection with this bill it is important that we should understand the history of railroad development in this country during the past 25 years. On the one hand the roads were exploited by a group of conscienceless speculators who cared little for the ordinary stockholder and nothing at all for a long-suffering public. These men were interested only in their own profits, and they left behind them a trail of watered stock and rusty rails.

In an effort to correct these abuses both the Federal Government and the States enacted laws curtailing the abuses of the speculators and placing many restrictions upon the growth and development of the roads. When the war came the railroads of America had been exploited by speculators on the one hand, and strangled by unwise Federal and State regulation on the other. Our railroads were like a great giant weakened by the avarice and selfishness of a group of remorseless leeches and bloodsuckers intent upon their own profit, and securely shackled by red tape and hampered by Federal and State restrictions. It became increasingly apparent as the war unfolded that the roads could not meet the needs of the Nation in these circumstances. The operators of the roads confessed their inability to meet the war emergency. They accepted the action of the President in taking over the roads during the war as an absolute war necessity. I have heard it said repeatedly that Government operation of the roads has been a dismal failure. I am not so sure that that is in any sense a just conclusion. Government operation has been expensive. No man can deny that. But private operation of the roads had failed—failed when the Nation most needed success. No man of intelligence will contend that the railroads could have succeeded under private management during the war period, without at once being released from the unwise restrictions of a generation of exploitation and mismanagement in the past. To correct those evils cost money. To correct them during the turmoil and strife of war cost vastly more money than it might otherwise have cost. But high as that cost has been, I believe it will be a profitable investment to the American people if it has taught us how to confront and solve this great problem in the public interest at this time.

The pending bill is an effort to meet that requirement. It has occupied the attention of the great Committee on Interstate and Foreign Commerce for a full year. The President had notified the Congress more than a year ago that he intended to turn the roads back to their owners on January 1 last. As that date approached it became perfectly apparent that the legislation making the transfer could not be framed by that time. Yielding to the legislative demand for additional time the President has designated March 1 as the final date of such transfer. The matter must be decided then. This legislation, already too long delayed, must be made operative by that time. Otherwise there will be demoralization and confusion in every conceivable branch of the service.

That demoralization would reflect itself most unhappily upon the public who use the roads, but it would also react with stunning force upon every laborer and every stockholder upon the entire system.

I have been told repeatedly that it was the wise thing politically to vote against this bill. I am not greatly concerned about that, but I have been profoundly anxious to solve the matter in so far as my vote is concerned in the interest of my country and the welfare of the people I represent. Any man who feels that he is at liberty to traffic with this great and vital problem for personal and political gain places himself in an indefensible and a contemptible light before his fellow countrymen. [Applause.] "For what shall it profit a man if he shall gain the whole world and lose his own soul?" Personally I shall vote upon this bill without regard to the importunity of any man or group of men who may have their own interest to serve. My duty as a representative of my State is to express the enlightened judgment and the public sentiment of my constituents, regardless of how it may affect my personal fortune. I feel doubly fortunate at this time in the profound conviction that their conclusion accords with my own well-settled views.

I have never studied a question before the Congress with more disinterested and fixed concern, and I have come deliberately to the conclusion that this bill offers the only sane and practical solution of the problem thus far presented. What do gentlemen who oppose this legislation propose? Have they a policy to recommend or a plan to be carried out? Do they favor Government ownership of railroads, or do they desire the present indefinite and expensive continuation of Government operation?

Labor has been perfectly frank and honest in its position. It presented the so-called Plumb plan, and has advocated that solution from the beginning. The Plumb plan was considered by the committee and rejected. It would have been rejected by the Congress. Failing in this, the great labor movement now seeks to continue the present system of Government operation for an additional two years. I believe, on the other hand, that the people of my State demand that the roads be returned to private management and control without delay, and I shall vote to bring that about by assisting to pass this legislation. In taking this position I am in no sense antagonistic to the interests of labor. The rights of labor were never so carefully safeguarded before as in this legislation.

We provide here for railroad boards of labor adjustment to be appointed mutually by the carriers and the employees. There can be as many such boards as the necessities of different groups or systems may demand. That gives the carrier and the employee their opportunity to meet and solve their differences without resort to outside interference or control. If these railroad boards of labor adjustment fail, then we have set up in the bill a labor board appointed by the President and paid from the Public Treasury, whose duty it is to pass upon questions of wages and working conditions. This is in effect a great labor court. It has both original and appellate jurisdiction. Composed of a fair proportion of men chosen by labor itself, I am ready to believe it will be just to labor. What more can labor reasonably demand—to be given an opportunity to agree with the carriers by mutual consent or, failing in this, to be heard in a court of its own choosing? It seems to me that in the labor provisions of the bill the committee has been just to labor and treated their problem with notable fairness.

The railroads of to-day are public utilities. They serve all the people, and they serve them in the most vital way. The employees of this great system must be contented and well paid, but they must not be permitted on slight provocation or in time of stress to tie up this vital artery of the commercial life of the people. I believe the committee has performed a notable service to the Congress and to the country in bringing out this measure, and I support it as the most satisfactory and feasible solution of the problem thus far presented for the consideration of Congress upon this subject. [Applause.]

Mr. SIMS. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Speaker and gentlemen of the House, there is one thing that I desire to call to the attention of the membership in regard to this measure. The report that comes from the conferees consists of 121 printed pages. The only thing that is left of the Esch bill as it passed the House is the enacting clause. The only thing that is left of the Cummins bill as it passed the Senate is the enacting clause. The conferees wrote an entirely new bill, and that bill, as I say, consists of 121 printed pages. This report was received by the membership of this House last Wednesday evening. You and I have had Thursday and Friday to look into its provisions, and I state that there is not one Member of this House, with possibly the exception of the five conferees, who knows what the report means or what the provisions are. You may know one section, I may know another, but it is a physical and mental impossibility for any Member to say that he understands this report and knows what it means to the American people.

There is no brain so alert, there is no intelligence so quick, there is no diligence so earnest that will enable any man to take this report, technical in its terms, consisting of the volume that it does, and say that he understands and appreciates it in 48 hours; and I say that a grave and manifest injustice is being done to every Member of this House when we are asked to vote for or against it when we can not know what is in it.

I am on the committee that reported the Esch bill. I knew something of its provisions. I have studied this bill as well as I might in the two days that it has been in my possession. I claim to have ordinary intelligence. I know some of the provisions of the bill. You may know some of them. I do not know them all, and you do not know them all, and I doubt whether there is a man in the Senate or the House who can say that he understands to-day what this bill means in its entirety to the American people. It looks as though the Interstate and Foreign Commerce Committee has passed the bill to the House, that the House passed the bill to the Senate, and that the Senate has passed the bill, in order that it might go to conference, and that the conferees have confected a bill, and that you and I must take it, not understanding how it affects 110,000,000 people, not knowing what effect it might have in years to come. The study that I have been able to give to the report convinces me that it is bad, and therefore I am going to vote against it, because the sections that I have studied, the sections that I do understand, convince me that it has not been written in the interest of the 110,000,000 people of America. [Applause.]

In the limited time that I have it is impossible for me to do more than state the main objections that I have to this conference report.

The most sinister feature of it all to me is the obvious purpose of centralizing all power here in Washington, and the total destruction of the powers of the State, heretofore exercised through the State railroad or public utility commissions. The entire trend of legislation in the past few years has been to build up here in Washington great governmental machinery for the control of all the affairs of the people. This, to my mind, is fundamentally vicious. I believe that the closer the governmental authority is to the people the better it is, both for the people and for efficiency in government.

This conference report, in so far as transportation is concerned, absolutely wipes out every State line, nullifies State constitutions, repeals statutes of sovereign States, and robs the State commissions of all of the power that they have heretofore enjoyed under the constitutions, alike of the United States and of their respective States.

Another serious objection to the bill is that it does not provide funds for the operation of the present water transportation equipment owned and controlled by the Government. The conference report seems to hold out the promise of water transportation, and yet effectively strangles it.

The provision of section 422, constituting, as it does, a governmental guaranty of dividends upon private investment, is economically unwise, politically unheard of heretofore, and un-American in that it violates the principle of special privileges to none.

The conference report, by the operation of section 422, makes it obligatory upon the Interstate Commerce Commission to advance rates on freight and passenger traffic, and will further tax the American people from one to two billion dollars per annum, thus adding to the high cost of living and further burdening producer and consumer alike.

The passage of this conference report has been protested by the farmer, the shipper, the producer, and the laborer. Its passage has been urged by a well-organized and powerful lobby here in Washington. Its effect will be beneficial to the few and harmful to the many.

Transportation is vital to the people. I have always believed that rail and water and public road transportation should be coordinated in the working out of the transportation problem; that the needs and the necessities of the great body of the people should be the first consideration; and, believing as I do, that the welfare of the people is not properly safeguarded in this measure, I can not vote for it.

I recognize as fully as any man that most legislation is at best a compromise of conflicting opinions, and I realize that in the support of or opposition to measures one should be governed by what the effect will be upon the body of the people and not by his personal preferences.

Acting upon this principle and being governed by these convictions, I am forced to oppose this conference report, because it contains, in my judgment, more that is radically bad than of what is substantially good.

There are some provisions in the conference report that I would gladly vote for. Yet these good provisions are so far overbalanced by the bad that I can not give the measure my support. I will vote to recommit the conference report in the hope that the bad features may be eliminated by the conferees, and if the motion to recommit is not agreed to, I will then vote against the adoption of the report.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. SUMNERS of Texas (at the request of Mr. LANHAM), for to-day, on account of illness.

To Mr. CLARK of Missouri, for to-day, on account of illness.

To Mr. STEAGALL (at the request of Mr. ALMON), indefinitely, on account of illness in family.

RETURN OF THE RAILROADS.

Mr. SIMS. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, a few minutes ago during the remarks of the gentleman from Indiana [Mr. SANDERS], he

referred to the fact that I had declined to read in my time a letter which I had from the Director General of Railroads, Mr. Hines. I desire to say in explanation that at the time I made my remarks I had not received the letter from the Director General and only received it a few moments ago and concluded the reading of it. I desire to say that a few nights ago I was invited to a conference for the purpose of explaining some of the features of this bill. During the discussion I made the remark that the labor section of this bill did not represent the mature judgment of those who had framed it, and I referred to a fact which was true as carried in the newspapers of this city the day following the day on which the conference report was agreed to, that the substance of the labor section was redrafted by the Director General and adopted by the conferees. Mr. Hines this morning called me up and said that he was sending me a letter explaining his connection with it, because somebody had told him I said he was the original writer of the section, which I did not say, and I did not seek to create any such impression. He asked me to read the letter to the House, and I told him I would read it, but it did not reach me until after I concluded my remarks. I now ask unanimous consent to be allowed to insert in the RECORD the letter from the Director General to me in order that it may be understood.

The SPEAKER. The gentleman asks unanimous consent that the letter of the Director General be inserted in the RECORD. Is there objection?

Mr. CROWTHER. Mr. Speaker, reserving the right to object, and I shall not object, I would like to ask the gentleman if he did not make the direct statement the other night at that public meeting that this section was prepared by an outsider and accepted by the conferees?

Mr. BARKLEY. I did say that, and I still say that. The labor provision, as it is contained in the bill now, was drawn by Mr. Hines, as explained in his letter.

Mr. CROWTHER. That is what I wanted to know. And when asked who it was the gentleman stated it was Director General Hines.

Mr. BARKLEY. And I would not have made that statement except for the fact the newspapers had stated the same thing.

Mr. CROWTHER. But the gentleman also stated it was not the consensus of the judgment of the conferees or the mature judgment of the gentleman who wrote it, but still it was put in?

Mr. BARKLEY. Yes; I think I said that, because I had not had time to deliberate maturely, but sought to eliminate objections to what was submitted to him.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

UNITED STATES RAILROAD ADMINISTRATION,
Washington, February 21, 1920.

Hon. A. W. BARKLEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am told that the impression has been created, as the result of a remark made by you in a recent conference of Members of Congress and others, that I originated the labor provisions in the railroad bill.

If this impression has been drawn from what you said, I am sure what you said was misconstrued, because I am satisfied any statement you may have made on the subject was accurate.

In order to prevent the possibility of the situation being confused and of the idea prevailing in any quarter that the labor provisions represent a policy originated by me instead of by Congress, I shall appreciate it if you will be good enough to read this letter to the House.

Through the courtesy of the conference committee, I received last Saturday a draft of the labor provisions, showing that the conference committee had definitely adopted two leading principles. The first was that there ought to be a wage board upon which the public, the employees, and the carriers would be represented. The other was that statutory provision ought to be made for boards of adjustment to deal with grievances.

I took the action of the conference committee on these two leading principles as indicating its final conviction that these two principles should be incorporated in the legislation. Taking this as the foundation for my consideration in the matter, I addressed myself exclusively to the question whether the details of the provisions agreed upon by the conference would satisfactorily carry out these fundamental principles.

In transmitting my suggestions to Senator CUMMINS I stated that "this redraft is not designed to propose any independent view of my own on this subject but is designed simply to take the general scheme of the draft as already agreed upon and modify it so as to incorporate therein the suggestions made in my letter of the 14th instant."

As to the wage board, I found that, while the conference had adopted the three-party principle—that is, representation of the public, labor, and carriers—it had provided for only one representative of labor and one of the carriers, as against three of the public. I therefore advised that a more satisfactory and reasonable application of the principle of three-party representation would be to have three representatives of labor and of the carriers, as well as of the public, making a board of nine instead of five.

As to the adjustment boards, I found that the provision agreed upon by the conference undertook to specify the organizations of employees which should be represented upon these boards, and would result that the board of adjustment which would pass upon grievances would be dependent upon that particular organization to which the employees belonged, thus producing a great deal of confusion and endless jurisdictional conflicts between different organizations. I therefore advised that the entire matter of boards of adjustment be left to the agreement of the carriers and the employees instead of being made rigid and inelastic by statutory specifications.

In the original draft which came to me I found that the boards of adjustment created thereunder were to handle not only grievances but wage matters also. My experiences with the railway boards of adjustment and with wage matters in the Railroad Administration convince me that it will be impracticable for such boards to handle both grievances and wage matters because of the enormous amount of work involved, and I therefore suggested that the adjustment boards devote themselves solely to grievance matters.

There were various minor features which I suggested. One was that a man ought not to be disqualified, as he was by the provision agreed on in conference, from being a public representative of the wage board because he might theretofore have been an officer or member of a labor organization or an officer of a carrier. I also advised that representatives of the employees on the wage board should not be required, as they were in effect by the provision agreed on in conference, to give up honorary membership in their labor organizations. I also advised that there be added to the standards provided in the provision which the conference had agreed to for testing the reasonableness of wages the further standard of correcting inequalities due to former wage orders and adjustments.

I requested our Division of Law to take the provision as agreed on by the conference and to make such changes therein as would be necessary to express the changes in detail which I above suggested, and I submitted this revised draft of the provision as agreed on in conference to the conference committee.

I think I should add that the draft of these labor provisions as it came to me provided that a dispute could be taken up by the adjustment board under several alternative conditions, which included among others a written petition signed by 100 unorganized employees or subordinate officials directly interested in the dispute.

I think it important thus to make it clear that the fundamental principles of the labor provisions are the principles agreed on by the conference committee, and that my action was simply to suggest changes in detail which in my opinion would make the principles already adopted by the conference committee more workable than they would otherwise be. Copies of my letters on this subject to the representatives of the conference committee are attached.

Sincerely, yours,

WALKER D. HINES.

Mr. WINSLOW. Mr. Speaker, I yield to the gentleman from Indiana [Mr. LUHRING].

Mr. LUHRING. Mr. Speaker, I desire to say in the beginning that after a careful study of this bill, and especially the provisions of Title III, I am convinced that it is the greatest piece of constructive legislation ever attempted by this or any other Congress, and I shall vote for it with supreme satisfaction. [Applause.]

It is my purpose in the brief time I have to discuss Title III of the bill—that part of the bill which deals directly with and provides the machinery for the settlement of labor disputes and difficulties. I was one of a number invited to the now famous caucus held the other night, and I responded to the invitation because I was advised that it was a Republican caucus called to consider the pending bill. However, I found that it was a caucus not as we understand the meaning of the word, but that it was a meeting called for the purpose of listening to the representatives of labor and hearing their objections to Title III. It was afterwards explained that those Members of Congress, both Democrats and Republicans, who had voted in favor of the Anderson amendment to the Esch bill were the only ones invited, and this invitation was extended to them on the theory that, having voted for this so-called Anderson amendment, they had shown a friendliness toward labor, and that therefore it was assumed by the leaders of the movement that these Members would at least give the representatives of the railroad employees a sympathetic hearing. This assumption was entirely proper and in my case absolutely correct.

Without going into the details of my past record with reference to labor matters, I can assure the laboring men of this country that whenever and wherever I have had the opportunity I always raised my voice in their behalf and always insisted that justice be done to them. To my surprise, Mr. Shea, who was spokesman for labor at this so-called caucus, absolutely failed to point out wherein Title III was unjust and unfair to the men he represented, and, while criticizing certain minor provisions of the bill and indulging in misleading generalities, he wholly failed to make any helpful suggestions or point out the way to a satisfactory solution. He concluded his statement with an appeal that the bill be defeated in its entirety. Practically the same position was assumed by Mr. Gompers, president of the American Federation of Labor. Mr. Gompers, however, denied that he was in favor of Government ownership or that he had ever been impressed with that proposition. He, however, did urge that Federal control be continued a little longer so that the Government ownership proposition could be given a fair trial in time of peace. He of course lost sight of the fact that the railroads have been operating under Federal control during peace times for over a year and that the results have been the same as when the country was at war. The main object or purpose of the meeting, as I gathered from the remarks of the representatives of labor, was to defeat this entire bill for the sole and only purpose of foisting upon the country Government ownership or some such fantastic plan as is embodied in the so-called Plumb plan.

I am opposed at this time to antistrike legislation. Not because I believe that the right to strike is a fundamental right guaranteed by the Constitution, but because it is the only court of last resort that has been provided for the settlement of labor disputes. The right to strike, as we understand it, is entirely different from the right to quit work. I freely concede the right of any man or set of men, becoming dissatisfied with their employment, to quit their employment. I do not concede the right of any man or set of men, for the purpose of compelling their employer to yield to their demands, to quit work. A strike in its simplest form is brought about by an agreement between certain employees to quit work in a body until such time as their employer will yield to their demands. It is force and duress and can very properly be characterized as blackmail. The same is true also of the lockout, where the employer, in order to compel his employees to yield to his demand, closes the doors and refuses to permit them to work, hoping to starve them out, so to speak, and thus compel them to grant his request. This, too, is blackmail.

But under the conditions now existing we have no right to deprive labor of its right to quit work in a body in order to secure justice and a recognition of its fair demands; not until we give to labor something in the place of a strike and provide a tribunal wherein sure and swift justice may be had. The pending bill goes a long way toward providing that tribunal. It, however, does not provide the means or the machinery to enforce its decisions. The right to strike remains unimpaired; in fact, the word "strike" is not used in any section of Title III. Some one suggested that it provides for compulsory arbitration, yet the word "arbitration" can not be found in the title, and while the provision gives jurisdiction to the labor board to settle disputes of all kinds, it does not by any means constitute that board a board of arbitration. Compulsory arbitration requires the disputants to submit the controversy to a board and compels them to abide by the decision of that board. There is nothing in Title III which even hints at the proposition that the disputants must abide by the decision of the labor board. The only means to be relied upon to enforce the decisions are that these decisions shall be given the widest publicity, so that the public may be informed as to the merits of the controversy.

I desire to review briefly the various sections of Title III so as to demonstrate the absolute fairness of the title in so far as labor is concerned. Section 300 defines the various terms used in the bill, and in subdivision 5 requires the Interstate Commerce Commission to define the words "subordinate officials" and plainly state the class and rank of the employees coming within the meaning of that designation. It must be remembered that a great number, over 100,000 employees, are not members of the four great brotherhoods and are not recognized by them. These employees include train dispatchers, railroad supervisors, storekeepers, claim men, auditors, trainmasters, and yardmasters. It is the purpose of subdivision 5 of section 300 to make provision for these men, it being the object of the title to provide for the settlement of disputes with each employee, no matter how humble or obscure his position or whether he is a member of a trade-union or not. No distinction is made between organized and unorganized labor.

Section 301 requires that the carrier and the employee meet in conference and in good faith attempt to settle their controversies. Section 302 provides for the voluntary establishment of railroad boards of labor adjustment. These adjustment boards may be established between the carrier and any employees, subordinate officials, or organization of employees. Under this section there may be an adjustment board of firemen, enginemen, conductors, and any other class or organization of employees and subordinate officials. This particular board has jurisdiction to decide any dispute involving grievances, rules, or working conditions.

Section 304 establishes a railroad labor board of nine members, three of whom shall be selected from the labor group, three from the carriers, and three to represent the public. This board not only settles disputes involving grievances, rules, and working conditions, but also decides disputes pertaining to wages and salaries. It is also given the right to suspend and review any decision or agreement reached in conference between the carrier and its employees respecting wages and salaries. This right to suspend and review is in the interest of the public, and for the first time the rights of the public, the rights of over 100,000,000 souls who pay the freight and rates, are given some consideration. Surely that great class should be represented, and it is eminently fitting that any decision by the labor board with respect to wages must be concurred in by at least one from the public group—one member of the board from the public group.

Their anxiety to protect the rights of labor and assure them that justice was being done prompted the author of Title III to write into the bill, and I believe very properly, that in determining the justice and reasonableness of wages and salaries and working conditions the board shall take into consideration, among other relevant circumstances: First, the scales or wages paid for similar kinds of work in other industries; second, the relations between wages and the cost of living; third, the hazards of the employment; fourth, the training and skill required; fifth, the degree of responsibility; sixth, the character and regularity of the employment; and, seventh, inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

The other sections of the bill, 308, 309, 310, 311, 312, 314, and 315, provide for the organization of the labor board and confer the right to be heard in person and by counsel; grant power to compel the attendance of witnesses and the production of papers, and the right to examine books. Section 312 guarantees the same wages now being paid up until September 1, 1920.

A memorial has been presented to Members of Congress by the representatives of labor in which certain objections are pointed out to the provisions of the bill, and I now desire to examine briefly the objections and the reasons therefor. In the first place, it is complained that under paragraph 1 of section 304 the labor group must nominate not less than six nominees, but under the provisions of paragraph 5, section 300, nominations can not be made until after the commission has promulgated the rules and procedure for making such nominations. They point out that under the provisions of section 305 nominees must be selected within 30 days after the passage of the act and complain that no provision is made requiring the commission to promulgate regulations in sufficient time to permit the employees to comply with the provisions of section 305. It must be apparent that the various sections referred to must be construed together. The duty is clearly placed upon the commission to determine and define those who shall come within the meaning of the term "subordinate official," and this must be done within 30 days so as to enable the nominations to be made. The committee undoubtedly gave careful consideration to this question of time, and with their knowledge and the means of information at hand, no doubt very properly concluded that 30 days would be ample time in which to promulgate these various rules and regulations.

The President is given the power of appointment only when "the employees or carriers fail to make nominations and offer nominees in accordance with the regulations of the commission." Therefore it must be apparent to anyone that can read and understand the English language that the rights of labor can not be prejudiced by the failure of the commission to function within the 30 days. If they have not promulgated the rules and regulations, then labor can not be penalized for failure to comply with something that does not exist.

It is also complained in the memorial that special consideration has been given to "subordinate officials," and that by reason of this consideration a situation may arise that will result in the appointment of a labor board without a representative of the organized railroad workers on it. There is absolutely no substance to this objection, and it is entirely too chimerical to warrant serious consideration. The President is given the power to nominate the members of this labor board. These nominees go to the Senate for confirmation or rejection. Surely somewhere down the line justice will be done and the rights of all concerned will be protected.

Objection is also made to section 306, paragraphs A and B. This section prohibits the membership of any individual on the labor board who is an active member or in the employ or in the office of any organization of employees or any carrier or owns any stock or bond thereof or is pecuniarily interested therein. The labor board created by the bill is a judicial tribunal—certainly it is quasi judicial. A court or tribunal of that sort must not have among its membership any individual personally interested in the decision or the results of a decision that he is called upon to render. In a manner this labor board is constituted much as juries were constituted under the ancient common law. In olden times jurors were selected because they had knowledge of the facts in dispute and knew personally about the matters in controversy, yet in those days no one was permitted to sit on a jury who was an interested party, a litigant, or a complainant.

I have discussed Title III of this bill for the reason that all the correspondence I have received has been directed to the labor provisions. Every letter that I have received from the laboring man protests against antistrike legislation. On the other hand, every letter I have received from capital urged anti-

strike legislation. As I have clearly shown, the title in no manner prohibits strikes. While it does not prohibit strikes, yet it does protect the interests of the public by giving representation on the labor board.

I have studied the other provisions of the bill very carefully, and while, of course, it is impossible to satisfy all interests, yet I am convinced, as I have already said, that this is the greatest piece of constructive legislation ever attempted by this or any other Congress, and that it will go down in history as one of the notable achievements of the Republican Party. I have no patience with the so-called Plumb plan. This plan is made of the stuff that dreams are made of. I have no patience with Government ownership, and if this be my declaration of independence and if by voting for this bill I incur the enmity of labor and be accused of treason to them, then they must make the most of it.

I think I know and understand the laboring men of my district, and when any man or set of men assume to represent the views of over 2,000,000 men and seek to commit that great body of American citizens to the Plumb or any other equally fantastic plan, he has undertaken a task which is absolutely impossible, because it is a reflection upon the intelligence and patriotism of the great American public.

Mr. WINSLOW. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, the bill brought in by the conference committee does not contain all that I should like to see in the law, but it is far better than anyone could expect under all the circumstances. In fact, it is a good bill and the committee is to be congratulated upon its work.

The only real or serious opposition to the acceptance of the conference report now seems to come from those purporting to represent the railroad employees and is ostensibly based upon the so-called antistrike provision. How any railroad employee can object to the mild and conciliatory terms of this section of the bill it is difficult to understand.

In the first place, every facility is provided for the settlement of possible disputes by boards chosen by the parties first directly concerned. Surely there can be no objection to this. If this means fails, an impartial tribunal is provided in the labor board, before which both parties may be heard. There should be no objection to this. When, after a full and fair hearing, the labor board finally decides as to what is fair and just, it can make public its award in the case. No penalty is attached to any refusal to accept the award. The legal right to quit work individually or to strike as a group is in no wise impaired, and no legal right or privilege now enjoyed by the railroad employees is taken away by this bill. The only compelling force to cause compliance with the terms of the award is public opinion. If such terms are not fair and just, public opinion will approve their rejection. If the terms are fair and just, not only to the parties immediately concerned but to the great mass of the people, who in the last analysis must pay all the bills, public opinion will doubtless be felt on the side of the award.

There is nothing in this bill that is unfair and unjust to any employee of the railroads, and in my judgment such opposition as is now being manifested is not on account of anything contained in the bill, but is only a smoke screen for the purpose of concealing the real purpose of finally securing control of the railroads under the Plumb plan or some other Bolshevist scheme. [Applause.]

Mr. WINSLOW. Mr. Speaker, I yield to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Speaker, I shall vote for the railroad bill, although I do not think that it is perfect or that in its present form it will endure forever. I shall vote for it because, on the whole, it promises service and treats the public, the laborer, and the investor with reasonable fairness. To defeat the bill would mean either to continue government control or to return the roads in such a condition as practically to condemn them to bankruptcy. I am very strongly opposed to government ownership, and no one is seriously in favor of the other alternative.

Almost all of the criticism of private ownership in the past has been based on errors of finance, rather than on errors of administration, and the question of financing the roads seems to me to be reasonably taken care of in the present bill, and, even if it were not, I do not regard throat cutting as a good cure for a cold. The regulation of the financial management of a great enterprise, while not simple, is quite possible, but it does not seem to me that we or any other body can prescribe rules for the detailed administration of great affairs, and to attempt to establish government control in this country would lead to almost no good results and to a great many bad ones. For example, there would be about 2,000,000 voters directly or indirectly deriving their support from the railroads, which would be by far the greatest governmental activity. It is almost inconceivable that a political engine of such power would not be employed by men on both sides to affect the result of elections.

In the case of a privately owned road, managed for profit, extensions and improvements are made solely in the hope that the people will use them. If a privately owned road is of little or no use to the public, it will fail. In the case of roads built by the government or of extensions made by the government, there is always the possibility that certain communities will be built up at the public expense, notwithstanding the loss to the service.

It is a perfectly fair rule that if a community is too small or has too little business to pay a reasonable profit on a railroad, or its prospects are not good enough to induce an intelligent man to bet that it will reach that condition in a few years, that community is not in sufficient need of a railroad to justify us in taking public funds to build one, and if it be in such condition private capital can very readily be found to finance the enterprise.

I have myself traveled on government and privately owned railroads in Europe, and my invariable conclusion has been that in each country the privately owned roads were the better administered. In France, before the war, the privately owned roads were paying good dividends and the government roads were all run at a loss, although the charges for transportation were the same.

As a rule, we who are responsible to the people are none too careful of the public funds, and it is hardly likely that a railroad administration which is responsible to us would be much more careful.

I am very much afraid, however, that, whether we like it or not, the socialization of railroads will be a fact inside of 10 years. There are to-day being organized throughout the country nonpartisan societies to extend Government control in every way possible. They are backed by an enthusiastic minority of the people who will not vote party labels but will support loyally any man in Congress or the State legislatures who has supported Government ownership and oppose its enemies.

It is almost impossible to impress the majority of the American people, which I am firmly convinced is opposed to the socialization of industries, with the very serious danger inherent in the activities of these organizations. The ordinary stockholder in the railroads and the policyholder in a life insurance company will absolutely refuse to pay any attention whatsoever to politics and to the protection of his property. As a rule he regards politics as a thing beneath him and unworthy the attention of a person of his dignity.

It would be well for the property owners of this country to realize that no body of elected officials can protect their rights unless they themselves are willing to make some effort to protect them. If they persistently take the attitude that they are too good to mix in politics, or that it is too much trouble to vote anything but a straight ticket, they may be quite sure that the rights which they neglect to guard will be sacrificed by others. In the time of their necessity they will have shown to them the political bones of thousands of men in Congress and in the State legislatures who have endeavored to support them and whom they have subsequently abandoned at the elections to the resentment of various particularistic groups. I see no salvation for property in the United States unless those of us who care about the interests of our country meet organization with organization and stand together to support our principles.

The prohibition law has been passed too recently for any of us to fail to realize the extraordinary power that it is possible for a well-organized small group to obtain in this country as long as the majority of the people flaccidly vote party labels.

Mr. WINSLOW. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker and gentlemen of the House, I will not be able within the time allotted to me to enter upon an extended discussion of the bill. In the outset I want to confirm or corroborate what the gentleman from Indiana has said. In my opinion this will prove to be one of the greatest pieces of constructive legislation that has been considered, at least by this Congress and perhaps by any previous Congress. And I venture the opinion and prediction that as the years roll by the merits of the measure will develop themselves and be understood and appreciated, and that employees as well as employers, and the public of the country, will appreciate what the great men on the committee have accomplished. [Applause.]

The Cummins measure provided that it should be unlawful for two or more persons, employees of a carrier, to hinder the operation of trains or other facilities of transportation, and de-

clared that such action would constitute a conspiracy, and that upon conviction, as punishment, a fine not exceeding $500 or imprisonment for six months, or both, should be imposed, and, further, that whosoever should aid, abet, or counsel the commission of the acts referred to should also be guilty, and upon conviction punished as aforesaid.

The advocates of the Cummins measure contended that employees should be forbidden to strike, and in case they should strike and thereby impede or retard or prevent the transportation of commodities or persons in interstate traffic, such action should be a crime and punished as such. They argued that such legislation was necessary in the case of railroads because these were a facility of public service; that the people were entitled to be protected against the dire results that would come in consequence of the tying up of the railroads. The Cummins bill was passed by the Senate.

Another measure, known as the Esch bill, provided for the settlement of disputes between carriers and employees, set up a system of arbitration, and prohibited strikes pending the consideration of the question by the board; provided that any union which should authorize or direct a member to break his contract of hire, or to violate the award of the board, should be liable "for the full damages to the carrier arising from the breach."

Organized labor, as represented by the 14 railroad brotherhoods, was justly aroused at the antagonistic spirit manifested in the preparation and advocacy of the drastic features of the bills referred to.

From he beginning I have frankly explained to all that under a deep conviction I was absolutely opposed to the continuation of Government operation or control of railroads. The fact that the Government, using the lines as a unit, vested with all power, military and civil, with the employees acting under the impulse of war patriotism, was not able to successfully operate these railroads, having run them at a loss in excess of $700,000,000, and confronted with enormous claims presented by the owners of the properties for failure of the Government to keep the roads and equipment in condition for use, and in failing to supply the necessary additional equipment required, and in throwing out of employment many thousands of men engaged in other industries for a large portion of their time by reason of failure to furnish cars for use in the transportation of coal and other commodities, and in view of the greatly increased cost of transportation of freight and passengers, and the general inefficiency of the service—trains running late and wrecking; also the flagrant disregard and disrespect of the rights of the people by Government officials having to do with the operation of these public agencies of transportation, I felt that I could not, with respect to my own feelings and in justice to the general public, do otherwise than oppose to the utmost of my ability any plan for the continuation of the unhappy condition existing.

But, Mr. Speaker, my mind has been balanced from the start in opposition to the antilabor clauses of both the Esch and the Cummins bills. I felt, however, that some tribunal ought to be established where the parties might resort for a public hearing and decision regarding their rights, provided they wished so to do; and when an amendment known as the Anderson amendment was proposed I expressed my feelings on the subject in no unmistakable way. While it was somewhat unpleasant to oppose a majority of the committee members belonging to my own party, yet duty compelled me to dissent from the view of these gentlemen and to oppose the enactment of the clause into law. I spoke against that antilabor clause and voted against it, with the happy result that the Anderson amendment prevailed. This amendment had the cordial approval of the 14 brotherhoods. Many letters from railroad men have come to me expressing their appreciation of my efforts in connection with the matter.

In support of my position, which was successfully maintained, I read from the CONGRESSIONAL RECORD of November 14, 1919, the following extract from my remarks on that occasion:

I now come to my third proposition—the employees. On the motion of the gentleman from Indiana [Mr. ANDERSON] to strike out the matter contained under the third title or section of the committee bill, which reads thus, "Disputes between carriers and their employees," and to substitute other provisions in lieu of the committee draft.

The chief objections made by labor to this provision is that it provides for compulsory arbitration and requires that the award be made a part of the contract between the parties, forbids strikes, and gives a right of action to the carriers against the unions for damages sustained for any breach of that contract. I am opposed to this provision of the bill. My reasons therefor, in brief, are these:

Why should the railway men be singled out and made the subject of such legislation, leaving out all other union labor? The railway brotherhoods have been the great conservative element in unionism for the past 30 years. They have been the balance wheel that has kept down radicalism. They have opposed socialism that leads to anarchy and revolution. They have not been in the class of McNamara, of the bridge builders, now serving terms for dynamiting; nor in the class of Lewis, of the mine workers, who would call a nation-wide strike in abrogation of unquestioned pending contracts, such as existed in the Fairmont, Kanawha, and New River fields between the coal operators and that union.

Why provide a remedy for the recovery of damages against the railway brotherhoods when it is a fact that they have never been known to break a contract? The character of these brotherhoods is above reproach. As honorable men they have always fulfilled their contracts. With only one exception, there has not been a strike of railroad men in my district during the past 25 years.

Again, such legislation as this would prove abortive.

The Indianapolis injunction can not be enforced unless the defendants are willing to comply with the spirit of the decree. They may keep to the letter of the mandate and yet the men not go back to work. All this goes to show the futility of enacting statutes designed to coerce large bodies of men in respect to performing labor. You can take a horse to water, but you can not make him drink.

I regard the provisions of the committee bill only as sources of irritation and as provocative of trouble.

Human nature resents all interference with personal liberty and revolts at compulsion. The men, as good citizens, might abide by even a bad law, but they would do so in sullen mood and feel revengeful against those who enacted it as well as those who would seek to enforce it.

I hope the amendment proposed as a substitute will be adopted. It would provide a peaceful system for arbitration and award. The employees' organizations are willing to accept this amendment and to abide by the results of its operation if it be enacted into law. There will be no strikes if this provision becomes a law. No organization of men could afford to violate its terms or the judgments rendered under it. The passage of the measure will constitute one of the most forward steps taken in matters of legislation during the past decade.

Further, in supporting the substitute amendment let me say that I am representing the wishes of thousands of my constituents. In my district are four large terminal yards. Two of them—one at Bluefield and one at Williamson—are on the Norfolk & Western, Hinton on the Chesapeake & Ohio, and Princeton on the Virginian; also subordinate terminals at Gary, Vivian, Mullens, and Logan. This great district includes employees of six railroads, and I am here to represent them. The employees of these roads are not only personally interested but the business men of my district are also interested in their prosperity. This great body of workers are entitled to the very highest consideration at the hands of this Congress.

Mr. Chairman, I believe that the compulsion of public opinion will enforce the judgments that may be awarded by the courts of arbitrament provided under that amendment. I believe that the force of public opinion will control the execution of those judgments and render the law efficacious. [Applause.]

Mr. Speaker, the Esch bill embodying the Anderson amendment was then passed by the House. The Senate and the House being unable to agree, a joint conference committee consisting of 10 members—five members from each branch of Congress—was appointed with authority to settle the dispute. This committee has been in session for over a month and has reported to the Congress a substitute bill, the one in the House being known as H. R. 10453. Opposition to the bill has appeared in certain quarters. This opposition comes from those in favor of either the so-called Plumb plan or an extension of Government operation. They assign various reasons why the bill should not pass. One is that it is too liberal to the railroads, but I do not see how employees could demur to this provision, for if the railroads do not prosper they can not pay liberal wages. Another objection is that some changes have been made in the Anderson amendment by admitting on appeal representatives of the public, and providing that at least one of the three representatives of the public should unite in the decision. The decision must be concurred in by at least five of nine members. All fair-minded and reasonable men, whether they be owners or employees or of the group known as the public, are bound to concede that the public has some interest—I think a very great interest—in transportation, and, if so, they are therefore justly entitled to representation. I have made it my business to critically examine the provisions of the bill relating to the settlement of disputes and am pleased to find that there is no provision therein which forbids employees to strike at any time, either before, pending, or subsequent to arbitration. There is no provision making strikes unlawful or denouncing them as conspiracies or defining them as crimes, much less inflicting punishment. There is no provision holding unions or members thereof liable in damages, for violating contracts or refusing to abide by the award of the officers appointed to hear and decide. The bill therefore leaves the settlement of labor disputes to the honor and patriotism of the men. If the measure be passed, it will be the first time in the history of the country where a tribunal has been erected to which the workingmen may go and present their cause and challenge the carriers in vindication of their just rights.

The public has generally been sympathetic, and in justice should be, toward laboring men. Laboring men are entitled to have established a tribunal of this sort in order to relieve them of the momentous decision of engaging in a strike. I can very well imagine the feelings of a man called upon by an organization to strike. He would long deliberate upon the effect of the strike. If the strike were called in winter and be prolonged and the entire transportation facilities of the country broken up he would certainly reflect upon the pain and suffering that he would thereby impose. The freezing and starving of millions of people is not to be lightly considered. Again, he would be em-

barrassed as regards his attitude toward his own corporation. He has been a loyal employee of the company for many, many years, and maybe, from time to time, promoted; the officials have shown him and his family every consideration, but now he is called upon to decide whether he will strike or be called a scab. Therefore it seems to me that if this measure shall pass a great step forward will have been taken and that great and lasting good will be accomplished in the interest of all concerned, and to the workingmen and employees more than to all others. Furthermore it will relieve the danger of immense loss of wages. Two strikes—coal and steel—have recently failed, bringing great financial loss and distress upon workingmen. And it will be recalled that the Steel Corporation declined to recognize the union, much less to arbitrate the questions involved. Had there existed a labor statute, such as this bill carries, applying to industrial corporations, the men might have been saved many thousands of dollars and not come away empty handed.

My respect and sympathy go out to the men who labor with their brain and hands, and in voting for this bill I do so in the firm belief that I am acting in these men's interest. In so doing I realize that, with some, I may be misunderstood, but this shall not cause me to deflect from the course of action which my mind indicates is the only honorable one to pursue.

These remarks, Mr. Speaker, accurately record my convictions on the subject.

Mr. WINSLOW. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Speaker, in the time allotted to me the best speech that I can make will be to say that on yesterday I listened to the gentleman from Texas [Mr. RAYBURN], as well as some others upon the Democratic side and upon this side, and that I indorse all that the gentleman from Texas [Mr. RAYBURN] said. I believe that he is a member of this committee. In common with others, if I had supreme power I would change this bill in one or two instances, but as I have not, I am going to vote for it as I vote for all important bills, without being able to say that I am pleased with every dotting of an "i" or the crossing of a "t." [Applause.]

Mr. WINSLOW. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COOPER]. [Applause.]

Mr. COOPER. Mr. Speaker, after months of labor by the committees of the Senate and House of Representatives on the bill providing for the return of the railroads to their owners, we are to-day considering the conference report on this measure. Representatives of the two branches of Congress have reached an agreement on the final form which they believe this legislation should take. I think it is generally recognized that this is the most important and most comprehensive bill for the control of the transportation system of the country ever considered by Congress. As a member of the Committee on Interstate and Foreign Commerce, which framed the original House bill, I have had a very special interest in this question, the proper solution of which I believe to be of most vital importance to the people of the country.

I want, if possible, to make my position clear relative to the adoption of the conference report. I can not agree with those who advocate two years' extension of Government operation of our railroads or the adoption of Government ownership or the Plumb plan, for I do not believe any one of these proposals would be for the best interests of the public, employers, or employees. The advocates of the extension of Government operation, Government ownership, and the Plumb plan tell us that under the two years of Government control through which we have just passed our railroads have been giving better service to the public and have been built up to a higher state of efficiency than they were under private management.

I am frank to say that soon after the Government took over the railroads there was a decided improvement in service, but the reason for that was that, owing to the Great War, the railroads were facing abnormal conditions, and the only reason that the Government was able to meet this abnormal condition was the fact that it was permitted under the war power to suspend laws, regulations, and rules which had handicapped the private operation of our railroads. Therefore I am ready to say that at the beginning of the war it was absolutely necessary for our Government to have taken over the operation of the railroads.

Yet I challenge the statement of those who say that at the end of two years of Government operation our transportation system is in a better condition than it was before the Government took it over. On the contrary, I do not hesitate to say that the railroads of our country were never in such a deplorable condition as they are to-day, and I know that my opinion on this matter is supported by the public, the railroad managers, and the employees. It is estimated by reliable authority that to meet the transportation needs of our country and build up the railroads so that they can handle traffic properly will require over $1,000,000,000 annually for the next five years. The war is over and the people are sick and tired of Government control, war supervision, and regulation. There is a general feeling that, inasmuch as we are on a peace-time basis again, we should have less Government interference with legitimate private business and that Congress should encourage and assist private enterprise and individual initiative, which in the past has made us the greatest nation on the earth. [Applause.]

I learn from reliable authority that under normal conditions our railroads require about 2,000,000 tons of steel rails per year, whereas in two years the Railroad Administration has purchased directly only 200,000 tons of steel rails. Annually the railways require about 100,000,000 new ties, but apparently under Federal control there will be a shortage of 50,000,000 ties. During the four years prior to Federal control the railways built an average of 100,000 freight cars per year, whereas the administration has purchased only 100,000 freight cars in two years, of which only 90 per cent have been delivered. It is estimated that about 200,000 new cars must be built in 1920 to make good the deficiency.

It is also stated that the normal railroad requirements are about 3,000 new locomotives per year, yet during Federal control only 2,000 locomotives, or one-third of the normal requirement, have been provided. Only 923 new passenger cars have been purchased in over two years, and only 721 miles of railroad extension have been built.

The President has issued a proclamation stating the railroads will be returned to private ownership on March 1. I believe that it would be a calamity to send back the railroads without proper financial assistance by the Government. It seems to me that this will be necessary if the railroads are to function properly, give the right kind of service, provide needed equipment, and pay an adequate wage to the employees. In this respect I am in hearty accord with the provisions of the conference report. It seems to me that the Government must either provide for financial support of the railroads at this time or else embark on a Government-ownership program, and I believe that Government ownership will in the long run at least be much more expensive to the people of the country than private operation. If the Government needed more funds to operate the railroads, it might not increase rates, but it would then be compelled to make up the deficit by taxation on all the people.

There has been much unfair and misleading criticism of the financial provisions of the conference report. The bill says that there shall be a return of 5½ per cent on the actual property valuation of the railroads, which is to be determined by the Interstate Commerce Commission. Watered stocks are not validated, and in fact under the bill it will be possible for the Interstate Commerce Commission to squeeze false values out of railroad securities. Those who are so free to talk about big business interests benefiting by Government financial aid to the railroads should remember that there are 670,000 individual holders of railroad stocks and 300,000 owners of railroad bonds, and that a very large percentage of railroad securities are owned by insurance companies and savings banks. Hundreds of thousands of people who have life-insurance policies or are depositors in savings banks are directly interested in the value of railroad securities, and it has been stated that if the railroads go back to their owners without financial cooperation by the Government very many of them will go into bankruptcy. The interests of insurance policyholders and savings depositors must be protected.

I am of the opinion that the so-called labor sections of the bill are open to criticism. The conference report proposes, first, that the railroad companies and employees shall endeavor to settle all disputes as to wages and conditions of employment between themselves, but it also establishes machinery to deal with these disputes consisting of adjustment boards and a railroad labor board of nine men, with the public, the companies, and the employees equally represented on this board. The plan proposed in the Senate or Cummins bill, including the antistrike clause, is rejected, but the Anderson amendment placed in the Esch bill by the House is also stricken out by the conferees.

I heartily supported the plan for adjusting labor disputes between the railroads and their employees which was proposed in the Anderson amendment to the Esch bill. I had hoped that the conferees would retain the Anderson plan in principle in the final report.

I am frank to say that I am in sympathy with the desire of certain classes of railroad employees for increases in wages, for I contend that they are not receiving the pay to which they

are entitled. I am sure that there is a misunderstanding in the minds of the people relative to the wages of railroad employees. Many people believe they are among the highest paid workers in the country. Such is not the case, and the average railroad employee's wages to-day is far below the wage paid to other skilled workmen. For instance, let us take the wages of a switching crew under Government control of the railroads—and this branch of the service is very hard and dangerous work. There are, as a rule, five men on a switching crew—engineer, fireman, conductor, and trainmen. We must bear in mind at all times that the engineer is the highest paid employee in train service, and under the schedule of wages which is in force he receives 70 cents per hour; for an eight-hour day, $5.60. Here is a faithful employee, who may have worked for 30 years, holding a highly responsible position and making $5.60, while the steel industries in my own district pay the commonest kind of unskilled labor $5.06 for an eight-hour day.

Mr. Speaker, more than six months ago the railroad employees made an appeal to the Railroad Administration for an increase in wages in order to meet the high cost of living. At that time the President asked them to withhold their request for an increase in wages until the Government could be given an opportunity to work out its plans for a reduction in the high cost of living. The time agreed upon for delaying action has passed and the cost of living is not any lower. Once more the railroad men have made an appeal, and again the President has asked them to wait until a basis for settlement which he suggests can be worked out. I am sure that the spirit exhibited by the representatives of the railroad employees in accepting the latest proposal and in agreeing that our transportation system shall not be interfered with is appreciated by the American people.

I hope that the method of handling railroad-labor questions provided in the conference report will not interfere with the plans that have already been launched for the adjustment of wages of the railroad employees at the earliest possible date. If it develops that there are serious defects in the machinery for handling labor questions as proposed by the conferees, I shall be among the first to insist that Congress shall make whatever changes are necessary in order that the law shall be fair to all concerned. I have believed from the first that if it had been found necessary to provide by law for the arbitration and conciliation of railroad-labor disputes this should have been in the form of separate legislation, which could be considered on its merits, and not be involved with other matters. In the present bill the labor question is complicated with other vital issues.

Mr. WINSLOW. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, the time allotted to me is too short to enter into a technical discussion of this bill or its provisions, and I am inclined to the opinion that a technical discussion of it would be a waste of time, because every Member of this House is, or should be, familiar with the most important legislation that has come before us for action this year. Every Member knows, or should know, how he intends to vote.

None of us are satisfied with the conference report as it stands. The carriers do not like it, the employees are opposed to it, and the public doubtful of it. That fact alone, to my mind, does more to prove the fairness of the conference report than any other one thing. If the carriers approved heartily of it, I should fear it, and if it had the indorsement of the American Federation of Labor and employees I would know that it was written in their interests and not that of the public. Two-thirds of the criticism against the measure made by the labor unions is solely in the interest of the Plumb plan and directed against private ownership. The argument against the guaranty provision is, in my opinion, a subterfuge, because those provisions constitute a limitation of income rather than a guaranty, and if it is a guaranty it is only for the short time that will be necessary for the roads to adjust themselves to private control as opposed to Government ownership. There are no strike provisions in the report, however clever arguments may be made by the attorneys who represent the employees. The issue resolves itself solely into a question of whether or not at this time we deem it advisable to have public or private ownership, and a vote for the report is a vote for private ownership, while a vote against it is nothing more nor less than a vote for the Plumb plan. The fact that practically all the members of this body who fought against political domination by railroads, against a return on watered stock, and against overcapitalization are voting for this report ought to demonstrate that fact to any one who impartially desires that which is best for the public as a whole. This vote, however, ought not to be misconstrued by railway executives or their representatives. It is not a vote in their interest, but a vote in the interest of the public. They and private ownership are on trial. The railroad executives should not mistake public sentiment, the justice of the facts, the feeling many of us have that the abuses of 20 years ago would be continued if the opportunity existed, that the public knows the main facts concerning physical valuation, and that the figures are not being correctly given.

I do not desire to go into detail concerning the railroad lobby. It has been no more vicious but just as insidious as that maintained by the American Federation of Labor and the brotherhoods. They both have wanted everything for themselves and have cared nothing for the public. The public would be justified in considering neither of them, and it has the power and will to enforce its dictum. Both of your lobbies should be punished. You both, when you had the power, have bulldozed, bribed by political promise, and deluded by economic demonstration. You both have retained clever lawyers to misrepresent the facts and used every element of publicity to delude the public. If the conference report fails, the railroad interests will insidiously work for the defeat of every man who opposed it. If it carries, the American Federation of Labor will use every art known to the demagogue to defeat its supporters. You both have bored and do bore from within. Either of you could win were it not for the fact that each year the United States is fortunate enough to receive new young citizens, young men and women who are not afraid of either of you or of any national enemy, alien or domestic. As fast as either of you buy, bulldoze, intimidate by publicity, or defeat a Member of Congress another will arise to take his place. America may feel safe in the support and reserve that will inevitably follow. Neither capital nor labor, because of the accident of fortune, work, or place, has a right to dictate the policy of the United States with reference to its public utilities, and whether you be 1 or 20 per cent of the total population you never will dictate it. Labor is entitled to the fair and decent things in life, and you railroad owners are entitled to a fair return on the money you have invested after the Government takes the capital, income, and inheritance taxes the people of this country will take from you when they awake to the fact that capital, income, and inheritance ought to be taxed to the living limit to pay the expense of this war, Government expenses, and our public debt. Private ownership is having its second and last chance; the pendulum is swinging narrowly; public ownership, which failed because of its lack of economic foundation, its handicap of McAdoo political vote-getting inefficiency, and the grasping of labor when men with sporting blood fought for $30 per month, will get its second chance under laws that prohibit strikes and confiscate capital if private ownership fails. It makes little difference to most of us which plan is adopted so long as it makes good. The public, and neither capital nor labor, will make the decision. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I have asked for these few minutes to explain my position on the labor section of this bill. It is the most far-reaching and important legislation brought to the House since the war.

I want to say that my heart and sympathies are strongly interwoven with labor, and I would not purposely impose a condition upon labor that I would not assume individually. I know that the operators, superintendents, and proprietors are not unfriendly to labor and are always pleased whenever one of their workmen is competent and fitted to assume the position of an officer in their management.

For a number of years I was a manufacturer, and now have a substantial part of my worldly possessions largely wrapped up in agriculture and am to-day the owner and operator of a farm. I mention this also as a result of my individual and sole endeavor, and what I have accomplished can be done better by the least of you or any other poor young man in the land.

I have employed labor all my business life, and have yet to have such a misunderstanding with my workmen as to lead to disruption. I want to do everything I can to encourage the most friendly feeling between capital and labor, because I know that the best interests of both lie in contentment, unity of action, and friendliness between them.

In looking over the field I see the best interests of my country subserved where there is harmony between the employer and employee. The employer, whether a railroad corporation, partnership, or individual, is never seeking for misunderstandings with workmen, and surely from the very incipience the workman is vitally interested in the progress, prosperity, and weal of his employer.

I want to say that there never was a misunderstanding or trouble between an employer and employee or employees that could not be adjusted by amicable settlement. This does not

imply that either can have his own way on all he desires. We know even important legislation is arrived at and enacted into law on the give-and-take policy. I make the broad assertion that all labor disputes and misunderstandings can be amicably settled, because finally an adjustment has always been made in every case, and whatever has been settled after trouble had can be settled before.

This railroad legislation not only affects upward of $20,000,000,000 in property, but also the most material and vital welfare of our Nation. Manufacturing, agriculture, and commerce are the avenues through which ebb and flow the vital welfare not only of our Nation but also of the nations of the earth. We wish to excel in all of these. We must have harmony and good understanding and friendliness with the workmen. I am in favor of the workmen quitting at their pleasure. I want every individual and all individuals to have that privilege. I think that the principal reason for employees using the strike is because there is no other course now open to them. So that I am not prejudiced against the strike, ipso. I do not believe that a person should be compelled to work unless it is at his own free will. We have heard a good deal about slavery. That has been abolished in every civilized country of the world. Slavery has been set at rest at the most terrible sacrifice of blood and treasure. But after a workman has left my employ, what is the condition then? After a workman has quit my employment my relations with him have changed. He is no longer associated with me in industry and has no legal right of interference. I am opposed to his interference with my business when he has quit my employ, and he should not undertake to destroy me or my business.

I know the courts uphold peaceful picketing. I hear it announced that there is no such thing as peaceful picketing. I see in nearly every strike a disposition to use force and violence. I am opposed to that. Much is said about our courts, but after 30 years of the best part of my life in court work, I think the courts have gone afield in permitting interference with a business by a person or persons who have severed their relations with it and are now strangers to its concern.

The present bill provides for a peaceful settlement of labor disputes. The employer knows when he is doing right by his employees. If he is not doing right by them he ought to, and if he does not see that his relations with his workmen are wrong, or that he is not paying them a sufficient wage, the present bill opens a way for any and all grievances with a view to amicable and peaceful settlement. It is not a perfect measure. No one claims it is. But it is a step forward for the peaceful settlement of labor and capital differences in business, and I am for it. Capital can not have all it wants. Capital can not shut the door to the just demands of labor. Under the bill either or both can be heard, and if either or both only desire justice they will find in the bill a way to obtain it. I want every workman to better his condition in life. I want him to be a master mechanic. I want him to be a foreman, a superintendent, or a president. It is the boast of our free institutions and the foundation of our society that every poor boy has an equal opportunity to-day to become the master of industry to-morrow.

During my connection and interest in banking for more than 20 years I have been greatly concerned at times over our financial conditions. This concern was not confined wholly to the daytime, but received a good deal of attention when I might otherwise have been asleep. The great concern of the banking fraternity was the question of panics, which at times were so acute that money could not be obtained from the money centers on first-class real estate security or unquestioned municipal or industrial bonds. Indeed, I have seen the financial situation so acute that a bank could not get its own money which it had on deposit with its own correspondents. Finally, the Federal reserve act was adopted, and may I say for myself individually as the head of a national banking institution that since the adoption of the Federal reserve act I have neither spent sleepless nights over the threat of a panic nor so far seen a time when currency could not be obtained for all legitimate needs, and I think this talk at the present time about inflated currency and being on the verge of a panic is, even under present conditions, unwarranted.

I have faith in the ability and intelligence of the American statesmen to rise to the occasion and provide a similar or sufficient legislation to reasonably meet the questions between capital and labor, and in this measure we have a fair beginning. And I hope it will result in such legislation as will be participated in and favored by labor, to the everlasting welfare of the American people. It provides for a quasi tribunal agreed to by the parties in interest. A board mutually agreed to by the parties in interest is the ideal board, and believing it to be the basis of a procedure beneficial to the interests of those concerned and the public, it ought to receive the indorsement of the Members of this great lawmaking body. Then if labor says it is injurious and detrimental to the workmen let it be amended, reenacted, and remodeled to meet the needs and do our best to meet a situation that has been one of the most important questions known to the ages.

I close as I began, expressing my favor for the peaceful, orderly, and mutual settlement of labor disputes, and in the interests of the public and all concerned I am for any law that will bring about this much-needed and desirable purpose. [Applause.]

Mr. KITCHIN. Mr. Speaker, I gave diligent study to the Esch bill. I gave equal study to the Cummins bill. I hoped that out of the wisdom and labors of the conference committee would be evolved a bill, a report, safeguarding alike the rights and interest of the public and the carriers, which we could all support. Reserving my determination to vote for or against the report until I could carefully investigate it, I carried to its study the hope, the wish, that I could vote for it. I ask you to believe me when I say that I exceedingly regret that I find in the report many provisions so dangerous and unjust; so pronounced in favoritism to the railroads and their security holders; so destructive of the rights of the States over intrastate commerce, which they have exclusively exercised since the beginning of the Government; so regardless of the public interest, with so little protection to the shippers, producers, and consumers; with so little concern for the Treasury and the taxpayers that I am unable to give to it my support. Yet I confess gladly that there are some wise and salutary provisions in the report. I could vote for its adoption with perhaps one or two of the objectionable features in it standing alone, but there are so many throughout the bill it is impossible to bring my mind to its approval.

I know Members, who never before voted for any legislative favoritism to special interest in any form, who, on account of their pronounced opposition to Government ownership, propose to vote for the adoption of this report under the honest delusion that its rejection may possibly mean Government ownership. And, too, there are some who pledged their people to vote for the return of the roads to the owners at the first opportunity. With these gentlemen I have no quarrel, and to them I can only say that I think their fears are not well grounded, and a vote against this report is not a violation of their pledges to their people. But the large majority of those who will vote for the report to-day, according to the speeches made to-day by the advocates of the report, will vote for it because the report accomplishes exactly what its authors intended, the enactment of legislation in behalf of the special interest of the railroads and the investors in their securities at the expense and regardless of the people's interest. With these I make contest. If I felt that the defeat of the report meant further Government control and operation of the railroads, or meant Government ownership, I would reluctantly vote for it in the hope that sooner or later the wisdom, patriotism, and courage of Congress would repeal the provisions to which I object.

I am glad that the distinguished gentleman from Wisconsin [Mr. ESCH], the able chairman of the committee, in his speech this morning refuted absolutely, once and for all, the railroad propaganda that the defeat of this bill means Government ownership or further control and operation of the railroads by the Government. Mr. ESCH declared this morning that the President by his proclamation will relinquish the roads on March 1, with or without this conference report. So Government ownership is not involved, further Government operation and control are not involved in the fate of this report. Whether the report is adopted or is rejected, the railroads go back on March 1 to the owners.

I want to dissipate another species of insidious propaganda on the part of the railroads and advocates of this bill in order to intimidate Members of the House in voting for the report. It is contended in the press to-day and repeated here that a vote against this report means a surrender to Mr. Gompers and the labor leaders, but that a vote for this bill means that the Member so voting refuses to obey the orders of and surrender his convictions to Mr. Gompers and the labor leaders. I have had no less than three Members of the House tell me that on account of the attitude of the labor leaders they can not afford to vote against this bill, because they would be held up by the press in their districts as surrendering to Mr. Gompers and the labor leaders. In my judgment the arbitrary, the dictatorial, and defiant attitude of Mr. Gompers and a few other labor leaders has lost to the opposition of this report at least a dozen or more gentlemen who otherwise would have voted against it.

I did not vote for the Anderson amendment in the Esch bill because it was an arbitrary, one-sided, labor-leader-made, futile amendment. I prefer the labor proposition in the report to that.

I would go much further than the labor-dispute provisions in the report if I had my way about it. I must confess that I can not understand how and why the labor leaders object or can object to the proposition in the report. It is as harmless as it can possibly be. It is not binding on any. It takes away no right, not even any of the assumed rights of labor or of the labor leaders.

I would establish a tribunal of big, strong, fair-minded men, of equal dignity as that of the Supreme Court of the United States. I would give them salaries equal to those of the judges of the Supreme Court, with long terms of office. I would make ineligible to membership on that tribunal any man who had ever been an officer or director or attorney or agent of a railroad company. I would make equally ineligible to membership any man who had ever belonged to a union or brotherhood or had ever represented as attorney or otherwise a union or brotherhood. I would have it absolutely impartial and disinterested. Such a tribunal would command the confidence of the public, the carriers, and the employees. Before this tribunal the carrier and the employee alike could lay their grievances and disputes with confidence that a just and righteous decision would be rendered. In the first instance, in order to give the carrier and employees a chance to get together among themselves, I would establish adjustment boards such as now exist in the Railroad Administration. If no decision could there be reached within a reasonable time, the carriers and employees, either through themselves or their organization or brotherhood, and the public through the President, would each have the right to take the dispute and issues in controversy before such a tribunal. While such a controversy was pending and until 15 or 30 days after its decision I would make unlawful lockouts or strikes, certainly such as would affect the free transportation of food, fuel, and clothing. [Applause.]

Mr. GARLAND. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. No; I regret I can not.

So, gentlemen, my opposition to this report is not in compliance with the demands of Mr. Gompers or any other labor leader. But if Mr. Gompers opposes this report, this is no conclusive reason why I should favor it. Mr. Gompers and the labor leaders are opposed to compulsory military service; but because of that I am not going to favor compulsory military service. I am not going to let Mr. Gompers, because he favors or opposes a proposition, run me on the other side because of any prejudice I might have against him or other labor leaders, and I have none. If Mr. Gompers were to oppose hanging a man for petty larceny I would not be so prejudiced as to favor hanging a man for petty larceny.

Why, gentlemen, every railroad official, every railroad lawyer, every railroad lobbyist, every railroad-security holder, every speculator on Wall Steet in railroad securities, is heart and soul for this report. Yet that is no reason why one who honestly believes that this report ought to be adopted as a wise and beneficent measure should oppose it. With such conviction he should still be in favor of it.

I have heard much in this debate about the railroads being bankrupted if we do not adopt this report. It is asserted that the roads, if we fail to adopt this report, will be bankrupted; that after March 1 ruin and disaster will be their fate and chaos will be the fate of the public. That assertion may fool some new Member here. I have been in Congress for nearly 20 years. There have been no less—since I have been in Congress—than a dozen propositions before this House in the interest of the public which the railroads and railroad lobbies protested against, and every time one of those measures was presented to Congress I heard the cry, "If you pass it you will bankrupt the railroads; you will put them into the hands of receivers."

Well do I remember when, under the leadership of the distinguished gentleman from Illinois [Mr. MANN], the chairman of the Interstate and Foreign Commerce Committee, passed through this House the Mann railroad bill in 1910. Every railroad throughout the United States then cried "Bankruptcy, bankruptcy!" They lobbied me and they lobbied every other Member of this House, and they vowed before heaven and earth that if the bill was passed it would mean ruin to the railroads and disaster to the public. I heard that same cry when the workmen's compensation act was under consideration, when the safety appliance act was before us, when the act limiting work hours on railroads was considered, and when the Adamson eight-hour law was before us. Every time the same old cry of bankruptcy, receivership, ruin filled our ears. All those bills were passed—became law—and no bankruptcy, no ruin, no disaster followed.

Another thing: In the last 15 years every time a railroad went to the Interstate Commerce Commission for an increase of rates it cried, "If you do not give us an increase of rates we will be bankrupted; we will have to go into the hands of a receiver." They have tried dozens of times to increase rates, making the same plea. While crying "bankruptcy" the statistics showed that the railroads were making larger returns on their investments than they had made in any period of 5 or 10 years since the railroads have been in existence. [Applause.]

They will be bankrupt if you do not pass this bill. And this assertion when they—the stockholders and bondholders—hold in their pockets—or will when settlement is made for the balance of the rentals—$2,000,000,000 of the people's money as clear profits. Over a billion dollars more—three times as much as they possibly could have made if the Government had not taken control of the railroads.

They ask in this bill for a $300,000,000 revolving fund to be loaned to them. They ask for advances to operate during the six months' guaranty period, after the relinquishment of the roads to the owners, which will take at least $250,000,000 or $300,000,000, making for these two items $500,000,000 or $600,000,000. I would suggest a way to the railroads to keep from being bankrupted if we reject this report: Just take $500,000,000 out of this $2,000,000,000 of profits you have in your pockets, or have put into other investments, and with that help operate your roads for the next year or six months. They will then have one and a half billion dollars left out of their profits for the last two years—a billion dollars more than they could possibly have made if they had retained control instead of the Government taking control. Bankrupted! with $2,000,000,000 profits in their hands! No advocate of this report has dared to mention in all this debate these huge profits in the hands of the railroad owners. It would dissipate this plea of bankruptcy.

The President did take the railroads over, but he did not take them over without consulting the railroad managers and officers and security holders. They gave their consent. They wanted—they were anxious for—the Government to take over the roads and operate them during the war. It was to their interest. It proved a godsend of profits to them. They knew they could not make operating expenses under the circumstances, because, with the Government putting billions of dollars of its bonds and certificates of indebtedness on the market they could not sell their railroad securities to raise funds necessary to provide equipment and improvement for the new and increasing war demands. The Government, with their consent and request, took over the railroads, and after 26 months of operation it will pay over to them $2,000,000,000 clear profit, together with necessary improvements and good and full equipments necessary to maintain the railroads in the next two years amounting to over $1,000,000,000, every dollar of which was paid for out of the earnings of the taxpayers and consumers. This bill, or report, funds that more than a billion dollars for 10 years—loans it on 10 years' time to the railroads. So, gentlemen, do not try to convince yourselves that you must vote for this report in order to save the roads from bankruptcy.

My friend Mr. ESCH can not deny, and no man on this conference committee can deny, or has denied, that after the roads have been turned back to the owners they will then have in their pockets, paid by the Government for rentals of the roads, over a billion dollars more than they could possibly have had had they been operating the roads. Nor can he or anyone deny that in addition to the two billions of profits the owners will have more than a billion dollars worth of improvements and equipments advanced by the Government.

The policy of railroads and their security holders to rely on the Government, the Treasury, is begun in this bill or report. It will continue. After the guaranty period, the railroads and their security holders will again come to Congress for loans, for guaranties, and for other favors. They will come with the same cry—ruin and disaster and bankruptcy—and with the same threat of chaos throughout the country, if their demands are not granted. Every man who votes for the adoption of this report will have the identical reasons to vote for the new loans, the new guaranties, the new favors, as he has to vote for this report.

Mr. Speaker, I have listened carefully to all the speeches made to-day by the advocates of this report. It was strikingly noticeable, first, that no one declared that this report, if adopted, would be helpful to the people or a benefit to the producers and consumers. Not one asked the House to vote for it on the ground that it was in the public interest. All asked for its adoption on the ground that it would help the railroads—that it would benefit the stockholders and bondholders of the railroads. Some asserted it would not hurt labor. None declared it would not hurt the public. They seemed unmindful of the fact that the only way this report would help the railroads was by hurting the people, that in thus favoring helping the railroads they favored

putting an increase of the burdens on the Government and the taxpayers, and on the shippers and producers and consumers of the country. The only possible way this bill can help the railroads is at the expense of the Government, the taxpayers, and the people.

Second. That while professing that by its defeat chaos to the public would ensue, ruin and disaster of the railroads would follow, not one in any way mentioned the fact that these same railroads, that these same stockholders and bondholders, whose interest excite their anxious concern, have in their hands, or will have in their hands when the President pays the balance to them as rentals for Government operation, a clear profit of over $2,000,000,000, and in addition an advancement by the Government of more than a billion dollars for additions, betterments, and equipment, conclusively showing that the railroads, their stockholders, and bondholders are not in financial bankrupting distress.

Third. That not one mentioned the fact that if the railroads are returned on March 1 without the adoption of this report, they will be returned and will operate under the existing interstate-commerce act, an act which is the result of more than a quarter of a century's struggle of the people in Congress with the railroads to adjust the proper relations between the roads and the public, and under which the railroads prospered more than ever before in their history. Even the gentleman from Wisconsin, the distinguished chairman of the committee, asked in his speech if this report was defeated, "What shall the people and the railroads do while legislation is waiting?" He seems to have forgotten that this interstate-commerce act and the Interstate Commerce Commission were in existence. Congress for 30 years, from time to time, had made efforts to adjust the proper relations between the railroads and the public, and the consummation of these efforts resulted in the interstate-commerce act and amendments thereto now on the statute books and under which, if this report is rejected, the railroads will go back to the owners on March 1. Under that act the commission can hear and determine the grievances of the roads as well as those of the public. Under that act freight and passenger rates can be modified, adjusted, or increased if the roads make out a case for such adjustment or increase. But the railroads—their stockholders and bondholders—are not satisfied with that. They must have loans, and guaranties of profits, and guaranties of deficits, and guaranties of investments hereafter, and other special privileges never before granted by law to any other industry or class. And if we do not pass this bill or report they threaten chaos throughout the country.

There never was a time in the history of the railroads that every railroad in the United States made money, that every investor in railroad stocks and bonds realized a profit. At all times some railroads did not make money; some investors in stocks and bonds suffered losses. Heretofore investors in railroads and their securities, like investors in every other kind of business, took the chance of gain or loss. There never was a time when some railroads were not in the hands of a receiver. But with the adoption of this report hereafter the Government, for the first time—and I believe the first Government on earth to do it—practically guarantees—that is, compels the Interstate Commerce Commission to insure—the making of money, more or less, by every railroad in the United States, and the realizing of profits by every investor in railroad stocks and bonds.

It is said by the advocates of this bill or report, by the congressional authors of the bill, that there is no such guarantee. True, there is no such guarantee directly out of the Treasury and pockets of the taxpayers, but there is a practical guarantee that it shall come out of the pockets of more than a hundred million people—out of the pockets of the consumers in the United States. This bill, this report, expressly directs the Interstate Commerce Commission to so adjust or increase the rates throughout the United States, or in the groups or regions, if in the discretion of the Interstate Commerce Commission it shall so divide the United States, so that it will insure at least an average return of profit of 5½ per cent—and the commission can increase it to 6 per cent, and after two years can increase it to over 6 per cent—upon the aggregate value of the railroads in the United States, or in such groups or regions as the Interstate Commerce Commission may fix.

The supposed or nominal authors of this provision and its advocates vigorously deny that there is any such practical guarantee or assurance. The nominal authors of the bill should not be criticized for this denial, because since they did not conceive and prepare this provision of the report, the same being conceived and prepared by a prominent railroad president, it is quite natural that they would not understand its meaning and effect quite as well as if they themselves were the real authors of it.

Let us see what the bill or report actually provides. Section 422—

(2) In the exercise of its power to prescribe just and reasonable rates the commission *shall* initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, *earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers* held for and used in the service of transportation: *Provided*, That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

(3) The commission *shall* from time to time determine and make public *what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all* rate groups or territories which may be designated by the commission.

* * * * * * *

Provided, That during the two years beginning March 1, 1920, the commission *shall take as such fair return a sum equal to 5½ per cent of such aggregate value*, but may, in its discretion, *add thereto a sum not exceeding one-half of 1 per cent* of such aggregate value to make provisions in whole or in part for improvements, betterments, or equipment—

And after the two years the commission may fix the percentage of return—that is, declare what the minimum fair return will be, but under the necessary implications of this report the commission will never put it at less than 5½ or 6 per cent, and it may be much more. *No man with sense can read that provision without knowing that it is a practical guaranty that every railroad shall make money and every investor in stocks and bonds shall realize a profit.* The only difference between this and an actual guaranty direct by the Government is that by the actual guaranty the profits or money guaranteed would come out of the Treasury and taxpayers, while under this provision the guaranty or assurance comes out of the pockets of the shippers and producers of the country, but finally out of the consumers. These provisions are mandatory on the commission.

I wish now to direct your attention to another plain proposition contained in section 422. You will observe that the rates of the roads throughout the United States, or in the groups or regions which the commission may fix, must be uniform; that is, when the rates on one road are increased, the same increases shall be had on all other roads in the group, whether such roads require such increased rates or not. In other words, it means that in order to increase the rates on a road that is not making sufficient money or sufficient profits for its investors, the rates upon a road which is making sufficient profits under existing rates shall also be increased. It makes the farmers, merchants, and manufacturers, and other producers living along the line of the road that requires no increase in rates, one making sufficient money or profits under existing rates, pay increased freight and passenger rates in order to help some other road that is not making sufficient profits to make more money. Why should the farmers, merchants, and manufacturers living in my district be forced to pay increased rates when the existing rates are sufficiently high to enable the railroads there to make reasonable profits, in order that some road, perhaps 500 or 1,000 miles away, on which they never traveled a mile nor shipped a pound or bushel of freight may increase its rates to its farmers, merchants, and manufacturers to satisfy the avarice of its investors? Such a proposition from every viewpoint is simply monstrous. It violates every fundamental principle of justice and fair dealing.

Let me direct your attention to another unjust, unfair and, in my opinion, unconstitutional provision in this section 422. It provides that when a road, whether its rates are increased or not, makes a net return of over 6 per cent, that one-half of the excess shall go into a Government fund, controlled by the commission, for the purpose of loaning it to other roads or with which to buy equipment to rent to other roads. In other words, it takes the profits from one road that is well circumstanced, honestly, wisely, and efficiently managed, and gives it by way of loans and rentals to another road, perhaps a competing road, not so economically and efficiently managed. It thus puts a penalty upon honesty and efficiency, and a reward upon inefficiency. This strikes me as being against every element of right and justice. It has the fundamental elements of socialism and communism. It deliberately takes by law the property of one who succeeds and bestows it upon another who fails to succeed. As indicated a moment ago, in my judgment this provision is unconstitutional.

Let me briefly recapitulate some of the objectional features of the bill:

First. It proposes to take from the Treasury, from the taxpayers, in addition to the loss of nearly $1,000,000,000 sustained by the Government, in addition to the over $2,000,000,000 net profits which the Government has or shall have paid the carriers for the 26 months' rental, $300,000,000 as a revolving fund for two years to loan to the Government railroads.

Second. In addition to this it proposes to guarantee, make good, to the extent of indefinite millions, the deficits which the roads not taken under control incurred during the period of Federal control.

Third. In further addition, it proposes to guarantee to the extent of indefinite millions for a period of six months after Federal control is relinquished the so-called standard return, which guarantees to the roads taken over and the roads not taken over the highest rate of profits in the history of railroads.

Fourth. In still further addition, it proposes for the Government to advance, to the extent of the guaranteed returns, loans to the owners of the railroads in order to operate the roads during the six months following relinquishment of control.

Fifth. In the way of advances, guaranties, and loans to the railroads, the taxpayer must pay during the next two years more than three quarters of a billion dollars.

Sixth. The Government must pay in cash its indebtedness to the railroads for rentals, depreciation, and damages, with only a limited right of set-off, while the indebtedness of the railroads to the Government to the extent of over $1,000,000,000 is funded for 10 years—is loaned to the roads on 10 years' time—and in the discretion of the President the indebtedness of the railroads to the Government to the extent of nearly one and a half billion dollars may be so funded.

Seventh. In addition to all this it will be required, according to Mr. Sherley's letter of the 19th of February, to Chairman ESCH, an appropriation of $436,000,000 more than is appropriated in this report to wind up the affairs of Government control, making a total appropriation for all the purposes of the report of more than $1,300,000,000.

Eighth. It practically guarantees that after September 1, 1920, rates shall be so increased on all the roads of the United States that the roads shall have an average net return of at least 5½ per cent on the aggregate valuation of the property of the roads within the United States or within certain groups which the commission may fix. This guaranty of 5½ per cent shall last two years. Thereafter the commission is directed from time to time to fix the per cent of the fair return and to increase freight and passenger rates to meet such return. Of the excess net earnings of 6 per cent of any road, one half shall be put into its reserve fund and the other half is to go to the commission in a Government fund to be loaned thereafter to the roads or to furnish equipment for the roads. This is in the interest solely of the roads, not of the shippers or the public. It makes the merchants, farmers, and producers living along the route of a well-circumstanced and efficient road pay increased freight rates in order that a mismanaged or inefficient road may make higher profits and declare larger dividends. The rates which the shippers and consumers must pay must be measured not by the earnings of the efficient and economically administered roads but by the earnings of the inefficient and extravagantly managed roads. It also takes from one road and gives to another.

Permit me to say here that the argument of the distinguished gentleman from Wisconsin [Mr. ESCH] made on the floor November 19, 1919, against the wisdom and justice of such provisions convinced me then that they were unwise and unjust, and I regret to say that his argument this morning in favor of them failed to convert me to his changed position.

Ninth. Competing roads, with the approval of the commission, are permitted to pool freights and earnings, dish out territory, and merge or combine in order to destroy competition. They, by order of the commission, can be made exempt from the penalties of the antitrust laws, Federal and State.

Tenth. It destroys State control over intrastate commerce and vests the whole power of control over intrastate as well as interstate commerce in one central power in Washington, the Interstate Commerce Commission.

Eleventh. In many respects it undoes the results of more than 25 years of struggle by the people and Congress to equitably adjust relations between the public and the carriers, consummated in the existing interstate-commerce act and amendments thereto. If this report is adopted, the people will have to begin anew another quarter of a century's struggle to right the wrongs which Congress has done them.

Permit me to recapitulate the amounts of appropriations which this report necessitates:

For the purposes of section 202, which provides for the "settlement of matters arising out of Federal control," $200,000,000 is therein appropriated.

For the purposes of this section, $436,000,000 additional must be appropriated in a deficiency bill, according to the letter of Mr. Sherley, Director of Finance of the Railroad Administration, to Chairman ESCH, of date February 19, 1920.

In addition, by this section "all unexpended balances in the revolving fund created by the Federal control act or of the moneys appropriated by the act * * *, approved June 30, 1919," are reappropriated. These "unexpended balances" amount to $450,000,000.

The indefinite amount appropriated by the report to cover guaranties to make good to the owners the deficits of roads not taken over, occurring during the period of control, and the indefinite amount appropriated to cover the guaranty of standard return profits of such roads for six months, are estimated to be $25,000,000.

The revolving fund to be loaned to the railroads during the next two years appropriated by the report amounts to $300,000,000.

The indefinite amount appropriated by the report to make good the guaranty of the "standard return" of all the roads for six months after relinquishment of control will amount to at least $350,000,000.

In my judgment, and I make the prediction, it will require practically the entire amount of the standard return for the six months; that is, $475,000,000, to make good the guaranty.

Whatever the amount shall be it is an absolute gift by the Government to the roads—the deliberate taking out of the pockets of the taxpayers and giving it to the railroad owners.

If the roads lose for the next six months at the rate they have lost under Government operation for the last two months—$100,000,000 a month—it will take $1,075,000,000 to make good the guaranty.

From these figures, this bill, or report, involves a total appropriation of $1,311,000,000 for the railroads!

Remember, gentlemen, that every dollar of these appropriations must come out of the taxpayers of the country. If we include the reappropriations, the amount will be $1,761,000,000! While the losses by the Government on account of Federal control are now estimated at $854,000,000, to be charged off as losses, my prediction is that when final settlement of all matters are had the losses will reach far above $1,000,000,000!

Gentlemen, I say, with all due respect to Mr. MONDELL and the Republican leadership, I have sometimes wondered during this session and the last session why it was that for the first time in 40 years of Republican control the Republican leadership of this House should be convinced that there should be economy, that their party should map out an economy program, and that they should follow it; that they should save to the taxpayers and to the people of this country hundreds and hundreds of millions of dollars by cutting all the appropriation bills to the bone. They had really convinced me that they were sincere; that they were going to change the record that they had made during the 40 years of their control of the Government. I and many other Democrats have heartily cooperated with them in reducing appropriations wherever we could reduce. I want to say that I never understood it until I read this conference report, until I saw the leaders of the Republican Party marshaling all their forces to vote for this report. Listen, gentlemen! Do you know that this report, if adopted, will necessitate appropriations out of the Treasury and out of the pockets of 100,000,000 Americans more than $1,300,000,000 to turn over, in one way or another, to the railroads? Oh, they can cut the Agricultural appropriation bill to the bone. They can save three or four or five million dollars there. They can cut the diplomatic bill, they can cut the legislative, executive, and judicial appropriation bill millions of dollars, they can cut to the bone all other appropriation bills. They can cut the soldiers' rehabilitation bill by the millions. They can save money by keeping from the crippled, maimed soldiers of this country what we justly owe them—a decent, comfortable, happy support. All these so-called savings, put together, will not amount to within $500,000,000 of what they will dish out in appropriations for the railroads of this country, on top of the $2,000,000,000 profits, in two years, that these railroads shall have already received from the Government out of the earnings of the taxpayers and the consumers of this country. [Applause.]

Enlisted men who went to the front and risked their lives and their limbs and returned have come into my office and said, "What is Congress going to do for the soldiers who went

across?" Men have hobbled into my office from Walter Reed Hospital and have asked, "Can't you do more for the crippled and the maimed than you have done?" I have told them that Mr. MONDELL, the majority leader, had said—and I agreed with him—that the Government owes now $23,000,000,000 of bonds, which costs in interest charges alone $1,000,000,000 a year, an amount greater than we ever collected from all sources of taxation in any year before the war, and it further owes certificates of indebtedness of three or four billion dollars, and the Government is doing all at this time it can do for the soldier; it just can not do more at this time; that all we are able to do is to help to some extent to make life comfortable for the poor fellows who came back with legs off and arms off and eyes out. We are not able to do any more for them in the present financial distress of the Government, said Majority Leader MONDELL.

But now, according to him and other Republican leaders, the Government at once becomes so rich, so generous, that by this report it can pour over $1,000,000,000 into the money chest of the railroads and their investors in addition to the $2,000,000,000 net profits paid them, in addition to the more than $1,000,000,000 it has advanced them for improvements and equipment!

I feel it my duty before concluding to congratulate the authors of the report in that it contains no deception, no evasions, no obscurities, no jokers. There is no attempt to mislead, no intention to deceive. Its terms and provisions are unmistakably plain. No one who reads it can possibly be misled or can possibly misunderstand. Its meaning is audaciously clear. The boldness in making clear by its terms and provisions the real purpose of its authors that this is a report, a bill, to protect the railroads and to promote the interests of their stockholders and bondholders for all time at the expense of the people, is both commendable and attractive. Its purpose and effect is not only to increase to the holders the value of their securities but to insure that holders and investors in railroad securities shall have at all times and at all hazards safe margins of profits, although every other business and every other investor may, in the paralysis of hard times and falling prices, be sustaining a loss. The present holders of railroad stocks and bonds will by this bill, if its design is accomplished, have their securities increased at least $2,000,000,000. Such favoritism to the special interests is unwarranted by any condition or fact. It is vicious and intolerable.

Mr. Speaker, the owners have been clamoring for the return of the roads since the armistice, and now when the Government is ready to return to them the roads, to receive them they charge the Government in gifts, loans, guaranties, and extensions of credits nearly $2,000,000,000, and in addition they demand the surrender by the States of all control over the intrastate commerce, and in further addition they demand their exemption from the antitrust laws.

The stockholders and bondholders of the railroads dictated and the conferees wrote into the report the terms and conditions upon which they would receive their own property, under the threat that if their demands were not granted they would bring chaos upon the country. One of the essential provisions which, as many advocates declared, causes them to support this report was conceived, prepared, and written by a prominent railroad president, chairman of the association of holders of railroad securities, and forced by him and other railroad officials into the report. The distinguished chairman [Mr. ESCH] disclosed this fact in his speech on November 19, presenting the Esch bill. He was then making an argument against the same provision, which was then in the Cummins bill—a stronger argument against it than to-day he has made for it. What railroad president or official, or what stockholder or bondholder wrote the other provisions of the bill, I do not know. The distinguished chairman has not told us, but I do say that this is a railroad bill, for and by the railroads, for and by the stockholders and bondholders. Advocates of the bill have shown by their speeches that this is a fact; that in this bill the Government, the people, the shippers, the producers, and consumers have not had a look in, nor have they had a chance even before the people's representatives to have their interests protected.

Before a vote is cast I propose that the membership of this House should know with certainty some of the unfair, unjust provisions of this report. Let every Member in this House remember that when he votes for this report he is voting—

To increase appropriations more than a billion and a quarter dollars;

To increase the public indebtedness which already amounts to the staggering sum of $26,000,000,000;

To make the already excessively high taxes higher;

To heavily increase freight and passenger rates after the expiration of the guaranty period;

To increase the cost of living;

To take out of the Treasury and pockets of the taxpayers of the country hundreds of millions of dollars for profits of the railroads for six months, which the Government thus far has never done for any other interest, corporation, or individual;

To guarantee from the Treasury and out of the pockets of the taxpayers, the shippers, producers, and consumers of the country that every railroad in the United States, however circumstanced or managed, shall make money, and that every man in the United States who speculates or invests in the stocks and bonds of railroads shall be insured a profit, and this the Government does for no other class or industry, corporate or individual;

To loan direct to the railroads hundreds of millions of dollars of the people's money, which it does for no other class or industry;

To guarantee out of the Treasury and the pockets of the taxpayers indefinite millions to make good the deficits and losses of the railroads not taken over by the Government, which may have occurred during the period that the Government operated and controlled other roads;

To make the Government in its settlement with the railroads pay cash for its indebtedness and damages to the roads without the right of set-off, except in the most limited extent, and to extend the indebtedness of the railroads to the Government to the amount of over $1,000,000,000 for 10 years;

To force the farmers, merchants, and manufacturers living on one road to pay increased freight rates on everything they sell or buy to help another road make money on which they never ship a pound of freight;

To take profits from one road and bestow it upon another;

To destroy the rights of the States which they have exclusively exercised since the beginning of the Government to control intrastate traffic, including in such traffic the right to control the distribution of cars, of adjusting proper schedules and connections, of fixing rates, of building depots, and so forth;

To render void all railroad legislation in the States and to nullify the constitution of at least three States with respect to railroads; and

To exempt the railroads and their officials, lawyers, and agents from the penalties of the antitrust laws, which the Government does not do for any other corporation or individual—to make a virtue of an act by railroads, their officials, lawyers, and agents, which is a crime in all others.

When this bill begins to operate, especially after the six months' guaranty period, during which time the taxpayers must sustain the entire burden, and freight and passenger rates begin to increase from 25 to 50 per cent, adding to the burdens of the shippers, the producers, and consumers at least a billion dollars annually; when appropriations for the railroads are increased; when taxes are increased; when the public indebtedness is increased; when the Government losses from guaranties and settlements under this bill are found to be many hundreds of millions more than now estimated; when the cost of living is increased; when the railroad stockholders and bondholders have had their stocks and bonds increased in value at least $2,000,000,000; when Wall Street speculators have added to their fortunes a billion dollars or more; when the people of the States discover that all rights of their States over intrastate traffic have been destroyed and the laws and constitutions of the States relating to carriers have been nullified; when it is ascertained that while all corporations and individuals are subject to penalties of the antitrust laws, the railroads, their officials, lawyers, and agents are absolutely exempt—when all this favoritism and discrimination and all these burdens loom large and heavy before the eyes of an awakened people, I trust that gentlemen who vote for the adoption of this report will be able to solace themselves with the reflection that their votes were directly responsible for them all, and with the further reflection that they knew at the time of casting their votes all of them would be the direct consequences of such votes.

In conclusion, Mr. Speaker, I am in favor of giving the roads back to their owners, but I am unwilling to give to them, as this report does, the Federal Treasury, the taxpayers, and shippers "to boot." [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINSLOW. I yield the remainder of my time, eight minutes, to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, the hour is here when we are to have the opportunity to perform the greatest service to our

country and our constituencies that we shall be privileged to perform during this Congress—that of advancing constructive railroad legislation to final enactment.

We are about to perform the most important duty of the time—that of providing legislation for the orderly administration of the railway systems of the Government when, under the President's proclamation recently issued, the railroads return to private management.

If this great measure, with its more than 100 pages of legislation, dealing with every feature and factor of the great transportation systems of the country, were entirely satisfactory in every detail to any one individual I should be suspicious of it, for I realize, as we all must, that no two thoughtful, intelligent men can have exactly the same opinion relative to every one of the hundreds of important features of such legislation.

The very fact that while its fundamental and basic soundness is practically unanimously admitted there is considerable difference of opinion with regard to some of its details affords the best possible evidence that the measure is a wise and workable product of our legislative system—a system under which the best judgment of trained legislators, formed after careful consideration, in the light of the widest possible information subjected to the test of debate and amendment in the two Houses, produces legislation representing the best judgment of a majority of the Congress.

Gentlemen attempt to justify their opposition to the bill on account of the provisions of the labor section, and yet anyone who has given that section careful consideration knows that there is not a line nor a word in it that can reasonably be objected to by any reasonable man; there is not a line of coercion or compulsion in it. If it has any fault at all, it is the fault of furnishing overelaborate provision for the submission and consideration of labor questions, but no man is required to either submit his grievances to or be controlled by the decisions of the agencies which are provided. [Applause.] It leaves every man free to work or quit work, individually or in combination with his fellows, and binds him not at all.

Gentlemen assume to be against the measure on the alleged ground that it contains improper guaranties, and yet it contains no guaranty whatever except the guaranty that wages of the employees shall not be reduced and, for the same period of six months, a guaranty of continuation of the standard return which the roads are now getting. The men who are complaining the loudest against this are the very men who would continue Federal control and the standard guaranty indefinitely. [Applause.]

The responsibility for the passage of this measure is primarily on this side. We are about to determine whether or not as a party in this House of Representatives we are qualified to legislate along constructive lines. [Applause.] But the gentlemen on the other side can not escape individual, though they may attempt to escape party, responsibility. No man on either side can vote against this conference report, praying at the same time that the report may be adopted, and get away with it. The American people—American constituencies—will not be mocked or fooled in matters of this importance. [Applause.]

By irrevocable presidential proclamation the roads will be returned to their owners and private management when the hour of midnight strikes the last day of this month, and the question before us is, Shall they return under legislation that will make possible the successful operation of the roads and the furnishing of adequate transportation facilities to the people, or shall they return under circumstances certain to create chaos, produce confusion, and bring nation-wide disaster? We are called upon to decide which it shall be. Shall we perform our duty? [Applause.]

No man can afford to vote against this conference report except the man—if any such there be—who is so enamored of public ownership that he is willing to invite nation-wide distress and disaster, beginning the 1st of March, in the vain hope that out of the wreck will come Government ownership.

The issue is so great, the interests involved are so vital, that no American constituency anywhere will allow any man to get away with hairsplitting, pusillanimous objections to some minor provision in this bill. The hour has struck in the orderly processes of our Government when a great piece of constructive legislation, having passed the tests of committee consideration and been placed upon the legislative anvil, is now before us in its finished and perfected form. The responsibility rests on us to say whether or not, notwithstanding stout and selfish opposition, we shall rise to the occasion, assume the responsibility the people have placed upon us, and vote for this conference report and against every motion that shall be made to delay the enactment of this wise, sound, constructive legislation. [Applause.]

Mr. ESCH. Mr. Speaker, I understand that under the order of the House the previous question is considered as ordered.

The SPEAKER. The previous question is considered as ordered.

Mr. BARKLEY. Mr. Speaker, I desire to offer a motion to recommit the conference report.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BARKLEY. I am opposed to the bill.

The SPEAKER. The gentleman from Kentucky makes a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BARKLEY moves to recommit the conference report on bill H. R. 10453 to the committee on conference.

Mr. ESCH. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Wisconsin moves the previous question on the motion to recommit.

Mr. BARKLEY. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 229, not voting 28, as follows:

YEAS—171.

Almon	Ellsworth	Lankford	Rhodes
Ashbrook	Emerson	Lazaro	Riordan
Aswell	Evans, Mont.	Lea, Calif	Robinson, N. C.
Ayres	Evans, Nev.	Lee, Ga.	Rodenberg
Babka	Fisher	Lesher	Romjue
Baer	Flood	McAndrews	Rouse
Bankhead	Focht	McClintic	Rowan
Barkley	Frear	McDuffie	Rubey
Bee	Gallagher	McGlennon	Rucker
Bland, Mo.	Gallivan	McKeown	Sabath
Bland, Va.	Gandy	McKinley	Sanders, La.
Box	Ganly	McLane	Saunders, Va.
Brand	Gard	Maher	Scott
Briggs	Garland	Major	Sherwood
Brinson	Garner	Mansfield	Sims
Browne	Garrett	Martin	Sinclair
Brumbaugh	Godwin, N. C.	Mason	Sisson
Buchanan	Goldfogle	Mays	Smith, N. Y.
Burke	Goodwin, Ark.	Mead	Smithwick
Byrnes, S. C.	Griffin	Minahan, N. J.	Stedman
Byrns, Tenn.	Hamill	Montague	Stephens, Miss.
Caldwell	Hardy, Tex.	Moon	Stevenson
Campbell, Pa.	Hastings	Mooney	Stoll
Candler	Hayden	Moore, Va.	Tague
Carew	Heflin	Morin	Taylor, Ark.
Carss	Howard	Nelson, Mo.	Taylor, Colo.
Carter	Huddleston	Nicholls, S. C.	Thomas
Casey	Hull, Tenn.	Nichols, Mich.	Tillman
Classon	Igoe	Nolan	Upshaw
Cleary	Jacoway	O'Connell	Venable
Collier	James	O'Connor	Voigt
Connally	Johnson, Ky.	Oldfield	Watkins
Cullen	Johnson, Miss.	Oliver	Weaver
Davis, Minn.	Johnston, N. Y.	Overstreet	Welling
Davis, Tenn.	Jones, Tex.	Park	Welty
Dent	Keller	Phelan	Whaley
Dickinson, Mo.	Kelly, Pa.	Porter	Wheeler
Donovan	Kincheloe	Quin	Wilson, La.
Dooling	King	Rainey, Ala.	Wilson, Pa.
Doremus	Kitchin	Rainey, H. T.	Wingo
Doughton	Kleczka	Rainey, J. W.	Wise
Eagan	Lampert	Raker	Young, Tex.
Eagle	Lanham	Randall, Calif.	

NAYS—229.

Ackerman	Dallinger	Harreld	Little
Anderson	Darrow	Harrison	Lonergan
Andrews, Md.	Dempsey	Haugen	Longworth
Andrews, Nebr.	Denison	Hawley	Luce
Anthony	Dewalt	Hays	Lufkin
Bacharach	Dickinson, Iowa	Hernandez	Luhring
Barbour	Dowell	Hersey	McArthur
Begg	Drane	Hersman	McCulloch
Benham	Dunbar	Hickey	McFadden
Benson	Dunn	Hicks	McKenzie
Black	Dupré	Hill	McKinley
Bland, Ind.	Dyer	Hoch	McLaughlin, Mich.
Boles	Echols	Hoey	McLaughlin, Nebr.
Bowers	Edmonds	Holland	McPherson
Britten	Elliott	Houghton	MacCrate
Brooks, Ill.	Elston	Hulings	MacGregor
Brooks, Pa.	Esch	Hull, Iowa	Madden
Browning	Evans, Nebr.	Humphreys	Magee
Burdick	Fairfield	Husted	Mann, Ill.
Burroughs	Fess	Hutchinson	Mapes
Butler	Foster	Jefferis	Merritt
Campbell, Kans.	Freeman	Johnson, S. Dak.	Michener
Cannon	French	Johnson, Wash.	Miller
Cantrill	Fuller, Ill.	Jones, Pa.	Monahan, Wis.
Chindblom	Fuller, Mass.	Juul	Mondell
Christopherson	Glynn	Kahn	Moore, Ohio
Clark, Fla.	Good	Kearns	Moores, Ind.
Coady	Goodall	Kelley, Mich.	Morgan
Cole	Goodykoontz	Kendall	Mott
Cooper	Gould	Kennedy, R. I.	Mudd
Copley	Graham, Ill.	Kettner	Murphy
Costello	Green, Iowa	Kiess	Neely
Crago	Greene, Mass.	Kinkaid	Nelson, Wis.
Cramton	Greene, Vt.	Kraus	Newton, Minn.
Crisp	Griest	Langley	Newton, Mo.
Crowther	Hadley	Layton	Ogden
Currie, Mich.	Hamilton	Lehlbach	Olney
Dale	Hardy, Colo.	Linthicum	Osborne

Padgett	Robsion, Ky.	Strong, Kans.	Walters
Paige	Rogers	Strong, Pa.	Ward
Parker	Rose	Sullivan	Wason
Parrish	Rowe	Summers, Wash.	Watson
Pell	Sanders, N. Y.	Sweet	Webster
Peters	Sanford	Swope	White, Kans.
Platt	Sells	Taylor, Tenn.	White, Me.
Pou	Shreve	Temple	Williams
Purnell	Siegel	Thompson	Wilson, Ill.
Radcliffe	Sinnott	Tilson	Winslow
Ramsey	Slemp	Timberlake	Wood, Ind.
Ramseyer	Small	Tincher	Woods, Va.
Randall, Wis.	Smith, Idaho	Tinkham	Woodyard
Rayburn	Smith, Ill.	Towner	Wright
Reavis	Smith, Mich.	Treadway	Yates
Reber	Snell	Vaile	Young, N. Dak.
Reed, N. Y.	Steele	Vare	Zihlman
Reed, W. Va.	Steenerson	Vestal	
Ricketts	Stephens, Ohio	Volstead	
Riddick	Stiness	Walsh	

NOT VOTING—28.

Bell	Davey	Ireland	Schall
Blackmon	Dominick	Kennedy, Iowa	Scully
Blanton	Ferris	Knutson	Sears
Booher	Fields	Kreider	Snyder
Caraway	Fordney	Larsen	Steagall
Clark, Mo.	Graham, Pa.	Mann, S. C.	Sumners, Tex.
Curry, Calif.	Hudspeth	Sanders, Ind.	Vinson

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. FERRIS (for) with Mr. SNYDER (against).

Mr. DOMINICK (for) with Mr. KENNEDY of Iowa (against).

Mr. SUMNERS of Texas (for) with Mr. FORDNEY (against).

Mr. CLARK of Missouri (for) with Mr. SCULLY (against).

Mr. DAVEY (for) with Mr. SANDERS of Indiana (against).

Mr. CURRY of California (for) with Mr. BLANTON (against).

Mr. VINSON (for) with Mr. GRAHAM of Pennsylvania (against).

Until further notice:

Mr. SCHALL with Mr. CARAWAY.

Mr. KREIDER with Mr. BLACKMON.

Mr. IRELAND with Mr. HUDSPETH.

Mr. KNUTSON with Mr. BELL.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BARKLEY, Mr. TAYLOR of Colorado, and Mr. MADDEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 150, answered "present" 1, not voting 27, as follows:

YEAS—250.

Ackerman	Dowell	Hickey	McPherson
Anderson	Drane	Hicks	MacCrate
Andrews, Md.	Dunbar	Hill	MacGregor
Andrews, Nebr.	Dunn	Hoch	Madden
Anthony	Dupré	Hoey	Magee
Bacharach	Dyer	Holland	Mann, Ill.
Barbour	Eagle	Houghton	Mapes
Begg	Echols	Hulings	Merritt
Benham	Edmonds	Hull, Iowa	Michener
Benson	Elliott	Humphreys	Miller
Black	Elston	Husted	Monahan, Wis.
Bland, Ind.	Esch	Hutchinson	Mondell
Boies	Evans, Nebr.	Ireland	Montague
Bowers	Fairfield	Jefferis	Moore, Ohio
Britten	Fess	Johnson, S. Dak.	Moore, Va.
Brooks, Ill.	Flood	Johnson, Wash.	Moores, Ind.
Brooks, Pa.	Focht	Johnston, N. Y.	Morgan
Browning	Foster	Jones, Pa.	Mott
Burdick	Freeman	Juul	Mudd
Burroughs	French	Kahn	Murphy
Butler	Fuller, Ill.	Kearns	Neely
Campbell, Kans.	Fuller, Mass.	Kelley, Mich.	Nelson, Wis.
Cannon	Garland	Kendall	Newton, Minn.
Cantrill	Garrett	Kennedy, R. I.	Newton, Mo.
Chindblom	Glynn	Kettner	Ogden
Christopherson	Godwin, N. C.	Kiess	Olney
Clark, Fla.	Good	Kinkaid	Osborne
Cleary	Goodall	Kraus	Overstreet
Coady	Goodykoontz	Langley	Padgett
Cole	Gould	Layton	Paige
Cooper	Graham, Ill.	Lehlbach	Park
Copley	Green, Iowa	Linthicum	Parker
Costello	Greene, Mass.	Little	Parrish
Crago	Greene, Vt.	Lonergan	Pell
Cramton	Griest	Longworth	Peters
Crisp	Hadley	Luce	Platt
Crowther	Hamilton	Lufkin	Porter
Currie, Mich.	Hardy, Colo.	Luhring	Pou
Dale	Harreld	McArthur	Purnell
Dallinger	Harrison	McCulloch	Radcliffe
Darrow	Hawley	McFadden	Ramsey
Davis, Tenn.	Hays	McKenzie	Ramseyer
Dempsey	Hernandez	McKinley	Randall, Wis.
Dewalt	Hersey	McLaughlin, Mich.	Rayburn
Dickinson, Iowa	Hersman	McLaughlin, Nebr.	Reavis
Reber	Small	Temple	Watson
Reed, N. Y.	Smith, Idaho	Thompson	Webster
Reed, W. Va.	Smith, Ill.	Tilson	Welling
Ricketts	Smith, Mich.	Timberlake	Wheeler
Riddick	Smith, N. Y.	Tincher	White, Kans.
Robsion, Ky.	Snell	Tinkham	White, Me.
Rodenberg	Steele	Towner	Williams
Rogers	Steenerson	Treadway	Wilson, Ill.
Rose	Stephens, Ohio	Upshaw	Winslow
Rowe	Stiness	Vaile	Wood, Ind.
Sanders, N. Y.	Strong, Kans.	Vare	Woods, Va.
Sanford	Strong, Pa.	Venable	Woodyard
Saunders, Va.	Sullivan	Vestal	Wright
Sells	Summers, Wash.	Volstead	Yates
Shreve	Sweet	Walsh	Young, N. Dak.
Siegel	Swope	Walters	Zihlman
Sinnott	Taylor, Colo.	Ward	
Slemp	Taylor, Tenn.	Wason	

NAYS—150.

Almon	Doremus	Lampert	Raker
Ashbrook	Doughton	Lanham	Randall, Calif.
Aswell	Eagan	Lankford	Rhodes
Ayres	Ellsworth	Lazaro	Riordan
Babka	Emerson	Lea, Calif.	Robinson, N. C.
Baer	Evans, Mont.	Lee, Ga.	Romjue
Bankhead	Evans, Nev.	Lesher	Rouse
Barkley	Fisher	McAndrews	Rowan
Bee	Frear	McClintic	Rubey
Bland, Mo.	Gallagher	McDuffie	Rucker
Bland, Va.	Gallivan	McGlennon	Sabath
Box	Gandy	McKeown	Sanders, La.
Brand	Ganly	McKiniry	Scott
Briggs	Gard	McLane	Sherwood
Brinson	Garner	Maher	Sims
Browne	Goldfogle	Major	Sinclair
Brumbaugh	Goodwin, Ark.	Mansfield	Sisson
Buchanan	Griffin	Martin	Smithwick
Burke	Hamill	Mason	Stedman
Byrnes, S. C.	Hardy, Tex.	Mays	Stephens, Miss.
Byrns, Tenn.	Hastings	Mead	Stevenson
Caldwell	Hayden	Minahan, N. J.	Stoll
Campbell, Pa.	Heflin	Moon	Tague
Candler	Howard	Mooney	Taylor, Ark.
Carew	Huddleston	Morin	Thomas
Carss	Hull, Tenn.	Nelson, Mo.	Tillman
Carter	Igoe	Nicholls, S. C.	Voigt
Casey	Jacoway	Nichols, Mich.	Watkins
Classon	James	Nolan	Weaver
Collier	Johnson, Ky.	O'Connell	Welty
Connally	Johnson, Miss.	O'Connor	Whaley
Cullen	Jones, Tex.	Oldfield	Wilson, La.
Davis, Minn.	Keller	Oliver	Wilson, Pa.
Denison	Kelly, Pa.	Phelan	Wingo
Dent	Kincheloe	Quin	Wise
Dickinson, Mo.	King	Rainey, Ala.	Young, Tex.
Donovan	Kitchin	Rainey, H. T.	
Dooling	Kleczka	Rainey, J. W.	

ANSWERED "PRESENT"—1.

Bell

NOT VOTING—27.

Blackmon	Dominick	Kennedy, Iowa	Scully
Blanton	Ferris	Knutson	Sears
Booher	Fields	Kreider	Snyder
Caraway	Fordney	Larsen	Steagall
Clark, Mo.	Graham, Pa.	Mann, S. C.	Sumners, Tex.
Curry, Calif.	Haugen	Sanders, Ind.	Vinson
Davey	Hudspeth	Schall	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

On the conference report:

Mr. KENNEDY of Iowa (for) with Mr. DOMINICK (against).

Mr. SCULLY (for) with Mr. CLARK of Missouri (against).

Mr. FORDNEY (for) with Mr. SUMNERS of Texas (against).

Mr. SANDERS of Indiana (for) with Mr. DAVEY (against).

Mr. BLANTON (for) with Mr. CURRY of California (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. VINSON (against).

Until further notice:

Mr. HAUGEN with Mr. SEARS.

Mr. KREIDER with Mr. BLACKMON.

Mr. SCHALL with Mr. HUDSPETH.

Mr. KNUTSON with Mr. BELL.

Mr. SNYDER with Mr. FERRIS.

The result of the vote was announced as above recorded.

On motion of Mr. ESCH, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3654. An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. DOMINICK (at the request of Mr. WHALEY), indefinitely, on account of illness.

To Mr. ELLSWORTH, indefinitely.

EXTENSION OF REMARKS.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, on what subject?

Mr. McFADDEN. On the rural credit bill that I introduced to-day.

Mr. GARD. Mr. Speaker, I made the reservation because I thought the gentleman made the request to extend his remarks on the conference report. That had all been arranged for. I have no objection to this.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CAMPS AND CANTONMENTS.

Mr. KAHN, from the Committee on Military Affairs, submitted a conference report on the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, for printing in the RECORD under the rules.

Mr. GARD. Mr. Speaker, I reserve all points of order.

Mr. MANN of Illinois. Mr. Speaker, the gentleman from Ohio [Mr. GARD] reserved all points of order on the conference report asked to be printed under the rules. Can he do that?

The SPEAKER. The proper time to reserve points of order on a conference report is after the report has been read.

Mr. MANN of Illinois. That is the time to make the point of order?

The SPEAKER. It certainly is; and the Chair has not been called upon to decide whether a reservation made in advance is valid or not. It is the proper time after the report has been read, and it would be well to make it at that time.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Monday, February 23, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy transmitting request for proposed legislation to authorize and empower officers of the naval service to serve under the Republic of Peru, and for other purposes, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KELLEY of Michigan, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11927), as passed by the Senate February 11, 1920, to increase the efficiency of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation, reported the same with the recommendation that the Senate amendments be disagreed to and that the House agree to a conference, accompanied by a report (No. 666), which said bill and report were referred to the Union Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 4184) for the relief of C. V. Hinkle, reported the same with an amendment, accompanied by a report (No. 667), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6296) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 5479) granting a pension to James Sullivan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11626) granting a pension to Lucille Henninger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6114) granting a pension to John W. Hays; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12619) granting a pension to Thomas N. Swearingen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11483) granting a pension to Mary E. Nevins; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McFADDEN: A bill (H. R. 12678) to create a rural credit society and general insurance league to facilitate the increase and reduce the cost of farm production and act as the fiscal and financial agents for the Government of the United States, to create two such agents, and for other purposes; to the Committee on Banking and Currency.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12679) to establish in the Department of Labor a bureau to be known as the Women's Bureau; to the Committee on Labor.

By Mr. RAINEY of Alabama: A bill (H. R. 12680) for a survey of the Coosa River, in Alabama; to the Committee on Rivers and Harbors.

By Mr. HUSTED: A bill (H. R. 12681) to punish efforts to overthrow the Government of the United States by physical force or violence or by the assassination of any officer thereof; to the Committee on the Judiciary.

By Mr. GREEN of Iowa (by request): A bill (H. R. 12682) for the enforcement of the national prohibition act by establishing and maintaining Government warehouses, and for other purposes; to the Committee on Ways and Means.

By Mr. KALANIANAOLE: A bill (H. R. 12683) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an act approved March 3, 1905, and as further amended by an act approved April 2, 1908, and as further amended by an act approved March 3, 1909, and as further amended by an act approved May 27, 1910, by amending sections 26, 55, 66, 73, 80, 86, and 92 thereof and by adding two new sections thereto, to be known as sections 73a and 103a; to the Committee on the Territories.

By Mr. KELLEY of Michigan: A bill (H. R. 12684) to authorize and empower officers of the naval service to serve under the Republic of Peru, and for other purposes; to the Committee on Naval Affairs.

By Mr. KRAUS: A bill (H. R. 12685) to repeal an act entitled "An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government"; to the Committee on the Judiciary.

By Mr. LUHRING: Resolution (H. Res. 468) to increase the pay of the four assistant bill clerks; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 12686) granting an increase of pension to Ruth Ann Porter; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 12687) granting an increase of pension to George W. Tracy; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12688) granting a pension to Aolia Lauber; to the Committee on Pensions.

Also, a bill (H. R. 12689) granting a pension to Elwood I. Beatty; to the Committee on Pensions.

By Mr. EAGLE: A bill (H. R. 12690) for the relief of Frank Boddeker; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 12691) granting a pension to William Camp; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 12692) granting an increase of pension to George M. Wallace; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 12693) granting an increase of pension to David Pepple; to the Committee on Pensions.

Also, a bill (H. R. 12694) granting a pension to Austin R. Fite; to the Committee on Pensions.

By Mr. HERNANDEZ: A bill (H. R. 12695) granting a pension to Julianita G. Ortiz; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12696) granting an increase of pension to John H. Langley; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 12697) to carry out the findings of the Court of Claims in the case of John R. Polk, lieutenant colonel, Eighth Regiment Indiana Volunteer Infantry, Civil War; to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 12698) granting a pension to Israel W. Bennett; to the Committee on Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 12699) granting an increase of pension to William P. Underwood; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 12700) granting a pension to Sarah E. Hall; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 12701) granting a pension to Charles T. Weaver; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12702) granting an increase of pension to Rufus C. Williams; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 12703) granting a pension to Thomas W. Lang; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 12704) granting a pension to Caroline T. Huff; to the Committee on Pensions.

By Mr. SULLIVAN: A bill (H. R. 12705) granting a pension to John Lynch; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1740. By Mr. ASHBROOK: Petition of the D. C. Stone, jr., Post, No. 136, of the American Legion, of Mount Vernon, Ohio, favoring a $50 Government bond for each month's service of soldiers in the late war; to the Committee on Ways and Means.

1741. By Mr. CAREW: Petition of the American Association of Engineers (Inc.) of New York, N. Y., favoring the reclassification of salaries recommended by the Keating Commission; to the Committee on Labor.

1742. Also, petition of the Three hundred and seventh Infantry Post of the American Legion, favoring universal military training; to the Committee on Military Affairs.

1743. By Mr. CULLEN: Petition of Brooklyn Post Office Clerks' Union, No. 251, favoring the making of Lincoln's birthday a holiday for men in the Post Office Service; to the Committee on the Post Office and Post Roads.

1744. Also, petition of Brooklyn Post Office Clerks' Union, Local No. 251, opposing the Sterling-Graham peace-time sedition bill; to the Committee on the Judiciary.

1745. By Mr. CURRY of California: Petition of Silverado Grange, No. 370, Patrons of Husbandry, of Calistoga, Calif., opposing oriental immigration to the United States; to the Committee on Immigration and Naturalization.

1746. Also, petition of 26 citizens of the State of California, protesting against the sale by the United States Shipping Board of 30 former German ships; to the Committee on the Merchant Marine and Fisheries.

1747. By Mr. FOCHT: Evidence in support of House bill 10489, granting a pension to Mrs. Anna Detwilder; to the Committee on Pensions.

1748. By Mr. FULLER of Illinois: Petition of Jane P. Hubbell, librarian of the Rockford (Ill.) Public Library, favoring House bill 6870; to the Committee on Education.

1749. Also, petition of the National Federation of Federal Employees, Washington, D. C., favoring an increase in the bonus provided in the legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

1750. Also, petition of St. Louis Chamber of Commerce, of St. Louis, Mo., concerning Mexican affairs; to the Committee on Foreign Affairs.

1751. Also, petition of American Federation of Labor, Local Union No. 15107, of Streator, Ill., protesting against the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1752. Also, petition of Railway Employees' Department of the American Federation of Labor, Washington, D. C., opposing the conference report on the Cummins-Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

1753. Also, petition of William N. Pelouze, president of the Illinois Manufacturers' Association, favoring the Esch-Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1754. By Mr. GALLIVAN: Petition of Frank J. Westwater and nine other residents of Massachusetts, protesting against the proposed sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1755. Also, petition of the Commonwealth of Massachusetts, the State department of agriculture, relative to certain provisions in House bill 12272, etc.; to the Committee on Agriculture.

1756. Also, petition of the Boston Branch, Railway Mail Association, of Boston, Mass., indorsing the Sterling-Lehlbach retirement bill; to the Committee on the Post Office and Post Roads.

1757. Also, petition of the Men's Neckwear Cutters' Union, No. 15685, of Boston, Mass., protesting against the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1758. Also, petition of the Federal Employees' Local No. 25 of the National Federation of Federal Employees, relative to increase in bonus; to the Committee on Appropriations.

1759. Also, petition of the licensed officers of the S. S. *Lake Bledsoe*, protesting against the proposed sale of the former German ships, etc.; to the Committee on the Merchant Marine and Fisheries.

1760. By Mr. HERSMAN: Petition of Mare Island Federal Employees' Union, Vallejo; Federal Employees' Union No. 1, San Francisco; and Federal Employees' Union, Benicia Arsenal, Benicia, all in the State of California, praying for the passage of legislation granting a bonus to Government employees of $480 per annum; to the Committee on Appropriations.

1761. By Mr. MACGREGOR: Petition of the Erie National Farm Loan Association, of Buffalo, N. Y., relative to certain legislation, etc.; to the Committee on Banking and Currency.

1762. Also, petition of the Board of Supervisors of Erie County, N. Y., relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1763. Also, petition of the Buffalo Chamber of Commerce, relative to certain legislation; to the Committee on Agriculture.

1764. Also, petition of citizens of Buffalo, N. Y., relative to certain legislation; to the Committee on Agriculture.

1765. Also, petition of Frank L. Hall, president of the Frank L. Hall Baking Co., of the city of Buffalo., N. Y., protesting against the Gronna bill relative to the wheat guaranty; to the Committee on Agriculture.

1766. By Mr. O'CONNELL: Petition of Brooklyn Post Office Clerks' Union, Local No. 251, opposing the Sterling-Graham peace-time sedition bill; to the Committee on the Judiciary.

1767. Also, petition of Brooklyn Post Office Clerks' Union, Local No. 251, favoring the making of Lincoln's birthday a holiday for men in the Post Office Service; to the Committee on the Post Office and Post Roads.

1768. By Mr. RAKER: Petition of Forbes H. Brown, Mare Island Navy Yard, San Francisco; Alfred Berryessa, of San Francisco; the National Federation of Federal Employees; and J. H. Barry, of San Francisco, all in the State of California, urging increase in the bonus of Federal employees; to the Committee on Appropriations.

1769. Also, petition of the Western Express Messengers' Union, Local No. 2034, protesting against the Esch-Cummins railroad bill, etc.; to the Committee on Interstate and Foreign Commerce.

1770. Also, petition of S. H. McCartney, C. L. Eaton, and C. N. Hamblin, general manager of the Sierra Railway, all of California, urging support of the railroad bill; to the Committee on Interstate and Foreign Commerce.

1771. By Mr. ROWAN: Petition of B. M. Jewell, acting president Railway Employees' Department, American Federation of Labor, and the Farmers' National Council, of Washington, D. C., relative to the pending railroad bill, etc.; to the Committee on Interstate and Foreign Commerce.

1772. Also, papers to accompany House bill 12598, for the relief of the estate of Katherine O'Melia; to the Committee on War Claims.

1773. Also, petition of the National Federation of Federal Employees, of Washington, D. C.; and George Waas, Luther C. Steward, Helen M. Vickinson, and E. W. McKinney, of Troy, N. Y., relative to the bonus for Federal employees, etc.; to the Committee on Appropriations.

1774. Also, petition of the Department of Agriculture of the State of Texas, relative to certain legislation; to the Committee on Agriculture.

1775. Also, petition of Alferd Douglas Flinn, of the city of New York, relative to certain legislation; to the Committee on Appropriations.

1776. Also, petition of the Arion Singing Society of Brooklyn, N. Y., and 1,200 voters in the city, in favor of the pending railroad bill as reported by the conference; to the Committee on Interstate and Foreign Commerce.

1777. Also, petition of the St. Louis Chamber of Commerce, relative to the relations with Mexico; to the Committee on Foreign Affairs.

1778. Also, petition of Fred L. Brown, of New York City, in favor of House bill 2, etc.; to the Committee on Pensions.

1779. Also, petition of various railroad organizations of the United States relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1780. Also, petition of Eben Moody Boynton, president of the Boynton Railway Co., of the city of Boston, Mass., relative to certain railroad legislation, etc.; to the Committee on Interstate and Foreign Commerce.

1781. Also, petition of the Military Training Camps Association, of Washington, D. C., and Evans & Barnhill Co. (Inc.), favoring universal military training; to the Committee on Military Affairs.

1782. Also, petition of Henry W. Pollock, of the city of New York, relative to the 1-cent postage; to the Committee on the Post Office and Post Roads.

1783. Also, petition of citizens of Williamsport, Pa., favoring House bill 1112; to the Committee on the Judiciary.

1784. By Mr. STINESS: Petition of Rhode Island Society of Optometry, of Providence, R. I., favoring the passage of House joint resolution 92, introduced by Hon. A. T. TREADWAY, providing for the removal of excise taxes on spectacles and eyeglasses; to the Committee on Ways and Means.

1785. By Mr. TAGUE: Petition of the Boston Musicians' Protective Association, protesting against the Sterling-Graham bill; to the Committee on the Judiciary.

1786. Also, petition of Frank M. Gunby, of the city of Boston, Mass., indorsing the Jones-Reavis bill; to the Committee on Labor.

1787. By Mr. THOMPSON: Petition of sundry citizens of Cleveland, Cuyahoga County, Ohio, favoring the passage of the Lehlbach-Sterling bill; to the Committee on Reform in Civil Service.

1788. Also, petition of Burt G. Taylor Post, No. 300, American Legion, Napoleon, Ohio, favoring a $50 bond per month for ex-service men and women for each month served in the late war with Germany; to the Committee on Ways and Means.

1789. Also, petition of sundry citizens of Continental, Putnam County, Ohio, favoring immediate consideration of the Lehlbach-Sterling bill; to the Committee on Reform in the Civil Service.

1790. By Mr. VAILE: Petition of the National Guard Association of Colorado, favoring House bill 3688; to the Committee on Military Affairs.

1791. By Mr. YOUNG of North Dakota: Petition of the Votes for Women League, of North Dakota, indorsing and urging the passage of Senate bill S. 3259; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 23, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee with the worship that is ever awakened in our hearts and minds when we reflect upon the name of our first great President. When Thou didst call into being this great spiritual Empire of the West, Thou didst incarnate the principles of its institutions in the life of a man. Thou didst not give to us a king nor a dictator, but a man, and equipped him with spiritual powers for leadership.

We bless Thee that Thou hast ever raised up leaders to meet the exigencies of the times to lead us safely through the turmoil of the years. We bless Thee for their influence that remains with us rising out of the mists of the past, not only as a blessed memory but as a present influence and power to direct our steps and to guide us in the way of truth.

We thank Thee for the legacy that we have received from the name of George Washington and for the final expression of his thought and care for his country when he taught us that if we are to maintain our institutions of freedom we are to maintain them upon the basis of fixed standards of morality, which standards are possible only upon the basis of religion.

So we pray that with the thought of God always in our minds we may go forward with our task to complete the work so well begun by the fathers of this Nation. For Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gay	Lenroot	Robinson
Ball	Glass	Lodge	Sheppard
Beckham	Gore	McKellar	Shields
Brandegee	Gronna	McLean	Simmons
Calder	Hale	McNary	Smith, Ga.
Capper	Harris	Myers	Smoot
Chamberlain	Harrison	Nelson	Spencer
Colt	Henderson	New	Sterling
Culberson	Johnson, S. Dak.	Norris	Sutherland
Cummins	Jones, N. Mex.	Nugent	Townsend
Curtis	Jones, Wash.	Overman	Trammell
Dial	Kellogg	Owen	Underwood
Elkins	Kendrick	Page	Wadsworth
Fernald	Keyes	Phipps	Walsh, Mont.
Fletcher	King	Pittman	Warren
France	Kirby	Pomerene	Watson
Frelinghuysen	Knox	Ransdell	Williams

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is detained by illness. I ask that this notice may continue for the day.

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague [Mr. EDGE] on account of illness in his family.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Delaware [Mr. WOLCOTT] and the Senator from Maryland [Mr. SMITH] are absent on public business, and the Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. There is a quorum present.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. Senators, under an order of the Senate and in accordance with a long-established and honorable custom Washington's Farewell Address will now be read. Under the previous designation by the Vice President, the senior Senator from Ohio [Mr. POMERENE] will read the address.

Mr. POMERENE read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last

election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical*

discrimination,—*northern* and *southern*,—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamenal principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions: that experience is the surest standard by which to test the real tendency of the existing constitution of a country: that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism—but this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominte in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In

vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But the jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed in order to give trade a stable course, to define the rights of our merchants, and to enable the

Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progess, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

SHALL THE UNITED STATES TAKE A HAND IN EUROPEAN POLITICS?

Mr. BRANDEGEE. Mr. President, in connection with the farewell address, I ask permission to have inserted in the RECORD a matter that I think is closely connected with it and involves the advice so magnificently given in it, to wit, an article printed in yesterday's New York Tribune entitled, "Shall the United States take a hand in European politics?" by Frank H. Simonds.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The article referred to is as follows:

[From the New York Tribune, Sunday, Feb. 22, 1920.]

SHALL THE UNITED STATES TAKE A HAND IN EUROPEAN POLITICS?—THIS QUESTION, WITH ITS MOMENTOUS POSSIBILITIES, MUST SOON BE SETTLED BY AMERICA—THERE IS AN INSISTENT DEMAND, ESPECIALLY IN ENGLAND, THAT WE LEND A HAND.

(By Frank H. Simonds.)

"In view of the very grave crisis which is rapidly developing in Europe, it is obviously not merely the right but the duty of every American to examine the conditions now existing there and to answer the insistent demand that the United States return to Europe, with a full recognition of what the circumstances mean for him and for his country.

"It is unmistakable that, less than a year after it was signed, the treaty of Versailles has broken down and its revision has become the clear demand of the two great European nations that, in association with us, won the war, but the direction this revision should take is totally different in French and in British minds. Moreover, it is from British quarters that the demand for the American return to Europe is most insistent. The British, not the Government directly, but very large numbers of Englishmen of influence and distinction, are asking that in view of the approaching break between the recent allies over the ever-widening European anarchy America once more intervene to prevent general chaos, and even economic and political disintegration.

THE ISSUES AT STAKE.

"In this situation it is essential to comprehend the issues at stake neither from a British nor French angle but from an American point of view, since very heavy responsibilities and immediate and eventual expenses of unprecedented character are to be asked of us as a circumstance in our resumption of participation in European affairs.

"To begin at the beginning, it is clear that the World War was the result of German aggressions. France was actually assailed by a German declaration of war, Britain menaced alike in her security and her honor by the invasion of Belgium and the attack upon France. Such being the conceded fact, we may agree that there are two things which France and Britain were entitled to look for in the treaty of peace ending the war, which was for them victorious—namely, security against a new aggression and reparation for the destruction of property by the Germans in the course of their unprovoked assault upon their neighbors.

"Now, there has been a great deal of misinterpretation in America of both the British and the French demands on these two scores, and not less misunderstanding in France and Britain of each other's demands. Not unnaturally, Americans, reading what the British said of the French and what the French said of the British claims, at certain stages have concluded that actually the Paris conference was little more than a scramble for loot. In spite of this result of Anglo-French asperities it is unmistakable that the claims of both our associates for security and reparation were justly founded upon unassailable right.

BRITAIN'S SECURITY.

"Now, by the treaty of Versailles Britain obtained security in this fashion: The elimination of the German fleet was ordered; actually it was sunk by the German crews, but only to escape destruction or division by the Allies; in addition, the German colonies, which had been used as the bases for attacks upon the British colonies, and were in addition details in the German scheme for building a German empire beyond the seas on the ruins of the British Empire, were, in the main, taken from Germany, an act which represented security, and placed in British hands, which represented reparation. Of course I am speaking of the title to these colonies; the British were in possession when the war ended.

"Thus, Britain obtained absolute security against German naval rivalry, against colonial attack, and she also acquired very valuable real estate. In addition, she procured the destruction of Germany's naval base at Heligoland and of the fortifications of her harbors. Security thus went to the length of dis-

arming her foe, who lies completely at the mercy of the British fleet, both as to intercourse with the world by sea and in the matter of ports. Finally, to the reparation incident to the acquisition of the German colonies there was added the allocation of the larger portion of the German merchant marine to balance the depredations of the German submarines. There also remains to the British the reserved right to participate in the money indemnity, to be fixed later, to the extent of many millions; but this is for the moment immaterial.

By virtue of the treaty of Versailles, then, Britain did, in fact, have security which was absolute, and, in addition, in tonnage and colonies, things of great money value, chargeable to reparation, directly and indirectly. No legitimate criticism can be leveled at the British for insisting upon these things; they were entitled to them in view of the circumstances of the outbreak of the war, the character of the campaign waged by the Germans, and, lastly, in view of German purposes as disclosed during the war. I pass over the British acquisition of Mesopotamia and other Turkish territories, but they fall in the same category and increase British material gains in the war, which must be set against the material losses.

OPPOSED FRANCE'S WISHES.

"Turning now to the case of France, it will be seen that the same benefits were due to that country as a result of the victorious war. Indeed, they were not only due but due in larger measure in view of the fact that the war had disclosed that French insecurity against German aggression was far greater than British, and the costs of German destruction had been infinitely greater, the ruin of France being a far more expensive and dangerous wound than the sinking of the British ships.

"But in the Paris conference the French were faced at once by the opposition of both the United States and Great Britain to the French estimate of what constituted security. All French soldiers, most French statesmen, agreed that France could only be secure against a later German attack if the Rhine barrier were held against the German. They argued that this alone would be a precaution commensurate with that taken by the British eliminating the German Navy, seizing the German colonies, and destroying the German sea bases and harbor defenses.

"The French did not propose annexation outright, but they advocated the creation of a buffer state, guaranteed by the three allies, Britain, France, and the United States; they only proposed annexation, or rather occupation, which would in the end amount to annexation, provided that the United States and Britain would not guarantee this Rhine barrier. Moreover, when Lloyd-George and President Wilson did guarantee it, by the terms of the Anglo-French-American treaty, the French withdrew all demands to annexation or to occupation beyond that time necessary to enforce German compliance with the treaty of Versailles.

"But it must be observed that the French resignation of the Rhine barrier was, in the nature of things, conditional, not absolute. It was conditioned upon the pledge of the President and the prime minister to provide a substitute which should in all respects constitute as good a guarantee of French security. The French could not, and no one was justified in asking them to, abandon their claims for security, while the British claims were fully and completely met by the treaty provisions.

"Turning now to the question of reparation, the French asked both money indemnities, to reconstruct their ruined regions, as Britain had asked money payments for far less direct injuries, and they asked the title to the Saar Valley coal mines, in compensation for the destruction of the Lens mines by the Germans, and the occupation by them of the district for a period of time, their evacuation to be followed by a plebiscite to determine whether the inhabitants preferred independence of the sort Luxemburg possesses, union with France, or a return to Germany. In the first place, the French asked annexation outright, but they were faced again with British and American opposition and compelled to compromise.

BOTH ARE PAYMENTS.

"But it will be seen that ships and Saar Valley fall into the same category, in the sense that both are immediate German payments for German destruction. Moreover, the British did acquire the ships and, in addition, they acquired the title to the German colonies, which represented valuable real estate. The French, on the other hand, found that both in the matter of security and in the matter of immediate reparation, while British claims were satisfied without qualification, French demands, based on greater peril and vastly larger losses, were at once modified.

"So much for the examination of the situation in the past. The review may be concluded by the statement that the main claim of France for reparation was included in the financial clauses of the treaty, but the certainty of repayment depended upon many contingent circumstances. All that the French could be sure of was what they occupied. I make no mention of Alsace-Lorraine, because it was the view of all the allied nations, written into the armistice, that this constituted not reparation but restitution—the return to France of something which had been stolen. It was not a concession to security nor to reparation, but an act of justice.

"It will be urged that the disarming of Germany and the destruction of her fortifications along the Rhine constituted an equivalent to the elimination of her fleet, but this is only measurably true. It is a matter of years to construct a fleet, and construction can not be disguised, but it is not in the least the case with an army; and the familiar example of what Prussia accomplished under the nose of Napoleon I is the best demonstration of this fact. If Germany undertook to create a new fleet, Britain would be at once advised, and her control of the sea would enable her at once to bring Germany to terms. No such remedy would lie in French hands, nor would the warning be similarly prompt.

"It will be seen, then, that the treaty of Versailles substantially honored the just claims of Britain in the matter of security and reparations, but that it did nothing like so much for France. Indeed, the French might justly regard the treaty as a failure if it were not for the Anglo-French-American treaty of guaranty. Now, the Anglo-American guaranty has fallen by reason of the course of events in the United States Senate, and every well-informed Frenchman knows that the United States is not prepared to guarantee, at the risk of a new war in Europe, either the Rhine barrier or French security. Out of this situation develops the French demand for the revision of the treaty of Versailles, but, if one may use an Americanism, the demand is for a revision 'upward.'

A COMMON RUIN.

"In Britain, on the contrary, the tendency is in exactly the opposite direction. Many Englishmen, speaking with great authority and from recognized conviction, assert that the economic phases of the treaty of Versailles involve the economic ruin of Germany, and assert that this ruin will involve all of Europe and not impossibly the United States. They therefore demand that the treaty shall be revised in favor of Germany—not out of immediate tenderness for Germany, but to save the economic, the political, and the moral fabric of European civilization.

"And it is at this point that America becomes involved. These Englishmen argue that revision of the treaty can be had only if America uses her great financial and consequent moral influence to force such a revision. Moreover, they argue that the first step America must take is to forgive her recent associates in the war their indebtedness to her of $10,000,000,000. By indirection this cancellation of debts will contribute to lessening the weight of the terms imposed upon Germany, because upward of $6,000,000,000 or $7,000,000,000 of this debt is owed us by Belgium and France. Moreover, both Belgium and France owe Britain large sums, and if we cancel Britain's indebtedness to us she will cancel that of Belgium and France to her. To start with, then, the United States will pay this $10,000,000,000 in the shape of canceled indebtedness, which will, in the end, reduce Belgian and French claims upon Germany by this amount, and thus open the way to a salvation of Germany economically.

"Now, having taken this first step, the second for the United States follows logically. We shall still hold the purse strings, and we may, by using future loans as a stick to fortify our moral authority, demand that all the European nations, but chiefly France and Belgium, who are most concerned, reduce their claims for money reparation from Germany to such a total as will be within German resources to pay, and remain not only solvent, but a useful unit in European economic, political, and moral society. But the money phase is only one circumstance; we are in addition to undertake to compel France, Italy, and Poland, and other European nations to modify their territorial as well as their economic demands.

THE CRITICAL POINT.

"Now, this is the critical point: We are to tell the French to abandon all their territorial claims in the Saar Basin; we are to set our faces against their renewed demand for the Rhine barrier—that is, we are to compel France to resign the essential elements in her claims to the upper Silesian region, where the population is Polish—and we are to take equally drastic steps in the case of Italy, not merely in the Adriatic but in the upper Trentino region, where the population is German, but the country itself is on the Italian side of the Alps and has been the pathway of invasion into Italy since time immemorial.

"This means only one thing: It means that the United States is to undertake to compel the French and the Italians and the balance of the European races which fought Germany to surrender not merely their claims for reparation but their demands for security in the interests of the preservation of European civilization, the major part of all these sacrifies, including our own $10,000,000,000, to be dedicated to the restoration of Germany and the rescue of that country from the consequences of her attack upon European civilization.

"But it will be noted that there is no suggestion in this British proposal that the United States use its commanding influence to compel the British to restore the German colonies or the German ships, the one security and reparation, the other outright reparation comparable with the taking of the German merchant marine by the British. Yet it can be maintained, and many Germans argue that the merchant marine would be of more immediate value in rehabilitation than the Saar Valley.

"So much for the British proposal; now for the French. The French base their claim for a revision of the treaty of Versailles on the obvious fact that it has not provided them with any real security, and the prospects of reparation grow less and less with each succeeding week. They fortify their claims by the just recitation of the fact that they merely consented to resign their claims to the Rhine barrier on the receipt of a promise by the United States and Great Britain that their armies and fleets would be a substitute barrier; that armies and fleets would be organized to the necessary strength and held in the necessary readiness to move simultaneously with the arrival of the news that Germany had violated the Rhine barrier. This promise having lapsed, the French argue that they have now reacquired freedom of action.

WHERE IS DUTY?

"In the face of these circumstances, what is American duty? What must be American policy? Obviously it will not do to take the British side of the controversy. We can not sanction the British demand for security and reparation and reject the demand of the French and the Italian, which rest on a sounder basis, in the matter of security, because even with the German fleet in being Britain was not invaded. Such a course would be neither right in itself nor could it have any other consequence than to destroy all our moral influence on the Continent at once by confirming the well-established suspicion—the fruit of Paris events—that there is an Anglo-Saxon partnership to dominate the world.

"Nor can we assail both the British and the French, as well as the Italian, claims for security, expressed for the British in the terms of German colonies, for the French in the Rhine barrier, and for the Italians in the bulwark of the Alps, without driving very large sections of popular opinion and political leadership in each of these countries into common accord against us. Above all, we can not ask the French to retire from the Rhine, the Italians from the Alps, the Poles from the White Russian marshes, without undertaking to guarantee the French against the Germans, the Italians against the Slavs, and the Poles against the Russians, Bolshevist or nationalistic, with the full power of our war-making resources. No honorable American could think of passivity if the United States having persuaded the French to retire from the Rhine or the Poles from the Pripet Marshes, the Germans or the Bolshevists were able in consequence to penetrate French or Polish soil. We would be bound in honor, and we would have to undertake obligations in treaties to guarantee these peoples against such contingencies before we could obtain a respectful hearing.

"Consider the situation of the United States if to-morrow the Government should consent to the surrender of the $10,000,000,000 indebtedness and agree to make new loans, and then on the strength of the influence accruing to it as the holder of the purse strings it should undertake to compel a remaking of the treaty of Versailles. It would have to begin by declaring that all the acquisitions of the several European nations resulting from the victory must again be laid on the table for a revision, subject to American approval. It would have to say to the French, let us assume, 'You must quit the Rhine barrier.' To the British, 'You must turn back the German colonies.' To the French, 'You must surrender the Saar Basin.' To the British, 'You must agree to the return of the German ships.' To the Italians, 'You must retire from the upper Adige, from Albania, the Greek Islands, from Asia Minor.' To the Poles, 'You must give up upper Silesia, Vilna, the lands east of the Bug.'

WHAT WOULD HAPPEN?

"What would be the consequence? Who can mistake it? The French would give up the Rhine barrier if we once more agreed to substitute our Army. The Poles would come back from the White Russian territory if we would guarantee their ethnic frontier and promise them financial assistance. Even the Italians would make concessions to our military and financial capacities. As to the British, possibly they might consent, although my judgment is that with perfect justice this American dictation would be rejected by the British Empire, mother country and colonies alike.

"As a result of all our efforts Germany would receive back her Silesian and Saar coal regions, her Rhine territories, her commercial fleet, her colonies, and the Danzig 'corridor' would be abolished. She might then be willing to make financial reparation to France and Belgium, reduced by our $10,000,000,000 and by our other loans, but it would be incumbent upon us to collect it. All the European nations would quite justly hold us as surety for Germany.

"Of course, this leads to absurdity, but how can one stop short of absurdity once the United States embarks upon a policy of world regulation? We must do the whole job or none; we must assume the same tone and manner with each nation. We can not consent to the acquisition of complete security and measurable reparation by the British while the French remain exposed to German attack, the Poles open to the Bolshevists. The moment several nations feel that we are 'playing favorites' our influence is at an end on the moral side. But this means that our first quarrel will be with the British and our second with the French, while our present quarrel with the Italians, or rather theirs with us, growing out of a similar interference, will only be accentuated.

"As to the wisdom of our country not merely canceling the $10,000,000,000, which is at least arguable, but of embarking on a new series of loans, all of them designed in the last analysis to prevent European anarchy by rehabilitating Germany, it seems to be dubious in the extreme. It certainly means the imposition of very great burdens upon the people of this country, and the sole possible compensation must be the opportunity to play the dangerous rôle of constable to creation.

"Further than this, my own experience at Paris by no means convinced me that the United States possesses the knowledge or the experience in European matters to enable it to act with wisdom or even justice in settling European matters. We certainly agreed to grave injustices, we unmistakably supported British views and opposed French, in a measure, because the British were wise enough, as well as gracious enough, to fall in with our own. We did not call into question certain British acquisitions which stood or fell on the same principle that justified or condemned French or Italian acquisitions which we violently opposed. We surrendered to Japan and remained obdurate in the presence of Italy, not because the moral circumstances were different, but because we had lost Italy's support for the League of Nations and feared the loss of Japan's with the consequent collapse of the scheme, if we took a similarly high tone.

COLLISION CERTAIN.

"In sum, in my judgment wise American policy can not be a further and much increased participation in the settlement of purely European questions. The present invitation carries with it the certainty of collision with France and Great Britain. Bismarck undertook to play the part of 'honest broker' at the Congress of Berlin and in the end was compelled to support Austria against Russia and thus make inevitable the Franco-Russian alliance. With a million times less skill or experience, could we hope to be more fortunate? Are the results of the recent experiment such as to tempt Americans in new ventures?

"I shall have failed entirely in this article if I have left the impression that I regard British and French claims for security as unjust, immoral, chauvinistic. On the contrary, they seem to me to be exactly the claims which the German course in the recent war and the German policy in the last century made inevitable. But because British and French circumstances are dissimilar and therefore their demands for security are also unlike, I can not see any excuse for the United States to champion or accept the British and oppose or reject the French. If we are to reject the French we must in justice reject the British.

NOT OUR DUTY.

"But as an American I can not accept the idea that it is the duty of my country, at the cost of treasure and of blood, to undertake to restrain these historical instincts of two great nations, much less to accept one and reject the other. Duties we may have toward Europe, but the sum of these duties does not seem to me to amount to the obligation to undertake world regulation, with all its risks, to undertake to do for the highest moral purposes what the German undertook to do for the lowest and basest purposes nearly six years ago.

"On the contrary, my judgment is that the national instinct underlying all else in the controversy which has been going on in this country for many, many months over the League of Nations has been founded upon a shrewd realization upon the part of the mass of American people that it was unwise, unsafe, fraught with incalculable peril for this country to assume to direct or dictate the settlement of purely European questions, even if these questions had a certain secondary influence upon American conditions.

"If one could be sure that Germany and Russia were henceforth certain to fall in with Western ideas, if one could be sure that the new Germany which is to come would be totally different from all other Germanies which the world has known, then there would be no question of providing France and Britain with securities. The alienation of German colonies and the occupation of the Rhine barrier would be unnecessary and the British and French arguments supporting such policies would lose their chief merit.

"But no such certainty exists or can exist. Therefore French and British statesmen are bound to insist upon gauaranties of their security, however harmful to Germany, and thus to political and economic peace. It has become fashionable to refer to the treaty of Versailles as a 'Carthaginian peace.' But this, after all, is mere language. Carthage and Rome represented two civilizations, two cultures, and between the two there was a deadly struggle for world supremacy. If Rome had lost we should now talk of a Roman peace, for the terms would have been the same. But, granted that we know little of the Punic world, it is true that what little we do know encourages the conviction that the victory of Rome was a triumph for real civilization, while Roman defeat would have been a disaster for the world.

"The same is true, in my judgment, as between Germany and her British and French foes, even though the terms of the treaty of Versailles carry with them the doom of Germany as we have known that country." (Copyright, 1920, the McClure Newspaper Syndicate.)

MAGNA CHARTA (S. DOC. NO. 232.)

Mr. GORE. Mr. President, I desire to take advantage of this occasion to ask unanimous consent to have the Magna Charta printed as a Senate document, together with a series of notes, article by article. Magna Charta is the foundation of English liberty and jurisprudence. It is the corner stone of American liberty and jurisprudence. Article 39, to my mind, is the finest fruit of 60 centuries of human struggle and evolution. I was surprised the other day to find it impossible to secure a copy of the Great Charter in the Senate Library. It is not generally available, and for that reason I make this request, and I wish to have as large a number printed as the rule permits.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to have Magna Charta printed as a public document. Is there any objection? The Chair hears none, and it is so ordered.

PETITIONS.

Mr. ELKINS presented a petition of Parkersburg Post, No. 15, American Legion, of West Virginia, praying for the enactment of legislation for the relief of Gill I. Wilson, father of Joseph Volney Wilson, killed in action in France on October 23, 1918, which was referred to the Committee on Finance.

Mr. CAPPER presented a petition of the National Wool Growers' Association, of Salt Lake City, Utah, praying for the enactment of legislation providing for the indication of substitutes for virgin wool in the manufacture of wearing apparel, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3950) to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including medical examiners and school nurses, to appropriate money and regulate its expenditure, and for other purposes; to the Committee on Education and Labor.

By Mr. NEW:

A bill (S. 3951) granting a pension to Mary S. Wilkins; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3952) to provide for the erection of a public building at Charleston, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. KNOX (by request):

A bill (S. 3953) for the relief of certain estates; to the Committee on Claims.

By Mr. KNOX (for Mr. PENROSE):

A bill (S. 3954) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CAPPER submitted an amendment proposing to appropriate $1,800 for salary of assistant superintendent press gallery and $1,200 for salary of messenger for service to press correspondents, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RAILROAD CONTROL—CONFERENCE REPORT.

Mr. CUMMINS. Mr. President, I ask unanimous consent to call up for consideration the conference report upon House bill 10453, the railroad bill.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of the conference report upon House bill 10453. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled, "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

[The conference report appears in the proceedings of the Senate of Wednesday, the 18th instant, pp. 3043–3059.]

Mr. CUMMINS. Mr. President, with the submission of the conference report on the railroad bill to the Senate for its consideration, the Committee on Interstate Commerce enters the final stage of more than eight months of continuous, unremitting, difficult labor.

I hope it is appropriate for me to acknowledge publicly my appreciation of the fidelity, intelligence, and persistence with which my associates upon the committee have prosecuted their long and arduous task. First upon the subcommittee, then upon the full committee, and afterwards in conference, these men have exhibited a grasp of the subject, a toleration and forbearance, and an industry without parallel in my observation.

It has been most gratifying to me and I am sure it will be to you to know that throughout all our prolonged, intense, and comprehensive discussions there has never appeared even the slightest approach toward partisan feeling, and whatever there is in the bill worthy of commendation is due just as much to the Democratic members as to the Republican members. All of them have labored with equal loyalty for the public interest, rigidly excluding all other considerations.

Mr. President, in submitting the conference report upon H. R. 10453, the railroad bill, I shall not attempt to review in detail the many differences which have been composed by the conference committee and which did not involve underlying principles of railway regulation. A very large part of the two bills as they passed the Senate and House had a common purpose and differed only in what may fairly be called details, although a large proportion of these details were of great importance and required the most painstaking consideration. In this field I may mention the provisions relating to the adjustment and settlement of the accounts between the Government and the railway companies growing out of Federal control, the funding of indebtedness due from the railway companies to the Government, the extent to which immediate set-offs should be allowed, the payment of deficits to railways which were dismissed from Federal control prior to July 1, 1918, the guaranty for six months after March 1, 1920, and the arrangement for proper remedies against the United States in causes of action arising during Federal control. All these things presented tremendous difficulties and imposed upon the committee an inquiry into every phase of Government operation. Happily, however, we have been able to reach a conclusion which is fairly satisfactory to the conferees—a conclusion which lies somewhere between the positions taken by the Senate and House with regard to these most important subjects. There were numerous controversies of a vital character with respect to the sections which may properly be called amendments to the act to regulate commerce, such as the car-service act, the regulation by Federal authority of the issuance of railway securities, the power on the part of the Interstate Commerce Commission to deal with instances of congestion in transportation by diversion of traffic, the common use of terminals and other facilities, the division of earnings and of

joint rates for the protection of short-line roads, the procedure in cases of conflict between interstate and State rates, and many other very much needed modifications of the present law. I will not comment upon the changes which have been agreed upon in such matters, for they were thoroughly discussed while the bill was on its passage through the Senate and the conference report does not depart from the Senate bill sufficiently to warrant a review. I hold myself, however, in readiness to answer any question that may be propounded touching these less distinctive points of difference between the action of the Senate and House.

It is, I think, my duty to call your attention specifically to those parts of the two measures wherein the differences were fundamental and could not be settled by compromise, but, in the nature of things, had to be reconciled either by the Senate or House receding from the action it had taken.

First. The bill, as it passed the Senate, proposed the organization of an additional tribunal, known as the transportation board, to which were to be committed certain very important functions in the administration of the law. I need not enlarge upon these functions nor further describe them, because the Senate conferees found it necessary to recede from this provision; and in the future, as in the past, the Interstate Commerce Commission, increased by two members, will exercise all the authority conferred by the law for the regulation and control of railways.

Second. The Senate bill provided, under certain conditions, for Federal incorporation of railway companies, either by reincorporation of existing companies or original organization under Federal law. The House conferees were so inflexibly opposed to this principle that in order to reach any conclusion the Senate conferees were compelled to yield; and the bill as now reported contains no authority for Federal incorporation in any form.

Third. The Senate bill proceeded upon the declared theory that in order to make rate regulation completely successful and absolutely just as between the public and railway owners the railway properties of the United States should be divided for ownership and operation into not less than 20 nor more than 35 systems, preserving fully the competition in service now existing and the established channels of trade and commerce. It provided that the transportation board should, after hearing, make and publish a plan of consolidation, that for seven years consolidations in harmony with the plan so prescribed should be voluntary, and that thereafter necessary measures should be taken by the Government to complete the execution of the plan. It further prescribed that in all consolidations the capitalization of the consolidated companies should not exceed the actual value of the railway properties involved in the consolidation.

In so far as the Senate bill contemplated compulsory consolidations, the Senate conferees have found it necessary to recede, but the real principle embodied in the Senate bill has been preserved. The substitute found in the conference report upon this subject provides that the commission shall, as soon as practicable, adopt and publish a plan for the consolidation of our railways into a limited number of systems, with the same requirements as to competitive service and the observance of existing routes of commerce as were laid down in the Senate bill. With the approval of the commission, guided solely by the public interest, consolidations are to be permitted, but they are to be voluntary and must be consistent with and in furtherance of the plan adopted by the commission. Furthermore, in whatever consolidations may take place, the properties consolidated must be treated as of their true value, and the commission is charged with the duty of determining this value under the valuation act of 1913.

While I regret that the House conferees could not be brought to a complete acceptance of the Senate bill upon this subject, I feel that the provisions agreed upon are a tremendous advance toward the desired end, and will eventually result in such a readjustment of our railway systems that it will be possible for the Interstate Commerce Commission to establish charges for the service of transportation that will fairly sustain all our railways without giving to any one of them an excessive return upon the value of the property rendering the service.

Fourth. That part of the Senate bill known as "section 6" was accepted by the House conferees with two principal modifications. The entire section was rewritten and now appears in the conference report as section 15a of the act to regulate commerce, but while its phraseology has been somewhat changed it is essentially the same, with two exceptions, namely, the period in which the 5½ per cent basis is to continue as a direction to the Interstate Commerce Commission has been reduced from five years to two years, and the division of excess earnings or income instead of being one-half between 6 and 7 per cent of the value of the property and one-quarter above 7 per cent is now one-half to the company and one-half to the Government throughout.

Inasmuch as this section has been the subject of the grossest misrepresentation on the part of some critics and the most mysterious misunderstanding on the part of many sincere people I deem it my duty to submit a brief comment upon it. In order to prejudice it among the people it has been termed "a guaranty of income." This is not true in any sense of that phrase. There is a guaranty in the bill of the standard return and against deficits, continuing for six months after the railways are returned to their owners, but this was in substance in both bills and apparently has not excited any considerable criticism, for in view of the circumstances its necessity is obvious.

Section 6, now 15a, is, however, not a guaranty, nor does it approach a guaranty even remotely. Not a dollar is to be paid from the Treasury on account of its provisions, and no obligation whatever on the part of the Government is created. It is a direction to an administrative tribunal that in so far as it may be practicable the commission shall make rates that will yield a net operating income of 5½ per cent upon the true value of the railway property held for and used in the service of transportation considered as a whole. The assumption of this basis by the commission does not promise to any given railway company any given net operating income, for the income depends wholly upon the location of the railway, the population it serves, the volume of its traffic, and the conditions under which it is operated. Under this basis some railways will earn 2 per cent upon the value of their property, some 4 per cent, some 6 per cent, some 8 per cent, a few more than 8 per cent, and a few less than 2 per cent. This basis takes no account of either stocks or bonds, but is concerned solely with the value of the property as a whole. It is a basis about $50,000,000 less in the aggregate than the basis of 1917 and about $50,000,000 more than the basis of the test period as defined in the Federal-control act. To call it a guaranty is to be either maliciously false or stupidly ignorant. Its value is found in its tendency to give stability to railway credit in the unsettled period through which we are passing. It is a legislative declaration of a rule by which we may assume the commission will be guided in the difficult duties which are to be immediately imposed upon it.

It gives the investing world the assurance that the commission will, during these two years, make an honest effort to adjust rates upon this basis. There are enough uncertainties attending the administration of the law without adding to them an uncertain basis of rate making. For the sole purpose of showing how absurd it is to speak of the rule as a guaranty, I may be permitted to suggest that in applying it the commission must conjecture or estimate the volume of traffic which the railroads will carry in a future year, and, furthermore, it must conjecture or estimate the cost of maintaining and operating the railways during a time in the future.

If this provision accomplishes its purpose it will not be accomplished because it gives to railway companies undue profit but because it establishes a measure of confidence in the minds of those who have money to invest, which is now, unfortunately, lacking. I take it for granted that the chief desire of the American people is that their commerce may be supplied with adequate facilities for transportation. The country has suffered more in the last year on account of the inability of producers to reach their markets freely and promptly than from any other one cause, and while they want transportation at the lowest practicable cost, their overwhelming demand is for transportation itself.

Without entering into the details of the situation, it is well known to every observer that we need from 100,000 to 200,000 additional cars, we need more main tracks, more sidetracks, more warehouses, and more terminal facilities of all kinds. If the railways are to succeed in giving to the people what they must have, if we are to prosper, these companies must borrow or secure in some way not less than $600,000,000 this year and $1,000,000,000 next year. In preparing the section about which I have been speaking, I was not thinking so much about the return upon capital already invested in the railway enterprise as about men who have money to loan or to invest and the conditions upon which they would be likely to make loans or investments in railway properties. It is my deliberate judgment that those Members of Congress who fail to take into consideration this problem in all its aspects and who use their influence either to delay or defeat this bill will in the end deeply disappoint the great body of the people intent upon marketing their products and in developing to the highest point our social and industrial systems.

One word with reference to the much-maligned requirement that a railway company receiving in any year a net operating income of more than 6 per cent upon the value of its property used in the service of transportation shall pay to the Government one-half of the excess.

This regulation is founded upon one of the long-established principles in the regulation of public utilities. It has been in common use from the very beginning of public control. It is neither socialistic nor confiscatory in its character. Some lawyers, looking at the question from the standpoint of their clients, may doubt its constitutionality, but the great majority of the legal profession find no difficulty in defending its validity. If we are to look upon transportation as a national subject and accept it as our duty to sustain railway carriers in all communities which are rendering an indispensable service, we must impose some such limitation. I predict that this feature of the Senate bill, preserved in the conference report, will meet with almost universal approval and that the immediate future will vindicate its justice and efficiency.

Fifth. The Senate conferees discovered very early in the conference that the House would not accept that part of the Senate bill which undertook to create tribunals for the adjudication of disputes between railway employees and railway employers, and to make it unlawful, through combination or conspiracy on the part of either employees or employers, to punish the public in order to maintain their disputes.

I confess that I yielded upon these provisions of the Senate bill with extreme reluctance. The procedure established in our bill may have been susceptible of improvement, but the principle is everlastingly right. That there will come a time when railway workers will see that this principle protects them more perfectly than they can ever hope to be protected through the strike, I have no more doubt than I have in the ultimate triumph of justice in all the fields of human endeavor. Is it not possible that in the progress of affairs we can discover some way in which to prevent these disputes ripening into an interruption of commerce which menaces the lives, the health, and the peaceful, orderly development of society? To me the thought is abhorrent that the judgment of a governmental tribunal composed of fair, high-minded men—a tribunal which takes into consideration the rights of man and speaks for the public welfare—can be overthrown or disregarded by any class of our citizens. Whenever the public interest requires the Government to assume jurisdiction over a dispute and to enter its decree expressing the very right of the matter, all of us, no matter how we work or where we work, ought to respect and abide the decision.

So much I have felt that I must say in vindication of the action of the Senate in receding from the so-called "antistrike" sections of the Senate bill. The Senate conferees yielded simply to supreme necessity, for we all recognized that a railroad bill must be passed before March 1, or chaos would ensue.

With respect to the labor provisions of the conference report, I am utterly unable to understand the opposition which they have aroused among labor leaders, for they leave all men free, whether employees or employers, to do whatsoever they please at any time, at any place, or under any circumstances. All that I can say of them is that they are the best we could devise under the conditions which confronted us.

The voluntary formation of boards of adjustment to consider and settle, if possible, all disputes except those relating to wages is authorized and encouraged.

A governmental tribunal is established, composed of nine members, with a tenure of office of five years and an annual compensation of $10,000. It is to be known as the "railroad labor board." All of the members are to be appointed by the President and confirmed by the Senate—three of its members upon the nomination of employees, three upon the nomination of the employers, and three, without restriction, to represent the public. All controversies respecting wages or salaries are to be submitted to this board, and also all other disputes not decided by the boards of adjustment which seem likely to result in a substantial interruption of commerce. Decisions by the railroad labor board are to be made by a majority vote, but no decision can be made unless at least one of the members representing the public joins in the decision. It is my sincere hope that this board may command the confidence of railway wageworkers, railway carriers, and, above all, the public. I earnestly hope that through its intervention justice may be done, and especially that the wageworkers shall receive that full measure of compensation which alone can make men happy, contented, and progressive. Let us at least try the experiment with faith and courage in the abiding belief that whatever defects may be revealed in the plan as time passes on we will have the intelligence and patriotism to remove.

Finally, inasmuch as the conference report carries an appropriation of $300,000,000 for loans by railway companies and $200,000,000 for immediate use in making settlements with railway companies, I submit a very brief statement of the results of the two years and two months of Government operation of the railroads.

I submit this statement, Mr. President, because from time to time the developments in the Railroad Administration—and I am not criticizing that administration—have changed the financial conditions.

We have heretofore appropriated for expenditure by the Railroad Administration $1,250,000,000. We are now in this bill appropriating $500,000,000 more, and before the close of the present fiscal year we will be compelled to make another appropriation of not less than $400,000,000; in all, $2,150,000,000. Of this vast sum it is expected that the railways will at various times during the next decade—10 years is the limit of the credit extended by the Government to the railroads—pay to the Government of the advances so made sums which in the aggregate will reduce the Government's expenditures to something like $850,000,000, and this will represent the loss incurred in two years and two months of Government operation.

Mr. KING. Mr. President——

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. Does that include the unliquidated claims which the railroads will prefer and which will probably aggregate $400,000,000 or $500,000,000 and which will probably call for from two hundred to three hundred million dollars when the court, or whatever tribunal passes upon them, finally reach a conclusion?

Mr. CUMMINS. The sum I have named does not include those claims, as will appear in my next sentence.

When I presented the railroad bill to the Senate this loss—I mean after the railroads pay everything due to the Government and the Government pays everything due to the railroads—was estimated at not more than $650,000,000.

I remarked then that, in my judgment, when a final accounting was had it would appear that the loss would be much greater than $650,000,000. It now is estimated at $854,000,000. I said then that I believed it would be more, and I say now we will be fortunate if the loss does not increase to more than a billion dollars, for it will be remembered that the amounts I have given are estimates of the Government and do not include a large number of claims asserted by the railroads and denied by the Railroad Administration. I greatly hope, however, that the amount of such claims will not reach the sum suggested by the Senator from Utah, nor do I believe that it will, but it is quite safe to reckon upon something like $100,000,000.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. May I remind the Senator also that a very large number of claims will be presented by the shippers because of excessive rates charged, and those will have to be taken into account later?

Mr. OVERMAN. Mr. President, may I inquire of the Senator what tribunal, if any, has been set up to determine these claims and pass upon them?

Mr. CUMMINS. The tribunal is provided for in the Federal-control act of March 21, 1918. It is the Court of Claims. The district court of the United States has jurisdiction, I think, in cases against the United States to $10,000, and beyond that the only jurisdiction is that of the Court of Claims. I am now speaking of suits brought by carriers against the Government. What I have said with regard to them, however, is not true with regard to suits brought by shippers upon causes of action growing out of Federal control, out of losses sustained by shippers during Federal control.

With regard to these causes of action, the ordinary courts throughout the country have jurisdiction, precisely as though the suits were brought against carriers instead of the Government.

Mr. OVERMAN. Ought not some tribunal to be set up by which these claims may be settled without bringing suit?

Mr. CUMMINS. Oh, surely. We have a most energetic tribunal in the Railroad Administration.

Mr. OVERMAN. I know we have now; but when this law is repealed, what is going to take its place?

Mr. CUMMINS. This law is not repealed. Certain powers under the law are to be taken away from the President, but the power of adjustment and settlement still remains, and the President has but recently appointed one of the most equitable-minded and distinguished lawyers of the country at the head of the Bureau of Liquidation, and I have no doubt that this work will go on as rapidly as possible, and that the interests of the Government will be fully protected.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I understand that the President has recently conferred power upon the Director General to distribute coal, under the powers which the Congress gave him in the Lever Act. I am being inundated with telegrams and letters complaining of injustice in the seizure of that coal, owing to the difference between the price that the Railway Administration pay and the contract price that these consumers and jobbers are paying. May I ask the Senator whether the present machinery in the Director General's office would be the proper tribunal to adjudicate those differences between the Director General and the consumers or shippers?

Mr. CUMMINS. If the causes of action or claims grow out of or arise under the Federal operation of our transportation system, the suits could be instituted by shippers in any court of competent jurisdiction. The President is required to appoint in each jurisdiction a suitable person to receive service of process, so that the persons who may be affected throughout the country shall not be required to come to Washington in order to present and to prosecute their claims against the Government; but the carriers, under the act of March 21, 1918, in my opinion, must either prosecute their cases in the district courts of the United States, where the amount involved is less than $10,000, or, where the amount involved is more than $10,000, prosecute them in the Court of Claims in the District of Columbia.

It would be unpatriotic to complain or criticize, and the deficit must be accepted as a part of the cost of the war. I have mentioned the subject only to remark that, grievous as the burden is, we must bear it, and promptly—cheerfully, if possible—discharge our honest obligations.

Mr. ROBINSON obtained the floor.

Mr. KING. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Knox	Pomerene
Ball	Gay	Lenroot	Robinson
Beckham	Glass	Lodge	Sheppard
Brandegee	Gronna	McKellar	Shields
Calder	Hale	McNary	Simmons
Capper	Harris	Myers	Smith, Ga.
Chamberlain	Henderson	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Nugent	Sutherland
Curtis	Kellogg	Overman	Townsend
Dial	Kendrick	Page	Trammell
Elkins	Kenyon	Phelan	Underwood
Fernald	Keyes	Phipps	Walsh, Mont.
France	King	Poindexter	Warren

Mr. GRONNA. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

Mr. McKELLAR. I wish to announce the absence of the junior Senator from Mississippi [Mr. HARRISON] on official business.

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum of the Senate is present.

Mr. ROBINSON. Mr. President, throughout almost a year the appropriate committees of both Houses of Congress have been continuously engaged with railroad legislation.

This proceeding, the adoption or rejection of the pending conference report, culminates one of the most prolonged legislative contests in the history of Congress.

Recognizing the necessity for comprehensive legislation concerning railroads, in order to assure the public efficient and adequate transportation facilities, prior to the outbreak of the war in Europe, Congress created a joint commission with complete powers of investigation and recommendation. While this commission was in the midst of its duties the war came, and circumstances and conditions respecting transportation became abnormal, thus interrupting the work of the commission and preventing the accomplishment of the purposes for which it was created.

Our entry into the war signalized the beginning of revolutionary industrial movements.

The transportation systems passed from private to Government operation and control. Existing industries were, in a measure, socialized, and new industries necessary or incidental to the conduct of the war sprang into existence.

When the Federal control act was under consideration the Director General of Railroads suggested that no specific limitation on the period of Federal control be provided, and I supported that view because my studies of the subject led to the conclusion that a proper solution of the railroad question would be attended with such difficulties that it ought not to be unduly hastened or influenced by the uncertainty and confusion necessarily associated with the immediate return to the owners of the railroads following the war.

Congress, however, in its wisdom, fixed a limitation of 21 months, and subsequently the Director General of Railroads asked that this limitation be extended. This Congress refused to do.

The President thereupon announced his purpose to terminate Federal control March 1 of the present year, giving to the Congress apparently adequate time to prepare and enact necessary legislation.

Immediately began agitation in favor of prolonged Federal control. This viewpoint was occupied by the advocates of permanent Government ownership or closely related theories, such as the Plumb plan.

Public sentiment, as reflected in the Congress, overwhelmingly and uncompromisingly supported private operation and control of railroads and opposed Government ownership and operation.

There has been no referendum and none is practicable under our system of legislation, but I have not the slightest doubt that the antagonism of the American people to the principles of Government ownership and operation of industries, which has existed and repeatedly been manifested throughout the country's history, has been emphasized and intensified by the incidents and circumstances of Federal control.

Unquestionably conditions have not permitted a complete experiment, and it can not be asserted that in normal times all of the difficulties which have arisen during Federal control in war time would have manifested themselves.

The demand for Government ownership and operation of the railroads came principally from organizations of railway employees and affiliated labor organizations.

The Plumb plan, which contemplated the purchase of the railroads at their value and the organization of one great operating corporation managed by an equal number of representatives of the public, the railroads, and the laborers, was advanced by the representatives of the organizations.

In the propaganda associated with the conduct of publicity respecting this plan it was said that nation-wide industrial revolution was at hand, and that the railroad workers were so insistent upon the adoption of their plan by Congress that they would combine to defeat all railroad legislation on a different theory, until the question could be thrashed out in a national election.

This attitude of resistance to railroad legislation based on any other theory than the Plumb plan, or something analogous thereto, has been continued, and I am convinced is the principal motive and influence underlying the opposition to this bill both here and in the body at the other end of the Capitol.

It is not so much the specific provision of the pending legislation which prompts the bitter opposition to the measure, as recognition of the certainty that its enactment renders improbable further serious consideration in the early future of the principle of Government ownership and of that somewhat indefinite theory known as the "nationalization of industries."

It seems neither necessary nor appropriate, in view of the publicity which has been given to the measure and the explanations of its provisions which already have been made by others, that I should undertake a complete review of the conference report.

Important subjects dealt with among others include:

(1) Legislative approval and express authorization of the return of the railroads to private control and operation March 1, as proclaimed by the President, and the settlement by him of matters arising out of Federal control;

(2) Provisions relating to compensation of carriers, including carriers having no contract;

(3) Procedure respecting causes of action arising out of Federal control;

(4) The refunding of carriers' indebtedness to the United States;

(5) A six months' guaranty to carriers after termination of Federal control;

(6) New loans to railroads;

(7) Provisions relating to water transportation;

(8) Generous treatment of short-line railroads;

(9) Modification of the long-and-short-haul clauses of the act to regulate commerce;

(10) Federal control of issuance of stocks and bonds by carriers;

(11) Provisions relating to rates and returns of railroads; and finally

(12) Labor provisions.

It may be recalled that the conference committee agreeing to this report was confronted with a task of almost insuperable difficulty. The House, or Esch, bill and the Senate, or Cummins, bill were framed upon radically different theories. While many provisions in the two bills were identical and others quite similar respecting the most important features named above, the divergence between the two bills was so great as to make agreement, acceptable to both Houses, improbable.

The labors of the conference committee charged with the duty of bringing the two Houses together have extended over a period of several weeks. We have been in daily session. Members of the conference representing both Houses have devoted their time and efforts almost exclusively to this subject.

Having in mind the history of the legislation, the difficulties which have attended it, and the divergence of opinion reflected in the action of the two Houses, I consider the result satisfactory, and advocate the adoption of the report. Do not understand me to assert that all of the noteworthy terms of the bill as reported by the conference meet with my approval. There are many respects in which I would like to see them changed. Some of the most vital features reflect my views quite completely. I have acquiesced in or consented to others because the conference committee could only reach an agreement through a compromise or a series of compromises as to the conflicting positions taken by the two Houses.

Believing that the principal purposes justifying legislation upon the subject at this time are fairly realized I accept the measure as a whole in the hope that it will stabilize conditions, both as to railroad labor and revenues, and bridge over the exceedingly difficult period of readjustment which inevitably must follow the termination of Federal control and the resumption of private operation.

PRIMARY PURPOSE OF PENDING LEGISLATION.

The primary purpose of the pending legislation, broadly stated, is to terminate Federal control and restore the railroads to their owners for operation under conditions which will prevent a breakdown of the transportation systems and assure the public necessary and adequate facilities.

To comprehend the important phases of the problem is prerequisite to a fair determination as to the sufficiency of the remedies agreed upon.

Federal control of railroads was caused by the threatened breakdown in the operation, particularly in the eastern part of the United States, at the time we entered the war. A retrospect of the subject warrants the belief that the primary purposes of Federal control might have been accomplished in a simpler way than was adopted. Congestion on the lines of transportation reaching the Atlantic seaboard, particularly New York, might have been relieved by the taking over of only a few trunk lines, those in the eastern part of the United States, and by authorizing diversion of freight as to other lines coupled with provisions for compensation and for reimbursement for losses thus occasioned.

Federal control of the railroads will result in a loss to the Government of about $636,000,000. In addition, probably more than a billion dollars owed by railroads to the United States will have to be funded. The claims against the Government arising out of Federal control and of various character will require for settlement a long period and much litigation.

Nevertheless Federal control has accomplished the big things it was designed to bring about. It cleared the railway lines and terminals for the movement of troops and munitions, gradually relieved the congestion which rendered probable a breakdown in transportation when its continuance was indispensable to winning the war, and continued the operation of the railways in spite of repeated threatened interruptions from various causes.

The Government is fortunate in having had as Director General of Railways two great executives—Mr. William G. McAdoo, whose financial training and executive ability inspired and retained the confidence of the public, including the railway laborers, in a time when the Nation badly needed them, and his successor, Mr. Walker D. Hines, who is probably one of the best-qualified men in the United States for the position of Director General. He is readily recognized as preeminently qualified for the difficult, harassing, and important duties incumbent upon his office. He has displayed patience and courage, as well as intelligence and devotion to the public interest. Whatever failures or disappointments are connected with the Federal control of the railroads inhere in the system and do not result from the inefficiency or neglect of those who have headed the Railroad Administration.

There has been, undoubtedly, some decline in the morale of railway managers and laborers. As to the first, it has been due no doubt in part to the uncertainty as to the tenure of their service and the very natural desire to reassociate themselves with the corporations soon to resume control and operation.

As to the laborers, they prefer to deal with the Government rather than with corporations. While dissatisfied with prevailing wages and conditions and insisting upon enormous increases approximating a total of $1,000,000,000 per annum, the advances already made during Federal control, aggregating more than $500,000,000 per annum, while not commensurate with increases to laborers in the steel, packing, textile, shipbuilding, and other fundamental industries, are so substantial as to justify the anticipation of efforts by the corporations to reduce compensation to the laborers before the prices of the necessities of life have materially declined.

The provisions in this bill respecting compensation and the six months' guaranty are designed to tide the railroads over the period of adjustment immediately following the end of Federal control. Short routing and diversion of freight by the Federal administration of railroads has materially disarranged the normal proportion between the earning of railroads and their operating expenses. A few of the roads have enjoyed enormous increases in earnings, while others, competing with them, have suffered heavy declines in their revenues and very great increases in their operating expenses. This, of course, will continue in some degree after the carriers resume the operation of their properties. The proper relation as to earnings, so materially affected by short routing and diversion of traffic on the various railroads, can not be quickly or immediately restored.

While I can not now go into the subject fully, the provisions in this bill relating to compensation and providing for a six months' guaranty after the end of Federal control, while entirely independent of each other, are both designed largely as temporary expedients and to prevent the likelihood of financial disturbances, railroad receiverships, and lawsuits indirectly caused by the exercise of the very extraordinary but necessary powers conferred on the Federal Railroad Administration to short route and divert traffic.

CAUSES OF ACTION ARISING OUT OF FEDERAL CONTROL.

It is certain that many suits will result from Federal control. This conference bill authorizes legal proceedings, based on causes of action arising out of the possession, use, or operation of the railroads by the Government of such character as could have been brought against the carrier prior to Federal control, to be brought against an agent—who will probably be the director general—designated by the President.

Where the Government has entered into contracts with the railroad for the conduct of litigation arising out of Federal operation, process may be served upon any agent of the company authorized by law to be served.

If no such contract has been made, process may be served on such agents or officers as may be designated by the President.

Complaints for reparation on account of damage caused by the collection during Federal control of unjust or unreasonable rates may be filed with the commission against the agent designated by the President and determined by the commission as provided in the act to regulate commerce. Proceedings pending when Federal control terminates may proceed to final judgment in the name of the agent designated by the President.

Execution, save on a judgment recovered by the United States against the carrier, may not be levied on carrier property, where the cause of action grew out of Federal control, for the simple reason that the judgment is the debt of the Government and not the debt of the carrier. Such judgments are to be paid from a revolving fund carried in the bill.

REFUNDING PROVISION.

The refunding provision was very carefully considered. The conference committee, in their preparation, enjoyed valuable aid and suggestions from the financial director of the Railroad Administration, Mr. Swager Sherley. His legal experience and ability, his prolonged service in Congress and thorough familiarity with governmental finance, his fairness and devotion to the public interest have enabled the committee to work out a refunding provision which is believed to be both simple and just.

The President is authorized to ascertain the amount of indebtedness each carrier owes the United States at the termination of Federal control for additions and betterments made during Federal control and properly chargeable to capital account, as well as the indebtedness of the carrier otherwise incurred,

and the amount the United States owes such carrier arising out of Federal control.

The President may set off the amount due the United States against either or both classes of the indebtedness of the carrier to the Government, to the extent permitted by the contract of the Government with the carrier, or to the extent permitted in the standard contract between the Government and carriers. But this right of set-off may not be exercised so as to deprive the carrier of sums necessary to pay accruing taxes, interest, dividends, and analogous corporate charges and expenses; nor shall this right of set-off be exercised unless the Government has paid the carrier sums equivalent to one twenty-fourth of its operating expenses for 1919 as a working capital.

Any remaining indebtedness of the carrier to the Government may be funded as follows:

1. If it is for additions and betterments, and the carrier desires, it shall be funded for a period of 10 years or less, at the option of the carrier, at the rate of 6 per cent.

2. Indebtedness of the carrier to the United States may be funded through the medium of car-trust certificates, and if this is done, as is authorized under the act approved November 19, 1919, such indebtedness shall not be refundable otherwise.

3. Any other indebtedness of the carrier to the United States after the settlement of accounts shall be evidenced by notes of the carrier, payable in one year or less, at the carrier's option, with interest at 6 per cent, and secured by such collateral as the President may require.

It is necessary to give the President latitude or discretion in the exercise of the right of set-off, the purpose being to make sure the continuance of railway operations through the corporations, while at the same time reducing their debts to the Government as much as practicable and refunding only such sums as may be necessary, and doing this under such conditions as will encourage the carriers to find the resources with which to promptly discharge their obligations to the Government.

Congress proceeds in this legislation on the theory that in restoring the railroads to their owners the financial interests of the carriers reasonably must be safeguarded as a public necessity, to prevent the breakdown of our transportation systems and to give reasonable probability that they will be extended to meet the requirements of commerce.

In addition to the temporary expedients designed to accomplish this end, embracing the provisions in the bill respecting compensation of carriers having no contract, the refunding of indebtedness due the United States which the carriers can not immediately pay, the six months' guaranty after termination of Federal control to afford an opportunity for readjustments as to the earnings of roads, and new loans from the Government to railroads which without them might be thrown into receiverships, it is believed that the terms of this measure affecting rates or charges for transportation service and returns to railroads therefrom are of great importance.

GENEROUS TREATMENT OF SHORT-LINE RAILROADS.

The policy of the conference bill accords generous treatment to short-line railroads. While there are a few short lines which probably should never have been constructed, considered as a whole the short lines are regarded by the conference and are treated in this bill as indispensable to the industrial and commercial interests of the entire country, as well as to the development of the various localities which they immediately serve.

The authorization to the commission to initiate and require fair divisions of earnings, the establishment of through routes, and, under certain conditions, proper routings of traffic not routed by the shipper are among the safeguards designed to prevent bankruptcy to this class of carriers.

CONTINUANCE OF EXISTING RATES FOR SIX MONTHS.

Rates, fares, and charges in effect on February 29, 1920, are continued in force until changed by State or Federal authority, respectively, but prior to September 1, 1920, they may not be reduced except with the approval of the Interstate Commerce Commission. Divisions of joint rates, fares, or charges in effect when Federal control terminates are carried forward until changed either by mutual agreement between the interested carriers or by appropriate State or Federal authority.

"SECTION 6"—TRANSPORTATION RATES AND RETURNS TO CARRIERS.

One of the most vital features of this measure is what has come to be known as "section 6." It has been widely misrepresented, and I believe is not generally understood. In the hope of clearing this subject of the misunderstanding which surrounds it, let me analyze its purpose and effect.

The commission is directed to so modify or adjust rates that carriers as a whole or in such rate groups or territories, as the commission may designate, will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of the carriers as a whole, or in such groups held and used in the service of transportation.

The commission is empowered and directed to determine and make public what percentage of such aggregate property value constitutes a fair return, and this percentage is made uniform for all rate groups.

In fixing this rate the commission is directed to take into consideration, among other things, the transportation needs of the country and the necessity of enlarging facilities to meet the requirements of the public.

Honest and economical management and expenditures constitute an important and controlling consideration.

Five and one-half per cent of the aggregate value is fixed by the Congress for a period of two years as a reasonable return, and the commission may authorize, in addition, a sum not to exceed one-half of 1 per cent of such aggregate value to make provision for nonremunerative improvements, betterments, or equipment.

It is expressly provided that the aggregate value of the property of the carriers shall be determined by the commission from time to time and as often as may be necessary, and the commission can only give to the property investment account of the carriers that consideration which under the law it is entitled to in establishing values for rate-making purposes.

Mr. KING. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. I am quite interested in this part of the bill; indeed, as the Senator from Arkansas has said, it is one of the big questions of the bill. I was wondering if there was any limitation or restriction upon the Interstate Commerce Commission ascertaining the value of the property for rate-making purposes based upon the valuation of a road without any earning capacity; that is to say, take a road whose earnings are negligible, or, indeed, a road which runs behind but which has cost a large amount of money. Measured by the standard of return, if return determines the value, such a road would be practically valueless. Is there any restriction upon the commission, that ascertains the value of the road, based upon the fact that the road may not be a going concern or an earning road?

Mr. ROBINSON. In answer to the question of the Senator from Utah, Mr. President, I will say that the only specific restriction in the bill in that regard is the one which I have just quoted, expressly requiring the commission to give to the property investment account only such value as the law requires shall be given. The view which the conference committee took of the subject was that the rules governing the determination of the question of value are fixed by law and that Congress could not arbitrarily tell the commission that it must apply any given rule. The commission is left to determine the value of the property under the law, and, in the last analysis, the Supreme Court of the United States will determine what is the proper rule. The Senator's suggestion involves a very difficult question, which I am going to discuss in just a moment.

Experience has shown conclusively that rates that are necessary to secure the operation of some railroads indispensable to the commerce of the country will, as to some competitors, yield an unreasonable and excessive return.

The problem, therefore, is to prevent railroads of the first-mentioned class—that is, those which are indispensable to the commerce of the country, and which can not live on the rates which might be ample for other competing roads—from going out of business and at the same time secure the public against the payment of extortionate and unreasonable tribute to other railroads. Look at the question squarely and in the public interest. If the commission exercises its undoubted power under the Constitution to so adjust the rates that a given carrier may receive no more than a reasonable return on the value of its property, its competitors in many instances could not live on those rates, entirely adequate under the Constitution for the first-mentioned road.

If, on the other hand, the commission takes a road which must have an exceedingly high rate for it to receive a reasonable return on the value of its property, the more favored carrier in competition with it would reap an excessive profit at the expense of the public. In the past the Interstate Commerce Commission, with no express rule of law to govern it, has performed its duty under great difficulties and in spite of many uncertainties as to its authority.

It has had no legal direction to guide it in adjusting rates as a whole, and the result has been that while a few roads have been unreasonably profitable others which are almost as necessary to the transportation interests of the country have received

returns too low to meet their reasonable requirements, considered from the standpoint of the public welfare.

The plan adopted in this bill is not perfect. No perfect scheme has been suggested. It is, however, a great advance from the standpoint of railroad credit and the public interest generally.

The inequality already mentioned, which constitutes the chief difficulty in rate making, is removed in part—only in part, however—by the plan of this bill.

Division of the country into rate-making groups, fixing legislative returns for the carriers as a whole or in rate groups, will undoubtedly yield some roads excessive returns and others inadequate returns, but the disproportion will be diminished and every road which ought to continue operations will have a living rate.

This legislative direction to the commission to adjust rates so as to provide the carriers, considered in rate groups or as a whole, with as near as may be 5½ per cent on the value of their property has been inaccurately described as a guaranty. It is no such thing. It is merely a legislative expression as to what constitutes a fair return and a direction to the commission to proceed on that basis.

It can not be described as a guaranty for the reason that if the rates actually established by the commission fail to meet the standard, the Government is under no obligation whatever to make good the deficit. Moreover, it is not expected that 5½ per cent shall constitute a basis of return for any given carrier. It merely eliminates from the labors of the commission any controversy as to what constitutes a fair return on the aggregate value of the property in a group.

Unless the basis fixed in the bill, 5½ per cent on the value of railroad property as a whole or considered in rate territories, is excessive, there can be no complaint on the part of the public.

Throughout the prolonged and many-sided discussion of this question I have heard no one suggest that 5½ per cent on the value of the property is an unreasonable or excessive return. No one has suggested that the Interstate Commerce Commission, if required to fix a rate, would make it lower than 5½ per cent.

Considered with reference to well-known conditions, it is not likely that any authority fairly constituted would regard 5½ per cent on the value of the railroads, as a whole or in rate districts, oppressive to the public.

Another aspect in which the subject is misunderstood or misrepresented: It has been said that the effect of this provision is to validate watered stock and to require the public to pay transportation rates on the basis of railroad capitalization. Whoever makes this statement is either ignorant or deliberately falsifies. The 5½ per cent rate must be passed on the value of the property held and used for transportation. It has no relation whatever to either stocks or bonds. The practicable ascertainment of the value of railroad properties presents difficulties which no one can deny. The commission, however, is charged with the duty of performing that service. It already has collected under existing law much information which will aid in reaching a conclusion as to the value of the railroad properties. Under this act the commission can not, even if it should choose to do so, base rates on the property investment account of the railroads. It could not base its finding as to the value of railroad properties held and used for transportation on the stocks or other securities of the carriers. While there exists a divergence of opinion as to some of the elements which enter into the determination of the value of railroad property, this bill requires that questions of value shall be determined according to the principles of law governing the subject and in the last resort by the Supreme Court of the United States.

Under existing practices a few railroads enjoy very large returns collected under rates made or approved by the Government. The theory that rates may be based only on the value of the particular service performed is absurd and impossible of practicable application. Who can tell accurately or approximately the actual cost of transporting a box of oranges from Florida to Washington, or of carrying by rail a hundred pounds of hardware or a given quantity of other merchandise from one point to any other given point?

It is true that there must be some regard for proportion in fixing freight rates, class or commodity, but it can not be asserted, considering the complex conditions which enter into transportation, that an intelligent standard of rates can now be based solely on the value of the service performed in each particular case. We are compelled, in the very nature of the subject, to consider rates as a whole and their effect on the returns of the carriers. The standard fixed in this bill, while in no sense perfect, is a reasonable one and as entirely consistent with the Constitution as any other which has been devised. It takes from no carrier anything to which it is entitled. It gives to no carrier any return which may prove seriously oppressive to the public.

The provision necessarily resulting from the adoption of a legislative standard of return for railroads as a whole, contemplating a division of excess earnings as to the carriers which under the general rule would receive more than 6 per cent, after the payment of all reasonable operating expenses, is necessary to the public interest and entirely consistent with the rights of the carriers. All returns in excess of 6 per cent which would be received by any carrier are divided into equal parts. One-half goes to constitute a reserve fund for the carrier, which may be drawn from in lean or unprofitable years to provide dividends and pay interest and rents on leased roads, where the carrier's net railway income is less than 6 per cent. When this fund has accumulated to 5 per cent of the value of the carrier's railway property, the carrier is at liberty to use its half of the excess income for any lawful purpose. The other half above 6 per cent is to be paid to the commission and to constitute a general railroad contingent fund to be used in making loans, refunding the debts of needy carriers, and to secure equipment necessary in the performance of their duties to the public.

After two years the commission may readjust the basic rate of 5½ per cent on the carrier's property, considered either as a whole or in rate districts. I hope it may be found practicable to reduce the same, and I am satisfied that the commission will pursue this course if the conditions justify. The provisions of section 6 will not destroy initiative or discourage the exercise of diligence by profitable carriers. No railroad will receive anything that it does not earn, except the benefits which may come through the general railroad fund in the nature of loans, and these must be well secured, bear a high rate of interest, and be repaid.

Railroads which under the plan herein provided earn more than 6 per cent will be enabled to build up a reserve fund insuring them against the inability to pay dividends, interest, or rents during unprofitable years. When that reserve has reached 5 per cent of the value of the carriers' property it will be at liberty to use its one-half of the excess above 6 per cent in any lawful way that it pleases.

The provision gives due consideration to the necessity for honest and economical management.

It has the advantage of certainty. It inspires confidence in investors, makes probable necessary developments in our transportation system, and safeguards the public against the dangers and losses likely to result from an inefficient and inadequately maintained transportation system.

It is one of the most effective and valuable provisions in this bill. Stripped of confusion and the misrepresentation, it stands forth as an evidence of the willingness and ability of the Congress to enact necessary and practical legislation to assure the preservation of existing transportation facilities and to make probable the development of additional facilities demanded in the public interest.

SETTLEMENT OF LABOR DISPUTES.

I come now to the consideration of another important feature of this bill, one which has caused more controversy than any other.

The labor provisions, fairly construed, do not justify the assaults made against them. It might be possible to improve them from the standpoint of the public interest, but in my opinion this could be accomplished only by strengthening and clarifying the machinery and procedure for adjusting railroad labor controversies and not by eliminating or weakening those provisions.

Aside from the power granted the commission to direct the installation of automatic train stop or train control devices, or other safety devices, under the conditions and limitations prescribed, which are of more importance, perhaps, to the general public than to railroad laborers, the features of this bill which directly affect labor may be considered under two heads:

1. The continuance of existing schedules of wages. The provision requires that each carrier shall pay to each employee or subordinate official wages or salary at a rate not less than that fixed by the decision of any agency or railway board of adjustment during Federal control, for the six months' period ending September 1, 1920.

It has been misrepresented or misconstrued as preventing increases to railroad employees within that time, but the plain meaning and effect of the language used is to deny to the carriers during the six months' period—which is the same as the guaranty period—the right to reduce wages. Certainly no laborer can object to the measure in this particular. It guarantees that compensation shall not be reduced for six months, and does

not estop the laborer from claiming or prevent him from receiving any increase which may be awarded either as the result of voluntary agreements with his employer or of a decision by the labor board.

The carriers or the public might complain, inasmuch as it may result in preventing for a time the elimination of qualities which have crept into the wages of certain classes of employees, resulting, it is claimed, in excessive compensation in some instances. Certainly no laborer who believes his scale of wages too low can justify opposition to this feature of the legislation.

The average compensation to all classes of railroad laborers has increased since 1913 approximately 48.5 per cent; since 1917, about 43 per cent. These figures do not tell the whole story, and represent an average increase which does not reflect a very accurate idea of the advances made within that period to the various classes of employees.

Material as are these increases to railroad laborers, they are less than the increases which have been made to laborers in many other spheres of industry. Applications for further increases are pending before the director general, which, if granted, would aggregate something less than $1,000,000,000, in addition to the advances heretofore made. Nothing in the bill forecloses this application or prevents the granting of the increases contemplated by it at any time. On the contrary, this dispute may be determined under the provisions of the bill, unless it is referred to some special board prior to the enactment of this bill.

2. The other important labor provision relates to the settlement of controversies.

Some labor leaders have bitterly denounced the plan proposed for the settlement of labor disputes. When analyzed the principal grounds of attack are twofold:

1. That it accords to subordinate officials and unorganized employees the right to have their cases heard and decided by the labor board.

2. That this board will be so constituted that it either can not or probably will not fairly exercise its powers, and will thus cause a denial of the substantial rights of labor.

UNORGANIZED EMPLOYEES HAVE THE RIGHT TO BE HEARD.

Unquestionably members of the labor board representing the employees will be nominated by the railway labor organizations in such manner as the commission may prescribe. The whole purpose of the bill in this respect is to make the labor board truly representative of the three interests involved, namely, the public, the laborers, and the carriers. The unorganized employees, constituting but a few thousand in number, must secure their rights through a board upon which they will have no direct representation, in so far as the determination of wage disputes is concerned. Who here would deny to unorganized employees the right to be heard? The principal of equality of right to every citizen has never been made dependent on membership in any organization, secret or public. Under the law of equality and justice, the laborer who is unable to secure membership in a union of his fellow craftsmen, or who voluntarily refrains from joining it, has just as much right to access to a public tribunal, just as much right to fair treatment, as the most influential walking delegate or other officer or agent of a union. It would be intolerable to declare by law that only those railroad employees who belong to labor unions shall have representation on or hearing through an official tribunal. Practical considerations will probably prevent the unorganized employee from having direct representation on the labor board, which, in order to be effective, must be truly representative in character, but it is outrageous to declare that he may not be heard, however just may be his complaint.

I have been astonished at the brazenness and arrogance which have marked criticism of the labor provisions of this bill because it does not outlaw the man who does not belong to a labor union.

Labor unions are not only justifiable under modern conditions, they are necessary. Their legitimate purposes are entirely consistent with that personal liberty which is inseparable from good government. Labor organizations have promoted advanced standards of living for workmen and have been the means of securing necessary comforts and opportunities to their members. When any organization, however powerful, departs from its wholesome purposes and seeks to crush or oppress the helpless or the weak it enters upon a field of activity remote from its real usefulness and becomes to that extent an agency of injustice.

This is not a Government of labor organizations. It must not be perverted in character so as to become the means of denying right or justice to any class of law-abiding citizens. Threats of industrial revolution, boasts of political vengeance to be wreaked on contemptible cowards who occasionally disgrace public office, vengeance through the manifest ill temper of labor leaders who mistakenly regard themselves as the dictators of public policy, may secure temporary advantages detrimental to the general public interest for the organizations which they misrepresent, but in the end the public will know and understand. The people as a whole will fix and maintain both the industrial and political institutions of this country. They will neither indorse nor tolerate legislation which expressly or impliedly penalizes a citizen for the exercise of his right to earn his bread by his toil.

The criticism of this measure based on the fact that it secures to every railroad laborer the opportunity to have his case heard and decided and that it does not expressly require that every member of the labor board representing labor shall be a member of a labor union is un-American, unreasonable, and will not justify in public opinion the opposition to this bill.

THE LABOR BOARD A FAIR TRIBUNAL.

The second criticism, namely, that the board will be an unfair tribunal, oppressive to the interests of labor, justifies examination and consideration.

It has been said repeatedly during hearings before Congress in recent years that labor controversies are of such a nature as to transcend the powers of government; that it is impossible to provide any fair means for the settlement of such disputes; that the right to strike must be left unrestricted and unqualified if laborers are to remain free.

Assuming for the present that it is not only the province but the duty of government to provide an orderly process for the settlement of all disputes, including labor controversies, likely to result in misery, suffering, and death, and leaving the contrary assumption for discussion a little later, let us assume now that the peace, happiness, and lives of our people depend upon the exercise by Congress of its power to regulate commerce in such a manner as to prevent the suspension of commerce and to make certain that its agencies, including railroads, will continue to function without serious or prolonged interruptions.

It is said by some critics of this bill that the labor board, if such a tribunal is to be created, should consist only of representatives of the carriers and of the employees; that the railroads and the laborers should have equal representation; and that the public should have no representation whatever on such a tribunal.

What is the justification for this position? The public's interest in the subject can not be denied. The public want commerce continued. They therefore want labor disputes likely to result in strikes settled, for they know that a universal strike would cause intolerable conditions. In a conflict between the laborers and the carriers to be decided by the rules of law and justice the public sympathy naturally is with the laborers, and this always will be the case except in instances where, in a particular controversy, the conduct of the laborers or of their representatives incenses public opinion.

The public pays the bill. "Jones" always pays the freight. Why should he who pays the bills be denied check on the accounts which he must pay? The shippers and consumers of the United States do not object to, they never will oppose, reasonable demands advanced by railroad laborers, either as to wages or working conditions. The whole course of history respecting labor controversies discloses that the progress of labor's cause has been by means of favorable public opinion rather than in spite of it.

Even more important than this consideration—that is, the pecuniary interest which the public have in wage disputes—is their just and reasonable desire that these disputes be settled without resort to strikes. If the board is to be composed only of representatives in equal numbers of the carriers and their employees, deadlocks frequently will result, and the board will be far less likely to reach a decision than if it were composed as this bill provides.

Little likelihood exists that this board constituted as proposed would fail to reach a decision in any case likely to result in a strike of nation-wide or far-reaching consequences. It is desirable that the tribunal be fair. I would not support any measure which I believed created a Government agency likely to become an instrumentality for the oppression of labor. If experience shows that changes in the board are necessary, no difficulty will be found in passing the legislation required. There is not now, and there never will be, a desire among our people to override the legitimate interests or to suppress the laudable aspirations of men who work. It is not only necessary that the tribunal be fair and just, but it should be so constituted as to make probable the decision of every case likely to result in a serious strike.

No method of enforcing the decisions of the labor board is expressed in the bill. I thought and still think that the law should declare decisions of the labor board final and binding. The conference committee, however, did not take that view. It leaves for future determination, either by construction of its express provisions or by subsequent legislation, the determination of the effect and manner of enforcement respecting the decisions of the labor board.

No penal provision, such as was carried in the Cummins bill, no penalty of any character whatever is embraced. The forces of publicity and public opinion are relied on as the chief agencies in carrying out the decisions. If public opinion sustains them, strikes will become ineffective and will be rarely resorted to. A strike can not be maintained to enforce a demand deliberately withheld by the employees from consideration and decision by the labor board. If a carrier, in the face of a threatened strike, should refuse to submit its cause for decision, the public would at once decide against that carrier, and the same thing would result if employees threatening to strike should refuse before doing so to have their case considered and determined. They would lose the strike when they began it, and only one effort of that character would ever be made.

While I have always considered myself a champion of the legitimate interests of labor, and in no sense accept the designation which my position on this subject has caused some labor leaders to apply to me—that of an enemy to labor—I am a firm believer that strikes in the fundamental industries must give place to some legal process. The power of Congress to deal with industrial disputes is limited and circumscribed by the Constitution. No doubt exists in my mind that the commerce clause under which the Adamson Act was sustained by the Supreme Court comprehends the power to pass this law. The decision in Wilson *v.* New (243 U. S., 35) expressly affirms the power of Congress to fix wages, or the standard for determining them, in case of disputes between railroads and their employees, or to provide by appropriate legislation for compulsory arbitration. In that case the court held that Congress has the power to fix a maximum as well as a minimum wage for trainmen; to require compulsory arbitration of labor disputes which may seriously and directly jeopardize the movement of interstate commerce and to take measures effectively to protect the free flow of such commerce against any combination, whether of operatives, owners, or strangers (id. 389).

It is regrettable that the attitude of union labor, as reflected in the position of their representatives here during the consideration of this subject, has been retrogressive. It was a leader of organized labor who first suggested the compulsory arbitration of labor disputes as the logical and necessary substitute for strikes. His suggestions, when made, met with opposition from the carriers and were supported by the laborers. It is astonishing that the labor organizations should assume the position that wage demands can not fairly be determined by any tribunal which human wisdom can conceive or which American statesmanship may devise. I am so certain that this position is wrong, that it is inconsistent with the legitimate purposes of labor, and with the public interest, that I have no hesitancy whatever in frankly and emphatically parting company with those who take that position and in taking my stand unqualifiedly upon the premise that no class or cause is superior to the processes of our Constitution. I believe and affirm, without qualification, that it is not only within the power of Congress but that it is also our plain duty to secure by law the reasonable and just demands of labor and to provide for their enforcement through legal processes. This will be of far more value to labor than the preservation of autocratic power to their leaders, able and enlightened as these have shown themselves to be.

In this bill Congress fixes by law the right of laborers to just and reasonable wages and working conditions.

In the exact language of the Senate bill it requires that in determining the justness and reasonableness of such wages and working conditions the labor board shall take into consideration, so far as applicable, among other relevant circumstances:

1. The scale of wages paid for similar kinds of work in other industries;
2. The relation between wages and the cost of living;
3. The hazards of the employment;
4. The training and skill required;
5. The degree of responsibility;
6. The character and regularity of the employment, and in addition to the Senate provisions;
7. Inequalities of increases in wages or of treatment the result of previous wage orders or adjustment.

This becomes a bill of rights for labor. It assures the employment of the power of the United States, when invoked, to protect and safeguard those rights.

How doubtful in value appears the use of force, the resort to strikes, compared with this dignified and legal guarantee.

Congress can not legislate effectively for the adjustment of industrial disputes of every character. Its powers over the subject are limited to the regulation of commerce. Other phases must be dealt with by the State. Kansas has led the way and set an example worthy of imitation by other Commonwealths.

The deficiencies in this provision disclosed by experience may be supplied by future legislation. The least thing we can do to promote the interest of labor, as well as the interest of the public, is to secure by law just and reasonable compensation to the splendid men who actually operate our railroads. We must not leave them dependent upon arbitrary influences. Let us define and secure their rights by law. In doing this no injustice can result to any man or to any business. Make no mistake about it. Many laborers realize that law on their side is more compelling than force. They know the value of public opinion, the inconvenience, hardships, and suffering inevitably associated with strikes. Many railroad laborers want legislation on the subject, and their number will increase, so that in time the jealousy with which the right to strike is now guarded will be supplanted by confidence in the readiness and ability of the public to secure justice for laborers through lawful processes and agencies.

It is the chief aim of every State and throne,
That justice shall prevail,
And all men in the world shall have their own,
For there, where justice rules, all men enjoy their property secure,
And over every hearth and every home law watches with an angel's eye.

During the delivery of Mr. ROBINSON'S speech,

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Will the Senator from Arkansas suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Clerk.

The READING CLERK. A bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. STERLING. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Arkansas will proceed.

After the conclusion of Mr. ROBINSON'S speech,

Mr. MYERS. Mr. President, I am greatly disappointed that the provision which was in the railroad bill, as it passed the Senate, for compulsory arbitration of disputes between railroads and their employees, and which forbade strikes on railroads, had to be eliminated in conference. I think it was very greatly needed. I believe the time has come when we should get away from the old, haphazard way of allowing railroad companies to offer what wages and working conditions they may please, and compelling the employees to take them or resort to the strike. I think we should get a higher and fairer method of settling disputes of that character. I believe the antistrike provision of the Cummins railroad bill, as it passed the Senate, was a most wise and beneficent provision in the interest of labor, as well as the railroads and the public; but I realize that it had to be dropped in conference. I know the Senate conferees did all they could to retain it, and that they had to drop it in order to get legislation on this subject.

We must have railroad legislation before the 1st of March or the railroads will go back to their owners without any legislative action, and will face sure bankruptcy, ruin, disaster, and financial panic for the roads and, as well, the country; so it was absolutely necessary, I understand, to drop from the bill in conference the provisions to which I have referred. The House, I am satisfied, would never have adopted them, and, therefore, I do not blame the Senate conferees for receding.

As I understand the bill, as it now is before the Senate for action, the provision for arbitration between railroad companies and their employees as to wages and working conditions is purely voluntary and can not be enforced. I think it would be far better to have a provision for a fair and impartial tribunal to decree what are adequate wages and fair working conditions and to have the power to compel the railroad companies to grant them. I think that would be far better for the railroad companies, for the railroad employees, and for the public and all interests concerned.

Along with that there should inevitably go a provision against concerted railroad strikes. But, as I said, those provisions were of necessity dropped from the bill in conference. I believe the bill which is reported to the Senate is the best that can be had on the subject, and there must be some legislation on the subject

before the 1st of March, in order that we may avert a great calamity to the country, which would affect not only the railroad companies but the public and the railroad employees themselves most disastrously.

I realize that the provision for compulsory arbitration, to be binding alike on the railroads and the railroad employees, was defeated by the violent and unalterable opposition of organized labor. Had it not been for the unyielding opposition of organized labor, I believe that provision would have been adopted by the House and that the country and all interested would be better off.

I believe organized labor is making a mistake in going to the extent to which it is going to force on the people of the country class legislation of the rankest kind. I believe it is taking a position which is unwise, unjustifiable, and untenable. I say that not as an enemy of organized labor. In its legitimate sphere, I am a friend of labor, whether it be organized or unorganized. I have voted for many measures in this body for the advancement of the interests of labor, both organized and unorganized. I have voted for many measures that organized labor wanted because I believed they were legitimate, just, and reasonable and in a fair way advanced the interests of organized labor. But I can not approve of the extreme length to which organized labor is going at present in order to force class legislation, by a class, for the benefit of a class, upon all the people of the country. It has made demands for which I can not stand and about which I must honestly and unalterably differ. I can not and will not go with organized labor to revolutionary and autocratic lengths, utterly repugnant to republican institutions and the welfare and freedom of the public.

I think labor in its demands of the present day is going entirely too far. I think the extreme, radical, dominating demands, actions, and threats of organized labor are the greatest menace that confronts the country to-day and think they constitute a very serious menace. Organized labor has entered the ranks of the Government employees, and I think at least four-fifths of the Government employees of the country to-day are affiliated with organized labor and subject to the influence and domination of the American Federation of Labor. From reports which come to me it has in many instances become extremely difficult for employees of Government departments to be promoted or advanced in their work or even to hold their positions unless they belong to a Federal employees' union. The Federal employees' unions, which comprise a large majority of the employees of the Government, are united with an organization which many times puts itself in direct, positive, and violent opposition to the Government and takes a stand in opposition to Congress and which is inimical to the welfare of the Government and the people of the country. I do not believe there is any remedy for that condition of affairs in the departments of the Government. A few months ago the Senate put an amendment on a bill which provided that no Federal employee should belong to any organization affiliated with a higher body of organized labor, but the provision was defeated in the House and had to be dropped in conference. I do not believe there is any way of getting such legislation through Congress. I can see no relief whatever. I think the evil will grow instead of diminish.

In my opinion, organized labor is to-day virtually dominating the public schools of the District of Columbia. Nearly all of the teachers in the schools are organized into unions and affiliated with the American Federation of Labor, and anything that they oppose it appears has to go and anything they want they appear to get. It is my opinion that the public schools of the District of Columbia to-day are virtually being conducted on the soviet system; that the teachers have all to say about it and the school board and the patrons have practically nothing to say about it.

The teachers' unions of the District, I understand, are opposed to the retention of Supt. Thurston and, ergo, he must go, and I believe will go. One of the teachers who belongs to a teachers' union, last winter, it is said on good authority, gave in the public schools a talk to the pupils on what she called the other side, the pleasant side, the good side, of Bolshevism. She was disciplined for it by the school board, and the entire body of the teachers' unions in the District, backed by organized labor in the District of Columbia, by the labor unions of the District, rose up in rebellion and in violent protest at the action of the school board, and two of the members of the board who disciplined her are now off of the board, and their places have been taken by members who are apparently more acceptable to organized labor and to the teachers' unions. I think it is a bad state of affairs, and I do not believe it is justifiable or desirable.

It appears that the school board of the District is largely subservient to the demands of the teachers' unions of the District, which are connected with the American Federation of Labor and which virtually dictate, it seems to me, from my information, what can and can not be done in the schools of the District.

Here I have given two instances of the aggressive, dominating determination of organized labor to reach out and obtain control of all branches of government and to go to lengths not wholesome for the body politic.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. I yield with pleasure.

Mr. STERLING. The Senator has made a statement about which, if he is correct, I have been wrongly informed, and that is as to the influence exerted by the teachers in the dismissal of Supt. Thurston. My information is to the effect that the teachers are rather protesting against the dismissal of Supt. Thurston and not that they are in favor of his dismissal.

Mr. MYERS. All I know about it is what I have read in the news columns of the Washington Post, which I regard as a reliable and reputable newspaper; and the reports which I have seen show that the teachers' unions are in favor of Supt. Thurston going, and have been opposed to him all along, and are largely the cause of the dissatisfaction with him. I think there has long been friction between them.

Mr. STERLING. Whether I gained my knowledge or information from the Washington Post or not, I am not certain. I certainly got it from some newspaper of the city of Washington. I would not say that it was the Post, but the other view was taken by that paper.

Mr. MYERS. The Senator and I have received different information. I shall be pleased if I am in error. If I have been misinformed, I would be pleased to know it. The American Federation of Labor has now gone into the field of national politics and announced that all who oppose it—all Members of Congress who oppose what it wants and all other public officers who oppose its demands—must be defeated in the coming election this year, if they should be candidates for reelection, and that organized labor will see that only those who are subservient to it are elected. I think that is going entirely too far for free government, entirely too far in the direction of class legislation, by a class, for the benefit of a class.

I heartily agree with the substance of what the distinguished Senator from Arkansas [Mr. ROBINSON] has said, that this is not or should not be a Government of organized labor. But it appears to me that it has about come to that—that it is a Government of labor unions, for labor unions, by labor unions. At any rate, it has gone a long way in that direction, and I think we are hastening headlong to that condition, and the people seem to be asleep. It has gotten to be so that I hardly hope for any legislation which is opposed by Samuel Gompers to pass Congress. The majority of the bills opposed by Mr. Gompers certainly fare badly in Congress. A few weeks ago the Senate passed the Sterling antisedition bill. There was not very much said about it in the way of opposition here. It passed by a large majority in the Senate. It went to the House, and Mr. Gompers gave out an edict that the bill must not become a law. It has not become a law and, in my opinion, it will not. I think its doom is sealed.

The House was told by Mr. Gompers that it must not pass any antistrike provision in railroad legislation, and that was the result in the House. It is true that the House has just adopted by a large majority the conference report which is now before the Senate, but we have two of three vital pieces of legislation of great importance to the country which recently were defeated at the behest of Mr. Gompers and the organization which he represents. He opposed three measures and two of them have been defeated, or at least have not been enacted into legislation. I think if, hereafter, we can get through Congress one bill out of three that is opposed by Mr. Gompers, the country will be doing remarkably well.

In regard to the threat which has been made by Mr. Gompers and organized labor that all Members of Congress who do not vote as they desire must be defeated and will be defeated, I think it will in large measure be carried out. I think in large measure it will prevail and be successful. The trouble is the people seem to be asleep to the dangers that beset them. I have an Associated Press article, taken from the Washington Post, giving the statement of organized labor's attitude on this matter, and I ask that it be printed in the RECORD, in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

LABOR ANNOUNCES WAR ON CONGRESS; ONLY UNIONS' FRIENDS TO BE VOTED FOR—FEDERAL LEGISLATURE "HAS FAILED IN ITS DUTY" AND IS "REACTIONARY," AMERICAN FEDERATION OF LABOR CIRCULAR CHARGES—NATIONAL NONPARTISAN COMMITTEE APPOINTED TO CONDUCT POLITICAL CAMPAIGN—POINTS IN THE OFFICIAL CIRCULAR.

Organized labor, 3,000,000 strong, has thrown its hat into the political ring.

Vigorously denouncing Congress, which it was said "has failed to do its duty," the American Federation of Labor yesterday announced the appointment of a national nonpartisan political campaign committee which will mobilize trade unionists and "all lovers of freedom" in an effort to defeat candidates indifferent or hostile to labor and to elect "true and tried" friends of the trade-union movement.

TO CAMPAIGN AT ONCE.

Not waiting for the general election in November, the campaign will be started immediately and pursued without relaxation through the primaries, in which it is stated all aspirants for office will have their records "analyzed, stated in unmistakable language, and given the widest possible publicity." This program applies to all candidates, from presidential nominees down.

Samuel Gompers, president of the federation; Frank Morrison, secretary; and James O'Connell, president of the federation's metal trades department, were appointed an executive committee, empowered to obtain such assistants as necessary. Four women are included in the national committee.

CRISIS IN NATION SEEN.

A national crisis, threatening the free institutions of the country by the "reactionary" attitude of Congress, it was said, impelled organized labor to apply this year the nonpartisan policy formulated in 1906 and used in several subsequent campaigns.

Announcement of the decision was made in an official circular embodying the conclusions of the federation's general committee, which has been in session here several days. This circular will be distributed to trade unionists in every State through the local unions, by which it will be called also to the attention of friends of organized labor.

WHAT CIRCULAR SAYS.

"The inherent rights and principles of our people are threatened," the circular begins.

"The free institutions of our country are menaced.

"The ideals of democracy are in danger.

"The Congress of the United States has failed to do its duty. It has failed to meet the emergency. It has given encouragement and support to autocratic and reactionary policies. Its dominating thought has been the repression of labor.

"Every effort to secure remedial and constructive legislation has been strangled. Every appeal for redress has met with subtle and open hostility. The halls of Congress have been used by labor's enemies to foster and spread a vicious propaganda against the efforts of the toilers to exercise their normal and lawful activities for the protection and promotion of their interests and welfare. Labor has appealed for relief in vain.

CALLED TO MARSHAL FORCES.

"The hour has arrived when those who believe in the maintenance of democratic institutions must marshal their forces in defense of their rights and ideals.

"It is intolerable that a people who spared no cost to make the world safe for democracy should be forced to submit to any restriction of the glorious liberties inherited from the founders of our Nation. The perpetuation of our fundamental rights and the enactment of essential constructive legislation demand the election of men, regardless of their political affiliations, who are truly representative of American ideals of liberty.

LABOR'S CONSTRUCTIVE PROGRAM.

"Conscious of its responsibilities, impressed by the grave problems resulting from the Great War, the American Federation of Labor, at its annual convention in June, 1919, adopted a reconstruction program. This program defined the essential industrial policies and legislative enactments required to establish a full measure of justice and opportunity for labor.

"Because of grave emergencies which arose since that convention, it became imperative that the representatives of organized labor and of farmers should assemble and confer to devise ways and means for safeguarding their rights and liberties as free men and citizens. On December 13, 1919, a conference of representatives of labor and of farmers met in Washington, D. C.

"This conference expressed labor's grievances, protests, and demands.

ITS RECOMMENDATIONS IGNORED.

"No favorable legislative action upon the recommendations contained in the American Federation of Labor reconstruction program or those expressed at the December conference has been taken by Congress. Instead, many Congressmen have endeavored to enact legislation providing for compulsory labor. Despite the patriotism and sacrifice of the masses of labor of America during the World War, under the guise of antisedition laws the effort has been made to repress free association, free speech, and free press.

"Scorned by Congress, ridiculed and misrepresented by many Members of both Houses, the American labor movement finds it necessary to vigorously apply its long and well established nonpartisan political policy.

CAMPAIGN IN PREVIOUS YEARS.

"Confronted by a succession of hostile Congresses, the American Federation of Labor in 1906 announced its historic 'bill of grievances.' This was followed by a vigorous and successful nonpartisan political campaign. In 1908, 1910, and 1912 the same program was energetically applied. As a result, many of labor's enemies in Congress were defeated and all of the essential legislation in 'labor's bill of grievances' of 1906 was enacted.

"Constructive legisltion has never been so necessary as at present. Never has it been so essential to secure the defeat of labor's enemies and the election of its friends and supporters.

INDEPENDENT OF PARTIES.

"Sinister forces are already actively engaged in efforts to confuse and nullify labor's political power. Their object is to divide the labor vote so that the election of reactionaries and enemies of labor will be assured. Unless labor holds steadfastly to its nonpartisan political policy, the enemies of labor will be successful in their efforts. Labor can not, labor must not, permit its political strength to be divided in the present crisis. Organized labor owes allegiance to no political party. It is not partisan to any political party. It is partisan to principles—the principles of freedom, of justice, and of democracy.

"It is the duty of trade unionists, their friends and sympathizers, and all lovers of freedom, justice, and democratic ideals and institutions, to unite in defeating those seeking public office who are indifferent or hostile to the people's interests and the rights of labor.

TO FIGHT HOSTILE CANDIDATES.

"Wherever candidates for reelection have been friendly to labor's interests they should be loyally supported. Wherever candidates are hostile or indifferent to labor's interests, they should be defeated and the nomination and election of true and tried trade unionists or of assured friends should be secured.

"Complying with the instructions of the last convention and the labor and farmer conference of December 13, 1919, the American Federation of Labor announces its determination to apply every legitimate means and all of the power at its command to accomplish the defeat of labor's enemies who aspire for public office, whether they be candidates for President, for Congress, for State legislatures, or any other office.

LOYAL SUPPORT SOLICITED.

"The American Federation of Labor calls upon all affiliated and recognized national, international, and brotherhood organizations, State federations of labor, central labor bodies, local unions, and labor's friends and sympathizers to unite and give loyal support to the nonpartisan political campaign now set in motion.

"This political campaign must begin in the primaries. The record of every aspirant for public office must be thoroughly analyzed, stated in unmistakable language, and given the widest possible publicity. Labor's enemies and friends must be definitely known. To this end the American Federation of Labor has created the national nonpartisan political campaign committee, and it now calls upon all affiliated and recognized labor organizations to create district and local committees and to cooperate with the national committee and coordinate its efforts.

"The future welfare, the very ability of the trade-union movement to carry on its work for humanity, depends upon the success of the campaign herewith inaugurated.

"There can be no hesitancy.

"There must be no turning aside.

"The time for vigorous and determined action is here."

THE CAMPAIGN COMMITTEE.

The general committee in charge of the campaign consists of the executive committee; the eight vice presidents of the federation—James Duncan, Quincy, Mass.; Joseph F. Valentine, Cincinnati; Frank Duffy, Indianapolis; William Green, Coshocton, Ohio; W. D. Mahon, Detroit; T. A. Rickert, Chicago; Jucob Fischer, Indianapolis; Matthew Woll, Chicago—Daniel J. Tobin, Indianapolis, treasurer of the federation; John Donlin, Chicago, president, and William J. Spencer, Washington, secretary of the building-trades department; A. J. Beeres, Washington, secretary of the metal-trades department; John W. Hays, Indianapolis, president, and John J. Manning, Washington, secretary of the union-label trades department; James Lord, Washington, president of the mining department; Bert M. Jewell, Washington, acting president, and John Scott, Washington, secretary of the railroad employees' department; John P. Frey, Norwood, Ohio, editor International Molders' Journal; Mrs. Sarah A. Conboy, New York, secretary United Textile Workers; Miss Anna Fitzgerald, Chicago, president of Women's International Labor League; Miss Melinda Scott, New York, United Felt, Panama, and Straw Hat Trimmers and Operators; and Miss Anna Neary, Baltimore, International Brotherhood of Bookbinders.

Mr. MYERS. It seems to me that conditions have come to such a state of affairs that Mr. Gompers is the most powerful individual in the United States. In some respects he has more power than the President of the United States. The President of the United States can only veto legislation after Congress passes it but he can not keep Congress from passing it. However, it seems to me that in a large measure Mr. Gompers has the power to keep Congress from enacting legislation objected to by him. He has so demonstrated.

As to carrying out the threats that have been made, I believe, as I have said, in many instances they will be successful. I believe many Members of Congress who vote for the adoption of this conference report and who voted for the antistrike provision of the Cummins bill will be defeated on that account at the coming election. If so, the fault will be with the unorganized people, who need awakening.

If the distinguished Senator from Iowa [Mr. CUMMINS], whose term expires with this Congress, I believe, were not a resident of a State with about 100,000 Republican majority, I believe his tenure of office in this body would be greatly jeopardized by his votes and attitude on this legislation. If he were representing in this body a State which had only 20,000 or 30,000 majority of his political party, I believe he would be almost certain to go down in defeat, if a candidate for reelection, as a result of his attitude in regard to this piece of legislation. I think that would be a calamity. If the Senator from Iowa shall be a candidate for reelection this year, as I hope he may be, I think all the people of Iowa who do not belong to labor unions, including the Democrats of Iowa who do not belong to labor unions, should vote for his reelection. If I were living in Iowa and had a vote, I would vote for the reelection of the Senator from Iowa, and I hope he may be reelected if a candidate. I think the time has come to put country above party in some things.

If I were a Republican and living in the State of Ohio, when the Senator from Ohio [Mr. POMERENE] might be running for reelection, if, indeed, he be not called to higher honors meantime, I would vote for the reelection of the Senator from Ohio. If I were a Republican and living in the State of Arkansas, I would vote for the reelection of the Senator from Arkansas [Mr. ROBINSON], if he were a candidate for reelection.

However, the great mass of unorganized people seem to be blind to conditions that confront them. The most of them stick to party names and let a small minority highly organized demand and get class legislation for the benefit of a few. This condition of affairs will exist, class legislation will prevail, and closely organized, compact bodies that vote almost as a solid unit will largely prevail in the election of Members of Congress until there is a realignment of political parties in this country. I think there should be a realignment of the political parties of the country. There is no true alignment at present. The alignments are fictitious. To-day there is no great material issue between the Democratic and Republican Parties. The approaching campaign will probably be fought largely on the past records of the two parties and the traditions of the two parties, unless unconditional ratification of the peace treaty and the League of Nations may be made the paramount issue, which I hope may not be the case. Otherwise, the campaign this year will probably be fought on past issues.

I revere the past as much as anyone. I have as great admiration for the past records of the Democratic Party as has anyone. I have as great reverence, respect, and admiration for the grand and glorious accomplishments of the Democratic Party and of this administration, during the first term of President Wilson, prior to the outbreak of the European war, as anybody can have. It is a glorious record. I am an admirer of the achievements of this administration in successfully prosecuting to a finish and to victory and in being the determining factor in the winning of the great World War during the present term of President Wilson. But those things are behind us. Political parties should not fight their battles entirely on tradition and past accomplishments and reverence for the past.

What are the vital and material issues between the Democratic and Republican Parties of to-day and for the future? I should like to have any Senator arise and tell me one of them. In my opinion the tariff can not be a vital issue for many years to come.

For many years this country will need all the revenue it can get from all sources, in order to pay the enormous expenses of the great World War and in order to reduce the public debt and defray the great expenses to which we will be subject for many years to come. We will need all the revenue we can get from the tariff and all other sources. We will need all the revenue that the traffic will bear from every source, and I can not see how the tariff can be made an issue between the Democratic and Republican Parties for many years to come.

The political alignment between the Democratic and Republican Parties of the country to-day is fictitious. It is along false lines. It is just like an orange that is cut in two, with half of it put on a plate before you to eat. If the orange is divided up and down, it is divided along natural lines, but when you cut cross-grain and cut it in two around the middle it is divided along unnatural lines and against the grain.

Both the Democratic and Republican Parties in this country to-day are separated by issues that go across the grain. In the Republican Party there are Members of Congress and voters who believe in strong antisediton laws, and there are Republican voters and Members of Congress who do not want any antisedition laws. In the Republican Party there are Members of Congress and voters who believe in antistrike legislation and there are Members of Congress and voters who do not want any antistrike legislation. In the Republican Party there are Members of Congress and voters who believe in Government ownership of railroads, mines, and other public utilities, and there are others who do not believe in those things.

It is precisely so of the Democratic Party. In the Democratic Party, on each one of those issues, are found Members of Congress and voters for and against them. Those are the greatest issues that confront this country to-day, I believe, and neither party has taken a definite or decided stand on any one of them.

With all respect to him as one of the leading citizens of this country and one of the ablest men in the country, I think the recent action of Mr. Will H. Hays, chairman of the Republican national committee, in appointing a platform committee of, I believe, 181 members, embodying every shade and variety of opinion, from those of the most reactionary standpatters to those of the most rampant Socialists, was an act of the rankest political dishonesty. Politically, I think it absolutely dishonest. It is an evident attempt to try to get all of those different elements to combine to support the Republican Party and the Republican nominees for President and Vice President and to get them all to stand on one platform that will be acceptable to all and to which none will have any objection. That is manifestly inconsistent and a political impossibility, and yet I admit that the Democratic Party in that respect does not seem to be any better off.

I have no doubt the Democratic national convention will try to combine all of those elements in one platform and in support of one ticket, and it would be just as repugnant to consistency as is this attempt of Mr. Hays. Mr. Hays is evidently trying to get the followers of the Senator from California [Mr. JOHNSON] and the followers of the Senator from Pennsylvania [Mr. PENROSE] to stand on one platform and to get something that they can all support. It can not be consistently or honestly done. I have no doubt the same thing will be attempted in the Democratic Party, and there it will be just as inconsistent.

I predict that when the Republican national convention assembles at Chicago it will make an effort to combine and to bring to its support all of those different elements; that it will cater to both elements—the element which wants stable government, good government, representative of all the people, and the element which is strongly tinctured with socialism and radical labor ideas; that wants class legislation, by a class, of a class, and for the benefit of a class. It will undertake to construct a platform upon which all of those different elements may stand; it will try to construct a platform which will undertake to carry water on both shoulders and in the middle; it will appeal to all who have ever called themselves Republicans, and will try to please them all.

When the Democratic national convention convenes at San Francisco, I predict it will try to do the same thing. In my opinion, neither one will have the courage to resist outright the extreme demands of radical leaders of organized labor. Those leaders will be at each convention, demanding that their claims be incorporated in the platform of each party. In my opinion, neither convention will have the courage to reject them outright; neither convention will have the courage to declare outright in favor of them. In my opinion, each convention will straddle the issue, and then they will go to the people in a sham battle, with a shell game, each one pretending that it stands for all that is good in government and that the other stands for all that is bad in government; and neither one will be telling the truth.

The alignment of political parties in this country to-day is exactly crosswise to the division of sentiment between the people of the country. In my opinion, one of those parties should declare against all antistrike legislation, against all antisedition legislation, and in favor of Government operation or ownership, or both, of all public utility corporations, such as the railroads and the mines of the country. The other convention should declare to the contrary of all of those things; it should declare in favor of antistrike legislation, in favor of strong antisedition legislation, and against Government ownership or operation of railroads, mines, or other public utilities. Then we would have a clean-cut issue between the two parties on the material issues that confront the American people to-day and which vitally affect their welfare. We would have a clean-cut divergence between the two political parties on the issues which actually are alive and before the Amercan people to-day, which are agitating the American people, and which the American people want to have settled in one way or another, and which must be settled before we will have peace, prosperity, and tranquillity in this country. That would be an honest political fight and there would be a way of determining what should be the policy of this country in the future; but, according to the present alignment of parties, there is no way of determining those issues. The vital divisions are all within the Democratic and Republican Parties, respectively, within each party, and not between the two parties as parties.

Mr. GRONNA. Mr. President——

Mr. MYERS. I yield to the Senator with pleasure.

Mr. GRONNA. The Senator is always frank.

Mr. MYERS. I am trying to be exceedingly frank this afternoon.

Mr. GRONNA. The Senator has stated that one of the two political parties ought to declare for the drastic laws which he has enumerated and that the other party ought to declare against them. Which party does the Senator think ought to make a declaration for these drastic measures?

Mr. MYERS. The first one that gets to it [laughter]; the first one that sees fit, and then let the other party take the other horn of the dilemma.

The PRESIDING OFFICER. The Senator will suspend a moment. The Sergeant at Arms will clear the galleries if there is any further outbreak.

Mr. GRONNA. Then, do I understand the Senator that if the Republican Party shall hold its convention first and declare for the laws which the Senator has enumerated, the Senator from Montana will become a member of that party?

Mr. MYERS. In the coming presidential campaign, if those issues are drawn and made plain, I will support any political party that declares in favor of antistrike legislation, in favor of antisedition legislation, and against Government operation and ownership of public-utility corporations, such as railroads and mines, as against a party declaring expressly to the contrary on all of those questions. I am ready to take my stand in accordance with my views whenever there is an honest realignment of political parties in this country.

Mr. GRONNA. I realize that the Senator from Montana is always courageous and frank.

Mr. MYERS. I thank the Senator. I try to be.

Mr. GRONNA. But would it not be a better solution of this whole question, instead of calling the parties the Republican and Democratic Parties, if we are to do as the Senator has just suggested, to rename the parties and call them liberal and tory, or something of that sort?

Mr. MYERS. I do not care what the names may be; a name means nothing to me any more. I do not care what parties may be named; I look to the principle back of the name. Too many people vote a Republican ticket because it is labeled Republican or vote a Democratic ticket because it is labeled Democratic. That is the trouble with this country to-day. So long as the political parties of this country are divided along false and fictitious lines, and so long as the only real division is within the parties themselves, it will enable any highly organized class of voters of considerable numerical strength to hold the balance of power and obtain class legislation. That is the reason why I say I believe that the threat of Mr. Gompers and of organized labor to dominate the next Congress is very likely to be carried out in large measure. In my opinion, it will work in this way: We will say there is a Republican Member of the House of Representatives who represents a district with, we will say, 50,000 votes. It has had a small, working, reliable Republican majority. We will say that Member of Congress voted for the adoption of this conference report and voted in favor of the antistrike provision of this piece of legislation; we will say that there are 5,000 voters in his district, of the 50,000, that belong to labor unions, and 45,000 who do not belong to labor unions. Of those 45,000, we will say that 23,000 are Republicans, of the party to which the Representative belongs, while 22,000 are Democrats. If that Representative be renominated by his party, I believe in the coming election the 5,000 members of organized labor will go to the polls at the general election and, with practical unanimity, will vote as one man, in a body, against that Representative in Congress and for his opponent. It will not make any difference whether his opponent is favorable to what organized labors wants or not; I do not think they will pay much attention to that; they will say, "We will fix this man, anyway, as an example for the future; we will give him what he needs, anyway." So the 5,000 members of organized labor will vote against the reelection of this Republican Representative. Will the 45,000 voters who do not belong to organized labor vote for him because he stood true for their rights and welfare? They will not; they will not begin to do so; they will not think of doing so.

Twenty-three thousand of them will calmly and deliberately go to the polls and vote for him because he is on the Republican ticket, while 22,000 of them will go to the polls and calmly and deliberately vote for his opponent because his opponent is on the Democratic ticket; and the 5,000 organized labor votes, which will be cast practically as one vote, will defeat that Represenative for reelection. The 22,000 Democratic voters, instead of voting for the reelection of that man, will rub their hands in great glee and say, "Here is a chance to elect a Democratic Representative, and we will go to the polls and take advantage of it." The conditions would be the same, in my opinion, if they were reversed and if the Representative to whom I have referred were a Democrat. If the Democrats had 23,000 unorganized voters in the district and the Republicans had 22,000, the Democrat likewise probably would be defeated by the 5,000 votes of organized labor. An unorganized majority is helpless, when there is arrayed against it a compactly organized minority.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MYERS. I yield with pleasure.

Mr. TOWNSEND. I might say by way of comfort to the Senator from Montana that I have just returned from my office, where amongst my mail were two letters the writers of both of which proceeded to say they had been Democrats all their lives, but, due to the vote of the Democratic Party on the antistrike provision in the House, that they had thereafter ceased to be Democrats. So, while the condition outlined by the Senator may obtain, not only labor but other voters will endeavor to settle this matter righteously, as it seems to me, at the polls, and, if they find that a man is being opposed simply because he has voted his convictions on this great subject, it is quite likely to make him votes from the other party.

Mr. MYERS. I congratulate the Senator from Michigan on receiving letters from two constituents out of the two or three million population of his State, saying that they will disregard party lines. Whenever the Republican Party in its national convention and in its platform declares in favor of antistrike legislation and in favor of strict antisedition legislation and against Government operation or ownership of public utilities, such as railroads and mines, I think it will be time enough for those who are in line with that view to declare their allegiance to it. I want to see some party action taken on the subject, but I do no see any more indication of it in one party than in the other. So that as long as political parties are constructed along fictitious lines of division and false issues that are simply raised for the purpose of making issues and in disregard of the real issues which confront the American people, I say there will be no opportunity for the majority of the people to rule in this country in accordance with their ideas of economic and industrial justice, but the balance of power will be held by a comparatively small body of highly organized, compact voters, who disregard party lines, disregard all other issues, and regard only their own will to rule in their own favor, in their own behalf, for their own benefit.

In order to carry its ends, there has been a desperate effort made by organized labor to make it appear that its interests are identical with those of the farmers of the country; and to unite the farmers of the country with organized labor in its campaign to overthrow both of the old political parties, to overthrow government by political parties, and to institute an autocratic government of class rule. How many farmers that may deceive, I do not know; but if the farmers will use their common sense and reasoning power, I believe they will see that their interests are not in accord with any such subtle political attempt.

I have here an article taken from the Associated Press of a few days ago, which I will read:

SHORT-HOUR WEEK CAUSE OF HIGH COST OF LIVING—PRICES WON'T FALL UNTIL WE CAN GET TO WORK AND SAVE SOME MONEY.

(By Associated Press.)

SYRACUSE, N. Y., *February 1.*

Sherman J. Lowell, master of the National Grange, in a statement given out here to-night, declared that it was the belief of the farmers of the country that the only way to reduce the cost of living was for everyone to be willing to do "a reasonable day's work," and that the 44-hour week would never support even America.

"Those who are best informed on agricultural conditions in America can not offer the slightest hopes of lower food prices, so far as the farmer is concerned," said the statement.

GET BUSY!

"In the reconstruction everyone must get ready to actually work again, to save again, and to a considerable degree to get back to thrift, sanity, and common sense, or else accept as permanent the present scale of living costs, in which event we might just as well stop ranting about the high cost of living and realize that a new basis of economic procedure is here to stay.

"This is the declaration of the National Grange, which sees in the future no reason why its members should slave long hours, seven days a week, to supply cheap food to the other workers of the country who are enjoying short hours and unlimited opportunity for rest and pleasure.

"Speaking as the largest and best established farmers' organization in America, the Grange hereby notifies the world that the farmers do not intend to keep responding to the call, 'produce, produce, produce,' so long as other lines adopt as their slogan, 'reduce, reduce, reduce.'"

In my opinion the fundamental economic mistake which organized labor in this country is making to-day is its constant, insistent pressure and its constant, unremitting effort constantly and ever to increase wages and reduce working hours and thereby reduce production. The cost of living never will come down as long as that is successfully done, and the cost of living is one of the vital issues that confront the American people to-day. It concerns them more than almost anything else; and I think the labor unions of the country are pursuing a false theory in their action in that regard.

I am glad to see that labor in England is beginning to awaken to the true situation of affairs in that respect. Under date of

February 9, there appeared in the Associated Press telegrams of this country a telegram from London, as follows:

LABOR LEADER WARNS OF WORLD CRASH UNLESS MORE WORK IS DONE.
(By the Associated Press.)

LONDON, *February 9.*
(Canadian Press.)

James Henry Thomas, general secretary of the National Union of Railwaymen, said to-day that the state of the world was such that unless something is done speedily a crash would come in which nobody would suffer more than the workers.

Mr. Thomas declared that the British workmen must work a quarter harder than before the war, the French twice as hard, and the Germans eighteen times harder. He added that the labor party's difficulties arose not through the cleverness of the other parties, but through jealousies in its own ranks.

I think as long as the labor unions of this country insist on the absolute, unqualified, unquestioned right to strike whenever they may wish to do so, for whatever they may deem a cause, and they to be the sole judges of the cause, disregardful of the public and of all others, and as long as they press steadily onward and forward in their insistence for ever-rising, ever-increasing wages and decreasing work hours and decreased production, there is going to be an issue before the people of this country to which the political parties of the present day and of the present alignment are not fitted and are not adjusted, but which must some time be adjusted along true political lines. When they are so adjusted I believe the majority of the people of this country will say that they believe the attitude of organized labor in that respect is radically wrong and contrary to sound economic principles and industrial justice, and that then a majority of the people, when they have an opportunity, will speak out on the subject in no uncertain terms; but there will have to be some changes in political alignment before it can be done.

Mr. President, I have said more than I intended to say on this subject. I have given expression to some views which I have held for some time and on which I have done considerable thinking of late. I have tried to tell some plain truths, wholesome if unpalatable. As to the conference report, I believe it embodies the best that can be had on the subject at this time. It is not in all respects what I should like to have it, and not in all respects what most of us would like to have; but I believe, so far as it goes, it is fair, just, and workable, and will prove fair and just to the public, the railroad owners, and the railroad employees alike; and that when put in operation, if not interrupted by some unjustifiable strike, the railroad employees will find in time that it is to their interest and that they are better off under it than they ever were before.

I shall vote for the adoption of the report.

Mr. DIAL. Mr. President, when this bill was up before I expressed my views at considerable length. I realize that a great deal of legislation is brought about by compromise, and I shall therefore content myself now with a very few remarks as to my objections to the bill.

I must say that all of us are indebted to this conference committee for their long and arduous labors. Certainly they have worked faithfully, and no doubt have done the best they could, and, ordinarily, if I could do so I would vote for the report without protest; but it is so foreign to my views of what a bill ought to be that I can not refrain from stating my objections.

In the first place, it is contrary to all methods which have been enforced heretofore for fixing rates. I can not give my consent to the proposition that it is right to say that property shall earn so much upon its value, irrespective of its use. Not only that, but it is very doubtful about how you can get at the value. We have been trying to value these railroads for something like seven years, I believe, and before we get one valuation made the value has changed. Now, at best it would be merely a guess for the Interstate Commerce Commission; but to say here that we should now reverse all of our training and say that a road should earn 5½ or any other per cent on its value, irrespective of the quantity of freight it hauls, is to do away with all incentive for competition and for efficiency and for economy, and it certainly seems to me that it is on the wrong basis in that line.

Not only that, Mr. President, but I am thoroughly of the opinion that the bill is unconstitutional on two or three grounds: First, it seems to me that it confiscates private property without due process of law. The next proposition is that it is double taxation. It confiscates the income of the company without due process of law. It is class legislation. This rule does not apply to any other kind of property—not to banks, not to mills, not to factories—so it seems to me it is class legislation, it is special legislation, and it is obnoxious on that ground.

Then it is certainly contrary to the express provisions in the constitutions of many of our States. In the State of South Carolina we expressly provide in our constitution that one railroad can not acquire a competing line, and that provision of the constitution is carried out by our statutes, and the same no doubt is true in other States. This does away with all of our effort in the States to get competition. I feel that not a single new mile of railroad will be built after this bill goes into effect—I mean, as an independent proposition.

I do not refer to some little extensions which existing roads may make, but I feel that if this bill passes the owners of railroad property in this country will feel that they have practically sold their property to the Government, and we will destroy competition, and the buiding up of our roads, and we will stop developing our country.

I shall vote against the report, not on the ground that some vote against it, on the ground of the harshness of its labor provisions; I do not so decide. I should feel better satisfied if the labor provisions were stronger, but I feel that it is a bad principle to put in the bill to say that the railroads can not reduce the cost of their labor for the next six months. It is unwise for Congress to try to legislate salaries of any employees. While our friend, the Senator from Arkansas [Mr. ROBINSON], has cited us to a decision, and no doubt it was been decided, and no doubt that is the law, yet I feel that it is a bad principle and bad policy for the Congress to follow.

I wish that all disputes between capital and labor could be amicably adjusted, but I am not of the same opinion as my friend the Senator from Montana [Mr. MYERS]. I must congratulate him upon his manly stand, and I usually stand with him; but I am not in as doleful a mood as he this afternoon. I have a high faith in the wisdom and in the patriotism and in the good judgment of the American people. I do not believe that the people of this country will turn over the management of our Government to any class of our people. I feel that an autocracy of labor is just as distasteful to the people of this country as an autocracy of capital, and we are not going to allow either to come in here and rule our Government exclusively. The people are now doing more thinking along this line than they have ever done, and they are going to wake up, and they are going to elect men here, not to represent any particular class, but to represent all of our people.

Mr. WADSWORTH. Mr. President, I would like to ask the chairman of the committee concerning one feature of this bill, in order that I may have its meaning clarified.

On page 4 of the copy of the bill which I have in my hand, section 201, this language is found:

On the termination of Federal control, as provided in section 200, all boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal-control act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued—

And so forth. I desire to ask the Senator from Iowa if the language which I have just read will result in the indefinite continuation of operation of Government barges upon the New York State Barge Canal?

Mr. CUMMINS. Mr. President, I understand that this will not cover the operation of barges upon the New York State Canal. This was intended to cover the operation of the barges upon the lower Mississippi River and the Warrior River. These barges have been built, and they were acquired by the Government under section 6 of the Federal-control act. My information is that whatever has been done upon the New York State Canal has not been done under that section of the act.

Mr. WADSWORTH. My own recollection is that the Government did build barges for use upon the New York State Barge Canal and for two years has been in a position to operate them and, I think, has operated some of them.

Mr. CUMMINS. The Railroad Administration advises the committee, as I recall, that it has not operated barges on the New York State Canal. Just how and under what authority that has been done I am unable to say, but the committee was informed that it was not done under section 6 of the Federal control act.

Mr. WADSWORTH. The point is exceedingly important to the people of the State of New York. Of course, let me say to the Senator from Iowa, even if my construction of this language is accurate, I realize the impossibility of upsetting the conference report and reopening this whole railroad bill, but I did want to be clear about it and to state just a few things in connection with it.

Shortly after the entrance of the United States into the war the State authorities offered to the Federal Government the use of

the barge canal in order to expedite transportation and to relieve the railroads of the very heavy burden that was weighing them down and probably would weigh them down during a considerable period of the war. That offer, as my recollection goes, was accepted, and for two years tariffs upon the New York Barge Canal has been under the control of the Federal Government through the Railway Administration. To the great disappointment of the people of the State, the Railway Administration did not use the canal to anything like its capacity; but the fact that they were using it prevented any private citizen from venturing upon making an investment in the building of a barge. The result is that this great waterway, together with its terminals, which has cost the taxpayers of New York at least $150,000,000, has been almost idle for two years, and there is a very strong feeling about it. The people of New York built that canal and paid for it out of their own pockets, and the people assured themselves and all their neighbors that when it was finished its use would be open to any citizen without the charging of tolls; that the State government would maintain it.

Now, Mr. President, the State government is maintaining it, but the Federal Government, by the use of its barges in the canal, makes it utterly impossible for any citizen of the State or anybody else outside the State to go into the canal traffic business, because no citizen will compete with his own Government. He can not do it.

I hope the Senator from Iowa is correct—I have not had time to look up section 6, referred to in the text of the bill in section 201—for if he is not correct, and this language means what I fear it means, and which, incidentally, the commercial interests of New York fear it means, the great New York State Barge Canal will never be of use to the citizens of the State. So long as the Federal operation of barges is continued there, the people of New York have spent their money for nothing, because none of them nor any other citizen can compete with the Government.

Mr. CUMMINS. It is, of course, impossible to amend the bill now——

Mr. WADSWORTH. Certainly; I understand that.

Mr. CUMMINS. The committee formulated it upon the theory that the barges operated upon the New York State Canal were not a part of the property acquired under section 6 of the Federal control act, and we acted upon the advice that was given to us in regard to the matter. The bill was drawn solely for the purpose of taking care of transportation upon the lower Mississippi River and Warrior River. That seemed to be a very important thing to adjust in the bill. If it should turn out that we have not been correctly advised there would be no difficulty at some subsequent time in eliminating the New York State Canal from operation by the Government.

Mr. WADSWORTH. Mr. President, as a part of my remarks I ask unanimous consent to insert in the RECORD a letter written to me by the secretary of the New York Board of Trade and Transportation, which bears upon the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, February 20, 1920.

Senator JAMES W. WADSWORTH, Jr.,
United States Senate, Washington, D. C.

DEAR SENATOR: The New York State Barge Canal conference at its meeting held in Albany on Wednesday last, February 18, by a unanimous vote directed "that proper representations be made to the Government at Washington and to Congress in opposition to the provisions of the railroad bill (sec. 201) which contemplate the continued operation by the United States Government of barges on the New York canals for commercial purposes."

The provisions of section 201 apply generally to all the inland canals and waterways of the United States and to the operation of vessels thereon by the Secretary of War, and this includes the canals of New York State.

The protest of the New York State Barge Canal conference is directed against section 201 only so far as it applies to the New York canals, and does not call for or contemplate a repeal of section 201, but does call for the insertion of an amendment specifically excepting the canals of New York State from the application to them of the provisions of section 201, and the immediate and permanent withdrawal from these canals of all barges owned and operated for commercial purposes by the Railroad Administration upon the New York canals.

The insertion of the following amendment at the end of section 201 of the bill would be satisfactory, viz:

"*Provided*, That no vessels owned by the United States or under its control shall be hereafter operated for commercial purposes upon the canals of the State of New York, which are hereby expressly excepted from the application of the provisions of this section."

The New York State Barge Canal Conference represents in these views the following organizations, viz:

Chamber of Commerce of the State of New York.
New York Board of Trade and Transportation.
Brooklyn Chamber of Commerce.
New York Produce Exchange.
Bronx Board of Trade, New York City.
Buffalo Chamber of Commerce.
Rochester Chamber of Commerce.
The city of Oswego.
Oswego Chamber of Commerce.
City of Utica, N. Y.
Chamber of Commerce of the Tonawandas.
City of Rochester.
Fulton Chamber of Commerce.
Troy Chamber of Commerce.
Plattsburg Chamber of Commerce.
Newburgh Chamber of Commerce.
Oneida Chamber of Commerce.
Poughkeepsie Chamber of Commerce.
Yonkers Chamber of Commerce.
Merchants' Association of Yonkers.
City of Yonkers.
Kingston Chamber of Commerce.
City of Kingston.
Jamaica Bay Improvement Association.
Advisory Council of Real Estate Interests, New York City.
New York Board of Title Underwriters.
Erie Basin Board of Trade, Brooklyn.
Lighterage Association of the Port of New York.
New York Boat Owners' Association (Inc.).
New York Harbor Protective and Development Association.
New York-Long Island Connecting Canal Association.
Coney Island Ship Canal Association.
Sheepshead Bay Waterways Association.
Albany Chamber of Commerce.
Schenectady Shippers.
Watertown Chamber of Commerce.
Whitehall Transportation Interests.
The Hudson Valley Federated Chamber of Commerce.
The Ithaca Board of Commerce.

It was the unanimous sentiment of the canal conference that the influence of the United States in the operation of boats upon the New York canals by the Railroad Administration during the last two seasons of navigation has been disastrous to the canals and the interests of the State of New York and to the commerce of the State, and that the State canals must be absolutely liberated from this baneful influence.

We understand that the provisions of section 201 as applying to the Mississippi River and other waterways are deemed to be desirable by the interests affected thereby, other than the New York canals, but that such interests have no wish that the provisions of section 201 shall apply to the New York canals, and there will not be a single voice heard in objection to the amendment we propose.

It is of the utmost importance that this amendment shall be made in the pending bill before its passage, because if not made we can hardly hope to secure the passage of a measure amending it immediately after its passage, or before the opening of the next season of navigation, and we must rid our canals of these United States barges before the season opens if we are to be able to encourage the building and operation of barges by independent enterprises.

The canal conference, therefore, appeals to you to exert your utmost effort to secure the insertion of the exception in the pending bill.

Very truly, yours,

FRANK S. GARDNER,
Secretary.

Mr. LENROOT. Mr. President, I desire to make a very brief statement regarding my position on the conference report. I listened with great interest to the remarks of the Senator from Montana [Mr. MYERS] concerning the probable attitude of both the great political parties in their platforms respecting the demands of labor. There are some people who believe that the political parties ought to take the position of resisting all demands of labor, but remain silent concerning the demands of organized capital. I sincerely hope that neither of the political parties will take a position resisting the demands of labor, but if the political parties will render a public service they will devote themselves to ascertaining the cause of the unrest and discontent and, in so far as governmental action can remedy such conditions, will seek the remedy and provide it.

The Senator from Montana also called attention to the fact that organized labor, holding the balance of power in a State or a district, could absolutely defeat anyone who took a position not in accord with their wishes. That may be true, but it goes without saying that it is the duty of every Senator here to consider not alone this legislation, but all legislation from one standpoint only, and that is the standpoint of the public interest. If organized labor does unjustly attack a Senator here because of his position with respect to demands that may be made by labor, any Senator ought to be willing to go down to defeat if necessary so long as he has but one thing in view, and that be the interest of the general public.

I appreciate that in the vote I am about to cast I may be placed upon the blacklist of labor. I can not help that, and I shall not worry about it if it comes.

Now, with regard to the pending measure, I voted against the Senate bill, the Cummins bill, for the reasons which I then gave, and one of the principal reasons was because the labor provisions in that bill I believed to be very unfair to the railway employees of the country. Under the provisions of that bill I believe that the final tribunal provided to pass upon disputes between employees and the railroad owners would not intentionally but inevitably mean that the final tribunal would be composed of men who were antagonistic to the interests of railway employees and would not be in a position to give them that justice which they were entitled to receive. Not only that, but it was provided in the bill that when such a decision was rendered it was in effect made a criminal offense for them to

strike. I voted against that bill, and I suggested then that I believed the time had come when an impartial tribunal should be created to whom such disputes could be referred, and if such a tribunal was created, one that was fair, a tribunal that would deal justly with both capital and labor, there would be no occasion to have legislation attempting to prohibit the right to strike, because a fair decision receiving the indorsement of public sentiment would be acquiesced in by all parties concerned.

In the conference report which we now have before us that is provided. The obnoxious provision in the original bill has been eliminated. It is provided that the final tribunal shall consist of nine men, three of them selected from recommendations made by the railway owners, three by the railway employees, and three representing the public appointed by the President and confirmed by the Senate. We have here the recognition that should have come long ago, that a dispute between railway employees and employers is not merely a private quarrel between them but it is a matter in which the public has an interest. That is recognized in the labor provisions of the bill. The final arbiters will be the three men representing the public, and they can be trusted to do justice if there be an impartial tribunal appointed, as I believe there will be, and to render fair and impartial decisions.

But the bill stops there, and properly so, for, however desirable it may be to have uninterrupted service in the transportation interests of the country, we have not yet come to the point in the United States where we will have compulsory service or involuntary servitude upon the part of men anywhere. The bill leaves the right to strike unimpaired, but with a fair decision, a decision rendered by a fair tribunal, that decision will, in my judgment, be accepted by the railway employees and will be indorsed by public sentiment, and no strike can succeed in the United States that has not public sentiment behind it. So much for the labor provision.

Mr. President, organized labor has sent to all of us and to the press a protest against the adoption of this conference report. I may say in passing that I am gratified to observe that in the protest there is no protest whatever concerning the labor provisions in the conference report, from which it is fair to assume that organized labor does recognize that the provisions are fair and just. But they argue, first, that if the bill passes in its present form it will be granting a very large subsidy to the railroads of the country, an unconscionable subsidy. Let me read the paragraph. It states:

6. The Cummins-Esch bill, with its guaranty of earnings, is an invitation to waste and extravagance. If guaranteed a return, railway operators will be under no impulsion to keep down their own salaries, to buy cheaply, or to operate the railroads efficiently. Waste is inevitable under any kind of a guaranty of earnings. This is especially true with railway officers and stockholders interested, as they are, in every kind of supply bought by the railroads.

I may say in passing that there are only two guaranties in the conference report as I recollect it—one a guaranty that the owners of the railroads shall for a period of six months after March 1 receive a minimum return equal to the amounts they have received during Federal control, and the other a guaranty that the employees of the roads shall for a like period receive a minimum wage equal to that which they are now receiving under Federal control. If I am mistaken, the chairman of the committee will correct me.

Mr. CUMMINS. The Senator is entirely right in that respect.

Mr. LENROOT. There is a direction to the Interstate Commerce Commission to allow rates that will produce a return of not less than 5½ per cent and, in their discretion, 6 per cent upon the value of their property, but that direction lasts only for a period of two years. I would prefer that that were not in the bill. I think for the next two years it would mean the same whether it was in the bill or not, because I do not believe there is anyone who will take the position that at the present time a 6 per cent return on money is an unreasonable return.

There was great objection made when the bill was before the Senate, particularly by my colleague [Mr. LA FOLLETTE], who is now absent on account of illness, because of the provision in the bill that would have permitted, as was then claimed, the Interstate Commerce Commission to take the book value of a property investment in the road and base the return upon that book investment. Under the conference report the Interstate Commerce Commission is prohibited from placing any greater weight or value to this investment account in the books of a road than they are entitled to receive under the law as it now exists. So it can not be claimed that there is any direction or even permission to the Interstate Commerce Commission to take the book investment of the roads as a basis for making rates.

I have read a paragraph from the letter of organized labor as to the subsidy granted by this bill; but the very next sentence in the following paragraph reads as follows:

Bankruptcy, we believe, is inevitable if railroads are returned.

That is to say, these gentlemen believe that, notwithstanding in their opinion there is a large subsidy granted in the bill which will lead to waste and extravagance, nevertheless, under the terms of the bill and with this subsidy, as they view it, the railroads will be driven into bankruptcy.

8. Railway bankruptcy—

They say—

in the United States may bring on a panic. Railway securities and Government bonds are almost the only solvent securities in America. They form the basis of a great part of our credit. If they tumble, industry may tumble with them.

9. World-wide bankruptcy may result from such a collapse. The credit of the world rests in America. If the financial structure of America collapses there may be a world panic.

Mr. President, I would need nothing further to justify my support of the conference report than the language I have just read. The issue is not whether Government control shall continue for two years longer. The issue is whether the railroads shall be returned to their owners on the 1st of March under existing laws or whether they shall be returned under the terms of this bill. That is the only issue. The President has announced that he will return the roads to their owners on March 1; and if these gentlemen are right, that bankruptcy will ensue, even with the more liberal provisions of the bill, how can anyone justify the return of the roads under existing law with the result that these gentlemen say will follow if the roads do go into bankruptcy? Will anyone deny that if the roads of the country do go into bankruptcy, labor, not only labor upon the railroads but labor everywhere, will be the first sufferers from that result?

But, Mr. President, while I would need no futher justification for my vote upon the conference report than the language of the representatives of organized labor, let me call attention to another portion of the bill which everyone must agree is not only in the public interest but absolutely necessary if the public is to be protected, if the roads are to be returned to their owners, and that is the provision of the bill relating to the control of the issuance of securities by railway carriers.

There is nothing in the present law upon that subject. This bill does provide that no securities shall be issued without the approval of the Interstate Commerce Commission. Not only ought that to be a protection to the public but it ought to be a protection to the interests of the railway employees themselves. However, these gentlemen argue very strenuously for a continuation of Government control for two years. They speak about the increase in rates that will follow the return of the roads to their owners and how that will be carried on to the consumer. If they are right, that the railroads are now upon a paying basis or nearly so, if the Interstate Commerce Commission performs its duties there will be no increase in rates. If they are wrong, and the railroads are not upon a paying basis, if the Government retains their control the deficit must be made up out of the United States Treasury in the future as it has been made up in the past. There are some gentlemen who seem to think that if we pay money out of the Treasury, that money never comes from the people at all. They seem to have an idea that money comes into the United States Treasury out of the blue sky. So far as the people are concerned, whether a tax be levied to carry on transportation or whether an increase of rates be levied to pay the deficiency, the people pay the bill in both cases, and it rolls up in the same way in the case of taxes that it does in the way of increased rates.

It is estimated that an increase in rates affording an increased revenue of a billion dollars will mean an increase by the time it reaches the people of something like $4,000,000,000. Whether that be true or not, if it is true in the case of railroad rates, it is likewise true in the case of taxes. We have tried to reach the profiteer, especially during the war times, by taking the major portion of his profits after they have exceeded a reasonable amount, thinking that we would then protect the public; but what has happened in the case of excess profits? We all know that the practice to-day upon the part of practically all business men and manufacturers is to exact such prices as will compel the consumer to pay every dollar of the excess profits and a profit upon what he himself is to pay in taxes. The result is that in the prices that are fixed to the consuming public the manufacturer and the business man fixes his prices so that, in his judgment, he will make the same profit himself as if there were no excess-profit tax whatever.

The excess-profits tax is carried on to the consumer. So if in case of the transportation tax it is quadrupled, it is likewise quadrupled on the people in the case of the excess-profits tax.

Then there is another feature that these gentlemen do not seem to have considered, and that is this: If the railroads are to remain under Government ownership for a period of two

years, even assuming that they would pay their own way, where is the new capital to be found with which to make the betterments and improvements which will be necessary in order to afford an efficient and adequate transportation system? If we hold them for two years, every railroad company in the United States is going to say, "Let Uncle Sam pay." If we continue the control under the present system, the United States will have to furnish anywhere between one and two billion dollars within the next two years upon capital account, to say nothing at all concerning any possible or probable deficit in operations; and that, too, Mr. President, with little or no security, for the lien of the Government for those capital accounts will be junior and subordinate to existing liens and mortgages. Where is the money coming from? Are we going to raise another billion dollars in addition to the staggering sum that we are compelled to raise for the ordinary purposes of running our Government? Are we to increase our taxes to raise another billion dollars? How are you going to do it and where are you going to put the taxes? True, it could be done; it could be done, of course, by several methods. We could reduce the exemption from income taxes to $600 or $800 a year, yes; so that practically every person in the land would be compelled to pay a portion of the money used for the benefit of the railroads. We could put a tax upon gross sales, yes; we could raise the money; but in either case the people of the country would pay every dollar of it. If there must be money raised in that way, I think it is a little more just that the railroads, through the use of their own credit, shall borrow the money, if they can, and in case of deficit in operation, if increased rates are necessary, I think it is fairer for those who utilize the transportation to pay for it in the first instance than that the people of the United States generally, irrespective of the benefits received by them, shall do so.

Mr. President, in voting for this conference report I desire to say that I do not believe it is going to prove a solution of the railway question; I do not believe it is going to be possible for the railroads to secure the amount of money necessary to furnish to the country an adequate transportation system; but we must choose between the turning back of the railroads within the next 10 days under existing law or under this proposed law. I am satisfied that if we retained control of the roads for two years longer we should simply have a situation much more difficult to unscramble and untangle than we have to-day.

There are some people who say, "We should continue Government operation for two years, and by that time we shall have an opportunity of demonstrating whether we ought to adopt the Plumb plan of railroad control." Why, Mr. President, there is nothing in the present situation that either helps or hinders the adoption of the Plumb plan, if the people of this country should ever desire to adopt it. Under the present plan we have control of the roads, and private citizens own them; under the Plumb plan the Government would own the roads and the railway employees would operate them. So there is no similarity, there is no common ground between the present situation and the Plumb plan. It would be just as easy for the people who desire to adopt the Plumb plan—which I am satisfied they never will—to do so after the roads have gone back to private ownership.

As for myself, I believe that we have got further to try out the experiment of private ownership under some such plan as this; but also I believe, Mr. President, that the time is not far distant when it will be recognized that the only solution of the railroad problem is either out-and-out Government ownership and Government operation or Federal incorporation and unification of the railroads under private ownership and public control; but compelled to choose, as we now are, between the laws as they exist or which did exist prior to our taking the railroads over and this bill, in the interest of the public, in the interest of the railway employees themselves, and in the interest of prosperity in this country, I shall vote for the conference report.

Mr. McKELLAR. Mr. President, I find myself unable to vote for the pending conference report, and I desire to occupy about five minutes of the Senate's time this afternoon in giving my reasons for not being able to do so.

Mr. President, the railroad bill has undoubtedly been greatly improved in conference, but section 6 of the Cummins bill, which is to be found in section 422 of the conference bill, still contains the Government guaranty of 5½ per cent returns, or, in the discretion of the commission, 6 per cent returns, and also takes away the excess profits of the good roads and turns them into a fund for bad roads, and to these two principles of legislation I can not subscribe.

We do not guarantee a fixed income to any other class of our citizens. Then why make special favorites of the railroads?

It is true that the guaranty is limited to two years, but by this guaranty the camel gets his head under the tent, and I do not believe he will ever be gotten out. The provisions of this section are communistic and bolshevistic, and I doubt very much whether they can be maintained under our Constitution. They are certainly inimical to everything that we have heretofore believed to be a part of American principles. I believe that the railroads should be turned back to private ownership, but I can not subscribe to these provisions of the bill.

There are many other provisions of the bill that are unfair and unjust to the American people. Apparently the American shippers have not been taken into consideration at all. The American traveling and shipping public, generally more interested in the railroads than any one class of our citizens, is largely ignored in the bill. In this bill the Republican Party is running true to form in granting everything to the special interests, which it has so long served and which have so long served it.

I am so anxious to return the railroads to private ownership that I would like to be able to vote for the bill, but I can not, for the reasons mentioned, vote for this one, which taxes all the people for the benefit of a favored class of corporations, and then taxes the well-managed corporations for the benefit of wildcat concerns that have hitherto built more or less worthless railroads as a gamble.

Pass this bill this afternoon and the worthless stocks of railroads all over this country will be of great value on the stock market to-morrow morning, not because of any intrinsic value they may have now, but because of the favoritism of this Congress in giving a value by law where there was no value before. For the Government to make the stock of these wildcat concerns good is to my mind little short of criminal.

What I said about the Cummins bill on December 12 last I now repeat.

I have no antagonism at all to railroads or to railroad companies. They are absolutely necessary to the prosperity and the well-being of the people of this country. They should be encouraged in every proper way. They should be protected in all of their property rights. They should be encouraged by the Government to render their very best service. At all times they should be treated absolutely fairly by Congress, by the Interstate Commerce Commission, by the State commissions, and by every regulatory power.

I do not believe, I never have believed, in this so-called baiting of the railroads. It is not right. Business could not go along a day in this country without them. They are the great arteries of all business and all commerce. We must protect them in their lawful rights. We must see to it that they get a proper income. There is no desire upon my part in anything that I have said, or any inference that can be drawn from what I have said, that I am opposed to railroads; not at all. They are the builders up of communities, they are the builders up of States. A State full of railroads is a State of prosperity; it is a State of happiness; it is a State of progress; and I say that we ought not to pass any bill that will stop the building of railroads, as this bill does, in my judgment. We ought not to pass any bill that stops enterprise upon the part of the railroads themselves, as this bill does, in my judgment. We ought not to pass any bill that does away with competition in service, as this bill does. We ought not to pass any bill that does away with individual initiative, as this bill does. I believe in the railroads. I believe in their necessity and their value.

It may be asked what I would do with them. I have prepared with some care just what I would do with them. My idea of railroad legislation at this time may be succinctly stated as follows:

First. Terminate Federal control and restore the railroads to their several owners in a manner by which active competition in service may be restored and maintained.

Second. For the purpose of enabling carriers by railroad subject to the commerce act properly to serve the public during the transition period immediately following the termination of Federal control, provide for new loans to the railroads under the direction of the Interstate Commerce Commission, and with reasonable limitation upon these loans, together with a temporary guaranty of present income for a period not longer than six months, the House bill provision on the subject of loans to the railroads being deemed a wise and proper provision.

I may say in that connection that I doubt the wisdom of a six months' guaranty, but we might let the present rate of 5 per cent continue, say, for 90 days, until they can secure these loans and go out and make their own way, as every other citizen goes out and makes his own way. Five per cent is more than they ever made before in their history. Why should we increase it? And especially why should we give this valueless stock a value to which it is not entitled? I think three months' guaranty would be absolutely sufficient at the present rate.

Third. Give to the Interstate Commerce Commission increased powers, including a supervisory jurisdiction over arbitration of labor troubles; the issuance of railroad securities and the chartering of additional lines, to the end that railroad securities may be stabilized and rendered a safe investment to the public; all dealings of the several railroad corporations with their employees; all subjects arising out of Federal control; refunding the carriers' indebtedness to the United States; and the establishment of minimum as well as maximum rates.

Fourth. Provide that existing rates shall be continued with full power vested in the Interstate Commerce Commission to raise or lower them and thereby fix reasonable rates, to the end that both the railroads and the public shall be fairly treated and that each road that is efficiently, economically, and well managed shall be permitted to earn a just and reasonable income, but without Government guaranty.

Also, that railroads rendering the best service to the public and the greatest efficiency in management and operation shall be entitled to make the greatest income and that all railroads shall have and retain such incomes as they may rightfully earn without dividing any portion thereof with the Government or with other less favored railroads.

I say that if this bill were recommitted to the committee with instructions to prepare a bill along those lines, it would be for the manifest benefit of the American public, and the manifest benefit of the railroads themselves. In turning the railroads back—and we ought to have done it long ago—we should make the terms fair and just toward all—toward the public, toward the railroad owners, toward the security owners, toward the operators, toward the men, both union and nonunion men. We should not put any theoretical plan on the statute books. We must not let the Government continue to hold the bag. We should not put it in the power of any railroad organization to exploit the American people.

Mr. President, that is what this bill does—it puts it in the hands of the railroads of the country to tax the American people, to exploit the American people. The time will come, in my humble judgment, when every man who subscribes to this special legislation for special interests will wish he had not done so. The American shipper, the American business man, who daily uses the railroads, has some rights, but his rights are not safeguarded in this legislation. The people are again taxed for the benefit of a favored class. When rates go up to make the stock of the gamblers in railroad securities good, then will the plain people of this country understand how they have been fleeced by this remarkable bill. Instead of its being a bill turning the railroads back to their owners, it is a bill turning the taxing power of the Government over to the railroads. I can not conscientiously give my vote for such a bill, though I am not for Government ownership and want the railroads restored to their private owners.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gore	Lodge	Robinson
Ball	Gronna	McKellar	Sheppard
Beckham	Hale	McLean	Shields
Borah	Harris	McNary	Simmons
Brandegee	Harrison	Myers	Smith, Md.
Capper	Henderson	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Spencer
Cummins	Jones, N. Mex.	Nugent	Sterling
Curtis	Jones, Wash.	Overman	Sutherland
Dial	Kellogg	Owen	Townsend
Elkins	Kendrick	Page	Trammell
Fernald	Kenyon	Phelan	Underwood
Fletcher	Keyes	Phipps	Wadsworth
France	King	Pittman	Walsh, Mont.
Frelinghuysen	Kirby	Poindexter	Warren
Gay	Knox	Pomerene	Watson
Glass	Lenroot	Ransdell	Williams

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. SIMMONS. Mr. President, I had expected to enter into a somewhat full discussion of the questions presented in this conference report; but the hour is late, and Senators are very anxious, I am sure, to vote; so I am going merely to state in a very few words the reason why I shall vote for the conference report, notwithstanding the fact that I voted against the Cummins bill.

I am not going to discuss this bill. The conference report has eliminated a great many things in the bill that were objectionable to me. Since the bill was formerly before the Senate I have had time to investigate thoroughly some questions about which I then said I was in doubt because I had not sufficient information to form a satisfactory conclusion. I have had that time for investigation. The conference report has removed some of the features of the bill which were most objectionable to me. It is still not a perfect measure; it is still far from such a bill as I would desire; but I am not entirely satisfied that under the circumstances it is not about as good a bill as we could get, especially in view of the fact that the time for action is so short.

I am going to vote for this conference report not because I entirely approve it but because I know, as every Senator here knows, that unless legislation is passed now providing for the return of the railroads to private ownership they will under the Executive order in a very few weeks go back into the hands of their private owners without legislation.

Mr. President, I believe that if, in the present condition of the railroads of this country, the Government shall turn them back to their owners without some provision such as is contained in this conference report, in a very short time—in less than three months, I will say; indeed, that is rather too long a time—the result, in my judgment, will be a financial and business condition in this country of such character and such proportions, fraught with so much danger to the public interests, and so disruptive of all the business conditions of the country, that even our supposedly panic-proof Federal Reserve Banking System would not be able to save the country from a panic.

I recognize that there is some opposition to this legislation growing out of its supposed defects, but I am of the opinion that, eliminating the supposed defects in its machinery, there is a substantial agreement throughout the country on the part of the railroads, on the part of the business interests of the country, and on the part of the masses of the people and taxpayers of the country that under the circumstances this measure ought to be passed. I do not say there is no opposition to it. There is certain spasmodic opposition, and there is one source of organized opposition—an opposition which, under ordinary circumstances, I might very highly respect. I refer to the opposition of the labor unions of the country.

Mr. President, I am thoroughly convinced that the opposition from this source is not based upon any defect in this legislation for the accomplishment of the purpose it has in view. I know that the labor unions state that it will bring about certain results disastrous to them; but, when you analyze that source of opposition, you see that there is no foundation to it; at least, there is no opposition upon which they have laid their fingers, and the grounds of which they have stated, that in my juudgment it lies in the mouth of labor to urge. At first, of course, they had good grounds for opposing it on account of its antistrike provisions. There were many of us that to some degree sympathized with them in that opposition; but those provisions have been removed. It is true that they contend that the arbitration provisions of the bill will be hurtful and detrimental to their interests; but, Mr. President, it does not lie in the mouth of labor to oppose compulsory arbitration of the character provided in this bill. They have too often consented to that proposition and too often championed that proposition. It is only a few months now since a great conference met in this city, and in that conference labor complained that they were not permitted to have arbitration because of the opposition of the other parties to that controversy. Arbitration is something that the representatives of labor in this country have never opposed, so far as I know. They have opposed penalties for failing to carry out the terms of arbitration awards, but this bill does not provide for any of those things which they have opposed in connection with arbitration. Their opposition, therefore, must be taken as confined to the proposition of arbitration advanced in the conference report, unless, of course, they put it upon the ground that the public has no right to be represented in an arbitration board to pass upon wage questions as between them and their employees.

Mr. President, that may be true in certain cases, but it is not true with reference to arbitration to decide the question of railway employees' wages. The railway is a public utility. The service which it performs is performed in the interest of the public, or at least it is supposed to be performed in the interest of the public. The public pay whatever wages are fixed and agreed upon, voluntarily or compulsorily. The public not only pays the wages but they pay the rates of transportation that may be established. So both the transportation rates allowed to the railroads in this bill and the wages that may be allowed in the arbitrations provided for in the bill will have to be paid by the public; and to say that the public has no right to representation in the fixing of these wages and these rates, which it must pay to the last penny, is absolutely untenable. The labor unions can not object to the bill on that score.

Mr. President, there are other supposed objections asserted by the unions which are just as untenable as this and which I will not discuss now. These objections to the character of this legislation are not the real objections of labor to the bill. They have not suggested a better process of legislation for the accomplishment of this purpose than is contained in this bill. It is not, in my judgment, a bona fide and sincere objection to the bill. The objection is grounded upon another theory and for the purpose of promoting another interest. The unions are opposed to this legislation because they want Government ownership of railroads in this country. They say, "Let the roads be run two years longer by the Government." For what purpose? To try out the question of Government ownership, and, further, to test its merits and give them an opportunity, through their propaganda and their agitation, to strengthen their organization, and to undermine the sentiment of this country against Government ownership.

Why do they ask for Government ownership? Why are they so *insistent* upon it? The reason is a purely selfish one. It is because they believe that under Government control of the railroads they will be able to obtain higher wages; that they will be able, through their control of the Congress of the United States, if I may say it, through the opposition that they are now organizing against every man who dares to vote against the measures they advocate, to do what they did when they came here and forced us, against our will, to pass the Adamson bill in order to save the situation in this country. That is the ground of their opposition—not that the bill is defective, not that the bill will not properly meet the situation and is not an appropriate bill for returning the roads to their private owners, but because of their purely selfish interests.

I am not an opponent of labor. I have respected their demands when they appealed to my judgment and to my conscience. If the representatives of labor come to me to-day in advocacy of any of their measures, my disposition will be, if I can properly help them, to support them. But when the representatives of labor come to me and ask me to support a proposition that I believe is fraught with danger to this country, in order that their selfish interests may be subserved, I can not find it in my heart or in my conscience to support them .

Why should we take time in order that the question of public ownership may be tried out, in order that we may better find what is the sentiment of the country, in order that there may be time to formulate and mold public sentiment in the country in favor of Government ownership? If any proposition in the country has been met and, in my judgment, decided definitely and decided right, it is the question of the Government ownership of railroads. Away back in the nineties a great party sprung up suddenly known as the Populist Party. It acquired enormous proportions and influence in certain sections of the country. Their cardinal demand was Government ownership of railroads. The time was most auspicious for favorable consideration and action upon that proposition. The railroads in the country at that time had become the dominant influence in politics and in business. Through their supreme control of the distribution of the products of industry in the country they regulated our politics and dominated every business interest in the country. And yet even in those conditions the people of the country overwhelmingly turned down Government ownership. Why? They recognized the dangers of the situation which then existed. They recognized that they must be relieved in the interest of the people. But they saw greater danger in the alternative proposition of the Populist Party, which was Government ownership of railroads. They saw in that proposition the utter destruction of the rights of the States of the Union. They saw in that proposition the unbalancing of the division of power between the coordinate branches of the Government of the country. They saw the executive department of the Government suddenly constituted into a giant dictator against which the power of the people in the future would be absolutely impotent. They decided then and there, I think, definitely, that the only way to deal with the question was through regulation and control by that means.

We have followed that ever since, and most of the evils that were complained of in those old Populist days were remedied. The railroads have taken their hands off the politics of the States and the Nation. The rates which they are permitted to charge the people have been reduced to a reasonable basis. There was no further arbitrary control of the business of the country; there was no further domination of the politics of the country.

We had during the war, to meet the exigency that everybody recognized the railroads were unable to contend with, to take the railroads over. We can see now that if we had not taken them over, in view of the enormously increased traffic that was entailed by reason of that conflict, the railroads would utterly have collapsed. Our experience during those few years does not strengthen the position of Government ownership as taken by the Populists in the nineties, but it incalculably weakens their position. We have had as the result of Government operation during the war a practical demonstration of the unwisdom of the Government operating the public utilities of the country. In an incredibly short time under this system we are now told by the distinguished Senator who is chairman of the committee that the losses of the people will probably amount to something nigh a billion dollars.

If my objection to the features of the legislation were twofold greater than they are, when I am confronted by the fact that in less than 10 days if this legislation is not passed the railroads will be returned to their owners, under conditions that will bring about financial and business chaos and demoralization in the country that can not result otherwise than in widespread panic and industrial ruin, I feel impelled to cast my vote for the adoption of the conference report.

Mr. PITTMAN. Mr. President, I have received protests against this bill from labor, as has the Senator from North Carolina [Mr. SIMMONS]. I have received protests from railroad managers and from shippers. In fact, I have received protests from everyone affected by railroads, probably, except the bondholders and stockholders. However, I feel that that which should influence me in this matter should not be the protests I have received from anyone. Most of the speakers that I have heard to-day seemed to find their incentive in some protest.

The bill is intended, I believe, to establish permanent regulations upon the return of the railroads to their owners. It occurs to me that it would be far better to return them without any regulation than to return them with regulations that are indefinite and uncertain and that have had their origin in legislative expediency, as was stated by the chairman of the committee.

I realize that the conference committee has worked hard on this matter and I realize the necessity for the adoption of the conference report. If it were a matter of compromise on an appropriation bill, I would not have any hesitation in voting for it. I can understand where there can be a compromise between an appropriation for $50,000,000 and one for $100,000,000, but I can not understand how there can be a compromise of the character we find in this report. It pretends, on the one hand, to protect labor against the control of anyone, in their wages and hours of labor and in the conditions under which they shall work, and at the same time it pretends to protect the people of the country against any act on the part of labor to obtain such protection. It is a simple pretense on both sides. It is the only thing that could come out of the character of compromise that the conferees on the part of the two Houses have been engaged in.

I am opposed to Government ownership and have been at all times, and yet I believe confidently that if there is anything on earth that is going to bring the Government to Government ownership of railroads it is the passage of this bill. It will not be six months, in my opinion, before the railroad owners, the laborers, and the shippers and everyone else, except the bondholders, will be complaining against the turmoil and chaos that the bill is going to bring about.

We hear a speech reciting the horrors of Government ownership, but what does this bill do? It does not provide for Government ownership, but it provides for Government responsibility. It throws all the obligations and burdens and liabilities on the Government, and at the same time denies the Government the ownership of the property. I would prefer Government ownership to individual ownership and Government paternalism. The bill is founded absolutely upon selfishness and legislative deception. It is influenced by railroads that never earned 5 per cent on their capital in the history of their existence, bondholders and stockholders of drowning railroads. It is influenced by coast points that have been built up through arbitrary and discriminatory railroad laws.

You are preparing railroad regulations for the future, and yet, in spite of the fact that your committee have found by a majority vote heretofore that the so-called long-and-short haul rates are indefensible, you perpetuate them in the bill. Senators talk about taxation by reason of high rates. What does any railroad rate amount to to us as compared with a rate that costs the people of my State twice as much to ship freight to Boston as it does the people of California? Yet that is exactly what you have perpetuated in this bill. You have not only perpetuated it in the bill with regard to my State, but with

regard to the State of Montana, the State of Arizona, the State of Texas, and all the other intermountain States. Every one of those States is suffering under this discriminatory legislation.

I want to say to you to-day that as a matter of fact we pay for the shipment of our products to-day to the eastern markets nearly twice as much as they pay from the Pacific coast points. How do you justify that? Do you expect any man suffering under those conditions to vote for this kind of a bill? Is there anyone here willing to stand on the floor of the Senate to-day and deny that we pay $40 where Pacific coast points only pay $20 for the shipment of wool to the eastern markets? This is but one example.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I yield.

Mr. POINDEXTER. The conditions of which the Senator from Nevada complains do not arise out of this bill. They find their authority in the existing law. This bill does not perpetuate that law, as the Senator has stated. On the contrary, it amends it. It modifies this discrimination, I think, to the very material advantage of the interior country.

Mr. PITTMAN. I know the Senator thinks that, or he would not have stated it, but as a matter of fact if this little proviso found on page 66 in section 406 were not there, it would never be in the power of the Interstate Commerce Commission to make that discrimination. The Senator from Washington has introduced a bill in the Senate, and on one occasion had a favorable report on it, where he endeavored to strike out this very provision that we find in the bill to-day. Why did he want to strike out that provision? It was because under the provision put in this bill the Interstate Commerce Commission has the power to grant a railroad company the right to charge more for a shipment from the East to Spokane than to Seattle, which haul is several hundred miles longer on the same line.

Mr. POINDEXTER. Mr. President——

Mr. PITTMAN. I yield to the Senator from Washington.

Mr. POINDEXTER. One might infer from the statement the Senator has just made that that proviso was proposed by this bill. That is not the case. The proviso to which the Senator refers is in the existing interstate commerce act.

Mr. PITTMAN. I understand that the proviso is in the existing interstate commerce act, and the Senator introduced a separate bill providing for the striking out of that proviso. Why? Undoubtedly, it is obvious why. It is because under that provision the Interstate Commerce Commission, utilizing that authority, was permitting the railroads to charge more, as I said, for hauling freight from eastern points to Spokane than through Spokane to the Pacific coast. In fact, they were charging as much for freight from Chicago to Spokane as they charged to Seattle and back to Spokane, with a very slight discount. They were charging for freight from Chicago to Reno, Nev., as much as they charged from Chicago to San Francisco and back to Reno, Nev., with a very slight discount. They were doing the same thing on the southern route. They were charging as much for freight from Chicago, St. Louis, New York, and Boston to points in New Mexico and Arizona as they were charging to San Diego, Calif., and back to those points. It was absolutely indefensible. It had but one excuse in the world, and that was to please the selfish demands of the Pacific coast points. The committee recognized that, and the only answer of the committee was, if we right this matter now it will work a hardship upon those people who have enjoyed these special privileges. But I say to you that you do perpetuate it in this bill. Why? Because you are carrying in the bill exactly the same provision which the Senator from Washington and other western Senators have sought to strike out of the interstate commerce act for years. I for one say that I do not care where that provision is found, in what bill it is found, I shall never vote for a bill that contains it.

Mr. POINDEXTER. Mr. President——

Mr. PITTMAN. I yield to the Senator.

Mr. POINDEXTER. To restate what I think the situation is in regard to the matter, that provision is going to remain in the law whether this bill passes or not. The Senator does not get rid of that provision by voting against the conference report or by defeating this bill.

Mr. PITTMAN. The Senator realizes that a condition may come about by which we may strike it out of this bill, or it may come about by which we may repeal that portion of the interstate commerce act. If this bill does not become a law, then the conference committee will probably attempt to deal with the matter. If this bill does not become a law, and the bill comes back before the Senate for due consideration, the Senator from Washington and the Senator from Nevada will have an opportunity to protect their States, as we have been trying to do for years.

Mr. WILLIAMS. Mr. President——

Mr. PITTMAN. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Is that point in conference at all?

Mr. PITTMAN. I think it is in conference.

Mr. WILLIAMS. How?

Mr. PITTMAN. It is in conference by reason of the fact that there are two separate bills, and they have both been before the conference committee.

Mr. WILLIAMS. Was that particular point passed upon by both Houses?

Mr. PITTMAN. No; it was not.

Mr. WILLIAMS. I agree with the Senator about the point, but I see nothing in conference about it.

Mr. PITTMAN. I will answer the Senator in this way: The provisions are different in the two bills. The bills are entirely different, and it has been held and stated in this body that where two bills entirely different go into conference a substitute of any character or kind may be presented by the conferees of either body. What I am contending is this: I feel that the bill imposes upon me the duty to vote against it in the hope that it will not become a law, in the hope that the bill will be sent back to the respective bodies for further consideration. I was not here when the bill was being considered in the Senate. I was prevented from being here by reason of illness in my family. I simply state that as the reason why I did not then make the remarks that I am making now.

I want to say to you not only is the discrimination such as I have stated, but that every interior point in the country is discriminated against, not only in freight from the East but in shipments from the various points in those States. Machinery that we buy from Pennsylvania, New York, Chicago, and Boston we pay more for than do the people on the Pacific coast, 600 or 700 miles farther away on the same haul. Not only that, but we pay more for the shipment of our products 1,000 miles shorter distance than the people who are on the other side of us. We have no market, we can not have wholesale houses, we can not have factories by reason of the perpetuation of this unjust discrimination in this railroad bill. I have given an illustration.

I said the bill was based upon selfishness, and it is. The whole underlying principle of it is selfishness, and the method in which it was obtained was by the most humiliating consideration compromise and legislative expediency that anyone has ever yet seen.

I want to say one more thing in conclusion. If there were no other reason than my oath to support the Constitution as I see it, that would prevent me from voting for the measure. We may fix rates; but when a railroad earns a certain income under those rates that earning is legal, and it can not be taken away from them in whole or in part unless it be in violation of the Constitution of the country. The bill attempts to state that the railroads may earn 10 per cent and that the Interstate Commerce Commission shall take 5 per cent or 4 per cent from them. There is no authority in the Constitution to do that. They may regulate the rate, but that is all that they may do in a case of this kind.

That is all I have to say.

Mr. WILLIAMS. Mr. President, in answer to the last remark of the Senator from Nevada [Mr. PITTMAN], of course there is all authority under the Constitution for what he denies. There is not only that authority, but there is authority under the Constitution to take and operate the railroads, if anyone chose. I am opposed to that. There is authority under the Constitution to force a consolidation of all the roads, simply because the railroads are not private enterprises but are quasi public servants and are quasi public corporations.

But, Mr. President, I did not rise for that purpose. I am in favor of the adoption of the conference report, although there are several provisions in the bill and several provisions in the existing law of which I do not approve. However, when you are brought face to face with a situation you are not called upon to say what is the best thing possible, but what is the best thing presently attainable. I think that this conference report is the best thing presently attainable. I do not, however, want my position in favor of the adoption of the conference report misunderstood, and therefore I want to say that in a part of what has been said by the Senator from Nevada I sympathize very much. As to that, I like to go back to history for an argument.

When the original railroad commission bill, as it was called, which afterwards became the interstate commerce law, passed the House of Representatives under the championship and leadership of Mr. Reagan, of Texas, afterwards a Member of this body, and prior to that time postmaster general of the Confederacy, and a man of very great ability, it contained a proviso to the effect that there should never be a freight rate for a short haul exceeding a freight rate for a long haul upon the same road in the same direction. When that bill got here, the Hon. John Sherman, then a Senator from the State of Ohio—I believe it was he, but if not he, he advocated it, at any rate—proposed an amendment which the Senate adopted, putting in three little words, "under similar conditions," I believe were the words or, perhaps, "under similar circumstances."

When the law went to the courts and to the Interstate Commerce Commission they decided that when freight was being carried from New York to San Francisco or from Boston to New Orleans on a railroad the railroad had a right to compete with water rates on the ground that water rates and land rates were not similar but dissimilar, and that, therefore, the three little apparently innocent words "under similar conditions" changed the entire construction of the law. They, therefore, ruled that a bale of cotton could be carried down the Yazoo River from my town, which was on the Yazoo River, to New Orleans on the railroad for $1.25, whereas from Vaughan Station, 25 miles due east from me, and the same distance on the same railroad, but not on a navigable river, they could charge $2.25 a bale. The decision was based upon the ground that Yazoo City was on a waterway and Vaughan not, although Yazoo was out of the direct way from Memphis to New Orleans. What has been the consequence? The entire actual commerce upon the Mississippi River has been killed as dead as a door nail. When I was a boy I could go down to the wharf at Memphis, Tenn., and find any day from 15 to 25 boats at the levee. You could have gone down to New Orleans and found still more; to Vicksburg and found as many; but the minute the railroads were allowed to reduce their freight rates in competition with water rates just low enough to put the steamboats out of operation, the steamboats went out of operation.

Then, a great many people in these towns on the rivers but in favor of river and harbor bills began to talk about "potential competition." What is needed is not "potential" competition but actual competition.

What was the further consequence? The further consequence was that the railroads on each side of the Mississippi River—and there is a continuous line on each side—were congested with freight, so that it frequently took absolutely a longer time to send a given commodity by freight on the railroad from Memphis, Tenn., to New Orleans, La., by rail than it did downstream by river, because the railways were congested. The reasons for that Senators who understand insurance and understand the remainder of the situation will appreciate.

Mr. President, what happened in Germany in connection with a similar condition? Under old Bismarck's wise statesmanship the German Reichstag absolutely forbade any railroad ever charging more for a short haul than for a long haul. There were railroads on each side of the River Rhine, and when I was a boy, before Bismarck's policy went into operation, the Rhine had no great cargo-carrying business at all. Tourists made use of it and it carried a few commodities from river landing to river landing, just as the Arkansas or the White River steamboats do; but after that policy was put into operation two things occurred. The first thing that occurred was that all the lumber and the iron ore and the coal, where expedition of delivery was not essential to the business, went by water down and up the Rhine, and other business requiring expedition went by rail, there being two continuous railroads, one on each side of the Rhine. The consequence was that the railroads were never congested and that the Rhine increased its business twentyfold.

The consequence of the other policy, which was pursued here, was that the great Mississippi River, the central artery of this country, carrying freight from St. Paul to New Orleans and from above St. Louis on the Missouri to New Orleans and from above Cincinnati on the Ohio to New Orleans, was absolutely crippled and put out of business except for a little coal delivered on barges downstream and some grain delivered in the same way.

So I am just as much opposed to the system which is criticized by the Senator from Nevada [Mr. PITTMAN] as he is; but, as the Senator from Washington [Mr. POINDEXTER] says, the fault is in the present law and not in this conference report. That is not all. That particular point about long and short hauls is not in conference at all. If the conferees had attempted to deal with it a point of order could have been made, under the amendment to the rules submitted some time ago by the Senator from Kansas [Mr. CURTIS] and adopted by this body, and the entire report could have been recommitted to the conferees. The old law contains the objectionable provision; the House bill does not alter it, and the Senate bill repeats it.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. WILLIAMS. I yield.

Mr. PITTMAN. This bill reenacts that section of the interstate commerce act, and in reenacting it the conferees could have eliminated this discrimination.

Mr. WILLIAMS. Oh, of course, and if they had done so and if the House had not eliminated it, then there would have been a point in conference; but the House did not eliminate it, and the Senate did not eliminate it, but repeated it, and, therefore, there is no difference in conference between the two Houses upon the particular point.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield further to the Senator from Nevada?

Mr. WILLIAMS. I do.

Mr. PITTMAN. The Vice President has ruled on that point, and his decision has been sustained in this body. It was made on the general leasing bill, I think, or on a subsequent bill. A Senator, acting as presiding officer, having held to the contrary, subsequently the Chair ruled that where the Senate passed a bill and the House struck out all except the enacting clause and substituted a separate bill, the conferees were not obliged to adopt one section or the other in conference, but where the two sections were different the conferees were at liberty to go so far as to write a new section.

Mr. WILLIAMS. Mr. President, I understand that, but quoad this particular subject matter, there are not two different sections. The old law is left by the House untroubled; it stays upon the statute books; and as the House did not change it, but even repeated it, then there is no difference between the two Houses upon that subject.

However, I did not rise for the purpose of discussing that question. I arose more for the purpose of reinforcing what the Senator from Nevada has said about the injustice of not providing in the law that no railroad shall ever charge more for a short haul than for a long haul of freight in the same direction. The first objection to the power or discretion to charge more for a short than for a long haul is that it kills water commerce; the second objection to it is that it congests railway commerce; the third objection to it is that if a railroad charges less for freight from New York to San Francisco or from Boston to New Orleans than it does from either terminal point to some intermediate point, it discriminates by double force in favor of the water terminii.

Water carriage alone—a gift of God and of nature—makes a sufficient discrimination, and if a railroad were forbidden ever to charge more for a short haul than for a long haul, whenever they reduced the long-haul charge they would have to reduce the short-haul charge proportionately, and intermediate points would get the benefit, and this would avoid the very inequity of which the Senator from Nevada complains and would bring about that equality of opportunity, which, whether for individuals or communities, spells equality.

I know in my own section how the scheme has been worked. Freight can be carried from Memphis to New Orleans upon the Mississippi River, by the Illinois Central or the Mississippi Valley Road, or on the road on the western side of the river. The rail rates are put just a little bit above the water rates, because they need not go quite down to the water rate. Shippers having the same rate both by water and rail will prefer to send by rail, with the idea that the shipment will reach its destination quicker. So the railroads put the boats out of commission; they were tied up; no new boats were built to take their places; and the great, magnificent interior waterway system that God gave this country has been deprived of almost all of its efficacy.

I live upon a waterway terminal; I have every interest in favor of waterway transportation. Natchez and Vicksburg, Miss., and Memphis, Tenn., where I was born, have been petitioning me to vote against a proposition that I believe was originally introduced by the Senator from Washington [Mr. POINDEXTER], although I do not remember accurately, the intent of which was to prevent a greater charge for a short haul than for a long haul on the same railroad in the same direction. I wrote back and told them that I would not do so. They kept saying that they got cheaper freight rates by "the potentiality of river navigation," but I told them, "I do not care about that"; that what I wanted was actual competition and not

potential competition, and that I did not admit the right of special terminal privileges on the part of railroads based upon water competition.

What right was there to send freight from Memphis, Tenn., to New Orleans, La., at a lower rate than from either terminal point to halfway the distance between the two? Yet that used to be the case. It is not quite the case now; it is not quite that bad; but they do still send it cheaper to the terminal points than they do from either terminal point to an intermediate point. I remember the time when they charged twice as much from either of the water terminals to the point halfway down the line as they did clear through to the other water terminal.

I do not so much reprobate the question of discrimination against intermediate points, although that is unequal, inequitable, unjust, and bad, as I do the destruction of the God-given navigability of the waterways of interior America. This is the very opposite of conservation of resources. It is destruction of natural resources by the artificial operation of statute law. Here is this great arterial system from above St. Paul to New Orleans, from the Blue Ridge down to the Gulf, from the Rocky Mountains nearly down to the Gulf; and just by three apparently innocent little words in a law this whole magnificent opportunity of the American people was destroyed. You may say whatever you please about old Bismarck and the Germans—and I have no good word to say for Bismarck's way of running his country—but Bismarck had better sense than that; he never destroyed the commerce on the Rhine; he built it up. He never destroyed the railroads, because while the water carried the heavy commodities, the railroads carried the light commodities, and, wherever expedition of delivery was the chief thing to be considered, the railroads carried the freight and where cheapness of delivery was the chief thing the water carried it.

I am with the Senator from Nevada upon the reason that he gives, but I am absolutely opposed to his position in the conclusion which he reaches, because this question of the adoption of this conference report goes far beyond that. I hope some of these days to cooperate with him in amending the defect in the present law; and I can tell the Senator all he has to do is to strike out the three little words in that old act "under similar circumstances" or "under similar conditions."

Then later on there was another act passed which left it within "the discretion" of the Interstate Commerce Commission to permit a greater charge for a short haul than for a long haul.

Mr. PITTMAN. That is the one I have in mind.

Mr. WILLIAMS. Strike that out also, and then you have cured the whole evil; but, for Heaven's sake, do not let us defeat this conference report upon which there hang ends and purposes and public utilities infinitely superior in importance to the abuse to which he and I have referred, however great that abuse may be.

Mr. POINDEXTER. Mr. President, I desire to say just a word, in order to correct the evident misapprehension of the Senator from Mississippi in regard to the provisions of this bill. The three little words which the Senator from Mississippi says have been the cause of discrimination in the making of freight rates against large sections of the country were stricken out of the law in 1910; they are no longer in the law. What he says he will cooperate with the Senator from Nevada in doing was done nine years ago.

I am in entire sympathy with the criticism of the Senator from Nevada and the Senator from Mississippi as to the abuses which have been allowed to arise under the fourth section of the interstate commerce act. They arise under the proviso of that act which vests discretion in the Interstate Commerce Commission to grant exceptions to the fourth section of the act, which section prohibited in general terms the charging of a greater rate for the short haul than for the long haul. Sharing the views expressed by the Senator from Mississippi and the Senator from Nevada, representing the great interior of the South and the great interior of the Southwest, the intermediate points upon railroad lines, I want to say to them that that power vested in the Interstate Commerce Commission out of which these abuses have grown is limited and modified and removed by this bill in three separate particulars.

This bill prohibits the Interstate Commerce Commission from taking into consideration potential water competition, which the Senator from Mississippi has said was the ground upon which discrimination against the Mississippi River had been allowed. That is one improvement over the existing law.

In the second place, this bill provides that in allowing the railroads to charge a lower rate for the long haul than for the short haul over the same line in the same direction for the same class of goods, that lower rate shall be reasonably compensatory. In that respect it is a substantial improvement over existing law, and tends to remove the abuse which the Senators have described, because under the existing practice the Interstate Commerce Commission have allowed a rate based upon what they called the out-of-pocket cost—that is, they have allowed the railroads to charge a rate which merely paid for the transaction itself, with nothing in the way of interest upon their bonds or dividends upon their stock.

I do not know what construction the courts will give to the words "reasonably compensatory" as contained in this bill; but if the courts and the Interstate Commerce Commission give those words the construction which I think they should give them—namely, that there should be a reasonable return upon the investment in the railroad property—those words which are contained in this bill will almost completely remove the abuses to which the Senators have referred.

There is one more improvement over the existing law contained in this bill, and that is as to rail competition. Where a long line and a short line meet at a certain point and compete there for business, under existing practice the long line has been allowed to charge a higher rate to an intermediate point than to the junction point, on the ground that it was necessary for it to make a lower rate at the competitive rail point in order to compete with the short line. This bill limits and modifies that abuse by providing that a higher rate shall not be charged to any intermediate point that is a shorter distance than the length of the short line to the competitive point. So, instead of the Senators serving their constituents and their country, if they should succeed in defeating this bill in the removal of the abuses which have existed under the fourth section of the interstate commerce act, they would defeat the only piece of legislation which it has been possible to bring to the point of being enacted into law that Congress has had before it since 1910, or, in fact, since 1887, when the original interstate commerce act was passed.

I submitted to Congress an absolute rule prohibiting under all circumstances the charging of a larger rate for the short haul than for the long haul. Twenty-five Senators voted for it. It was submitted to the Senate upon full discussion and argument. I have filed a report exhaustively discussing this entire question. It has been twice printed in the RECORD. It was once reported favorably from the Interstate Commerce Committee. I submitted the proposition to the committee, and the committee voted upon it. It was argued in the conference committee, and the conference committee voted upon it; and this legislation as contained in the bill is the best possible improvement over the existing law, as a matter of practical legislation, that it is possible to obtain. The interior country which suffers from these abuses is interested in the enactment of this bill, among other things, in order to secure this amendment of the fourth section of the interstate commerce act.

Just one word as to the parliamentary situation to which the Senator from Mississippi referred—as to the agreement of the conference committee upon this particular section of the act.

The condition was simply this: The House had nothing in the bill on the fourth section of the interstate commerce act. The Senate had an amendment of the fourth section, and the conference committee agreed upon the Senate amendment. That is all there was to it. Of course, it had a right to agree upon it. The House receded from its objection and the conference committee agreed, as they frequently agree upon differences between the two Houses in matters of that kind.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. POINDEXTER. I yield to the Senator.

Mr. PITTMAN. Taking the statement of the Senator from Washington as correct—and I have the same recollection in regard to it—if the Senate has a section in the bill and the House substitutes an entirely different bill, with no provision with regard to the matter, then, when it comes into conference, it is not a question of adopting the Senate section or the House section, because there is no House section. The question then is whether you will adopt the Senate section or reject the Senate section or modify the Senate section; and you can modify the Senate section in any way that would be agreeable to the House, and it would not be subject to a parliamentary objection.

That is exactly what I contended, and that if the conferees had been earnest in desiring to eliminate this bad practice that the Senator has been discussing they could have done it very easily, and if the bill is returned to conference it will be in their power to do so again.

Mr. POINDEXTER. The Senate conferees could have adopted a different provision if they had had the votes to do it; but this provision grew out of the defeat in the Senate of the stronger

measure, to which the Senator has referred, and it was the best that could be obtained.

Mr. POINDEXTER subsequently said: In connection with my remarks on the long-and-short-haul clause, I ask to have printed in the RECORD at the conclusion of my remarks lines 3 to 16, inclusive, on page 67 of the conference report, indicating the amendment which the conference report contains on the long-and-short-haul clause of the interstate commerce act.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

But in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence.

Mr. PITTMAN. Mr. President, the Senator from Washington [Mr. POINDEXTER] is mistaken, and I am unwilling that his statement shall go without quoting the RECORD. The Senate did amend section 4 of the interstate commerce act, and it included this proviso in reciting the fourth section:

Provided, however, That upon application to the Interstate Commerce Commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the commission shall not permit the establishment of any charge to or from the more distant point that is not fairly compensatory for the service performed; and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points; and no such authorization shall be granted on account of merely potential water competition not actually in existence.

Wherever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points it shall not be permitted to increase such rates unless after hearing by the commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

What I want to call the Senator's attention to is the fact that this authority, by virtue of a proviso that is reenacted and restated in this bill, is the very proviso under which all of these discriminatory rates were forced upon his State and upon my State.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. Just a second and I will yield. It is true that when the shipping left the Pacific coast by reason of the war, those discriminatory rates were relieved to a certain extent; but the very minute that shipping goes back to the Pacific coast, the Interstate Commerce Commission, under this very authority, will again return to the full discrimination, and there is no reason to think they will not; and I do not see where the Senator gets any comfort out of the reenactment in this bill of the proviso that in his bill he was attempting to eliminate.

Mr. POINDEXTER. Mr President, I do not know what the Senator means by "the reenactment." It does not have to be reenacted. It is already in existence. It is already the law. If this bill fails to pass, it remains upon the statute books just as it is now, but it remains in full force without the improvements and the modifications and the limitations to which I have already referred; and we can not go back to the old practice, if this bill passes, because of these modifications and amendments.

Mr. PITTMAN. If this bill fails to pass, and the Senator will assist in preventing it from passing, he will have the opportunity to strike out the proviso that he has been so long attempting to strike out.

Mr. POINDEXTER. We will have the same opportunity whether the bill passes or not. We are not precluded, by the passage of this bill, from continuing to undertake to secure complete relief under this section.

Mr. PITTMAN. The only difference between the Senator from Washington and myself is that he has been trying, as I have been trying, to eliminate this proviso from the act, but he is willing to wait for an indefinite time to accomplish it, when now the opportunity is offered to him. That is the only distinction.

Mr. GRONNA. Mr. President, I had not intended to say a single word upon this conference report, and I shall take but a very few moments; but I want to explain the vote which I am about to cast.

I sympathize with what was said by the Senator from Nevada [Mr. PITTMAN] and the Senator from Mississippi [Mr. WILLIAMS]. I represent a constituency which perhaps suffers as much, if not more, than any other class of people from this unjust discrimination with reference to the long and the short haul, but I shall not take the time of the Senate to discuss that question.

I never have believed in Government ownership, Mr. President. I have at all times advocated the control of public utilities either by the Federal Government or by the States. I have at all times believed that it would be possible for the Congress to enact legislation so as to enable the Federal Government to control these great industries which are public utilities. If that is not possible, Mr. President, then, of course, I shall be glad to revise my opinion.

As to organized labor, I believe I can say that I hold no brief for organized labor. We have, in the State which I in part have the honor to represent, a small number of citizens representing organized labor; but, Mr. President, I can see no reason why I should not be as willing to oppose legislation which in my judgment would do an injustice to organized labor as though I came from a State where organized labor has a greater number of members. I think it is fair to say that we ought to represent not only our States but the entire country.

The Senator from Iowa [Mr. CUMMINS] this morning—and I always listen to him with a great deal of interest, because I have the greatest respect for his judgment—called attention to the fact that in this bill the Government does not guarantee anything to the railroads. I admit, Mr. President, that in this bill we do not say that any money shall be taken out of the Federal Treasury and paid to the railroads, but we permit the railroads to make a net return of 5½ per cent—upon what? I do not know. I doubt if any Senator knows. Upon what kind of a valuation, I ask you, are they to have a net return of 5½ per cent? If this provision means anything it simply means after paying all the expenses, and we place no limitation upon the expenses here. We do not say anything as to what the maximum earnings shall be. We simply provide that all railroads, whether in the past those railroads have made earnings or lost money, shall have the right to make a net return of 5½ per cent.

Mr. President, I represent a constituency which is peculiarly situated. My people have nothing to say as to the price of their products. Those of you who represent the live-stock industry and the industry of producing crops, has it ever occurred to you that the general public does not necessarily suffer from the increased rates made upon that class of people?

I listened with a great deal of interest to the statement of the Senator from Wisconsin [Mr. LENROOT] with regard to that matter, and I take issue with him, that it does not follow that in every instance the general public bears this burden. In my State we depend absolutely upon live stock and upon crops. If the rates are increased, who suffers that loss? No one but the producer. The producer must necessarily suffer that loss, because the farmer has nothing whatever to say with respect to what the prices of his product shall be; he can not add this extra tax to the price of what he sells. So it is not a fair statement to say that in every instance the general public suffers.

Mr. LENROOT. Mr. President——

Mr. GRONNA. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator did not correctly understand me if he thought I made any such statement. I did not. What I did say was that if that were true, it was likewise true of taxes; that is all.

Mr. GRONNA. If I misunderstood the Senator I am sorry, and I certainly do not wish to misquote him, but I wish to call attention to this, that in a State like North Dakota, where we depend absolutely upon the products of the soil and upon the production of live stock, it is possible under the provisions of the bill to make it very burdensome to our people. If the provision means anything at all it means that the railroads have the absolute right to increase rates, so that all the railroad companies of the country have the absolute right to make rates which will bring a return of 5½ per cent regardless of what the expenses may be, and who then suffers from the increased rates? If we were in the same situation that people who represent manufacturing sections are it might be different. I know but little about manufacturing, but I know enough about it to understand that you will add that increased rate to the price of the manu-

factured goods, and we out in the West will have to pay it. It is different with us. We can not add a single penny, because we have nothing whatever to say with respect to what the prices shall be.

There are many other reasons why I do not favor the bill, but I shall not at this late hour take the time of the Senate to further explain the reasons why I vote against the conference report. When we are undertaking to write a law, not a law which is a temporary measure but a permanent measure, it seems to me it would have been well to exercise the utmost care so as to do justice to labor, to the producer and shipper, and to the railroads, as well as all the people throughout the United States.

For the reasons I have given, I can not vote for the conference report.

Mr. OVERMAN. Mr. President, I have just a word to say. I think it is my duty to give my reasons for voting as I shall vote.

I voted against the bill when it was in the Senate because, in my judgment, section 6 and the provisions therein were unconstitutional. Section 6 has been brought forward in the conference report as section 15a. Having voted against the original bill on the ground of its unconstitutionality, I would stultify myself if I voted for the conference report, as the same provisions that were contained in section 6 are contained in the conference report.

I maintained then, and I maintain now, that whenever a reasonable rate is fixed either by Congress or by the Interstate Commerce Commission the earnings from that rate belong to the railroad which operates under that rule. It is the property of the railroad and under the mandate of the fifth amendment to the Constitution of the United States, which I and you have sworn to support, you can not take the property of one man and give it to another without due process of law, and even for public purposes under that section of the Constitution you can not take it without just compensation. Therefore, believing that that provision is unconstitutional, under the oath I have taken I can not support the conference report.

I maintained also that the consolidation features of the bill were wrong in principle, and I see in the conference report section 407—although it is voluntary—allows every railroad in a State to consolidate and make one railroad.

The conference report says that, notwithstanding the will of the people, notwithstanding the constitution of a State, notwithstanding the laws of a State, it goes into effect, destroying all competition and building up great monopolies in a State contrary to the principles of our institutions and the Constitution of the United States. I read:

> Such consolidation may be effected, in accordance with such order, if all the carriers involved assent thereto, the law of any State or the decision or order of any State authority to the contrary notwithstanding—

Even setting aside the decisions of the Supreme Court, the legislation and laws of the States. You cripple the will of the people as though the will of the people amounts to nothing, you establish this great monopoly, and you destroy all competition, which I say is unconstitutional and against the spirit of our laws.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CUMMINS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). I desire to announce the absence of my colleague [Mr. BANKHEAD], on account of sickness. He is paired with the senior Senator from Texas [Mr. CULBERSON]. If my colleague were present, he would vote "yea," and my understanding is that the senior Senator from Texas voted "nay."

Mr. FRELINGHUYSEN (when Mr. EDGE's name was called). I desire to announce the unavoidable absence of my colleague, on account of illness in his family. If he were present, he would vote "yea."

Mr. GAY (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. If he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I am told that if he were present he would vote "yea," and therefore I feel at liberty to cast my vote. I vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. I am informed that if he were present he would vote "yea." I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. I promised to take care of him during his absence. I find that I can transfer my pair to the senior Senator from Vermont [Mr. DILLINGHAM]. Not knowing how the Senator from Virginia [Mr. SWANSON] would vote, I make that transfer and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I am informed that if he were present he would vote "yea." I therefore withhold my vote. If at liberty to vote on this measure, I would vote "nay."

Mr. KIRBY (when his name was called). I am paired on this question with the senior Senator from North Carolina [Mr. SIMMONS]. If he were present he would vote "yea." If permitted to vote, I would vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If he were present he would vote "nay." He is paired with my colleague [Mr. MCCUMBER] on this vote.

Mr. KEYES (when Mr. MOSES's name was called). I desire to announce the absence of my colleague [Mr. MOSES] on account of illness. If he were present he would vote "yea."

Mr. NEW (when his name was called). On this vote I am paired with the junior Senator from Massachusetts [Mr. WALSH]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and vote. I vote "yea."

Mr. UNDERWOOD (when the name of Mr. SMITH of Arizona was called). I was requested to announce that the Senator from Arizona [Mr. SMITH] is absent on official business of the Senate. He is with the committee investigating the Mexican situation.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I understand that if he were present he would vote as I shall vote. I vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. MOSES] and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING], but I am advised by him that I shall be at liberty to vote on this occasion notwithstanding the pair. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT], but I am informed by him that if present he would vote "yea." Therefore I shall cast my vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of sickness. I am informed, however, that if he were present he would vote "yea" on the pending proposition. I therefore consider myself at liberty to vote the same way. I vote "yea."

The roll call was concluded.

Mr. PAGE. I desire to announce that my colleage [Mr. DILLINGHAM] is absent on account of illness. I know that if present he would vote "yea."

Mr. PITTMAN. I wish to announce the unavoidable absence of the Senator from Rhode Island [Mr. GERRY]. He has been detained at his home for several days by illness. I do not know how he would vote if present.

Mr. MCKELLAR. The Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Colorado [Mr. THOMAS], the Senator from Texas [Mr. CULBERSON], the Senator from Kentucky [Mr. STANLEY], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Delaware [Mr. WOLCOTT,] the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from North Carolina [Mr. SIMMONS] are necessarily absent.

I wish also to announce that the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Kentucky [Mr. STANLEY], and the Senator from Oregon [Mr. CHAMBERLAIN] if present would vote "yea."

Mr. CURTIS. I desire to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 47, nays 17, as follows:

YEAS—47.

Ball	Gay	Nelson	Smoot
Beckham	Glass	New	Spencer
Brandegee	Hale	Page	Sterling
Calder	Jones, Wash.	Phelan	Sutherland
Capper	Kellogg	Phipps	Townsend
Colt	Kenyon	Poindexter	Underwood
Cummins	Keyes	Pomerene	Wadsworth
Curtis	Lenroot	Ransdell	Walsh, Mont.
Elkins	Lodge	Robinson	Warren
Fernald	McLean	Shields	Watson
Fletcher	McNary	Smith, Ga.	Williams
Frelinghuysen	Myers	Smith, Md.	

NAYS—17.

Ashurst	Gronna	King	Sheppard
Borah	Harris	McKellar	Trammell
Dial	Harrison	Nugent	
France	Johnson, S. Dak.	Overman	
Gore	Jones, N. Mex.	Pittman	

NOT VOTING—32.

Bankhead	Henderson	McCumber	Simmons
Chamberlain	Hitchcock	Moses	Smith, Ariz.
Culberson	Johnson, Calif.	Newberry	Smith, S. C.
Dillingham	Kendrick	Norris	Stanley
Edge	Kirby	Owen	Swanson
Fall	Knox	Penrose	Thomas
Gerry	La Follette	Reed	Walsh, Mass.
Harding	McCormick	Sherman	Wolcott

So the conference report on House bill 10453, the railroad control bill, was agreed to.

SUITS IN ADMIRALTY (S. DOC. NO. 233)—CONFERENCE REPORT.

Mr. JONES of Washington. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes. I ask that the report be printed and lie on the table for action when action has been taken by the House upon it.

The PRESIDING OFFICER. The report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation, or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this act shall not apply to the Panama Railroad Co.

"SEC. 2. That in cases where, if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be: *Provided*, That such vessel is employed as a merchant vessel or as a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross libel in personam may be filed or a set-off claim against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this act.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration award or settle-

ment had and agreed to under the provisions of section 9 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

And the House agree to the same.

W. L. JONES,
F. M. SIMMONS,
CHAS. L. MCNARY,
Managers on the part of the Senate.

A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

SALE OF SHIPS.

Mr. JONES of Washington. I ask unanimous consent for the present consideration of a Senate resolution calling on the Secretary of the Navy for certain information with reference to the sale of ships. The urgency of it is that I understand the sale of these ships is now being carried on.

There being no objection, the resolution (S. Res. 312) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy be directed to furnish the Senate the following information:

First. The names, tonnage, and age of all ships registered or documented or registered and documented under the laws of the United States which have been sold by the Navy Department during the last five years or which it now contemplates selling.

Second. Whether or not any condition has been or will be attached to the sale of these ships prohibiting their transfer to a foreign flag.

Third. What investigation is made or has been made to ascertain whether or not the bidders for or purchasers of these ships are American citizens and whether or not they intend to keep these ships under the American flag.

Fourth. The sum for which sold or the amount of bids received but not acted upon.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 24, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 23, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Profoundly do we realize, our Father in heaven, the fact that truth is stranger than fiction—illustrated in the lives whom Thou hast raised up, in the world's history, to fulfill Thy behests, especially the life, character, and illustrious deeds of our Washington.

Born a pioneer in the making of a great Republic, by dint of his own efforts he became the greatest American of his age. A warrior, a statesman, a Christian, he lives in the hearts of all true men, and we delight in calling him "The Father of his Country."

Brave in war, gentle in peace, a profound hero, his name lives and will be uttered on the lips of millions to-day. His deeds live an immortal testimony of his mental, moral, and religious conceptions.

God grant that his heroic life, heroic character, and heroic deeds may live so long as the stars shine in the firmament; and to the King eternal, immortal, invisible, be honor and glory forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

The SPEAKER. By special order of the House to-day the gentleman from Illinois [Mr. RODENBERG] will read Washington's Farewell Address.

Mr. GARD. Mr. Speaker, I think we should have a quorum to hear these special exercises to-day. I make the point or order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Dewalt	Johnson, Wash.	Riordan
Bacharach	Dominick	Johnston, N. Y.	Rowan
Baer	Dooling	Kahn	Rowe
Begg	Doremus	Kearns	Rucker
Benson	Eagan	Kelley, Mich.	Sanders, Ind.
Blackmon	Eagle	Kelly, Pa.	Schall
Booher	Edmonds	Kennedy, Iowa	Scully
Britten	Ellsworth	Kiess	Sears
Brooks, Pa.	Emerson	Kreider	Siegel
Burke	Evans, Mont.	Langley	Sinclair
Cantrill	Ferris	Larsen	Sisson
Caraway	Fess	Lesher	Slemp
Carew	Fields	Lonergan	Smith, Ill.
Christopherson	Foster	McCulloch	Smith, N. Y.
Clark, Fla.	French	McFadden	Snell
Clark, Mo.	Gallivan	McGlennon	Snyder
Classon	Gandy	Maher	Steagall
Cole	Godwin, N. C.	Mann, S. C.	Steele
Cooper	Goldfogle	Mead	Stephens, Ohio
Copley	Goodall	Montague	Stoll
Costello	Gould	Moore, Ohio	Sullivan
Cramton	Graham, Pa.	Morin	Summers, Wash.
Crowther	Graham, Ill.	Nichols, Mich.	Sumners, Tex.
Cullen	Griest	O'Connell	Tague
Currie, Mich.	Hamill	O'Connor	Vinson
Curry, Calif.	Holland	Porter	Webster
Dallinger	Hudspeth	Purnell	Woods, Va.
Darrow	Husted	Reber	Yates
Davey	Jefferis	Reed, N. Y.	
Dent	Johnson, S. Dak.	Riddick	

The SPEAKER. Three hundred and ten Members are present, a quorum.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Under the special order of to-day Washington's Farewell Address will be read by the gentleman from Illinois [Mr. RODENBERG]. [Applause.]

WASHINGTON'S FAREWELL ADDRESS.

Mr. RODENBERG read as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when

your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate

and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. [Applause.] In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. The government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of en-

croachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. [Applause.] The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of *difficulties,*) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake [applause]; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. [Applause.] But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests. [Applause.]

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. [Applause.] So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? [Applause.] Why quit our own to stand upon foreign ground? [Applause.] Why, by interweaving our destiny with that of

any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? [Applause.]

It is our true policy to steer clear of permanent alliance with any portion of the foreign world [applause]; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. [Applause.] There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard. [Applause.]

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided my them.

In relation to the still subsisting war in Europe, by proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, preseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

[Prolonged applause.]

LAWRENCE WASHINGTON.

The SPEAKER. By a special order of the House the gentleman from Wisconsin [Mr. MONAHAN] is authorized to address the House for 20 minutes.

Mr. MONAHAN of Wisconsin. Mr. Speaker, out in the State of Washington, named for the founder of our Nation, running from north to south, paralleling the Pacific, are the awe-inspiring Cascade Mountains, with an average altitude of 6,000 feet. The writer and photographer would fill pages of books, magazines, and histories with descriptions and pictures of them were it not for the fact that in their midst stands mighty Rainier, an extinct volcano, snowcapped and glacier clad, that rises 8,000 feet higher than the surrounding mountains and bares its white fangs to the heavens at an altitude nearly 3 miles above sea level.

Mount Rainier is so gigantic that its base, including foothills, is larger than the State of Rhode Island.

Eleven great glaciers are constantly creeping down her rugged sides, and 14 large rivers find their source in her vastness.

In the Capital City of this Nation stands the monument erected by a loving people to keep green the memory of the founder of this Republic.

It is more than 555 feet high, the most colossal obelisk ever erected by man, and towers above all else in the city, as Washington did above the men of his generation—a man-built structure reverently reared and dedicated to the Nation's father.

In the State of Washington, one of the newest of the Union, stands Rainier, towering 14,408 feet.

Some day I hope the legislature of that splendid young Commonwealth will officially change the name of that mountain from Rainier to Washington, to the end that they will not only honor themselves and their State but will then have the grandest, God-built monument to the memory of the immortal founder of the greatest Government on the globe. [Applause.]

How few of earth's millions have become superlatively great and achieved a name and fame that will grow in brightness and luster with passing centuries!

For nearly all life is made up of little acts and small deeds, and in our limited spheres we may be as useful, as happy, and as good as the greatest of leaders, but when the burdens of life are over we are remembered for one or two generations, and then the waves of oblivion's sea wash the sands of forgetfulness over name and record and we are forgotten forever.

I have been requested by a number of the Virginia delegation to make a few remarks on this natal day of George Washington upon the life of Lawrence Washington, late librarian in charge of the House reading room, who was born at Mount Vernon in 1854, in the same room in which George Washington died.

A younger brother, George, was born at the same place in 1858.

He died several years ago, so that Lawrence Washington was for many years the only Washington living who had been born at Mount Vernon, and his death breaks the final link connecting the Washington family with Mount Vernon.

Lawrence Washington's father, John Augustine Washington, sold Mount Vernon to the Ladies' Mount Vernon Association in 1859.

He was a colonel of Gen. Robert E. Lee's staff in the Confederate Army, and was killed in September, 1861, at Rich Mountain, W. Va., in McClellan's West Virginia campaign.

There is a tradition, which I have been unable to verify, that at the time of his death Col. John Augustine Washington wore the sword of Gen. Washington.

In that battle Gen. J. Warren Keifer, of Ohio, later Speaker of this House, was in command of the Federal troops.

The Confederates having retreated, the Federals, under Gen. Keifer, advanced and found Col. Washington mortally wounded, and he died in the arms of Gen. Keifer, who, when he discovered who Washington was, sent his body under flag of truce back to the Confederate lines.

Lawrence Washington was the son of Col. John Augustine Washington and Elenor Love Selden Washington, and was born at Mount Vernon on January 18, 1854, and was about 7 years old when his father was killed.

From 1869 to 1871 he attended the Virginia Military Institute; was with the engineering corps of the Norfolk & Western Railway and the Texas Pacific Railroad for a number of years.

He inherited from the George Washington estate the farm known as "Wave Land," in Fauquier County, Va.; also about 5,000 volumes of the library of George Washington, besides many pamphlets and manuscripts of rare interest and value.

He entered the service of the Library of Congress September 1, 1897, was custodian of the Washington library, custodian of the congressional reference library, and in charge of the reading room of the House of Representatives.

He was unusually well informed in the history of the United States, particularly in connection with Virginia, and possessed an extraordinary knowledge of the history of that State and its public men.

He married Miss Fannie Lackland, and to them were born 12 children—4 daughters and 8 sons—and of the latter 5 were soldiers in the late World War, 4 of them wearing the khaki of the Army and 1 the blue of the Navy. [Applause.]

I first met Lawrence Washington early last June, when, upon his invitation and accompanied by Gov. Montague, of Virginia, Congressman CLEMENT BRUMBAUGH, of Ohio, and Congressman C. E. RANDALL, present senior grand warden of Wisconsin, we motored to Alexandria to attend a reception for the returned soldiers of the late war given by Alexandria Lodge, No. 22, F. A. A. M., the lodge to which Gen. Washington belonged, and of which he was at one time worshipful master.

A delightful evening was spent, in which speech, song, and refreshments intermingled.

The lodge room is filled with relics of the late Father of his Country, which Mr. Lawrence Washington took prideful delight in pointing out and explaining.

STORY OF A KNIFE.

Among others, he called the assembly's attention to a small pearl-handled knife and gave its history.

He said that when Washington was a boy he attempted to enlist in the British Navy without the knowledge of his mother, and had so far succeeded that his clothes had been taken aboard the ship upon which he was to sail.

His mother, learning what was about to be done, went on board the ship and secured his release, he being under age.

Washington, much grieved, showed great disappointment, and his mother, calling attention to his disobedient act and the great pain it had caused her, suddenly turned and presented him with this pearl-handled knife, asking him to promise that whenever again tempted to do an act which he knew would not be approved by her that he would take the knife from his pocket and think of her before deciding.

Washington took the knife and carried it until his death, more than half a century.

The winter he spent with his Army at Valley Forge the American cause was at its lowest ebb.

The American Armies had gone into winter quarters defeated.

There was hunger and privation and great physical suffering, not only in the Army but throughout the land, and the political enemies of the great general were urging that some man other than Washington be given command of the Armies.

Washington called a counsel of his generals, and in that dingy room told them that the burden was more than he could bear, and communicated to them his intention to resign as commander in chief.

One of the officers, surmising that this might happen, just prior to the meeting being called to order borrowed from Washington the knife.

When Washington had finished speaking an intense silence reigned, and finally this officer arose, and with tears in his eyes, after recounting the story of the knife, said, in effect:

"Gen. Washington, your mother has passed into the great unknown, but her spirit is here to-night.

"Your countrymen have selected you to lead the struggling hosts of liberty in this war for existence.

"Be as true to them as you were to the mother who gave you birth, and thus," extending his hand, holding the knife, "obey the orders of your struggling countrymen as you did the request of your sainted mother and fight on."

Washington's eyes moved slowly from one to another of the men gathered at that counsel of war, yet it was evident he did not see them.

His face was tense and white and his eyes had a far-away look as if thinking of some one who was not present.

He was undergoing the acid test.

For a short time he thus stood, then his features began to relax.

Without a word he reached out his hand, took the knife, put it back in his pocket, and Yorktown followed Valley Forge. [Applause.]

The simple, yet dramatic, manner in which Lawrence Washington told this story attracted me to him, and our acquaintance rapidly ripened into the strongest friendship, and it was my custom from then until the date of his death to spend many evenings with him in his office in the library building.

While there are a great many Members of this House who knew him for a much longer period, I do not believe there are many who knew him better.

Lawrence Washington was in his line a great man.

According to Mr. Gaillard Hunt, the historian and author:

He had a good education and was a highly cultured man, especially well versed in American political history.

He was in fact an authority on old and rare books pertaining especially to Virginian history.

He had an open, frank, honest nature, and was a remarkably good conversationalist.

As a librarian he had the essential qualification of being able to understand and sympathize with the viewpoint of the investigators who applied to him for assistance.

Many Members of Congress can testify to the unusual help he gave them in their investigation into public questions.

He was unassuming, modest, courteous, and patient, a gentleman always, loyal to his friends, and fit to wear an honored name.

Of him the present librarian says:

As fine a man as his father, Col. John Washington, must have been, he was no better than his son, and Gen. Washington himself was no more honorable or high minded.

Lawrence Washington was absolutely true to type and tradition.

Lawrence Washington loved his fellow men, and nothing pleased him more than to aid one when help was needed.

His whole life seems to have been guided by the sentiment embodied in a poem written by Sam Walter Foss:

We know there are brook-gladdened meadows ahead,
And mountains of wearisome height,
That the road passes on through the long afternoon
And stretches away into night.
Still I would not sit in the scorner's seat,
Nor hurl the cynic's ban,
Let me live in my house by the side of the road,
And be a friend of man.

Always cheerful, every ready to extend a helping hand, and ever intelligent in his efforts, he will be greatly missed, not only by the Members of Congress, the city of Washington, and the District of Columbia, but by the State of Virginia as well.

He died at his home in this city on January 28, 1920, after a short illness, and his remains were buried in Charleston, W. Va.

In reviewing his life, aside from his unusual literary attainments, it would seem that his great mission was to shed as much sunshine and bring to others as much happiness as possible, for he was a living embodiment of the beautiful sentiment expressed in the following:

The thing that goes the farthest
Toward making life worth while,
That costs the least does the most,
Is just a pleasant smile.

The smile that bubbles from a heart
That loves its fellow men
Will drive away the cloud of gloom
And coax the sun again.

It's full of worth and kindness, too,
With manly kindness blent;
It's worth a million dollars
And does not cost a cent.

[Prolonged applause.]

Mr. MOORE of Virginia. Mr. Speaker, I ask the indulgence of the House for a very few minutes, say seven minutes.

The SPEAKER. The gentleman from Virginia asks permission to address the House for seven minutes on the same topic. It there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, there are many in Virginia and elsewhere—his relatives and friends—who will be deeply grateful for the tribute to the late Mr. Lawrence Washington in the eloquent remarks of the gentleman from Wisconsin.

During the centuries in which it is traceable, there seems nearly always to have been a Lawrence in the Washington line.

I recall on a perfect summer day visiting in Northamptonshire, which is the county of the Franklins as well as the Wash-

ingtons, the village of Little Brington. That was the home of a Lawrence Washington who was five generations back of his descendant of Mount Vernon. There, built flush with the highway and apparently not since altered, is the unpretentious house where that Washington took up his abode the very year the first Jamestown expedition set sail from London. There he lived a part of the very period in which, across the county line in Warwickshire, Shakespeare was weaving his genius into the plays and sonnets that are immortal. Not far from the house stands a stately, ancient church in the midst of a most beautiful country. It is the country where they tell us the Washingtons fought in the fierce civil struggles that from time to time swept over that portion of England. The scene of one of the battles of the War of the Roses is in view, and within a few miles is the memorable Field of Naseby. The day I was there, as far as the eye could reach the golden crops, in the peaceful sunshine, were ripening to the harvest.

Lawrence Washington, the long-ago ancestor of Gen. Washington, is buried in the aisle of the church. The verger removed the outer stone from above the grave, and on the marble slab beneath could be read the name and the dates. Carved upon the slab also are the arms of the Washington family, the escutcheon bearing stars and stripes. There are those who believe that in that device is found the origin of the American flag, the flag of our hearts and hopes, the flag that we trust will never cease to represent the liberties, the ideals, and the institutions the founder of the Republic did so much to establish. [Applause.]

Mr. Speaker, as we commemorate now the mighty career of the Virginian, who is the greatest man in all the tide of time, it is not unfitting that the final eulogy of this hour should be the deliberate estimate of Washington expressed by an eminent citizen of your own State of Massachusetts, to which Washington was bound by so many impressive ties. I quote the concluding words of the brilliant biography of Washington in the American Statesmen Series by Senator LODGE:

As I bring these volumes to a close I am conscious that they speak, so far as they speak at all, in a tone of almost unbroken praise of the great man they attempt to portray. If this be so, it is because I could come to no other conclusions. For many years I have studied minutely the career of Washington, and with every step the greatness of the man has grown upon me, for analysis has failed to discover the act of his life which, under the conditions of the time, I could unhesitatingly pronounce to have been an error. Such has been my experience, and although my deductions may be wrong, they at least have been carefully and slowly made. I see in Washington a great soldier who fought a trying war to a successful end impossible without him, a great statesman who did more than all other men to lay the foundations of a Republic which has endured in prosperity for more than a century. I find in him a marvelous judgment which was never at fault, a penetrating vision which beheld the future of America when it was dim to other eyes, a great intellectual force, a will of iron, an unyielding grasp of facts, and an unequaled strength of patriotic purpose. I see in him, too, a pure and high-minded gentleman of dauntless courage and stainless honor, simple and stately of manner, kind and generous of heart. Such he was in truth. The historian and the biographer may fail to do him justice, but the instinct of mankind will not fail. The real hero needs not books to give him worshippers. George Washington will always receive the love and reverence of men because they see embodied in him the noblest possibilities of humanity.

[Prolonged applause.]

ABRAHAM LINCOLN ON WASHINGTON.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that there be read from the Clerk's desk a clipping from the Washington Star of Sunday, February 22, 1920, containing an extract from an address of Abraham Lincoln, delivered in 1842, commemorating the life and public service of the first President of our country.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read as follows:

[From the Sunday Star, Washington, D. C., Feb. 22, 1920.]

EARLY TRIBUTE BY LINCOLN TO WASHINGTON FOUND HERE—"IN SOLEMN AWE PRONOUNCE THE NAME," SAID YOUNG "ABE" OF FIRST PRESIDENT—ELOQUENT EULOGY BURIED 75 YEARS.

(By the Associated Press.)

NEW YORK, *February 21.*

Seventy-eight years ago to-morrow, in Springfield, Ill., where his tomb is now a shrine before which a Nation bows in reverence, young Abraham Lincoln paid tribute to George Washington. The words he uttered then, perhaps as eloquent as his world-famed Gettysburg Address, have been lost for three-quarters of a century in the pages of a country newspaper hidden away in the files of the Congressional Library. They were brought to light to be given to the world for the first time almost on the eve of another birthday of the first President. Lincoln said:

"This is the one hundred and tenth anniversary of the birthday of Washington. We are met to celebrate this day. Washington is the mightiest name on earth—long since mightiest in the cause of civil liberty; still mightest in moral reformation. On that name an eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

The text of this unknown example of Lincoln's eloquence was found in Washington by Lucien Hugh Alexander, of Philadelphia, who gave it to the Associated Press to-day. An account of the ceremony at which Lincoln spoke was contained in the copy of the Sangamon Journal, published at Springfield on February 25, 1842. The tribute to Washington was the final paragraph of an address upon another subject, and the address in full was published in the Journal of March 26. A complete file of the newspaper for that year was found by Mr. Alexander in the Library of Congress.

Mr. Alexander, a student of Lincoln, came upon the unknown address while on historical research work. He declared that in his judgment it is destined in the years to come to be read or recited at virtually every celebration of Washington's birthday the country over.

"Hay and Nicolay, and also Ida Tarbell, missed it," he said, "and so have all of Lincoln's biographers, so far as I can discover. Indeed, I believe this is the only encomium extant by Lincoln upon the 'Father of his Country,' and if so, its importance from a purely historical and sentimental standpoint can not be overestimated. This really wonderful quotation will be sure to link their names together in a most unusual and beautiful way from now on every February 22."

LEGISLATION RELATING TO THOSE WHO SERVED IN THE WORLD WAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the immediate consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That for the remainder of the second session of the Sixty-sixth Congress all proposed legislation relating to those who served in the World War (other than those of the Regular Establishment) excepting, however, legislation based on and relating to disability incurred in the service, shall be referred to the Committee on Ways and Means, and the Speaker is hereby authorized to make rereference of bills heretofore introduced in accordance with the terms of this resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GARD, Mr. BLANTON, Mr. RAYBURN, and Mr. SABATH reserved the right to object.

The SPEAKER. The gentleman from Ohio [Mr. GARD] reserves the right to object.

Mr. GARD. Mr. Speaker, do I understand the purpose of the resolution to be to transfer all bills respecting the payment of any sums to the soldiers of the World War which have been introduced?

Mr. MONDELL. Except bills that are based on and relate to disability. The bills that ordinarily go to the Committee on Interstate and Foreign Commerce, relating to and providing for disabilities, will go to that committee; but all of the so-called bonus bills and loan bills and land-settlement bills, and all bills of that character, will go to this committee.

Mr. GARD. I suppose there have been probably 50 or more bills on such subjects introduced, have there not?

Mr. MONDELL. There have been many; I presume that many. The major portion of them have gone to the Ways and Means Committee.

Mr. GARD. And what will become of the bills which have gone to the Committee on the Public Lands, of which I believe the gentleman is the author of one?

Mr. MONDELL. There is a bill reported by the Committee on the Public Lands, which bill is on the calendar, and which will not be affected by this resolution; but all similar bills that are now before the committee, or that may be introduced hereafter, will go to the Committee on Ways and Means.

Mr. GARD. Would the bill which I believe was first suggested by Secretary Lane, and which was introduced by the gentleman now having the floor [Mr. MONDELL], be included in this resolution?

Mr. MONDELL. That particular bill would not, because that bill is on the calendar, as are one or two other bills that have been reported out.

Mr. GARD. I understand the bill has been reported out, but my inquiry was——

Mr. MONDELL. That subject matter would go to the Committee on Ways and Means.

Mr. GARD. My inquiry was whether it was the gentleman's idea to rerefer his bill back from the calendar to the Committee on Ways and Means.

Mr. MONDELL. Bills now pending and bills hereafter introduced which are of that character will go to the Ways and Means Committee. It was not the purpose of this resolution, and I think it would be rather unusual, to take from the calendar bills already reported and rerefer them to a committee. The subject matter, however, goes to this committee.

Mr. BLANTON. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Ohio [Mr. GARD] still has the floor.

Mr. GARD. The gentleman's bill has been on the calendar for some time?

Mr. MONDELL. Yes.

Mr. GARD. And we have had no action upon it? Speaking personally, I see no reason why it should not be included with the others.

Mr. MONDELL. A similar bill could be introduced and considered by the Ways and Means Committee.

Mr. GARD. Why not take it from the calendar and rerefer it to the Committee on Ways and Means?

Mr. MONDELL. I suppose that might be done, but I do not recall any case where we have taken a bill from the calendar and rereferred it in circumstances like this.

Mr. GARD. The very excellent idea back of this resolution, that of combining all these bills, is to get something done for the benefit of the soldiers of the war?

Mr. MONDELL. The subject matter of that bill and all others of like character will be considered by the Committee on Ways and Means.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Wyoming what, under his resolution, would be the status of the bills now pending before the Committee on Education, for instance, with respect to rehabilitation? We have one bill——

Mr. MONDELL. Where they do not relate to men who are suffering from disability they would go to the Committee on Ways and Means. Where they are based on disability they would remain with the Committee on Education.

Mr. BLANTON. One other question. I would like to ask the majority leader what would be the result if all of these bills should go to the Ways and Means Committee as contemplated by the resolution? I understand that since May 19, 1919, the Ways and Means Committee has been, and still is, devoting practically all of its time to what we denominate the tariff measures, the important tariff measures which have taken up so very much of the time of the House during this Sixty-sixth Congress—the pearl-button bill, the surgical-instrument bill, the magnesite bill, the tungsten-ore bill, and bills of that character.

Will the Committee on Ways and Means still give preference to these various very important tariff measures and pigeonhole all these soldier bills, or will they take them up, consider, and act on them?

Mr. MONDELL. It is expected and understood that the Committee on Ways and Means will immediately take up the consideration of the measures that are placed under their jurisdiction by this resolution.

Mr. BLANTON. And not devote all of their time to these very important tariff measures, which are now languishing in the Senate.

Mr. MONDELL. On the contrary, it is anticipated that they will give immediate and continuous consideration to this legislation.

Mr. BLANTON. If they are going to consider these bills, I shall not object.

Mr. RAYBURN. Reserving the right to object, I want to ask the gentleman from Wyoming a question. I quite concur in the spirit of his resolution, but I was wondering if the exception is quite broad enough to cover all that he desires to cover. I do not think the House desires to take away from the Committee on Interstate and Foreign Commerce the bills that are amendatory of the war-risk insurance act.

Mr. MONDELL. No.

Mr. RAYBURN. I call the gentleman's attention to the fact that many measures may be introduced properly to amend the war-risk insurance act that would not be for disabilities—amendments to the insurance feature of the law.

Mr. MONDELL. If the gentleman will allow me——

Mr. RAYBURN. Yes.

Mr. MONDELL. We have given a good deal of time to the consideration of this matter, and thought at first that we might properly except the entire jurisdiction of the Interstate and Foreign Commerce Committee. But this is true that when you take up a question of insurance, for instance, that affects men who are not disabled, the matter may become so large that it ought to be considered by the committee that is considering the general subject.

That is true not only in regard to insurance that is within the jurisdiction of the Committee on Interstate and Foreign Commerce, but it relates to vocational training which goes to the Committee on Education. The Committee on Education should continue to have jurisdiction of matters of vocational training which are based upon and relate to disability. But when we come to consider the matter of vocational training in a larger way, a way that might involve expenditures as great as that of a bonus, clearly that is a matter that should be considered by the committee which is to have general charge of these matters.

Now, as to the matter of insurance, the gentleman's committee will consider that and all other matters so far as they relate to disability, so far as they are based on disability, so far as they have to do with the man suffering from disability; but if we are to consider insurance and vocational training in a very large way, applying to all men in the service, involving the possibility of very large expenditure, it becomes a question so important, so far-reaching, that it should be brought to the consideration of and be considered by the committee in whose jurisdiction we are now placing all these matters of large moment, matters of very great importance and likely to involve very great expenditure.

I may say to the gentleman that personally and in cooperation and consultation with others we have tried to evolve a plan which would leave to the Committees on Interstate and Foreign Commerce and Education those things upon which they can clearly best bestow that expert knowledge which they have acquired in the consideration of the matters heretofore. But when we reach some of these various things in other and larger phases as relating to all the men in the service rather than those who are disabled we think they all ought to go to one committee.

Mr. RAYBURN. Let me ask the gentleman this question: That is exactly where I think it is going to be impossible. Unless the gentleman excepts amendments to the war-risk insurance act he is going to get into a field where the jurisdiction can not be determined.

Mr. MONDELL. Clearly you could not do that, because it might be suggested that we assume all of the premiums, all of the insurance premiums, of all the service men. That is an amendment to the war-risk act. That is a matter that can be considered by the committee that is taking a general survey of the situation.

Mr. RAYBURN. Suppose a question comes up like this: There are several millions of graduated insurance in which amounts are being paid families who are getting the insurance. Now, there is a propaganda going around that the insurance, instead of being paid $240 monthly——

Mr. MONDELL. That is a matter based on deaths. That would clearly come within the jurisdiction of the Committee on Interstate and Foreign Commerce under this resolution.

Mr. RAYBURN. I hope the gentleman will let this matter go over until to-morrow.

Mr. GARRETT. Mr. Speaker, I wish the gentleman would let this matter go over until to-morrow. I have no objection to it, but we want to get along with the legislative bill.

The SPEAKER. The gentleman objects.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12610, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The CHAIRMAN. When the committee rose a point of order raised by the gentleman from Virginia [Mr. SAUNDERS] was pending to paragraph appearing on page 9, lines 15 and 16.

Mr. GARRETT. Mr. Chairman, I think it hardly necessary to state the obvious fact that the point of order now pending is an extremely important one, and for that reason justifies that careful consideration which I know the present occupant of the chair will give, and I am sure is giving, to its final decision. The provision in the bill to which the point of order is leveled appears on page 9, lines 15 and 16, and consists simply of this:

Section 1303 of the revenue act of 1918 is repealed on and after July 1, 1920.

That is brought in by the Committee on Appropriations as an integral part of the bill, and it is insisted that it is in order under what is commonly known as the Holman rule. I venture to read this rule in full:

Nor shall any provision in any such bill—

That is, appropriation bill—

or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

It will be admitted, I take it, that the Committee on Appropriations has no jurisdiction over the legislation that is pro-

posed, therefore it can not be in order under the proviso of the Holman rule.

Mr. Chairman, I think it is perfectly legitimate to direct attention, as illustrating the importance of the matter now before the Chair, to the effect of a ruling which would overrule the point of order. It would then be in order for the Committee on Appropriations to bring in as an integral part of its bills a provision repealing any law whatsoever which carried a charge upon the Treasury. Not only that, but it would be in order, I fear, for any individual Member to offer on the floor of the House a proposition to repeal any existing law which carries a charge upon the Treasury.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. WALSH. Does the gentleman contend that the Committee on Appropriations could bring in a provision repealing such law, the jurisdiction of which was under the Committee on Military Affairs?

Mr. GARRETT. I can see no distinction between that and this proposition. This is a proposition to repeal a law, and if a bill to repeal that law were introduced, it would not be referred to the Committee op Appropriations, but to some other of the committees of the House.

Mr. WALSH. I would ask the gentleman further if the fact that this is the only bill in which an appropriation for this service could be carried does not of itself give jurisdiction of the law creating it to change or alter it in case it reduces the number of employees or retrenches expenditures?

Mr. GARRETT. No more than it would to repeal a law creating a Cabinet officer—Cabinet officers are carried in this bill—no more than it would to repeal a law creating a Federal judge, no more than it would to repeal a law creating a resident commissioner. The test is the germaneness of the legislation proposed to the subject matter of the bill.

Mr. WALSH. Mr. Chairman, will the gentleman yield further?

Mr. GARRETT. Yes.

Mr. WALSH. Would the gentleman contend that this committee in carrying the appropriation for this service could not bring in a provision to the effect that the salary, instead of being $5,000 or whatever it is under the law creating the service, shall hereafter be 1 cent a year?

Mr. GARRETT. I would not so contend. The committee could bring in such a provision under the terms of the Holman rule.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. GARRETT. Certainly.

The CHAIRMAN. Does the gentleman contend that the proviso of the Holman rule applies to original provisions brought in by the committee?

Mr. GARRETT. I do, if I understand the Chair correctly, if the proviso covers cases of legislation proposed by a committee, and in order to be in order it must come from the committee which has jurisdiction of the legislation. The Committee on Appropriations has no jurisdiction of this particular legislation. It can not come under the proviso of the Holman rule. If it could possibly be held in order in any way, it must come under the first part and not under the proviso.

The CHAIRMAN. If the gentleman will pardon the Chair, as the Chair reads the proviso of the Holman rule it does not provide for original propositions, but provides specifically for further amendments.

Mr. GARRETT. That is correct. There is no disagreement between the Chair and myself about that.

The CHAIRMAN. If the Chair is correct in that view of it, then the proviso of the Holman rule would not apply to this item as originally put in the bill by the Committee on Appropriations.

Mr. GARRETT. No; I think not. It, of course, is not in order under the proviso. In other words, the proviso is not involved here.

The CHAIRMAN. The Chair so understands.

Mr. HICKS. Mr. Chairman, will the gentleman from Tennessee permit an inquiry?

Mr. GARRETT. Certainly.

Mr. HICKS. I am very much interested in what the gentleman is saying. A ruling made by the gentleman on the subject of the Holman rule back in 1916 has been very instructive. With the gentleman's knowledge of precedents and parliamentary procedure, does he think that the proviso in the Holman rule can possibly be construed as a limitation on the first part of the rule?

Mr. GARRETT. I think it is undoubtedly a limitation, if I understand the gentleman correctly.

Mr. HICKS. The gentleman's ruling on the 16th of January, 1912, would carry out that view, that the proviso is really a limitation on the first part of the Holman rule.

Mr. GARRETT. I do not know whether one would call it a limitation or an extension. To be entirely frank about the matter, possibly the word "extension" would be better. I think the effect of the ruling to which the gentleman has so kindly referred was that the Committee on Appropriations, not having jurisdiction of the subject matter then proposed, which was an integral part of the bill, it was not in order; but I think it is clearly apparent from that ruling, however, though I have not looked at it recently, that if the proposition had been offered by the Committee on the District of Columbia, as I now remember the subject matter of the legislation, it would have been in order, other things being in accordance with the rule.

Mr. HICKS. It would seem to me that the proviso in the Holman rule, instead of a limitation on the preceding section, is in reality an extension of the field by which legislation can be placed in an appropriation bill. It is a separate proposition, and to affirm my view I refer to a ruling made by Mr. CRISP, which would seem to indicate that the Holman rule by the proviso provides an additional method of incorporating legislation on an appropriation bill, which is rather in opposition to the views expressed by my friend from Tennessee.

Mr. GARRETT. Mr. Chairman, I think there is nothing inconsistent with the Crisp ruling, as I remember it, in the argument that I am now making. Here is a proposition fundamental in character, which I know the Chair has in mind and which we all should have in mind. There is but one committee of this House which has a power in the matter of initiating legislation under the rules which is not enjoyed by any Member of the House acting as an individual Member from the floor. During the first Congress, as I remember it, when my party was in power, a rule was adopted affecting revenue bills, which does give to the Committee on Ways and Means power to bring in legislation which could not be offered from the floor of the House by way of amendment. I have no hesitation in saying that I believed then, and I believe now, that that principle is wrong as a general proposition. It may be all right in a special rule occasionally, but to insert that as a fundamental part of the general rules of the House in my opinion was wrong then and is wrong now.

It being true that no other committee's authority exceeds that of an individual Member, the situation arises with reference to the legislation proposed here, as I have suggested, namely, if the Committee on Appropriations, which avowedly has no jurisdiction over this legislation, can bring it in as an integral part of its bill, then it would be in order for the gentleman from South Carolina or the gentleman from North Carolina or any other gentleman of the House to arise and from his place on the floor offer an amendment repealing any law which carries a charge upon the Treasury; and I do not believe, sir, that it was ever the intention of the Holman rule to extend that far. The rules of the House of Representatives are the product of a century almost. They have grown up and in their fundamentals they are recognized by all as the result of the experience and the wisdom of more than a century of legislation that has gone before us. Out of all that experience and that wisdom has been crystallized this provision that legislation shall not be in order upon an appropriation bill nor as an amendment thereto. When in the interest of economy there came a time that the Congress decided that an exception should be made and the Holman rule was adopted—and the Chair will find upon examination of the history of the Holman rule that it was in various forms before it reached its present satisfactory working condition—when that was adopted it was carefully guarded; it was carefully framed so as not to open up the whole vista of legislation for the consideration of the Committee on Appropriations or to have thrust before the House by way of an amendment, offered by an individual, propositions of repeal never considered by any committee of the House.

Mr. WALSH. Will the gentleman yield for a question?

Mr. GARRETT. I will.

Mr. WALSH. Will the gentleman state what his view is as to what is the subject matter of the appropriations that that committee has jurisdiction of? In this particular instance, what is the subject matter that the Appropriations Committee has jurisdiction of touching the legislative drafting service?

Mr. GARRETT. The jurisdiction of the Committee on Appropriations is wholly for making appropriations, not for the purpose of making or unmaking law. The Committee on Appropriations may report a provision reducing to 1 cent, as the gentleman from Virginia [Mr. SAUNDERS] directed my attention a moment ago was done in the case of the Commerce Court, but

no effort was made to repeal the law. The Appropriations Committee can do that and bring it in as an integral part of the bill. Any individual can offer it from the floor of the House and it is in order, but this is confined to appropriations and this proposal is not an appropriation; this is legislation.

Mr. WALSH. Will the gentleman yield further?

Mr. GARRETT. Certainly.

Mr. WALSH. Does the gentleman say it is a reduction in the number of employees and a retrenchment?

Mr. GARRETT. That will be its effect, but it is not germane to this bill, because this is an appropriation bill, and the question of germaneness is the question upon which this turns. The gentleman from North Carolina [Mr. KITCHIN] directs my attention to the fact that the Tariff Commission was cut out by the withholding of an appropriation and not by a repeal of the act. Now, Mr. Chairman——

Mr. LITTLE. Will the gentleman yield for a question?

Mr. GARRETT. I would be glad to yield, but let me say that I have a committee sitting now upon which I ought to be in attendance, but feeling the importance of this I have desired to say just the few words that I have said——

Mr. LITTLE. Of course, an amendment of which the gentleman speaks reducing and cutting down the amount would be germane without the Holman rule.

Mr. GARRETT. It would not.

Mr. LITTLE. Not to cut down expenditures?

Mr. GARRETT. Not without the Holman rule, because it changes the existing law.

Mr. LITTLE. And you could not move to reduce the amount?

Mr. GARRETT. Not without the Holman rule. For many years I sat here when we did not have the Holman rule and could not move to reduce appropriations, but under the Holman rule you can, but, Mr. Chairman, when a committee undertakes to legislate—of course these suggestions are no reflection upon the personnel of the Committee on Appropriations——

Mr. WOOD of Indiana. If the gentleman will permit, I think the gentleman is wrong in this. On a general appropriation bill without the Holman rule you could make a motion to reduce the amount of appropriation but you could not make a motion to reduce a fixed salary appropriated for a specific purpose. You could not make a motion to reduce a fixed salary but on an appropriation for a fixed service you could make a motion by way of an amendment to reduce that. I do not think the gentleman wants to be misunderstood.

Mr. GARRETT. Well, perhaps I was a little too broad in my statement to the gentleman from Kansas, and I will not insist upon it. I will put it this way: It would be in order when the committee had made a reduction to offer to bring it up to the amount of the statutory salary.

Mr. CANNON. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. CANNON. It is quite in the power of the Congress to withhold appropriations notwithstanding the law.

Mr. GARRETT. Of course it is, and under the rules of the House that is in order to——

Mr. LITTLE. Now that it is conceded that you could reduce an appropriation without the Holman rule——

Mr. GARRETT. Not in this instance.

Mr. LITTLE. Then what would be germane under the Holman rule? You could make a motion to reduce without the Holman rule.

Mr. GARRETT. It would be germane under the Holman rule to reduce appropriations to pay a salary for these places to 1 cent per annum or $1 per annum. It would be in order to move to strike out the paragraph under the Holman rule. But this I desire to make clear, that this is legislation, this is not an appropriation. The jurisdiction of the Committee on Appropriations is confined absolutely to appropriations except by the exercise of the Holman rule they may offer legislation to the House or any Member may offer from the floor legislation which reduces expenditures providing that legislation is germane. Germane to what? To the subject matter of the bill. That is the language of the rule. The subject matter of this bill is an act making appropriations, and so forth. I trust that I have made by contention clear to the Chair and I thank the Chair for his indulgence.

Mr. WOOD of Indiana. Mr. Chairman, I desire to be heard in answer to the gentleman, for whose opinion I have a very high regard.

Mr. SAUNDERS of Virginia. The gentleman, I suppose, intends to conclude the debate on this subject?

Mr. WOOD of Indiana. Yes; I want to conclude it.

Mr. SAUNDERS of Virginia. If yours is to be the last speech on your side I would like to be heard briefly because on last Friday I had not quite concluded what I had to say when the point of no quorum was made.

I wish to point out that should the Chair hold that this particular repealing section is not in order, this ruling will not in any wise cripple the ability of the committee to effect retrenchment. It will not in any wise cripple the ability of the party in power to effect reductions, for the reason already pointed out, that without this repealing section the committee can refuse to make any appropriation in this connection. I desire to call attention further, that to maintain the integrity of the rules in this instance, and to sustain this point of order, will not in any wise affect the ability of the party in power to repeal this particular provision of law if desired. The Committee on Rules can at any time bring in a resolution to make this or any other provision of the bill in order. So it will be no impairment of the ability of the party now in control of this House, to effect any desired change in existing law. That is perfectly clear.

With respect to the question of germaneness I wish to say that the gentleman from Massachusetts [Mr. WALSH] brought out clearly by two queries the substance of this particular point of order. His first query, as to jurisdiction, was very suggestive. An item in a bill must be germane by the very terms of the rule itself. To what is this item germane? Look to the item itself. It is purely a repealing item. It is not a paragraph of repeal or quasi repeal coupled with an appropriation. It is an absolute repeal, standing alone and apart. To what is it germane? It can not be germane to anything else in the paragraph, because it is the entire paragraph. It can not be germane to what precedes it, because that is an appropriation. It can not be germane to what succeeds it, because that, too, is an appropriation. It can not be germane to the jurisdiction of the bill, because the jurisdiction of this bill is to make appropriations, and not to legislate. The power of this committee to legislate is restricted, and these restrictions are in rule 21, which provides the circumstances under which the committee can legislate and expressly says that a legislative proposition must be germane.

The gentleman from Tennessee [Mr. GARRETT] pointed out, as I tried to do the other day, that the requirement of germaneness attaches just as well to the committee as it does to a Member on the floor. If this item as reported by the committee is germane, then it would be germane to the bill if it were offered from the floor as an amendment. The Congress did not undertake to repeal the act under which the Commerce Court was established; and yet, if this item is in order, that is precisely what we could have done. If this item is germane to this legislative bill, then a provision in the bill in which the Commerce Court was appropriated for, repealing the act establishing the court would have been in order.

Now, Mr. Chairman, I ask again, what is the function of this committee? The answer is, to appropriate. It is a general appropriation bill. So far as the scope of this bill is concerned, this item under consideration is foreign matter; it is extraneous matter; it is new subject matter under the rulings on germaneness made by the gentleman from Connecticut [Mr. TILSON] a few days ago. Those rulings discussed what was a new subject matter, and this case falls clearly within the principle of those rulings. This subject matter is different from what precedes it and follows it. It is legislation, while the preceding and subsequent matters are appropriations.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. SAUNDERS of Virginia. Certainly.

The CHAIRMAN. Suppose the committee had said nothing about this proposition at all. Would it not be germane to the bill if some Member offered a provision to pay salaries at this point?

Mr. SAUNDERS of Virginia. Certainly. That would have been absolutely germane. Why? Because this is an appropriating bill, and whatever the committee can appropriate for, but declines to appropriate for, can be appropriated for by an amendment from the floor. Such an amendment would be within the jurisdiction of the committee, within the proper functions of the committee.

The question that the Chair asks me suggests another one. Supposing the committee should decline to appropriate for some subject matter for which it has the authority to appropriate, would the Chair hold that it would be in order for some Member on the floor to offer an amendment to repeal the provision of law which gave authority to make the omitted appropriation?

It would certainly be, if this repealing clause, standing single and alone, is held to be germane to the bill and in order. The question which the Chair asked, being answered in the affirmative, by implication requires the query that I propound to be answered in the affirmative. If the first answer is sound, so is the second. The only way to escape the difficulty suggested in the

second query is, I submit, to hold that this is not a germane amendment under Rule XXI.

Mr. WALSH. Will the gentleman yield to a question?

Mr. SAUNDERS of Virginia. I will.

Mr. WALSH. Is it the gentleman's contention that under the Holman rule the committee could report legislation amending the original law by changing the salary of this officer in this bill, but could not report any legislation which would tend to eliminate the office?

Mr. SAUNDERS of Virginia. There are one or two decisions that would answer in the affirmative the question asked by the gentleman from Massachusetts. I have admitted that heretofore. But the question with which the Chair is now concerned is the one presented by this repealing section that stands single and alone and apart from and unrelated to the jurisdiction of the committee or to any other item in the bill. Now, I do not know——

Mr. HICKS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. HICKS. Mr. Chairman, we have listened to-day to a very logical presentation by the gentleman from Virginia [Mr. SAUNDERS], as we have listened before, but which we will be deprived of hearing in the future. All of us know and feel with pleasure, and also with regret, that the gentleman from Virginia is soon to sever his connection with this House in order to take his place as a judge of the supreme court of his native State. I know he will ornament the bench by the profound, just, and enlightened decisions he will render, as he has ornamented this House by his usefulness as a legislator, by his deep knowledge of legislative procedure, and by his clear and fair interpretation of the canons of parliamentary law. [Applause.] While he goes from us and we grieve at his leaving, we also rejoice that he is called to higher usefulness in the great State which he has so ably represented here these many years. I want to say to the gentleman from Virginia, and I feel I reflect the sentiment of my colleagues, that he takes from this body the esteem, the affection, and the respect of every Member, and that he goes to his new duty with the best wishes and Godspeed of Congress. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, the very handsome remarks of my friend from New York [Mr. HICKS] are certainly in the highest degree appreciated by me. I desire to say in this connection that it is with positive regret that I sever the associations that I have formed and part with the friends that I have made during my years of service in this body. My relations with the Members on both sides of the Chamber have been uniformly so agreeable that this expression of regard on my part is not perfunctory, but very real and sincere. On the occasions when I have occupied the chair I met with such consideration and support on the part of the Members that the duties of presiding were not a task, but a pleasure and a delight.

I realize to the very fullest extent that I am now serving my last week in this great legislative body, this history-making body. During my service here I have taken part in much legislative action of the utmost importance to this country and some of it to the world, since it related to and concerned the world relations of the United States. I regret that I am leaving at a time when so much of constructive legislation is ahead of us, needing to be enacted, either at this or the next session of this body. In this connection I wish to say, Mr. Chairman, that while my party is not now in power, I have such confidence in the intelligence and patriotism of the representatives of the party now in control and holding in its hands the legislative destinies of this country, that I am assured that they will as patriots, and 100 per cent Americans, approach the heavy tasks which confront them, and seek by their action to advance the glory, the liberties, and the prosperity of the Republic. [Applause.]

I appreciate, Mr. Chairman, more than words can say the kindly utterances of my friend from New York in his personal tribute to my work in this body. I can not but feel that in what he has said concerning me he has been my partial friend. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I am glad the tribute was paid to the gentleman from Virginia [Mr. SAUNDERS] by the gentleman from New York [Mr. HICKS]. I know that the gentleman from Virginia will adorn the bench with the same ability that has been characteristic of many others of the illustrious sons of Virginia, and when he goes to that bench he will cease to be a partisan; he will be a jurist, bent at all times on administering justice according to the well-established rules and precedents, which he will gather as few are able to gather them; and, in accord with those established principles and precedents and his innate knowledge of justice, even-handed justice will be administered; and when he does that he will assume the same high plane that he assumed when he rendered his decision upon the Holman rule, which is conclusive of the point now before this body, and to which I will advert in a few minutes.

Mr. Chairman, this is a very important time in the consideration of this measure. The decision of the Chair in this matter is important not only in regard to the particular point now under consideration but of vastly more importance in connection with a great many more items that will arise during the further consideration of this bill, and it is especially important as a rule for our guidance in the future.

I wish that there could be no dispute or difference of opinion about this rule. If it were not for this Holman rule, this country would have to expend yearly millions and millions of dollars that are saved to it by reason of the beneficent action of this rule, and in these times we are very much interested in having this rule enforced for the purposes for which it was created. It has been repeatedly said that for the purpose of carrying out the intention of this rule, if there is ever a doubt in the mind of the Chair, it should be solved in favor of the rule. Why? Because thereby no one can be hurt; there is ample opportunity to correct a mistake by amendment or otherwise; but that it should be given the benefit of that doubt for the protection that it gives to the Treasury of the United States and the taxpayers of the Union.

Now, let us consider briefly the purpose of this rule, which is section 21, part 2. As originally created it had no reference at all to what we now know as the Holman rule. It provided absolutely that there could be no legislation upon an appropriation bill. By reason of the abuses that grew out of that language, by reason of the extravagances to which it led, it became perfectly apparent to the Members of this House at that time that some check should be had upon it, and in order that a check might be had this rule was invoked.

Now, as I say, the first portion of this rule provides that there shall be no legislation upon an appropriation bill. Now begins the Holman part of it:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

That is the first part of it. The next is:

> Or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It has been suggested by the gentleman from Tennessee [Mr. GARRETT] that we might as well come in here and attempt to repeal the law creating a Cabinet member for the purpose of reducing expenditures. So far as its germaneness is concerned, I will agree that that thing can be done. But it would be a ridiculous proposition, and I dare say this body would not submit to it. They would defeat it, as they have a right to defeat the present proposal upon a vote. But it would be germane. Why? What is the purpose of the Committee on Appropriations? What is the purpose of this Holman rule?

If you carry to its logical conclusion the proposition suggested by the gentleman from Tennessee, there could be no application of the Holman rule, for the enforcement of the Holman rule means changing legislation. It brings new legislation into the bill, for if it were not so there could be no excuse for it at all. Whenever we reduce the salary of an officer we change the legislation, and the gentleman admits that that would be germane and would be in order under the Holman rule.

If, perchance, we can take and change the legislation reducing the salaries, why can we not exterminate the office entirely? In order to do that we must introduce new legislation upon the appropriation bill. That is done with every appropriation bill.

And at this juncture I wish to invite the attention of the Chair to the measure which we now have in hand. What is it? It is not a general law providing for some usage of the people. It is not for the benefit of the public at large. It is for the purpose of creating a convenience; and the subject of the measure itself is what? Not any organic law for the benefit of the public, but for the creation of an office and defining the duties that are incumbent upon that office, which are mere incidents to the creation of the office. The Chair has read the measure. And where did it come from? Not from a committee of this House that had jurisdiction over that subject matter. It was legislation. Where? Upon a finance bill coming from the Committee on Ways and Means, and all that there is involved in it is the office itself.

It has been admitted here by the gentleman that under the Holman rule we could reduce the amount of the salary of this

officer to 1 cent or refuse to appropriate for it at all, and the gentleman must consistently admit that, if we could do that, we could repeal that portion of the law which creates the office. Suppose, then, we did that and wiped out the office. If we repealed the office, what would be left of the law? The rules of this House, like the rules of law, are to be based upon common sense and not to be made ridiculous by technical construction.

Now, I wish to call the attention of the Chair first to a decision in Volume IV, Hinds' Precedents, section 3887, that I think is conclusive as to the position we are taking here, and not only refutes absolutely the position taken by the gentleman from Virginia now, but sustains the position occupied by him when he rendered the decision with reference to the Subtreasury.

The matter under consideration was a series of amendments to an appropriation bill providing for the transfer of the Bureau of Pensions from the Interior Department to the War Department. I wish the Chair to mark that this was a very material change of the law, vital, if you please, to one of these departments, changing the Pension Bureau from the Department of the Interior to the War Department, taking it clear out of one department and putting it in another, absolutely repealing the law which applied to the Interior Department and creating new law which applied to the War Department.

Mr. SAUNDERS of Virginia. Will the gentleman yield in that connection?

Mr. WOOD of Indiana. Yes.

Mr. SAUNDERS of Virginia. I should like to point out that a statute doing that, if introduced as an original bill, would have gone to that committee.

Mr. WOOD of Indiana. Suppose that instead of this legislation being embodied in this appropriation bill an independent bill had been brought in here for the purpose of repealing this statute or the law creating this draft board. What committee would have had jurisdiction?

Mr. SAUNDERS of Virginia. The Committee on Ways and Means, or some other committee, not the Appropriations Committee.

Mr. WOOD of Indiana. The Committee on Ways and Means would have had no jurisdiction over it. If it went to the proper committee it would go to the Committee on the Library.

Mr. SAUNDERS of Virginia. I do not say it would have gone to the Committee on Ways and Means. I say it would have gone to that or some other committee than the Committee on Appropriations.

Mr. WOOD of Indiana. The case to which I am now calling the attention of the Chair arose on the legislative appropriation bill, the very bill that we are now considering here. The purpose of it was, as I have stated, to take out of the Department of the Interior the whole Pension Bureau, with all its machinery, curtailing some expenses incident thereto, perhaps as a mere excuse for the legislation. Yet it was held to be germane and in order under the Holman rule. It changed existing law. It repealed existing law, created new law and new rules of action for the conduct of the business of the Pension Bureau. What is said in that case? After the preliminary statement the Chairman, Mr. William L. Wilson, of West Virginia, said:

Fortunately for the Chair, the rule allowing amendments to appropriation bills was the subject of a very thorough debate in the first Congress which adopted it—the Forty-fourth—a debate participated in by such men as Mr. Garfield, Mr. Randall, Mr. McCrary, of Iowa, Mr. Seeley, of Massachusetts, and others, and of a careful construction by the Speaker of that Congress, Mr. Kerr, who was universally recognized as an able and learned parliamentarian. Speaker Kerr held *that the rule* should have a liberal construction in the interest of retrenchment—

That was the purpose of its creation—

"The purpose of the rule is most beneficent and proper, and the Chair, under any circumstances not attended with extreme doubt, would hold it to be his duty to enforce the rule."

By which I understand he meant to admit an amendment.

The second clause of Rule XXI provides that no amendment to an appropriation bill changing existing law shall be in order unless it be germane to the subject matter of the bill and retrenches expenditures in one of three modes prescribed in that rule. The rule upon which Speaker Kerr made his decision was in the same language, except that the modes of retrenching expenditures had not then been specified.

The first question that the Chair is called upon to decide is whether the first amendment offered by the Committee on Appropriations is germane to the subject matter of this bill and, if germane, whether it retrenches expenditures in any of the modes required by the rules. It was argued with great force by the gentleman from Maine, Mr. Dingley, that it was not germane to the subject matter of the bill, because this is a bill making appropriations—

The same objection that is now being made—

for the payment of invalid and other pensions under existing laws, whereas the amendment refers to the administration of the Pension Bureau itself—

Changing the organic law, if you please, Mr. Chairman—

and it has been the practice of the House to appropriate for the salaries of the officers of the Pension Bureau in the legislative, executive, and judicial appropriation bill.

There is much force in the argument—

The Chairman said—

But it must be observed, when we come to examine the subject matter of the bill, that it not only makes appropriations for the payment of pensions, but deals with a part of the machinery or official staff through which these appropriations are to be administered. Can it be held that to such a bill, carrying, as does the present, appropriations of more than $166,000,000, an amendment which merely prescribes or deals with the administrative machinery through which those appropriations are to reach their beneficiaries is not germane?

So can it be held that this legislation, which has to do not only with the appropriation asked for with reference to this item but that has to do with appropriations for all the departments except the Department of Agriculture, is not germane?

The Chair thinks not—

Said the Chairman—

and he accordingly rules that the amendment under consideration is germane to the subject matter of this bill.

Now, when the rule was attempted to be invoked in so important a matter as that, where it meant the change of the policy of this Government, the changing of the law, the taking of this bureau entirely out of the body of one of the great departments of the Government and placing it into the body of another great department, involving an annual expenditure of $166,000,000, I dare say that the utmost consideration was given to this matter then because of that extreme importance.

Yet the Chair held that it was germane and in order and he accordingly ruled that the amendment under consideration was germane to the subject of this bill.

Continuing, the Chairman said:

The question next arises, Does it retrench expenditures in any of the modes prescribed by the rule? And here the Chair finds himself greatly relieved by decisions heretofore had in a similar case, or in one so nearly alike to that now before this committee as to furnish a good precedent.

Speaker Kerr laid down the rule that in considering the question whether an amendment operates to retrench expenditures the Chair can look only to what is properly of record before him—that is, the pending bill—the specific section under consideration, the law of the land, so far as it is applicable, and the parliamentary rules and practice of the House, and beyond these he is not permitted to go in deciding the question.

When the general legislative, executive, and judicial appropriation bill was pending in the House in the Forty-fourth Congress an amendment was offered transferring the Indian Bureau to the War Department, and upon the point of order made against that amendment Speaker Kerr's decision was given. He held, in substance, that as the amendment operated to reduce the number and the salaries of officers paid out of the Treasury of the United States it would have been in order if it had been in itself a perfect and complete piece of legislation, but that on the face of the amendment it was clear that it would have to be perfected by further and additional legislation and it was not possible for the Chair to determine whether this necessary additional legislation would operate to retrench or to increase expenditures. He based his decision in favor of the point of order strictly upon that ground.

In another case, where they were taking the Indian Department away from the Interior Department and placing it in the War Department, repealing a law with reference to the Interior Department, making a new law for its establishment in the War Department, it was held to be germane, and if it had appeared on its face that it would retrench the expenditures of the Government it would have been in order. It is admitted in this case that it is a complete piece of legislation, so complete that gentlemen are complaining of its completeness and the extinction of this bureau. So that objection can not be raised, and, taking the authority of the Indian case, it is not only germane, but absolutely in order.

When the Indian appropriation bill came before the House a few days later the amendment making the transfer was again offered, and it was then a complete piece of legislation.

The Chair could see by an examination of it that it would operate, of its own force, to effect this transfer and to abolish certain offices and then bring about a retrenchment of expenditures; and Mr. Springer, of Illinois, then occupying the Chair, delivered a careful and elaborate opinion, which had been submitted to and concurred in by Speaker Kerr, holding the amendment to be in order. In accordance with these precedents, the Chair holds that the first amendment proposed to this bill by the Committee on Appropriations is in order and overrules the point of order made by the gentleman from Maine [Mr. Dingley].

Now, I wish to call the attention of the Chair to a more recent case, of which it may not be said, if you please, this might have been the rule away back in Randall's time and back in Garfield's time, but we have advanced beyond it. But the decision to which I now refer has not only been confirmed by the distinguished gentleman from Virginia [Mr. SAUNDERS], but by his contemporaries, by the gentleman from Tennessee [Mr. BYRNS], by the gentleman from Georgia [Mr. CRISP], and all within the memory of most of us here present, holding absolutely in accord with the Kerr proposition.

I could not help but think the other day, while listening to the gentleman from Virginia [Mr. SAUNDERS], and reflecting on my

having listened to the splendid decision delivered by him some two years ago, founded, as he stated, upon precedents well established, overruling at that time all the authorities upon which he now depends, that now how can he in such a short space of time make such a change of opinion, and how can he now defend the authorities he then overruled, and is now overruling all the authorities he then depended upon in his splendid decision?

The Chair will remember that an effort was made by Mr. Borland with reference to the extension of the hours of labor of those engaged in the departmental service, and the question of order was raised, with Mr. CRISP in the chair. Mr. CRISP, because of the importance of this matter, because of the influence it would not only have on that legislation, but as a precedent and rule to be followed in all the years to come, was bound not only by his desire to do his duty but by reason of the fact of the importance that depended upon it to give the subject very serious consideration, and consequently he reviewed all the authorities and arrived at this conclusion:

The gentleman from Missouri [Mr. Borland] offers an amendment to be known as section 6 of the bill, the amendment providing:

"That the number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917, and in order that such reduction may be made without loss of service to the Government, and to equalize the hours of work required of those in the classified employments of the United States, it is made the duty of heads of the several executive departments and other executive establishments and the government of the District of Columbia to hereafter require, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, not less than eight hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the provisions of this section shall not apply to the classified employees of those branches of the public service in which such employees are now required to work eight hours a day."

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I do.

Mr. SAUNDERS of Virginia. The gentleman is now quoting from a decision by the gentleman from Georgia [Mr. CRISP]?

Mr. WOOD of Indiana. Yes.

Mr. SAUNDERS of Virginia. In that same connection the gentlemen will note that there is another ruling by the gentleman from Georgia [Mr. CRISP], and that those two rulings are in conflict with each other.

Mr. WOOD of Indiana. I have not discovered that.

Mr. SAUNDERS of Virginia. The gentleman will find both of those rulings in the Manual.

Mr. WOOD of Indiana. Mr. Chairman, I am beginning to com to the conclusion, from what the gentleman has done himself and the testimony that he now adduces as to what the gentleman from Georgia [Mr. CRISP] has done, that these gentlemen have not always been actuated by the utmost desire to establish a precedent that shall be as firm as the rock of ages, but that they have been actuated sometimes by expediency. It might have been that it was expedient then for these gentlemen to retrench, when giving utterance to these splendid decisions. If so, is it not equally expedient now, when someone else is charged with the economic administration of the affairs of this Government, when someone else is responsible and for which responsibility the public will hold them, to see to it that a lot of these useless and needless offices are dispensed with and their occupants sent adrift—is it not equally expedient now to attempt to hold the decisions to which I have referred in strict accord with the Holman rule? If it was correct expediency then, why should it be incorrect now?

To continue from the ruling by Mr. CRISP:

To the amendment the gentleman from Wyoming [Mr. MONDELL] makes the point of order that it is legislation, that it changes existing law, and therefore is not in order on an appropriation bill.

While it is true, under the general rules of the House, that legislation is not in order on an appropriation bill, under the rules of the present House there is an exception to that general rule, the exception being that an individual Member of this House can offer amendments providing for legislation on an appropriation bill if such amendments are germane to the bill and retrench expenditures of the Government in either of the following three methods: By the reduction of the number and salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amount of money covered by the bill. The individual Member, and nonlegislating committees on all fours with individual Members can propose germane legislation to an appropriation bill if it falls within either of those three excepted classes.

The Holman rule provides an additional method of legislating on an appropriation bill. The proviso to clause 2 of Rule XXI provides that legislation the natural consequences of which is to retrench expenditures is in order if it is proposed by a committee of the House having jurisdiction of the legislative subject of the amendment or by a joint commission, or the House Members of a joint commission authorized to deal with that legislative subject.

The proponent of the amendment in question contends that while it is legislation it is in order, because he contends that it falls within one of the excepted classes permitting an individual Member of the House to offer germane legislation. The proponent of the amendment contends that it reduces the number of officers whose salaries are paid out of the Treasury of the United States. The question, therefore, for the Chair to pass upon is to determine, first, if the amendment is germane; second, if it comes within one of the excepted classes; and, third, if the legislative part of the amendment is connected up with the proposition to reduce the number of salaries or officers paid out of the Treasury of the United States under which it is claimed the legislation is in order.

The bill before the House is the legislative, executive, and judicial appropriation bill, dealing generally with the salaries of officers and employees of the United States Government. The Chair is cognizant of the fact that there are some exceptions to that, notably the Agricultural Department, but in the main it is the appropriation bill which carries the salaries for the officers and employees of the Government. The amendment seeks to deal with a certain number of the employees of the Government, and the Chair thinks the amendment proposing a new section dealing with a certain class of Government employees is germane to the bill.

Now, the question arises whether the amendment of itself does reduce the number of officers paid out of the Treasury of the United States. The Chair is of the opinion that the amendment must show on its face that it does perform one of the functions required under the rule to make it in order. The Chair is clearly of the opinion that the language of the amendment using the word "shall" makes it mandatory upon the heads of the departments on or before June 30, 1917, to reduce the number of employees in their departments one-tenth unless they are relieved of that duty by the proviso of the amendment. The amendment clearly reduces the salaries to be paid out of the United States Treasury, one of the exceptions under the rule authorizing legislation on an appropriation bill.

The Chair then cites at great length the authorities from start to finish upon this wonderful rule, known as the Holman rule.

Mr. Chairman, I think these two decisions, the one that I have read from the somewhat misty past, and the last one enunciated on this proposition, after a full and careful consideration, even at a later date than that rendered by the gentleman from Virginia [Mr. SAUNDERS], clearly establish that we have a right to bring in new law, provided the purpose is to retrench expenditures of the Government, providing for the discharge of officers of the United States, or in any way saving to the Treasury of the United States any amount of money.

Mr. LITTLE. Mr. Chairman, precedents are very misleading. You can find them on either side. Let us adhere to principle for a moment. It is conceded, of course, that this committee can decline to appropriate any money under this law or any other law, and let it go by. That suspends the application of the law for a year. The committee can suspend the law perpetually by doing the same thing every year. It would be curious if with that power the committee could not get rid of the whole thing at one fell swoop and save all of that trouble. That is the reason the Holman rule was made. If you will consider it a little aside from precedents and on principle, I think you would see in a moment that this contention is very clear.

The Chair suggested the meat of the whole controversy when he said if the committee had not appropriated for this matter, could anybody have offered an amendment to appropriate? Of course, it is conceded he could. Why? Because the subject matter of this whole legislative reference is germane to the bill. That is why. The Chair got the idea. If the subject matter of legislative reference were not germane, the committee could not appropriate for it at all. If this subject matter of legislative reference were not germane to the bill, you could not amend the appropriation bill by adding an appropriation if the committee neglected it, because unless it is germane you could not appropriate for it by amendment. Now, what is germane to this bill? Look at the title. It is a bill appropriating for "legislative, executive, and judicial expenses." Anything about "legislative, executive, and judicial expenses" is germane, of course. There can be nothing in this bill except what the law provides may be appropriated for in reference to legislative, executive, and judicial expenses. The gentlemen can hardly be serious in the claim that this subject matter of legislative reference is not germane. If that were true, an appropriation for it would be subject to a point of order.

Mr. LUCE. Will the gentleman yield?

Mr. LITTLE. Let me make my statement. I prefer not to be interrupted until then, and I will be glad to yield to the gentleman.

Now, this legislative, executive, and judicial subject has nothing about irrigation. If we should undertake to discuss or offer some appropriation for irrigation here it could not be done, because the subject is not germane to this bill. If we should undertake to repeal the law authorizing an appropriation for irrigation, it could not be done in this bill because the subject is not germane to this bill, but we can repeal anything about any law that is germane to this bill that arranges for an appropriation in this bill because it is germane to this bill. If this were not true, you would have no appropriation. Now, if that is not

true the Holman rule does not mean anything and the Holman rule has no sense, application, force, or power. If it does not mean that, you had just as well have let it stand.

The gentleman from Tennessee [Mr. GARRETT], when I asked him, said you could not cut down any appropriation without the Holman rule. If that were true, he would have had me. but unfortunately his memory had slipped a cog. You could cut down any appropriation before. And what was this made for? For the very simple purpose of just such an instance as this. It has not any other purpose, and nobody has suggested any other reason for having such a rule. This is put in, not to cut down an appropriation—you can do that at any time—but to get rid of them forever. You could cut it out, but you could not add to it. It is germane to the bill, because everything in this bill is founded upon some law, and every law that founds an appropriation is germane to it, and, as I said before, if it does not mean that it does not mean anything.

The gentleman from Virginia has suggested that if it would not be germane enough to be added to the bill how could you amend it out? That is the only proposition I have heard advanced here that appeals to me as entitled to an answer. But there is a fallacy in it, as I will show you in a second. It is true that if it is not germane enough to this bill so that you could move an amendment to put it in it would seem that it is not germane to the bill to put it out. But there is where the fallacy is.

If there were no such law and you should undertake to put it in there, there is nothing to make it germane, and you might just as well bring in a law to appropriate money to carry on war or just as well bring in a law to enforce prohibition, neither of which would have any connection with this appropriation, and therefore there would be something new tacked onto it. But the trouble with the argument of the gentleman from Virginia was, though it appeared forceful for the moment, that this was germane before anybody undertook to put it out. They made this law germane to this bill by making it the foundation of the bill. If it is not germane to this bill, we could not appropriate for it. The subject matter of the bill is appropriations under laws authorizing the appropriations, and everything connected with that is germane, and that is the reason why I can move to strike it out but can not move to put it in. The Chair pointed that out when he couched the question which brought the confession that if this was not appropriated here they could still move to put it in because it was germane. That is all there is to it. It is a very simple matter. I do not care to take up the time of the Chair, but if the Chair will go back to the principle and remember and follow the fact that every appropriation here is founded upon some law, that all of the subject matter of this bill is to appropriate under laws authorizing the appropriation, the Chair will have solved the entire difficulty; and it follows as night follows the day that you have got to hold that the subject matter of this bill, which is "legislative, executive, and judicial appropriations," is all germane, and everything connected with it, the laws authorizing the appropriations are germane, and therefore they had the power to go ahead and repeal the law. If that is not a correct analysis of it, there was never any occasion for enacting the law at all. When the law the committee seeks to repeal was made it became so germane to this bill that the bill could not exist but for it and similar bills. If it were not germane, the bill could not carry an appropriation for this bureau, and such appropriation would be out of order. If the gentlemen who urge this appropriation are right and the law authorizing it is not germane to the appropriation, then their desired appropriation would be out of order and impossible.

The CHAIRMAN. The Chair is prepared to rule. The question for the Chair to determine arises under a point of order made by the gentleman from Virginia [Mr. SAUNDERS] to the item carried in the bill repealing section 1303 of the revenue law. The gentleman from Virginia contends that this is a change of existing law and does not come under the Holman rule. The gentleman from Indiana admits that it is a change of existing law but contends that it does come under the Holman rule. The Chair realizes that this is a question of some considerable importance, not only as to how his ruling may affect this particular item, but as to how it may affect other items of this bill and of other appropriation measures which may come before the House. The Chair is glad that he has had opportunity, owing to the adjournment of the committee on last Friday, to give this matter some considerable investigation. He has examined the precedents submitted by the gentleman from Virginia, as well as a number of other precedents, and it must be confessed that the more one investigates the decisions under the Holman rule the more one's mind becomes confused and perplexed rather than clarified, for they are many and various and in some cases as far apart as the poles. Under the circumstances the Chair conceives it to be his duty to avoid technicalities in so far as possible, and to interpret as best he can the real purpose and intent of the rule. The Chair is inclined to think that this great diversity of ruling on the Holman rule comes from a misapprehension of just what it really means and particularly from a confusion between the proviso and the main part of the rule, which runs as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

So far that is the original Holman rule. It was subsequently amended by adding this proviso:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

The Chair thinks that these provisions must be construed separately and apart. Under the proviso, to qualify under the Holman rule it is necessary that the committee submitting the item should have jurisdiction of the original subject matter. Under the first part of the Holman rule there is no such provision. The only thing necessary to qualify under the main part of the Holman rule when you seek to change existing law either by committee or individual action is to show first that your provision is germane and that it necessarily and indubitably effects a reduction of expenses.

As the gentleman from Virginia [Mr. SAUNDERS] has stated, the present occupant of the chair has on a number of occasions, both in the chair and on the floor, said that he thought that the Holman rule should be construed strictly. That is true, but the Chair had particular reference in that statement to the proposition that a saving of expenditure must appear beyond all cavil. There must be no doubt about that, nor, in the opinion of the Chair, can there be any doubt in this particular case. The section which the item under consideration repeals creates a commission of two men, providing for their salaries and giving them the power to appoint assistants and fix their salaries, and carries an appropriation therefor. If this House intends to continue the legislative drafting bureau, how can it provide for it? In what bill should any provision for it be carried? Obviously in this particular bill. And where should it be carried? Obviously in the particular place where it is carried in this bill.

The Committee on Appropriations is of the opinion that this commission is unnecessary and proposes to abolish it. Nobody will contend that the committee would not have had the power and at this particular point to have brought in a change of existing law providing for the reduction of the number of officers and of the amount carried. Nobody will contend that the committee might not have brought in a provision at this point reducing the number of this commission to one and appropriating 1 cent to pay for its continuance, thus nullifying the law. But the committee preferred to abolish the commission altogether by repealing the law.

Some distinction has been sought to be made between the question of repealing a law and changing it. The gentleman from Virginia [Mr. SAUNDERS] admits that you may change the law, but he questions whether you may repeal the law through any means except by a report of a committee which originally had jurisdiction of the subject matter.

Now, the Chair is unable to follow that line of reasoning. The Chair thinks that a repeal of a law is a change of existing law in contemplation of the Holman rule. It necessarily must be a change of existing law, and the Holman rule very clearly provides that you may change existing law provided you reduce the number of officers and the amount of money to be expended. The Chair does not see how the proviso of the Holman rule modifies the main proposition in this respect.

Under the circumstances, while the Chair realizes that such a ruling may afford considerable opportunity for committees to repeal laws and for Members of the House to offer amendments which repeal laws, he feels compelled to hold, under the Holman rule, that such propositions are in order if they are germane to the bill and necessarily reduce expenditures.

The Chair, therefore, feels constrained to overrule the point of order.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GREEN of Iowa: Page 9, strike out lines 15 and 16, and in lieu thereof insert the following: "For salaries and expenses of maintenance of the legislative drafting service, as authorized by sec-

tion 1303 of the revenue act of 1918, $40,000, one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GREEN of Iowa. The gentleman from Texas might as well make it now if he wants to do so.

Mr. BLANTON. I would like to see the amendment first.

Mr. GREEN of Iowa. Mr. Chairman, while this point of order that has just been discussed is of great importance, the merits of the proposition which are involved, while only a small amount of money is concerned, are to my mind of very much more importance. And I have offered an amendment which would restore this drafting service. This service came into existence by a provision in the revenue law of 1918, so called, although, in fact, it did not go into force until the latter part of February, 1919. The original provision was for two drafting clerks and other assistants, and the appropriation was made of $25,000 for the purpose of paying the expenses of the drafting bureau or drafting service.

In the deficiency act of July 7, 1919, appropriating for the fiscal year 1920, there was an unexpended balance made available of this $25,000 to which I have just referred, amounting to $18,000 and odd. That was made available, and a further appropriation of $20,000, or a total of a little over $36,000, was made.

The drafting bureau has asked for $40,000 for this year. The original law that created this drafting service provided for the appointment of two drafting clerks, one for the House and one for the Senate, and it was further provided that these appointments should be made by the Speaker of the House and the President of the Senate solely on the basis of fitness for the service. I can say, and I think every Member of the House who is familiar with the service of the man appointed by the House will agree with me, that there is no question that this appointment was so made upon fitness for the service alone; made after the man had been tried and tested; made after it had been found that he was an expert in that line of work, and made after a trial which proved to Republicans and Democrats alike—I do not care which—of all the various committees that have had the service of this drafting clerk that in certain cases they found his services were practically indispensable.

Now, what is the nature of the service that this man performs? Some Members opposed to the creation of this bureau supposed that he has nothing to do except to put in a few punctuation marks that had been overlooked, or to correct the grammar in the language which perhaps had been inadvertently used. But this is not what he is wanted for. We want him for service which requires ability of a very much higher order, in preparing these bills which are of such a technical nature, such as the revenue bill, the railroad bill, bills such as those which have been reported from the Committee on the Merchant Marine and Fisheries, in order to be sure that the legislation will be harmonious with itself, that it will carry out the purposes of the committee that devised it and accomplish what they intended, no more and no less, and not conflict either with its own provisions or with any previous laws enacted by Congress. It requires ability of the very highest order in order to do this.

But gentlemen say, "Nearly all these committees have lawyers upon them, and why could not some of them perform this service?" I answer, they could but for one thing: In preparing these bills, which are of such high importance to the country, where it is necessary that every part of the bill should be accurate and in harmony not only with itself but with existing law, it is of the greatest importance that the policy of the bill should first be right and then that the expression of the bill should be right. The members of the committee, in preparing these bills, find themselves entirely absorbed at times with questions as to the policy which shall be adopted. The discussions in the committee almost invariably turn upon questions of policy. Great policies are often involved that may have an untold effect on the destinies of the Nation as they are carried out.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I would like to have five minutes more, although I may not use it all.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GREEN of Iowa. And the members of the committee find themselves in the position where——

Mr. BLANTON. Mr. Chairman, will the gentleman yield on that point?

Mr. GREEN of Iowa. Yes; for a question.

Mr. BLANTON. The gentleman knows that when this drafting provision came into effect, through its creation on an appropriation bill, the first expenditure was $20,000. was it not?

Mr. GREEN of Iowa. It was $25,000.

Mr. BLANTON. Twenty thousand dollars, was it not?

Mr. GREEN of Iowa. No; $25,000 from the latter part of February to the 1st of July.

Mr. BLANTON. And now the distinguished economist from Iowa asks for $40,000?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. And next year, probably, on the insistence of these gentlemen, he will ask for $80,000, and the year after that for $160,000, and so on?

Mr. GREEN of Iowa. Will the gentleman allow me to aid him a little in his arithmetic? Twenty-five thousand dollars for less than six months is a higher rate than $40,000 for a whole year, so that they are asking less.

Mr. BLANTON. Is that economy?

Mr. GREEN of Iowa. This is of the highest economy, and I will explain to my friend from Texas why. Time and time again bills have gone through this House and gone to the Senate, and after they have gotten out to the people the Supreme Court has decided that they did not mean what Congress intended.

Mr. BLANTON. Mr. Chairman, will the gentleman yield again?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. The gentleman has been a distinguished jurist in his State—in Iowa. Does not the gentleman believe that with all the precedents to which we have access, the Representative of the people who is not able properly to draw a bill with the help of his committee, composed mostly of experts, ought not to be seated in this House, and ought to go back to his farm or his place of business?

Mr. GREEN of Iowa. Very true, what my friend from Texas says, if that were all a Representative had to do. If all he had to do was to frame the expression of these bills and pass upon the language; if he was not concerned with the policy of the bill, if he did not have to make up his mind and lie awake nights often to determine whether or not a certain policy should be carried into effect, it would be easy enough for him to frame these bills; it would be easy enough on the part of Members of Congress to do that if we had only the framing of these bills to do. But Members have other things to do. They have to attend to the wants of their constituents, and to consider all the legislation that is before the House, and during that time they do no find the opportunity to attend to every detail of expression in a bill or look into the particular manner in which it ought to be framed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. WALSH. Does the gentleman contend that this service is available to every committee that has important legislation under consideration?

Mr. GREEN of Iowa. Unfortunately, it is not. My friend from Texas would restrict it, I suppose.

Mr. BLANTON. Yes; I would throw it on the scrap heap.

Mr. LITTLE. Mr. Chairman, does not the gentleman think it would be much cheaper if we should give to each of these committees another clerk to take care of that work, rather than tax the whole country for the benefit of two or three committees only?

Mr. GREEN of Iowa. No; the matter could not be arranged in that way. The duties of the draftsman are very different from those of a clerk to a committee.

Mr. LITTLE. What are you going to do with the $40,000?

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BARKLEY. Does the gentleman from Iowa think that an ordinary committee clerk is an expert on the draftmanship of legislation?

Mr. GREEN of Iowa. He is not ordinarily, although some of the clerks, by reason of long service, have become such.

Answering the question of the gentleman from Kansas, I would say that the man who is at the head of the drafting division for the House has to prepare in advance for these bills. He has to look up all the previous legislation so as to make sure that whatever the committee are going to do will be in harmony with what has been done. He has to have assistance for the clerical part of it, and it is necessary that he should have clerks. How much clerical help he shall have is left for the Clerk of the House to decide.

Now, I confess that so far as the lump-sum part of this appropriation is concerned, if the Committee on Appropriations had gone into this as I think they should have gone into it and had

reported it out in detail, I would have been better satisfied; but that is the only way we can get at it at this time.

I do not know the politics of this gentleman who has been rendering service to the Members of the House, and I do not care what it is.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. May I have two minutes more? It is not often that I ask for such an extension.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I do not care what his politics is. I do not think any member of the committee that he has served care anything about it, because he has never intruded his opinion upon questions of policy. What he has sought to do and what he has so successfully done on a number of these bills in the preparation of which he has aided has been to ascertain what were the views of the committee and the policy of the committee, and he has sought to carry that out and express it in appropriate language.

Mr. BEE. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Texas.

Mr. BEE. I want to ask the gentleman what committees of the House are entitled to the services of this drafting board.

Mr. SAUNDERS of Virginia. All of them.

Mr. GREEN of Iowa. All of them.

Mr. BEE. I understood from the inquiries of the gentleman from Kansas [Mr. LITTLE] and the gentleman from Massachusetts [Mr. WALSH] that not all of them were.

Mr. GREEN of Iowa. The only trouble is that the services of this bureau are so much in demand that it is impossible to comply with all the requests which are made.

Mr. BEE. I am on the Committee on the Census, which has never met, and on the Committee on Claims, which certainly does not call upon this drafting division, and I just wanted to know what committees received its services.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Who has the assignment of the time and services of this expert?

Mr. KITCHIN. If the gentleman will permit me, the Committee on the Library.

Mr. GREEN of Iowa. The Committee on the Library determines the assignments.

Mr. LITTLE. The man regulates it himself, as a matter of fact.

Mr. GREEN of Iowa. I doubt that very much.

Mr. LITTLE. I know that is the way it is done.

Mr. GREEN of Iowa. I hope my friend will not interrupt me. I will get through a great deal quicker.

I consider this one of the most important measures that we have before the House, and I do not know any place where the House would get more useful service or more for the money than by sustaining this appropriation.

Mr. BLANTON. Mr. Chairman, I desire to oppose the amendment. The gentleman's proposal to spend $40,000 a year to employ somebody to draw up bills for Congressmen and Senators reminds me of an advertisement I heard of the other day. A hod carrier who was getting $12 a day advertised for some one to carry the hod for him and proposed to pay $4 a day for the service, leaving him, of course, $8 a day net profit. The gentleman from Iowa [Mr. GREEN], who is a distinguished economist (?) here in the House, believes that the people of the United States ought to pay Congressmen $7,500 apiece and Senators at the other end of the Capitol $7,500 apiece, and then ought to pay somebody else $40,000 a year to perform part of the duties of the Congressmen and Senators. Why, one of the main duties of a representative of the people is to prepare proper legislation for introduction in the House and Senate, which is referred to committees for proper consideration. If he is not able to do it, with all of the precedents to which we have access, with all of the help we may at all times have from the older and more experienced members of the various committees, and the help of the committee clerk, drawing from $2,500 to $4,000, he ought to quit and go back home and let a more competent man come here and take his place. An aspirant claiming to be competent is always anxious and ready to come. No admission of inability and incompetency is ever made on the hustings.

Mr. SABATH. Will the gentleman yield?

Mr. BLANTON. Not right now. Of course, if he wanted to draw a bill to repeal the Volstead Act, then he would need some help, because he could not do it by himself and no other man could that would pass this Congress.

Mr. SABATH. Oh, yes, I could; and I want to ask the gentleman a question.

Mr. BLANTON. The gentleman from Illinois could not draft a bill that would pass this Congress seeking the repeal of the Volstead law. He would need some help. [Laughter.] But if he wanted to prepare measures for the benefit of the people of the United States, if he has the proper ability to entitle him to draw $7,500 a year from the people, he ought to be able to transact the business that the people sent him here to transact. I want to tell you, when I am not able to draw a bill providing for any legislation that I want to see pass, if I can not find the proper precedents that will guide and direct me, I will quit and let somebody else take my place.

I will not be asking the people to pay me $7,500 a year and then asking for $40,000, $20,000 to pay a man for the House and $20,000 to pay a man for the Senate, to do work we were sent here and paid to perform. I know there are some Members of Congress who need this kind of help. I know that men who stay at home, who stay in these big cities about nine-tenths of the time and come here only when they have a daylight-saving bill to pass, or a liquor bill or a railroad bill, or a bill that Mr. Gompers tells them to come here to vote against or to pass, that kind of a Representative, who never appears here unless there is something special on, needs a man at $20,000 a year to draw his legislation for him. We are getting too much in the habit of passing the buck and employing others to do our work for us. Some Members could not draw the simplest little bridge bill, some could not draw the simplest little pension bill, some could not draw the simplest little private claims bill to take the people's money out of the Treasury. There are some of our colleagues who certainly do need special expert help to attend to all of their legislative duties, especially when they are somewhere else, busily engaged otherwise, and mostly otherwise. In making this argmuent I realize that I am making a target of myself, but I can stand the ridicule such argument for economy and strict attention to business may provoke. I know that it will be argued that experts can better do the work. But we are all supposed to be experts, and we were employed to do this work.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BLANTON. Oh, yes. I could not refuse my friend from Michigan. I hope I am not treading on the gentleman's toes.

Mr. McLAUGHLIN of Michigan. Oh, no, not at all. The gentleman from Texas can not hurt me. I was wondering if the story was true that the gentleman from Texas absented himself from the Chamber last Saturday afternoon because he was afraid of Sam Gompers.

Mr. BLANTON. Oh, no. Quite the contrary. And I want to tell you something.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I will state to my good friend from Michigan, the distinguished economist (?) on the Agricultural Committee, who provided 754 messengers for one department and who provided 76 watchmen for one office in this District—I will say to my distinguished friend from Michigan that I must have been a little bit afraid (?) of Samuel Gompers, because I was not here Saturday afternoon; but I was paired with a distinguished gentleman from California [Mr. CURRY], he against the railroad bill and I in favor of its passage, to return the railroads to their lawful owners; and if Mr. Gompers only knew what I did to his dictatorship last Saturday, and on what mission I was engaged that evening, he would much rather have preferred to have me here, because in my campaign against anarchy and for law and order in the great State of Massachusetts last Saturday night I spoke to a fine audience of loyal business men of this Nation, who said they were tired of the dictation of Samuel Gompers and his control of legislation in this Nation, and I was assured that every man who comes here from the State of Massachusetts following the next election will come here with the backbone of a JOE WALSH—God bless him—who will stand up and vote for the benefit and the interest of the people. I gave them some first-hand information concerning the vicious activities of Mr. Samuel Gompers and some of his associated anarchistic leaders of unions, and they are going to help me wake up the business men of this Nation and block Mr. Gompers's game of electing a Congress of weaklings and a Congress of serfs. They are with me in my fight against anarchy and for law and order, and against a labor autocracy. They are not going to send any weaklings here from that State. [Laughter.] Mr. Gompers would have a touch of meningitis if

he had heard the expressions from these American citizens in the great State of Massachusetts.

Mr. GARD. Mr. Chairman, a parliamentary inquiry. Was not there objection made to the continuance of the gentleman from Texas?

The CHAIRMAN. The Chair did not hear any objection.

Mr. BLANTON. Oh, I did not go into the gentleman's district in Ohio.

Mr. GARD. I do not think we should be compelled to listen to such expressions as "jacklegs" by the gentleman from Texas. It is most improper.

Mr. BLANTON. Mr. Chairman, I withdraw that. I withdraw it, for it was improper. I will say that the great majority of the people from Massachusetts have backbone enough to stand up for what they think is right, because they are led by a brave, loyal, law-and-order governor of the State of Massachusetts who was fortunately not elected by Mr. Gompers and his police-striking Plumb-plan bunch.

Mr. WALSH. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. WALSH. The gentleman from Texas would not have us understand that he has deserted labor and gone over to the capitalists? [Laughter.]

Mr. BLANTON. Not at all. I hold no brief for capitalists. Honest labor has no better friend in this House than I am. I want to say that this association of loyal business men of Massachusetts that I addressed last Saturday have the interests and welfare at heart of every laboring man of the land, and I am here to tell you that they have more at heart the real interests of the laboring man than has Mr. Gompers and his Plumb-plan bunch, who are now exploiting laborers out of millions of dollars.

Mr. WINSLOW. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINSLOW. Will the gentleman give the name of the organization that he addressed?

Mr. BLANTON. It was not the one of which the gentleman is president.

Mr. WINSLOW. May I ask if it was not the Manufacturers Association of Massachusetts?

Mr. BLANTON. Yes, it was one association of manufacturers.

Mr. WINSLOW. Friends of the people.

Mr. BLANTON. Yes, they are friends of the people. Without them the people could not exist.

Mr. WINSLOW. I want that to go in the RECORD.

Mr. BLANTON. The bunch of loyal men whom I addressed last Saturday night in Massachusetts in my efforts to rid this country of anarchy are friends of the people, and if Mr. Gompers will let them alone they would have no trouble with their employees. If Mr. Gompers would keep his trouble makers in Washington, not keep sending henchmen in there to disturb industrial relations, we would have more production instead of the present awful state of affairs now existing, when men idle most of the time are paid not according to production and efficiency, but on union scales. We would get back to maximum production and efficiency where efficiency brought the goods. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LUCE. Mr. Chairman, if the gentleman from Texas [Mr. BLANTON] had pursued the study of the virtue of men from Massachusetts somewhat further, he would have discovered that they are not convinced of their omniscience to the degree that they are satisfied, as he is, that any member of a legislative body is qualified to write a law. The writing of a law is the most difficult task that ever confronts the human intellect. It is a matter of congratulation that the lawmakers of the United States are now finding out that they may well profit by the experience of England in this matter. Fifty-one years ago Mr. Lowe, then chancellor of the exchequer, reorganized the situation there and secured the creation of a parliamentary council to the treasury. The result of that action was a great improvement in the laws passed by Parliament. The chief counsel there receives $12,500 a year, against the paltry $5,000 that the far wealthier United States of America sees fit to allow for an expert. His assistant receives $10,000 a year, and ample funds for expenses are furnished. Sir Henry Maine, one of the great authorities on such matters, has said that four-fifths of the enactments in Parliament are due to the work of this office. The example set by England was followed by New York in 1893. It has since then been followed by California, Illinois, Indiana, and in nearly every progressive legislature in the land.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LUCE. I will yield.

Mr. GREENE of Vermont. Simply to reinforce the gentleman's list, I want to say that my own little Commonwealth of Vermont has had that system in effect for 12 or 15 years, and has had all the experience which has resulted in economy as well as the wise character of the laws, and we could not be hired to depart from it to-day.

Mr. LUCE. I think that would be the testimony from all legislatures where this has been fairly tried. Congress, as usual, followed behind the progressive States, reaching this reform only a year or two ago. The error it has made has not been in the appropriation of $25,000 a year, but in failing to appropriate enough money so that every man in Congress might feel perfectly free to make use of its experts. The difficulty has been that the pressure on their time by the important committees has been so great that they have not dared to offer their services so widely as they should be offered. I wish that instead of this motion being for $40,000 it were $80,000. Sir, it would be impossible to take too much care to make our laws accurate. It is not because of the importance of English, it is not because of the importance of rhetoric, it is not for any esthetic purpose whatever; it is that men may know what are their rights. What is the great criticism to-day? You can not understand the law. Is not a great part of the work of the Supreme Court of the United States concerned with trying to make out what lawmakers meant? The volumes of reports of our National and State courts contain attempts by the score and the hundred to interpret slovenly, poorly written statutes.

This reform is intended to lessen the labors of the supreme courts, to make clear the rights of the people, to save money to the whole Nation.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. HARDY of Texas. Is not the gentleman of opinion that if every important law passed by the Congress or a legislature were supervised by legislative expert draftsmen it would save many times the cost of the service?

Mr. LUCE. That has been the custom in my State for so many years that it goes beyond my memory. Of one expert who served the Massachusetts Senate, who died not long ago, it was said that during his long term of office, 20 or 30 years, not one law was passed by the Massachusetts Legislature and approved by his judgment which the supreme court afterwards declared to be unconstitutional. Such has been the result of that sort of work in my own State. May the day be long postponed when men will rise in legislative bodies and say they are unwilling to use the help of experts! [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] says that if he could not draw any bill, and I presume he means by that competently draw any bill, he cared to introduce he would resign from this body. All of us are not so fortunately endowed intellectually as our friend from Texas. I have been in this work of statute making in this body and in another legislative body for something like 30 years, and I am frank to say, with respect to the gentlemen provided for by this amendment, that I and other members of the committee of which I am a member have received very valuable assistance from them in the preparation of various important bills. These gentlemen, or one of them, to my knowledge have very materially aided committees of this House in the preparation of three great bills, to wit, the recent railroad bill, certainly one of the revenue acts, and the shipping act.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. KITCHIN. He assisted the committee in the preparation of the 1916 income tax act, the 1917 first excess-profits tax bill, the 1917 general revenue act, and the 1918 revenue act, and we thought his services were indispensable.

Mr. SAUNDERS of Virginia. I happen to have been associated with Mr. Beaman in the preparation of the shipping act, and I wish to say concerning that act that I have always considered that it was in the matter of form and composition, structurally speaking so to say, perhaps the most perfect act passed by this body within my knowledge. I am entirely familiar with every detail of that act, and every stage of its preparation. The full committee and subcommittee in succession prepared, I think, four drafts of the bill. This first bill was cut to pieces in the full committee.

The second draft was then referred to a subcommittee, which sat in conference with Mr. Beaman. I was a member of that subcommittee. The bill considered by the subcommittee was so modified and amended that another draft was made, and this draft was considered in the subcommittee. The final draft was considered, amended, and reported by the full committee. Mr. Beaman was with us during all of these ses-

sions. He did not undertake to make any suggestions with respect to the policy or scope of the act. All questions of this character were decided by the members of the committee. He confined his suggestions to the phrasing of the bill, to the simplification and classification of its meaning. In this respect he was of the very greatest assistance to the committee. Democrats and Republicans alike on the committee testify to the value of Mr. Beaman's services as an expert adviser in the task of preparing a bill that in the shortest compass would express the meaning of the committee with the utmost clarity.

The result of our work, first in the full committee, then in two subcommittees, and finally in the full committee, was that the committee reported a bill which I undertake to say, having in mind its scope and magnitude, was less amended in this body and in the Senate than any piece of legislation enacted within the last 50 years. The members of the committee deserve much credit in that connection. They did splendid work, but none the less they were materially aided by the suggestions and advice of our expert adviser.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. JONES of Texas. Does not the gentleman think that if the jurisdiction of the various legislative matters of the House were distributed among a number of different committees rather than being in the hands of two or three important committees the Members of the House might become qualified and have more time—in fact, plenty of time—in which to properly draft legislation?

Mr. SAUNDERS of Virginia. No. The limitations on the time of the Members, the interruptions of our work, are such that it is a matter of the greatest importance that the experts provided by this amendment should be associated with us in the work of constructing a bill after the scope and policy of the bill has been determined by the committee.

The work of this House is not done by any two or three committees. There are 20 or 30 great committees reporting bills, and every one of these committees, admittedly composed of competent men, can be aided, and materially aided, in preparing the framework and phrasing of their bills. The Committee on the Merchant Marine and Fisheries does not hesitate to acknowledge its indebtedness to Mr. Beaman.

Mr. LITTLE. How many committees have been helped by this board?

Mr. SAUNDERS of Virginia. I do not know; the members of other committees can rise and speak for themselves. I know that the Merchant Marine Committee, the Ways and Means Committee, and the Interstate Commerce Committee have had Mr. Beaman's assistance, and have been materially aided.

Mr. BYRNES of South Carolina. This drafting service has also served the Judiciary Committee.

Mr. SAUNDERS of Virginia. That makes four of the larger committees.

Mr. BYRNES of South Carolina. And the Committee on the District of Columbia.

Mr. SAUNDERS of Virginia. That makes five.

Mr. BYRNES of South Carolina. And the Immigration Committee.

Mr. SAUNDERS of Virginia. That makes six.

Mr. RUBEY. And I want to say to the gentleman that this drafting board aided the Agricultural Committee in the drafting of the rent act.

Mr. SAUNDERS of Virginia. That makes seven.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. This is no appropriation for the selfish purposes of one or two committees. Every committee of this body has the right to call upon the services of Mr. Beaman and his associates. If their services are valuable, if they have been so valuable that a few of the major committees engaged in great constructive work have monopolized those services, then that fact would indicate that the number of these experts should be enlarged so that all of the committees requiring assistance of this character would be supplied with experts of the same qualifications and proved efficiency as Mr. Beaman and his present associate or associates.

Mr. VAILE. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. VAILE. I was called out for the moment and I did not hear, but did the gentleman give the name of the Immigration Committee?

Mr. SAUNDERS of Virginia. That will make eight committees aided by Mr. Beaman and his coadjutors.

Mr. VAILE. And may I say that a member of that staff has rendered very valuable service to that committee.

Mr. SAUNDERS of Virginia. Mr. Chairman, there is not a single committee of which I am aware and which has had this help that is not willing to testify to the value of the assistance that these gentlemen have afforded in the structural make-up and clarification of meaning of the bills finally reported.

Mr. BLANTON. I would like to ask the gentleman if there is any committee of the House where any Member of Congress has been of aid to them?

Mr. SAUNDERS of Virginia. Yes; often, and of very great aid. Sometimes Members of Congress are of aid on the floor in the way of amendments which they offer; sometimes they are not. [Laughter.]

Mr. GREENE of Vermont. May I ask the gentleman if it is not true that this agency can also be put at the disposal of individual Members and help in the preparation of their own bills or to be put on notice as to what rights they may have in the matter of the preparation of legislation?

Mr. SAUNDERS of Virginia. Certainly. The work of a Member of Congress is of necessity of so manifold a character and so distracting that he can not devote all of his time to the structural preparation of his bills. There are many men in this body as competent as you will find anywhere in the United States, but these are the very men who admit the value of the assistance which Mr. Beaman has rendered. I think, Mr. Chairman, that I was the man who strongly advised the members of the Ways and Means Committee to secure his assistance in the preparation of their war-revenue bills. This recommendation was due to the high opinion I formed of him during our association in the work of preparing the shipping bill.

Mr. HENRY T. RAINEY. May I suggest also to the gentleman that long before this legislative drafting board was created this gentleman was down here employed by Columbia University and paid a salary to demonstrate to the Congress the value of the services of such an expert.

Mr. SAUNDERS of Virginia. Yes, that is true. Now, Mr. Chairman, I know that there are members of other committees who will bear willing testimony to the value of Mr. Beaman's services as an expert adviser in the construction and preparation of bills. I insist that it is no reflection upon our capacity, as lawmakers, to admit our indebtedness to him in this respect. There are such limitations upon our time, as I have said, that we need assistance in this work of polishing up and recasting a bill after we have agreed upon its scope and policy. This assistance these gentlemen can afford.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. BYRNES of South Carolina. Is it not a fact that the Appropriations Committee, of which I am a member, has bills blocked out for years and years and does not really need the services of this bureau as much as the other committees of the House—committees having legislation in charge?

Mr. SAUNDERS of Virginia. The Committee on Appropriations follows ancient forms, and appropriates for purposes authorized by existing law.

Mr. ESCH. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. ESCH. Is it not also true in connection with the Committee on Appropriations that they have followed the custom of retaining their clerks for many, many years who have become absolute experts in that particular line of work?

Mr. SAUNDERS of Virginia. That is true, too. When the chairman of the great Committee on Interstate and Foreign Commerce and his associates undertook to prepare that comprehensive bill which we passed on Saturday last, they were confronted with quite a different task from that which confronts the Committee on Appropriations when it sets out to bring in a bill. The Committee on Appropriations uses as a foundation an ancient and well-established form.

I wish to say in conclusion that to strike out this little appropriation providing for this board of experts in statute making is not economy. It is the reverse of economy. In its essence it is extravagance, the same sort of extravagance that it would be to seek to stamp out epidemic disease without the aid of medical experts. The proposal of the committee to strike out the Subtreasuries is a suggestion of real economy and will command my support.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. Mr. Chairman, I reserved the point of order and I think it has been discussed sufficiently, and I make the

point of order that the amendment is not germane, that it is new legislation and is unauthorized by law.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WALSH. Mr. Chairman, I want to say at the outset that I am very glad that the distinguished gentleman from Texas [Mr. BLANTON] has taken occasion to visit the Commonwealth of Massachusetts, because I appreciate the fact that there exists there, as undoubtedly there exists elsewhere throughout our country, a very keen curiosity to hear and see the gentleman who has expressed himself so often upon various matters with such vigor and courage, and I trust that he will gratify the curiosity of other communities [laughter and applause], visit them, and let them have an opportunity to hear him discuss the issues which he so valiantly espouses. Mr. Chairman, in reference to this item, when it was first put into the bill I was not enthusiastically for it. It was brought in on a revenue bill and I made a point of order against it. It was stricken out of the bill, but because of the argument of the distinguished gentleman from Kentucky, Mr. Sherley, the chairman of the Appropriations Committee at that time, I later withdrew the point of order, and some changes were made in the authorization for that service, and it was put back in the bill by unanimous consent. Now, I happen to be a member of a committee which had the benefit of this gentleman's services before legislation was enacted. I think, although I am not positive, that the gentleman assisted the committee in the drafting of the so-called national prohibition act, although I am aware that certain other distinguished gentlemen and citizens of the country not having any official connection with this Congress, or any legislative body, exerted quite a potent influence in fixing and shaping the phraseology of that law. It is needless to say that it was perfected in such a manner that I did not vote for it. But I submit, Mr. Chairman, that while the provision has been brought in by the committee for repeal of the measure, we ought to be satisfied before we dispense with this service that some good reasons exist for discontinuing it. My criticism, if it might be taken as a criticism, is that this service must necessarily be restricted to very few committees. It can not be availed of by very many committees which report important legislation. Now, the Committee on the Merchant Marine and Fisheries, the Committee on Interstate and Foreign Commerce, Ways and Means, Immigration and Naturalization, and the Judiciary are now the only committees, I think——

Mr. SABATH. And Agriculture.

Mr. WALSH. And Agriculture—that have had the benefit of this service, and in the case of the Committee on Agriculture it was in drafting a bill for which it had absolutely no jurisdiction providing for a rent commission in the District of Columbia, and of course when the Committee on Agriculture seeks to legislate upon anything like that it is very needful that it should have somebody who is competent to draft such legislation. [Laughter and applause.]

Mr. RUBEY. Will the gentleman yield?

Mr. WALSH. I yield.

Mr. RUBEY. That is the reason we needed them that much worse. It is because we did not know anything about the subject.

Mr. WALSH. That may be. But I do not think that can be set forth as an argument in favor of this, because if you do you will find a lot of these committees going far afield in matters of legislation simply because they can avail themselves of the services of an expert. But I do think some provision should be made whereby committees could avail themselves of expert services in drafting pharseology.

Now, another thing which I think can be considered as a great benefit, is that it will result in uniformity of system in drafting legislation. For instance, we have revenue bills brought in on the same plan and following the same general scheme from year to year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN of Illinois. Mr. Chairman, if you will permit me to pay myself a trade-last, I think probably that I have drafted more bills which have become laws than any other Member of the House, and probably I have drafted more amendments to bills, which were adopted, than any other Member of the House. If I would undertake to say that any Member of the House were an expert in drafting bills, I might claim the credit to myself. But no member of a legislative body will ever become a real expert in drafting legislation as compared with an outside person who devotes himself to that business. The outside person frequently and generally would not be competent to determine what was to go into a bill or what was to become a law, but the drafting of bills is largely a matter of experience in writing plain terms in the English language and understanding their meaning.

I believe that the committees of Congress ought to have, as they always have had and always will have, any expert services in the preparation of their bills. Take the Committee on Appropriations, for instance, which reported the item in this bill to abolish the legislative drafting bureau. I am making no criticism of that committee or in any way taking away from the high respect with which we all consider it and its members when I say that the members of that committee do not draw and never have drawn an appropriation bill which they reported. No members of it, probably—though I would not be certain about that as to a single item like this—even drafted the provision of this bill to abolish the legislative drafting service. The items in an appropriation bill, at least most of them, are originally prepared by the department, modified by the committee, and when the committee wants to insert something in a bill they have an expert to prepare it for them. In the days of Mr. Courts he did it, and he was an expert in the preparation of items for a bill. The present committee clerk is an expert in the drafting of propositions in a bill. The Ways and Means Committee for years had expert clerks in the drafting of revenue legislation. But every committee of the House, so far as it is possible, ought to have the privilege, when it has complicated propositions before it, to call in an expert to help them in drafting a bill—first, in order that they may get the bill in proper form; second, that it may correlate with existing law which may be upon the statute books; third, that it may be so intelligible that it can be understood and read not only by the Supreme Court but by a Member of the House. [Laughter.] I do not know the men connected with the legislative drafting service. I never had occasion to make use of them. I have not been on a committee that needed their services. I did not ask them to draw the one bill of any importance which I reported to the House and which passed. Plenty of experts had worked on that before my day. But the service is the correct idea. Whether the present occupants of that service are correct or not I do not know, but the theory of Congress to have an expert to help it in the drafting of legislation that is vital to the interests of the people of the country is the correct theory. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I wish to take issue with the gentleman from Illinois when he says that the theory of having some one on the outside to draw these bills is the correct idea. I think it is absolutely weakening, that it absolutely takes away from the individual Member his initiative, his constructive ability, and leaves him in a measure helpless when he is called upon to present the value of the measure he is supposed to be responsible for. You might as well say to some one that to use his right arm for you and let your right arm remain idle by your side would add strength to your arm. I want to say that the best laws we have in this country, that are the best constructed and the easiest to understand, are the ones into which the originators or the committee themselves delved for their information, weighing the value of each word in relation to each other word. When that is done somebody knows what the bill means. We had much better do our own thinking and quit employing some one else to do it for us.

These gentlemen may be all that they are claimed to be. I will admit, for the sake of argument, that they are experts in their line, but I contend that this very expertness is what brings about the reliance of these committees, not on their own judgment, not upon their own ability, but on the ability and judgment of the bureau to furnish thought and policies to the American people that we were sent here to furnish.

Mr. HARDY of Texas. Will the gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. HARDY of Texas. Has the gentleman ever sat upon a committee to help perfect a bill with the assistance of one of these experts?

Mr. WOOD of Indiana. I never have. I did not even know that there was such a bureau in existence until the matter was brought before the Appropriations Committee, and there were not many on that committee that did. I have no objection to them as individuals, but it is to this practice to which I object.

Mr. HARDY of Texas. I want to say to the gentleman that the method of the work is to have this committee confer with the expert and talk over the matter with him. He helps you in various and sundry ways, but you do not for one moment forget that you are responsible for the substance of that bill.

Mr. WOOD of Indiana. I admit that is true. There is no doubt about it. But why do you do it? You do it because of the fact that you are relying upon him for his expert service in matters that do not require any more of an expert than should be found in your committee membership. I would hate to think that we have a House here of weaklings, with no Member able to draft our laws. For more than 150 years Congress has gotten

along without these experts and has enacted some of the greatest laws the world has ever looked upon.

Mr. MADDEN. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. MADDEN. Is it not altogether likely that the gentleman does not see the importance of the employment of these expert drafting men because of the fact that he has service on a committee that has an expert draftsman of its own?

Mr. WOOD of Indiana. Well, I have never had any experience with these gentlemen. I had experience with one gentleman who graduated from one of these schools. Columbia College is conducting one of these schools, and a number of other colleges are conducting these schools and are sending out their graduates to the different States for employment. We had one of them in Indiana. The gentleman from Massachusetts [Mr. LUCE] alluded to that. We had more trouble with him than we ever had before, and dearly did we pay for our experiment in that regard. The legislature next to the last abolished him, and they are getting along better without him now than they did when they had him.

Mr. MADDEN. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MADDEN. Does the gentleman's committee utilize the expert service of the man who acts as clerk to the committee?

Mr. WOOD of Indiana. We do; and I want to ask the gentleman, who is a member of the Committee on the Post Office and Post Roads, whether you use the expert on your committee?

Mr. MADDEN. No; we would be glad to, but we have not had a chance.

Mr. WOOD of Indiana. You are depending upon somebody else. I do not think the committees of the House would be left helpless if perchance it should happen that the service of this bureau was dispensed with.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed 10 minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. Permit me to ask the gentleman just a question there?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. When the average married couple set out to build their first house, they finally decide on the plans and make rough pencil sketches as to where the rooms shall be, and all that sort of thing; and when they finally get round to the building of the house, do they frame the plans and specifications themselves or do they employ an architect?

Mr. WOOD of Indiana. If the young man is an architect himself, he draws his own plans. [Laughter.]

Mr. GREENE of Vermont. Answer the question, or tell me you do not want to. [Laughter.]

Mr. WOOD of Indiana. If the young gentleman has no experience, he calls upon some one to help him.

Mr. GREENE of Vermont. He makes up the general policy and plans, but the details that are impossible of execution by him he gets some one to do for him.

Mr. WOOD of Indiana. May I ask the gentleman from Vermont who are supposed to be the architects of the laws of the United States but the Representatives in Congress? We are supposed to be sent here as the law architects. We are supposed to have ability enough to write our bills. I know that some Members come from business employments and perhaps do not understand the technicalities of law on which these bills are drawn, but it is known that the vast majority of the membership of this House is composed of lawyers, and every one of them will admit that he is a good lawyer.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. I want to ask the gentleman how many Democrats and how many Republicans this year on the hustings will put in their platforms the fact that they favor employing some one else at $40,000 a year to perform their duty here for them?

Mr. WOOD of Indiana. I do not know how many.

Mr. GREENE of Vermont. There is one right here.

Mr. SAUNDERS of Virginia. Every man who votes for the appropriation.

Mr. WOOD of Indiana. That may be true; but I still insist, gentlemen, that if we continue to parcel out the duties incumbent upon individual Members to various bureaus and various departments there will not be anything left for Members of this House to do but to draw their salaries and get something into the RECORD for use on the hustings.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SAUNDERS of Virginia. Supposing that we are experts as suggested, why is it, when we have investigating committees, that we employ lawyers and counsel to ask questions for us?

Mr. WOOD of Indiana. I think it is useless. I think it is a waste of money.

Mr. SAUNDERS of Virginia. But you are doing it.

Mr. WOOD of Indiana. I know we are doing it. It is by such processes as this, it seems, we are lying awake nights trying to find out how to rid ourselves of labor and responsibility and get some one to do it for us. We are doing it to our detriment, and we are doing it to the detriment of the people of the United States, and to the detriment of good law and good order.

Mr. MANN of Illinois. What is the use, in the gentleman's opinion, of clerks to a committee?

Mr. WOOD of Indiana. That is the very purpose, as I understand it. We are paying extraordinarily high salaries to clerks on every important committee of this House. Why?

Mr. MANN of Illinois. Except one.

Mr. WOOD of Indiana. Why? Because of the statement and understanding that experts are needed in the preparation of each one of these bills. If that is not so, why pay them $2,500 or $3,000 or $4,000 if it is just simply clerks that you want? You can get mere clerks much cheaper.

Mr. MANN of Illinois. I understood the gentleman to say that a Member of Congress himself ought to do the work. In that case, what is the necessity for a committee having a clerk?

Mr. WOOD of Indiana. These gentlemen are more than clerks. They are experts and their service is desired to do the things that Representatives themselves are expected to do.

Mr. BARKLEY. Or a Member having a secretary?

Mr. MANN of Illinois. Yes; or why should a Member have a secretary?

Mr. WOOD of Indiana. To do a secretary's work and not the work we are supposed to do. An item will come up in this bill which indicates that we have even got the Supreme Court of the United States into the notion that they have got to have some one to help them write their decisions, and they are asking that there be put into this bill an appropriation for a law clerk for each judge. What for? Not for the purpose of doing a clerk's duty but for the purpose of getting material ready out of which the judges are to write their decisions. The people of the country suppose that the judges write their own decisions. They have expert information necessary. The expert on the side of the defendant briefs his case and gives the best he has in his shop. The man on the side of the plaintiff does likewise, and they bring all their authorities down to the latest date and submit them to the Supreme Court of the United States. It is the same way with these departments. Every one of these departments, including the Treasurer's Office, and the Office of the Commissioner of Internal Revenue, have experts to help frame these revenue bills and other bills of interest to their respective departments.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. WOOD of Indiana. Yes.

Mr. BARKLEY. Is it not true that practically every supreme judge of a State supreme court in the United States has assigned to him a clerk to assist him in the accumulation of the decisions and the laws he may want to use in the preparation of a decision?

Mr. WOOD of Indiana. That is not the kind of clerk they have asked for in this bill.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. WOOD of Indiana. I regret I can not yield to anybody.

Mr. GARNER. I want to ask the gentleman a question.

Mr. WOOD of Indiana. I refuse to yield. I want to make one or two observations myself, and then I am through.

The CHAIRMAN. The gentleman declines to yield.

Mr. WOOD of Indiana. So far as I am individually concerned, it does not matter whether this amendment is voted up or voted down, but I believe we would be derelict in our duty if we did not call the attention of the House and of the public to this constant growing practice that we have here of "letting George do it," of providing some way to escape responsibility ourselves that we were sent here to assume and to discharge. I want to call attention here to what we are doing now. The clerical expense of the membership of this Congress is $1,408,000. In addition to that we are expending $185,000 for these com-

mittee clerks, these experts, these men who throughout all the years heretofore until two years ago were amply sufficient to do the work that now it seems we can not do. Speaking with reference to the work that these gentlemen are doing, reference is made to the revenue bill, and the statement was made that they needed somebody to make the revenue bill plain, so that everybody could understand it. But if there is any man under the sun who can understand any of these revenue bills, I would like to see him. [Laughter.] And if the revenue bill is a sample of the plain English and the plain meaning that they are conveying to the people, the sooner we get rid of them the better. Abe Martin says that the United States Government is going to make him rich, for the reason that it is offering a reward for the most complicated revenue bill possible, and that he has it.

Now, gentlemen, it occurs to me that the committees of this House can get along without these experts. If we are to have them, why not have them for all of the committees? And where will that lead to? This thing began, as all these things do, in a small way, and, like a rolling snowball, gathering as it goes; last year, $20,000; this year, $40,000; the next year, $80,000, until by and by it will be one of the great expensive bureaus of this Government. They all start in that way. It occurs to me that we are not doing a duty to ourselves when we acknowledge here that we are not capable of drawing the laws that the people of this Government send us here to draw and to enact.

Mr. HARDY of Texas. Mr. Chairman and gentlemen, I take it in common sense that no teacher is equal to experience, and I find that every member of every committee who has used these experts has found them well worth and far more than worth the salary at which they are employed. I believe I make no mistake in saying that the most progressive States in the Union and the most progressive legislatures have long since adopted the policy of using expert draftsmen in connection with their legislation. As a member of the Committee on the Merchant Marine and Fisheries, as Judge SAUNDERS of Virginia has said, I believe the most perfect piece of jointure in legislative enactment that had ever been presented to this House up to that time was the bill establishing the shipping law. As to the argument of the gentleman from Indiana [Mr. WOOD] that committees using those experts would rely on them altogether and thereby lose their own efficiency, let me say that every member of the subcommittee that framed the shipping act, and reported it to the full committee, sat around the table and considered carefully the meaning of every paragraph, and after that the full committee did the same thing, and we went over the bill not once but many times. Yet we wanted to use, and we did use, and found valuable the services and assistance of this drafting expert.

Without knowing the facts, when I read the railroad bill that was presented here the other day I said to a friend: "The drafting experts have had to do with that piece of legislation, for it, too, is a piece of construction unexcelled in its clearness of meaning and style." And while I voted against that bill, I recognized the perfection of the composition and construction of that piece of legislation. I take this opportunity to say that the Hon. JAMES R. MANN is the peer of any man I ever knew in his capacity to frame laws, and yet he says this service is very essential, if not indispensable. And I think for a great legislative body to deal in loosely drawn laws, which are to be the subjects of litigation for years, is a piece of penny wisdom and pound foolishness; and the little, petty appropriation for this bureau is not big enough to be worth fighting over in comparison with the importance of the work that this bureau does and ought to do. Every important piece of legislation framed by a committee of this House ought to be gone over by a real expert draftsman for the purpose of assisting in putting into form the meaning and intent of the committee that reports the bill. And I want to say by way of tribute that the committee on which I served in the drafting of the shipping act and other important laws had on its membership some of the greatest lawmakers ever sitting in this body, like Judge SAUNDERS, of Virginia, Judge Alexander, of Missouri, men experts themselves. Yet each one of them would bear ready testimony to the fact that this particular expert, Mr. Beaman, was of immeasurable assistance in knowing the law that was to be amended, and referring to it by descriptive terms that left no possibility of mistake, and in helping us to use words and phrases that were clear and unequivocal. When we had agreed on the principle we wished to express, the purpose we sought to accomplish, he never once suggested what that purpose should be, but simply aided us in putting into proper words the purpose of the committee.

Now, every man who has had that experience reaches the same conclusion. It is not strange to find that Members who have not had that experience, confident in their own self-sufficiency, think they do not need it; but if the gentleman from Indiana [Mr. WOOD] will ever avail himself of the assistance of a real expert draftsman in the construction of a law, he will no more say that the services of these experts are not needed. [Applause.]

Mr. SIMS. Mr. Chairman, I make the point of order that debate on this amendment is closed.

Mr. SISSON. I desire to say a word on this amendment.

Mr. SIMS. I withdraw the point of order.

Mr. SISSON. Mr. Chairman, I am in hearty accord with the committee's recommendation in this matter. I do not agree with gentlemen that you can absolutely substitute the other man's legislative mind for yours, or yours for his. The influence of men over each other is a rather mysterious thing, and a strong man claiming to be an expert will, unconsciously perhaps, and sometimes consciously, influence the mind of a man who does not himself realize that he is influenced.

Mr. MADDEN. I should like to ask the gentleman a question.

Mr. SISSON. I yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman is a member of the Committee on Appropriations. I should like to ask him if that committee ever used the intelligence, experience, and knowledge of the clerk of the Appropriations Committee in drafting the legislative provisions on an appropriation bill?

Mr. SISSON. Where it is a mere matter of drafting the proposition, which involves absolutely no difficulty, we often direct the clerk of the committee to prepare it; but if the gentleman himself has had experience in drafting difficult statutes, he will realize what I mean. I mean that where a man has in his own mind a peculiar shade of legislation with a particular meaning that he wants to give to it, it is most difficult to transfer that shade of meaning to somebody else.

In addition to that, gentlemen of the House, when this matter is proposed now, after nearly two years it has been in existence, it has only served five of the committees. In order that you may have expert help to draw bills, which you are willing to rely upon, the next thing you hear is going to be that the $5,000 salary you pay these men is ridiculous. You heard the gentleman from Massachusetts say that in England, where they have an entirely different system of government than they have here, they pay $12,000 and the men connected with them $10,000. I say these gentlemen who are doing this work now will, after they shall have gotten enough influence, not only get the $5,000 they are now getting, but just as certain as can be they will get an infinitely larger sum, because they enjoy the confidence of the Members, coming in contact with them, and are going to get it. You ought to know what you are going into. It does not mean a $40,000 appropriation; it does not mean a $100,000 appropriation. When these committees get to drafting bills at the same time, one committee has just as much right to these experts as another committee, and when the committees begin to have dozens of pieces of legislation for drafting you have got to have a dozen experts or else play favorites with some committee. I do not want to give my assent to the proposition that when you have one expert in the House and one in the Senate, the one who can get the ear of the Committee on the Library is going to get the help of that man. If you gentlemen who are willing to go into this field and deal fairly with every committee, be honest and say to the country that you want every committee that drafts legislation to have an expert—why not be frank and say so?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask for two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time may be extended two minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, we have been considering this item nearly all day, and it seems to me that we must make some progress on the bill.

Mr. SISSON. I am sorry the gentleman interjected his remarks here. I am as anxious to get along with the bill as anyone.

Mr. MONDELL. I shall not object to an extension of time for a few minutes, but it seems to me that we ought to make more progress.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I had in my mind a point I wanted to make in connection with what I was saying, but, to be perfectly frank, I have lost the connection. I think I ought to have had one of these experts. [Laughter.]

But your committee, realizing what this meant, that when the camel gets his nose under the tent the whole body comes in, did not indorse this; but if you, by your votes, want this service rendered to you, if you are willing to go to the country—and

many of you gentlemen say you are—with the idea, I have no objection. But when your committee considered the matter we did feel that it was the beginning of a great extravagance, and we felt it to be our duty to take the action we did, and we did take it and were sustained by the committee.

For more than a century this Congress has done its business without these luxuries. It now seems that everyone in public office wants the office and when elected wants the people to pay some one else to do the work they told their constituents that they were qualified to do and that they say they want to do. When elected they then employ some one else to perform the service and thus the people pay two men instead of one. Every officer in high place now seems to want office for the salary and honor there is in it and wants some one else to do the work. Now, this House can turn this committee down on this item. You have the power. When you do, then prepare in all the departments to employ some one to do the work for the officials. Such conduct is indefensible. I can not consent to it.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on the paragraph and amendments thereto now close.

Mr. JONES of Texas. Mr. Chairman, I move to amend by making it 5 minutes.

Mr. TREADWAY. Mr. Chairman, if anybody is going to get time, let us all have time.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana that all debate on the paragraph and amendments thereto be closed.

The question was taken; and on a division (demanded by Mr. McARTHUR) there were 126 ayes and 9 noes.

So the motion was agreed to.

Mr. JONES of Texas. Mr. Chairman, I offered an amendment to the gentleman's motion to close debate in 5 minutes. My motion was not put.

The CHAIRMAN. The Chair did not understand the gentleman to make a motion of that kind. The Chair regrets it.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this paragraph.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the paragraph. Is there objection?

Mr. McARTHUR. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken; and on a division (demanded by Mr. BLANTON) there were 120 ayes and 11 noes.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREEN of Iowa having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had passed joint resolution (S. J. Res. 148) authorizing the Department of Commerce to participate in the National Marine Exposition to be held in New York in April, 1920, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, in which the concurrence of the House of Representatives was requested.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,304,500.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I sought to get time to discuss the amendment which has just passed. I do not ask often for time of the House, but I did want to submit a few remarks in connection with that amendment. I concede that the use of experts is probably necessary under the present system of legislation in this House, where most of the important legislation is conducted by a few committees, and where most of the committees have nothing to do. There are 435 Members of this House and more than 50 committees. If the jurisdiction of the legislation that comes before the House were distributed among all of these committees then the particular committee having in charge a bill in which it was proposed to change legislation could have time to consider that legislation, and I do not believe the assistance of experts would be necessary. As it is at the present time there are some four or five committees that do most of the legislating for this House.

Consequently there is an effort upon the part of every experienced Member to get on one of those committees. The result is that those committees become overworked and they have not the time to devote to the individual items or sentences or provisions of the various measures that come before them. Perhaps under such circumstances the advice of an expert is necessary. If you would distribute the legislation throughout the different committees, 40 or 50 of them, each with some legislation to consider, then we could spend weeks investigating and thoroughly considering any important measure. I believe if this change were made that among the 435 Members of the House there are plenty of men who would have ability to properly draft the legislation and consider it.

On Saturday last a measure was presented to this House. I have nothing to say against the committee which presented it. I think some of the best Members of the House are on that committee, and some of the best work done in the House is done by that committee. I suppose there is hardly a Member in the House who would not like to be a member of the Committee on Interstate and Foreign Commerce. But there was practically no debate upon the bill and practically no debate upon the conference report, largely because the committee was overworked and was unable to get the bill in here until the last moment. If that committee had been broken up into three or four committees, or its jurisdiction had been more limited, they could have gone to work upon the railroad bill exclusively last spring, and had it in here three or four months ago, when there could have been thorough discussion and consideration, and I think that would have been far better.

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Mr. Chairman, the gentleman is not discussing any matter before the committee. He can make his apologies for his vote on Saturday last at any time, but he ought not to take up the time of the House in the consideration of this bill in doing it.

Mr. JONES of Texas. Mr. Chairman, I resent the gentleman's suggestion that I have any apology to make for my vote of Saturday. I have no apology, as I voted right.

Mr. MONDELL. The gentleman has been making it.

Mr. JONES of Texas. We are away ahead of the Senate with our work of legislation, and I do not see why the distinguished leader of the majority wants to take the position that we can not discuss these matters, for they are important matters. It is true the pending amendment has already been agreed to, but it will be voted on again when it is reported to the House.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. McLAUGHLIN of Michigan. Mr. Chairman, reserving the right to object——

Mr. MONDELL. Mr. Chairman, I shall have to object. We have been all day on one paragraph.

Mr. BLANTON. Mr. Chairman, the gentleman from Wyoming would hear something good if he would not object.

Mr. McARTHUR. Mr. Chairman, the item now before the committee is one that deals with the salaries of Members of Congress. I regret exceedingly that it is not possible in this measure to increase the compensation of Members. I realize that it is not, because legislation along that line is not in order under the rules of the House. There are many men in this body who, if they devoted the same amount of time and energy to their professions and busipess in which they were engaged before they came here, would make a great deal more money than they do now. A condition has grown up here, particularly since the war, and the consequent high cost of living, that makes it almost impossible for a man to serve in either branch of Congress unless he has an independent income outside of his salary. I challenge any man within the sound of my voice to dispute that proposition.

Our $7,500 is not a very large salary for an office of the importance of a Member of Congress, and I would like to see the salary raised at least to a decent living wage. The cost of living here in Washington is very high—higher than it is in most of our home cities. I submit, Mr. Chairman, in all seriousness, that the present salary of a Member of Congress is not sufficient for the office which he fills, and I would like to see that

salary increased to $10,000, and I am not afraid to be one of those to go on record in favor of that proposition. [Applause.]

We have raised the salaries of about all other Government employees and we should not hesitate to raise our own if the existing prices of the necessities of life are to continue. With the decreased purchasing power of the dollar, we are not as well off as a man with a $3,500 position five years ago. We have lost a lot of capable men who have left Congress simply because they could not make both ends meet on the salary of a Congressman, and we are likely to lose more such men. These losses are unfortunate, both to Congress and the country.

Mr. HARDY of Texas. Mr. Chairman, I wish to ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Chaplain: For Chaplain, $1,200, and $600 additional so long as the position is held by the present incumbent.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. A few moments ago, realizing and having the right to believe that the gentleman from Texas [Mr. BLANTON] had no love for the laboring people of this country, I thought that he had some consideration for the farmers of the country, and I did desire to ask him a question at that time, if he had yielded, whether he did not believe that it would be of benefit——

Mr. WOOD of Indiana. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WOOD of Indiana. That the gentleman is not in order; that he is not discussing the paragraph under consideration.

Mr. BLANTON. I wish the gentleman would let him ask me a few questions.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. WOOD of Indiana. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The gentleman must discuss the paragraph in the bill under consideration.

Mr. SABATH. Which paragraph in the bill had the Clerk concluded? Was it not mileage, $175,000?

Mr. WOOD of Indiana. Regular order, Mr. Chairman.

SEVERAL MEMBERS. It is page 10, line 7.

The CHAIRMAN. The Clerk had concluded reading the paragraph providing for the salary of the Chaplain, so clearly the gentleman was not in order.

Mr. BLANTON. Mr. Chairman, I ask that the gentleman be permitted to proceed out of order.

Mr. SABATH. Mr. Chairman, the last word of that paragraph is "incumbent." Well, I am going to speak about "incumbent" and that would be in order.

The CHAIRMAN. The Chair would suggest that the gentleman ask unanimous consent to proceed out of order.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed out of order for five minutes. Is there objection?

Mr. WALSH. What is the gentleman going to talk about? I have no objection, if——

Mr. KING. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. SABATH. I desire to speak to the paragraph just read.

Mr. WALSH. Then that would be in order.

The CHAIRMAN. The gentleman makes the point of order there is no quorum present. The Chair will count.

Mr. SABATH. That will be the order from now on that we will have to have a quorum here.

The CHAIRMAN. The gentleman is out of order.

Mr. KING. Well, if there is no objection, I withdraw the point of no quorum.

The CHAIRMAN. The point of order is withdrawn.

Mr. KING. Mr. Chairman, a point of order.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to speak for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Chairman and gentlemen, I do not use a great deal of time. It is only once in a while that I am obliged to ask for a few minutes. I dislike to delay the proceedings of the House, but in view of the statement made by the gentleman from Texas I was under the impression that he was friendly and interested in the farmers; and I desired to ask him whether he believed that a farmer, it matters not how capable, well meaning, and honest, has the knowledge, ability, and experience to draft a bill or resolution of importance, and whether the legislative drafting bureau would not be of benefit to him?

That was the question I desired to ask the gentleman. But it seems to me that he is fearful of the fact of giving the farmers any aid or assistance, and that he believes that only a lawyer should be elected to Congress from his State or from his district. I appreciate the gentleman's ability and I know he is a very capable and efficient man, because he has introduced more bills for appropriations for his district than any other gentleman from that section, and if I should compile the amount of his bills in which he has asked appropriations, including one of $1,000,000, I venture to say that those appropriations would amount to perhaps $1,500,000, and that notwithstanding the fact that he is preaching economy.

Now, I do not blame any Member for securing all the appropriations that he can. But what effort has the gentleman made to secure the appropriations for his district, outside of introducing these bills? How many bills did he pass in the House in the interest of his district that he introduced? Just a minute ago we passed a paragraph which provides an appropriation of $175,000 for mileage. The gentleman from Texas [Mr. BLANTON] has introduced a bill against the allowance of the amount now authorized by law. The very question came up a minute ago, but did the gentleman raise his voice in opposition to the appropriation of the $175,000?

Mr. BLANTON. Will the gentleman yield?

Mr. SABATH. I have not the time. I wish I had.

Mr. BLANTON. I want to answer the gentleman.

Mr. SABATH. I just wanted to call the gentleman's attention to some of these things that he may not like to hear. Mr. Chairman, I am satisfied that the gentleman from Texas [Mr. BLANTON] has plenty of assistance from the prohibition bureau and lobbyists to draft his prohibition bill, and I know that the special interests are ready to furnish him all the aid and assistance he needs to draft any bill that will protect their interests; but the masses and laboring people have no one here to aid or assist the Members to draft bills that would be to their and the country's interest, and therefore I am satisfied that the legislative drafting bureau was and is of great assistance to the membership and to the committees of this House. As to myself, I am pleased to say that I will not need the aid of the gentleman from Texas [Mr. BLANTON] in drafting any bill or resolution I wish to introduce. I am glad that the committee in its wisdom saw fit to adopt the amendment providing for the bureau, because I know it will be of great assistance to the Members of the House that do not possess the extra-extraordinary ability that the gentleman from Texas possesses. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JONES of Texas. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I rise simply to make a statement in reference to an insinuation that was made a while ago.

Mr. WASON. Mr. Chairman, a point of order. Do I understand that there is a pro forma amendment before the House?

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] was proceeding under unanimous consent.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I just wanted to say a word in reference to the insinuation that was uttered here on the floor of this House a while ago that I did not vote my convictions on a certain measure. I have a right to my free opinion, and I would like to see any man take it away from me.

Mr. WOOD of Indiana. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD of Indiana. The gentleman is not discussing anything that is before the House.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Indiana.

Mr. KING. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count.

The Chair proceeded to count.

Mr. KING. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. Does not the Chair think that having been here long enough on Washington's Birthday so that the Chair can not count a quorum, that we could adjourn?

The CHAIRMAN. The Chair does not regard that as a parliamentary inquiry. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CLERK: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $1,200, or so much thereof as may be necessary; chief clerk, $4,500; journal clerk and 2 reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000 and $1,000 additional so long as the position is held by the present incumbent; chief bill clerk, $3,000; assistant to chief clerk, and assistant enrolling clerk, at $2,500 each; assistant to disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant librarian, $2,100; assistant file clerk, $1,900; assistant librarian, messenger and assistant Journal clerk, at $1,800 each; clerks—1, $1,800, 3 at $1,680 each; bookkeeper, and assistant in disbursing office, at $1,600 each; 4 assistants to chief bill clerk, at $1,500 each; stenographer to Clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger and typewriter repairer in Chief Clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to Journal clerk, $1,000; 9 telephone operators, at $900 each; 3 session telephone operators, at $75 per month each from December 1, 1920, to March 31, 1921; substitute telephone operator when required, at $2.50 per day, $500; 2 laborers in bathroom, at $900 each; 6 laborers, at $720 each; page in enrolling room, $720; 2 janitors, at $720 each; allowance to chief clerk for stenographic and typewriter services, $1,000; for labor, tools, and machinery for furniture repair shop, $10,000; in all $114,670.

Mr. BLANTON. Mr. Chairman, I move to strike out "$114,670," on line 12, of page 11.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 11, line 12, strike out the sum of "$114,670."

Mr. BLANTON. Mr. Chairman, the gentleman from Illinois [Mr. SABATH] would have the uninformed believe that I am not in favor of economy. I believe that I have made more motions to strike out sums of money, such as this one, and have offered more amendments to decrease useless appropriations and thereby save the people money during the present Congress than any other man on the floor of the House. The gentleman certainly has not been staying here where the business of the people is being transacted. If he had been on the floor of the House during the Sixth-sixth Congress thus far he would know something about the efforts I have made in behalf of economy for the benefit of the people of the United States. The gentleman would indicate by his statement that——

Mr. WOOD of Indiana. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD of Indiana. The gentleman is not talking about anything that is now before the House.

Mr. BLANTON. Oh, yes; I am. I am moving to strike out "$114,670." I am arguing that question.

Mr. WOOD of Indiana. The gentleman is not talking about anything in the Clerk's office. He is simply moving to strike out something.

Mr. BLANTON. I am trying to help the chairman save that much money.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. BLANTON. On the question of economy, Mr. Chairman, which involves the striking out or leaving in a bill large sums of money, the gentleman from Illinois insinuated that I must in some way be allied with the special interests of the country. I want to say to the gentleman from Illinois and to my colleagues that since I have been a Member of Congress and during my whole life I have never yet been on the pay roll of any corporation or any special interest's pay roll, except years ago, before I went on the bench, I was employed to represent a bank in my home town. The gentleman from Illinois may tell his people whether or not that is true in his case, and I want him to say——

Mr. SABATH. I will say that is true in my case.

Mr. BLANTON. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. I will also say to the gentleman from Illinois and to my colleagues that throughout my political career, from the time I first ran for office to this moment, not a single dollar has ever been contributed to any of my campaigns, and neither myself, nor my friends assisting me in various campaigns, have been paid a single dollar by anybody or from any private source or private interest. Every dollar of my campaign expenses has come out of my own pocket. Has the gentleman from Illinois been able to keep his skirts as clear as that in his political relations with the people? I am not alarmed about my own reelection. I have an abiding faith and confidence in my people. I am concerned about Mr. Gompers's threat to elect a Congress of serfs, and I am making a campaign to prevent him from doing it. And the good business men of Massachusetts and other places I have addressed are helping me to spike Mr. Gompers's political cannon.

But, Mr. Chairman, the gentleman spoke of my introducing a bill to reduce the mileage. I introduced such a bill. I wish that it would pass. He criticized me a moment ago for allowing that item to be passed without taking it up here on the floor of the House. I never waste my time by butting my head against a brick wall when I know that there is no chance for obtaining any relief for the people. But I have tried to save money here during the Republican régime. I knew that with my Republican friends on this side in the ascendency, controlling legislation, there was no chance on God's green earth to reduce the 20 cents a mile that we receive as mileage. I knew it, and therefore I did not waste my time or your time in offering amendments to which some one would make a point of order and have it sustained.

I want to say that I will vote right now to reduce the mileage to the actual expense, and the gentleman from Illinois, I am sure, would have pleasure either in standing up with me or sitting down when that question came up for consideration.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. IRELAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. IRELAND. Is it too late to make a point of order on the paragraph?

The CHAIRMAN. The Chair thinks it is.

Mr. BLANTON. Mr. Chairman, I withdraw the pro forma motion by consent.

The CHAIRMAN. Without objection, the gentleman will withdraw his pro forma motion.

There was no objection.

Mr. IRELAND. Mr. Chairman, I move to strike out all of line 11, on page 11, after the figures "$1,000," and all of line 12 up to and including the figures "$10,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. IRELAND: Page 11, line 11, after the figures "$1,000" strike out the words and figures "for labor, tools, and machinery for furniture repair shop, $10,000."

Mr. IRELAND. Mr. Chairman and gentlemen of the committee, if this amendment is agreed to I wish to say that I will offer an amendment later replacing this same amount in the contingent fund where it properly belongs.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. WOOD of Indiana. Why does the gentleman want to strike it out and then reinsert it?

Mr. IRELAND. Because I think it should be in the contingent fund rather than under the jurisdiction of the Clerk.

Mr. WOOD of Indiana. If the gentleman will permit me to explain the reason for this item, I think he will conclude that it is better to have it in the hands of the Clerk.

Mr. IRELAND. I am glad to yield to the gentleman.

Mr. WOOD of Indiana. The testimony before the committee with reference to this item discloses the fact that we are expending many thousands of dollars a year in letting by contract the repairs of furniture and property belonging to the Congress. It has been demonstrated that this work can be done much more cheaply by having some one in our employ do it without the profit that the person must have who is running an independent establishment. That has not only been demonstrated with reference to the House, but it has been demonstrated with reference to very nearly all the departments, and it has been the policy of the committee, for the purpose of saving money, to permit them to employ a carpenter to do their carpentering rather than to send out and hire a carpenter on the outside; for in each instance the reports of the heads of these bureaus show that there is a saving of thousands of dollars. And I am of the opinion, by virtue of the fact that the property is under the supervision of the Clerk, that he is the man who should have the disposition of it.

Mr. IRELAND. I agree with everything the chairman has said, and he is absolutely correct, but these expenses so incurred should be O. K'd and vouched for by the Committee on Accounts, who are charged with responsibility for the contingent fund. It is a piece of bad business to place it entirely in the hands of a single officer. In the case of the present incumbent of the office it is entirely safe to do so, but it is a dangerous piece of legislation for the future.

Mr. HICKS. Will the gentleman yield for a question?

Mr. IRELAND. Certainly.

Mr. HICKS. It is not so much a question as an observation. When the room of the Committee on Naval Affairs was recently

fixed up we had these men who are employed under the clerk repolish and reupholster our furniture, go over the tables, and so forth, and it was most satisfactory. I believe it was a great saving to the Government to have it done in that way.

Mr. IRELAND. Yes.

Mr. HICKS. Now, whether or not these accounts should be checked up by the Committee on Accounts or by the clerk I do not know, but I believe it is a great saving to have this sort of work done under Government supervision and not outside.

Mr. IRELAND. Absolutely; and I will venture to say that they did a very good job of it.

Mr. HICKS. Unquestionably they did a splendid job.

Mr. WOOD of Indiana. Will the gentleman yield further?

Mr. IRELAND. Yes.

Mr. WOOD of Indiana. In my opinion, we have now a double check on this expenditure. It is checked by the Clerk, who is responsible for seeing that vouchers are furnished for the expenditure, and it will be submitted to the Committee on Accounts for their approval.

Mr. IRELAND. That would be entirely satisfactory if universely followed. Now, you force me to say something that I did not want to say.

Mr. WOOD of Indiana. I do not want to be guilty of forcing anybody.

Mr. IRELAND. If the gentleman will agree to this amendment, I assure him that I shall move to reinsert it under contingent expenses on page 18, and it will still be under the charge of the Clerk.

Mr. CANNON. What is the difference?

Mr. IRELAND. To use the gentleman's own trite expression, it is a distinction without a difference, but it is essential.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. IRELAND) there were 9 ayes and 30 noes.

Mr. IRELAND. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] Sixty-eight Members present—not a quorum.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Florida, indefinitely.

To Mr. LONERGAN, for two days, on account of important business.

To Mr. O'CONNELL, until further notice, on account of serious illness of his wife.

To Mr. CLARK of Missouri (at the request of Mr. IGOE), for the day, on account of illness.

To Mr. COOPER, indefinitely, on account of illness in his family.

SUFFRAGE FOR WOMEN.

The SPEAKER laid before the House a communication from the governor of the State of New Jersey announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 148. Joint resolution authorizing the Department of Commerce to participate in the National Marine Exposition, to be held in New York in April, 1920; to the Committee on Interstate and Foreign Commerce.

SUITS AGAINST THE UNITED STATES IN ADMIRALTY (S. DOC. NO. 233).

Mr. VOLSTEAD, from the Committee on the Judiciary, one of the managers on the part of the House, presented a conference report on the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, for printing in the RECORD.

Mr. BLANTON. Mr. Speaker, I reserve all points of order.

Mr. WALSH. Mr. Speaker, I make the point of order that the gentleman can not reserve points of order on a conference report when offered for printing under the rule.

The SPEAKER. The time to make the point of order on a conference report is after the report has been read.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the legislative draft section.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject that I addressed the committee on this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12046, the deficiency appropriation bill, disagree to all Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 12046, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed as conferees on the part of the House Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 24, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Governor of the Federal Reserve Board, transmitting the annual report of the board to Congress (H. Doc. No. 660), was taken from the Speaker's table, referred to the Committee on Banking and Currency, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 7833) for the relief of M. M. Wallace, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 12706) authorizing examination, survey, and report by the War Department as a preliminary to the improvement, construction, and maintenance of a national system of motor-truck defense and military highways and post roads, with laterals, in the States of Washington, Oregon, and California, adapted to heavy transporting and to protect the Pacific coast of the United States from invasion by any alien enemy, and for commercial and for other purposes in time of transportation emergency; to the Committee on Military Affairs.

Also, a bill (H. R. 12707) to create a national department of highways and a national highway commission therein, to promote and organize a national system of highways, to increase the economy and efficiency of transportation, to assist industry and commerce, to improve the facilities for postal service, and to provide additional means for national defense; to the Committee on Agriculture.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 12708) to fix the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SWEET: A bill (H. R. 12709) authorizing the Secretary of War to donate to the city of Clarion, Iowa, one German cannon or fieldpiece, to be placed in the courthouse park in said city; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 12710) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

By Mr. PHELAN: A bill (H. R. 12711) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. PLATT: A bill (H. R. 12721) to abolish the Subtreasuries and to provide for the transfer of the coin, currency, and bullion, and for other purposes; to the Committee on Banking and Currency.

By Mr. TINKHAM: Resolution (H. Res. 469) authorizing the Committee on the Judiciary to make an investigation regarding the price of sugar; to the Committee on Rules.

By Mr. MONDELL: Resolution (H. Res. 470) providing that all legislation relating to those who served in the World War (other than those of the Regular Establishment) be referred to the Committee on Ways and Means and authorizing the Speaker to rerefer the bills heretofore introduced; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12712) granting an increase of pension to Garry O. Hill; to the Committee on Pensions.

Also, a bill (H. R. 12713) granting an increase of pension to Adam Williams; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12714) for the relief of E. W. Vance, H. E. Vance, F. C. Schmidt, and E. H. McCloud; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 12715) granting a pension to Marcellus L. Durnell; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 12716) granting a pension to Clara B. Partridge; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 12717) authorizing the allowance of additional homestead application of Edward E. Voedisch; to the Committee on the Public Lands.

By Mr. MANN of Illinois: A bill (H. R. 12718) granting an increase of pension to Nellie M. Budlong; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 12719) granting a pension to Millie Kennedy; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 12720) granting an increase of pension to George E. Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1792. By Mr. ASHBROOK: Petition of the chamber of commerce of the city of Cleveland, Ohio, opposing the Davey sedition bill; to the Committee on the Judiciary.

1793. By Mr. ESCH: Petition of citizens of the city of Milwaukee, Wis., relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1794. By Mr. FULLER of Illinois: Petition of the Illinois State Association of County Superintendents of Highways, opposing the Townsend road bill; to the Committee on Roads.

1795. Also, petition of the Rockford (Ill.) Branch of the International Wood Carvers' Association, opposing the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1796. By Mr. GALLIVAN: Petition of citizens of Massachusetts, opposing the proposed sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1797. Also, petition of George R. Starkley, of Boston, Mass., relative to the bonus for the Government employees, etc.; to the Committee on Expenditures in the Treasury Department.

1798. By Mr. GOLDFOGLE: Petition of Barney Barkowitz and seven other residents of New York City, protesting against the sale of former German ships; to the Committee on the Merchant Marine and Fisheries.

1799. By Mr. KENNEDY of Rhode Island: Petitions of six citizens of third congressional district of Rhode Island, protesting against sale of former German ships; to the Committee on the Merchant Marine and Fisheries.

1800. By Mr. LINTHICUM: Petition of Walter Green and seven other citizens of Baltimore, Md., favoring increase of bonus to Government employees to $480; to the Committee on Appropriations.

1801. Also, petition of L. L. Smith, of Baltimore, Md., favoring passage of the universal military training bill (S. 3792); to the Committee on Military Affairs.

1802. Also, petition of station agents of the Baltimore division, Baltimore & Ohio Railroad, protesting against creation of an additional Government board to represent the station agents; to the Committee on Interstate and Foreign Commerce.

1803. Also, petition of Julius Kemper, of Baltimore, Md., protesting against certain items of the luxury tax; to the Committee on Ways and Means.

1804. Also, petition of the Progress Club, of College Park, Md., favoring promotion of vocational education; to the Committee on Education.

1805. Also, petition of J. H. Smith, of Baltimore, Md., opposing the sale of the former German ships, etc.; to the Committee on the Merchant Marine and Fisheries.

1806. Also, petition of the Canton Lumber Co., of Baltimore, Md., relative to certain legislation; to the Committee on the Judiciary.

1807. Also, petition of the Journeymen Stone Cutters' Association of North America and the Sparrows Point Lodge, No. 63, of Baltimore, Md., protesting against the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1808. Also, petition of J. N. Stone, of Baltimore, Md., in favor of the Jones-Reavis bill; to the Committee on Labor.

1809. Also, petition of Gresham H. Hoe, of Baltimore, Md., in favor of universal military training; to the Committee on Military Affairs.

1810. Also, petition of the Marine Engineers' Beneficial Association; the Federal Employees' Union, No. 21; Baltimore Federation of Labor; and four other citizens of the city of Baltimore, Md., relative to the increase in the bonus to Federal employees; to the Committee on Appropriations.

1811. By Mr. LONERGAN: Petition of the New England Water Works Association, in favor of the Jones-Reavis bill (H. R. 6629); to the Committee on Labor.

1812. By Mr. O'CONNELL: Petition of the American Manufacturers' Export Association, of Washington, D. C., relative to our foreign commerce, etc.; to the Committee on Interstate and Foreign Commerce.

1813. Also, petition of the Chamber of Commerce of Washington, D. C., relative to certain legislation; to the Committee on Interstate and Foreign Commerce.

1814. Also, petition of the Michael Davitt Branch of the Irish Freedom, to safeguard the liberty of our Liberty bonds; to the Committee on Foreign Affairs.

1815. Also, petition of the American Freedom Foundation, of the city of Chicago, relative to certain legislation, etc.; to the Committee on the Judiciary.

1816. By Mr. RAKER: Petition of E. E. Paxton, of San Francisco; the Henry Crowel Lime & Cement Co., of San Francisco; the Berkeley Chamber of Commerce; the Oakland Chamber of Commerce; the San Francisco Chamber of Commerce; the San Jose Chamber of Commerce; the president of the Los Angeles Chamber of Commerce, and 12 other organizations; and the Good Railway Association, all in the State of California, urging the support of the conference report on the railroad bill; to the Committee on Interstate and Foreign Commerce.

1817. By Mr. ROWAN: Petition of the Federal Employees' Union, No. 4, of New York City, and various citizens of the city of New York, asking for relief in the way of bonus, etc.; to the Committee on Appropriations.

1818. Also, petition of Walter Farwell, of Mallow, Long Island, N. Y., urging universal military training; to the Committee on Military Affairs.

1819. Also, petition of various farmers' organizations of Minnesota, Iowa, and Illinois, relative to certain rights of the farmers, etc.; to the Committee on Interstate and Foreign Commerce.

1820. Also, petition of the Bowery Savings Bank, the League for Industrial Rights, the Brooklyn Trust Co., the Public Service Commission of the Second District, all of the State of New York, and the Georgia & Florida Railway, of Richmond, Va., relative to certain railroad legislation, etc.; to the Committee on Interstate and Foreign Commerce.

1821. Also, petition of the National Association Sand and Gravel Producers, of Indianapolis, Ind., relative to certain provisions in the railroad bill; to the Committee on Interstate and Foreign Commerce.

1822. Also, petition of the Chamber of Commerce of the United States of America, of Washington, D. C., relative to certain provisions in the legislative appropriation bill; to the Committee on Appropriations.

1823. Also, petition of the American Manufacturers' Export Association, of Washington, D. C., relative to certain provisions in the legislative appropriation bill; to the Committee on Appropriations.

1824. Also, petition of the American Freedom Foundation, of Chicago, Ill., relative to the Davey bill, etc.; to the Committee on the Judiciary.

1825. By Mr. WATSON. Petition of the Falls Monthly Meeting of Friends, held at Fallsington, Pa., opposing universal military training; to the Committee on Military Affairs.

1826. Also, petition of various members of the Mennonite Church, against universal military training; to the Committee on Military Affairs.

SENATE.

TUESDAY, *February 24, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come in this sacred moment of a new day to lift our hearts to Thee. In Thy presence all the conflicting interests of men have their adjustment, and the forces that seem to oppose each other are calmed and brought into harmony in Thy presence. So we start out upon the duties of the day from the presence of God, and pray that the influence of Thy Spirit may be with us through the labor of the day. For Christ's sake. Amen.

On request of Mr. NELSON and by unanimous consent the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the conference on the part of the House.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Knox	Sheppard
Beckham	Gay	Lenroot	Simmons
Brandegee	Gronna	Lodge	Smith, Ga.
Calder	Hale	McKellar	Smith, Md.
Capper	Harris	McLean	Smoot
Chamberlain	Harrison	McNary	Spencer
Colt	Henderson	Nelson	Sterling
Culberson	Hitchcock	New	Sutherland
Cummins	Johnson, S. Dak.	Norris	Townsend
Curtis	Jones, N. Mex.	Nugent	Trammell
Dial	Jones, Wash.	Overman	Wadsworth
Dillingham	Kellogg	Page	Walsh, Mont.
Elkins	Kendrick	Phipps	Warren
Fernald	Kenyon	Pittman	Watson
Fletcher	Keyes	Pomerene	Williams
France	King	Ransdell	Wolcott

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness. I will let this notice continue for the day.

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The senior Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The junior Senator from Virginia [Mr. GLASS], the Senator from Arkansas [Mr. KIRBY], the Senator from California [Mr. PHELAN], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Arkansas [Mr. ROBINSON] are absent on official business.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 3654) to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park, which had previously been signed by the Speaker of the House.

WOMAN SUFFRAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate a certified copy of a joint resolution adopted by the General Assembly of the State of New Jersey, ratifying the Susan B. Anthony amendment to the Constitution, extending the right of suffrage to women, which will be filed.

DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD conferees on the part of the Senate.

RAILROAD CONTROL—PERSONAL EXPLANATION.

Mr. SIMMONS. Mr. President, I desire to say that, although I was paired in favor of the railroad bill, I regret very much I was not able to be present and cast my vote on the adoption of the conference report on that bill. For personal reasons I found it imperative to leave the Chamber before the late hour at which the vote was taken on yesterday afternoon.

TREATY-MAKING POWER.

Mr. McLEAN. Mr. President, I have a very brief article by Mr. Gist Blair, which discusses some constitutional questions raised in the League of Nations. It is a very timely and instructive article, it seems to me, and I ask unanimous consent to have it printed in the RECORD without reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"The fathers of the Constitution believed the small States would hesitate over aiding in a dissolution of the Union, because of their fear of being absorbed into the big States. New York's control over her port enabled her to levy any kind of duties on the imports and exports of New Jersey and Delaware, and they knew that the power to tax included the power to destroy before it was said by Chief Justice Marshall.

"The fathers protected and believed in the small States, as the yeomen of the country and guardians of its liberties, and when they transferred to the General Government national power they tried to so check and balance it as to prevent individual localities, both large and small, from being wronged without their consent. This is one of the jewels of the Constitution, although it had another and a brighter one in that they intended to create and created a nation.

GAVE POWER TO THE SENATE.

"When the convention met one of its first actions was to select a committee on detail, which undoubtedly considered the subject of this article, since its recommendations included that of a change in old Articles of the Confederation under which the States had existed; they recommended that the appointment of ambassadors and power to make treaties be transferred to the Senate instead of being given to the Congress.

"But the question of treaty making attracted little if any attention, and in the voluminous records surprisingly little is found concerning it, and no further action was taken until late in August and shortly before the convention was about to adjourn, when another committee was appointed, apparently to clean up unfinished business. This committee reported from time to time, but its interest and principal work related to the selection of the President, which, as well as in the way the committee itself was selected and the debates that occurred, show the small States were equally jealous and active. (Framing of the Constitution, by Ferrand, pp. 131, 166.)

CLAUSE REMAINS UNCHANGED.

"This committee reported for the first time the clause of the Constitution as it appears to-day, and by which the President, with the advice and consent of the Senate, appoints ambassadors and is to make treaties. (U. S. Const., Art. II; Framing of the Constitution, by Ferrand, p. 165.)

"Its recommendations that the President be chosen by electors equal to the number of Senators and Members of Congress from each State, and when no choice was made by the electors the Senate shall elect the President from the five candidates having the highest number of votes on the list constitutes most

of the report, and the assumption of the convention, as a member in the debate alleged, that in 'nineteen times in twenty,' after Gen. Washington had served his term, the Senate would select the President, all shows the leading thought was to protect the small States. (Records of Federal Convention, by Ferrand, vol. 2, pp. 167, 500.)

"It is a knowledge of this that helps us to understand the treaty-making clause reported by the same committee at the same time. They intended it to protect the localities as represented by States, large or small, from adverse governmental action, and as these States or localities were far apart, with many diverse and conflicting interests, they required that treaties be ratified by at least two-thirds of the Members of the Senate present—and each State, large and small, had two and only two Senators.

DELAWARE FOR SAFEGUARDS.

"Delaware was so afraid that she even prohibited her delegates in their credentials to the convention from changing the principle of the confederation of each State having an equal vote. (Rec. of Fed. Conv., by Ferrand, p. 56.)

"The committee's first report of this clause made one exception in the treaty clause in the interest of peace, which exception was urged by no less prominent a member than James Madison, of Virginia, and by it the President would have been authorized to make a treaty of peace alone, without requiring its ratification by two-thirds of the Senate. (Rec. Fed. Conv., vol. 2, p. 495, Ferrand.) Nevertheless the convention removed the exception when it adopted the clause. (See an interesting pamphlet by Charles H. Burr, proceedings of American Phil. Society, records for August–September, 1912, pp. 277, 278, 279.)

"This could not have been done to prevent making peace. It was done to limit the powers of the President, otherwise so vast and full under the treaty clause that it was controlled only by the requirement that treaties negotiated by the President must be ratified by two-thirds of the Members of the Senate present. (Cooley Const. Law, p. 106, note 4, case cit.)

PLENARY POWER FOR PRESIDENT.

"The plenary power granted the President and Senate to make treaties was apparently without any defined limit; the customs or statutes of the States, or even prior statutes of the National Government itself, were to be controlled by it, and this great power was immediately recognized by the courts as having been given. (Ware *v.* Hilton, 3 Dallas U. S., 199; 1796.) An undefined power was vested by this clause of the Constitution and treaties as the supreme law of the land. It has even been questioned whether treaties are subject to any of the fundamental limitations declared in the Constitution of the United States, or to any of the amendments. (Geofroy *v.* Riggs, 133 U. S., 258, 1900; in re Ross, 140 U. S., 1891; cf., Hawaii *v.* Maukichi, 190 U. S., 197, 1903. (See Kent's Commentaries, p. 166; 9 Moore's Digest of International Law; 2 Butler's Treaty-Making Power, sec. 467.)

"And inasmuch as it is possible to do by treaty what Congress itself can not do by law, is it surprising that treaty making must be ratified as it is? Land and land ownership was within the local control still in 1800, when the United States provided by a treaty with France that land inherited by French subjects should pass to them without other requirement, and its provisions conflicted with the laws of Maryland, where it was provided such lands were to be forfeited to the State unless such French owners settled in Maryland or became citizens within a prescribed time, the terms of the treaty were sustained. (Chirac *v.* Chirac, 2 Wheat. U. S., 259, 1917.)

TREATY RELATIVE TO BIRDS.

"In the attempt to preserve our wild migratory birds (article published in Harvard Law Review, December, 1919) the law enacted by Congress March 4, 1913, to protect them was held to be unconstitutional May 25, 1914. (U. S. *v.* Shauver.) But the treaty entered into by Great Britain, representing Canada, and the United States for their protection in 1916 resulted in an act July 3, 1918, of practically the same import as the law declared unconstitutional, passed in pursuance of the treaty, and it is no doubt a constitutional law. (U. S. *v.* Thompson, 258 Fed., 257, 1919; U. S. *v.* Samples, 258 Fed., 479, 1919; U. S. *v.* Selkirk, 258 Fed., 775, 1919.)

"The treaty clause in the Constitution is a great charter to protect all the States, and a change in it may yet affect New York and Pennsylvania, who may suffer at the wish of Nebraska and South Carolina and Nevada: Do Senators from these States who unreservedly follow the new thought think of the future? May they not in time need the protection of this great clause of the Constitution, which should not ever be partisan?

"Republicans have not always approved of this clause. No name stands higher in the history of America as a diplomat and a statesman than that of John Hay, the great Secretary of State under President McKinley.

HAY EXPRESSED OPINION.

"Nevertheless, he perhaps failed to appreciate the value of the treaty-making clause in the Constitution, even as President Woodrow Wilson may fail to appreciate it now when he seeks a ratification of his League of Nations treaty. Mr. Hay expressed some strong opinions of the Senate's action about treaties in connection with the treaty negotiated by President McKinley and submitted to the Senate to amend the Clayton-Bulwer treaty so as to enable the Panama Canal to be built.

"Mr. Hay sympathized with a natural anxiety to get to work on the canal rather than with those in the Senate who opposed the treaty, and in a letter to Mr. Joseph H. Choate, dated August 18, 1899, he refers to these treaty-making constitutional powers in no ambiguous terms, saying: 'Now, the irreparable mistake of our Constitution puts it into the power of one-third and one of the Senate to meet with a categorical veto any treaty negotiated by the President, even though it may have the approval of nine-tenths of the people of the Nation.' (Life of John Hay, William Roscoe Thayer, vol. 2, p. 219.)

"As no greater statesman exists in the annals of American history than this charming intellectual, yet we see how he felt over this restriction; and perhaps no one lives who would not trust Mr. John Hay's conscientiousness, yet the remarks quoted show he failed to grasp the value and significance of the treaty-making clause in our Constitution. But we are a Government of laws and not of men, and is it wise that we shall trust absolutely to any man?

RESIGNED MARCH 13, 1900.

"On March 13, 1900, Mr. Hay felt so aggrieved over the Senate's action in refusing to ratify the treaty which he had negotiated that he sent in his resignation as Secretary of State, as follows:

"DEPARTMENT OF STATE,
"WASHINGTON, D. C.,
"*March 13, 1900.*

"DEAR MR. PRESIDENT: The action of the Senate indicates views so widely divergent from mine in matters affecting, as I think, the national welfare and honor that I fear my power to serve you in business requiring the concurrence of that body is at an end. I can not help fearing also that the newspaper attacks upon the State Department, which have so strongly influenced the Senate, may be an injury to you if I remain in the Cabinet.

"I therefore hand you my resignation as Secretary of State.

"I need not say with what profound regret I shall sever our official relations. I shall carry into private life the deepest sense of obligation, not only for all your personal kindness but for the confidence and the powerful support you have given to all efforts to improve the service, to extend the influence and the commerce of the country, and to promote in every way its prosperity.

"Yours, faithfully,

"JOHN HAY.

M'KINLEY REFUSED RESIGNATION.

"To which the President replied:

"EXECUTIVE MANSION,
"*Washington, March 13, 1900.*

"DEAR MR. SECRETARY HAY: I return your resignation. Had I known the contents of the letter which you handed me this morning I would have declined to receive or consider it.

"Nothing could be more unfortunate than to have you retire from the Cabinet. The personal loss would be great, but the public loss even greater.

"Your administration of the State Department has had my warm approval. As in all matters you have taken my counsel, I will cheerfully bear whatever criticism or condemnation may come. Your record constitutes one of the most important and interesting pages of our diplomatic history. We must bear the atmosphere of the hour. It will pass away. We must continue working on the lines of duty and honor. Conscious of high purpose and honorable effort, we can not yield our posts however the storm may rage.

"With hearty assurance of appreciation and confidence, I am,

"Yours, devotedly,

"WILLIAM MCKINLEY.

SHOULDN'T CRITICIZE SENATORS.

"President McKinley understood the value of the Constitution and the usefulness of Mr. Hay, and we can appreciate Mr. McKinley's reasonableness when the Senate refused the treaty he wished, and can compare it with the attitude of President Wilson.

"Senators should not be criticized because they do what is within their rights under the Constitution. It is interesting to note also that Mr. John Hay accepted the opinion of his great chief, withdrew his resignation, and continued as Secretary of State and his labors for the American Government without further murmur or complaint.

"President McKinley understood not only the value of the Constitution, but the wonderful usefulness of John Hay to the country, and no more touching, magnificent testimonial to this quality was ever penned than this letter to John Hay.

Both of these Republican patriots accepted the constitutional powers of the Senate without public comment or attack.

"Is it not worthy of comment at times like these to make comparison and note what a Democratic President is now doing under somewhat similar conditions? Is it an unfair conclusion to suggest that one had a greater appreciation of the Constitution than the other? Both instances, however, have their value in directing attention to the necessity of the magnificent Constitution we love even when it hinders some people from making treaties just as they wish them.

"It stands like an intellectual giant to protect the people and the States. It has a purpose. It was constructed to protect and preserve human rights from an autocratic government.

NOT TO BE FOLLOWED BLINDLY.

"President Wilson is not to be followed outside of the Constitution and its wise provisions, nor should we change at his request its even distribution of powers any quicker than if Gen. Washington himself were here and did he seek to try to overthrow these noble laws.

"They are the work of many minds and many years. They have been tested and tried by American experience. Let us retain and uphold them even when it hurts us to do so.

"GIST BLAIR."

BETTER PAY FOR TEACHERS.

Mr. STERLING. I hold in my hand a copy of McCall's Magazine for September, 1919. There is an article in it entitled "What about teacher's pay envelope," by Mary Badger Wilson. The question of the schools of the District is now before the Senate. I have read the article, and I believe it is entitled to a place in the CONGRESSIONAL RECORD. It is reasonable in its terms, makes enlightening comparisons between teachers' underpayment and the pay of other employees in occupations requiring more or less mental training, and I ask that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT ABOUT TEACHER'S PAY ENVELOPE?

[By Mary Badger Wilson.]

"Americans have so long and so cheerfully recognized the fact that Mary Pickford's uncontrolled curls and Charlie Chaplin's irresistible legs have fourteen times the earning capacity of the President's brains that a salary scale has to be pretty startling to attract our attention. It has to stand on its head and wave its feet violently in the air. In spite of our topsy-turvy system of values, however, few of us are prepared to accept the theory of the old paradox—the cabin boy should earn a larger salary than the captain of the ship. The cabin boy's job is so much less interesting, it is argued, that he must be compensated for his boredom by a large income. It still appears to most of us that the captain should be compensated for his years of training and experience and for the responsibility he accepts.

"But in 1918 the Bureau of Education reported the average salary paid teachers in this country to be $630.64. This is $243 less a year than the average wage paid to scrub women in a United States navy yard. Of course, the scrub woman's work is hard and, like the work of the cabin boy, it undoubtedly has moments—nay, hours—of boredom. But there is this to be urged in behalf of the teacher, that while the scrub woman, like Topsy, 'just growed,' the making of a teacher is a long and expensive process. Frequently a teacher has to borrow several thousand dollars to pay for the specialized training and education necessary before he or she can be a teacher at all; and this money must be paid back out of future earnings. Also, there is a considerable difference in the responsibility involved in the two jobs. The scrub woman has very little responsibility and, too, she has a definite job and definite hours; as a rule, she scrubs along a beaten path. The teacher, on the other hand, has to find and make her path and lead ever so many little children along it.

"During the past two years, when manual labor has commanded 'war prices' and teachers' salaries have remained on their low prewar basis, many of the profession have had very amusing tales to relate. In Chicago a teacher hired a man to clean her little apartment, shake out the rugs, varnish the floors, and put up the curtains. At the end of the day, when she came to pay him, she found that his charge was just twice what she had earned for her day's work! In Washington the school authorities encountered considerable difficulty in getting janitors for the schools. One good-natured negro in refusing the position said cheerfully, ''Deed, an' you can't get no janitors for what you pay teachers. Naw, suh.' At an experience meeting held during a teachers' convention one normal-school teacher claimed that the little Greek who blacked her shoes once a week actually earned more money than she did!

"Perhaps a reason for the persistence of the low-salary scale in the teaching profession is the fact that since the Civil War it has been practically a woman's profession. With few exceptions it has been the only professional door that stood wide open to women. But in 1917, when the war temporarily opened an amazing number of occupations to women, there was a most significant rush of teachers into other work. The Professional Division of the United States Employment Service received literally thousands of letters from women who held positions as teachers, but who were eager to get some other opening—'any other opening,' they frequently said. The United States Employment Service finally had to draft a form letter to send these applicants, reminding them that it was their patriotic duty to stick by their jobs. One recipient of such a letter remarked: 'Why can not I be patriotic at a munition factory for a thousand dollars a year just as well as at this schoolhouse for $600 a year? I had rather be a volunteer patriot than a conscript.'

"That she was not alone in this preference may be seen from the following cases taken at random from a report of the situation in the center of the Philadelphia shipbuilding district. A fifth-grade teacher, who had had 10 years' experience and was earning a salary of $682.50 a year, accepted a clerical position in a shipbuilding establishment at $1,144 a year. A special teacher of drawing in the intermediate grades, whose annual salary was $682.50 and who had been teaching for 15 years, secured a position in a shipbuilding establishment, where she took charge of the pay rolls. Her entrance salary was $900 a year, and she was promised quick promotion. Preparation for her work as a teacher had required years of specialized study. Her only preparation for her business career was a brief course in a business school and two summers spent as a bookkeeper at a summer hotel.

"A supervisor of drawing, of nine years' teaching experience and earning a salary of $1,050 a year, secured a position with a large chemical concern at a salary of $1,250 a year, with an annual increase of $200 promised her.

"Another woman, who possessed the qualifications not only of a teacher but also of a social worker, had taught for 10 years in the Italian section of the city where she was greatly beloved by the children and parents. Devoted to her work, ambitious, she attended the summer session of a normal school at her own expense for two years to secure a higher certificate. Although anxious to continue teaching, she found it impossible to live on her salary of $577.50, and very reluctantly accepted a position in the office of a shipbuilding concern at an entrance salary of $1,040 a year. Her duties are lighter in the new work, and she is under no strain or responsibility comparable to that of a schoolroom in a crowded foreign section of a manufacturing town.

"These instances were duplicated over and over again in all localities where war work was in progress. They were duplicated in all railroad centers. Some railroads even sent registration blanks to teachers, asking about their qualifications for railroad clerical work, and also asking 'If satisfied, will you remain in the service of the company?'

"Perhaps the most startling conditions were found in Washington, where large numbers of teachers entered the Government service to do clerical work. They passed easily the civil-service examinations, which gave them the guaranty of permanent employment and jumped them overnight from salaries of $500 to $1,000.

"Such desertions from the teaching profession were multiplied by the hundred thousand, so that now the shortage of teachers in the United States is variously estimated at one-sixth to one-third of the number employed before the war.

"In thousands of schools throughout the country important subjects have had to be dropped from the curriculum because teachers simply could not be obtained; in others, these subjects have been retained at the sacrifice of employing inferior teachers.

"The teaching force has aptly been termed 'our army of future defense,' and now in the hour of perhaps out greatest need we see that army break ranks and lose at least 100,000 privates. Why? Because we pay starvation wages, and an army fights on its stomach.

"Many of the men and women who have left the teaching profession have left it for all time. In most cases they have made good in their new positions. Their training makes them especially desirable; they are better educated than the average employee; they do not expect to maintain excessively high standards of living; they are dependable and accustomed to accept responsibility. So far as possible, their new employers will keep them on.

"But the salary question is not the only consideration that will prevent the return of these 'prodigal' sons and daughters. Even if we kill the fatted calf and serve enticing salaries by way

of welcoming them back, many, many of them will still turn away sorrowing. For they have other just grievances.

"Our teachers are overworked. They are really tired. And doctors are beginning to consider fatigue as one of the most dangerous of our modern diseases. Dr. Herbert J. Hall, in a series of lectures at the Boston School of Occupational Therapy, stated: 'Mental fatigue in its milder forms apparently does no harm. Mix worry, discouragement, and fear, together with some unknown factors of poor resistance, and you have the ingredients of serious nervous breakdown in which fatigue and the sense of fatigue may figure largely.'

"Thanks to the large classes in modern schools and the long hours of 'pupil pressure,' as it has been so vividly called, teachers suffer from basic fatigue. Then, 'worry, discouragement, and fear!' Those are the ingredients which teachers have to mix with their mental fatigue. Worry is amply supplied by the daily problem of keeping up a good appearance on a totally inadequate salary.

"Fear is furnished by the 'uncertainty of tenure' which the *majority* of our teachers have to face. In most of our cities and country districts a teacher's appointment is for the school session only; at its close she is automatically dismissed. Her reappointment may be held up by objection from members of the board of education. Such objections are not necessarily based on a teacher's record; they may be purely personal. In many States the teacher may be dismissed without presentation of charges and without a hearing. As membership on a board of education is usually a matter of political appointment, the dangers of such a system are self-evident.

"An arbitrary system of this kind will often destroy itself by some very manifest act of injustice. In June, 1917, on the last day of the school session in Chicago, the board of education summarily dropped 68 teachers—teachers who had efficiency ratings of good, excellent, and superior. The president of the board took the position that it was unnecssary to give reasons for the dismissal of teachers; it was sufficient that it was his decision. But such wholesale injustice was bound to cause a definite reaction. Public opinion was so deeply aroused that the board of education was dismissed, a new board installed, the teachers reinstated, and a law enacted by the Illinois Legislature granting to the teachers of Chicago permanent tenure after three years' probation. During the same year a similar law was enacted by the New York State Legislature. But most States in the Union have no protective laws of this nature.

"Discouragement, the third ingredient of dangerous mental fatigue, is a familiar spirit of the teacher, through the very nature of her task. Dr. Hill, writing on mental fatigue, cites the case of an old shoemaker whom he knows, to illustrate the value of joy in one's work. This man is one of the few survivors of the old system of making the whole shoe from the start to finish. He works a great many hours a day in his little shop, but he works calmly, leisurely, and is expert enough to talk as he works. He has real joy in it. The delight of planning, the excitement of success, the pride of the finished product, all combine to make his long hours fly. Dr. Hall also cites the case of a girl in the same town, who recently went to work in a great shoe factory. She worked at a machine in a crowded, noisy room, fewer hours than the old shoemaker, and for more money than he had ever earned; but at the end of the year she was down with a severe case of nervous exhaustion. She had no joy in her work.

"Love of their work is especially characteristic of what we call the 'professional classes,' because it is peculiarly their privilege to create, to develop, to save. Teaching has always been classed as a 'profession,' and yet a 'fan' in the teaching world is a rare sight. The question naturally arises, 'Why is this? If the doctor is eager and enthusiastic to save little Johnny from the measles, why isn't the teacher equally eager and enthusiastic to rescue him from ignorance?'

"The answer is that teaching is really not a profession. Lawyers, architects, artists—nearly all professional workers—can control the hours and conditions under which they work, the amount of their fees, and the direction their work shall take. Teachers have almost no control over these conditions. The acid test of professionalism is freedom in one's work, and that is just what the teacher lacks. There is always one little rule which, though variously worded, is substantially this: There must be no discussion in the schools of controversial subjects. That is the rule which removes the teacher from the professional class. It is not that the teacher is forbidden to teach a partisan viewpoint on controversial subjects—the wisdom of such a rule as that would be beyond dispute. But she is forbidden to touch on questions which have two sides.

"This limits her work to the instruction of pupils in dead facts, without relating them to living problems.

"An instance of the practical working of this rule, which has recently gained nation-wide publicity, was the case of Miss W., a high-school teacher in Washington, who was suspended, without pay, for a week because she answered certain questions of her pupils on current topics. After her suspension, teachers of English in the Washington schools were verbally warned that they must not 'touch on' the proposed League of Nations in their current-topics class.

"At the informal conference, which was the only hearing granted Miss W., two serious charges were brought against her. She had taught that a dog might have a soul. This charge was based on the fact that she had assigned her English class Matthew Arnold's poem on the death of one of his dogs, as a lesson. The second charge was that she had said, 'Conscience is the final guide.' Shades of our Puritan ancestors! One objection brought against this good old doctrine of the Mayflower was that it might teach children to approach new and untried ideas with an open mind.

"The Washington Board of Education, which has successfully protected its charges from the dangers of following their consciences, reading about the League of Nations and studying Matthew Arnold's poems, is much like other boards of education. Its membership includes no representative of the teaching force. Bank officials, presidents of street car lines, and men of similar position compose the board, which is appointed by the District Supreme Court, as Washington has not a mayor and is not under the jurisdiction of any State officials. But the results are quite the same as those in other cities where the board is appointed politically.

"A general demand is growing in the country for democratic and representative boards of education. One practical plan put forward calls for the division of each board of education into two bodies—one to be composed of representatives of the teaching force, chosen by the teachers themselves, the other to be composed of representatives of the citizens of the community, elected by those citizens. Any question of a community's educational policy would then have to pass both these divisions of the board, just as a question of political policy has to pass both houses of a legislature. The teacher's point of view and that of the parents would both be expressed, and in case of a difference of opinion, compromise would have to be evolved. The adoption of this plan or of some similar plan would make our educational system really democratic.

"As Mr. Charles B. Stillman, president of the American Federation of Teachers, puts it: 'It is useless to fight for democracy, it is useless to legislate for democracy, unless you also educate for democracy.' He believes that we can turn our schools into factories of democracy just as Germany turned her schools into factories of imperialism and militarism. But the first step necessary to accomplish this is to put the schools themselves on a democratic basis, to give the teachers and the parents of the school children a voice in the formation of educational policies.

"During the past few years a very highly organized movement has grown up among the teachers, with two objects—to help themselves and to improve the educational system. This organization is the American Federation of Teachers, which is affiliated with the American Federation of Labor. Teacher has joined the union! She has laid aside her professionalism and doubtless has packed it away with the lavender of 'might have been.'

"A recent bulletin of the National Education Association comments on the remarkable rapidity with which unionization of teachers is proceeding, especially in the smaller towns and rural communities, where its growth was expected to be slow.

"Here are some of the demands of the American Federation of Teachers:

"Better salaries.

"Secure tenure of positions during efficiency.

"Smaller classes, permitting greater personal attention for each child.

"Abandonment of the effort to skim over a great variety of subjects under the guidance of a teacher who is equipped to teach only a fraction of them.

"Development of vocational education in both urban and rural communities.

"The vigorous and effective teaching of the privileges and obligations of intelligent citizenship.

"The teaching of unemasculated history.

"The establishment of a Federal department of education, which will establish a genuinely national educational system.

"Teachers are not only asking for better salaries and better working conditions for themselves, they are also asking for the opportunity to make their work a real and vital service to the community.

"An amusing story is told of a little boy who had the small boy's habit of asking 'Why?' His father became so irritated at the persistent questions of his offspring that he finally bought him a book containing 10,000 questions and answers. The next evening little Eddie was ready with a new 'Why?'

"'For the love o' Mike, why don't you read the book I got you?' growled his father. 'I did,' said Eddie, 'but, father, I just don't want to know any of those questions.' Most parents do not purchase books of 10,000 question and answers for their children. But they expect the school-teacher to be a human edition of such a book.

"The teacher now asks to be something a great deal better. Instead of cramming the child's mind with thousands of facts, she wants to teach him how to use facts. She wants first of all to give him a vocational education—to teach him to earn his living, and then to teach him the art and habit of thinking.

"Better salaries, better working conditions, better education, better teachers, better children, better America. They are all related."

ADDRESS OF SENATOR CALDER.

Mr. McNARY. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the very excellent speech delivered yesterday by the junior Senator from New York, WILLIAM M. CALDER, before the students of George Washington University.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR WILLIAM M. CALDER TO THE STUDENTS OF GEORGE WASHINGTON UNIVERSITY, FEBRUARY 23, 1920.

THE DUTIES AND OPPORTUNITIES OF THE HOUR.

"Wherever we turn confusion is evident, and no matter what human activity is observed a divergence from the normal is apparent.

"More than a year has elapsed since the signing of the armistice and we are looking forward to the future with much concern.

"We do well, however, to seek assurance that the Nation's future has for its citizenship established justice, insured domestic tranquillity, maintained the common defense, and secured the blessings of liberty. The fathers declared that these were the objects demanding the creation of this Government, and if no competent cause for the destruction of these objects of government is to be seen, let us take courage and go forward with the tasks of to-day.

"A nation, no more than a man, can come from terrific struggle and titanic expenditure of energy, justly hoping to resume immediately the even tenor of its life. Strong and vigorous men attacked by disease spend months in finding again the strength that was theirs. Likewise the nation, plagued by war and compelled to meet the plague with every ounce of national energy, must go through the days of convalescence which seem at times unending. As a Nation we can not escape the aftermath of complete organic disturbance. The national mind will not in a moment lose the fiery fever brought by war, but confusion of thought will diminish and cease in time if the consequences of war are accepted as burdens to be borne by the body politic before it can function normally.

"However, the cessation of confusion will be hastened if the Nation remembers its former strength and its recovery from past national conflicts. Greater by far were the riches of our products of farm and factory and mine when we entered this war than were they at the beginning of any previous war. American initiative and ingenuity had struggled with nature and made a wilderness a place of happy homes and contented people long before 1917. But the material wealth of our people had increased and the blessings of the Union had become more obvious. The justification of the fathers in laying the foundation of this Government was manifest in the unobstructed exercise of free speech, the toleration of diverse religious beliefs, and the unmistakable signs that the road to opportunity was an open highway.

"With a unity of material resources unequaled in any former day we entered the war with Germany. Not only did we enter, but we emerged from that war with material resources less diminished than in bygone struggles. We have no ruined villages and cities to rebuild. We have no invaded farms to replant. We have no destroyed mines to reopen. But a fraction of our national wealth has been annihilated, and the machinery for its replenishment has been displaced for only a little while. It is true we have increased indebtedness to face, but that indebtedness is a challenge to the productive powers of the Nation less to be feared than that which came to us when the War between the States was ended. The energy and industry and skill of prewar days bid us be assured that fear for the future is not justified by the material burdens placed upon us by this war.

"But national strength among us has had other standards than those counted by dollars and weights and measures. Is it possible that the voices of the few prophets of national decay and destruction will be heard above the united pledge of allegiance which greeted the Nation's cry for help not three years ago? Then in every direction of the compass were seen the stars of service flags. Four million of them brightened the windows of American homes, and millions more waited only for their hour to add to the brightness. They bore witness to the world that love of liberty had here a new birth and devotion to the Nation was unconfined, either by station or place or age. Men who fear for the future of this Republic are like men who, blinded by the light of the sun, deny its existence. The brilliancy of the service of Americans of yesterday makes the fearful deny that an unsullied national service will be rendered by Americans of to-morrow. Whatever the clamorer for governmental overthrow may now cry aloud, the events of recent days demonstrated that the people of this Nation believed its Government is of them, for them, and by them. The appeal of Lincoln on the field of Gettysburg for the dedication of the Nation to the preservation of that Government was answered by the people of his day, and each succeeding generation of Americans has gladly responded to his appeal, but no more whole-hearted dedication of life and of all has been made than that of the generation of which the dead of this war were a part. A clearer and stronger call to succeeding generations for the preservation of this Government will go forth than that which went to any heretofore, for added to the appeal of the founders and fathers and preservers of the Nation is the appeal of those who carried the message of human freedom and hope across the sea. Into the future 4,000,000 of our youth will carry love of land, hallowed by those 'mystic chords of memory' stretching out to the graves of all or valiant dead.

"With material wealth scarcely touched and with moral wealth mightily enriched, through the confusing conditions of to-day we can see a well-ordered to-morrow. Surely no national inheritance has been so much to be desired as that which comes to you young men and women of this generation. A multitude of opportunities are urging you to seek them. Every young man and woman who comes to the close of college life has a laudable desire to do big things or to partake in great movements or undertakings. No matter what calling they may select as their life's work, they hope for and dream of the days when they shall be able to serve their fellow men in a noble way. Indeed, the most tragic hour of ones life is that in which is lost the ambition to render big service to society. Scarcely anyone hopes for wealth simply to possess it or to gain position simply to occupy it. His hope is built on a desire to use both for the good of others.

"For a generation and more industry and commerce have called the best brains of our country to their service. We have been passing through a period of industrial and commercial expansion and development. Men who desired place and power among their fellow men have found in these pursuits the gratification of their ambition. The railroads, banks, and great industries have demanded and have received the undivided attention of many of the master minds of America.

"It would not be true to say that during that period of industrial and commercial expansion the affairs of state have been neglected by men of ability, but it is true that men of large brain power have striven in greater numbers for place in the commercial and industrial rather than in the political life of the Nation.

"To-day, however, in the sphere of governmental operations, greater and more extensive opportunities are offered to the man and woman of brain than can be found in private pursuits. No railroad manager or magnate ever dreamed of securing for himself such a place to exercise his knowledge of our transit problems as is offered through membership on the great transportation commission of the Government. Consolidations of systems prohibited to the individual of the past are now to be made possible under the guidance of servants of the public. It is not inconceivable that Harriman and Huntington, the great railroad builders of the last generation, had they lived, might have coveted the opportunity to serve the Nation in solving the transportation problems of to-morrow.

"In the Consular and Diplomatic Service of America men and women with vision can find a life's task. When one compares our international scope of the days when John Jay and Franklin were our foreign representatives with the scope of to-day, how vastly have grown the opportunities for the exercise of skill and tact and judgment in the conduct of the international affairs of our Republic. If the peace of the world is to be pre-

served, the moral power of America must be justly and judiciously exercised and representatives of American thought must be found to stand in foreign fields prepared to speak for America when the occasion demands.

"It is difficult to imagine a place more to be coveted as a field for human endeavor than that offered in the Diplomatic and Consular Service of this Nation as we enter upon this period of world readjustment.

"Where can minds inclined to figures and finance find a task more stupendous than that which confronts the men who must formulate and direct the financial system made essential by the war just closed? Hamilton well deserved the tribute paid by Webster for the manner of his meeting the Nation's financial needs in its infancy. For some future Webster is reserved the expression of a tribute equally well deserved for the men who will preserve the national peace while our people pay the cost of this greatest of conflicts.

"These are but a few of the activities of the Government calling for trained men and women. Countless others could be named, for much as it may be regretted, the trend is toward centralization of power in the Federal Government. That trend is not always for the public good. It needs direction and the agencies for its direction are the men and women now leaving our schools and colleges. On them an imperative duty is laid to get ready to be participants in the solution of great problems. Indeed, it would sometimes seem as if commercial and industrial development had almost reached their high point and that governmental development was about to open up a field of endeavor the limits of which can not be clearly foretold, but the proper guidance of which means much for the welfare of all the citizenship of this land.

"We are not fearful for the future. Its tasks will be tremendous, but within itself America will find master workmen upon whose handicraft she can depend."

SOUTHERN PACIFIC OIL CASE.

Mr. GRONNA. I ask unanimous consent to have printed in the RECORD two letters from the National Conservation Association, signed by Gifford Pinchot.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[A letter to the President of the United States by Gifford Pinchot, concerning the Southern Pacific oil case, on behalf of the National Conservation Association.]

FEBRUARY 3, 1920.

The PRESIDENT,
White House, Washington, D. C.

SIR: The failure of a Cabinet officer to safeguard the public interest is a sufficient reason, even at this time, to appeal to the President. Attorney General Palmer's failure and refusal to do his clear duty in a matter of large importance to the American people not only justify recourse to you but make it unavoidable.

On December 5, 1919, Mr. Palmer announced that he would not appeal from the decision, adverse to the Government, of the district court at Los Angeles, rendered August 29, 1919, in a suit to recover from the Southern Pacific 160,000 acres of oil lands said to be worth $500,000,000. The next morning, in the first 10 minutes of trading in Wall Street, Southern Pacific stock jumped 14 points.

The land grant to the Southern Pacific excluded oil land. The so-called Elk Hills case against the Southern Pacific, previously decided against the Government in the lower courts, was decided in favor of the Government in the Supreme Court on November 17, 1919. The district judge in the decision of the case now being dropped by Mr. Palmer said that it was parallel to the Elk Hills case. These and other facts led the informed public to believe that the 160,000-acre case would be appealed and won in the Supreme Court.

Mr. Palmer alleges that the case is weak and if appealed can not be won. Whether right or wrong, his opinion is of little import and beside the point. In a matter of so much moment to the public interest it is his obvious duty to appeal the case and never to admit defeat until the Supreme Court has spoken. The Supreme Court, which alone has final authority, is the only tribunal whose decision against the Government can rightly be accepted and allowed to stand.

What good can come from dropping this case except to private interests which will thus secure without further contest what the law specifically provided they should never get? What can be lost by appealing the case? If the Supreme Court should be obliged to decide against the public we shall be in a position no whit worse than that in which Mr. Palmer would put us by his refusal to appeal. But if the Supreme Court should reverse the lower courts, as it did in the Elk Hills case, the people will have saved hundreds of millions in value, and the Navy a petroleum reserve so important that Secretary Daniels has said of it that "some day it might turn the tide of war."

Mr. Palmer's course is clearly unfaithful to his public duty. If persisted in until the time for an appeal expires, it might readily become suspicious in the view of those who will recall that he has been an active attorney for large oil interests; that as Attorney General he came into a position of unique power in the matter of the discontinuance and dismissal of oil-land suits; that immediately upon his appointment he dispensed with the Assistant Attorney General then in charge of the Public Lands Division of the Department of Justice, who had been noted for his activities in suits to recover oil lands; and that not only has he dropped this momentous Southern Pacific suit but, if I am correctly informed, he is proceeding actively to dismiss other oil suits in the mid-continent fields.

Mr. Palmer has no power except as it is derived from you. His action, unless you change it, will become your own. I urge it upon you as a matter of the clearest public obligation and the highest public importance that you cause your Attorney General to appeal the 160,000-acre suit against the Southern Pacific, and to see to it that the other oil cases shall not be dropped but vigorously prosecuted.

Mr. Palmer originally had six months within which to perfect his appeal. By his dereliction only four weeks remain. On January 9 I wrote him, urging him to do his duty. Having received no reply, I turn to you. Every moment is precious if a good fight for the public interest is still to be made.

Very respectfully,

(Signed) GIFFORD PINCHOT.

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JANUARY 9, 1920.

Hon. A. MITCHELL PALMER,
United States Attorney General, Washington, D. C.

SIR: As president of the National Conservation Association I enter a formal protest against your abandonment of 160,000 acres of oil lands in California to the Southern Pacific Railway Co. without carrying the case to the Supreme Court of the United States.

The lands in question have been estimated to be worth $500,000,000. The value of your action to the Southern Pacific interests, when it became known on the morning of December 6 last, was reflected by a jump of 14 points in Southern Pacific stock in one of the most violent flurries seen in the stock market for years. The New York Sun estimated that the total gain due to your action would more than double the market value of the entire stock of the road.

The grant to the Southern Pacific specifically excluded lands containing oil. When it became known that the Southern Pacific had obtained this valuable oil land in spite of the law, and especially when its claim was seen to endanger the Navy's petroleum reserves in California, your predecessor, Attorney General Gregory, with the earnest support and assistance of Secretary Daniels, came vigorously to the defense of the public interest.

In his effort to enforce the law, protect the Navy, and save the Nation's property, Mr. Gregory was bitterly opposed by great oil interests, such as those for which you yourself have been employed as an active attorney before the Government departments. But in spite of opposition not only from these oil men but also from persons of great influence within the Government, Mr. Gregory stuck to his guns, appealed an adverse decision to the Supreme Court of the United States, and won.

This decision against the Southern Pacific (the so-called Elk Hills case) on November 17, 1919, was a clear-cut victory for the Government. It applied to only about 6,000 acres of land, but it was widely accepted, even by Southern Pacific attorneys, as presaging another victory for the Government as to the much more extensive and valuable lands which you have since abandoned to the railroad.

I am informed that this momentous action on your part was taken without consulting Secretary Daniels, who had said of the naval petroleum reserves, which your action would seriously impair or destroy, that some day they "might turn the tide of war," and even without notifying him of your intention. You have given, as your defense for abandoning these enormously valuable oil lands, your belief that you could not win the appeal, and that you were not justified, therefore, in consuming the time of officials of your department or of the court itself in the preparation and trial of the case.

I have neither the desire nor the qualifications to argue with the Attorney General of the United States the legal subtleties of this or any other case. But of one thing I am convinced; that nothing less than the decision of the Supreme Court should be allowed to give to the Southern Pacific Railroad public property worth in the neighborhood of $500,000,000, which it was the clear intention of the law should never come into its possession.

Your judgment can be no more than the judgment of one man, however learned in the law. It may be right or wrong. You may or may not be sound in your opinion that on appeal you would lose the case. But you are undoubtedly derelict in your duty if you fail to use every effort which you and your department can put forth to save for the people of the United States and for their Navy the colossal values which are here at stake. It is no disgrace to be beaten in a good cause, but what shall be said of the public servant who, in a public issue so great as this, refuses to fight at all?

The reasons why you should fight this case through, as they have been stated to me, after careful examination, by counsel of unsurpassed experience and tested judgment in the laws relating to public lands, are too weighty to be ignored. They are briefly as follows:

The land turned over to the railroad by your action is admittedly oil land, yet the grant to the Southern Pacific clearly and specifically excepted and withheld oil land from the kinds of public land the railroad could take. It is of immense value.

About 18,000 acres are within the petroleum reserves set aside for the protection of our Navy against the possible exhaustion of commercial oil, and as Secretary Daniels has repeatedly declared, these reserves are absolutely essential to its future security. England is spending large sums to secure to her Navy in various parts of the world precisely what you at home are refusing even to defend.

The larger part of the lands you have abandoned lie outside the Navy's reserves. If it were saved and operated under the oil-leasing bill now in conference before Congress, it would not only bring large revenues to the Government but would be a powerful means of limiting and controlling monopoly in oil, and to that extent would help to hold down the high cost of living.

The decision of Judge Bledsoe in the case which I am urging you to appeal was made in view of and undoubtedly influenced by the previous decision of the lower court in the Elk Hills case, which the Supreme Court has since unanimously reversed. Judge Bledsoe, in his opinion, which is based in part on the theory that the Southern Pacific was above and beyond the suspicion of such fraud as the Supreme Court officially condemns it for in the Elk Hills case, specifically refers to the latter as a parallel case.

The date of patent of, and other facts as to, a part at least of the lands in dispute, worth so many millions of dollars, appear to be closely similar to those of the lands in the Elk Hills case, and this fact alone is abundantly sufficient to justify an appeal.

Finally, the case is of such vast importance that none, least of all the Supreme Court, could accuse you of prosecuting vexatious litigation, while all men of good will would applaud action on your part leaving no stone unturned in a matter which so deeply concerns the welfare of all the people of the United States.

There are still nearly two months in which you can take an appeal. Once again I urge you, who are the attorney of the American people, charged with the protection of their interests, to reverse your decision to abandon these lands and to carry this issue to the Supreme Court with all the energy and skill at your command. Whether you win or lose you will then have done your duty. Most of your fellow country-

men will, I think, be inclined to agree with me that your duty is obvious and inescapable. Case after case within my own experience has been won for the people against the lukewarmness or even opposition of Government attorneys on what seemed in advance a more slender hope than this.

Very respectfully, yours,

GIFFORD PINCHOT.

AGRICULTURAL INTERESTS.

Mr. HENDERSON. Mr. President, on February 20, at the request of the Senator from Oklahoma [Mr. GORE], there was printed in the CONGRESSIONAL RECORD an editorial from Wallace's Farmer. In view of some statements made in the editorial I took the matter up with Mr. Hoover, and this morning I received a letter from Mr. Hoover, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The Reading Clerk read as follows:

WASHINGTON, D. C., *February 23, 1920.*

Hon. CHAS. B. HENDERSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am in receipt of your inquiry as to the accuracy of the statements that Senator GORE read into the RECORD on February 20. One statement is absurd on its face; the other, relating to hogs, can easily be demonstrated inaccurate by the actual documents. It is unjust to the men who comprised the meat division of the Food Administration and the live-stock committee (14 active, prominent farmers, from all parts of the country) of the agricultural advisory board.

The facts are:

(1) In November, 1917, in order to secure production, an assurance was given that, so far as the Food Administration could effect foreign buying of pork products, it would endeavor to maintain a 13 to 1 ratio to the price of corn, as had been recommended by various producers' representatives. (Doc. No. 1.)

(2) The approach of the armistice and a sharp fall in forward prices of corn caused the plan to break down, because farmers naturally interpreted the falling corn to mean ultimate falling hogs, and a panic in marketing started. The live-stock committee of farmers was summoned to a meeting in Washington to consider the whole situation on October 25, 1918. (Doc. No. 2.)

(3) The committee recommended the abandonment of the 13 to 1 plan, as it could under the new conditions only work out to the disadvantage of the farmers, and recommended the substitution of a minimum price of $17.50 per 100 pounds for hogs. The minutes of this meeting are given herewith and were published at the time. (Doc. No. 3.)

(4) In January, following the armistice, the allied countries abandoned the American market for cheaper fats elsewhere, and again the plan threatened to fail, but measures taken by the administration again in cooperation with the live-stock committee of farmers held the situation together. The live-stock committee recorded its great appreciation and satisfaction with the results in formal resolutions in the month of March or April, copies of which will be supplied to you.

(5) Finally, it can also be noted that the average price of hogs at Chicago for the year October 1, 1918, to October 1, 1919, was very close to $19 per 100 pounds, and it represents the full ratio in all the predominant hog and corn States. The farmer realized fully $2.50 per hundred more than he has realized this season in an unassured market. Under the plan used the packers' and distributors' profits were held to definite margins, and the consumers' costs were less a year ago on higher hogs than they are to-day.

That the stimulation was successful and important results effected for the war is shown by the following increase in exports of pork products during the fiscal year while the arrangement was in effect (fall 1918 to fall 1919) compared with that previously:

Fiscal year:	Export pounds.
1917–18	1,737,103,220
1918–19	2,944,308,936

Yours, faithfully,

HERBERT HOOVER.

The documents, subsequently ordered to be printed in the RECORD, are as follows:

[Document No. 1.]

"UNITED STATES FOOD ADMINISTRATION,
"MEAT DIVISION,
"*Chicago, November 3, 1917.*

"Joseph P. Cotton, chief of the United States Food Administration meat division, to-day issued the following statement relative to the price of hogs:

"'The main purposes of the Food Administration as to hogs are four: To see that the producer at all times can count on a fair price for his hogs so that it will be profitable to him, to see that the farmer increases the number of hogs bred, to limit the profit of the packer and the middleman, and to eliminate speculation.

"'All these purposes are necessary because we must have more hogs, so that the ultimate consumer shall at all times get an adequate supply of hogs at the lowest feasible price.

"'We shall establish rigid control of the packer. Fair prices to the farmer for his hogs, we believe, will be brought about by the full control which the Food Administration has over the buying of the Allies, our Army and Navy, the Red Cross, the Belgian relief, and the neutrals, which together constitute a considerable factor in the market.

"'The first step is to stop the sudden break in prices paid for hogs at the central markets. These prices must become stable, so that the farmer knows where he stands, and will feel justified in increasing hogs for next winter. The prices so far as we can affect them will not go below a minimum of about $15.50 per hundredweight for the average of the packers' droves on the Chicago market until further notice.

"'We have had, and shall have, the advice of a board composed of practical hog growers and experts. That board advises that the best yardstick to measure the cost of production of the hog is the cost of corn. That board advises that the ratio of corn price to hog price, on the average, over a series of years has been about 12 to 1 (or a little less). In the past, when the ratio has gone lower than 12 to 1, the stock of hogs in the country has decreased. When it was higher than 12, the hogs have increased. That board has given its judgment that to bring the stock of hogs back to normal under present conditions the ratio should be about 13. Therefore, as to the hogs farrowed next spring, we will try to stabilize the price so that the farmer can count on getting for each 100 pounds of hog ready for market thirteen times the average cost per bushel of the corn fed into the hogs.

"'Let there be no misunderstanding of this statement. It is not a guaranty backed by money. It is not a promise by the packers. It is a statement of the intention and policy of the Food Administration, which means to do justice to the farmer.'"

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[Document No. 2.]

"UNITED STATES FOOD ADMINISTRATION,
"*Washington, D. C., October 24, 1918.*

"DEAR GOV. STUART: I have asked that we should have a meeting to consider the present situation in the hog market, and for the board to join in the negotiations for placing the controlled orders for export pork products for the month of November.

"You will recollect that at our meeting a month ago methods were outlined by your board that were then felt would apply in a practical way the formula for a price of 100-pound hogs, based on the average farm value of 13 bushels of corn, and that by the application of this arrangement from month to month stability and assurance could be given to the market and a stimulative return could be given to the swine growers of the country during the heavy marketing season. The October contracts for export shipments were let to the 50 different participating packing firms by the Food Administration for 130,000,000 pounds of pork products on a basis reflecting the recommendation of the board, and these packers undertook, in writing, to support the price of hogs on this general basis during the month of October.

"We all believed that these arrangements would work out to stabilize the price up to a fair level to give a just return to the farmer, and would give effect to the announced policies of the Food Administration in his protection.

"Since our meeting very serious difficulties have arisen from causes that could not be foreseen, and these difficulties give me the most extreme anxiety. They arise from the following causes:

"The current peace negotiations have alarmed the holders of corn and there has been a fall of from 30 cents to 40 cents per bushel in the price. The large accumulations of very low-priced corn in the Argentine and South Africa would, upon peace and liberated shipping, become available to the European and even the American market, and in consequence there has been a good deal of natural alarm. This fall in corn has created the fear with many hog growers that a similar fall was impending in hogs as well as corn with the advent of peace. Moreover, this lower range of corn prices, when incorporated in an average of the previous five months settled upon as a basis for calculating hogs, prophecies a continuously falling price of hogs. As a result, producers are apparently in a panic at this possible indication of lower ranges and have been overshipping to the

market. The receipt of hogs is running apparently somewhere near 30 per cent more than the receipts last year, while the increased production in the country appears to average but about 15 per cent. In addition there has been an undue marketing of heavy sows, which are not adapted for export. The result has been a great embarrassment to the packing houses to take care of the receipts. Many of the packers have actually paid over the price at which hogs were offered in an endeavor to maintain their obligation. The action taken by the board and the Food Administration at the last meeting has, fortunately, prevented a slump in hogs comparable to corn.

"While I do not advance the notion that we may have immediate peace, my own view of its effect, if it should be realized, is that no matter what the result might be in corn there will be an even larger demand for pork products with peace than during the war, because of the enormous fat shortage in the central empires, which would be an additional demand upon the top of the present heavy demands for the Allies. So far as is humanly possible to interpret these facts, I believe we should have an even stronger demand for pork products after peace than before, and that therefore the alarm of hog producers is unwarranted.

"I am extremely troubled at the situation, for, as the board is well aware, the one desire of the Food Administration is to do justice to the producer in the United States and to secure him a proper return for his large exertions in providing the world with larger food supplies. The whole plan as put into action a month ago was designed purely for this purpose. There can be no doubt that from overmarketing the plan may become any moment unmanageable. I am therefore anxious that you should consider the problem anew and all its aspects.

"To indicate our intention to proceed in this matter in absolute good faith, I may say that we have in hand orders for 170,000,000 pounds of pork products for the month of November, which may be slightly increased during the month. The Food Administration is prepared to place these orders on the basis of the 13 to 1 ratio applied to the month of November. I do not, however, feel that if the producers continue to flood the market this will assure any stability to price. This undertaking on our part should indicate our desire to carry out the plan absolutely as laid down.

"As stated above, the hogs in the country indicate a 15 per cent increase, and the increased export orders for the last five months of this year compared with last year are as follows:

	1917	1918
July	43,400,000	268,600,000
August	67,800,000	178,900,000
September	77,600,000	114,900,000
October	52,200,000	130,000,000
November	98,100,000	170,000,000
December	90,000,000	[1] 200,000,000
Total	429,100,000	1,062,400,000

[1] Estimated.

"It will be seen by the above that the demand has greatly increased, and I believe we could handle the situation were it not for the panic among producers and if the hogs were being shipped normally to the market in proportion to their natural increase over last year.

"Faithfully, yours,

"HERBERT HOOVER.

"The Hon. H. C. STUART,
"*Chairman Agricultural Advisory Board,*
"*Washington, D. C.*"

[Document No. 3.]

"UNITED STATES FOOD ADMINISTRATION,
"*Washington, D. C., October 26, 1918.*

"The conference between the live-stock subcommittee of the Agricultural Advisory Board, including special members representing the swine industry and of the Food Administration, held on October 23–25, has, after consideration of the present situation of the pork and hog market, reached the following conclusions:

"The entire marketing situation has so changed since the September joint conference as to necessitate an entire alteration in the plans of price stabilization. The current peace talk has alarmed the holders of corn, and there has been a price decline of from 25 cents to 40 cents per bushel. The fact that the accumulations of low-priced corn in the Argentine and South Africa would, upon the advent of peace and liberated shipping, become available to the European market, has created a great deal of apprehension on the part of corn holders. This decline has spread fear among swine growers that a similar reduction in the prices of hogs would naturally follow. Moreover, the lower range of corn prices would, if incorporated in a 13 to 1 ratio obviously result in a continuously falling price for live hogs. In view of these changed conditions many swine producers anticipated lower prices, and as a result rushed their hogs to market in large numbers, and this overshipment has added to and aggravated the decline.

"The information of the Department of Agriculture indicates that the supply of hogs has increased about 8 per cent, while the highest unofficial estimate does not exceed 15 per cent increased production over last year. On the other hand, the arrival of hogs during the last three weeks in the seven great markets has been 27 per cent more than last year during the corresponding period, demonstrating the unusually heavy marketing of the available supply. In the face of the excessive receipts some packers have not maintained the price agreed last month. On the other hand, many of the packers have paid over the price offered to them in an endeavor to maintain the agreed price. The result, in any event, has been a failure to maintain the October price basis determined upon the September conference and undertaken by the packers. Another factor contributing to the break in prices during the month has been the influenza epidemic; it has sharply curtailed consumption of pork products and temporarily decreased the labor staff of the packers about 25 per cent.

"The exports of 130,000,000 pounds of pork products for October compared with about 52,000,000 pounds in October a year ago, and the export orders placeable by the Food Administration for November amount to 170,000,000 contrasted with the lesser exports of 98,000,000 for November, 1917. The increased demands of the Allies are continuing, and are in themselves proof of the necessity for the large production for which the Food Administration asked. The increase in export demands appears to be amply sufficient to take up the increase in hog production, but unfavorable market conditions existing in October afford no fair index of the aggregate supply and demand.

"It must be evident that the enormous shortage in fats in the Central Empires and neutral countries would immediately upon peace result in additional demands for pork products, which, on top of the heavy shipments to the Allies, would tend materially to increase the American exports inasmuch as no considerable reservoir of supplies exists outside of the United States. It seems probable that the present prospective supplies would be inadequate to meet this world demand with the return to peace. So far as it is possible to interpret this fact it appears that there should be even a stronger demand for pork products after the war, and therefore any alarm of hog producers as to the effect of peace is unwarranted by the outlook.

"In the light of these circumstances, it is the conclusion of the conference that attempts to hold the price of hogs to the price of corn may work out to the disadvantage of pork producers. It is the conclusion that any interpretation of the formula should be a broad-gauged policy applied over a long period. It is the opinion of the conference that in substitution of the previous plans of stabilization, the live-stock subcommittee of the Agricultural Advisory Board, together with the specially invited swine representatives, should accept the invitation of the Food Administration to join with the administration and the packers in determining the prices at which controlled export orders are to be placed. This will be regularly done. The influence of these orders will be directed to the maintenance of the common object, namely, the stabilization of the price of live hogs so as to secure as far as it is possible fair returns to the producer and the insurance of an adequate future supply.

"These foreign orders are placed upon the basis of cost of hogs to the packers.

"As the result of long negotiations between this body and the packers' committee, representing the 45 or 50 packers participating in foreign orders, together with the allied buyers, all under the chairmanship of the Food Administration, the following undertaking has been given by the packers:

"In view of the undertakings on the part of the Food Administration with regard to the coordinated purchases of pork products, covered in the attached, it is agreed that the packers participating in these orders will undertake not to purchase hogs for less than the following agreed minimums for the month of November; that is, a daily minimum of $17.50 per hundred pounds on average of packers' droves, excluding throw outs. 'Throw outs' to be defined as pigs under 130 pounds—stags, boars, thin sows, and skips. Further, that no hogs of any kind shall be bought, except throw outs, at less than $16.50 per hundred pounds. The average of packers' droves to be construed as the average of the total sales in the market of all hogs for a given day. All the above to be based on Chicago.

"We agree that a committee shall be appointed by the Food Administration to check the daily operations in the various markets with a view to supervision and demonstration of the carrying out of the above.

"The ability of the packers to carry out this arrangement will depend on there being a normal marketing of hogs based upon the proportion-

ate increase over the receipts of last year. The increase in production appears to be a maximum of about 15 per cent, and we can handle such an increase.

"If the producers of hogs should, as they have in the past few weeks, prematurely market hogs at such increasing numbers over the above it is entirely beyond the ability of the packers to maintain these minimums, and therefore we must have the cooperation of the producer himself to maintain these results. It is a physical impossibility for the capacity of the packing houses to handle a similar overflood of hogs and to find a market for the output. The packers are anxious to cooperate with the producers in maintaining a stabilization of price and to see that producers receive a fair price for their products.

"THOS. E. WILSON,
"Chairman Packers' Committee.

"The plan embodied above was adopted by the conference.

"The Food Administrator has appointed a committee comprising Mr. Thomas E. Wilson, chairman of the packers' committee; Mr. Everett Brown, president of the Chicago Live Stock Exchange; Maj. Roy, of the Food Administration; Mr. Louis D. Hall, of the Bureau of Markets, to undertake the supervision of the execution of the plan in the various markets. Commission men are asked to cooperate in carrying out the plan embodied in the packers' agreement. It must be evident that offers by commission men to sell hogs below the minimum established above is not fair, either to the producer or the participating packers. Mr. Brown has undertaken, on behalf of the commission men in the United States, that they will loyally support the plan.

"It is believed by the conference that this new plan, based as it is upon a positive minimum basis, will bring better results to the producer than average prices for the month. It does not limit top prices and should narrow the margins necessary to country buyers in more variable markets. It is believed that the plan should work out close to $18 average.

"Swine producers of the country will contribute to their own interest by not flooding the market, for it must be evident that if an excessive overpercentage of hogs is marketed in any one month price stabilization and control can not succeed; and it is certain that producers themselves can contribute materially to the efforts of the conferences if they will do their marketing in as normal a way as possible.

"The whole situation as existing at present demands a frank and explicit assurance from the conferees represented, namely, that every possible effort will be made to maintain a live-hog price commensurate with swine-production costs and reasonable selling values in execution of the declared policy of the Food Administration to use every agency in its control to secure justice to the farmer.

"The stabilization methods adopted for November represent the best efforts of the conference, concurred in by the Food Administration and the live-stock subcommittee of the Agricultural Advisory Board, together with special swine members and the representatives of the packers, to improve the present unsatisfactory situation which has unfortunately resulted because of the injection of uncontrollable factors.

"We ask the producer to cooperate with us in a most difficult task.

"The members of the conference were:

"Food Administration: Herbert Hoover, F. S. Snyder, Maj. E. L. Roy, and G. H. Powell.

"Department of Agriculture: Louis D. Hall and F. R. Marshall.

"Producers: H. C. Stuart, Elk Garden, Va., chairman Agricultural Advisory Board; W. M. McFadden, Chicago, Ill.; A. Sykes, Ida Grove, Iowa; J. H. Mercer, Topeka, Kans.; E. C. Brown, president Chicago Live Stock Exchange; Eugene Funk, Bloomington, Ill.; Isaac Lincoln, Aberdeen, S. Dak.; C. E. Yancey; John M. Evvard, Ames, Iowa; J. G. Brown, Monon, Ind.; N. H. Gentry, Sedalia, Mo.; John Grattan, Broomfield, Colo.; C. W. Hunt, Logan, Iowa.; and W. R. Dodson."

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[Document No. 4.]

"OCTOBER 29, 1918.

"DEAR GOV. STUART: There is one important matter that was, in my understanding, agreed at the conferences just held over the stabilization of hog prices that I think should be set out now clearly in writing, in order that there may be no future misunderstandings on the subject, and I should be glad to know if the following is also your recollection:

"1. That the 13-to-1 formula, having proved disadvantageous to the farmer upon any interpretation, is absolutely abandoned as a price basis for hogs, and is only to be used for purely discussion purposes in future conferences to the end that it is considered as possible of guidance.

"2. That the whole of these plans are replaced by the periodic joint conferences between the Food Administration, the Agricultural Advisory Board (and the special members invited to sit with them on swine questions), and the packers' committee when the prices are determined for foreign orders. That no obligation rests on the Food Administration to try to maintain any minimum prices on hogs whatever, except so far as may be periodically agreed at these conferences.

"3. That the guiding principles of the conference are to be the determination of prices on controlled orders that will yield a fair return to the producer and the coordination of these prices with commercial conditions of demand and supply, so far as it can be accomplished.

"For the purpose of your records I send you herewith the undertaking made by the packers at the conference of the 25th instant and a copy of the statement drawn up with the full approval of the conference just finished, with the names of those present.

"Yours, faithfully,

"HERBERT HOOVER.

"The Hon. HENRY C. STUART,
"Agricultural Advisory Board,
"Department of Agriculture,
"Washington, D. C."

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[Document No. 5.]

"DEPARTMENT OF AGRICULTURE,
"Washington, November 6, 1918.

"DEAR MR. HOOVER: Replying to your letter of October 29, in which you ask for a statement from me as to my recollection of the understanding reached in the conference as to the stabilization of hogs, held October 23–25, between your department and the live stock committee of the advisory board and associated swine producers:

"1. My recollection is in accord with yours as to the present abandonment of the 13-to-1 formula as a price basis for hogs, and that it is to be used for discussion purposes at future conferences whenever it may be considered as a possible guide.

"2. That the prices of hogs should be arrived at for the present and the immediate future by a joint conference between the Food Administration, the agricultural advisory board or the live stock subcommittee thereof and associated swine producers invited to sit with them on questions relating to swine, and the packers committee, when prices are to be determined for foreign orders.

"3. My recollection is entirely in accord with the third paragraph of your letter, reading as follows:

"That the guiding principles of the conference are to be the determination of prices on controlled orders that will yield a fair return to the producer and the coordination of these prices with commercial conditions of demand and supply, so far as it can be accomplished.

"I acknowledge the receipt of a copy of the statement made by the packers, setting forth their undertakings resulting from the conference above mentioned, together with a copy of a statement drawn up by the conference itself with the names of those present attached.

"In behalf of the live stock subcommittee of the agricultural advisory board and the swine producers associated therewith, I wish to express, in so far as I may as chairman, the full confidence of the entire committee in the valuable work you have already done both for the producers and for the whole people, and to bespeak your further valuable support as food administrator in protecting the just and reasonable rights of the great army of agricultural producers of the country.

"Very truly, yours,

"H. C. STUART,
"Chairman National Agricultural Advisory Committee.

"Hon. HERBERT C. HOOVER,
"United States Food Administrator,
"Washington, D. C."

Mr. HENDERSON. Mr. President, I ask that Document No. 1, Document No. 2, and Document No. 3, referred to in the letter, be printed in the RECORD immediately following the letter which has just been read, and also Documents Nos. 4 and 5 relating to the same subject matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada?

Mr. GRONNA. Reserving the right to object, I desire to ask the Senator a question. I ask the Senator from Nevada to what he refers? Is this an answer to some statement made by the Senator from Oklahoma [Mr. GORE], who does not happen to be in the Chamber at this time?

Mr. HENDERSON. Mr. Hoover states in the first paragraph of his letter that the inaccuracies in the editorial relating to hogs can easily be demonstrated by the actual documents. It is not an answer to any statement made by the Senator from Oklahoma [Mr. GORE], but copies of the documents referred to in the letter showing the action taken and the reasons therefor. They give the facts, and should be printed in connection with the letter.

Mr. GRONNA. Does Mr. Hoover deny the statement made by Mr. Wallace in Wallace's Farmer?

Mr. HENDERSON. The letter of Mr. Hoover and these documents explain the situation.

Mr. GRONNA. Mr. President, if I am not mistaken, Mr. Hoover states in his letter to the Senator from Nevada that the statement made by Mr. Wallace in Wallace's Farmer, as presented by the Senator from Oklahoma, is absurd. I desire to state for the RECORD and for the information of the Senator from Nevada and other Senators that there appeared before the Committee on Agriculture and Forestry dozens and dozens of men who are interested in the production of hogs, and who stated most emphatically that there had been a breach of faith; that the promises made by those who said they represented the Government were not fulfilled. There were in a single day 39 men from the great State of Kansas who stated most emphatically that they represented live-stock interests to the amount of 400,000 head of cattle, and that they had then lost an average of $60 per head. All of them stated that they had been induced by Mr. Hoover or his representatives to buy cattle and feed at the high prices, and they charged Mr. Hoover absolutely with the responsibility for what had happened.

Mr. SMOOT. Mr. President, the Senator from Nevada has asked that certain documents, No. 1, No. 2, No. 3, No. 4, and No. 5, be printed in the RECORD.

Mr. HENDERSON. Yes. I would like to have them printed in the RECORD.

Mr. SMOOT. What documents are they?

Mr. HENDERSON. They are documents relating to the subject matter in connection with the hog situation and the abandonment of the 13-to-1 formula as a price basis for hogs.

Mr. SMOOT. Have they already been prepared and issued by the Food Administration?

Mr. HENDERSON. These papers are part of the records of the Food Administration. They were copied from those records.

Mr. SMOOT. I think the letter, in substance, explains the matter. What I want to know is whether those documents have been previously printed?

Mr. HENDERSON. Not to my knowledge.

Mr. SMOOT. Then, if they have not heretofore been printed, how can they be numbered?

Mr. HENDERSON. They are simply numbered for purposes of identification, being referred to in the letter by number, so that Document No. 1, as referred to in the letter, may be identified in connection with No. 1 in the letter.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. GRONNA. I wish to say that I know that some of these documents have been printed in the hearings before the Committee on Agriculture.

Mr. HENDERSON. I simply make this request so as to save reading the documents. The editorial to which reference has been made was published in the RECORD, and I know of no good reason for excluding these documents which show the actual facts. I am asking nothing unusual, and it is fair and proper that the same action be permitted now that was permitted on February 20.

Mr. SMOOT. I was going to appeal to the Senator, if these documents are in such form to-day that they can be secured, and have been printed, not to request that they go into the RECORD.

I wish again to call the attention of the Senate to the situation in which we find ourselves in relation to paper. The Public Printer has been scouring the country from one end to the other for print paper. In Maine on last Saturday he found 10 carloads of paper. He telegraphed from Maine asking whether or not he should buy the 10 carloads of paper. The price was three times the old price of paper, but we had to accept the 10 carloads of paper and pay the price asked or cease publishing the CONGRESSIONAL RECORD. I plead with Senators to stop putting so much stuff in the CONGRESSIONAL RECORD.

Mr. KNOX. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. KNOX. Could not this matter be compromised by leaving out the speeches of Senators and merely putting in editorials and magazine articles?

Mr. SMOOT. That would help to some extent but would not nearly bring the relief that is required, because the magazine articles and other matter inserted in the RECORD now constitute the bulk of the proceedings of the Senate.

Mr. HENDERSON. Mr. President, I heard no objection the other day when the Senator from Oklahoma asked to have printed in the RECORD the editorial to which reference has been made; I think it is only fair and just that these documents should now be printed in the RECORD. When Senators see fit to have printed in the RECORD matters reflecting upon the character, integrity, and motives of private citizens or officials, an opportunity should always be given any Senator to have printed in the RECORD a reply to those matters. The American people always believe in fair play.

Mr. SMOOT. I did not happen to be in the Chamber when the Senator from Oklahoma asked unanimous consent for the printing of the editorial, and I dislike to stand here on the floor of the Senate and object to any paper going into the RECORD, but I wish to say to the Senator from Nevada that we have got to stop the practice or else there has got to be some way devised of procuring paper from some source other than those now available, or we are not going to have the CONGRESSIONAL RECORD printed. The Senator, of course, can read the matter into the RECORD when the time comes, but I do not desire to force him to do that. I will ask the Senator, can any citizen secure a copy of the documents if he takes the trouble to write for them?

Mr. HENDERSON. I do not know as to that, I am sure, but I would think so.

Mr. SMOOT. If they could be procured in that way, I should object to their being printed in the RECORD.

Mr. HENDERSON. I can not state whether or not they can be so procured.

Mr. SMOOT. If they can not be so procured, being in answer to articles that were published in the RECORD at the request of the Senator from Oklahoma, I am not going to compel the Senator from Nevada to read them into the RECORD. Therefore, I shall not object.

Mr. HENDERSON. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the matter will be printed in the RECORD as requested by the Senator from Nevada.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the national executive committee of the Private Soldiers and Sailors Legion of the United States of America, remonstrating against the passage of the so-called Esch-Cummins railroad bill, which was ordered to lie on the table.

Mr. CAPPER presented memorials of sundry citizens of Lewis, Jefferson, Miltonvale, Assaria, Conway, Smith Center, Elk City, Glade, Hiawatha, and Valeda, all in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. PHELAN presented a resolution adopted by the Chamber of Commerce of San Diego, Calif., favoring the adoption of certain policies with reference to the merchant marine, which was referred to the Committee on Commerce.

He also presented a petition of McPherson Post, No. 51, Grand Army of the Republic, Department of California, of Hanford, Calif., favoring an increase in pensions of veterans and widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. McLEAN presented a petition of sundry citizens of Bridgeport, South Norwalk, Winsted, New Haven, Hartford, Ansonia, Orange, Darien, Ridgefield, Wallingford, and Norwich, all in the State of Connecticut, praying for the enactment of legislation for the retirement of superannuated Government employees, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 9281. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 433); and

H. R. 10515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 434).

Mr. GRONNA, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2921) for the relief of the Milwaukee Bridge Co. (Rept. No. 435); and

A bill (S. 3205) for the relief of the widow of Rudolph H. von Ezdorf, deceased (Rept. No. 436).

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 795) for the relief of Arthur Wendle Englert, reported it with an amendment and submitted a report (No. 437) thereon.

He also, from the same committee, to which was referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1275. An act for the relief of W. L. Rose (Rept. No. 438);

H. R. 1853. An act to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture (Rept. No. 439);

H. R. 6291. An act for the relief of E. Willard (Rept. No. 440);

H. R. 6413. An act granting the sum of $549.12 to Clara Kane, dependent parent, by reason of the death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard (Rept. No. 441); and

H. R. 6773. An act for the relief of Albert C. Burgess (Rept. No. 442).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 2934) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans. (Rept. No. 443); and

A bill (H. R. 1791) for the relief of O. W. Lindsley (Rept. No. 444).

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (S. 3911) to repeal section 7 of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved October 6, 1917 (40 Stat., p. 383), asked to be discharged from its further consideration and, with the accompanying papers, that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BRANDEGEE, from the Committee on the Library, to which was referred Senate resolution 292, submitted by Mr. SHERMAN on the 4th instant, directing the Committee on the Library to have painted an oil portrait of Abraham Lincoln, to be placed in the Senate wing of the Capitol, reported it without amendment.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3609) to amend the act of Congress approved April 27, 1914, reported it with amendments and submitted a report (No. 445) thereon.

ROANOKE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12351) to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C., and I submit a report (No. 446) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 1, 1919, to be built by the county of Halifax, N. C., across Roanoke River between Hills Ferry and the ferry near the town of Halifax, in said county and State, are hereby extended one and three years, respectively, from the date of approval hereof.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT PUBLIC-SCHOOL SYSTEM.

Mr. CALDER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably with amendments Senate resolution 310, providing for an investigation of the public-school system of the District of Columbia. I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Washington. Mr. President, I think the resolution had better first be read.

The PRESIDENT pro tempore. The resolution will be read.

The Assistant Secretary read the resolution (S. Res. 310) submitted by Mr. HARRISON on the 21st instant, as follows:

Resolved, That a select committee of five Senators, three from the majority party and two from the minority party, be appointed by the President of the Senate to investigate the public-school system of the District of Columbia.

That said committee shall investigate, specifically, the manner of appointing the superintendent, principals, teachers, and other employees of the public schools of the District; the personnel, adequacy, and pay of teachers and other employees of the public schools of the District; the accommodation, heating, lighting, ventilation, and sewerage of the public-school buildings of the District; the number of holidays, courses of study, and discipline adopted by the teachers and management of the public schools of the District; and such other policies adopted by the management of the public-school system of the District as, in the discretion of the committee, is advisable to investigate.

That the committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation.

That said committee may sit during the sessions of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible.

There being no objection, the Senate proceeded to consider the resolution.

The amendments of the Committee to Audit and Control the Contingent Expenses of the Senate were, on page 2, line 5, after the word "investigation," to insert "at a cost not exceeding $1 per printed page"; in line 6, after the word "sessions," to insert "or recesses"; and at the end of the resolution to add "All expenses in connection herewith to be paid out of the contingent fund of the Senate."

The amendments were agreed to.

Mr. JONES of Washington. Mr. President, I will ask the chairman why it is necessary to have a special committee appointed? Why can not the Committee on the District of Columbia conduct this investigation? What is the use in providing for additional expense?

Mr. CALDER. The Committee on the District of Columbia has among its membership Senators who are engaged on work in committees that will prevent their giving the time necessary to carry on this investigation, and the chairman of the committee believes that a select committee should be appointed.

Mr. HARRISON. Mr. President, if the Senator will permit me, I will say that the reason why I did not provide in the resolution that this investigation should be made by the District of Columbia Committee was because I talked to the chairman of that committee, and he really preferred to have a select committee appointed. There are phases of this investigation upon which men who have served upon the Subcommittee of the Appropriations Committee having in charge the District of Columbia appropriation bill might be better posted, and therefore they might be more suitable to serve on this committee than many of those who are on the District of Columbia Committee. I think the greater number of the Senators to be appointed should be selected from the District of Columbia Committee and from the Subcommittee of the Appropriations Committee having charge of District of Columbia affairs.

Mr. JONES of Washington. Of course, if the chairman of the District Committee would prefer to have a special committee appointed, I have no objection.

Mr. HARRISON. The chairman so expressed himself when this matter was up the other day, and also expressed the hope that the resolution might be adopted.

Mr. KENYON. Mr. President, I should like to ask the Senator from Mississippi whether the resolution covers an investigation of the compensation received by the school-teachers of the District of Columbia for their services?

Mr. HARRISON. Absolutely. I may say that its provisions are broad enough to cover any phase of the public-school system of the District of Columbia.

Mr. MYERS. Mr. President, I move to amend the resolution by inserting, after the semicolon in line 14, on page 1, and after the word "District," the following:

The policy and influence of the teachers' unions in the conduct and management of the schools, and the extent to which said unions control teachers, members of the school board, selection of teachers, and other matters pertaining to the schools.

I send the amendment to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Montana.

The ASSISTANT SECRETARY. It is proposed to add, after the word "District," in lines 13 and 14, and after the semicolon, the following:

The policy and influence of the teachers' unions in the conduct and management of the schools, and the extent to which said unions control teachers, members of the school board, the selection of teachers, and other matters pertaining to the schools.

Mr. KENYON. Mr. President, I should like to ask the Senator from Montana to explain what the teachers' unions are. What are they doing? They do not seem to be able to increase the teachers' salaries very much, if they have any influence.

Mr. MYERS. I want to find out what they are doing by this amendment. That is the object of the amendment—to find out what they are doing.

Mr. KENYON. Is there such an institution?

Mr. MYERS. Oh, yes. Nearly all of the teachers of the District belong to teachers' unions, and those unions, I understand, are affiliated with the American Federation of Labor.

Mr. KENYON. It does not seem to increase their salaries very much.

Mr. MYERS. I do not know what they are doing. I want to find out. If I knew, I would not be offering the amendment.

Mr. HARRISON. Mr. President, I should like to suggest to the Senator from Montana that the resolution is broad enough without that amendment to authorize an investigation of that phase of the situation, if the committee, in its discretion, desires to investigate it.

Mr. MYERS. I want to direct the committee to investigate it and not leave it a matter of discretion.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Montana. [Putting the question.] The Chair is in doubt.

Mr. HARRISON. I ask for a division.

On a division, the amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That a select committee of five Senators, three from the majority party and two from the minority party, be appointed by the President of the Senate to investigate the public-school system of the District of Columbia.

That said committee shall investigate, specifically, the manner of appointing the superintendent, principals, teachers, and other employees of the public schools of the District; the personnel, adequacy, and pay of teachers and other employees of the public schools of the District; the accommodation, heating, lighting, ventilation, and sewerage of the public-school buildings of the District; the number of holidays, courses of study, and discipline adopted by the teachers and management of the public schools of the District; the policy and influence of the teachers' unions in the conduct and management of the schools, and the extent to which said unions control teachers, members of the school board, selection of teachers, and other matters pertaining to the schools; and such other policies adopted by the management of the public-school system of the District as, in the discretion of the committee, is advisable to investigate.

That the committee so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be held in connection with such investigation, at a cost not exceeding $1 per printed page.

That said committee may sit during the sessions or recesses of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible. All expenses in connection herewith to be paid out of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 3955) for the relief of certain estates; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3956) to facilitate commerce by prescribing overtime rates to be paid by transportation lines for inspection of arriving passengers and crews; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 3957) to amend the proviso of paragraph 10 of section 9 of the act of June 21, 1917, amending the Federal reserve act as amended; and

A bill (S. 3958) to amend section 14 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. KELLOGG:

A bill (S. 3959) to incorporate the National Board of Medical Examiners of the United States of America; to the Committee on the Judiciary.

By Mr. TRAMMELL:

A bill (S. 3960) for the relief of Ellen Clifford; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 3961) granting an increase of pension to W. H. Coulter (with accompanying papers);

A bill (S. 3962) granting an increase of pension to Lucius C. Runion (with accompanying papers);

A bill (S. 3963) granting an increase of pension to O. A. Rose (with accompanying papers); and

A bill (S. 3964) granting a pension to Alois Menzel (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 161) to exempt the New York State Barge Canal from the provisions of section 201 of House bill 10453; to the Committee on Interstate Commerce.

JOINT COMMISSION ON RECLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. I introduce the joint resolution which I send to the desk and ask to have read, and then I shall ask for its immediate consideration.

The joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the United States Civil Service Commission is hereby authorized and directed, upon request of the Joint Commission on Reclassification of Salaries, to assume custody of the records and reports of the said joint commission, which was created by section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved March 1, 1919, and to maintain and keep current such records pending the consideration by Congress of the final report and recommendations submitted to it by the said joint commission, under the system established by said joint commission for reporting and recording changes in the personnel and the number and nature of positions in the municipal government, the various executive departments, and other governmental establishments in the District of Columbia, except the navy yard and the Postal Service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. JONES of Washington. Mr. President, as I understand, this is a joint resolution.

Mr. JONES of New Mexico. It is.

Mr. JONES of Washington. I do not think we should act upon a joint resolution on its presentation. I think it ought to be referred to the committee. I know that is the usual rule in the Senate.

Mr. JONES of New Mexico. That unquestionably is the general rule, but the matter is of such a nature that I thought it could be easily understood by the Senate, and that there would be no objection to the passage of the joint resolution, as it is important that it shall be passed promptly, so it can go to the House and be acted upon before the 12th of March next.

Mr. JONES of Washington. I know of no objection to this joint resolution. I do not believe that joint resolutions should be passed without reference to committees; and for that reason I feel constrained to object to the present consideration of the joint resolution at this time.

Mr. JONES of New Mexico. Very well. If the Senator is of that mind, of course, the joint resolution will have to take the proper course.

Mr. JONES of Washington. I suggest that its importance ought to appeal to the committee to act promptly in the matter.

The PRESIDENT pro tempore. To what committee does the Senator from New Mexico desire the joint resolution to be referred?

Mr. JONES of New Mexico. I ask for its reference to the Committee on Civil Service and Retrenchment. I suppose it should go to that committee.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Civil Service and Retrenchment.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $50,000 to establish and maintain a forest experiment station in the State of Florida, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE RECLAMATION SERVICE.

Mr. KING. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 313) was read, as follows:

Resolved, That the Secretary of the Interior is directed to report to the Senate the total number of persons employed in the Interior Department, including the official personnel of said department; the total number of persons employed in the Reclamation Service, classified to show the number of engineers, technical experts, lawyers, supervisors, clerks, and other classes of employees, with a statement of the functions and duties of each class; the number of persons employed in the Reclamation Service in the District of Columbia, the number of persons in such service employed outside the District of Columbia; the number of persons employed at the various separate reclamation projects; the number of such projects, with specification as to the annual expenditure for each project, and the total cost of each project to date; the total expenditures on account of the Reclamation Service to this date with separate statement as to total expenditures for engineering, administration, operations, maintenance, office, and overhead charges, and all other expenditures except those made for actual construction, and a separate statement of expenditures made for actual construction; the number of persons employed by the Reclamation Service separately for each year for the 10 years last past; the number of persons in the other bureaus and divisions of the Interior Department who are employed or are engaged in connection with any part of the work of the Reclamation Service and the annual cost of such service, separately each for the last 10 years;

total revenues received to date by the service from contract for the sale of land and water; and the total amount of outstanding, uncollected contract obligations due the Reclamation Service.

The PRESIDENT pro tempore. The Senator from Utah asks for the immediate consideration of the resolution just read.

The resolution was considered by unanimous consent and agreed to.

AMENDMENT OF THE RULES.

Mr. McLEAN. Mr. President, I submit the following notice of a proposed amendment to the rules, and ask to have it read.

The PRESIDENT pro tempore. The Secretary will read the notice.

The Reading Clerk read as follows:

Mr. McLEAN. I give notice of the following amendment to the Standing Rules of the Senate by adding thereto a new paragraph, as follows:

"6. Every bill and joint resolution which seeks to amend an existing law shall, when offered, definitely state the changes and additions proposed and the law as it will read when amended."

The PRESIDENT pro tempore. The notice will lie over for one day under the rule.

SURPLUS MOTOR-PROPELLED VEHICLES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

Mr. WADSWORTH. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. CHAMBERLAIN conferees on the part of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 21st instant approved and signed the act (S. 3722) to grant the consent of Congress to the Alfords Bridge Co. to construct a bridge across the Savannah River.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT.

Mr. CALDER. Mr. President, I call up the conference report upon the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The PRESIDENT pro tempore. The Senator from New York moves that the Senate proceed to the consideration of the conference report on House bill 6863.

Mr. SMOOT. Will the Senator from New York advise the Senate just what changes were made?

Mr. CALDER. Mr. President, the Senate made four amendments to the House bill. The House conferees receded from their disagreeing vote on three of those amendments. On the fourth amendment, which provides for the appropriation of $5,000 to lay out the city in zones, the conferees recommend that the House recede from its disagreement with an amendment which provides that not more than $5,000 shall be spent for that purpose. So the only difference between us was that one amendment, and in that the House conferees substantially agreed to the Senate amendment.

Mr. SMOOT. I have just gotten a copy of the report, and it states that the House recedes on amendment numbered 1 and agrees to the same with an amendment:

In lieu of the matter proposed by the Senate amendment, insert the following:

"There is hereby authorized for the expenses of said commission, including the employment of expert services and all incidental and contingent expenses, a sum not to exceed $5,000, payable one half out of any money in the United States Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

Mr. CALDER. That is correct.

The PRESIDENT pro tempore. The Chair desires to state that the motion is not debatable at this time. The question is on agreeing to the motion of the Senator from New York [Mr. CALDER].

The motion was agreed to; and the Senate proceeded to consider the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"There is hereby authorized for the expenses of said commission, including the employment of expert services and all incidental and contingent expenses, a sum not to exceed $5,000, payable one half out of any money in the United States Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

And the Senate agree to the same.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,
Managers on the part of the Senate.
CARL E. MAPES,
B. K. FOCHT,
BEN JOHNSON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is upon the adoption of the report.

The report was agreed to.

HON. JOHN D. RYAN.

Mr. MYERS. Mr. President, I have a copy of the majority and minority reports recently made by a select committee of the House of Representatives on expenditures in the War Department. I have given these documents some perusal, such as my time permitted. The majority report seeks by insinuation and innuendo to make some charges against or to cast some reflections upon Hon. John D. Ryan, a distinguished and highly esteemed citizen of Montana, late Assistant Secretary of War. It makes no direct charges of wrongdoing and does not ask that any action be taken as a result of its conclusions. It deals only in vague insinuations.

I do not often refer to political matters or make political comment in this body. I believe I talk politics as little as anyone in the Senate. I said more yesterday along that line than I had said for a long time. But I have examined these reports to some extent, and I am of the opinion that the insinuations against Mr. Ryan made by the majority of the committee are entirely based upon and made from political prejudice and animosity and for political purposes—unworthy motives. I find nothing in the report upon which to condemn Mr. Ryan, no proof or substantiation of any insinuation of wrongdoing. The Secretary of War, Mr. Baker, has announced publicly on a number of occasions that he is thoroughly familiar with all the actions of Mr. Ryan while he was Assistant Secretary of War and also while he was chief of aircraft production for the Army during the late Great War, and has said that there is no blame or censure to be cast upon Mr. Ryan; that he was actuated only by the best of motives and rendered splendid service to his country. I believe the people who know the Secretary of War will credit him with sincerity and knowledge whereof he speaks and will be loath to doubt what he says on the subject or to question the authenticity of his statements.

I know that people who know Mr. Ryan will not believe that he was guilty of any wrongdoing or any wrong intent in any of the transactions referred to in the majority committee report, in which he is sought to be condemned by innuendo. Mr. Ryan is very vigorously defended by the minority report of the committee, which severely condemns the majority report for its loose and baseless charges. I wish to say that Mr. Ryan is a gentleman of the highest standing and well-known probity and established integrity. He rendered conspicuous service to his country in the time of its need, did so unselfishly and patriotically. His friends are legion and their faith in him is not shaken. It will take more than insinuations in a partisan report to shake it.

TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore. The morning business is closed.

Mr. STERLING obtained the floor.

Mr. LODGE. Mr. President, if the Senator from South Dakota will yield to me for a moment——

Mr. STERLING. Certainly.

Mr. LODGE. I desire simply to make a statement. I understood yesterday that the Senator from Nebraska [Mr. HITCH-

COCK] was not to be here to-day, and I assented, therefore, to the Senator from South Dakota bringing up his bill. I also, so far as I have power, gave assent to taking up the dyestuffs bill to-morrow, because that is an emergency measure which ought to pass.

I dislike extremely to have any delay in regard to the treaty. I hope that the bill for the retirement of employees in the classified civil service will be disposed of to-day in some way, and the dyestuffs bill will have to be disposed of to-morrow.

I now give notice that I shall call up the treaty on Thursday, and I shall ask the Senate to continue to consider it until a final disposition is made of it. I shall have to yield for conference reports, of course, but otherwise I shall ask the Senate to continue the consideration of the treaty until some disposition is made of it.

CIVIL-SERVICE RETIREMENT.

Mr. STERLING. I move that the Senate proceed to the consideration of Senate bill 1699, the civil-service retirement bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. STERLING. Mr. President, before proceeding with the amendments which were under discussion when the bill was last being considered, I want to call attention to one or two objections made to the bill.

As Senators will recall, the minimum period of service fixed by the bill before an employee can share in its benefits is 15 years. That period of 15 years may be made up of separate periods of service which in the aggregate will amount to 15 years, as, for example, an employee may have been in the service for a period of 5 years, and then after separation from the service for a period may be reinstated in the service, and the period of first service may be added to the second period of service in order to make up the full period of 15 years, at which time he would be entitled to an annuity under the terms of the act.

It was suggested, I think, by the Senator from Ohio [Mr. POMERENE] in his discussion of the bill, that that would permit an employee to withdraw his funds after a period of service less than 15 years with 4 per cent interest, and immediately then enter the service again, add the first period of service to a second period of service, thus making up the full 15-year period.

But, Mr. President, section 10 of the bill is a complete answer to the objection made by the Senator from Ohio. An employee can not reenter the service after being separated therefrom and share in the benefits of the bill unless he deposits an amount with interest equal to that which he would have drawn out on his separation from the service. I read section 10 of the bill, as follows:

That upon the transfer of any employee from an unclassified to a classified status, or upon the reinstatement of a former employee, credit for past service rendered subsequent to the date this act shall take effect, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in this act as would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service.

So, Mr. President, the employee can not take advantage of the Government at all, but he must, on being reinstated in the service, deposit with the Treasurer of the United States the amount withdrawn, with interest as provided in the act.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. Certainly.

Mr. POMERENE. I did make the statement to which the Senator refers, and at the same time I made the suggestion that if I was right in that behalf I felt sure the Senator would want to correct it. At the time my attention had not been specially called to this section. I think that it does meet the suggestion that I made the other day.

Mr. STERLING. I thank the Senator.

Mr. KING. Will the Senator permit an inquiry?

Mr. STERLING. Certainly.

Mr. KING. A gentleman called my attention a day or two ago to the fact that there are a great many employees in the service who had retired a number of times from the service and then come back into the service. He stated that this constant separation from the service and return to the service interfered with efficiency and was rather disturbing, if not demoralizing, to the service itself.

Does the Senator think that it is a good thing to have men and women separating themselves from the service, coming back into the service, separating and returning without any impediment to their return, and does the Senator think that the bill which is now before us, without penalizing such separations and returns, will not tend to aggravate the evil, if it is an evil, to which my attention was called?

Mr. STERLING. I think not. I think rather than aggravating the evil, the provisions of the bill will tend to mitigate the very evil of which the Senator complains. I am not saying that there is not some foundation for the complaint. I do not know how we might prevent separation from the service and then reinstatement in the service again if the employee is qualified to fill the particular position; but in this case and under the bill if he does reenter the service, having made contributions and having withdrawn those contributions when he separated from the service, he must pay back, with interest, into the Treasury of the United States all that he received when the contributions were returned to him. So it seems to me that this would rather be a deterrent of separation from the service.

Mr. KING. Will the Senator yield further?

Mr. STERLING. Certainly.

Mr. KING. I am not sure that the Senator is right. I have not given the matter sufficient consideration to affirm that the Senator's position is not accurate, but it seems to me that the theory of the civil service is that men and women shall be employed by the Government because of their abilities and their capabilities and that they shall continue in the service because it makes for efficiency. Obviously, it makes for inefficiency in the Government service, if the civil-service theory is predicated upon any facts at all, to have constant separations from the service, with recurring entrance into the service. It does seem to me that if the law does not penalize in some legitimate and proper way these constant separations from the service it ought to be done. It seems to me that in the bill there ought to be some encouragement for men and women to persist in the service if the civil service is right, rather than separate and go out of the service and then return.

I suggest to the Senator that perhaps an amendment might be a good thing to encourage men and women not to separate themselves from the service. Of course, I have not very much confidence, I may say, in the civil service. I think the way it has been administered has not commended itself to a great many people in the United States.

Mr. STERLING. I think section 10 in itself encourages the remaining of the employee in the service. If, when he enters the service again after separation from it, he must before getting credit for his previous term of service put up, with interest, all that he withdrew, certainly that is some encouragement for him to remain in the service.

Mr. KING. This is what I have in mind, if the Senator will yield further——

Mr. STERLING. Certainly.

Mr. KING. Would it not be a good thing to have some provision that separation for a definite period—say five years or more—would be treated as a complete severance from the service, and if they entered again they must come in de novo?

Mr. STERLING. I will say to the Senator that it might be as a general proposition, but I do not believe we can add an amendment to the bill incorporating that feature. I am not denying that as a general proposition that might be a good idea, but I think we would better attempt to reach it by some other bill than this one.

Mr. KING. For information will the Senator advise me whether or not persons returning to the service after having been separated are now placed in any advantageous position over those who may have taken the civil-service examination and are upon the eligible list?

Mr. STERLING. I do not know. I am not advised as to that.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield to the Senator.

Mr. POMERENE. Referring again to the matter which has been in controversy between the Senator from South Dakota and myself, the first part of section 10 bears the construction which the Senator has placed upon it and which I conceded to be right. And since making that statement I have read the proviso beginning with line 16. I read:

Provided, That failure to make such deposit—

That is, after he has been in the service, gone out, and reentered—

Provided, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to the date this act shall become operative and to which he or she would otherwise be entitled.

What is the construction which the Senator places upon that language?

Mr. STERLING. The construction is that if an employee having rendered service prior to the date the act shall become operative, then no deposit shall be required on account of such prior service. The person who had rendered service prior to the date the act becomes operative would be entitled, of course, to count up any number of periods of prior service which would make the 15-year period or the minimum under which he could share in the benefits of the act.

Mr. POMERENE. Let me see if I understand the Senator correctly. Assume that an employee had been in the service for 10 years. After that he has gone out of the service, remains out of it for 10 years, and reenters the service, let us say, to-day. Then under the provisions of the bill he would only have to contribute for a period of 5 years in order to be entitled to the same pension that he would have been entitled to if he had been in the service for 15 consecutive years.

Mr. STERLING. I understand that. He could not have contributed anything to the fund during the 10 years and he could not withdraw anything from the fund for those 10 years.

Mr. POMERENE. Let me give another example. Assume, for the sake of the argument, that he had been in the service for 14 years and then left the service because he felt he could better his condition, and had been out of the service for 10 years and then reenters the service as of to-day. By being in the service for one year from this date forward, he would have to pay his assessment for only the one year, and he would then be entitled to his annuity from this time on.

Mr. STERLING. He would not be entitled to his annuity until his retirement from the service.

Mr. POMERENE. But he is entitled to retire after 15 years' service.

Mr. STERLING. He is entitled to retire, but not to get an annuity. He is entitled to retire and withdraw the contributions he has made. What contribution would he withdraw under the Senator's suggestion?

Mr. POMERENE. Of course, I understand that he must have the right of at his age—in the one class 60 years, another 62, and another 65. Assuming that those conditions are met, then he would have to reenter the service; he would be in the service for one year, and he would then be entitled to the annuity.

Mr. STERLING. He might be entitled to the annuity. Let me say to the Senator that that will apply in any case so far as the annuity is concerned. A man having reached the retirement age will be entitled to the annuity if he has served 15 years.

Mr. POMERENE. If he has been of real service to the Government and he has seen fit for reasons best known to himself—it may be and no doubt would be for his personal financial advantage—to separate himself from the service and then seeks to get back in the service and then only serves one year and is entitled to this annuity, it does seem to me that it is not quite fair to the public.

Mr. STERLING. I regard this proviso, to which the Senator from Ohio calls my attention, as a most reasonable provision. Of course, failure to make deposits for service rendered prior to the time the act becomes operative should not deprive the employee of the benefit of credit for past service rendered.

In the case supposed by the Senator from Ohio, if he has served 14 years prior to the date the act becomes operative, separates himself from the service and then enters again—by the way, it is not simply at his will alone that he reenters, but it must be the head of the department or the bureau or the division who gives consent to his reentrance into the service—and if he serves but one year after reentering the service after the act becomes operative and then withdraws, what does he withdraw? He withdraws the contributions for one year, which if his salary is $1,200 will at 2½ per cent be $30, with interest thereon from the time the contribution was made. So there is no injustice whatever in the proviso to section 10.

Mr. President, in passing I desire to call attention to another objection made by the opposition to the bill. I think both the Senator from Ohio [Mr. POMERENE] and the Senator from Utah [Mr. SMOOT] referred to it. It was an objection, as I understand, made by Mr. Herbert D. Brown, chief of the Bureau of Efficiency, and I will come to that just a little later, but the objection is this, namely, that the higher salaried men are required under the provisions of the bill in paying 2½ per cent of their salaries to pay an unfair and unjust proportion of the amount that goes to make up that which is paid to the annuitants under the bill.

I do not think the objection is tenable for a moment. In the first place, the higher salaried employees are making no complaint; I have heard of none outside of Mr. Brown himself. They are willing, for the good of this cause and in order that a civil-service retirement system may be inaugurated, to contribute, because of their higher salaries, more in proportion than those receiving lower salaries.

In the second place, they are better able to contribute.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. POMERENE. I do not care to interrupt the Senator unless it is entirely with his permission.

Mr. STERLING. I yield to the Senator from Ohio.

Mr. POMERENE. I, of course, realize that the Senator is in the midst of an argument and perhaps I ought not to interrupt him; and if it is at all objectionable, I shall not insist upon doing so.

Mr. STERLING. Certainly, I yield to the Senator. Really, I prefer that we may discuss these matters as we go along, I will say to the Senator from Ohio.

Mr. POMERENE. Mr. President, the Senator from South Dakota is very generous.

I desire to say I have not in any way attempted to canvass the employees who are receiving the larger salaries, but I have been advised that they do object to this plan. When the subject was previously before the Senate, I made the challenge that the committee did not speak for the higher salaried employees, and that they had presented no tangible evidence bearing upon the subject. That was the effect of my statement. I have not heard any answer to that challenge save and except that those who are interested in the advocacy of the bill have made the statement that the higher salaried employees are satisfied with it, that they want to contribute, and so forth. Now, if the Senator from South Dakoa has any evidence upon the subject other than the naked statement of the committee, I should be glad to have it presented.

Mr. STERLING. Mr. President, this is some, at least, of the evidence that I have, namely, that members of the committee of about 35 men who have for years had this matter under consideration for the civil-service employees, not only in the District of Columbia, but in behalf of the civil-service employees of the Government throughout the country, comprise men who are receiving the higher salaries, salaries above $1,200, salaries of $1,800, salaries of $2,000, some of them salaries of $2,500, and I think one, at least, is receiving $3,000. They make no complaint as to this plan; and they profess to speak for the civil-service employees the country over.

Mr. President, I wish also to say that I have presented here petitions of civil-service employees running into the thousands, petitions containing as many as 3,000 signatures, and I am satisfied those petitions contain the names of many men who are receiving $2,000 a year, or more. There has been no complaint anywhere in regard to this plan. I have had letters—I have not them before me—from men who I knew were drawing high salaries, and they are enthusiastically in favor of the bill. As I was saying a while ago, the high-salaried man can afford this contribution better than can the man receiving from $1,000 to $1,200 a year.

In the third place, Mr. President, whenever the higher salaried man separates himself from the service he draws out all that he has contributed, together with interest at 4 per cent per annum compounded. So it has proven a fairly good investment for the larger amount he has contributed.

Again, in case the high-salaried man becomes an annuitant and dies before an annuity is paid to him equal to the amount of the contribution which he has made, with interest, his estate or his legal representatives receive back the difference between the amount of the annuity paid and the contributions he has made. In case he is dismissed from the service the same rule prevails, and he receives his larger contributions with interest. So in these respects, as a matter of investment of his larger amounts in the way of contributions, he is benefited and suffers no loss at all. That is an inducement for him to support the proposition that they shall all stand on an equality so far as contributions are concerned.

Now, Mr. President, I wish to call attention to Mr. Brown's statement in regard to the cost of the system provided for in the pending bill. I am going to put that in contrast with the statement taken from the report of the committee, in which we give the figures of Mr. Beach as to the surplus each year to the Government. According to Mr. Brown, the cost to begin with, and before a year has elapsed, will be $4,585,000; the cost the first year will be $5,026,000. Under a table prepared with some care undoubtedly, but with the intention of having the Senate believe that a great burden will be put upon the Government from the outstart, these figures have been prepared by Mr. Brown.

Now, what are the facts? Under the plan proposed by the bill the surplus the first year to the Government—and that surplus will be in the United States Treasury or in the retire-

ment fund—will be $4,356,500. Do Senators understand how that surplus is reached? It is reached in this way: The contributions of 300,000 employees drawing an average salary of $1,138 are taken and they amount to $8,535,000. Bear in mind that the contributions from the salaries now paid would amount to more than that; I think they would amount easily to $9,000,000. Mr. McCoy has estimated the contributions to be about $9,000,000. Take from the contributions the sum paid out in annuities and the sum paid out in refunds to those who withdraw or separate themselves from the service and there is left a surplus, and, as I have stated, the surplus the first year will be $4,356,500. Mr. Brown then estimates the cost for the second year at $5,548,000.

Mr. POMERENE. Mr. President, before the Senator proceeds further——

The PRESIDING OFFICER. Does the Senator from South Dakota yield further to the Senator from Ohio?

Mr. STERLING. Yes.

Mr. POMERENE. So that there may be no misunderstanding between us as to the facts, of course the money which is used to pay the annuitants, and so forth, is taken out of the contributions which are made by all of the employees?

Mr. STERLING. Yes; and I am coming to that feature of the bill in a moment, if the Senator will bear with me.

Mr. POMERENE. Very well.

Mr. STERLING. For the second year the cost, according to the Brown statement, will be $5,548,000; but the surplus remaining after paying annuities and after paying refunds to those who have separated themselves from the service will be $7,828,500. There will be that surplus in the hands of the Government or in the retirement fund.

For the third year, according to Mr. Brown's statement, the cost to the Government will be $6,193,000; but the surplus to the Government, after deducting from the contributions of the employees the annuities and refunds, will be $10,416,000.

For the fourth year Mr. Brown makes the cost to the Government $6,843,000; but the surplus, arrived at in the way I have already mentioned—and I will not repeat it in each instance—will be $12,119,000.

For the fifth year the cost, according to Mr. Brown, will be $7,553,000, but the surplus will be $12,937,500.

For the sixth year the cost, according to Mr. Brown, will be $8,315,000, but the surplus from which to draw will be $12,757,500.

For the seventh year the cost to the Government, according to Mr. Brown, will be $9,127,000, but the surplus—the surplus diminishes from this point on because of the increasing number of annuities—will be $11,933,000.

Again, for the eighth year the cost, according to the Brown statement, will be $9,933,000; but the surplus will exceed that amount, being $10,644,000.

For the ninth year, $10,820,000 will be the cost, according to Mr. Brown, but the surplus will be $8,710,500.

For the tenth year the cost, according to Mr. Brown, will be $11,707,000, but the surplus will be $6,192,500.

Now, let us go on a couple of years beyond that point. Remember that the contributions under this table, prepared by Mr. Beach, are on a basis of 300,000 employees, drawing an average salary of $1,138. Assuming there will be for the eleventh year 14,000 annuitants—and that is an increase of 500 in the number of annuitants over the number as fixed for the tenth year—14,000 multiplied by $620, the supposed average annuity, will make the amount of the annuities $8,680,000.

Now, let us assume that there are refunds to 20,000 employees who separate themselves from the service, although, according to the estimate of the Senator from Ohio the other day, as furnished him, I understand, by Mr. Brown, that estimate is too high. The claim made by him is that the number of those separating themselves from the service at that time after this law goes into effect will not amount to 20,000; but if that be true, so much the better for the plan we propose. There will be fewer withdrawals. There will not be so many to whom refunds should be made, and the fund will be larger and the surplus will be greater if that is the case. Assuming refunds to 20,000 amounting to $2,745,000, we have $11,425,000. Then deduct from that the annuities and refunds and we still have in the eleventh year a surplus of $3,302,500.

Take the twelfth year, add your surplus and add your contributions from employees during that year, and you have $11,837,500. This time, instead of 14,000 annuitants, take 14,500, increase the number of annuitants by 500 for the twelfth year, and you have $8,990,000. Take the refunds and add them and you have a total in annuities and refunds of $11,735,000. Subtract your $11,735,000 from $11,837,500, the amount of the contributions and the surplus put together, and you have a balance of $102,500.

You will see, Mr. President, that we are in the twelfth year from the time this act goes into effect, and there is still a surplus of $102,500. From then on for some years the Government will have to contribute to make up the annuities that are required, and will contribute until for a period the proportion will be about five-eighths on the part of the Government and three-eighths upon the part of the employees getting the annuities for which the bill provides.

There is no use of trying to camouflage here by holding up to view the tremendous cost of this experiment under the provisions of this bill.

Now, coming to the point alluded to by the Senator from Ohio [Mr. POMERENE] a moment ago. His view is that these funds are put apart as they are contributed, and they are a sacred fund to be kept, each, as it were, by itself, for the employee who contributed it, in order that he may receive it back in the way of an annuity. But, Mr. President, what is there sacred about this? Is it the particular money that he contributes? That is not the sacred and inviolable thing. It is the obligation of the Government as provided for in this bill. The Government is obliged to pay a maximum annuity of $720 per annum to the man who has been 30 or more years in the service, and who had an average basic salary for the 10 years before he retired of $1,200 a year.

I call attention to the provisions of the bill in regard to the fund to be created by these contributions. I read from section 8:

> The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriation for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this act.

The act itself makes the appropriation of all contributions made for the payment of annuities, refunds, and allowances as provided in the act.

Now:

> The Secretary of the Treasury is hereby directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purposes of carrying out the provisions of section 11 of this act.

The act itself is in complete harmony with the table that I have just read and a part of which was prepared by Mr. Beach; so the sacred thing about it is the obligation of the Government to pay these annuities provided for in the bill. All that is not necessary for payment of annuities and refunds, under the terms of the act itself, is to be invested in these interest-bearing securities.

Now, Mr. President, a little further in regard to the cost; and I refer again, as I have had occasion to refer before in this discussion, to the statement of Mr. McCoy. I have made some figures myself from Mr. McCoy's figures. I have made some averages. The attempt has been made by the Senator from Ohio [Mr. POMERENE] and by the Senator from Utah [Mr. SMOOT] to show that the employees apparently will pay but a very small percentage of the annuities which are paid to them upon retirement. As I said before, the Government will never pay more than five-eighths, and I think it is a most fair assumption—not absolutely proven, I will grant, but one of the most fair inferences—that in the course of 20 or 25 years it will be a fifty-fifty proposition between the employees and the Government of the United States. The question, then, comes back to whether the Senate of the United States is in favor of a joint contributory system or whether we shall have a system wholly contributory on the part of the employees, requiring the employees, as they would be required under the provisions of the so-called Pomerene bill, to pay, according to the age of entrance, all the way from 3 to 8 per cent of their salaries, the man entering the service at the end of 20 years paying about 3 per cent of his salary, the man who enters at 40 paying about 8 per cent, and the ages between 20 and 40 varying all the way from 3 to 8 per cent.

Take the salary of $1,200 now, Mr. President. With times as they are and the cost of living as it is, what does it mean to the employee, even if he be a single man? But, more, what does it mean to him as the head of a family who is required to pay practically $100 a year out of his salary of $1,200?

Mr. President, we must get away from the idea of the wholly contributory plan. It is obsolete to-day, and all countries con-

sidering a retirement system at all are considering it from the standpoint of cooperation and about equal contributions between the Government and its civil-service employees.

But now I refer again, in order that we may know a little bit more about the cost to the Government, to Mr. McCoy's tables. I have had occasion heretofore to refer to who Mr. McCoy is. He is the trusted Government actuary, having been in the Treasury Department of the Government for a great many years, the actuary upon whom the Senator from Ohio has relied; upon whom the Senator from Utah, as a member of the Finance Committee, especially has relied for his statistics and for his data furnished on revenue bills and tariff bills before the Senate.

I briefly called attention to this table of Mr. McCoy's the other day, but I am fully resolved in the consideration of this bill that the Senate shall know the facts from which just conclusions may be derived. In this table Mr. McCoy considers how much will be contributed by the Government and the employee, respectively, under different salaries, and after having served a certain specified number of years. He takes a $1,200 salary, he takes a $1,800 salary, he takes a $2,000 salary, and he takes a $2,500 salary.

What will be the contribution of the Government and what will be the contribution of the employee, first of the man who has served 44 years? Mr. President, there are hundreds and hundreds of them in the civil service here in the city of Washington who have served 44 years and more. Some, of course, have served 50 years, and I think some 60 years. They ought to have been retired long ago, and they ought to have had the benefits of a retirement system, too, long ago.

Mr. JONES of Washington. Mr. President, I know one man who has served for over 70 years.

Mr. STERLING. I do not doubt that.

Mr. JONES of Washington. He has served for 74 or 75 years.

Mr. SMOOT. And he is a good man yet.

Mr. JONES of Washington. Yes; he is a good man yet.

Mr. STERLING. Mr. President, the man who enters at 21 years and goes out at 65 years will have served 44 years, and 65 is fixed in the bill as the retirement age for the general employee. If he has served 44 years on a $1,200 salary, the employee will have contributed $3,462.38 and the Government $2,179.19. This shows, rather, what a 2½ per cent deduction from the salary will amount to when the age of 65 is reached, money at 4 per cent reinvested annually; also the amount needed to be contributed by the Government to pay the indicated annuities. What is the per cent in the instance I have just cited of a man who drew a $1,200 salary and served 44 years? The Government will contribute 38 per cent of his annuity, and he will get an annuity of $720, of course the maximum annuity.

Take the man who has served 40 years. The Government will contribute a little less than the employee there. The employee will contribute $2,850.77 and the Government $2,790.80, or the Government will contribute 49 per cent; and the annuity paid will be an annuity of $720, the maximum annuity.

The man who has served 35 years will get the maximum annuity. He will contribute $2,209.77 and the Government $3,432.61, or 61 per cent will be contributed by the Government under those conditions.

Take the man who has served 27 years. He will get a maximum annuity of $648, because he does not come within the class, having served only 27 years, who can under the provisions of this bill get an annuity of over $648. The Government in that case will contribute 72 per cent, without reading the amounts of the several contributions of the Government and the employee.

Take the service of 24 years, with an annuity of $576, the greatest a man serving that long can get. The Government will contribute 74 per cent in that case. But if he serves 21 years, with an annuity of $504, the Government will contribute 75 per cent. If he serves 18 years the Government will contribute 77 per cent. If he serves 15 years the Government will contribute 79 per cent. That is all based, it is understood, I hope, on a salary of $1,200.

What is the average? Sixty-six and one-ninth per cent will be the average contribution made by the Government to the men getting $1,200 having served for those successive periods of time.

Take the $1,800 salary, Mr. President, and the contributions are, of course, greater. Eighteen hundred dollars at 2½ per cent will, of course, yield more than $1,200 at 2½ per cent. Take the same period of service, a service by the man getting $1,800 a year of 44 years. The Government pays 8 per cent in paying his annuity. He has contributed 92 per cent himself. In the case of the man who has served 40 years the Government pays 24 per cent in order to make his annuity, and without reading all these I go to the one who has served 15 years only, drawing an $1,800 salary, and in that case, having served but for that length of time, the Government pays 68 per cent. But what is the average for the periods, respectively, of 44 years' service, 40 years, 35 years, 30 years, 27 years, 24 years, 21 years, 18 years, and 15 years? The average is 49⅞ per cent for the Government, a little less than 50 per cent, to the men who are getting an $1,800 salary.

Mr. President, I want to call attention to one thing in this connection. Those opposed to the bill have talked again and again about what the railway postal clerks will contribute and what it will cost the Government in paying annuities to railway postal clerks. Why do they make that prominent? For the simple reason, Mr. President, that under the terms of the bill the railway postal clerk may retire at the age of 60 years, and so, having served the Government for correspondingly less time, the Government will have to contribute more in the payment of annuities. That is the foundation for that argument.

But, Mr. President, though they take this for the purpose of putting to the front and foremost the thing that would tend to create a prejudice against the bill, what are the facts? The facts are that the railway postal clerks to-day are getting an average salary of $1,793, and the boy who enters the Railway Postal Service at 20 years and serves until he is 60 years of age will have served 40 years, and the Government in his case will be paying but 24 per cent of the cost of his annuity. One further thing about it, Mr. President, is that railway postal clerks comprise a comparatively small number of employees, there being about 21,000 men engaged in the Railway Postal Service, while there are more than 300,000, I suppose nearly 400,000, to-day in the civil service of the Government. Figures have been made largely on a basis of 300,000 employees.

Take the $2,000 salary. The amounts contributed are given in figures, but I am going to read only the percentages, Mr. President. Where a man is getting $2,000 a year salary and serves 44 years he will have paid in in his contributions to the Government $129.06 more than the amount of his annuity. When he has served 40 years the Government will pay but 16 per cent. When he has served 35 years, the Government will pay 35 per cent. When he has served 30 years, the Government will pay 50 per cent. When he has served 15 years only, the Government will pay 64 per cent. But what is the average, Mr. President? Take the men with $2,000 salaries who have served for these various periods—44 years, 40 years, 35 years, 30 years, 27 years, 24 years, 21 years, 18 years, 15 years—and the average that the Government will have to pay is 44 per cent minus, less by 6 per cent than a fifty-fifty proposition for the employees getting $2,000.

Take the $2,500 salary, and, of course, there are several thousand who are getting that. The man who has served 44 years will have contributed $1,571.71 more than the annuity will amount to for the rest of his life. Take the man who has served 40 years, and he will have paid $297.52 more than the Government pays him in annuities.

Take the man who has served 35 years; the Government will pay 18 per cent of the man's annuity. In the case of the man who has served 30 years, it will pay 38 per cent. Where a man has served 27 years, it will pay 42 per cent; where he has served 15 years, it will pay 57 per cent. But what is the average, Mr. President? Thirty-three and six-ninths per cent is the proportion of the annuities that will be paid by the Government to those who are getting, according to this table, $2,500 a year.

Now, let us find the grand average of them all. Take the man who has served for these various periods for a salary of $1,200, the men who have served these various periods for a salary of $1,800, for a salary of $2,000, for a salary of $2,500, and what do we find is the grand average of the Government contributions? Adding them together, and dividing them by four, there being these four different salaries provided for, you have 48⅞ per cent as the amount which the Government will pay on that basis.

Mr. President, I wish there were present the men who are to determine this question and to decide it. I think if they knew the facts, knew these figures as presented by Mr. McCoy, the Government actuary, and could consider the figures themselves, and the just inferences derived from them, there could be no hesitation about the merits and the justice of this bill.

Mr. President, I want to call attention to another matter or two, and first to a statement made by Mr. McCoy himself. He says:

> As before stated, the 30,000 employees, the maximum that will probably ever be upon the retired list at any one time, are the only employees aided by the Government, the remaining employees—those dying and those leaving the service for any other cause—receiving upon such separation only the amount contributed by them together with the moderate interest thereon. For this reason it would seem futile to complicate the analysis of this scheme by attempting any analysis beyond that of the annuitants themselves.

Now note this statement:

While the plan will eventually cost the Government some $9,000,000 a year, it is very evident that the efficiency of the service will be increased at least 5 per cent.

Which is equivalent to over $18,000,000 a year.

We do not quite agree with Mr. McCoy that it is going to cost the Government eventually $9,000,000 a year, but, granting that it does, if $9,000,000 cost will save us $18,000,000 a year in efficiency I would like to know in the name of common sense if it is not a good investment and had not the Government better make the investment of $9,000,000 in order to have efficiency equivalent to $18,000,000 a year?

There has been some question about the age of retirement. Sixty-five years is the retirement age for general employees provided now or, if not in terms provided for, striven for by every country in the world except France, where the retirement age is 60 and 55, 55 for those who are said to be in active service—I do not just now recall the French term employed—and 60 years for those doing sedentary work, as it is called. England, while not fixing arbitrarily 65 years as the age of retirement, or not absolutely compelling retirement at that age, provides in her plan an inducement of the strongest character for the employees to retire at the age of 65 years. Indeed, it is a well-devised scheme for the purpose of enforcing retirement at that age.

During the discussion I thought I discovered an attempt on the part of Senators opposing the bill to convey the idea that 65 years for general employees was the age at which they must retire, but that is not true under the provisions of the bill. Under the provisions of the bill for the first 10 years after the bill goes into effect the employee, having reached the age of 65 years and still being efficient and being certified by the head of the department, bureau, or division as efficient, may be continued in the service for a period of 2 years longer, and at the expiration of that 2 years may be continued in the service, if he is still efficient and is so certified, for another period of 2 years, and so on up until, under the terms of the bill, 10 years have expired. After that period the employee can have no more than two extensions of time of two years each. So that after the act has been in effect for 10 years an employee may be continued in the service until he is 69 years of age. After a man has reached the age of 65—not every man, of course; it depends upon constitution, physical and mental equipment as well—he perhaps begins to show inefficiency. It is for cases of that kind that we fix the age at 65 years.

I refer to a book entitled "Retirement of Superannuated Civil Service Employees," 1912. I think this was prepared by Mr. Brown. He shows in a table on page 40 of the book the unearned per cent of salary paid according to the ages of the employees, and the unearned per cent, of course, measures the inefficiency of the employee.

At 65 years of age Mr. Brown, according to this table, fixes the unearned per cent at 6.54; at 66 years of age, 7.28; and at 69 years of age, 12.10 per cent of unearned salary. That is greater than Mr. McCoy fixes as the per cent of efficiency that will be saved, which he says is 5 per cent at least, making $18,000,000 saved by the Government every year.

Mr. KING. Will the Senator permit an inquiry on the point under discussion?

Mr. STERLING. Certainly.

Mr. KING. Does the Senator know whether in this country or in other countries there has been any critical examination with a view to determining the rate of inefficiency as men progressively increase in age? Of course, Osler's theory was that as soon as a man reached 60 years, as I recall, he ought to be retired and chloroformed.

Mr. JONES of Washington. He denied that.

Mr. KING. I remember that it was jocular, but it was given great currency.

The point I am trying to get at is whether there is anything upon which Mr. Brown or any other statistician based his calculation that there is a peak in a man's efficiency, and as he advances in age beyond that period of his life inefficiency manifests itself, and is there any basis for determining the increase in inefficiency with increase in years?

Mr. STERLING. I will say to the Senator that I do not know upon what Mr. Brown bases the table, but it is a table giving the ages from the period at which I began on down to 85 years and over, and showing the per cent of unearned salary in each case.

Mr. KING. If the Senator will pardon me, what does he mean by unearned salary?

Mr. STERLING. Unearned percentage. The table is entitled, "Table 7, showing the number of employees in the classified civil service in the District of Columbia, distributed according to age, the total salaries paid, total salaries earned, the per cent of salary earned, and per cent of salary not earned." So I think this is the very kind of a table that the Senator is inquiring about, although, as I said, I do not know Mr. Brown's basis for it.

Mr. KING. I was wondering if there had been the institution of any system in the departments of measuring the efficiency of employees, and, of course, in determining their efficiency necessarily they would determine their inefficiency. I was wondering if that system, if one were employed, examined the period of inefficiency and when the peak of efficiency was reached and when the decline began to manifest itself.

Mr. STERLING. I have seen no such table. This table, however, I think is very instructive along the line about which the Senator inquires.

Mr. JONES of Washington. Mr. President——

Mr. STERLING. I yield to the Senator from Washington.

Mr. JONES of Washington. How can we tell what weight to attach to the tables if we do not know the basis upon which they are formed or made?

Mr. STERLING. I have not read enough of this volume to be able quite to say that there is no statement made as to the basis on which the table is made, but I doubt very much from my reading whether there is. It may have been made by Mr. Herbert D. Brown upon practical tests and experience, taking men of different ages and following them in their work and noting what they did with the work assigned to them, and from that judging as to the percentage of salary earned.

Mr. JONES of Washington. Of course, he would have to follow pretty closely with reference to the work which they did and the efficiency they manifested in doing it. I think everybody knows that a man working along certain lines on a certain character of work becomes much more efficient in that line of work than anyone can become without the actual experience. So a man 65 years of age doing a certain kind of work would be far more efficient in doing that work at that age than he was when he started in it. I wonder how much of that he has taken into account in fixing these tables.

Mr. STERLING. Whether or not that is an element considered, I am unable to state from the context of the book.

Mr. JONES of Washington. The tables certainly would not be entitled to very much weight unless something of that kind is taken into account.

Mr. STERLING. I am making due allowance for it, I will say to the Senator. I am quite ready to compare that with the statement made by Mr. McCoy in which he said there would be 5 per cent of efficiency saved anyhow, making a saving to the Government of $18,000,000, whereas Mr. Brown puts the inefficiency, gauging it by the unearned salary of a man 65 years of age, at 6 per cent and a fraction.

Mr. JONES of Washington. I do not understand how he reaches the determination of the amount of unearned salary, because if a man by training, experience, and so forth, has more efficiency than he had when he started in he is earning more than his salary.

Mr. KING. Will the Senator permit a suggestion right here?

Mr. STERLING. Certainly.

Mr. KING. Soon after the war, as the Senator will recall, in many of the business houses in the United States and in many of the manufacturing plants there was a shortage of labor because of the draft and the large number of young men who went to the war. The Senator will recall that a great many men who had retired and a great many who had been severed from their former positions because of their supposed advanced years were drafted back into service. I have seen many statements—I do not vouch for them—that those old men, so called, rendered more efficient service or as efficient service as the younger men, and many of their employers compared very favorably their work and said that they preferred the older men, because they were more stable than the younger men.

I make no comment upon the statements, but I have seen many of them, and I was wondering whether Mr. Brown, or whoever had made these tables, had taken into account the testimonials that have come from the sources to which I have just referred.

Mr. STERLING. Let us see. Take this in connection with the statement I made a while ago in regard to the situation in every other country in the world that has a retirement system, where 65 years of age is fixed generally as the retiring age. I stated that in Great Britain it was not absolutely compulsory, and yet the law itself makes it almost compulsory for the employee to retire at the age of 65; and in France the retiring age is 60 and 55, according to the nature of the employment. Then take the bill and realize the latitude it allows. For 10 years after the bill goes into effect when an employee reaches the re-

tiring age his services may be extended indefinitely, and after that time his period of active service may be extended for two successive periods of two years each, making 69 years of age before the employee must retire from the Government service.

I think, on the whole, Mr. President, it can not but be for the benefit of the service. It is in the interest of efficiency. It is also in the interest of the morale of the service that on retirement at a proper age of the older employees there may be afforded to the younger men and women in the service opportunity for advancement.

I wish to call attention in connection with the subject of retirement age to a little testimony before the committee at its hearings. I quote from the testimony of Mr. Saltzgaber, the Commissioner of Pensions:

The CHAIRMAN. How many employees, all told, have you in the Pension Bureau?

Mr. SALTZGABER. The present roll, I think, is 878. I will tell you that exactly in a moment. [After consulting memorandum.] Yes, sir; it is 878 actually serving. I would say that of that number 29 employees are over 80 years of age. Eighty-two are between 75 and 79; 104 are 74 years of age; 88 are between 65 and 69. That makes a total of 303 who are over 65 years of age.

Senator BALL. What is the total number that you have employed?

Mr. SALTZGABER. Eight hundred and seventy-eight. That makes about 37 per cent that are really inefficient. Of that number I believe they have figured that exactly 295 would be eligible for pension.

Under the statute, 3890, section 4, we are required to report every year the number below "fair," and last year we reported 23. Really, there are more than that number.

Those 23 below "fair," Mr. President, were not dismissed from the service, nor are any of them dismissed from the service. Let their inefficiency be 5 per cent or 100 per cent, they are still retained in the service on the rolls and drawing, in so far as they are inefficient and unable to earn the salary, a pension, the pension being measured by the difference between salary earned and salary actually paid. The testimony continues:

The CHAIRMAN. That is, below "fair" in efficiency?

Mr. SALTZGABER. Yes, sir. But we were never required to do anything with them, no matter how poor and inefficient they may be, so that they are still continuing on the roll. There are 50, I would say, whose services are of no use, practically. We have them engaged in some light work, but the Government as an employer would say that their service was not of value.

Senator BALL. Are they accurate in the work they do?

Mr. SALTZGABER. The work we confide to their care, of course, we are very careful about. There are 150 of the total number that are of little use. That is to say, if this law was adopted they would be eligible to receive the benefits of it, and it would be in the interests of the Government to see that such provision was made, and instead of paying them the salaries they now receive they would be paid a much less amount under the retirement law.

That condition exists not in the Pension Bureau alone, Mr. President—although we may take it that, in the very nature of the case, there are more aged employees there in proportion to the whole number employed than there are in other bureaus or departments of the Govenment—but every department and every bureau has them. I could refer here to the testimony of the chief clerk of the Treasury Department showing how the work of that department is hindered by inefficient servants whom charity and human sympathy keep on the roll at full pay.

Mr. President, I do not think I have anything further to say, except this: I am satisfied, after the fullest study of this bill and the different measures that have been proposed, the wholly contributory plan and the partial or joint contributory plan, that this is the one plan that is just, and that the plan which would compel the employee to contribute all the way from 3 to 8 per cent of his salary, the Government contributing nothing, is in these times especially and under these conditions unjust.

Mr. President, this further is to be said: Great industries, employing thousands of employees, recognizing, as they do, the rights of the employees who have spent years in the service, themselves have adopted the cooperative or joint contributory plan, requiring a contribution on the part of the employees of about the same per cent—and I cite as one specific example the Grand Trunk Railway—as is required of the employees under the pending bill. So other countries are getting away from the wholly contributory plan on the part of the employees. Canada is now evolving a plan which it is contemplated will be a partially contributory plan, the Government contributing about half and the employees the remainder.

I suggest an amendment, Mr. President, which I intend to offer at the proper time, and which will put this system to a test. I have every confidence in it, and my confidence is expressed by the amendment which has been printed and which has been placed on the desk of every Senator. That amendment provides:

That the Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendation of the board of actuaries. It shall be the duty of the board of actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following the passage of this act and at intervals of every five years thereafter, or oftener if deemed necessary by the Commissioner of Pensions. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions, with the approval of the Secretary of the Interior.

That shows my desire that this matter should be tested to the limit. By this amendment, if adopted, any doubts or any fears or misgivings entertained on the part of any Senator should be dissipated. The Government and the public will be safeguarded by such an amendment.

Mr. President, since there is such urgent demand for a civil-service retirement system, since we are the only great country in all the world that makes no provision in the interest of the aged employees in the civil service of the Government, since it means such a saving in efficiency of $18,000,000 a year on an investment, according to the highest estimate, of $9,000,000, and that some time in the distant future—why not at once enact this bill into law?

Mr. President, I send to the desk a communication received yesterday from Mr. W. M. Thomas, of the Commission on Pensions of the State of New York. I ask that it may be read and incorporated in the RECORD at the close of my remarks.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF NEW YORK,
COMMISSION ON PENSIONS,
Albany, February 20, 1920.

Hon. THOMAS STERLING,
United States Senate, Washington, D. C.

DEAR SIR: Permit me to thank you for sending me a copy of your bill for the retirement of employees in the United States classified civil service, together with report of your committee and hearing held on the bill.

The bill which our commission is working on proceeds along the same general lines as your bill, but will provide for a larger percentage of contribution from the employees of the State and a consequent larger retirement allowance.

Yours, very truly,

W. M. THOMAS.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. KIRBY. Mr. President, I should like to ask the chairman of the committee if he has proposed the amendment just referred to by him for adoption now?

Mr. STERLING. I have not; but I intend to offer it when the other amendments have been disposed of.

Mr. McKELLAR. Mr. President, just a word or two. There is certainly a very great misunderstanding upon the part of many Senators with reference to this bill. It is very natural that some of them should have such a misunderstanding, because there have been offered here some very misleading figures. An expert mind for figures can prove almost anything, but the figures which have been submitted here in opposition to this bill are not accurate. If Senators will bear in mind merely a general statement, it will be easy enough to see that this bill is right. For at least 10 years, and probably for a considerably longer time, this bill, if enacted into law, will not cost the United States Government a cent. Under the terms of the bill, in a general way, the Government pays 2½ per cent and the employees pay 2½ per cent. Now, the fund that comes from the employees alone is sufficient to pay all of the retirement charges or pay for many years, and it will be at least 10 and probably nearly 15 years before the Government has to contribute anything at all. At the end of 25 or 30 years the figures will reach the point where the Government will pay one half of the retirement pay and the employees the other half.

That is what this bill means, and it means nothing else. Already enough has been said to show that it is a system that ought to be put into force, but certain Senators draw back because of the ultimate expense of the plan. Why, instead of its being ultimately an expense, it is going to be an absolute saving to the Government all along the line, and the figures are perfectly plain. There are 6,400 of these superannuated employees that are drawing not $610 on an average, but they are drawing three times that amount on an average. There are 6,400 of these employees that are now drawing full pay from the Government for substantially no work, and the Government will save by taking them off the pay rolls, by a very simple calculation, $1,200 each, and there are 6,400 of them, amounting to $7,680,000 a year. Now, that must be taken into consideration in any matter of efficiency of the Government, and I say that the bill ought to pass. There is no reason in the world why it should not pass. I am perfectly willing to agree to the

amendment that has been offered here by the chairman of the committee, which guarantees that it will work out, and if not the Congress will change it, and it should be changed if it does not work out; but my faith in it is absolute.

Who is fighting the bill? The principal fight that is being made on the bill is by a Mr. Brown, the Chief of the Bureau of Efficiency. Mr. Brown for quite a while was very strong for the half-and-half plan; but he was not able to undertake to give the figures himself, and he sent his assistant, Dr. Maddrill, to give the figures, and Dr. Maddrill furnished the figures and was very successful with them, and then, for some reason, Mr. Brown took the other side, and furnished all the figures that have been submitted here in opposition to this bill. He and the chairman of the Civil Service Reform League, of New York City, have been acting together in the matter, and those two gentlemen have furnished a series of figures in the attempt to defeat this bill. It is an unrighteous cause in which they are engaged. This bill, if enacted into law, will mean a saving of money to the Government. It will be furnishing a proper retirement system if we pass this bill. There is no civilized nation in the world except the United States to-day that is without one, and we ought not to be without one. It is unfair and unjust to the employees, it is unfair and unjust to the Government itself, to keep these old and decrepit men and women on the rolls. They ought not to be there, and, to my mind, to keep them there is enough to bring this body into disrepute among the people of the land.

A year and a half ago, or about a year and a half ago, this bill was before the Senate as its unfinished business for more than 40 days, as I remember, and a filibuster was carried on by distinguished Senators here against the bill, not for days but for months, and we have it repeated this session, and it is because, as I believe, they do not know anything about the bill. Instead of taking the figures of some man who is opposed to it, and who is fighting it for reasons that I do not know of, and apparently no one else knows why he is fighting it, if they will go and examine it themselves calmly, the very gentlemen on the floor who are fighting this bill will change their views about it. It is impossible for a man to make an honest, unbiased inquiry into it himself and not come to the conclusion that a bill along this plan is right.

Some say we ought to discharge these superannuated employees. Ask the Senator from Virginia [Mr. GLASS], who was formerly the great head of the Treasury Department, whether they ought to be discharged. Ask Secretary Houston and any other head of a department whether they ought to be discharged. There is not a man who makes that argument who, if he were the head of a department, would be willing to discharge one of them; and if he did discharge him or her, it would be a matter of such inhumanity that it would be brought before this body at once. We know that they can not be discharged. After keeping them in the service of the Government all their lives, when they get old and decrepit, no humane man is going to discharge them and turn them out to graze, as if they were horses, in their old age. We have got to deal with facts as they are and not as we would like to have them; and so the retirement system has been found to be good, not only by all the civilized nations of the world, but by all the corporations in the country that are successful, and ordinarily the corporations pay the retirement pay entirely. We do not ask the Government to pay all the bill in this legislation. We simply ask the Government to pay half of it, and under the terms of this bill the Government will not have to pay out a cent for at least 12 years.

Mr. President, I think the bill ought to pass. This filibuster went on for two months in the last Congress, and it has been going on for about a month now. I will ask the chairman of the committee if it has not been before the Senate for about a month now? It has been before the Senate for several weeks, at any rate.

Mr. STERLING. About three weeks.

Mr. McKELLAR. There is a filibuster going on here now over it, Senators riding and tying, so to speak, and filibustering against this bill. Why not let us come to a vote on it? There is nothing unusual or improper about voting upon a measure when everybody certainly wants to have it disposed of. We want to do other things besides having a retirement bill here all the time. I say we ought to come to a vote and let Senators vote their honest convictions, and if this bill is not right vote it down, and if it is right pass it. I think it is right and ought to be passed, and I beg the Senators who are opposing this bill to let it come to a vote, and let us see how Senators are going to vote on it.

But it has been charged that there is a lobby here fighting for the passage of the bill, and that men interested in it are undertaking to get it passed. They are doing a most laudable work, a most praiseworthy work, in seeking to have these superannuated colleagues of theirs given an opportunity to be retired when they are no longer able to perform the duties of their several offices, but I want to say that that lobby is not confined to those who are in favor of the bill. Mr. Brown, of the Bureau of Efficiency, has been a most assiduous lobbyist here, furnishing the figures almost day by day. Whenever this bill comes up we see him around the lobbies here undertaking to aid in this filibuster that is going on against the bill.

I do not propose to be charged with having influences brought to bear on Senators favoring this bill here unless all the facts are brought before the Senate and before the country. I think we ought to have a vote on this bill. It is a reflection upon this body to have it before it as the unfinished business continually.

Mr. MYERS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gay	Kenyon	Phipps
Ball	Glass	Keyes	Pomerene
Brandegee	Gore	King	Ransdell
Capper	Gronna	Kirby	Reed
Chamberlain	Hale	Lodge	Sheppard
Colt	Harris	McKellar	Simmons
Culberson	Harrison	McNary	Smith, Ga.
Cummins	Henderson	Myers	Smoot
Dial	Hitchcock	Nelson	Sterling
Dillingham	Johnson, S. Dak.	Norris	Trammell
Elkins	Jones, N. Mex.	Nugent	Wadsworth
Fernald	Jones, Wash.	Overman	Walsh, Mont.
Fletcher	Kellogg	Page	Wolcott
France	Kendrick	Phelan	

Mr. GRONNA. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness. I ask that this announcement may stand for the day.

Mr. SMOOT. I wish to announce the absence of the Senator from Wyoming [Mr. WARREN] and the Senator from Kansas [Mr. CURTIS], who are in attendance at a meeting of the Committee on Appropriations.

Mr. McKELLAR. The Senator from Alabama [Mr. UNDERWOOD], the Senator from Nevada [Mr. PITTMAN], the Senator from Kentucky [Mr. BECKHAM], and the Senator from Arkansas [Mr. ROBINSON] are absent on official business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to the roll call. There is a quorum present.

The Chair is advised that the pending question is the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. McKELLAR. Let it be read.

Mr. SMOOT. I thought the pending question was the motion made by the Senator from Ohio [Mr. POMERENE] to recommit the bill.

The PRESIDENT pro tempore. The present occupant of the chair was not present at the time and can only be guided by the record.

Mr. POMERENE. I think I can refresh the memory of the Senate. On February 13 there was pending a motion by the junior Senator from Utah [Mr. KING], which related to a committee amendment, as I now recall, on page 2848 of the RECORD, in the course of a colloquy between the Senator from South Dakota [Mr. STERLING] and myself, I said:

> However, I am going to interpose at this moment a motion to recommit the bill, with all amendments which have been proposed, and the report of the committee itself, for further hearings, investigations, and report.

The PRESIDENT pro tempore. From the RECORD, therefore, the pending question is the motion to recommit.

Mr. SMOOT. Mr. President, I am not going to take any more time of the Senate at this hour. I am perfectly willing that the Senate shall vote now upon the recommittal of the bill.

Mr. STERLING. Mr. President, if the Senator will permit me, I would like to make a parliamentary inquiry. I did not understand just what was said a moment ago. What is the pending question? Is it the amendment offered by the Senator from Utah [Mr. KING] or is it the motion to recommit?

The PRESIDENT pro tempore. Upon the record, the amendment offered by the Senator from Utah was the pending question; and during its pendency, the Senator from Ohio [Mr. POMERENE] moved to recommit, and the Chair is of the opinion that the motion of the Senator from Ohio must be first put.

Mr. SMOOT. I will say to the Senator from South Dakota I was just stating that I did intend to continue my remarks in explanation of the bill; but as the motion of the Senator

from Ohio is the pending question, I am perfectly willing that the Senate shall take a vote upon it now.

Mr. STERLING. Mr. President, I simply wish to say that I hope the motion of the Senator from Ohio to recommit the bill will not prevail. I have already spoken at length this morning or I would go more into detail. I do not want to repeat what I have already said on the merits of the bill, but if the bill is recommitted to the Committee on Civil Service and Retrenchment, I am satisfied that no very different result would be reached. The bill in its essential features as it is now before the Senate would be rereported by a majority of that committee. I trust that the bill may remain here in the Senate now until it is finally disposed of one way or the other.

Mr. SMOOT. Mr. President, I feel as if the statement just made by the Senator requires an answer; but I am not going into detail. I will simply say if the bill is recommitted to the committee there will be a bill reported out from the committee, in my opinion, and these unforeseen errors in the bill—and there are some very vital ones that have appeared and been shown during this discussion—will be eliminated. I am in favor of legislation for the retirement of civil-service employees. If the bill goes back to the committee, I say to the Senator from South Dakota that I am going to take time to attend the meetings of the committee and see if we can not get a bill that will be absolutely satisfactory. I hope the bill will be recommitted.

Mr. STERLING. Mr. President, I know the dividing line between the view of the Senator from Utah and my view, and between the view of the Senator from Ohio and my view. The one is the wholly contributory plan; the other is the joint-contributory plan. The bill provides a joint-contributory plan, and a majority of the Committee on Civil Service and Retrenchment will not report in favor of a bill providing that the employees of the Government shall contribute all that goes to make up the annuities.

Mr. SMOOT. Mr. President, the Senator is mistaken when he says that that is the position of the Senator from Ohio or of myself. The Senator from Ohio [Mr. POMERENE], the Senator from Iowa [Mr. CUMMINS], and the Senator from Utah have always believed in a contributory plan, not to have the employees pay it all. I have not heard a Senator take that position, and I am not going to take that position to-day, nor will I take that position. I did say, however, that rather than have the rates in the pending bill put into force, claiming that it was a half-and-half proposition, I would prefer that the Government should pay every cent of it; and, Mr. President, I would very much prefer that the Government should pay the whole of it and that the employees pay none. It would take a long time to go into the details of it, and I have promised that I would not do it.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Ohio [Mr. POMERENE] to recommit the bill to the Committee on Civil Service and Retrenchment.

Mr. SMOOT and Mr. MCKELLAR asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when Mr. EDGE's name was called). I desire to announce also the unavoidable absence of my colleague [Mr. EDGE], on account of illness in his family. He is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent, on account of the illness of his wife, and, as I have a pair with that Senator, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. NEWBERRY] to the Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to announce that my colleague [Mr. SMITH of South Carolina] is detained by illness. He has a general pair with the Senator from South Dakota [Mr. STERLING]. If present and permitted to vote, my colleague would vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a pair with the junior Senator from Ohio [Mr. HARDING]. I transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness, to the senior Senator from Arizona [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. GLASS (after having voted in the negative). I note the absence from the Chamber of the senior Senator from Illinois [Mr. SHERMAN], with whom I have a general pair. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence, I withhold my vote.

Mr. HENDERSON (after having voted in the negative). I voted, not knowing that my pair, the junior Senator from Illinois [Mr. MCCORMICK], is not in the Chamber. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. GAY. I have a general pair with the Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. OVERMAN (after having voted in the affirmative). I observe the absence of my pair, the Senator from Wyoming [Mr. WARREN], but I understand he would vote as I did, and therefore I will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Indiana [Mr. NEW] with the Senator from Kentucky [Mr. STANLEY]; and

The Senator from Oklahoma [Mr. OWEN] with the Senator from New Jersey [Mr. EDGE].

The result was announced—yeas 29, nays 36, as follows:

YEAS—29.

Ashurst	Gore	Myers	Simmons
Beckham	Harris	Nelson	Smith, Ga.
Brandegee	Harrison	Norris	Smoot
Culberson	Hitchcock	Overman	Trammell
Cummins	Johnson, S. Dak.	Page	Underwood
Dial	Kellogg	Pomerene	
Dillingham	King	Ransdell	
Fletcher	Lodge	Reed	

NAYS—36.

Ball	Gay	Kirby	Spencer
Calder	Glass	McKellar	Sterling
Capper	Gronna	McLean	Sutherland
Colt	Hale	McNary	Townsend
Curtis	Henderson	Nugent	Wadsworth
Elkins	Jones, N. Mex.	Phelan	Walsh, Mont.
Fernald	Kendrick	Phipps	Watson
France	Kenyon	Pittman	Williams
Frelinghuysen	Keyes	Sheppard	Wolcott

NOT VOTING—31.

Bankhead	Jones, Wash.	Newberry	Smith, Md.
Borah	Knox	Owen	Smith, S. C.
Chamberlain	La Follette	Penrose	Stanley
Edge	Lenroot	Poindexter	Swanson
Fall	McCormick	Robinson	Thomas
Gerry	McCumber	Sherman	Walsh, Mass.
Harding	Moses	Shields	Warren
Johnson, Calif.	New	Smith, Ariz.	

So the Senate refused to recommit the bill to the Committee on Civil Service and Retrenchment.

The PRESIDENT pro tempore. The pending question is upon the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee, which will be stated.

The ASSISTANT SECRETARY. In the proposed amendment of the committee, at the top of page 2, the Senator from Utah [Mr. KING] proposes an amendment in two parts, first to strike out the words "American employees of the Panama Canal above the grade of laborer," and, second, to strike out of the same amendment the words "and employees under the Superintendent of the United States Capitol Building and Grounds," so that if amended it will read as follows:

> The provisions of this act shall include superintendents of United States national cemeteries and employees of the Library of Congress and the Botanic Garden, and so forth.

Mr. KING. Mr. President, I desire to say just a word in regard to the amendment to the amendment. After hearing the proponents of the bill and after learning the theory upon which the system of pensions rests, it seems to me that it was inconsistent with such theory to grant pensions to the employees of the Government included within my amendment. Such employees are not under the civil service, never have been, and may never come within its provisions.

The argument in favor of the bill, as I have understood the proponents of the measure, rests upon the proposition that the Government requires a class of permanent employees, persons who, by reason of special skill and qualifications, have been after examination accepted by the Government for service in its departments; that they are expected to give their lives to their duties, and therefore should feel assured that in their declining

years they will not be turned adrift without means of support. The bill was drafted to pension the employees of the Government who come within the terms of the civil-service act. It is not intended by its authors to extend to employees who are not within the classified service. If I am correctly stating the theory of the bill, then it is clear that employees outside of the classified service would not be entitled to pensions.

If we pension those in the Botanic Gardens and the various employees in the Capitol, I see no reason why we should not pension the men who work in the arsenals of the Government and in the shipyards and in all the branches of Government service. I make the prediction that if we inaugurate a system of civil pensions for those within the classified service, within a short time we will be pensioning everybody who works for the Government of the United States, and, little by little, we will shorten the period of service entitling employees to pensions, as a result of which within a few years all employees of the Government who have been in its service for 10 or more years will be given a pensionable status.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. KING. I yield.

Mr. STERLING. While there is some justice, I think, and it so seemed to me when the matter came before the committee, in including in the bill those employees above the grade of laborer in the Canal Zone, yet I am not disposed to insist upon that amendment. So far as that part of the Senator's amendment is concerned, I am willing to accept it and do so on behalf of the committee.

Mr. KING. Will the Senator indicate his position with respect to the latter part of the amendment? The Secretary stated it as if it were two amendments, at least I so understood him.

Mr. STERLING. I will consent also to the Senator's amendment so far as it relates to the employees under the Superintendent of the Capitol Building and Grounds.

Mr. KING. And the Botanic Garden?

Mr. STERLING. And the Botanic Garden.

Mr. KING. I do not want to be misunderstood. It may be that the employees in these branches of the Government ought to be pensioned, but if they are pensioned, then, obviously, others working for the Government and who are not within the classified list should be pensioned. If we are embarking upon a pension scheme for Government employees, let us be fair and just and extend it to all. At least it would seem to be the proper course, although there are reasons for limiting the pension system to the civil-service employees.

A strong argument, I think, could be made, if pensions are granted to any employees in favor of the proposition that they should be granted to all persons within the Government employment. Why should not employees in shipyards or arsenals or in the Capitol be pensioned just the same as those who work as clerks in departments here in Washington? Perhaps the first-named employees perform more onerous labor and under less favorable conditions.

But the bill before us is founded upon the theory of pensioning the classified employees of the Government only. This bill has been, I am told, worked out along certain lines and that the civil-service employees are entirely satisfied with it.

Of course, that ends the matter. We should not change the theory or reconstruct the bill, but put it through just as it comes to us. My motion is to preserve the harmony of the bill and preserve unimpaired the theory upon which it rests. But, frankly speaking, it would not be proper to impose into the bill numerous exceptions to the general policy which the bill announces. As stated, the classified employees are regarded as occupying a position entitling them to consideration which the nonclassified employees should not receive. This may be true. I express no settled view upon this point, although, as I have just said, there would seem to be reasons justifying the exclusion of the pensionable status to noncivil-service employees. If the pensions are to be granted to all employees of the Government, then the bill should be recast and material changes made in its framework. I am only endeavoring to maintain the theory of the drafters of the bill.

The PRESIDENT pro tempore. As the Chair understands it, the motion of the Senator from Utah is to strike from the amendment proposed by the committee the words:

American employees of the Panama Canal above the grade of laborer * * * and employees under the Superintendent of the United States Capitol Building and Grounds, and employees of the Library of Congress and the Botanic Garden.

Is it the desire that the amendment to the amendment shall be divided?

Mr. STERLING. I did not understand that the amendment included the employees of the Library of Congress and the Botanic Garden. I thought it included two classes, the employees on the Panama Canal and the employees under the Superintendent of the Capitol Building and Grounds, and those only.

Mr. KING. The amendment, if the Senator will pardon me, extended to employees of the Library of Congress and the Botanic Garden.

Mr. STERLING. Will not the Senator modify his amendment so as to let the bill include those two classes? While the employees of the Library of Congress are not under any executive department of the Government they are virtually civil-service employees, and I think they, as well as those employed at the Botanic Garden, ought to share in the benefits of the bill.

Mr. WILLIAMS. Mr. President, if it is in order, I ask for a division of the question so that we can vote separately. There is no doubt about the fact that the employees of the Congressional Library are under a civil-service rule. It is not the general civil-service rule, but it is a civil-service rule, and I do not think they ought to be included with the others.

The PRESIDENT pro tempore. The request of the Senator from Mississippi is granted. The question must necessarily be put in that form. The Chair will first submit the question relating to the words "American employees of the Panama Canal above the grade of laborer."

Mr. STERLING. Mr. President, if I may, I accept that amendment to the amendment.

Mr. ASHURST. What does that reduce it to? Does the amendment now say that the common laborer is not to be included in the provisions of the bill and that he can get no pension? Is that the way the bill reads?

Mr. McKELLAR. It is not the way the bill reads, but the way the amendment of the Senator from Utah [Mr. KING] reads.

Mr. ASHURST. That everybody working with a pick and shovel will not get a pension?

Mr. McKELLAR. It does not mean that the bill reads that way now, but that the amendment of the Senator from Utah reads that way.

Mr. KING. The Senator knows he is wrong.

Mr. ASHURST. The Senator from Utah says the Senator from Tennessee knows he is wrong. If we are giving a pension to the man who works with a pen, why not give a pension to the man who works with a pick and shovel and does the hard, rough work of the world? I want to know before I vote.

Mr. STERLING. Let me state for the benefit of the Senator from Arizona that the purpose of the Senator from Utah [Mr. KING] is to strike out that part of the committee amendment relating to "all employees on the Panama Canal."

Mr. ASHURST. What employees does that mean?

Mr. STERLING. It would mean American employees on the Panama Canal above the grade of laborer.

Mr. ASHURST. He will not get a pension?

Mr. STERLING. No employees of the Panama Canal would come within the provisions of the bill if the amendment of the Senator from Utah to the amendment is agreed to.

Mr. KING. The Senator will agree, will he not, that under the amendment which the bill carries "the common laborers" upon the Canal Zone do not get any pension?

Mr. STERLING. I contend that if I agree to the amendment of the Senator from Utah that question is immaterial.

Mr. KING. But the Senator declines to answer the suggestion of the Senator from Tennessee. The Senator from Tennessee stated inaccurately the proposition of the committee. The committee amendment—not my amendment, but the amendment of the committee, and the Senator from Tennessee, as I understand, is a member of the committee—provides:

The provisions of this act shall include American employees of the Panama Canal above the grade of laborer.

Mr. McKELLAR. When the words which the Senator wishes stricken out go out of the bill all of the laborers will be excluded.

Mr. KING. Oh, no. The Senator from Tennessee stated here, in answer to the Senator from Arizona [Mr. ASHURST], that my amendment forbade pensions to the laborers, whereas the committee amendment intended to give a pension to the laborers.

Mr. McKELLAR. Oh, no.

Mr. KING. That was clearly his intention.

Mr. McKELLAR. If that was the Senator's understanding, of course, I want to make that clear. That was not what I intended to say. The language will show what I meant, for it is in the RECORD.

Mr. KING. No one could misunderstand the imputation of the Senator from Tennessee.

Mr. McKELLAR. Well——

Mr. KING. I have the floor.

Mr. McKELLAR. If the Senator will yield, if he has such an understanding from what I said, I merely say that I did not intend that it should be that way, of course.

Mr. KING. Of course, I shall be compelled to accept the statement of the Senator from Tennessee, but I want to repeat the interrogation. The Senator from Arizona inquired of the Senator in charge of the bill whether or not the effect of the amendment was to exclude the laborers from pensions, but to give pensions to those above the grade of laborer, and the Senator from Tennessee felt called upon to reply and stated that that was the effect of the amendment offered by the Senator from Utah. Clearly the answer of the Senator from Tennessee to the question propounded by the Senator from Arizona, although he did not intend, as I now understand him, to convey that idea, carried the thought that my amendment permitted a pension to the higher grade of employees in the Panama Canal Zone, but excluded from the pensionable status those who were within the grade of laborer.

Mr. McKELLAR. Now, will the Senator yield to me?

Mr. KING. I yield.

Mr. McKELLAR. The amendment of the committee has these words—I am reading from the original bill:

> The provisions of this act shall include—

There the committee has recommended the insertion of the following:

> American employees of the Panama Canal above the grade of laborer, superintendents of United States national cemeteries, and employees under the Superintendent of the United States Capitol Building and Grounds.

That means all employees, laborers of every kind. My statement was that the amendment of the Senator from Utah was to strike that language from the bill; that is my understanding of it. If the Senator did not so move, of course, then I am mistaken about it, but I understood that to be the motion of the Senator from Utah, which was accepted by the Senator from South Dakota.

It is true that the amendment does not affect employees of the Panama Canal above the grade of laborer; but so far as the employees under the Superintendent of the United States Capitol Building and Grounds are concerned it includes them all. Therefore the laborers and other employees will not be included if the amendment of the Senator from Utah is agreed to. That is the truth about it.

Mr. KING. Mr. President, the Senator from Tennessee is very adroit; he is again begging the question.

Mr. McKELLAR. I was merely repeating the language of the Senator's own amendment. There is no adroitness about it. Anybody who can read it can understand it.

Mr. KING. The question of the Senator from Arizona did not relate to anything except the employees of the Panama Canal Zone.

Mr. McKELLAR. I think the Senator from Utah is entirely right about that, and I think to that extent I made a mistake; but I did not intend to include as much as I did include. I was thinking of the whole amendment, which does include laborers; but the Senator from Utah is entirely right when he says it does not include laborers of the Panama Canal, though it does include laborers under the Superintendent of the Capitol Building and Grounds.

Mr. ASHURST. Mr. President, the Senator from Tennessee [Mr. McKELLAR] says the bill does not include the laborers in the Panama Canal Zone. If not, why not? Until American genius reclaimed it the Panama Canal Zone was a pestilential place. It is not an easy task to be a "laborer" in the Panama Canal Zone. It is, however, a pleasant thing to be a clerk there, because the clerk has social advantages and possibly has an automobile at Government expense put at his disposal; but it is not so with the laborer who, with pick and shovel, delves in the earth or who sprays the oil on the sluggish water to destroy mosquitoes' eggs, thus preventing deadly fevers. I say, therefore, why refuse to give him who does hard work a pension, and yet give a pension to other Government employees? Why this discrimination? The very sort of man who is excluded is the man who should get a pension. I do not understand why we are to exclude the laborer on the Panama Canal Zone. If this is to be as it should be, a broad, comprehensive, just law, and if the Treasury of Uncle Sam is to be open, so that we may all grab and all may take, why not allow pensions to those who, I repeat, are, if not the most worthy, certainly are equally as worthy as those who have soft seats upon which to sit when they do their work? I can not understand such a construction of democracy. I can not understand such legislation as deliberately excludes a worthy class of laborers. The man whose fingers are soft and whose nails are well manicured is to receive a pension, but the man whose fingers, from hard, deforming work, resemble hooks, is to be deliberately excluded from a pension. Yet we are talking about democracy. I hope the Senator from Tennessee does not favor such a bill as that.

Mr. McKELLAR. Oh, no.

Mr. ASHURST. Why are laborers to be excluded?

Mr. McKELLAR. If the Senator from Utah will yield just a moment, I desire to say I do not think the Senator from Arizona understands just what the situation is. The laborers of whom he speaks, who work with pick and shovel in the Panama Canal Zone, are not American citizens at all. A great many of them have come from adjacent islands. I am not sure that he is correct in his conclusion about the effect of the amendment of the Senator from Utah; but so far as the committee amendment is concerned, it includes laborers in so far as the Capitol Building and Grounds are concerned.

Mr. ASHURST. The Senator says that many laborers in the Canal Zone are not citizens of the United States. That is true; but with my own eyes I have seen hundreds of American citizens, just as good citizens as I ever saw anywhere, who would be excluded from the provisions of the bill if the policy which has been outlined here should be followed. The men to whom I refer are citizens, born in the United States, white, free; and yet they are to be excluded from the benefits of this bill. That is not the way to legislate.

If we are to have a retirement pension bill, let it be just and equal in its terms. Serious consequences are upon us already because we have been legislating and passing laws for special interests and for classes. Let us get back to the eternal Democratic doctrine of no special privileges to anyone, white or black, rich or poor. If we are to have a retirement pension bill, let it apply to all. The farmer who feeds us does not work merely seven and one-half hours, but he arises with the sun and seldom has he time even to rest on Sunday, so busy is he in feeding the Nation. Yet he is to be excluded from pensions; his duty is limited to paying the pensions.

I believe in pensions, but I believe the hand that bestows them so bountifully should not select only those who work 7½ hours a day and refuse to give it to one who works 12 hours a day. We hear much about the consumer and his burdens—and they are very heavy—but I want to hear a few words in behalf of the producer.

Mr. STERLING. Mr. President, while it is somewhat beside the mark—because I think the whole question is covered in the amendment offered by the Senator from Utah and the acceptance of that amendment on behalf of the committee—the reason laborers are not included in the original amendment is because most of the laborers on the Panama Canal are aliens. Let me read——

Mr. ASHURST. Mr. President, will the Senator permit a suggestion?

Mr. STERLING. I yield.

Mr. ASHURST. Will the Senator amend his bill so as to provide that all laborers, whomsoever they may be and in whatsoever capacity they may labor, who are white and American citizens, shall come within the provisions of this bill?

Mr. STERLING. Oh, no; I could not consent to that. This bill is meant to cover, in a general way, the classified civil service. Certain exceptions are made, as specified on the second page of the bill, of those not in the classified civil service. Then there are those in the civil service who are not classified, because they have not entered the service through competitive examinations. It will exclude some of those, but the President is given power to extend the provisions of the bill to those who may not be in the classified civil service——

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. STERLING. I will ask the Senator to pardon me for just a moment—but whose work or employment is of a permanent nature and for that reason could not be very clearly distinguished from those in the classified civil service.

Mr. ASHURST. Mr. President, I am in favor of pensions to those embraced within the civil or classified service of the United States, but my mind declines to function when it is said that those who are within the civil or classified service of the United States, who are doing the easiest work, who have the best opportunity, shall have pensions, but that those who are not in the civil service, who are in the uncivil service, doing the hard, rough work of the world, producing food, making the Nation great, making the pathway smooth and easy for the pensioners, those who exercise brain and brawn as well, and those who meet the hard, sharp corners of life are to be deliberately excluded. I do not understand such an hypothesis.

Mr. STERLING. The bill includes thousands upon thousands of that class of employees. It includes the employees at the navy yard. All those are included in this bill.

Mr. ASHURST. It includes merely those in Washington, does it not?

Mr. STERLING. Oh, no; it covers the service throughout the United States, including those employed in arsenals.

Mr. ASHURST. But they must be within the civil or classified service. Let me ask the Senator, Is the gravedigger—underpaid and overworked—working in the Arlington National Cemetery to get a pension under this law? He is not.

We have a Government-owned and Government-controlled railroad in my State which is some 15 or 20 miles in length. It serves the reclamation project at Yuma. Is the man who fires an engine on that road, is the section foreman who keeps the track in shape, to be included under the provisions of this bill, or is the clerk who works seven and one-half hours a day the only one who gets the benefits of the bill?

I am not antagonistic to this bill; I believe that, along with other civilized countries, we should pass some legislation to put the aged employees of the United States—not civil-service employees alone but all employees—on pensions. I am not going to attack the civil service; it does not require any courage to attack it; but we are building up and covering into the civil service a large class of persons. When one goes out into the country he finds that one out of every 200 people in this country is working for the Government, and more are being covered into the civil service every day. As a rule, when a person is covered into the civil service the longer they stay in the more initiative they lose; the longer they stay in the more of the spirit of attack they lose; and when a man has lost his initiative and has lost his spirit of attack he has lost his usefulness. I do not mean the power to attack people physically, but I mean to attack work, and not keep one's eye on the clock all the time. Although my mind sometimes may function very differently from the minds of other men, and better-thinking men than I, I repudiate the doctrine as shocking that the man who has the softest place in the Government, the softest seat upon which to sit, the man doing the lightest kind of work, is the one who is to get a pension, while the one who does the hard, rough work is the man who is deliberately excluded; and yet we talk stridently about equal rights to all and special privileges to none!

So, Mr. President, I appeal to the Senators who are favorable to this legislation to make up a bill of which you will be proud, so that you can go out to the sons of toil and say, "Sir, we have pensioned the man who works for seven and one-half hours a day, but we did not forget you, sir, who do the hard, rough work of the world." What are you going to say when you meet employees of the Government who are doing the rough work of the world, and are meeting life's seamy side, when they learn that you have deliberately excluded them?

It is whispered that this is demagogy. Very well; it is better to be a demagogue than a plutogogue. [Laughter.] I say that a bill which would single out one class of our citizens, the most favored class, the most highly paid class, the class which has the easiest kind of work to perform, the class which is sure of its position and its pay and its vacation, and give them a pension—such legislation does not promote confidence in Congress; and in the last analysis it is confidence in public men that sustains the Government. So, Mr. President, I have been utterly amazed that the Senator from Tennessee [Mr. MCKELLAR], who, above all Senators, should be here championing a bill in behalf of laboring men, and the Senator from South Dakota [Mr. STERLING] should confess here that the bill deliberately excludes the American citizens who do the hardest work.

Mr. President, there are in this world men's minds that work in the wrong direction. Passing a monumental building, a noble edifice, they see and admire only the lines of elegance, they admire and praise the top stones that are presented to men's view, they praise the widening arches, the sculptured architraves, the swelling domes, and the fluted pilasters, but they never give a fleeting thought to the usefulness and the stability of those rough stones that are hidden from the view of men, are not admired of men, those stones which under the surface of the earth are supporting the superstructure so beautiful and so pleasing to the eye. No, Mr. President. To construct a bill in this way would be just as if the workmen omitted the foundation.

Such a bill is shocking. It will not stand; it is unjust. When the country learns that a bill has been passed which permits those whose lot is easiest in life to have a pension while those whose lot is hardest in life have been denied a pension, a tide of indignation will roll over the proponents of such a bill. The heat of popular resentment will scorch them. Let the bill be amended so that the faithful workman who pumps cold air into this Chamber in summer and who pumps hot air into this Chamber in winter shall have a pension, so that the fireman who supplies the fuel and the light for this building and the public buildings throughout our country shall have a pension, so that all who work for the Government shall come within its provisions, and then you will have a bill that at least can not be assailed from the viewpoint that it is guilty of favoritism.

Now, we Democrats are pledged to "equal rights to all and special privileges to none." We are going to make not only the woods but the welkin ring within a few months, testifying to that eternal and supreme truth Thomas Jefferson uttered when he said, "Equal rights to all and special privileges to none"; and yet we are going to sit here and pass a bill that pensions those whose lot and work is easiest and deliberately exclude a worthy host of laborers whose work is the hardest. That does not meet my view of my duty as a Democrat. That is not even good Republican doctrine.

These are the reasons why I voted to recommit this bill a while ago, and I want it understood that in voting to recommit it I am not opposed to pensions for worthy employees in the classified civil service, but I want a bill that applies to all. I believe that the man who serves his Government faithfully for a long period of years, and thereby is deprived of the opportunity of earning a subsistence and a competency elsewhere, should at a certain period of his life receive a pension; but I utterly repudiate the doctrine, the suggestion, that it is proper to pension those whose work is easiest and deliberately deny and refuse a pension to those whose work is hardest.

Referring again to the Panama Canal Zone, Senators seem to think it is an easy place in which to work. It is a beautiful place now. Indeed, Mr. President, American genius has transformed it from a pesthole into a restful scene of rare beauty. The zone has been transformed into a pleasure resort where 40, even 30, years ago the miasmatic vapors and the insects and fevers ceaselessly attacked mankind and made life not only unpleasant and intolerable but practically impossible.

Since the day when Balboa climbed to the top of a hill on the Isthmus, where—

> With eagle eyes
> He star'd at the Pacific—and all his men
> Look'd at each other with a wild surmise,
> Silent upon a peak in Darien—

that country has been one of mystery and romance, and you will obtain some faint suggestion of the toll of human life if from Cristobal you drive out to the picturesque cemetery at Mount Hope and there look upon the interminable vista of white headstones; each stone marks the resting place of some laborer who fell in the war with fever, malaria, and the other fierce and fatal enemies of mankind that he finds in the Tropics. But American workmen have wrought there a change almost miraculous; the poison spines that once speared mankind, the insect that stung him, the vapors that poisoned him have been driven from the zone by brawny American workmen whom this bill declares are not worthy to participate in a governmental pension. Alligators and crocodiles with unimaginable fecundity flourish in the Chagres River and in Gatun Lake. A constant warfare must be waged against them, and yet the men who do this work are not deemed to be worthy to share in a governmental pension.

I pause for an answer. If there be some reason why a laboring man should not have a pension, let us know it. If the reason is good, I will vote with you.

Oh! I have just discovered that the laborer on the Panama Canal can not vote! I have just discovered the reason. How many men vote in the Panama Canal Zone?

Mr. STERLING. Mr. President, the Senator from Arizona is wrong in his premises.

Mr. ASHURST. I hope I am.

Mr. STERLING. Thousands upon thousands of these men do manual work. Their work is not clerical. It is not at a desk.

Mr. ASHURST. They are the kind of men in behalf of whom I am talking.

Mr. STERLING. They come under the provisions of this bill, too.

Mr. ASHURST. But they do not come under its provisions unless they are covered into the classified civil service.

Mr. STERLING. I stated a while ago that the men in the navy yards and the men in the arsenals throughout the country whose work is manual and not clerical come within the provisions of this bill.

Mr. ASHURST. Then, Mr. President, I am satisfied. If all the men and women who do the hard, rough, manual work come within the provisions of this bill, then I stand corrected and pleased; but I want to know do they come within the provisions of this bill whether they are within the civil service

or not? That is what I want to know. If I am correctly advised, a considerable proportion of the laboring people that work for the Government are not within the civil service. What I want to know is this: Take the city of Sacramento, Calif., or the city of Columbus, Ohio, or any city of any State; there is the man running the elevator; there is the man who is firing one of the engines that generates the steam to keep the civil-service employee from freezing, and to make the work of the civil-service employee pleasant and suitable and soft. I want to know if those who are doing the manual work, whether they are within the civil service or the uncivil service, are covered by the terms of this bill; and I pause for an answer.

Are those people, without regard to whether they are in the civil service or not, within the terms of this bill and will they share its beneficence just the same as will the clerks and the stenographers, who are worthy and ought to get a pension?

I pause for an answer. I hope such questions are not embarrassing to anybody. [Here a pause of 50 seconds.] Mr. President, as I hear no reply I have a right to assume that those laboring people who do the rough work of the world, who are bearing the world's burdens, upon whose broad shoulders the weight of our country and our Government is resting, and who are doing work sometimes not attractive but very necessary, are not included.

Now, Mr. President, it has been said that some of the employees of the navy yards are within the provisions of the bill. If some, why not all? A large number of the clerks here and elsewhere in the Government service are not only faithful but their work is necessary and quite efficient, but it is no more necessary than is the labor of those who are doing the world's rougher work. My conception of greatness is this, the man or the woman who uncomplainingly does his or her work is great. Let us not forget when we see a lofty mountain peak, with its base sweeping almost to the sea on either side, rearing its head almost to the skies, that at the base, at the bottom, is where the weight is. The base of the mountain is what supports it. The base of the building is what supports the edifice.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield.

Mr. KING. I want to state to the Senator that this bill, too, has this feature, that you have to be in the service of the Government for a long period of time—30 years or 27 years or 20 years or 15 years—in order to get a pension. Many of these laboring men, of course, will not live that long, they have to work so hard for the Government, and unless they happen to live a long time they will not get a pension.

Mr. ASHURST. Mr. President, the carpenter in the Senate Office Building, Mr. Frank Agnew, of Lynchburg, Va., who came here with the great Virginia Senator, John W. Daniel, departed this life a few months ago. I mention him with great respect. He was a man educated—no, learned. I would rather be learned than educated. "Education" means to have knowledge. "Learned" means to have wisdom. He was a learned man. He did his work faithfully, working with his plane, his saw, his hammer, with patience, skill, good nature, and loyalty to duty; he labored with hand and brain; he mended the desks here; he made the seats soft here; but he would not have been eligible for a pension under this bill. I mention that simply as an illustration, for I knew the man well and esteemed him highly. His work and his life could be pointed to with pride, and the attention of the ordinary American boy could have been directed to that carpenter as a model of the proficient, useful, American citizen.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Delaware?

Mr. ASHURST. I yield.

Mr. WOLCOTT. My attention was distracted so that I was not able to hear all that the Senator said. I heard the Senator ask a question of the Senate a while ago and pause for an answer. I was curious to know if during the moment when my attention was attracted elsewhere the Senator got an answer to his question?

Mr. ASHURST. Mr. President, I asked a question which I thought should have been answered; but it is not answered yet, and I am afraid it will not be answered. The Senate heard the question. There has been no answer. I pause again. I will pause 20 seconds to give the Senator in charge of this bill an opportunity to answer that question. [Pauses 20 seconds.]

Mr. President, I am going to be talking politics after Congress adjourns. I expect to go about this country a veritable peripatetic, bifurcated volcano in behalf of Democratic principles. The corner stone, the backbone, of my speech will be "equal rights to everybody, special privileges to none," and if, perchance, I should be speaking and should be told in the middle of my speech that I had sat here and unctuously washed my hands in invisible water with imperceptible soap and voted in favor of a bill which granted a pension to a certain class of our citizens who ought to have a retirement bill passed, but that I was deaf to the call of those who were bearing the great weight of the work, I would like to know what would become of my speech in behalf of Democratic principles.

I would probably be like the man who was struck in the stomach with a piece of sandstone, whom Bret Harte tells about—subsequent proceedings would interest me no more.

Mr. President, we have made some mistakes. I am guilty of some. But I am done with it, and the stinging of conscience I am now getting is the just punishment and the just excoriation that comes to every Democrat every time he departs from Thomas Jefferson's immortal statement, "Equal rights to all and special privileges to none." Let this bill apply to the coal heaver on the Panama Canal. Let this bill apply to the men who, down in the bottom of the ship, are stoking the coal and are oiling the engines, when the waves are mountain high. Let the bill apply to them, and it will commend itself to every right-thinking person.

Mr. DIAL. Mr. President, we have heard a good deal said about the clerks who sit in swivel chairs around the table, with their feet upon the table, and we have also heard something said about the man who works six or seven hours a day. But I have also heard from people who work a good deal longer.

Mr. President, there has just come into my hands a pamphlet from your State, where an organization of 4,000 stock shippers of Iowa in annual convention at Des Moines the other day adopted some resolutions. It might be very profitable to read them now, Mr. President.

In thinking about this, Mr. President, it might be well to consider the farmers. They are not always hollering for a holiday. They work sometimes 14 or 15 hours a day. Now, they have their eyes on Washington, to see what we are doing, and they are beginning to hold us to a more strict account than they have ever done in the past. I will not take the time of the Senate to read all of the resolutions, but there is one here, Mr. President, where they say they want this body to guarantee, among others, one thing—that they want the Senate to pass this resolution:

Further be it resolved, That as an incident to the foregoing guaranty Congress shall also be requested to guarantee: (1) That we won't have a drought this summer; (2) that our sows will bring forth of their kind bountifully and plentifully; and (3) that our eggs will hatch—

And so forth.

Mr. KING. Mr. President, will the Senator read the whereases? I do not know the organization from which the resolution comes.

Mr. DIAL. The resolutions are from an organization of 4,000 stock shippers in Iowa, 50,000 grain producers in Minnesota, and 60,000 producers in Illinois, and a great number of the farmers of this country.

Mr. President, seriously, I presume that it is desired that some kind of legislation be passed whereby the old employees of the Government could be gotten rid of, pensioned in some way. But I do not feel that that time has arrived yet. Possibly that would add to the efficiency of the Government service. I am so told. But, Mr. President, I feel that there is no compulsion; there is no law in this country to make people work for this Government. They do not have to come and work for the Government unless they do it voluntarily. They have an option to work for the Government or not, as they see proper.

I feel that of all times this is the most inopportune time to pass special legislation of this kind, just after the war, before we have gotten back to normal. When things are in a chaotic condition all over the world, it is unkind, it is unthinkable, it is unpatriotic to come here and ask Congress to pass any such legislation as this when our Government bonds are selling at 90 cents on the dollar. We want things to become normal, and I feel that this is bad legislation. The bill ought to be defeated. I voted a while ago to recommit it, but the whole thing ought to be defeated until we can become more normal.

If people do not want to work for this Government, they have a perfect right to quit. I do not know anybody who has ever lost much health and much strength by work. The great trouble in this country is that they do not work enough. Instead of trying to curtail the hours of labor we need longer hours. We need to produce more in this country to help support the people. We are quitting work; we are quitting producing. We never will bring down the cost of living so long as we curtail production. That is the only way in the world to go at it. There is legislation for prosecuting some little fellow

for profiteering. Profiteering is wrong, but it will not cure the defect. We have to go back to the old-fashioned labor and hard work, and we should remember that the people of this country have to pay the bills.

I am reminded of an old man in my town who used occasionally to go on a spree, and he would go alone and say, "It is easy to blow, but where is the wind to come from?" Somebody has to pay these bills, and I think the whole legislation ought to be killed.

Mr. KING. Mr. President, just a word in regard to this amendment. The provision under discussion is the amendment offered by the committee. It declares that the provisions of this act shall include:

American employees of the Panama Canal above the grade of laborer, superintendents of United States national cemeteries, and employees under the Superintendent of the United States Capitol Building and Grounds, and.

That is the amendment offered by the committee to the original bill. Then follows these words, which are embraced in the amendment to the amendment which I offered:

Employees of the Library of Congress and the Botanic Garden.

The amendment which I offered, Mr. President, was to strike out the words "American employees of the Panama Canal above the grade of laborer" and the words "and employees under the Superintendent of the United States Capitol Building and Grounds, and employees of the Library of Congress and the Botanic Garden."

I will again state the reason why I offered this amendment to the amendment. I had understood from the proponents of the bill and from the earnest advocates of a retirement system that the system was to extend to those who were within the classified service.

It occurred to me that if we have a pension system extending to the employees of the Government who are within the classified service, then none should be brought within the provisions of this bill outside of the classified service unless all of the employees of the Government outside of the classified service were brought within its terms; in other words, that it is an unfair discrimination to bring within the provisions of the bill a part only of the Government employees and not all.

In making that statement I do not wish to be understood as defending a policy under which the benefits of a pension system shall be extended only to those within the classified service. I am somewhat in agreement with my friend from Arizona [Mr. ASHURST] that if a pension system is to be fastened upon the Government it ought to extend to all of the employees of the Government. There may be reasons for limiting a pension system to those within the classified service. I do not have the knowledge on this important question that is possessed by the distinguished Senator from South Dakota [Mr. STERLING], and there may be abundant reasons for the apparent discrimination which limits the payment of pensions to those within the classified service.

Mr. STERLING. Will the Senator permit me to explain?

Mr. KING. Certainly.

Mr. STERLING. I think the primary reason is this: Those within the classified service are employed permanently, their work is of a permanent nature, whereas the employment of those in the unclassified service is more or less temporary and there is not the same reason for including them within the provisions of the bill.

The Senator will see that idea carried out by the terms of the bill itself, which gives authority to the President by Executive order upon recommendation of the Civil Service Commission—

to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this act.

The Senator will note what follows:

The President shall have power, in his discretion, to exclude from the operation of this act any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration.

The Senator knows that under the provisions of the bill there must be a service of at least 15 years before a man can share in the benefits of the act. So primarily it is for those whose employment is of a permanent character rather than those whose employment is intermittent or uncertain. I think it may be found, if the bill works satisfactorily, that there are other employees not in the classified civil service who perhaps ought reasonably to be brought within the provisions of the bill, and if the Civil Service Commission approves of it the President may by Executive order extend the provisions of the bill so as to cover cases of that kind.

Mr. KING. I thank the Senator from South Dakota for the very clear and lucid explanation which he has made. The Senator's position would seem to afford some justification for the theory adopted in the framing of this bill.

But as I was about to state, in view of the fact that the bill is founded upon the theory that the pension system should be limited to the classified employees of the Government, it seemed to me that it was somewhat incongruous to import into the bill a few of the nonclassified employees of the Government. It occurred to me that if we imported into the bill any who are outside of the classified service, it would provoke heartburnings and recriminations and undoubtedly criticism of the committee and of Congress. Men who had been in the employ of the Government much longer than those upon the Canal Zone and in service perhaps as important or more important than that in which they were engaged would perhaps say that it was unfair and discriminatory to exclude them from the benefits of the pension after placing other nonclassified employees within its benefits.

The same criticism I thought might be urged if we included within the benefits of the bill the employees of the Capitol, the employees of the Library of Congress, and the employees of the Botanic Garden. If they do not belong to the classified service and the theory of the bill is that the pensionable status shall be accorded to those who are within the classified service, employees of the Government outside of the classified service would say that there was an unfair discrimination against them.

Since I submitted the amendment I have had a brief conversation with the chairman of the committee and reasons have been assigned by him which prompt me to amend my motion by excluding therefrom the words "and employees of the Library of Congress." My information is that their services are of such a character as that they are really within the classified service. So I shall perfect my amendment to the committee amendment by excluding those words, so that the amendment as perfected will read:

The provisions of this act shall include superintendents of United States national cemeteries and employees of the Library of Congress.

And so forth.

Mr. STERLING. As chairman of the committee, I accept the amendment of the Senator from Utah to the amendment of the committee.

Mr. SMOOT. May I ask the Senator a question? Why include the superintendents of the United States national cemeteries? Is there any reason why?

Mr. KING. The only reason, I will say to my colleague, was that which was assigned by my good friend, the Senator from South Dakota [Mr. STERLING], a few days ago when this matter was under discussion. Upon reflection I see no reason for it. I thought that perhaps some of the superintendents of the national cemeteries were not receiving sufficient compensation, and we might consider that they were fairly entitled to this pensionable status. I will say, however, that it seems to me incongruous to engraft upon this bill legislation affecting the old soldiers when that legislation is dealt with so liberally and generously by the Committee on Pensions.

Mr. STERLING. But this class of employees are in this situation, and it appeals to me very strongly. Here are the qualifications prescribed by law and by regulation for superintendents of national cemeteries. They must have served in the Army of the United States, either Regular or Volunteer, and must have been disabled for active field service in the line of duty, but the degree of their present disability must not be such as to impair their efficiency in charge of cemeteries. They must be of steady, sober, correct habits. They must have a fair degree of intelligence and education, and must be able to write legibly. The compensation for the superintendents is $60, $65, $70, and $75 per month, according to the grade of the cemetery to which they are assigned. They are all old men, I suppose veterans of the Civil War, and they get small salaries, and they ought to come under the provisions of the bill.

Mr. SMOOT. I will ask the Senator whether the law requires service in the Army before appointment can be made?

Mr. STERLING. Yes; that is the requirement. They must have served in the Army of the United States, either Regular or Volunteer, and must have been disabled for active field service in the line of duty.

Mr. SMOOT. That is a fair reason why it should be taken.

Mr. STERLING. The employees under these superintendents are in the classified civil service themselves, but the superintendents are not.

Mr. KING. Mr. President, just one word further before the vote is taken on my amendment to the amendment.

There has been considerable discussion concerning the effect, the financial effect, if I may be permitted the expression, upon the Public Treasury if this bill shall become a law in its present form. I confess that no matter how ardent one might be in favor of a system of retirement or a pension bill, where

two statements are made so divergent as those which have been submitted to the Senate by experts it ought to occasion some hesitancy upon the part of Senators until they have had an opportunity of investigating fully and determining which of the two divergent statements is the truth.

I understand it is contended by one or more experts that the bill now before us in its present terms will cost the Government of the United States approximately $260,000,000 or $270,000,000 during a period of 50 years, whereas the other experts, as I understand, give it as their opinion that the bill, with the present number of employees and assuming that there shall be no expansion in the personnel of the Government, will cost the Government for the same period more than $1,250,000,000.

Mr. POMERENE. One billion five hundred million dollars in 60 years.

Mr. KING. The Senator from Ohio reads from the table and states $1,500,000,000 in 60 years. Now, I say that no matter how ardent a disciple one may be of a system of pensions for Government employees, it would seem to me that he would hesitate before voting for any bill that presented such a wide divergence of opinion where it was susceptible, if not of accurate and mathematical demonstration, at least of reasonably accurate demonstration as to the truthfulness of the respective contentions.

The Senator from South Dakota [Mr. STERLING] contends that the bill for a period of 60 years will cost the Government only two hundred and fifty or two hundred and sixty million dollars. That, I understand, is his position, whereas the Senator from Ohio [Mr. POMERENE] has presented figures which have been submitted by Mr. Brown and other experts, as I understand, wherein it is shown that it will cost the Government $1,500,000,000 in 60 years. There is one billion and a quarter dollars difference between these views. Certainly we ought to have the views reconciled before we are called upon to vote upon a proposition of this kind. Are Senators willing to vote for a measure, no matter how ardently they may favor it, when they do not know whether it is going to cost the Government $250,000,000 or $1,500,000,000?

During the war we voted for many measures without knowing what the cost would be. We were engaged in a world conflict and it was imperative that the forces of justice should triumph. We did not hesitate when requests were made for liberal appropriations to grant them, and we appropriated not merely hundreds of millions of dollars but billions of dollars. Pay day, Mr. President, is now at hand. We have got to meet the obligations which we have incurred. We can only meet them by levying taxes upon the people or by issuing bonds, which will call for additional levies of taxes; but in the end the bowed back of labor will have to pay the burdens that will be imposed by Congress upon the people. In the final chapter the bankers do not pay the taxes; Wall Street does not pay the taxes of the United States; the men of wealth do not pay the taxes of the United States; in the last analysis the burden rests upon the shoulders of the producers, the men who toil, the farmers, the men who work in the factories, and the men who work in the mines and produce from the raw material those things which are essential for the life and happiness of the people.

Mr. President, there are always men—I have no reference now to the bill under discussion—appealing to Congress for appropriations. Most of those who are appealing for appropriations do not have to pay the taxes. I have sometimes thought that it would be a wise course if there were a few individuals here and in the House of Representatives whose only duty it was to represent the taxpayers of the United States and who from time to time would challenge the attention of Congress to the staggering burdens which are being laid upon the back of labor in this country. It is easy to vote money out of the Treasury; it is easy to pass a law and put the hand of some executive agency into the Treasury of the United States and authorize it to take from it a hundred million dollars or a billion dollars or two or three billion dollars; it is easy to pass a tax bill; but when the tax measure is passed and the taxgatherers make their demands, then we awaken to a realization of the chain placed upon the people. The taxes paid must come from production; and though the rich pay heavy taxes, the burden is carried back to the producer, to those who by their toil build the great edifice of our political and social structure.

The earnings of the American people are going to diminish this year; in my opinion they will be ten billion less than they were in 1919. Where are we going to get the taxes? Where are we going to get the savings in exchange for bonds, if we issue bonds? Without savings there can be no investments or new enterprises. We can not prosper by the consumption of capital. That would be a wild and mad debauch. We must not take all the savings for the payment of taxes, or we will bring financial disaster. We must produce, and produce still more, and save and save still more. There must be not only thrift, but economy to the point of parsimony. Our production is diminishing and dwindling to the point of danger. Our agriculturalists are facing a serious situation and their prosperity is threatened. If they can not produce for our domestic needs and for export, ruin will be imminent. Our foreign commerce this year will be less than it was in the year 1919. The products of mine and mill and farm and field will be less in value. Of course, with the diminution of production in the United States there will be a diminution in the amount of taxes poured into the Treasury, and with a diminishing Treasury there will be national bankruptcy if we continue extravagant appropriations.

A few years ago when a Democratic President issued—and it was only a small issue—bonds in time of peace, it aroused the resentment of the American people and was a contributing factor to the defeat of that party. We are now actually in peace times threatened with a bond issue, notwithstanding the stupendous amount wrung from the people by way of taxation, contemplating that in this year of peace we are collecting more than $6,000,000,000 in taxes. We are lavish in our expenditures and are still appropriating money by the millions and hundreds of millions of dollars. But, Mr. President, the argument in favor of economy is not decisive against this legislation if it is wise and imperative. There may be wise legislation, and yet it may be deferred. There may be imperative legislation which will permit of no postponement and which statesmanship demands shall be enacted notwithstanding the fact that its enactment may impose grievous burdens of taxation upon the people. Coming to this bill, however, we are confronted with this situation: Competent persons affirm that it will cost the United States $256,000,000 or $260,000,000 within a given period, and other credible witnesses emphatically declare that it will cost $1,500,000,000 within the same period and with the present number of employees of the Government. I am desirous before voting of knowing which is right. I want to know whether if I vote for the pending bill I am burdening the people with $1,500,000,000 of taxes or only $250,000,000 or $260,000,000.

Can any Senator answer that question to the entire satisfaction of this body? The Senator from South Dakota and the Senator from Tennessee seem absolutely convinced that the figures which they submit are correct; but they are not convinced by reason of any calculations which they have made; they are dependent upon hearsay evidence; and, as I understand, Mr. Beach and Mr. McCoy, witnesses in behalf of the system which they are proposing, differ materially. I want to know before I vote on this bill whether I am voting for $1,500,000,000 out of the Treasury or for two or three hundred million dollars. If Senators are ready to vote without knowing that fact, I shall not be critical; I simply say that I can not do so.

I voted for the recommittal of this bill for that reason, and that reason alone; my vote did not indicate whether I was for or against this legislation.

If we are to have a pension bill, I want one that is fair and rational, one that can be defended on all proper grounds, one that as a precedent will not prove dangerous to the United States or governments, States or otherwise, which may follow it. I think before we vote we ought to have some men of competency and skill, experts of recognized standing, who can furnish this information. I want it, and I believe other Senators desire information that will enable them to act intelligently in regard to this matter.

The PRESIDENT pro tempore. As divided, the first question is, Shall there be stricken from the amendment proposed by the committee the words "American employees of the Panama Canal above the grade of laborer"? The question is on that amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. As divided, the second question is, Shall there be stricken from the amendment proposed by the committee the words "and employees under the Superintendent of the United States Capitol Building and Grounds"? Without objection, the amendment proposed by the Senator from Utah to the amendment reported by the committee is agreed to.

The third question—and it is one which relates to the text of the bill and not to the amendment proposed by the committee—is, Shall the words "and the Botanic Garden" be stricken from the bill?

Mr. MYERS. Mr. President, I object to striking those words from the bill. I do not see why the employees of the Botanic Garden should be deprived of the benefits of the bill. It seems to me, if any employees are going to be pensioned, the em-

ployees of the Botanic Garden should be pensioned as well as other employees, so I ask that the question be put to a vote. I wish to vote against the amendment.

The PRESIDENT pro tempore. The question is, Shall the words "and Botanic Garden," occurring in line 6, page 2, of the bill be stricken out?

Mr. KING. Mr. President, I merely wish to say again that the chairman of the committee has accepted this suggested amendment. I have no antipathy at all toward the employees of that service, but under the explanation which has been made it seems to me that we would be guilty of discrimination to give them pensions and not give pensions to a multitude of others in the service of the Government; and I am not in favor of discrimination. We have accepted the line of cleavage as the classified service; that is, those within the classified service are to be pensioned, and the reason for that has been explained by the Senator from South Dakota. Those outside of the classified service are not to be pensioned, but the Senator has called attention to a provision in this section under which, if reasons warrant, the President and the Civil Service Commission may transfer from the nonclassified to the classified service any employees of the Government whose tenure is of such a nature and whose service is of such a character as that in justice they should be brought within that service.

Mr. STERLING. I will say to the Senator from Montana that I consented to the amendment offered by the Senator from Utah striking out the employees of the Botanic Gardens largely with the fact in view that many of the employees of the Botanic Gardens are laborers, and temporarily employed. Their services are not of a permanent nature.

Mr. MYERS. Are not any of them under civil service?

Mr. STERLING. Some of them probably are under civil service.

Mr. MYERS. If any of them are under civil service, would they participate in the benefits of the bill?

Mr. STERLING. Let me say to the Senator from Montana, however, that they are not under any of the executive departments, as I understand; and this applies primarily to those in the classified civil service, and who come under the executive departments.

Mr. MYERS. Are any of the employees of the Botanic Garden under the civil service?

Mr. STERLING. I think so.

Mr. MYERS. If so, would they benefit by the bill?

Mr. STERLING. I think they would benefit by the bill if they are so called, but I doubt whether they would come within the term "classified civil service."

Mr. MYERS. There are not many employees of the Botanic Garden, are there?

Mr. STERLING. Not very many, I think. I have not a list of the number.

Mr. KING. Mr. President, I will say to the Senator from Montana that if any of them are within the classified civil service, the theory of the bill being that the retirement feature shall extend to those within the classified civil service, I am perfectly willing to amend the amendment so that they may receive the benefits of the bill.

Mr. MYERS. There can not be many employed in the Botanic Garden. It is not a large institution.

Mr. STERLING. No; I think not. I will say to the Senator from Montana that in view of the subsequent provision of the bill which will allow the President, on the approval of the Civil Service Commission, to put under the provisions of the bill those whose employment is of a permanent nature, not intermittent or temporary, I would consent to the amendment. If it is found that there is any considerable number of Botanic Garden employees whose work is permanent, then, by order, they can be made to come within the provisions of the bill.

Mr. MYERS. I ask for a vote on the amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Utah [Mr. KING], which is to strike from line 6, page 2, of the bill the words "and the Botanic Garden."

On a division, the amendment was agreed to.

Mr. KING. Mr. President, I should like to inquire of the chairman of the committee whether the acceptance of these amendments may not call for an amendment of the text. I invite the Senator's attention to lines 6 and 7, to the words "excepting persons appointed by the President and confirmed by the Senate." Does the Senator think that those words should remain in view of the amendments which have just been adopted?

Mr. STERLING. I think those words ought to remain in the bill.

Mr. KING. I have no objection if the Senator thinks so.

Mr. SMOOT. Yes; I think they ought to remain in the bill.

The PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

The next amendment of the Committee on Civil Service and Retrenchment was, on page 3, line 21, before the word "annual," to insert "average," so as to make the paragraph read:

Class B shall include all employees to whom this act applies who shall have served the United States for a total period of 27 years or more, but less than 30 years. The annuity to a retired employee in this class shall equal 54 per cent of such employee's average annual basic salary, pay, or compensation from the United States for the 10 years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed $648 per annum, or be less than $324 per annum.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the words "date of," to strike out "termination of pay for active" and insert "separation from the," so as to make the paragraph read:

Annuities granted under this act for retirement on account of age shall commence from the date of separation from the service on or after the date this act shall take effect, and shall continue during the life of the annuitant. Annuities granted for disability under the provisions of section 5 hereof shall be subject to the limitations specified in said section.

The amendment was agreed to.

The next amendment was, on page 13, line 9, after the word "out," to strike out "the," so as to make the paragraph read:

The Secretary of the Treasury is hereby authorized and empowered in carrying out provisions of this act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of this act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees.

The amendment was agreed to.

The next amendment was, in section 10, page 14, line 9, after the word "date," to strike out the word "of," so as to make the section read:

SEC. 10. That upon the transfer of any employee from an unclassified to a classified status, or upon the reinstatement of a former employee, credit for past service rendered subsequent to the date this act shall take effect, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in this act as would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to the date this act shall become operative, and to which he or she would otherwise be entitled.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator in charge of the bill, inviting his attention to section 12, whether there is any necessity for monthly payments of the annuities?

It seems to me that it involves unnecessary expense to the Government. I think that quarterly payments, or even semiannual payments, ought to be sufficient.

I recommend to the Senator the consideration of the question of an amendment striking out the word "monthly," in line 18, page 15, and inserting the word "quarterly." The Senator knows that the burdens of bookkeeping upon the Treasury Department are multiplying, and becoming onerous in the extreme.

Mr. STERLING. I should not like to consent to an amendment of that kind. The annuitants will be known; there will be a list; and it will be no great trouble, I think, to make these payments monthly, instead of quarterly or semiyearly.

Mr. KING. I invite the Senator's attention to the fact that it involves a vast amount of bookkeeping. Checks will be made out for each annuitant. Those checks will have to be transmitted. Numerous bookkeeping entries will be necessitated by the issuing of the checks. Vouchers will be received, and all of the procedure incident to payments from the Treasury will have to be gone through; and the Senator knows that that procedure is costly and expensive in the extreme. If the Senator will not accept the suggestion, I shall move to amend by striking out the word "monthly" and inserting the word "quarterly."

Mr. STERLING. The Senator may make that motion if he chooses. I believe the committee amendments are completed. I have an amendment that I wish to offer.

Mr. KING. I yield to the Senator until his amendment is disposed of.

Mr. STERLING. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from South Dakota.

The READING CLERK. It is proposed to add to the bill a new section, to be numbered section 16, and to read as follows:

SEC. 16. That the Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the board of actuaries, whose duty it shall be to annually

report upon the actual operations of this act, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendations of the board of actuaries. It shall be the duty of the board of actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following the passage of this act and at intervals of every five years thereafter, or oftener, if deemed necessary by the Commissioner of Pensions. The compensation of the members of the board of actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior.

Mr. KIRBY. Mr. President, I should like to ask the chairman of the committee if this amendment contemplates a continuance of this board in session all the time, or if its duties will require that these two additional men shall be put on the pay roll at a regular salary?

Mr. STERLING. I do not hear the Senator distinctly.

Mr. KIRBY. The Senator's amendment provides for the establishment of an actuarial board?

Mr. STERLING. Yes, sir.

Mr. KIRBY. One to be already in the Government employ and two others to be selected?

Mr. STERLING. Yes.

Mr. KIRBY. Will the duties of the board require the continuous service of these other men, and at what salary will they probably be employed?

Mr. STERLING. I do not know how long the services will be required, but the salary is to be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior, under the terms of the amendment.

Mr. KIRBY. Mr. President, I want to suggest an amendment, at any rate, to the amendment of the Senator from South Dakota. At the end of line 8, on the first page, or between lines 8 and 9, I think there should be inserted:

to protect the public interest, and maintain the system upon a sound financial basis.

It seems to me that these suggestions ought to go to that extent, and I assume that the chairman will have no objection to including that.

Mr. STERLING. I have no objection. I accept the Senator's amendment.

Mr. SMOOT. I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 1, line 9, of the amendment offered by the Senator from South Dakota, before the word "maintain," it is proposed to insert the words "protect the public interest, and".

The PRESIDENT pro tempore. The Chair understands that the Senator from South Dakota modifies his amendment so as to include the words proposed by the Senator from Arkansas.

Mr. SMOOT. Mr. President, does the Senator really want to accept these words? I call his attention to them. I had not noticed them. If those words are accepted, this is the way it will read:

Recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary—

Now—

to protect the public interest and maintain the system upon a sound financial basis.

Mr. STERLING. I think I have no objection to the words. The public interest will be protected, I think, in maintaining the system on a sound financial basis. The words may be regarded as superfluous in that respect, but I agree that the words may be included.

Mr. SMOOT. Of course if the Senator does not care what wording there is in the bill, it is all right. It does seem to me, however, that it is a repetition of language.

Mr. TOWNSEND. Mr. President, I do not believe the Senator ought to accept those words unless it is done with the understanding that they may go to conference for the purpose of determining exactly whether those words are properly there or not. We all understand what the Senator from Arkansas wants, and nobody objects to that, but I am very doubtful as to whether the words which have been suggested offhand by the Senator from Arkansas are the proper words to employ in that connection.

I wanted to say this because if the matter goes to conference the Senator from South Dakota, as the chairman of the conference committee, probably will feel bound to stand by the action of the Senate. At least that is the way I always regard the duty of a conferee, but I think the chairman ought to say that this is a matter which should receive more careful consideration than can be given it at this moment.

Mr. SMOOT. I will say to the Senator from Michigan that this is a Senate bill which we are considering, and if the words are put in, and the House does not notice the language, nor make any change, there will be nothing in conference. I think, Mr. President, that before the Senator accepts the words he ought to be very careful about having them in, because I can see a conflict of interests here, and yet upon the face of it, if it is for the object stated by the Senator from Arkansas, nobody could object to it. As the Senator from Michigan said, nobody could object to the object of the proposed amendment, but if the object is to be reached, as suggested by the Senator from Arkansas, then it is a repetition of language and not necessary. But there is a question, if you put it in here, as to what construction will be put upon it.

Mr. KIRBY. Mr. President, it seems to me that it is a singular thing, indeed, that an amendment offered in the United States Senate which would require the recommendation of a board to protect the public interest should be objected to. The purpose and object of the bill is understood. It is intended that one half of the expense shall be borne by the beneficiaries and that the other half shall be borne by the Government, and certainly the recommendation of this board ought to extend to the protection of the public interests along the line of the bill, as well as placing it on a sound financial basis. It would be on a sound financial basis anyway if the Government pays it, whether the other people contributed anything whatever to it or not.

Mr. SMOOT. What I wish to call attention to is this: Why should the words "protect the public interest" be inserted, if we are going to use the words "maintain the system upon a sound financial basis"?

Mr. KIRBY. It might be a sound financial basis so far as the payments of the benefits to the beneficiaries are concerned, but it might take two-thirds of the money out of the Public Treasury, instead of half of it from the Treasury and half of it out of the employees.

Mr. SMOOT. This will not reach that. I will say to the Senator, without a question of doubt, that under the bill there will be two-thirds of it taken from the Treasury of the United States.

Mr. KIRBY. I know, but the purpose of the bill as stated here is that one half of it shall be contributed by the Government and the other half by the employees as contributions from them.

Mr. SMOOT. There is nothing in the bill which makes that provision, I will say to the Senator.

Mr. KIRBY. That is the entire argument here.

Mr. SMOOT. I am aware of that, and I have tried to show that that is not the case, and if I could get Senators here to listen, I am quite sure I could convince the Senate that it is not the case. If the Senator wants to accept the words and wants them to go in in his amendment, I am not going to say another word, but I do see that there could be a conflict.

Mr. STERLING. I will say to the Senator from Utah that whatever I might have done in the light of the discussion, I agreed to accept this amendment, and I do accept it according to the agreement.

Mr. WOLCOTT. Mr. President, referring to the amendment offered by the Senator from South Dakota, may I ask the Senator why it is that the amendment does not fix any pay for these actuaries?

Mr. STERLING. One reason is because it is not known just what pay to fix. In preparing the amendment I thought the Commissioner of Pensions, with the approval of the Secretary of the Interior, would be better able to determine what was just compensation than I myself was in drawing the amendment. I thought the Commissioner of Pensions would fix a reasonable compensation, and no more than a reasonable compensation, and that it could be safely intrusted to him.

Mr. WOLCOTT. Is it not generally the practice of Congress to at least fix a maximum, allowing discretion to pay below the maximum of salary?

Mr. STERLING. I think frequently a maximum has been fixed, but I think the Senator from Delaware will find that the maximum is always allowed. That is the effect of fixing a maximum.

Mr. WOLCOTT. That may be very true. I confess that I do not like to vote to some administrative official the power to fix a salary for somebody. I do not like the idea, and I discover from the Senator's answer that there is no explanation for this indefiniteness except that the committee did not know what figure to name. That is correct, I believe?

Mr. STERLING. Yes; and with the additional fact that I thought the Commissioner of Pensions and the Secretary of the Interior would agree upon a just compensation.

Mr. WOLCOTT. Let me ask the Senator another question: How is the salary of the so-called Government actuary to be fixed?

Mr. STERLING. He is already paid. He is in the Government service now at a stated salary, and his salary, of course, will be paid for services rendered in his regular employment.

Mr. WOLCOTT. I had an impression from the reading of the amendment that the three actuaries were three new officials. But one of them, I understand, is an old official already in office, and under a stated salary?

Mr. STERLING. An old official. A Government actuary on a fixed salary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole and open to amendment.

Mr. MYERS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. Amend by inserting after section 14, on page 17 of the printed bill, a new section to be known as and numbered section 15, to read as follows:

SEC. 15. That none of the provisions of this act shall apply to and none of its benefits shall be received or enjoyed by any person who is a member of any association, society, organization, or union of Government employees which is affiliated with, subject to, or a member or component part of, or acknowledges the authority of, any higher or superior body or institution of organized labor; and, subject to the approval of the Secretary of the Interior, the Commissioner of Pensions shall make and enforce rules for the enforcement of this section and governing the method and character of proof required in order that employees may receive the benefits of this act.

Amend further by renumbering the subsequent sections in accordance herewith.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. MYERS].

Mr. MYERS addressed the Senate. After having spoken for some time,

Mr. STERLING rose.

Mr. MYERS. Does the Senator wish to interrupt me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Dakota?

Mr. STERLING. I do not wish to interrupt the Senator from Montana, but I think it will perhaps be impossible to reach a final vote on the bill to-night, and, as some Senators desire an executive session, if the Senator will yield now I will move an executive session.

Mr. MYERS. I will say to the Senator from South Dakota that I am not talking to delay or to kill the bill; I really have some things I wish to say; but it will take me some little time longer, and I yield for the purpose indicated by the Senator. I do not care if I do not complete my remarks to-day.

LEAGUE OF NATIONS—SWISS RESERVATIONS.

Mr. STERLING obtained the floor.

Mr. GORE. Will the Senator yield to me for a moment?

Mr. STERLING. I yield to the Senator.

Mr. GORE. I ask to have printed in the RECORD an article from the New York Tribune on the Swiss reservations to the covenant of the League of Nations. It is a very important and very illuminating article.

The PRESIDENT pro tempore. Without objection, the article referred to will be printed in the RECORD.

The article referred to is as follows:

[From the New York Tribune, Feb. 16, 1920.]

THE SWISS RESERVATIONS.

The admission of Switzerland to the League of Nations demonstrates that the council of the league has no invincible opposition to membership with reservations. In order to let Switzerland in the council *had to annul several* specific provisions of the covenant.

Article 1 provides that the original members of the league shall be the signatories of the treaty with Germany and such neutral nations, named in the annex to part 1, "as shall accede without reservation to the covenant." Switzerland was one of the neutrals named. Article 1 also provides that these neutrals must deposit a declaration of accession "within two months of the coming into force of the covenant."

Switzerland's constitution makes it impossible for her to deposit such a declaration within two months, for her Government has to submit the question of departing from the Swiss policy of neutrality to a vote of the people, and this vote can not be taken within the period fixed. Nevertheless Switzerland was received into the league last Friday.

But the council didn't stop merely with suspending the rules of admission. It permitted Switzerland to make sweeping reservations to article 10, often described as "the heart of the covenant," and to article 16, relating to the coercion to be employed against a covenant-breaking State. Switzerland has pursued for centuries a policy of absolute neutrality—of noninterference in the quarrels of Europe. She desires to remain a neutral—at least in the military sense. Although willing to make some sacrifices in order to enter the league, she insists that her military forces must never be used offensively against nations which the league may want to discipline.

She therefore refuses to accept any obligation "to preserve, as against external aggression, the territorial integrity and political independence of other members of the league" if that obligation commits her to the use of armed force. Her reservation to article 10 goes much futher than our Senate's reservation does, for the United States agrees to use force as well as economic pressure whenever Congress so authorizes.

Article 16 requires members of the league to combine to punish a covenant-breaking State both through economic boycott and through military pressure. Members agree "to take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league." Switzerland, besides declining to furnish military aid against an offending State, declines to allow the passage of foreign troops across her territory, or to allow her territory to be used in any way as a base for military operations. She gives notice that she will defend her territory in any circumstances, even against the League of Nations.

Such reservations "cut the heart out of the covenant," so far as Switzerland is concerned. Yet the council, while admitting this fact, has yielded to the constitutional and historic traditions of the Swiss, and has admitted them into a limited partnership in the league.

The United States also has constitutional limitations and historical traditions to live up to. The makers of the covenant did not sufficiently realize that. The council seems to be more open-minded. Having accepted Switzerland's stringent reservations, it has debarred itself from objecting to much more moderate reservations on the part of the United States.

Mr. GORE. Just 7 months and 26 days before the first shipload of drafted men landed in Europe.

EXECUTIVE SESSION.

Mr. STERLING. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 25, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1920.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William Phillips, of Massachusetts, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg.

MISSISSIPPI RIVER COMMISSION.

Col. Charles L. Potter, Corps of Engineers, United States Army, for appointment as member and president of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. Curtis McD. Townsend, Corps of Engineers, United States Army, retired.

Lieut. Col. Herbert Deakyne, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Maj. Gen. Lansing H. Beach, Corps of Engineers, United States Army, to be relieved.

Lieut. Col. Harry Burgess, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. Mason M. Patrick, Corps of Engineers, United States Army, to be relieved.

PROMOTIONS IN THE NAVY.

Lieut. Col. William G. Powell, assistant paymaster, to be an assistant paymaster in the Marine Corps, with the rank of colonel, for temporary service, from the 15th day of January, 1920.

Maj. Berton W. Sibley to be a lieutenant colonel in the Marine Corps, for temporary service, from the 14th day of January, 1920.

Capt. Francis T. Evans to be a major in the Marine Corps, for temporary service, from the 14th day of January, 1920.

Capt. Charles G. Sinclair to be a major in the Marine Corps, for temporary service, from the 15th day of January, 1920.

POSTMASTER.

OHIO.

William H. Kroeger to be postmaster at Akron, Ohio, in place of A. R. Read, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1920.

PUBLIC HEALTH SERVICE.

Hugh S. Cumming to be Surgeon General in the Public Health Service.

Paul M. Stewart to be passed assistant surgeon in the Public Health Service.

Russel R. Tomlin to be assistant surgeon in the Public Health Service.

COAST AND GEODETIC SURVEY.

Lowrie Wilson Burdette to be junior hydrographic and geodetic engineer.

William McCaslan Scaife to be junior hydrographic and geodetic engineer.

UNITED STATES ATTORNEY.

E. J. Smith, eastern district of Texas.

UNITED STATES MARSHAL.

Claude Bond, northern district of Georgia.

POSTMASTERS.

LOUISIANA.

Cyrus E. Roberts, Merryville.
Neal D. Womble, Winnsboro.

MARYLAND.

Walter A. Aaronson, Aberdeen Proving Ground.
William S. Kelly, Haver de Grace.
D. Mae Farlow, Pittsville.
Alexander H. Radcliffe, St. Michaels.

OHIO.

James E. Gates, Ashland.
Charles R. Wing, Ashley.
Fred Barthelmeh, Baltic.
Simeon O. Weaver, Batavia.
Walker Prall, Bellefontaine.
Kinsey H. Robinson, Bellville.
Daniel L. Kilbride, Berlin Heights.
William H. Miller, Brilliant.
Edward T. Purvis, Bremen.
William J. Schafer, Caldwell.
John C. Steel, jr., Chagrin.
Edward M. Soyer, Chatfield.
Jacob A. Dressel, Convoy.
William H. Young, Cumberland.
Chaney V. Burris, Danville.
Frank Garver, Degraff.
Robert J. McGrattan, East Youngstown.
Rollo J. Hopkins, Edgerton.
William B. Price, Forest.
Roscoe Carle, Fostoria.
Clare B. Hempstead, Fredericksburg.
William V. Goshorn, Galion.
Dudley A. Taylor, Hebron.
John M. McMullen, Hillsboro.
William S. Eagleson, Hopedale.
John W. Farrelly, Hubbard.
George B. Saltsman, Irondale.
Albert Q. Arbaugh, Jewett.
Clifford B. Hyatt, Killbuck.
Ida H. Cline, Kings Mills.
Wilbur A. Williamson, Laurelville.
Orville T. Place, Leipsic.
Earl R. Keselring, Lewisburg.
Homer Southard, Marysville.
Walter F. Eltzroth, Morrow.
Besse Carney, Neffs.
Frank T. Mercer, Newark.
Elijah F. Lybarger, New Lexington.
Cleon K. Rockwell, North Baltimore.
George D. Smith, Oakharbor.
William H. Gerding, Pemberville.
William A. Greer, Proctorville.
John W. Campbell, Sardinia.
Jacob Fraker, Sherwood.
Frank G. Davis, Tippecanoe City.
James L. Vanarnam, Wellington.
Charles E. Kubitschack, West Jefferson.
Claude Tolle, West Union.
Roy H. Webster, Willoughby.
Frank C. Gerlach, Wooster.

PENNSYLVANIA.

Alice Irene Oliver, Blair Station.
Robert M. Hoover, Pennbrook.
J. Richard Hancock, Williamstown.

TEXAS.

William F. Lancaster, Bowie.
Daniel F. Largent, Bridgeport.
Ira S. Koon, Hallsville.
Joe C. Hawks, Lancaster.
Amos E. Duffy, Matagorda.
Ralph L. Buell, Pharr.
Edward Howard, Wichita Falls.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 24, 1920.

INTERSTATE COMMERCE COMMISSION.

Henry C. Stuart, of Virginia, to be a member of the Interstate Commerce Commission.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 24, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the splendid tribute, poured out of the heart of our people throughout the length and breadth of the land, in memory and admiration of George Washington, commemorating his birth.

For so long as the spirit of Washington lives in the hearts of our people, so long will patriotism live; and so long as patriotism lives, our glorious Republic will live to bless millions yet unborn.

Live on, O Washington, strong, and pure, and great, that thy spirit may inspire the world to deeds of heroism and glory, that liberty, truth, justice, and equal rights for all mankind shall live. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of penny postage.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD upon the subject of penny postage. Is there objection?

There was no objection.

CLERK TO COMMITTEE ON DISPOSITION OF USELESS PAPERS.

Mr. IRELAND. Mr. Speaker, I present a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 466.

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, compensation at the rate of $2,000 per annum for the services of one clerk for the Committee on Disposition of Useless Executive Papers.

With the following committee amendment:

Lines 2 and 3, strike out the words "until otherwise provided by law" and insert in lieu thereof the words "during the remainder of the Sixty-sixth Congress."

Mr. IRELAND. Mr. Speaker, this resolution is made necessary by the congestion of papers found in all of the departments and in the House document room. There has been no disposition made of these papers since the death of the lamented Mr. Talbott, of Maryland.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. CLARK of Missouri. Is this the usual appropriation for a clerk of that committee?

Mr. IRELAND. Does the gentleman mean with regard to the amount of salary?

Mr. CLARK of Missouri. Is this the usual appropriation made for the clerk of that committee? Is it a new provision or an old one repeated?

Mr. IRELAND. It is an old one repeated. I can give the gentleman that information from the Sixty-third Congress on. I have not got it prior to that. There has been a clerk and also a messenger since the Sixty-third Congress for each session up until the third session of the Sixty-fifth Congress and the first of the Sixty-sixth.

Mr. CLARK of Missouri. Does the clerk do anything at all?

Mr. IRELAND. I can only repeat what I have been told. The unwilling chairman of this committee says that he must have a clerk with some technical knowledge to go over these papers, that they have to be read and a report made upon them to the House.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. GARNER. There is just a little increase in the amount of salary that is to be paid, and that is all the difference?

Mr. IRELAND. I think so; but no messenger is provided, and none is needed.

Mr. GARNER. Of course, the Democrats when in power were very good to this committee because the gentleman from Maryland, Mr. Talbott, was the chairman of it. I think we gave him nearly everything he asked. I do not think it was necessary, but I think we gave him that clerk, I might say, as a matter of courtesy, because of the fact that he was the oldest Member. I make no reflection upon him now when I say that the House in its goodness of heart gave this clerk, and especially the messenger, as I recall it, to Mr. Talbott because he asked for it, not because it was necessary.

Mr. MANN of Illinois. That might be true, possibly, in part, as to the messenger, if the gentleman from Illinois will yield.

Mr. IRELAND. Certainly.

Mr. MANN of Illinois. I remember I supported the proposition. That committee does have important work to do, and most of that work is done by the clerk to the committee. Every few days we have a request from some department of the Government for permission to destroy what they call useless papers. When such a request goes to the Senate, that body refers it to a special committee. The House acts upon the theory that there ought to be a standing committee for this purpose, and the rules so provide. Frequently these papers are of a character that demands some one's investigation. A clerk in the department prepares a list, and decides that they should be destroyed, in his opinion. The law provides that Congress shall authorize their destruction before they are destroyed. Some one, both from the Senate and the House, is supposed to and ought to examine the character of papers, and in the main that work is done, and always has been done, by the clerk of the committee.

Mr. GARNER. Mr. Speaker, will the gentleman from Illinois yield to me so that I may ask a question of his colleague?

Mr. IRELAND. Certainly.

Mr. GARNER. As a matter of fact there ought to be a clerk for this purpose, employed both by the Senate and the House, whose duty would be specifically defined with reference to a report from a joint committee, and that clerk ought to be a lifetime position, as near as possible. In that way we would do away with having two clerks for two separate committees to do the same work. I think that is the method that ought to be pursued. Then we would have a technical man holding the position, probably for life, and Congress could rely absolutely upon his judgment as to what should be destroyed.

Mr. MANN of Illinois. I agree with the gentleman that the clerk ought to be for life. I think the clerks of all of these committees ought to retain their places, regardless of a change of chairmanship or of the political majority in the House.

Mr. GARNER. There is a good deal in that.

Mr. MANN of Illinois. But that never has been the case and will not be right away.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BLANTON. Does not the gentleman from Illinois [Mr. MANN], after his long experience here, believe that most of these papers ought to be destroyed before they are ever prepared, before they are printed?

Mr. MANN of Illinois. No. A large share of these papers are reports of some sort. For instance, they destroy applications for money orders. It is necessary that those shall be made, but they become finally of no use. There are many papers in the files of all departments which after a while are to be destroyed, but just at this time it is important that papers relating to the war, which might be valuable, should be examined before they are destroyed upon the recommendation of some clerk in some department who wants to get rid of them.

Mr. CLARK of Missouri. Does not the gentleman think all of these papers ought to be retained for a reasonable number of years—and I refer now to war papers or any other papers of importance?

Mr. MANN of Illinois. All papers of importance ought to be retained probably permanently, and certain papers relating to the war certainly ought not to be destroyed unless it is perfectly clear that they are useless.

I do not think we ought merely to trust the judgment of some clerk in a department to prepare the list. I think it ought to be examined by somebody in the House and somebody in the Senate.

Mr. CLARK of Missouri. If the gentleman from Texas will bring in a resolution here carrying out what he suggests ought to be done, to have one permanent clerk for the two Houses to look into these matters and who will become an expert, I will vote for it.

Mr. MANN of Illinois. Let me suggest to both gentlemen that that would mean the House would have nothing to do with it. That would mean that the Senator, as chairman of the joint committee, would name the clerk.

Mr. CLARK of Missouri. Now, why?

Mr. MANN of Illinois. Why? No matter why; it is a fact, and nobody knows it better than the gentleman from Missouri. [Laughter.]

Mr. GARNER. The only method would be as the gentleman from Illinois suggested, for the two Committees on Printing to get together and draw up some kind of a law which would authorize the selection of a clerk who would be permanent in nature. That would reach the object to be attained. Otherwise, as the gentleman from Illinois says, the name of the clerk would be dictated by the Senator who was chairman of the Printing Committee.

Mr. GARD. Will the gentleman from Illinois yield?

Mr. IRELAND. Certainly.

Mr. GARD. Who is the chairman designated as the unwilling chairman of this committee?

Mr. IRELAND. The gentleman from Indiana [Mr. MOORES], I am told.

Mr. GARD. Have there been any meetings of this committee?

Mr. IRELAND. There has been no committee that I am aware of.

Mr. GARD. The gentleman says the gentleman from Indiana is chairman of the committee. Is that all the personnel of the committee, just the chairman?

Mr. IRELAND. I think there are two Members of the House on the committee.

Mr. GARD. Under the former rule I know the gentleman from Maryland, Mr. Talbott, was chairman for a number of years, and my recollection is that there were two other Members on that committee.

Mr. MANN of Illinois. There are only two members of the committee.

Mr. GARD. I thought there were two besides the chairman.

Mr. MANN of Illinois. The Republican member or the chairman has not been selected, but he has been agreed upon by the Republican committee on committees, and there is a lot of work for that committee to do in connection with reports which have been already sent in.

Mr. GARD. But up to this time there has been no chairman or no Committee on Disposition of Useless Executive Papers?

Mr. IRELAND. Not since Mr. Talbott's death.

Mr. GARD. Who has been performing the onerous duties of this committee?

Mr. MANN of Illinois. They have not been performed by the House.

Mr. IRELAND. I know of my own knowledge that these papers have been accumulating. I spent half a day with Mr. Grayson in the document room going through them down here in the basement of the Capitol. There is a tremendous lot of waste stuff there, and they need the room for other purposes.

Mr. GARD. There has been nobody acting on the part of the House on this committee in this present Congress?

Mr. IRELAND. That is my understanding.

Mr. GARD. Does this appropriation carry a messenger, too?

Mr. IRELAND. No, sir.

Mr. GARD. Just a clerk?

Mr. IRELAND. Just a clerk.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The resolution as amended was agreed to.

NOMINATION.

Mr. MONDELL. Mr. Speaker, I nominate MERRILL MOORES, of Indiana, as a member of the Committee on Disposition of Useless Executive Papers, as chairman.

The question was taken, and the nomination was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

BLASCO IBANEZ.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent to proceed for two minutes in order to make a short statement.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. Mr. Speaker, it is with great pleasure that I announce to the House we have visiting us to-day Blasco Ibanez, whom you all know is the foremost writer of Spanish in the world, the author of the "Four Horsemen of the Apocalypse" and other works with which we are all familiar. It will perhaps be of interest to Members to know that Blasco Ibanez has also been for seven years a member of the Spanish Cortez, or Parliament; that he has always been a republican [applause] and is now—I mean not a Republican as distinguished from Democratic and Republican Parties here [laughter and applause], but a republican as against a monarchial system—and that he has always been a friend and admirer of the United States and its Government, and especially has he advocated and approved the parliamentary and Federal system of this country. Blasco Ibanez will be in the Speaker's room after a little, and he will be very glad indeed to meet all Members of Congress personally, and I am sure it will be a great pleasure for us to meet so distinguished a representative of that which is best in European and Spanish literature, as well as one whom we ought to admire and know better because of his republican and democratic principles. [Applause.]

CAMPS AND CANTONMENTS—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I desire to call up the conference report on the bill H. R. 8819.

The SPEAKER. The gentleman from California calls up the conference report on the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 22, 28, 29, 30, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, 26, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and to the title of the bill, and agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "at Camp Taylor, Ky., and in no event later than June 30, 1921"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "$236,000"; and the Senate agree to the same.

JULIUS KAHN,
D. R. ANTHONY,
THOMAS S. CRAGO,
S. H. DENT, Jr.,
Managers on the part of the House.

SELDEN P. SPENCER,
GEO. E. CHAMBERLAIN,
MORRIS SHEPPARD,
I. L. LENROOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives, at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 8819, an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report, to wit:

Amendments Nos. 1, 2, 6, 8, 9, 11, 12, 13, 15, 17, 18, 20, 21, 23, 25, 26, 33, 34, 35, 36, 37, 38, 39, and 40 are simply changes in phraseology.

Amendments Nos. 16, 22, 28, 29, and 30 are likewise corrections of the language.

On amendment No. 3: Provides for the completion of the 60-centimeter railroad at Camp Benning, Ga. Your conferees are of the opinion that this amendment will probably save a considerable sum for the Government in the long run. Hence they recommend that the House recede from its disagreement to said amendment.

On amendment No. 4: This changes the amount appropriated for Camp Benning from $250,000 to $320,000, in compliance with the preceding amendment.

On amendment No. 5: Merely changes the total as required by the adoption of amendments Nos. 3 and 4.

On amendment No. 7: Provides the sale of real estate and buildings at Camp Gordon, Ga., shall not be made before June 30, 1921.

On amendment No. 10: Provides for the construction and completion of steel storage buildings at Camp Normoyle, Tex., so as to provide shelter for the motor trucks located at this camp.

On amendment No. 14: This amendment describes more fully the land to be purchased at Camp Knox, Ky., but does not add to the cost.

On amendment No. 19: This amendment provides for the sale of all real estate and buildings at Camp Taylor when Camp Knox is prepared to take over the Field Artillery School now at Camp Taylor. Your conferees agreed to place a time limit upon this proposition so that the sale of the real estate and buildings at Camp Taylor shall be disposed of not later than June 30, 1921.

On amendment No. 24: Specifies that the sale of Camp Eustis shall not be made prior to June 30, 1921.

On amendment No. 27: Your conferees agreed that the amount to complete the purchase of real estate for Watervliet Arsenal extension, N. Y., be increased over the amount allowed by the Senate to $236,000.

On amendment No. 31: This amendment proposed to strike out the provision for the purchase of real estate and the acquisition of oyster rights at Langley Field, Va., but the Senate recede and the legislation is restored.

On amendment No. 32: This amendment relates to the purchase of the Curtiss-Elmwood plant, at Buffalo, N. Y. Your conferees believed that the language of the Senate amendment makes the provision more specific and provides for a complete settlement of all claims and charges for depreciation, wear and tear, obsolescence, and amortization of the claims of the Curtiss-Elmwood Co. The amount of the appropriation as passed by the House, however, is not affected by the amendment.

On amendment No. 41: This amendment authorizes the expenditure of the unexpended balances of appropriations for "terminal storage and shipping buildings as may be necessary," which were made in the deficiency act of October 6, 1917, so as to provide for the payment of awards to cover the acquisition of certain described real estate at Raritan Arsenal, N. J.

On amendment No. 42: This amendment relates to the purchase of land for Walter Reed Hospital. The purchase was originally provided for in the Army appropriation bill for the fiscal year ending June 30, 1920, approved July 11, 1919. However, the comptroller rendered a decision to the effect that there were two conflicting provisions in said appropriation bill, one of which prohibited the purchase of any real estate by the War Department and the other for the purchase of land contiguous to the Walter Reed Hospital. The amendment authorizes the purchase of said land.

JULIUS KAHN,
D. R. ANTHONY, Jr.,
THOMAS S. CRAGO,
S. H. DENT, Jr.,
Managers on the part of the House.

Mr. KAHN. Mr. Speaker, I move the adoption of the conference report.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WALSH. I just wanted to ask the gentleman from California if he noticed that in preparing the amendment and acting upon the Senate amendments there was a slight mistake in one of the totals in the paragraph relating to Infantry on page 3 of the bill?

Mr. KAHN. I had noticed that mistake. It was a mistake of $2; but it is a mistake in the total amount, and I believe in construing legislation the totals are never considered in connection with the items themselves. So that I assume there is no serious damage done by the mistake. It is an inadvertence, however.

Mr. MANN of Illinois. The mistake was in the Senate amendment, and of a character which the conferees could not correct without making a report subject to a point of order.

Mr. KAHN. Exactly. That is the position of the case. It does not affect any of the legislation whatever.

Mr. WALSH. The gentleman understands that the totals in bills carrying appropriations for specific items in specific amounts are not controlling?

Mr. KAHN. That is my understanding.

Mr. MANN of Illinois. That is perfectly certain under the rulings.

Mr. BLANTON. Will the gentleman from California yield?

Mr. KAHN. Certainly.

Mr. BLANTON. I wanted to ask the distinguished chairman whether, if his committee had employed this expert $40,000-draftsman in the preparation of this bill, he might not have saved that $2?

Mr. KAHN. I do not think this committee had anything to do with it at all. It was a mistake that was made over in the Senate committee.

Mr. BLANTON. Oh, yes. Well, a $40,000-a-year draftsman is supposed to help the distinguished Senators as well as the distinguished Representatives.

Mr. KAHN. The bill was all right as to amount when it left the House.

Mr. PARRISH. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. PARRISH. How much more is the appropriation as shown in the conference report over what it was when the bill passed the House?

Mr. KAHN. I think it is nearly, but not quite, $50,000, if I recall correctly.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12610.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

Mr. WOOD of Indiana. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. With reference to the situation when we adjourned last night. There was a motion of the gentleman from Illinois [Mr. IRELAND] pending at that time, to strike out the following language on page 11, lines 11 and 12, at the end of the first paragraph:

For labor, tools, and machinery for furniture-repair shop, $10,000.

And pending the vote the question of no quorum was raised, and the committee rose and the House adjourned. Since adjournment we have had some conference upon this matter with the Clerk of the House and with the gentleman from Illinois [Mr. IRELAND]. I wish to state that it is agreeable to all concerned for this item to be transferred from the paragraph in which it now appears, to page 18, in lines 11 and 12, and that it be added to the furniture, material, and repair item of $20,000, making that item $30,000.

Mr. SISSON. If the gentleman will pardon me, I did not understand what he was saying.

Mr. WOOD of Indiana. I said to the committee that when we adjourned last night we were taking a vote on the amendment of the gentleman from Illinois [Mr. IRELAND] to strike out the $10,000 item referred to. As a result of the conference with the Clerk and with Mr. IRELAND, it is perfectly agreeable to have this transferred to page 18, to the item for furniture and materials for repairs of the same, making the total of the item $30,000.

Mr. SISSON. I have no objection to that.

Mr. WOOD of Indiana. If the amendment offered by the gentleman from Illinois [Mr. IRELAND] is defeated, I will ask unanimous consent that this item be considered in order when we reach the item on page 18.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I yield.

Mr. MANN of Illinois. Is it the suggestion of the gentleman that we increase the amount on page 18 by $10,000?

Mr. WOOD of Indiana. I want to modify the language so that it will read:

Including not to exceed $12,000 for labor, tools, and machinery for furniture repair shop.

And in line 12 strike out "$20,000" and insert "$30,000."

Mr. MANN of Illinois. I was going to ask in reference to labor, tools, and so forth.

Mr. WOOD of Indiana. We modify the language.

Mr. SISSON. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SISSON. Does the gentleman mean to transfer the language as well as the amount, so as to carry the item in the language in which it is now carried in the present place?

Mr. WOOD of Indiana. Yes.

Mr. SISSON. I have no objection to that.

Mr. IRELAND. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment.

Mr. MANN of Illinois. Mr. Chairman, if the gentleman withdraws his amendment, then what becomes of the matter?

Mr. WOOD of Indiana. The amendment ought to be adopted. I will state to the committee that if the amendment is adopted we will then offer to amend the section referred to.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. IRELAND].

Mr. SISSON. Mr. Chairman, a parliamentary inquiry. I understand that when we adjourned yesterday we were voting on the amendment offered by the gentleman from Illinois [Mr. IRELAND] and the motion was voted down, but there was not a quorum present, and the House adjourned. When we vote now do we vote on his motion?

Mr. WOOD of Indiana. Yes.

Mr. SISSON. Is it the purpose to vote it out here so that we may put it in in the proper paragraph?

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. IRELAND].

The question was taken, and the amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, before passing this item I will state that the total of the item should be reduced by $10,000. I ask unanimous consent that all totals be corrected.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the Clerk may correct the totals. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk $2,500, assistant clerk $1,800, janitor $1,000; Agriculture—clerk $2,500, assistant clerk $1,800, janitor $1,000; Appropriations—clerk $4,000 and $1,000 additional so long as the position is held by the present incumbent, assistant clerk $3,000, assistant clerk and stenographer $2,500, assistant clerks—one $1,900, one $1,800, janitor $1,000; Banking and Currency—clerk $2,000, assistant clerk $1,200, janitor $720; Census—clerk $2,000, janitor $720; Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Coinage, Weights, and Measures—clerk $2,000, janitor $720; District of Columbia—clerk $2,500, assistant clerk $1,800, janitor $720; Education—clerk $2,000; Election of President, Vice President, and Representatives in Congress—clerk $2,000; Elections No. 1—clerk $2,000, janitor $1,000; Elections No. 2—clerk $2,000, janitor 720; Elections No. 3—clerk $2,000, janitor $720; Enrolled Bills—clerk $2,000, janitor $720; Flood Control—clerk $2,000, janitor $720; Foreign Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Immigration and Naturalization—clerk $2,000, janitor $720; Indian Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Industrial Arts and Expositions—clerk $2,000, janitor $720; Insular Affairs—clerk $2,000, janitor $720; Interstate and Foreign Commerce—clerk $2,500, additional clerk $2,000, assistant clerk $1,500, janitor $1,000; Irrigation of Arid Lands—clerk $2,000, janitor $720; Invalid Pensions—clerk $2,500, stenographer $2,190, assistant clerk $2,000, janitor $1,000; Judiciary—clerk $2,500, assistant clerk $1,600, janitor $1,000; Labor—clerk $2,000, janitor $720; Library—clerk $2,000, janitor $720; Merchant Marine and Fisheries—clerk $2,000, janitor, $720; Military Affairs—clerk $2,500, assistant clerk $1,500, janitor $1,000; Mines and Mining—clerk $2,000, janitor $720; Naval Affairs—clerk $2,500, assistant clerk $1,500, janitor $1,000; Patents—clerk $2,000, janitor $720; Pensions—clerk $2,500, assistant clerk $1,600, janitor $720; Post Offices and Post Roads—clerk $2,500, assistant clerk $1,400, janitor $1,000; Printing—clerk $2,000, janitor $1,000; Public Buildings and Grounds—clerk $2,500, assistant clerk $1,200, janitor $720; Public Lands—clerk $2,000, assistant clerk $1,200, janitor $720; Reform in the Civil Service—clerk $2,000; Revision of the Laws—clerk $2,000, janitor $720; Rivers and

Harbors—clerk $2,500, assistant clerk $1,800, janitor $1,000; Roads—clerk $2,000, janitor $720; Rules—clerk $2,000, assistant clerk $1,500, janitor $720; Territories—clerk $2,000, janitor $720; War Claims—clerk $2,500, assistant clerk $1,200; janitor $720; Ways and Means—clerk $3,000, assistant clerk and stenographer $2,000, assistant clerk $1,900, janitors—one $1,000, one $720; in all, $180,570.

Mr. LITTLE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 13, line 13, after the word "clerk," strike out "$2,000" and insert "$3,000."

Mr. WOOD of Indiana. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Indiana reserves a point of order on the amendment.

Mr. LITTLE. Mr. Chairman, by the way, I reserve a point of order against the entire section.

Mr. WALSH. It is too late now.

Mr. LITTLE. Then it is too late for the gentleman from Indiana to reserve the point of order. But I will reserve points of order on what comes after that.

Mr. WOOD of Indiana. I am reserving this point of order in order that the gentleman from Kansas may state what the purpose of his amendment is.

Mr. LITTLE. I am not criticizing the gentleman's action.

Mr. WOOD of Indiana. I thought the gentleman was.

The CHAIRMAN. The Chair thinks the gentleman from Kansas can not reserve a point of order at this time.

Mr. LITTLE. I did not have that thought in mind at all—the thought that the gentleman from Indiana suggested.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] reserves a point of order on the amendment.

Mr. LITTLE. Mr. Chairman, after a conference with the gentleman from Indiana [Mr. WOOD] and the gentleman from Mississippi [Mr. SISSON], who have charge of the bill, this amendment is offered without any objection on their part.

I may state to the House that this Committee on the Revision of the Laws is at work upon a revision of the laws. This work will include, when accomplished and ready to present to the House, all the general laws in force on March 4 last. This is a work, you will understand, of tremendous extent. The committee has undertaken to do this with practically or almost no tools at all. The work has not been done for 46 years, and the committee has fallen into a sort of somnolence; but I felt, of course, that until we had accomplished something there was no reason why we should expect anything, and I have been working with the tools that we had.

This committee is allowed about $4,000 to accomplish this revision. Heretofore there had been an allowance of $20,000 when such things came up; $15,000 for three revisers, and $5,000 for clerk hire. Twice as much would be needed now to equal that then. We have been doing work for $4,000, and I may state to the committee that about one-third of this work is now revised and one-fourth of it is in the hands of the printer, so that you can see we have really accomplished something. The revisers have accomplished about one-third of the work, and one-fourth of it is in the hands of the printer, and most of that is printed.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. LITTLE. Yes.

Mr. MANN of Illinois. Does the clerk of this committee do active work in reference to the work of revision?

Mr. LITTLE. That is what I am on my feet to say. I will take that up now. The gentleman brings it to the point. But I want to make my preliminary statement first. I want some day to take the time of the Members of the House to go over this work with them. At present I am not quite ready for that. I do not want to burn my powder too much until we get to that.

The question of the gentleman from Illinois suggests the point, Does the clerk do this work? The chairman has devoted practically all of the funds of this clerkship to the work of revisers. Practically all of that money has gone in that way. I really practically have not had any clerk most of the time in the sense that other chairmen of the committee have had clerks. I have had three men working on this revision. They are revisers.

Now, in order to get them I have had most of the time to sacrifice my clerkship and do most of the clerk's work myself.

I would not have said this if the gentleman from Illinois had not asked me the question. On Sunday I spent 16 hours in doing the work that largely I would want a clerk to do. That is not the first time I have done that, either.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. SISSON. I want to state to the gentleman that when I first came to Congress I served on this committee, and we revised, under Judge Moon, of Pennsylvania, the civil code and the criminal chapter.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SISSON. I will say to the gentleman that if he expects to get a clerk who is really capable of doing this work, he will be extremely fortunate if he gets a man to suit him for $3,000; so that I think the committee would want an answer to the question propounded by the gentleman from Illinois [Mr. MANN], and that is, whether or not the clerk would be the man who would be expected to do this work. If you expect a man to devote his time and attention to this work exclusively, you would need a man who would cost you at least that much money. You would have to have an able assistant in the codification of these laws—30 volumes or more——

Mr. LITTLE. Thirty-five volumes, including the Revised Statutes.

Mr. SISSON. And to go through all these volumes and bring each of these sections down to almost perfect accuracy, so that Congress will know that all that is contained in the 27 or 35 volumes will be covered. You will have trouble in getting a man for that money. If the gentleman thinks he can get such a man for $3,000, I hope he will be able to do so.

Mr. LITTLE. Most of the time I have practically not had any clerk at all. The pay would be sent to a distance, to a gentleman who was doing the revising, and I would have to do the clerk's work. I have had two lawyers working for me a while who might have filled the bill, but one came down here and got a much better salary, and we could not keep him. The other was a man who was not very well. He was a nervous man, and he was working too hard and could not well hold out, I think. But I think either one of them could have been made to fit the purpose if we had the salary. This clerk could do some of the revising, although I hope to ask the House for further means for revisers.

The reason I have not asked more money for revisers is because I have not found them yet. When I find more good men I shall ask an increase in that fund. What I want now is a clerk who is a lawyer and an editor and everything else—some young man who is ready to begin by hard work, or some older man who does not enjoy active practice but who is a master of the books.

Now, I want him to take some of this burden off my shoulders of going through the revision when it comes in. Everything done so far has been gone through by at least three men, in all, three times. I want this clerk to go through the copy that comes in and compare it, under instructions I will give him—go over it all before it goes to the printer—and I want him to help read the proof on it when it comes back from the printer. He will be expected also to do some revision. I have in mind two or three men that I might possibly get who would, I trust, fill the bill. The gentleman suggests that $3,000 is as little as we ought to have for the compensation of this man, which is true. It ought to be $4,000, but I do not want to get some fellow who is no good and have him saddled on us here. When I get a man, if I find he is worth $4,000, I am going to ask the House to make it $4,000 later on, in a few months, perhaps. If I do not get a man who is worth $4,000, the $3,000 will be enough. This committee, when it does anything, has as important and multifarious duties as any committee in the House, and I think it ought to have a clerk equipped for the work.

Mr. WASON. Has the gentleman any special fund?

Mr. LITTLE. The House contingent fund allows us $4,000 for revising. That has been the case for some years. It used to be $5,000, and before that they allowed $20,000. Instead of asking for more I went to work on the $4,000, and I hardly know myself how I got it done so far, but I have got a part of it done, and a fourth of it in the hands of the printer, and most of it printed now.

Mr. WASON. That is how the gentleman has had three assistants, a clerk, and two others, out of that special fund?

Mr. LITTLE. I just dumped my clerkship in with it, and kept the work going. I have been doing without a personal clerk nearly all the time.

Mr. WALSH. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. WALSH. If this clerk's salary is increased, does the gentleman have considerable confidence that he will be able to present to this Congress some plan of codification of the Federal laws within a reasonable period, for the action of the House?

Mr. LITTLE. I have a great deal of confidence that we will do so. I have submitted what I have done to a good many lawyers, some in Congress and some out. I wish the gentleman himself would run it over. I have submitted it to men like Mr. Webb, who was chairman of the Judiciary Committee, and they have said to me——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. I ask for three minutes more.

Mr. WOOD of Indiana. I withdraw the reservation. I am willing to let it go.

Mr. MANN of Illinois. I would like to say a word on this.

Mr. LITTLE. Before the gentleman does that I wish to say that Mr. Webb, when he was chairman of the Judiciary Committee, said this was wonderful work that the revisers were doing, and very successful.

Mr. MANN of Illinois. Mr. Chairman, when I first came to the House, in 1897, there was a commission on codification of the laws of the United States, a commission that lasted a long time and made some reports. Even then it was recognized that there was occasion to revise and codify the laws. Since that time we have had a special committee of the House on the subject of revision of the laws, in addition to the regular committee of the House. That special committee made several reports to the House, and we passed what we called the Criminal Code, and the judiciary title, and possibly something else. Those two were the most important.

When Mr. WATKINS, of Louisiana, was chairman of that committee they did very considerable work, though I think no bill was passed.

It is highly desirable that Members of Congress and other people may have an opportunity to learn what the law is by the examination of a book. You can not do that now. The gentleman from Kansas [Mr. LITTLE] is chairman of the Committee on Revision of the Laws. I urged him to accept that chairmanship with the idea that he would go to work, and would have sufficient help to revise the laws, not to change them, but to bring down to date a revision of existing law. I said to him that if he did that, in my belief there was a chance, and possibly more than a bare chance, that the Congress would pass it as a law, even without reading it, if they were satisfied it was only a codification of existing law. I hope it may be done. There is no small thing of greater importance. I have kept track somewhat of the work being done by the chairman and the committee and their assistants, and they are doing good work in the way of really codifying the existing law. Let us hope they will; and I hope in addition to that we may act and pass the law, so that you can find it in a book. In the old Roman days they had to have special counselors, because no one else knew the law, and the old Roman days had nothing on us. [Laughter.] There is not a man on earth to-day who can tell where he will find the statutory law of the United States. There are men who on certain lines know where the law is, but there is no one person who can find all the law without spending years of careful study. Let us be prepared to enact a law that everybody can find, though they may not understand it if we keep on passing what we do. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. LITTLE].

The amendment was agreed to.

Mr. IRELAND. Mr. Chairman, I reserve a point of order on the next paragraph.

Mr. BLANTON. That has not been read yet.

The CHAIRMAN. That has not been read.

Mr. BLANTON. I offer an amendment. I move, on page 13, line 21, to strike out the sum "$180,570."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 13, line 21, strike out the figures "$180,570."

Mr. BLANTON. Mr. Chairman, I want to call the attention of the committee and the chairman to the fact that in this paragraph we are providing for 41 colored janitors, most of whom are to perform in the House Office Building. They do not do janitor service, or much of it, and we all know it. If you will come over to the House Office Building some morning at any time between about 5 o'clock and about 8 o'clock a. m., you will find a horde of janitors and charwomen cleaning up that building. They go into every single office, committee room, and otherwise, and clean it up well every morning, except Sunday morning. No janitor is to be found there on Sunday morning. These 41 so-called extra janitors are, as a matter of fact, merely the door flunkeys of these committee chairmen, and they are not necessary. Why should we have a suave, well-dressed negro porter sitting out at the office door to greet people when they come in? Does it add anything to the dignity of the chairman? Can you not save this expense of these 41 so-called janitors?

Now, we can not deceive the people on this. The people of this country know that every single chairman of every one of these numerous committees has first his private secretary whom Congress gives him and then in addition to that he has his clerk whom Congress gives him. They are two employees under him to do his work. And then in addition, if he is chairman of a committee, besides this secretary and this clerk he has the committee clerk. Then in some cases there is an assistant committee clerk and in some more cases a second assistant committee clerk, and then there is this janitor for the committee, but more especially for the chairman, all under the jurisdiction of the chairman.

Now, let us scrutinize one of these committees, for instance. On page 12 of the bill, lines 18 and 19, appears the Committee on Industrial Arts and Expositions. How many times has that committee met in the Sixty-sixth Congress? Not a single time. That committee chairman has his secretary. He has his Member's clerk. He has his committee clerk, drawing $2,000 a year. What has he done in the Sixty-sixth Congress? Not a thing outside of the private work of the chairman. What work has there been for him? Practically nothing in the nature of committee work. And then he has this negro janitor, who sits out at his door, and so on, in addition to all these employees. Is my good friend, the distinguished economist from Wyoming [Mr. MONDELL], who speaks of saving a billion dollars on the estimates in this Congress and who decides what legislation is to pass, going to stand for all this?

Oh, it is no excuse to say that the Democrats have had them; it is no excuse to say that the Democrats inherited them from our Republican friends. They are here, they are unnecessary, they are useless, and they are expensive to the taxpayers, the people of this Nation. Is it not time that our friends, the Republicans, and we Democrats on the other side of the aisle should wake up and stop it? I know that Members fortunate enough to be chairmen of committees like to have that porter out at the door to meet his constituents when they come here, to bow and scrape and invite them in, but your constituents, if they are like mine, would prefer for you not to have them and for you to cut that expense off their taxes. Why, they draw a salary of from $1,000 down to $720, and the one that draws $1,000 salary gets $240 bonus, making $1,240 per annum.

Mr. Chairman, I withdraw the pro forma amendment, knowing that it is useless to put the matter to a vote, as there is no chance to stop this expense.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Clerks provided in the foregoing paragraph shall be under the direction of the Clerk of the House of Representatives at any time after the termination of the Congress during which they were appointed.

Mr. IRELAND. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. WOOD of Indiana. Mr. Chairman, I wish to state to the committee the reason for inserting this provision in the bill. There seems to be some misunderstanding with reference to this provision. Many think it is for the purpose of giving control to the Clerk of the House over the various committee clerks. That is not the purpose except in a limited way.

Mr. BANKHEAD. Mr. Chairman, I would like to know what the point of order is.

Mr. DOWELL. Mr. Chairman, I will make the point of order, in order to raise it, that it is legislation and not in order.

Mr. IRELAND. The point of order is that it is legislation on an appropriation bill and changes existing law.

The CHAIRMAN. Does the gentleman from Iowa insist on his point of order?

Mr. DOWELL. I will withdraw it in view of the fact that the gentleman from Illinois [Mr. IRELAND] has reserved it.

Mr. WOOD of Indiana. Mr. Chairman, the provision reads:

Clerks provided in the foregoing paragraph shall be under the direction of the Clerk of the House of Representatives at any time after the termination of the Congress during which they were appointed.

"After the termination of the Congress." There is that lapse of time from the termination of Congress until the new Congress is elected. In that interim there is no one to whom the clerks are responsible or to whom they have to answer. They hold over; their salaries are continued; they are annual em-

ployees. There should be some one to whom they may look for guidance and to whom they shall answer for the discharge of their duties.

Mr. SISSON. Will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. SISSON. The chairman of the committee may be defeated for Congress. There may be an entirely new committee, and there is no committee in existence in the interval. The chairman is defeated and Congress does not meet until December, and so the employees are without anyone to whom they are responsible.

Mr. MANN of Illinois. Mr. Chairman, I think I can give a better explanation for the insertion of the item, because I can go back a ways in history. Of course, there is no chairman of a committee at the end of a Congress, but the annual clerks remain on the pay roll. Some Congresses ago the annual clerk and janitor told the former chairman of the committee to go to ——, although they were supposed to be under his control. They said they would do no work of any kind either for him or the House; that there was no way of taking them off the roll. They were on the roll, and they would stay there until a new Congress came in. I am not sure whether on that occasion there was a change of majorities; but they would go out when the new Congress came in anyhow, and did not propose to pay any attention to the House or the former chairman who had appointed them.

That matter was corrected as to janitors by the provision now in the bill, on the top of page 14. It was inserted in the bill long ago, but was not put in for the purpose of requiring these committee janitors to do ordinary janitor work, but so that the chief janitor or doorkeeper having control of them would require them to do the same character of work which the former chairman of the committee who appointed them wanted them to do.

I take it that the purpose of this provision was that at the end of this Congress, for instance, when there is no chairman of the Committee on Appropriations, if the distinguished gentleman—and I use the term properly—Mr. Shields should say, "I do not propose to do any work between now and the meeting of the next Congress," if this provision is in he will do the work or come off the pay roll. If the provision is not in, the clerks of that committee could refuse to do any clerical work for the Committee on Appropriations preparing for the next session of Congress.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. MANN of Illinois. I will.

Mr. DOWELL. Suppose a committee clerk was willing to remain and do the work, and the Clerk of the House should say to him, "We do not need you." Under this provision he could dismiss him.

Mr. MANN of Illinois. Possibly that is true, but that will not be done. It leaves them in somebody's control.

Mr. DOWELL. It seems to me that it may be as easily done as for the clerk to rebel and say he will not do any work. The only purpose I see of this provision is to give the Clerk of the House the power to dismiss any clerks he desires to because he may not have any need for them. All this does is to give him the power to discharge the clerk at any time he sees fit.

Mr. MANN of Illinois. He can not discharge him except for insubordination.

Mr. DOWELL. There is no provision to that effect. If it is the intention to dispense with all the clerks, I want to say that many are busy during vacation, and it seems to me we are giving the power to some one else to dispense with the services of the clerks.

Mr. MANN of Illinois. I was chairman of a committee for many years and helped put in the original provision about the janitors.

Mr. DOWELL. If the interpretation of this by the Clerk would be the same as that of the gentleman from Illinois, there would be no question about it.

Mr. WOOD of Indiana. I would say to the gentleman from Iowa that the very provision that he is now saying might be construed into this language was asked by the Clerk, but the committee did not think it wise to put it in. I wish to state further that it is the duty under the law for the clerks of these committees to file with the Clerk of the House all of their files and papers. It has been established by many concrete cases that they absolutely not only do not file them but have refused to do that very thing, and there is no one to compel them to do it. It has resulted in loss of many valuable papers, and it has resulted in much confusion.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. The only intention of the committee in putting this clause in is for the purpose of maintaining good order with reference to the conduct of these clerks and with reference to the business of committees during this interim. Somebody should be charged with this responsibility.

Mr. IRELAND. Can the gentleman inform the House why the Clerk should have any greater authority over these clerks to committees than the chairmen of the committees?

Mr. WOOD of Indiana. That is the trouble. They are not the chairmen and there are no chairmen to committees. The Congress has ended, and in many cases the chairmen may be defeated. The Congress ends on March 4.

Mr. IRELAND. Absolutely—granted.

Mr. WOOD of Indiana. And the clerk to the committee continues by virtue of the law, for he is an annual employee, and he has nobody to answer to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. McLAUGHLIN of Michigan. Does the gentleman think that the word "direction" here gives the authority to discharge these men?

Mr. WOOD of Indiana. No; I do not.

Mr. McLAUGHLIN of Michigan. It is not by virtue of the word "direction" that the chairman of the committee has the right to hire and discharge men. It is power conferred in another way.

Mr. WOOD of Indiana. I would expect—and I expect that every Member of this House would admit—that if there was some one to whom these clerks should answer and any one of them should become insubordinate and would absolutely neglect the duties imposed upon him, waste the property of the Government, lose the papers that are of value to subsequent Congresses, somebody ought to have the right to discharge him.

Mr. McLAUGHLIN of Michigan. I think so, too; but I doubt if that authority is carried by the word "direction."

Mr. WOOD of Indiana. There is absolute necessity for it now. There has been necessity for this for many years—that somebody have responsibility over these clerks who can protect the property that belongs to this Congress and that is of so much value to an incoming Congress.

Mr. IRELAND. Why not insert a provision terminating their services with the Congress?

Mr. WOOD of Indiana. Because of the fact that there is need of them.

Mr. IRELAND. It is the gentleman's thought that they should be under the direction of the Clerk rather than under the direction of the chairman?

Mr. WOOD of Indiana. But there is no chairman.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, is it the purpose of the gentleman from Illinois to insist upon the point of order?

Mr. IRELAND. I am so minded at present.

Mr. BANKHEAD. I do not see any reason for further discussion. I demand the regular order.

The CHAIRMAN. The regular order is, Does the gentleman from Illinois insist upon the point of order?

Mr. IRELAND. I ask unanimous consent that the gentleman from Indiana may proceed for five minutes.

The CHAIRMAN. But the gentleman from Alabama has demanded the regular order.

Mr. IRELAND. Then I renew my point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Indiana concede the point of order?

Mr. WOOD of Indiana. I would like to have the gentleman state his point of order.

Mr. IRELAND. It is new legislation, it is contrary to existing law, and it is legislation on an appropriation bill.

Mr. WOOD of Indiana. Mr. Chairman, I may or may not be right in my contention, but I desire to be heard for a moment upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WOOD of Indiana. I think it is perfectly patent, perhaps more because of the discussion that has been had than what

appears in the clause itself, that this is in the interest of economy, is in the interest of saving expenditures, is in the interest of good government and good conduct of the business of the United States, and for the life of me I can not see how any man could be so jealous of a little bit of jurisdiction over these men, when his jurisdiction has expired, as to offer objection to it, for the reason that there is no Congress during the time that the Clerk has jurisdiction over these men. There is no chairman, and by virtue of law these men being made annual employees they go adrift without anybody to answer to, and even defy requests of the officer who is charged with the responsibility of taking care of the files. It is the duty of these clerks to file all papers in their several committees with the Clerk of the House. They refuse to do that, and they defy him, and he can not get them, and very often it has resulted in loss not only to the Government but in very great confusion in the investigation of unfinished business before the committee that comes up again in the next Congress.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. Of course there may be a number of Representatives elected who might like to have this clerk at home during the interim to impress upon their constituents the importance of the position here.

There are repeated cases where these committees have defied the Clerk when requested, under the statute which makes it his business to take over these bills, to furnish or bring them to his office for the purpose of examining them or storing them.

Mr. SISSON. And is it not true also, after a defeated Congress has adjourned and there is nobody to control these clerks with reference to papers belonging to the committee, that in some cases the books and bills that should have been listed were never turned over to the succeeding clerk and succeeding chairman because there was nobody to control it?

Mr. DOWELL. Will the gentleman yield for one further question?

Mr. WOOD of Indiana. I will yield.

Mr. DOWELL. Is it the intention of the committee that the authority granted here to the Clerk is for the purpose of the Clerk directing the work of the clerks of the committees during the vacation?

Mr. WOOD of Indiana. Absolutely. The fact is they pay no attention to it. They abandon their work and yet they are receiving their pay.

Mr. BANKHEAD. Mr. Chairman, I respectfully suggest that this is not discussing the point of order.

The CHAIRMAN. The Chair thinks that the discussion is wandering very far afield.

Mr. WOOD of Indiana. I think it is myself, but I still insist that the paragraph is in favor of retrenchment of expenses and the conservation of the property of the United States, and I think it ought to be in order even if it should be held not to be.

The CHAIRMAN. The Chair thinks very clearly it is legislation and can be justified only under the Holman rule, and it does not come under that rule, and therefore sustains the point of order.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 13, after line 21, insert:

"Appropriations in the foregoing paragraph shall not be available for the payment of any clerk or assistant clerk to a committee who does not, after the termination of the Congress during which he was appointed, perform his duties under the direction of the Clerk of the House."

Mr. IRELAND. I reserve a point of order on the amendment.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

Mr. WOOD of Indiana. I would like for the gentleman to state what his point of order is.

Mr. IRELAND. The same as before.

Mr. BLANTON. I respectfully ask for the regular order.

Mr. WOOD of Indiana. This is a limitation of expenditures and comes clearly under the rule, and I do not think I care even to argue it.

Mr. BLANTON. Mr. Chairman, I insist on the regular order.

Mr. CANNON. This is the regular order.

Mr. BLANTON. The gentleman only reserved the point of order.

The CHAIRMAN. The Chair thinks the gentleman is entitled to proceed for five minutes under a reservation of the point of order.

Mr. IRELAND. I would like to ask the Chairman——

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where a Member reserves the point of order and the regular order is called for, does not that stop debate under the reservation?

The CHAIRMAN. The Chair thinks it is the better practice where a gentleman reserves a point of order that he be permitted to proceed for five minutes, but if the point of order is made and the regular order——

Mr. BLANTON. May I suggest to the Chair that this is overruling precedents of the House for 50 years?

The CHAIRMAN. While the Chair thinks under a reservation of a point of order there is probably no time limit except in the discretion of the Chair unless the regular order is demanded, but if there is a reservation of the point of order the Chair thinks the Member should be permitted to proceed for five minutes, as possibly the explanation which will be given by the gentleman in charge of the bill might induce the withdrawal of the point of order.

Mr. MANN of Illinois. While I think he ought to be given time, I hope the Chair will not rule that as a matter of right.

The CHAIRMAN. The Chair will not make that ruling unless some gentleman insists——

Mr. BLANTON. I have insisted and have demanded the regular order.

The CHAIRMAN. Then the question is, Does the gentleman from Illinois make the point of order?

Mr. IRELAND. I withdraw the point of order.

Mr. MANN of Illinois. Mr. Chairman, I would like to ask the gentleman from Indiana a question. The gentleman my colleague from Illinois made a point of order on the original paragraph. He is chairman of the Committee on Accounts. The law provides for a Committee on Accounts after the final adjournment of Congress. Now, does the gentleman from Indiana think that it would be desirable to take away from my colleague when he is named, as he probably will be, the chairman ad interim of the Committee on Accounts command over the clerks of that committee and transfer it to the Clerk of the House, as will be done by the amendment proposed here?

Mr. WOOD of Indiana. Well, that would not be done; it could not be done——

Mr. MANN of Illinois. It would be done. I do not know what practical thing would be done, but what legal thing would be done.

Mr. WOOD of Indiana. No; it would not be done, for the reason that under the paragraph as originally drawn it just simply gives the Clerk of the House the direction of these clerks during the interim.

Mr. MANN of Illinois. Well, I know, but there is a chairman of the Committee on Accounts during the interim——

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. He is chairman and he is renamed by the Speaker and he is continued. Now, is it desirable, the Committee on Accounts largely through its clerk passing upon all accounts of the officers of the House, including the Clerk of the House, to say that the Clerk of the House shall direct this committee in the interim in preference to the chairman of the committee?

Mr. WOOD of Indiana. No; there is no such intention as that.

Mr. MANN of Illinois. I know, but that is what it says.

Mr. SISSON. Mr. Chairman——

Mr. WOOD of Indiana. No; it does not say that. A reasonable construction of the language is that the Clerk shall direct these men where committees are inactive. If the gentleman will read here——

Mr. SISSON. Mr. Chairman——

Mr. MANN of Illinois. I know what the theory is, and I fully agree with it, but here is an actual case. Now, there ought to be an exception where there is any committee continued by law.

Mr. WOOD of Indiana. If the gentleman thinks there is any fear of any conflict between the chairman of the committee and the Clerk, I absolutely have no objection to the amendment.

Mr. SISSON. Mr. Chairman, I make the point of no quorum.

Mr. MANN of Illinois. I do not know why the gentleman from Mississippi should insist, when I have the floor, that I should yield to him in preference to somebody else.

Mr. SISSON. I was not endeavoring to get any preference.

Mr. MANN of Illinois. Yes; the gentleman was.

Mr. SISSON. I was not endeavoring to get any preference. I was endeavoring, if I could do so, to help the gentleman in reference to the very matter that is under consideration.

Mr. MANN of Illinois. I knew the gentleman was, and I should have yielded to him just as soon as I could, but the gentleman ought not to get vexed because I had not yielded a part of my time to him.

Mr. SISSON. I am not so easily vexed.

Mr. MANN of Illinois. The gentleman was very easily vexed then, though not usually.

Mr. SISSON. I asked the gentleman to yield, and he repeatedly declined to do it or absolutely ignored me.

Mr. MANN of Illinois. I had several gentlemen talking to me all the time, and I think I had the control of my own five minutes.

Mr. HAUGEN. Mr. Chairman, has the point of order been decided? I made the point of order.

Mr. MANN of Illinois. It is too late.

Mr. HAUGEN. I made it at the very first.

The CHAIRMAN. The Chair did not see the gentleman or hear the gentleman. The reservation of the point of order was withdrawn.

Mr. SISSON. Mr. Chairman, I withdraw my point of no quorum.

Mr. MANN of Illinois. And I yield to my friend. [Laughter.]

Mr. HAUGEN. Mr. Chairman, I made the point of order, and the gentleman from Illinois [Mr. IRELAND] reserved the point of order, and it was understood the point of order was made, but the point of order was reserved.

The CHAIRMAN. The Chair regrets he did not see the gentleman rise and make the point of order. The gentleman from Illinois withdrew the point of order.

Mr. HAUGEN. And after all "the gentleman from Iowa" should be protected in his rights.

The CHAIRMAN. The gentleman did not obtain recognition from the Chair. The Chair did not see the gentleman.

Mr. DOWELL. Mr. Chairman, I ask that the amendment be read again.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the amendment.

The amendment was again reported.

Mr. IRELAND. Mr. Chairman, I offer an amendment.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. I want to say, with reference to the clerk of the Committee on Accounts, that, so far as I am concerned, when we were discussing this matter in the committee it did not occur to me that the duties of the Committee on Accounts continued until the next Congress, and that they had the duty of auditing and passing upon claims in the meantime between the two terms of Congress. I therefore think that it would be doing the Committee on Accounts an injustice not to permit the chairman of the committee, who has duties to perform in the meantime, to have control of the clerk and other officers in his committee. I would, therefore, be very glad if the chairman would accept an amendment that would permit the Committee on Accounts to do that.

Mr. IRELAND. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. SISSON. I yield.

The CHAIRMAN. The gentleman from Illinois [Mr. IRELAND] is recognized.

Mr. IRELAND. Mr. Chairman, I wish to offer the following amendment to strike out the period and insert a colon, and insert these words after the amendment offered:

Provided, That the foregoing shall not apply to the Committee on Accounts.

Mr. ANDREWS of Nebraska. Mr. Chairman——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. IRELAND to the amendment offered by Mr. WOOD of Indiana: At the end of the amendment strike out the period and insert a colon and insert: *Provided*, That the foregoing shall not apply to the Committee on Accounts.

Mr. ANDREWS of Nebraska. Mr. Chairman——

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. ANDREWS of Nebraska. I wish to emphasize an additional point in support of this amendment, namely: If the resolution should be adopted as offered by the chairman of the committee, the Clerk of the House, who is a disbursing officer, would have control of the clerk of the Committee on Accounts, who would manage practically the administrative examination of the accounts of the Clerk of the House, who is a disbursing officer. That plan would combine the authorizing power and the paying power in one and the same agency, which is a very bad practice.

Mr. IRELAND. It would be, in effect, as a hypothetical case, giving a man the authority to approve and audit his own expenditures under his own orders and control. It perhaps is not, as it seems, a presumptuous usurpation of authority, but I recognize the evil exists and perhaps may be cured in this manner. But it is certainly an abdication of rights on the part of the House, but perhaps warranted.

Mr. FOCHT. Mr. Chairman, it seems that the gentleman from Illinois now has his troubles nicely ironed out; but I would like to know something about the chairmen of the other committees of this House, Members who will be renominated and reelected. In my own case I have now hanging over me a resolution of my committee directing me to prepare a tabulated record with the reports of all legislation acted upon, so that future committees may know just what disposition has been made of the bills. In the presence of this situation I would like to know what has arisen to demand that a Member of Congress with a clerk of capability, also a sworn officer of the Government, would not feel as responsible to duty as the Clerk of the House?

Mr. WALSH. Will the gentleman yield?

Mr. FOCHT. I will yield.

Mr. WALSH. Does the gentleman not think that the amendment in the shape it now is would be a protection to the clerk, say, of the gentleman's committee after the 4th of March?

Mr. FOCHT. Certainly not, for this proposal is a clear surrender of the right of a Congressman to maintain control of the position of clerk at the end of a session, even though he has been reelected. I am not bringing the present Clerk of the House into the question, for I hold him in high esteem and, in fact, is a friend, but he may not be here and all sorts of contingencies arise to confound and confuse the situation, which is now perfectly satisfactory and simple enough when competent clerks are appointed.

Mr. WALSH. Will the gentleman yield further?

Mr. FOCHT. Yes.

Mr. WALSH. Suppose the chairman is not reelected.

Mr. FOCHT. I agree that that would make all the difference in the world, and is exactly the point about which I am making this contention. I think, however, that all the Republicans are going to be reelected, and I feel they have pride enough in their committees to take care of the business referred to them without submitting to this unusual proposition of turning over their power of selection to the Clerk of the House, whoever he may be.

Mr. WALSH. If the gentleman will permit, if a gentleman is reelected he might not be chairman of the committee again, or he might be promoted to some other important committee.

Mr. FOCHT. Or possibly demoted. My observations are on the presumption that the House will be Republican and that any gentleman who is now chairman can be and should be reelected if he so desires.

Mr. BLANTON. That is such a violent assumption that it does not need an answer.

Mr. FOCHT. Like a good many things the gentleman says, you can not see the relevancy—in fact, the woods for the trees.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. MANN of Illinois. The gentleman is now chairman of the Committee on War Claims, where the clerk has a great deal of work to do between the sessions of Congress. Does not the gentleman from Pennsylvania think that the clerk ought to be under his jurisdiction during this vacation?

Mr. FOCHT. If I am reelected, I certainly do, and would surely discharge the obligation my committee has imposed upon me and which I have just recited.

Mr. MANN of Illinois. This would put it practically under the jurisdiction of the gentleman from Pennsylvania, whereas without this the clerk will be under the jurisdiction of nobody.

Mr. FOCHT. Oh, yes; the clerk would. The clerk would have a fine chance of being retained by me or my committee if the business was not attended to.

Mr. MANN of Illinois. After the 4th of March, a year from now, there will be no chairmen of committees in fact, although in one sense the gentleman will remain chairman. The clerk will be under the control of no one. Now, if the Clerk of the House is given control he will tell the clerks of that committee to do what the gentleman from Pennsylvania, the former chairman of the committee, wanted them to do.

Mr. FOCHT. No; not "former chairman," for I expect to be chairman.

Mr. MANN of Illinois. Yes; but you will not be chairman during the vacation.

Mr. FOCHT. But I will surely be a Congressman if elected. The fact is you are trying here to get at something and to save some money, and this has my approval, but it seems you are not able to solve the mystery. The purpose seems to have become tangled and confused. Furthermore, it is impossible

to place the control of these clerks in the hands of the Clerk of the House without taking the power away from Congressmen who are now chairmen of committees and who will be reelected.

Mr. MANN of Illinois. We want to save money, but perhaps we can not do it by this method.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Indiana.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Sergeant at Arms: Sergeant at Arms, $6,500; deputy sergeant at arms, $2,500; cashier, $4,000; financial clerk, $2,700; bookkeeper, $2,200; deputy sergeant at arms in charge of pairs, $1,800; pair clerk and messenger, $1,800; messenger, $1,400; stenographer and typewriter, $900; skilled laborer, $840; hire of horse and wagon, $600; in all, $25,240.

Mr. THOMPSON. Mr. Chairman, I move to amend, on line 10, that the salary of the bookkeeper be made $2,460.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON: Page 18, line 10, after the word "bookkeeper," strike out the figures "$2,200" and insert "$2,460."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order on the amendment. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For compensation of W. Ray Loomis for services as editor and compiler of the Weekly Compendium and Monthly Compendium and as assistant in the document room, $2,500.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. McLAUGHLIN of Michigan. I do this, Mr. Chairman, for the purpose of calling the attention of the House to some of the results of the employment of extra men by resolution, prepared by those of good intentions, but without opportunity for what I believe to be proper investigation.

A few days ago a resolution was adopted providing for the appointment of a minority messenger who was to be a doorkeeper at a salary of $1,500. The result is that that man is employed as a doorkeeper on the soldiers' roll—a roll created by an act of Congress, a law to provide for the veterans of the Union Army; and up to this time few, if any, very few except soldiers, have ever been employed, and the salary of each of them is only $1,180, whereas this special minority employee is to receive $1,500 for doing the same work. A number of men similarly employed, largely around the House end of the Capitol, now, by virtue of selections made by the committee on patronage, are returned soldiers of the World War. Those places are occupied by young men, some of them with one leg, some with one arm, the preference being given to disabled men, and the salary of each is $1,180, whereas a special employee performing similar service receives $1,500. And it develops that after this place for this special employee was created by resolution, fixing his salary at $1,500, he is one of three men on one door in the gallery, and their combined salaries, including the bonus they receive, is $4,580, all employed at one door.

A few days ago we put through a resolution here, as I believe, without proper consideration, for the employment of still another minority employee with no work whatever to do, to fill a place, or what was called "a place," that had not been occupied during this Congress, fixing the salary at $1,800. And, more than that, it was made retroactive to the first day of last September; and by virtue of that resolution the man put into the place will receive approximately $800 for sitting around the House doing nothing, waiting for the passage of that resolution.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent for five minutes more, although I do not think I will use it all.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLANTON. Mr. Chairman, in view of the fact that I would like to hear the gentleman speak five minutes, I do not object. I would like to ask him a question. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Certainly.

Mr. BLANTON. Does the gentleman think all these things that he has recounted are any more extravagant on the part of his party than the item which we have just recently passed, of carrying on the pay roll 41 extra janitors for the House Office Building, some of whom, I understand, are young ladies?

Mr. McLAUGHLIN of Michigan. I will say in answer to the gentleman from Texas that possibly some unnecessary janitors are to be employed.

Mr. BLANTON. I hope the gentleman will touch on that feature of it.

Mr. McLAUGHLIN of Michigan. But as was clearly shown to the gentleman from Texas, and as the rest of the House fully understood before, many of these employees are not properly named. They perform other work, and as far as my knowledge extends most if not all of the janitors do necessary work.

Mr. BLANTON. Does not the gentleman think it is time for us to name them properly?

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I object to being interrupted further without my permission.

The CHAIRMAN. The gentleman declines to yield.

Mr. McLAUGHLIN of Michigan. And therefore they ought to be on the roll. The gentleman from Texas told us this morning that the people throughout the country can not be deceived. I am very glad, listening to some of the speeches in the House, to know that the country can not be deceived by them.

Now, as to the particular matter the reading of which has been concluded, I wish to speak of the compensation of a man for services as editor and compiler of the Weekly Compendium and as assistant in the document room. I think those who have knowledge of the matter are satisfied that the Compendium is of no value whatever; that the information it pretends to give is not of great value; that more information, better arranged, is carried in the Daily Calendar, and that providing for an editor of the Weekly and Monthly Compendium is simply providing for a man a job that he would otherwise be unable to get. Certainly there is no opportunity for him to employ himself on this kind of work when the Congress is not in session, and it is a waste of money to provide $2,500, a large part of which will be paid him after the adjournment of the Sixty-sixth Congress, when in all probability several months will elapse before the opening of the next Congress.

Mr. SMITH of Idaho. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. Does not the gentleman from Michigan know that Mr. Loomis, who is mentioned in the bill, is also an assistant in the document room, and that he keeps the record of all of the bills introduced in both branches of Congress?

Mr. McLAUGHLIN of Michigan. I know something of the work done by Mr. Loomis. It was formerly done by a man on the regular roll, in a position filled in the regular way, and who received, as I remember, about $1,600. This provision was passed as a special favor to Mr. Loomis, who could be attached to the pay roll in no other way. A title was given him involving work that was altogether unnecessary, and in my judgment the salary, even if he were to be employed, was improperly raised from about $1,600 to $2,500.

Now, I do not know what impression my remarks have made on those who have listened to me, but in view of the fact that a place was made for this man unnecessarily, that the Compendium can not be published, there being no use for it and no material out of which it can be made after the termination of the Congress, it seems to me an appropriation to pay his salary only to the end of the Congress ought to be substituted for the $2,500. And in order to test the temper of the House and to see if its Members really wish to economize, although they are spending $4,580 for three doorkeepers in the gallery where one is enough, I offer an amendment which will provide for the payment of this man to the end of the Congress—to strike out "$2,500" and insert "$1,687.49."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 15, line 20, strike out all of lines 20, 21, and 22 and in lieu thereof insert the following:

"For compensation of W. Ray Loomis for services as editor and compiler of the Weekly Compendium and Monthly Compendium and as assistant in the document room until March 4, 1921, $1,687.49."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I withdraw the pro forma amendment which I made, and I presume I have five minutes on the amendment which I have just offered. I now yield to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. I wish to call the attention of the gentleman to the law creating this position. If the amendment proposed by the gentleman prevails it will accomplish nothing, for under the House resolution creating this position and fixing this salary that was passed some time ago it is provided that he shall receive this compensation, $2,500 per annum, until otherwise provided by law; so if he is not paid by virtue of the appropriation in this bill, he will be paid out of the contingent fund. I call the attention of the gentleman to the fact that it would amount to nothing, for if not carried in this appropriation bill it will be paid out of the contingent fund.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think the gentleman from Indiana is not entirely right. This gentleman was employed under a resolution which provides that he shall be employed "until further ordered," and so forth. A resolution of a Congress without those words has no force beyond the life of the Congress which passes it. Those who look over the accounts and are responsible for paying the money would not be permitted to pay the money beyond the life of the Congress except for the inclusion of the words "until further ordered," which words give the Committee on Appropriations authority to hang an appropriation for a further length of time if the committee wish to do so. But a resolution even with those words does not create a permanent position which takes action by the House to dispose of it. The resolution is good only during the life of the Congress, and if the Committee on Appropriations fail or refuse to take advantage of the words "until further ordered," the salary stops at the end of the Congress enacting the resolution.

Mr. WOOD of Indiana. Mr. Chairman, the gentleman is mistaken with reference to the provision of the law. It is not "until further ordered," but the provision is that there shall be paid out of the contingent fund of the House until otherwise provided by law this amount of money. So, if the gentleman desires to reduce the salary of this employee, or if he desires to abolish it, he should make some effort with reference to the amendment or repeal of the provision. This is fixed law, and if the gentleman desires to accomplish anything he should seek to repeal this law or amend it as it now stands.

But aside from that I hope this item will be permitted to remain as it is.

Mr. BLANTON. I offer an amendment to the amendment of the gentleman from Michigan.

Mr. WOOD of Indiana. I believe I have the floor.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. WOOD of Indiana. The work that is being done by this young man is a very important work and does not conclude with the termination of the Congress. Aside from that, the work stated in this paragraph is not all the work that this young man does. He does a lot of work with reference to the document room other than that here specified, and by reason of his knowledge, information, and affability he is of great service to the Members of the House. I say this not because he is a partisan friend of mine, for he comes from the other side of the House, but I am willing to give him credit for being a faithful servant—doing well that which he is asked to do and that which he was appointed to do under this resolution. I do not know how many Members appreciate the Compendium, but it is a splendid reference work, not only to tell what is past but what is present, showing the condition of any bill pending in either the House or Senate, and stating what finally becomes of it. This involves a great deal of labor and research, and I insist that the amendment proposed by the gentleman from Michigan can in no event accomplish what he desires to accomplish, and it should be defeated.

Mr. McLAUGHLIN of Michigan rose.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Michigan.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] will be recognized first, to speak on his amendment.

Mr. BLANTON. May I suggest to the Chair that the gentleman from Michigan offered an amendment and spoke upon it, and then the gentleman from Indiana [Mr. WOOD] was recognized to speak against it. Now I offer an amendment.

The CHAIRMAN. The gentleman from Texas is in error. The gentleman from Michigan spoke on a pro forma amendment, and after that he withdrew it and offered a substantive amendment.

Mr. BLANTON. I did not understand that. I only want to be sure not to lose my rights.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I respectfully insist that the gentleman from Indiana [Mr. WOOD] has a wrong idea as to the force and effect of a House resolution even in the form in which he reads it. A resolution in that form has force only during the Congress which passed it. I wish to read a decision of the comptroller to that effect. This was rendered by William Lawrence, first comptroller, in 1884. He said:

> The power of the House of Representatives in the Forty-seventh Congress ceased at noon of March 4, 1883, after which the resolution of March 3, 1883, was inoperative, and hence only gave employment and right to compensation to and including March 4, 1883.

That is taken from the syllabus of the case, and the comptroller goes on to say that a resolution—and I get my information by reading that; it is not original with me—that a resolution by a Congress is not a law; that it dies with the Congress that passes it; it has force only during the Congress which passes it.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. WOOD of Indiana. The gentleman from Michigan, I have no doubt, desires to be exactly right, and what he has read was at one time the law. Eight years ago it was changed, and since that time it is not the law. I want to call his attention to the statute:

> Hereafter the payments made from the contingent fund of the House of Representatives upon vouchers approved by the Committee on Accounts shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government.

By reason of that, as I am informed from sources I consider reliable, where salaries are paid out of the contingent fund, until otherwise provided it is a continuous obligation on the contingent fund, and as long as there remains a contingent fund it must be paid out of that fund.

Mr. McLAUGHLIN of Michigan. A job and compensation for it can be continued if the Committee on Appropriations chooses to take advantage of the words "until further ordered by law" and Congress approves of the recommendation of the committee and provides the money.

What the gentleman from Indiana has read relates to paying out money, after vouchers have been approved by the Committee on Accounts, whose duty it is to oversee the matter. When that approval, appearing by indorsements on the papers, reaches the official who has the money and the responsibility of paying it out, payment by him is lawful and he is protected; it is a proper expenditure of money as far as he is concerned. But that has no bearing whatever on the ruling of Comptroller Lawrence in 1884, to the effect that a resolution has force and effect only during the life of the Congress that passes it. What the gentleman from Indiana [Mr. WOOD] reads does not conflict in any respect with the comptroller's decision. The words "until further ordered" do not continue the resolution in force beyond the life of the Congress; they do, however, authorize or permit the committee to recommend and the Congress itself to appropriate money to pay for services extending beyond the life of the Congress. Those words enable the Chair to overrule a point of order if one be made against an item like this in an appropriation bill; it is not "contrary to existing law." The law read by the gentleman prescribes the manner in which checks and vouchers shall be certified and indorsed, and that, being so approved by certification and indorsement of certain officials, payment of them will be proper and the official making such payment will be protected.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment; that is, strike out the figures "$1,687.49" in the amendment and insert in lieu thereof "$2,495."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment by Mr. BLANTON to the amendment of Mr. McLAUGHLIN of Michigan: Strike out the figures "$1,687.49" and insert in lieu thereof "$2,495."

Mr. BLANTON. Mr. Chairman, I am with the gentleman from Michigan on every proposition of economy that he can suggest to this House where it is real economy, but why on earth he wants to jump on one of the most efficient employees in this House I can not understand, unless it was disclosed in his partisan statement made that the gentleman comes from the Democratic side of the House. If the gentleman from Michigan will make an investigation, I am sure he will find that both of our efficient friends—Joel Grayson, who is a real expert and a most efficient employee of this House, and the gentleman he seeks to attack, W. Ray Loomis, in the document room—are Republicans in politics. Mr. Grayson is universally recognized as an

expert and one of the most efficient employees in this Capitol. You can go to the document room and of the thousands of bills that have been introduced and various committee reports and other public documents and laws that are to be found there, call for any particular one of them, and Grayson immediately can tell one of the employees what number it is and where to find it.

It saves every Member of Congress lots of time. It saves our secretaries lots of time searching for any particular document we want. W. Ray Loomis is another employee of that kind. When Grayson is not there you get the same information almost from W. R. Loomis. What on earth would our friend from Massachusetts, the efficient Congressman, JOSEPH WALSH, do every morning if it was not for this Compendium, when he is seeking to find out the present status of various pieces of legislation before the House? He gets the Compendium, finds exactly what has been done, knows its present status, and where to go to get the various documents concerning it.

I want to say that it is very valuable to a man who is looking up bills and documents and has much to do in the preparation for transacting the business before the House. Take the chairman of any committee who has charge of legislation, and he looks to the Compendium largely. Go to the reading clerk and ask him about any matter that is coming before the House and its status, and he in many cases refers to the Compendium. And yet our friend from Michigan is willing, as I say, on the Agricultural Committee to give 754 messengers to the Agricultural Department and 76 watchmen to the Secretary's office, and yet wants to cut down the salary of such an efficient man as W. Ray Loomis to $1,687 for more than a year's service. Why, it is more than a year to March 4, 1921, and yet he wants to cut this man's salary down to $1,687 from now until that time. Yet he will vote to pay most of the 41 extra janitors for the House Office Building in this bill, a section we have just passed, over $1,000 plus the $240 bonus per annum.

He wants to keep these 41 janitors on the pay roll, and yet he says because W. Ray Loomis came from the Democratic side of the House his salary should be cut to $1,687 for more than a year's work.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WALSH. Did I understand the gentleman to make the assertion as a statement of fact or as a guess that I make use of this Weekly and Monthly Compendium?

Mr. BLANTON. I want to say that there is not a single piece of legislation that ever comes on the floor of this House from one week's end to the other concerning which both the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Illinois [Mr. MANN] do not know every single thing, and they could not know about it unless they used this splendid Compendium.

Mr. WALSH. The gentleman is mistaken. I do not use the Compendium.

Mr. BLANTON. How on God's earth the gentleman gets his unlimited information otherwise I do not know.

Mr. KITCHIN. Perhaps he would be more accurate if he did use it.

Mr. BLANTON. Possibly. I want to say that this money is well spent by Congress in paying the salaries of not only Mr. Grayson, but Mr. Loomis. I ask unanimous consent to withdraw the pro forma amendment. I offered it merely as a pro forma amendment, in order to be able to answer the gentleman from Michigan.

The CHAIRMAN. Is there objection?

Mr. WALSH. Oh, Mr. Chairman, the gentleman did not offer it as a pro forma amendment. It was reported from the desk.

The CHAIRMAN. The gentleman from Massachusetts objects.

Mr. SMITH of Idaho. Mr. Chairman, I agree with all the gentleman from Texas has said with reference to the efficiency of Mr. Joel Grayson, who for 45 years has been a valued and trusted employee of this House, and to Mr. W. Ray Loomis, an assistant in the document room. I am very much surprised to know that so many Members of Congress appear not to be informed with reference to the valuable compilation known as the Weekly and Monthly Compendium.

Mr. Loomis began the publication of the Compendium about two years ago, when he saw the need of something of this sort to keep Members posted on what was going on in both Houses. Previous to his efforts in the matter nothing on this scale had ever been attempted. New features were added by the compiler from month to month, and by this gradual scheme of development the Compendium has grown until it is regarded as perhaps the most comprehensive legislative reference guide in any parliamentary body in the world.

The compiler does his work without the aid of a single assistant, and, while he is as hard-worked an individual as there is in the Capitol, he has never asked for any help in preparing these two publications.

In addition to getting out the Compendium publications, weekly and monthly, Mr. Loomis keeps all records of public bills, documents, reports, resolutions, and laws in the document room of the House. I understand there are two men who do this work in the Senate document room, one to index House publications and the other to index Senate publications. When one considers that Mr. Loomis has so far this Congress had to index and classify almost 18,000 bills and resolutions, as well as several thousand other publications, one appreciates how much work this man performs in this respect alone.

Scores of Members of Congress seek out this man to ask him questions about pending legislation. It can be readily seen that Mr. Loomis must have a very unusual memory to be able to reel off numbers as readily as he does, since there are in the neighborhood of 20,000 publications, each having a different number.

Not only that but this man must carry numbers in his head dating back to former Congresses; he must remember the numbers of measures, some of which may be known by a dozen different titles. It seems to me that this work alone is worth at least as much salary as is provided for him in this appropriation bill.

Mr. Loomis's work on the Compendium publications speaks for itself. I understand that about 500 letters, most of them from Members of Congress, have been written to him, praising him for his undertaking. Most of the newspaper men in Washington have the Compendium at their sides at all times.

But of course the most vital thing to be considered is whether the Members of Congress find the Compendium useful in their offices, and I think that has been demonstrated time and again. Several times the question of the usefulness of the Compendium has come up on the floor of the House, and whenever a vote has been taken on the matter the result has been practically unanimous in favor of Mr. Loomis's work.

A great feature of the Compendium is that each monthly issue is indexed down to the date of publication and is accumulative. The new issues carry comprehensive data on legislative measures which have had action of any kind during the Congress, containing all the information the previous monthly publication had plus what has transpired in both branches of Congress in the meantime. As everyone knows, the CONGRESSIONAL RECORD index comes out every two weeks or so.

It serves the purpose of only recording the happenings in Congress during this limited period of two weeks or so. Suppose a Member is looking for reference to some bill. In which of the many indexes will he look to find it? If he knew the date, he would not have to look in the index. Not knowing the date, he is at loss to know in which of the many indexes he can find what he wants. He can only resign himself to look through each index separately, and there are not many who can spare the time or have the patience to do that. The RECORD indexes differ from the Compendium in that they contain limited information only on what has transpired in Congress during that period intervening since the last publication, while, as I have explained before, the Compendium is a consolidated volume.

Every bill and joint resolution of a public nature receiving some action during the Congress is indexed in the Monthly Compendium under a limited number of subjects. When a bill is first reported it goes in the index, and each succeeding step is recorded from month to month, down to the law number and date of approval. Once an item finds place in the Compendium, it stays there as a matter of recording what has been done.

It contains a list of all resolutions introduced seeking investigation, regardless of whether any action on them has been taken; gives subject, number of resolution, name of author, and information as to final disposition, listed under headings of agency of investigation specified.

It contains a list of laws and public resolutions enacted during the Congress, with date of approval, number of law, very brief synopsis of text, and bill number.

It contains a synopsis of "riders" in important appropriation measures, arranged in such a way as to tell the searcher what law and on what page the item can be found. Each item is also embodied in the main subject index of the Compendium. To show the extent to which riders appear in these annual supply bills, it is only necessary to state that in six appropriations

laws enacted in one month alone there were 225 items not having to do with the appropriation of money.

It contains a history of omnibus pension bills during each session of the current Congress, giving date each bill was introduced, number of the House report, date of passage in House, number of Senate report, date of passage in Senate, number of conference reports, date of approval by the President, and number of law. Senate and House bills are compiled on separate pages.

It contains a numerical status of all bills and joint resolutions acted upon during the Congress, given under four headings, as follows: "House bills," "House joint resolutions," "Senate bills," and "Senate joint resolutions." The numbers of the bills are in rotation. When the number of a public bill or resolution is not to be found, it will be evident that the bill for which information is sought never got further than the committee. If the bill got out of the committee, it will be found listed, together with the status of the bill on the date of publication of the Compendium. If the bill has become a law, the number of the law is given, and in every event there is a reference character in the last column to show where the complete status can be found in the main subject index of the Compendium. The numerical list enables one to tell how far the bill has gone, while the main subject index goes further and gives history, as explained previously. Sometimes the Member has only the number of the bill and does not know the title or anything else about it. By this system he can easily and quickly locate the information desired.

Other transactions of Congress are recorded from time to time of a miscellaneous character, intended to assist the Member in his search for legislative information or to record something of unusual significance.

What makes the Compendium so complete is that it takes into account action on bills in both the Senate and House. A bill is reported out in the Senate and record of the transaction is duly entered in the Compendium—the number of the bill, the name of the introducer, the number of the report, the date of the report, the date of passage in the Senate, the number of the House report, the date of passage in the House, the date of sending to conference (if such action is taken), the number of the conference report, the date of submitting the conference report, the date of the approval of the conference report in both Houses, the date of submission to the President, the date of approval by the President, and the number of the law.

I know of no other current publication that carries a complete list of the laws. If the Member is looking for a law "approved on such and such a date," he can find it in a minute in the Compendium. He can do this also in the session statutes, but not for several months after the session has ended. The list of laws in the Compendium is extended from month to month as fast as the laws are approved.

So far as known no other Government publication lists "riders," which go into appropriation bills by the hundreds during each Congress.

Buried down as they are in the midst of money items, it is often a problem to find what one is looking for, for the subject is invariably foreign to the title of the appropriation measure. For instance, in the last annual sundry civil appropriation law there was an item amending the war housing law of May 16, 1918. This item is not to be found indexed anywhere except in the Compendium, and there it can be found under the subject of "Public Buildings." This is just one case in several hundred that might be cited.

The numerical status of bills, as listed in the Compendium, is new to Congress, but it has been found satisfactory and convenient when one is looking for the status of a bill by number and does not know the title.

Another commendable feature of the weekly and monthly is the chronology of happenings in Congress, to be found under the heading of "Congressional happenings at a glance." A great many times a Member is required to look up a measure of which he has received only a vague description, but being given the date of the passage or report of the measure, with no other important clue by which he can conduct his search, he can take the Compendium and refer to the transactions of the date in question and find just the information he is seeking.

The Weekly Compendium was originally meant to show only what Congress was doing from one week to another. Between the time of the issuance of the Monthly Compendium, the Weekly Compendium was intended to supply information as to what changes were taking place, as a sort of supplement to the monthly. But it was decided to continue each item of legislation in the list from week to week and make the weekly compilation accumulative, so that when the session was over the last issue could carry every bill acted on during the session, with the information as to the status of bills on the date of publication. So it was intended from week to week during the session. The last issue would be complete for the session up to that time, and the next issue would carry the same information, plus the changes during the succeeding week.

The bills are listed by numbers in rotation. An asterisk (*) at left of number indicates that action was taken since last publication the week before, so that each week it could be ascertained what has been done by Congress during the preceding week. In some respects the weekly is more handy for reference purposes than the monthly, but it should be borne in mind that it contains information as to the current session, while the monthly represents action taken during all the sessions of the Congress.

The weekly also gives tabulated history of omnibus pension bills, both Senate and House, as well as tabulated history of all appropriation bills introduced during the different sessions. A special feature of these tables is that the various report numbers are given, which is information commonly sought after and obtained through no other means in tabulated form except in the Compendium.

Another feature is the list of laws approved by the President since the date of the last issue of the Monthly Compendium, which latter publication contains the list of all laws of the current Congress.

Both the weekly and monthly publications are sent regularly through the House post office to each Member the same date the issue comes off the press.

It seems to me it would be very unwise if we should adopt the amendment of the gentleman from Michigan to eliminate the appropriation for the splendid work performed by Mr. Loomis in preparing this valuable Compendium, in addition to the very important duties imposed upon him as assistant in the House document room, and I therefore hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Michigan.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

There being no objection, the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatitves at any time.

Mr. MANN of Illinois. Mr. Chairman, I move to amend, in line 15, by striking out the word "six" and inserting in lieu thereof the word "seven."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 16, line 15, strike out the word "six" and insert in lieu thereof the word "seven."

Mr. MANN of Illinois. Mr. Chairman, while I do not think it is essential, I think it is desirable for the House to retain the right, if it wishes to do so, to name a successor to Mr. Loomis. This would simply give that authority.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Official reporters: Six official reporters of the proceedings and debates of the House, at $6,000 each; assistant, $3,000; six expert transcribers, at $1,200 each; janitor, $980; in all, $47,180.

Mr. KING. Mr. Chairman, I move to strike out the last word. This paragraph pertains to the Official Reporters of this House. It is impossible to let this occasion pass without a word of appreciation for this group of trained and able men, who act as mediums between us and the CONGRESSIONAL RECORD. Day after day, week after week, month after month, they toil with patience, transferring into everlasting black and white our thoughts, our motives, our emotions, and our mistakes. With unfailing accuracy they note the daily triumphs, failures, and calamities of "the pit." The recording angel himself is not more faithful. Their pens trace our frailities in life and our virtues in death. They do not worship at the shrine of that tantalizing goddess inefficiency.

Presiding officers may lose themselves in their abstractions and others become engulfed in multitudinous duties, but the Official Reporter, constantly alert, in calm or in confusion, stands on guard like the Roman centurion of old. They are not mere machines, but men—men of convictions, men of ability, men of brains, steeped in the rarest of political, historical, and legislative lore. An exchange of positions with them which would place us at their desks and put them in our seats, while ruinous to the RECORD might be of great value to the country. They are, withal, wise judges of human nature. It matters not who passes a favorable judgment upon your ability if you fail to win the sanction of the Official Reporter. He may remain silent, but he sees all, he knows all, and his friendly glance of approbation means you have succeeded. Try it on others, but do not try to cajole or mislead him. It can not be done. It may be true that you can fool a part of the people a part of the time, but it is equally true that you can not fool the Official Reporter any of the time.

There are no other men on earth in any court or legislature who are rendering more effective service than these men. They are doing that thing which if the whole country did would end our "sea of troubles"—work. They are in the prime of life, but here and there a touch of gray would indicate a point had been reached in the universal journey near the brow of the hill which is not reached by mortals until they have passed through scenes of sorrow and adversity scattered more or less with flowers of love. The House is indeed fortunate that it possesses these men. May they live forever, but if in the natural fix of things one individual pass on he may know that he has contributed an installment of immortality to the Official Reporter who never dies, but lives, we hope, the amanuensis of all time. [Applause.]

I withdraw the pro forma amendment.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. KING. Certainly.

Mr. CALDWELL. I asked the gentleman to yield merely to compliment him on having written his remarks, so as to relieve the Official Reporter of the embarrassment of having to report them. I agree thoroughly with everything the gentleman from Illinois has said.

Mr. KING. I am very glad to have the fact noted in the CONGRESSIONAL RECORD that I carefully wrote out my remarks, instead of speaking them offhand from the floor, for I do not desire to mislead anyone.

The Clerk read as follows:

Stenographers to committees: Four stenographers to committees, at $6,000 each; janitor, $720; in all, $24,720.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. Is this the same salary that has been carried in previous bills—$6,000?

Mr. WOOD of Indiana. That is not the sum carried in the former legislative bill, but it is the sum as agreed to in the House resolution providing for an increase.

Mr. GREEN of Iowa. The salaries of the committee reporters were raised to $6,000?

Mr. WOOD of Indiana. Yes; in the deficiency bill.

Mr. GREEN of Iowa. I was not aware of that. If that is the case, there is probably no use of attempting to change the item. I fully agree that as to the Official Reporters of debates the salary of $6,000 is not more than it ought to be, and possibly not so much, because it requires the highest skill to report the debates which occur on the floor of the House when frequently three or four Members are talking at the same time.

But so far as the committee reporters are concerned, I think the salary is a great deal larger than it ought to be. I think a competent reporter can be obtained for a great deal less.

Mr. TILSON. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. TILSON. Has not the gentleman from Iowa seen these committee reporters take much longer turns than the Official Reporters of the House are compelled to take? These committee stenographers take some very difficult hearings, and I know I have seen them sit there taking very long turns, as much as an hour or more at a time, and it is pretty difficult work, whereas in the House it would be impossible for the Official Reporters to take turns as long as an hour on account of the greater difficulty of the work. The work of verbatim reporting is always difficult enough, and it is especially so when it has to be taken for a long time, as it is in committee hearings. It is my observation that it is pretty hard work for the committee stenographers.

Mr. GREEN of Iowa. Why, I have seen court reporters work all day and even into the night and receive less than half the salary provided by this paragraph, under circumstances that required a great deal higher degree of skill than the committee reporters. I think the provision carried here is altogether too high; but if it is already established by a House resolution, I suppose there is no use now of trying to change it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Clerk hire, Members and Delegates: For clerk hire necessarily employed by each Member, Delegate, and Resident Commissioner, in the discharge of his official and representative duties, $3,200 per annum, in monthly installments, $1,408,000, or so much thereof as may be necessary: *Provided*, That the joint resolution approved July 11, 1919, shall apply to this appropriation in the same manner as it applied to the appropriation for clerk hire for Members, Delegates, and Resident Commissioners for the fiscal year 1920.

Mr. IRELAND, Mr. CALDWELL, and Mr. BLACK rose.

Mr. IRELAND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. IRELAND: Pages 17 and 18, line 23, page 17, strike out all of lines 23 and 24 on page 17 and lines 1 and 2 on page 18.

Mr. IRELAND. Mr. Chairman, this, I believe, will have the effect of making the arrangement for clerk hire revert to its former plan and would make the allowance herein provided for payable direct to the Member rather than to the clerk or clerks that he might have designated, but it would have this feature, that it would save about $200,000 by the abolition of the bonus now paid. That is the sole object in offering the amendment.

Mr. CALDWELL. Mr. Chairman, I desire to offer a substitute.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. IRELAND. Certainly.

Mr. CALDWELL. I desire to offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute by Mr. CALDWELL: Line 23, page 17, strike out all after the word "*Provided*," to and including line 2, page 18, and insert "That the appropriation for clerk hire for Members, Delegates, and Resident Commissioners may be paid by the Clerk of the House of Representatives to two persons to be designated by each Member, Delegate, and Resident Commissioner, the names of such persons to be placed upon the roll of employees of the House of Representatives together with the amount to be paid each, and Representatives, Delegates, and Resident Commissioners elect to Congress shall likewise be entitled to make such designations: *Provided*, That such persons shall be subject to removal at any time by such Representative, Delegate, or Resident Commissioner with or without cause."

Mr. CALDWELL. Mr. Chairman, the Clerk failed to read the word "hereafter."

Mr. BLACK. Mr. Chairman, I make the point of order.

The CHAIRMAN. Without objection, the word "hereafter" will be inserted in the proper place.

There was no objection.

Mr. BLACK. Mr. Chairman, I make the point of order that that is permanent legislation upon an appropriation bill.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. CALDWELL. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. MANN of Illinois. Will the gentleman yield for a question first?

Mr. CALDWELL. Yes.

Mr. MANN of Illinois. The gentleman in his amendment provides for no appropriation at all.

Mr. CALDWELL. The amendment has a proviso making it permanent law——

Mr. MANN of Illinois. I know; but the way the amendment is reported it strikes out the appropriation.

Mr. CALDWELL. No; the appropriation is prior to the proviso.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. WOOD of Indiana. I understand the gentleman is adopting the language of the original bill, except he is inserting the word "hereafter."

Mr. CALDWELL. Exactly. It strikes out two or three words, so as to make it read intelligently. I will come to that if the point of order is overruled and explain it.

Mr. WOOD of Indiana. Will the gentleman yield further?

Mr. CALDWELL. On the question of the point of order or——

Mr. WOOD of Indiana. No; I will state to the gentleman and the Chair that this whole item is subject to a point of order, and the point of order not having been reserved, any amendment may be offered.

Mr. CALDWELL. The point of order is made here that this proposed substitute is new legislation upon an appropriation measure. If the Chairman will look at the bill as it was reported by the committee he will see that the proviso is clearly new legislation upon an appropriation measure. The proviso was read in connection with the section and the gentleman from Illinois rose and offered an amendment, not making a point of order against the proviso but offering an amendment to strike out the proviso. The time for making the point of order had expired, and after his amendment was offered I then offered an amendment by way of substitute, and the point of order made to my motion is out of order. While the point of order might have been made to the proviso as it was written in the bill, the gentleman has waited too long, for under the rules of the House the proviso being subject to a point of order and no point of order being made to it, the field of legislation is open to any substitute or amendment that is germane to the measure. And upon the question of whether or not this is germane to the proviso that is sought to be amended, I direct the attention of the Chair to the fact that the proviso in certain words undertakes to make a payment by reason of a certain resolution passed by this House. The amendment offered by the gentleman from Illinois sought to strike the proviso from the bill, and the substitute offered by myself was a reenactment of the resolution mentioned in that proviso word for word with the additional word "hereafter," making it permanent law. It is clearly germane, and the failure to raise the point of order against the provision that was subject to the point of order precludes anyone from making a point of order at this time.

Therefore I respectfully submit that the substitute is now in order.

Mr. BLACK. Mr. Chairman——

Mr. BYRNS of Tennessee. Will the gentleman from New York yield?

Mr. CALDWELL. Yes.

Mr. BYRNS of Tennessee. As I understand, the only difference in your amendment to the provision in the bill is this, that you set out a resolution in haec verba, and the provision in the bill simply seeks to reenact it by referring to it?

Mr. CALDWELL. That is exactly it. It adds the word "hereafter" and puts in the law exactly what the bill referred to has, word for word, except as I have stated.

Mr. BLACK. Here is the situation that we have before us: The provision in the bill provides an appropriation for $1,408,000 to be expended for clerk hire to Members and Delegates during the fiscal year 1921. Now, to that appropriation is appended a provision which provides that the money shall be expended in the same manner as was provided in the joint resolution approved July 11, 1919. Now, to that no point of order was made, because the life of that provision, the effect of it, was only to apply to the appropriation for the fiscal year 1921. It had no effect or no relation to any future appropriations made for other fiscal years.

Now, the gentleman from New York [Mr. CALDWELL] proposes an amendment which sets out in its entirety the language of the resolution of July, 1919, and he adds to that the word "hereafter," which would not only control the expenditure under this appropriation but would control all future appropriations of the same nature unless otherwise specified by law. Now, I make the point of order that such language would be new legislation upon an appropriation bill; and, in addition to that, I make the point of order that it would not be a germane amendment to the provision in the bill, in that the provision of the bill only seeks to apply to the appropriation for the fiscal year 1921, whereas the effect of this amendment would be to control appropriation bills in the future until Congress should otherwise provide by law. Therefore I base the point of order on the two propositions, namely, that this is new legislation upon an appropriation bill, and the other is that it is not germane to the provision now in the bill.

Mr. SAUNDERS of Virginia. Mr. Chairman, one principle was overlooked by the gentleman from New York [Mr. CALDWELL]. Of course, it is perfectly competent, when legislation is found in an appropriation bill to which no point of order has been directed, to perfect that legislation by a germane amendment. But it is not competent to add by the amendment new illegality to the bill.

Take the present situation. The legislative provision in the bill is merely for the life of the bill. It would be perfectly competent, so far as that provision is concerned, to perfect it by amendments not enlarging its scope so as to give it a longer life, but making changes within the time limits prescribed by its terms; but the amendment of the gentleman from New York [Mr. CALDWELL] proposes to afford an enlargement of illegality by undertaking to make permanent law of this provision relating to Members' clerks.

A decision was made a day or two ago by Mr. MADDEN, of Illinois, not announcing a new principle, but reaffirming and restating an old decision—to the precise effect that it is not permitted to add new illegalities to a bill by reason of the fact that an item in the bill not objected to may be perfected by a germane amendment. That is the present situation precisely. The item in the bill is legislation, but it has not been objected to. Hence it may be perfected by a germane amendment, but fresh illegalities in the form of amendments are not in order. The gentleman from New York does not seek to confine his amendment within the limits of the paragraph in the bill, but to extend those limits; in other words, to add a new illegality.

Mr. JUUL. Will the gentleman from Virginia yield?

Mr. SAUNDERS of Virginia. I will.

Mr. JUUL. I want to ask the gentleman if the language that "the joint resolution approved July 11, 1919, shall apply to this appropriation" is not the identical language that the gentleman from New York seeks to fix here directly?

Mr. SAUNDERS of Virginia. Not at all. He undertakes to make a permanent law to control the situation relating to our clerks.

Mr. JUUL. For the rest of the language, is not that identical with the resolution that he proposes here?

Mr. SAUNDERS of Virginia. What of it? His amendment as a whole adds a new illegality. He is not seeking to perfect the paragraph within its limits of application. The language that the gentleman cites applies merely for the life of the appropriation bill. The gentleman from New York desires to go beyond that life, to insert in this bill at this point a provision of permanent law. Hence his amendment is an enlargement of illegality on an appropriation bill and is not in order.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] makes the point of order to the amendment offered by the gentleman from New York [Mr. CALDWELL], which, by the use of the word "hereafter," makes permanent law of this appropriation. The Chair is a little bit perplexed as to this question, and thinks it is a pretty close point. Of course, if the point of order had been raised to the proviso as in the bill the Chair would have been compelled to rule it out and to have sustained the point of order, as it is legislation on an appropriation bill. It is, however, in order under the rules to offer to a provision subject to a point of order, but upon which no point is made, another provision, which is also subject to a point of order, provided it is germane to the provision to which it is offered. The Chair thinks that inasmuch as the item carried in the bill relates only to the expenditure of this money for the fiscal year 1921, an amendment which extends it to the years 1922, 1923, and so forth, ad infinitum, goes beyond the purview of the item as originally carried in the bill, and feels constrained to sustain the point of order.

Mr. BLACK. Mr. Chairman, I offer the following amendment as a substitute.

The CHAIRMAN. There is an amendment pending.

Mr. BLACK. I offer it as a substitute for the amendment pending.

The CHAIRMAN. The gentleman from Texas offers an amendment by way of substitute to the amendment offered by the gentleman from Illinois [Mr. IRELAND], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK as a substitute for the amendment offered by Mr. IRELAND: Page 17, line 23, after the word "*Provided*," strike out the balance of line 23 and all of line 24, and then, on page 18, strike out lines 1 and 2 and insert in lieu thereof the following language:

"That hereafter each Member, Delegate, and Resident Commissioner of the House of Representatives shall have for clerical assistance necessarily employed by him in the discharge of his official and representative duties one secretary at $2,000 per annum, whose name shall be placed on the rolls, and who shall be paid in monthly installments by the Clerk of the House of Representatives. Such secretary shall be appointed by the Member, Delegate, or Resident Commissioner, and certified to the Clerk of the House of Representatives, and shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner with or without cause: *Provided*, That in addition to such secretary there may be paid to each Member, Delegate, and Resident Commissioner not to exceed $1,200 per annum for such other clerical assistance necessarily employed by him in the discharge of his official and representative duties, the same to be paid by the Clerk of the House of Representatives from time to time upon the certificate of the Member, Delegate, or Resident Commissioner that he has actually paid or agreed to pay such sum certified for such purpose: *Provided further*, That Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to the benefit of this provision."

Mr. CALDWELL. Mr. Chairman, I make a point of order against the provision on the ground that it is new legislation

on an appropriation bill and that it is not germane to the statute.

The CHAIRMAN. The gentleman from New York makes the point of order on the amendment. Does the gentleman from Texas [Mr. BLACK] desire to be heard on it?

Mr. BLACK. Mr. Chairman, I desire to call the attention of the Chair to the fact that it is not sought to make this provision permanent law. The provision of the bill as now carried seeks to control the expenditure of $1,480,000 in the same manner as the joint resolution of July 19, 1919, controlled it. Now, all I want to do by my amendment is to direct a different method of expenditure of the money for the same end, to wit, by permitting each Member to put on the roll one secretary at $2,000 and allowing $1,200 additional for clerk hire, if it may be necessary, to be paid upon the Member's certificate.

I contend that such would be a legitimate amendment to the provision in the bill. If it had the same fault as the amendment offered a while ago by the gentleman from New York [Mr. CALDWELL], to wit, if it undertook to make this permanent law, it would be subject to a point of order.

The CHAIRMAN. According to the understanding of the Chair, the language of the amendment does not confine it to this year. While the word "hereafter" is not used, it is intended to make it permanent law.

Mr. BLACK. Well, I will say to the Chair that such was not the intention of the amendment. It might be that if I had made it a little more clear to the effect that the provision was only to control the appropriation for the fiscal year 1921, it would have been in better form, because it was not intended to make the provision permanent law, and for that reason the word "hereafter" was stricken out of the amendment.

Mr. CALDWELL. Mr. Chairman, if the Chair has not already made up his mind, I would like to be heard.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. CALDWELL. I will call the attention of the Chair to this fact, that it creates a new office, a secretary, and I call the attention of the Chair to the decision made by the gentleman from Virginia [Mr. SAUNDERS] on a former occasion, when he was in the chair, as to whether or not we had the right to incorporate a provision creating the position of stenographer. There the gentleman from Virginia held that it was not germane, and was not within the rule, and he ruled it out of order.

Now, I call the Chair's attention also to the fact that this proposed substitute goes far afield, and continues legislation not only for this year but for all time to come, as the Chair has already pointed out.

Mr. BLACK. If the Chair will bear with me, as to whether the amendment shall apply only to the fiscal year 1921, in order to save time I will ask unanimous consent to modify it in that respect by providing that "in the expenditure of the sums herein provided each Member shall be allowed," and so on, so that if the Chair wants to rule as to whether or not it is new legislation he may be rid of the proposition as to whether it has any further application than to this appropriation bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment. Is there objection?

Mr. CALDWELL. I object.

Mr. BLACK. I can offer it again.

The CHAIRMAN. Objection is made. The Chair then must rule on the proposition as submitted. The Chair is inclined to think that under the phraseology of the amendment as offered by the gentleman from Texas [Mr. BLACK], while germane to the paragraph, in form it is permanent law, and under the decision just rendered the Chair would feel constrained to sustain the point of order.

Mr. BLACK. Mr. Chairman, I offer another amendment.

Mr. CALDWELL. Let the amendment be read.

Mr. MANN of Illinois. I move to strike out the last word.

Mr. CALDWELL. I desire to reserve a point of order.

Mr. MANN of Illinois. The gentleman's amendment has not been prepared and reported yet.

The CHAIRMAN. Of course, this will not prejudice the right of the gentleman from Texas [Mr. BLACK].

Mr. MANN of Illinois. Certainly not. While they are preparing it I want to occupy a moment.

I think I should have voted for the amendment of the gentleman from New York [Mr. CALDWELL], and if it had gotten before the House I think I should have voted for the amendment of the gentleman from Texas [Mr. BLACK], although they are somewhat dissimilar.

It is unseemly for 435 Members of Congress every year to have a prolonged discussion and dissension about the employment of their clerks. I want to see something enacted which is permanent law. I do not care so much what it is; I can conform my habits and usages either to the payment of the Member direct or to the payment of one clerk or two clerks or three clerks, whatever it is, or to the payment of $1,200, as now provided by law, or to the payment of $3,200 a year, as provided by the current appropriation act.

I think we ought to have sense and ability enough to put something in permanent law as to the amount, and how it is to be paid, and not have a wrangle and a quarrel every year which discredits every Member of this House. [Applause.] This wrangle about how much clerk hire we shall have, how it shall be paid, the insinuation that Members take the clerk hire and put it in their pockets, hurts individually not only every Member of Congress but hurts the dignity of the Nation. We ought to determine, as permanent law or as law which can be changed hereafter, the amount that is to be paid and how it is to be paid. I do not care whether it would be the amendment of the gentleman from New York, to pay two clerks $3,200 a year, or the amendment of the gentleman from Texas, to pay one clerk $2,000 and then $1,200 to the Member. I think we ought to know and say and let it be the law hereafter.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. GARNER. The gentleman is a good parliamentarian and understands just exactly how a permanent law can be brought about. It is for some committee of the House—probably the Committee on Appropriations—to frame a provision that ought to become permanent law and bring it in and let the Committee on Rules bring in a rule and let the House vote on it.

Mr. MANN of Illinois. Well, there may be many ways of doing things. I make the remarks I do in the hope that gentlemen who reserve points of order will make the points of order now and give the House a chance to vote on the subject now and dispose of it. I would have preferred if the gentleman from Texas would withdraw his point of order as against the amendment of the gentleman from New York. I hope that the gentleman from New York will withdraw the point of order against the amendment offered by the gentleman from Texas, which is ruled out of order, and then, if he wants to, he can offer his. I might say to my friend from New York that if the amendment had not been ruled out of order, and if it had been before the House, then the gentleman's amendment would have been in order.

Mr. CALDWELL. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. CALDWELL. I will be perfectly frank to say that if the gentleman from Texas [Mr. BLACK] will withdraw his point of order against the proposition I made, I will make no point of order against any proposition he may make to take its place.

Mr. MANN of Illinois. If the amendment of the gentleman from Texas had got by the point of order, then the amendment which the gentleman from New York offered could have been offered as an amendment to it.

Mr. GARNER. Under the rule?

Mr. MANN of Illinois. Under the rule.

Mr. CALDWELL. I withdraw my point of order.

Mr. BLACK. Mr. Chairman, I offer an amendment.

Mr. MANN of Illinois. I am not referring to this amendment. This is a temporary provision.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK as a substitute for the Ireland amendment: Page 17, line 23, after the word "*Provided*," strike out the balance of line 23 and all of line 24, and then, on page 18, strike out lines 1 and 2, and insert in lieu thereof the following language:

"That in the expenditure of the appropriation herein provided, each Member, Delegate, and Resident Commissioner of the House of Representatives shall have for clerical assistance necessarily employed by him in the discharge of his official and representative duties one secretary at $2,000 per annum, whose name shall be placed on the rolls, and who shall be paid in monthly installments by the Clerk of the House of Representatives. Such secretary shall be appointed by the Member, Delegate, or Resident Commissioner and certified to the Clerk of the House of Representatives and shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner, with or without cause: *Provided*, That, in addition to such secretary, there may be paid to each Member, Delegate, and Resident Commissioner not to exceed $1,200 per annum for such other clerical assistance necessarily employed by him in the discharge of his official and representative duties, the same to be paid by the Clerk of the House of Representatives from time to time upon the certificate of the Member, Delegate, or Resident Commissioner that he has actually paid or agreed to pay such sum certified for such purpose: *Provided further*, That Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives in accordance with the provisions of section 31 of the Revised Statutes of the United States shall be entitled to the benefit of this provision."

Mr. CALDWELL. Mr. Chairman, I make a point of order against the amendment.

Mr. BLACK. Will the gentleman state his point of order?

Mr. CALDWELL. The point of order is that it is new legislation upon an appropriation bill, that it is not germane to the section involved, and that it clearly carries matter that is not germane; and if any portion of it is subject to the point of order, all of it is.

The CHAIRMAN. The Chair is prepared to rule. The Chair thinks the amendment now offered by the gentleman from Texas [Mr. BLACK], inasmuch as it applies only to the appropriation carried in this bill, is germane and does not add to the illegality, and the Chair overrules the point of order.

Mr. BLACK. Mr. Chairman, this is the same amendment that I offered when the proposition was before the House in July, 1919.

Mr. CALDWELL. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. CALDWELL. Is it not a fact that the result of the amendment proposed by the gentleman would be that one clerk at $2,000 per year would receive the bonus and that the other clerk at $1,200 a year would not get the bonus?

Mr. BLACK. That is just what I was going to state to the House. My amendment, if adopted, would effect a saving of $105,400, assuming that each Member now has two clerks on the roll of the House.

Under the joint resolution of July, 1919, a Member is permitted to have two clerks upon the roll, and he can have only two; the amount of salary to be paid to each is not fixed, and, as a matter of fact, an examination of the rolls will show that these clerks are on the roll at varied amounts. Now, I think that good practice and good procedure would be that each and every Member have one secretary at $2,000 per annum, and that that secretary should be upon the roll, and that then the Member should be allowed not to exceed $1,200 in addition to the pay of his regular secretary for such clerical assistance as he may need. If he does not need the extra clerk hire, then the money could be saved to the Government. If he does need it, the provision would be there for him to receive it, upon a proper certificate of its expenditure.

Mr. IGOE. Will the gentleman yield?

Mr. BLACK. Yes; I yield.

Mr. IGOE. Does the gentleman think it would be fair to the Members of the House and to their clerks in the middle of a Congress, when they have made arrangements which were intended to cover the period of two years? Here we are in the middle of a Congress, and to require Members to change an arrangement would in many cases mean the breaking of an agreement with the man that the Member brought here to do the work, which would be hardly fair. [Applause.]

Mr. BLACK. I do not think it would be unfair. We have had no permanent law on the subject. We have no appropriation that extends any further than the end of the present fiscal year, June 30, 1920, and I do not think there is any element of unfairness in it from any standpoint.

Mr. STEVENSON. I do not like to intrude my personal affairs, but I have a secretary whom I have always paid $2,400 a year, even when I got only $1,500. Now, under this amendment I could put him on at only $2,000 a year. Does the gentleman think it is proper and fair to interfere with a matter of private contract as between a Member and his secretary?

Mr. BLACK. If the gentleman looks upon the secretaries as private employees, I think there might be something in his contention. But I do not regard a secretary as a private employee, because he is on the rolls and pay of the Government and is paid the $240 bonus which is provided for all Government employees. He is only a private employee in the sense that you have the right to discharge him at will.

Mr. BEE. Will the gentleman yield?

Mr. BLACK. I will.

Mr. BEE. Does not the gentleman think that while the secretary is not a private employee, the leeway to make the contract was given under a previous act of Congress, and we stood ready to make an agreement with him, and that that agreement ought to be carried out and not broken at the middle of a session?

Mr. BLACK. I will answer that by saying that this does not interfere with any lawful agreement, because no Member of Congress has a right to make any agreement that would bind the Federal Government for any longer than the current appropriation. I am sure my colleague will agree to that proposition.

Mr. WOOD of Indiana. Mr. Chairman, I want to call the attention of the committee to the operation of the law as it is now. While I know there have been many different ideas of what should be, I think under existing circumstances and the arrangements made with reference to our clerks, the best possible thing is to leave it as it is. [Applause.] The Comptroller of the Treasury has decided that this may be paid all to one clerk or it may be paid to two clerks; there must not be more than two clerks. We have adapted ourselves to the new plan, and I believe the best possible way is to leave it as it is. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas by way of a substitute to the amendment offered by the gentleman from Illinois [Mr. IRELAND].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now arises on the amendment of the gentleman from Illinois.

Mr. KINCHELOE. May we have the amendment again reported?

Mr. MANN of Illinois. I ask that in reporting the amendment the Clerk report the language proposed to be stricken out.

The Clerk read as follows:

Page 17, line 23, strike out all of lines 23, 24, on page 17, and 1 and 2 on page 18, as follows:

"*Provided*, That the joint resolution approved July 11, 1919, shall apply to this appropriation in the same manner as it applied to the appropriation for clerk hire for Members, Delegates, and Resident Commissioners for the fiscal year 1920."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 22, after the word "installments," insert "which shall be the amount hereafter authorized for clerk hire for each Member, Delegate, and Resident Commissioner.

Mr. BLACK. Mr. Chairman, I make a point of order on the amendment.

Mr. MANN of Illinois. Will the gentleman reserve it for a minute or two?

Mr. BLACK. Yes; I will.

Mr. MANN of Illinois. The amendment is subject to a point of order I think, Mr. Chairman. The present law provides that appropriations shall be made for clerk hire to the amount of $1,200 for each Member. The amendment I have offered would authorize an appropriation to the amount of $3,200 for clerk hire for each Member, without in any way changing the law there may be in the payment of that amount.

As the law now stands any item in an appropriation bill carrying more than $1,200 for a clerk to each Member is subject to a point of order. I do not think myself that we should leave the law in that position. I do not think any Member ought to object to the House having an opportunity to vote on the question.

Mr. BLACK. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BLACK. We had an opportunity in July, 1919, when the resolution was brought up——

Mr. MANN of Illinois. I was not here at that time.

Mr. BLACK. I am sorry for that, but we had our opportunity and of course we can have it again. I have made the point of order in good faith.

Mr. MANN of Illinois. I do not doubt the gentleman's good faith.

Mr. BLACK. Having reserved it, I intend to make it.

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BLACK. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For furniture, and materials for repairs of the same, $20,000.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 18, line 11, after the word "same" insert "including not to exceed $12,000 for labor and machinery for the furniture repair shop," and in line 12 strike out the figures "$20,000" and insert "$30,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

For packing boxes, $6,000, or so much thereof as may be necessary.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 18, strike out lines 13 and 14.

Mr. BLANTON. Mr. Chairman and gentlemen, I think the time has come when my colleagues will agree that we ought to stop this little petty so-called packing-box business. I have been here three years, and during that three years there has been three regular sessions of Congress. For these regular ses-

sions of Congress there has been allotted to me three cedar chests, three pine boxes, and three oak boxes. Under the prevailing practice for every session of Congress, every regular session which comes once every year, every one of my colleagues has received one cedar chest, one pine box, and one oak box.

Mr. LITTLE. I did not get three boxes at a session.

Mr. BLANTON. I am talking about one for each session. The gentleman from Kansas has been here for the same length of time that I have, and for that time he has received three cedar chests, three pine boxes, and three oak boxes for every regular session. If he has not got them, he has not got what was coming to him.

Mr. LITTLE. The gentleman misspoke himself, I think. He said three for each session.

Mr. BLANTON. Oh, no; one cedar chest, one pine box, and one oak box for each regular session. Take, for instance, our good friend, Uncle JOE CANNON, whom all of us love and want to get everything that is good in life, he has been here 44 years. He has received 44 cedar chests, 44 pine boxes, and 44 oak boxes. My God, gentlemen, what has he done with all of them? [Laughter.]

Mr. THOMAS. Will the gentleman yield?

Mr. BLANTON. No; I have not the time now, I have only a few minutes. Now, if it was necessary for us to have these boxes to perform our duties, then all well and good. I want to ask when it comes to a question of right what we ought to do when we have a $3,000,000,000 deficit staring us in the face? I want to ask if there is a single one of us who would take the three cedar chests, the three pine boxes, and the three oak boxes allotted to each of us during the past three years down to our constituents and exhibit them on the hustings when the other fellow is after us this summer and show them what we are getting and try to make them believe it is necessary for us to have them? Why do we get them? Why do we allot them to ourselves, paid for with public money? Oh, we can not camouflage the issue by saying that they are packing boxes; that they are necessary to pack our stuff in when we go home. How many of you pack your stuff in your cedar chests? I hope Uncle Joe will never leave Congress, I hope that he will serve forever, but if he were to go home, how many of these 44 cedar chests he has received would he have left in which to pack his stuff. He has given them away. We all know that. He may have some of his 44 pine boxes or some of his 44 oak boxes left. We ought to stop this thing. I heard one of my Republican colleagues the other day—God bless him—ask in what bill this appropriation came, and he said that if he could just find out where the appropriation appears he would try to stop it. I am putting him on notice now that it appears in this bill, right here in this item which I am moving to have stricken out, and each one of us will have an opportunity to vote it in or vote it out.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, we are going to have a campaign on this summer, most of us, and I want you to remember when you go home that I have given you all an opportunity to vote to cut out this useless, wasteful appropriation, and I want you all to tell the people in your districts that you voted to keep the boxes in the bill given you at public expense. You will be fair with your constituents then. What excuse have we to offer for this appropriation?

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I can not yield, I have only a minute. This is one appropriation for which we can offer no reasonable excuse. I am willing to help appropriate for necessities, and when I can go to my constituents and look them in the eye and say that I voted for a certain appropriation because I considered it necessary, I am satisfied; but I want to say that this appropriation has no foundation and no basis at all.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. THOMAS. Mr. Chairman, I expect to have 15 minutes without objection, unless the gentleman from Texas [Mr. BLANTON] objects.

Mr. BLANTON. I will not object.

Mr. THOMAS. That settles it. I do not see why such speeches should be made about cedar boxes. I get some cedar boxes, and I would like to have four times as many cedar boxes as I have, as there are many poor widows in my district who would appreciate a cedar box. I would like to have four times as many vegetable seeds as I have. There is always a class of gentlemen like the gentleman from Texas [Mr. BLANTON], who is playing both ends against the middle, opposing all appropriations for the purpose of seeds, and then in addition to that he flays Samuel Gompers. I have nothing to say one way or the other about Samuel Gompers, except that Mr. THOMAS is always going to vote as he pleases, notwithstanding any objection of Mr. Gompers, and I know of none, or Mr. BLANTON. [Laughter and applause.]

Mr. Chairman, I do not know what Mr. BLANTON was talking about, and I do not know that anybody in the world can tell when he talks what he is talking about. I want to ask Mr. BLANTON a question: What were you talking about?

Mr. BLANTON. I was talking about the balmy atmosphere of the mountains of Kentucky.

Mr. THOMAS. Well, that is a great atmosphere down there when you go there in the summer time. But people in Kentucky work. The people of the State of Kentucky are agriculturists. They work. In 1918 they raised over $404,000,000 worth of tobacco, and in 1919 they raised over $500,000,000 worth of tobacco, besides large crops of other kinds. Yet a Republican Congress that says for the sake of economy it will not increase the appropriation $8,000 for the extermination of the tobacco worm.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Chairman, if Mr. BLANTON does not object, that settles the matter. The trouble with Mr. BLANTON is that he is a man who has got much sense about some things, but as to a whole lot of things he is not so well informed, and never will be, as long as he lives and keeps up his present gait. I want to tell you, I was raised on a farm.

I plowed corn 12 hours a day for 50 cents a day, and you people come down here, like the gentleman from Massachusetts [Mr. FULLER]—you know Mr. FULLER, who has an automobile factory and makes millions of dollars—you folks come down here and talk about being farmers. I want to tell you that, so far as I am individually concerned, I am not compelled to come to Congress. The Republicans carried my district by over 2,000 the last election, and I will carry it by over 2,000 the next election. [Laughter and applause.] You will see the difference.

I want to talk now about the barberry bush. Some Republican Congressman from Missouri—I do not know who—said we needed $190,000 for barberry bushes, because they made rust on wheat. There never was a barberry bush in the world, in my opinion, that made rust on wheat, and yet in the name of economy this Republican Congress gave $190,000 to eradicate barberry bushes, when the way to eradicate a barberry bush is to take a hoe and cut it down. They never discovered but one barberry bush, I am informed, in the district that this Congressman comes from.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. THOMAS. Mr. Chairman, I ask for 10 minutes more.

Mr. CAMPBELL of Kansas. Oh, Mr. Chairman, I shall have to object.

Mr. WOOD of Indiana. Mr. Chairman, we want to get along with this bill.

The CHAIRMAN. Objection is heard, and the Clerk will read.

Mr. BLANTON. Mr. Chairman, a point of order. I presume the chairman is going to put the question on the amendment which I offered to strike out lines 13 and 14 on page 18.

The CHAIRMAN. The Chair inadvertently did not put the motion. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced that the noes appeared to have it.

Upon a division (demanded by Mr. BLANTON) there were—ayes 3, noes 108.

So the amendment was rejected.

The Clerk read as follows:

Legislative reference: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, $25,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $3,000 per annum.

Mr. LUCE. Mr. Chairman, I move to amend the paragraph. In line 11, strike out the figures "$25,000" and insert "$45,000."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 11, after the word "thereof" strike out the figures "$25,000" and insert in lieu thereof the figures "$45,000."

Mr. LUCE. Mr. Chairman, by reason of the absence of the members of the Library Committee who outrank me in service, it devolves upon me to attempt at this point to secure for the Library a continuance of the funds that have been at its command for this particular work. Permit me again to express my astonishment at a committee system under which a committee charged presumably with the oversight of one of these activities of the Government finds the passing of judgment upon its activities in the hands of another committee. I say this not in criticism of the other committee, but solely in justification of my trespassing on the time of the House in presenting the point of view of those who are supposed, in behalf of the House, to take a particular interest in the activities concerned.

The legislative reference service is not understood by all the Members. Indeed, the facilities at command have been used by only a comparatively small number, because thus far the Congress has not seen fit to develop that very useful adjunct of modern State library service in its application to the needs of the Federal Government to the degree of making it possible to urge Members extensively to resort to those facilities. Let me recall that about 30 years ago Melville Dewey brought to the attention of New York the importance of having the material in the State library at Albany put at the command of the legislators and the administrative officials of the State. That laid the foundation for a legislative reference bureau system which since then has been developed until now nearly all the States have entered into this work to a greater or less extent. In that particular they are going along side by side with all the great corporations of the country, which have awakened to the importance of having experts intrusted with the compilation of material that shall be of practical value and at ready command.

The purpose of this department of the Library is to make it possible for any individual Member of the House or Senate or of any committee to resort quickly and surely to officials in the Library who may ascertain the data necessary for the proper performance of our official duties. All that any Member need do, if he desires to know about the legislation in our own country or in other countries upon any particular subject, is to take down his telephone, ask to be put in connection with the legislative reference bureau, and instantly he will have working for him specialists who will take out of that enormous mass of material on the other side of the square extracts that will be pertinent to his need. For illustration, I had hoped that the House might see fit in the recent railroad bill to apply the Canadian law for the investigation of industrial disputes.

I did not have at hand a copy of that law, but telephoned to this office, and I had within an hour or two not only a copy of the law but an abstract of the important legislation upon this subject in Australasia and wherever the actual experiments have been made. On other occasions I have with equal promptness secured information of the same sort. Other gentlemen who know of the existence of this resource will corroborate me as to its value. The committee has seen fit, doubtless in accordance with that spirit of economy which prompts all of us, to reduce the amount to be made available for this work instead of enlarging it as the Library officials, and I hope I am justified in saying the Committee on the Library, would have desired. In view of the argument for economy I shall not argue that the larger sum, which in the view of the librarian would have made this service more widely and importantly of use, be granted, but I do ask the continuance of the same expenditure as that for the last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. LUCE. This department, besides putting at the command of Members this special information, is engaged in indexing the laws which have been passed by the Congress from the start, and laws passed by the other legislative bodies of the land, in order that we may easily find out what has actually been enacted in regard to any subject with which we are concerned. This work of preparation and compilation occupies those employed by this department whenever Congress may chance not to be in session. The work is progressing. A mass of material is piling up and increasing the utility of the library.

Another work that this department has undertaken is the preparation of abstracts which shall at a glance show the nature and content and bearing of the long and intricate bills that from time to time are put before us for judgment. These abstracts have hitherto been at the command of the Senate. They have not as yet been at the command of the House, by reason, if I understand aright, of the lack of sufficient means to warrant the work, possibly by lack of insistence on the part of the House that we have the same facilities as have of late been at the command of Senators.

Mr. LITTLE. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LITTLE. We have the same right to get information there and the same opportunity is presented there.

Mr. LUCE. We have the same opportunity. I am referring to the preparation of abstracts of important bills, which, if I am rightly informed, are now regularly placed on the desks of the Senators, so that by glancing through the abstract they can know what changes are proposed in existing law and understand the essential proposals that may be novel.

Mr. BRIGGS. I wanted to say that bureau has addressed a letter to the Members of the House as well, indicating that they would be glad to furnish them to whomever desired them, and to my office they not only deliver these abstracts but abstracts of the Senate bills.

Mr. LUCE. If they are being generally distributed to House Members, I was not aware of the fact.

Mr. MANN of Illinois. Does the gentleman think those abstracts are of any value?

Mr. LUCE. I have not personally used them.

Mr. MANN of Illinois. I have personally examined them, and have never yet found them correct.

Mr. LUCE. That may be due to the condition by which the Congress has seen fit to limit the amount of money that may be paid to any employee of this department, possibly making it impossible to employ the most expert and the best-trained men for this particular work.

Mr. MANN of Illinois. But I think they do the work because they are hunting for something to do. They get too much money. They are hunting for an excuse to work.

Mr. LUCE. Mr. Chairman, if more employees of the Government in Washington hunted for the opportunity to work, the Government would be much better administered. [Applause.]

Mr. Chairman, I confess that I view with apprehension the attitude taken by our esteemed colleague who has just addressed us, who demurs apparently at the proposal to make of greater service this wonderful collection of material. It may be that we are now not pursuing the wisest method, that going slowly and experimentally, we have not yet reached perfection, but is that an argument why we should allow to stand there that glorious edifice, housing nearly 5,000,000 pieces of matter, a number larger than in any other library in the civilized world, and yet hamper and harass our association with it so that we can not even master it for our personal needs? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. Mr. Chairman, I want to say a word on this proposition. This is another example of how from very simple beginnings these activities assume very large proportions. In 1915 the appropriation for this service was $25,000; the same in 1916; the same in 1917; the same in 1918, when they had a deficiency of $2,000; in 1919 it was $30,000; in 1920 it jumped to $45,000; and this year they ask for an appropriation of $69,000. Your committee went to some trouble in trying to get at the facts with reference to this bureau.

Mr. LITTLE. What was the appropriation last year?

Mr. WOOD of Indiana. Forty-five thousand dollars, the same as the gentleman is asking to insert in this bill. We were of the opinion, and are still of the opinion, that it would have been better for the Government if the amount that we allowed had been reduced even to a smaller figure than $25,000. This reference library may be rendering some service. It is of service when a Member of Congress desires some work upon some particular subject; he can take the telephone down and call up the department and ask that that particular work be sent to him. They have an elegant card system in the library—I expect equal to that obtaining anywhere. By reference to that they can very easily ascertain the volume wanted and send it to the Congressman inquiring for it. Aside from that peculiar service, I do not think they are rendering any very valuable service to anybody. And I wish to say that the greatest amount of this money is expended in getting up this so-called calendar or catalogue of bills and a digest of them, and so forth, which, as has been stated, is placed upon the desks of the Senators.

I have one before me that they got up on the railroad bill, and if there is a man on earth that can read it understandingly I would like to see him do it. I have never found one of these yet, and I have taken some pains to look at them, that, in my opinion, would be of the least benefit in doing the work at hand. They are full of errors. They can not be relied upon at all. If we were to follow out to the logical conclusion the idea of the gentleman from Massachusetts [Mr. LUCE], if we were to have some one delve into all those thousands and tens of thousands and hundreds of thousands of volumes over there in order that we might have available the information they contain for Members of Congress, we would have an army employed. And perhaps this is a nucleous of what they desire in that direction. There are many, many activities connected with this Government that are in far greater need than the one we are now considering.

Mr. PLATT. Will the gentleman yield?

Mr. WOOD of Indiana. I yield.

Mr. PLATT. As I understood the gentleman, he said the chief duty of this bureau was to send books over to us, or something?

Mr. WOOD of Indiana. That is one of the things.

Mr. PLATT. That is not what they do at all. We get the books by telephoning another part of the library. And if you introduce a bill and want to know the other acts in effect on the same subject they will send the information to us.

Mr. WOOD of Indiana. I know that if a committee or a Member of this Congress is engaged in an examination of any subject matter, and they telephone over there for information, it is referred to this section of the library, and it is their duty to care for it. That is the testimony.

Mr. PLATT. They dig out matter from books and send it to you.

Mr. WOOD of Indiana. And here is some of their "digging" that is absolutely unreliable.

Mr. PLATT. I have seen abstracts of bills of mine, and I can not say but that they are very good.

Mr. WOOD of Indiana. Perhaps the gentleman fixes his bills up in such shape that they do not need to be abstracted. But be that as it may, my particular objection to this provision, and I think the particular objection of the committee to this provision, and what I think should be the particular objection of everyone here to it, is that we are just encouraging the expenditure of money upon trifles, instead of applying it upon substance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. LITTLE. Mr. Chairman, the laws of the United States are scattered throughout some 35 books. To find and assimilate and utilize those laws passes beyond the power of any lawyer in the United States as a matter of actual practice to do it with real success as he goes along. There is only one place in the United States where you can find out what the law of this country is, and that is over here in this little legislative reference bureau. There is no book that prints it, but those fellows have built up a card index, and when you telephone to them and say, "What is the law about so-and-so, and what is repealed and what is alive?" they can find it for you. If every lawyer in the United States had access to it, you would not so badly need another revision of the statutes, but no one has access to it except Members of Congress. It is absolutely invaluable to this Congress, and every man in Congress can have the benefit of it.

Yesterday you voted $40,000 to provide six chairmen of committees—that is all—with an additional clerk to show them how to write bills which they ought to be able to write themselves—$40,000, accompanied by much gilded oratory and wild enthusiasm for it. And what did you do? You gave six committees, which means six chairmen, assistants to write bills. We were told that every Member could get it. No Member of this House can get the benefit of that appropriation, and it is not the law that they should. It is for committees, not Members.

Here, gentlemen, is a chance to get something yourselves. The provision that we passed yesterday, to which I have referred, is of no account to the rest of us. If you want to know what the laws are and how to utilize them, you had better sustain this outfit and keep it up. It is true that if we are able to consolidate the statutes and get all the laws together in one book, that necessity will not exist, and then you would not need to expend this money, because everybody could then consult the laws for himself, and you could greatly cut down the appropriations and lessen the number of clerks.

But I am satisfied, gentlemen, from my own experience, that this thing is exceedingly valuable. I have not used it largely myself because I did not know how largely they would be loyal and enthusiastic in cooperating with my work, but I have tried them. I tried the gentlemen for whom we yesterday gave $40,000 and asked them a little question, and it took them a week to answer it; but in a few hours these other fellows in the legislative reference bureau will tell you what the law on any subject is. I have observed it with a view to finding out whether that establishment had any value or not, and I have not found any mistakes committed on their part yet. Sometimes different views may be given to a law. The Supreme Court of the United States might have to pass upon that. But I think, gentlemen, this outfit for the present year is absolutely invaluable. The common, ordinary Congressman, who has not been here long and has not been made chairman of a big committee, can not avail himself of the service of the legislative drafting bureau, because the service of that bureau will be largely used by six big committees; but this legislative reference bureau in the Library of Congress can be availed of by every Member of Congress.

Mr. MANN of Illinois. The gentleman from Kansas ought not to make that statement, because he has just received more at the hands of the House to-day than any other Member.

Mr. LITTLE. Perhaps I ought not to make that statement, but everybody else ought to make it except myself. I still think I owe it to the Members, and I thank them, and I thank the gentleman from Illinois particularly, because by your action to-day my committee has been provided with means for going on with its work. But that does not belong to the rest of you. I feel that it is but fair to you that I should give you the results of my experience, even though it seem ungracious in me to say it, after having received so much at your hands to-day.

Mr. WALSH. Mr. Chairman, I am somewhat surprised at the remarks of the gentleman from Kansas after the House has increased the appropriation for the salary of the clerk of his committee to $3,000; I am surprised that he should then get up and say that the most of his information that he has been getting has been from this reference service and wanting to increase the appropriation $20,000.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. LITTLE. I did not say anything of that kind.

Mr. WALSH. The gentleman did not use those words, but he said that he had found that service valuable and that he had referred to this service, which has a card index, to find out what the law was, and spoke of how valuable this card index was, and yet by our action to-day the salary of the clerk to his committee has been increased $1,000 a year in order that he might telephone over and ask what that card index shows with reference to the laws existing on a given subject.

Mr. LITTLE. I said I had sent to them to find out if they were accurate and reliable, and I said I had found they were invaluable to the average Member. The committee of which I have the honor to be chairman has such a tremendous aggregate of work that that outfit over there can not help us very much.

Mr. WALSH. I appreciate the tremendousness of the work involved in the gentleman's committee, and I shall accept the invitation that he has been kind enough to extend to me to call at his office and see some of the work, because I appreciate the importance of getting the statutes of the United States into some correlated form, and I understand that is what he is attempting to do. But I submit that if that is the task on which he is engaged, and we have increased the salary of the secretary to his committee $1,000 a year, it hardly becomes him to criticize Members of longer experience and a service of many more years here because they have examined the work of this service and have found, as will every other gentleman who examines this digest carefully, that it is something you can not rely on, and I submit that they ought not to be permitted to spend the money that is now available in the procurement of inaccurate information.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. KING. I think the gentleman from Kansas fully understands that he is being disciplined by an older Member of the House. [Laughter.]

Mr. WALSH. Let me say that the gentleman from Massachusetts is not attempting to discipline the gentleman from Kansas, because the gentleman is fully aware of the fact that there are other Members here under other party labels, and if the party leaders would undertake the task they might well discipline those individuals, because they come here under one party label and invariably vote and act at the demand or at the request of other party leaders. I am simply making a suggestion to the gentleman from Kansas, and he is taking it

in very kindly spirit and has not sent out any distress cry to the great State of Illinois for reinforcement or assistance or help to come to his defense and defend him, because the gentleman from Kansas knows that I appreciate the fact that he has demonstrated that he is perfectly able to take care of himself. [Laughter.]

That is not apparent, I would say, as to some other gentlemen whom I will not name, because I find that sometimes when problems in which they are interested are attacked upon the floor and they seek to defend or to criticize the action of the committee they immediately call upon others to rush to their defense. I will yield to the gentleman from Illinois if he is asking me to yield.

Mr. KING. I suppose the gentleman from Massachusetts is paying me the compliment of noticing me.

Mr. WALSH. Oh, not at all. I assure the gentleman that he is not beneath the notice of any gentleman here upon the floor, because he is very successful in getting the notice of Members here.

Mr. KING. Does the gentleman yield the floor?

Mr. WALSH. I answered the gentleman's observation. I did not know that the gentleman had not concluded.

Mr. KING. I ask the gentleman from Massachusetts if he was referring to the gentleman from Illinois in his remarks a few minutes ago? If not, there being a number of others who were in the same boat on the railroad bill, I do not wish to raise any controversy with him.

Mr. WALSH. I will say to the gentleman from Illinois that I was not particularizing.

Mr. KING. I saw the gentleman with his little old lash out in various parts of the Hall of the House during the vote on the railroad bill.

Mr. WALSH. The gentleman is mistaken. I did not ask a single individual to vote on that bill. The gentleman is stating that which is not so.

Mr. KING. He applied the lash to me.

Mr. WALSH. No; I did not try to. I had better sense than that.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. I make the point of order, Mr. Chairman, that the last word has been stricken out and that debate on that motion is closed.

Mr. WINGO. I ask unanimous consent to proceed for five minutes.

Mr. SIMS. The gentleman can move to reinstate the last word.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I presume those of us who sit on this side of the aisle are supposed to maintain an attitude of neutrality in this controversy that is going on among our friends on the other side, and even if necessary a position of armed neutrality, because the latter part of the controversy possibly indicated that armed neutrality would be more effective than merely passive neutrality or even watchful waiting.

Mr. MADDEN. I make the point of order that the gentleman is not talking to the question.

Mr. WINGO. I will talk to the question, which is the legislative reference library. If the gentleman will contain his soul in patience—I appreciate the impatience of my good friend. I join with him in the desire to get along with this bill.

Mr. MADDEN. The gentleman does not need to apologize to me.

Mr. WINGO. I am not apologizing to the gentleman. I am expressing deep appreciation of the gentleman, but I do not want this taken out of my time. My appreciation of the gentleman is not germane to the bill, but of course out of a spirit of good nature I must express it.

Mr. Chairman, I sincerely trust that this legislative reference bureau will be maintained. I think it comes with poor grace for the gentleman from Massachusetts [Mr. WALSH] to castigate the gentleman from Kansas [Mr. LITTLE] simply because the gentleman from Kansas has received extra aid and does not need the legislative reference library. I submit that my genial friend from Massachusetts, the Hon. JOSEPHUS WALSH, from the sacred precincts of New Bedford, ought not to complain, because we gave to his committee authority to employ a maritime lawyer to assist him in making investigations upon land. [Laughter.] Now, I am not criticizing that appropriation, Mr. Chairman. I supported the authorization to give the gentleman from Massachusetts a maritime lawyer, and I can understand the anxiety of the gentleman from Illinois, both of them, because this castigation of Republican inefficiency is not confined to the floor of this House. I read in a leading Republican newspaper published in Illinois yesterday a castigation of the Republican Members because they were not showing any constructive ability. I hope this legislative reference library may be retained, so that they can get some information upon which they may frame some constructive legislation. The gentleman from Kansas [Mr. LITTLE] has got his information, the gentleman from Massachusetts [Mr. WALSH] has his, and I am not apologizing for voting for the maritime lawyer, because it occurred to me that not only my friend from Massachusetts but the Republican Party in this House certainly did need somebody who was an authority on maritime law, because the Republican majority in this House are exactly like a ship at sea without a rudder, and they certainly need a guide, one who has information on maritime law. [Laughter.] I hope my friend from Massachusetts [Mr. WALSH] will appreciate this legislative reference library as really of some practical benefit. It is true they may get out some things that are not practical, but, as the gentleman from New York suggested, sometimes we have a bill of a technical character, and we want to know what particular sections of the existing law are affected by it. Possibly it would save expensive legislative hearings if we could send over to the library and ask them to get us up a brief on the particular sections of the law that are affected by the bill which has been introduced. So, in all seriousness, I think the gentleman from Kansas and the gentleman from Massachusetts, and a few of these chairmen of whom complaint is made that they have received some special clerical assistance, ought to be willing to let those of us who constitute the "buck privates" of the House have some organization to which we can look to get information that will aid us to perform our duties as Members of the House more expeditiously and more economically, even though we do not happen to rank with these great chairmen like the gentleman from Kansas and the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MASON. Mr. Chairman, I desire to address the House for five minutes in support of the motion of the gentleman from Massachusetts.

The CHAIRMAN. Debate is exhausted. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MASON. Mr. Chairman, in this debate I am reminded of the debates we had at the very beginning of the establishment of this great library. In the Forty-ninth Congress, when Mr. Carlisle was Speaker and Mr. Reed, of Maine, was the leader on the Republican side of the House, we started out for the building of this great library, authorizing it and making an appropriation for the plans, and in the Fiftieth Congress an appropriation was made for the beginning of the construction of the library. The cheeseparing suggestions that were then made seem to have been echoed here to-day in this great desire for economy and to cut down the usefulness of what to my mind is the most useful thing in Washington, this great Congressional Library. In those days we had to go around this Capitol until we could find our old friend, Mr. Spofford, who was the librarian. He was an encyclopedia upon most subjects. But it looked more like a carpenter's shop or a blacksmith's shop, and when we went in those days to get information the conditions were so crude and so different from what we have now that I feel that whenever the question of the support of this library comes up that we could not do too much for it. This great branch of the service is doing a great work. Of course, they may issue some things that are not particularly useful. I have heard it suggested that even some statesmen make speeches and print them which are not useful six months after they are issued and circulated, and some of us wish that we had not made them. [Laughter.]

I have never seen such good service as we have had in the past four years from this library, and I have grown proud of the fact that I was one of the fellows that were in at the birth of the library. I am in favor of the extra allowance proposed by the amendment of the gentleman from Massachusetts to strengthen and keep it going. Of course the expense grows. The distinguished gentleman from Indiana says that it grows. It does, and its usefulness has grown.

If you could look down into the old library when we used to have to go there to find things, and see Mr. Spofford, with his very few people, and then come into this great palace, one of the most wonderful in the world, and note its usefulness and utilities, step into the Senate reading room or into our reading room, and note the alacrity with which you are served.

A little while ago I remember asking for a newspaper published in 1873 or 1874, and in less than five minutes the bound

volume was before me on the table. As a matter of fact, I believe that the increase of appropriation will add to the usefulness of this library, and I certainly hope that we will not begin the cheeseparing in the brain center of Uncle Sam.

I call it the brain center, because not only Congressmen have the benefit of this great work, but thousands of writers and publishers who come to Washington to look up data have it, and if there is anything in the world which we need in this country it is information and the truth. Thank God, even in the last two or three years there has not been, except at times, a period when they could stop people from going to the public library and getting the truth. Most every other channel of information has been blocked by the censor. [Laughter.] I regard this as the most valuable piece of help that not only the American Congress but the American people themselves who write and lecture have the benefit of. I hope the amendment offered by the gentleman from Massachusetts may be adopted in the Committee of the Whole. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, I move to amend, as a pro forma amendment, by striking out the figures "$45,000" and inserting "$44,000." Mr. Chairman, the amendment or proposition pending has nothing to do with the very brilliant statement made by my colleague the gentleman from Illinois. It has nothing to do with the support of the library. A few years ago the legislative reference bureau was inaugurated. During the war, and practically as a war measure, the appropriation was increased to $45,000 where it had been $25,000 before we engaged in the war.

Of course, during the war there were a great many questions which Members of Congress were not familiar with and upon which they desired to secure individual information and sometimes committee information. I think it was quite proper that that appropriation should have been enlarged at that time. It is perfectly patent, however, that this legislative reference bureau is not having much work thrust upon it, but that it is seeking for something to do in order to keep its men employed and to use up the appropriation.

Mr. LUCE. Will the gentleman yield?

Mr. MANN of Illinois. I prefer to make the statement I had in mind.

Mr. LUCE. I want to read a brief sentence from the statement of the librarian.

Mr. MANN of Illinois. I do not care what the librarian says; he does not know anything about it.

Mr. LUCE. This is a matter of statistics and not opinion. He says:

> Since the 1st of July demands on this division have increased 29 per cent or more than that, perhaps between 40 and 50 per cent.

Mr. MANN of Illinois. That shows how little it was before. I can demonstrate in a few words that they have not much to do. They get out an abstract of bills in the House and the Senate. If they were busy on real work they would not have the time to do that. These abstracts are valueless; they are not dependable. I dare say that the gentleman from Massachusetts, who is one of the brilliant Members of this House, does not undertake to read all the published bills that are reported back to the House. I do, and have for years, examined them carefully, trying to know what is in them, and in order to test the value of the abstracts I have on a number of occasions gone through the abstracts and from memory could easily pick out important matters in the bills that were not mentioned in the abstract at all. I have compared the abstract of a bill and found that the abstract is absolutely useless to me. I could not depend on it for a moment.

The gentleman from Massachusetts says that is accounted for because they could not hire sufficient help. I think it is because they have not much to do and rush in to find something to keep them busy, and it is not their business. These people do not abstract a bill properly and do not understand the matters involved in it. They are not legislators. I am not in favor of abolishing the legislative reference bureau. I think it ought to be retained. I believe in the course of time it will become more and more valuable. I do not think it is very valuable now but I do believe that with the war over the necessity of large appropriations for this bureau do not now exist, and if we are going to have any economy under the Government at all we have got to do what my colleague from Illinois refers to as "cheeseparing."

We have got to pare down these appropriations where we can, all along the line, and if we can not economize in a matter of this sort, right under our control, and cut off an extravagance which is of no benefit, then we need somebody to tell us what to do. [Applause.]

Mr. SISSON. Mr. Chairman, I rise to oppose this amendment offered by the gentleman from Illinois. Gentlemen, your committee has not undertaken in any way to injure this service. This service first went into the bill through a Senate amendment and was pressed by Senator LA FOLLETTE. At that time they asked for $25,000, and they were given the $25,000. That was in 1915. In 1916 they got $25,000; in 1917, $25,000; and in 1918 they got $25,000, all that they asked. That was the appropriation for the legislative bureau up until the outbreak of the war. As I understand it, it is the aim and purpose and intention of all of the Members of Congress to try, if possible, to get this Government as near as we can back to its original expenditures before the war. The Republican leaders have asked your committees to cut these bills down, to cut the expenses of the Government down to what they were when we got into the war. As I said in general debate, I have taken the subcommittee by the hand, and I am willing to take you Republicans in the House by the hand, and I am willing to help you reduce these expenses, and I believe the Democratic side of the House will join you in it. If there is one place where you will do absolutely no injury to anyone, where you will give them back the force and the entire force they had before the war and which they kept for four years after the creation of this service, it is in this appropriation. If you pass the item as it is reported, you will be giving them all that they asked for four years before the war. We thought the proper thing to do was not to cut this out entirely, to do no injury to it, but to leave the matter just where it was before the war.

If you mean what you say, if your leaders mean what they say, then why not use the snickersnee? Are you going to say to this committee, "Go ahead and reduce and pare to the bone," and then as soon as the committee gets to the House, after it brings back a bill that does that, are you going, you Republican Members, to immediately get up and endeavor to load the bill down? With one exception I have heard no Democrat urge any increase in appropriations. We are willing to help you, and I hope the Democratic side will help you. We have gotten through only some twenty-odd pages of the bill, and yet I find that you are wanting to add something like 100 per cent to this item. It is not the amount that you add to one item that counts up in the appropriations, but when you go through all of the thousands of items and do the same thing it rapidly mounts up to millions. We have patiently gone through this bill and have worked from morning until night endeavoring to find places where you can pare down; and yet when we get into the House we find a criticism, and this at a time of all times when, as the gentleman from Illinois suggests, we owe it to the people to do away with every single penny of burden resting upon them that we can until at least we can take care of the $3,000,000,000 of deficit that faces us. We must do something to cut down these expenses. Your committee has done its duty. We do not believe that it will do any injury to this service, and we ask that, in this matter at least, we be given the support of the House.

Mr. LITTLE. Mr. Chairman, I move to strike out the last 10 words.

The CHAIRMAN. All time upon this has expired.

Mr. LITTLE. I move to strike out the last 10 words.

The CHAIRMAN. The gentleman's motion is not in order. It is an amendment in the third degree. All time has expired.

Mr. LITTLE. Then I move to amend by striking out the entire section.

The CHAIRMAN. The gentleman's motion is not in order. The gentleman from Illinois [Mr. MANN] has offered an amendment to the amendment of the gentleman from Massachusetts. Hence the amendment offered by the gentleman from Kansas would be an amendment in the third degree and would not be in order. The question is on the amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from Massachusetts.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. LUCE) there were—ayes 10, noes 59.

So the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I move to strike out the last half of the section in order to reply to a suggestion made by the gentleman from Massachusetts, who seems to hint that because the House has decided that the committee of which I happen to be chairman ought to have a clerk at a higher salary than was fixed by the committee that I should not express myself on this subject.

Mr. WOOD of Indiana. Mr. Chairman, I rise to a point of order.

Mr. LITTLE. I will just say this—and I will be done in a second if the gentleman does not interrupt me, and it will

take me a good deal longer if he does—that if the House had put me under an obligation which makes it impossible for me to express myself freely like everyone else on this floor, upon anything that comes up, I wish the House would take it back. I do not want any favors from this House which make it impossible for me to speak freely and independently upon this or any subject. I resent that suggestion. I reserve the right to myself to debate any subject that comes up from any standpoint that seems to be best for my constituents.

Mr. MANN of Illinois. Mr. Chairman, I think the gentleman from Kansas [Mr. LITTLE] does not recall what he said. The gentleman from Kansas—very likely inadvertently, because it was a statement in reply to me by the gentleman from Massachusetts—said that it was only a Member who had been here 20 years and who had gotten to be the chairman of a big committee who could get anything in the way of clerk hire out of the House.

Mr. LITTLE. Oh, no——

Mr. MANN of Illinois. Oh, do not say that you did not say that. I have not quoted the language of the gentleman, but I have given the substance.

Mr. LITTLE. No; the gentleman has not; nor the spirit.

Mr. MANN of Illinois. I do not yield, though I will in a moment.

Then I asked the gentleman from Kansas whether he thought he ought to make that statement, in view of the fact that not having been here 20 years, not being a chairman of an important committee, he had just gotten the House to give him a clerk at a salary of $3,000 a year, a sum which the clerk of no other committee, with two exceptions, receives. I thought the statement of the gentleman was unwarranted and unintended. I now yield to the gentleman.

Mr. LITTLE. If I said anything of the kind, it was not intended, and if the gentleman will examine the RECORD——

Mr. MANN of Illinois. If the gentleman does not change it when he gets the notes it will appear.

Mr. LITTLE. Possibly I may be mistaken, but what I undertook to say, and what I meant to say, and what I think I did say, and I am quite sure I said it, was that it was only the people who had been here a long time and become chairmen of a half dozen of the great committees who could get the services of the bureau of legislative reference, and that is exactly true, because I have made an effort to get something done for this committee and have been unable to get any assistance. That is exactly what I said.

Mr. MANN of Illinois. I am not infallible, maybe the gentleman said that; but I understood him to state it the other way. That is what we all go on, what we think a man said.

Mr. MADDEN. Both having apologized to each other, it is all right.

The Clerk read as follows:

Temporary services: For special and temporary service, including extra special services of regular employees at the discretion of the librarian, $2,500.

Mr. HICKS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do it merely to call the attention of the committee to an item which has already been passed over and which unfortunately I could not speak about because of my absence in attendance upon the Committee on Naval Affairs. It is in reference to the paragraph beginning page 20, line 4, for library assistance, "one of whom shall be in charge of the blind room," and I merely want to make this statement in regard to the splendid service rendered by the lady in charge of that room in the library. It has been my happy opportunity to come in contact with the work being done for the blind of this country, especially for the boys who were blinded in the recent war. As probably we all know, there is a great Red Cross institute for the blind at Roland Park, Baltimore, the buildings and grounds being loaned by Mr. Garrett, of the Baltimore & Ohio Railroad Co. At the present time there are about 104 men there being instructed in vocational training and in the Braille system of blind reading and all that goes to make a man self-supporting and self-respecting, despite the fact of the loss of his sight. The assistant in charge of this blind reading room in our library was appointed some years ago, and she is receiving a salary of $1,200. That salary at the time of her appointment may have been adequate, but since her appointment there has been placed upon her additional work not only in reference to our blind soldiers but because of the general interest to take better care of those poor unfortunates. The American Library Association, the Red Cross institute at Baltimore, and the other associations who know of her splendid service speak in the highest terms of her work, work which has vastly increased since she was appointed, and yet her salary remains the same. It does seem to me that there should be some recognition of her splendid work, especially in view of the fact that a very large part of it is devoted to the blind soldiers and sailors of our war. I merely wanted to make this statement in compliment to her efficiency, and because I thought it due the faithfulness of one who is giving the best years of her life for the benefit of those who are deprived of the blessing of sight.

The Clerk read as follows:

Increase of Library of Congress: For purchase of books for the library, including payment in advance for subscription books, and society publications, and for freight, commissions, and traveling expenses, and all other expenses incidental to the acquisition of books by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1922, $80,000, together with the unexpended balance of the sum appropriated for this object for the fiscal year 1920.

Mr. LUCE. Mr. Chairman, I move to amend, in line 20, by striking out the figures "$80,000" and substituting the figures "$90,000."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 23, line 20, strike out "$80,000" and insert in lieu thereof "$90,000."

Mr. LUCE. Mr. Chairman, if I am too persistent in championing the cause of the Congressional Library, it is not alone because of the duty that devolves upon me as a member of the Committee on the Library——

Mr. WOOD of Indiana. Will the gentleman yield for a question?

Mr. LUCE. I will.

Mr. WOOD of Indiana. I think if the gentleman will submit to a statement he will not pursue this. In this item they have $66,000 of surplus—$30,000 of a free balance and the remainder obligated.

Mr. LUCE. I do not think I understand the gentleman's statement.

Mr. WOOD of Indiana. I say that there is $66,000 of a surplus of unexpended money out of this appropriation of last year. Thirty thousand dollars of it is a free balance, absolutely unobligated, and all the remainder obligated. So that they have more money now than they can spend.

Mr. LUCE. Will the chairman of the subcommittee inform me why they asked for $100,000? I find nothing in the hearings throwing light on the subject.

Mr. WOOD of Indiana. Because of the habit they have of asking more this year than they had last year. That is one of the unfortunate things we have in every one of these departments.

Mr. LUCE. Mr. Chairman, in spite of what the gentleman says, I feel justified in continuing my argument in the matter, by reason of this fact, if no other, that probably at no time in our day will an excess of funds available for the purchase of books be more useful than in the circumstances following the Great War. It is well known to all those who take an interest in these things that one result of the war is the breaking up of numerous libraries abroad and the throwing on the market of rare collections and most desirable volumes which have not hitherto been available. My knowledge of and acquaintance with the management of the library makes me think that the chairman of the subcommittee may have been a trifle unfair to the librarian in intimating that his request was not warranted by the situation. It still seems to me that he was justified in expecting at least the same appropriation that he has had for the last nine years. The committee saw fit to reject my previous suggestion on two grounds—first, that the money was not being wisely expended by the reference bureau, and, second, that the appropriation should be returned to the figure where it stood before the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUCE. Mr. Chairman, I ask for two minutes more this time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LUCE. Neither of these considerations here prevails. This is a figure that existed long before the war. Secondly, there is no criticism of the wisdom of the librarian in the purchase of books. Therefore I submit that a return to the figure of $90,000, which has been applied now for nine years, will not be unreasonable nor involve an excessive expenditure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. LUCE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For contingent and miscellaneous expenses of the Civil Service Commission, including furniture and other equipment and repairs thereto; supplies; telegraph and telephone service; freight and express charges;

heat and light; street car fares not to exceed $100; stationery; law books, books of reference, and periodicals, not to exceed $350; maintenance and repair of a motor truck; in all, $50,000.

Mr. TILSON. Mr. Chairman, I reserve a point of order on the paragraph.

According to my marking of the bill, this is an entirely new matter. Am I correct in that?

Mr. WOOD of Indiana. No.

Mr. TILSON. Where was it carried last year?

Mr. WOOD of Indiana. It was carried under the Civil Service Commission, and for the purpose of convenience and so that we might know where to find all this legislation we consolidated it under this item.

Mr. TILSON. Has there been any increase in this contingent and miscellaneous expense for the Civil Service Commission?

Mr. WOOD of Indiana. There has been a reduction of $250.

Mr. TILSON. While I am on my feet I will say that I notice in the next paragraph a provision for the rent of a building for the Civil Service Commission. Are they not occupying a Government building at the present time?

Mr. WOOD of Indiana. No. It is under a long-term lease. It is not a Government building.

Mr. TILSON. I withdraw the reservation, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Secretary of State, $12,000; Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; director of the Consular Service, $4,500; officers to aid in important drafting work—8 at $4,500 each, 5 at $4,000 each, 15 at $3,500 each, $15 at $3,000 each, 17 at $2,500 each, to be appointed by the Secretary, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with the foreign relations; assistant solicitors of the department, to be appointed by the Secretary—5 at $3,000 each, 2 at $2,500 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerks—1 $2,500, 2 at $2,250 each, 3 at $2,000 each; law clerk and assistant, to be selected by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; chiefs of bureaus—2 at $2,250 each, 5 at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; private secretary to the Undersecretary, $2,000; clerk to the Secretary, $1,800; clerks—27 of class 4, 30 of class 3, 40 of class 2, 63 of class 1 (3 of whom shall be telegraph operators), 40 at $1,000 each, 10 at $900 each; lithographer, $1,400; chief messenger, $1,000; 8 messengers; 27 assistant messengers; 4 messenger boys at $420 each; packer, $720; 7 laborers; 4 telephone switchboard operators; chauffeur, $1,080; 10 charwomen; in all, $618,840.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 30, lines 23 and 24, strike out "Undersecretary of State" and insert in lieu thereof "Counselor."

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee——

Mr. MADDEN. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. CONNALLY. I submit, Mr. Chairman, that the point of order is too late. I have been recognized to speak.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. CONNALLY. What is the point of order?

Mr. MADDEN. The point of order is that it is a change of existing law.

Mr. CONNALLY. I will say to the gentleman that the whole item is subject to a point of order. I have had Mr. Sabine look it up.

Mr. MADDEN. I think the law was passed last year.

Mr. CONNALLY. I had that impression, and the clerk to the clerk to the committee says there is no existing law on it.

Mr. BYRNS of Tennessee. It was carried in the last appropriation bill.

The CHAIRMAN. The Chair will be compelled to sustain the point of order.

Mr. CONNALLY. Mr. Chairman, there is no existing law on it. It is simply an item in an appropriation bill. There is no existing law at all. It is simply carried on the appropriation bill.

Mr. MADDEN. Then the gentleman's amendment is new law.

The CHAIRMAN. The Chair did not catch quite clearly what the gentleman's point was. Is there existing law on the subject?

Mr. MADDEN. I do not know whether there is or not, but the gentleman who offers the amendment admits that it is new law and subject to a point of order.

Mr. SISSON. Mr. Chairman, I think this matter was carried in the last appropriation bill simply as an item in the appropriation bill for the purpose of relieving the Secretary of State of the burden that he has upon him. I think the word "Undersecretary" and the whole business is subject to a point of order. The language here, "Undersecretary of State," is new language, and there is no law for it. We created, as I recollect, that office in the Department of State by this appropriation.

Mr. MASON. Was it on the recommendation of the prime minister of Great Britain that we established this office?

Mr. BYRNS of Tennessee. If the gentleman from Mississippi [Mr. SISSON] will permit an interruption, I will state that this was placed in the appropriation bill at the last session by an agreement inserted by the Senate, adopted in the conference, and agreed to by the conferees of the House.

Mr. CLARK of Missouri. Mr. Chairman, the history of this transaction is that they tried to create this office when President Taft was coming in as President, and I took a great deal of pleasure in killing the thing as dead as a smelt, and the only way it comes in now, as the gentleman from Tennessee [Mr. BYRNS] says is on an appropriation bill.

The CHAIRMAN. The Chair in making his first ruling understood the gentleman to admit that there was law authorizing it.

Mr. CONNALLY. No; I say there was no law for it.

The CHAIRMAN. Then the Chair did not understand it.

Mr. WALSH. Mr. Chairman, does the Chair hold that there is a law authorizing the appointment of a Counselor?

Mr. MADDEN. I made the point that it was new.

Mr. WOOD of Indiana. There is existing law creating a Counselor. By some act or some bill at the last session of Congress, enacted at the suggestion of the State Department, they took and changed the name and title from "Counselor" to "Undersecretary." There is existing permanent law for the Counselor, but instead of it being called "Counselor," in accordance with the title when the place was created, it is now called "Undersecretary."

The CHAIRMAN. The Chair understands that there is a law creating the Counselor but not the Undersecretary, and therefore the Chair thinks the amendment of the gentleman from Texas is in order.

Mr. WOOD of Indiana. If the gentleman will yield, I wish to make this suggestion, that I am informed by the State Department, for the information of the committee, that by reason of the immense amount of correspondence that has been had during the attempt at a peace treaty over on the other side, and this Secretary being the gentleman actively engaged in that business, he is generally known throughout the country and throughout the world as the Undersecretary. While it would make no difference so far as the appropriation is concerned, it might result in a great deal of confusion so far as this administration is concerned, and we want to save this administration from all the confusion possible.

Mr. CONNALLY. I should like the gentleman to conclude as soon as he can, because I have only a short time.

Mr. WOOD of Indiana. All right. I am through.

Mr. CONNALLY. Mr. Chairman, there is no such office as Undersecretary of State provided by statute. This item has heretofore been carried in appropriation bills in this House as "counselor" up until last year, I believe, when, at the suggestion of the State Department, it was changed to "Undersecretary of State." I will say in reply to the gentleman from Indiana [Mr. WOOD] that the duties performed by the counselor under the old law were identical with the duties now performed by the Undersecretary of State. They do not vary at all, and the only reason on earth for changing the designation of this official from "counselor" to "Undersecretary of State" is because it is more like the European nomenclature. Similar officials are called undersecretaries of state in Great Britain, in France, and in other European countries. The change from counselor was made simply in an effort to ape foreign methods and to bring our system of transacting diplomatic affairs more into the fashion of European countries.

Mr. HUSTED. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from New York.

Mr. HUSTED. Does not the gentleman think the changing of this name to Undersecretary of State might result in promoting convenience, by using a term that is well understood?

Mr. CONNALLY. I will say to the gentleman from New York that that character of argument, if extended, would apply to other branches of the Government. I for one believe that we ought to maintain our own individuality, and that we do not need to ape any foreign government with reference to this or any other matter.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. I will suggest that those countries began their experiments in government a long while before we did, and we even took for the base unit of our money the name "dollar."

Mr. CONNALLY. If we had continued to imitate them we would still be under the domination of Great Britain.

Mr. GREENE of Vermont. Our dollar is worth more than theirs, but it is still a dollar.

Mr. CLARK of Missouri. May I ask the gentleman a question?

Mr. CONNALLY. Yes.

Mr. CLARK of Missouri. By what authority did the Secretary of State or anybody else change this title from Counselor to Undersecretary of State?

Mr. CONNALLY. Because an item was carried in the last appropriation bill changing it to Undersecretary of State.

Mr. CLARK of Missouri. They just adopted it in that appropriation bill, did they not?

Mr. CONNALLY. That is all, and I will say to the gentleman from Missouri that the change in this designation is not going to affect our facility for transacting business or the polite practices of diplomacy in any way whatever. If they could do business with the counselor under the old régime they can do business with the counselor now.

I want to take advantage of this opportunity to say that last spring when I visited Europe, as an American I was simply disgusted with some things which our attachés and employees around our embassies, legations, and consulates in Europe were doing. They tried to act like Europeans. They tried to dress like Europeans. They walked like Europeans, and carried their canes like Europeans, and be it said not to the credit of some of our Army officers, they disregarded the regulations prescribed by our own Army for the cut of their clothes and wore uniforms that in some particulars imitated the British cut and British style, and even the commander in chief, Gen. Pershing, according to my information, was not guiltless of that practice.

Mr. MADDEN. Do I understand the gentleman to say that Gen. Pershing wore English clothes?

Mr. CONNALLY. That is my information; that the cut of his coat was English.

Mr. MADDEN. I happened to be with Gen. Pershing on more than one occasion when I was over there, and I want to deny that statement.

Mr. CONNALLY. I will state to the gentleman from Illinois that there is not a great deal of difference between the English cut army uniform and the American, but if the gentleman will go and look at Gen. Pershing's uniform he will see that it does not comport with the style prescribed by Army regulations. It is split up the back, and it has the pockets and swagger of the English cut.

Mr. MADDEN. I refer to the collar.

Mr. CONNALLY. Of course, he had an American collar and the American insignia.

Mr. WINGO. I wish to say that Gen. Pershing kept his head and collar American, but his breeches and coat tails were very English.

Mr. CONNALLY. They were.

Mr. WINGO. I noticed that when he appeared here on the floor.

Mr. MADDEN. But he led the American Army to victory.

Mr. WINGO. I said he kept his head American, but his tail was English cut. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. The only excuse urged by the State Department and gentlemen who want to change the designation of the office to undersecretary was that it was the same term employed and comported with the same office in European practice. That is all the argument they use. I for one do not believe that is a tenable argument. I can not see why we can not hold on to the same designation of Counselor to the State Department and permit him to perform the same duties he is performing to-day. I want to say that the present occupant of the office, Mr. Polk, is a very able and a highly qualified man for the duties he is performing. My motion to strike out this language is in nowise aimed at him individually, but at the tendency which, it seems to me, has been going on even before the war, and with exaggerated momentum since the war, to take things foreign and European as models.

Mr. TILSON. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. TILSON. Is there not some justification if we are to enter the League of Nations and become coworkers; it might be well to have a uniformity.

Mr. CONNALLY. I will say that there are some gentlemen on the floor that are so obsessed with the nightmare of the League of Nations that behind every bush and every obstruction they see bugbears and bugaboos. The gentleman from Connecticut in his expression a moment ago has given to me the first intimation that he is in favor of a League of Nations, and I am glad to note that he has at last come out into the open on this question and announced his allegiance to the League of Nations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Does the gentleman admit that the League of Nations is a nightmare?

Mr. GARNER. It is to the Republicans.

Mr. CONNALLY. I will say that it is to the gentleman from Illinois and others who are very anxious to keep it out of the coming campaign.

Mr. MADDEN. Let me say that I would like to have it go into the campaign as far as I am concerned; I would not want any better issue. The people have no use for internationalism.

Mr. CONNALLY. I am not for internationalism either. If the gentleman is sincere, he will vote for my amendment. The trouble with the gentleman from Illinois and others is that they only have spasms when a political campaign is on, and seek to interject a foreign question into the discussion. The suggestion of the gentleman from Connecticut was in no wise pertinent and was not germane to the question under discussion. It was only made simply as a matter of merriment and levity. I am not talking jokingly; I am talking about an important office of the Government. I am talking to Members of Congress who are supposed to transact business seriously, and I for one believe our discussion of legislative problems would be better off if we kept out of the disputes and side issues with which the House of Representatives as a House has no function whatever to perform.

Mr. MADDEN. We have a function to perform if the League of Nations becomes a fact. We would be called upon to enact the financial legislation to carry it into execution.

Mr. CONNALLY. I am not going to be diverted from my argument to a discussion of the League of Nations.

Mr. MADDEN. The gentleman from Texas was making that argument himself.

Mr. CONNALLY. The gentleman from Illinois occupies a good part of the time of the House either for the merriment of the House or for its wisdom, but I am serious about this matter. I am glad to know that the ex-Speaker of this House some years ago prevented the engrafting on the State Department of this new office of Undersecretary of State.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. GREENE of Vermont. After all, in the language of the poet, "What's in a name?" A Secretary of State by any other name would have a row with the administration. [Laughter.]

Mr. CONNALLY. I would say to the gentleman from Vermont that there is never so much glee in the Republican Party as when it can seize upon some dissension in the Democratic ranks, because it knows that it is only then that the Republican Party, standing, as it does, for the policies and practices of which it is guilty—it is only in such a time that his party has any chance of success before the American people. [Laughter and applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. CONNALLY) there were 20 ayes and 39 noes.

So the amendment was rejected.

The Clerk read as follows:

San Francisco (Calif.) Passport Bureau: For salaries and expenses of maintenance of the passport bureau, $7,500.

Mr. SABATH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 32, line 22, after the figures "$7,500," insert: "Chicago (Ill.) Passport Bureau: For salaries and expenses of maintenance of the passport bureau, $10,000."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order that there is no authorization for this. It is new legislation upon an appropriation bill.

Mr. SABATH. Mr. Chairman, will the gentleman reserve the point of order?

Mr. WOOD of Indiana. No; I will not.
The CHAIRMAN. The Chair sustains the point of order.
The Clerk read as follows:

For rent of buildings in the District of Columbia for storage and garage, $1,500.

Mr. GARNER. Mr. Chairman, may I suggest to the gentleman from——
Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.
The motion was agreed to.
Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD upon this bill.
The SPEAKER. Is there objection?
There was no objection.

BUSINESS IN ORDER ON CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with the proceedings in order on Calendar Wednesday, to-morrow.
The SPEAKER. Is there objection?
Mr. GARD. Mr. Speaker, reserving the right to object, has the gentleman taken this matter up with the chairman of the Committee on the Judiciary, which has the call to-morrow?
Mr. MONDELL. I have not taken the matter up with him to-day, but I talked to him about it several days ago. I feel quite confident that he has no special objection. Of course, he would like to go on, if business were such that we could go on quite as well, but under the circumstances I am sure he has no objection.
Mr. GARD. I have no objection if the gentleman is satisfied.
The SPEAKER. Is there objection?
There was no objection.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.), the House adjourned until to-morrow, Wednesday, February 25, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting reports of useless papers in the files of the navy yards and naval stations which have been destroyed; to the Committee on Disposition of Useless Executive Papers.

2. A letter from the president of the United States Civil Service Commission, transmitting request for authority for destruction of useless documents; to the Committee on Disposition of Useless Executive Papers.

3. A letter from the Acting Secretary of Commerce, transmitting request for authority for the disposition of certain documents and files of papers; to the Committee on Disposition of Useless Executive Papers.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War, submitting a supplemental estimate of appropriations required by the War Department for relocation of military roads between Aqueduct Bridge and Fort Myer, Va., fiscal year 1921 (H. Doc. No. 661); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the Department of Commerce, fiscal years 1920 and 1921 (H. Doc. No. 662); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the Ordnance Department of the Army for Frankford and Picatiny Arsenals (H. Doc. No. 663); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution of the House (H. J. Res. 299) extending the life of the National Screw Thread Commission for a period of two years from March 21, 1920, reported the same without amendment, accompanied by a report (No. 671), which said joint resolution and report were referred to the House Calendar.

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims, reported the same with amendments, accompanied by a report (No. 672), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11970) granting a pension to Philip Stokes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12120) granting a pension to Mary Plum; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BAER: A bill (H. R. 12722) to authorize the Secretary of War to cause a preliminary survey to be made of the Red River of the North and tributaries; to the Committee on Flood Control.

By Mr. SMITH of Michigan: A bill (H. R. 12723) to enable the Secretary of the Treasury to at once construct the Public Health Service hospital at Broadview, Cook County, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HUSTED: A bill (H. R. 12724) to declare Lincoln's birthday a legal holiday; to the Committee on the Judiciary.

By Mr. McKEOWN: A bill (H. R. 12725) providing for the issuing of certificates of indebtedness to honorably discharged persons who have served in the military or naval forces in the war between the United States and Germany and her allies, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 12726) granting an increase of pension to James G. Buckingham; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 12727) granting an increase of pension to A. Judson Graves; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12728) for the relief of R. W. Lindsey; to the Committee on Claims.

By Mr. HARRELD: A bill (H. R. 12729) for the relief of Seth A. Welch; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 12730) granting a pension to Etta Hall; to the Committee on Invalid Pensions.

By Mr. HUTCHINSON: A bill (H. R. 12731) granting a pension to Alexandra Mackenzie; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12732) granting an increase of pension to Daniel B. Marris; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 12733) granting a pension to Hannah Noonan; to the Committee on Pensions.

Also, a bill (H. R. 12734) for the relief of Mary L. Flaherty; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 12735) granting a pension to Fannie West; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12736) granting a pension to Adonijah Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12737) granting a pension to Nannie L. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12738) granting a pension to Lilly Guffey; to the Committee on Pensions.

Also, a bill (H. R. 12739) granting a pension to Charles Eversole; to the Committee on Pensions.

Also, a bill (H. R. 12740) granting a pension to C. L. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 12741) granting a pension to George Roberts; to the Committee on Pensions.

Also, a bill (H. R. 12742) to correct the military record of Adonijah Fox; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 12743) granting an increase of pension to William Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12744) granting an increase of pension to John T. Hyder; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 12745) for the relief of Ellen Clifford; to the Committee on Claims.

By Mr. VAILE: A bill (H. R. 12746) granting an increase of pension to Henry C. Doll; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1827. By Mr. ASHBROOK: Petition of Glass Bottle Blowers' Union, the Confectionery Workers of Newark, Ohio, the Journeymen Plumbers, and the Mansfield Ohio Trades Council, of Mansfield, Ohio, opposing the Sterling-Graham sedition bills; to the Committee on the Judiciary.

1828. By Mr. BLAND of Virginia: Petition of citizens of Newport News and Richmond, Va., relative to H. R. 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

1829. By Mr. CAREW: Petition of Lithuanian National Council, of New Jersey, favoring the independence of Lithuanian people; to the Committee on Foreign Affairs.

1830. By Mr. FULLER of Illinois: Petition of Military Training Camps Association, of the United States, favoring military training; to the Committee on Military Affairs.

1831. Also, petition of Jason Roberts, publisher of the New York Globe, concerning a bill to limit the size of newspapers and magazines in second-class mail; to the Committee on the Post Offices and Post Roads.

1832. By Mr. JOHNSTON of New York: Petition of Brooklyn Post Office Clerks' Union, Local No. 251, opposing the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1833. Also, petition of Brooklyn Post Office Clerks' Union, Local No. 251, for making Lincoln's birthday a legal holiday for Federal employees; to the Committee on the Judiciary.

1834. Also, petition of the Flatbush Chamber of Commerce, of Brooklyn, N. Y., for the protection of American citizens and their rights in foreign countries, etc.; to the Committee on Foreign Affairs.

1835. By Mr. KENNEDY of Iowa: Petition of sundry citizens of Fort Madison, Iowa, urging the defeat of the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1836. By Mr. MEAD: Petition of the Appalachian Mountain Club, relative to certain legislation; to the Committee on Agriculture.

1837. Also, petition of the Dairymen's League (Inc.), of New York City, indorsing the Capper-Hersman bill; to the Committee on the Judiciary.

1838. Also, petition of the American Car & Foundry Co., of Buffalo, N. Y., favoring House bill 11984; to the Committee on Patents.

1839. Also, petition of the Bell Co., of Buffalo, N. Y., favoring the creation of a department of public works; to the Committee on Labor.

1840. Also, petition of the National Association of Wholesale Druggists, relative to second-class mail; to the Committee on the Post Office and Post Roads.

1841. Also, petition of the New York State Association of Supervisory Post Office Employees in favor of the Lehlbach-Sterling retirement bill; to the Committee on Reform in the Civil Service.

1842. Also, petition of the National Federation of Federal Employees, Union No. 4, of New York City, in favor of an amendment to alter section 7 of the legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

1843. Also, petition of the Buffalo (N. Y.) Chamber of Commerce, opposing House bill 9521 and Senate bill 2994; to the Committee on Agriculture.

1844. Also, petition of the Stone Cutters' Association of Buffalo, N. Y., and vicinity, opposing the Sterling-Graham sedition bill, etc.; to the Committee on the Judiciary.

1845. Also, petition of the Hamburg Post, No. 527, of the American Legion, of Hamburg, N. Y., relative to and in support of House bill 6044; to the Committee on Ways and Means.

1846. Also, petition of the Erie National Farm Loan Association, of Buffalo, N. Y., relative to applications for farm loans, etc.; to the Committee on Banking and Currency.

1847. By Mr. O'CONNELL: Petition of Polish Citizens' Committee, favoring the independence of Poland; to the Committee on Foreign Affairs.

1848. By Mr. OSBORNE: Memorial of members of the Universalist Church, of Los Angeles, Calif., urging that American Indians be granted all privileges and immunities of citizens of the United States; to the Committee on Indian Affairs.

1849. By Mr. VARE: Petition of Bricklayers' Association of Philadelphia, Pa., protesting against the passage of any anti-sedition bills; to the Committee on the Judiciary.

1850. Also, petition of Philadelphia Board of Trade, asking defeat of exemption of farm and labor organizations from anti-trust law provisions; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *February 25, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our highest vision of Thee has come to us in the relation that Thou dost sustain to us as our Father in Heaven. As Thou hast made our cause Thy cause, Thou hast made our life Thy life, and Thou dost glorify human life by the adoption of Thy creatures into sonship and by giving Thy service through them to humanity. We pray Thee to bless us to-day as we address ourselves again to the tasks that are before us, and lead us by Thy spirit to all truth. For Christ's sake. Amen.

On request of Mr. WATSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

RAILROAD CONTROL—PERSONAL EXPLANATION.

Mr. THOMAS. Mr. President, I was unavoidably absent from the city on Monday, the 23d, and therefore was not in my seat when the conference report upon the railroad bill was adopted. I had no idea that the subject would be disposed of so expeditiously, and it may be that perhaps my absence from the Senate might be a good thing occasionally if that result followed. However that may be, I deem it my duty to announce that if I had been present I would have voted "yea" upon the adoption of the conference committee report, not because it is satisfactory, for it is not, but because I am convinced that the conference bill was the very best that the distinguished chairman of the Senate Committee on Interstate Commerce was able to secure; and that being the case, the popular demand for the return of the roads and not the recitals of the bill itself would have prompted my affirmative vote on that occasion.

AGRICULTURAL INTERESTS.

Mr. HENDERSON. In order to complete the RECORD of yesterday I ask to have printed in the RECORD, without reading, the resolution and the letter transmitting the same, which are referred to in subdivision (4) of Mr. Hoover's letter to me dated February 23. This letter was inserted in the RECORD on February 24 and appears on page 3383.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and resolution are as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 10, 1919.

Hon. HERBERT C. HOOVER,
Hotel Crillon, Paris, France.

MY DEAR MR. HOOVER: The purposes for which the national agricultural advisory committee was called into existence having been fully accomplished, I am to-day, by the consent of Secretary Houston and of the present representatives of the Food Administration in Washington, vacating my offices in the Department of Agriculture and notifying the members of the committee that there will be no further call upon us as such from either of the departments mentioned. It is unnecessary,

if indeed it is not impossible, for me to add anything by way of appreciation of your administration to what has already been conveyed to you through the medium of a resolution unanimously passed by the live-stock subcommittee and given to Judge Glasgow and Mr. Snyder with the request that a copy be conveyed to you, and that such use of the resolution would be made in this country as to these gentlemen might seem proper. I wish, however, for myself and in behalf of the entire committee, to renew and emphasize our indorsement, individually and collectively, of your administration and of your splendid achievements as a most important factor in winning the war and now a factor of world-wide importance in the adjustment of the most acute of all the postwar problems. I feel that I represent the sentiment of the committee when I say that we feel ourselves greatly honored in having been coworkers with you in the great crisis through which we have passed; and now that our connection with your work has ceased, we unite in an abiding interest and confidence in your continuing success in even a larger, if not more important, field of endeavor. In a personal sense, if I may be permitted to refer to this side of our associations, I beg that you will accept my own assurances of high regard and esteem and my most sincere good wishes for your happiness in the days that are to come.

Very sincerely, yours,

H. C. STUART,
Chairman National Agricultural Advisory Committee.

—

"WASHINGTON, D. C., *January 28, 1919.*

"Whereas there has come to the attention of the live-stock committee of the national agricultural advisory committee, through press reports and public statements, certain criticisms of the United States Food Administration; and

"Whereas these outgivings have made it clear to us that there is, in some quarters, a lamentable lack of knowledge respecting basic facts connected with the stimulation of production, encouragement of conservation, and control of distribution of foods; and

"Whereas such complaints as have come to our attention have shown no evidence of having taken into consideration the unescapable obligation entered into by the Food Administration to secure increased food supplies for the necessary protection of our own population as well as that of our allies, including both civil and military needs, nor a due appreciation of the difficulties attending the merchandising transition from a war to a peace basis; and

"Whereas the space limitations of these resolutions give no adequate opportunity to direct attention to the broad foundations laid by Mr. Herbert Hoover, the United States Food Administrator, for the purpose of insuring essential food supplies for war needs, but feeling that we can not do otherwise than record our judgment of the purpose, the spirit, and the accomplishments of his administration: Therefore be it

"*Resolved by the said live-stock committee, now in session in Washington,* That we here record our high sense of appreciation of the extraordinary ability and uniform fairness with which Herbert Hoover has met and discharged the weighty responsibilities which have devolved upon him in stimulating home production, without which we would now be facing a world shortage of food and consequent higher cost of living; in eliminating speculative control of wheat and other essential products, which has ever been harmful alike to producer and consumer; in conserving food and foodstuffs; and in supplying the wants of the millions who were and still are dependent upon American resources for the necessaries of life.

"The committee has not agreed at all times with the policies of Mr. Hoover in dealing with national agricultural interests and questions, but it and all of its members have accepted uncomplainingly his decisions after a full and fair hearing of each case upon its merits. We have seen restrictions placed on consumption through the inauguration of wheatless and meatless days, by the requirement of the use of substitutes, and by other policies which narrowed the markets for agricultural products. This has occurred at times when prices seemed already unduly limited, considering the war costs of production.

"We are, however, convinced that every act of the Food Administrator has been conceived and executed in a desire to deal fairly with the American people, both producers and consumers, equitably yet firmly with the various agencies of distribution, and generously with our struggling allies.

"We are of opinion that no agency or department of the Government has done a greater work, and that no man of the many chosen for important national and international service has earned a higher place in public esteem and admiration than has the man who played so notable a part in guiding and bringing together the producers and consumers of the country, and who, by his rightful possession of the confidence of all classes at home and abroad, brought a united citizenship into voluntary contribution of sacrifice and service."

LEAGUE OF NATIONS.

Mr. MCNARY. I have in my possession a very excellent statement from a constituent of mine in the State of Oregon on the subject of the League of Nations. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEDFORD, OREG., *October 25, 1919.*

To the EDITOR OF THE MEDFORD MAIL-TRIBUNE:

With your general position in favor of the League of Nations I agree. However, I have felt many times that you have not appreciated the importance of reservations to the treaty and covenant. From the beginning I have favored the ratification of the covenant with certain reservations. Personally I am for the League of Nations, for I feel that we ought to do everything possible to bring about a condition of world peace and the perpetuation of that peace and to minimize as far as possible the chances of having great world wars. How much this covenant will help to do away with world wars I do not know, but I firmly believe that it is a long step in the right direction and toward the attainment of peace. One thing is sure, and that is that this covenant is the only covenant we have to consider, and at present we have either to take it or leave it alone; and I for one do not care to assume the responsibility of rejecting it.

President Wilson has done many great things. He has contributed much to the covenant of the League of Nations.

I wish that the President had appointed on the peace commission men like Root, Taft, Lodge, and Hughes, as well as such men as Lansing and House, and then given them a free hand to shape this treaty and covenant. By so doing I believe that we would have obtained a far more satisfactory treaty. Neither do I think it was the right thing to do to so draw the treaty and covenant as to leave the United States in a position where in a sense they have to take the bad with the good or else reject the whole thing. To reject the whole thing would be the greater of two evils, in my opinion. Treaties should be made "by and with the advice and consent of the Senate"; and whereas the President initiates treaties, still a reasonable amount of consulting with the Senate should be done. The lack of this has prevented us from getting as good a treaty as we might have obtained. Nevertheless, in spite of all this, I believe the treaty ought to be ratified. It does not have to be ratified just as it is, but it can and ought to be ratified with reservations.

The treaty has already been adopted by three of the great allied powers, which is all that is necessary in order to put it into force. We can stay out if we want to and weaken the whole thing, but I do not think that is advisable. Personally I favor reservations safeguarding such matters as the Monroe doctrine, domestic questions, the United States as the sole judge of its right to withdraw from the league, and any other reservations necessary to safeguard American rights.

On the Shantung question—which I think is indefensible and could have been avoided—I believe a reservation would meet the difficulty, as far as it can be met. The treaty with this in it has already been ratified by Great Britain, France, and Italy, and will be put in force, so that an amendment would not help the situation any better than a reservation. So we might as well handle it by a reservation and avoid the difficulties of an amendment.

As to Senator JOHNSON's amendment on the six-to-one proposition, I believe that ex-President Taft's reservation on this will meet the difficulty. His reservation is to the effect that where disputes arise the vote of each nation shall be the same as the vote of the United States. In the supreme council no one can become a member without the unanimous vote of all. Therefore Canada or Australia must get our vote before either of them can become a member of the council. In matters coming before the assembly the Taft reservation would apply and the United States would be protected.

If this League of Nations does not work out all right, we still have the right to withdraw on giving two years' notice. This, with the fact also that it requires a unanimous vote in the supreme council to adopt a matter, seems to me to protect us fully.

I favor reservations rather than amendments, because amendments require specific action on the part of the other allied nations, which would tend to reopen the whole treaty and tear

things all to pieces, whereas reservations would be considered as accepted after a reasonable lapse of time where there were no objections filed by the allied nations.

I think we ought to have reservations in order to make clear the meaning of the treaty and covenant as well as to make clear and definite our obligations and our position. We need reservations to protect our country. We need them in the interest of true Americanism. With reservations I can see no danger to the United States in going into this League of Nations; in fact, I can see much good. We owe it to the world and to humanity to throw our great influence and power in behalf of world peace and the peaceful settlement of world problems.

We have a national vision of high ideals and achievements. We also have a world-wide vision. We believe in joining with the other nations of the world in the betterment of the humanity of the world and in behalf of the world peace. We believe that the highest and most permanent internationalism can best be advanced and preserved by holding aloft the banner of true Americanism. We must preserve our Nation's ideals in order to save the world. So I advocate the covenant of the League of Nations with reservations.

Respectfully, yours,

FRED W. MEARS.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Knox	Ransdell
Ball	Gay	Lenroot	Reed
Beckham	Glass	Lodge	Robinson
Brandegee	Gronna	McKellar	Sheppard
Calder	Hale	McLean	Simmons
Capper	Harris	McNary	Smith, Ga.
Chamberlain	Harrison	Moses	Smoot
Colt	Henderson	Myers	Spencer
Culberson	Hitchcock	Nelson	Sterling
Cummins	Johnson, S. Dak.	Norris	Thomas
Curtis	Jones, N. Mex.	Nugent	Townsend
Dial	Jones, Wash.	Overman	Trammell
Dillingham	Kellogg	Page	Underwood
Edge	Kendrick	Phelan	Wadsworth
Elkins	Kenyon	Phipps	Walsh, Mont.
Fernald	Keyes	Pittman	Warren
Fletcher	King	Poindexter	Watson
France	Kirby	Pomerene	Wolcott

Mr. GRONNA. I was requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained from the Senate by illness.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The Senator from Maryland [Mr. SMITH] and the Senator from Oklahoma [Mr. GORE] are absent on official business.

The PRESIDENT pro tempore. Seventy-two Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8819) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented memorials of sundry citizens of Wayside, Winfield, Lyndon, Harper, Emporia, Holton, Burden, Parsons, and of Leavenworth County, Jefferson County, and Mitchell County, all in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of Local Union No. 548, Brotherhood of Painters, Decorators, and Paperhangers of America, of Ludington; of Local Lodge No. 7, Metal Polishers' International Union, of Grand Rapids; of Local Lodge No. 197, International Longshoremen's Association, of Cedar River; of the Central Trades Council of Bay City; and of Typographica Union No. 21, International Typographical Union, of Detroit, all in the State of Michigan, remonstrating against the passage of the so-called Sterling-Graham sedition bill, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Commercial Club of Lawton, Mich., remonstrating against the sale of German ships to Great Britain, which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Chamber of Commerce of Ann Arbor, Mich., praying for the enactment of legislation for the retirement of superannuated Government employees, which was ordered to lie on the table.

He also presented a petition of Post No. 384, Grand Army of the Republic, Department of Michigan, of Detroit, Mich., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

Mr. PHELAN presented a petition of Post No. 7, American Legion, of Berkeley, Calif., praying for the passage of the so-called Thomas bill increasing the compensation of certain disabled soldiers, which was referred to the Committee on Education and Labor.

He also presented a petition of Post No. 7, American Legion, of Berkeley, Calif., praying for compulsory military training, which was ordered to lie on the table.

Mr. LODGE presented a petition of the Selectmen of Nantucket, Mass., praying for the enactment of legislation providing for an increase of pay to men in the Coast Guard Service, which was referred to the Committee on Commerce.

Mr. JONES of Washington presented a petition of the Washington State Poultry Breeders' Association, praying that a duty be placed on eggs, which was referred to the Committee on Finance.

Mr. McLEAN presented a petition of the Emmett Club, of New Haven, Conn., praying for the passage of the so-called Mason resolution providing for the appointment of a minister and consuls to the Irish Republic, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry Lithuanians, residents of New Britain, Conn., praying for the recognition of Lithuania as a free and independent State, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Federation of Women's Clubs, of Derby, Conn., and a petition of the Equal Franchise League, of Middletown, Conn., praying that an appropriation be made for the continuance of the work of the Interdepartmental Board of Social Hygiene, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the congregation of the Baptist Church of South Norwalk, Conn., praying for the ratification of the treaty of peace, with or without reservations, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions (Rept. No. 448); and

A bill (H. R. 3211) for the relief of Emma J. Spear (Rept. No. 449).

He also, from the same committee, to which was referred the bill (S. 3530) for the relief of Sarah Shelton, reported it with an amendment and submitted a report (No. 447) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 1257) to amend an act approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," reported it with an amendment and submitted a report (No. 451) thereon.

Mr. PHELAN, from the Committee on Public Lands, to which was referred the bill (S. 1391) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park, reported it without amendment and submitted a report (No. 452) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which was referred the bill (S. 132) for the relief of the Chicago, Milwaukee & St. Paul Railway Co.; the Chicago, St. Paul, Minneapolis & Omaha Railway Co.; and the St. Louis, Iron Mountain

& Southern Railway Co., reported it without amendment and submitted a report (No. 450) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (H. R. 10207) providing for service of process in causes removed from a State or other court to a United States court, reported it without amendment and submitted a report (No. 453) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3965) to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. TOWNSEND:

A bill (S. 3966) for the relief of the estate of Jay A. Hubbell; to the Committee on Claims.

By Mr. WOLCOTT:

A bill (S. 3967) granting an increase of pension to Alexander Faries; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3968) authorizing the Commissioner of Navigation to cause the foreign-built steamers *Hawk* and *Port Saunders* to be documented as vessels of the United States for certain purposes; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 3969) to authorize the Secretary of the Navy to waive the age limit for admission to the United States Naval Academy; to the Committee on Naval Affairs.

RIVER AND HARBOR APPROPRIATIONS.

Mr. WOLCOTT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

CANADIAN WOOD PULP.

Mr. UNDERWOOD. I report back favorably with amendments from the Committee on Rules the joint resolution (S. J. Res. 152) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick relative to the claims of American interests now holding leases of Crown lands prior to the passage of restrictive orders in council of the said Provinces.

It is the purpose of the joint resolution to appoint a commission to take up the question of removing the embargo on Canadian wood pulp and wood and authorizing the President to appoint a commission of five to act in the matter and advise with the Canadian Government in reference to the removal of the embargo on wood pulp. This matter is of very great importance to the newsprint paper industry in the United States. The joint resolution is amended by the committee by broadening its scope so as to include not only newsprint paper but book paper.

I should like to have the amended joint resolution read, and then, if there is no objection, I should like to have the joint resolution considered this morning.

I ask that the joint resolution as proposed to be amended may be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The READING CLERK. The committee propose to strike out all after the resolving clause of the joint resolution and to insert:

Whereas newsprint and other printing papers are commodities of universal use and are indispensable to the educational process of modern civilization, and the paramount importance of a sufficient production of such newsprint and other paper to supply the needs of the people of the United States is a self-evident proposition; and

Whereas practically the whole content of newsprint and other printing paper is composed of mechanical and chemical products of pulp wood, the supply of which in the eastern part of the United States is being rapidly exhausted by the growing demand, and the price of which is being advanced to unprecedented levels; and

Whereas the existing scarcity of pulp wood and its threatened total exhaustion in the United States has become a matter of such grave concern to the paper industry, the users and manufacturers of forest products, the Federal Government, and the general public that the Forest Service, the lumber and pulp and paper associations, and the forestry authorities of the country are now formulating a broad and comprehensive national forest conservation and reforestation plan for early adoption; and

Whereas the lieutenant governors of certain of the Provinces of Canada in council did issue orders prohibiting the exportation of pulp wood cut from Crown lands, the chief source of supply of pulp wood, unless manufactured into lumber, pulp, or paper, thereby tending to create a monopoly beyond our borders in the manufacture of paper to the great detriment of the people of the United States: Now, therefore, be it

Resolved, etc., That the President of the United States be, and he is hereby, requested to appoint a commission of five persons, and by appropriate authority to confer on this commission the power, on behalf of the administration and the Congress, to negotiate with said Dominion Government or with said provincial governments in respect to the cancellation of said restrictive orders in council and as well any other restrictions on the exportation of pulp wood and newsprint from the Dominion of Canada to the United States.

SEC. 2. That in the event the cancellation of said restrictive orders in council can not be agreed to by mutual arrangement of the Governments of the United States of America and the Dominion of Canada, that said commission shall investigate, consider, and report to the Congress what action should be taken by the Congress that will aid in securing the cancellation of said restrictive orders in council or their modification so that they may not continue to militate against the interests of the people of the United States.

SEC. 3. That for the necessary expenses of said commission the sum of $50,000 be, and it is hereby, appropriated from the moneys in the Treasury of the United States not otherwise appropriated.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the joint resolution which has just been read as amended. Is there objection?

Mr. SMOOT. Mr. President, before agreeing to the consideration of the resolution I desire to ask the Senator from Alabama a few questions. I notice quite a change in the joint resolution as amended from the original joint resolution. I could not closely follow the changes made as the resolution was being read. Will the Senator from Alabama kindly advise the Senate what those changes are; I mean in substance, not in detail?

Mr. UNDERWOOD. Mr. President, in substance, most of the changes which have been made are in the preamble of the joint resolution. There were some declarations of the preamble which might have been too strong to be retained in the event of the appointment of a commission to investigate the subject. The main change in the joint resolution is not in substance but more in theory. After introducing the joint resolution I found that there was some complaint on the part of users and producers of print paper, which was not used for newsprint purposes but for the purpose of printing books, that the joint resolution was not sufficiently broad. So it has been broadened in order that all classes of print paper may come within its scope. That is really the only substantial change which has been made.

Mr. SMOOT. That is about as I thought, Mr. President; but I should like to ask the Senator from Alabama, why retain the preamble at all? It seems to me the joint resolution itself covers the whole subject matter.

Mr. UNDERWOOD. I think it would be wise to retain the preamble in the joint resolution. It is not hurtful and will be directory to the commission when appointed. I do not think the preamble can hurt in any way, and I think it will be helpful in the matter.

Mr. SMOOT. I think the joint resolution itself covers the whole subject matter.

Mr. UNDERWOOD. I think it probably does; but I also think it is wiser that the joint resolution shall carry its purpose on its face. There is nothing in the joint resolution except two things: One is to appoint a commission that can officially, on the part of our Government, take up with the Canadian Government the question of the removal of the embargo that has so seriously affected the paper mills of the United States and to try to wipe out the discrimination that voided the contracts that were made by those paper mills in Canada years ago. If that discrimination can not be eliminated, then the second clause of the joint resolution will authorize the commission to make such suggestions to Congress as may in the future relieve the situation.

I am sure that there is no one in Congress who is better informed on the question of the crying need for relief in this matter than is the Senator from Utah.

Mr. SMOOT. Mr. President, I desire the Senator from Alabama to know that I am in full accord and sympathy with the joint resolution. This matter ought to have been investigated some time ago. I will admit that it has been discussed time and time again in the Joint Committee on Printing, but no action has been taken because of the fact that, from what little investigation we had made, it seemed almost impossible to make a change unless it was effected by retaliatory legislation, and we hardly felt that it was within our province even to suggest such a course. However, I hope that the proposed commission will be appointed, and I am hopeful that they will pay the very closest attention to the matter and will go into it from every angle.

I thought the situation was so serious that the preamble might be considered by the commission as limiting the length to which the investigation should go, and I think the investigation ought to go even further than the preamble would suggest.

Mr. UNDERWOOD. I think the investigation could go further and do no harm, but, on the other hand, I went into this

whole question pretty thoroughly 10 years ago. The present tariff law—and I was a member of the Committee on Ways and Means of the House when it was written—attempted to relieve the situation. As the Senator knows, we did succeed in giving newsprint paper the right to be imported free of taxation, but otherwise it was not affected.

Mr. SMOOT. That right was limited to paper costing not more than 5 cents a pound.

Mr. UNDERWOOD. It was limited to paper costing not more than 5 cents a pound.

It is very necessary that some action should be taken, and this joint resolution goes to the very crux of the situation. If it is broadened we may go into too great a field to secure immediate action, and I should very much prefer to hold it down to the real point in issue. Therefore, I hope that the preamble will remain.

Mr. SMOOT. I am not objecting to the consideration of the joint resolution.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Alabama a question. What is the purpose of including print paper as well as pulp wood?

Mr. UNDERWOOD. Because both are involved in the proposition. The real question is this: A number of years ago some of the Canadian Provinces leased their Crown lands. There may be a vast quantity of pulp wood and wood that is valuable for making paper in the far West, but it can not be transported to the eastern seaboard because the freight rates are prohibitive; so that all the eastern mills are practically dependent for their supply of wood for making paper on the Canadian forests. A number of years ago they made leases of the Crown lands there for the purpose of supplying their needs, but subsequently some of the provincial governments—not the Dominion Government, but the provincial governments—that owned this land put an embargo on the shipment of the wood, reduced the supply, and tried to force—I will not say they tried to force, but the effect was to force the manufacture of paper in Canada instead of in the United States.

Mr. HITCHCOCK. I think the Senator misunderstood my question. I can see a very good reason why the United States should make an effort to put a stop to the embargo on the exportation of pulp wood to this country, because obviously Canada, in maintaining that embargo or that policy of restriction, is attempting to build up her paper manufacturing institutions; but when she puts a restriction on the exportation of paper to the United States she only does so for the sake of conserving her paper supply for her own newspapers. The thought I had in mind was that we could not blame or criticize Canada for protecting her own newspapers and compelling her manufacturers of paper first to supply Canadian newspapers before they export to the United States. Certainly Canada does not put an embargo upon the exportation of paper for any other purpose, because that would be a destructive course to pursue.

Mr. UNDERWOOD. I think the Senator is probably right about that. However, this joint resolution did not originate with me; it has been amended by the committee having it in charge, but it came really from the newspapers of the United States. I suppose the reason it came to my desk was because I had been instrumental in securing the passage of the present law, which sought to relieve the situation by placing newsprint paper below 5 cents a pound on the free list, and which contained other clauses of a remedial nature. I suppose that is the reason it came to me; but the joint resolution is in response to an almost unanimous request of the newspapers of the United States. They desire newsprint paper included in the negotiations as well as pulp wood, because they are both involved. There is nothing, however, in the joint resolution that binds action in that matter. The commission, if appointed, I presume, will properly represent the industry engaged in newsprint paper manufacture as well as the newspapers themselves, the purchasers of it, and that an agreement will be reached that will be satisfactory. I repeat, it does not bind the commission to anything; it merely gives them scope to consider both propositions at the same time.

Mr. HITCHCOCK. Of course, no newspaper interest, in my opinion, could expect Canada to permit paper to be exported to this country so as to starve the newspaper supply there.

Mr. UNDERWOOD. I agree with the Senator about that; yet in very recent months there have been some embargoes placed against the exportation of newsprint paper from Canada that are seriously affecting many of the large newspapers of the United States.

Mr. HITCHCOCK. Yes; we have all been the victims of it; I speak from experience; but even then we can not expect Canada to let us have newsprint paper at the expense of her own papers.

Mr. UNDERWOOD. I do not suppose the commission appointed by the President would take any such position at all.

Mr. HITCHCOCK. I think the real question is that of the exportation of pulp wood.

Mr. UNDERWOOD. I agree with the Senator; but I think the joint resolution should be broad enough to cover both subjects.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I yield.

Mr. POMERENE. In the last three or four days I have had several communications from one of the leading metropolitan newspapers of Ohio in which it is stated that one of the causes leading to the present scarcity in the supply of paper is the fact that coal, which is needed for fuel at the paper mills in Quebec and which has been consigned to those paper mills, has been seized by the railroads in New York and the northern part of the country. It has also been represented to me that if they can not get their coal within a short time the paper mills will be obliged to shut down, and that will stop the publication of certain newspapers in this country which depend on the Canadian mills for their supply. Has the Senator any information on that subject?

Mr. UNDERWOOD. No; not on that particular subject to which the Senator refers with reference to the failure of coal to reach the mills. I am not very sure in this statement, but my recollection is that, although, of course, we export some coal to Canada, it rather goes to the western portion of Canada, and that the Province of Quebec is supplied with more coal from the Nova Scotia coal fields than from our fields, because they have water transportation.

Mr. POMERENE. This information comes to me in such a way that I think it entirely reliable. I may say, also, that I took up the matter with the Railroad Administration, and found that the coal consigned to these paper mills had priority, and that they did not feel that any coal would be seized except that which was immediately necessary for the operation of the railroads; but it occurred to me that if the purpose of the Senator was to investigate the question of paper supply, it might be well to inquire into that particular feature.

Mr. UNDERWOOD. I think it is relevant, although I think that is only temporary, and does not go to the real question.

Mr. POMERENE. I think so.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Senate seems to be under a misapprehension. The joint resolution is not before the Senate at this time.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator a question. As I understand, he has asked unanimous consent for the present consideration of Senate joint resolution 152.

Mr. UNDERWOOD. As amended. I am proposing the consideration of the amendment.

Mr. JONES of Washington. I was called out of the Chamber, and I do not know what the amendment is, but I want to ask the Senator about the particular matter about which I have received a telegram. As I understand, this joint resolution relates only to Crown lands that were leased prior to the passage of certain orders in council. It deals only with that matter?

Mr. UNDERWOOD. I think probably the amendment will broaden it sufficiently to permit the consideration of all of the Crown lands.

Mr. JONES of Washington. Probably, then, it will meet the situation referred to in the telegram I have here. I will read it.

I have received this telegram from the Everett Pulp & Paper Co., of Everett, Wash. They manufacture a great deal of paper. It reads as follows:

EVERETT, WASH., *February 10, 1920.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

All restrictions on exportation of pulp wood from Canada should be removed to help present paper shortage and high prices. The Underwood Canadian pulp-wood resolution should be amended to cover this point; otherwise will not give relief. We urge your support of such an amendment, for while we are importing pulp wood from British Columbia, on which there are no restrictions at the present time, we have no assurance that same may not be placed thereon at any time, increasing the cost of our chief raw material, as has been done by eastern Canada, from which most of our eastern mills producing news, book, and magazine papers are largely dependent for their wood supplies.

EVERETT PULP & PAPER CO.

Mr. UNDERWOOD. I have no objection in the world to the suggestion that the Senator makes. I think the joint resolution is broad enough to cover what he wants. If it is not, I have no objection to such an amendment as he may propose in the matter.

Mr. JONES of Washington. I do not know the nature of the amendment that the Senator has. The Senator thinks, then, that with his amendment the joint resolution will cover this situation?

Mr. UNDERWOOD. I think undoubtedly it will, because the real gravamen of the joint resolution is the appointment of a commission, and that commission will reach an agreement.

Mr. JONES of Washington. I have no direct amendment to propose, and if the Senator thinks his joint resolution will cover that situation, I will not offer any amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. REED. Mr. President, is it the intention of the Senator in charge of this joint resolution to press it to consideration this morning?

Mr. UNDERWOOD. I should like to have it passed this morning; but, of course, if the Senator desires it to go over, in the first place he has a right to send it over, and in the next place I have no desire to interfere with the Senator's wishes. So far as I know, however, there is no reason why the joint resolution should not pass this morning. It is a mere joint resolution for the appointment of a commission to try to work out with the Canadian Government a situation that is giving a great deal of distress to the American people.

Mr. REED. A resolution was passed by the Senate nearly three months ago for an investigation of the whole newsprint situation. It went to the Committee on Manufactures, and the chairman of the committee, the Senator from Wisconsin [Mr. LA FOLLETTE], indicated his purpose to take it up immediately. The treaty battle here became so hot that it was impossible to give time to other matters, and when that was over the Senator from Wisconsin was called out of the city to his home by illness and has not yet returned. This seems to anticipate the action of that committee. I have not seen the joint resolution.

Mr. UNDERWOOD. If the Senator will allow me, I do not think it has anything to do with that committee. The purpose of that resolution was to direct an investigation about domestic affairs and as to the condition of the newsprint paper industry. This joint resolution relates to a matter that is embraced in the general subject matter of newsprint paper, but it is not a question of investigating the whole industry in this country. The Canadian Government has levied an embargo on certain wood that it has refused to allow to come into this country after our people had made leases to bring it in. Efforts have been made in the past to work out an understanding with the Dominion Government of Canada through diplomatic channels and they have failed, because when it goes through diplomatic channels it must go through the Court of St. James and back to the Canadian Government.

The real purpose of this joint resolution is to make a direct effort with the Canadian Government to secure the appointment of a commission to deal with this industrial question that will not become involved in the intricacies of a diplomatic negotiation. So far as I understand it has nothing to do with the resolution of investigation. It is to appoint a commission to deal with the Canadian Government.

Mr. REED. My opinion is that it has everything to do with the resolution that was sent to the Committee on Manufactures. If I recollect that resolution correctly, it called for an investigation of the whole newsprint paper situation; it called for an investigation of the question of prices, and the question of supply, and the question of demand. Part of that supply comes from Canada, both the manufactured paper and the raw material. We could not investigate the question of the price of newsprint paper in the United States, or of the raw materials from which it is made, without at once being concerned in the Canadian situation. If this commission is appointed, and it shall proceed to make an agreement with the Canadian Government, that agreement will necessarily affect the whole situation in this country. It may be a wise and it may be an unwise thing which is arrived at.

I have not any more faith in commissions to-day than I have had in the past. Generally, commissions do not work with any degree of success. I do not want a joint resolution to be passed during the absence of the Senator from Wisconsin, and without his knowledge, which would so seriously affect the matter he has in hand, and to which he has been giving all the attention he could; and I should like to have this matter go over until to-morrow morning, until I can communicate with him. If it is not deemed by him as a matter that ought to be questioned——

Mr. UNDERWOOD. Of course, I shall be very glad to have it go to the calendar, and go over until to-morrow morning.

Mr. REED. I should like to have it go over until to-morrow morning without losing its place, if that can be done, because I do not want to tie it up if it is a matter that ought to be considered at once.

Mr. UNDERWOOD. Mr. President, of course it ought to go over if the Senator desires to look into it further; but while it will lose its place, I think it is a matter of such grave importance that I wish to say that I shall call it up in the morning hour to-morrow and, if I can, have it considered by unanimous consent to-morrow morning. If not, I shall move at as early a date as practicable that it shall be taken up.

Mr. REED. The Senator can ask unanimous consent now, and I think he can get it, to have it taken up to-morrow morning without prejudice to the position it now holds.

Mr. UNDERWOOD. I ask unanimous consent, then, that the joint resolution may come up to-morrow, in the morning hour, for consideration.

Mr. SMOOT. I hardly think the Senate will do that; but the Senator can ask unanimous consent to withdraw the report, and then he can make the report to-morrow morning.

Mr. UNDERWOOD. I will comply with that suggestion.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent to withdraw the report on the joint resolution. Is there objection?

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Alabama whether or not the fact that the interests to which he refers in his joint resolution, and particularly in the preamble, own large areas of pulp-wood lands in Canada accounts for the fact that they are not developing pulp-wood manufacture in the United States? I call his attention to the fact that in the Northwest there are large areas of forest that contain valuable pulp wood, and still larger areas in Alaska, in American territory. I have had a good deal of curiosity to understand what the influence was which prevented the development of pulp-wood manufacture in American territory when the price of print paper was going to the extremes to which it has gone, and apparently the country is confronted with an emergency on account of the shortage of it.

Mr. UNDERWOOD. I will say to the Senator that, while my information is not recent, I once investigated the question pretty thoroughly, when the tariff bill was before the House of Representatives. The reason why the Pacific coast pulp wood—and there is a good supply of pulp wood out there—and the Alaska pulp wood is not available for the eastern mills is because the freight rates are prohibitive. It can not stand the freight charge across the continent.

Mr. POINDEXTER. If the Senator will allow me to make the suggestion, it could stand a freight charge by ship, I should think, by way of the Panama Canal.

Mr. UNDERWOOD. I do not think it could. Pulp wood, to be used to make newsprint paper, has to be made cheaply. The essence of the manufacture is the cheapness of it; and the woods on the Pacific coast and in Alaska would not be available either by water or by land, because the freight rate would make the cost prohibitive. The relief of the eastern mills must come in the end from the Canadian forests, or they can not successfully operate. This joint resolution does not primarily come from the manufacturers of newsprint paper. It comes from and is indorsed by the newspapers of the country, the publishers of the country. I think, in addition, it meets with the hearty approval of the manufacturers; and it is a matter of such vital importance, where early action is needed, that I am anxious for the Senate to take it up at once.

I asked a moment ago, Mr. President, that I might withdraw the joint resolution, but, due to the fact that I have reported an amendment and it must go over until to-morrow, I will ask that it take its usual course and go on the calendar, so that the amendment may be printed and the Senate may have the print of the joint resolution with the amendment. But to-morrow or the next day I shall endeavor to get it up.

The PRESIDENT pro tempore. The joint resolution will go over.

Mr. POINDEXTER. Mr. President, in this connection I ask leave to have printed as a Senate document the report of the Secretary of Agriculture upon the pulp-wood situation.

The PRESIDENT pro tempore. Without objection, it is so ordered. By unanimous consent, the joint resolution will be placed upon the calendar.

AMENDMENT OF FARM LOAN ACT—CONFERENCE REPORT.

Mr. McLEAN. I submit the conference report upon the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, and 8, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office," and also by adding after "registrars," in the sixth line of said paragraph, the words "deputy registrars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office"; also on page 1, line 13 of the engrossed bill, strike out the period and insert a comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 3. That the first paragraph of section 10 be amended to read as follows:

"'That whenever an application for a mortgage loan is made through a national farm-loan association, the loan committee provided for in section 7 of this act, shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant and the sufficiency of the security offered, and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable and the loan committee is unanimous in its approval thereof.

"'The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal.'

"SEC. 4. That the third paragraph of section 11 be amended to read as follows:

"'Third. To fix, under rules and regulations of the Farm Loan Board, reasonable charges to applicants for loans and to borrowers, in order to meet the necessary expenses of the association, and to acquire and dispose of such property, real and personal, as may be necessary or convenient for the transaction of its business.'"

Also, on page 4, line 20, of the engrossed bill, strike out "4" and insert "5."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agreed to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and inserting in lieu thereof the numeral $40"; also, on page 7, line 3, of the engrossed bill, strike out "5" and insert "6"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "$40"; also, on page 7, line 19, of the engrossed bill, strike out "6" and insert "7"; and the Senate agree to the same.

Amend the title so as to read: "An act to amend certain sections of the Federal farm loan act, approved July 17, 1916."

GEORGE P. MCLEAN,
ASLE J. GRONNA,
ROBERT L. OWEN,
Managers on the part of the Senate.

EDMUND PLATT,
LOUIS T. MCFADDEN,
MICHAEL F. PHELAN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

CIVIL SERVICE AND BONUS FOR SOLDIERS.

Mr. THOMAS. Mr. President, I have been requested to ask unanimous consent to have inserted in the CONGRESSIONAL RECORD a series of resolutions passed by Sagebrush Post, No. 68, of the American Legion, of Brush, Colo., having reference to some features of the civil service, and also to the American Expeditionary Force.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution passed by Sagebrush Post, No. 68, American Legion, Brush, Colo., February 13, 1920.

Whereas there have been numerous reports published in various reputable newspapers and magazines throughout the United States to the effect that there are now upward of 350,000 more employees in the service of the Government than were considered necessary or essential before the late war with Germany; and

Whereas it is charged and generally accepted as a fact that a large majority of said employees are superfluous and a needless and unwarranted expense to the taxpayers of this country; and

Whereas a large proportion of above superfluous employees were exempted from military duty during late war by reason of the fact that they were in Government employ; and

Whereas the chief objection to the granting of an adequate bonus or payment to ex-service men, veterans of the late war with Germany, seems to be that the financial obligations of the United States Government are now so heavy that there are no funds available and none can be raised for such a purpose; and

Whereas at an average salary of $1,200 per year the expense to the United States Government of maintaining the above 350,000 or more supernumeraries is $420,000,000 a year, or more, which with the incidental expense connected therewith means an annual expenditure of at least $500,000,000; and

Whereas assuming that there are 5,000,000 ex-service men now entitled to consideration at the hands of the Government, above sum, being the expense uselessly incurred for one year only, if expended as a bonus for discharged soldiers would give each and every soldier $100; and

Whereas the ex-service men of the United States who took the field of defense of their country at a remuneration of $30 per month are infinitely more entitled to consideration at the hands of a grateful Government than above-mentioned employees, who were sitting at home in safety and security, enjoying in many instances larger salaries than they had ever known before in their lives, and who are even now, 15 months after the end of the war, still enjoying the fruits of their nonavailability for combatant service at the expense of said ex-service men: Now, therefore, be it

Resolved, by the Sagebrush Post, No. 68, American Legion, Brush, Colo., in regular meeting assembled, That we protest most strongly against the further employment of this large army of superfluous employees in the Government civil service, and condemn the expenditure of Government funds for their maintenance as a useless and unwarranted extravagance; and be it further

Resolved, That we respectfully petition our Senators and Representatives in the Congress to use every influence and make every effort to secure an investigation of the above condition, to the end that all surplus and unnecessary employees be immediately discharged; and be it further

Resolved, That Sagebrush Post of the American Legion, at Brush, Colo., hereby goes on record as favoring a liberal bonus, either in cash or in the form of bonds, to all honorably discharged soldiers, sailors, and marines, same to be made effective at the earliest possible date in view of the fact that a large proportion of the ex-service men of the country are in pressing need thereof to enable them to reestablish themselves in the economic life of the Nation in the face of the prevailing almost prohibitive cost of living; and be it further

Resolved, That the post adjutant be, and hereby is, instructed to forward a copy of this resolution to each Senator and Congressman from the State of Colorado, with the request that same be presented to Congress and inserted in the CONGRESSIONAL RECORD, and with the further request that they in every way possible promote the passage of a suitable bill to accomplish the above results at this session of Congress.

Mr. KING. Mr. President, apropos of the resolutions which the Senator from Colorado has just asked to have printed in the RECORD, I have received, as doubtless all Senators have, many resolutions from these various posts asking that they be printed in the RECORD. I have felt that it was improper, in view of the great number, to ask that they be printed in the RECORD. I would like to know what the policy is going to be, because if we are to print them in the RECORD there will be an inclination upon the part of myself, if not other Senators, to ask similar privileges, and the RECORD will be encumbered every day with a large number of these important resolutions.

Mr. THOMAS. Mr. President, I have discharged my duty by complying with the request of the post at Brush, Colo.

THE DYE INDUSTRY.

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. POINDEXTER. Mr. President, I would like to suggest to the Senator from Indiana that I am informed, not directly but by other Senators, that the Senator from Illinois [Mr. SHERMAN], who is interested in this bill and is compelled to be absent from the Senate at this time, desires to be heard upon the measure. I ask the consideration of the Senator from Indiana to that suggestion.

Mr. THOMAS. May I ask the Senator when the Senator from Illinois expects to be present?

Mr. POINDEXTER. Very soon, I am informed.

Mr. THOMAS. In the next 8 or 10 days?

Mr. POINDEXTER. Very likely.

Mr. THOMAS. I can give him ample assurance that he will have time to be heard upon the bill.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I do.

Mr. KENYON. I would like to say to the Senator from Indiana that some of us have not had an opportunity to study the bill and the hearings as we would like to do. It is a very important bill, a very unusual bill, a rather strange application of the protective-tariff theory, it seems to me, and I should like to ask the Senator if he has any intention of attempting to hurry the bill? Is there any thought that the bill will be disposed of to-day?

Mr. WATSON. Mr. President, answering the Senator from Iowa, I will say that I had no notion about it. The bill has been before the Senate Finance Committee for a great many weeks. The subcommittee had a series of hearings, lasting something over two months, and made then a unanimous report to the Committee on Finance, which, after considering the bill in its details, made a unanimous report to the Senate. For the last four or five days it has been noised about that the bill would be taken up at the earliest possible opportunity. It would have been taken up several days ago had it not been that the Senator from South Dakota [Mr. STERLING] was very anxious to continue with the measure he has in charge, and yielding to his desire, I did not press the bill at that time.

By arrangement with the Senator from Massachusetts [Mr. LODGE] and other Senators, it was agreed that this measure should come up to-day, taking its chances as to debate and passage, of course. But the Senator from Massachusetts served notice yesterday that he is exceedingly anxious to have this measure disposed of to-day in order that the Senate might proceed with the discussion of the German treaty to-morrow.

Mr. KENYON. I should like to ask the Senator——

Mr. LODGE. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. LODGE. A motion to take up a bill at this stage is not debatable.

The PRESIDENT pro tempore. The point of order is well taken. The question is, Shall the Senate proceed to the consideration of the bill H. R. 8078?

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife. I have promised to take care of him during that absence with my pair, and I therefore must withhold my vote.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. NEWBERRY] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. STERLING (when his name was called). I have a pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to my colleague [Mr. BANKHEAD], my colleague being detained at home on account of sickness. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness. I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. EDGE (after having voted in the affirmative). Has the junior Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. EDGE. I withdraw my vote, having a general pair with the junior Senator from Oklahoma.

Mr. DILLINGHAM (after having voted in the affirmative). I have voted, but observing that the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is not in the Chamber, I withdraw my vote.

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. Noting that he is not present, I transfer the pair to the Senator from Massachusetts [Mr. WALSH] and let my vote stand.

Mr. HENDERSON. I transfer my pair with the Senator from Illinois [Mr. MCCORMICK] to the Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON]; and

The Senator from Indiana [Mr. NEW] with the Senator from Kentucky [Mr. STANLEY].

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is detained from the Senate by illness.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The Senator from Maryland [Mr. SMITH] and the Senator from Oklahoma [Mr. GORE] are absent on official business.

The result was announced—yeas 57, nays 11, as follows:

YEAS—57.

Ashurst	France	McLean	Simmons
Ball	Gay	McNary	Smith, Ga.
Beckham	Glass	Myers	Smoot
Borah	Hale	Nelson	Spencer
Brandegee	Harris	Norris	Sutherland
Calder	Johnson, S. Dak.	Nugent	Townsend
Capper	Jones, N. Mex.	Overman	Underwood
Chamberlain	Kellogg	Page	Wadsworth
Colt	Kendrick	Phelan	Warren
Cummins	Keyes	Phipps	Watson
Curtis	King	Pomerene	Williams
Dial	Knox	Ransdell	Wolcott
Elkins	Lenroot	Reed	
Fernald	Lodge	Robinson	
Fletcher	McKellar	Sheppard	

NAYS—11.

Culberson	Kenyon	Pittman	Trammell
Harrison	Kirby	Poindexter	Walsh, Mont.
Henderson	Moses	Thomas	

NOT VOTING—28.

Bankhead	Gronna	McCumber	Smith, Ariz.
Dillingham	Harding	New	Smith, Md.
Edge	Hitchcock	Newberry	Smith, S. C.
Fall	Johnson, Calif.	Owen	Stanley
Frelinghuysen	Jones, Wash.	Penrose	Sterling
Gerry	La Follette	Sherman	Swanson
Gore	McCormick	Shields	Walsh, Mass.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishement of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," which had been reported from the Committee on Finance with amendments.

Mr. KENYON. Mr. President, I should like to renew my inquiry where we left off, if I may.

Mr. WATSON. Very well.

Mr. KENYON. The papers carried a notice to the effect that the peace treaty is to come before the Senate to-morrow, and that it will be kept before the Senate until disposed of. I assume that is correct?

Mr. WATSON. As to that I do not know. All I know about it is that the Senator from Massachusetts [Mr. LODGE] on the floor yesterday served notice to that effect.

Mr. KENYON. Then, if there is no prospect of passing the bill to-day, is there anything gained by going ahead with it? I wish to say to the Senator from Indiana that my position about it is purely one of inquiry. I want to know. I have not had an opportunity and I do not believe a Senator on the floor, outside of the members of the Finance Committee, has had an opportunity to study the bill. It is a most unusual bill, and I am rather surprised to find the Democrats supporting a high-tariff bill with such unanimity.

Mr. SIMMONS. Mr. President——

Mr. WATSON. I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply desire to say to the Senator from Iowa [Mr. KENYON] that the tariff rates in the bill, as reported by the Senate committee, are not those contained in the bill as passed by the House. The Senate Committee on Finance re-

duced the House rates down to the level of the rates contained in the act of September 8, 1916.

Mr. KENYON. But there are other things in the bill besides the rates.

Mr. SIMMONS. There is no increase in the tariff rates over those in the present law, which was passed by a Democratic Congress.

Mr. KENYON. The bill practically amounts to an embargo, as I understand it.

Mr. WATSON. That is precisely what it is, and precisely what it is intended to be.

Mr. KENYON. That is a very frank statement. It was denounced by high-tariff Republicans in the House as going beyond anything that they could agree to. I merely suggest that as leading my mind to think that there will be more or less discussion about it, and whether any good will come from putting in the day discussing it, I do not know. It can not be passed to-day.

Mr. WATSON. That may be true.

Mr. KING. Mr. President——

Mr. WATSON. I yield to the Senator from Utah.

Mr. KING. Does not the Senator from Iowa [Mr. KENYON] believe that the discussion to-day will attract attention to the provisions of the bill and lead Senators to investigation which a postponement might deprive them of making? In other words, it occurs to me that if there shall be an elaborate presentation of the bill to-day by proponents of the measure—I understand the junior Senator from Idaho [Mr. NUGENT], speaking for the minority upon the committee, is going to make an address in its behalf—does not the Senator think that will enable us to get some ideas about the merits or demerits of the bill which will enable us, when it comes up for final passage, to act a little more intelligently?

Mr. KENYON. Possibly so; but I suppose it is the rather universal desire to dispose of the peace treaty——

Mr. BORAH rose.

Mr. KENYON. Outside of the Senator from Idaho, I will say.

Mr. KING. If the Senator from Indiana will still yield, it was my idea that this bill should not supplant the peace treaty, but that to-morrow, as was indicated by the Senator from Massachusetts [Mr. LODGE], the Senate would take up for consideration the peace treaty.

Mr. BORAH. Since the Senator from Iowa has mentioned the subject, I apprehend that the discussion upon the dye bill will not last any longer than the discussion upon the treaty. If it is a mere matter of avoiding discussion, we had better lay them both aside. I think it is a good idea to discuss the dye bill for awhile. There is a vast amount of resiliency in variety of discussion, and I think it would be well to go ahead with the dye bill to-day, and possibly we may have something to say upon it to-morrow.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. WATSON. I yield.

Mr. NORRIS. I should like to say that I voted to take this bill up because I recognize that it must be disposed of. I have no idea that it will be disposed of to-day.

Mr. WATSON. Neither have I.

Mr. NORRIS. I think I have an open mind on the bill. Like the Senator from Iowa [Mr. KENYON], I have been unable even to read page 3 of it. I think when the Secretary at the desk reads page 3 of the bill the Senate will get a great deal of education and valuable information.

Mr. WATSON. Does the Senator expect to postpone action on the bill until he can read page 3?

Mr. NORRIS. I do not expect the Senate to wait until I can read it, but I expect to hear the Secretary read it. I was anticipating that the Senator might ask that the formal reading of the bill be dispensed with. I would not object to that request as to all of the bill except as to page 3, which ought to be read, and I am going to insist that it shall be read by the Secretary.

Mr. WATSON. Mr. President, I believe that the establishment of any new industry is a matter of prime importance to the people, because it is by the diversification of industry alone that a composite civilization can be maintained. This is peculiarly true of the dye industry, having relation, as it does, not only to the production of the dyes themselves but also to the entire textile industry of the United States, as well as to the manufacture of explosives and toxic gases for the purposes of war, on the one hand, and, on the other, drugs, pharmaceuticals, perfumery, tanning materials, photographic developers, and many other products that are related to and spring out of the dye industry.

We had in 1882 a fair start in the manufacture of dyes, but because of unfavorable legislation it was very seriously handicapped. It crippled along, after a fashion, until in 1899 we were producing in the United States 6,581,850 pounds, valued at $1,806,730, of dyestuffs; but it is worthy of note that all of the intermediates required for the production of those dyes were manufactured abroad, principally in Germany.

In 1909, 10 years thereafter, we produced in the United States 12,658,770 pounds of dyes, valued at $3,683,553. In 1914, before the breaking out of the Great War, we produced in the United States, in seven plants, 6,619,729 pounds of coal-tar colors, with a value of $3,386,212, while in that year we imported from Germany 45,480,466 pounds.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Delaware?

Mr. WATSON. I will yield in a moment. I repeat, for it is worthy of repetition in the consideration of this question, that the intermediates used in the manufacture of these dyes were all produced abroad with the exception of a negligible quantity which were produced in the United States. Now I yield to the Senator from Delaware.

Mr. WOLCOTT. The Senator from Indiana has just given the information for which I was about to ask.

Mr. WATSON. As to the intermediates?

Mr. WOLCOTT. As to whether or not the production of American dyes manufactured in 1914, the last year the Senator gave, and in 1909, which, as I recall, was the next preceding year for which he gave the figures——

Mr. WATSON. Yes.

Mr. WOLCOTT. Was based upon the importation of intermediates from Germany.

Mr. WATSON. Altogether. I say "altogether," but there should be made the exception of one struggling institution which was manufacturing intermediates at something, as we are told, of a sacrifice.

The necessities of war startled the Nation into a knowledge of our unpreparedness in this respect, for that struggle developed the fact that we were purchasing all of our dyes practically from Germany, and that that country, through her analytical chemists, trained and skilled for years in the dye industry, had learned to manufacture explosives and gases as well as drugs. When the war came on we found ourselves entirely helpless in the face of this situation. The condition that confronted the dye maker in the United States was an appalling one, for this whole industry after all is dependent upon skilled chemists, upon a great chemical industry, upon the training and the development of men so that they will know these chemical combinations. We had no such experts except in small numbers and in rare instances in the United States, because we had had no dye industry in which to develop them, and they are never so well developed in any other industry.

So when it came to explosives and gases we were manufacturing a negligible quantity, and when it came to synthetic drugs, growing out of the dye industry, we were producing but an unimportant amount. Under the stress of necessity and the impulse of patriotism, as well as the desire for profit, many American manufacturers at once sprang up to meet this growing demand. They invested millions of dollars; they began the training of their chemists; they laid the foundation of this industry and proceeded with such marvelous alacrity and such unparalleled skill that in 1917 we produced in the United States 45,977,246 pounds of dyes.

Mr. POMERENE. What was the value of that product?

Mr. WATSON. I prefer to contrast the number of pounds and then the valuation.

Mr. POMERENE. Very well.

Mr. WATSON. In 1918 we produced 58,464,446 pounds. In 1917 the value of the product was $57,796,000, while in 1918 it was $62,026,390.

Mr. SIMMONS. That was as against a value of about $4,000,000 before the war?

Mr. WATSON. It was as against a value of $3,386,729 before the war.

Mr. NORRIS. Mr. President, will the Senator pardon an interruption?

Mr. WATSON. Certainly.

Mr. NORRIS. The Senator in giving his last figures referred to dollars; in the preceding figures he referred to pounds.

Mr. WATSON. There were produced 58,464,446 pounds, valued at $62,026,390.

Mr. NORRIS. What was the number of pounds produced before the war.

Mr. WATSON. The number of pounds produced during the year before the war was 6,619,729, valued at three and a quarter million dollars, as against 58,464,446 pounds, valued at $62,026,390, in 1918; so that instead of importing 45,000,000 pounds we manufactured 58,464,446 pounds in our own industries, employing our own chemists and our own labor and developing our own resources.

Mr. POMERENE. Mr. President, as bearing upon the question of valuation, I assume that the greater value of the product in 1917 and 1918 was made up in large part by the increase in value over what it was during the previous years.

Mr. WATSON. That is the value of what we produced, although, because of the relative scarcity of some of the dyes, the prices of those dyes were higher in 1917 than they were in 1918. I can give an illustration, if it is desired. What is called rhodamine B, which is a very rare color, giving a pink of unrivaled beauty, used in cottons and silks, was sold by the Germans at our ports of entry before the war for 41 cents a pound, but the chemical skill required to produce that particular dye was so great, we knew so little about it, and the raw material appeared to be so rare, coming from anthracene, that when we first began its manufacture it was sold for $75 a pound in the United States.

Men have appeared before our committee, however, who say that it is now selling at $10 a pound, and all of those who testified gave utterance to the prophecy that it will be but a comparatively short time until we will make it as cheaply as it is made in Germany. That is an illustration of how at the beginning, because of our lack of knowledge of the composition of the intermediates in the manufacture of dyes, lacking, as we did, skilled chemists, the prices ranged very high, whereas now they are ranging lower on all of these manufactured products.

All of the sulphur dyes, all of what are called the azo variety, and most of the indulines, which are the great dyes in quantity used in the United States, we are making more cheaply as a whole than in the beginning, and with every promise of their being made as cheaply here within the next few years as they are made in Germany.

Mr. KENYON. Mr. President——

Mr. WATSON. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator how dyestuffs are now protected by the tariff? Are they not fairly protected?

Mr. WATSON. There is a protective tariff on dyestuffs, but as I proceed, if the Senator will permit me, I shall endeavor to show that the protective tariff now in existence is not sufficient, and that no protective tariff that he or I would be willing to sponsor can be made sufficient to protect this industry.

Mr. WOLCOTT. Mr. President——

Mr. WATSON. Pardon me for a moment. Take the illustration I have just given of a German price of 41 cents as against an American price of $75 a pound, and what sort of a tariff rate would have to be imposed in order to protect that dye? No rate would be at all sufficient; and on many of these dyes it would mean the imposition of a 1,000 or 2,000 per cent rate in order to protect them from Germanic competition. I undertake to say that there is no Senator in this Chamber who would be willing to vote for such a tariff rate as that, much less to go out and defend it before the people, however necessary it might be to establish and maintain this industry.

Mr. WOLCOTT. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. WOLCOTT. Touching the point made by the Senator from Indiana, namely, that in order to protect the dye industry by a protective tariff the rate would have to be so high as to make it impossible for any Senator to vote for it, I wish to submit this further thought: In view of the existing low rate of exchange and the high purchasing power of the American dollar in the German market, is it not manifest that a tariff rate of 2,000 or 3,000 per cent, as suggested by the Senator, would have to mount up to something like—well, I have not made the calculation in my mind, but to 10,000 or 20,000 per cent, because, of course, the American dollar has an immense purchasing power in Germany, a purchasing power much greater than it had in normal times, and therefore the tariff barrier must be correspondingly elevated to meet the reduced purchasing power of the German mark here and the higher purchasing power of the American dollar there?

Mr. WATSON. Unquestionably what the Senator says is true. Of course, we trust that the time will speedily come when that condition will be remedied; but at the present time, while we are acting upon this proposed tariff law, we are confronted with the condition which the Senator from Delaware has so aptly described.

Our dye industry had increased in proportions and in strength, until in 1918 there were 215 firms, not including coke-oven plants, gas houses, and plants engaged exclusively in the manufacture of explosives and poison gases, which reported a production during 1918 of chemicals derived from coal tar. Under the tariff act of September 8, 1916, which, I will say to the Senator from Iowa, is the tariff now in force and the one to which we recommend that we shall return, striking out the tariff rate proposed in the Longworth bill, these coal-tar chemicals are divided into three groups. Group 1 comprises the crudes, which are on the free list. What are called the crudes are simply coal tar in its first stages of preparation. That is to say, to be elemental for a moment, all coal-tar products are recovered from bituminous coal. They are derived in by-product coke ovens and in city gas plants, where they can be obtained in large quantities.

We have as great a supply of bituminous coal as any other nation—in fact, much greater—and therefore those raw materials are on hand and can be sold as low here as elsewhere in the world, and the prices of these coal-tar products under American impulse and under the touch of American genius will soon be as low in this country as elsewhere in the world. But I call the attention of the Senator to the fact that this industry sprang up because of the absolute prohibition of imports occasioned by the war; and until the war had brought about that condition where our industry could be placed on something like a self-sustaining basis, it was not possible for us to proceed except in a very fragmentary and desultory manner, as I have hitherto described.

Now, as to how these coal-tar products are obtained. They are treated with various chemicals—sometimes acids, sometimes alkalies—and after their treatment the product is called an intermediate. We have really four of those fundamental intermediates—benzol, toluol, naphthalene, and anthracene. Three of those we obtain in very large quantities in the United States because they are found in just as great abundance in our bituminous coal as elsewhere, and they are just as readily recoverable, while that is not true with the anthracene, as I shall later explain.

Mr. KENYON. Mr. President——

Mr. WATSON. I yield to the Senator from Iowa.

Mr. KENYON. The Senator spoke of the different companies in this country engaged in this business. How many does the Senator say there are?

Mr. WATSON. I will give those figures to the Senator. I spoke of 215 firms, not including coke-oven plants, gas houses, or plants engaged exclusively in the manufacture of explosives and poison gases. These firms reported the production of chemicals derived from coal tar. Not all of them obtain these chemicals on a commercial scale.

Mr. KENYON. Now, I should like to have the Senator—as he is so familiar with this matter and I am not—go into this question: It has been charged, and charged very openly, that this bill will result in a complete monopoly by the du Pont people of these chemicals and dyestuffs; that there will then be practically an embargo and the matter will be entirely in their hands. I observe in what I have read of the hearings that the du Ponts were very prominent in the hearings and very insistent upon the passage of this bill. I do not know how well founded this charge of monopoly is. That is one thing that I want to know about.

Mr. CURTIS. Mr. President, if the Senator can not answer, I might say that the report shows that there are 187 dye factories in the United States to-day.

Mr. WATSON. I was going to come to that.

Mr. KENYON. And who controls them? Does the report show who controls them?

Mr. WATSON. Nobody controls them.

Mr. KENYON. What I want to know is whether we are driving this dyestuff and chemical manufacture into the hands of one great monopoly through this bill?

Mr. WATSON. That was precisely what we were seeking to escape when we adopted the embargo plan as against the license plan. I was of the opinion that the license scheme meant a monopoly in certain gentlemen in this country; and then, when I came to the conclusion that it meant that monopoly, so far as I was personally concerned, I insisted upon the committee reporting the embargo plan instead of the license plan. I want further to say, if the Senator will pardon me, that I am opposed to any monopoly in the United States, but if we have to have a monopoly in the dye industry I very much prefer an American monopoly to a foreign one.

Mr. KENYON. So do I, but I see no reason why we should be compelled to have a monopoly at all.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

Mr. WATSON. Certainly.

Mr. FRELINGHUYSEN. I wish to say, for the information of the Senator from Iowa, that there are in my State at the present time 21 corporations manufacturing chemicals, coal-tar products, and dyes, and they are not in any way whatsoever related.

Mr. KENYON. Related to each other?

Mr. FRELINGHUYSEN. Related to each other.

Mr. KENYON. Are they related to the du Pont people?

Mr. FRELINGHUYSEN. The du Ponts represent one interest. There are 20 interests besides the du Ponts.

Mr. KENYON. Is that the largest one?

Mr. FRELINGHUYSEN. Yes.

Mr. NUGENT. Mr. President——

Mr. WATSON. I yield to the Senator from Idaho.

Mr. NUGENT. I desire to call the attention of the Senator to the fact that the testimony given at the hearings shows conclusively that there is keen competition between these dyestuff manufacturers, and that the average price per pound of the dyestuffs in 1917 was $1.27, while the average price per pound in 1918 was reduced to approximately $1.05.

Mr. WATSON. I thank the Senator for his suggestion.

Mr. KENYON. Mr. President, I do not want to keep interrupting.

Mr. WATSON. Oh, that is all right.

Mr. KENYON. As I said before, I have been absolutely open-minded, and I am trying to get some information.

Mr. WATSON. I am very glad to have the interruptions.

Mr. KENYON. In response to the Senator from Idaho, I will say that it was charged on the floor of the House by a very high-protection Republican, who opposed this bill, I think it may be fairly said, on account of the dyestuffs provisions, that a certain indigo blue was being held at 75 cents a pound, whereas it could be secured abroad at 13 cents a pound. Does the Senator know anything about that?

Mr. WATSON. I think that is quite true, but it was because it cost that much to make it here.

Mr. KENYON. If you are putting on this embargo, and absolutely cutting out all foreign competition, where is the price going?

Mr. WATSON. I will explain that later on, if the Senator will pardon me.

Mr. KENYON. All right.

Mr. EDGE. Mr. President, may I make one suggestion?

Mr. WATSON. Certainly.

Mr. EDGE. Perhaps the Senator from Iowa is already familiar with the fact that the question of the embargo is to be administered entirely by the Tariff Commission, a Government body. As I understand, they are given almost complete powers.

Mr. KENYON. Yes; I am familiar with that, and that is what I can not understand. I can not understand why we should not put on the tariff simply to such a point as will protect this American industry. I can not understand why, when some one may want to import, he must go to a tariff commission to find out whether or not he can import; and I can see but little difference between that and the licensing system, with which the committee itself has found so much fault.

Mr. WATSON. Mr. President, later on I shall explain the difference between the license system as embodied in the Longworth bill and our proposition, because our proposition, while the Senator may call it an embargo, is after all but selective importation, and that is a very usual provision in our law.

Mr. SIMMONS. Mr. President, I should like to ask the Senator a question, in the light of the question propounded by the Senator from Iowa.

Mr. WATSON. I yield to the Senator from North Carolina.

Mr. SIMMONS. Is it not a fact that under the embargo system proposed in this bill the Tariff Commission will be required to grant permission to import an article covered by the bill, provided it is shown that the price charged in this country is unreasonable or that the quantity produced in this country is not adequate?

Mr. WATSON. Certainly.

Mr. KENYON. What provision of the bill would require that?

Mr. SIMMONS. The amendment substituting the embargo for the license system.

Mr. WATSON. If the Senator will read the second section of our amendment—my copy of the bill was taken up to the desk and I do not have it here—I think that is the section referring to that matter.

Mr. FRELINGHUYSEN. Mr. President, I can inform the Senator that sections 505, 506, and 507 of the committee amendments relate to the subject about which the Senator is inquiring.

Mr. KENYON. I think possibly that is so. That puts the burden on the man seeking to import to establish these facts and gives him a lawsuit before he can import.

Mr. SIMMONS. No; it does not put the burden upon him. The Tariff Commission is charged with the duty of advising itself with reference to these matters, and it is contemplated that a very thoroughgoing and complete organization will be established in the Tariff Commission, under its control and direction, for the purpose of obtaining the necessary information for the enforcement of this embargo plan. As I understand, if the Senator will permit me——

Mr. WATSON. Certainly.

Mr. SIMMONS. I unfortunately was not able to attend the hearings in full, but, as I understand, if an article is not produced in this country the embargo does not apply to that.

Mr. WATSON. It does not.

Mr. SIMMONS. If an article is produced in this country the embargo applies, but the Tariff Board is required to ascertain and determine whether the quantity produced in this country is sufficient to supply the demand, and whether the price charged in this country is unreasonable; and if it finds that the quantity is insufficient or that the price charged is unreasonable, then it is required to give a license, not general, but to anybody who applies.

Mr. KENYON. Suppose they do not do it?

Mr. SIMMONS. Then that is their own fault, because they are satisfied with the prices. I take it that if any industry is dissatisfied with the prices, or if any industry using dyestuff products finds that it is not able to obtain a sufficient supply in this country, its interest would prompt it to make the application.

Mr. WATSON. Of course we must finally trust somebody with the administration of every law.

Mr. KENYON. Of course; but, as I said, you simply give the man a lawsuit.

Mr. WATSON. I do not think we can assume that the Tariff Commission would decline to discharge its duty or fulfill its obligation. If we start out upon that theory we will pass no laws, merely alleging as an excuse that the officer in charge will decline to do his duty.

Mr. SIMMONS. Mr. President, I should like to ask the Senator a question. Does the Senator understand—I do not—that the Tariff Commission is given discretion to decline or not to decline? Is it not a fact that if the Tariff Commission ascertains the facts to be that there is not a sufficient supply or that the price is unreasonable, then the Tariff Commission has no discretion in the matter; it must grant the license?

Mr. WATSON. There is no question but that that is the meaning of these provisions.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. WATSON. Certainly.

Mr. KING. Did the committee take into account, in the consideration of this bill, the impaired condition of Germany, its lack of raw materials, the fact that it has been deprived of its coal and subjected, I was going to say, to an economic boycott; at any rate, that there have been imposed upon it such economic impediments and obstacles that it would be almost impossible for Germany to become a competitor of any nation? If this bill, as the Senator from Iowa says, is for the purpose of building up a monopoly here, of enabling a few men to get together and force the payment of an unreasonable price, it will not commend itself, in my judgment, to the Senators nor commend itself, nor should it, to the American people.

Speaking for myself, I think that opportunities ought to be given to Germany to manufacture and to dispose of her products and to trade with Europe and to trade with the United States; and I think it would be a most selfish and indefensible policy for the American Congress now to foreclose importation for the development of the nations of Europe. We have so many advantages that some of the nations do not have that we can not afford to build up monopolies or to put into the hands of the vested interests or private interests the control of the production of the United States.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

Mr. WATSON. I yield.

Mr. FRELINGHUYSEN. I have evidence showing Germany's strength and entire capacity at the present time, indicating that unless some legislation of this character is enacted, she will be able immediately to capture the American market.

Mr. NUGENT. Mr. President——

Mr. WATSON. I yield to the Senator from Idaho.

Mr. NUGENT. I desire to call the attention of the Senator from Utah to the fact that under this bill no importation of dye-

stuffs can be had into this country not only from Germany but from France or England or Switzerland, in each of which countries they are now manufacturing large quantities of dyestuffs. I wish to call his attention to the further fact that it was plainly and clearly disclosed at the hearings that the importation of even 30,000 tons of dyestuffs into this country would be more than sufficient to supply the needs of the dye consumers for more than a year. That being true, as a matter of course, with such an importation the dyestuff manufacturing industry in the United States would at once be put out of business.

Mr. KENYON. Mr. President, may I ask the Senator from Indiana a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. Certainly.

Mr. KENYON. I dislike to interrupt the Senator——

Mr. WATSON. I am glad to have the interruptions because the discussion is illuminating.

Mr. KENYON. What amount of dyestuffs are to be turned over to the reparation commission?

Mr. NUGENT. According to my recollection, 40,000 tons.

Mr. KENYON. To be turned over to the reparation commission?

Mr. NUGENT. To the reparation commission, to be divided. We do not get all of it; we will secure only a portion of it.

Mr. KENYON. Suppose we do not get any of it?

Mr. WATSON. We shall get a part of it. The 40,000 tons are to be allocated by the reparation commission, and we are to receive a portion of it. The War Trade Board has had its representatives over there, according to the testimony before our committee, for the purpose of trying to obtain possession of the portion that is coming to us, but up to this time none has been brought in.

Mr. KENYON. There is a statement published in the Daily News-Record of New York, from Mr. Keene, chairman of the advisory committee on drugs, chemicals, and dyestuffs of the American Chamber of Commerce, in which he says:

> Far from being in a position to dump dyestuffs and other chemicals on American, British, and other markets, Germany is actually short, and when she has delivered to the Allies the quantities required by the peace treaty there will be little left to export. The acute shortage of coal and raw materials precludes the possibility of her becoming anything more than a weak competitor for at least a year.

That statement was made by him after a trip into Germany and an exmination of the subject.

Mr. WATSON. Mr. President, that brings to mind the conflicting testimony before our committee bearing on that very point. We had a number of people before us who were supposed to be well informed, in fact, thoroughly conversant with the situation, who testified as to the quantity of dyes that Germany now has on hand, making the statement that during all the war time Germany had been largely engaged in manufacturing explosives and toxic gas from her dyes, and that the dye became in a sense secondary; that is to say, the dye became the by-product and the explosive and the toxic gas the principal products, and that those things had been laid by and stored up in very great quantities and are now ready to be brought here as soon as opportunity was offered.

On the other hand, we had men come before our committee who had been over there, as these other men had been, who stated that there was a shortage of raw material, and that, while Germany has some dyes piled up, after all they would soon be exhausted, and that there was no danger of serious competition from Germany. While we were in that doubtful situation, and while we were in that dubious frame of mind, we believed that it was the best thing to do to make sure of the establishment of this American industry on American soil for American purposes.

That is why we put a three-year limit in the bill. If I had been drawing it I would have put in a five-year limit. But we made it three years, believing that in that time this whole question could be determined.

I do not know what the Germanic competition is to be in the future, and, not knowing, so far as I am concerned, I want to be sure that the American industry is to be placed on an independent and permanent basis.

Mr. SIMMONS. Mr. President, as I stated before, I was not present at the hearings, and I would like to ask the Senator from Indiana whether it was not disclosed in the hearings that during the war not only the United States but England and France, under the stress of the necessities of the situation, like ourselves, undertook to establish the dye industry on a broad and permanent basis by all sorts of encouragement, and whether now those two great nations, living near the German borders, thoroughly conversant with conditions in the German dye industry, in order to prevent Germany from invading their markets to the point of destroying this industry, which they, like ourselves, have tried to build up during the war, have not resorted, for the purpose of preventing that disaster, to practically the same methods which we are proposing to apply here?

Mr. WATSON. And they have gone beyond us, in that both nations have established not only a license system, but England has positively prohibited imports.

Mr. SIMMONS. A thing that we do not propose to do in this case.

Mr. WATSON. Not by any means.

Mr. SIMMONS. I understand that, although we are now making 300 of these different colors, there are probably some 900 or 1,000 of the colors, and the balance of them we have not yet learned to make. We will not learn to make them until an enormous chemical personnel is built up by this dye industry and investigations have been made and the methods of manufacturing and combinations have been worked out. Until that happens, until we are able to produce these other additional colors which we can not produce now and which our manufacturers must have, the bill places no embargo upon that part of Germany's products, and they come in under the tariff rates prescribed in the act of 1916.

Mr. KENYON. Mr. President, is it not true that the patents, amounting to over 4,000, have been sold by the Alien Property Custodian to a company which was organized?

Mr. SIMMONS. Is the Senator asking me that question?

Mr. KENYON. Yes.

Mr. SIMMONS. I think that is true. I think we have acquired in some way or other, through the Alien Property Custodian, the ownership of these patents. But, Mr. President, acquiring the patents does not mean that we have become able to produce the products according to the patents.

Mr. WATSON. Not by any manner of means.

Mr. KENYON. But it means that we will be able to do it.

Mr. SIMMONS. They will have to be worked out by our chemists. When the war began we had very few chemists who were devoting their time to research in and investigation of these questions. We have now, I think, about 2,000, employed largely by the dye industry, who are engaged in the study of these questions. But it will be, I take it, a very considerable time before they are able to apply the patents which we have been fortunate enough to acquire.

Mr. KNOX. Mr. President——

Mr. WATSON. I want to say to the Senator from Iowa, if the Senator from Pennsylvania will pardon me just a moment, that 4,200 German patents were taken possession of by the Alien Property Custodian and afterwards disposed of; that it was found that in the main they had only a nuisance value; that is to say, that the Germans, in taking out their patents in this country, had been shrewd enough not to put in every step necessary, from the crude material on up to the finished dye, but had either omitted or changed some very important steps. So when they came to make the dyes in this country in accordance with the specifications of those patents, they found they did not produce the dye, or, at any rate, did not produce a sufficient yield, and our chemists had to go to work to find out what those intermediates were. They did not state all the steps in the manufacture correctly, through all the processes up to the finished dye.

Mr. NUGENT. Mr. President, the formulæ were properly laid down in the patents, but in such a manner that there was no yield, and consequently it was necessary for the chemists engaged by our manufacturers to make a very large number of experiments before they finally arrived at the stage where they could produce the product.

Mr. WATSON. I yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, the same difficulty that the Senator from Iowa [Mr. KENYON] has in mind confronted me when I began to read this testimony; that is, what more do we want than access to their patents and knowledge of their processes? But I discovered in reading the testimony that it is one thing to have knowledge of the process and quite a different thing to know how to carry it out—the technical knowledge, the deftness that comes from experience. Sometimes the number of revolutions of a wheel will change the whole nature of a product. That was illustrated by one of the witnesses, who said that after having acquired a knowledge of how to produce a particular dye the first year they did produce it in commercial quantities, but out of their raw material they got about 14 per cent; the next year, with an additional 12 months' experience, they got about 22 per cent, and the next year they got about 35 per cent. The Germans, as a rule, were getting about 98 per cent, and this witness indicated that with the accumulated experience which came in handling the process eventually we would be able to get as much as the Germans did. So, as I

said, it is not knowing the process that counts, but it is knowing how to work the process to the best advanage.

Mr. WATSON. That is to say, until this chemical knowledge shall have been scientifically applied as well as scientifically obtained they do not succeed in getting the yield that will make it commercially profitable. After these chemists have worked for months on a given formula, or making new compounds for the manufacture of intermediates or dyes, and it seems as if they will arrive at a great degree of perfection, as evidenced in the laboratories, when they go into the factory and use the same formula they really get no yield, or but a very slight yield, and they have to go back and do it all over.

[At this point Mr. WATSON yielded the floor temporarily.]

Mr. NUGENT. Mr. President, if the Senator will pardon me for interrupting him——

Mr. WATSON. Certainly.

Mr. NUGENT. For the purpose of demonstrating the difficulties which were encountered in the manufacture of these dyestuffs because of lack of experience, I call attention to the testimony of a Mr. Klipstein, at page 178 of the hearings, where he said:

> Then the next step that comes up is, of course, the question of chemists, the question of people to do this. It is very easy to make all of these products. They are little, simple problems that you get in a primary way in the technical schools of the country. Anyone can go to work and make these dyestuffs with their students, but when you come to deal with a plant that costs $125,000 and material that costs $20,000 for a charge it is a very different question. You have to have the experience, our people have got the experience and they can not do it.
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> I can give you an instance that will illustrate that better than anything else. There was a certain raw product that I wanted to make. It was absolutely necessary to several others. I had a man that made it beautifully in the laboratory, so I said, "All right; now put in the machinery." He designed the machinery and started to work. On the first operation he got about a 2 per cent yield. He made a second one. We kept on for three or four months, and he never got any higher than a 10 per cent yield, which made it absolutely impossible.
>
> I turned it over to somebody else, and he worked on it for a month or two and could not get anything. Finally I put it back under the first man again. He had been thinking about it in the meantime and watching what had been going on. The very first day that he started the old machine up, the same machine, he came back and said he was getting a 90 per cent yield, that it was all right, and that he was going on.
>
> Now, what do you suppose made the difference between success and failure there? It took him all that time to find it out. He found out that he was running the stirring apparatus in his test kettle five revolutions a minute too fast. He slowed it down five revolutions a minute and got what he wanted.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. STERLING. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection?

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Elkins	Keyes	Pomerene
Ball	Fletcher	King	Sheppard
Beckham	Frelinghuysen	Knox	Simmons
Borah	Gay	Lenroot	Smith, Ga.
Brandegee	Glass	Lodge	Smoot
Calder	Gore	McKellar	Spencer
Capper	Hale	Moses	Sterling
Chamberlain	Harris	Norris	Sutherland
Colt	Harrison	Nugent	Thomas
Culberson	Henderson	Overman	Townsend
Cummins	Johnson, S. Dak.	Page	Trammell
Curtis	Jones, Wash.	Phelan	Underwood
Dial	Kellogg	Phipps	Wadsworth
Dillingham	Kendrick	Pittman	Watson
Edge	Kenyon	Poindexter	Wolcott

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The Senator from South Dakota [Mr. STERLING] asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. JONES of Washington. Mr. President, I wish to ask why the unfinished business should be laid aside when there does not seem to be any possibility of the dyestuffs bill being disposed of to-day, and to-morrow we will have the peace treaty up and the dyestuffs bill will go over again? In other words, it seems to me that this is simply a waste of time. If there is any special reason why the unfinished business should be laid aside, I will make no objection.

Mr. STERLING. I will simply say that the matter was presented to me as an emergency measure, and I consented on that account on yesterday that the unfinished business might be temporarily laid aside for the consideration of the dyestuffs bill to-day, my impression being from what was told me that it would not take very long to dispose of the dyestuffs bill and that it would probably be finished to-day.

Mr. JONES of Washington. I understand from the Senator from Colorado [Mr. THOMAS] that it will probably be days before the bill is disposed of, even if it should be kept before the Senate.

Mr. THOMAS. I want to quiet the apprehensions of my friend the Senator from Washington. I expect to speak at some length upon the bill and in opposition to it. That was the reason for the statement I made.

Mr. JONES of Washington. That will be interesting to the Senate.

Mr. THOMAS. It will probably be neither interesting nor profitable.

Mr. JONES of Washington. I do not agree with the Senator on that.

Mr. THOMAS. But I think it is my duty to speak on the bill. Of course, it will interfere with the passage of the bill to-day unless we hold a night session.

Mr. STERLING. Under the circumstances I feel impelled to ask unanimous consent to lay aside the unfinished business temporarily to-day.

Mr. JONES of Washington. Of course, as the Senator in charge of the bill makes that request, I shall have no objection.

Mr. PITTMAN. Mr. President, in view of the statements made by several Senators, I object.

Mr. WATSON. Then I move that the Senate proceed to the further consideration of House bill 8078, the dyestuffs bill.

Mr. LENROOT. I suggest to the Senator from South Dakota that that would permanently displace the civil-service retirement bill.

Mr. STERLING. I did not understand that the motion would displace entirely the retirement bill. I appreciate the force of the suggestion that it will do so.

Mr. WATSON. I stated to the Senator very frankly that it would displace his bill; and his bill would have to be brought up again.

Mr. STERLING. I did not so understand the Senator from Indiana.

Mr. SMOOT. May I suggest to the Senator from South Dakota that he could move at any time to take up Senate bill 1699. I do not think there will be any doubt that we can by vote take it up at any time we want to do so.

Mr. STERLING. I feel that I can not consent, under those circumstances, to the displacement of the retirement bill.

Mr. WATSON. I, of course, have every consideration for my friend and seat mate, the Senator from South Dakota, but for the last five or six days I have been waiting for his bill to be disposed of in some way in order to bring up the dyestuffs bill. The bill I am representing here on the part of the Finance Committee is an emergency measure brought out under great pressure of circumstances to meet an exigent necessity growing out of war conditions, and now peace conditions, and therefore, his measure not being an emergency measure and he having the privilege at any time in the future to bring it up, I think that we ought to be permitted to go on with the dyestuffs measure. I therefore insist on my motion.

Mr. POINDEXTER. Mr. President, the Senator from Indiana [Mr. WATSON] has made a very convincing statement of the advantages of his bill. I do not think that anyone could very successfully dispute his proof of the merits of it. There is another tariff bill that is pending in the Finance Committee upon which just as convincing a demonstration of its need and of the emergency in the industry which is intended to be met by it can be made. I refer to the magnesite bill.

Mr. HENDERSON. Will not the Senator also include in that the tungsten bill?

Mr. POINDEXTER. That is very likely true, Mr. President. Personally I am not so familiar with the tungsten bill.

Mr. NUGENT. Mr. President——

Mr. WATSON. I yield to the Senator from Idaho.

Mr. NUGENT. I hope the Senator from Nevada [Mr. HENDERSON] will not say that the pearl-button bill is also included in that category.

Mr. FRELINGHUYSEN. Will the Senator suffer an interruption?

Mr. WATSON. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I think that the committee intend to give full consideration to all the measures that have been presented to them. I have a bill in which the people of my State are very much interested—the question of glass and surgical instruments. I understand that that bill is being considered, but we can not consider more than one bill at a time, and I do not believe that the committee can report more than one bill at a time. I believe that these matters will come

before the Senate in due time for consideration; I hope so; but because they have not reported my glass bill I do not intend to object to this other very important question being considered at this time. I hope the Senator from Washington will permit the bill to be considered now inasmuch as there are at the present time many of the industries in the country anxious to know what the policy of the Congress is going to be as to the protection of dyes and coal-tar products.

Mr. POINDEXTER. I am very glad to hear the encouraging suggestion of the Senator from New Jersey that the magnesite bill may possibly be reported out from the committee.

Mr. WATSON. If the Senator will permit me, the subcommittee heard all the evidence on the magnesite question and made a report—a majority and minority report—to the full committee. The full committee ordered a favorable report, and after that report was made the committee ordered it withheld for the time being. The Senator understands very well the situation. Personally, I am in favor of his measure. I have not any hesitancy in saying that; but I am only one member of the committee and, of course, can not control its action altogether. If I can have my way about it, when this dye bill shall have been disposed of, I am perfectly willing to go on and pass his measure, so far as I am concerned.

Of course, there are a number of other members of the committee—and some of them have different views—whom I am not able to control; but, for my very life, I can not see why the Senator, believing in the merits of his proposition, should object to this proposition, which is being tested here on its merits. If the two stand exactly alike, on a common ground, and one is just as meritorious as the other, why should the Senator object? Is he not putting himself in a dangerous position, for when his proposition comes up somebody will object to it, just as he is now objecting to this?

Mr. POINDEXTER. Mr. President, I do not object to any meritorious bill of this kind. Such measures should stand upon the qualities which they severally possess; but it has been admitted by the Senator from Indiana that he agrees with me as to the merits of the magnesite tariff bill. One of the essential elements of the policy of protection is that it should operate uniformly for the protection of all the people in any legitimate industry.

I do not know that it is necessary at this time to go at length into a discussion of the various influences which are said to be operating in these matters, which seem to be able to promote the report of a bill for the protection of an industry in which some people are interested and to suppress a bill for the protection of an industry in which other people are interested. No system for the protection of American industry which is based upon discrimination and favoritism can possibly be justified.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. POINDEXTER. I yield.

Mr. WATSON. I do not believe that the Senator has well weighed his words when he makes that statement. While the general proposition which he states is true, its application in this case is absolutely untrue; that is to say, there is nothing in the nature of favoritism here. We took up the dye question, considered it at great length, and came to the conclusion that it was of overwhelming importance. Coming to that conclusion, we insisted on its early presentation. Personally, I was just as much for the magnesite bill as for the dye bill, believing that both were equally meritorious; but after all one is of such stupendous importance as compared with the other that we thought we might well take up this bill first and give it immediate consideration.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. POINDEXTER. I yield to the Senator.

Mr. GORE. I want to ask the Senator from Indiana if I understood him to say that the magnesite bill had been reported to the whole committee from the subcommittee?

Mr. WATSON. It has been reported to the full committee by the subcommittee and been reported favorably by the full committee, and then afterwards the report was ordered withheld.

Mr. GORE. Are any other of these single-shot bills in that category?

Mr. WATSON. Yes; the bill as to surgical instruments——

Mr. GORE. And as to zinc, and so on?

Mr. WATSON. The bill relating to chemical glassware and the one having reference to optical instruments.

Mr. GORE. And as to the bills relative to tungsten and zinc, have they reached that stage?

Mr. WATSON. No. I will say to the Senator from Oklahoma that the bill in reference to zinc has not as yet been favorably considered by the full committee, though it has been favorably considered by the subcommittee.

Mr. THOMAS. By the majority of the subcommittee.

Mr. WATSON. I accept the amendment of the Senator from Colorado—by the majority of the subcommittee.

Mr. FRELINGHUYSEN. Will the senator from Washington suffer an interruption?

Mr. POINDEXTER. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Mr. President, during the war the glass factories of New Jersey captured from German industry the manufacture of laboratory glassware, a product which had never theretofore been manufactured in this country owing to the extreme competition of Germany. At the present time those factories are closed down, it being uncertain whether or not they will be protected against German competition and the low wages now being paid in Germany to the glass workers, 12 cents an hour, as against approximately 70 cents an hour, the amount which is paid here.

Mr. THOMAS. Mr. President, I think the Senator from New Jersey means Japan and not Germany.

Mr. FRELINGHUYSEN. No; I mean in Germany and in Belgium. The competition of Japan is in surgical instruments, being another item of the bill.

This bill was introduced by Representative BACHARACH, from my State, and has been before the Finance Committee of the Senate; they have considered it, and it has been ordered reported to the Senate. I am extremely anxious that the bill should come before the Senate; but I am not complaining, realizing that it has never been a custom of this body to impede the progress of any legislation simply because the committee has not reported some other bill in which a number are interested. Therefore I feel that in due course of time the Finance Committee will report all of these bills to the Senate for consideration.

Mr. POINDEXTER. Mr. President, what the Senator from New Jersey says as to legislation on different subjects is undoubtedly correct, but when it comes to legislation upon the same subject, and there is simply a question of the items which shall be included in it, when it comes to the application of a beneficial principle, and the question is as to whether or not that principle shall be applied equally to the benefit of all the citizens of the country who come within its scope, that is an entirely different matter.

The magnesite bill has been, as the Senator from Indiana [Mr. WATSON] has stated, ordered reported by the Finance Committee after a full hearing and consideration. In view of that fact, and in view also of the fact that it has been considered by the Ways and Means Committee of the other House and has been passed by the House of Representatives, the same action should be taken upon it by the committee as upon the dye bill.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. POINDEXTER. I yield for a question.

Mr. WATSON. How does the Senator expect to promote the consideration of the magnesite tariff bill by opposing this bill?

Mr. POINDEXTER. I am not opposing this bill.

Mr. WATSON. Then, I beg the Senator's pardon.

Mr. POINDEXTER. I expect to vote for this bill if we are compelled to vote. I believe that it is a meritorious bill, but I am insisting that we shall have an opportunity, through the medium of a report from the Finance Committee placing it upon the calendar, to vote also upon the magnesite bill at an early date. I object to discriminations; I object to affording an opportunity to vote upon a measure for the benefit of a certain section of the country, or for the benefit of those companies which by reason of their investment in the dye industry are concerned in this bill, and denying a similar opportunity to other great sections of the country and to people whose investments are in magnesite.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator.

Mr. KING. I hope the Senator will not think that I am irreverent to the sacred cause of protection if I suggest that it might be a wise idea to drive these bills in tandem through the Senate, or commit them all to those who are interested in a high tariff and let them offer one splendid, symmetrical bill

that will give the people who want a high tariff just what they desire.

Mr. FRELINGHUYSEN. Mr. President, will the Senator from Washington suffer an interruption?

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from New Jersey?

Mr. POINDEXTER. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I appreciate very much the sarcasm of the Senator from Utah, but in this case it is not well applied. The President of the United States has already in a message to Congress urged that it was important, not only in order that we might capture from German competition the dye industry and the coal-tar industry, but as a measure of preparedness it was our duty to concern ourselves not only with tariff legislation but with a leasing system in order that we might gain from this war what we had accomplished during the war.

Mr. POINDEXTER. Mr. President, the sarcasm, as the Senator from New Jersey has denominated it, of the remarks of the Senator from Utah does not trouble me at all, because I believe in the protective principle. I judge from his remarks that the Senator from Utah does not. I am perfectly willing that the bills shall be driven either in tandem or all abreast through the Senate, if the facts in the case justify the application of the protection principle to them.

This is not a time, it seems to me, when the Republican Party ought to shy at the principle of protection, which it has advocated for more than a generation, because of the taunts of the Senator from Utah or anybody else; but that great principle which has been, perhaps, the most characteristic policy of the Republican Party, could never have been justified, it would never have been approved by the American people, if the application of it in times past had been undertaken in the manner in which it is undertaken now, by selecting an item here and there and if an interest was able to muster back of it sufficient influence to get action upon it, and that others equally meritorious should be denied the benefits of protection.

It is not necessary, Mr. President, that we should vote at the same identical time upon these bills. I realize that so long as they are separate bills we can not do that; but everyone is familiar more or less with what has occurred in the Committee on Finance. It is quite an unusual thing, after a subcommittee has been appointed and has had hearings and has reported a bill favorably to the full committee and the full committee has ordered a report to the Senate, that that report is withheld and, for some mysterious and unknown reason, which is not explained, the order of the committee is not carried out. I should like to know something more about that—what the influences and reasons were.

I have heard some intimation that Senators upon the committee were afraid to go before the country upon the merits of a tariff upon the articles that are covered by these bills. If that is the reason, the same reason applies to the dye bill as it does to the magnesite bill; more so, in fact, because the dye bill in effect places an embargo upon the importation of dyes, whereas the magnesite bill only places a tariff duty of a half a cent a pound upon that essential material.

Mr. President, while it has been pointed out that Germany, by reason of the terms of the peace treaty, is to deliver, as I recall, half of her production of dyestuffs to the Allies—or whatever the proportion may be—magnesite also is a product of a late enemy country. The bill which the committee has been ordered to report and which it has failed to report is intended, as is the dye bill, to protect an industry which was developed through the patriotic efforts of American citizens to supply the needs of the Government during the war.

I am told that some Americans who are interested in the production of steel have an investment in Austria, and that by reason of that fact an influence has been exerted to suppress this bill for the protection of those who have invested in the production of magnesite in the State of Washington and in the State of California. All through the great Rocky Mountain region, in Arizona and in Nevada and other States, there are large deposits of magnesite which are capable of commercial production if they are given the reasonable amount of protection which is provided for in this bill. Our people were appealed to by the Government, when the war prevented the importation of magnesite from Austria, to produce magnesite, to develop these mines, in order that the steel industry might continue. They did so. Now that the war is over, and these gentlemen of Pennsylvania are interested from a financial standpoint in resuming the importation of magnesite from a foreign country, they seem to have forgotten the patriotic services which were rendered in the development of magnesite in this country, upon the urgent appeal of the Government, when we were in the throes of war.

I call attention to the report of the House Committee on Ways and Means. The magnesite bill is set out in the report. It provides:

That on and after the day following the passage of this act there shall be levied, collected, and paid upon the articles named herein, when imported from any foreign country into the United States or into any of its possessions, the rates of duties which are herein prescribed, namely:

1. Magnesite, commercial ore, either crushed or ground, one-half of a cent per pound.

2. Magnesite, calcined, dead burned, and grain, three-fourths of a cent per pound.

3. Magnesite brick, three-fourths of a cent per pound and 10 per cent ad valorem.

SEC. 2. That paragraph 539 of the tariff act of October 3, 1913, is hereby repealed; and that so much of paragraph 71 of said tariff act and of any existing law or parts of law as may be inconsistent with this act are hereby repealed.

The Committee on Ways and Means reported to the House of Representatives upon it as follows:

Hearings were had upon the bill to determine the question of adequate rates of duty for the protection of the magnesite industry, at which hearings testimony was offered on the part of the Tariff Commission, the Geological Survey, the Bureau of Mines, and the magnesite producers and manufacturers.

The sworn statements of six of the largest domestic producers were filed with the committee, showing the average cost per ton, without profit, of dead burned magnesite delivered at Atlantic ports to be $41.20 at the present time. The testimony also showed that the prewar selling price of the Austrian product, including profit, in the United States was $16.15, making a difference between the present cost, without profit, of American magnesite laid down on the Atlantic seaboard and the prewar selling price of the Austrian product of $25.05.

While the magnesite producers urged upon the committee that higher tariff rates are necessary than those provided in the amended bill, yet, owing to the lack of showing and knowledge of future conditions in Austria with respect to this commodity, and particularly with regard to the cost of the same, and having regard to all testimony and conditions as presented, the committee resolved the matter upon the basis of the rates specified in the amended bill. They believe that under such rates the domestic producers and manufacturers will be able to compete upon equal terms with the Austrian product.

In this connection it appears that a quotation has been made for the delivery of Austrian magnesite f. o. b. Atlantic ports at $26.50 per net ton, as compared with the prewar selling price of $16.15, above referred to.

I may say at that point, Mr. President, that the only competitor of the United States in the production of magnesite is Austria, and that the deposits of magnesite in that country are located near navigable harbors, so that those who are financially interested in these deposits—and they are American citizens, as I am informed—have the advantage of water transportation practically the entire way from the mine to the consumers, the consumers consisting very largely of the steel manufacturers upon the Atlantic coast, located also near navigable waters; and that is one of the reasons why it is necessary, if this American industry is to be continued at all, that there should be a protective duty levied upon foreign importations. Every principle upon which the theory of protection is based applies in this case. If the committee is going to abandon the principle, then we will have to take our fortune with the rest; but if it is to maintain the principle then let the committee stand for it in this case, as in the case of dye, and let those who are opposed to it oppose it; but there can not be any just discrimination between the two.

We are told by Members who speak without any authority that the magnesite bill may at some future time be reported out; but we have no assurance that it will be. The fact that it has been recalled by the committee, that the report which had been ordered has been suspended, indicates that very likely some influence—probably that which is interested in the Austrian mines—is endeavoring to prevent any report at all; and I insist that before the dye bill is presented to the Senate for a vote the magnesite bill shall be put upon the calendar, at least, where it can be called up at an early date to take its chances with other tariff legislation before the Senate and before the country.

Reading further from this report, Mr. President, it is stated that—

The testimony showed that an ocean rate on Austrian magnesite has been fixed of $7.50 per ton, as against the prewar rate of approximately $2 per ton; and as this material is used as ballast, it is possible that the ocean rate may be subsequently reduced to approximately that of normal times. On the basis of such quotation for present delivery a differential between the present Austrian selling price, including profit, and American magnesite at Atlantic ports, without profit, is $14.50 on dead-burned magnesite, and the tariff rate of three-fourths of a cent per pound provided in the amended bill is therefore deemed adequate.

A tariff of one-half cent per pound has been placed upon crude magnesite ore, as the testimony shows that without protecting the crude material it would be possible to defeat the object of this bill by importing crude magnesite into this country and then manufacturing it into dead-burned or calcined magnesite at such a price as to prevent the production of dead-burned magnesite in this country.

The testimony further developed the fact that it requires 2 tons or more of crude magnesite to make 1 ton of dead-burned or calcined magnesite.

The testimony shows that magnesite brick consists only of the dead-burned magnesite to which water has been added and then pressed into the form of a brick. It was therefore necessary to place the same specific duty on the material in the brick as upon dead-burned magnesite, for the reason that if the brick were imported without this duty they might be broken up, and we would have, in fact, loose, dead-burned magnesite admitted without specific duty, and would thus defeat the purpose of this bill.

Of course, Mr. President, the old question that is one of the fundamental questions involved in a protective tariff system is involved in this bill. That is, the protection not only of American capital invested in the industry but of American labor engaged in the production of this product. On the one hand we have Austrians, who until lately were and as a matter of fact at this moment, in so far as the technical and strictly legal situation is concerned, are enemies of the United States and have been waging war against the United States. They are accustomed to lower standards of living, lower wages, and are competing in the production of this product with the higher paid American workmen, with their higher standards of living.

Yet the American industry is to be suppressed and we are asked here to accept the situation without protest while we pass another bill for the benefit of some one else who has no superior claim to tariff protection.

I do not think it can be justified. I do not think that those who are sponsors for the bill should expect to get the support of those who believe in the protective-tariff system if they are to make selections and discriminations of that kind, and it is only for that purpose that I am making this objection. I know there is some objection to the consideration of the dye bill by those who are opposed in toto to the entire principle of protection and to all of the pending tariff bills. That is not my object. If the necessity is forced of voting upon this bill alone and separately and without having an opportunity to vote upon the other bill, I shall vote for it, because I believe it is meritorious; but I shall not do it without protesting against the denial of the same privilege to those who are interested in the magnesite bill. Nobody has undertaken to show upon this floor, in reporting out one bill and suppressing the other, that the bill that is reported out has a higher claim to protection than the one that is suppressed.

I would like to know why one is reported and the other is not reported, why this sudden change has come over the spirit of the committee. I will not go into the details at this time—I will later if necessary—as to the reasons of the committee for reversing its own action, although not adapting the expedient of recalling a bill which they had already reported or of asking that it be recommitted to the committee, as they could do if they desired to treat all upon an equal basis. It is a most flagrant case of discrimination and favoritism. It would be different if we had any assurance that the magnesite bill would ever be reported to the Senate. I am not asking now that it be passed by the Senate; no man can control that; we would have to accept its fate, whatever it might be, upon the judgment of the Senate. But upon the judgment of the committee itself we are entitled to an opportunity to submit to the Senate that bill, in which the great States of the West are interested, in the same manner that the manufacturers of New Jersey are granted the privilege of a vote upon the dye bill.

Mr. FRELINGHUYSEN. Mr. President, will the Senator suffer an interruption?

Mr. POINDEXTER. Certainly.

Mr. FRELINGHUYSEN. The interest in the dye bill is not limited entirely to New Jersey. There are many other States in the Union where there are manufactures of dyes and coal-tar products. New Jersey, I understand, has about $40,000,000 of the industry, while the entire industry in the United States closely approximates $100,000,000. But there is something more than that, and that is whether this country shall be independent of Germany in regard to the manufacture of coal-tar products for ammunition, for explosives, and for other measures of preparedness.

Mr. POINDEXTER. I think the Senator is entirely right. I mentioned New Jersey not as being exclusively interested, but because some reference was made a moment ago to some dye industries which are located in that State. I only mentioned it by way of illustration, and I agree with the proposition of the Senator that there is hope that this industry may be further extended, until every section of the United States which has the natural advantages to engage in it may have the opportunity of doing so. Every word that is said to that effect, every argument that can be made in favor of it, can be said with like effect and with equal force as to the production of magnesite from the great natural deposits which lie in the States of the West. We ask the same application of the principle of protection that is granted to the manufacturers of the East.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SMOOT. The Senator knows very well that I never shy at the word "protection."

Mr. POINDEXTER. I would be very much surprised if the Senator did.

Mr. SMOOT. I have never in my life, nor do I ever expect to. I want to say to the Senator now, as far as this bill is concerned, if I had had my way about it it would have been a straight protective bill, providing a specific duty that would protect the dye industry of this country, and I would not have had any embargo provision on it, or any license system as provided in the House bill. I believe in the protective tariff principle, and I would have granted a reasonable rate of protection in this bill.

Mr. POINDEXTER. I am delighted to hear that statement from the Senator.

Mr. SMOOT. I want to say now to the Senator that as far as the magnesite bill is concerned he knows that if I were going to support any tariff measure, and it became a sectional question—although I never have believed that the principle of a protective tariff is a sectional question—I would be with the industries of the West. As far as the magnesite bill is concerned, I am ready to report the bill just as soon as it can be reported, if the bill can secure sufficient votes to pass the Senate. I think the Senator will criticize that position, and I am not going to take the time now to say why I make that statement. But I can explain to the Senator, and will do so if he insists, why the magnesite bill has not already been reported to the Senate. I want to say to the Senator that I expect the magnesite bill to be reported to the Senate, I expect the tungsten bill to be reported to the Senate, I expect the pearl-button bill to be reported to the Senate, I expect the glass bill to be reported to the Senate, and I expect the scientific-instruments bill to be reported to the Senate.

If the Senator will only have a little confidence in the committee—and I think also that it would perhaps be better to state frankly to the Senator just why I make that statement—I know that the committee is going to do that which is best for the industry. I think I have a right to say it. Because of the fact that the Senator from Pennsylvania [Mr. PENROSE] is absent on account of illness and the Senator from North Dakota [Mr. MCCUMBER] is absent on account of illness in his family, I am the ranking member of the committee, and I am going to call the committee together either this week or the beginning of next, and then it will be definitely decided whether all of the bills mentioned by me shall be reported out. And I think if one of them is reported to the Senate, they will all be reported out. That will be my position, I will state frankly.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield.

Mr. KENYON. I would like to ask the Senator from Utah if these other bills have an embargo provision?

Mr. SMOOT. No, Mr. President. They are straight protective-tariff bills, and every single bill that I work for will be that kind of a bill. Of course, I know that there are dyes made in this country that perhaps could not be protected to-day with any reasonable rate. Take vat dyes, for instance; the dyes that are used for the dyeing of cotton shirtings and for other purposes, where fastness is absolutely required.

So far those dyes have not been made successfully in this country. They may be made, but with any ordinary tariff duty upon them to-day they could not be protected. I say frankly, just as I said before, I would not shy at a protective duty, particularly if it were limited to three years, as in this bill the embargo provision is limited, to take care of special items. I am not particular what rate of duty is required in order to establish the industry in the United States, for when it is made a successful industry, when the processes are perfected—and by "perfected" I mean when they are manufactured as successfully as in other countries—then it would not require a high rate of duty. This bill is limited to three years, and no industry within that time could be established and begin the manufacture, say, of vat dyes required by a large majority of

the cotton manufacturers of the country in a less period of time. Then, at the end of three years, we would know the situation exactly as it then existed. We would impose whatever duty was required, after an examination as to what it cost at the end of the three years to make those goods in this country and the cost of producing them in foreign countries. That is my position in relation to these bills.

Mr. POINDEXTER. I am very glad to hear that statement from the Senator. But entertaining that view, and feeling on the subject as intensely as the Senator indicates—and I know he is speaking sincerely about it—I do not understand why the Senator should hesitate to report out a bill such as this magnesite bill, which involves those principles, because he says he feels it can not pass the Senate. I do not quite understand why a committee which believes in a great principle like this would not be willing to back its belief and take the consequences of a vote in the Senate. The committee then will have absolved itself, so far as the performance of its duty is concerned. But for the Senator to say that they will not report this magnesite bill out because he is afraid it will not pass the Senate, although he entertains such a profound conviction of its merits, seems to me to be rather a peculiar position. I do not criticize the Senator for any position he would take, but I say it seems to me that he ought not to treat this bill in that way.

Mr. SMOOT. Mr. President, I will say frankly that if I had my way about it we would have an entire revision of the tariff. But the Senator knows that whenever the tariff is revised, whether it be up or whether it be down, the business interests of this country are unsettled, and what is the use of unsettling the business of this country when we know that a protective tariff bill, which will be absolutely necessary when normal conditions arrive in the world, would not be signed at the other end of this avenue, and the only reason why these bills have been passed——

Mr. POINDEXTER. Is it because they are supposed to be emergency measures?

Mr. SMOOT. It is because, as the Senator says, they are emergency measures. That is all there is to it. I thought, Mr. President, that if I knew beyond the question of a doubt that these bills could not pass the Senate of the United States what would be the use of bringing discussion of them on the floor of the Senate? What good would it do? I say now that if I were personally interested in the production of tungsten, magnesite, or any of the other items covered by these special bills I would very much prefer not to have adverse action on the part of the Senate, because I believe that just as surely as the sun will rise to-morrow morning there will be a change in the administration at the next election. I believe that there will be a Republican President, a Republican House, and a Republican Senate, and then a tariff bill can be passed carrying a general revision of the tariff and covering all items mentioned in the special bills,

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I will yield in just a moment to the Senator, but before doing so I want to say to the Senator from Utah that I do not agree with him in his view of expediency. If expediency is going to enter into this matter at all, I believe that the Senate Committee on Finance and the Republicans in the Senate who believe in a reasonable degree of protection for certain industries which have originated during the war and need the benefit of it now, and that if they are going to be saved it can not be deferred, ought not refuse to act for fear that the Democratic Party, which is not a high-protection party, would not support those measures. I believe they should stand upon the doctrines in which they believe. But, although I differ with the Senator as to the propriety of withholding bills for that purpose, I do not believe, even conceding his viewpoint, that any such condition would arise in the Senate, because I am satisfied that the magnesite bill will pass the Senate if it is reported from the committee and the Senate given an opportunity to vote upon it. Indeed, I am assured that it will pass.

I wish also to say to the Senator that it is somewhat difficult for me to reconcile the views of a Senator whose devotion to the principle of protection is so well known as those of the Senator from Utah with his action, which he has just declared, based upon fear that bills containing a reasonable degree of protection for substantial essential industries in which our people, at the request of the Government, have invested their money shall be suppressed and yet report out a bill which goes far beyond any principle of protection and levies an embargo equivalent to a prohibitive tariff duty, which every reasonable protectionist has always heretofore repudiated.

Mr. SMOOT. I do not at this time want to go into the action taken by the subcommittee or what I said in the subcommittee or what I did in the subcommittee in relation to the dye bill or any of the other special tariff bills. In order to explain my position I would have to do that, and therefore I am going to ask the Senator from Washington [Mr. POINDEXTER] not to ask it at this time.

Mr. POINDEXTER. Why, certainly.

Mr. SMOOT. Not only that; I have been in the Senate long enough to know that any action taken upon rumor is very unsafe. When Senators promise there are so many Senators who are going to vote for a measure and I ask for the names of the Senators who are going to vote for it upon that side of the Chamber or this side of the Chamber, or vote against it, I want to see the poll and check it up.

I recognize that the Senator from Washington is deeply interested in the matter, and I thought that as long as the committee had been criticized for not taking action upon the bill he refers to, I should have said what I have.

Mr. MOSES. Mr. President——

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I have been striving to obtain the floor in order to ask a question of the Senator from Utah [Mr. SMOOT], but in view of the position he has just taken about "open covenants openly arrived at" in the Committee on Finance my question may be out of place.

I wanted to know what sort of canvass, if any, has been made of the Senate on the magnesite bill. I certainly have not been canvassed on that bill, and I have not heard of any activity approximate to that of the agitation on the dyestuffs bill with reference to the matter, and certainly I was unaware of any adverse opinion on the part of the majority of the Senate with reference to the magnesite bill.

As a matter of fact, Mr. President, my understanding is that the magnesite bill is upon exactly the same footing, technically, patriotically, and sentimentally as the dyestuffs bill. Magnesite is just as essential for war-time preparation as many of the by-products which are spoken of here with such an air of sanctity as if we must look after them particularly. Magnesite is just as essential in producing certain kinds of steel as certain by-products of coal tar are essential to certain kinds of explosives. Magnesite enters very largely into military work, as some of our men who charged the pill boxes where were ensconced the machine guns learned during their experience on the western front.

I can not understand why a differentiation has been made in the committee between the two bills, and particularly I can not understand why overnight the committee should have changed its opinion so suddenly. But I understand now that whatever the reasons leading to the sudden change on the part of the committee, whatever great light the committee saw as it journeyed toward Damascus on the tariff bill, it is not to be revealed to us, because the Senator from Utah tells us it ought not to be made known to us. I suppose we will have to be content with the absence of that information just as we have had to content ourselves with the absence of other information we vainly asked for in the course of other discussion equally important.

Mr. POINDEXTER. Mr. President, it bears a good deal an appearance of that species of internationalism which does a great deal of boasting about its love of America when it is profitable to do so, but when it finds that following the flag of some other country yields a greater return it is perfectly willing to do so.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. SMOOT. The producers of magnesite themselves have told me personally that they would rather that the magnesite bill be not reported if it could not pass the Senate. That position they have taken, and I believe it is a wise one on their part. I think it is a perfectly sensible position to take.

Mr. POINDEXTER. They are not taking that position at the present time. They are very anxious that the bill be reported out and put on the calendar.

Mr. SMOOT. Then they have changed since yesterday morning?

Mr. POINDEXTER. Yes; they have changed since yesterday morning, if that was their position yesterday morning, because I am informed of their position this morning. I think the Senator is mistaken, though he may have reasons for his position in his assumption that the bill would not pass the Senate if it is reported out of the committee.

Mr. SMOOT. I have not said it would not pass, I will say to the Senator.

Mr. POINDEXTER. I understood the Senator's apprehension on that subject was the reason for not reporting it.

Mr. SMOOT. There is an apprehension on my part, I will say to the Senator, and I have reasons for that apprehension. I am very glad to learn from the Senator that they are unfounded, but so far I have not seen any evidence that has changed my opinion. I hope that the Senator has the correct information and I am in hopes of receiving it very shortly.

Mr. POINDEXTER. In hopes of doing what?

Mr. SMOOT. Receiving the same information which the Senator intimates he has received.

Mr. POINDEXTER. I do not think the Senator need have any apprehensions on that subject.

I wish further to quote from the report of the House committee on this bill, in that part of it which indicates that the only competitor of the United States is our late enemy, Austria:

> It was also necessary to place an ad valorem duty of 10 per cent upon the brick in order to cover the estimated difference in cost of manufacturing magnesite brick in Austria and in the United States.
>
> Austria since 1888 has been the sole dependence of the United States for magnesite as a refractory mineral—a mineral essential to our welfare in war and peace. Our basic industries, steel, copper, and lead, are dependent upon magnesite as linings for their furnaces, as there is no substitute for magnesite brick.
>
> The domestic industry was created during the war and on account of the war to furnish these basic industries the magnesite which they required to manufacture war essential material. Permits have already been given to import Austrian magnesite, and the life of the domestic magnesite industry is threatened unless a tariff is granted which will permit the American magnesite industry to maintain itself in competition with Austrian imports.

As I said a moment ago, there is a certain species of internationalism which prates about American policies until it comes to the point where it finds that a foreign investment is more profitable, and then it is perfectly willing to abandon time-honored American principles, even though the interests which are concerned are among the chief beneficiaries of the protective system. I am told that this competitor of the United States in Austria which now opposes a tariff on magnesite is a corporation which is chiefly financed in Pittsburgh, though there is no place which has received more benefit from the protective-tariff system than Pittsburgh.

Mr. KNOX. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Pennsylvania.

Mr. KNOX. I will state for the information of the Senator from Washington that while it is true that there are gentlemen in Pittsburgh who have interests in Austrian magnesite, there are also quite a number of them who have magnesite interests in the West, and I find myself very much disturbed by the conflicting communications that I receive upon that subject.

Mr. POINDEXTER. I can appreciate the situation and embarrassment of the Senator from Pennsylvania.

Reading further, the report states:

> The Sixty-fifth Congress passed a bill appropriating $8,500,000 (Public, No. 322, 65th Cong.) to repay the net losses of American producers of pyrites, chrome, and other essential war minerals. Only such minerals as the Interior Department had to urge the production of were included in the bill. These minerals were not dependent alone upon Austria, as in the case of magnesite. The shortage of magnesite was prevented by the prompt action of producers who, knowing the United States was dependent upon Austria alone, were able to calculate a probable shortage during the war, and the Government was not compelled to stimulate production of magnesite. Had the magnesite producers failed to produce this material, the Government would have had to stimulate production, and then the magnesite producers would have been included in the war-mineral relief bill and have been repaid for their losses. They were not included for the above reason. The proposed tariff will not repay their losses, but will give the magnesite producers an opportunity to endeavor to earn a profit on their war investment of $3,500,000, and at the same time furnish an essential mineral to the steel, copper, and lead industries.
>
> The quantity of magnesite in the United States was shown by the Geological Survey and the Bureau of Mines to be sufficient to supply requirements of our country for 25 or 30 years, with the probability of additional development. In 1913 only one magnesite mine was operating in the United States, located in California, which produced 9,600 tons of crude magnesite per annum. In 1917, 65 magnesite mines had been developed in California and Washington, which produced 316,000 tons of crude magnesite, or sufficient to supply the steel, copper, and lead industries when Austrian importations were cut off on account of war. Only about 3 per cent of the domestic consumption of magnesite was produced in this country before the war.
>
> It would be manifestly a most unwise national and economic policy to fail to afford adequate protection to the industry in question and to permit it to perish, thereby reducing our country again to the position of depending upon a foreign source of supply for this absolutely essential war mineral. The President, in his message to Congress of May 20, 1919, among other things said: "There are parts of our tariff system which need prompt attention. The experience of the war has made it plain that in some cases too great reliance on foreign supply is dangerous, and that in determining certain parts of our tariff policy domestic consideration must be borne in mind which are political as well as economic."

That, Mr. President, is all that I have to say for the present. There are some other phases of the matter that I want to present later on.

Mr. KING. Mr. President, the loud lamentations and the noisy objurgations of the predatory interests of the United States, which for years fattened upon the results of the tariff policies of the Republican Party, fill me with profound distress. I am greatly grieved to know that their demands for the enactment of tariff schedules of the character under which they were permitted to exploit the people when the Republicans were in power may not be realized, at least for another year. It will, of course, be heartbreaking to many of the beneficiaries of unjust and criminal tariff laws that the postponement of their demands must ensue, because, as stated by the senior Senator from Utah [Mr. SMOOT], the President of the United States would not approve of projected tariff legislation. It is interesting to ascertain the present attitude of the Republican Party toward the tariff question, and it is instructive to listen to the disclosures just made relative to its purposes when it shall again be enthroned in power. The observations of the Senator from Washington [Mr. POINDEXTER] and the statements of my colleague clearly indicate that it is the purpose of the Republican Party, if it is intrusted with power, to enact tariff legislation; and my colleague states that there will be delay in such legislation until after the next election. He indulges in the prophecy that at such election the Republicans will sweep the country, and the deduction is clear from his remarks that when they do the voracious appetite of the high-tariff beneficiaries will be satiated.

I am inclined to believe that the emphatic predictions just made by my Republican friends result from a hope and desire for Republican victory, and a misguided zeal directed by partisan predilections rather than from any tangible evidence or substantial reasons. Permit me to state to my colleague and to my Republican friends who are pluming themselves upon the Republican Party winning at the next election, and already determining what that party will do when it comes into power, that the declarations just made by them are not calculated to further their hopes or to aid their party in the approaching contest. If the Republican Party appeals to the country upon a platform demanding extortionate tariff rates and schedules, I think I may follow the example of my colleague and other Republicans and indulge in prophecy, which is that the next President of the United States will be a Democrat, and the next House of Representatives will be controlled by Democrats, and the next Senate will be dominated by Senators of the Democratic faith.

Mr. WATSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. KING. I yield to my friend.

Mr. WATSON. I wish to call the attention of the Senator from Utah to the fact that the subcommittee report to the full committee on the dyestuffs bill was unanimous and that the full committee report to the Senate was unanimous. There was no partisanship whatever involved in the discussion, nor can there be any, unless the Senator from Utah and other men like-minded seek to drag partisan politics into the discussion. There is not any partisanship in the proposition.

Mr. KNOX. The President recommended the legislation.

Mr. WATSON. Yes, of course, the President has recommended it. Will the Senator from Utah yield to me while I read what the President said, not for my benefit at all but for his benefit, because I do not claim to follow the President except on very rare occasions, and then only when he agrees with me and I find that I agree with him when I withdraw into solitude and reexamine my mental processes. [Laughter.]

Mr. KING. I yield to the Senator from Indiana to read to me what the President says, but I wish, first, to say to the Senator that the very best work he has done in the Senate—and he has done good work—was when he followed the President of the United States. I commend to him as a safe and sure guide for his future conduct the splendid and patriotic example which he set in so often following the President, and if he will follow him more often and retreat less frequently into the solitude of his own mind, I can assure him that his services to the country will be far more productive of good and far more appreciated by the people. I now yield to the Senator.

Mr. WATSON. I do not care to follow my friend off into this inviting field. It is a subject, however, that might be discussed here to great advantage. However, inasmuch as there is no partisanship involved in this contest, I shall not follow the Senator even as closely as he follows the President, and some times that is afar off. The President in his message of December 2, 1919, said:

Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacture of dyestuffs, on the one hand, and of explosives and poisonous gases on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants.

I commend these wise words to the consideration of my friend from Utah.

Mr. KING. Mr. President, I heard the President deliver the message from which the Senator has just quoted and I have also read the message and am familiar with the paragraph which he has brought to my attention. I respectfully submit that there is nothing in the words of the President which support the past tariff policies of the Republican Party. No support can be found in these words for a Dingley or McKinley Act or for the schedules found in the Payne-Aldrich Tariff Act or in the selfish, un-American, and unpatriotic demands of many of the manufacturers and beneficiaries who have amassed swollen fortunes and founded criminal monopolies which were maintained and protected by Republican legislation. The words of the President just quoted are entirely compatible with the Democratic faith, and even if it were my province I could not declare them to be heretical nor unorthodox.

But I am not discussing the pending bill nor the reasons assigned to justify its passage. I express no opinion at this time concerning its merits, and would not have trespassed upon the Senate except for the observations just made by the distinguished Senator from Washington [Mr. POINDEXTER] and the able Senator from Utah [Mr. SMOOT].

The Senator from Washington is a conspicuous leader in the Republican Party. His views are entitled to great weight, and his candidacy for the Presidency gives to him additional prominence. Let me add by way of parenthesis that his colleagues in the Senate have a friendly interest in his candidacy, and are greatly interested in whatever contributes to his advancement. I listened with deep interest to the statements made by these distinguished Republican Senators, and the conclusion was inevitable that they regarded the tariff as the paramount issue before the American people. I warn my Republican friends that upon that issue they will meet an inglorious defeat. Once before, and at a comparatively recent date, the tariff rock split the Republican Party. The distinguished Senator from Iowa, the President pro tempore of the Senate, as well as other great Republicans throughout the United States, raised their voices in protest against and denunciation of the mad debauch of tariffism, if I may be permitted that expression, upon which the Republican Party had entered.

Soon after the Civil War certain interests in our country sought to control legislation in order to give them the control of the domestic market of the American people. Their purpose was to exclude foreign products, prevent competition, create oppressive monopolies and trusts, and gather from the toiling masses stupendous fortunes which would give them the control of our country and augment their power in international fields. Legislation was enacted in compliance with their demands, and their power and wealth became a menace to the Republic. Special interests exercised controlling influence in the Republic; these interests became predatory and autocratic, and from time to time they forced through Congress tariff bills which exploited the American people.

Col. Theodore Roosevelt lifted his powerful voice against the iniquities of his own party and endeavored to rescue it from the evil forces by which it was controlled and to purge it from the selfish and sinister influences by which it was guided. A brilliant Senator from Iowa, Senator Dolliver, whose untimely death the country so much deplored, in this Chamber and throughout the country denounced the infamies of Republican tariff schedules and warned his party against the certain retribution which would overtake it if it persisted in its reactionary and un-American policies. Strong men in the Republican Party affirmed that under the leadership of that party class legislation was being enacted and a plutocracy was being established which would be destructive of American liberty and of the Republic.

I need not call attention to the deadly struggle in the Republican Party, and the challenge which was made to the Republican organization by the liberal and progressive forces of that party who followed with enthusiasm and spirit the leadership of Theodore Roosevelt in the great battle which he fought in 1912. The American people repudiated Aldrichism and the reactionary tariff policies which were represented by the Republican organization and by the supporters of their candidate for the Presidency in that memorable contest.

Mr. President, there will be Republicans of standing and courage in this Chamber and throughout the United States who will not look with approval upon the spirit, if I have interpreted it correctly, that was manifested in the attitude of distinguished Republican Senators who have spoken to-day. They will not look with satisfaction upon an affirmation of a policy of their party which again commits it to the indefensible and un-American high-tariff legislation that characterized their party in the past, nor to a revival of the effete and anachronistic policies so at variance with the needs of the hour, and so reminiscent of bygone days of plunder and spoliation within and without the pale of the law.

Mr. President, it is manifest from what we hear from certain business interests and from certain Republican leaders that there is to be radical tariff legislation enacted if the Republican Party shall prevail at the coming national election. It will not be tariff legislation which looks for the replenishment of the Treasury nor to secure needed and imperative revenue. Indeed the tariff legislation demanded by certain manufacturing and other interests in our country avowedly is not for the purpose of obtaining revenue to meet the current expenses of the Government, but to prevent the derivation of revenue from importations. It will not be legislation which provides a differential based upon the higher wages paid in the United States from such as obtain in competing countries. It will be legislation in the interest of corporations and trusts and monopolies and gigantic manufacturing institutions, which will enable them to destroy competition and despoil the American consumer.

Speaking for myself, I shall welcome such an issue tendered by the Republican Party. I hope that those who control the Republican convention will have the courage to boldly declare their purpose and write into their platform policies and pledges which will harmonize with their intent to surrender to the predatory interests of the United States the control of the revenue and financial legislation to be enacted in the event of the triumph of their party. Upon this issue the result of the election will never be in doubt. The Republican Party will be repudiated, as it was repudiated in 1912, and the Democratic Party will be commissioned by the people to control for another four years the destinies of this great Republic.

Mr. President, the demands for tariff legislation coming from many of the great manufacturing and other interests of the United States which seek special privileges and advantages are not based upon any fear of successful competition from other countries or because of the necessity for protecting infant industries. Tariffs so high as to become prohibitive are demanded with equal pertinacity, whether the articles upon which the tariff is to be placed are upon the free list or the dutiable list. Many in their zeal for high tariff affect to believe that the enactment of a revenue law providing protection for substantially all products will prove the panacea for our economic and industrial ills.

Mr. President, I affirm that there can be no defense for the conduct of many of the great manufacturers of the United States who are to-day charging enormous prices for their products and making profits so staggering and so stupendous as to shock the moral sensibilities of decent people. There seems to be an absence of conscience upon the part of some of the producers and manufacturers of our country. There is no limit to their demands upon the public; they would repeal all laws forbidding combinations in restraint of trade and secure the enactment of prohibitive tariff laws so that without impediment or interruption they could despoil and plunder the American people. I denounce the unjust and oppressive exactions to which the consuming public are subjected by many of the great producers and manufacturers of our country.

Many of these corporations and enterprises are paying dividends larger than ever paid before and deriving profits beyond the dreams of avarice. Salaries and compensation are paid and expenses incurred and allowances and charges laid against the enterprises in order to diminish the income and excess-profits taxes, and yet, with all the subterfuges resorted to, the earnings are so fabulous as to excite the skepticism even of those who have knowledge of the facts. In to-day's paper I read that a certain shoe company's profits during the past year were, as I recall, six millions of dollars, two millions more than for the year 1918. These enormous profits were derived after paying all expenses, charges, taxes, excess-profits taxes, and every conceivable factor entering into the calculation.

Mr. SMOOT. Mr. President, will my colleague yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. The Senator certainly knows that the tariff has nothing to do with that, because shoes are on the free list.

Mr. KING. I am not contending that tariff is the basis of the profits of this corporation. I am speaking of the course pursued by so many of the manufacturers and controllers of industry in the United States who are taking advantage of conditions and imposing intolerable burdens upon the people. My colleague knows that many of the manufacturers and large interests in the United States, whether they are producing leather, or steel, or shoes, or woolen or cotton goods, or anything else, will, if the Republicans come into power, be heard knocking at the doors of the Senate and of the House, demanding higher tariff duties upon importations, and also the removal from the free to the dutiable list of many articles now found upon the free list.

There are, of course, thousands of corporations and individuals engaged in the manufacturing business and in other enterprises that deplore the profiteering that has characterized some business enterprises and some manufacturing institutions, and the excessive prices laid upon the people. They would be glad to join in any movement to reduce and stabilize prices and bring about normal conditions. They are satisfied with reasonable profits upon their investments, and realize that the best interests of the country, and permanent prosperity, will be promoted by conducting business in a legitimate and honest way and securing the confidence of the American people and the maintenance of a spirit of contentment throughout the land.

It is unfortunate that during the war there were some of our business men and business enterprises who manifested a spirit of selfishness that must call for severe condemnation. There were those who were willing to take advantage of their country and the American people at a time when this Nation was engaged in a titanic struggle to save civilization. In many instances the people were robbed by the extortionate demands of manufacturers and producers and the Nation was the victim of their intrigues and exploitations. Many of these same persons are the ones who are demanding special legislation at the hands of Congress and a change in tariff schedules and the imposition of duties which will commit to their hands unbridled power to impose upon the American people burdens that will prove not only oppressive but intolerable.

I think, Mr. President, that it is an act not only fatuous but unpatriotic for American manufacturers, who are now growing rich by the enormous profits which they are making, to come here and demand of the Congress of the United States that we shall augment the tariff rates, and as a pretext for the demands which they make cite conditions in Europe, point to the skill of German chemists and the German people, and direct attention to the low wages in Germany and in Europe generally. They know that it is impossible that there should be any real competition for some time to come between European countries and the United States except in some very rare instances.

Mr. President, we might derive benefit from a calm consideration of the speech delivered in this Chamber by the junior Senator from Pennsylvania [Mr. KNOX] a few months ago. He called attention to the distress in Germany, and, inferentially, to the prostrate condition of the people of Europe. The information conveyed to us almost daily proves the difficulty, if not impossibility, of central Europe becoming a competitor of the United States in the fields of manufactured products for a number of years to come, if at all. But there are evidences that certain interests in the United States, which in the past have profited unduly by high tariffs, plan to seize occasions such as this to urge general and special tariff legislation. Europe is prostrate; it is impossible for Germany for years to become a formidable competitor of the American people. The treaty which has been imposed upon Germany contains burdens and hardships that will make it well-nigh impossible for her to become a competitor in the manufacturing and producing fields of the world for many years; indeed, it would seem impossible for Germany to meet the obligations imposed by the treaty. We can not desire the economic destruction of Germany or any other country. There must be a spirit of tolerance, indeed of friendship, for all nations, including those who were our late enemies.

Mr. President, it has been said—and I am afraid it is true—that war made ten thousand or more millionaires in the United States. Every day we read of the stupendous profits which were made by men who had contracts with the Government, and by the manufacturers of steel and of the multitude of articles which the Government of the United States was compelled to purchase in the prosecution of the war. I was willing, of course, as everybody was, that a reasonable profit should be made, but the inordinate profits which have been made by many of the business interests of the United States gives ground for the unrest in our midst and are seized upon as pretexts by other elements of our country for demands upon their part. Mr. President, we must not permit class legislation; the interests of the American people are single, not divided; we are one people, and the spirit of this Republic and the faith of the fathers touch all alike. As Christianity is a moral and spiritual force which meets the demands and necessities of all men, so this Nation and its spirit and power must bring all into one class and integrate and coordinate all social and political and industrial elements, producing a homogeneous, progressive, and freedom-loving people.

If there is class legislation for the manufacturers or financiers, it will culminate in a demand for class legislation for labor or other factors of the country. If the rich, the manufacturers, the capitalists, secure legislation for their benefit, a cleavage in the economic and industrial structure immediately ensues, and labor will demand enactments which it conceives to be necessary for its protection and the maintaining of a proper equilibrium in the social fabric. Nor can there be complaint if labor asks for class legislation if capital has secured preferential consideration.

Mr. President, the American people are not going to be captured in the next election by any seductive phrases, nor are catchwords such as "protection" going to win their votes. They propose to examine the records of the parties, the platforms of the parties, the candidates of the parties, and they will patriotically support the party which stands for justice and equality, for the preservation of the Republic, and for the peace and prosperity and happiness of the people of our country.

The Democratic Party approaches the November election with supreme confidence. It has a record of achievement unparalleled in the history of this Republic; it has written upon the statute books within the last seven years a greater volume of constructive legislation than was enacted by the Republican Party in any two decades of its history; it carried to a successful issue the greatest war of all time; it brought prosperity to the American people and will preserve unimpaired the principles of liberty and justice which alone can save this Nation. The American people will not prove ungrateful. They will give their support to the Democratic Party and commission it to continue for four years more the duty of administering the affairs of this mighty Republic.

Mr. KNOX. Mr. President, I do not wish to appear odd, but the few observations I intend to make will be about the measure that is before the Senate, namely, the dyestuffs bill.

I am willing to start from the premises laid down by the President of the United States in his message to the Congress, and that is upon the theory that one thing that we have learned, if we have learned anything, out of the grievous experiences of the past four years is that the forces that held the legions of civilization at bay and almost overcame them were the spectacled chemists of Germany. I agree with the President that as a measure of preparedness it is essential that there shall be built up and maintained in this country a dye industry unsurpassed by that of any other country.

I do not propose to advance the ordinary arguments that have been used to support that proposition, but I am satisfied that if Senators will pause to consider they will agree with me that the whole face of the world has been changed by the creative or synthetic chemist within the last 10 or 15 years. We have at last discovered a fundamental truth, and that is that anything that we can analyze accurately and ascertain its constituent elements that thing we can create. I was told by an eminent chemist not long ago, "If you give me a water power and a mountain of limestone, I can almost put the farmer out of business. I can make starch; I can make sugar; I can make other foods essential for the maintenance of mankind."

Mr. President, this country, with its vast wealth, with its rapid progress, with its enormous population, and the speed with which we have been moving along the pathway of civilization, has overlooked many of the things which seem small, but which, when you come to examine them critically and carefully, are perhaps among the greatest of our assets.

Why was Germany in the position that her chemists have achieved much more than the chemists of this or any other country? The simple fact is that in Germany they do not burn their coal; they roast it. They make coke as a fuel, and they utilize their by-products for their chemical purposes, and especially for the manufacture of dyes. In Germany there is not a single beehive oven. A beehive oven is the old-fashioned oven in which the coke is burned, and the gases and the smoke escape into the atmosphere. In the United States probably not more than half of the coke that is manufactured is manufactured in the by-product oven that is used exclusively in Germany. I would amaze you if I were to read to you the value of the by-

products which pass off from these beehive ovens in the United States and pass up the smokestacks of the factories, where the gases and the other by-products are not utilized.

I have here a table taken from the testimony that was given before the committee, which shows the total amount absolutely wasted in the course of a year to be in value $930,188,000. It is given by States, and if there is any Senator who is curious to know the loss in his own State I shall be only too glad to read it. Referring to the State of Utah, for instance, the loss there is $9,999,000. It runs from four to eight and ten million dollars in the various States, up to the State of Pennsylvania, where the loss is $329,000,000 per annum.

Although the products of destructive distillation vary within wide limits, yet the following figures may serve to give an approximate idea of what may be got from a ton of soft coal:

From 1 ton of soft coal you get 12,000 cubic feet of gas; liquor (washings), ammonium sulphate, 7 to 25 pounds; tar, 120 pounds, from which when redistilled we get benzene, 10 to 20 pounds; toluene, 3 pounds; xylene, 1½ pounds; phenol, one-half pound; naphthalene, three-eighths of a pound; anthracene, one-fourth pound; pitch, 80 pounds; and coke, 1,200 to 1,500 pounds.

While those are the products of a ton of coal, and there are only 8 or 10 of them in number, yet the chemists will make tens of thousands of articles out of these products by the synthetic process. They make the explosives that kill and they make the medicines that cure.

Take a cord of wood, for instance. A cord of wood, 128 cubic feet, is subjected to a process of destructive distillation and yields, first, 50 bushels of charcoal, 11,500 cubic feet of gas, 25 gallons of tar, 10 gallons of crude wood alcohol, and 200 pounds of crude acetate of lime.

Mr. President, if this measure were a project to invest a billion dollars of Government money for the purpose of building up an industry that would save a billion dollars a year and be a great factor in our preparedness against another destructive war, I would favor it; but it is not that. The gentlemen who propose to build up these industries propose to do it at their own expense, and all that they ask the Government of the United States to do is to prevent for a period of three years the importation into this country of such dyes as are made here in merchantable quantities. The proposition is reasonable. It has nothing to do with the tariff. It is not a question of tariff legislation. It is a question of wise, farseeing preparedness and of wise, farseeing economy.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Indiana [Mr. WATSON] that the Senate proceed to the consideration of H. R. 8078, to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. WATSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Knox	Ransdell
Beckham	Gay	Lenroot	Sheppard
Brandegee	Glass	Lodge	Simmons
Calder	Harris	McLean	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Nelson	Sterling
Cummins	Hitchcock	Norris	Sutherland
Curtis	Johnson, S. Dak.	Nugent	Thomas
Dial	Jones, N. Mex.	Overman	Townsend
Dillingham	Kellogg	Page	Trammell
Edge	Kendrick	Phelan	Watson
Elkins	Keyes	Phipps	Wolcott
Fernald	King	Poindexter	
Fletcher	Kirby	Pomerene	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Indiana [Mr. WATSON].

Mr. WATSON. Mr. President, the Senator from Massachusetts [Mr. LODGE] informs me that he intends to-morrow to take up the treaty in accordance with his announcement upon the floor yesterday. Therefore I shall not press my motion and shall continue my remarks upon the dye bill. This will leave the measure that is in charge of the Senator from South Dakota [Mr. STERLING] the unfinished business.

The PRESIDENT pro tempore. Does the Senator from Indiana withdraw his motion?

Mr. WATSON. I will permit it to stand for the present, but I do not desire to have a vote taken at this time.

Mr. President, I was speaking when interrupted some three hours ago, in answer to the Senator from Utah, with reference to the production in the United States of crudes, intermediates, and finished dyes. We had in this country in 1918 35 establishments manufacturing crudes, and they manufactured those products to the value of $22,474,000.

We had 127 factories manufacturing intermediates, whereas before the war we had but one, and they manufactured 354,808,315 pounds of intermediates, valued at $123,817,966.

We had in the United States in 1918 77 establishments manufacturing finished dyes, and they produced 57,155,600 pounds, valued at $61,306,040.

I call the attention of the Senate to the striking contrast between that home production of dye under the prohibition enforced by the war, prohibition on imports, and the 45,000,000 tons that we imported from Germany and elsewhere, largely from Germany, before the war.

Mr. KENYON. Mr. President, do the Senator's figures in any way show the profits in those industries during war times?

Mr. WATSON. They do not.

Mr. KENYON. The dividends that were declared?

Mr. WATSON. They do not.

Mr. HITCHCOCK. Mr. President, can the Senator state the comparative prices charged by dye manufacturers before the war, under the 30 per cent tariff, and during the war, under practical prohibition?

Mr. WATSON. We have somewhere in the hearings an attempt to show an average price. But I want to say to the Senator that it is not a satisfactory statement, for the reason that the production up to this time has been what might be called an unbalanced production. For instance, we are making in the United States certain kinds of dyes in abundant quantities to satisfy the home demand, and in fact, last year we exported 17,000,000 pounds of dyes, instead of importing 45,000,000 pounds. The price has ranged lower on all of those products. That is the general statement that I can make and be justified by the facts.

On some of them the price is still very high, for the reason that we have not yet ascertained how to make the intermediates and how to complete the finished dye, and it will take very much more of research, and very much more of experimentation, before we do produce either a satisfactory intermediate or a finished dye.

For instance, I could give the Senator an example. Take a sulphur black, called Zambesi black. Although we are manufacturing a very great quantity of sulphur dyes in the United States, we have not yet produced an intermediate that will make that particular dye, though when the manufacturers of dyes were before our committee, several of them stated that within a very short time they would have another black that would make a suitable substitute for Zambesi black, and that it would be produced just as cheaply, whereas now none of that is being made in the United States. I mention that to show that it is not a uniform progress that we have made in the manufacture of dyes.

Mr. HITCHCOCK. Can the Senator put into the RECORD the average price per pound of dyestuffs before the war and during the war?

Mr. WATSON. I can give the report of the Tariff Commisson very recently made, and if the Senator desires, I shall be very glad to place that in the RECORD.

Mr. HITCHCOCK. Was the price twice as high?

Mr. WATSON. In some instances it was, and in other instances it was not. In some rare instances where the price was twice as high it has been reduced practically now to the normal price of prewar price. I will say to the Senator, if he will permit me, that in all the group called the azo group, and there was more of that group used than all other kinds together in the United States, and in the group called the sulphur group, some prewar prices are now had, whereas in the other groups that are more difficult to make, more difficult of composition, require more skill, the prices are not ranging so low, and may not for some time to come.

Mr. HITCHCOCK. Prior to the war we were in competition with Germany in the manufacture of those articles, and the American manufacturers now have voluntarily come down, as the Senator states, to those competitive prices.

Mr. WATSON. Partially.

Mr. HITCHCOCK. Then what is the urgency of again installing the prohibition of imports such as we had during the war?

Mr. NUGENT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. WATSON. I yield to the Senator.

Mr. NUGENT. If the Senator will yield to me for about a moment, I desire to call attention to the fact, as shown by the hearings, that at the outbreak of the war there were but six

or seven establishments in the United States engaged in the manufacture of dyestuffs, and that they were not dyestuff manufacturing establishments in the ordinary acceptation of that term, because they were engaged solely in the putting together of the intermediates that were imported into this country from Germany. So, as a matter of fact, there was no vast dyestuff manufacturing industry in the United States at the outbreak of the war and there were but six or seven establishments engaged in the putting together of the intermediates that were imported into this country from Germany.

Mr. HITCHCOCK. As I understood the Senator from Indiana, he stated that at the present time the manufacturers of the dyestuffs to which he refers are selling them at prewar prices.

Mr. WATSON. Oh, no.

Mr. HITCHCOCK. That was the Senator's statement.

Mr. WATSON I stated that some of them were being sold at prewar prices, but out of the three hundred and some different kinds of dyes that we are manufacturing but a very small portion of them are selling at prewar prices. But I did state that the prices are ranging lower on those.

Mr. HITCHCOCK. Has the Senator stated at any time what the emergency is which calls for pressing action upon this bill, with its prohibitory provisions?

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. WATSON. I yield.

Mr. SIMMONS. I wish to state to the Senator that before the war Germany had absolute control of the American market. Germany had a world monopoly, and that monopoly was in force and prewar prices were very high prices, for the reason that they were monopoly prices, the prices of the German monopoly.

Mr. HITCHCOCK. I am asking my questions upon the basis of the statements made by the Senator from Indiana, and now the question I put to him is this: What is the existing emergency which calls for haste in the passage of this bill, which is designed practically to prohibit for three years the importation of dyestuffs from Germany?

Mr. WATSON. Simply because this is an entirely new industry, and this new industry is being unevenly developed; some prices are ranging lower, and some are not ranging lower. Some we do not manufacture at all. If you take the vat dyes, the dyes of which the Senator spoke a while ago, that are used very largely in coloring common shirtings and ginghams on account of their fastness, we are manufacturing scarcely any of those.

Mr. HITCHCOCK. As I understood the Senator from Indiana, he pictured to the Senate an enormous expansion of the dyestuff industry in the United States since 1914. This bill is brought in as an emergency measure, although there has been expansion in the business. What is the pressing danger? Are there imports from Germany now coming into the United States?

Mr. WATSON. No; they can not come in because we are not yet at peace.

Mr. HITCHCOCK. Then what is the hurry? Why is it designed to press the bill through the Senate ahead of all others at this time?

Mr. WATSON. Simply because, I will say to the Senator from Nebraska, if the treaty shall be ratified, then these imports will come into this country. We have very alarming reports as to the quantity of dyes which are now on hand in Germany, so much so that the Committee on Ways and Means provided an antidumping clause to prevent large quantities of dyes being dumped into this country and competition with this new industry that we have established, because unquestionably they have at this time, I believe, from the testimony, 30,000 tons that they can send to this country, and the testimony was that 30,000 tons dumped into this country would supply the entire demands of the American textile manufacturers for a year, and thereby shut us out of the market. That is the emergency. It is an emergency proposition.

Mr. HITCHCOCK. The Senator is speaking of very vague reports. The committee has been engaged on this question for some time. Has it any accurate information as to the exact facts? The Senator knows that dyestuffs manufactured in Germany are eagerly desired by the whole world outside of the United States. He knows we have at this time a tariff of something like 40 per cent upon them; and he knows that the dyestuffs of Germany are from now on to a considerable extent under the control of the reparation commission. What is the urgency, therefore, under these conditions, of pushing this bill through? Is it expected that dyestuffs are likely to arrive here within the next 30, 60, or 90 days, or six months?

Mr. WATSON. Mr. President, I have attempted partially to answer the Senator, and I will correct one statement that he made, that all the remainder of the world is trying to gobble up these German dyes, if he will permit the expression. That is far from the situation.

The truth about it is that England has adopted the license system, and not only that but England has absolutely prohibited the importation of dyes into her markets. France has established a license system. Being right on the ground they know the situation.

Mr. NUGENT. Italy also.

Mr. WATSON. Italy also. I thank the Senator. They know the quantity of dyes that Germany has; they know the chemical skill of Germany; and they know the strength and power of this great dye industry in Germany, and they propose to protect themselves by absolute prohibition against the importation into their several States. If they are in that situation, why are not we in the same situation?

Mr. HITCHCOCK. The Senator surely is mistaken in some of his statements. The treaty provides that a certain proportion—my recollection is 50 per cent—of the existing dyestuffs of Germany shall be under the control of the reparation commission.

Mr. WATSON. That is quite true.

Mr. HITCHCOCK. And it provides that 50 per cent of all Germany's output shall be under control. The treaty also provides that France and Belgium shall have the right to demand the dyestuffs of Germany as a part of the reparation payment.

Mr. WATSON. That is quite true.

Mr. HITCHCOCK. It is very well known that nations have been starved for lack of dyestuffs and their industries crippled for a number of years because they could not get them. In view of that condition, and the crippled condition of manufacturing industries in Germany, what is the great emergency at the present time that requires such haste in the passage of the bill?

Mr. WATSON. The great emergency is simply this, that we have established under the prohibition occasioned by war an industry. We were never able to establish it before the war because of Germany's competition. That competition is about to be restored, and in order to protect ourselves from the influx of imports we must of necessity adopt some measure. My contention is that a protective tariff is not sufficient as to a great majority of these products and can not be made sufficient. We can not make them sufficiently high, and if we do they are not susceptible of accurate administration.

Let me read to the Senator from Nebraska what the Tariff Commission says about that proposition:

> Attention has been called to the very uneven development in this country of different branches of the industry. Some, indeed, can scarcely be said to show as yet any appreciable development at all. Others, on the contrary, have attained a growth so strong and flourishing that, even if the present duties are left unaltered, they will probably be maintained against foreign competition. Between these two extremes are a great variety of products that are turned out on gradually descending scales of effectiveness and adequacy. It follows that if the rates of the present tariff are retained the industry will not be obliterated in this country, but it will probably be reduced to smaller proportions, and future development is likely to be slow and doubtful.

In other words, we would be placed exactly where we were before the war began. We will be subject to the same competition. In 1882 we had a very promising industry, the dye industry, and while I have no desire to thrust the tariff question into it, that dye industry was obliterated in the United States solely because the rates were reduced to 35 per cent ad valorem.

Mr. THOMAS. Mr. President——

Mr. WATSON. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator, of course, recalls that the textile manufacturers of the country, the textile industries, were at all times opposed to the imposition of a tariff duty upon dyestuffs.

Mr. WATSON. They always were.

Mr. THOMAS. They always were; and that opposition has manifested itself on the occasion of all tariff bills, whether they were Republican or Democratic. So the dye industry was largely made impossible in the United States because of the hostility of the consumers of dyestuffs, no matter what the character of the administration might be which attempted to reduce the tariff.

Mr. WATSON. The Senator is eminently right in that statement, the reason being that our manufacturers claimed that they must have their raw material as cheaply as their competitors. For instance, the color in a rag carpet may enhance the value of that carpet 3 or 4 cents a yard, and they maintained that they had to have their raw material so they could manufacture their finished product as cheaply as their competitors in order that they might sell in the open markets of the world, and therefore, very naturally, they opposed the imposition of these duties. While that is true, they got themselves in the situation where they were very nearly put out of business, and the truth about

it is that if Germany had been permitted to send her textile products into this country, we undoubtedly would have been reduced to a deplorable condition at one time during the war.

Germany realized the situation, because on the 13th of March, 1915, Count von Bernstorff sent a telegram to his own Government in this language:

Serial No. 432 of March 13, 1915. It is reported to me by Hossenfelder, telegram No. 4, that the stock of dyes in this country is so small that by a German embargo about 4,000,000 American workmen might be thrown out of employment.

That was in 1915. Later on in the same year Germany attempted by the withdrawal of her supplies of dyes to force this Government into hostile action against Great Britain, and if she had had the power at that time to send her own textiles into this country in competition with ours we would, indeed, have suffered a blow from which we would have been a long time recovering; but because she was bottled up by the English fleet largely she was not able to send her textiles here, and that enabled our dye manufacturers to begin the manufacture of dyes on a very large scale, and they have continued that under favoring conditions to the present situation. If we will afford them the protection provided in this bill, there is every reason to believe that we shall soon establish this great industry on a permanent and an independent basis.

Some Senators have said to me that the relative importance of the dyes imported to this country is small. That is quite true. As compared with our great manufacturing products it is a negligible quantity, but after all, when we take into consideration the real importance of the dyes, we lose sight of that relative importance that the figures indicate and have a true conception of the genuine value of those products. In fact, I may say that the aggregate value of all the dyes manufactured in the whole world in 1914 was something less than $100,000,000. Germany produced three-quarters of them, and a total of 40,000 men and women would tell the story of all the employees engaged in the dye industry all over the world.

The truth about it is that we imported about $12,500,000 worth of dyes from Germany. Of course, by the time they had been scattered through the various agencies that sold them to the consumers the consumers paid $25,000,000. Twenty-five million dollars is but one-tenth of 1 per cent of the $25,000,000,000 output of our factories in the United States. So that apparently it is a very negligible quantity, but after all those dyes supplied 1,300,000 men working in various institutions in this country that could not work without them; and not only that, but according to the Tariff Commission in other establishments, 56,000 in number, where 1,200,000 more men were laboring, they were depending largely upon these imports of dyes from abroad.

So that in 11,000 establishments employing 1,300,000 men, and in 56,000 other establishments employing 1,200,000, there was a necessity for the dyes. Our manufacturers rose to meet that great demand under, first, the impulse of patriotism, and, of course, a legitimate desire for profit.

Now, Senators, the question has been asked as to the value of dyes in the manufacture of, first, explosives and poison gases; and, secondly, of pharmaceuticals or medicals. Let me read to the Senate, and I think it will be interesting, what was said by Dr. Bogert, who appeared before our committee as a witness in behalf of this industry. Dr. Bogert is professor of organic chemistry in Columbia University. He is also president of the American Chemical Society, a member of the raw materials division of the War Industries Board, and so forth, consulting chemist for a number of Federal departments, a member of the United States Board on Gas Warfare from its organization to its disbanding. He was appointed a lieutenant colonel in the Army, chief of the chemical service section, being acting director of the gas service in this country until the organization of the Chemical Warfare Service under Gen. Sibert, at which time he became a full colonel in the Army and remained such until his honorable discharge in May.

He was asked in regard to this matter and responded in very interesting fashion, as follows:

I would like to make this statement, Mr. Chairman, that in the first place, as one who has had experience in chemical warfare, I have no hesitation whatever in saying that a well-developed synthetic dyestuff industry is absolutely necessary for the security of our country; as an educator that such an industry is vital for the development of research in synthetic organic chemistry; and that the industry has been one of the greatest supporters of advanced research and of the cause of higher education in this country—

As was referred to by the Senator from Pennsylvania [Mr. KNOX]—

I should like to point out further that the industry of the synthetic dyestuffs is one that touches vitally so many industries in its ramifications that there is no single branch of chemical industry in which the welfare and the happiness and the health and the prosperity and the security of our country are so wrapped up as they are in this synthetic industry. The dyestuff industry, in the first place, is responsible really for the development of the distillation of coal tar and the multitudinous applications of those products, because the by-products and the intermediate products are the products that are finally used in drugs and in photographic chemicals, and so on.

* * * * * * *

When tar is heated for distillation and these various products pass through, they are separated by fractional distillation, taking the temperature up to a certain temperature, and then changing the receiver and the tar is first separated into the rough portions, and then each one distilled, and that process is carried on until we get certain material, and each one of these materials, like benzol—I am embarrassed by the amount of material I have to draw upon for illustration—that benzol can be converted into a host of other materials; that is, into what is known as phenol, known to the layman as carbolic acid. That carbolic acid is then treated with a dilating acid and converted into a compound, one of which through a series of processes become phenacetin, a drug we are all familiar with. Or, if that carbolic acid is subjected to another treatment, if it is dilated still more, it becomes a nitric or sulphuric acid, and then it is converted into a picric acid, a powerful explosive; and the picric acid is also developed through a series of processes to become chloro-picrin, one of the poisonous gases used on the western front.

If the carbolic acid is treated in a little different way, if it is chloroformed, it is converted into a substance known as salicylate fluorid. And by the use of a sodium and acetic acid there is derived a valuable perfume known as coumarin, which is the base of many of our best perfumes, particularly the new-mown hay—which is as near as it gets to new-mown hay. On the other hand, if that is treated with carbon dioxide, which is taken from the air, it is converted into salicylic acid, which may be developed into aspirin, which we were in need of and could not develop, and Gen. Ireland, the Surgeon General of the Army, will tell you that if you ask him.

And so I might go on and elaborate and extend this story out, but I am taking only one of a host of materials. Each one of these cases, as I could show you, is dependent upon an interlocking and interrelated to the coal-tar industry, out of which Germany has made its great profit—

Not only its great profit but in a measure it prepared itself the better for war.

So that he shows the intimate relation between the dye industry and the manufacture of explosives and poison gases, so much so that a distinguished German general said that every dye plant was an arsenal; and Germany for years in making these dyes had secretly prepared herself for the manufacture of these explosives, had made them in large quantities, and had stored them against the day of war, as well as these poison gases that she used with such fatal effect before we discovered the manner in which we might at least measurably repel them.

Dr. Bogert further said:

One or two questions have also been asked here concerning the direct dependence of gas upon dyestuffs. I would like to point out, as I have already pointed out, that chlorine is a very essential ingredient, and is, in fact, the backbone of most of our toxic gases; and that it was the development of the dyestuff industry which provided Germany with an immense amount of chlorine, particularly of liquid chlorine, which she had, and which she was in a position to use at the time of the first gas attack, which was at the beginning of the second battle of Ypres on the afternoon and evening of the 22d of April, 1915.

They had, in the second place, phosgene, of which Col. Fries has spoken, which was a common product of the German dyestuff industries, because they were using phosgene for the synthesis of certain important dyestuffs and intermediates. An important intermediate which is known as Mechler's Ketone, for example, is the basis of at least a dozen valuable dyestuffs. Phosgene was also being used as the basis for the synthesis of certain useful synthetic drugs. In the case of mustard gas, these dyestuff factories had also prepared what was known as chlorohydrin, which Col. Fries has also mentioned. So they were ready in a moment to start in to make mustard gas by that process. It was the presence of these dyestuff industries with their large personnel which made possible these things which, if we had had them, would have saved American lives in the early days of our participation in the war.

Whether we are to demobilize armies and to disband navies, whether we go into war in the future, we must have these measures of preparedness. If we shall go into war, how much more nearly we shall be prepared if we have an independent dye industry in this country ready to turn out explosives and gases as measures of defense.

I might go on at great length to show what had been done in Germany, but it is not necessary because that is well understood. In this country, as the Senator from New York [Mr. WADSWORTH] well knows, he being the chairman of the Committee on Military Affairs and familiar with this matter, we were manufacturing more gas, largely because of the dye industry which we had established, than England, France, and Germany all combined at the time of the armistice, and yet at the beginning of the war we were making practically none, showing our possibilities under favorable conditions, because what has been done is the best proof of what can be done, and we can do what Germany has done in these dye plants by way of preparedness if we but place them on a sure foundation.

Now, I desire to refer to just one other matter—and I do not wish to detain the Senate at great length on these propositions—and that is to the testimony of Dr. Stieglitz, to show the relation of dyestuffs to medicine. Dr. Stieglitz is professor of chemistry at the University of Chicago and chairman of the department at that university.

He was chairman of the committee on synthetic drugs in the National Research Council during the war and is still its chair-

man. He has been for 15 years connected with the council of chemistry and pharmacy of the American Medical Association, and is a very eminent authority on all these and related questions. He says:

This organic chemical industry involves three branhces—one, the explosives and the poison gases, which are used only in warfare; the second, the dyes; and the third, the synthetic drugs and synthetic medicaments and related finer organic chemicals, such as photographic developers and the like. The bulk of the work in peace times must be in dyes, because we require huge quantities of dyes; but, in my judgment, the really important feature of the synthetic work is in the synthetic drug line, because that involves the health and the future of the people of the country. It requires, however, the materials that come with the manufacture of dyes, it requires research facilities, and it requires the research men that we can get through a thriving dye industry.

Then he proceeds—and I call the attention of the Senate to the close relationship between the manufacture of these drugs and pharmaceuticals and a synthetic dye industry—

Each citizen of this country, I imagine, spends not more than 50 cents or a dollar a year on dyes. He spends quite a little more on synthetic drugs, and his health and the health of his family are involved. That is a far more vital question, and I think I can do best by giving you a specific illustration of the development of two or three drugs in this country, especially of arsphenamine, 606, or salvarsan—three different names for the same product. As you know, this is a specific for the cure of syphilis, and it is insisted on by the physician and by the patient.

Even before we started in the war importations were prevented, and the demand was so enormous that for a time absolutely fancy prices were paid for the drug. As soon as it was seen that there would be such a shortage some of the research chemists of the country started preparing arsphenamine, and the results at first, following the patent specifications, were so poor that some of these men thought of appearing in court to have the patents annulled, stating that the product could not be prepared according to the patent specifications. That was wrong; one can prepare arsphenamine according to patent specications, but just about enough to look at, not enough to use. It is altogether a question of yield. There are from three to five steps in the manufacture, and we can easily see that if the yield at each step is, say, but 10 per cent, then with only three stages the total yield would be one-tenth of 1 per cent. With five stages, which were used at first, it would be one-thousandth of 1 per cent. That is, we will use, say, 100,000 pounds of material to prepare 1 pound of arsphenamine, which is, of course, commercially impossible. I have been told that a director of the German company which controlled the German rights to arsphenamine stated that one could manufacture it according to the patent specifications, but he could not get any yield.

Showing that the patents that we took over from the German manufacturers had only a nuisance value; that is to say, if we had used them without confiscating them, when the war was over the owner of the patent might have brought suit because we took the patent from him and used its formula.

Now, let me proceed with this testimony just a little further:

This drug is exceedingly poisonous. It is injected directly into the veins of the patient, and unless it is quite pure it is likely to lead to severe reactions and even to death. Government control was instituted at an early date, and the maximum toxicity which was permitted to go into trade was 60 milligrams; that is, about a grain for 2 pounds of white rat. That was the original quality of the American product.

Now, as to the price:

The German product sold before the war—that is, before 1914—at $3.50 a dose. The first price fixed by the Federal Trade Commission was from $1 to $1.50 a dose, which showed already the tremendous advantage of American manufacture.

In the course of these two years the following developments have occurred: In the first place, the purity of the drug has risen to such an extent that the official standard, instead of being only 60, is 100 milligrams, which is over a 50 per cent improvement. But, as a matter of fact, the American brands run now from 120 to 130. There is practically none on the market now that will not run from 120 to 130. That is twice as good as it was originally. That is the result of research work of about a year and a half. In the second place, the drug is now being sold wholesale to hospitals at 60 cents, and I was told this noon some even at 30 cents a dose. That, of course, means that the drug is from five to ten times as cheap as it was before 1914, and the blessing to the country can not be overestimated.

I then asked the witness:

Was that recently discovered by chemists working in dyestuff plants in Germany?

Dr. STIEGLITZ. It was originally discovered by an organic chemist, Dr. Paul Ehrlich, and he had the cooperation of the Casella Dye Co. The crude material comes from the dye plants, and the product is very much like a dye. It is very closely related to some of the real dyes, simply containing arsenic instead of part of their nitrogen. That is the sole difference.

I might go on and discuss this feature further, but that is not essential. I have read so much in order to show that when we make dyes we not only get the dyes themselves, but we learn how to make, on the one side, explosives and toxic gases, and, on the other side, all of the synthetic drugs so essential to the maintenance of the health of the people. And, Senators, it is because of the overwhelming importance of this industry that I have been content to step aside from a protective tariff to an embargo.

The question is asked what is the difference between the House proposal for a license and the Senate proposal for an embargo. A while ago I said to the Senator from Iowa that the pending bill is an embargo measure. In one sense it does provide for an embargo, and in some instances it verges very closely upon a license system; that is to say, that one must have a permit in order to import; but, after all it is what we call in our tariff laws, as the Senator will realize if he will look it up, a selective importation measure, and such measures have been very frequently employed in the United States.

For instance, under the acts of August 20, 1912, and March 4, 1913, the entry of nursery stock is prohibited unless and until a permit for the importation thereof has been issued by the Secretary of Agriculture and unless the cases or other packages are plainly marked to indicate the nature and quantity of the contents, the district or locality and country where grown, and the name and address of the importer and consignee; which is practically on all fours with this proposition, save that we go so much further and insist that the quality shall be ascertained before the imports shall be turned loose.

Again foods, drugs, insecticides, and similar goods can only be allowed entry into the United States when found to come within the specific requirements of certain provisions of the law, such as the act of June 30, 1906. Such importations are retained in customs custody pending determination of the facts.

Viruses, serums, and toxins and analogous products for the treatment of diseases of man are prohibited entry under the act of July 1, 1902, unless—mark the language—propagated in an establishment holding an unsuspended and unrevoked license. A list of the establishments holding licenses, the number of the license, and the names of the several products produced are published periodically in the Treasury decisions. All importations of such products are detained by collectors of customs pending examination by the Surgeon General of the Public Health Service. If the shipment is found to be admissible, it is released upon receipt of a report to that effect from the Public Health Service. If the articles are found not to conform to the law and the regulations, the collector refuses delivery and permits exportation or destruction under customs supervision, at the option of the importer, which is precisely what we provide in the pending measure.

Another law, the act of March 4, 1913, restricts the importation of viruses, serums, and toxins for the treatment of domestic animals.

There is a similar law (tariff act 1913, sec. 4, par. H, subsecs. 1 and 2) concerning the inspection and quarantine of animals, hides, and other products.

The importation of tea inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, under the act of March 2, 1897, is prohibited. The tea is stored in customs custody pending examination and determination of compliance with the law. Examination is made by tea examiners, subject to appeal to a board of general appraisers known as the tea board.

The importation of skins of fur seals taken in the waters of the north Pacific Ocean is prohibited by the act of August 24, 1912, and exportation is denied, destruction being required by express provisions of law. Exceptions are allowed of skins taken on certain islands or by certain persons.

In the case of skins taken by Indians or Aleuts, there must be furnished an affidavit of the shipper, a certificate by an official of the Department of Commerce specifying in detail the locality in which the skins were taken, and showing the approximate date of taking, the transfer of these skins from the person by whom taken to the shipper or importer, and the names and permanent addresses of all intermediate owners, and the dates of transfer.

All importers of opium or coca leaves or any compound, salt, derivative, or preparation thereof, must register with the collector of internal revenue of the district in which his business is carried on, and before any importer is permitted to import such artcles he must file in the customhouse a certificate of such registration. There must be filed with the entry of crude or unmanufactured opium and preparations or derivatives thereof a declaration of the owner or ultimate consignee reciting, among other things, that the goods were expressly imported and intended in good faith to be used by a certain firm or corporation in the preparation of medicine, or are to be sold by a certain firm or corporation for medicinal purposes only, and that such goods are not intended to be used for smoking. Importers are required to keep a record of all sales of imported opium and derivatives and preparations of opium or of articles manufactured by them therefrom, showing the names of the purchasers, their places of business, the date of sale, and the name and quantity of the article sold, which record shall be open to the inspection of customs officers.

This is exactly on all fours with the proposition here involved—not an embargo—selective importation, if you please.

The act of January 17, 1914, provides, among other things, that special preparations rarely imported and usually imported in very small quantities and not known to be used by drug

habitues, like papaverine and thebaine, may be imported in small quantities by well-known and reputable firms or institutions upon compliance with the regulations.

We extend this even to sponges.

The act of June 20, 1906, declares it to be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or the Straits of Florida subject to two provisos: First, admitting sponges taken in certain waters; and, secondly, sponges 4 inches or more in diameter when taken from such waters.

I might also recite that the tariff act of 1913 distinguishes residents from nonresidents, and the amount of personal effects which passengers may bring into the United States, and so forth, the exemption from duty of such effects is restricted in the case of nonresidents to articles actually owned by persons arriving in the United States and in their possession abroad at the time of or prior to their departure from a foreign country and necessary and appropriate for the wear and use of such persons and intended for such wear and use and not for other persons or for sale. In a case under the Revised Statutes, section 2505, which exempted from duty wearing apparel in actual use and other personal effects of persons arriving in the United States, the proper rule, the Supreme Court declared in Astor *v.* Merritt (111 U. S., 202), to be applied was to exempt from duty such articles as fulfilled the following conditions:

(1) Wearing apparel owned by the passenger and in a condition to be worn at once without further manufacture; (2) brought with him as a passenger and intended for use or wear of himself or his family, who accompanied him as passengers, and not for sale, or purchased or imported for other persons, or to be given away; (3) suitable for the season of the year which was immediately approaching at the time of arrival; (4) not exceeding in quantity or quality or value what the passenger was in the habit of ordinarily providing for himself and his family at that time and keeping on hand for his and their reasonable wants in their means and habits of life, even though such articles had not been actually worn.

Exemption from duty is accorded, under paragraphs 582 and 655 of the tariff act of 1913, to professional books, implements, instruments, and tools of trade, occupation, or employment, in the actual possession of persons emigrating to the United States, owned and used by them abroad, and to works of art produced by American artists temporarily residing abroad.

Here are drugs used for immoral purposes. Such drugs are forbidden importation and entry, and are subject to forfeiture by due course of law. There is a proviso to this law "that the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subsection."

Another instance of this character is animals certified by the Secretary of Agriculture to be pure-bred animals of a recognized breed are entitled to entry free of duty under paragraph 397 of the tariff act of 1913, when imported by citizens of the United States for breeding purposes, whether intended to be used by the importer himself or for sale for such purposes.

This provision regards—and I call the attention of my friend the Senator from Iowa [Mr. KENYON] to this—first, the thing imported; second, the importer; and third, the purpose. The Secretary of Agriculture must determine and certify certain facts. To that end he must investigate and keep records; duties also devolve upon the importer. Furthermore, both the Secretary of Agriculture and the Secretary of the Treasury have the duty of prescribing regulations for the enforcement of this provisions—the regulations of the Secretary of Agriculture to be for determining the purity of breed and the identity of the animal and the regulations of the Secretary of the Treasury to be for the strict enforcement of the provision.

So that the proposition we have here embodied is not new to our tariff legislation, but is in entire keeping with well-established precedents, and is entirely different and as wide apart as the North is from the South or the East from the West from the license system proposed by the Longworth bill in the House.

There is much more that might be said on this question, but I presume the debate will proceed for several days, and there will be yet other opportunities to develop other phases of the question; but, Senators, I believe that this matter is of overwhelming importance. I am an old-fashioned protectionist. I have even been accused—of course wrongly—of being a standpatter; but I have never believed in a license system. I have always believed it to be entirely obnoxious to our form of government.

I do not like an embargo any better than anybody else; but, after all, even if you call this an embargo, I believe that because of the conditions that surround this industry at the present time, and because of the disastrous effects that will come to it by imports from Germany in the future, we should protect it, and protect it beyond all cavil, beyond all dispute, and place it where it may be established on a firm and independent basis, so that we may have within our own borders not only a dye industry but also an industry that will enable us to produce these great measures of preparedness which we will not have without a dye industry, and also those drugs and pharmaceutical supplies so essential to the maintenance of the health of the people.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Indiana that the Senate proceed to the consideration of House bill 8078.

Mr. WATSON. I withdraw the motion.

CIVIL SERVICE RETIREMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Glass	Moses	Smoot
Brandegee	Harris	Norris	Spencer
Capper	Henderson	Nugent	Sterling
Chamberlain	Jones, N. Mex.	Overman	Thomas
Cummins	Kenyon	Page	Trammell
Dial	King	Phipps	Wadsworth
Elkins	Kirby	Pomerene	Watson
Fernald	Knox	Ransdell	
Fletcher	Lodge	Sheppard	
Frelinghuysen	McNary	Simmons	

Mr. SMOOT. I wish to announce the absence of the Senator from Kansas [Mr. CURTIS] on official business.

The PRESIDENT pro tempore. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

Mr. KING. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 26, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 25, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, increase, we beseech Thee, our longings for the eternal principles of right which Thou hast woven into our souls.

Honesty is the basis of all that is best in man. Honesty for the sake of policy is selfishness. Honesty for the sake of honesty is truthfulness, purity, nobility of soul, God-like. What is true of the individual is true of the nation. The dishonest man, the dishonest nation, seeks refuge in deceit. Diplomacy, if it is honest, is good. Diplomacy, if it is dishonest, is destructive.

"Let your light so shine before men that they may see your good works and glorify your Father which is in heaven."

Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

PREFERENCE RIGHTS TO SOLDIERS; OREGON RAILROAD-GRANT LANDS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. What I wish to extend my remarks on is this: This Congress passed House joint resolution 20, reported from House Committee on the Public Lands and approved February 14, 1920, by the President, giving qualified persons who performed military or naval services in the war with Germany preference rights to enter lands hereafter thrown open to entry. There is an area of about 360,000 acres soon to be opened to entry in the Oregon & California Railroad land grants in the State of Oregon. A small part of this land is in the State of Washington. The Interior Department has just

formulated regulations concerning these preference rights to these entries. I wish to extend my remarks in the RECORD by inserting therein the regulations formulated by the Interior Department.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman about these preference rights of which he is talking. Suppose John Smith, a civilian, never having had anything to do with the war, filed on 160 acres, and a soldier comes along subsequently and files on it. Who has the preference?

Mr. SINNOTT. The preference right begins May 10 and ends July 8, but under the regulations soldiers will have a right to file applications commencing with April 12, at 9 o'clock a. m., for 60 days, or until May 8. After July 9 the lands are thrown open for general entry.

Mr. CLARK of Missouri. Well, how does the preference right work?

Mr. SINNOTT. I did not understand the gentleman's question.

Mr. CLARK of Missouri. I say how does this preference right work?

Mr. SINNOTT. Well, for a period of 60 days, beginning May 10, soldiers have the exclusive right to make entry, and no one else during that period may file application and defeat the soldiers' applications; but the soldier may file his application April 12 and up to May 10. All soldier applications between April 12 and May 10 will be treated as filed simultaneously and allowed as of May 10, but after July 9, 1920, the lands are open to general entry.

Mr. CLARK of Missouri. And soldiers stand on the same footing with the others after 60 days?

Mr. SINNOTT. Yes; after July 9, 1920.

Mr. CLARK of Missouri. Do civilians have time before these 60 days begin ?

Mr. SINNOTT. No; they have no time before the 60 days, except a few settlers who have been on the land since December 1, 1913.

Mr. GARD. Mr. Speaker, reserving the right to object, is this one of the bills which have been reported by the Committee on the Public Lands?

Mr. SINNOTT. This is a bill which was reported from the House Committee on the Public Lands and is now the law. It was House joint resolution No. 20, and is now public resolution No. 29, Sixty-sixth Congress.

Mr. GARD. It is now the law?

Mr. SINNOTT. Yes.

Mr. GARD. It is not one of the bills which are to be considered in the future?

Mr. SINNOTT. No; it is now a law. The following is a copy of the law:

[Public resolution No. 29, Sixty-sixth Congress (H. J. Res. 20).]

Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry.

Resolved, etc., That hereafter, for the period of two years following the passage of this act, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 60 days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert-land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That the rights and benefits conferred by this act shall not extend to any person who, having been drafted for service under the provisions of the selective service act, shall have refused to render such service or to wear the uniform of such service of the United States.

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof.

Approved, February 14, 1920.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Are these 360,000 acres all in the State of Oregon?

Mr. SINNOTT. They are all in the State of Oregon except a small portion in the State of Washington.

Mr. BLANTON. This particular order and the rules and regulations prescribed, as mentioned by the gentleman, relate only to this tract of 360,000 acres of Oregon land?

Mr. SINNOTT. Yes, as I understand.

Mr. BLANTON. In regard to other lands which may be thrown open under this resolution No. 20 for entry and sale to soldiers, other rules and regulations will be promulgated later on?

Mr. SINNOTT. Undoubtedly they will be formulated, if they have not been.

Mr. BLANTON. None of these lands in Oregon mentioned by the gentleman will be open for entry prior to April 12, as I understood from the gentleman?

Mr. SINNOTT. Yes; that is correct; but a few settlers on the land since December 1, 1913, have preference rights.

Mr. BLANTON. And these regulations give full directions to any soldier who would like to make entry there, showing him how to file his entry upon this land?

Mr. SINNOTT. The gentleman is correct.

Mr. BLANTON. They are to be filed, of course, with the Secretary of the Interior——

Mr. SINNOTT. With the local land office.

Mr. BLANTON. That is, the local land office receives the application, and it is passed upon finally by the Secretary of the Interior?

Mr. SINNOTT. Eventually, yes; but first by the register and receiver, and then by the Commissioner of the General Land Office.

Mr. MORGAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman this question: Under the law and rules and regulations, does the soldier have to go to Oregon in order to make his entry, or can he make his application through an agent, as the soldiers of the Civil War could make application?

Mr. SINNOTT. I do not recall whether the regulations touch upon that or not. I just got them this morning, but I understand that applications must be made at the local land office.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The regulations referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 24, 1920.

INFORMATION—RESTORATION OF OREGON & CALIFORNIA RAILROAD GRANT LANDS.

The area of lands of class 3 restored to homestead entry by the order exceeds somewhat 360,000 acres. Particular attention, however, is called to the fact that while classified as agricultural under the law, considerable portions of these lands are not adapted to cultivation.

The time when settlers who resided on such lands since December 1, 1913, must exercise their preference right of entry begins 9 o'clock a. m., April 12, and ends 4.30 p. m., May 8, 1920.

Qualified persons who performed military or naval service during the war with Germany and who were honorably separated or discharged from such service, or were placed in the Regular Army or Naval Reserve, are given, under the provisions of House joint resolution No. 20, approved February 14, a preference right of 60 days within which to make homestead entry on said lands. The period of such preference right begins May 10 and ends July 8, 1920. Beginning at 9 o'clock a. m., April 12, persons entitled to the provisions of H. J. Res. 20 may file application under the homestead law in the land district in which the land is situated. Such applications will be subject to the preference-right applications of settlers who maintained their residence on the lands since December 1, 1913. All applications by qualified persons under H. J. Res. 20 filed after 9 o'clock a. m. April 12 and before 4.30 p. m. May 8, 1920, will be treated as filed simultaneously, and where not in conflict with settlers' preference right applications, or with each other, will be allowed on May 10. Such applications will be rejected if in conflict with entries or applications by preference-right settlers, and if in conflict with each other a drawing will be held on May 14 to determine such conflicts.

Lands not applied for or entered by preference-right settlers or by those entitled to preferences under H. J. Res. 20, will be subject to entry under the general provisions of the homestead law as modified by said act of June 9, 1916, on and after July 9, 1920.

The greater portion of the land is situated in the Roseburg, Oreg., land district. Small portions are in the Lakeview and Portland, Oreg., and Vancouver, Wash., land districts.

Copies of regulations and schedule of the land will, as soon as printed, be furnished by the Commissioner of the General Land Office on request.

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DEPARTMENT OF THE INTERIOR,
Washington, February 24, 1920.

REGULATIONS GOVERNING RESTORATION OF A PORTION OF THE LANDS TITLE TO WHICH WAS REVESTED IN THE UNITED STATES BY THE ACT APPROVED JUNE 9, 1916 (39 STAT., 218).

THE SUPERINTENDNET OF SALE, OREGON & CALIFORNIA RAILROAD GRANT LANDS.

SIR: The act approved June 9, 1916 (39 Stat., 218), revested in the United States the title to which are known as the Oregon & California railroad grant lands; required that such lands, after examination in the field, be classified as, class 1, power-site lands; class 2, timberlands; class 3, agricultural lands; provided for the reservation, subject to additional legislation, of lands of class 1; extended preference rights of entry to qualified persons who since December 1, 1913, resided on lands of classes 2 and 3, under the conditions therein prescribed; and authorized the restoration of lands of class 3 under the general provisions of the homestead laws as modified by said act.

Pursuant to the authority of said act, it is directed that all such lands of class 3 described in the attached list, and all surveyed lands of classes 2 and 3 to which a preference right of entry attached, and is still existent, under the provisions of the said act of June 9, 1916, whether included in such list or otherwise, situated in the Vancouver, Wash., Portland, Roseburg, and Lakeview, Oreg., land districts, be restored to entry and settlement under the general provisions of the homestead laws as modified by said act, and subject to the preference rights conferred by said act and House joint resolution No. 20, giving to discharged soldiers, sailors, and marines a preferred right of homestead entry, approved February 14, 1920, in the manner hereinafter indicated, and not otherwise: *Provided*, That if the settlers on lands of

class 2 shall not avail themselves of the preferences to which they are entitled, the lands thereby affected shall not be otherwise subject to disposition hereunder.

SEC. 1. Explanation of words and terms used herein: To avoid repetition, and for a full understanding thereof, the following words and terms, as hereinafter employed, unless otherwise indicated by the context, shall be construed to mean:

"General law": Section 2289, Revised Statutes, as amended and as modified by the act of June 9, 1916. (39 Stat., 218.)

"The proviso": The proviso to section 5 of the act of June 9, 1916 (39 Stat., 218), extending preference rights, under the conditions and limitations therein provided, to qualified persons who since December 1, 1913, resided on lands of classes 2 and 3.

"H. J. Res. 20": House joint resolution No. 20, approved February 14, 1920, giving to discharged soldiers, sailors, and marines a preferred right of entry.

"Minor soldier": A person under 21 years of age at the date of executing his homestead application, who served in the Army, Navy, or Marine Corps of the United States during the war with Germany, and who was honorably discharged or separated from such service, or was placed in the Regular Army or Navy Reserve, and who did not refuse to perform such service or to wear the uniform thereof. (See eighth section of the act approved Aug. 31, 1918 (40 Stat., 955); joint resolution amending said sec. 8, approved Sept. 13, 1918 (40 Stat., 960); departmental regulations under said sec. 8, as so amended, of Oct. 9, 1918, circular 622 (46 L. D., 451); and H. J. Res. 20.)

"Application": A homestead application under section 2289, Revised Statutes, as amended, and as modified by the act approved June 9, 1916 (39 Stat., 218), on the usual form, and accompanied by all payments required; whether under the general law, the proviso, House joint resolution 20, or by a minor soldier, there must be included therein or be attached thereto a sworn statement, executed before an officer authorized to administer oaths in such cases, setting forth all the facts essential to the allowance of such application.

"Declaratory statement": A declaration, under oath, accompanied by the proper payments, by a person entitled to exercise the right that he intends to enter the described tract of land under the provisions of the homestead laws. Under sections 2304, 2307, and 2309, Revised Statutes, as amended, an officer, soldier, sailor, seaman, or marine who served for not less than 90 days in the United States Army or Navy during the Civil War, the Spanish-American War, or the Philippine insurrection, and who was honorably discharged, and, if he be dead, his widow, if unmarried, and in case of her death or remarriage his minor orphan children by guardian duly appointed, may file such a declaratory statement, either in person or by agent; and under the provisions of the act of February 25, 1919 (40 Stat., 1161), the officers, soldiers, and nurses of the Army, and sailors, seamen, marines, nurses, and officers of the Navy and Marine Corps of the United States, who served for more than 90 days in the Army or Navy in connection with the Mexican border operations or during the war with Germany and its allies, may file such declaratory statements in person, but not by agent. Particular attention is directed to the fact that the preference rights conferred by the proviso and by House joint resolution 20 can not be supported by declaratory statements but must be protected or exercised through homestead applications. Such declaratory statements should therefore not be filed until the land becomes subject to disposition under the general law.

The words "officers, soldiers, sailors, and marines" as employed in House joint resolution 20 are generic terms, and embrace privates, seamen, nurses, and all other persons, male or female, who, by enlistment or otherwise, were regularly enrolled in the Army, Navy, or Marine Corps of the United States and who could not voluntarily terminate such service, but does not include civilian employees or officers, nurses, or members of other organizations not so enrolled in the Army or Navy.

SEC. 2. Payments required with all classes of applications and declaratory statements: (a) Applications: A fee of $5, if the area be less than 81 acres and $10 if 81 acres or more; commissions at the rate of 3 per cent on lands at $2.50 per acre, or a flat rate of 7½ cents per acre; and, in addition thereto, 50 cents per acre for the area embraced in the application, as first installment of the purchase price of the land, must be paid.

(b) Declaratory statements: There must accompany a declaratory statement, which may be filed after the land becomes subject to disposition under the general law, a filing fee of $3 and a sum equivalent to 50 cents per acre for the area included in such statement; and if an entry is made pursuant to such statement the fee and commissions required with other applications must be paid and the moneys deposited with the declaratory statement as the first installment of the purchase price will be applied.

SEC. 3. Execution and presentation of applications and declaratory statements: (a) Any application, except that by a minor soldier, must be sworn to by the applicant before the register or receiver of the United States land office for the district in which the land is situated, or before a United States commissioner, or judge, or clerk of a court of record residing in the county in which the land is situated, or before any such officer who resides outside the county and in the land district and is nearest or most accesible to the land. After an application has been so executed it may be presented to the register or receiver of the proper land office in person, by mail or otherwise. No person shall have pending more than one application.

(b) Declaratory statements filed in person must be executed before one of the officers, and may be filed in the manner indicated for the execution and filing of applications. Where filed by an agent, a soldier may execute the power of attorney before any officer of the United States having a seal and authority to administer oaths, but the agent's affidavit must be executed before one of the foregoing officers.

(c) A minor soldier may execute his application before any officer authorized under the laws of the State of Oregon to administer oaths. Among those qualified may be mentioned notaries public or clerks of courts of record in the United States, and Diplomatic or Consular officers of the United States. In connection with the applications of minor soldiers, particular attention is invited to the limitations and conditions attaching to entries made thereunder by joint resolution approved September 13, 1918 (40 Stat., 960), and departmental regulations, Circular 622 (46 L. D., 451).

SEC. 4. Preference rights under the proviso: (a) Filing application: An application for a preference right under the proviso must be filed in the land office in which the land is situated on or after 9 a. m., standard time, April 12, and prior to 4.30 p. m., standard time, May 8, 1920, and unless so filed all rights under the proviso will be forfeited.

(b) Showing required: The prior exercise of the homestead right by any such applicant will be no bar to entry, but with this exception: Such person must make the same showing required of other applicants under the general law. A person entitled to a preference right under the proviso may enter lands of either class 2 or class 3, but not of class 1. The exercise of the right is limited to the quarter section upon which such person has resided. He can not, therefore, embrace in his application lands of more than one quarter section. If the quarter section upon which he has resided contains no more than 1,200,000 feet, board measure, of timber, he must enter the entire quarter section. He can not select therefrom the desirable subdivisions and leave unentered any portion thereof. If such quarter section contains more than 1,200,000 feet, board measure, of timber, the right is limited to the tract or lot or lots containing approximately 40 acres, upon which the principal improvements of the settler are situated, and he may enter no more. He must file with his application to enter, and make a part thereof, his sworn statement showing that since December 1, 1913, he has resided on the tract applied for at least seven months in each year, and that he has improved the land, and has devoted some portion thereof to agricultural use; and he must describe such improvements and indicate such agricultural use and the area so affected; and where the entry is sought for land containing more than 1,200,000 feet, board measure, of timber on the quarter section he must show that his principal improvements are situated on the tract or lot or lots containing approximately 40 acres applied for. While a preference-right settler under the proviso must protect his rights by an application to enter, and not by filing a declaratory statement, he may, if otherwise entitled thereto, and he has entered the military or naval service of the United States, avail himself of the applicable privileges conferred by chapter 420, joint resolution approved August 29, 1916 (39 Stat., 671), and the acts approved July 28, 1917 (40 Stat., 248); October 6, 1917 (40 Stat., 391); December 20, 1917 (40 Stat., 430); and March 8, 1918 (40 Stat., 440).

(c) Disposition of applications: Applications under the proviso will be examined and acted upon by the register and receiver as soon after their receipt as may be. They will be allowed, rejected, or suspended, as the facts may warrant. An application meeting all the requirements herein for lands of class 2 or class 3 will be allowed. An application materially defective in substance, or not accompanied by proper payments, or for unsurveyed lands, or for lands the title to which is covered by an outstanding contract, or for lands classified in class 1 will be rejected. An application accompanied by the proper payments and the showing entitling the person filing it to a preference right, will be suspended if the land embraced therein has not been classified, or the title thereto is in dispute or is in process of adjudication.

(d) Final proof: After entry a preference right claimant, under the proviso, must comply with the law in the manner required of other entrymen, but he may submit proof at any time when he is able to show that he is entitled to final entry.

SEC. 5. Preference rights under H. J. Res. 20. (a) Units: To avoid confustion in the disposition of the applications and to provide equal opportunity, as far as may be, the lands of class 3 affected hereby have been arranged into units of approximately 160, 120, 80, and 40 acres, respectively, and all persons, excepting those asserting preference rights under the proviso, shall, prior to May 22, 1920, observe such units in filing their applications to enter. No person will be allowed to embrace in his application the lands in more than one unit nor leave unentered any portion of the unit invaded. A person who, under the law, must restrict his application to to less than 160 acres, or who desires to enter a less quantity, must select a unit conforming in area to his qualifications or desires. On and after 9 o'clock a. m., standard time, May 22, 1920, any lands of class 3 restored hereunder may be entered in the form authorized by the homestead laws, without reference to the units designated herein.

(b) Presentation of applications: Any person qualified under the general law and who is entitled to exercise the preference right conferred by H. J. Res. 20 may, on and after 9 o'clock a. m., standard time, April 12, 1920, execute and present his application to the local office for the district in which the land applied for is situated. Such application will be subject to the rights of the preferred claimants under the proviso.

(c) Showing required: Any person seeking to avail himself of the special privileges conferred by H. J. Res. 20, must show either as a part of his application, or by an accompanying statement sworn to before an officer qualified to execute homestead applications hereunder, that he served in the United States Army, Navy, or Marine Corps on and after April 6, 1917. He must give the approximate period of service and name the unit or units in which such service was performed, and that on (stating date) he was honorably separated or discharged from such service, or placed in the Regular Army or Navy Reserve, and that he did not refuse to perform such service or to wear the uniform thereof. He should attach to his application a copy of his honorable discharge or separation, or the order placing him in the Regular Army or Navy Reserve, as the case may be, certified as correct by an officer with a seal, but he will not be required to file the original order of discharge or transfer. A minor soldier must show in addition to the above that he was under 21 years of age at the date of the execution of his application.

(d) Disposition of applications: All applications presented hereunder received by the register and receiver on and after 9 o'clock a. m., standard time, April 12, 1920, and prior to 4.30 p. m., standard time, May 8, 1920, shall be treated as filed simultaneously, and where there is no conflict such application, if in proper form and accompanied by the required payments, will be allowed on May 10, 1920. If such applications conflict, in whole or in part, the rights of the respective applicants will be determined by a public drawing, to be conducted under the supervision of the superintendent of sale, Oregon & California Railroad grant lands, at the United States land offices in which the land is situated, beginning at 10 o'clock a. m. on May 14, 1920. The names of the persons who presented the conflicting applications will be written on cards, and these cards shall be placed in envelopes upon which there are no distinctive or identifying marks. The envelopes shall be thoroughly and impartially mixed, and after being mixed shall be drawn one at a time by some disinterested person. As the envelopes are drawn the cards shall be removed and numbered, beginning with No. 1, and fastened to the applications of the proper persons, which shall be the order in which the applications shall be acted upon and disposed of. If an application can not be allowed for any part of the land applied for, it shall be rejected. If it may be allowed for a part but not for all the land applied for, the applicant shall be allowed 30 days from receipt of notice within which to notify the register and receiver what disposition to make thereof. During such time he may request that his application be allowed for the land not in conflict and rejected as to the land in conflict, or that it be rejected as to all the land applied for, or he may apply to have the application amended to include other lands which are subject to entry, and to inclusion in

his application, provided he is the prior applicant. If an applicant fails to notify the registrar and receiver what disposition to make of the application, it will be rejected as to all the land applied for. Applications presented after May 8 will be received and noted in the order of their filing, and will be acted upon and disposed of in the usual manner, after all such applications presented on or before that date have been acted upon and disposed of.

(e) Disposition of moneys: Moneys tendered with applications on or before May 8 will be deposited by the receiver of the local land office to his official credit, and properly accounted for. When a homestead application is allowed in whole or in part, the sums required as fees, commissions, and purchase money will be properly applied, and any moneys in excess of the required amount will be returned to the applicant. Moneys tendered with applications which are rejected in whole will be returned. If an applicant fails to secure all the land applied for, and amends his application to embrace other lands, the moneys theretofore tendered will be applied on account of the required payment under the amended application. If it is not sufficient the applicant will be required to pay the deficiency, and if it is more than sufficient the excess will be returned. Moneys returned to applicants will be by official check of the receiver. Moneys tendered with applications presented after May 8 will be deposited by the receiver in the usual manner.

(f) Termination of preference right period under House joint resolution 20: The 60-day preference right period provided by House joint resolution 20 begins on May 10, the first day on which applications thereunder may be allowed, and terminates on July 8, 1920.

SEC. 6. Applications under the general law: Beginning 9 o'clock a. m., standard time, July 9, lands of class 3 restored hereunder will become subject to disposition under the general law. To the end that the applications and declaratory statements under the general law may be disposed of in an orderly manner, such applications and declaratory statements may be filed in the office of the district in which the land is situated on and after July 1, 1920, and such applications and declaratory statements, together with those filed or presented at 9 o'clock a. m., standard time, July 9, shall be treated as filed simultaneously, and disposed of in the manner required by section 5 (d) hereof, the drawings, if necessary hereunder, to be conducted at the several land offices, beginning at 10 o'clock a. m., standard time, July 12. Applications and declaratory statements under the general law will be rejected if found to conflict with entries or applications under H. J. Res. 20 filed prior to July 9. When the lands become subject to entry under the general law, those entitled to preference rights under the proviso or H. J. Res. 20, and who failed to avail themselves of such preference rights, may proceed on terms of equality with other qualified persons. Moneys deposited with declaratory statements as part of the purchase price will, if such declaratory statements are allowed, be retained until such time as entry may be made thereunder, and if no entry be made within the time prescribed by law such moneys will then be returned.

SEC. 7. Settlement before entry: On and after 9 o'clock a. m., standard time, July 13, 1920, rights to lands of class 3 restored hereunder may be initiated by settlement before entry in the manner recognized by the general provisions of the homestead laws.

SEC. 8. Compliance with law after entry; final proof: Section 2301, Revised Statutes, does not apply, and no entry made under the provisions of the act of June 9, 1916 (39 Stat., 218), may be commuted. No patent will be issued until the entryman can show that he has resided on the land for three years, in the manner required by the homestead laws, and has cultivated a sufficient area thereof to demonstrate his good faith. Such an entryman may apply military or naval service in lieu of such residence, to the extent authorized by the homestead laws, and he may otherwise enjoy the privileges accorded to other entrymen under such laws. The act approved February 25, 1919 (40 Stat., 1161), extends the provisions of section 2305, Revised Statutes, touching credit for military service in lieu of residence under the homestead law, to all such service rendered in connection with the Mexican border operations or during the war with Germany and its allies.

SEC. 9. Contests: Entries hereunder, whether allowed under the proviso, H. J. Res. 20, or the general law, will be subject to contest for any reasons affecting their legality, in the same manner that has been or may be provided hereafter for other entries under the homestead laws.

SEC. 10. Final payments: When final proof is submitted the entryman must pay final commissions at the rate of 3 per cent on lands sold at $2.50 per acre and the last installment of the purchase price, to wit, $2 per acre for the area included in the entry.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

FRANKLIN K. LANE, *Secretary.*

PERMISSION TO ADDRESS THE HOUSE.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to address the House for one minute to make an explanation.

The SPEAKER. Is there objection to the request of the gentleman from Idaho? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I presume none of us believe everything printed in the newspapers, but when an article is sent out by the Associated Press and is printed on the front page of a metropolitan journal like the Evening Star I assume we all would feel that we could regard it as absolutely truthful. On Monday, at the close of the addresses on President Washington, unanimous consent was granted at my request to have read from the Clerk's desk a newspaper clipping taken from the Star of February 22, which contained an extract from a speech delivered by Abraham Lincoln in 1842 on the life and public services of Gen. Washington.

This clipping contained the statement that it had never before been printed, not even in the life of Lincoln by Nicolay and Hay. Mr. Lucien Hugh Alexander, of Philadelphia, is quoted as having made the statement that this extract from Mr. Lincoln's address had never before been in print, and that he had discovered it in the Sangamon Journal, of Springfield, Ill., on file in the Congressional Library. On inquiry I find, as a matter of fact, that not only this portion of Mr. Lincoln's address was printed in the Nicolay and Hay history, but the entire address delivered on that particular occasion. It has also appeared in other histories of Lincoln and in certain magazines. I therefore ask unanimous consent, in the interest of historical accuracy, that this portion of the RECORD of Monday, the 23d of February, containing this clipping, be excluded from the permanent RECORD.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, what objection can the gentleman have, even though he was inadvertently deceived as to the authenticity of this statement?

Mr. SMITH of Idaho. Simply this: By continuing this statement in the permanent RECORD we are perpetrating a falsehood, which we should never undertake to do. It is very evident that Mr. Alexander made a misstatement or was misquoted, and the statement should not, in my opinion, be continued in the permanent records of Congress.

Mr. BANKHEAD. But does not the gentleman think that people might want copies of that speech, although these facts were stated inadvertently, and that it might be desirable to have it perpetuated?

Mr. SMITH of Idaho. It is perpetuated in the authentic histories of Lincoln.

Mr. FESS. Will the gentleman yield?

Mr. SMITH of Idaho. I will.

Mr. FESS. Is this a statement from Mr. Lucien Alexander, of Philadelphia?

Mr. SMITH of Idaho. Yes.

Mr. FESS, I express to my colleague great surprise if Mr. Alexander——

Mr. SMITH of Idaho. Let me read a portion of the clipping for the information of the gentleman from Ohio, who was not here on Monday.

Mr. FESS. Mr. Alexander is one of the recognized expert research men of America.

Mr. SMITH of Idaho. Let me quote:

Mr. Alexander, a student of Lincoln, came upon the unknown address while on historical research work. He declared that in his judgment it is destined in the years to come to be read or recited at virtually every celebration of Washington's birthday the country over.

I now quote from Mr. Alexander's statement:

"Hay and Nicolay, and also Ida Tarbell, missed it," he said, "and so have all of Lincoln's biographers, so far as I can discover. Indeed, I believe this is the only encomium extant by Lincoln upon the Father of his Country; and if so, its importance from a purely historical and sentimental standpoint can not be overestimated. This really wonderful quotation will be sure to link their names together in a most unusual and beautiful way from now on every February 22."

On yesterday I read from the Nicolay and Hay History of Lincoln not only this extract but found there the entire address that was delivered and from which it was quoted.

Mr. IGOE. Will the gentleman yield?

Mr. SMITH of Idaho. I will.

Mr. IGOE. If you get this consent, you will take it out of one issue of the RECORD and put it into another.

Mr. SMITH of Idaho. We have it in the daily issue of the RECORD, but we should exclude it from the permanent RECORD.

Mr. IGOE. It will be in the permanent RECORD that carries to-day's debate. I would also suggest that the gentleman should exclude to-day's debate.

Mr. BANKHEAD. Mr. Speaker, I object. I think it ought to go in the RECORD.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the House bill 12610, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Secretary: Secretary of the Treasury, $12,000; assistant to the Secretary, $5,000; three Assistant Secretaries, at $5,000 each; clerk to the Secretary, $3,000; executive clerk, $2,400; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $4,000; clerks—one of class 4, four of class 3, two of class 2; chief

messenger, $1,100; two assistant chief messengers, at $1,000 each; messengers—three at $900 each, five at $840 each; in all, $69,600, or so much thereof as may be necessary.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 33, line 20, strike out the following: "or so much thereof as may be necessary."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. HARDY of Texas. Mr. Chairman, I would like to ask unanimous consent to proceed for five minutes, but not on this paragraph, under a motion to strike out the last word.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed out of order on this particular paragraph.

Mr. WOOD of Indiana. Mr. Chairman, I object.

Mr. HARDY of Texas. I want just five minutes.

Mr. WOOD of Indiana. The trouble is we have been granting too many of these five minutes during the reading of the bill; and there will be opportunity for the gentleman when we get to the paragraph.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

For two additional Assistant Secretaries of the Treasury at the rate of $5,000 each per annum, in accordance with the authority contained in the deficiency appropriation act approved October 6, 1917, and for a private secretary to each of the said Assistant Secretaries at the rate of $1,800 each per annum, so much as may be necessary is appropriated to provide for their compensation from July 1, 1920, to a date not later than six months after the termination of the present state of war.

Mr. HARDY of Texas. Mr. Chairman, I move to strike out the last word.

I have not taken up much time and do not propose to take up much, but I want to talk about the general question of economy to some extent in connection with this item, as well as in connection with the whole bill. I want to ask the Members of the House to read the part of the RECORD of to-day which shall contain what I shall ask to insert in it in reference to the Department of Commerce and the items in this bill affecting it. That department, in my opinion, is one of the most important departments we have now to legislate for.

The world will be new after this war. I want to call the attention of the entire membership to the estimates of appropriations made and furnished the Committee on Appropriations and the testimony before the committee with reference to the necessity for the appropriations asked for by this department. The department asked for $1,658,420 for the Bureau of Foreign and Domestic Commerce, but that bureau's appropriations were cut down to $487,470. We whose committee work is directly related to our foreign commerce feel a deep interest in this subject, so much so that when we saw this cut we apppreciated its unfortunate consequences and asked the Secretary of Commerce to appear before us—that is, before the Committee on the Merchant Marine and Fisheries—and give us such information as we thought essential to our full and clear understanding of the matter. I want it understood that this action of our committee was not at the instance of the Department of Commerce, but on our own initiative. We asked the Secretary to come before us. Instead he sent Mr. Kennedy and Mr. Brock, whom we examined at length, and it seems to me that every Member of the House ought to familiarize himself with the testimony taken by us, bearing specially on the appropriations for the support of the Bureau of Foreign and Domestic Commerce. The whole appropriation for the Department of Commerce in this bill seems to indicate a complete lack of appreciation. That department to us is of the utmost importance, and it is important not preeminently to the agricultural interests I represent but to the great manufacturing interests of the Northeast, and it is of great importance to every section of the country. The particular proposition in this bill which I want the Members as a whole, Democrats and Republicans, to study is the cutting down of the service of the Bureau of Foreign and Domestic Commerce by removing from it certain of its necessary and important officials. The whole commercial attaché system, which every other prominent nation is increasing and strengthening, is wiped out by this bill. The foreign trade commissioners are reduced to uselessness almost, and in every way there has been a tendency to lop off and cut and slaughter.

And this at a time when every European country, especially Great Britain, is earnestly, actively, and intelligently bending every energy toward expanding and developing its commerce. They are increasing the numbers of their commercial attachés and trade agents, while we are dismissing. They are doing everything in their power to occupy and hold the territory that is opening up everywhere for trade, while we by this bill are deliberately retiring from the field. If we pursue the policy indicated by this bill, we become among the civilized nations the sleeping-merchant nation of the world, the goods on our shelves and in our warehouses, all that we can not consume ourselves, being covered with dust, while our commercial rivals and competitors go out and supply the market and secure the trade of the world. Surely, Mr. Chairman, we have little need and no possibility of a great merchant marine if our Government intends to pursue a policy that will help to leave the markets of the world to our competitors.

It may be economy in a way to cut down the expenses of this great department by abolishing its essential agencies for the advancement of our commercial interests, but it will be an economy that will blast our fairest hopes of commercial and industrial expansion and unrivaled national prosperity. It is as if a physician, seeking to aid a patient, forgot all his other remedies except that of the surgeon's knife. It is cut, cut, cut, with reason and without reason, and it does seem to me that while we talk about "economy" a policy which economizes by the destruction of essential elements of prosperous and successful commerce ought to be well looked into. We want our ships to carry our products to every port of the world, and to bring back to us the goods our country shall import, and to that end we ought to increase and not decrease the means and agencies that will help our producers and consumers, our sellers and buyers, our exporters and importers, in the world-trade war.

Mr. Chairman, I ask to extend my remarks on this question by the insertion in the RECORD of an interview given out to the Associated Press by the Secretary of Commerce on the 19th of this month. It is mild, it is modest, it is rational, and I invite every Member of Congress who knows the Secretary, Judge Alexander, to weigh it. I also wish to insert such of the testimony as I think appropriate to the subject taken before the Committee on the Merchant Marine and Fisheries yesterday, and to that end I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The interview referred to is as follows:

WASHINGTON, *February 19.*

"American trade with the world is endangered by the action of the Appropriations Committee in cutting down the foreign trade estimates of the Department of Commerce from $1,658,000 to $490,000," Secretary Alexander declared Thursday in a formal statement.

"This is the most serious blow ever aimed from within at our foreign trade," the Secretary said. "The sum allowed is only one-half the appropriation now used.

"At the very time when the European and Japanese Governments are striving to perfect their trade-promoting machinery through enormously increased appropriations, this bill proposes to scrap the American machine, the most effective and smoothest running that any Government has ever been able to assemble.

HANDICAP TO AMERICA.

"When our rivals have an almost overwhelming trade advantage in exchange rates, this bill proposes to handicap American manufacturers by practically withdrawing the helping hand of the Government. Almost on the day when our merchant marine becomes a fact it is virtually announced that foreign trade is not worth supporting.

"Funds for the promotion of Far East trade are cut in half," he added, stating that this means "a great slackening of effort" in a district where Japan, Germany, and England are redoubling their efforts. "The great markets of the East will return a thousandfold every dollar this Government spends there," he said.

"The effect of the bill," he asserted, "is the abolition of the department's commercial attachés and the reduction in the number of foreign trade commissioners.

"As a result of the cut in appropriations," he stated, "district offices must be abolished in New York, Boston, Chicago, St. Louis, New Orleans, San Francisco, Seattle, Baltimore, Philadelphia, Pittsburgh, Cincinnati, Dayton, Los Angeles, and Portland, Oreg.

"The bill aims to abolish the commercial attachés entirely," Secretary Alexander said. "This service was established in 1914 at the request of American business. As now conducted it costs $165,000, a trifling and inadequate sum. There is not an office in the service that does not turn in more than that every year in actual business, and the contracts obtained by American houses through some of the offices run into the millions of dollars. That is taking into account only the promotion work figured in dollars and cents. Twelve commercial attachés—men trained and experienced in commercial and economic matters, who at present are attached to embassies and legations in a dozen foreign capitals, where they are charged specifically and solely with the promotion of American business interests at this critical period—will be withdrawn peremptorily within three months' time and dismissed.

IS NOT ECONOMY.

"At least 15 trade commissioners, who are reporting on rapidly changing commercial conditions in European countries from Denmark to Austria, will have to be recalled by the 1st of May.

"If this bill is passed, I shall have to close up almost all the district and cooperative offices in this country. The cutting off of help in the Washington office means decreased efficiency all around. It means a smaller 'commerce report' and delayed trade figures.

"This is not economy. It is downing tools at the most critical stage of our commercial history. If this bill goes through it will cost ten times as much money to put the plant in running order when the grave error of shutting it down has been demonstrated. And it will be demonstrated in a very few months."

Mr. HARDY of Texas. I incorporate only such parts of the testimony of Mr. Philip B. Kennedy, Director Bureau of Foreign and Domestic Commerce, Department of Commerce, before the Committee on the Merchant Marine and Fisheries, February 24, 1920, as are not stricken out:

Mr. KENNEDY. The estimates of the Bureau of Foreign and Domestic Commerce, which were submitted, amounted to a total of over $1,600,000. The amount of money which we have to expend for the present fiscal year is slightly under $1,000,000. Before putting in these increased estimates I had talked with the business men of the country and explained to them that we were constantly losing our most efficient men, who went into business positions, and that if we were to make this service permanent, something that would offer a career to well-trained men, we would have to obtain the resources necessary to make this possible. They were very much interested in this and were anxious that we put in estimates considerably larger than we did; but, considering the fact that the present fiscal year is one when we have to practice economy, I took the view that if we were to develop, steadily year by year, in a sound fashion, that we could encourage the men we have to stay with us.

A committee composed of the American Manufacturers' Export Association, the National Foreign Trade Council, and the Civil Service Reform League have been going over this question and have advised that we have not made our estimates high enough. I had asked, for example, for no increase of salary in Washington, which is a very serious fault. These estimates of over $1,600,000 were cut down to under $500,000 by the appropriation committee.

Mr. CHINDBLOM. How much under?

Mr. KENNEDY. To $489,000. The first cut is in the amount provided for expenditure in Washington, which is reduced by $58,000. That will mean we will lose 6 out of 10 division chiefs and 32 other important officials in the bureau.

The Bureau of Foreign and Domestic Commerce is the governmental agency which distributes commercial information to American business men. This information comes not only from our own foreign representatives, but also from foreign representatives of the State Department.

Mr. WHITE. What is the personnel of that bureau now—the total?

Mr. KENNEDY. The total, the last time I reckoned it up, was about 175.

Mr. BROCK. Of which about 135 are in Washington.

Mr. KENNEDY. About 135 in Washington, and this cut reduced it by 38.

Mr. CHINDBLOM. You said the total was 175?

Mr. KENNEDY. Including our district office staff.

Mr. CHINDBLOM. That would be 40 elsewhere. Where are the 40?

Mr. KENNEDY. They are in our district offices in New York, Boston, Chicago, New Orleans, St. Louis, San Francisco, and Seattle.

Mr. CHINDBLOM. Did the 175 include the commercial attachés?

Mr. KENNEDY. No. Neither the commercial attachés nor the trade commissioners abroad.

Mr. CHINDBLOM. How many of those have you or have you had?

Mr. KENNEDY. We have had abroad a total of between 90 and 100 people.

Mr. CHINDBLOM. And how were they divided, as between commercial attachés and other representatives?

Mr. KENNEDY. We have 12 commercial attachés.

Mr. LAZARO. Is it not a fact that right now Great Britain is increasing their number of attachés looking after foreign business while we are decreasing ours?

Mr. KENNEDY. That is entirely true, as it is also in France.

Mr. CHINDBLOM. What is the status of these commercial attachés in the foreign embassy or legation?

Mr. KENNEDY. May I leave that until a little later? The point I wish to emphasize here in regard to these employees in Washington is we have the sole duty of distributing all this foreign commercial information, from whatever sources obtained, to the American business men, through our Washington office, through these seven district offices, and through some eight or nine cooperative offices in leading chambers of commerce.

Mr. BANKHEAD. Just what character of information do you distribute so as to develop foreign trade?

Mr. KENNEDY. The reports of a commercial character made by representatives of the Bureau of Foreign and Domestic Commerce abroad, by the consuls and others, all of which come to our bureau. We are receiving at the present time at the rate of about 40,000 consular reports a year in addition to all of our own reports. That material we publish in the form of Daily Commerce Reports and in the form of special monographs on trade. We also publish the foreign trade statistics. We are writing large numbers of commercial letters in answer to specific inquiries about commerce. I think we write about 3,000 letters of that kind every week from our Washington headquarters.

Mr. HARDY. To whom?

Mr. KENNEDY. To nearly all the business firms in the country, to banks and manufacturers and exporters—a very wide range of different kinds of people interested in the increase of our foreign commerce.

Mr. CHINDBLOM. Can you state some of the features of that correspondence?

Mr. KENNEDY. We have our work in the bureau divided into divisions. We have one division on tariff information. That division receives tariff laws from all over the world. It has the finest collection of laws on foreign tariffs in the United States, if not in the world. That division receives inquiries as to the tariff on a certain article in a certain country and as to the procedure which has to be followed. Their correspondence is very large. For instance, they have specific and definite information on what is the tariff on lawn mowers in Brazil and what procedure has to be complied with. That division has also handled restrictions. There have recently been restrictions on the importation of American goods into European countries, including restrictions on exchange. All these laws have been compiled there and that information is made available to the American exporters.

Mr. HARDY. How many of those letters, the 3,000 per week, are in answer to communications to you and how many of them are merely general form letters sent out to different people—what proportion?

Mr. KENNEDY. This does not include the form letters, of which we send out a very large number.

Mr. HARDY. These are answers to specific letters addressed to you—some 3,000 per week?

Mr. KENNEDY. Yes. We have one single division that has to answer about 1,000 letters a week. That is our commercial information division. The tariff division which I spoke of answers about 250 letters a week. All of those are in answer to specific questions. The commercial information division receives all the letters which can be answered from our files without highly technical information. These letters come in from everywhere. A man wants to know about a market for certain goods in certain countries. Trade letters that come in from our own representatives and from the Consular Service have the essential information taken off and put on a sheet of paper in our file. In this commercial information division we have files containing this recent and essential information about markets for all kinds of American goods in different countries. When a letter comes in that file is consulted. We have right there conveniently at hand the latest information. In this commercial information division we have correspondents who are answering those letters, every one of which is a specific inquiry.

Certain letters come in that are more technical in character. Some one wishes certain information about the Far East or Latin America or western Europe or Russia. We have geographical divisions with experts in charge, men who have been in those countries, who are continually assembling information particularly on those markets. All these geographical divisions reply to these specific inquiries of a technical character on their respective markets.

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We also have a statistical division which publishes the import and export statistics of the United States. They are constantly receiving letters asking for the most recent statistics of imports and exports of a certain article to a certain country. They have a large correspondence.

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What we need is a steady policy in our foreign trade. Bankers whom I have been conferring with realize this. Instead of closing up the book and giving up this question, they are studying it more carefully to-day than, I believe, they have ever done before in the history of this country. And just at this time, when the ablest and most experienced business men in this country want our information, it is very discouraging to feel that our Washington staff, which has to handle it, instead of being increased and more highly paid, as it ought to be, is to be severely cut. If that cut is made, we will not be able to give out this information in the way it is required.

Mr. BANKHEAD. They propose to cut the salaries $60,000, as I understand it?

Mr. KENNEDY. $58,000.

Mr. HARDY. Is that a cut in the salaries or a cut in the number of employees?

Mr. KENNEDY. It is entirely a cut in the number of employees in Washington. We will have to dismiss 38 of our most experienced men, who are already receiving salaries much too low. We recently lost a man we were paying $2,000, to take a salary of $5,000. I could go on and enumerate a long list of them.

Mr. CROWTHER. With what sort of a concern did he go?

Mr. KENNEDY. He became the manager in Rio de Janeiro for the American Express Co. He was the assistant chief of the Latin America division. We had spent five years in developing that man as a clerk to commercial attaché in different parts of South America, and just when he became valuable we could not give him any advance in salary and he was taken away.

Mr. BANKHEAD. These 38 men include men of high responsibility in the department?

Mr. KENNEDY. They include six of our division chiefs.

Mr. BANKHEAD. How many divisions have you?

Mr. KENNEDY. We have a provision in the bill for 10 division chiefs, which is what we now have. Six of those are to be dropped. They are the key men. We have a director, two assistant directors, and then follow these 10 division chiefs.

Mr. BANKHEAD. Will you tell us over what six divisions those six men preside?

Mr. KENNEDY. We have not yet decided as to which men we will have to dismiss. We hate to face that question.

Mr. HARDY. You have 10 now and the bill will call for your retaining only 4?

Mr. KENNEDY. Yes.

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Mr. KENNEDY. I would like to state right here that a reduction in our Washington staff, for one thing, will undoubtedly be an embarrassment to the Shipping Board. We have been giving them information about traffic routes. Our different division chiefs have been conferring directly with men in the Shipping Board about traffic to South America, to the Far East, and to other different territories. Judge Payne appointed Maj. Cushing, chief of operations, and Secretary Alexander appointed me, to keep constantly in touch with one another so that our commercial information could help the Shipping Board.

Mr. KINCHELOE. Upon what hypothesis did the appropriation committee cut this appropriation? Were any of your representativse before them?

Mr. KENNEDY. We endeavored to explain the situation fully to them. So far as this item is concerned, that is, our staff in Washington, I do not think the argument of duplication can enter one iota, because this is a service which the Department of State does not deal with at all. It is the specific duty of the Bureau of Foreign and Domestic Commerce to distribute commercial information to American business men.

Mr. DAVIS. After you appeared before this subcommittee did they not restore this appropriation and then was it not again reduced by the full committee?

Mr. KENNEDY. I have not been informed as to that.

Mr. DAVIS. I have heard that or read it.

Mr. BANKHEAD. I suggest that the witness go next to the reduction in the appropriation for promoting foreign and domestic commerce, which is cut $150,000 below the current appropriation.

Mr. KENNEDY. In this fund for promoting commerce we asked for $500,000. We had $325,000 this year. It has been reduced to $175,000.

Out of that fund we have to pay for running our district offices; and we are permitted, according to this bill, to spend $63,000 on our district offices, which is about what we spent this year. But it is very questionable whether, with the reduction in our Washington staff, we can run these district offices. In order that these district offices may be useful the material from abroad has to flow through the Washington office. These district offices have done a great deal of good. They are located in different cities where business men can personally call. They have files of material. They have information about all these restrictions abroad. I fear that this reduction, for one thing, will strike out these district offices.

The rest of the fund is for the promotion of foreign commerce outside of Latin America and the Far East, where we have special funds. If this limitation goes through we will have to withdraw in two or three months about 15 trade commissioners in Europe—from Denmark and Austria—who are reporting on rapidly changing conditions.

I was in London myself during the war as commercial attaché. I feel very keenly the need of our following what is going on in Europe. We may not be able to do much trade there for the time being, while exchange is against us, but we should follow developments. Great Britain, for the year ending January 1, had a greater foreign trade than we did, considering both imports and exports. British ships are putting up the keenest kind of competition on the high seas. British factories are in far better shape than they were a year ago. The president of a large American company, who himself has run a plant in England, returned recently. He told me that manufacturing in Great Britain was much improved over what it was when I left there 10 months ago. He said labor is getting down to work; they have their raw materials; they are reaching out for foreign markets. He said that they are going to give us the keenest kind of competition. At a time when our foreign trade is in the balance we ought to follow what is going on in Great Britain.

As regards France, our commercial attaché, Mr. Snow, who has just come back to the United States, recently took a swing around the industrial cities of France. Every place he visited he went to the chamber of commerce or the labor bureau and asked: "How many unemployed have you?" He was struck with the fact that in the industrial cities of France there are now virtually no unemployed. The factories were working full time. He believes that the French manufacturing industry is going ahead very vigorously.

It is not all dark in the picture of Europe. It is possible the American foreign trade in the future may run up against the keenest kind of competition.

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Take Europe as a whole, I feel that it would be a very grave error for us to be forced to withdraw within two or three months these 15 trade commissioners that we now have reporting there. They are men who know those countries, who have had commercial training. Of course, the consuls are reporting, too. We receive the reports of the consuls through the State Department. We know the reports we are getting from our trade commissioners are not covered by the consuls. We know there would be a great loss of information to the American trade and to American shipping if our men were recalled. Just at the time when this readjustment is going on, when the future is being made, it impresses me as being a great mistake to think of withdrawing experienced men and saying that we have no interest in European trade because those nations can not pay for their goods at the present time. That seems to me a short-time rather than a long-time point of view. This appropriation for promoting commerce, which has been cut, is a small amount of money considering what is at stake.

Mr. BANKHEAD. Right there I want to ask this question, even if it breaks in on your statement, because this is the issue that is going to be before the House: You say, as a matter of fact, there is no duplication between the work of those trade commissioners and that of the consuls in furnishing information. You take that position?

Mr. KENNEDY. I say that there is very little. These trade commissioners are, as a rule, men of special training; they are devoting their entire time reporting on commercial subjects and advising with business men.

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Mr. BANKHEAD. There is one thing you have not explained yet to my satisfaction; you may have to the others. I want to know what trade functions your trade commissioners perform and report to your department that are not performed by the consuls of the State Department, that gives an advantage in their retention?

Mr. KENNEDY. This applies both to the trade commissioners and the commercial attachés. I think, however, it is generally recognized by the State Department that these trade commissioners are men who do not conflict with their consuls, because these trade commissioners are, as a rule, specialists. A man will go out with a knowledge of leather or shoes or some technical line. For example, in England, we have a trade commissioner who was for three years the representative of the Grotton & Knight Leather Co., in London. He is a man who is technically trained in leather. He can go out and make reports on leather which no man could make who was not a technical man.

It is where the trade commissioners are technical men that they fill a special field. A trade commissioner, also, is a man who can pursue a line of investigation on one topic. A consul can not do that. A consul has to sit in his office. He has to attend to the passports, shipping, and notarial functions; all these various things come to the office of a consul. He can not travel from city to city; he can not take the topic of leather, for instance, and go around to different cities of Great Britain and confer with leather people and make a technical report on that subject. As a rule, I think, there has been no feeling that these trade commissioners duplicate the work of consuls. That charge has been leveled mainly against the commercial attachés who have been largely resident. Of course we have a few trade commissioners who are resident, but that is only temporary.

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Mr. KENNEDY. This will only take one paragraph. They have cut us down in our promotion of trade in the Far East, I believe, under a misconception. The chairman of the subcommittee stated on the floor of the House that there was not much trade to be obtained in the Far East and there was no use spending money on it. The exchange is running against us in the Far East. We are sending silver over there and the Treasury is anxious to increase our trade with the Far East so as to protect our bullion. There is, in fact, a great opportunity for trade in the Far East, and I can conceive no reason whatever for cutting that appropriation from $100,000 to $50,000. I think it must be because of misunderstanding of the facts.

About South America, I will not deal particularly with that, because they have given us the same sum we had this year. I think we ought to increase it because the exchange is running against us in South America. They are sending us more goods than we are sending them. We have a very fine opportunity there, and we ought to extend our work rather than hold it as it is.

Now, as regards commercial attachés. This item has been dropped entirely from the appropriation bill. This service was established six years ago in the Bureau of Foreign and Domestic Commerce after a referendum of the commercial organizations of this country by the Chamber of Commerce of the United States that was overwhelmingly in favor of the establishment of that service in the Bureau of Foreign and Domestic Commerce.

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Mr. LAZARO. According to a report in this morning's Washington Post the United States Chamber of Commerce has addressed a letter to Members of Congress, calling attention to the fact that right now Great Britain has 50 of these attachés to this country's 18. Is that correct?

Mr. KENNEDY. I could not say as to the number appointed by Great Britain. Lord Farrington was chairman of the parliamentary committee which recommended commercial attachés. He is one of the Scotch bankers in London and has become a power. They made a very careful study of our system in the Bureau of Foreign and Domestic Commerce, he told me. Lord Farrington told me, further, that he considered our system very efficient. The British have proceeded to adopt many of our ideas. The business men of Great Britain have been displeased with the service rendered by the consuls in the foreign office, because they have felt it was not a business service. And they have put the consuls, as well as the commercial attachés, under the overseas-trade department. They have taken the consuls out of the control of the foreign office, which corresponds to the State Department, because they think that diplomatic atmosphere is bad even for consuls.

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Mr. CROWTHER. Speaking of duplication and some of the information that is gleaned by the attachés and by the agents you have, I remember during the hearings of the Division of Operations of the Shipping Board they had also appointed some very high-grade men—all college men, I believe—as supercargoes, and their reports were read here—a great many of them. A great many I read were very comprehensive, very illuminating, and had a vast fund of information. Did that information come from you or did the Shipping Board conduct that? That information was with regard to dock facilities, harbor facilities, coaling facilities, oil facilities. And still, further than that, those supercargoes had gleaned information as to the interior of the country extending from the port where they were located, as to the probability of a return cargo for the things we manufactured that might be brought back. Did the Shipping Board conduct that on its own initiative, or did they depend on you folks for the information?

Mr. KENNEDY. They have made available to us any information obtained by the supercargoes and there has been a perfectly frank interchange of information. The Shipping Board has been very anxious to play the game.

Mr. CROWTHER. You think there should be somebody else, necessarily, some resident attaché, rather than to get the information in that way, as they have, through their supercargoes? That would not be enough, you do not think; you think this other service should be maintained?

Mr. KENNEDY. I think that the supercargo spends, of course, a great deal of time on the water, and when in a port he has business functions to attend to in connection with his work, and he has not a great deal of time to get commercial information. He is not there long. Sometimes he gets hold of some good information. I think he is just like the consul. The consul is a man who has most of his time taken up with routine and notarial work of various kinds, but he does get hold of good commercial information at times, which ought to be utilized.

Mr. BANKHEAD. Will you kindly tell us, in a concrete fashion, what the duties of the commercial attachés are?

Mr. KENNEDY. The commercial attachés, according to law, are directed to report to the Secretary of Commerce on industry and commerce in their districts. The root idea of establishing the commercial attaché was that he should view the country as a whole. In Great Britain, for instance, we have consuls at all the principal cities who sit at their desks and learn a good deal about the business of their districts. It was felt that some one should look at it from the national point of view—should consider the commercial policy of the country as a whole. That has been the principal function of the commercial attaché. In most cases he has been the commercial adviser to the American ambassador.

Mr. CHINDBLOM. Have you more than one commercial attaché to a country?

Mr. KENNEDY. Only one to a country.

Mr. WHITE. He is appointed by the Department of Commerce but is attached to the consulate?

Mr. KENNEDY. No; to the embassy or legation. He is accredited by the State Department. The commercial attaché, as a diplomatic official, is entitled to deal direct with representatives of the Government. A consul has no authority to deal direct with officials, say, of the British Government; but a commercial attaché has. Of course, he has a responsibility to the ambassador for the character of those negotiations. A commercial attaché is a very useful person to the ambassador.

Mr. HARDY. From what you say, it seems to me the commercial attaché should more properly be appointed by the State Department than the Department of Commerce.

Mr. KENNEDY. No; but I am glad you asked that question. The commercial attaché is a very important arm to the ambassador and is very helpful to the ambassador, because he is the commercial member of his staff with business contacts. His essential business character and direct relation to the Bureau of Foreign and Domestic Commerce makes him a specialist similar to the military and naval attaché. State Department representatives in the Diplomatic Service are interested almost exclusively in politics and diplomatic procedure as well as in purely social relationships. The commercial attaché is the direct representative of American business on the embassy staff. Put him in the State Department and his business character will be lost.

Mr. HARDY. The attaché to the embassy for the Army is appointed by the War Department?

Mr. KENNEDY. Yes.

Mr. HARDY. And for the Navy by the Navy Department?

Mr. KENNEDY. Yes.

Mr. HARDY. And the attaché for commerce you think properly should be appointed by the Department of Commerce?

Mr. KENNEDY. Yes. I think that the distinctly professional character of the commercial attaché should be maintained.

Mr. CHINDBLOM. Of course, the fact that the commercial attaché is attached, as his name indicates, to the embassy or legation, proves that he is not in the position of a consul or consular agent?

Mr. KENNEDY. That is where some of this trouble has arisen, because the consuls are, some of them, offended at the superior position in which the commercial attaché has been placed. I do not blame them. I have no personal feelings in this whole question. I have a great deal of friendship for the American Consular Service and I would like to see it built up and improved; but I think it is proper that the commercial attaché should remain on the staff of the embassy as the representative of American business, considering commercial policy for the country as a whole. His work is not similar to that of a consul. He has a strictly commercial job of broad character.

Mr. CHINDBLOM. To what extent do other countries have these commercial attachés?

Mr. KENNEDY. The practice of the civilized world is favorable to the position which I maintain that is controlled by the Commerce Department. Great Britain has, within the last two or three years, entirely revised her system. The business men felt that they were getting virtually nothing from the consuls. They have made the consul subservient to the commercial attaché, from the commercial point of view. For instance, in the United States the commercial secretary of the British Embassy receives copies of the commercial reports made by all the British consuls in this country, and he can ask them to look up particular things in different parts of the country, so that all that information is assembled here in the British Embassy in Washington to help the ambassador in his conduct of policy. The consuls are put under the direction of the commercial attaché, so far as the commercial work goes. Great Britain has extended that system all over the world. They are trying to relieve the consuls of their shipping work, so that they can do more commercial work, and they head it up through their commercial attaché.

France is establishing under the minister of commerce a commercial attaché system, and some of their representatives have been through our bureau and studied it very closely, and they are just now in process of appointing some 15 or 20 commercial attachés, who are to report to the minister of commerce. In every country these commercial attachés are reporting to the minister of commerce, because that is his business. They universally want to get away from the foreign offices, where there has been a lot of red tape and delay and a great deal of secrecy, and where men have been more interested in political and diplomatic questions. The business men want something that has a business character. That is the reason that in all these foreign countries, including Japan, Great Britain, France, Italy, and Holland—every country that I know of—they are making these commercial attachés directly responsible to the minister of commerce.

Mr. WHITE. How many of these commercial attachés have we outside the United States at the present time, and how much of a contraction of the service will be required if this appropriation bill stands as it is reported?

Mr. KENNEDY. The present fiscal year we had an appropriation of $165,000, which provides, at the maximum, for 11 or 12 commercial attachés and their offices. If these men are withdrawn that will mean we will have to dismiss from the service 11 or 12 commercial attachés and such clerks as they have. Those commercial attachés are at present in London, Paris, Madrid, Rome, The Hague, Copenhagen, Rio de Janeiro, Buenos Aires, Santiago, Pekin, and Tokyo.

Mr. WHITE. This bill carries nothing in its present form for those commercial attachés and their clerks?

Mr. KENNEDY. It wipes them out.

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Mr. HARDY. Then I understand the greater distinction is you have only one commercial attaché to any country, and he supervises these trade commissioners and their work and comes in direct contact with your ambassadors?

Mr. KENNEDY. Yes.

Mr. HARDY. And, through him, with our own people?

Mr. KENNEDY. Yes.

Mr. HARDY. So that he is really the head of the trade commissioners?

Mr. KENNEDY. Yes.

Mr. HARDY. As well as the channel through which they communicate?

Mr. KENNEDY. Yes. And nearly all the ambassadors and ministers have very highly commended this service.

Mr. HARDY. You might name them appropriately the chiefs of the trade commissioners to certain countries?

Mr. KENNEDY. Yes; they are, really.

Mr. KINCHELOE. Would it not be better for the interests of the country, if we abolish one or the other, to abolish the trade commissioners instead of the attachés?

Mr. KENNEDY. I should say that the commercial attachés were the nervous system of the Department of Commerce. If you take them away we will be inert. We will not be in a position to protect the business interests of the country. I feel that it is possible for the present system to avoid duplication, and I think that it has been very largely done in the past. We receive the reports of the consuls in our bureau to distribute to the business men. We can read those over, and we can see where they are reporting on the same things as our commercial attachés. As a matter of fact, it is very seldom that there is any overlapping, because the consuls report on something local to their district, whereas the commercial attachés are usually considering broad commercial policies of the country as a whole; and the trade commissioners' reports are so technical and so complete that the consuls do not make any such reports.

Mr. HARDY. Even the trade commissioners are not confined to a particular port or locality?

Mr. KENNEDY. Oh, no. Some of them go out and make a trip of two years.

Mr. CROWTHER. By whom are they appointed?

Mr. KENNEDY. They are appointed by the Bureau of Foreign and Domestic Commerce.

Mr. CROWTHER. On examination, the same as the commercial attachés?

Mr. KENNEDY. Yes.

Mr. CROWTHER. Picked for their special adaptability to certain lines of investigation?

Mr. KENNEDY. Yes For example, Mr. Brock is a trade commissioner who spent two years going all over the West Indies and South America investigating the market for American shoes.

Mr. CROWTHER. Are they allowed traveling expenses?

Mr. KENNEDY. Yes; they are allowed $4 per diem, which is ridiculous. They are allowed the actual cost of transportation and $4 per day in lieu of subsistence.

Mr. CHINDBLOM. What about these other items here? There are four items which have been stricken out altogether, I believe, by the Appropriations Committee. For instance, trade development through motion pictures.

Mr. KENNEDY. Of course, that motion pictures are really dependent upon whether Congress passes a bill which has been put before it, and I do not consider that as prime interest.

Mr. CHINDBLOM. Then, post allowances, $100,000.

Mr. KENNEDY. If we are to maintain that commercial attaché service and the trade commissioner service, we are going to be handicapped without post allowances. The State Department has been given post allowances for their representatives. The living conditions in different parts of the world are so upset at present you have to give a man more money if you send him to some places where he is going to have a very hard time and the exchange is against him, and everything of that kind. And if the commercial attachés are to be really backed up and made effective we ought to have post allowances.

Mr. CHINDBLOM. What about the other two items, transporting the remains of officers and employees, $1,500, and transportation and subsistence for families of officers and employees, $50,000?

Mr. KENNEDY. The $1,500 is a sort of provision in case we should have anyone die abroad. The State Department has a small sum which they use for bringing back the remains of their people who die abroad. And if we have foreign representatives, we ought to have some small sum which, if necessary, could be used to bring a man's body back home.

Mr. CHINDBLOM. Then, transportation and subsistence to families. Is not that something of the same nature as the post allowances?

Mr. KENNEDY. No. When you send a man out to a post—take Mr. Arnold, our commercial attaché at Peking; he has a wife and four children. According to the present arrangements we pay his own transportation, but do not pay for the transportation of his wife and four children. And we only pay him $4 a day in lieu of subsistence. If he stopped at a hotel, why his own living expenses probably would run $10 a day, and then with all this family you can see it is a very expensive thing for him to go out at all.

Mr. CROWTHER. What salary does a man like that get?

Mr. KENNEDY. Mr. Arnold is getting $8,000, but the exchange is running so much against us in the Far East it is not worth more than about $4,000 to $5,000 at the present time. He is a man who has been 17 years in China.

Mr. CROWTHER. Does he have to suffer from those conditions?

Mr. KENNEDY. Mr. Reinsch, the minister to China, told me in my office that Mr. Arnold is one of the most public-spirited men he ever saw; that he can leave us at any time at three or four times the salary in private business.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For two additional Assistant Secretaries of the Treasury at the rate of $5,000 each per annum in accordance with the authority contained in the deficiency appropriation act approved October 6, 1917, and for a private secretary to each of the said Assistant Secretaries at the rate of $1,800 each per annum, so much as may be necessary is appropriated to provide for their compensation from July 1, 1920, to a date not later than six months after the termination of the present state of war.

Mr. MANN of Illinois. Mr. Chairman, on page 34, line 4, I move to strike out the words "state of."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 34, line 4, strike out the words "state of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Federal Farm Loan Bureau: Four members of the board, at $10,000 each; secretary, $4,500; assistant secretary, $3,000; 4 private secretaries, at $2,000 each; custodian of securities, $2,500; examiners of securities (not to exceed 6 in number) at not more than $3,000 per annum each, $14,700; 12 registers at $4,000 each; chief land bank examiner, $5,000; 2 land bank examiners at $3,000 each; accountant, $1,800; 12 clerks and stenographers for registrars, at $1,200 each; engineer (irrigation and drainage), $4,800; clerks—3 of class 3, 5 of class 2, 8 of class 1, 9 at $1,000 each; stenographers—3 at $1,400 each, 4 at $1,200 each; 3 messengers; in all, $194,620.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: On page 43, line 3, before the word "two," insert the following: "Chief of the Bond Division, $3,600; supervising appraiser, $3,600." And, in line 8, strike out "three messengers" and insert in lieu thereof the following: "five messengers." And, in line 9, strike out the sum "$194,620" and insert in lieu thereof the following: "$203,500: *Provided*, That the unexpended balance on June 30, 1920, of the appropriation of $100,000 contained in section 33 of the Federal farm-loan act approved July 17, 1916, shall be covered into the Treasury of the United States."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $294,320: *Provided*, That beginning with the fiscal year 1921 the Federal Farm Loan Board shall, as soon as possible after the close of each half of each fiscal year, levy upon the Federal land banks and joint stock land banks in proportion to their gross assets an assessment equal to the amounts expended from all appropriations on account of salaries (including any additional compensation) and expenses of the board and its appointees and employees for the half of the fiscal year then closed.

Mr. MORGAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORGAN. I wish to make a point of order on the proviso beginning in line 23. Is that to be made before that proviso is read?

The CHAIRMAN. It will be in order at the conclusion of the reading of the paragraph.

The Clerk read as follows:

The board, in making such assessment, shall assess exclusively against either class of banks such expenses as may be incurred exclusively on behalf of such class. Such assessments shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. MORGAN. Mr. Chairman, I make a point of order against the proviso beginning on line 23, page 43, and closing at the end of line 10, page 44.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order against the proviso at the bottom of page 43 and down to and including line 10 on page 44.

Mr. MORGAN. Mr. Chairman, the point I make is that this proviso is not in order in this bill under section 2 of Rule XXI, known as the Holman rule. This rule has been thoroughly discussed since the consideration of this bill began by those in the House who are recognized as parliamentary experts. The Chairman also has, no doubt, given this rule very thorough study since the consideration of this bill began.

I wish, first, to call the attention of the Chair to the provision in this rule which provides as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Then follows the proviso. Now, Mr. Chairman, it is well, I think, to first get in our minds clearly just what this proviso contains. The proviso says that—

Provided, That beginning with the fiscal year 1921, the Federal Farm Loan Board shall, as soon as possible after the close of each half of each fiscal year, levy upon the Federal land banks and joint-stock land banks in proportion to their gross assets, an assessment equal to the amounts expended from all appropriations on account of salaries (including any additional compensation) and expenses of the board and its appointees and employees for the half of the fiscal year then closed. The board, in making such assessment, shall assess exclusively against either class of banks such expenses as may be incurred exclusively on behalf of such class. Such assessments shall be covered into the Treasury of the United States as miscellaneous receipts.

Now, Mr. Chairman, this proviso found here in this appropriation bill simply authorizes the levying of a tax upon the Federal land banks and the joint-stock land banks. The proviso says that the Federal Farm Loan Board shall levy upon the Federal land banks and joint-stock land banks an assessment equal to the amount expended, and so forth. The word "levy" implies a tax. That is one of the primary meanings of the word "levy," and the word "assessment" also carries exactly the same meaning; so that this proviso does nothing more or less than authorize the Federal Farm Loan Board to levy a special tax upon the Federal land banks and the joint-stock land banks. It does nothing else. This proviso is a revenue measure, and, of course, there is only one committee of the House that has jurisdiction of revenue measures, namely, the Ways and Means Committee. There is no attempt in this proviso—there is not a word in the proviso that reduces the number of public officers or that reduces the salary or salaries of public officers, or which in any way retrenches the expenditures of the National Government; there is not a word that lessens the expenditures of this Government a single penny. There is not a word that reduces the number of public officials. All that it does is to authorize a special tax to be levied upon the Federal land banks and the joint-stock land banks in an amount equal to the expenditures of the Federal Farm Loan Board and all its employees.

I do not see how it is possible on the face of it for anyone to contend that this provision in any way comes under the Holman rule. It clearly changes existing law, because under the Federal land bank act approved July 17, 1916, the members and employees of the Federal Farm Loan Board are paid out of the Treasury of the United States. Of course, under this proviso the Federal Farm Loan Board and its employees would still be paid out of the Treasury of the United States. It does not change that in any particular. But under the Federal land bank act, or, for that matter, under any existing law, there is no authority to levy this special tax upon the Federal land banks or the joint-stock land banks; so that this proviso does change existing law by authorizing the Federal Farm Loan Board to levy a special tax upon the Federal land banks and the joint-stock banks to a certain amount.

Now, Mr. Chairman, if this proviso is in order, the Committee on Appropriations would be authorized to bring in here an entirely new revenue bill. If this proviso is in order on this appropriation bill, then the Committee on Appropriations is authorized, in any regular appropriation bill, to bring in a provision authorizing an entire change of the revenue system of this country.

The Holman rule requires that a provision of this kind must be germane to the subject matter. Now, a provision raising revenue, like this provision, is not germane to a bill making appropriations for officers and governmental instrumentalities authorized by law, so that it can not possibly be construed to be in order.

This rule says:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except—

First—

such as being germane to the subject matter of the bill shall retrench expenditures.

Now, this does not retrench expenditures. It simply provides that this assessment and levy shall be made, and these funds so raised shall go into the general receipts of the United States Treasury.

Then the retrenchment of expenditures shall be, first—

by the reduction of the number and salary of the officers of the United States.

It does not reduce the number of the officers of the United States, nor does it reduce the salary of any officer of the United States. Second, it must retrench—

by the reduction of the compensation of any person paid out of the Treasury of the United States.

There is nothing in this proviso that reduces the salary of any officer of the United States. Or, third—

by the reduction of amounts of money covered by the bill.

This does not reduce by a single penny the amount of money covered by the bill. Now, Mr. Chairman, it seems to me that this provision clearly is not in order, because it changes existing law and does not reduce expenditures or reduce the number or the salaries of any public officers.

Mr. WOOD of Indiana. Mr. Chairman, in determining this question the Chair will look to the law as it now is and to the law as it is proposed to be and then decide whether or not it results in the retrenchment of expenditures.

The law as it now stands provides that these expenditures shall be paid out of the Treasury of the United States. As the law now stands the Treasury of the United States in paying these expenditures gets no portion of them back. Under the law as it will be, if this proposal is adopted, this expense will continue to be paid out of the Treasury of the United States, but it will have to be refunded by the Federal land bank, so that by that process there will be a retrenchment in the expenditure of the moneys of the United States to the extent of whatever amount this expense is. While it is true that it does not reduce the amount of the present appropriation bill, it provides the means whereby the Government of the United States shall be reimbursed for every item of expense that it pays on this account, and in consequence it reduces the ultimate expenditure of the United States and retrenches the ultimate expenditure of the United States.

We are not without precedent on this proposition. There are a number of authorities; but one that is concrete and, I think, conclusive was decided with reference to a situation arising concerning legislation pertaining to the District of Columbia. The question was upon the passage of the District of Columbia appropriation bill, on a motion to recommit with instructions to reduce the proportion of the fund appropriated from the Public Treasury from one-half, as provided in the bill, to one-fourth of the entire appropriation, which was held to be in order, since the effect of the amendment, if adopted, would reduce the expenditure of public money, although not reducing the amount of the appropriation.

The very same question was involved in that case that is now involved in this case. In that case the total amount of the appropriation carried by the bill was in no wise reduced, but it did retrench the expenditure of the moneys of the United States by providing this new system concerning the portion of the appropriation paid out of the Treasury of the United States. So that any process that retrenches any expenditure, any process that checks the outlay of money for which a return is not in any way provided to the United States results in the retrenchment of expenditures, and under the provisions of the Holman rule any amendment the result of which is a retrenchment of the expenditures of the moneys of the United States is germane.

The CHAIRMAN. Will the gentleman permit a question there?

Mr. WOOD of Indiana. Yes.

The CHAIRMAN. Does the gentleman distinguish this particular item from the amendment offered to the Diplomatic and Consular appropriation bill increasing the cost of passports?

Mr. WOOD of Indiana. I am not familiar with the proposition to which the Chair calls my attention, and in consequence I will not undertake to distinguish it; but the rule as laid down in the case of the District of Columbia appropriation bill, to which I have just called the attention of the Chair, is clearly in point and on all fours with the proposition that is now before the House. There certainly can be no doubt with reference to the purpose of the Holman rule in providing a means whereby retrenchment may be had in the expenditures of moneys of the United States. Any retrenchment of expenditure, whether it results in a reduction of the present considered appropriation bill or whether it provides a way within that bill whereby this retrenchment may occur, is germane. They both accomplish the same result. Each of them saves money to the Treasury of the United States. In this case if these moneys are continued to be expended, as they are now expended, out of the Treasury of the United States, and if there is no method provided whereby they may be refunded again to the United States, it results in an expenditure of money from the Treasury of the United States, the consequence of which is an absolute net expenditure above that which is provided by the process that we are trying to inaugurate.

If the provision we have before us now is adopted, what is the result? It results in saving the United States Treasury many thousands of dollars in the course of a year, and many, many more in the course of a few years, as this activity, now comparatively in its infancy, continues grow. It will amount to many millions of dollars in a few years. It saves the Treasury of the United States all the expense that is now incurred in making the allowance by providing a way by which the United States Treasury gets it back, and consequently retrenches the expenditures of the Government.

Mr. SAUNDERS of Virginia. Mr. Chairman, this may be good legislation, and I would vote for it if the proposition came before the committee in a proper way. I can not, however, see from what possible point of view this item can be in order in this bill. This, on the facts, is the same situation that I argued some days ago in connection with the Diplomatic and Consular bill.

The proviso in the paragraph does not eliminate any official; it does not reduce any salaries; it does not reduce the amount covered by the bill; it is simply a method for raising additional revenue from a new source and turning it into the Treasury. That is all this item does, and all that the chairman of the committee contends that it does. It is true that as the revenue derived from this source will be turned into the Treasury, that disposition will give the Federal Government additional revenue, but the proviso does not reduce the amount to be paid out of the Treasury of the United States in this connection.

In the Diplomatic and Consular bill the amendment effected a direct reduction in the amount carried by the bill, and increased the charge for passports, thereby affording a new fund for the payment of certain expenses. But the amendment was held out of order. There can be no distinction in principle between that case and the one under consideration. This bill will hereafter carry all of these items of appropriation, all of the salaries provided, and all of the officials. It is true, however, that the Government will have more money, as a result of the proviso, with which to discharge its obligations.

Mr. GARNER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GARNER. I differ with the gentleman in the conclusion that it will bring more money into the Treasury. That is a question of fact which the Chair can not assume. For instance, take it along the Mexican border. If in the matter of passports they charge $10, you might not get as much as $1. In this instance I am not certain that it will result in an increased revenue.

Mr. SAUNDERS of Virginia. The increase in the passport charges would certainly bring in more revenue. I do not think there can be any doubt on that point. I concede, too, that this proviso will bring more revenue into the Treasury, but that has nothing to do with the question of order on the proviso. I submit that while this may be good legislation, it does not reduce the amount carried by the bill or in any wise come within Rule XXI or the principle decided heretofore.

Mr. WOOD of Indiana. Mr. Chairman, I desire to say in answer to the gentleman from Virginia that this is not a revenue measure, and from what I know concerning the passport proposition it differs widely. This is not a revenue measure; it is simply a measure that saves an expenditure to the Government of the United States, keeps in the Treasury money that is raised by revenue from some other quarter. This is not for the purpose of producing revenue; it is for the purpose of saving revenue produced from other sources.

So I wish the Chair not to confuse this in his mind with a revenue measure. I desire again to call attention to the District of Columbia bill. Take the instance of the government of the District of Columbia. Under the half-and-half plan all the receipts of the District of Columbia are covered into the Treasury. But by reason of the fact if the reduction had been made asked for by changing the half-and-half plan, the District of Columbia would have to pay all the expenses, and any expense over one-half would save money to the United States, not because it was revenue derived from any source coming into the Treasury, but it would have saved the expenditure of money that came in by revenue from other sources.

The CHAIRMAN. Will the gentleman yield for a question?

Mr. WOOD of Indiana. Certainly.

The CHAIRMAN. Does the gentleman contend that the Committee on Appropriations had original jurisdiction over this subject matter?

Mr. WOOD of Indiana. Yes; it has jurisdiction over this subject matter for the reason that it makes appropriations for the purpose of defraying the expenses of the operation of this establishment. It makes appropriation to pay the fees provided for, it makes appropriations for paying salaries, and consequently it has jurisdiction. If that was not so, they would not come to us for the money.

The CHAIRMAN. The Chair was asking the gentleman about original jurisdiction.

Mr. WOOD of Indiana. No; I would not say that the committee had original jurisdiction.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CAMPBELL of Kansas. This changes the method of raising the money to pay the expenses provided for under the appropriation.

Mr. WOOD of Indiana. Yes.

Mr. CAMPBELL of Kansas. Is it not therefore a substantive law enacted in an appropriation bill that does not reduce expenses but only provides a different method of raising the expense provided for? Is not that true?

Mr. WOOD of Indiana. It is true to this extent: It does change the plan of paying the expenses. If the Chair is familiar with the law as it now stands, he will find that it is paid out of the Treasury of the United States, and when paid under the present plan that is the last of it. The United States never gets it back. Under the proposed plan the expenses will continue to be paid out of the Treasury, but it will be reimbursed just the same as in the District of Columbia case.

It prevents the expenditure of money that is raised from revenue, and therefore is not a revenue question. It provides that the money temporarily advanced for the payment of these expenses shall be covered back by reason of the process provided in this measure, so that it results in retrenchment of expenditures. I do not think there can be any question about that, and I do not think anyone will contend that it is not a retrenchment of expenditures of money of the United States. If that proposition be true, if it is a retrenchment of the expenditures of the money of the United States, then it is germane and in order. It does not provide any substantive legislation other than changing the method of paying these expenses.

Mr. MANN of Illinois. Mr. Chairman, I wish myself that this proviso were in order, because I would like to vote for it, but I think it is perfectly clear that it is not in order. The gentleman from Indiana [Mr. WOOD], in charge of the bill, said that no one would dispute that this reduces the expenditures of the Government. The gentleman is entirely mistaken. Every cent of it will be paid out of the Treasury of the United States with this proviso in, exactly the same as it is paid out of the Treasury with this proviso out.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. WOOD of Indiana. Will not the Government, with this proviso in, get the money back?

Mr. MANN of Illinois. The proviso requires that the money shall be covered into the Treasury as miscellaneous receipts.

Mr. WOOD of Indiana. It becomes a revolving fund.

Mr. MANN of Illinois. No; it does not at all. Next year it will be necessary to make an appropriation of money for these same officials that this bill appropriates money for now. It is true that it raises the revenue to be required, the amount that

has been expended, to be paid back as miscellaneous receipts. I do not undertake to say whether it would be possible to frame an amendment in order paying the amount necessary to sustain this bureau out of the money raised, and thereby reducing the expenditures out of the Federal Treasury; but here is a bill that appropriates specific money to be paid out of the Treasury, and then provides that that money shall be paid back. It is to be paid back as miscellaneous receipts. So that it does not, under the rule, reduce the expenditures of the Government at all, much less the expenditures referred to in the rule, which is a limitation upon the reduction of expenditures. That is to be done either by reducing the number of employees, or reducing the salaries of the officers of the United States, or the amount carried by the bill. This does not do any of those things. It keeps the same number of employees, it does not reduce the salaries, it does not reduce the amount, and it does not reduce the expenditures of the Government. It merely provides for a method of raising revenue.

Mr. SISSON. Mr. Chairman, if the Chair will look on page 44 of the bill, lines 9 and 10, he will find the language these gentlemen are complaining about. In order that the Chair may know briefly the exact history of this item, I would state that the Farm Loan Board came before the Appropriations Committee and asked the committee to make the payment of the expenses of the farm-loan banks out of the banks themselves. That was the request of the entire board. When that matter was before the committee we asked them, in order that we might keep control of the expense account without the expense account being too heavy and burdensome upon these banks, whether it would not be a good idea that Congress might control it in that way. According to the arguments made up to this hour, if this money was not paid into the Treasury it would save the entire expense of the farm-loan banks to the Treasury now. That unquestionably would save a good many thousand dollars, which would never be paid out of the Treasury at all which under the present law is now paid out of the Treasury. Suppose, in order to do what the Farm Loan Board asked us to do, we were to provide that the Treasury should be relieved of this entire expense, and that all of it should be paid by the banks themselves, as they originally wanted us to do, not permitting any of the money to go into the Treasury but permitting an assessment to be made by the Farm Loan Board against these banks to pay these expenses. Then every cent of it would be kept out of the Treasury. Therefore I presume that the chairman of the committee, if the Chair should sustain the point of order, could ask that language be eliminated, and then the Chair would have to pass on the question where we do save all of the money. It seems to me that it is the difference between tweedledum and tweedledee. It is too highly technical, because it is admitted by everyone that it does save the Treasury, that this does save the taxpayers of the United States just the amount of money that those banks cost. By the way, I should state that the pay roll is made up and exactly the amount necessary to pay the expenses is simply paid to the Treasury, so that Congress may know how the salary roll is progressing, and whether there is too much burden upon these institutions which the Government fostered, which the Government instituted, and which the Government up to date has been carrying. If the Chair should hold that this is not within the Holman rule we could bring it within the Holman rule by eliminating the language that it is to be paid into the Treasury as miscellaneous receipts.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. SAUNDERS of Virginia. Has the gentleman read the ruling of Speaker GILLETT on this precise point?

Mr. SISSON. I have not.

Mr. SAUNDERS of Virginia. Would the gentleman object to my reading three lines in this connection?

Mr. SISSON. No; I would not.

Mr. SAUNDERS of Virginia. I read from the ruling of the Speaker [Mr. GILLETT], delivered January 26, 1920:

> It does not seem to the Chair that it is a fair interpretation of the Holman rule to say that by creating a new source of revenue and making a specific appropriation of that revenue and at the same time reducing the amount which was before appropriated a real reduction of appropriation is effected.

Mr. SISSON. If the gentleman wants to construe the expense of these banks as a source of revenue, the Speaker's ruling applies, but the gentleman does not catch what I am arguing to the Chair and that is this: Suppose we should save the Treasury the entire amount of money that it takes to pay the expenses of these banks. That would be within the Holman rule. The only difference is that as good administration, Mr. Lever and the other members of the board said they had no objection to submitting the pay roll annually, and I understand they want to do it every six months, to show the exact amount to be collected from this source to pay the salaries to be allowed for the next succeeding six months.

Mr. HASTINGS. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. HASTINGS. If the gentleman contends that this legislation is in order, what would prevent the Committee on Appropriations, under every paragraph of this bill, providing means whereby the revenue should be raised to support the item appropriated in that particular paragraph? In other words, let me illustrate. If you can provide the means whereby this amount of revenue may be raised by this proviso, why could not the committee do it in appropriating money for the Interstate Commerce Commission or the Civil Service Commission or any other commission throughout this bill? In other words, why could they not provide for the raising of the whole $104,000,000 provided for by the items of appropriation?

Mr. SISSON. If we could bring it in order under the Holman rule, we could. The only question is whether it is in order under the Holman rule.

Mr. HASTINGS. This does not reduce the expenditures; it appropriates the same amount of money, but it provides means whereby additional revenue may be raised and covered into the Treasury as miscellaneous receipts.

Mr. SISSON. If the Chair shall hold that the filing of this expense account and the reporting to the Treasury of the amount of the expenses of this bank is revenue, then this bill does not reduce the amount paid out of the Treasury for these banks one penny, because it assesses the banks just enough to pay their expenses, and it will balance to a cent unless we have collected too much. But that is not what I am addressing to the Chair. What I am addressing to the Chair now is this: If Congress does not want to assume any control of this expense account, it can unquestionably bring this within the rule by limiting the amount and saying that the banks shall pay their own expenses and relieve the Treasury of this $60,000 or $70,000.

The CHAIRMAN. The Chair is prepared to rule unless the gentleman from Indiana desires to submit something further.

Mr. WOOD of Indiana. I just want to submit a few observations upon this important matter which we have under consideration. It is important for the future, and I would like to see the time arrive when we can find a rule of construction here which can be relied upon. If the precedents amount to anything, they are in favor of sustaining the proposition that we have placed in this bill, and it should be held to be in order. I wish again to call attention to the case of the District and to the language and reasoning used by the Chair, which strikes me as being exactly on a parallel with the question confronting us. The Chairman in that case stated:

> The gentleman's statement, as the Chair understands it, is borne out clearly by a long line of rulings. The organic act of June 11, 1878, provides that to the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in the said District other than the property of the United States and the District of Columbia.
>
> The language of the bill provides—
>
> "That the following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated."
>
> It is, of course, clear that this is a change of existing or basic law. It would be within the rule which does not allow legislation upon appropriation bills if it were not within one of the exceptions of such rule. The exception of the rule, called to the attention of the Chair by the gentleman from Georgia [Mr. CRISP], is the exception that provides that if by the amendment offered or the change in the law the appropriations are reduced the exception prevails and the rule to that extent is nullified.
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> In this case it is quite clear that if the language of the bill remains a reduction of expenditures from the Treasury of the United States must necessarily result. The very point has been decided in two recent cases exactly in point except the positions were reversed. The gentleman from Texas [Mr. GARNER], I think, was in the Chair when the bill as presented contained the provision exactly in accordance with the organic act:
>
> "That one-half of the following sums, respectively, be appropriated out of any money in the Treasury."
>
> And in two successive years the gentleman from Texas [Mr. GARNER] held, after an elaborate argument in the first instance, that the language of an amendment offered as a substitute, almost, if not exactly, identical with the language which is now the first section of this bill, was in order as an amendment to the original law, because of the fact that it reduced expenditures.
>
> So it seems to the Chair it is quite clear that it is the duty of the Chair to hold that the point of order against the first section on that account is not well taken, and the objections are overruled.

Now, in this case, like in that, if it results in a reduction of expenditures of the United States and the net result is the saving of a dollar to the United States it is certainly germane under the Holman rule.

The CHAIRMAN. The Chair is ready to rule. This is, of course, new legislation and out of order on this bill unless it can be justified under the Holman rule. The first part of the Holman rule reads as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures in the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Does this item qualify on any of those conditions named? Certainly it does not retrench expenditures by the reduction of the number and salary of the officers of the United States, certainly it does not reduce the compensation of any person paid out of the Treasury of the United States, and certainly it does not reduce the amount of money covered by the bill. Therefore it is evident that this can not be sustained under the first provision of the Holman rule. Can it be sustained under the proviso, which reads as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

The Chair doubts very much whether the proviso of the Holman rule covers items originally put into the bill by the Committee on Appropriations, but if it could by any possibility be construed to effect original items could the action of the Committee on Appropriations be justified here?

The Chair asked the gentleman from Indiana [Mr. WOOD] whether he believed that his committee had any jurisdiction over the original subject matter, and he replied in the negative. Of course the original subject matter was under the jurisdiction of the Committee on Banking and Currency. If this were to be considered solely as a revenue measure possibly it might be under the jurisdiction of the Ways and Means Committee, but evidently it is not under the original jurisdiction of the Committee on Appropriations.

Now, the gentleman from Indiana [Mr. WOOD] quotes a decision of Chairman HULL on the proposition of the half-and-half plan for the District of Columbia. If that ruling is in point, it is against the contention of the gentleman from Indiana, because the decision there hinged on the jurisdiction of the Committee on the District of Columbia. It will be remembered that when that amendment was offered first by a Member of the House it was ruled out of order, and it was only when it was brought in by the Committee on the District of Columbia that it was ruled in order on the express ground that that committee had jurisdiction over the subject matter. So in the opinion of the Chair the Committee on Appropriations does not qualify under either the original portion or the proviso of the Holman rule.

Now, if any precedent is to be considered, there is a precedent less than a month old, the one cited by the gentleman from Virginia [Mr. SAUNDERS]. It was attempted on the Diplomatic and Consular appropriation bill to add a provision increasing the price to be paid for passports. It was sought to justify that under the Holman rule on the ground that it would retrench expenditures. But both the chairman of the committee, Mr. MADDEN, when the matter was before the Committee of the Whole, and the Speaker subsequently on a motion to recommit, held that that provision was out of order, and, as the Chair believes, rightly. But even if the Chair did not have such a very recent precedent, he would have no doubt as to how to rule on this question. It seems to the Chair that it is not his function to do any guessing on such matters as this. To justify under the Holman rule you must show conclusively, beyond cavil or doubt, that it does reduce expenditure. This is a matter of absolute doubt in the mind of the Chair. He does not know whether it would reduce expenditures or increase them, and believes he has no course except to sustain the point of order.

Mr. PLATT. Mr. Chairman, I offer a substitute amendment, which I think will be in order.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PLATT: Strike out all matter after the words "farm loan bureau," on line 23, page 42, to and including line 10, page 44, and insert in lieu thereof the following:

"That paragraph 8 of section 3 of the act approved July 17, 1916, known as the Federal farm-loan act, be amended by striking out the words 'the salaries and expenses of the Federal Farm Loan Board and of farm-loans registrars and examiners authorized by this section shall be paid by the United States,' and inserting in lieu thereof the following: 'The Federal Farm Loan Board shall levy semiannually upon the Federal land banks and joint-stock land banks, in proportion to their gross assets, an assessment sufficient to pay the estimated expenses and salaries of the board, its appointees and employees, for a half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding year, the first assessment to be made for the half year beginning July 1, 1920: *Provided*, That in making such assessment the board shall assess exclusively against either class of banks such expense as may be incurred exclusively on behalf of such class.'"

Mr. SAUNDERS of Virginia. Mr. Chairman, I make a point of order against that amendment.

Mr. WINGO. Mr. Chairman, before the gentleman proceeds, I wish to say I think that evidently the amendment was not correctly reported or was not correctly stated. First, I understood from the reading that it starts with the language that has already gone out on the point of order.

The CHAIRMAN. It does not begin with that language, but it includes it, which, of course, it should not do.

Mr. WINGO. How about down to and including line 10?

Mr. PLATT. That can be corrected.

The CHAIRMAN. The amendment strikes out the words, beginning on line 23, page 42, and all up to and including line 10 on page 44. Of course, all from line 23, page 42, to line 10, page 44, has gone out on a point of order.

Mr. WINGO. I see.

Mr. MORGAN. Mr. Chairman, I raise this point of order.

Mr. WALSH. What is the point of order that has been raised?

Mr. SAUNDERS of Virginia. Mr. Chairman, so far as I am concerned, I reserved a point of order. I made it so that we would not pass the point where the point of order could be made. I could not follow it in the way it was read, so that I have no definite conception of what may or may not be subject to a point of order.

The CHAIRMAN. The Chair thinks that inasmuch as this amendment strikes out the language already adopted in the bill and paragraphs already passed, it is not in order.

Mr. SAUNDERS of Virginia. That is the reason I reserved the point of order, so that all those matters could be brought up.

Mr. SISSON. Mr. Chairman, may I ask the gentleman from New York [Mr. PLATT] a question?

Mr. PLATT. Certainly.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where a point of order is made to an amendment which would be subject to a point of order if insisted upon, and the Member who makes the point of order withdraws it, even though the amendment is subject to a point of order, I make the point of order that it is not within the province of the Chair to hold it out of order until that question is raised from the floor. Has the Chair such privilege?

The CHAIRMAN. Unquestionably. The Chair thinks it very clear that the committee has adopted the paragraph beginning on line 23, page 44, down to and including line 9 on page 43, and it has adopted the next paragraph.

Mr. BLANTON. Probably the Chair did not get my point. Admitting it would go out on a point of order if the point of order was raised by a member of the Committee of the Whole House from the floor, the point I was making was, Is it within the province of the Chair himself, where a point of order is withdrawn, to raise the point of order?

The CHAIRMAN. Unquestionably. The Chair is a member of the Committee of the Whole.

Mr. BLANTON. Then the Chair could passively admit something that was out of order on one occasion, and on another actively eliminate it on his own point of order?

The CHAIRMAN. It seemed to the Chair under the circumstances, the point of order having been made and reserved, it being so clear to the Chair that this amendment was not in order——

Mr. SISSON. With the permission of the committee, I want to see if we can not get to the matter upon which the point has been raised.

Mr. MANN of Illinois. Mr. Chairman, I do not want to question the ruling of the Chair, which was made quickly, but I think the Chair will not be quite so clear upon the point after I make an observation. There have been a great many discussions as to how a substitute proposition could be offered either to a bill or a part of a bill. My recollection is, where a man wants to offer a substitute for an entire bill, that he can either offer it when the first paragraph is read, giving notice that if his substitute should be agreed to he would, as the other paragraphs were read, move to strike them out, or he can wait until the complete reading has been had, and then offer a substitute for an entire matter; and the mere fact that a part of the bill has been read and has not been questioned, or that it has been read and has been amended, and an amendment offered and agreed to, does not prevent a Member from the floor from

offering a substitute for an entire bill and having that voted upon by the committee or by the House.

I confess I am not clear myself on the subject as to whether, when a particular subject is under consideration in a bill and a Member desires to offer a substitute for the entire subject matter, he is required to offer the substitute when the first paragraph is read, or whether he can retain his right to offer until the entire subject matter has been read.

Mr. SAUNDERS of Virginia. Mr. Chairman, that does not apply when one offers a substitute to one or more sections of a bill. When a substitute is offered for an entire bill, then the proponent of the substitute waits until the reading of the bill is completed. But this is not a situation to which this practice applies. This is a substitute, not for an entire bill but for one or more sections. There is, as I understand, a distinction between a substitute to an entire bill and one for several paragraphs.

Mr. MANN of Illinois. I do not think the gentleman will find that in the precedents anywhere. I think it is a matter that has never been ruled upon.

Mr. SAUNDERS of Virginia. I think I can show the gentleman where it has been ruled upon.

Mr. MANN of Illinois. The gentleman, who has ruled on many subjects, some of them correctly, may have one of his rulings in mind.

Mr. SAUNDERS of Virginia. I do not think you will find the precedent in any ruling of mine.

Mr. MANN of Illinois. Then it is somebody else's.

Mr. SAUNDERS of Virginia. Maybe we will find it in one of yours.

Mr. SISSON. I will ask the gentleman from New York, would not the amendment serve every purpose if you offered the amendment after line 22, so that the items of appropriation that might be carried here that have been passed might be controlled by your amendment?

Mr. PLATT. I am entirely willing to offer it that way if that is the way to do it.

Mr. SISSON. And in order that we may get that matter properly before the subcommittee I am going to ask unanimous consent that this question be passed over for a time, so that we can take this matter up with the chairman of the committee and see if we can not make some agreement as to the language and then report back to the House.

Mr. RUBEY. I object.

Mr. PLATT. This is the bill reported from the Committee on Banking and Currency, with the exception of the last section, which apparently came under the objection raised to the other proviso.

Mr. WINGO. No; there is another objection that is very serious. The committee made it discretionary. The committee reported this kind of a bill and provided "they shall have power to levy." The gentleman in his amendment that he offers here says "they shall levy." That is a material and substantial difference.

Mr. PLATT. That was done to avoid possible question as to whether it would decrease expense or not.

Mr. WINGO. I mention that as a part of the record, not in the way of controversy.

Mr. SAUNDERS of Virginia. Mr. Chairman, I desire to call the attention of the Chair to the following precedent in volume 5 of Hinds':

> When it is proposed to offer a single substitute for several paragraphs of a bill which is being considered by paragraphs, the substitute may be moved to the first paragraph, with notice that if agreed to, motions will be made to strike out the remaining paragraphs.

That is found in volume 5 of Hinds', section 5795.

The CHAIRMAN. The Chair has that entire ruling before him, and the Chair is not aware of any precedent to the contrary. If any gentleman can cite to the Chair any precedent which will authorize the offering of an amendment to a paragraph that has been acted upon, the Chair will be glad to have the citation.

Mr. PLATT. In what other way could a person, offering such an amendment as I have offered, offer it?

The CHAIRMAN. In the way cited by the gentleman from Virginia [Mr. SAUNDERS], and in the way covered by the citation I have referred to.

Mr. PLATT. It would be impossible to tell until the Chair ruled upon that paragraph.

The CHAIRMAN. The gentleman seeks to strike out some language before the proviso relating to the organization of the Federal Farm Loan Bureau. The gentleman could have risen when the first paragraph was read and given notice that if that motion were agreed to he would move to strike out the subsequent paragraph.

Mr. PLATT. But in case the Chair ruled that the proviso was in order, he had no desire to strike out, and had no way of knowing what to do until the whole thing had been read.

The CHAIRMAN. That may be true in this case; but as the Chair says, he does not know of any precedent to the contrary, and he would be glad if anybody would cite such a precedent.

Mr. LUCE. Mr. Chairman, may I call attention to the fact that each one of these paragraphs is finished with a semicolon, and that the sentence is not completed until the point where the gentleman has offered his amendment? The fact that the printer saw fit to arrange this in paragraph form, I suggest, does not control the punctuation, and that this is one complete sentence, which the gentleman at the proper point, where the period has been inserted, offers to replace by an amendment.

Mr. MANN of Illinois. Of course, as to that, it does not make any difference whether it is one sentence or a dozen sentences. The rule provides that the bill shall be considered by paragraphs. I do not think there is any precedent against the ruling suggested by the Chair, nor do I think the ruling cited has anything to do with this case. There are frequent cases where a paragraph has been passed in a bill and a proposition to substitute has been ruled out of order. But here is a case where there is a heading, "Federal Farm Loan Bureau," covering one subject matter in an appropriation bill, and the reason under which the general practice follows, that you can move to strike out when the first section is read to a bill and propose an entire substitute, or can wait until the entire reading of the bill has been completed and then propose a substitute, applies to a case in an appropriation bill where one subject matter under one heading comes.

On reason the same principle would be involved; and I repeat, I do not think there has ever been a ruling on the subject either way. So I shall not question the decision of the Chair. It may be the best practice that a man shall be required to offer a substitute whether he knows he wants to offer it or not.

Mr. SAUNDERS of Virginia. Mr. Chairman, if the Chair will hear me just a moment in this connection, it strikes me that the decision to which I called the attention of the Chair is absolutely conclusive as to the time when a Member must offer a substitute for two or three sections in a bill. The reason for the rule is very apparent, and affects the motion that the gentleman from New York [Mr. PLATT] is seeking to make. The committee is no longer in possession of matter which we have passed, and it is not in order to return to it. That being so the gentleman can not offer an amendment relating to matter in the bill which the committee has considered.

The CHAIRMAN. The Chair thinks it would be a very bad precedent to hold that the committee could go back and amend paragraphs which it has already adopted.

Mr. MANN of Illinois. Just a word with reference to the statement made by the gentleman from Virginia that the paragraph is not in possession of the committee. That is not the case. It was held in a very celebrated case in this House that after the reading of a bill had been entirely completed, pending the motion to rise the gentleman in charge of the bill could move to amend any part of the bill.

Mr. SAUNDERS of Virginia. Mr. Chairman, I take issue with the gentleman on the proposition just stated. I think what he has in mind is that after the reading of a bill is completed, if inadvertently some matter has been omitted at some prior stage, the Chair will allow a return to that point.

Mr. MANN of Illinois. There was no inadvertence. This was a case where the gentleman in charge of the bill, after the reading of it had been completed, offered a substantive amendment, which was held to be in order.

Mr. SAUNDERS of Virginia. I venture to assert that the gentleman can not find any precedent which allows a Member, in the absence of unanimous consent, to return for the purposes of amendment to any part of a bill which has been passed in due course of reading by the committee.

Mr. MANN of Illinois. I can find the precedent.

Mr. SAUNDERS of Virginia. I have found my precedent. Suppose the gentleman finds his.

Mr. MANN of Illinois. Oh, no; the gentleman did not.

Mr. SAUNDERS of Virginia. I did. I cited it to the Chair and the Chair made his ruling on it.

Mr. MANN of Illinois. The precedent cited by the gentleman is not in point.

The CHAIRMAN. The gentleman from Virginia cited a precedent which the Chair thinks covers this case directly, and the Chair feels bound by it.

Mr. PLATT. It seems to me this is all one paragraph. The words "in all, $294,320," in line 23, do not properly constitute a new paragraph. The mere fact that the printer has put

some quads on the end of a line and started another indented line does not make it a paragraph. The whole thing, from one end to the other, is one paragraph.

The CHAIRMAN. The Chair does not think that can be so held.

Mr. PLATT. What do the words "in all $294,320" mean by themselves? Those words should be at the end of the other line.

The CHAIRMAN. The Clerk will read.

Mr. LUCE. Mr. Chairman, I move to amend the section by offering, in line 23, after the figures "$294,320," the amendment which has just been presented by the gentleman from New York [Mr. PLATT].

Mr. WINGO. I make a point of order against the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 43, line 23, after the figures "$294,320," insert the following: "That paragraph 8 of section 3 of the act approved July 17, 1916, known as the Federal farm-loan act, be amended by striking out the words 'The salaries and expenses of the Federal Farm Loan Board and of farm-loans registrars and examiners authorized by this section shall be paid by the United States,' and inserting in lieu thereof the following: 'The Federal Farm Loan Board shall levy semiannually upon the Federal land banks and joint-stock land banks, in proportion to their gross assets, an assessment sufficient to pay the estimated expenses and salaries of the board, its appointees and employees, for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding year, the first assessment to be made for the half year beginning July 1, 1920: *Provided*, That in making such assessment the board shall assess exclusively against either class of banks such expense as may be incurred exclusively on behalf of such class.'"

Mr. MORGAN. Mr. Chairman, I make a point of order against the amendment.

Mr. WINGO. I wish to make the same point of order that has been made against the provision in the bill itself.

Mr. MORGAN. I make the point of order that it changes existing law and is not in order.

The CHAIRMAN. The Chair sustains the point of order for the reasons stated in his decision heretofore made. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. TREADWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, had requested a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SUTHERLAND, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Office of Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; technical officer, $3,000; drafting division—superintendent, $3,000; assistant superintendent, $2,750; mechanical engineering division—superintendent, $2,750; assistant superintendent, $2,400; structural division—superintendent, $2,750; assistant superintendent, $2,400; superintendents—computing division, $2,750; repairs division, $2,400; accounts division, $2,500; maintenance division, $2,500; files and records division—chief, $2,500; assistant chief, $2,250; head draftsman, $2,500; 8 administrative clerks, at $2,000 each; 4 technical clerks, at $1,800 each; clerks—9 of class 4, additional to 1 of class 4 as bookkeeper $100, 4 at $1,700 each, 14 of class 3, 6 at $1,500 each, 13 of class 2, 8 at $1,300 each, 21 of class 1, 4 at $1,100 each, 7 at $1,000 each, 3 at $900 each, 2 at $840 each; photographer, $2,000; foreman, duplicating galley, $1,800; 2 duplicating paper chemists, at $1,200 each; foreman, vault, safe, and lock shop, $1,200; 5 messengers; 2 assistant messengers; messenger boys—1 $600, 2 at $480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $960 each, 1 $900, 1 $840; laborers—1 $660, 1 $600; in all, $221,020.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that this paragraph carries an appropriation of $5,000 for salary for the Supervising Architect. In the last few years—I think the last four years, possibly, if I recall correctly—we have had no Supervising Architect, and the duties of that office have been performed by the executive officer. I should like to ask the chairman of the subcommittee if he has any information concerning the filling of this important office and if there are any additional excuses or explanations why this appointment has not yet been made?

Mr. WOOD of Indiana. The only excuse I know of is that this officer is appointed by the Secretary of the Treasury and must be a practical architect, and the information I have is that the Secretary of the Treasury has not been able to find a Supervising Architect either to come up to his notion or who would accept the position.

Mr. WALSH. That is the same excuse that has been given heretofore; but as the gentleman knows, there are several laws which make provisions requiring the approval of the Supervising Architect of the Treasury, not the acting Supervising Architect. I understand the executive officer is not such an architect as meets the requirements of some rule or regulation of the National Institute of Architects or the American Association of Architects, or whatever body it is which regulates these matters.

Mr. WOOD of Indiana. The man who is acting as Supervising Architect is not an architect at all. He is a lawyer.

Mr. WALSH. He is a very capable lawyer, and a very capable executive officer, and I think it will be agreed that he has administered the office of the Supervising Architect in a manner equal to if not a little more efficiently than it was administered when we had a Supervising Architect; but what I can not understand is why we should carry this appropriation of $5,000 year after year with no apparent effort made to fill the position. Either we ought to increase the salary of this executive officer or we ought to abolish this office of Supervising Architect and turn its duties over to the executive officer who has been doing this work. The mere fact that the American Institute of Architects lays down qualifications which prevent the appointment or acceptance of the office is no reason why we should not make some change in this paragraph. I wondered whether the gentleman had secured any information in the hearings he had on this matter which gave any hope that the Government would have this official appointed and this place filled in the near future. I understand there is no hope. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For temporary employees in the office of the Comptroller of the Treasury, $40,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,000 per annum.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 45, line 21, after the word "exceeding," strike out the figures "$4,000" and insert in lieu thereof the figures "$3,600."

Mr. SABATH. Mr. Chairman, I notice that the salaries allowed to some of these special examiners run all the way from $2,000 up to $4,000. In this paragraph there is, however, a proviso that no person shall be employed hereunder at a rate of compensation exceeding $4,000. In a prior section I have noticed where examiners of the farm-loan banks receive $3,000 and up to $4,000. I have also observed that in the surety-bond section there is only an appropriation of $2,250 for its chief, and that the recommendation of the department for an increase has been ignored notwithstanding that his is one of the most important positions in the department. That section really ought to be designated a division. The surety-bond section is doing an important work. It has to do with the proper functioning of the insurance and bonding companies that are permitted under the law to give bonds to the Government, and at the same time not only protects the Government but also the millions of policyholders who receive policies from the surety companies that are permitted to do business under the law with this Government. Therefore I can not see why the salaries in the other departments are increased, and efficient men like Dr. Jordan, who has charge of the surety-bond section, should be ignored. Not only that, but he is deprived of an assistant, and I was wondering whether it was because the surety companies have such influence with the committee whereby they can influence the committee in refusing to properly appropriate sufficient money so that they would be properly examined from time to time as they should be.

I am familiar with the situation, and I know that we can not appropriate money to a better advantage than for this purpose.

I understand that the Treasury Department has repeatedly recommended the creation of the position of an assistant to the chief of the section of surety bonds and has recommended a salary of $1,800 as reasonable compensation for such a place. I am informed that the section of surety bonds as now constituted and organized has no assistant chief of the section, but in order that the bonding work of the Government as a whole may be efficiently administered it has become necessary to detail an expert accountant, at the salary of $1,800 per annum, to act as an assistant to the section of surety bonds for the purpose of auditing the quarterly and annual statements of the 30 bonding companies which render their statements to the Government under existing law four times a year. This detail has been secured by the loan of the private secretary that properly belongs to one of the Assistant Secretaries of the Treasury Department. I am advised further that this detail was made with the distinct understanding at the time that an effort would be made to create an $1,800 place on the roll of the section of surety bonds. As stated, this effort has been made continuously for four years, and I know of my own knowledge that members of the subcommittee on Appropriations have promised this help to the Treasury Department in the interest of efficiency and economy. Upon inquiry I find that the volume of work performed by the bonding section of the Treasury Department has grown enormously, and will continue to increase as the activities of the Government are multiplied where bonds must be taken in connection with public-building contracts, public-construction works, and from officials of the Government charged with the responsibility of disbursing public funds. I am told during the year 1918 that this bonding section handled, in the interest of the Government as a whole, 87,000 bonds, with aggregate penalties of $708,463,250. Of this number, 78,738 were given with corporate sureties. Each bond was examined and recorded and passed upon as to legal sufficiency.

As stated before, this great volume of work was done by the bonding section of the Treasury Department as part only of the work intrusted to this branch of the Government. The person in charge of this work, as well as his assistants, should be employees of high-grade ability, and the chief of the bonding section must not only be an expert accountant but a qualified lawyer. I regret to state that the salary of the expert now in charge of this important work has been fixed at $2,250 a year, which represents an increase of $250 during a period of eight years.

I know of no branch of the Government service where the work is conducted with a more conscientious regard for efficiency and economy than in this particular branch of the Government. It would seem to be elemental that the best interests of the Government demand that proper facilities be provided by Congress for carrying on this important work, affecting as it does every activity of the Government where bonds are required, by granting adequate clerical assistance and providing proper compensation for those intrusted with the duty of supervising the activities of the bonding companies doing business with the Government.

I realize that I can not now move to amend that provision owing to the unfortunate position that I am in, having been before the Committee on Immigration when this provision was reached, which I regret exceedingly. In view of the condition, however, that I know exists in that department, I think it is a great injustice that we should withhold the proper help from the surety section, and that we have also deprived this able man in charge of proper compensation to which he is entitled. I hope when the opportunity presents itself again the chairman of the committee will see the justice of my contention and will not object to an amendment. Mr. Chairman, I ask now unanimous consent to return to that provision so that I can move to amend the wording of that provision by giving it proper designation and to also offer an amendment to grant an additional clerk for that section.

Mr. WOOD of Indiana. Mr. Chairman, I object.

Mr. SABATH. I expected the gentleman would, but notwithstanding that I felt it my duty to make the request for this department which is doing so much in protecting our Government. I regret that this department is being discriminated against, as it has been in the last two sessions. Mr. Chairman, I withdraw my amendment.

Mr. RICKETTS. Mr. Chairman, I ask unanimous consent that my colleague, Mr. MURPHY, may be permitted to extend his remarks in the RECORD on the subject of the League of Nations.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his colleague, Mr. MURPHY, be permitted to extend his remarks in the RECORD on the subject of the League of Nations. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, will the Chair permit me a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I ask for information for myself and perhaps for some other Members. Where an appropriation bill is under consideration in the Committee of the Whole House on the state of the Union and a Member from the floor offers an amendment to the bill, which amendment is clearly out of order, but which would go in if no point of order was made against it, and no member of the committee upon the floor makes a point of order against it, is it or not within the province of the Chair himself to make the point of order and rule the amendment out of order?

The CHAIRMAN. The Chair understands that the gentleman occupying the chair would have the same right as any Member on the floor. The Chair will further state, however, that he does not as a rule exercise that right.

Mr. BLANTON. One further question for information. I am not such an old Member of the House, and I am trying to get some light. Has the distinguished gentleman from Connecticut, who is a fine parliamentarian, who now occupies the chair, ever known of an occupant of the chair exercising that prerogative?

The CHAIRMAN. The Chair does not recollect a case of that kind.

Mr. WASON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman demands the regular order, and the Clerk will read.

The Clerk read as follows:

For expenses of assessing and collecting the internal-revenue taxes, as provided by the "revenue act of 1918," including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia, postage, freight, express, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, printing, stationery, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts, $21,000,000: *Provided*, That $4,020 of the foregoing sum may be expended for rental of quarters in the District of Columbia for a branch office of the collector of internal revenue for the district of Maryland: *Provided further*, That not more than $500,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Part of this appropriation is for the payment of persons for information. What is the policy of the Government expressed through the action of this committee with regard to paying people for information, and how much shall they be paid and under what circumstances?

Mr. MANN of Illinois. Mr. Chairman, it used to be that anybody giving information received, I think, 50 per cent of the amount collected. That was changed, as I remember it—and I am not very distinct about it—so as to reduce that amount and authorize payment for information without requiring that the informant should be paid one-half of the sum collected. That is my recollection.

Mr. BLANTON. The gentleman from Illinois will note that the committee now, through this provision on an appropriation bill, provides for payment for information without any limitation or any restriction whatever regarding it. It leaves the matter entirely to the discretion of the departments.

Mr. WOOD of Indiana. My understanding is that this is a matter that is fixed by regulation by the department. They render an account of it and produce the vouchers.

Mr. BLANTON. I am calling to the attention of the chairman of the committee the fact that the matter, so far as this bill is concerned, is left up in the air. It seems to me there ought to be some provision put in this clause limiting it and directing the department with regard to it.

Mr. WOOD of Indiana. As stated by the gentleman from Illinois [Mr. MANN], they used to pay 50 per cent, and, as I understand it, they now in no instance pay anywhere near that amount.

Mr. BLANTON. But the gentleman realizes that the department would prefer some direction from Congress as to when such payments should be made, and the amount of same, as a guide to the department.

Mr. WOOD of Indiana. The information that is provided for in this item is information that brings money to the Treasury, so that the Treasury is never the loser in any event, and it is only in such cases where the Treasury Department is convinced of the fact that that is the only means they have or ever would have of bringing the money to the Treasury that this is paid.

Mr. BLANTON. And the gentleman thinks it is wise to leave the matter unlimited and unrestricted?

Mr. WOOD of Indiana. I do not think that you could well establish a law that would cover every individual case. It is a matter of discretion that must be left to some one. I do not know that it has ever been abused. If it has been, it has not been brought to my attention.

The Clerk read as follows:

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the act of February 24, 1919, $12,000,000; and not to exceed $1,000,000 of said amount may be used in payment of certified claims over three years old without special authorization and appropriation by Congress in each individual case: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the act of February 24, 1919.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 63, line 20, strike out the words "authorization and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For expenses to enforce the provisions of the "national prohibition act" and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the "revenue act of 1918," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, necessary printing and binding, and such other expenditures as may be necesary in the District of Columbia and several field offices, and for rental of necessary quarters, $4,500,000: *Provided*, That not to exceed $49,500 of the foregoing sum shall be expended for rental of quarters in the District of Columbia: *Provided further*, That not to exceed $750,000 of the foregoing sum shall be expended for enforcement of the provisions of the said act of December 17, 1914.

Mr. IGOE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. IGOE: Strike out the paragraph beginning on line 24, page 63, and ending on line 20, page 64, and insert in lieu thereof the following:

"The national prohibition act (being Public, No. 66, 66th Cong.) is repealed on and after July 1, 1920."

Mr. SISSON. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment.

Mr. SAUNDERS of Virginia. I would like to be heard on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLANTON. It is not germane; it is new legislation on an appropriation bill.

Mr. GALLAGHER. Is it not just the fact that it is too germane?

Mr. IGOE. Mr. Chairman, this involves the same point passed on by the Chairman of the committee, Mr. LONGWORTH, when he rendered a decision which covers this identical case. This paragraph has to do with the appropriation for the enforcement of the national prohibition act, and the amendment simply strikes it out and inserts a repeal of the law. It will result in a saving, and therefore it comes within the Holman rule. That decision, after a great deal of argument, was rendered by the gentleman from Ohio [Mr. LONGWORTH] as Chairman of the Committee of the Whole House on the state of the Union, and this case is exactly on all fours with that.

Mr. SAUNDERS of Virginia. Mr. Chairman, if it is seriously intended that this amendment is out of order, I would like to be heard upon the point.

Mr. BLANTON. Just one moment, so that the gentleman from Virginia may have the benefit of all of the point of order. I would like to make the further point of order that this is an attempt to introduce a new subject matter into this bill. There is no provision made in the bill for repealing the prohibition law. The committee, when it introduced this bill by its chairman, put us on notice what matters would be taken up and considered and argued in the Committee of the Whole, but gave Members of Congress no notice whatever that an attempt would be made in this bill to repeal the Volstead prohibition act. The gentleman from Missouri [Mr. IGOE] is limited under the rule, which has been in force for years, which was lately reannounced by the present occupant of the chair [Mr. TILSON] not so long ago.

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Mr. Chairman, the committee is not required to give notice to Members of Congress in order that an amendment in order may be offered on the floor. The committee has the authority to report matter within its jurisdiction, and then if a Member offers an amendment in order from the floor his amendment will be entertained.

This case on the facts is a much stronger one than the case decided by Mr. Chairman LONGWORTH on Monday last.

The bill reports an appropriation to carry out the Volstead Act. In the case decided by the gentleman from Ohio [Mr. LONGWORTH] the item in the bill was a flat proposition to repeal existing law. The item was an entire paragraph. In that ruling, to which the Chair can readily turn, the gentleman from Ohio stated that there was no distinction between the right of the committee to bring in this item in the bill and the right of a Member to offer it as an amendment from the floor. What are the facts of the present situation? This is a plain proposition of reduction in the way of an amendment. The bill contains an appropriation pursuant to existing law. All of the appropriation is proposed to be stricken out and the act which furnishes the authority for the appropriation is to be repealed. The gentleman from Ohio ruled a few days ago that an item of repeal in the present bill was in order and used this illustration: That it was in order in that connection for the committee to report an appropriation under existing law, and that being so it was germane to report a proposition to repeal that law. Now, certainly it is within the authority of this committee to make an appropriation to enforce the Volstead Act. That is plainly within its jurisdiction. In the paragraph under consideration the bill appropriates to carry out the Volstead Act.

In the case referred to there was no appropriation in the bill, merely an item of repeal. But in this case there is an appropriation to make effective an act, and the gentleman from Missouri [Mr. IGOE] offers a germane amendment to repeal the law authorizing the appropriation. Not only does this fall precisely within the ruling of the gentleman from Ohio [Mr. LONGWORTH] as heretofore made, but it falls within the ruling of the gentleman from Kentucky [Mr. JOHNSON], in a case cited in the manual. Permit me to submit an illustration to the Chair: Suppose the Committee on Appropriations had not appropriated to carry out the Volstead Act, but in lieu thereof had reported a provision to repeal the Volstead Act. Would not that provision have been as much in order as the item to repeal the act referred to a moment ago, namely the act providing for a legislative bureau? The committee had the authority to appropriate for this bureau. They did not choose to do so. They preferred to report a provision to repeal the statute which established that bureau. The item was held to be in order. The committee enjoys the right to appropriate to carry out the Volstead Act. They have done so. But suppose, as I have suggested, that they had not appropriated to enforce its provisions, but following the analogy of their action in the case of the legislative bureau they had reported a provision repealing the Volstead Act. The same rule that sustains the germaneness and legality of the item repealing the legislative bureau act would, of course, sustain the provision repealing the Volstead Act. This, however, is a stronger case than the prior case for the reason pointed out, namely, that an appropriation is carried in the bill to enforce the Volstead Act. The motion of the gentleman from Missouri to save this appropriation to the Treasury and all appropriations hereafter to arise under this head by repealing the Volstead Act is certainly germane to matter now in the bill and effects a retrenchment of the amount covered by the bill. If this amendment is not germane and in order under the rulings that have been made, I submit that no amendment under the Holman rule would be in order.

Mr. BLANTON. Mr. Chairman, I would like to be heard for a moment on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. I would like to call the attention of the Chair to a ruling which has been followed here in the committee a number of times during the present session of Congress announced by Mr. Speaker Carlisle, with respect to the appropriate action of an Appropriation Committee. The Chair will remember the decision, to which reference has been made repeatedly, where Mr. Speaker Carlisle stated that the Appropriations Committee is limited in its subject matter to the propositions within the province of that committee; that it can not put on an appropriation bill a subject as a rider which it did not have authority in the first instance to report in a separate bill.

The Committee on Appropriations can not place a new subject in an appropriation bill which it would not have jurisdiction

to bring before Congress in a separate bill. The Volstead prohibition act is a piece of legislation. This is not a legislative committee, and if a bill were introduced here in the House as a separate piece of legislation to repeal the Volstead Act, certainly it would not go to this committee to be passed upon, and this committee would have no authority whatever to consider or report such a bill. This committee makes no attempt to bring in as a part of this appropriation bill the repeal of the Volstead Act. The Chair will remember that Mr. Speaker Carlisle also called attention to the fact that the committee in charge of the bill has even more rights than any other member of the Committee of the Whole in the way of introducing an amendment on the floor of the House; in other words, that the committee in charge of the bill may sometimes offer germane amendments which any other Member of the House from the floor in the Committee of the Whole could not introduce as a new subject matter. He stated that when an appropriation bill is reported by the Appropriations Committee it is notice to every Member of the House as to what subjects they expect to deal with and consider in the Committee of the Whole. It is not right or proper, Mr. Speaker Carlisle said, afterwards even for the committee to seek to incorporate in an appropriation a new subject of which the members of the Committee of the Whole had no notice whatever, and I submit to the Chair that this is an entirely new subject, that it is one over which this committee would have no jurisdiction whatever if it were incorporated under a separate bill for the repeal of this Volstead Act, and therefore it is plainly and clearly subject to the point of order.

Mr. CALDWELL. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. CALDWELL. Mr. Chairman, I think that the amendment of the gentleman from Missouri is clearly in order if we are to follow the late decisions of this House. On page 3364 of the CONGRESSIONAL RECORD of February 23, 1920, the gentleman from Ohio [Mr. LONGWORTH] rendered a decision upon a point very similar to this one. At the bottom of the second column I read to the Chair the following words:

> Under the first part of the Holman rule there is no such provision. The only thing necessary to qualify under the main part of the Holman rule when you seek to change existing law either by committee or individual actions is to show, first, that your provision is germane and that it necessarily and indubitably effects a reduction of expenses.

Now, there is no question in the world that this proposition is germane. In the first place, the provision is a matter of the enforcement of prohibition.

In the second place, the amendment strikes out all of the words that are there, and in so far it is certainly germane. And, in the third place, it seeks to repeal existing law concerning prohibition, the very subject that is here covered, and it seeks to repeal it by cutting out the possibility of appropriating any money whatsoever, and, consequently, is a reduction of expenses. So that under the rulings of the gentleman from Ohio [Mr. LONGWORTH] on February 23, 1920, as reported in the CONGRESSIONAL RECORD, this point is clearly within the rule as laid down.

And in the last paragraph on the same page the gentleman from Ohio [Mr. LONGWORTH] lays stress on the fact that any Member on the floor of this House would have the same right to offer any kind of an amendment that would be in order in the committee, and surely this would then be in order in the committee. I particularly draw to the attention of the Chair the following words:

> Under the circumstances, while the Chair realizes that such a ruling may afford considerable opportunity for committees to repeal laws and for Members of the House to offer amendments which repeal laws, he feels compelled to hold, under the Holman rule, that such propositions are in order if they are germane to the bill and necessarily reduce expenditures.

I therefore respectfully submit to the Chair that the Chair must either hold this amendment in order or overrule the gentleman from Ohio [Mr. LONGWORTH], who is really the Chairman of the committee in the consideration of this bill. I believe in all the time I have been a Member of this House, for the past five years, no Chairman of the Committee of the Whole who has temporarily occupied the chair has failed to follow the preceding rulings of the gentleman who has been selected to preside over the committee during the consideration of a bill.

The CHAIRMAN (Mr. TILSON). The Chair is ready to rule. The paragraph in the bill under consideration is one making an appropriation of $4,500,000 for the enforcement of the national prohibition act. The gentleman from Missouri [Mr. IGOE] moves to strike out that paragraph and insert in lieu thereof the following:

> The national prohibition act (being Public, No. 66, 66th Cong.) is repealed on and after July 1, 1920.

It is clear to the Chair that this amendment is germane, because the entire paragraph is concerned with the matter of enforcing the national prohibition act. It also seems to the Chair that under the Holman rule the amendment is in order under the paragraph of that rule relating to the retrenchment of expenditures "by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill." The amendment offered by the gentleman from Missouri would seem to come under the last clause of the portion of the rule just referred to, for it surely reduces the amount covered by the bill by the amount of $4,500,000.

Following what the present occupant of the Chair believes to be the principle enunciated two days ago by the gentleman from Ohio [Mr. LONGWORTH], the regular Chairman appointed by the Speaker to preside during the consideration of this bill, he feels constrained to rule that the amendment of the gentleman from Missouri is in order, and therefore overrules the point of order.

Mr. BANKHEAD. Mr. Chairman, I make the point of order, inasmuch as this is a matter that will have to be voted on, that there is no quorum of the committee present.

The CHAIRMAN (Mr. LONGWORTH). The gentleman from Alabama makes the point of no quorum. The Chair will count. [After counting.] One hundred and twenty-five Members are present, a quorum.

Mr. IGOE. Mr. Chairman, how many people have violated the law?

Any farmer who has cider containing in excess of one-half of 1 per cent of alcohol and which acquired this excess either naturally or artificially since January 17, 1920, is guilty.

Any farmer who has cider in excess of one-half of 1 per cent of alcohol in any place other than his home, even though acquired prior to January 17, and which he has not reported to the commissioner, is guilty.

Any housewife who has made any kind of a beverage since January 17 containing more than one-half of 1 per cent is guilty.

Anyone who makes beer in his home containing one-half of 1 per cent of alcohol or more is guilty.

Right here let me say that there are thousands of people here in the District who are making beer in unconscious violation of the law. I am told that the demand for yeast is hard to supply, raisins are unobtainable, and that patent stoppers and capping machines for bottles are being purchased as fast as they can be supplied.

Anyone who has an intoxicating beverage anywhere save in his home and has not reported it to the commissioner is guilty.

Anyone who has in his possession any formula or substance designed or intended for use in making beer or wine or brandy is guilty.

Anyone who carries a drink even from his home and from a supply he may lawfully have is guilty.

I read yesterday that a man in Virginia was arrested for having on his person a hot-water bottle full of whisky. I suppose the inspectors will now have to inspect all the hot-water bottles in the country. This dangerous perversion of the use of the hot-water bottles must stop. Perhaps it might be well to make it a crime to have a hot-water bottle anywhere except in one's home. I shall have to talk to my friend from Minnesota [Mr. VOLSTEAD] about this.

Anyone who gives another a drink except in the home of the giver is guilty.

Anyone who buys a drink is as guilty as the seller.

I ask whether it is necessary in the enforcement of prohibition to brand as criminals millions of farmers, laborers, and citizens in every walk of life who have done nothing in itself harmful to themselves or to others and whose only offense consists in following the customs and practices of a lifetime?

Surely it was not in the minds of the framers of the amendment that this Congress would make a felon of a farmer who made cider for his family and friends, or a housewife who made wine in the home, or the workingman who would drink a glass of beer.

I venture to say that if the Volstead Act could have been presented to the legislatures of the various States at the time they were called upon to ratify the constitutional amendment not a State in the Union would have ratified the amendment.

There are so many more of these drastic and unreasonable provisions that I think I am safe in saying that since this law went into effect it has been violated to such an extent that if the law was strictly enforced there would be more of the adult population of the United States in jail than out of jail.

I believe this law should be repealed and a sensible constitutional enforcement measure passed. When this law was discussed in the House I said it would take $50,000,000 a year to enforce it, and an army of agents. I noticed a few days ago that a distinguished Senator was quoted as saying it would take $50,000,000 annually to enforce it. The States which have had local prohibition laws are going to throw the whole burden of enforcement on the Federal Government, and they might as well, because it is apparent from events in Michigan that State officers will be compelled to do so by overzealous Federal agents.

There are in the United States to-day about 10,000,000 people who have in some way violated this law already, and, of course, we can not put them all in jail. It is possible that the reason for retaining the law is that it could be used as a sort of revenue measure. Ten million violators, at $100 fine each, would raise $1,000,000,000, and by fining them $500 each we could easily raise $5,000,000,000.

Now, of course, if this law is repealed it will be sad news to the Anti-Saloon League. It would stop their effort to "touch" the American people in a "drive" for funds ostensibly to enforce it, but actually to defeat all candidates for office—local, State, and National—who will not do their bidding.

Personally I do not like the idea of law enforcement in the hands of voluntary spies, and if this law is to be retained let the American Congress appropriate the funds for the employment of the Government agents necessary to enforce it. [Applause.]

Mr. WOOD of Indiana, Mr. BLANTON, and Mr. GARD rose.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. Mr. Chairman, I move that the debate on this paragraph and all amendments thereto now close.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and amendments thereto be now closed.

The committee divided.

Mr. GARD. Mr. Chairman, I desire to offer an amendment to the motion to close debate. I move that debate be closed in 20 minutes.

Mr. BANKHEAD. Mr. Chairman, a point of order. The committee divided, and the affirmative vote has been submitted to the committee, and the vote ought to be completed.

The CHAIRMAN. The Chair had not announced the vote. So the Chair thinks the gentleman from Ohio may offer his amendment. The gentleman from Ohio moves to amend the motion of the gentleman from Indiana by closing the debate in 20 minutes. The question is on the amendment of the gentleman from Ohio.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 81.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. WOOD] that all debate on the paragraph and amendments thereto be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. SABATH. Division, Mr. Chairman.

The committee divided; and there were—ayes 79, noes 24.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. IGOE].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. IGOE. Division, Mr. Chairman.

Mr. BLANTON. Mr. Chairman, I ask for a division. We ought to check this up at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. IGOE].

The committee divided; and there were—ayes 38, noes 89.

So the amendment was rejected.

The Clerk read as follows:

The Commissioner of Internal Revenue shall submit to Congress on the first day of its next regular session a detailed statement showing the number, designation, and annual rate of compensation of the persons employed and the amounts expended for rent and other authorized purposes in the District of Columbia from the foregoing appropriations for the collection of internal revenue.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

I suppose this paragraph was intended to require detailed statements concerning the officers appointed for the enforcement of the prohibition act as well as those for the collection of internal revenue. Then, Mr. Chairman, I move to strike out on page 65, line 2, the words "the collection of."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 65, line 2, strike out the words "the collection of."

Mr. MANN of Illinois. Mr. Chairman, formerly this whole subject was carried under the head of "Collecting internal revenue." The committee this year leave out the word "collecting" and say it is only "internal revenue," and so the amendment I have offered would provide a detailed statement concerning all of the matter, while with the statement in the bill it would not carry the subject of enforcing the prohibition act.

Mr. WOOD of Indiana. I think that is correct.

Mr. CRAMTON. Mr. Chairman, there has been a good deal of discussion in connection with this subject of the enforcement of the liquor laws with reference to the State of Michigan for the past few days. I would like to read to the House—and in that way call to the attention of the country—a statement from the prosecuting attorney of Iron County, Mich., upon the subject. It is a very brief statement and I think it covers the situation completely. The prosecutor says, in the Detroit Free Press, referring to the so-called revolution in Michigan:

There hasn't been such a hoax put over on the country since the fake armistice report as this report of the "rum rebellion" in Iron County.

There is no rebellion in Iron County. It is a clean county. Prohibition is being enforced to the limit and my office is giving the Federal agents every aid possible.

I have wired the governor and the attorney general of the State and the Federal Attorney General at Washington, demanding a full and complete investigation as to who started the report of this so-called "rebellion."

The Free Press continues:

Prosecuting Attorney McDonough frankly admits taking possession of wine which had been confiscated by Leo J. Grove, of Marquette, Federal agent, whose report of this incident, he charges, was embellished to the extent that it had become a national sensation. He gives as his reason for this action that Grove failed to produce satisfactory credentials. McDonough claims that he still has possession of this wine and is perfectly willing to turn it over to any accredited Federal agents. Furthermore, he declares his willingness to cooperate in any way with Federal or State authorities in the enforcement of prohibition.

I call it to the attention of the House as an illustration of the extent to which a minor matter of misunderstanding as to authority can be transformed into a national sensation in the effort to cast discredit on a great national reform.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. GALLAGHER. Does the gentleman contend that the people up there are in favor of prohibition? Do you know anything about it?

Mr. CRAMTON. I only know this: I can not speak of that particular county, but I will speak for that district, and I will say that after we had had State-wide prohibition in Michigan for over a year the question came up of returning to light wine and beer alone, and every city in the State of Michigan, with the exception of two, rejected the proposition.

Mr. GALLAGHER. In Michigan? The people of Michigan are not in favor of prohibition.

Mr. CRAMTON. The only trouble with the gentleman's opinion is that it is a theory that is absolutely contradicted by the vote of the people of the State of Michigan as to beer and wine alone.

Mr. BLANTON. Mr. Chairman, I desire to discuss the motion of the gentleman from Illinois.

The CHAIRMAN. The debate is exhausted.

Mr. BLANTON. Then I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, in regard to this paragraph, which relates to the enforcement of the liquor law, I want to say that I believe that since the law went into effect it has been enforced in the District of Columbia. I want to say that I believe I go around with my eyes open about as much as any other Member of Congress. I want to say that I believe that I see with my eyes just about as much as any other ordinary Member of Congress, and I want to say that in the District of Columbia, since the Volstead prohibition law went into effect, I have seen but one man in the District of Columbia under the influence of intoxicating liquor.

Mr. GALLAGHER. Will the gentleman name him? [Laughter.]

Mr. BLANTON. No; I will not embarrass anyone. It should be said to the credit of the splendid chief of police of this District, whom we have just lost and whom we shall miss greatly—be it said to his great honor, to the clean, active, law-enforcing life which he lived here, due to his efforts, the prohibition law

was enforced in the District of Columbia. I want to say that when my time comes to die I hope, like this great chief of police, I may be able to look into my Maker's face and say, "I am not afraid to die; I have done what I could in behalf of my country and in the performance of my duty."

I want to say that all this mess which the distinguished gentleman from Missouri [Mr. IGOE] has just placed in the RECORD about the alleged disregard of the law and violations of this law is all tommyrot. Those alleged violations do not exist in the proportion which he would indicate to this House. The Constitution of the United States says that from and after the 16th day of January, 1920, the manufacture and sale of intoxicating liquor shall cease, and it says that Congress should enact proper laws to enforce that provision of the Constitution. The first thing we do when we become Members of Congress is to take an oath that we will uphold the Constitution of the United States, and I hope that this amendment which the distinguished gentleman from Missouri [Mr. IGOE] has just offered, and which has been defeated overwhelmingly in this Committee of the Whole, will be the last attempt by a Member of Congress to thwart the will of the people expressed by their many and numerous legislatures in adopting the eighteenth amendment to the Constitution. We are either for the Constitution or we are against it, and I hope that there will be no further attempt on the part of Members of Congress to get around the highest law of the land, the Constitution of the United States.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. JUUL. Is the gentleman from Texas in favor of all the amendments to the Constitution?

Mr. BLANTON. I am in favor of the law of my land and my country, and I will fight to uphold the Constitution of the United States until it is changed.

Mr. JUUL. Do you have Democratic white primaries in your district?

Mr. BLANTON. Sometimes we do and sometimes we do not. [Laughter.] But I want to say that in my district every negro has the privilege of voting if he wants to, and I have been elected partly by the negro vote of my district. I believe that I get 100 per cent of such vote when they do vote in my district, and I think many of them do vote in my district.

Does the gentleman from Illinois want to ask me any other question? If not, I want to ask the gentleman from Illinois if all the law of the land is strictly enforced in his State and in his district?

Mr. JUUL. I think it is enforced in a fair comparison with its enforcement in the State that the gentleman from Texas comes from.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be closed.

Mr. JUUL. But there is an amendment pending to strike out the entire paragraph, made by the gentleman from Texas.

Mr. BLANTON. That was a pro forma amendment.

Mr. PLATT. That is not a pro forma amendment. He moved that the paragraph be stricken out.

Mr. BLANTON. It is a pro forma amendment. If the gentleman wants a vote on it, I will vote against my own amendment. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the withdrawal of the amendment?

Mr. WALSH. I object.

Mr. GALLAGHER. Mr. Chairman——

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WALSH. I object.

Mr. WOOD of Indiana. I move that all debate on this paragraph and all amendments thereto be closed.

Mr. GALLAGHER. Mr. Chairman, I think I was recognized.

The CHAIRMAN. The Chair had not recognized the gentleman. The question is on agreeing to the motion of the gentleman from Indiana [Mr. WOOD].

The motion was agreed to.

The CHAIRMAN. The question now arises as to the amendment of the gentleman from Texas [Mr. BLANTON].

Mr. MANN of Illinois. The question is on the perfecting amendment, to strike from the paragraph the words "for the collection of internal revenue."

The CHAIRMAN. Yes; the question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Texas to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDEPENDENT TREASURY.

The Subtreasuries located at Baltimore, New York, Philadelphia, Boston, Cincinnati, Chicago, St. Louis, New Orleans, and San Francisco shall be discontinued December 31, 1920, or at such earlier date with respect to each such Subtreasury as may be determined by the Secretary of the Treasury, and upon each such discontinuance all offices created under existing laws at each such Subtreasury shall be abolished. All employees in the Subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil-service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications, they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed.

Mr. PLATT. Mr. Chairman, I offer an amendment as a substitute for the paragraph just read.

The CHAIRMAN. The gentleman from New York offers a substitute for the paragraph just read, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PLATT: Strike out the paragraph just read, on lines 4 to 21, inclusive, on page 65, and insert in lieu thereof the following:

"That section 3595 of the Revised Statutes of the United States, as amended, providing for the appointment of an assistant treasurer of the United States at Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, San Francisco, Cincinnati, and Chicago, and all laws or parts of laws so far as they authorize the establishment or maintenance of offices of such assistant treasurers or of Subtreasuries of the United States are hereby repealed from and after July 1, 1921; and the Secretary of the Treasury is authorized and directed to discontinue from and after such date or at such earlier date or dates as he may deem advisable, such Subtreasuries and the exercise of all duties and functions by such assistant treasurers or their offices. The office of each assistant treasurer specified above and the services of any officers or other employees assigned to duty at his office shall terminate upon the discontinuance of the functions of that office by the Secretary of the Treasury.

"That the Secretary of the Treasury is hereby authorized, in his discretion, to transfer any or all of the duties and functions performed or authorized to be performed by the assistant treasurers above enumerated, or their offices, to the Treasurer of the United States or the mints and assay offices of the United States, under such rules and regulations as he may prescribe, or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, as provided by existing law, for the purpose of performing any or all of such duties and functions. Notwithstanding the provisions of section 15 of the Federal reserve act, as amended, or any other provisions of law, the Secretary of the Treasury may deposit or carry with any Federal reserve bank any securities, moneys, bullion, or funds authorized by law to be deposited or carried with the Treasurer of the United States or with any of the assistant treasurers: *Provided, however,* That any such trust funds or other special funds or special deposits of securities, moneys, or bullion deposited or carried with a Federal reserve bank shall be kept separate and distinct from the assets, funds, and securities of the Federal reserve bank and be held in the joint custody of the Federal reserve agent and the Federal reserve bank: *And provided further,* That nothing in this section shall be construed to deny the right of the Treasury to use member banks as depositaries as heretofore authorized by law.

"That the Secretary of the Treasury is hereby authorized to assign any or all the rooms, vaults, equipment, and safes or space in the buildings used by the Subtreasuries to any Federal reserve bank acting as fiscal agent of the United States.

"Al the employees in the Subtreasuries in the classified service of the United States, who may so desire, shall be eligible for transfer to classified civil-service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications, they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed."

Mr. BLANTON. I reserve a point of order against the amendment.

Mr. GARD. Mr. Chairman, I reserve a point of order.

Mr. VARE. Mr. Chairman, as a member of the committee I make the point of order against the amendment that it is new legislation, that it does not decrease the amount of the bill, and that it is not germane.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order against the amendment offered by the gentleman from New York [Mr. PLATT].

Mr. WINGO. Mr. Chairman, if the gentleman will permit me, before I overlook it I want to suggest that the section numbers 2, 3, and 4 as read should be eliminated from the amendment. The Clerk was reading from a copy of a bill which has been reported from the Banking and Currency Committee. Evidently those section numbers should not be there.

The CHAIRMAN. Without objection, the Clerk will eliminate the section numbers.

There was no objection.

Mr. PLATT. This certainly decreases the appropriation.

Mr. MANN of Illinois. Mr. Chairman, since the point of order has been made, I should like to have a chance to discuss it.

Mr. VARE. I reserve the point of order.

Mr. MANN of Illinois. It seems to me the substitute proposed is clearly subject to a point of order. The original paragraph in the bill provides for the abolition of the Subtreasuries, and if that were all that the substitute proposed to do, in different language, it would be in order. But the substitute goes away beyond that and provides affirmative legislation with reference to how the work shall be carried on which is now carried on by the Subtreasuries, and a lot of other affirmative propositions in addition to the abolition of the Subtreasuries.

Mr. PLATT. That is absolutely necessary. You can not abolish the Subtreasuries and leave billions of dollars of gold and bullion lying in them.

Mr. MANN of Illinois. Oh, I think we can, and I hope we will.

Mr. PLATT. Somebody has got to look after them and guard them.

Mr. MANN of Illinois. That is all very well. The gentleman's committee has the power to bring in positive legislation dealing with that matter.

Mr. WINGO. The gentleman concedes that the paragraph carried in the bill for which the amendment is to be a substitute is in order, does he not?

Mr. MANN of Illinois. I do, so far as the abolition is concerned.

Mr. WINGO. Will the gentleman point out the difference between the substitute offered and the bill, except the provisions which cover the transference of duties from the Subtreasury officers to the Federal reserve banks?

Mr. MANN of Illinois. The provision in the bill, as a matter of fact, was subject to a point of order. Although the point of order would not lie as to the abolition of the Subtreasuries, it carries a positive provision with reference to the employees in the Subtreasuries, and that part of the paragraph was subject to a point of order. Now, we have a right to abolish the Subtreasuries. I think we have a right to transfer the duties to some other branch of the Government, but I think that on an appropriation bill we have no right to go ahead and provide a lot of affirmative legislation which may be in a way connected with the abolition of the Subtreasuries, positively providing law for certain things which are not now provided for at all. That goes away beyond the authority to retrench expenditures by the abolition of officers or in any other way. If under the plea of abolishing an office you can then go ahead with affirmative legislation, there would be no end to the proposition. Suppose, for instance, that we had the proper appropriation bill, such as a deficiency bill, before us concerning the Army. Now, under that you could repeal certain provisions creating the Army, but you could not follow that up with an Army reorganization bill. That is what they propose to do here. While I think it probably ought to be done, I do not believe it can be done in this way.

Mr. PLATT. Mr. Chairman, it seems to me that you can not abolish something without taking care of the consequences of the abolition. There is no affirmative legislation here except to say what shall be done with what is in the Subtreasuries now.

The CHAIRMAN. Will the gentleman from New York point out to the Chair under which provision of the Holman rule his amendment is in order? Will he point out to the Chair where it will reduce the number of officers or their pay?

Mr. PLATT. It absolutely abolishes the Subtreasury and takes out entirely the salaries of the Subtreasurers. It saves about $350,000 in expenditures.

The CHAIRMAN. But it provides affirmative legislation with regard to what shall be done for the employees.

Mr. PLATT. The language with regard to the employees is exactly the same as that carried in the bill, to which no point of order was raised.

Mr. WINGO. May I suggest to the Chair that, as the gentleman from New York has suggested, the amendment offered by the gentleman from New York is a bill that the Banking and Currency Committee have carefully considered, recognizing that the House wanted to abolish the Subtreasuries. Realizing that the abolition of the Subtreasuries with the simple provision in the appropriation bill would work confusion in the Treasury Department, the committee brought in a bill to cover the subject. First, we held numerous hearings and had before us the Federal Reserve Board and representatives of the Treasury, the Federal reserve agent at New York, and others, and then we brought in a bill that will take care of the transference and that will take care of the civil-service employees in the Subtreasuries; and, as a matter of fact, it will reduce expenditures, because it not only abolishes certain offices but it transfers to the Federal reserve banks the performance of certain duties that now cost the United States Government thousands of dollars. So that the provision which is in addition to what is in the bill will on its face reduce expenditures.

On the question of the civil-service employees, as a matter of fact when we amended the bill in the committee we substituted word for word the provisions that are in the appropriation bill with reference to the civil-service employees; and no point of order having been made against that, it certainly is germane to carry it in a substitute that is offered, because, as a matter of fact, as to that portion of it it is not a substitute, but a simple repetition of the language of the bill itself.

I want to suggest this to the gentleman from Pennsylvania [Mr. VARE] and the gentleman from Illinois [Mr. MANN]: If you are going to abolish these Subtreasuries, there ought to be some provision made for carrying out the abolition to its logical conclusion, thereby saving the money and saving the confusion that will come to the Treasury if you do not make proper provision.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. MANN of Illinois. I heartily agree with the gentleman; I have no doubt there ought to be, and I have no doubt there will be, positive legislation on the subject if we can abolish the Subtreasuries; but before that abolition takes place Congress will legislate on the subject through the committee that has jurisdiction.

Mr. WINGO. That is aside from the question of the point of order. I want to suggest that the provision which provides for this transfer on the face provides for the transfer of the duties from a public office to the Federal reserve banks and thereby saves money to the Treasury.

Mr. MANN of Illinois. That is a mere matter of argument.

Mr. WINGO. Does not that appear on the face?

Mr. MANN of Illinois. I think not; I do not think it appears on the face that the transference of a duty from one officer to another saves money. My experience is that invariably it increases the expense. I think the abolition of the Subtreasuries will reduce expenses, but the reorganization will greatly increase expenses.

Mr. WINGO. I want to submit this: The additional provision carried in the amendment of the gentleman from New York not only abolishes the Subtreasuries, but abolishes all the officers, the assistant treasurers and others, and provides for the removal of the load on the Treasury of the United States, where it would go if you adopted the House provision. The transfer to the Federal reserve banks with reference to the special and trust fund, and so forth, on its face shows that it is a greater reduction than the language that it seeks to strike out, because the abolition of the additional offices and the cutting out of the additional expenses would have to be borne by the Treasury of the United States, so it certainly should be held in order.

Mr. MANN of Illinois. I hope the Chair can hold it in order, for I think it is a good thing, but I do not see how he can.

Mr. PLATT. The paragraph that transfers the duties from the Subtreasury to the Federal banks saves money to the Treasury, because the salaries are paid by the bank and not by the United States Government.

Mr. VARE. Mr. Chairman, may I suggest that the proposed legislation is not only new legislation but it fails to reduce expenditures? In addition to that, it is tying onto an appropriation bill authority for the transfer of the Subtreasuries, which is purely a governmental function and under the direct control of the Government, to what may be considered a semiprivate corporation, the Federal reserve bank, and it is clearly out of order.

The CHAIRMAN. The Chair is ready to rule. It is clear that this is legislation and out of order on the bill unless it comes under the Holman rule. To come under the Holman rule it is only necessary to show that it will reduce the number of officers, retrench expenditures, and save money. A similar item to this, provided by the Committee on Appropriations, has twice been ruled upon, repealing a law or modifying or changing the law concerning Subtreasuries. The amendment of the gentleman from New York [Mr. PLATT] introduces some new features, but in the main the Chair is inclined to think that it follows, in so far as the reduction of expenditures is concerned, the provisions of the committee which the Chair would have held to be in order.

The Chair does not believe that he has any right to guess as to whether in the long run this would reduce expenditures or not, but it seems absolutely clear on the face of it that if this amendment, abolishing as it does all the officers of the Subtreasuries, merely transfers the employees to some other sphere of duty it must necessarily save money, and therefore the Chair thinks it comes under the Holman rule and is in order.

The Chair therefore overrules the point of order. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LINTHICUM and Mr. BLANTON) there were 57 ayes and 14 noes.

So the amendment was agreed to.

The Clerk read as follows:

For salaries of the officers and employees in the various Subtreasuries from July 1 to December 31, 1920, inclusive, or to such earlier date as the Secretary of the Treasury may determine, at annual rates of compensation as follows.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. The amendment just agreed to would require an appropriation for the Subtreasuries for the entire fiscal year. Would it not be well to pass over these items for the present until the committee has an opportunity to compute the amount?

Mr. WOOD of Indiana. It would be twice the amount provided for here.

Mr. DUPRÉ. May I ask the gentleman from Illinois a question in the same line?

Mr. MANN of Illinois. I will yield to the gentleman.

Mr. DUPRÉ. Should not, in line 23, the limitation of December 31, 1920, be eliminated?

Mr. MANN of Illinois. I raised the point of order to see whether this ought not to be changed.

Mr. WOOD of Indiana. If the change was made by striking out December 31, 1920, it would be to insert June 30, 1921.

Mr. MANN of Illinois. All you need do is to make the appropriation for the Subtreasuries, because the time is taken care of by the first provision of the bill. If I was chairman I would ask unanimous consent to pass over these items or paragraphs down to "Mint and assay offices" until I got it in shape, and then offer it as the amount for the entire fiscal year.

Mr. DUPRÉ. Will the gentleman yield along that line? I am trying to help clarify the situation. Look at page 66, first paragraph, and the total for the Baltimore office. Is not that for the whole year?

Mr. MANN of Illinois. No; it is for half a year.

Mr. WOOD of Indiana. I want to call attention to the fact that some of these may be abolished within the time specified.

Mr. MANN of Illinois. Yes.

Mr. GARD. If the gentleman will yield, would it not be in the interest of good legislation to change the date and say from the 1st of July, 1920, to the 1st of July, 1921?

Mr. MANN of Illinois. There is no occasion for that paragraph in the bill at all if you are going to make the appropriation for the entire fiscal year, as you have got to under the amendment just agreed to.

Mr. GARD. This paragraph provides for annual rates of compensation, set out afterwards.

Mr. MANN of Illinois. That paragraph was intended to cover only one-half of the fiscal year.

Mr. GARD. I understand; but when we change the law is it not in the interest of good legislation to appropriate for the entire fiscal year instead of for half a year?

Mr. MANN of Illinois. The whole paragraph can go out, because there is no occasion for it. We are making an appropriation under the general terms of the bill for the entire fiscal year, and that is what we have got to do in respect to the Subtreasuries if we leave this amendment in. Therefore I suggest that it be passed over to give the committee an opportunity to prepare an amendment as they want it to go in, assuming that they want to conform to the action of the Committee of the Whole.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to pass over the items intervening from page 65 to the subject of the mints and assay offices on page 69.

Mr. MANN of Illinois. Including the paragraph at the bottom of page 65?

Mr. WOOD of Indiana. Yes.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, is it the intention, then, to make an appropriation for the full fiscal year for these employees?

Mr. WOOD of Indiana. That is the intention.

Mr. LINTHICUM. And for the next fiscal year they would not at least be affected by the passage of this bill as amended.

Mr. MANN of Illinois. They would not be unless the Secretary of the Treasury abolishes them sooner.

Mr. WOOD of Indiana. Under this amendment I take it that he can abolish them before that time.

Mr. LINTHICUM. Oh, he has the right under the Platt amendment to abolish them before that time if he thinks proper.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to pass over all of the language beginning on line 22, page 65, up to and including line 7 on page 69. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, this amendment was introduced and passed so suddenly that we have not had time to comprehend it yet.

Mr. MANN of Illinois. If we pass over all these things it will give the gentleman a chance.

Mr. LINTHICUM. I know, and that is all very well, but will it cover employees in the civil service as was done in the amendment?

Mr. WOOD of Indiana. Yes.

Mr. PLATT. The amendment that we agreed to is exactly the same as that in the bill. We struck out what was in our bill.

Mr. LINTHICUM. The civil service is just the same as it is now in the bill?

Mr. PLATT. Yes.

Mr. STEVENSON. The amendment that we have adopted abolishes them only after the 1st of July, 1921, so that they are in for 12 months after the 1st of next July.

Mr. LINTHICUM. I merely wanted to understand the amendment and what is proposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. GARD. Mr. Chairman, reserving the right to object, is it intended to preserve the opportunity for making proper points of order to the matter brought in?

Mr. MANN of Illinois. It could not be otherwise.

Mr. WOOD of Indiana. We are to take the matter up just as we would have taken it up at the time.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Denver, Colo., Mint: Superintendent, $4,500; assayer, $3,000; superintendent, melting and refining department, $3,000; superintendent, coining department, $2,500; chief clerk, $2,500; cashier, $2,500; deposit weight clerk, $2,000; bookkeeper, $2,000; assistant assayer, $2,200; assayer's assistant, $2,000; assistant cashier, $1,800; clerks—two at $2,000 each, three at $1,800 each, three at $1,600 each, one $1,400, one $1,200; private secretary, $1,200; in all, $46,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking if the words in line 17, page 69, "deposit weight clerk," are correct?

Mr. WOOD of Indiana. No; it is not. The correct term is "weigh" instead of "weight." Mr. Chairman, I ask unanimous consent to strike out the word "weight," in line 17, page 69, and insert in lieu thereof the word "weigh."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to correct the word "weight" by substituting therefor the word "weigh." Is there objection?

There was no objection.

The Clerk read as follows:

For incidental and contingent expenses, $1,300.

Mr. GANDY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read:

The Clerk read as follows:

Amendment by Mr. GANDY: Page 71, after line 23, insert the following as a new paragraph:

"Deadwood, S. Dak., assay office: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; clerk, $1,000; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,200."

Mr. GANDY. Mr. Chairman, the amount carried in the amendment introduced by me for the United States assay office at Deadwood, S. Dak., is so pitifully small in comparison with the amount carried in the legislative, executive, and judicial appropriation bill that were I not personally familiar with the benefits accruing from said office and the loss that its discontinuance would entail I would not thus take up the time of the House. Establishment of this assay office was authorized under paragraph 10 of the legislative, executive, and judicial appropriation bill approved February 19, 1897. It was established shortly thereafter and has continued to serve a useful purpose to this day.

I am somewhat amazed at the action of the committee in eliminating this item, and I say that not in any spirit of criticism, for I have every confidence that the gentleman from Indiana [Mr. WOOD] and those associated with him on the subcommittee having charge of this bill labored earnestly and long in an honest endeavor to bring into this House a bill that would provide for all necessary governmental activities and at the same time be as economical as possible. The members of that subcommittee are members of integrity and standing in this House, and it is with some degree of hesitancy that I feel compelled to dissent to their action in this matter. The record, Mr. Chairman, is written in black and white, and I

have searched that record of the hearings before this subcommittee for one line or one word of testimony on which the committee might have based the elimination of this item, but to no avail. On page 804 of the hearings Mr. WASON asked the Director of the Mint, Mr. Baker, a question with relation to the transportation charges of the Deadwood assay office and the answer disclosed that the Homestake Mining Co., the largest in the Black Hills, does not deliver its bullion to the Deadwood assay office. Mr. WASON then asked this direct question, "Then why should the Deadwood office be continued?" To which the director replied, "For the simple reason that there are a lot of small producers who bring their bullion there." Then Mr. WASON asked a question, which, to say the least, shows a lack of familiarity with business conditions when he said: "If there was no office at Deadwood would they not take it to the Homestake mine and get their money from them?" To which the director answered: "No; they would not."

I repeat, Mr. Chairman, that nothing in the hearings discloses the reason for this action by the committee, and especially in the face of the fact that the Director of the Mint gave a specific reason for the continuation of the office, and further, on page 805, with relation to the offices generally he said: "I want to put the assay offices in the position where they are going to function. Instead of turning down people who come to the office with their bullion I want to be able to accept it and handle it expeditiously."

At this time I want to read you a telegram which I have received from the Hon. Edwin W. Martin, my predecessor, who during his 14 years of service here became one of the commanding figures on the Republican side of the House:

The United States assay office at Deadwood should not only be continued but it should receive an increased appropriation that will enable it to handle all of the business of this section. In the past it has only been able to serve the small mines, many of which were forced to suspend production of gold on account of labor shortage and increased cost of supplies and materials incident to the war. These mines are now looking forward to the resumption of production, and with the approach of normal conditions every assistance should be given them to stimulate gold production. There is not a commercial assay office in the Black Hills, and the removal of the office will be a serious handicap to many small mines now being developed. The records of the office will show that when the appropriations were sufficient to handle the production of the Homestake mine it was self-sustaining. The office not only furnishes reliable and accurate information for the prospector and small operator but to the investor as well. Its discontinuance would be an inestimable loss to the gold miners of the Black Hills, a section which has produced over two hundred millions in gold.

Mr. Martin is right. For many years the Deadwood assay office was practically self-supporting, and only when the appropriation for its maintenance was reduced to the extent that it was unable to handle all the bullion produced in the Black Hills did the Homestake Mining Co. begin sending its bullion elsewhere. This office does serve the small companies, the prospectors, and the investors. It is approximately 500 miles from there to the nearest United States or commercial assay office.

The last report available on the gold production of South Dakota was on November 6, 1919, issued by the Secretary of the Interior for the year 1918, and it discloses that in that year 22 mines produced 317,598.18 fine ounces of gold, with a value of $6,565,337, and 159,202 fine ounces of silver, with a value of $159,202. Of course, the major portion of that was produced by the Homestake, and while that amount shows a decrease from previous years, yet it is nothing short of remarkable that so much was produced in view of conditions prevailing in the gold industry, which I shall mention later.

Both in this Congress and during the war we have heard speeches as to the necessity for the production of tungsten, and I point you to the fact that the production of that metal increased from 140 tons in 1915 in the Black Hills of South Dakota to 201 tons in 1918.

In my judgment the real necessity for the continuation of this office lies not so much in the fact that it is of assistance and convenience to the smaller producing companies as it does in the opportunity that it provides to prospectors and investors to secure an assay of unquestioned integrity, such as is given by an assay from a United States assay office. In 1915, 608 individual assays were made in the Deadwood assay office, 778 in 1916, 904 in 1917, 616 in 1918, and 557 in 1919. Thus we see, Mr. Chairman, that the prospector has been busy, and none but one with the wisdom of God himself can tell whether or not the claim from whence came the rock of one or more of those assays is a potential Homestake or a Comstock or a Treadwell.

A charge of $1 is made for each of those assays, and I am frank to say if I had my way they would be made free of charge, for it occurs to me that with the urgent necessity for the production of gold in order that the financial reserves, not only in this country but of lands beyond the seas, may be maintained, every possible assistance should be given to him who seeks to uncover precious metals and mine them from the earth.

I am sure, if the membership of this House could be fully acquainted with the situation so that they might realize the urgent need for the continuation of this office and the benefits that accrue therefrom not only to the immediate locality but to the Nation, there would be no doubt but that by an overwhelming majority this amendment would be adopted. Gold production has, indeed, been passing through critical days. It may be a shock to you, after having made and listened for many months past to speeches on the rising cost of living, to pause and realize that gold is the one metal in all production that has decreased in value during the war. I know, Mr. Chairman, that its price is stationary, having been fixed by law, and yet, measured by what it will buy, it has decreased in value, and materially so. This and other nations long ago fixed the price of gold at $20.67 plus per fine ounce. That price is fixed and stationary, and while various plans have been suggested looking to the relief of the gold producer, yet up to this time no concrete action has been taken by this or any other nation. Realizing, Mr. Chairman, this desperate situation financially, in which every gold-producing concern finds itself, and knowing full well the national needs for the production of gold, I beg of you, gentlemen of this House, that you do not now, for the mere sake of saving $7,200, cripple the gold production of the Black Hills of South Dakota, from which locality this Nation has been enriched since 1876 by the production of nearly $300,000,000 of precious metals.

I do not live in the mining community, my home being where agriculture is predominant, but I do know the needs of those gold-mining camps, and I understand the problems that to-day confront them. In language just as strong as I know how to put it, I implore you to vote for this amendment, and in so doing for the continuation of the Deadwood assay office.

Mr. WOOD of Indiana. Mr. Chairman, I desire to call the attention of the committee to the facts on which the subcommittee, afterwards approved by the general committee, based its action for the abolishment of this office. The office has been declining, so far as its activities are concerned, for a number of years. I call the gentleman's attention to the hearings. He said that he has searched these hearings to find one item of evidence that would warrant the committee in taking the action that it has taken. If he will refer to page 820 of the hearings he will there find disclosed the activities of this assay office for a number of years. I will call attention to some of these figures, which are indicative of the amount of work that is done at this office, and also indicative of the amount of business and the importance that should be attached thereto.

In 1912 the number of deposits of this assay office were 473. At that time the income was $10,917.95. The expense was $14,096, so it was then costing the Government nearly $4,000 a year more than the income. In 1913 the deposits had decreased to 426, with an income of $13,208, with an outlay of $14,393, which was a net loss to the Government. Now, in 1914, the number of deposits dropped from 426 to 193——

Mr. GANDY. Will the gentleman yield there?

Mr. WOOD of Indiana. Yes; I will yield.

Mr. GANDY. I want to say to the gentleman that the Director of the Mint notified both the local assay office and the Homestake Mining Co. that he could not longer receive its bullion because the appropriation for the maintenance of the office had been cut down by Congress. It is not because the gold is not produced there, but because by the action of Congress the bullion was forced elsewhere.

Mr. WOOD of Indiana. I will say the appropriations during six years have been running along at the same amount, so that there is nothing in that contention.

Mr. GANDY. But, Mr. Chairman, will the gentleman yield there? The gentleman does not mean to stand on that statement?

Mr. WOOD of Indiana. On what statement?

Mr. GANDY. That the appropriations have been the same.

Mr. WOOD of Indiana. Since when were they reduced?

Mr. GANDY. They were changed in the appropriation bill for 1914, when the amount was very materially reduced. The figures speak for themselves.

Mr. WOOD of Indiana. For the last six years from 1915, as shown by the record immediately before me, the appropriation has been exactly the same.

Mr. GANDY. I just stated the appropriation was reduced in 1914.

Mr. WOOD of Indiana. Well, they have been reduced because of the fact no doubt that the amount of business was constantly growing less. If the gentleman will pardon me, my time will be up in a minute. Now these deposits have decreased from 426 in 1913 down to 63 in 1919. The expense to

the Government in 1919 was $7,515 and the amount of income was $764. It can not be seriously contended by any gentleman that we should maintain these as mere conveniences at this net outlay, because if we were to do that there are thousands and thousands of activities in the Government that might be maintained for the convenience of the people. We might have in all the cities of this country various offices with reference to different matters that would be of great convenience to the people, but we can not maintain these institutions merely for convenience. The Treasury time and time again has advocated the abolishment of these offices. In my opinion there should have been more abolished this time than the two that have been, and certainly when the amount of revenue derived by the Government is less than $1,000, and when the outlay to the Government is more than seven times the amount of the income it certainly is time that they should be abolished and avoid this loss of money to the United States Government.

Mr. GANDY. Will the gentleman yield?

Mr. MAYS. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Utah.

Mr. MAYS. The gentleman surely does not expect all of these bureaus, established for the benefit of producers of various kinds, to pay a net profit from direct fees charged by the Government?

Mr. WOOD of Indiana. No; I do not.

Mr. MAYS. Does the gentleman expect the Agricultural Department bureaus to pay?

Mr. WOOD of Indiana. But I do expect that when a failing institution like this is continued, failing for at least five or six years, and when it is perfectly apparent on its face that there is no reasonable chance for its increase, that it is time to cut it off.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. I would like to have five more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAYS. I wish to ask one more question, if the gentleman will yield?

Mr. WOOD of Indiana. Well.

Mr. MAYS. If this convenience serves a community that produced to the Treasury forty or fifty millions a year and cost three or four thousand, what would the gentleman say as to the wisdom of that outlay?

Mr. WOOD of Indiana. The trouble is the evidence does not support the statement. The number of deposits—we are now considering the Deadwood office—in 1919 were 63, as compared with 426 in 1916. It has been reduced more than sevenfold, while the expense to the Government has increased more than sevenfold in comparison with the income.

Mr. MAYS. But the gentleman must realize that during the war all gold mining practically ceased, and the men who were engaged in such mining went into the war to serve their country and are now going back into prospecting.

Mr. WOOD of Indiana. We had no war in 1916. At that time the number of deposits were only 97, as compared with 473 in 1913.

Mr. MAYS. That only takes into consideration the bullion deposits, but does not take into consideration the private assays made for prospectors who discover the mines.

Mr. WOOD of Indiana. Yet the amount of income that year was $1,927, while the outlay was $6,926.

Mr. MAYS. Does the gentleman take into consideration the income derived from the mining industries established by these prospectors?

Mr. WOOD of Indiana. I am taking into consideration the fact that the United States Government is paying far too much for this activity in proportion to the amount that it is receiving from the income.

Now, contrast this assay office with the San Francisco Mint and Assay Office or with a number of these other mints and you will see that the latter are revenue raisers for the United States Government.

Mr. EVANS of Montana. Is there an assay office at San Francisco?

Mr. WOOD of Indiana. There is a mint there.

Mr. EVANS of Montana. Does the gentleman know the difference between a mint and an assay office?

Mr. WOOD of Indiana. They do assay office work at the United States mint.

Mr. EVANS of Montana. And they make money at the mint by the coinage of money, too, and their surplus.

Mr. MAYS. The gentleman should realize that there is no mining industry in San Francisco. Our appeal to the committee to continue this office is based on the fact that it stimulates production and stimulates an industry in my State which produced $55,000,000 last year alone and cost the Government $3,500.

Mr. WOOD of Indiana. Whether they have an assay office there or not, they will continue to produce the ore as long as it can be produced in paying quantities, and the most that can be said for this is that it is a mere convenience. It is not the only way assays can be made. You take the technical universities in every one of the States of the Union where there are gold mines, and they have their laboratories in which assays are made. There are private institutions that make them. It is another piece of paternalism that you are trying to keep up in this country by continuing these assay offices.

But these States are no longer infants with reference to their industries, no longer infants with reference to the manner in which they are producing their ores or whereby they can have their assays made. There are private assay establishments in this country and there are public assay establishments in this country. I dare say there is one in South Dakota in connection with its college.

Mr. GANDY. I make the assertion that there is not within about 500 miles, or nearer than Denver, any United States or commercial assay office. The Secretary of the Treasury of the United States eliminated from all assay offices and mints by his own act the assaying and stamping charge, and that in itself is largely responsible for the decrease in the income. Our people would be willing to have it go back; they had nothing whatever to do with its being taken off.

Mr. WOOD of Indiana. There is no question but that the Treasury of the United States has long recognized the fact that these institutions should be abolished, and has frequently recommended their abolishment. And it occurs to me that we should look to the heads of these establishments, who are primarily responsible not only for the good conduct of the Government—and they certainly would not want to cripple the mining industries of the country—but we look to those who are in position not only to inform us with reference to their necessities but who are also our advisers with reference to where we can retrench in expenditure. It occurs to me that the time has come now when this assay office should be abolished.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. GANDY].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WOOD of Indiana. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 40.

Mr. WOOD of Indiana. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. WOOD of Indiana and Mr. GANDY took their places as tellers.

The committee again divided; and there were—ayes 61, noes 50.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $150,000.

Mr. MAYS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAYS: Page 72, line 17, after the figures "$150,000," insert:

"Salt Lake City, Utah, assay office: Assayer in charge, who shall perform the duties of melter, chief clerk, and cashier, $1,800; for services of workmen and other employees, $1,500; for incidental and contingent expenses, $600; in all, $3,900."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment.

Mr. MAYS. On what ground?

Mr. BLANTON. That it is new legislation and not authorized by law.

Mr. MAYS. Mr. Chairman, this amendment is not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAYS. It has been carried for many years and is found in Thirty-fifth Statutes, page 474, the act of May 30, 1908, "An act to establish an assay office in Salt Lake City, State of Utah," and since that time appropriations for the assay office have been carried.

The CHAIRMAN. Did the gentleman cite the act of law?

Mr. MAYS. I have just stated it is the act of May 30, 1908, chapter 223, an act entitled "An act to establish an assay office in Salt Lake City, State of Utah."

The CHAIRMAN. The Chair overrules the point of order.

Mr. MAYS. Mr. Chairman, for many years there has been carried in the legislative bill a small appropriation for an assay office in Salt Lake City. My amendment seeks to continue the provision carried in the current law. If I believed that the elimination of the assay office at Salt Lake City would save the country any money, I would not offer the amendment. It is easy to see the difficulty under which the committee seeking to economize must labor. Every retrenchment offends some Member, and if each of us were successful in resisting the will of the committee there would be no reduction of expenses.

In this instance, however, I wish to show that valuable service is being rendered by the United States assay office at Salt Lake City to the prospectors and mining fraternity of that region, who in turn are contributing many millions of dollars to the United States Treasury. The city is the mining center of the United States. More valuable metals are produced within a radius of 700 miles of Salt Lake City than within any similar radius in the world. More ores are smelted there than at any other point in the world. I believe the county of Salt Lake, in which this office is located, produces more valuable metals than any other single county in the country. In the total annual value of such minerals Utah stands first of all the States in the Union. Its total dividends have exceeded those of any State in the Union. During the last year before our entrance in the war Utah produced over $55,000,000; Colorado over $33,000,000; Idaho more than $30,000,000; Nevada, $30,000,000; Montana, $47,000,000; and while I have not yet received the official figures for the year just past, they will approximate as follows: Utah, $75,000,000; Arizona, $70,000,000; Montana, $65,000,000; Idaho, $40,000,000; Colorado, $37,000,000; Nevada, $32,000,000, with the other surrounding States in the intermountain country following with substantial production.

These totals run into the hundreds of millions, and they are gradually increasing. Many millions of this wealth are going into the United States Treasury. Utah alone contributed to the Treasury during the war, in bond purchases, income and profit taxes, and other contributions, more than $100,000,000, and received practically nothing in return. We do not participate to the extent of a dollar in the appropriation for rivers and harbors. We received practically no war contracts. Single cities of the second class in the East received much more in war contracts than all the intermountain States combined.

Now, Mr. Chairman, the mining men and prospectors of the State desire to have this little assay office continued. The prospector must be encouraged. The pioneer work necessary to the development of mines must go on; it practically ceased during the war. In fact, we suspended the necessity of assessment work. Many ex-service men are returning and entering the field in the hope of making valuable discoveries. These are the men who suffer the hardships, discover the great mines, and generally die poor. At the Salt Lake City office the last year before the war 514 individual samples were brought in by prospectors for assay. These assays generally cost at a private assayer's from $3 to $5 each. The Government, by order of the Director of the Mint, makes them for $1. The Government assays are considered more reliable by the prospectors; they give him more prestige and encouragement in the difficult work of financing the enterprise. From the assays many mines have been developed which are paying hundreds of thousands annually into the Treasury.

The assay office does for the miner what the Agricultural Department does for the farmer. No one expects all bureaus and agencies established by the Government to assist in production to pay a profit by charges upon the farmer. The discovery of one mine would repay the Government a hundred times the entire cost of maintaining this office.

I have in mind a sample brought into my office by an ex-service man. It appeared to be of no value, but was referred to the Government assay office and proved to contain silver. The mine resulting paid income and profit taxes last year of over $250,000 into the United States Treasury and will pay more this year.

Yet these gentlemen of the committee would abolish the office; rather they should add to the appropriation in order that the work might be extended.

Besides serving the prospector, the small mine owner, and the large operators, the smelterers, the office also serves the Land Office, the Forest Service, secret-service agents of the Government who make raids on counterfeiters, the Geological Survey, the director of which has written a letter acknowledging the benefits to his department of this assay office at Salt Lake City. No credit is given in computing the expense of this office for the service rendered these various departments of the Government.

It is a penurious policy to abolish this office. No one in authority and acquainted with the facts and conditions has recommended such action. One Washington official connected with the mint, who had probably never been west, did so recommend two years ago, and I suppose that it was upon that recommendation that the committee acts at this time. Asked for a reason, he said he would abolish the office at Salt Lake City because that city is only a gunshot from Denver. He has since studied his geography and has found that those towns are as far apart in point of time and almost in distance as New York and Chicago.

This committee has abolished all the surveyors general of the Western States. In our State we have 20,000,000 acres of public lands unsurveyed, awaiting the prospector and the stock raiser. Our people will strenuously object.

This spirit will not help to build up the common country, and it is against such cheeseparing policy we must fight. Our people want only a square deal. They are willing and eager in Utah to contribute another hundred million dollars next year if necessary, but they want to know that they have some recognition that their sacrifices are in a measure appreciated.

Mr. Chairman, as I stated just before, this appropriation has been carried for many years—a small appropriation of $3,500 or so to establish an assay office in Salt Lake City, Utah. The committee has stricken it from the bill at this time. I have brought this map out here in order to show the committee that Salt Lake City is the center of the mining industry of the United States. There are more precious minerals, more metals of value, produced within 700 miles of Salt Lake City than in any other similar radius in the world. The prospectors go into these mountains, and when they come back and get their certificate they are able to finance their enterprise.

Now, the prospectors of that country are aroused over the proposition to abandon the assay office at Salt Lake City. The Utah chapter of the American Mining Congress is aroused over it. I have several telegrams, of which I will read two. The Utah chapter of the American Mining Congress states in a telegram to me:

SALT LAKE CITY, UTAH, *February 20, 1920.*

Hon. JAMES H. MAYS,
House of Representatives, Washington:

Salt Lake City assay office has no particular value to the large mining organizations, but is of great service to prospectors and small operators, as it takes bullion in any amount above $10, while no lots less than $50 can be sent to Denver or San Francisco Mints. There are no refineries here and no place except the assay office where small lots can be disposed of. Salt Lake City office serves portions of Nevada, Idaho, and all of Utah, and makes mineral tests for other Government branches here, such as assays of counterfeit coin for the secret service, tests for the Land Office, Geological Survey, and Forest Service, as well as for private individuals. Its cost is small, and we sincerely hope it can be continued, as its presence here gives stimulus to much needed prospecting, especially gold. We think Government can afford to take a slight loss when the benefits are considered. This is a unit of a Government organization that as a whole earns a substantial profit for the Government.

UTAH CHAPTER AMERICAN MINING CONGRESS.

I have a letter on my desk in my office from the Director of the Geological Survey, who states that this office is of great service to the Geological Survey in testing out metals.

I have a telegram from the assayer in charge, as follows:

SALT LAKE CITY, UTAH, *February 20, 1920.*

Hon. JAMES H. MAYS,
House of Representatives, Washington, D. C.:

Individual deposits, last fiscal year, one fifteen; so far, eight months, one eleven; increase over fifty per cent. Bullion value to date forty-two hundred over all last year. Our assays serve prospectors, Land Office, Forest Service, Geological Survey; also tests metals seized by Secret Service agent raids on counterfeiters. Net expense of office only thirty-five hundred dollars.

CHARLES GAMMON,
U. S. Assay Office.

The office takes no credit for the work they do for the various departments of the Government. In the year before the war Utah stood first in the production of precious metals. Utah produced that year $55,000,000 worth, Idaho produced over $30,000,000 worth, Nevada over $30,000,000 worth, Colorado $33,000,000 worth, Montana $47,000,000 worth, other States of the West following with large productions.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. EVANS of Nebraska. Do they send from Colorado to Utah to have their assays made?

Mr. MAYS. I am making this illustration here to show that Salt Lake City is the center of the mining industry, and that instead of abolishing this office it ought to be enlarged, in order that it might serve these people in various directions here, where so much is being produced.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. EVANS of Nebraska. How far do prospectors send their assays to this Government office?

Mr. MAYS. They take them to the nearest assay office. They send from Idaho, from Nevada, from all parts of Utah, and from wherever the mineral may be found. Of course, they generally take their samples to the nearest assay office to have them tested.

Five hundred and fourteen individual prospectors, in the year the war began in this country, took their rock into this assay office and had it tested by the Government assayer, and then they were able to go out, with the certificate of the Government, and do something in the way of financing their enterprises, which is a very difficult proposition.

Now, the gentlemen of the committee do not seem to appreciate the fact that during the war the State of Utah paid into the Treasury, as bond purchases and income and profit taxes, $100,000,000, coming in large measure from these great mining enterprises established through prospecting, developing, and financing on the basis of the Government's assay.

No one expects bureaus of the Agricultural Department to pay a direct profit. They are put there for the benefit of production. The Bureau of Soils pays nothing directly to the Government, yet is of great value. Here the Government is reaching out and getting $100,000,000 from one State and giving nothing practically in return. We had no war contracts of consequence; we get no river and harbor appropriations. All that we have asked here is that this mining industry shall be encouraged, and that this active assay office should be kept there.

I remember the Director of the Mint three years ago was the only man who recommended that this office be abolished, and he stated that it was only a gunshot distance from Denver. Since then he has studied his geography, and has found out that Salt Lake City is as far from Denver as New York is from Chicago in point of time, and that would be the nearest place to which these prospectors would take their samples.

Utah is willing to contribute to the Government another $100,000,000 if the life of the Nation be threatened, but it asks that its contributions be appreciated, and it submits the proposition that this expense, if it should turn out to be a loss of $3,500, is not a matter for serious consideration, as we are paying for it many times over.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. HUSTED. Does the gentleman think that there would be less mining enterprises in Utah if this office were abolished?

Mr. MAYS. Yes.

Mr. HUSTED. For what reason?

Mr. MAYS. For the reason that the Government assay office there makes the Government test for $1. That is under the orders of the Director of the Mint. They could make this office self-sustaining if they charged what a private assayer would charge. The prospector has confidence in the Government's certificate, and the men who help finance the prospector have confidence in it.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MAYS. Yes.

Mr. GREENE of Vermont. You would not make seriously the proposition of the difference between $1 and $5 as being the determining factor as to whether a man should go into the mining business or not?

Mr. MAYS. It is a factor as to whether a man will take his rock to the Government assayer or to a private assayer. A student in a State university might make an assay, but his assay would not inspire that confidence which the Government assay gives. The gentleman himself would have no confidence in an assay made by students, at least not such confidence that he would invest his money on the strength of it.

Mr. GREENE of Vermont. Would there be any real hindrance to the project if the specimens were sent to an assay office not necessarily within the State?

Mr. MAYS. It would take more time and would cost more money. The prospector certainly needs encouragement. There has been but little prospecting in this country during the last two or three years.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. MAYS. I ask unanimous consent that I may have about three minutes more. I have been interrupted.

The CHAIRMAN. The gentleman from Utah asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. When men are about to engage upon such a serious undertaking as a mining project, does the difference between four or five dollars and fifteen or twenty dollars hinder them from making up their minds about it?

Mr. MAYS. The gentleman must realize the practical side of this problem. The prospector goes out into the hills, camping out and gathering what he thinks looks like favorable rock, as he calls it. He wants an assay of that rock. He brings it into the assay office to get it tested. He wants a reliable test.

Mr. GREENE of Vermont. I can understand that.

Mr. MAYS. He wants a Government test.

Mr. GREENE of Vermont. Yes; I can understand that.

Mr. MAYS. And if he gets a Government test saying that it contains valuable metals he has something upon which he can work.

Mr. GREENE of Vermont. I can understand that.

Mr. MAYS. But if he has to send it to some other State far away it takes more time, it costs more money, and he probably will not go to the expense of paying the express charges. I am speaking of the poor prospector who does the pioneer work, who generally dies poor, but who discovers these great mines that were paying during the war many millions a year into the Treasury of the United States and still are. They ask nothing in return. They do want this assay office continued here.

Mr. GREENE of Vermont. Then the gentleman does not offer the idea that what he says has relation to the men who develop mining projects and open mines, but he simply refers to the adventurer who goes out into the hills and takes his chances on a gamble?

Mr. MAYS. The assay office serves the prospector primarily. It serves others also. As I said a while ago, Salt Lake City is the center of the mining industry. During the present year we will produce $75,000,000 of these metals in the State of Utah. The Government will get many millions of that money. What is the matter with the committee that they are so penurious as to say that they will take all of these millions that come from the State of Utah and give nothing in return to help encourage the mining industry? They are not asking much. They are asking only $3,500 in this bill, and it is the same item that has been carried in the bill for 15 years, or practically ever since Utah was a State. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, the gentleman from Utah [Mr. MAYS] says he does not understand why it is that this committee should be so penurious as to strike out this appropriation. That might be said by every bureau that has anything to do with the Government. I suppose all of them entertain the same idea—that we are penurious. If this item and all the other thousand and one items that were asked for and denied were taken into consideration they would amount to millions of dollars. By exercising what we thought was good judgment we have stricken out of this bill more than $18,000,000. This was one of the items. Each one of the others who had an interest in his respective item might come in here with the same consistency, and in his enthusiasm for the success of his particular project might say that the committee was penurious in striking out his item.

The case of Utah is even worse than the case of Deadwood. The amount of income from the Utah office in 1919 was $561.62, while the outlay of the Government was $4,074.

Now, this is up to the Committee of the Whole. It is up to the Congress of the United States to determine how long we are going to continue these sinecures.

That is all it amounts to. It is a convenience to very few. If we are going into the convenience business here is a splendid opportunity for this Congress. We will establish an assay office in Arizona, where there is more mining than in the territory that the gentleman refers to.

Mr. MAYS. Will the gentleman yield?

Mr. WOOD of Indiana. Not now. We should establish an assay office in New Mexico, where there is much mining of precious metals. There is no assay office in New Mexico. Have they stopped mining there? There is no assay office in Arizona. Have they ceased the mining industry there? They find some way to get an assay. I dare say it is done just as completely and scientifically as it is done at the Utah assay office at Salt Lake City. It has only been five years since this Government succeeded in prying loose an assay office in North Carolina. I expect gentlemen then said that there was need of encouraging mining in North Carolina by retaining the assay office of the Federal Government. So it will be to the end. There will be somebody coming here from these respective places where the activities or inactivities are located, asking that they be continued, and the Congress of the United States, if it will listen to them as we have listened to the appeals here to-day, will continue them indefinitely. These are but a few of the many bureaus that have grown up in times past, doing some little real service when established, but having now

become useless. Only a few years ago there was a great fight made in Congress for the abolition of the old pension offices which were established in all of the States of the Union. That was a convenience to the old soldier, and a greater convenience by far than these assay offices, and yet it was demonstrated by the Pension Department and through the advice of the Pension Department that that abolition would not materially injure the old soldiers of this country or their interest in the Pension Department and that the business could be as well performed from Washington as through these pension agencies. So, in the opinion of the Treasury, these assay offices have outlived their usefulness. Therefore we can not justify ourselves in maintaining these offices for the mere convenience of the people who are now using them.

Mr. MANN of Illinois. Mr. Chairman, no one has been around Congress very long without discovering the difficulty of disassociating anybody now on the pay roll from the pay roll. A few moments ago we had an illustration of the Democratic side of the House having unanimously with one exception, in combination with a few Republicans from a few far Western States, voted in an office that has been recommended to be abolished for years both by the Treasury Department and in recent years by a Democratic Committee on Appropriations. Possibly we will be treated to the same spectacle in a few minutes on a vote on the present proposition.

Here are two offices of which there is no more need than there is of the fifth wheel of a wagon. For years the Treasury Department has urged that there was no occasion for their existence. A Democratic committee recommended that they be abolished, a Republican committee has now recommended that they be abolished, but in some way, while sometimes they have been left out of the House appropriation bill, in some way three or four or five or six officials, employees of one of these offices, has more influence in Congress in the end than the Treasury Department has, and more than the great committee of both Democrats and Republicans in Congress have, because they can get more votes.

It is one of the spectacles that Congress always yields to the request of an employee who may make the request himself or go out on the street and in 10 minutes find a dozen persons who will send in requests or find some association to make the request. There is no reason why we should not in some way make an effort to reduce the expenditures of the Government and abolish a few useless offices. I do not know whether it is possible or not, but I hope, if it is not possible in the Committee of the Whole, that we at least may have a roll call in the House on the subject, and see whether the Members of the House are willing to appropriate money for offices that the department of the Government, or the Executive, says are useless, that a committee of Democrats when in control said were useless, that a committee of Republicans say now is useless, and whether they will continue these useless offices.

Mr. MAYS. Will the gentleman yield? When did the Executive ever say that this office was useless?

Mr. MANN of Illinois. They have said it for years.

Mr. MAYS. I have never seen any such statement, and I have kept track of the matter.

Mr. MANN of Illinois. The gentleman knows that the Treasury Department repeatedly, both in the hearings and otherwise, have recommended that these offices be abolished. I know it, because I have read the reports.

Mr. MAYS. No Executive recommended it. Two years ago the only recommendation given was given by a man connected with the mint, who thought that Salt Lake City was only a gunshot from Denver.

Mr. MANN of Illinois. The Treasury Department has frequently recommended against the continuation of these offices. I know that, and the gentleman knows it.

They have urged the same thing before the Committee on Appropriations, both when Democratic and Republican. But I take my hat off to the gentleman from Utah [Mr. MAYS] and the gentleman from South Dakota [Mr. GANDY] who, at the request of an employee of the office probably, directly or indirectly, have greater influence in Congress than the Treasury Department or the Committee on Appropriations. [Applause.]

Mr. CALDWELL. Mr. Chairman, I had not intended saying anything, but the chairman of the committee made a statement which I think to a certain extent is misleading, although I am satisfied that he did not intend to mislead in any way. The gentleman refers to this as an office that is entirely for the benefit of the locality surrounding Salt Lake City. I call the gentleman's attention to the fact that practically all of the great mining operations in that western country, which is the marvel of the world, are financed by people all over the world, and particularly from all over the United States. When people invest in mining securities in Nevada or Colorado or Utah or any of that country out there they first look to see what the United States Assay Office has had to say about the quality of ore that is being taken out of a particular vein. The United States Assay Office is the only protection that those people whose forbears lived in the mountains and who understand what it is, who have come east to live in the more populated country, but who believing in the great West desire to continue to invest their money there. That is the only thing in which they can place confidence. I hope the House will not consider this as a local proposition but one spreading over the whole of the United States.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KNUTSON. Does the gentleman want the House to understand that western mining promoters use the assay offices as a means to gather in suckers?

Mr. CALDWELL. Oh, the gentleman does not want to cast any reflection on the legitimate people of the mining world. There are wildcatters, and the only protection that the real miners in the country have over the wildcatters is the assay office and the laws that prohibit the circulation of false statements through the mail for the purpose of making money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah.

The question was taken; and on a division (demanded by Mr. MAYS) there were—ayes 53, noes 67.

Mr. MAYS. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. MAYS and Mr. WOOD of Indiana to act as tellers.

The committee again divided; and the tellers reported ayes 63, noes 59.

So the amendment was agreed to.

The Clerk read as follows:

Temporary employees: For the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War except as otherwise provided herein, $2,500,000: *Provided*, That the Secretary of War shall submit to Congress on the first day of its next regular session a statement showing by bureaus or offices the number and designation of the persons employed hereunder and the annual rate of compensation paid to each: *Provided further*, That $1,850,000 of the foregoing sum shall be allotted to the office of The Adjutant General, and such portion thereof as may not be needed in that office shall not be allotted to any other office but shall lapse and be covered into the Treasury: *Provided further*, That appropriations contained in any other act for the fiscal year 1921 shall not be used for the payment of civilian personnel in the bureaus or offices of the War Department in the District of Columbia except such as may be authorized by this act or as may be appropriated for the Army War College and Office of the Chief of Staff in the Army appropriation act and the Board of Ordnance and Fortification in the fortification appropriation act: *Provided further*, That no person shall be paid from said sum of $2,500,000 at a rate of compensation exceeding $1,800 per annum, except the following: Office of Secretary of War—1 at $3,500 (audit of Red Cross accounts), 1 at $3,000 (audit of Red Cross accounts), 4 at $2,750 each (audit of Red Cross accounts), 1 at $2,500, 1 at $2,200; Office of The Adjutant General—6 at $2,400 each, 2 at $2,000 each; Office of Inspector General—1 at $2,000; Office of Director of Finance—1 at $5,000, 1 at $2,000; Motor Transport Corps—1 at $2,400.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word, in order to inquire of the committee the need for so large an aggregate appropriation as $2,500,000. I understand that this is a reduction from last year, as, of course, it should be, because the natural tendency would be to reduce the amount of work in the War Department. Nevertheless, hardly a day goes by that we do not hear severe criticism of the number of employees in the War Department and in other departments and bureaus down town. They are evidently falling over themselves for lack of occupation and standing in each other's way. It seems to me we ought to have pretty complete details of the needs of as many employees as $2,500,000 will provide at a compensation of $1,800 each. I have not divided that sum up, but it seems a tremendously large number, many of whom, I suppose, will be employed or will be supposed to be employed sitting around temporary buildings down town which long since should have been closed up. I am informed that there is corridor after corridor in those buildings where you find no occupants. Perhaps this is to provide some people to at least sit around in those vacant temporary war buildings. I recently saw large trucks being unloaded from Philadelphia, bringing back the Shipping Board and putting them in some of these temporary buildings. But, to get back to this one question, I personally would like as complete details as the chairman of the subcommittee can give. I am sure that he is as anxious as the rest of us to be economical at this time and is as desirous of reducing the number of employees. Therefore I ask for more details in respect to this appropriation of $2,500,000.

Mr. WOOD of Indiana. Mr. Chairman, I wish to state that the original estimate asked for in this item was $4,000,000. The committee reduced it to $2,500,000. I wish also to call attention to the fact that the same activities during the last year or the present fiscal year is costing the American Government $14,205,618. We have made a reduction, if you please, of more than $11,000,000. The principal items out of this $2,500,000 that we allow go to The Adjutant General's office. A million and over $800,000 is for the purpose of performing work imposed upon it by this Congress in furnishing information with reference to each soldier of the Army, Navy, and Marines to each of the adjutants general throughout the United States. We also made a further appropriation, raised the estimate for that amount very nearly $500,000, for the purpose of furnishing information that is absolutely essential to the War Risk Bureau in all the applications which are now being made by the service boys for compensation and for this, that, and the other, for vocational training, and also the information that must of necessity be derived from the Director of Finance. I wish to state further for the benefit of the committee that there are now employed, as stated by the gentleman from Massachusetts, a very great number of employees in the United States Army under this appropriation here or these aggregate appropriations that amount to $14,500,000. In all there are 21,000 of these men. Under the appropriation we have made that number will be reduced for the next fiscal year to 3,500, so that those gentlemen who are now basking in the sunlight and living at their ease in the social swim will have to look for other pastures.

Mr. TREADWAY. That is, after July 1 or after the beginning of the next fiscal year. May I ask the chairman of the committee one question?

Mr. WOOD of Indiana. Certainly.

Mr. TREADWAY. He said that a large part of this sum is to furnish information to The Adjutant General and various bureaus in the War Risk Bureau. May I ask if he considers that under that a clerk would be provided whereby a man might get a reply from the insurance branch of that board to a letter written last November by the middle of February or this month? Does the gentleman think that that is a very competent service? I would like to vote for an additional clerk if that could be accomplished.

Mr. WOOD of Indiana. This item has nothing to do with the War Risk Bureau. We have paid our respects to that bureau, and I think we have succeeded in getting enough employees out of there so that those remaining may do more work.

Mr. BLANTON. Mr. Chairman, a point of order. Is this a political dialogue that is going on over there?

Mr. TREADWAY. We would be glad to have the gentleman from Texas included, as he is in most all of them, of course.

Mr. BLANTON. I do not want it reserved entirely to one side of the aisle.

Mr. SISSON. Mr. Chairman, I think the subcommittee is to be congratulated on the reduction of this amount down to two and a half millions of dollars. The original bureaus of the War Department in this lump-sum appropriation asked for sums aggregating about $11,000,000. The Secretary of War cut it down to $4,000,000 and the subcommittee believed that $4,000,000 was too much. After we investigated this matter for a number of days—I can not tell you how long ago—in the various departments of the War Department, finally the committee found that they believed that they could cut this down to $2,500,000, and therefore where the various departments had estimated for something like $11,000,000 and the Secretary of War cut it to $4,000,000, we then cut it to $2,500,000.

Mr. TREADWAY. May I ask the gentleman if that is not a very good illustration of the desire on the part of various officials to hold on to a good thing when the gentleman says that the estimate that came into his committee was $11,000,000 and the Secretary cut it to $4,000,000——

Mr. SISSON. No; not as it came to us.

Mr. TREADWAY. That the original estimate of these people wanting to hold their jobs was $11,000,000 and that the Secretary reduced it to $4,000,000, and you cut it to $2,500,000, and that is a very low ratio. The gentleman's committee cut it to about one-fifth, and I congratulate the committee.

Mr. SISSON. The gentleman should realize that these men in these bureaus like to hold on to these clerks, and I do not know that that is the fault of them so much, because all of us love for the department of which we have charge to be a big one, but it takes some courage to do the cutting.

Now, I would not be at all surprised if in this particular matter we have not used our snickersnee just a little too deep. I hope not; but from what explanations have been made to us and from what we knew about it, we were unwilling to reduce it any lower; and the greater portion of this, as has been explained by the chairman of the subcommittee, goes to The Adjutant General's office for the purpose of preparing the rolls of the Army.

Mr. TREADWAY. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Red Cross annually shall reimburse the War Department for auditing the accounts of the Red Cross, as required by the act approved February 27, 1917, and the sum so paid shall be covered into the Treasury of the United States as a miscellaneous receipt.

Mr. BLACK. Mr. Chairman, I reserve a point of order on that item. The act of February 27, 1917, provides for an audit of the expenses and accounts of the Red Cross Society, but does not authorize the collection from the society for the expenses of that audit. It occurs to me that the Red Cross Society is an organization that derives all of its income—at least I understand it does—from public voluntary subscriptions, and while I think these accounts ought to be audited all right enough, it ought not to be charged with the expenses of that audit.

Mr. WOOD of Indiana. And let me say to the gentleman that the fact of the business is the Red Cross is now paying the Government for auditing their accounts. They are Government employees, and there is not any reason why the Government should be furnishing the clerical force for the purpose of doing that work for nothing. It is not being asked for by the Red Cross, and it amounts to, I think, about $17,000.

Mr. BLACK. Except I had this idea, that the Red Cross is, of course, not an organization for profit and derives all of its income from public subscription, and this audit in the War Department is because of an act which Congress passed, and I think very properly passed. Now, if it has been the custom since the passage of that act for the Red Cross Society to make this payment without protest, I shall not make the point of order.

Mr. WOOD of Indiana. That is the information that comes to the committee. The Red Cross is not complaining about it, and the fact of the business is that the greatest advertisement in the world for the Red Cross is in the fact that the United States Government has this auditorial supervision.

Mr. BLACK. I think it is proper they should have, and in view of the gentleman's statement that they have made this heretofore and they are not protesting, I shall not make the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Office of Judge Advocate General: Chief clerk and solicitor, $2,500; law clerks—one $2,400, one $2,000; clerks—two of class 4, three of class 3, four of class 2, eight of class 1, two at $1,000 each; three messengers; assistant messenger; in all, $35,740.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to correct the word "clek" to "clerk."

The CHAIRMAN. Without objection, the correction will be made.

The Clerk read as follows:

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year 1921 shall not exceed $53,280, and the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. BLANTON. Mr. Chairman, it is now 5 o'clock, and I think we ought to have a new shift here.

Mr. CALDWELL. Let them read this one section.

Mr. BLANTON. We few Members who have been assisting the gentleman from Massachusetts [Mr. WALSH] and the chairman during the day and up to this present time ought to have some help. I make the point of no quorum.

Mr. GREENE of Vermont. Will the gentleman withhold it for one paragraph in order that a piece of business may be expedited by so doing?

Mr. BLANTON. To-morrow is not going to run away. It is going to come around.

Mr. GREENE of Vermont. Some of us try to obey the injunction of the gentleman and try to attend to the business for which we are sent here, no matter whether on the floor or elsewhere. Let us have one chance to do something now.

Mr. BLANTON. We have voted down the Igoe amendment, and that is one day's work in itself.

Mr. GREENE of Vermont. Let one good endeavor follow another. Let us have this one paragraph read.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. I think the chairman of the committee ought to move to rise.

Mr. KNUTSON. It is only 5 o'clock, if I may observe to the gentleman.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now arise.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CALDWELL. Tellers, Mr. Chairman.

Tellers were refused.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12610—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Spanish-American War pension bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the Spanish-American War pension bill. Is there objection?

Mr. GARD. Reserving the right to object, on what subject?

Mr. ROBSION of Kentucky. On the Spanish-American War pension bill. It comes up on Monday.

Mr. GARD. How is it coming up on Monday?

Mr. BLANTON. Mr. Speaker——

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I wanted to ask the gentleman if he knows or could he inform the House and the country what caused the Republican steering committee and Military Affairs Committee——

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. BLANTON (continuing). This morning to suddenly change its views with regard to universal military training?

Mr. MADDEN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SWOPE. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Kentucky makes a similar request. Is there objection? [After a pause.] The Chair hears none.

Mr. VARE. Mr. Speaker, I make the same request.

Mr. WINGO. To extend your remarks on the same bill?

Mr. VARE. I want to extend my remarks on the present bill.

The SPEAKER. The gentleman from Pennsylvania asks unaniomus consent to extend his remarks on the present bill. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8819. An act to amend the Army appropriation act for 1920, and for the purchase of land and to provide for construction work at certain military posts, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that February 24 they had presented to the President of the United States, for his approval, the following bills:

H. R. 3654. An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park; and

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; and for other purposes.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, February 26, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAMSEYER, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 8062) to extend the permit privilege to include first-class mail, reported the same without amendment, accompanied by a report (No. 673), which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (S. 2085) relating to the maintenance of actions for death on the high seas and other navigable waters, reported the same without amendment, accompanied by a report (No. 674), which said bill and report were referred to the House Calendar.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 12721) to abolish the Subtreasuries and to provide for the transfer of the coin, currency, and bullion, and for other purposes, reported the same with amendments, accompanied by a report (No. 675), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 9702) granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city, reported the same with amendments, accompanied by a report (No. 676), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 1321) for the relief of Annie M. Lepley, postmaster at Plymouth, Amador County, Calif., for money, postal money orders, and postage stamps stolen, reported the same with an amendment, accompanied by a report (No. 677), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12479) granting a pension to Jennie Nix, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 12747) authorizing the presentation of a medal of honor, djstinguished service cross, or distinguished service medal to former holders of certificates of merit; to the Committee on Military Affairs.

By Mr. SIEGEL: A bill (H. R. 12748) to facilitate commerce by prescribing overtime rates to be paid by transportation lines for inspection of arriving passengers and crews; to the Committee on Immigration and Naturalization.

By Mr. ROGERS: A bill (H. R. 12749) to provide that after the ratification of the constitutional amendment extending suffrage to women no woman who is an American citizen shall lose her citizenship by marrying an alien and that no alien woman shall acquire American citizenship by marrying an American citizen; to the Committee on Immigration and Naturalization.

By Mr. DARROW: A bill (H. R. 12750) authorizing the Secretary of War to donate to Corpl. Charles W. Hewitt, jr., Post, No. 154, Veterans of Foreign Wars, Philadelphia, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

By Mr. THOMPSON (by request): A bill (H. R. 12751) providing additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria, and to provide the revenue therefor; to the Committee on Ways and Means.

By Mr. MAYS: Joint resolution (H. J. Res. 301) to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Res-

ervation for industrial purposes; to the Committee on Military Affairs.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest; to the Committee on Agriculture.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest; to the Committee on Miliary Affairs.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 12752) for the relief of Frank Emile Perrot; to the Committee on Claims.

By Mr. ESCH: A bill (H. R. 12753) making an appropriation to compensate Lillian Jensen; to the Committee on Claims.

Also, a bill (H. R. 12754) making an appropriation to compensate Mads Madsen; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 12755) granting a pension to Israel B. Cowen; to the Committee on Pensions.

Also, a bill (H. R. 12756) granting a pension to Kathryn Hatley; to the Committee on Pensions.

Also, a bill (H. R. 12757) granting a pension to Mary J. De Partee; to the Committee on Pensions.

Also, a bill (H. R. 12758) granting a pension to Riley Cox; to the Committee on Pensions.

Also, a bill (H. R. 12759) granting a pension to William Carney; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 12760) granting a pension to Eliza McDaneld; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 12761) granting an increase of pension to Mary A. Bishop; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 12762) granting a pension to Hattie E. Chavis; to the Committee on Pensions.

By Mr. PARRISH: A bill (H. R. 12763) granting a pension to Isaac Wainscott; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 12764) granting an increase of pension to Laura A. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12765) granting an increase of pension to Lucy Whitmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12766) granting an increase of pension to William A. Garnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12767) granting a pension to Albina Van Meter Pearce; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 12768) granting a pension to Garrett D. Bailey; to the Committee on Pensions.

Also, a bill (H. R. 12769) granting a pension to Martha Nave; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12770) granting an increase of pension to Jeremiah M. Stewart; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 12771) granting a pension to John S. Craddock; to the Committee on Pensions.

By Mr. FESS: Resolution (H. Res. 471) to pay Fannie Lackland Washington, widow of Lawrence Washington, six months' salary and funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1851. By the SPEAKER (by request): Petition of the Consolidated Marine Engineers Beneficial Association No. 33, protesting against the sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1852. By Mr. AYRES: Petition of numerous citizens of Wichita, Kans., favoring passage of House bill 10925; to the Committee on Interstate and Foreign Commerce.

1853. Also, petition of C. W. Anderson and other citizens of Kansas, favoring passage of the automatic parole legislation; to the Committee on the Judiciary.

1854. By Mr. BROOKS of Pennsylvania: Petition of the Rev. Daniel Stump, Rev. Peter D. Shank, Rev. Harvey S. Grove, and 160 members of the Mennonite Church of Hanover, Pa., protesting against universal military training; to the Committee on Military Affairs.

1855. By Mr. CAREW: Petition of the Chamber of Commerce of the United States of America, relative to certain provisions in House bill 12610; to the Committee on Appropriations.

1856. By Mr. FOCHT: Petition of sundry citizens of Snyder County, Pa., favoring the passage of the Capper-Hersman bill; to the Committee on the Judiciary.

1857. Also, evidence in support of House bill 12280, granting an increase of pension to James Hafer; to the Committee on Invalid Pensions.

1858. By Mr. FULLER of Illinois: Petition of the Merchants' Association of New York, protesting against reduction of the appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1859. By Mr. GALLIVAN: Petition of five residents of the State of Massachusetts, opposing the sale of the German ships; to the Committee on the Merchant Marine and Fisheries.

1860. Also, petition of sundry citizens of Dorchester and Boston, Mass., favoring $480 bonus for Federal employees; to the Committee on Appropriations.

1861. Also, petition of Stephen L. Bartlett Co., of Boston, Mass., favoring increase of salary for examiners in the United States appraisers' department; to the Committee on Appropriations.

1862. Also, petition of the New England Water Works Association, favoring the Jones and Reavis bills, creating a department of public works; to the Committee on Expenditures in the Interior Department.

1863. By Mr. KINKAID: Petition of R. J. Hatch and other residents in the vicinity of Agee, Nebr., protesting against universal military training; to the Committee on Military Affairs.

1864. By Mr. MACGREGOR: Petition of the United Brotherhood of Carpenters' and Joiners' Union of America, Local Union No. 440, of Buffalo, N. Y., protesting against the Sterling-Graham sedition bill; to the Committee on the Judiciary.

1865. By Mr. MORGAN: Petition of the citizens of several communities of the eighth district of Oklahoma against compulsory universal military training; to the Committee on Military Affairs.

1866. By Mr. O'CONNELL: Petition of E. G. Herman, of Williamsport, Pa., favoring passage of House bill 11072; to the Committee on Invalid Pensions.

1867. By Mr. RAKER: Petition of the Gilroy Chamber of Commerce, the Fresno County Chamber of Commerce, the Red Bluff Chamber of Commerce, the Lindsay Chamber of Commerce, the Reedley Chamber of Commerce, the Stanislaus County Chamber of Commerce of Modesto, the Salinas Chamber of Commerce, the United Chamber of Commerce of Oroville and allied communities, the Modoc County Development Board of Modoc County, the San Jose Chamber of Commerce, the San Francisco Chamber of Commerce, the board of trustees of the city of Redondo Beach, the Tracey Chamber of Commerce of Tracey, and the Chico Chamber of Commerce, all of the State of California, relative to aeroplane patrol of the forests of the Western States; to the Committee on Military Affairs.

1868. Also, petition of the flag-room force of the United States navy yard at Mare Island, Calif., urging the continuance of the $240 bonus, etc.; to the Committee on Appropriations.

1869. Also, petition of Customs Guards Association of the port of San Francisco, Calif., urging support of House bill 12123; to the Committee on Appropriations.

1870. Also, petition from the issuing section, supply department, Mare Island Navy Yard; receiving section, supply department, Mare Island Navy Yard; H. F. Furry, Pawnee, Okla.; Q. M. Spencer, Vallejo, Calif.; Sheet Metal Workers' Union No. 221, Mare Island Navy Yard; and John A. Hubbard, San Francisco, Calif., urging that the classified employees be given $480 bonus; to the Committee on Appropriations.

1871. Also, letter and resolutions adopted by the Universalist Church of Los Angeles, Calif., urging that the American Indians be given full and complete citizenship; to the Committee on Indian Affairs.

1872. Also, letter from Walter Farwell, of Chicago, Ill., urging support of Senate bill 6792; to the Committee on Military Affairs.

*1873. Also, resolution adopted by the Brotherhood of Railway and Steamship Clerks, Express and Station Employees, and Freight Handlers, relative to railroad legislation; to the Committee on Interstate and Foreign Commerce.

1874. Also, petition from California Home Economics Association, urging support of House bill 12078; to the Committee on Education.

1875. Also, resolution adopted by the Salinas Chamber of Commerce, Calif., indorsing the establishment of a naval base on the Pacific coast; to the Committee on Naval Affairs.

1876. Also, letter from the California Redwood Association, urging the giving of an appropriation of $500,000 for the purpose of carrying on the work of the Forest Products Laboratories; to the Committee on Agriculture.

1877. Also, petition of Franklin Holbrook, of Yreka, Calif., protesting against the sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1878. By Mr. SINCLAIR: Petition of the William G. Carroll Post, No. 26, Minot, N. Dak., favoring the passage of House bill 11553; to the Committee on Military Affairs.

1879. Also, petition of Local Union 336, International Union of United Brewery, Flour, Cereal, and Soft Drink Workers, Jamestown, N. Dak., condemning and protesting against the so-called sedition legislation, on the ground that it would "undermine the very foundations of our democracy," and might prevent the lawful and legitimate organization and functioning of labor unions; to the Committee on the Judiciary.

1880. By Mr. STEENERSON: Petition of Alfred Peterson and Gust Munter, of Fosston, Minn., against compulsory military training; to the Committee on Military Affairs.

1881. By Mr. TAGUE: Petition of the New England Water Works Association, favoring certain provisions in the Jones-Reavis bill; to the Committee on Labor.

1882. Also, petition of the Merchants' Association of New York, protesting against certain provisions in House bill 12610; to the Committee on Appropriations.

SENATE.

THURSDAY, *February 26, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are ever petitioners before Thee. We come into Thy presence with no complaint but rather with the joy of being unsatisfied. The new day calls us to the larger service. The world lies plastic in our hands to be shaped and molded and to give direction to the affairs of men. Oh, give us a consciousness of the grave responsibility of this hour.

We unite our hearts in praying Thy blessing upon the Vice President of the United States, into whose home there has come to-day a great sorrow. We know him not only as a statesman and companion of men but as a lover of little children. Thou didst give to him a child upon whom he showered the wealth of his life. Grant, we pray, that he may have the satisfaction of knowing that God approves of the tenderness and care that he and his good wife have given to a little child. May he feel that abounding impulse of greatness which comes from the teaching of the Master, who sat a little child in the midst of them and said, "Except ye be converted and become as little children, ye shall not enter into the kingdom of heaven."

Oh, grant us all to follow greatness in humility and in reverence and in trust. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Goodhue, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. NOLAN, Mr. LAMPERT, and Mr. CAMPBELL of Pennsylvania managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8819) to amend the Army appropriation act for 1920, and for the purchase of land and to provide for construction work at certain military posts, and for other purposes, and it was thereupon signed by the President pro tempore.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Edge	Lenroot	Poindexter
Ball	Elkins	Lodge	Sheppard
Brandegee	Gay	McLean	Smoot
Calder	Hale	McNary	Spencer
Capper	Hitchcock	Nelson	Sterling
Chamberlain	Jones, Wash.	New	Thomas
Colt	Kellogg	Norris	Trammell
Cummins	Kenyon	Nugent	Wadsworth
Curtis	Keyes	Page	Warren
Dial	Kirby	Phipps	Watson
Dillingham	Knox	Pittman	Wolcott

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH of South Carolina] is detained by illness. I ask that this announcement may continue for the day.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. CULBERSON, Mr. HARRISON, Mr. JONES of New Mexico, Mr. RANSDELL, and Mr. SMITH of Georgia answered to their names when called.

Mr. POMERENE, Mr. HARRIS, Mr. WALSH of Montana, Mr. KING, Mr. FRELINGHUYSEN, Mr. GRONNA, and Mr. HENDERSON entered the Chamber and answered to their names.

Mr. GRONNA. I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

Mr. CURTIS. I have been requested to announce the necessary absence of the Senator from Michigan [Mr. TOWNSEND]. He is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. MCKELLAR. The Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. UNDERWOOD], the Senator from South Dakota [Mr. JOHNSON], and the Senator from California [Mr. PHELAN] are absent on official business.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from Rhode Island [Mr. GERRY] is detained at home by illness.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

POWERS OF FUEL ADMINISTRATOR (S. DOC. NO. 235).

The PRESIDENT pro tempore laid before the Senate a communication from the Director General of Railroads, transmitting, in response to a resolution of the 10th instant, certain information relative to the shipment, distribution, apportionment, and storage of coal and coke, etc., which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented memorials of sundry citizens of Moundridge, Mound City, and Kiowa County, all in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

He also presented petitions of Clarence Lieurance Post No. 2, American Legion, of Neosho Falls; of Algy Doty Post No. 3, American Legion, of Humboldt; and of Aaron A. Platner Post No. 1, American Legion, of Ellis, all in the State of Kansas, praying for the enactment of legislation providing for a $50 bonus to ex-service men for each month of service, which were referred to the Committee on Military Affairs.

He also presented a memorial of Local Lodge No. 331, Brotherhood of Railway and Steamship Clerks, of Atchison, Kans., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was ordered to lie on the table.

He also presented a petition of the Arkansas City Club of American Association of Engineers, of Kansas, praying for the passage of the so-called Townsend highway bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Association of Mississippi Valley States Highway Departments, at a meeting held in Chicago, Ill., favoring the continuance of the present plan of cooperation between the Federal Government and the States in the building of roads, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation providing for

the protection of maternity and infancy, which was referred to the Committee on Education and Labor.

Mr. MOSES presented a petition of the congregation of the Unitarian Church of Charlestown, N. H., praying for the ratification of the treaty of peace with reservations, which was ordered to lie on the table.

Mr. CAPPER presented a petition of the Utah State Woolgrowers' Association and a petition of the American National Live Stock Association, praying for the enactment of legislation providing that the content of virgin wool shall be indicated on fabrics manufactured for wearing apparel, which were referred to the Committee on Finance.

He also presented memorials of Wheat Belt Grange, No. 1735, Patrons of Husbandry, of Lewis; of Kiowa Farmers' Union, No. 1921, of Kiowa; and of Lena Valley Local Union No. 1538, Farmers' Union, of Madison, all in the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

LINCOLN'S GETTYSBURG ADDRESS.

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 314), and it was considered by unanimous consent and agreed to:

Resolved, That the copy written by Abraham Lincoln of the address delivered at the consecration of the National Cemetery at Gettysburg, Pa., on November 19, 1863, as read to the Senate of the United States by Senator HENRY W. KEYES on February 12, 1920, together with extracts from the CONGRESSIONAL RECORD showing the proceedings relating thereto, be reproduced and printed as a Senate Document, with illustrations, and that 60,000 additional copies be printed, of which 55,000 shall be for the use of the Senate and 5,000 for the use of the Senate Document Room.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3972) to authorize the temporary exchange of certain public lands for experiments in sheep growing, and for other purposes; to the Committee on Public Lands.

By Mr. STERLING:

A bill (S. 3973) granting a pension to Joseph Zittle (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 3974) granting an increase of pension to Harvey Day (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3975) granting an increase of pension to John B. Ellis (with accompanying papers);

A bill (S. 3976) granting a pension to Samuel J. Houser (with accompanying papers); and

A bill (S. 3977) granting a pension to Sarah Burford (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Georgia:

A joint resolution (S. J. Res. 162) to cede the Point Peter Military Reservation to the State of Georgia; to the Committee on Military Affairs.

SALE OF SHIPS.

Mr. POINDEXTER. I introduce a bill and ask that it be referred to the Committee on Commerce. I beg leave to state in explanation of the bill that its intent is to require that whenever a ship is sold by the United States, or by any officer or agent of the United States, there shall be a written conveyance thereof, and in the conveyance it shall be provided that such ship shall not pass from American registry, that it shall be operated under the American flag, and that if at any time it is transferred to foreign registry or operated under a foreign flag the title of the ship shall revert to the United States. I respectfully ask that the Committee on Commerce give the bill careful consideration.

Mr. JONES of Washington. I desire to say to my colleague that the Committee on Commerce is now considering the proposition involved in the bill in connection with the framing of a bill governing the general policy regarding a merchant marine, and the committee is looking into the matter very carefully.

Mr. POINDEXTER. I am very much gratified to know that, Mr. President.

The bill (S. 3970) prohibiting the transfer of ships of the United States to foreign registry, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PUBLIC LANDS IN HAWAII.

Mr. NEW. I introduce a bill, which I send to the desk, and I ask its reference to the Committee on Territories. In this connection I desire to say a word in explanation of the request as to its reference. The bill deals with the question of public lands in the Hawaiian Islands. It has been customary for Hawaiian matters to be cared for by the Committee on the Pacific Islands and Porto Rico, but in the absence of the Senator from New Mexico [Mr. FALL], who is chairman of that committee, and with his consent and at his request, the reference of the bill to the Committee on Territories is asked, in order that a committee from the Hawaiian Islands, which is now here, may have an opportunity to be heard and may be permitted to return to their homes at a very early date.

Mr. SMOOT. Mr. President, did I understand the Senator from Indiana to ask that the bill which he has introduced be referred to the Committee on Territories?

Mr. NEW. Yes; I made that request.

Mr. SMOOT. Legislation of this character in the past has always been referred to the Public Lands Committee, but I am not going to object to the reference of the bill to the Committee on Territories if the Senator desires it to go to that committee, simply making the statement that legislation of this character has previously always been referred to the Committee on Public Lands.

Mr. NEW. Mr. President, I have no personal preference in the matter, but the whole question involved was considered by the committee from Hawaii and by the Secretary of the Interior, Mr. Lane, and the Senator from New Mexico [Mr. FALL] was communicated with by them. It is at the suggestion of the Senator from New Mexico that the reference of the bill to the Committee on Territories is asked, the Senator from Utah [Mr. SMOOT] being a member of that committee. In a personal way I have no concern about the matter, whether the bill goes to the Committee on Territories or to the Committee on Public Lands, but I am carrying out what seems to be the request and preference of all parties concerned in the proposed legislation. I therefore ask the reference of the bill to the Committee on Territories.

Mr. SMOOT. I have no objection to the bill being so referred, Mr. President.

The bill (S. 3971) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an act approved March 3, 1905, and as further amended by an act approved April 2, 1908, and as further amended by an act approved March 3, 1909, and as further amended by an act approved May 27, 1910, by amending sections 26, 55, 66, 73, 80, 86, and 92 thereof and by adding two new sections thereto, to be known as sections 73a and 103a, was read twice by its title and referred to the Committee on Territories.

DISTRICT GOVERNMENT EXPENSES.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed.

FOREST EXPERIMENT STATION, FLORIDA.

Mr. FLETCHER submitted an amendment proposing to appropriate not less than $10,000 for the establishment and maintenance of a forest experiment station in Florida, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMERICAN FOREIGN-TRADE DEFINITIONS.

Mr. JONES of Washington. Mr. President, I have received a letter from the secretary of the National Foreign Trade Council, asking that a certain paper be printed in the RECORD. It is the American foreign-trade definitions adopted at a conference participated in by committees representing the National Foreign Trade Council, the Chamber of Commerce of the United States of America, the National Association of Manufacturers, the American Manufacturers' Export Association, the Philadelphia Commercial Museum, the American Exporters' and Importers' Association, the Chamber of Commerce of the State of New York, the New York Produce Exchange, and the New York Merchants' Association. These bodies seem to think it is very important to get as much publicity of these definitions as possible, and believe that it would aid materially to have them printed in the RECORD. I therefore make the request for unanimous consent. If objection is made, of course I shall not insist upon it.

Mr. SMOOT. How many pages does it comprise?

Mr. JONES of Washington. About 15 pages of this size [indicating]. They are definitions of export terms. These bodies think it would be of very great benefit in connection with our foreign trade and its development to have the definitions printed in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

AMERICAN FOREIGN TRADE DEFINITIONS ADOPTED AT A CONFERENCE PARTICIPATED IN BY COMMITTEES REPRESENTING THE NATIONAL FOREIGN TRADE COUNCIL, CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF MANUFACTURERS, AMERICAN MANUFACTURERS' EXPORT ASSOCIATION, PHILADELPHIA COMMERCIAL MUSEUM, AMERICAN EXPORTERS' AND IMPORTERS' ASSOCIATION, CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, NEW YORK PRODUCE EXCHANGE, AND NEW YORK MERCHANTS' ASSOCIATION, DECEMBER 16, 1919.

"As the most certain means of insuring unmistakable clarity in terms and conditions of sale, the conference voted to recommend to manufacturers and exporters that all use of abbreviated forms of export price quotations be abandoned and that such terms be written out in full.

"The conference recognized, however, that this recommendation is not likely to be accepted generally at once, and therefore, in the hope of effecting a simplification and standardization of American practice, it adopted the following statement of definitions of the abbreviated forms in more common and general use in the export trade. The conference strongly recommends to manufacturers and exporters that wherever abbreviated forms of export quotations are employed the forms herein defined be used, as far as possible, to the exclusion of other forms.

DEFINITIONS OF EXPORT QUOTATIONS.

"There are, in their order, the normal situations on which an export manufacturer or shipper may desire to quote prices. It is understood that unless a particular railroad is specified the property will be delivered to the carrier most conveniently located to the shipper. If the buyer, for the purpose of delivery, or in order to obtain lower transportation charges, desires that the goods be delivered to a carrier further removed from the shipper and entailing a greater cost than delivery to the carrier most favorably situated the carrier to which the buyer desires delivery of the goods should be named in the quotation. The term 'cars or lighters' as used herein is intended to include river, lake, or coastwise ships, canal boats, barges, or other means of transportation when so specified in the quotation.

"1. When the price quoted applies only at inland shipping point and the seller merely undertakes to load the goods on or in cars or lighters furnished by the railroad company serving the industry, or most conveniently located to the industry, without other designation as to routing, the proper term is:

"'F. o. b. (named point).'

"Under this quotation:

"A. Seller must—

"(1) Place goods on or in cars or lighters;

"(2) Secure railroad bill of lading;

"(3) Be responsible for loss and/or damage until goods have been placed in or on cars or lighters at forwarding point and clean bill of lading has been furnished by the railroad company.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Pay all transportation charges, including taxes, if any;

"(3) Handle all subsequent movement of the goods.

"2. When the seller quotes a price including transportation charges to the port of exportation without assuming responsibility for the goods after obtaining a clean bill of lading at point of origin, the proper term is:

"'F. o. b. (named point) freight prepaid to (named point on the seaboard).'

"Under this quotation:

"A. Seller must—

"(1) Place goods on or in cars or lighters;

"(2) Secure railroad bill of lading;

"(3) Pay freight to named port;

"(4) Be responsible for loss and/or damage until goods have been placed in or on cars or lighters at forwarding point, and clean bill of lading has been furnished by the railroad company.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Handle all subsequent movement of the goods;

"(3) Unload goods from cars;

"(4) Transport goods to vessels;

"(5) Pay all demurrage and/or storage charges;

"(6) Arrange for storage in warehouse or on wharf where necessary.

"3. Where the seller wishes to quote a price, from which the buyer may deduct the cost of transportation to a given point on the seaboard, without the seller assuming responsibility for the goods after obtaining a clean bill of lading at point of origin, the proper term is:

"'F. o. b. (named point) freight allowed to (named point on the seaboard).'

"Under this quotation:

"A. Seller must—

"(1) Place goods on or in cars or lighters;

"(2) Secure railroad bill of lading;

"(3) Be responsible for loss and/or damage until goods have been placed in or on cars or lighters at forwarding point, and clean bill of lading has been furnished by the railroad company.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Pay all transportation charges (buyer is then entitled to deduct from the amount of the invoice the freight paid from primary point to named port);

"(3) Handle all subsequent movement of the goods;

"(4) Unload goods from cars;

"(5) Transport goods to vessel;

"(6) Pay all demurrage and/or storage charges;

"(7) Arrange for storage in warehouse or on wharf where necessary.

"4. The seller may desire to quote a price covering the transportation of the goods to seaboard, assuming responsibility for loss and/or damage up to that point. In this case, the proper term is:

"'F. o. b. cars (named point on seaboard).'

"Under this quotation:

"A. Seller must—

"(1) Place goods on or in cars;

"(2) Secure railroad bill of lading;

"(3) Pay all freight charges from forwarding point to port on seaboard;

"(4) Be responsible for loss and/or damage until goods have arrived in or on cars at the named port.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Unload goods from cars;

"(3) Handle all subsequent movement of the goods;

"(4) Transport goods to vessel;

"(5) Pay all demurrage and/or storage charges;

"(6) Arrange for storage in warehouse or on wharf where necessary.

"5. It may be that the goods, on which a price is quoted covering the transportation of the goods to the seaboard, constitute less than a carload lot. In this case the proper term is:

"'F. o. b. cars (named port) l. c. l.'

"Under this quotation:

"A. Seller must—

"(1) Deliver goods to the initial carrier;

"(2) Secure railroad bill of lading;

"(3) Pay all freight charges from forwarding point to port on seaboard;

"(4) Be responsible for loss and/or damage until goods have arrived on cars at the named port.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Handle all subsequent movement of the goods;

"(3) Accept goods from the carrier;

"(4) Transport goods to vessel;

"(5) Pay all storage charges;

"(6) Arrange for storage in warehouse or on wharf where necessary.

"6. Seller may quote a price which will include the expense of transportation of the goods by rail to the seaboard, including lighterage. In this case the proper term is:

"'F. o. b. cars (named port) lighterage free.'

"Under this quotation:

"A. Seller must—

"(1) Place goods on or in cars;

"(2) Secure railroad bill of lading;

"(3) Pay all transportation charges to, including lighterage at, the port named;

"(4) Be responsible for loss and/or damage until goods have arrived on cars at the named port.

"B. Buyer must—

"(1) Be responsible for loss and/or damage incurred thereafter;

"(2) Handle all subsequent movement of the goods;

"(3) Take out the insurance necessary to the safety of the goods after arrival on the cars;

"(4) Pay the cost of hoisting goods into vessel where weight of goods is too great for ship's tackle;

"(5) Pay all demurrage and other charges, except lighterage charges.

"7. The seller may desire to quote a price covering delivery of the goods alongside overseas vessel and within reach of its loading tackle. In this case the proper term is:

"'F. a. s. vessel (named port).'

"Under this quotation:

"A. Seller must—

"(1) Transport goods to seaboard;

"(2) Store goods in warehouse or on wharf if necessary, unless buyer's obligation includes provision of shipping facilities;

"(3) Place goods alongside vessel either in a lighter or on the wharf;

"(4) Provide the usual dock or ship's receipt;

"(5) Be responsible for loss and/or damage until goods have been delivered alongside the ship or on wharf.

"B. Buyer must—

"(1) Be responsible for loss and/or damage thereafter, and for insurance;

"(2) Handle all subsequent movement of the goods;

"(3) Pay cost of hoisting goods into vessel where weight of goods is too great for ship's tackle.

"8. The seller may desire to quote a price covering all expenses up to and including delivery of the goods upon the overseas vessel at a named port. In this case the proper term is:

"'F. o. b. vessel (named port).'

"Under this quotation:

"A. Seller must—

"(1) Meet all charges incurred in placing goods actually on board the vessel;

"(2) Provide the usual dock or ship's receipt;

"(3) Be responsible for all loss and/or damage until goods have been placed on board the vessel.

"B. Buyer must—

"(1) Be responsible for loss and/or damage thereafter;

"(2) Handle all subsequent movement of the goods.

"9. The seller may be ready to go farther than the delivery of his goods upon the overseas vessel and be willing to pay transportation to a foreign point of delivery. In this case the proper term is:

"'C. and f. (named foreign port).'

"Under this quotation:

"A. Seller must—

"(1) Make freight contract and pay transportation charges sufficient to carry goods to agreed destination;

"(2) Deliver to buyer or his agent clean bills of lading to the agreed destination;

"(3) Be responsible for loss and/or damage until goods have been delivered alongside the ship and clean ocean bill of lading obtained (seller is not responsible for delivery of goods at destination).

"B. Buyer must—

"(1) Be responsible for loss and/or damage thereafter and must take out all necessary insurance;

"(2) Handle all subsequent movement of the goods;

"(3) Take delivery and pay costs of discharge, lighterage, and landing at foreign port of destination in accordance with bill of lading clauses;

"(4) Pay foreign customs duties and wharfage charges, if any.

"10. The seller may desire to quote a price covering the cost of the goods, the marine insurance on the goods, and all transportation charges to the foreign point of delivery. In this case the proper term is:

"'C. i. f. (named foreign port).'

"Under this quotation:

"A. Seller must—

"(1) Make freight contract and pay freight charges sufficient to carry goods to agreed destination;

"(2) Take out and pay for necessary marine insurance;

"(3) Deliver to buyer or his agent clean bills of lading to the agreed destination and insurance policy and/or negotiable insurance certificate;

"(4) Be responsible for loss and/or damage until goods have been delivered alongside the ship, and clean ocean bill of lading and insurance policy and/or negotiable insurance certificate have been delivered to the buyer or his agent. (Seller is not responsible for the delivery of goods at destination nor for payment by the underwriters of insurance claims.)

"(5) Provide war-risk insurance, where necessary, for buyer's account.

"B. Buyer must—

"(1) Be responsible for loss and/or damage thereafter, and must make all claims to which he may be entitled under the insurance directly on the underwriters;

"(2) Take delivery and pay costs of discharge, lighterage, and landing at foreign port of destination in accordance with bill-of-lading clauses;

"(3) Pay foreign customs duties and wharfage charges, if any.

"EXPLANATIONS OF ABBREVIATIONS.

"F. o. b., free on board.

"F. a. s., free alongside.

"C. and f., cost and freight.

"C. i. f., cost, insurance, and freight.

"L. c. l., less-than-carload lot.

GENERAL RECOMMENDATIONS.

"In reaching the conclusions set forth in this statement the conference considered the fact that there are in more or less common use by manufacturers in different parts of the United States numerous variations of the abbreviations, practically all of which are employed to convey meanings substantially synonymous with those here defined. For instance, there are manufacturers who quote 'f. o. b. cars,' 'f. o. b. works,' 'f. o. b. mill,' or 'f. o. b. factory,' meaning that the seller and buyer have the same responsibilities as those set forth in section 1. The conference considered all those variations and determined to recommend the use of 'f. o. b. (named point),' as 'f. o. b. Detroit,' 'f. o. b. Pittsburgh,' etc. Of the considerable number of these abbreviations which are used in the United States, the conference felt that the form 'f. o. b. (named point)' is most widely used and understood, and therefore should be adopted as the standard of practice.

"The chief purpose of the conference is to simplify and standardize American practice, and to that end it urges manufacturers and exporters to cease the use of synonymous abbreviations and quote habitually in the terms here recommended, just as far as these terms will cover the price conditions which it is desired to arrange with the buyer.

"Variations of the abbreviations recommended in other sections also are in more or less common use throughout the United States. The recommendations of the conference set forth above apply to them with the same force as to those cited under section 1.

"Manufacturers and exporters are urged to bear in mind that the confusion and controversies which have arisen have sprung, in part, from the use of an excessive number of abbreviated forms with substantially similar meanings, as well as from the use of abbreviations in a sense different from their original meanings, or in an application not originally given them and different from the sense or application understood by foreign buyers.

"In simplified and standardized practice lies the best hope of reducing confusion and avoiding controversy.

"The conference urges upon manufacturers and exporters the very great importance at all times of making their intention in whatever quotations they employ so thoroughly clear as to be impossible of misunderstanding or misinterpretation. It is much better to take the time and space at the outset to make the quotation clearly understood than to be compelled in the end to go through vexatious controversy or litigation, which costs not only time and expense but customers as well. Misunderstandings can best be avoided if the seller will formulate a written statement of the general conditions under which his sales are to be made, and will see that the foreign buyer possesses these terms of sale when considering a quotation. The items which may be included in such a statement deal with delivery, delays, partial shipments, shipping instructions, inspection, claims, damage, and payment. If all contingencies are thus covered by carefully considered conditions of sale, disputes will largely be prevented.

"The quotation 'f. o. b. (named port),' as 'f. o. b. New York,' 'f. o. b. New Orleans,' 'f. o. b. San Francisco,' is often used by inland producers and distributors to mean merely delivery of the goods at railway terminal at the port named.

"This abbreviation originated as an export quotation and had no application to inland shipments. It was used only to mean delivery of the goods upon an overseas vessel at the port named. That, in fact, is the meaning universally given to the phrase among foreigners, and is the meaning which the best practice among exporters requires it invariably to have. But because of the confusion which has arisen through the use of that form with a different meaning by inland producers and distributers, and, in the interest of unmistakable clarity, the

conference most strongly urges the invariable use by American manufacturers and exporters of the form 'f. o. b. vessel (named port).' This adds only one word to the abbreviated form and has the great advantage that it can not be misunderstood. It also avoids the difficulty which might arise among foreigners not always well versed in American geography, through confusing an inland forwarding point with a shipping port at seaboard.

"The conference calls attention to the fact that in selling 'f. a. s. vessel' manufacturers and exporters should be careful to have their agreements with buyers cover explicitly the question of responsibility for loss after goods have been delivered on the wharf or alongside the vessel and before they are actually loaded on the ship. There is no generally established practice on this point. The recommendation of the conference in the definitions of responsibility, under section 7, sets up a rule which it is hoped will lead to the establishment of a standard practice.

"It is understood that the provision of lighterage covered in several of these recommendations is only within the usual free-lighterage limits of the port, and that where lighterage outside such limits is required it is for buyer's account.

"In order to avoid confusion in another particular, attention is called to the care which must be exercised in all cases in making weight quotations. The net ton, the gross ton, and the metric ton all differ in weight. Similarly, there is a variation in the use of the term 'hundredweight' to mean either 100 pounds or 112 pounds. It is, therefore, not sufficient to quote a price per 'ton' or per 'hundredweight.' Instead the conference recommends the use of the terms 'ton of 2,000 pounds,' 'ton of 2,240 pounds,' or 'ton of 2,204 pounds,' etc., whichever is intended.

"It is also important to note that a carload lot in the United States means the quantity of the particular commodity in question necessary to obtain the carload freight rate for transportation on American railways. This quantity varies according to the commodity and also varies in different parts of the country. Certain commodities being more bulky than others, the minimum carload for them is less than for heavier products occupying less space. The load required may range anywhere from 12,000 to 90,000 pounds. Consequently, it is important, when quoting prices applicable to carload lots, to so state and to specify the minimum weight necessary to make a carload lot of the particular commodity for the particular shipment in question.

"The conference points out that in quoting 'c. and f.' or 'c. i. f.,' manufacturers and exporters moving large quantities of material by one vessel should be careful to ascertain in advance the buyer's capacity to take delivery. This because, under these terms and as a condition of making the freight rate, transportation companies may require a certain rate of discharge per day, and that rate of discharge might be in excess of the buyer's capacity to take delivery. In such event an adjustment with the transportation company would be necessary, which might affect the freight rate, and consequently the price to be quoted.

"The conference also strongly urges shippers clearly to understand the provisions of their insurance protection on all foreign sales, irrespective of the general terms used thereon. In almost all cases it should be possible, when making shipments by steamer, to obtain insurance cover giving full protection from primary shipping point to designated seaport delivery, and/or foreign-port delivery. As ordinary marine insurance under f. p. a. conditions, i. e., free of particular average, gives no protection against deterioration and/or damage to the merchandise itself while in transit, when caused by the recognized hazards attending such risks, shippers should endeavor in all cases to obtain insurance under w. p. a. (s. p. a.) conditions, i. e., with particular average (subject to particular average), when in excess of the customary franchise of 3 per cent to 5 per cent. Under such form of insurance underwriters will be called upon to pay claims for damages when these exceed the stipulated franchise.

"The conference points out that inasmuch as fees for consular invoices and similar items are arbitrary charges fixed by foreign Governments they are not included in the terms of c. and f. or c. i. f. quotations, and it is part of the duty of the buyer to meet them.

"Finally the conference strongly recommends as a most effective measure of simplification the general practice of quoting for export as far as possible either 'f. a. s. vessel,' 'f. o. b. vessel,' or 'c. i. f.' Concentration on this small list, all of which terms are readily understood abroad and are difficult of misinterpretation, will, it is felt, be markedly influential in avoiding confusion and controversy.

"The conclusions and definitions set forth above are the recommendations of a conference which was composed of representatives of nine of the great commercial organizations of the United States interested in foreign trade. Not all have as yet the force of law or long-established practice, but it is the hope and expectation of the conference that these recommendations will receive such adherence on the part of American producers and distributors as to make them in fact the standard of American practice. And it is, therefore, expected that in due time they will receive the sanction of legal authority."

LABOR STRIKES.

Mr. SHEPPARD. Mr. President, there was published in the RECORD a few days ago a memorial to Congress formulated at a conference held in the city of Washington by the representatives of four farmers' organizations on the subject of the right to strike. I have received a letter from Hon. Fred W. Davis, Texas commissioner of agriculture, and a member of the executive committee of one of those associations, taking the other side of the controversy, which I ask to have inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
STATE OF TEXAS,
Austin, February 14, 1920.

Senator MORRIS SHEPPARD,
Washington, D. C.

MY DEAR SIR: According to press reports, four leading farmers' organizations have memorialized Congress to take all necessary steps to prevent strikes. As a member of the executive board of one of the four organizations, will say that I had no idea any action was even contemplated concerning the fight now raging between organized labor and organized capital. Had I been consulted, my protest would certainly have been registered.

Many times the statement has been made that Gompers was trying to get the farmers to pull the chestnuts of organized labor out of the fire, and farmers have been warned to keep hands off, which was good advice. Then why should the farmers pull the chestnuts of organized capital out of the fire? Certainly our farmers are more closely identified with labor than capital.

I hold no brief for either capital or labor, but the memorial deals with an abstract principle of human rights wherein it contends that labor has not the right to strike. It further contends that farmers have no right to strike, because the public's interests are paramount. If one class is going to be compelled to work for the benefit of another, or all other classes, who is to be the slave and who the master? For this is the only state of existence under such a policy. A collection of individuals have the same collective right as each individual has. Must an individual get permission of an officer of the law before he can quit working for another individual? Such a monstrous condition would be worse than Prussianism. Must an organization get permission from an officer of the law before its members can stop working for a corporation? If this doctrine becomes established, not only will industrial workers be immediately enslaved but farmers will soon fall victims to the same doctrine. They will soon be compelled to sell the fruits of their toil, which represents their wages, at the price which the other fellow offers. Refusal to sell because prices are not satisfactory will run counter to the needs and wishes of the public. It will not stop there, for they will be denied the right to quit and move to town after the public's needs have pauperized them, for the public will still sorely need the fruits of their unrequited toil and the town will have no particular use for them. A tenant farmer may be dissatisfied with the price he is receiving for his produce, the terms his landlord exacts, the educational conditions for his children, besides many other grievances, but what difference will that make when the public will starve if the farmers cease to produce? Here, again, the man who is working the land will be held up, while the man who owns it, but is probably living in town, will escape.

We should not forget that the governor of Kansas, who proposed more than anyone else to force the industrial laborers to continue to work, asked the United States Department of Justice to prosecute southern cotton growers for declaring they would reduce their cotton acreage in order to sell what they had already produced for the cost of production. He argued that the public would suffer if cotton production was curtailed.

The memorial sets up this very argument. It claims that if industrial workers—railroad men, for example—strike, the public will suffer, and the public has rights which the classes must respect. What classes, pray? The public did not charter our railroads to firemen or engineers or any other class of laborers. If lives are lost because of wrecks or otherwise, people do not sue the engineers for damages. These workers were not given the right of eminent domain, land grants, money bonuses, freedom from taxation, and so forth, for the purpose

of developing the country and serving the public. Then, when the public becomes concerned, why should the laborers who have no charter rights be held responsible and the owners of the roads escape?

It is claimed that the owners are paying all they can afford to pay. But who knows what would be the condition if the water was all squeezed out and excessive salaries, which the public pays the officials for managing their own private business, and all their attorneys and lobbyists, were reduced to what these people could command in a competitive field. But this doesn't change the principle. The responsibility to keep the trains running rests upon the owners, not the laborers, and laborers individually and collectively have the right to work for nothing or refuse a salary which would beggar a prince.

We know if salaries which strikers are getting are high enough others will be attracted to them. If there is just argument in the contention that the salaries are high, the Government can put a stop to strikes by protecting those who take the places of those who quit. This, in the interest of both the individuals and public, the Government has a right to do. The Government has a right to prevent lawlessness among strikers. It has a right to take people, individually and collectively, who become a burden upon society because of idleness and put such to doing public work if they are unwilling to do private work, but it has no more right to make a section hand work for wages he doesn't consider fair, and when he doesn't wish to work, so long as the section hand does not become a burden upon the public, than it has to take the millionaire's son and make him work for wages which he would consider not sufficient for cigarette money. The Republic will write its doom when it undertakes to make one class work for another class.

If Congress should act favorably upon the memorial sent them by these four organizations, the farmers will regret it bitterly, because its only goal is tyranny.

Yours, respectfully,

FRED W. DAVIS, *Commissioner.*

ADDRESS BY WILLIAM J. BRYAN—A PEOPLE'S CONSTITUTION.

Mr. GORE. I ask unanimous consent to have printed in the RECORD an address delivered by Col. William Jennings Bryan before the constitutional convention of Nebraska recently.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A PEOPLE'S CONSTITUTION—ADDRESS DELIVERED BY WILLIAM JENNINGS BRYAN BEFORE THE CONSTITUTIONAL CONVENTION OF NEBRASKA AT LINCOLN, JANUARY 12, 1920.

PRESIDENT WEAVER'S INTRODUCTION.

(Introductory address of Hon. A. J. Weaver, president of the Nebraska Constitutional Convention.)

"As Nebraskans, we take a just pride in our State, in its wonderful agricultural resources, in its great industries, and its varied business; in the growth and prosperity of its cities, its villages and rural communities; and above all in the intelligence and high character of its citizenship.

"For above the wealth of fertile lands, of factories, and of industries stands the character of the people in the final analysis of the quality of the State. And to-day, as representative of the fine citizenship of this State, by reason of his high character, his beautiful home life, his honesty of purpose, his superb courage, and his great ability, we are honored by the presence of a man who has made Nebraska known the world over as 'the home of Bryan.' We are proud to have it so. He has represented this State in the National Congress. He has three times been the candidate of his party for the most exalted office in the gift of the whole people. He has sat in the President's Cabinet. And yet, during all the years, whether in or out of office, he has always worked among the people in the vineyard of governmental problems, going here and there in his democratic simplicity, and has earned the title of 'the Great Commoner.'

"And to-day to this distinguished guest, in behalf of this constitutional convention, I am pleased to say, 'We are glad that you are here, Mr. Bryan. We feel honored by your presence. We know that we shall be benefited in having your advice and counsel on the important constitutional questions which will be considered by this convention, and we invite your suggestions, as well as suggestions from other citizens, as to what should be placed in this constitution.'

"Our ambition as representatives of the people of Nebraska is to so administer the important trust confided to us that Nebraska's new constitution, in whatever form it is submitted, may be a real charter for a great modern State, and that it will not only safeguard the personal rights of every citizen and of his property but that it will also conform to the progressive ideals of organized government. And when this work is completed we hope that the people of this State can adopt it, not as a makeshift nor as a matter of expediency, but because it is fundamentally right as to principles of government and because it stands for the general welfare.

"I would express the further hope that when this constitution is submitted to the people for their consideration that we may have your approval, Mr. Bryan, as to the quality of our work.

"It is my great pleasure now to present to this convention our distinguished fellow Nebraskan, whom we all respect, the Hon. William Jennings Bryan."

MR. BRYAN'S ADDRESS.

"Mr. President, members of the constitutional convention, State officials, and ladies and gentlemen, I am grateful to your distinguished president for the gracious and very generous words employed in presenting me to you. I appreciate, more than language can express, the honor you do me in inviting me to address you and the privilege you accord me in listening to me. I have an exalted opinion of a constitutional convention and its membership. My father was a member of the constitutional convention of Illinois in 1870 that wrote the constitution that has remained the organic law of that State for 50 years. I look back to that as the greatest honor ever conferred upon him. I think so highly of a constitutional convention that, if circumstances had permitted, I would have esteemed it a great privilege to serve in this convention with you; I would even have submitted a request to the people that they permit me to serve them in this capacity.

"I understand something of the character of the membership of a constitutional convention. Bancroft, the great historian, has paid the highest tribute in prose to the common people, and in that tribute he explains that it is not proper to say that 'the voice of the people is the voice of God,' but that it is rather proper to say that the universal conscience is the nearest approach on earth to the voice of God. So I regard the intelligence, the wisdom, and the patriotism represented in a constitutional convention as the highest expression of the capacity of the people for popular government.

"You who gather here to frame this new constitution occupy a position superior to that of any officer in this State. The people look up to the chief executive, the State officials, and the members of the supreme court, but the members of this convention define the authority, prescribe the qualifications, and fix the requirements of all these officials. I share with you the pride that you feel in the task that you have been called to perform and in the State for which you speak. I yield to none of you in my love for the great Commonwealth of Nebraska. [Applause.] And I put none above you in that love, for the fact that you are here is proof conclusive that there are no others who have the confidence of the people to a greater extent or who, in the judgment of the voters, can be better trusted with this important work.

"I feel more at home speaking to you than I would if I were speaking to a court, for while the law is my profession, I have not had much time to practice because of my interest in what I regard as more important work. If I were practicing before a court I would be engaged in helping the court to determine what the law is, but I come before you to help you, if I can, to determine what the law should be. What ought to be is more important than what is, for what ought to be is that which overturns that which is. That which was good is changed to that which is better.

A MODEL CONSTITUTION.

"I am here, my friends, because I desire this constitution to be the best constitution in the United States; more than that, I desire it to be the best constitution in the world. And why should it not be the best constitution in the world? You have all the past to guide you, and surely none have higher purposes to inspire them.

"There never was a time when good example could have a larger influence than to-day. I was told that when they were writing the constitution of the States of China they asked an American for an American constitution that they might take as a model. The constitution of Oklahoma had recently been written, and the American to whom the request was made recommended the Oklahoma constitution, and, I am informed, the constitution of Oklahoma became the model upon which the States of China wrote their constitutions.

"This constitution ought to be written with the desire that it shall be made so nearly perfect and be brought so completely up to date that nations everywhere may find in it the highest expression of constitutional wisdom in one of the best States of the greatest Republic the world ever saw. [Applause.]

JEFFERSON GREATEST CONSTRUCTIVE STATESMAN.

"I venture to submit some observations in line with the important work you have in hand. Jefferson, who to my mind was the greatest constructive statesman the world has ever known—I put him in a class by himself and permit no one to associate with him in the expression of things fundamental in popular government, the growing government of the world—Jefferson was a molder of public thought; he put the aspiration of the people into language that could be easily remembered and effectively used. He simplified the problems of government. Some think them complex and difficult to understand, but Jefferson tried to make them plain. He had faith in the people. He said, 'The art of government is the art of being honest,' and added that 'the principles of right and wrong are so easily discerned that they require not the aid of many counselors.' My purpose is to plainly state these principles of government, the principles that you may have occasion to apply, so that you may understand how easy it is for honest men to agree when their purpose is the same and no selfish interest keeps them apart.

"In addressing this constitutional convention I address it in the belief that every member so appreciates the honor conferred upon him and the responsibility of his position that he will work with an eye single to his State's welfare and his country's good.

GOVERNMENT COERCIVE AND COOPERATIVE.

"Government may be divided into two parts, coercive and cooperative. The theoretical anarchist argues that a time will finally come in the progress of the human race when men will need no government because each one will be a law unto himself. As civilization improves, as moral standards are lifted up, the coercive part of government will decrease; as people more and more do right, because of the light that comes from within, they will less and less need the 'thou shalt nots' of the criminal law, but I am persuaded that the cooperative part of government will grow as the coercive part of government diminishes.

THE PEOPLE'S RIGHT TO RULE.

"The fundamental principle of popular government, whether coercive or cooperative, is that the people have a right to have what they want in government. If I can burn into your minds and hearts no other thought to-day I would rather leave this thought than any other, viz, that the people have a right to have what they want; that the people are the source of power. There is no other source to be trusted. Not that the people will make no mistakes, but that the people have a right to make their own mistakes, and that few people have a God-given right to make mistakes for the rest of the people. Mistakes will occur, no matter what form of government we have. In a monarchy the King makes mistakes for all the people, and history shows that the Kings of the world have lived fully up to their opportunities in this respect. In an aristocracy the few make mistakes for the rest of the people, and sometimes they find it so profitable that they refuse to correct them, even when they are pointed out. Many of the wars of the world have been waged for the purpose of correcting mistakes that the few found it profitable to make.

"Let us consider some of the advantages of this theory. In the first place, it never pays the people to make mistakes, and therefore they are not as likely to make them as those are who find it profitable.

"In the second place, if the people make their own mistakes, they accept the results and bear the punishment more patiently than they do if somebody else makes the mistakes; that is an element not to be overlooked in government. 'You did it; now submit to the penalty until you can correct it,' is a difficult argument to answer.

"In the third place, because they suffer when they make mistakes and are sorry that they made them, they will correct them as soon as they find them out. The first fundamental principle that I leave with you and ask you to remember (I shall return to it later) is to trust the people. Have faith in them because that faith is the foundation of free government; and that faith is spreading throughout the world.

COERCIVE GOVERNMENT.

"Let us first consider coercive government. Punishments are for two purposes, viz, the protection of society and the correction of the persons punished; but when you examine closely you will find that it is really one purpose rather than two, because the greatest protection that society can have is to be found in the correction of the individual. Nothing is more sure than that there is a growing sentiment all over this country and throughout the world that punishments should take into consideration the reformation of the individual.

"I venture to suggest some reforms that I hope you will consider. The first is that the first offenders should be kept separate from the old offenders. I believe that the experience of those who have had to deal with criminals will support the proposition that you can not afford to put a first offender in prison with old offenders. There is too much likelihood of his getting worse because of association with the old offenders rather than better from the efforts made by the prison authorities.

"And there is justice in this distinction. Remember that crime is not always due to deliberate yielding to temptation with a clear understanding of the wickedness of the sin. Environment is sometimes responsible for ready yielding to temptations to crime. Environment is not everywhere the same—the difference is sufficient to justify us in dealing with mercy and consideration with first offenses.

"If we take the person who has committed a first offense, surround him with a sympathetic environment, win his confidence, and bring him into association with those who desire to help him, we may benefit him and society far more than we can in any other way. We must not merely protect society, but we must, if possible, save immortal souls. There is a compelling reason for separating the first offenders entirely from those who are hardened in crime.

"The second suggestion is that the minimum punishments should be increased as offenses are repeated. We can well afford to have a small minimum punishment for the first offense in order that the person convicted may have the benefit of any circumstance that will lessen the weight of his guilt; but when a man is convicted a second time, showing thereby that he was not reformed but is still hardened, we are justified in raising the minimum punishment. He has overthrown the presumption that he can be trusted. I think we should increase both maximum and minimum penalties as the offense is continuously repeated.

MORAL REFORMATION COMES FIRST.

"Moral reformation is the only sure cure, and morality rests on religion—on inner control. You can not keep a man in the path of rectitude if he has no inner monitor; you can not put enough policemen around him to keep him straight. But if you can awaken his conscience, you do not need policemen. Conscience keeps a hundred men honest where the law keeps one; where a few are restrained by fear of prison walls, a multitude are kept in the straight and narrow path by the invisible walls that conscience rears about them—walls that are stronger than the walls of granite or of stone. Therefore, I suggest that the state ought to furnish the spiritual consolation and advice that will be received most readily. Whenever any considerable number of prisoners are brought together the state can afford to furnish the spiritual advisers who represent the different faiths with which the prisoners are connected or to which they are inclined. I reached the conclusion something like 20 years ago that the consolations that are given by the different branches of the Christian church differ sufficiently to make it worth while to give to each individual that form of consolation that is most comforting to him. Therefore, I would suggest that the two great divisions of the church, Catholic and Protestant, should be represented in our penitentiaries by spiritual advisers, that they may reach the largest possible number and make the strongest possible appeal to these men. If there are groups outside, no matter whether they be large or small, the state can afford to furnish at its expense, such spiritual consolation and advice as the individual or group may request. I know of nothing that more fully justifies expense than the furnishing of these guides back to the paths of morality.

SOCIETY'S PRODIGAL SON.

"There is another need that we are not supplying. The prisoner is society's prodigal son, and it is to the interest of society to bring him back and welcome him so heartily that he will not again leave his father's house. To this end we should provide a place where the discharged prisoner can work voluntarily until he has reestablished his reputation and restored confidence. I am satisfied that the American people, everywhere, and in Nebraska not less than elsewhere, are anxious to help the man who wants to reform. The only difficulty is that few are willing to take the risk of putting faith in a man until they are sure his reform is real. If there is some place where he can go without coercion and stay without restraint until he has convinced the public that he can be trusted, such a man will find it easy to get back into industry. Anyone who thereafter reproaches him with his former record will receive the criticism rather than the reformed man.

"The employment in the penitentiary of those under restraint should first be helpful to the individual; second, encouraging; and third, not competitive with honest industry outside. We must so help prisoners that, while strengthening them, we shall not injure those who, as producers of the country, have a right to be considered.

COOPERATIVE GOVERNMENT.

"Cooperative government is a larger subject and taxation is the first phase of it that we have to consider. Taxation not only comes first, but is permanently with us. Other governmental questions come and go, but taxation, like Tennyson's brook, 'goes on and on forever.'

"Taxation should be just and impartial. That sounds like a commonplace statement, yet, my friends, you will understand how important I think it is when I tell you that the stealing done by law in this country is, in my judgment, greater than all the stealing done in violation of law, and that the largest part of it is done through unjust taxation. If you will take from one man $10 when you should only take $5, and then take from some other man only $5 when you should take $10—that is, if by your system of taxation you make one man pay twice as much as he ought to and allow the other man to escape with half of what he should pay—you simply take $5 from one man's pocket and put it into another man's pocket. When you consider the amount of taxation in this country and the difficulty of securing equal and exact justice in taxation I think you will agree with me that I have not overstated it when I tell you that the actual amount stolen by unjust tax laws in the United States is greater than the amount stolen by those who are serving terms in the penitentiary. Several systems may be necessary, for no one system is absolutely just in the apportionment of the burdens. I know of no way of approaching justice except to employ several systems, one bearing unequally here and another bearing unequally there, the injustice of one equalizing the injustice of the other. I venture to suggest, however, that the local communities should be allowed large latitude in experimenting with the methods used to raise their quota. There is no final word in government; there is no final word in taxation; no one is able to say that we have found the best system that can be found. The only test of a policy is its success in practice. It may look very well when it is presented as a theory, yet it may fail entirely when we try it, because we may have overlooked some very important factors. Therefore in the interest of truth and progress we should have as large an experience as possible to choose from. Deal leniently with those who want to make it possible for a community to try any system it desires, for you may rest assured if it tries any system and it is not successful it will turn back. If the local community will furnish its quota of the total tax you can safely leave it to decide how that quota shall be raised.

"Economy in expenditures comes next to justice in apportionment of taxes. The conflict between the taxpayer and the tax eater is a very unequal one. The taxpayer is at home and the tax eater is at the capital. The man who pays taxes in small sums, but the man who enjoys the benefits of taxation usually received in large quantities. The official who acts as a judge between them has to be on his guard all the time to protect the man who is not there. As far as human wisdom can, you should endeavor to make the distribution of the benefits of taxation as fair and impartial as possible and economy as rigid as possible.

GOVERNMENT OWNERSHIP.

"'Cooperation' is a growing word in government; it is the doing of things together that can not be so well done individually. My observation is that every new thing is first attacked by epithet. If one can not find a good reason for opposing a thing he calls it a hard name. I am an individualist, and yet I have often been called a socialist. Why? Because I believe in the Government doing certain things that it can do better than individuals can do them. Those who do not want the Government to do a thing always apply the word 'socialist' to one who advocates Government ownership or operation. For instance, suppose a town allows a private corporation to own the water system. If you propose that the city take over the water works the owners of the franchise will not meet your argument; they will call you a socialist. Yet I think the record shows that at least 16 cities out of 17 in the United States now own their water works. One hundred years ago only about 1 out of 16 owned its water works; in a century's time the progress has been so rapid that now it is the exception when a city will permit a corporation to furnish the city with water. The city of Lincoln has owned its water system for more than 30 years. Omaha has operated her water system for seven years and in that time has reduced the rate to consumers over 50 per cent.

"'The Nation has recently adopted what is called the postal savings bank. When it was proposed it was met with the charge that it was socialistic. The National Bankers' Association, meeting in California in 1908, passed a resolution denouncing the postal savings bank and also the guaranty of bank deposits. I followed the discussion, and recall that a Republican Senator—Senator Carter, of Montana—read before the Senate literature that was sent out to local bankers with instructions to have it printed in the local newspapers as editorial matter, the banker being cautioned to tear off the directions before giving out the printed matter. They attempted to build up a sentiment against it on the ground that it was socialistic. Well, we have it, and it will not go back. In the same manner, when an effort was made to secure the parcel post, it, too, was called socialistic. The Federal Government took over the railroads, the telegraph lines, and the telephone lines temporarily during the war—this was called socialistic.

"I have dwelt upon this to warn you that you can not reform an abuse without being criticized by the people who profit by the abuse that you are trying to overthrow.

PRIVATE MONOPOLY.

"Allow me to lay before you what I regard as a fundamental proposition, namely, that a private monopoly is indefensible, intolerable. Indefensible means that it can not be defended, and anything that can not be defended can not be tolerated by a free people. God never made a human being good enough to act as the head of a private monopoly. When you understand the principle involved you will find that I am not announcing a new doctrine. We have judges; we respect them; but there is not a civilized country in the world that will allow a judge to sit in a case where he has a pecuniary interest. Yet we select judges because of our confidence in their character and probity. We have good citizens in this country, and yet we do not allow a man to sit upon a jury and be one of 12 to decide his own case. Why? Because we know that there is an unconscious bias in everyone in favor of himself. We do not trust him on a jury even if there are 11 other men to overcome his interest. If a judge is not allowed to try a case when he has a pecuniary interest in it, how can one defend a private monopoly in which an interested man at the head of the monopoly daily decides, without appeal, questions where his interest is on one side and the people's interest on the other side?

"That is the principle that underlies a private monopoly. I believe it is a sound proposition, a proposition that can not be overthrown by argument, that wherever a monopoly is necessary it must be a Government monopoly, administered for all the people, and not a private monopoly, administered for the benefit of a few of the people. If that principle is sound, then, my friends, it is one of the most important matters you have to deal with in this convention. The constitution should authorize the State, the counties, and the cities to take over and operate any industry they please, including stockyards, slaughterhouses, grain elevators, warehouses, and insurance, such cooperative enterprises to be self-supporting. No one but the people can decide what is good for the people.

STATE'S INTEREST SUPREME.

"Probably the largest work you will have to do is to so write your constitution as to leave the people free to protect themselves by government ownership whenever they feel that they can better do together that which has heretofore been done by individuals. I say State, county, and city, for I believe that every unit of government, large or small, should have this power of self-defense, of self-preservation, and that the power should be absolute and complete, the only restriction being that when the Government wants to make a new application of it, it shall submit it to the voters themselves and let them decide. I go back, therefore, to that original proposition, 'faith in the people.' Trust the people of Nebraska; let them have what they want in government. The test of your faith in the people will come when the issue is raised between a private monopoly that is for the benefit of a few and a Government monopoly that is for the benefit of all.

"Every proposed change of importance should be submitted to the people for their approval; in a democracy we must trust the people on every subject. There is one exception to the referendum. If an emergency arises and there is not time for the submission of the issue, the Government must act immediately; you can not allow a State or community to suffer. The recent coal strike at the beginning of the winter was a case in point. The owners of the mines and the mine workers quarreled, and the Federal Government began to assert its rights to protect the people. Instruction followed instruction. 'You must shut down your factories three days of the week'; 'you must cut down the use of coal'; 'you must suspend work that is not necessary'; 'the essential things come first.' If the condition had continued, and it had become necessary, the Federal Government would have stepped in and taken control of the mines. The American people would not freeze; acting together, they would have protected themselves. And what the Nation can do in a coal strike a State or city may have to do if an

emergency arises. The right of self-preservation in any governmental unit is as complete as the right of self-defense in the individual.

"Before leaving this subject allow me to suggest that franchises, being temporary in character, should be strictly limited in duration and should always contain a provision reserving the right of the governmental unit to take over the property of the franchise-holding corporation at any time upon payment of actual replacement value. No allowance should be made for the value of the franchise—which is a gift—or for what is called 'going value,' and, of course, no franchise should be granted without approval by the people on a referendum vote. The life of a franchise should not be over 25 years; no generation should bind the generation that follows.

THE PROFITEER.

"Next you will have to deal with the profiteer; you can not escape the issue that is presented here. The profiteer is abroad in the land. The darkest blot upon this Nation's prosecution of the war was the fact that while millions of our young men were ready to bleed for the Nation, the Nation was being bled by men whose greed outstripped their patriotism. And the bleeding at home continues even though the war is over. We have just had an illustration of it. The mine owners said they could not afford to give the increase the miners demanded. We have a law requiring corporations to make a tax return, and a Government document was published showing the excess profits of many corporations; and what were they? Nearly 300 coal companies had profits above 25 per cent on capital stock; 129 of them had profits running between 25 and 50 per cent; 75 had profits running from 100 to 200 per cent; some to 500 per cent; some to a thousand per cent; and 4 had reported profits in one year twenty times as great as their capital stock—that is, they had taken from the people to whom they sold coal enough money in one year to retire their capital twenty times—and that was a year when mothers were giving up their boys to die for their country, when wives were taking upon themselves a double burden in order that their husbands might go to war, and when the Nation was straining every nerve.

"The commercial classes have not been fair. We have given them judges and courts and officers to serve them, and any dealer can call any customer before the court and collect his bill if the consumer has the property from which to collect it, but there is no tribunal before which the patron can go and secure an investigation of the charge of extortion. Investigation shows that even in a city like Lincoln the profit of the retailer is sometimes 85 per cent. What do you think of a man charging nearly as much for handing out a pair of shoes over his counter as is paid to all who produced the animal that furnished the leather, to all who did the work in the tannery and factory, and to all engaged in transporting the shoe? This convention should set the world an example and show other States how to deal with men who attempt to extort from their fellows. We need a State trade commission, like the commission at Washington, with powers as complete. We need a local trade commission in every community, so that every person who is charged with extortion or profiteering can be brought before the tribunal and investigated. There should be a remedy for every wrong; the Government should protect every citizen from every arm uplifted for his injury.

"The honest men of the community should separate themselves from the extortioner and the profiteer. The odium should not rest upon all, but it will if the merchants stand together to protect their class from fair investigation and from the punishment of guilt. This is a very important question; you should deal with it thoroughly; you should see to it that there is lodged somewhere a power to require a license, if a license is necessary; a power to fix the per cent of profit, if that is necessary.

LIMITING PROFIT.

"We say that a banker can not charge more than a certain rate of interest. If a banker is not above control, who is too sacred to have his rate of profit fixed? If the bankers, who claim to hold in their hands the honor of the business community, can not be trusted to decide what rate of interest they will charge, who, inferior in influence and in the respect that they command, can claim exemption from scrutiny and regulation? There ought to be a power to license, power to limit profits, power to take over, if necessary. The right of the community is superior to the right of any individual. If conditions are such that it becomes necessary for a community, for the protection of the rights of its people, to take possession of any business temporarily and administer it until the emergency is passed, it should do it, and the constitution should confer this power upon each unit of government.

COOPERATION.

"Before leaving this subject allow me to add that cooperation between individuals should be encouraged. The middleman can only justify his toll upon trade when his services are absolutely necessary. He is not unalloyed good; he is at best a necessary evil. He is a burden to both producer and consumer, and should be dispensed with whenever and wherever possible. Individual cooperation is the remedy, but to be permanent it must be conducted on a sound basis and kept in the control of those for whose benefit the organization is formed. Because every cooperative plan rests on confidence, care should be taken to prevent any abuse of that confidence and the misuse of funds held in trust.

"And now I come to another proposition. I have not had time to consult any of you, and my words will, of course, have no weight except as my arguments convince you. Nebraska has, in my judgment, a great opportunity to-day, and I shall point out that opportunity as I see it. Nebraska has been a leader in this country, measured by every standard. Nebraska is progressive. Now we are entering upon a new era. We have abolished the saloon. [Applause.]

"I leave here at 4.30 for the East, stopping at Omaha and Des Moines, but my destination is Washington, and I shall be there, Providence permitting, on Friday, the 16th. Why? Because Friday is the day—and Nebraska made it so—after which there will never be another legalized saloon in the United States. There is a Bible passage that expresses my feelings at this time. You will find it in the twentieth verse of the second chapter of Matthew—the language in which Joseph and Mary were assured that it was safe to take the child Jesus back to the Holy Land: 'They are dead that sought the young child's life.' When you remember that king alcohol has slain more children than Herod ever did, I think that you will agree with me that the most appropriate words in which to express the joy that fills the hearts of American parents to-day are those I have just quoted—'they are dead that sought the young child's life.'

"And just at this time, when the most corrupting influence ever known is passing out of politics never to return, woman enters the arena of politics, and, adding her conscience to the judgment of man, hastens the triumph of every righteous cause.

"Let me illustrate it as I see it. Suppose two armies of 100,000 each are struggling for mastery on a hotly contested battle field; suppose that, just at the moment when the conflict is at its height, half of the army on one side is drawn away, leaving the field to be defended by the remaining half, would not the chances of victory be with the 100,000? And suppose that, just at that moment, 50,000 fresh troops came to reenforce the 100,000. That is what we have to-day; just as the corrupting influence of the saloon is being drawn away from one side, the conscience of woman comes to support every cause that is righteous and for the Nation's welfare.

SINGLE STANDARD OF MORALITY.

"Our State has done its part—a creditable part—in securing these reforms. Now, I suggest a step in advance. I would like to see the State of Nebraska raise here the banner of the next great moral reform by writing into the constitution the single standard of morality. All legislation rests upon a theory and that theory should be stated in the constitution. You necessarily indorse the single standard or the double standard. I urge the indorsement of the single standard—no segregation of sin; no licensing of vice; the penalties for immorality enforced impartially against the two sexes. That, my friends, I believe is to be the next great moral reform, and I would like to see Nebraska lead the fight. The women are here; their consciences will be with us; their influence will help us. How dare we longer discriminate against woman and give to an immoral man a respectability that we deny to her? I beg you to consider whether this is not the time to indorse the single standard of morality and declare that in Nebraska there shall no longer be discrimination in favor of an immoral man as against an immoral woman. They will stand side by side before the judgment bar of God, and, if they must stand side by side there, we should not give one of them an advantage over the other in the tribunals which man creates.

GAMBLING.

"This convention will have to deal with gambling. I hope the constitution you are writing will put the seal of its condemnation upon all forms of gambling. It is one of the sins that, like intoxication and immorality, has come down from the remotest past, but it overthrows God's law of rewards. When the Creator gave us the earth with its fertile soil, the sunshine with its warmth, and the rains with their moisture, His voice proclaimed as clearly as if it had issued from the clouds, "Go work, and in proportion to your industry and your

intelligence so shall be your reward." That is God's law of rewards, and it must prevail except where force suppresses it or cunning evades it.

"The ax should be put at the root of the tree. Gambling is not a question of amount, and it does not matter whether one wins or loses; it is the principle that should be considered. There should be no more toleration of gambling on a small scale than on a large scale. Gambling at cigar counters, gambling with slot machines, gambling with wheels of fortune—all are gambling and should not be permitted. Chance should not be allowed to be substituted for honest industry; our children should know from their youth that there is at least one State in this Union that makes no discrimination between kinds of gambling, high or low, large or small, but that all gambling is prohibited in Nebraska as far as law can prevent it.

"I am not sure that you can deal by constitutional provision with the subject to which I now invite your attention, although it is in line with what I have said on the subject of gambling. I have been convinced for many years that we should have a law that will make it a criminal offense for any bank official or other official intrusted with other people's money to speculate on margins. We should not wait until he loses to punish him. A few years ago I read a news item to the effect that within a radius of 150 miles in the State of Iowa 10 bankers had in a short time committed suicide because of embezzlements discovered. We should protect trust officials from overpowering temptations. We do not allow a man to carry matches in a powder factory, no matter how careful he is; we should not allow a man intrusted with other people's money to gamble or to be tempted to gamble. We should save him by keeping him from that which is sure to lead to ruin if continued.

"Next I desire to speak for a moment upon the Bill of Rights. First, freedom of conscience, it should be guaranteed. A man should be allowed to worship according to the dictates of his own conscience.

FREE SPEECH AND PRESS.

"The times require that we make a discrimination regarding freedom of speech and freedom of the press. We should protect every individual in the exercise of freedom of speech and freedom of the press in the discussion of the acts of any official, in the criticism of any public servant, and in the advocacy of any change he may desire made in form or methods or details of government so long as this is to be secured by constitutional means. There the line should be drawn. Any man who attempts to use freedom of speech or freedom of the press to advocate the overthrow of this Government by force or violence should be sent to the penitentiary or sent out of the country. Those who advise force should be put in the same class with those who employ force. The man who advises another to use the torch or bomb is no better than the man who uses them. This distinction should be very clearly drawn so that we may sacredly protect the rights that are necessary to popular government, as free speech and as free press are, and exclude the abuses that have no place in a government like ours. In this connection I may add that I think the time has come to make the English language the language of the United States. [Applause.] Those who come to this country to live here and share its blessings should understand our language, not only for their good, but for our safety. If we are to submit great causes to the conscience of our people we must have a language in which to submit them. The man who does not understand the language of the people among whom he lives, the language that our Government uses in its documents, and the language of the press, is not in a position to understand as he should the questions upon which he is called to act.

EXECUTIVE OFFICES.

"A word in regard to offices. The governor should, in my judgment, be elected for years and made ineligible for reelection. I believe in the short ballot. Instead of having all the State officers go before the people when it is impossible for the people to know these men personally or to weigh their claim with intelligence, I think that we should elect the more important ones and put upon them the responsibility of selecting those who are to be associated with them. I venture to suggest that we should elect the governor, the lieutenant governor, the attorney general, the auditor, and treasurer. Then there should be associated with them others who will have equal power and equal compensation with those who are elected (not including the governor). The appointive officers should be named by the governor, with the approval either of the other elective officers or of the senate or of a joint committee of the house and senate. The lieutenant governor and other elective officers, each the head of a department, should, with the appointed heads of departments, constitute the governor's cabinet. There should be a health department—nothing is more important than the public health—and a child's welfare department. The child of to-day is the citizen of to-morrow, and the State has no more important business than looking after the children. Then there should be a labor department, an agricultural department, a department of railroads and highways, and a department of commerce.

BIPARTISAN CIVIL SERVICE.

"A civil-service system is necessary, and it should be bipartisan instead of nonpartisan. The examination should be retained to insure efficiency, and the rules should be strict enough to exclude incompetents, but those who reach the eligible list should announce their politics instead of concealing their political affiliations. Interest in politics should not be suppressed. It is contrary to the spirit of our institutions to deny people selected for service because of their intelligence the right to give the country the benefit of that intelligence on every question. But if activity in politics is to be permitted, the civil service should be put upon a bipartisan basis. Clerical positions that do not carry with them the right to decide administrative policy should be divided between the several parties in proportion to their voting strength in the State, county, and municipality. When the names are put upon the eligible list the selection should be made from representatives of the parties that have less than their share. If you retain the examinations as a guaranty of fitness and ability and then divide these clerical positions in proportion to the voting strength of the parties you will put the civil service upon a just basis. Instead of selections being made in the dark they will be made in the daylight. Fraud is not possible in daylight as it is in darkness.

"Judges should be elected and not appointed. The Supreme Court only should have power to declare a law unconstitutional, and it only by three-fourths vote of the court. It is not fair to the legislators or to those who elect them—especially when we have the referendum—to allow what they have declared to be the people's will to be overthrown by one judge. When a majority decision is permitted, a majority of one can nullify a law. If more than one-fourth of a court stand for the constitutionality of a law, they give support to the action of those who passed it. It is not fair to give to one judge the power to make his opinion supreme not only over a minority of his associates but over the entire legislature.

RECALL OF JUDGES.

"I believe in the recall of judges and other elective officers. If anyone says that the people should not have the right to recall a judge, my answer is that whenever you desire to put a man above the people you should put him out of office. A judge is the servant of the people just as every other official is. Judges are not only public servants but they are human beings and liable to err. They are even liable to be unconsciously influenced by bias. The five Supreme Court justices on the electoral commission in 1876 voted according to their political bias when the Presidency was at stake.

"I have so much faith in the people's sense of justice and in their inherent conservatism that I think they are more apt not to recall a man who should be recalled than to recall one who should not be recalled. But suppose the people do make mistakes, the people should have what they want. It is better that one man should lose a salary, even if injustice is done him, than that the people should be denied the right to decide these questions; the sense of justice in the hearts of the people is such that if they recall a man and learn later that they did wrong they will be only too glad to do him justice. When his position is restored the restoration will far more than overcome the first reflection cast upon him.

"I believe in good salaries, but they should not be excessive. When you consider salaries there are two things to be remembered. First, the amount of money that a man spends determines his associations and his environment. When you raise a man's salary so high that he associates with only a few you must expect that he will be influenced by his environment and that his sympathies will become alienated from the people who pay his salary. Second, the value of the honor conferred upon him is a thing that can fairly be taken into consideration as a part of the salary. The honor you confer upon a high official, the standing you give him in a community, the place you give him in history—these things can not be overlooked. If you have any doubt as to whether a man's salary should be increased it is better to provide him with a house or furnish him with things that he may need temporarily than to add the value of these things to his salary. When you furnish him a house you have some influence in fixing his standard of living and can thus prevent the embarrassment we have sometimes felt in our Diplomatic Service when a very rich ambassador lived so

expensively as to embarrass a poorer ambassador who succeeded him.

"I also suggest a three-fourths verdict in civil cases. There is no reason why a unanimous verdict should be required in a civil case.

"The court procedure should be simplified, and absolute equity in punishments should be insured. There is nothing that arouses dissatisfaction and discontent more than inequality in the punishments visited on criminals. I recall that some twenty-five years ago we had a bank failure in Lincoln, and that about the same time a cab driver robbed a passenger. The man who embezzled a half million dollars was sent to the penitentiary for five years, while the cab driver was sentenced to seven years for taking $46. As far as human wisdom can enable you to do so, you should see to it that the punishment fits the crime; and, I may add, imprisonment is better than fines. To fine a man $1,000 for doing an offense when he makes $10,000 during the trial is not punishment. A few years ago a Chicago judge was severely criticized for assessing a large fine against the Standard Oil Co. Some said it was excessive, and yet the fine did not nearly equal the amount of money that had been made by the company while the trial was in progress. The people who complained of that as an exorbitant fine did not find fault with relatively higher fines assessed against minor criminals.

PUBLIC COUNSELOR.

"In this connection it is worth while to consider the advisability of creating the office of public counselor. Such an official could hear the complaints of the poor who are in trouble and advise them wisely and without charge. Is there any better way for a trusted lawyer to round out his life than to be the counselor of a community, one to whom the needy can go for advice with confidence that he will give them the benefit of his accumulated wisdom?

"Let me say a word in regard to the enforcement of the law. I believe in self-government. The local community should be allowed to decide local questions as far as possible, but I call your attention to one exception that you should consider. You can not intrust the enforcement of a law like the prohibition law entirely to the community. Why? Because the power to punish must be as wide as the influence of the thing to be prevented. I reached the conclusion a good while ago that a saloon is in some respects like a slaughterhouse; any man can complain of a slaughterhouse who lives near enough to it to be injured by the odor. So any man has a right to complain of a saloon who is within the radius of its evil influence. A saloon in one town in the State does not confine its evil influence to that town. The State must have power to enforce a State law; no wet community should be permitted to defy State authority or to protect those who conspire against the welfare of the State. The power of the State to suspend any officer in any locality who does not enforce the law of the State should be absolute. You should remember also that the liquor habit may incapacitate a man for deciding what is right and what is wrong. A habit that can make a man forget the mother who brought him into the world, break all the vows that he made at the marriage altar, and ignore the welfare of his own children may make him indifferent to the obligations of citizenship and the welfare of the community. Those engaged in the business of creating this habit can never be trusted with the enforcement of laws against the traffic.

THE PEACE WAY.

"In speaking of the officials in the governor's cabinet I suggested a secretary of transportation and highways. I ask you to consider the propriety of so writing your constitution that this State, whenever it desires to do so, may have government ownership and operation of railroads, just as a city should have power to have government ownership of telephones, street-car lines, or anything else that is local in character.

"And now, my friends, I urge you to consider whether the constitution should not authorize the construction of a peace way. I believe the time has come when we should enter systematically upon the building of highways. I would like to see the Nation build a great peace way reaching into every State of the Union. It would be a memorial to those who died in war and a monument to the restoration of peace. It would be educational as well as useful; it would bring the word 'peace' into the thought and conversation of all the people for centuries to come. It would be gratifying to have the State of Nebraska enter upon this and, if possible, set the example. This Nation is committed to peace; it will help establish a League of Nations, and I can think of nothing better than a peace way, which is both patriotic and educational, with which to honor the dead and promote universal peace. It should connect all the counties, as the national peace way should connect all the States.

PURITY IN POLITICS.

"Let me ask you to consider for a moment purity in politics. We must have candidates and campaigns, and we should limit expenditures so that there may be equality of opportunity among the candidates before the people. The primary principle should be protected. It is in harmony with the doctrines of popular government; we can never return to the boss-ridden convention. If the primary throws upon parties a burden greater than they need to bear, you can consider whether it may not be wise to combine with the primary the principle of the initiative and referendum and allow a small percentage of the party voters to invoke the primary in advance of the convention or to compel a referendum on candidates or platform after the convention.

BALLOTS SHOULD BE COLLECTED.

"In the interest of a full vote I suggest that at primaries and elections ballots should be collected by carrier as mail is delivered in rural districts and from those unable to go to the polls, care being taken to preserve the secrecy of the ballot. The voter who lives some distance from the polling place and can not vote without loss of valuable time suffers a disadvantage that is equivalent to a tax upon suffrage. When women vote, the carrier system will become even more necessary.

EMBEZZLEMENT OF POWER.

"Candidates for offices in which they can influence public policies should be compelled to file a statement of their position on issues before the public and to answer written inquiries (filed with designated officials) or give written refusal with reasons. Statements on public issues should be regarded as a contract between the candidate and his constituents, and violations should be defined as embezzlement of power and punished with imprisonment.

"We should have bipartisan election boards, and by bipartisan election boards I mean boards made up of representatives of different parties selected by those for whom they speak. My observation is that a bipartisan board, made up by appointment of all its members by one party, is usually a fraud. The persons appointed to represent the so-called minority party are as a rule appointed in payment for betrayal of their party in the past or for promised betrayal in the future. We should have honest election boards, and the members of these boards should be selected by those for whom they speak, and therefore interested in the detection of fraud rather than in covering it up.

A GOVERNMENT BULLETIN.

"I believe the time has come when in this Nation and in every State there should be a bulletin, not a newspaper but a bulletin, that will carry official information to all people as to the things accomplished and the issues before them. Editorial space should be given in the bulletin to the representatives of the different parties, and these editors, chosen by the sides they represent, should present in that bulletin the reasons pro and con, in order that the voters may be able to decide every question on its merits. The American people, if they understand a question and have the arguments before them, can be trusted not only to decide wisely but to settle quickly every question that comes before them.

LABOR LEGISLATION.

"On the subject of labor the right of organization should be guaranteed; profit sharing and cooperation between employer and employee should be encouraged, and power should be given the legislature to fix a minimum wage whenever that is deemed necessary; the right of collective bargaining should be recognized and every form of peaceful persuasion permitted. The use of force should be prohibited; no fraction of the people should be allowed to employ violence to compel others to act with them. The right to employ force and coercion should be reserved to the Government, which acts for all the people. If, however, we have the machinery that we need, industrial disputes can nearly always be settled without a resort to strike or lockout. I beg you, therefore, to consider whether we should not now apply to industrial disputes the plan embodied in our 30 peace treaties and in the League of Nations and create a board of investigation that can be invoked at any time by either side, and with power to act upon its own initiative—a board with a representative from each side, chosen by that side to be a part of the board during that investigation. Such a board would investigate the causes of the dispute and give the facts to the public. As in our 30 peace treaties, each side would reserve the right to act independently after the investigation, but investigation would bring out the facts and in most cases lead to a settlement. That is not compulsory arbitration, but compulsory examination for the guidance of public opinion and for the enlightenment of the people.

OUR EDUCATIONAL SYSTEM.

"Our educational system will receive your careful consideration. Education is necessary; everybody believes in the public school. There should be a school open to every child, but our public educational system should not exclude private schools which comply with the rules laid down for public schools.

"Civilization may be defined as the harmonious development of the human race—physically, mentally, and morally. Each person, therefore, contributes to the civilization of which he is a part in proportion as he offers to society's service a body strong to endure fatigue and resist disease; a mind trained to think quickly and weigh accurately; and a heart that is pure and undefiled. To insure strong bodies, more attention should be given to physical development. On this point I beg to quote, with my earnest indorsement, a suggestion recently made by Mrs. Bryan. It reads as follows:

THE GREEK GAMES.

"One of the valuable by-products of the recent war is the information gathered by statistics. Physical examinations, for instance, have proven the young men of the land below par. Instead of the vigor of which we had boasted, we find a large per cent who are either diseased or poorly developed.

"The ancients trained their youths by exercises and games. The statues of those days show how perfect was the development attained. Can we do better than to revive this system, modifying it to meet present conditions?

"The task would not be difficult. The games should be arranged under the supervision of the best medical authority, with a view to giving to each child the highest possible physical development. To give these games the maximum effect, they should be made so attractive that the children will be glad to enter the contests and will enjoy them. A great deal will depend upon the cultivation of public opinion which will surround the children with an atmosphere favorable to the games, and prizes in the form of both medals and money will help to stimulate interest.

"The division of the country into districts—beginning with the school district and proceeding upon any basis which will be just and impartial—can be readily accomplished.

"A number of stadia which hark back to Grecian days are even now owned by colleges, and no better places could be provided for the greater contests.

"The contests for girls should be separate from those for boys, and the exercise provided should have special regard to the needs of members of that class.

"The final contest should be held in Washington; be witnessed by our high officials; and the victor should not only be crowned with laurel by the President of the United States but should receive a cash prize worthy of the struggle.

"It is believed that some such system as the one outlined would go far toward raising the physical development of the boys and girls of the United States and would be as valuable to those who failed as to those who were the successful contestants.

"I would bring education as near to the people as possible. With this end in view, I would urge the establishment of intermediate colleges throughout the State, at least one in each congressional district, covering the last two years of the high school and the first two years of the university. In these intermediate colleges I would try the experiment of separating the boys and the girls, it being the period when premature attachments may shorten the educational career or, at least, divert attention from physical and mental development.

"During this critical period I would reduce to a minimum the temptation to leave school and supply the greatest possible incentive to complete an education.

NEED OF RELIGION.

"The greatest menace to the public-school system of to-day is, in my judgment, its Godlessness. We have allowed the moral influences to be crowded out. When I say moral, I mean morality based on religion. We can not build a system of morality on any other than a religious basis. We have gone too far in allowing religion to be eliminated from our schools. I would not have religion taught by public-school teachers, but all sects and creeds should have equal opportunity to furnish, at their own expense, religious instruction to students whose parents desire it, such instruction not to interfere with the hour of school. Our people will be better citizens and stronger for their work if along with the trained mind there is also an awakened moral sense.

"As we approach higher education the religious element becomes even more important. It has given me grave concern when I have seen skepticism, infidelity, agnosticism, and even atheism taught in our universities under the guise of science and philosophy. Nietzsche's doctrines that repudiate God, ridicule Christ, and overturn all standards of morality have been taught where the Bible has been barred. If we are to have religious neutrality in our universities, it must be a real neutrality. We do not ask public-school teachers to teach religion in the schools, and teachers, paid by taxation, should not be permitted to attack our Bible in the schools. I was in Wisconsin last May, and a former university teacher told me of a conversation he had with a young lady who, coming out of a classroom, said to him, 'My teacher has just told me that the Bible is a collection of myths; I do not like to doubt my teacher, but I have been taught that the Bible is the Word of God.' When I heard the story it recalled that passage in the New Testament where Mary exclaimed, 'They have taken away the Lord out of the sepulchre and we know not where they have laid Him.' We can not afford to have the faith of our children undermined. If I were compelled to choose between the two, I would rather have a child unlearned, but heart whole, than to have its head developed and the heart's faith destroyed. The time has come when we are justified in saying that no man or woman shall be put in charge of the teaching of children who does not believe in God. One who does not believe in God can not conceal atheistic views in teaching the children, and the harm such an one will do them spiritually is infinitely greater than any good done them intellectually. I am not willing to believe that we shall have any difficulty in finding among those who believe in God teachers competent to instruct students in all the branches of learning.

AMENDING CONSTITUTION.

"I have left for the last a very important subject, namely, the provision for amendments. It does not matter if you make mistakes, provided you make it easy to correct them. The Constitution should be amendable in two ways. First, the legislature should be able to submit an amendment as now, but instead of requiring a three-fifths vote for its submission, a majority should be allowed to submit an amendment. There is no reason why you should put into the hands of a minority the power to obstruct progress. If you fear there might be undue haste and desire to insure deliberation, it is better to allow a majority to act in two successive legislatures than to require more than a majority in one legislature.

"Second, we have the initiative and the referendum in Nebraska; do not disturb them. If defects have been discovered, correct them and perfect the machinery. If you think that there is danger of fraud in the circulation of petitions, my first answer is that the traffic which was responsible for most of the fraud will disappear from politics next Friday; we will not have that to contend with any more. But if, after the abolition of the saloon, you still think that there is danger, you can provide that those who desire to sign petitions shall go to some public office and sign there instead of having their signatures solicited, but you should lessen the number of petitioners necessary if you make it necessary for them to go to the petition instead of having it brought to them.

"It might be wise to require a larger number to suspend a law passed than to compel its submission to popular vote. It might remain in force until voted on. Make it possible for the people to have what they want. This is especially important just now; we are the world's teacher in democracy; we have spent our money and the lives of our people to make the world safe for democracy; the world looks to us for an example. We can not ask others to trust the people unless we are ourselves willing to trust them. Our answer to the man who suggests the possibility of revolution is this: Ours is a people's government; if it is not yet completely in the hands of the people, it will be; come and help to make this a government in which the people rule. This plutocrat carries the germ of revolution in his bite just as surely as the mosquito carries the germ of yellow fever. The people will, if they have the power, destroy the breeding places of plutocracy. The initiative and referendum give them this power. They put the people in possession of their government and make it possible for them to secure through the ballot anything and everything they want. For any man who suggests force or violence, we say, 'Out of this country! We have no room in our broad land for any enemy of a people's government.' The more securely we build this Government upon the people's will, the more complete their power to control it, the stronger and safer it will be.

"Mr. President and gentlemen of the convention, I can not adequately express my gratitude for your consideration and attention."

ADDRESS BY JUSTICE STAFFORD.

Mr. THOMAS. On the 22d of this month Justice Wendell Phillips Stafford of the Supreme Court of the District of Columbia delivered an address which is devoted to the consideration of some of the issues of present importance. I ask unanimous consent for permission to have it inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

OUR LABOR TROUBLES AND THE WAY OUT.

[An address on Washington's Birthday, 1920, by Wendell Phillips Stafford.]

"Once more we come to celebrate the birthday of Washington. There is but one fitting and proper way, and that way is to consider the state of the country to which he gave his laborious days and watchful nights. What else would he ask about if he were here? Washington's love for his native land is something that passes the comprehension of ordinary men. It was as much

greater than their own as his mind was larger and his heart more fiery and strong. Washington's emotions were under stern control, but they were his. He rode and curbed a temper more mettlesome and headstrong than any steed he ever bestrode. It is said that he could break his horse's ribs with his knees. If that is a fable it is no fable that he could crack the ribs of his own furious temper when there was need, and at all times, except when he was deeply moved by treasonous conduct on the part of his officers, he could and did ride it with the imperturbable calm of a master. But his love for his country, the deepest human passion of his nature, he never tried to curb. Washington was Pater Patriae. His love for this Nation was the love of a strong father for his daughter, beautiful and brave, but ever needing the protection of his powerful arm. Humanly speaking, there is no doubt that she did owe her very being to him, as truly as any daughter owes her existence to her sire. He carried the Revolution upon his own shoulders through more than one desperate strait. He secured the adoption of the Constitution. He gave up the coveted quiet and ease of age to bear the New World on his shoulders for eight years more; and when at last he laid aside his Atlantean load, and left the seat of power to his successors, he left his counsels to them and to his people in massive and enduring words which we do well to ponder on this day.

"That solemn charge discloses the faith of the man of God. Nothing in it all is more impressive than the consciousness it reveals of the Divine guidance. Washington had no doubt that God had been with him throughout his Herculean labors. He had no doubt that God had deliberately withheld the Western Hemisphere from settlement until a time had come when men had learned to prize their freedom and had achieved the strength and wisdom to set up and carry on a government 'of the people, by the people, for the people.' He anticipated by three-quarters of a century Lincoln's great utterance at Gettysburg, for, in his first inaugural he declared that the future of free government itself was 'deeply, perhaps permanently, staked' upon the success of their experiment. And finally, in his Farewell Address, he pointed us to the constellation which he had organized in the zodiac of the new skies, and said: 'These are the principles by which you are to steer the ship of state.' If any man doubts the prophetic vision of the Father of his Country let him read again that part of the Farewell Address dealing with the dangers that lie hid in factional combinations.

"The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established Government. All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community. * * * However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

"The question that stares us in the face to-day is this: How can we curb the selfish and tyrannical combinations of labor and of capital alike without infringing upon the rights of property or the rightful liberty of the individual citizen? It is often asserted—and it is Mr. Samuel Gompers's favorite maxim—that the mere right to combine can not be limited at all. It is said that whatever one man has a right to do by himself any number of men have a right to do together. We are told that no law must be passed attempting to curtail this right; and we are warned that if any such law is passed it will be the right of every man to disobey it. Let that proposition be tested. It can be done in a word. I have a right to walk down that street. But have a thousand men a right to walk down the street together? If so what becomes of your right to use the street? In ordinary times I have a right to sell my goods or to keep them for any price I may demand, but have I a right to join with all my fellow dealers and say, 'We will not part with a cent's worth of these goods till they bring the price we fix'? The answer to the labor leader's proposition, then, is simply that it is false. The danger may and often does lie in the mere fact that a multitude is doing what any one of the multitude might do without harm to anyone.

"Now, let us come to close grips with this question. Do you assert that all wage earners have a right to unite to raise their wages, or get whatever else they want, while at the same time you deny to other classes the same right, or do you concede the same right to all? Test it. What if all the physicians, all the surgeons, all the trained nurses, and all the registered druggists were to unite in one great federation of medical aid and should refuse to lift a finger to save a human life until their demands of whatever nature they might be were met and satisfied? Do you say that the people through their lawmaking power could not deal with a case like that? I am not speaking of what the law is now, I am not discussing any question now in litigation before the courts. I am only trying to find out what can and what can not be done by the people if they make up their minds that the circumstances call for a new law in place of the old. Even a judge, I assume, has a right to express his views upon a great and fundamental question of governmental policy, and I wish to lay down the broad outline of a legislative program which I believe would be within the power of the people, and which might go far toward relieving us of our present troubles. Do me the justice to see that I am not speaking as the advocate or as the critic of any class whatever, whether of labor or of capital. The question I am dealing with is a question that transcends all lines of class, and the solution I offer is one that applies to every class alike.

"Now, the foundation on which we have to build is the principle which Washington laid down for us in the passage that I read—the right of the people, through the expressed will of the majority, to decide for themselves upon every governmental question, and the correlative duty of every citizen to respect and obey the law. It follows therefore that any attempt by a group to override the will of the majority as expressed in law is treason to the people and to the Government itself. Therefore any industrial union that threatens to use its power by way of strikes to overawe the constituted authorities is attempting to use industrial power to control political power. It is attempting to substitute for the right of the majority the mere selfish will of a minority, and that is tyranny; and a tyrant is a tyrant even if it is a labor union! The right to combine in political parties is, and it ought to be, absolutely without limit. Men have a right to go to the polls in as large numbers as they can muster, and to vote for the men and measures they believe in. But what if all the men engaged in running the railroads were to unite in demanding from Congress the passage of a law that would turn over the roads to them on their own terms and leave the people saddled with the debts of the roads, and should threaten to leave their work as one man if their demands were not completely satisfied? That would be an instance of an industrial union using its strategic advantage as a minority to coerce the majority; and it would be doing it in a matter that affects every home and every poor workingman in the United States. It is a cruel and wicked weapon that only cowards and bullies would ever use. It is a holdup as much as a highwayman's act in demanding your money or your life.

"Now, if you will take a glance at the field of operations you will see that all who labor may be arranged under three groups.

"First, all who work for the Government itself.

"Second, all who are at work in the service of the public, but under the name of public utilities.

"Third, all others whatsoever.

"First, then, what is the right of Government workers to combine? There is and there can be no such right if it interferes with their paramount duty, at all times and in all places, to the people, whose servants they are and must be. This principle forbids the organization of Government employees for the purpose of compelling the Government to do their will, in any manner whatsoever, by strike or otherwise.

"Second, what is the right to combine of those who also work for the people, but under the name of public utilities, like those who run the railroads and repair their equipment? There can be no such right in these if it conflicts with the public welfare, for that is the very purpose for which the utilities were created, and there can be no interference with the public right under the guise and pretense that it is a private enterprise that is being carried on. Thus far we have been blind enough to admit the right of workers in this field to unite as freely and in as great numbers as those in the common private business of the workaday world; and see what a pass it has brought us to!

"We have said to labor: 'You may unite; you may unite in any numbers. You may strike; you may strike at any moment and with all your power; you may do so even when you are carrying on a work upon which the very life of the public depends.' And labor has taken us at our word. It has organized to perfection, and it now stands on a vantage ground where it can say, in one thing, 'Hand over the railroads to us and let us fix our own wages, or we will leave you in the lurch. We are going to have what we believe is right or you must take the chance of ruin to the whole country and starvation to all the people.' To such a pass, I say, we have been brought by treat-

ing as if they were not public servants, but only hired hands in a petty, private business, the men upon whose constant, loyal service not the welfare merely but the very existence of the community depends. Now, what is the way out? Why, the way out is to go back to where we started from and face the fact. The fact is that the men who engage in a service like that are not private employees at all. They are public servants. To use an expression that socialists use and approve, they are 'soldiers of the common good.' Well, then, if they are soldiers, they have no more right to strike than any other soldier has. That is what is right in the moral sense. Let it be made the test of what is right in the legal sense as well. The law ought to be so changed that when men engage in a service of that public character it shall be a crime to strike; it shall be as flagrant an offense as the desertion of a soldier who throws down his arms upon the firing line. 'But is not that slavery?' you ask. 'How can any man be forced to stay and work on a railroad if he wishes to work somewhere else?' Well, in the first place, we are not talking about that. We are not speaking of one man leaving his work by himself, and leaving it for good and all. We are talking about his doing that in combination with all his fellows, and doing it just long enough to force the public to see ruin staring it in the face and come to terms. That is not liberty; that is conspiracy. I claim there must be a surrender of this right to strike when men enter upon a service which is in fact, and which the law should declare to be, a public service. All who enter upon such a service must enlist. They must be bound by agreement and by law to stay in the service until they are properly and legally discharged, and the conditions upon which they can be discharged must be such as to make impossible any such thing as a strike or a lockout. But to accomplish this one other thing is needed. Some method must be devised whereby grievances and disputes can be adjusted. Some tribunal as a last resort must be given the power to determine, and determine finally and conclusively, the merits of the case.

"Call it compulsory arbitration or what you please, but the power must be lodged somewhere, to be resorted to when all other means have failed. But you ask, 'Can that be done, even in the case of these public utilities?' My answer is, it can. Of the right of the people, through their lawmaking bodies, to create a tribunal with such powers I have not the slightest doubt. The power is implied in the very fact that the business is a public business. As lawyers say, it is charged with a public interest; a public trust. There is nothing new in the principle itself. It is as old as the common law. Our fathers saw it and acted upon it even in what you would call the old, unenlightened days in England. When all traveling in country districts had to be done on horseback the traveler had a right to demand that the first blacksmith he came to should shoe his horse. If the smith was surly or groggy and would not do his work, he went to jail. By the same law the innkeeper was obliged to take in travelers to the capacity of his house. And so to-day, as we all understand, a railroad is obliged to receive and carry the freight you tender it.

"Well, then, if the road is bound to carry it, how has it come about that the men who actually run the road have a right to get together and say, 'This road shall not carry anybody's freight till we have had our way'? Can we not see that the same principle forbids that they should have the right to say so, and that as soon as they have made themselves a part of that business they have become bound by all the obligations that inhere in the business itself? But we must not stop there. If we insist on the workers taking upon themselves those obligations, we must do one or the other of two things: Either we must acknowledge their right to some share in the management of the business or else we must put the service on the classified civil-service basis, as we have the post office, and give to every citizen an equal chance to enter it. But in no event can we concede to the men who happen to be operating the road the right to control it while we, the public, are left to carry the property and make up any possible losses of the business. Railroad employees are only one part of the public. Like every other part, they must bow to the majority. And what has been said about railroads applies in turn to every public utility.

"Now, look at the third group. This brings us to the most important as well as the most difficult part of the problem. Is there a right to combine in those who are at work for private employers? Many of these are also doing work that must go on if the public is to live and prosper. But if we begin to take charge of these works also, where are we going to stop? Most of us would hold back from setting up a socialistic state. Then we must find means to check combinations among such workers as well as among those who work for the Government directly and those who work for the people indirectly in their public utilities, provided it can be done without breaking over the bounds of liberty. What are those bounds? We have already seen that there is and can be no such thing as an unlimited right to combine, even in respect to private conduct and private property. But we must hold an even hand between the rights of private property and the right to personal liberty. Take the case of an employer who has a thousand hands at work in his factory. He has the strength of the earnings of past generations of labor and he is far stronger than any single hand at work for him. His hands ought to be at liberty to unite and bargain with him as one man. But if he is not allowed, and he ought not to be allowed, to unite with other employers to keep wages down why should his workmen be permitted to unite with other workmen to keep wages up? Their right ought to be as broad and unquestionable as his, but why should it be broader or more perfect? Why should either employer or employed be permitted to combine with mere outsiders? As we have seen, we can not make a privileged class out of wage earners. We must treat all classes alike. But this we have not done. We have let the thing run on until we are faced with a condition that can not be borne any longer. We must curb this power of combination or it will destroy us. We can, and I believe we shall, find means to curb both labor and capital by laws that will make it impossible for either, by itself or both together, to strike hands and cheat the people out of anything the people need for their welfare. Such overgrown combinations of workers as the American Federation of Labor are incompatible with the welfare, if not with the very safety, of the people, as incompatible as is the most overgrown and arrogant combination of the money power that now attempts to hoard and sell our daily bread and to take its blood-sucking gains from our necessities. The public will soon be ready to cry out, like the gasping Mercutio, wounded to death in the quarrel of the rival houses of Verona, 'A plague o' both your houses!' I know that labor unionism came to birth because of the cruel iniquities of the capitalistic class; but the laws have been changed in many ways since then and they now give to labor a large measure of protection. If they are still imperfect in any way, they can and ought to be made perfect, and they will be made perfect if the laborers make use of the regular political methods to secure the needed laws. But the methods they are making use of now are a menace to all that we would and must save from the whirlpool of factional strife, and if they are persisted in much longer they will wreck the organizations themselves that use them—organizations that have been in days gone by a necessary counterpoise to the tyrannical power of rich and greedy classes—classes that still grind the faces of the poor to gratify their own desire for luxury.

"Now, with these facts before us can we not lay out a plan that we can work to? Remember, we are dealing now with private workers only.

"First. Let us frankly and fully acknowledge the right of any body of employees, no matter how large, at work for the same employer, to join hands and make their bargain with him as if they were one person, and let us also freely acknowledge that they have a right to strike when all other lawful means have failed.

"Second. Suppose, however, that we require every such body wishing to make a bargain as one person to take out a charter of incorporation and give bonds to keep their contract.

"Third. Let us make it unlawful for workers to combine for the purpose of a strike unless they are at work for the same employer. This would do away with sympathetic strikes.

"Fourth. Let us provide for boards of arbitration, even if their decisions can not be made binding in law upon the parties. Let them hear disputes and publish their awards, giving the people full knowledge of the facts. Public opinion will go far toward enforcing any fair award.

"Fifth and last. Let it be the law that when a case is brought before the board the right to strike shall be held up until the board has had a reasonable time, made certain by the law, to hear the case and publish its award.

"These are some of the checks upon the power of combination which I believe the people have a right to put to use. Should we not make use of all the means at hand before we go afield in search of doubtful and heroic remedies?

"Finally. Have we no word to-day for the men who tell us that even if the people, through their lawmaking assemblies, should take away their claimed right to combine for the purpose of striking, and thereby of starving and freezing the poor people of this country into submission to their demands, they will spurn and spit upon such laws and will utterly refuse to heed them or to follow the direction of any court

that commands them to obey such laws? We can at least remind ourselves of what Washington would say. You remember his favorite maxim, "thorough." We must be thorough with these men, and we must not yield one single inch to their insulting and imperious demands. We must put ourselves upon the right road, and then we must go along that road to the very end no matter who stands in the way. We must not be cowed by capital nor bulldozed by labor, and we must be sure that we are right before we go ahead. 'The people mean right, and in the end they will have the right.' 'You can't fool all the people all the time, but you can fool a part of the people all of the time, and you can fool all of the people some of the time,' as Lincoln said.

"It is not a misfortune for liberty that the people have such questions to face and to decide. On the contrary, that is the very condition upon which free government exists. As Wendell Phillips said:

"If the Alps, piled in cold and still sublimity, be the emblem of despotism, the ever-restless ocean is ours, which, girt within the eternal laws of gravitation, is pure only because never still."

PROTECTION OF TRADE-MARKS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRANDEGEE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. NORRIS, Mr. BRANDEGEE, and Mr. KIRBY conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On February 25, 1920:

S. 2775. An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.

On February 26, 1920:

S. 796. An act for furnishing water supply for miscellaneous purposes in connection with reclamation projects.

S. 2454. An act for the relief of certain members of the Flathead Nation of Indians, and for other purposes.

TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore. Morning business is closed.

Mr. LODGE. Mr. President, I move that the Senate, as in open executive session, proceed to the consideration of the treaty of peace with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and as in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. LODGE. I have not yielded the floor, Mr. President. I desired, if I could have the opportunity, to make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	Kirby	Pomerene
Ball	Frelinghuysen	Knox	Ransdell
Beckham	Gay	Lenroot	Reed
Borah	Gronna	Lodge	Sheppard
Brandegee	Hale	McKellar	Smith, Ga.
Calder	Harris	McLean	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Moses	Sterling
Colt	Hitchcock	Nelson	Thomas
Culberson	Jones, N. Mex.	New	Trammell
Cummins	Jones, Wash.	Norris	Wadsworth
Curtis	Kellogg	Nugent	Walsh, Mont.
Dial	Kendrick	Page	Warren
Edge	Kenyon	Phipps	Watson
Elkins	Keyes	Pittman	Williams
Fletcher	King	Poindexter	Wolcott

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, the next reservation in order is reservation No. 2, known as the reservation to article 10. Everyone is aware that that is the point of special controversy, and I think it will facilitate the consideration of the treaty to pass over that reservation until the other suggested amendments and reservations have been disposed of. I therefore move that the second reservation be passed over until action has been taken upon the other reservations which have been reported.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the second reservation be passed over. Is there objection?

Mr. LODGE. I did not ask unanimous consent; I made the motion that the second reservation be passed over.

The PRESIDENT pro tempore. The Chair misunderstood the Senator from Massachusetts. The question is on the motion of the Senator from Massachusetts that the second reservation be passed over until the other reservations have been disposed of.

Mr. KNOX. Mr. President, I should like to inquire of the Senator from Massachusetts why he thinks it would facilitate the disposal of the treaty to pass over the second reservation?

Mr. LODGE. Because before we dispose of the second reservation I should like to know what disposition is to be made of the other reservations. The second reservation is the one as to which the principal controversy has arisen.

Mr. KNOX. I so understood the Senator; but I ask why does he think it would facilitate the disposition of the other phases of the treaty to pass over the second reservation?

Mr. LODGE. I think that we could in that way get through with the others more quickly.

Mr. KNOX. If we take up the crucial question of the treaty and can not get beyond that, will it not make for expedition to consider that first?

Mr. LODGE. I think not; I think all the others will have to be taken up in any event.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts that the second reservation be passed over until the other reservations have been disposed of.

The motion was agreed to.

Mr. REED obtained the floor.

Mr. FRANCE. Mr. President——

Mr. REED. I understand the Senator from Maryland desires the floor for a few moments, and, if there is no objection, I will yield to him.

Mr. FRANCE. Mr. President, I ask unanimous consent at this point to introduce a joint resolution which I would have presented during the morning hour. I ask to have the joint resolution printed in the RECORD and referred to the Committee on Foreign Relations; and in that connection I desire to say a few words, if the Senator from Missouri will yield. I shall not take much of his time, because I know that he can plead the great cause of the preservation of our liberties and the promotion of the welfare of the world better than can I.

The PRESIDENT pro tempore. Does the Senator from Maryland desire the joint resolution read?

Mr. FRANCE. I desire to have it printed in the RECORD without reading.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The joint resolution (S. J. Res. 163) providing for the reestablishment of peace and the calling of an international conference to institute a concert of nations to advise concerning international cooperation as a substitute for the League of Nations, and for a national referendum, was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 163) providing for the reestablishment of peace and the calling of an international conference to institute a concert of nations to advise concerning international cooperation as a substitute for the League of Nations, and for a national referendum.

Whereas on the 11th day of November, 1918, the President of the United States announced the signing of an armistice between the United States and the powers with which the United States had been at war, the President at that time declaring "the war thus comes to an end"; and

Whereas it is most desirable that there shall be a prompt termination of the status of war by the formal legal reestablishment of peace between the United States and Germany; and

Whereas the peace treaty has failed to receive the advice and consent of two-thirds of the Senate, one of the reasons for the negative action being that more than one-third of the Senate hold that the covenant of the League of Nations incorporated in said treaty, if adopted by the United States, would contravene its fundamental principles, as declared in the Declaration of Independence, by subjecting the external relations of the United States to the control of a foreign body not recognizing these principles, would violate the Constitution by attempting to change the form of government of the United States without a constitutional amendment, and would ignore and tend to destroy the right of States under the law of nations to defend themselves and to extend civilization in behalf of all civilized nations by means of war when other means are possible; and

Whereas there is a profound unrest throughout the world, due in large part to the failure of the Paris peace conference to formulate such plan for peace and for international cooperation for the advancement of justice, liberty, and the general welfare as would commend itself to the great liberal spirit of the age and the new enlightened conscience of mankind; and

Whereas the long-continued underproduction and rapid destruction during the war of the necessities and commodities of life, particularly of food, have resulted in a serious shortage, which makes imperatively necessary an immediate reorganization of all agricultural, industrial, financial, and commercial activities for the maximum production in all countries and for the distribution among the nations by the normal methods of trade and commerce of such food, necessities, and commodities; and

Whereas because of the close community of financial, industrial, and commercial interests of all of the nations of the world, the industrial and financial prostration and paralysis of Germany, Austria, Russia, and other recently belligerent countries of Europe, with the necessarily ensuing unemployment, impoverishment, and starvation of their citizens, with the threatened unrest and revolution in certain of these countries, are impeding the rehabilitation and are menacing the peace of the world and the stability of all government; and

Whereas, therefore, it is desirable to bring about immediately a situation of general peace and to take measures for establishing at the earliest practicable moment a form of international organization, approved by the public sentiment of the people of the United States, to deal with the social and economic problems growing out of the present war, and to bring about as nearly peaceful relations as possible between States by judicious and carefully wrought-out measures of international cooperation; and

Whereas those opposing the plan of international organization contained in the covenant of the League of Nations recognize that it has now become necessary for the United States to cooperate methodically and permanently with the States and countries of the world and to take the lead in establishing a concert of nations to direct such cooperation by considered advice, but have heretofore been confined to an indirect and imperfect expression of their views by means of reservations to the said covenant proposed in the Senate; and

Whereas the question of the participation of the United States in an international organization is an issue in the approaching presidential election, and it is desirable that the plan of international organization approved by those opposing the League of Nations should be formulated so that the voters, by supporting a candidate for the office of President pledged to one or the other of the two plans may express the public sentiment concerning the policy to be pursued by the United States respecting international organization: Now, therefore, in order to promote a general pacification, to declare the plan of international organization approved by those opposed to the plan of the League of Nations, and to make provision so that at the next national election a referendum vote may be had determining the public sentiment of the United States concerning the form of international organization which the people approve, be it

Resolved, etc., That the status of war with Germany, declared by the Congress by S. J. Res. 1, on the 5th day of April, 1917, be, and it is hereby, declared to be terminated and the full status of peace be, and it is hereby, declared to be reestablished.

2. That the President be, and he is hereby, authorized and advised to make treaties of peace without annexations or indemnities and of trade and intercourse with the Republic of Germany, all matters of dispute between the two countries to be submitted for arbitration to The Hague tribunal.

3. That in pursuance of this resolution declaring the reestablishment of peace all American troops now upon foreign soil shall be immediately returned to the United States.

4. That the President is hereby authorized and directed, by invitations to be sent out by him during the month of May, 1921, to invite the States signatory of or adherent to the convention for the pacific settlement of international disputes, of July 24, 1899, and their successors, and all other States since recognized or which may be recognized prior to the sending out of the invitations, to send three delegates each, and also two delegates in behalf of each of the colonies, protectorates, and dependencies, respectively, of the various States having colonies, protectorates, or dependencies, to assemble at Washington, on a date in September, 1921, to be fixed in the invitation, to consult concerning the formation of a more perfect general concert and union, the establishment of general justice, the assurance of the general tranquillity, the promotion of the general welfare, and the securing generally of the blessings of liberty to the peoples now living and to their posterity.

5. That the list of said States to be invited shall include the following: Argentine Republic, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Hedjaz, Hungary, India, Italy, Japan, Jugo-Slavia, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Persia, Peru, Poland, Portugal, Roumania, Russia, Salvador, Serbia, Siam, South Africa, Spain, Sweden, Switzerland, Turkey, Uruguay, and Venezuela.

6. That the invitations shall expressly state that the motive of the United States in issuing them is to initiate and bring about a concert of nations as a substitute for the League of Nations, and shall be expressly with the understandings as herein set forth, namely: There shall be an international conference of the States, composed of three delegates from each of the States, and an assembly of the colonies, protectorates, and dependencies, composed of two delegates from each of the colonies, protectorates, and dependencies, the international conference and the assembly of the colonies, protectorates, and dependencies to sit separately but at the same time. The assembly of the colonies, protectorates, and dependencies shall deliberate exclusively concerning social and economic measures and shall report to the international conference. The international conference and the assembly of the colonies, protectorates, and dependencies shall be the first of a series of periodical conferences and assemblies of similar character, meeting at periods of three years at places determined by the international conferences. The general object of the conferences and assemblies shall be to constitute a concert of the States and countries of the world on the general lines of the international conference of American States and the inter-American high commission, by means of central and national institutions and processes adapted to carry on orderly discussion, deliberation, and judgment concerning matters of common interest with a view to inducing such peaceful and voluntary action of the States in the common interest as may be needful to bring about international cooperation. All resolutions agreed upon either in the international conference or in the assembly of the colonies, protectorates, and dependencies shall be of an advisory character, and any international or pannational organs or processes initiated or instituted shall be of a voluntary nature and shall have only advisory powers. The international conferences shall establish and maintain a system of advisory correspondence, with continuation committees sitting in the intervals between the conferences to prepare for the international conferences and the assemblies of the colonies, protectorates, and dependencies and to carry on the system of correspondence. The more specific objects of the international conference, of the assembly of colonies, protectorates, and dependencies, and of the continuation committees, and the purpose of the correspondence between the States participating shall be—

(a) To consider the common and mutual interests and the social and economic relations of the States and peoples of the world as naturally and necessarily united for mutual aid and benefit and to recommend such projects of uniformity or reciprocity in the action of the States, respectively, as will enable them to cooperate for the general welfare.

(b) To formulate a body of international law based on the security of the fundamental rights of the individual as the prime function of all Governments and for applying as between States the analogies of the laws of partnership and cotenancy, and as between States and their respective colonies, protectorates, and dependencies the analogies of the laws of conservatorship, guardianship, and trusteeship.

(c) To devise methods for the advancement of the peoples of colonies, protectorates, or dependencies from the status of dependence to that of independence and to full participation in the international conferences.

(d) To decide concerning the admission into the international conferences of any communities claiming to be States formed by the division of existing States or by the junction of States or parts of States.

(e) To promote cooperation among the more advanced nations for the improvement and advancement of the backward countries and territories, particularly those of Africa and parts of Asia, by the formulation of plans for the reclamation of waste land, for the utilization of natural resources, including water powers, for wise colonization, for the promotion of education, and the spread of civilization throughout the world.

(f) To consider the problems of the congestion of some and the underpopulation of other nations and the unregulated competition between the more populous and industrial countries for the trade and raw products of the less populous agricultural ones.

(g) To study the problem of international finance, credits, and exchange, with a view to the prompt shipment on suitable credits, particularly into Russia, Germany, Austria, China, Africa, and any other agriculturally and industrially undeveloped or prostrated countries of tools, agricultural implements, seeds, and other materials necessary to production, as well as foodstuffs, necessities, and commodities, for the purpose of encouraging a resumption of production which will be favorable to the rehabilitation of the world.

(h) To localize hostilities between States by cooperative policing of the high seas or otherwise and to take such action in case of such hostilities that the result of any armed conflict between States may be to increase the area within which the rights of the individual are effectively secured and to render more perfect the union of all the States for mutual aid and benefit.

(i) To make further provision for the pacific settlement of international disputes and for the settlement of such disputes according to accepted principles of law and by due process of law; and for this purpose to establish an international supreme court of justice and a system of inferior international courts having jurisdiction of controversies between States in which the parties in interest are citizens of different States, and also of such controversies between States in their own right, as may be susceptible of decision by application of accepted principles of public or private law.

(j) To encourage the establishment, where stable governments do not exist, of constitutional republics or governments of such character as would make for that national stability upon which would be based a permanently peaceful international order, and to promote the institution in each nation of appropriate national agencies of international correspondence and concert and the control by national legislatures of the appointment and instruction of national delegates to the international conferences.

(k) To promote amity and mutual understanding between the oriental and occidental peoples and to proceed with all possible means and speed to conciliate the people of Russia, China, India, Afghanistan, the Central Powers, and Turkey, in order that these nations or countries may not form against the western powers a hostile coalition which might menace the peace of the world.

7. That the functions of the United States as the initiator and host of the international conference and the assembly of the colonies, protectorates, and dependencies shall be in the charge of a committee which shall come into existence in the month of April, 1921, and shall consist of the then Secretary of State as chairman, the then Secretary of the Treasury, the then Secretary of Commerce, two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

The delegation of the United States to the international conference and to the assembly shall be nominated to the President by said organization committee and said nominees when approved by the President shall be appointed by him by and with the advice and consent of the Senate. The said organization committee shall also suggest to the first international conference and to the first assembly a plan for their organization, a program of matters to be considered, a project for regulating the action of the continuation committees, and a plan for organizing and regulating the central and national agencies of correspondence and concert; but nothing in the plans, project, or program so suggested shall be inconsistent with the provisions of this resolution.

8. That the general expenses of the international conference and of the assembly shall be borne by the United States, each participating State, however, paying the salaries and expenses of its own delegates and of the delegates in behalf of its colonies, protectorates, and dependencies.

9. That there is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, for the carrying out of the provisions of this resolution, the sum of $500,000.

10. That in case a candidate for the office of President, who shall have publicly announced his adherence to the plan of the League of Nations with or without reservations, shall be elected at the national election in November, 1920, this act shall expire on March 4, 1921, at noon, and shall thereafter have no force or effect.

11. That the provisions of this resolution shall take effect immediately after its passage and its approval by the President.

Mr. FRANCE. Mr. President, although we have had a prolonged debate upon the subject which is uppermost in the minds of all of us, the peace treaty with the League of Nations covenant, there seems to be still a very great confusion as to the real question at issue.

It seems to me that in our debate and deliberations upon this most fundamental and vital issue the decision of which must so profoundly influence the future of mankind, we have descended from a high, broad, and unpartisan consideration of great principles to mere quibbling over verbiage, to legal subtleties and sophistries which obscure our vision of the essential verities. For many months I have been making an effort to state the question as it should be stated to the people of the country. Shall we adopt this treaty of hate and destruction, with its provision for a new armed coalition of powers to enforce its bitter terms, a coalition designed for the protection of the great empires and for the perpetuation of a system of oppression and exploitation of the weak people by the strong, or shall we write a new treaty, which shall look to the rehabilitation of the world through international cooperation and international concerted action for the spread of civilization and for the elevation, education, and liberation of all men everywhere? This is the essential question. An effort has been made to cloud the issues.

Some have sought to make the question whether we shall ratify the treaty with or without the so-called Lodge reservations a paramount one. To my mind this is a wholly immaterial question, for no candid man will contend that the Lodge reservations, or the Hitchcock reservations, or any other seriously considered reservations essentially modify the character of the treaty or of the covenant. Others have sought to state the question thus: Shall there be a League of Nations or shall America pursue a policy of isolation? This can not be the question, because America never has pursued any policy of national isolation and never would, even if she could inaugurate such a policy. One great fact, clear to many even before the war, has by the war been made apparent to all intelligent men. That fact is this: During the decades since 1870, by steam and electric communication, the separated peoples of the world have been energized and galvanized into an organic whole with a unity and community of industrial, financial, commercial, and social interests. This one great fact the Kaiser and his advisers overlooked when they made war, and upon its granite truth they wrecked the greatness of the German Empire and imperiled the civilization of the world. The Kaiser and his ministers failed to see that to destroy France or England or Russia would be also to destroy their own nation. This one great fact was also ignored by the peace ministers at Paris, who were in the grip of reaction and blinded by intolerance and hatred.

International bankers, prime ministers, financiers, dukes, lords, presidents, and kings in the marble-mirrored palace of Louis XVI at Versailles had no more vision than had he who laid its very stones in the blood of the peasantry of France. As the Kaiser made war so they sought to make peace—for destruction. I am counted one of the "bitter enders" against this treaty, and so I am, for if I shall live and shall be in the Senate when this treaty comes to a vote, either with or without the so-called Lodge or similar reservations, if there shall be but one vote against it that vote will be mine; and I say this because I have since the armistice been contending for peace and for a concert of the nations for the purpose of advancing the general welfare of the world. My first resolution for this purpose was introduced on the 14th day of January, 1919, and recently I introduced another resolution more comprehensive than the first. The joint resolution which I present to-day is the product of much thought upon this subject, and of collaboration with a distinguished student and very highly esteemed friend, whom I consider one of the leading American authorities upon the whole problem of international relationship.

This joint resolution speaks for itself, and I ask that it may be printed in the RECORD. Its principal purpose is to assist in setting before the American people the one great, vital question involved in this whole controversy, and that is this: Shall there be a treaty of destruction and a new armed coalition for the perpetuation of the old order, or a treaty of rehabilitation and a concert of nations for the realization of the hopes of the world for new and better conditions? This joint resolution also practically provides for a referendum to the American people on the question, Shall there be a League of Nations or a concert of nations?

I hope soon to discuss this question at greater length, but in the meanwhile I submit the matter for the consideration of the Committee on Foreign Relations and of the Senate.

I thank the Senator from Missouri for yielding to me.

Mr. NELSON. Mr. President, I should like to ask the Senator from Maryland a question. Has he any objection to giving us the name of this gentleman with whom he has collaborated with reference to this resolution?

Mr. FRANCE. I do not think he would object to having his name known, and certainly I do not. The gentleman is Mr. Alpheus Henry Snow, a distinguished writer on international subjects, a gentleman who, because of his great learning and because of his investigations, particularly of the great question, and perhops in some respects the greatest of all questions, affecting international relations, the question of the duties and responsibilities which the advanced nations owe to the aboriginal and primitive peoples, was asked by the State Department to submit special reports and advices which might be used by the peace conference at Paris during their deliberations.

Mr. Snow is the author of a most important work, The Administration of Dependencies, and of another most valuable monograph on The Question of Aborigines in the Law and Practice of Nations.

He has published in our leading journals and law reviews numerous articles on questions of political science and international law and has frequently addressed our learned societies, all of his work being of exceptional value because of his careful investigations, wide learning, and knowledge of the law.

It is unfortunate for the world that the peace conference did not see fit to adopt and embody in the treaty more of the great principles which have been so ably discussed by this eminent scholar and student of world problems.

I thank the Senator from Missouri for yielding to me.

Mr. LODGE. Mr. President, if the Senator from Missouri will yield for just a moment, I merely wish to say, in order that we may have something directly before us, that the next reservation is No. 3, the adoption of which I move as it stands, and that is now before the Senate. It is the reservation in regard to mandates.

Mr. REED. Mr. President, in view of the fact that we are to have the contest over the League of Nations, which has been once rejected, all over again, and that we must kill this serpent of treason the second time, I feel that any Senator is warranted in taking whatever time he pleases to discuss the question. I am very glad to notice that progress is being made. The process of conversion has been slow and painful, as was the propagation of the Christian religion in the pagan world, but it is as resistless and as holy.

Senators who a few weeks ago declared for this instrument without the slightest change, who inveighed against all who dared to suggest an imperfection, who treated with contumely and self-righteous scorn every suggestion of fallibility in either the instrument or in its authorship, are now in favor of 14 reservations. That is to say, they are in favor of 14 changes. Again that is to say, they admit that there are 14 pitfalls which they hope to avoid by specifically providing that we refuse to put our feet into those 14 particular traps.

So it appears that the senatorial mind, like the sun, to quote the euphonious phraseology of the colored philosopher, "do move." Probably if we wait long enough we may realize that "the vilest sinner may return." I am informed that on this side the Chamber there are now a large number of Democrats who only a few weeks ago arose each morning, and turning their faces, like pious Moslems, toward the shrine of the Prophet, exclaimed: "We pray thee, tell us what we are to believe to-day," who have arrived at the conclusion that at least on 14 questions they are going to follow "the light of reason and the common counts."

That is a wonderful progress; it is a marvelous transformation; it is a hopeful change. Very recently these gentlemen told us that if we eliminated article 10 we would be tearing from the covenant of the league its sacred heart. Now, with unholy hands, they are preparing to rend the heart from the bosom of the monstrous thing called the League of Nations.

But they have not yet arrived at the point where they are willing to remove the United States from Europe, to cut the entanglements of Old World diplomacy, chicanery, trickery, and cruelty and to fully return to and observe the doctrine of Washington, whose words only a few days ago were read from yonder rostrum and applauded, either in honest devotion or in hypocrisy.

Deny it who may, seek to avoid it who will, the whole propaganda for the League of Nations covenant as now delivered to us has been one of fraud and misrepresentation. The American people have not been told the truth regarding this instrument. One of the men who most assiduously misrepresented the document to the people of the United States has just been named for Secretary of State. I simply remark in passing that if he does not know more about our international relations and the

League of Nations than he did when he was out in Missouri making speeches, he needs a long and painful course of instruction before he assumes the responsible duties of Secretary of State. However, in view of his political acrobatics, he probably can change any of his opinions very easily. That consideration opens the door of hope.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. FRANCE in the chair). Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Yes; for a question.

Mr. ASHURST. I do not have a question to ask. I wanted to apply some antidote to the poison which the Senator is trying to put in the RECORD against Mr. Colby, and I thought the antidote ought to go in with the Senator's statement. But if the Senator will not yield, all right.

Mr. REED. Well, Mr. President——

Mr. ASHURST. I do not want a controversy with the Senator. I just thought he ought to yield for that purpose.

Mr. REED. I am entirely willing that the Senator shall occupy any reasonable length of time in administering the antidote. [Laughter.]

Mr. ASHURST. Will the Senator yield to me for a minute or two?

Mr. REED. Yes.

Mr. ASHURST. The Senator began his speech with a very sarcastic fling at Democrats who are going to vote——

Mr. REED. I thought the Senator was going to talk about Mr. Colby.

Mr. ASHURST. I can not talk about two sets of people at the same time.

Mr. REED. I am not going to yield for a reply to all my speech at this time, but I will yield for anything the Senator wants to say in behalf of Mr. Colby, provided the Senator keeps within a reasonable time limit, because I want to get through to-day.

Mr. ASHURST. In the first place, the Senator from Missouri, my learned friend, is the master of invective and sarcasm.

Mr. REED. We will admit that. [Laughter.]

Mr. ASHURST. In many instances his just excoriation of various men in this country is proper; but I hardly think it comports with the standard of a great Senator, as the Senator from Missouri is, when a man has been nominated for an office, and that nomination is to be considered in executive session, to say in the opening of a speech that the nominee has been guilty of perpetrating fraud.

Mr. MOSES. Mr. President, are we not in executive session now?

Mr. ASHURST. We are not in executive session with respect to considering the name of Mr. Colby, notwithstanding the observation of the very agile gentleman, the Senator from New Hampshire. So I just want, along with the Senator's speech, to make the statement that I think a mistake was made in not sending in the name of a Democrat, Mr. President; but I think if you were to search the country you would not find a more courageous man, a more reliable man, a more honorable gentleman than is Mr. Bainbridge Colby. I regret that I will be unable to vote for a Democrat, but I am perfectly pleased to vote for Mr. Colby, because he has, in my judgment, shown qualities of statesmanship, of courage, of truth, and justice that are very needful in these times. I thank the Senator.

Mr. REED. I am wondering what these wonderful qualities of courage are. [Laughter.] It may have been an act of great courage to leave the Republican Party and go to the Bull Moose Party; but that quality of courage was possessed by a very large number of American people. It may have required courage afterwards to leave the Progressive or Bull Moose Party and come over to the Democratic Party; but a very large number of other people did that. There is, however, this distinction: When the other people changed parties they did not gain anything, but our friend had hardly landed in the Democratic Party before he landed in a job. [Laughter.] If the Senator wants to extract any more poison, I will give him the opportunity now.

Mr. ASHURST. Mr. President——

Mr. REED. I want to say this as to the impropriety of mentioning Mr. Colby because he has been nominated by the President. It takes something besides the holy oil of presidential approval to render a man immune from criticism in the Senate or elsewhere. What I have said about him was apropos of the proposition we are discussing—the League of Nations. Mr. Colby is now in the public light. There is no impropriety in discussing a man because his name is sent to the Senate. The Senator will not seriously so contend. If there was impropriety in my saying what I did about Mr. Colby, the Senator followed with an equal impropriety. When men's names are sent to this body they are here for discussion, and, so far as I am concerned, I propose to discuss them any time I feel like it, and in my own way; but I will always try to be entirely fair. I repeat that if Mr. Colby does not know anything more about the covenant of the League of Nations now than he did when he was in Missouri, judging his knowledge by his public utterances, he needs a long course of education.

Mr. ASHURST. Mr. President, there are a great many of us who need education, and we demonstrate that daily. But the Senator began his speech with the most artful thing I have seen happen in the United States Senate.

Mr. REED. Thank you. [Laughter.]

Mr. ASHURST. The Senator made a sarcastic reference to those Senators who are going to support the Lodge reservations. I believe that the Senator, whom I esteem so highly, and who I say is one of the greatest lawyers in America——

Mr. REED. We will admit that, too. [Laughter]

Mr. ASHURST. Hopes artfully and shrewdly to keep Democratic Senators from voting for the Lodge reservations. He hopes that the sting of his terrible sarcasm will keep them away from the position that they intend to take, of voting for the Lodge reservations, so that there will be no hope of ratifying the treaty at all. The Senator is perfectly justified in making that argument, but I simply want him to know that I think I see the plan. It is not an improper plan. If he can prevent Democrats from ratifying the treaty, he will achieve his point, for which he has contended in a way which can only be described by the word "greatness." That is the only way that the fight the Senator from Missouri has made can be described. But, at the same time, I do not propose that those Democrats, if any there be, who are honestly convinced that we can have a treaty by voting for reservations, shall by any sarcastic flail of his be driven from their position; and I say this not in unkindness, but in order, if I may, to weaken the force and effect of his blows.

Some of us on this side of the Chamber want a treaty; we want to have the war liquidated, and he ought not to fling that giant flail, that pitiless, remorseless hail of, I will not say abuse, but of sarcasm, upon us simply because some of us want to have a treaty. Whether it is the Wilson way, the Hitchcock way, the Lodge way, or any other way, we want the war liquidated and peace established. That is all; and I thank the Senator.

Mr. REED. I think the Senator has performed a very great service to his country, for by his warning he has prevented Senators from being misled. Surely you ought all now to be in such a mental attitude that I can not deceive you. [Laughter.] I am just wondering how the Senator discovered all this about me, and knows so much better than others how artful and how conniving an individual I am.

Oh, Mr. President, we do not have to argue this question on that low plane. What I have said I have said to the Senate in good faith, and I am saying it to the country as well as to the Senate. There is indication of movement. The Dead Sea absolutely is beginning to fructify. That part of the Senate which abrogated its duty, which refused to think for itself, which for weeks and months has daily sent emissaries to the White House to find out what it should think and how it should vote, is evincing a little evidence of a desire to function on its own motion. It is a hopeful sign.

It looks like we may be getting back gradually to the olden time when men who were sent here regarded themselves as the ambassadors of sovereign states charged with high responsibilities and sacred duties, and who felt themselves to be part of a great coordinate branch of this Government.

Mr. GORE. And the equal of kings.

Mr. REED. Yes; to adopt the language suggested by the Senator from Oklahoma, the equal of kings, of course only in the sense that they were speaking for great and powerful and independent States.

Since I have been led aside by an interruption, let me say now that this Government shall never go down as long as the people rule, and the people will rule just so long as their representatives continue to be the representatives of the people and not the representatives of the Executive. But once they become the representatives of the Executive will, the echo of the Executive voice, the Government will be a despotism, no matter how loudly you may proclaim it a Republic.

Mr. President, I had hoped this morning in a very calm and deliberate way to call the attention of the Senate and the country to what I regard as the basic misrepresentations of this whole case. I may and I may not get the attention of my

brother Democrats and of Republicans, and yet I will undertake, if they but give me their kindly consideration with open minds, to at least make plain one or two propositions.

I undertake to say that the League of Nations as submitted to us bears not the slightest resemblance to the character of agreement which was discussed in this country and discussed in the world at large up to the very time the President left the shores of America to attend the first conference of the peace delegates. It will be interesting to follow the line of demarcation between those two instruments. I unhesitatingly declare that the instrument that was proposed by the American Peace Society could be passed in the Senate in one day's time. The proposition that is brought to us is utterly different, and now, if I may be permitted, I will try to make that proposition plain.

If the people ever understand what the League of Nations lets them in for it will be overwhelmingly defeated.

So said Robert Lansing, the only real international law expert and student of international affairs whom the President took with him to Versailles.

The chief difficulty in understanding this instrument is its complicated nature, a thing deliberately planned. It will be remembered that the President on the eve of his return to Europe in March, 1919, threatened that "he would so intermingle the terms of the league and the German peace treaty that human ingenuity could not dissect the one from the other." Accordingly we have presented to us a German treaty consisting of over 80,000 words. Part I purports to set up the League of Nations covenant, and Part XIII is an integral part of the league. It is perhaps even more important because it creates a tribunal to control the labor conditions of the entire world. Besides, throughout the treaty, article after article refer to, enlarge, and qualify the power of the league.

The Austrian, the Polish, the Roumanian, and the Serbian treaties each enormously extend the powers of the league. They give it control to a large extent over the domestic affairs of those countries. The method of voting by the governing bodies of the league is as to those countries so changed that their obligations and the obligations of the members of the league may be determined by a majority vote of the council instead of by the much-heralded unanimous vote. Thus is presented several documents so complicated and intermingled that even a profound lawyer acquainted with international rule and precedent, as well as the possessor of an intimate knowledge regarding existing treaties and modern world history, finds that he must give to those several instruments many days of study before he can justly assume to express an opinion of value.

Under such circumstances the masses must look to public men and the press for accurate information as to the meaning of the contract under consideration.

It is singularly unfortunate that so much has been done to obscure the truth regarding the treaty. I shall not pause to catalogue the misstatements. I challenge special attention to certain fundamental errors into which the public has been led, namely:

First. That the league is an amicable arrangement between nations to settle disputes by peaceable discussion.

Second. That force is to be abandoned and war avoided.

Third. That armies and navies are to be disbanded.

Fourth. That all this is to be accomplished without the Government surrendering its sovereignty, forfeiting its substantial rights, or incurring grave liabilities.

These opinions were the result of a widespread propaganda preceding the President's visit to Europe and kept up to the present hour. Speaking broadly, the public believed them to be in accordance with the plan which had for 80 years been advocated by the American Peace Society, an organization still in existence. That organization, in a declaration of principles issued in December, 1916, set forth these principles.

I may say in the beginning that the American Peace Society is financed or largely financed by the Carnegie Endowment for International Peace. The president of the latter organization was Elihu Root. Its secretary was James Brown Scott. One of its trustees was Nicholas Murray Butler, from whom we have heard a great deal lately. I ask permission to print as part of my remarks the list of officers of the Carnegie Endowment for International Peace.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE—OFFICERS.

Trustees: President, Elihu Root; vice president, Joseph H. Choate; secretary, James Brown Scott; treasurer, Charlemagne Tower; assistant treasurer, Andrew J. Montague; Robert Bacon, Robert S. Brookings, Thomas Burke, Nicholas Murray Butler, Cleveland H. Dodge, Charles W. Eliot, Arthur William Foster, John W. Foster, Austen G. Fox, Robert A. Franks, George Gray, William M. Howard, Samuel Mather, George W. Perkins, Henry S. Pritchett, Jacob G. Schmidlapp, James L. Slayden, Oscar S. Straus, Charles L. Taylor, Andrew D. White, John Sharp Williams, Robert S. Woodward, Luke E. Wright.

Executive committee: Elihu Root, chairman; James Brown Scott, secretary; Nicholas Murray Butler, Austen G. Fox, Andrew J. Montague, Henry S. Pritchett, Charlemagne Tower.

Finance committee: George W. Perkins, chairman; Robert A. Franks, Samuel Mather.

Directors of divisions: Division of intercourse and education, Nicholas Murray Butler; division of economics and history, John Bates Clark; division of international law, James Brown Scott.

Assistant secretary and statistician, S. N. D. North; assistant to the secretary, George A. Finch.

DIVISIONAL ORGANIZATION—I. DIVISION OF INTERCOURSE AND EDUCATION.

Director, Nicholas Murray Butler; office, 407 West One hundred and seventeenth Street, New York City; telephone, 8644 Morningside; cable, Interpax, New York.

Special correspondents: Alfred H. Fried, 12 Kanonenweg, Berne, Switzerland; Francis W. Hirst, 27 Campden Hill Square, London W., England; T. Miyaoka, 6 and 7 Takiyamacho, Kyobashiku, Tokyo, Japan; Otfried Nippold, Thun, Switzerland; Wilhelm Paszkowski, Universitats Auskunftsstelle, Berlin, C. 2, Germany (membership ceased Apr. 6, 1917, upon the declaration of the existence of a state of war between the United States and the Imperial German Government).

EUROPEAN ORGANIZATION—ADVISORY COUNCIL.

President, Baron Paul d'Estournelles de Constant, 34ter rue Moliter, Auteuil, Paris, France; senator from the Sarthe; delegate from France to The Hague Conferences of 1899 and 1907; member of the Permanent Court of Arbitration at The Hague; president of La Conciliation Internationale; recipient of the Nobel peace prize (with M. Beernaert), 1909.

Apponyi, Count Albert, Schloss Eberhard, près de Pressbourg, Hungary; a member since 1872 of the Hungarian Parliament and president of that Parliament, 1902–1904; formerly minister of public instruction; a privy councilor; member of the Permanent Court of Arbitration at The Hague; member of the Interparliamentary Union.

Bajer, Fredrik, Korsgade 56, Copenhagen N., Denmark; a member from 1872 to 1895 of the Folkething; established in 1882 the Peace Society of Denmark (Dansk Fredsforening); publisher of Fredstidende; one of the founders in 1891 of the Bureau International de la Paix at Berne, and now honorary president of the bureau; member of the council of the Interparliamentary Union; recipient of the Nobel peace prize (with M. Arnoldson) in 1908.

Beaufort, W. H. de, care ministry of foreign affairs, The Hague, Holland; formerly minister of foreign affairs; member of the second chamber of the states-general; delegate from Holland to The Hague Conference of 1907; president of the second committee of The Hague Conference of 1907.

Bourgeois, Léon, 3 rue Palatin, Paris, France; senator from the Marne; formerly member of the Chamber of Deputies; formerly minister and president of the council of ministers; formerly president of the Chamber of Deputies; delegate from France to The Hague Conferences of 1899 and 1907; member of the Permanent Court of Arbitration at The Hague.

Renault, Louis, France; professor of international law in the University of Paris; professor of international law, in the École Libre des Sciences Politiques; jurisconsult in the ministry of foreign affairs; member of the permanent court of arbitration; delegate to the first and second Hague peace conferences, to the Geneva Red Cross conference (1906), to the London Naval Conference (1908–1909); formerly president of the Institute of International Law; arbiter in international controversies.

Scott, James Brown, United States; secretary of the Carnegie Endowment for International Peace and director of its division of international law; member of the Institute of International Law; president of the American Institute of International Law; editor in chief of the American Journal of International Law; technical delegate to the second Hague peace conference; counsel in the North Atlantic coast fisheries arbitration at The Hague; formerly solicitor for the Department of State; special adviser to the Department of State in matters arising out of the European war, 1914–; chairman of the United States Joint State and Navy Neutrality Board, 1914–1917; also international law adviser to Mr. Lansing and President Wilson at peace conference.

Taube, Baron Michel de, Russia; counselor to the ministry of foreign affairs; professor of international law in the University of Petrograd; member of the permanent court of arbitration; delegate to the London naval conference; associate of the Institute of International Law.

Mr. REED. In December, 1916, Mr. James Brown Scott printed, at the instigation of this organization, a declaration of principles and demands. I am not going to take the time of the Senate to read them, although they are not long, but I ask to have them inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

I. To urge the call of a third Hague conference, to which every country belonging to the society of nations shall be invited and in whose proceedings every such country shall participate.

II. To advocate a stated meeting of The Hague peace conference, which, thus meeting at regular, stated periods, will become a recommending if not a law-making body.

III. To suggest an agreement of the States forming the society of nations concerning the call and procedure of the conference, by which that institution shall become not only internationalized but in which no nation shall take as of right a preponderating part.

IV. To request the appointment of a committee, to meet at regular intervals between the conferences, charged with the duty of procuring the ratification of the conventions and declarations and of calling attention to the conventions and declarations in order to insure their observance.

V. To recommend an understanding upon certain fundamental principles of international law, as set forth in the declaration of the rights and duties of nations adopted by the American Institute of International Law on January 6, 1916, which are themselves based upon decisions of English courts and of the Supreme Court of the United States.

VI. To propose the creation of an international council of conciliation, to consider, to discuss, and to report upon such questions of a nonjusticiable character as may be submitted to such council by an agreement of the powers for this purpose.

VII. To commend the employment of good offices, mediation, and friendly composition for the settlement of disputes of a nonjusticiable nature.

VIII. To approve the principle of arbitration in the settlement of disputes of a nonjusticiable nature; also of disputes of a justiciable nature which should be decided by a court of justice, but which have, through delay or mismanagement, assumed such political importance that the nations prefer to submit them to arbiters of their own choice rather than to judges of a permanent judicial tribunal.

IX. To insist upon the negotiation of a convention creating a judicial union of the nations along the lines of the Universal Postal Union of 1908, to which all civilized nations and self-governing dominions are parties, pledging the good faith of the contracting parties to submit their justiciable disputes, that is to say, their differences involving law or equity, to a permanent court of this union, whose decisions will bind not only the litigating nations but also all parties to its creation.

X. To endeavor to create an enlightened public opinion in behalf of peaceable settlement in general, and in particular in behalf of the foregoing nine propositions, in order that, if agreed to, they may be put into practice and become effective, in response to the appeal to that greatest of sanctions, "a decent respect to the opinions of mankind."

Mr. REED. Briefly, the organization demanded—

(a) That a third Hague convention should be assembled at the conclusion of the war;

(b) That there should be created a judicial union to which the civilized nations would agree to submit their justiciable disputes; that is to say, their differences involving law or equity;

(c) That there should be arbitration of nonjusticiable disputes voluntarily submitted by nations to arbiters of their own choice;

(d) That there should be created a council of conciliation to consider and report upon nonjusticiable questions voluntarily submitted.

(e) It also agreed to recommend an understanding upon fundamental questions of international law "based upon the decisions of English courts and the Supreme Court of the United States."

The above principles were advocated by the society as late as December, 1916. They were indorsed by Elihu Root; they were indorsed by Nicholas Murray Butler; they were indorsed by James Brown Scott; they were indorsed by all the international societies organized for the promotion of peace. They represented the most advanced thought at that time.

The epitome which I have given is a fair presentation of the demands then made. The public undoubtedly believe that the President took these demands or similar demands with him to Europe and that he has written them in the covenant of the league. Whatever his intentions may have been when he left America, the covenant as produced was as diametrically opposed to the plan outlined as darkness is to light. Let me place these principles in contrast with the terms of the League of Nations covenant.

The peace society advocated an organization of persuasion, not of force.

The League of Nations is throughout an organization of force.

The President in submitting the draft to the peace delegates declared "force is in the background," but it *is* in the background. It is, of course, immaterial whether force is in the background or in the foreground, so long as it is present. I shall show that force is the very soul of the league itself.

Article 10 expressly binds every member of the league "to preserve against external aggression the territorial integrity and existing political independence of all members of the league."

That is nothing more nor less than an agreement binding every member of the league to summon its army and navy to crush any nation at war with any member of the league. The fundamental thought is force, not persuasion.

Moreover, it is expressly provided that "in case of any threat of such aggression the council shall advise upon the means by which the obligation shall be fulfilled"; that is to say, the council shall set the force in motion.

It is immaterial whether the council merely "advises" or commands. Plainly, if the advise is to be followed it is equivalent to a command; if it is not to be followed, the provision is senseless and useless. Without quibbling as to terms, I remark in passing that it is contended that a correct translation of the French text would be that the council shall "direct" or "command." If this is true our English copy should be revised and the word "direct" be substituted for "recommend."

Again, article 11 declares that "any war or threat of war, whether immediately affecting any member of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be (by it) deemed wise and effectual to safeguard the peace of nations." The language is calculated to soothe those who are opposed to war, because it speaks of "taking action to safeguard the peace of nations"; but it is perfectly plain that the action to be taken may be, and almost necessarily must be, the employment of overwhelming military force.

The language—

The league shall take any action that may be deemed * * * effectual—

covers the employment of all kinds of force. That this is the purpose is shown by the concluding paragraph, which provides that upon the request of any member of the league the council shall be forthwith summoned. Summoned to do what? Summoned "to take any action deemed effectual to safeguard the peace of nations"; that is, to compel nations to submit to its will and to, if necessary, employ force. This is the construction the President himself puts upon the treaty. He says:

Article 11 is my favorite article. At present we must mind our own business, but under article 11 we can mind other peoples' business.

That is very true; but the obligations and privileges of the contract are mutual. Therefore, when we acquire the right "to mind the business" of 32 other nations, members of the league, they acquire the corresponding right to mind the business of the United States; and, without indulging in harsh statements, I can not refrain from saying whoever confers upon foreign Governments the right to control the destiny of the United States is, in my humble judgment, guilty of treason against the United States.

The instrument that gives us the right to join our force with the force of other nations to crush any country going to war at the same time gives to the 32 States of the league a corresponding right to crush the United States if, in defense of its rights as a nation or the protection of its people, it engages in war. Clearly we are asked to sign away the sovereignty of the State, for that nation which surrenders the right to protect its rights as it may deem best is no longer a sovereign power.

The league is, in a word, a combination for the government of the world by force. It is not a league of persuasion. That is put beyond all cavil by the speech of the President delivered on May 21 last. That speech was censored and carefully withheld from the American people—a performance un-American, un-Republican, un-Democratic, and unsafe.

The circumstances under which the speech was delivered were that the representatives of Roumania and Serbia had protested against the sections of the treaty with Austria, which compelled their countries to recognize the right of the four great powers to intervene on behalf of minorities in Roumania and Serbia. The ground of the protest was that such an assumption of authority clearly interfered with the right of these States to govern their internal affairs. They also objected to the division it was proposed to make of territory. The President, in answer, said:

We want to insure the peace of the world. * * * One of the essential conditions is an equitable distribution of territory. * * * This distribution made—

Now, notice—

the allied and associated powers will guarantee the maintenance of the conditions which we shall decide upon, having made these conditions as just as possible. These powers are the nations which will undertake the contract and the burdens; on them will rest the chief responsibility, just as, by force of circumstances, they have made the greatest efforts during the war.

And it is necessary always to remember that it is force which is the ultimate guaranty of the public peace.

Under such conditions is it unreasonable that we should say to you, speaking in the language not of dictators but of advisers and friends, "We can not guarantee your frontiers here if we do not believe that they conform to certain principles of right and wrong"?

Exactly the same line of reasoning applies to the question of minorities.

That is, of the internal business of these States. I continue reading:

It is with the same concern that condition as to minorities has been discussed. If you want the principal allied and associated powers—

The principal allied and associated powers! Let us put that in plain language: "If you want Great Britain, France, and the United States," and, perhaps, we had better include Japan—

If you want the principal allied and associated powers to guarantee the existence of your States, is it unreasonable that they should be satisfied as to the conditions which they regard as indispensable if we are to avoid future causes of war?

If these States—

Roumania and Serbia—

are solidly established, thanks to the treaty which we are making together, the right belongs to the powers which will guarantee the execution of this treaty, in the last analysis, to see to it that the conditions on which these States will be established are of a sort to insure the public peace. * * *

If the world should be troubled again, if the conditions which we all regard as fundamental are challenged, the guaranties which will be given to you will pledge that the United States will send its Army and fleet across the ocean.

Yet there are Senators who have argued on this floor that we are not bound to send our troops across the sea; there are Senators who have argued on this floor that there is nothing in this covenant obligating us to send our troops over there; but here is the construction of the President himself; here is his solemn word passed to the representatives of these two European countries:

> The guaranties which will be given to you will pledge that the United States will send its Army and fleet across the ocean.

He continues:

> Is it surprising under such conditions that it should desire a right solution of the various problems which seems to it satisfactory?
> I hope we will reach—that is our goal—a cordial and voluntary cooperation on the only possible basis. That basis—one must express in this fashion—will have to be supplied by those who will furnish the force which will insure the maintenance of peace—

To furnish the force to conquer any nation that violates the mandates they put forth. That is the meaning of that language. Perhaps I should read it in context:

> That basis will have to be supplied by those who furnish the force which will insure the maintenance of peace, by those in whom will dwell that force which will be the supreme guaranty of peace.

I hope we will not hear it again said on the floor of the Senate that we do not obligate ourselves to send our troops to Europe to fight the battles and to defend the territory of the various European countries. I hope the converse of that proposition will never again be denied, namely, that European nations acquire the right to come to this continent and to employ their joint force against us when in the opinion of the masters of the league the employment is desirable.

Here, taking the President's own statement, are two propositions laid down:

(1) That the peace is to be a peace of force, a peace by compulsion of the four great powers.

(2) That each of the great powers is bound to send its army and navy to compel that peace; or, stated in different language, to send its army and navy to conquer and devastate any country that has offended against the supreme will of the league. That is to say, the four great powers, by a combination of ships and men, are to control the world.

That the league is a league of force could be proven by the utterances of nearly every great public man. I, however, content myself with the quotation from the President.

I, however, challenge attention to the fact that an international army is contemplated. The man who deceives himself or deceives his people in regard to that truth does himself and his people a poor service. We are at this moment enlisting men for the foreign service. You can not enter a country depot in those States where they are now seeking troops without finding its interior plastered with posters calculated to seduce the young men of the country into the Army. The argument used is that by joining the Army they can see Europe and Asia and Africa without expense. They are told that rich people buy their tickets and pay their own expenses, but that the Government is willing to take its soldiers on pleasant excursions to all parts of the world; that they will serve within sight of ancient castles and enjoy delightful visits to places of historic interest. Occasionally their eyes are dazzled by pictures of French girls flirting with American recruits as they march in glory down the streets of Paris. To-day, while some of you have been telling the American people that this league does not contemplate the service of our troops abroad, the officers of the Army of the United States in your own communities are gathering recruits by promising them service within the shadows of the Pyramids and romantic adventures amidst the forests of Africa. I intend before these debates close to put some of this literature into the RECORD.

So let every candid and honest man in this body tell his people that it is contemplated that we shall have an internation army, and that the men are being recruited now, under the authority of the President of the United States, for that foreign service.

One of the plainest statements in regard to this international army was made by Winston Churchill in the House of Commons on February 23. He was speaking about the burdens of the mandatory in Turkey. Now, of course, Great Britain is immensely interested in Turkey. She has taken over Persia; she has taken over Egypt; she holds India. Turkey is the seat of Moslemism, but the adherents of that doctrine are in Persia, they are in Egypt, they are in India. Turkey is a sort of wedge driven into the vast domain of Moslemism. What Great Britain has feared for a half century of time has been a revolt by the Moslems as a whole. Of course, if the United States could be induced to keep an army in Turkey it would, in the event of an uprising of Great Britain's subject and enslaved countries, be a very convenient thing for Great Britain.

Speaking of this mandatory in Turkey, Winston Churchill said, on February 23, in the House of Commons:

> We do not know when peace with Turkey will be made or what degree of acquiescence it will demand from the Turkish people. We do not know what aggressive action the Russian Bolsheviki will take in this sphere. We do not know how far Viscount Milner's commission may be able to reduce the contention in Egypt. We do not know when our responsibilities in Constantinople will terminate or when the expense of maintaining an international force will be taken over by an international body.

Winston Churchill does not know, because the Senate of the United States has not yet ratified this treaty; but if we do ratify it the troops that are now being enlisted for foreign service will probably be sent immediately to Turkey, and the expense, added to the other enormous burdens now resting upon the American people, would be magnified. Be assured that we will soon be doing police duty for the benefit of the British Empire, and the British Empire alone. Yet, one might as well cry out to the deaf ears of the adder as to those who go down to the White House to get their orders as to how they shall vote.

In this connection, and on this proposition of peace, I read a few more quotations.

On July 3, 1919, Lloyd-George declared:

> After all, the league could have no value unless it had behind it strong nations prepared at a moment's notice to stop aggression.

Prepared at a moment's notice to impose their will upon the world, but let us take his own language:

> Prepared at a moment's notice to stop aggression.

There can be no preparation for action at a moment's notice unless there is an international force near the scene of the disturbance. For men to shut their eyes to that plain fact is for them to be voluntarily blind, indeed.

Again, he said:

> Had the league been in existence in 1914 * * * America would have been in [the war] the first day, instead of two years after.

And yet Senators will tell their people, "We are under no obligation to make war or to contribute to an international army"!

Perhaps I ought to put in a statement from that great advocate of the league, William H. Taft. On January 8, 1919, he stated that—

> The plan of the American league as recently announced contemplates the use of the combined military and naval forces of the league to wage war. It is merely a treaty obligation of the United States to begin a war for the league purpose in a certain contingency.

An obligation of the United States to begin a war for the league purpose! Yet Senators will go back to their people and say to them that we are not obligating ourselves to enter a war, and that the Congress retains perfect freedom of action!

Again, the President said, as quoted by Mr. Taft—and I suppose that no one would dispute the right of Mr. Taft properly to represent the President on this issue—

> If you say, "We shall not have any war," you have got to have the force to make the "shall" bite.

You have got to have the Army and the Navy to compel obedience to your will.

I shall not further quote Taft; what he says is immaterial. [Laughter.]

So, Mr. President, instead of having a league of persuasion, an organization to produce good will, we have a league of force. Between a league of force and a concert of powers acting in accordance with the principles of law, and having a judicial tribunal to interpret that law, there is the difference which exists between despotism and liberty.

Mr. SHIELDS. Mr. President——

Mr. REED. I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I yield to the Senator.

Mr. SHIELDS. In giving the utterances of various prominent men construing the obligation of the members of the league to resort to force and furnish armies and navies whenever required by the league, has the Senator in mind the cablegram to Mr. Tumulty, sent by the President at the time he announced the making by the United States of an alliance with France to send an army for France's relief at any time when called upon to resist German aggression, in which the President said that the obligation under the special treaty with France is no more than the United States would be compelled to do under the provisions of the league? That is, in substance, the cablegram sent to Mr. Tumulty, and by him made public in the United States about that time.

Mr. REED. I remember the cablegram. I had not quoted it, and I thank the Senator for calling my attention to it, and I

hope he will, if he can, furnish a literal copy and insert it as a part of his statement, because it ought to be known.

This miserable, beggarly method of procedure, of trying to deceive the people with reference to what we are entering upon, ought to be stopped. We are proposing the creation of a vast power to control the world. That power will be exercised, as is stated by the President, whose words I have read, by the powers that are to furnish the force. The powers that are to furnish the force the President describes as the "principal allied powers." We, of course, know that we will be expected to furnish most of the money and most of the force.

Let the American people be told this plain truth, that if we enter this covenant we must tax our citizens for the money to maintain the peace in Europe as construed by the leading powers of Europe. That is to say, we must pay our money to support an international fighting force great enough to impose the will of the four or five great powers upon the world; we must continue to burden our taxpayers with that enormous weight, although in the control of that international government, we will be a minority of one sitting on a controlling board of nine. Let the people be told the truth on that one question.

Then let them be told that in addition to furnishing the money they must furnish their sons.

Let them be also told that the military bill, now laid down by the executive department, demands the application of the involuntary draft the moment the United States is at war. Let them be told that the United States will be at war the moment the controlling members of the league give the command to move an international army or navy against any nation. Under the new draft, as proposed, the moment war appears anywhere in the world, automatically, without action of Congress, the President can call out every citizen of the United States between 18 and 45, and if the citizen fails to respond he can be thrown into the penitentiary. Let the people be told that this war condition can be created without the action of the Congress of the United States, but by the controlling powers of the League of Nations.

Men may seek to avoid that to-day; they may try to deceive themselves about that to-day; they may be mild reservationists, who long for a rattlesnake with only two fangs instead of a full set of teeth. But they will be obliged to face this issue because it will be immediately before them. The practical application of the league will begin the day after it is signed—indeed, it has already begun. How has it begun? The government of the world now sits in secret. Nine men behind locked doors determine the business of the world, and "open covenants openly arrived at" has been transformed into a government of the world carried on in secret.

The second proposition I lay down is this: That the American Peace Society advocated a tribunal judicial in its character, governed by rules of international law based upon the decisions of the highest courts of England and the United States. That is the very language they employ, "a tribunal judicial in its character, governed by the rules of international law, based upon the decisions of the highest courts of England and the United States." The League of Nations is not judicial, it is political. Its will is supreme in all international matters regardless of any international law.

There is no provision binding the league to observe the principles of international law, whether based upon the decisions of the courts of England and of the United States or the decisions of any other courts. It is in its very nature a political tribunal, and it can not be impartial for two reasons:

First, its members will be the political representatives of the political governments of the States, and therefore bound to serve the political interests and obey the commands of their principals.

Mr. THOMAS. Mr. President, will it interrupt the Senator if I ask him at this point, assuming that statement to be correct, how can the Monroe doctrine be exempted from the operation of part 1 and remain at all effective? In other words, if the decisions of the league, and particularly as affecting other countries in the Western Hemisphere which are members of the league, are to be controlling, does the exemption of the Monroe doctrine from the jurisdiction of the league in practice amount to anything?

Mr. REED. I can not see how it could amount to anything, and I think there is a great flood of light thrown on that by the statement of the English "white paper" which I have with me.

Mr. SMOOT. Mr. Balfour was the man who said that.

Mr. REED. I should be glad to insert that statement. It seems to me utterly ridiculous to say that we save and reserve the Monroe doctrine and at the same time set up a superworld government that has jurisdiction of every question that affects the peace of the world. You can not have two supreme places of authority and decision.

If the United States has the supreme right to decide all questions arising under the Monroe doctrine, then they must decide those questions whether they affect the peace of the world or not, and decide those questions for the United States in accordance with the view of the United States. But if you have a tribunal sitting at—where is our new capital to be?

Mr. THOMAS. Geneva.

Mr. REED. At Geneva, with authority to pass on every question affecting the peace of the world, that supreme jurisdiction covers every controversy on this side of the ocean as well as on the other side.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. NORRIS. The interruption I desire to make applies more particularly to what the Senator was discussing just a few minutes ago. I wanted to find the dispatch before I interrupted him, and he had left the subject when I found it. I wanted to ask the Senator if he noticed in this morning's paper the dispatch from London showing that this league, which has moved its capital temporarily from Geneva to London, is now doing just what the Senator said a few moments ago they would do under the league when it was established. I would like to quote one sentence from the dispatch. The entire dispatch is interesting, but one sentence shows what is going on now. It shows that this supergovernment is right now deciding for the balance of the world what shall be done in regard to the recogniton or nonrecogniton of the so-called soviet government in Russia. The sentence I want to quote is as follows:

> The somewhat cryptic statement by the supreme council yesterday, indicating a more tolerant attitude toward Russia, pieced together with significant remarks made to the correspondent of the Sun and New York Herald here by responsible bankers, permits the following deductions.

Then he proceeds to deduce what the new order really means in regard to Russia.

Mr. STERLING. If the Senator from Missouri will permit me, does the Senator from Nebraska understand that the supreme council is a part of the league now in operation in London? My understanding was that the supreme council is altogether a different department from the league.

Mr. NORRIS. The supreme council, to which I presume the Senator refers, will be superseded later, as I understand it, by the league; but it is in operation now, performing the functions that I have mentioned.

Mr. STERLING. The supreme council is, but not the League of Nations.

Mr. REED. But the Senator will hardly deny that the supreme council is composed of the political representatives of political Governments. Neither will he deny that the council of nine of the League of Nations will be composed of the political representatives of the same political Governments; that the two bodies are identical in origin, in character, in jurisdiction; and that the functioning of one furnishes a very good example of what will be the functioning of the other. I think we ought to discuss these questions broadly.

But, Mr. President, although it interrupts what I have been saying, I want to go back and conclude a theme that I had passed without having concluded. I was discussing the question of war, the question of force, and I omitted to say that we have conclusive evidence that the league is to be a league of force, in which the United States must furnish an enormous portion of the military power.

The Secretary of War, acting, of course, for the White House, demanded, as I recollect the latest figures, a standing army of 576,000 men, and testified that we needed that many men to redeem our obligations under the league. The Chief of Staff, Gen. March, gave the same testimony. In addition to that they both testified that we must have universal military training, which, as I understand the figures, would put constantly under arms an average of about 200,000 men, boys who are to be called from their homes and, under a Prussian military system, forced into the Army and to do service. You may call it "military training," if you please. William of Prussia called his three years' service military training. It is, in fact, the draft, the involuntary military service of Prussia fastened upon the United States. Two hundred thousand on the average from that source, as I understand the figures; 200,000 all the time of new men. Every time a boy reaches the age of 19 he is marched to a military camp, put under a Regular Army officer, and begins the regular drill, just as the Prussian drillmaster took the recruit from the farm or the shop of Germany.

Thus you have an Army constantly in the service of approximately 776,000 men, nearly 800,000 men, and a reserve has been suggested of 760,000. It will certainly be more than that. You will find that your reserve will run away above that in a short time.

Let us stop and compare that with the good old days when we did not propose to run the world, but to run ourselves; when we did not seek to impose our will or to help Great Britain impose its will upon the world; when we did not propose to "mind other peoples' business," but to mind our own business. Let us compare:

Under Theodore Roosevelt, the Army at one time, as I recall, got to nearly 80,000 men, and he reduced it. Nobody ever accused him of being a mollycoddle, to adopt his own phrase. Prior to that we had had in this country an Army of only 25,000 men for many years, but 80,000 to 90,000 was the highest we ever had in time of peace, and we recruited up to that point because of threatened trouble with Mexico. Now, it is proposed to have, first and last, substantially 800,000 Regular soldiers, or men forced into the Army under the draft. You call it military training, but it is the military draft.

So we are to multiply our old Army obligations by ten times and to do it for the sake of a league of nations to help Great Britain to maintain her supremacy over one-fourth of the earth's habitable surface and over one-quarter of the earth's population, 400,000,000 of whom are not free men. Take it to your people if you will, take it to them if you dare, but tell them the truth about it.

But, sir, in addition to that comes the Secretary of the Navy with a demand for $913,000,000 worth of new ships, although the $725,000,000 we appropriated three years ago has not yet been fully exhausted. He testifies this enormous Navy is necessary under the League of Nations.

He demands a personnel for the Navy of 250,000 men; 250,000 fighting bluejackets and marines. Adding them to the military force—the Army—as I have figured it, we would have over 1,000,000 constantly under arms in this country, and we are to supplement that enormous establishment by the universal draft. If that be not the Prussianization of America, if that be not the adoption of Prussian methods in America, then will some Senator rise in his place and tell me what would constitute the Prussianization of this country from a military standpoint? The greatest army that any country in Europe maintained until very recent years was less than 1,000,000 men, and yet in this Republic we are to take at least 1 out of every 10 of our men capable of bearing arms and put them upon the fighting forces of the sea and into the military camps. It is the longest step toward Prussianization that has ever been taken in any country in the same length of time.

While we are doing that we are talking of democratizing the world. At the same time, Great Britain, according to dispatches a short time ago, has adopted as a permanent policy the draft in Great Britain, although for 500 years Great Britain has refused to draft except in the very extremity of mortal conflict, although she was not able to adopt it until the closing days of the late war, and although she only adopted it then to keep faith with the married men, who had agreed to go to war provided the single men were all compelled to go. She now adopts it, and this although Australia, proud of her liberty, had rejected it by a popular vote; New Zealand had done likewise.

It appears that the Prussian military system has taken a change of venue, if I may use that term, from Prussia to Great Britain, and proposes to move over to the United States under our flag. It can not be smiled away. The tramp of a million men, Regular soldiers or drafted men, under the American flag is as un-American a thing as the crown of a British King would be.

This is but the beginning. When we once contribute these forces to these international armies to impose the will of four or five men upon the world—for that is what it means—there will be calls for further contributions, for further service in military training; that is to say, in military servitude.

Soft phrases will not get you anywhere, Senators. The gentle and seductive term of "mandatory" might as well also be understood. It is the holding in subjection of a people by force of arms; it is the heel of a military master upon the bosom of a people that have been crushed to the earth; it is the term that has been employed in arrant hypocrisy by France and Great Britain for a century past. They have had mandatories and they have had protectorates in every country. Great Britain established a protectorate in a small part of India. It was the beginning of a great empire in the Orient. The liberties of 300,000,000 people were engulfed in that gentle term "protectorate." England had a mandatory or protectorate in Cape Colony, which she established by force of arms, and that developed into a complete seizure of all governmental powers, until the poor Boers trecked away into the wilderness and established among the savages of the forest and the desert two little Republics. Even there Great Britain trailed them and established another protectorate. The liberties of the Boers were soon snuffed out by the deadly flame of the cannon.

England had a protectorate or a mandatory in Egypt and her statesmen invoked as witnesses of their truthfulness the presence of Almighty God and by His name swore they were only going to shield Egypt; but it ends to-day in the complete absorption of Egypt. France had a protectorate in parts of Africa, but her protectorate resolved itself into marching legions and was translated into the roar of French cannon. Let us understand the fact when we propose to establish mandatories that we mean to send our armies there to impose our will upon a subject people; that if they rise we will declare martial law and with fire and sword force them into subjection. Let us have done with hyprocrisy. In place of "mandatories" let us write into this treaty that we will enter upon the business of holding in subjection people who are thousands of miles from our shores and to do so by arms, because that is what we propose to do.

Now, Mr. President, I wish to return to the theme on which I started a little while ago, that the international government that is proposed to be set up is not judicial; that it is political. I lay down the propostion again that the members of the council and of the assembly will be the political representatives of political States and be bound to serve the political interests and to obey the commands of their principals; and, second—and this I desire to enforce upon the mind of every man whose mind is open to appeal—that there is no great international question in the settlement of which all of the chief members of the league will not be gravely and, perhaps, vitally interested. Accordingly, those who assume to act as judges will be prejudiced because interested. Cursory examination of the covenant makes the proposition perfectly plain.

The league organization is to be composed of a single representative for each member State. These representatives constitute the membership of the two governing bodies, namely, the assembly and the council. Such representatives, whether acting as members of the assembly or of the council, necessarily sit not as impartial judges of controversies but as accredited agents of political powers for which they are sent to speak. They must, in the very nature of things, be governed by the interests of their respective principals.

Now, let us pause for a moment. Is there any man here who does not expect the representative of the United States to be governed by what he regards as the interests of the United States? If we sent a man there who was not governed by what he regarded as the interests of the United States, we would want to hang him when he came home, if he dared come home. If we sent a man over to this international tribunal who did not fight for the interests of the United States, we would have no representation.

Mr. BRANDEGEE. Mr. President——

Mr. REED. In a moment. We would have nobody to speak for us; we would have nobody as our champion; nobody to look after America at all. If we expect that kind of service from our representative, will not every other country expect the same kind of service from its representative? Therefore you will not have a judicial tribunal but a tribunal of men representing the interests of their respective States; and as every nation will be interested, as I shall show, in every great international question, the tribunal does not bear the slightest resemblance to a judicial body. Now I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I was going to suggest that I think it would be more accurate to say, would it not, that our representative on that tribunal will have to act in accordance with the orders issued by the man who appoints him, whether it be for the interest of the United States or not? The man who appoints him may think that certain action which he favors is for the interest of the United States, and the delegate will have nothing to do but to obey orders.

Mr. REED. I have not any doubt that that is true, and if he did not obey orders, if he differed, I suppose he would meet with the same fate exactly——

Mr. BRANDEGEE. That Lansing did.

Mr. REED. That others have met with. [Laughter.] And that might or might not be a good thing.

Of course, if we had a king in this country, he might give to us a better government than we now have, but the American people are not yet prepared to yield the authority to a king; they want to keep it for themselves. Some Senators, however, are willing to yield the authority to a body of foreigners not

only to control all our great international questions, but they are quibbling around about saving it by reservations that do not reserve, and most of them want to make the reservations just as mild as they can; that is, they want to get us in as far as they can. If they can not get us in the whole distance, then they insist we shall be involved as far as possible. They want to reserve as little of American rights as they can; they want to make this document just as British as they can, just as European as they can, just as dangerous as they can, but get it through in some way. So says the international banker, and so say the mild reservationists. So says the American bondholder of European bonds; so his agents have said as they have carried on this propaganda.

So the newspapers which they have established or purchased have said—and I am not making any general charge against the press, but some papers have been purchased for this purpose—and so the gentlemen who expect to speculate further in European securities have said, "Get it for us in some form; for God's sake give us something in the nature of a guaranty; if you will not guarantee everything, get the guaranty as broad as you can, but get it through quickly." And so we find a number of Senators on this side who have recently been saying that the league must go through without an amendment and that they would never vote for it except it went through unimpaired are now scurrying around trying to help pass it. No doubt all of their names are sacredly recorded in the house of Morgan. Democrats who have stood here and proclaimed their championship of the people now champion the thing that Mr. Davidson and Mr. Lamont, of the Morgan syndicate, want.

But I return to my theme. There is no international question of importance in which the judges will not be interested, for the States which they represent will be interested. Let me mention a few instances, and then I will challenge any man on this floor, mild reservationist or recently converted Democratic reservationist, to name me a single great international question where I can not make the same demonstration, namely, that an honest and disinterested decision is impossible in such a tribunal, because there is interest everywhere.

Take the Panama Canal dispute which we have already had with Great Britain. We contended for the right to send our ships through the canal free. Great Britain said we did not have a right there that she and all the rest of the world did not have. The President yielded. It was my first radical difference with him.

I said then, and I say now, that under the proper construction of the treaty, under the construction that common sense puts upon it, the country that built the canal, that protects the canal, that maintains the canal, that owns the canal, has the right to send its own ships through on whatsoever terms it pleases. But Elihu Root, who speaks as the mouthpiece of the big interests on this league to-day, Elihu Root, in whose hands the German treaty was found before it reached the United States Senate, Elihu Root, who received that treaty from the hands of the Morgan bankers before the chairman of the Foreign Relations Committee of the Senate was permitted to see it—Elihu Root stood on this floor and championed the cause and the contention of Great Britain, the contention which had been made by Mr. Bryce for Great Britain, and from which Senator KNOX, then Secretary of State, had compelled Bryce to recede. So we yielded and said that we would charge the same tolls to our own ships going through our own canal, between our own banks, and protected by the guns of our own fortresses, as we would charge the ships of Great Britain.

Suppose we get a President next time who has a different opinion than the present Executive, and suppose that he shall declare, or that the Congress shall declare, that the United States can send its vessels through the canal free of toll, whereas a toll will be exacted from ships under other flags. Suppose that question is protested and carried to the League of Nations. And now, sir, our nine judges of the council come forward. One is an American. One is Great Britain's representative. Each of those must stand aside, because in this controversy Great Britain is the protesting party and we are the defendant. Neither of them votes. Who does vote? Spain, Greece, France, Japan, Brazil, Belgium, Italy. Every single one of those nations has exactly the same interest Great Britain has. All of them want their vessels to go through free, just as Great Britain wants her vessels to go through free. Every judge is prejudiced by interest. Every judge is disqualified by interest. If it were a controversy in the courts of any civilized country, that interest would result in a new judge being called in; but, go where you would in the world, you could not find a disinterested judge coming from a nation that owned a single vessel plying the waters of the oceans. You can not get a disinterested tribunal out of the political representatives of nations.

Let us take another great international question. Let it involve the Suez Canal, the opening or the closing of it, the restrictions upon commerce, the dominance over it, and every nation that owns a vessel is interested in the controversy. But there are certain nations having a vital interest. France, because of her possessions in Algeria, because of her proximity to the Mediterranean; Spain, for similar reasons; indeed, all the European maritime powers are directly interested. They will seek to conserve and preserve their own interests. They can not be distinterested judges, because no man can be a disinterested judge in his own case.

Why, a justice of the Supreme Court of the United States, with rules of law to govern him, with precedents to guide him, with the solemnity of his oath resting upon him, would disqualify himself in an instant if a case came before that tribunal in which he had the slightest direct interest; and if that be true of these great and reverend judges, how much more is it true of the political representatives of political States that have shown, as they have carved up the world since this war, as ruthless a disregard of human rights as the butcher exhibits when he carves up the carcass of an ox upon the block.

Let us take the question of the Dardanelles. Will there be a disinterested nation on earth represented upon this tribunal when that question comes up?

First, as to Russia: If the Dardanelles are opened, a territory twice as large as the United States, and said to be more fruitful, will be in a position for unexampled development. It is estimated that the territory I have referred to, with a direct opening to warm water, is capable of supporting a population of one thousand million people.

The Russian people are multiplying more rapidly than any other people. They have increased in the last century by approximately 80,000,000. That country, then, is vitally interested, and because it is vitally interested Great Britain and Germany and all of Europe are intensely concerned about the opening of the Dardanelles; for it is a fact that every student of history knows that one of the great influences that have kept the Dardanelles closed for a century of time has been the fear that Russia would grow into a giant so great as to menace the rest of Europe. But Roumania, Serbia, Austria, and Germany—all of the countries lying contiguous to these great waters or touching contiguous seas—are directly and immediately concerned. Even we have an interest, a disqualifying interest, for the opening of the Dardanelles will probably mean the expansion of American trade to the amount of hundreds if not thousands of millions of dollars. Like every other nation owning a fleet—and we still own one; and, please God, we will continue to own one under the American flag—we are greatly interested.

Let us take the question of freedom of the seas that has recently been forgotten. Let it be brought forward again in some form. Every nation is interested. Some are interested in one way and some in the other. We might be interested in a just rule because of our position. Great Britain might be interested in an entirely different rule because of her dominance of the waters of the seven seas. But interest, disqualifying interest, is there always and at all times.

Let us take into consideration any question involving any of the governments of Europe, where the much-talked-of balance of power is involved. That is an ever-present question, and when it arises every European nation feels that its life is involved; and we, in turn, perhaps the most nearly disinterested of any of them, nevertheless have a great interest.

Let us take the question of Shantung when it comes forward for settlement. The two countries quarreling over it, to be sure, are China and Japan; but who else is interested? Great Britain's dominance in the Orient is a question directly affected, and along with Great Britain, France has an interest; and along with both of them every country desiring a free-trade territory where it can sell its goods and where it can buy with equality of opportunity is interested.

I shall not pursue the theme, but I renew my challenge to the Senate: Name me a great international question where the tribunal is not inevitably bound to be interested and prejudiced by that interest. I pause for a reply. I also challenge the learned advocates of this league, in the Senate or out of the Senate, to name me such a question.

Therefore I point, as one of the distinguishing characteristics between the league now submitted and the league which was proposed before the war began and during the early days of the war, to the fact that they proposed a judicial tribunal to settle

questions according to law and equity, whereas this is a tribunal of political representatives of political States, where the interest is certain to disqualify.

Mr. President, the very powers of the league itself are political. It creates itself by the reception or rejection of new members. It elects four of the five members of the council, and its sphere of action is not the judicial controversies that may arise between States where a question has come forward which is submitted for decision. Its sphere of action is found in these words:

It may deal with any matter affecting the peace of the world.

You may endeavor to limit that as you please by your reservations; I say to the distinguished chairman of the Foreign Relations Committee, that if that language remains in this instrument—

It may deal with any matter affecting the peace of the world—

It means that the league may deal with any matter with which it chooses to deal; for there is no power under high heaven, except a resort to arms, that will control the will of that body. Whenever it says that in its opinion the question affects the peace of the world, it thereby assumes jurisdiction to deal with it. It will therefore have jurisdiction over the questions embraced under the Monroe doctrine as it will over others, your reservation to the contrary notwithstanding.

It will have jurisdiction, too, of internal matters. Is not that already sufficiently plain? Let us take the case of Russia. What were the Russians doing? They had an internal disturbance. They were settling the question of internal government. Regardless of whether they were doing it our way or not, they were dealing with their own affairs. Whereupon the monarchs of Europe and of the United States and elsewhere concluded that that internal warfare in Russia involved the peace of the world, and because they so concluded, they sent in an English army, a French army, a Japanese army, and an American army. They crossed the frontiers of Russia. They began their warfare inside of Russia. They operated entirely inside of Russia, against a force of Russians fighting other Russians.

Set this power up if you dare! When you do set it up, understand that, like the Holy Alliance, it will proceed to pass its judgment upon the affairs of the nations of the world. It will interfere in internal as well as external affairs whenever its managers conclude that their interests are at stake. The minute they conclude that, they will say that the peace of the world is at stake, that the peace of the world is concerned.

But lest I forget it later on, let me call your attention to a fact that has not been much debated. After pretending that we are not going to interfere with the internal affairs of countries, what have we done?

The Austrian treaty is submitted. Read it, and you will find out that it provides that Austria shall give to her people equality of opportunity, equality in civil and religious matters, equality in the schools, and equality of all civil rights. That sum embraces all there is of human government. But they have taken an additional step; they provide that Austria must give education in their schools in the language of the several peoples. Now, what have we? Is it not a complete control of the internal affairs of that State, for that is all that government is set up for. Then, what? This Austrian treaty provides that any failure to comply with these conditions on the part of Austria shall become an international question, and shall be justiciable by the council of the League of Nations. So that you have now vested the internal control of Austria in the council of the League of Nations. Then what? After all this palaver and talk about unanimous votes, it is provided as to this matter that the majority of the council shall control. So that before you have your League of Nations, with its unanimous proposition, adopted, by these treaties that they are enacting they are giving to a part, to a mere majority of the council, a right of decision.

That is not all, sir. The same provisions are in the treaty with Poland. You may say that Austria being a conquered State, we have unusual rights there; that Poland being a State of our creation, we have unusual rights there. But the same provisions were forced into the treaties with Serbia and Roumania, two of our associates in this war, whose soil was drenched in blood and the bones of whose people make white their plains and fill their valleys.

So that we are assuming a jurisdiction by a majority of the council over the people of Austria, the people of Poland, the people of Roumania, and the people of Serbia, and this before the league covenant is even adopted, this at a time when the Senate of the United States has refused to advise and consent to its infamous terms.

How long will it take them to make more changes of similar kinds until they shall have brought the greater part of the world beneath their jurisdiction? Indeed, sirs, the method is already provided, for it is recited in the covenant of the League of Nations that the assembly may accept or reject the application of all other nations except some few smaller nations, and they must come in within a given period of time. It is provided that when the other nations do come in the assembly can name the terms and conditions upon which they come in; and lest there should be any doubt that that power is all embracing, and that it touches the very life of the States, that it involves the sovereignty of peoples, they have provided that the assembly can regulate the size of their armies, their navies, and their armaments. Therefore the league can, in the act of admission, compel these States to submit to the will of the majority of the council, or any other number specified in the articles of admission.

Thus a government of the world is being set up, not by the unanimous consent, as we have been hypocritically and falsely told, but by a majority of the council of the league. The man who does not know that Great Britain will control that council in all great international affairs is so dull of comprehension that argument would not penetrate his mind, and I refuse to make it.

Mr. President, I come to proposition 3. The American Peace Society announced as a fundamental doctrine that disputes, whether justiciable or nonjusticiable, were to be submitted only by voluntary agreement. It demanded "the creation of an international council of conciliation to employ its good offices in mediation and friendly composition of disputes of a nonjusticiable nature submitted by an agreement of the powers."

Similarly included are disputes of a justiciable nature submitted to it by the parties of their own choice.

Provision is also made for submission by agreement of justiciable disputes to a justiciable body. All this is laid down by Mr. James Brown Scott, and is a part of the 10 precepts which I introduced into the RECORD in the early part of my remarks.

It will be observed that in no case was it proposed that the organization should assume jurisdiction of any controversy unless voluntarily submitted by the parties in interest.

In direct opposition to the principle thus announced, the League of Nations assumes, as of right, a jurisdiction over every international controversy.

Articles 3 and 4 declare in identical language that the assembly and council will deal with any matter affecting the peace of the world.

Article 10 I will not quote because Senators are so familiar with it.

Article 11 holds that in case of war or threat of war, whether affecting any member of the league or not, the league may take any action that it may deem wise.

Article 15 expressly states that in case of any dispute between members of the league likely to lead to rupture, which is not submitted to arbitration, any party may force a submission to the council by merely giving notice to the secretary general. Any party to a dispute may cause it to be referred to the assembly upon mere request.

Article 16 seeks to control the independent action of any member of the league by providing that in case of resort to war in violation of articles 12, 13, or 15, the nation shall, ipso facto, be deemed to have committed an act of war against all other members of the league, who thereby undertake immediately to subject it to the severance of all trade or financial relations, and the prohibition of all intercourse between their nationals and the nationals of all other States, whether members of the league or not.

Article 17 caps the climax by the provision that in—

the event of a dispute between a member of the league and a nonmember, or wholly between nonmember States, the council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Ah, let me put it to these gentlemen who say the council has no right to make war, that the league has no right to make war. Whether they do or not, they have a right to demand that the States back them with whatever power is necessary to do what? Article 17 provides—besides I have shown an international army is contemplated—

The council may take such measures and make such recommendations as will prevent hostilities.

How are you going to prevent hostilities if nations refuse to take your recommendations except by an army and a navy? You must have, as President Wilson said, force. Force is there. It is the thing that all the British statesmen have said is necessary, the thing that all the quotations I have given bear me out in saying is the very heart and soul of this enterprise—force.

The council shall take such measures as will prevent hostilities.

What does that mean? This whole instrument is drawn in that soft phraseology calculated to deceive. That was well

exposed by Mr. Keynes in his book. There is no better illustration than this: "They shall take such action as will prevent hostilities." But that action consists in the summoning of an overwhelming military force.

In other words, you preserve the peace by conquering the country that has offended against the will of the league. That is all there is to it. Let us have done with this knavish attempt to deceive the people by soft phrases.

By the language I have just read from article 17 and the other articles there is asserted a general jurisdiction over the world to be gained, not by the voluntary consent of nations but by the assertion of a right of jurisdiction, all to be backed by the immense power of the league. How complete is the diversity of such a plan from the one submitted by the American Peace Society, which, I repeat, was that a judicial tribunal governed by law should be created to which the nations would voluntarily submit their disputes.

Now I come to proposition 6 of the American Peace Society. The American Peace Society said that in the organization to be created no nation shall take as of right a preponderating part. They saw that some nation would want to control; they looked ahead and saw that unless there was a safeguard some great power would insist upon dominating the league. But the league covenant violates the principle in several ways.

It gives to the five great nations permanent seats in the council. Of the other 27 nations, only 4 can be represented in the council at all, and those must be from time to time elected. At all times 23 nations are without representation on the council. They have neither voice nor vote, yet their interests may be considered and decided by that body.

The British Empire is permitted "as of right a preponderating part." Who shall say that when the Empire is allowed a vote for the mother country, Great Britain, and a vote each for Australia, Canada, New Zealand, South Africa, and the conquered empire of India, it is not allowed "as of right a preponderating power"?

Besides the six votes thus obtained, the Empire absolutely controls the vote of Hedjaz, whose King is in its pay; of Persia, the possession of which the Empire has recently taken; of Siam, now completely within its dominance; of Portugal, long its pawn; of Greece, largely its creation and dependent upon it for existence; of Belgium, which it helped set up as a buffer State and which is helpless without British support. Even France must look to the British Navy and British Army for defense.

The league is clearly dominated throughout by Great Britain. Her colonies may be elected members of the council even while the Empire occupies a permanent seat on that body.

The votes she thus controls can prevent an effective decision by the assembly ever being rendered against the British Empire.

The plan of the American Peace Society was builded upon the idea of nationalism. At no point did it contemplate the surrender by any State of its sovereignty. The league assumes a complete supersovereignty over nonmember States. It impairs and nullifies the sovereignty of member States and is violative of the Constitution of the United States.

I have in the preceding remarks, I think, demonstrated that the league assumes practically complete jurisdiction over matters international. Supreme jurisdiction can not exist in two bodies at the same time. What the league gains in power the States must lose. A State which has surrendered the power to control its dealings with other States of the world can no longer pretend to sovereignty. The right of self-determination is the very soul of sovereignty. The right of a State to stand ready always and without limitation by outside authority to defend itself against attack, aggression, or wrong is an essential of sovereignty. The right of defense, of course, implies the right to possess and control the instrumentalities of defense; that is, to create armies and navies and armaments. The transfer of the control of that right is a surrender of sovereignty. The body to which such a power is transferred holds over the surrendering States the authority of life and death. This does not mean that States may not by mutual agreement consent to reduce their armament, for that is the exercise of their sovereign power. The distinction is between a voluntary agreement among independent States, from which they may withdraw at will, and the transfer of authority or control to an outside body. In the one instance a State continues to act for itself. In the other it has lost the right to act for itself.

Recognizing the overmastering importance of the distinction just pointed out, and in an endeavor to mask the designs of its authors, the league covenant is made to provide that the council shall recommend to the various nations the kind of armaments each may possess. If the proposition ended at this point, sovereignty would not be surrendered, but the covenant further provides that once the States have accepted the recommendation they can not thereafter, without the consent of the council manifested by a unanimous vote, increase their armament in the slightest degree. Thus, as soon as the States take the practical step necessary to carry out the recommendations of the league, they forever forfeit and lose the right to increase their armies and navies and their armaments by a single soldier, a single ship, or a single gun. Their rights as sovereigns have been bargained away.

The power of each to create an army in accordance with its necessities and desires is no longer invested in the State, but in the superior authority of the council.

The power thus sought to be granted is directly in the teeth of the Constitution of the United States, which expressly provides that Congress shall have the power to "provide for the common defense," "to raise armies and navies," "to declare war," a power which in its very nature is unlimited, but which is entirely emasculated once the authority to limit the size of the Army or Navy has been transferred to the League of Nations.

These powers reserved by the Constitution to Congress are continuing in their nature. The President and Senate can not impair them by treaty without violating their oaths of office. The entire Congress and the President acting in unison can not take them away from a subsequent President and Congress. They can not, in fact, so far surrender them as to bind even themselves for a single hour.

At this point we are met with the singular argument "that we need not be concerned about these clauses of the league because the Congress and the President are powerless to surrender these great constitutional rights." That is to say, we are asked to sign a document which violates the Constitution and to excuse ourselves by the miserable plea that while we seek to destroy the Constitution we are powerless to do so. That sort of argument could be made in favor of every law and of every act of government which ignores the Constitution. Yet it has been made on this floor by Senators who are now conspicuously absent, as they generally are when an argument is being made on a question of this kind.

Senators who have claimed to be lawyers have said "that it is proper for us to enter into an agreement by which the rights of the United States to control the size of its Army should be granted away, because we can not under the Constitution grant them away." That is to say, if a thing is unconstitutional, you can not do it anyway, and therefore you have a right to go ahead and try to do it. Well, if we have statesmen of that kind, then God was kind to us when he gave us forefathers who wrote a Constitution which they are powerless to destroy. But a man who will stand on the floor of the Senate and seriously make that argument is a disgrace to the Senate and to the country under whose flag he lives. We might as well have some plain talk. A man who will say, "Go on and sign a document which by its words impinges upon the Constitution of the United States," and as you sign it say to yourself, "Well, although I seek to violate the Constitution I can not, and therefore I will do this thing." The man who will do that, I repeat, is a disgrace to the American Senate and violates his own oath of office, for instead of protecting and defending the Constitution he seeks to strike it down and violate it, and he acts in a manner that would put "Punic faith" to shame.

If he regards the Constitution as prohibiting these things and intends to fall back upon it, then he ought to say to the man with whom he is dealing, "We will not sign this, because it impinges upon our Constitution." He can not wait until the bargain is made and relied upon, and then say, "True, I signed, but behold I did not have authority." Why, the crookedest agent that ever engaged in the business of dickering is ashamed to sign a document which he expects his principal to repudiate. The crookedest principal who ever got into courts of equity charged with fraud reluctantly pleads want of authority in an agent. For a great sovereign State, that has been proud of its character, proud of its honesty, proud of its unsullied name, to sign a contract agreeing to do a thing that the Constitution of the United States says its Representatives can not do, and even when signing to have a secret intent that it will fall back upon a limitation of authority, is for that State to step from its proud position among the nations of the world into the filth of trickery and into the debauchery of fraud.

Mr. WOLCOTT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. REED. I do.

Mr. WOLCOTT. I desire to ask the Senator, for my information, if his remarks just made have to do with that par-

ticular phase of the League of Nations covenant which deals with the plan to reduce armaments?

Mr. REED. They do, in part. I thought I made that very plain.

Mr. WOLCOTT. I caught the Senator's remarks to be that it had been argued on the floor by some of the sponsors for the league that we could safely sign an obligation that transfers to the League of Nations the apparent right to regulate the size of our Army and Navy, and offer as a justification for doing so that we had no authority, under the Constitution, to delegate that power. Is that the point the Senator makes?

Mr. REED. That is substantially it, although I prefer stating it in my own language.

Mr. WOLCOTT. Would the Senator be kind enough merely to let me have his idea? I did not catch it clearly.

Mr. REED. Certainly. I said, with all the clearness of which I was capable, that when the League of Nations recommends the size of our Army we are not obliged by the terms of the instrument to accept that recommendation, but that, if we comply with the spirit of the instrument, we shall accept the recommendation, and that once the nations have agreed to accept the recommendation, then, by the express terms of the instrument, they can not increase their armies or their navies without the consent of the council. That is what I said and that is what I maintain is true.

Mr. WOLCOTT. If that be true, then may I ask the Senator will the situation not be that the Congress of the United States, in the exercise of its independent judgment, has legislated in a constitutional way upon a question which the Constitution places in its custody?

Mr. REED. Absolutely not. The Constitution of the United States by no line gives to the Congress of the United States the power to delegate to any foreign body the powers that are vested by the people in the Congress.

Mr. WOLCOTT. May I interrupt the Senator to state that I entirely agree with that proposition?

Mr. REED. Very well. Now, let us state what the proposition is. At the present moment the Congress of the United States can increase the size of the Army of the United States at will. The League of Nations is formed; the council of the League of Nations recommends the size of the armaments for the various nations, and fixes the size of the American Army at 100,000 men. Still we are free to act. But now the Congress proceeds to agree to the recommendation. Then what is the status? Then the Congress can not, without violating the national faith, increase the Army until it gets the consent of a body of eight foreigners, representing eight foreign Governments; so that Congress has granted away, by the terms of the instrument, the power to increase the Army of the United States as the Congress sees fit and has transferred that power to eight foreign gentlemen sitting at Geneva, or, it appears now, in London, for they got to London very quickly.

Mr. KNOX rose.

Mr. REED. In just one moment, if the Senator please. Now, the answer made to that proposition is that Congress is powerless to make such a grant, because the Constitution still exists, and under it the Congress can proceed, notwithstanding the contract. But we have agreed that we will not increase our Army; we have entered into a compact that we will not increase our Army; we have entered into a compact to yield the power of Congress to a foreign body; and the miserable defense offered is that it is all right to try to make such an agreement because the Constitution forbids us to make it. Now, I yield to the Senator from Pennsylvania.

Mr. KNOX. I wanted to ask the Senator from Missouri if he could not safely go a step further and say that not only is it unconstitutional to undertake to delegate the power of Congress to fix the size of the Army and the Navy to a foreign body, and thereby put it in a cast-iron mold, so that it can neither be increased nor diminished, but that one Congress can not bind another Congress in that respect?

Mr. REED. I have made that remark; and I went a little further and stated that an existing Congress can not bind itself. If we made this contract to-day and solemnly signed it, if to-morrow we saw fit to increase the size of our Army, under the Constitution we would have the power to do so; but with what would we be confronted? A solemn agreement involving the integrity of this country, with the penalty that the great world power we have set up would probably mass its armies and its navies against us for daring to employ the powers that the fathers said the people should always exercise through their representatives in Congress. Yet we have listened to that argument on this floor! I would have been ashamed when I was a boy to have made it to a country justice of the peace, where it is an understood thing that you are to win your case by rough-and-tumble methods, awaiting the decision of the superior court on all questions of law and equity.

Senators have printed speeches containing this infamous doctrine and sent it out to their people as though they were proud of it.

Mr. President, I have referred in the preceding remarks to the principle advocated by the American Peace Society, not because it was the only organization advocating the principles referred to but on account of its activity and importance. It is proper to add that the principles by it advanced were those which have been upon the tongues and pens of distinguished men of this and other countries for many years. They were the principles sought to be wrought in agreement at The Hague convention, where the foundations were laid for their ultimate acceptance. Scarcely a modern writer of note or recognized thinker ever went beyond these principles up to the very time the President departed for Europe. From all that was said prior to the closing of the doors of the peace conference, when the doctrine of "open covenants openly arrived at" was supplanted by the policy of "secret agreements secretly arrived at," the public had a right to believe, and did believe, that the fundamental principles of the league would be in accordance with these well-known and long-advocated policies; but, while the people asked for and expected bread, they were given a stone; they asked for fish and were given a serpent; and they are now smilingly assured that the serpent is in fact fish and the stone an excellent quality of bread. However, the people are beginning to examine and to learn the truth; they are finding out, if I may employ the vernacular, that somebody "switched the cards."

I dislike to employ on the floor of the Senate the illustration, and yet it seems to me apropos at this moment. A number of important business men in the city of New York, so the papers tell us, were in the habit of meeting and indulging in a friendly game of poker. They expected to pass the time away; they thought they were playing with honest cards and with honest men, the object was amusement; but a crook got into the game. After he had relieved them of about $300,000, they discovered that he was employing marked cards, and that the game which had been entered upon for amusement had become a gambler's robbing proposition. So this enterprise of an assemblage of nations to rewrite or to enlarge international law and to decide controversies submitted by mutual consent of nations to a judicial body became in the end a device for the government of the world, that government in the last analysis to be controlled by one great power. Instead of a judicial body we have substituted a political body, responding not to the principles of law, governed not by the rules of equity, but by the political exigencies and ambitions of great States.

It is time that we cease closing our eyes to the plain truth. This League of Nations is not a democracy of nations, for in the council of the league 23 out of the 32 States are absolutely disfranchised. It is not a democracy of nations, because, even in the council, five nations sit permanently, and four nations are represented only so long as they are able to get their representatives elected; and that will depend upon their subservience to the five great States. He is indeed deaf to the warning of reason who does not know that this is, after all, a quintuple alliance for the control of the world. Outside of the five great powers, who will be heard, whose voice will be potential, whose rights will be considered, save as the question affects the five great powers? And among the five who is the chief beneficiary as well as the chief manager? Is it not that country whose flag floats over one-quarter of the habitable world? Is it not that country whose ships ride the waters of every ocean? Is it not that country "whose drum-beat" not alone "follows the sun in its course and keeps company with the stars" but extends its music from the Arctic to the Antarctic, and whose proud banner floats over the islands of every sea?

Is it not that country that in disregard of human rights, the right of self-determination, has placed the iron heel of its power upon the breasts of 400,000,000 protesting human beings, that holds under the thralldom of eleven hundred of its agents 325,000,000 people of India, that has gained every foot of that vast land by fire and by sword, that holds Egypt by the combined forces of chicanery, treachery, and arms, that gained Persia by the typical diplomacy of a country which never yet has failed to plant her flag wherever there was a defenseless people, that in the late war added 3,000,000 square miles to its territory, and brought under her dominance nearly 50,000,000 protesting, helpless people? Is she not to be the dominating force, and are we not to be the contributors of men and money?

I have no enmity for the British people. I am compelled to admire their ability. I say now, however, that a partnership between an altruistic country like ours, which does not want

to impose its will upon a weak or conquered people, but rather seeks their liberation, their freedom, their independence—a partnership between a country actuated by such motives as those which have inspired us and a people numbering less than 60,000,000, who have imposed their will and their power on over 400,000,000 people, is impossible.

We are told that we must not speak ill of Great Britain. I do not. I admire the genius of her people; but, as God is my judge, I can not admire the policy which caused a nation to send its soldiers to South Africa to crush the free people who had established republics there; which caused a people to plant its flag in India, and then, by dint of superior arms and superior courage, to conquer first one province and then another, one prince and then another, until at last 325,000,000 unwilling, heartbroken people were compelled to obey the imperial will of a Government thousands of miles away.

I can not give my sanction to those policies of government which caused Great Britain to declare, when she first assumed a dominance in Egypt, that she proposed only to protect those people temporarily and then to withdraw, leaving them full liberty of action, only to suddenly grasp with the hand of power the government of that people and force into prison her representatives that came asking for a mere hearing before the representatives of the nations assembled at the peace conference. I can not give my sanction to the policies of that Government which, while this war was in progress, while Chinese laborers were digging trenches beneath the deadly fire of German guns, was secretly bargaining with Japan to turn over to her the chiefest Province of China, with 36,000,000 indignant Chinamen as thralls of their ancient enemy, Japan. I can not give my sanction, sir, to the policies pursued for many years by Great Britain and which were outlined by a great orator in an oration delivered a half century ago, when he described the British method. I think I can quote his language:

A shipwrecked sailor lands upon an unknown coast and begs for a bed at night. The next morning he asks permission to build a hut, the next day to plow a furrow and to plant a field; but the next day the hut has become a fortress and the furrow a trench over which floats forever the flag of Great Britain. The policy of the British Empire is the policy which was employed by imperial Rome. Intelligent men should look the facts in the face.

They talked of a league of nations, and disarmament, and freedom of the seas; but British statesmen said: "We will never give up a British ship. The freedom of the seas is already secure. It is already England's."

They talk about British fairness, and I will do nothing here to create discord between countries, but I can not forget our own history. While we are speaking of the Monroe doctrine, I can not forget that as late as the Venezuela controversy Lord Salisbury declared that there was no such thing known in international law as the Monroe doctrine and utterly repudiated it. I can not forget that in a British white paper, the official Government document, British statesmen are already preparing to cut the ground from under even the Lodge Monroe doctrine reservation.

Let me read:

The origin of the Monroe doctrine is well known. It was proclaimed in 1823 to prevent America becoming a theater for the intrigues of European absolutism. At first a principle of American foreign policy, it has become an international understanding—

Over England's protest, as I have shown to you—

And it is not illegitimate for the people of the United States to ask that the covenant should recognize this fact.

An international understanding, not a principle of international law.

In its essence it is consistent with the spirit of the covenant, and, indeed, the principles of the league as expressed in article 10 represent the extension to the whole world of the principle of the Monroe doctrine——

I am tired of hearing that piece of balderdash; but, now, listen to these words:

While, should any dispute as to the meaning of the Monroe doctrine ever arise between America and European powers, the league is there to settle it.

Should we say "the Monroe doctrine" applies, the league is there to decide whether it applies or not. In the reservation, it is true, we say, "We propose to settle that question for ourselves." Ah, but there are two parties to the settlement business, and, says this English official paper, "the league is there to decide"! Now, if we adopt the reservation it is true we will have said that we will settle it for ourselves; but, at the same time that we assert that, the question still remains to be determined, "Does the proposition come within the Monroe doctrine or not?" This supreme tribunal of the world assumes, and will assume, the jurisdiction to say.

Ex necessitate, that is the result. I will give you a very direct illustration. Suppose we were to say in a controversy over a question purely European, "Well, it is under the Monroe doctrine, and we are going ourselves to decide it." Of course, the league would not permit that, and properly it would so say. But the illustration points to the fact that somebody has to decide whether a question comes under the Monroe doctrine. That power is not vested in us alone, it can not be vested in us alone by the mere recitation in any instrument.

There is but one safe course for us to pursue, and that is to remain free from the entanglements of European alliances, to remain free from the worse entanglements of a world power, to which when we enter we surrender our right to govern ourselves.

Why should we make that surrender? "Behold, I show you a mystery." The debates have gone on for eight months, and not a living man on the floor of the Senate has had the temerity to say that we are entering this League of Nations for the benefit of America. No man has pointed out where it will save the life of an American boy or the expenditure of a dollar of American money. No man has dared claim that, standing within our seagirt shores, we can not defend ourselves. No man has dared to claim that we are menaced.

Why, then, are we asked to enter this abominable thing? The President gave the keynote. He is an idealist; that is what they call him. When he was going over to Europe he said it was "our duty to sacrifice," and that now was "the moment of supreme sacrifice," "to sacrifice for the benefit of the people of the Old World." It was not something to be mutually beneficial; it was not something to conserve our interests or protect our civilization. It was our duty to go there and sacrifice. He said that the American individually might be selfish, but that the American in the aggregate was longing for the opportunity to sacrifice himself. That is to say, if you add together 110,000,000 selfish individuals you get a grand aggregate of sacrifice and unselfishness. That is the kind of logic we have been hearing.

But, granting that there was a different meaning, and that perhaps my criticism may seem a little harsh, nevertheless the fact is that we were going, as he said, to sacrifice. What is that sacrifice to be? The sacrifice is to be that we will send our troops abroad to help police Europe; that we will send our boys to Asia and Africa to help suppress the people of those countries; that we will spend our money and maintain a vast Army and Navy for the purpose of producing peace in Europe. That is for the purpose of imposing the will of this quintuple alliance upon the rest of the world. That is, to put it brutally, for the purpose of guaranteeing Great Britain and France in their war loot. For these purposes we are to sacrifice.

I want some constitutional lawyer on the Democratic side of the Chamber to point me to the clause of the Constitution that gives us the right to levy a dollar of taxation for the benefit of a European or Asiatic country. I want some constitutional lawyer to point me to the authority in the Constitution for the United States to levy an army, to call forth our sons and send them forth to be sacrificed in the battles of other nations, for the benefit of other nations. I want to know where you got the authority to vote that the son of an American citizen can be drafted and taken from his home and sent to die in the wars of Europe, not for the benefit of America, but in sacrifice for the benefit of European countries. Where is your authority? Where is the clause in the Constitution?

To send our troops there to defend ourselves, making the battle there rather than here, is one thing. To send them there to punish an enemy that has impinged upon our rights is one thing. But to send them over to Europe to fight for the benefit of a particular country is in the teeth of the Constitution. Where do you get the right to sacrifice the boy on the farm? Who sent you here as the high priest to strap upon the altar some mother's boy and to cut his throat with the bloody knife of sacrifice? Where do you get that right? Where is your warrant of authority to spend a dollar of the people's money or a drop of their blood for the benefit of Europe?

Oh, you idealists, you idealists, who stand, as you preach your idealism, with your brutal feet upon the Constitution of the fathers, trampling upon the sacred rights of our own people, proclaiming with your mouth your desire to sacrifice. But it is not your blood which will be shed; it is the blood of boys who have no voice in this assemblage. It is not your money that will be spent; it is the money of the people of this land. It is not your eyes that will run rivers of tears. The tears will stream from the eyes of American mothers when some day in the future American boys are lined up upon the battle fields of the world to be sacrificed.

While I am discussing this question of sacrifice let me appeal, if I may, a little further to your common sense. Who made

us a ruler and a judge over the earth? How do we know, when we go forth to sacrifice, that we may not be sacrificing on the wrong side? How do we know that the League of Nations is going to decide all questions righteously? How do we know that we may not be the instruments of European trickery and chicanery? After all, what is there to these European conflicts which have lasted for 10 centuries of time? Who is to blame? I say that if you will trace the roots far down you will find no particular race or nation to blame. If you will trace them far enough down—and I am speaking of the whole broad field—you will find out that if you could remove the ambition of about four ruling houses there would not be much war left in Europe. When England, under Beaconsfield, set out upon her vast career of militarism, when she added "Empress of India" to the title of the Queen, when her navies began to circumnavigate the earth and her armies to advance in every clime, she aroused the fears and the ambition of other ruling houses, cousins of the blood, and twice of the blood.

So Germany started out upon her career of militarism, and France reached for northern Africa. Russia was pressing down in what has always seemed to be the most justifiable of all these movements in an effort to secure a way to warm water for her commerce.

Italy was not content. She was also reaching out for other lands, and out of this clash of interests come trouble and danger for Europe. Out of similar causes trouble will come in the future. Are we to become the victims and the sacrificial offering in such disputes?

Let me warn you, Senators, of what will happen. If we keep out, if we say to these countries, "You must guard your own affairs," there will be something of the spirit of compromise manifested, and the likelihood of a long period of peace is ahead. But if we place ourselves in a position where we must back European powers, the result may be that these powers will increase their demands and arrogance until war will be inevitable. The best way to have a world war is to make certain of the European powers feel that they can call on the United States whenever they please and that we must come. The best way to preserve peace is to let European governors and monarchs, of whatsoever name, know that if they start a war they will have to settle it themselves.

This is the very bed of war. The highest assurance of war is for a few nations to try to control the rest of the earth. Fifty-seven million more white men are outside of this league than are in it. We have incurred the enmity of Russia without cause or reason. We have incurred the ill will of Germany, of course. For a very good cause and very good reason we incurred that; but we have it.

We have not gained the good will in a substantial way of any country on this earth, in my opinion. Italy is obliterating the name of Wilson from her statues and taking it down from her street signs. I do not say that in criticism of the President. It shows how quickly the pendulum of foreign public opinion can swing when it does not get all it wants. If we do not send them food in unlimited quantities, they will curse us for unkindness. If we send them food in unlimited quantities, they will regard it as an obligation to be repeated in the future and, as has been suggested, some of them will not begin work very soon.

Washington's Birthday has just passed. Is it not a good time to rebaptize ourselves in the spirit of the fathers? Is it not time to return to real idealism, the ideal of remaining an independent Republic, the ideal of remaining the freest people on earth, the ideal of maintaining America so clean and strong and great that her very example will aid other nations to achieve a better civilization?

Is that not our highest duty?

Mr. LODGE. Mr. President, I ask that we may have a vote now on the pending reservation, No. 3.

The PRESIDENT pro tempore. The question is upon agreeing to reservation No. 3.

Mr. KING. Let the reservation be read.

The PRESIDENT pro tempore. It will be read.

The ASSISTANT SECRETARY. Reservation No. 3, proposed from the Committee on Foreign Relations, is as follows:

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Chamberlain	Dial	Elkins
Calder	Colt	Dillingham	Fernald
Capper	Cummins	Edge	Fletcher
France	Jones, N. Mex.	McNary	Sheppard
Gay	Jones, Wash.	Moses	Simmons
Glass	Kellogg	Nelson	Smith, Ga.
Gore	Kendrick	New	Smoot
Gronna	Kenyon	Norris	Spencer
Hale	Keyes	Nugent	Sterling
Harding	King	Page	Sutherland
Harris	Kirby	Phelan	Thomas
Harrison	Knox	Phipps	Wadsworth
Henderson	Lenroot	Pomerene	Walsh, Mont.
Hitchcock	Lodge	Ransdell	Wolcott
Johnson, S. Dak.	McKellar	Reed	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. LODGE. Reservation No. 3, on mandatories, is pending. I ask that the vote be taken by yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded?

Mr. HITCHCOCK. So far as I know there is no need for any vote by yeas and nays upon this particular reservation.

Mr. LODGE. I think we had better have a yea-and-nay vote on every reservation.

The yeas and nays were ordered.

Mr. HITCHCOCK. The opinion on this side of the aisle is that it clearly represents the meaning of the league provisions, and on that account there is no disposition, so far as I know, upon this side of the Chamber to oppose the reservation.

Mr. WALSH of Montana. Mr. President, I merely desire to say in explanation of the vote I shall give against this reservation that I have not the slightest objection to it except that, in my judgment, it is entirely unnecessary. I can not understand how the United States could ever become a mandatory except through an act of Congress.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I promised to take care of him by a pair during his absence, but in view of the statement made by the Senator from Nebraska [Mr. HITCHCOCK] with reference to the attitude of the other side of the Chamber on this reservation, I feel at liberty to vote. I vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I was requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. On this vote he is paired by a transfer with the Senator from Maryland [Mr. SMITH]. If present, the Senator from Wisconsin would vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Michigan [Mr. NEWBERRY] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent. I am informed, however, that if he were present he would vote as I intend to vote, and I therefore feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. HENDERSON (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK]. I did not notice that he is not present. I transfer that pair to the senior Senator from Virginia [Mr. SWANSON] and let my vote stand.

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I have reason to think that if present he would vote "yea," and therefore I let my vote stand.

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from Maryland [Mr. SMITH] is not present. I transfer my pair with him to the Senator from Wisconsin [Mr. LA FOLLETTE] and allow my vote to stand.

Mr. EDGE (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN], who is not in the Chamber. I transfer my pair to the Senator from California [Mr. JOHNSON] and allow my vote to stand.

Mr. HARDING (after having voted in the affirmative). I note the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a pair. I am authorized to

transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and allow my vote to stand.

Mr. REED. I have a pair with the Senator from Michigan [Mr. NEWBERRY], but I am informed that if present he would vote on this proposition as I shall vote, and I therefore feel at liberty to vote in his absence. I vote "yea."

Mr. MCKELLAR. I wish to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Arizona [Mr. ASHURST] are unavoidably absent on account of illness.

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 68, nays 4, as follows:

YEAS—68.

Ball	Frelinghuysen	Knox	Ransdell
Beckham	Gay	Lenroot	Reed
Borah	Glass	Lodge	Sheppard
Brandegee	Gore	McKellar	Shields
Calder	Gronna	McNary	Simmons
Capper	Hale	Moses	Smith, Ga.
Chamberlain	Harding	Nelson	Smoot
Colt	Harris	New	Spencer
Culberson	Harrison	Norris	Stanley
Cummins	Henderson	Nugent	Sterling
Curtis	Johnson, S. Dak.	Overman	Sutherland
Dial	Jones, Wash.	Page	Thomas
Dillingham	Kellogg	Phelan	Trammell
Edge	Kenyon	Phipps	Wadsworth
Elkins	Keyes	Pittman	Warren
Fernald	King	Poindexter	Watson
Fletcher	Kirby	Pomerene	Wolcott

NAYS—4

Jones, N. Mex.	Kendrick	Walsh, Mont.	Williams

NOT VOTING—24.

Ashurst	Johnson, Calif.	Newberry	Smith, Md.
Bankhead	La Follette	Owen	Smith, S. C.
Fall	McCormick	Penrose	Swanson
France	McCumber	Robinson	Townsend
Gerry	McLean	Sherman	Underwood
Hitchcock	Myers	Smith, Ariz.	Walsh, Mass.

So reservation No. 3, reported by the Committee on Foreign Relations, was agreed to, as follows:

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

Mr. LODGE. Mr. President, in reservation No. 4, line 15, before the word "commerce," I move to insert the word "internal."

Mr. BORAH. We are now considering reservation No. 4, as I understand?

Mr. LODGE. Yes.

Mr. BORAH. That reservation as proposed to be amended reads in part:

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, tariff, internal commerce—

We have already provided, preceding the words "internal comerce," that "all * * * questions relating wholly or in part to internal affairs" shall be reserved to the United States to decide for itself. Does not external commerce or international commerce relate partly to internal affairs?

Mr. LODGE. I suppose foreign commerce does not come strictly within internal affairs.

Mr. BORAH. It does not come strictly within internal affairs, but it certainly relates, in part, to internal affairs. You can not say that it is wholly dissociated and separate from internal affairs.

Mr. LODGE. It could certainly be decided by the United States under this reservation to be within its domestic jurisdiction.

Mr. BORAH. Which—foreign commerce?

Mr. LODGE. Yes.

Mr. BORAH. Then what is the necessity of inserting the word "internal" if it covers foreign also?

Mr. LODGE. It was suggested because it was thought by some that the reservation was thereby made more accurate and clearer.

Mr. BORAH. I do not think it does make it more accurate. If the other portion of the reservation covers foreign commerce, then to insert the word "internal" before "commerce" would be a construction ourselves to the effect that we did not intend to include foreign commerce, would it not?

Mr. LODGE. No; I should not judge it in that way. The remainder of the reservation is so sweeping I think foreign commerce, so far as it relates to our internal affairs, is included within the language. I will say frankly to the Senator from Idaho that the suggested amendment originated with Senators on the other side of the Chamber at the time of the bipartisan conference. It did not seem to me a very important change, and I had no objection to assenting to it, but I do not feel very well able to defend it, I will admit.

Mr. BORAH. I really think it creates an ambiguity and a contradiction in the reservation. I myself would rather, if I were interested in the reservation, see the reservation read that—

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs are solely within the jurisdiction of the United States.

Then there would be no question that all internal questions are within its jurisdiction, and we should not take the chance of naming some and thereby, by implication, excluding others.

Mr. LODGE. I agree with the Senator that the whole clause beginning with the word "including" is superfluous, and I thought so from the beginning.

Mr. BORAH. Yes.

Mr. LENROOT. Mr. President, does the Senator say he would favor an amendment striking out that clause?

Mr. BORAH. If I should be compelled to decide between the clause as it is, with "internal commerce" in it or out of it. I think I would prefer to have it stricken out, because there is undoubtedly a contradiction there. When you undertake to include by a general clause all commerce, foreign and internal, and then afterwards specifically name internal commerce, you put your own construction upon your reservation, indicating that you do not intend to include foreign commerce.

Mr. LENROOT. It goes back, if the Senator will yield——

Mr. BORAH. Yes.

Mr. LENROOT. To the question of whether or not foreign commerce is a domestic question.

Mr. BORAH. But the reservation does not say that; it says "that all domestic and political questions relating wholly or in part to its internal affairs." There can be no possible doubt that foreign commerce relates "in part" to internal affairs.

Mr. LENROOT. It may; but unless it is either a domestic or a political question it would not be covered.

Mr. BORAH. It is domestic in so far as it concerns us.

Mr. LENROOT. I mean, in international law, is foreign commerce a domestic question or an international question?

Mr. BORAH. It relates "in part" to our domestic concerns.

Mr. LENROOT. The Senator does not seem to get my point. Whether or not it relates in part to our domestic concerns, it is only domestic and political questions relating to our own internal affairs that we reserve the right to decide for ourselves. So if foreign commerce is neither a domestic question nor a political question, it would not be covered, in any event.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. I wish to ask the Senator from Wisconsin if he understands this reservation, either as now drawn or as proposed, to reserve our foreign commerce from the jurisdiction of the league?

Mr. LENROOT. It is my understanding that under this reservation, if foreign commerce be an international question—and in most cases it is—it would not be affected by this reservation, because all this reservation purports to do is to reserve to ourselves the right to decide what are domestic questions under the league.

Mr. REED. Then, if the United States does not have the right after entering the league to decide any question relating to our foreign commerce, who does have that right?

Mr. LENROOT. The question of the reservation is this——

Mr. REED. I ask the question for information.

Mr. LENROOT. I am going to answer the question. If foreign commerce is a domestic question, no dispute arising out of foreign commerce could come under the jurisdiction of the league. If the foreign commerce out of which a dispute arises is not a domestic question, the league would have jurisdiction over it; but we are to decide whether or not it is a domestic question.

Mr. REED. And the Senator's view, as I understood from his colloquy with the Senator from Idaho, is that a question affecting foreign commerce necessarily can not be a domestic question within the meaning of this reservation, and, therefore, all questions of foreign commerce will be decided by the league.

Mr. LENROOT. I did not say that. I can conceive that a question that would come under the term "foreign commerce," affecting our own exports from our own country, for instance, might be a domestic question; but supposing a question arises as to the entry of our commerce into Germany, and a dispute grows out of it, Germany refusing to give us the same treatment with reference to our commerce that she gives to other

commerce under the "favored nations" clause, I would not say that that was a domestic question; a dispute over that kind of a question, I would say, would come under the jurisdiction of the league, and, of course, the Senator knows that half the wars of the world have arisen, directly or indirectly, over questions of commerce.

Mr. REED. I still can not quite understand the Senator's position, and I am not trying to be captious at all. Of course, every nation which has a foreign commerce necessarily has a domestic end to the foreign commerce. It either originates in the domestic markets of the country or it terminates there, so that in that sense every question of foreign commerce is domestic. But while that, therefore, can not be what we mean by "foreign commerce," I want to know from the Senator whether it is his understanding that under the league covenant, after the reservation has been adopted, the jurisdiction to decide a controversy over foreign commerce is taken away from the United States and vested in some other tribunal; and if so, what that tribunal is?

Mr. LENROOT. In reply I would say that it is not taken away from the United States and vested in a foreign tribunal in any case where the United States under international law would be the sole judge of the subject; but if it is a dispute that might arise over international law, and it is an international question and not a domestic one, the league would have jurisdiction.

Mr. REED. But, if the Senator please, there can be no dispute in which any nation is the sole judge for both parties. In every international dispute at present, however, we can be the sole judge as to our own rights; we can proceed to try to gain those rights in whatever way we please. But after we have adopted this instrument with this reservation the right of the United States to decide the question for itself as to its own rights will be taken away and will be vested in some tribunal, will it not?

Mr. LENROOT. I do not think the Senator means to go as far as he indicates, because international law very well recognizes the right of a nation to decide for itself many questions, although they may affect another nation—for instance, questions like immigration. International law well recognizes the right of one nation to regulate its own immigration, although another nation from whom the immigrants come is directly affected; and that is exactly this kind of a question.

Mr. REED. Oh, yes; but that is not the kind of a case I am talking about at all, because that question has always been held to be a domestic question. I am talking about the ordinary international question that comes up and is ordinarily regarded as an international question. At the present time, if the United States has a dispute, we will for ourselves decide our course of action. After we have signed the League of Nations covenant with this reservation, will we have that right of deciding our course of action for ourselves or will that course of action be determined by another body; and if so, what body?

Mr. LENROOT. If it is a domestic question, we have that right, and under the reservation we will be the sole judge of whether or not it is a domestic question.

Mr. REED. Suppose it is not?

Mr. BORAH. If that is true, there is no occasion in the world for putting "internal" in this clause.

Mr. LODGE. Mr. President, the Senator from Idaho made a suggestion about striking out all of those words. I admit that they are not absolutely necessary, but I do think it is important that immigration and labor should both be mentioned by name, so that there can be no mistake. I think the same consideration applies to coastwise traffic and the tariff. They are not necessary, because the words "all domestic and political questions" cover them, but "immigration" was put in there because it was desired to make it perfectly clear that that question was wholly reserved.

Mr. COLT. Mr. President, may I ask the Senator from Idaho if the first two lines of this reservation do not secure complete protection to the United States, assuming that it is difficult to decide what questions are domestic and what are international? Now, the reservation reads:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction.

That makes the United States the sole judge of what questions are within its domestic jurisdiction, does it not?

Mr. BORAH. Yes; quite so. If you stop with the first two lines, the Senator is correct; but when you go on and modify it, and construe it yourself, and name certain questions which come under it, the rule of construction, as I understand it, is that it permits no others to be considered.

Mr. COLT. I entirely agree, as a matter of construction, to the proposition of the Senator from Idaho, and that if you express in general terms what those questions are you weaken the reservation by undertaking to mention particular ones.

Mr. BORAH. I think that is true.

Mr. KELLOGG. Mr. President——

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should just like to make a suggestion in reply to the Senator from Missouri [Mr. REED]. I do not understand that any league or arbitral tribunal has any jurisdiction over American foreign commerce unless that commerce is regulated by a treaty or some principle of international law. The league can not decide with what foreign countries we shall have foreign commerce. It is for this country and the country with which we have that commerce to decide that, unless there is some regulation on the subject in a treaty or in international law.

Mr. BORAH. Mr. President, no later than yesterday, according to press reports, the council of the League of Nations was proceeding to Russia for the purpose of adjusting the commercial relations between Russia and the Allies. It is naming a commission and going there for the purpose of rehabilitating the trade relations between Russia and Great Britain and France. Now, I think as a cold matter of technical law what the Senator from Minnesota says would be true; but he must remember that we are dealing with a political body—to wit, the council of the league—that it decides for itself what its jurisdiction is, and that there is no appeal from its decision to any other body in the world.

Now, Mr. President, there is another clause here to which I should like to call attention. The Senator is going to strike out "and all other domestic questions."

Mr. LODGE. That is mere repetition.

Mr. BORAH. It would be repetition if you had not named these specific subjects; but the Senator knows that when you put into a statute the specification that it is confined in its jurisdiction to the subjects specified, the general clauses do not define its jurisdiction.

Mr. LODGE. The way it is now it reads, "all domestic and political questions * * * and all other domestic questions." The other is merely parenthetical.

Mr. BORAH. But you say here "including immigration, labor, coastwise traffic, tariff, internal commerce," and so forth, naming them, and then you say "and all other domestic questions."

Mr. LODGE. Yes; but it reads "all domestic and political questions * * * including * * * all other domestic questions." That is the way it reads.

Mr. BORAH. It is a repetition of the first two lines?

Mr. LODGE. Yes. Leaving out the list, it reads "all domestic and political questions relating wholly or in part to its internal affairs, including * * * all other domestic questions."

Mr. BORAH. Yes; precisely. If it read that way, then "all other domestic questions" should come out; but when you proceed in two lines to name specific subjects and then strike out "and all other domestic questions," the construction which a court would place on it—Heaven only knows what construction the council of the League of Nations would put upon it—would be that the particular questions named are the only ones which are excluded from the jurisdiction of the council.

Mr. LENROOT. Oh, no; the Senator does not mean that.

Mr. BORAH. I do mean that.

Mr. LENROOT. Does the Senator mean that when you say "all domestic questions, including" certain ones, a court would exclude every other question?

Mr. BORAH. You put your own construction upon it when you say "all domestic questions, including"; and when you say "internal commerce," the construction of any court in the world would be that you did not mean to include foreign commerce.

Mr. LENROOT. But the Senator says nothing would be included except those subjects specified. He does not mean that.

Mr. BORAH. I do mean that if you put it in the language which you have here in this reservation. Here you have two kinds of commerce. One is foreign commerce and the other is internal commerce. In construing the phrase "domestic questions" you say "including internal commerce." Would not the Senator, sitting as a court, say that the intention of the Congress was that external commerce or foreign commerce should not come within the purview of "domestic questions"?

Mr. LENROOT. I am inclined to think so.

Mr. BORAH. Yes; that is what I say.

Mr. LENROOT. But the Senator made the broad statement that no subject would be excluded except those specified. He does not mean that.

Mr. BORAH. If the words "internal commerce" exclude foreign commerce, by a parity of reasoning, in my judgment, the court would arrive at the conclusion that you intended to cover these specific questions of domestic concern, and no others.

Mr. LENROOT. Let me ask the Senator whether this is not the rule of construction, and the reason why foreign commerce would be excluded if the word "internal" is placed here: The construction would be that while the subjects specified are not the only ones that are excluded where you name a particular kind in a given class that is excluded one that is not so named will be included, but there may be many other questions that would be excluded that are not enumerated, and the general rule of construction is that in a case of this kind, if some things of a class are enumerated, all like things of that particular class will be excluded, but otherwise the language is all inclusive.

Mr. BORAH. It seems to me perfectly clear.

Mr. LENROOT. So far as the word "commerce" is concerned, I agree with the Senator's construction.

Mr. LODGE. Mr. President——

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think this is true: Unless we insert the word "internal" before "commerce" then we would be saying that the United States reserves to itself the right of decision or determination as to all commerce?

Mr. BORAH. You would—all commerce which was domestic.

Mr. FLETCHER. No; but first we say here:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs—

Are reserved to us, and we have the right to decide them for ourselves. Then we say "including" various things, one of which is "commerce." That would cover the whole field of commerce, foreign and domestic, and by the use of that language we would reserve all such questions for our exclusive determination; and yet there may be questions of foreign commerce as to which we would not have that right, and could not have, and should not have. For instance, we can not say here that a ship having American registry, flying our flag, shall go into Genoa or shall go into Bremen and shall do certain things in those ports, because we would not have the right to say that. The countries in which are those cities have the right to control commerce in their own ports and the ships in their own ports, even though they are our ships. I merely mention that as an instance where we could not say that we shall determine absolutely and alone all questions relating to that shipping.

Mr. BORAH. No; but, Mr. President, if the Senator will construe the word "commerce" in connection with the phrase "domestic and political questions," he will get a conception which will make the reservation perfectly clear. We deal with the commerce when it is domestic, whether it is foreign commerce or internal commerce. The foreign commerce is not always, in its relationship to the country, synonymous with "external." Foreign commerce may be of the utmost concern to us from a domestic standpoint, and, if it is, to that extent we want to control it. What you ought to do, in order to make this reservation plain, it seems to me, is to strike out "internal," and then you have your rule, your standard, to wit, whether it is domestic or not.

Mr. BRANDEGEE. Mr. President, there is no question in my mind that the insertion of the word "internal" weakens the reservation heretofore adopted by the Senate. The league has jurisdiction of all questions which, in its opinion, affect the peace of the world. The Senator from Wisconsin [Mr. LENROOT] has said that one of the questions most frequently involved is that of commerce. The reservation as it stood provided that commerce should be within our domestic jurisdiction. The effect of the reservation is to say that only internal commerce shall be within our domestic jurisdiction, leaving for the league to take jurisdiction of all that vast commerce which may be partially internal and partially external; in other words, foreign commerce. Therefore, unless the intention is to weaken the reservation and to confer more authority on the league, the amendment should be voted down.

Mr. POINDEXTER. Mr. President, section 7 of the first article of the Constitution of the United States provides that "Congress shall have power to regulate commerce with foreign nations." That is foreign commerce. I take it that by vesting Congress with the power to regulate foreign commerce, every other tribunal was divested of it; in other words, it is an exclusive power.

If you insert the word "internal" before the word "commerce" in this reservation, the evident intent and purpose of it would be to undertake, by the ratification of the covenant, if it should be ratified, to vest jurisdiction over foreign commerce in the League of Nations. I do not think that can be done. I think that the ratification of the covenant of the League of Nations would be absolutely void.

This reservation provides that—

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, * * * are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way, either to arbitration or to the consideration of the council or of the assembly of the League of Nations.

The evident intent and purpose of that is to provide that those things which are not included in this reservation shall be submitted to the consideration of the assembly of the League of Nations. I mention the assembly because that is the higher body; it is the court of appeals in this constitution of the federated States of the world, and under this covenant that assembly to which the foreign commerce of the United States would be submitted by this reservation, if the amendment is made in it, would have exclusive and supreme power, because the provisions of the covenant of the League of Nations provide the means by which the members of the league, acting through a central authority, can enforce its decrees, and from those decrees there lies no appeal.

Of course, foreign commerce is subject to treaty; but treaties, in turn, are subject to the regulation, to the amendment, to the repeal, to the repudiation, of Congress. It seems to me that we are confronted here in a very concrete way, in a very specific and a very clear way, with the question which runs all through the fabric of the covenant of the League of Nations, whether we are going to undertake to transfer the high powers of government which are lodged in Congress and in the President by the provisions of the Constitution of the United States to the assembly and the council of the League of Nations.

I do not think we ought to undertake, by inserting the word "internal," to give the assembly of the League of Nations the right of consideration, with the implied right of determination, of our foreign commerce, which, under the Constitution, is vested exclusively in Congress.

Mr. LODGE. Mr. President, these two slight changes were made at the suggestion of Senators upon the other side when we met in what has come to be known as the bipartisan conference. As no Senators on the other side seem to take the slightest interest in them, and I do not think personally they are an improvement—although I was ready to yield to them—I shall withdraw both of them and ask for a vote on reservation No. 4.

The PRESIDENT pro tempore. The proposed amendments to reservation No. 4 are withdrawn.

Mr. WALSH of Montana. Mr. President, I think there is a slight error in the statement that the amendments originated with Members on this side of the Chamber who were members of the bipartisan conference. I think the Senator from Massachusetts will recall that Senators on this side urged that the word "commerce" be stricken out, and that the suggestion that in lieu thereof the word "internal" be inserted came from the Republican side of the Chamber.

Mr. LODGE. My memory differs from that of the Senator from Montana; but he agrees with my main proposition, that Senators on the other side take no interest in them, and I suggest that we vote on reservation No. 4.

Mr. WALSH of Montana. I had not quite finished. Senators upon this side are perfectly willing to justify their insistence, made in the bipartisan conference, that the word "commerce" ought not to remain in the reservation. When the matter was formerly before the Senate and it was suggested by the Senator from Maine [Mr. HALE], as my recollection is, that the word "boundaries" be put in this reservation, so that domestic questions in relation to boundaries should be without the jurisdiction of the league, and it was eventually withdrawn, the Senator from Pennsylvania [Mr. KNOX] congratulated the manager on the Republican side upon the return of good sense.

Mr. President, probably the majority of the wars that have perplexed the nations of the earth since the time nations came into existence arose out of questions of commerce, and if we are going to take away from the jurisdiction of the league all questions in relation to commerce, what is there left?

It is true that the word "commerce" in the specifying clause may be regarded as qualified by the preceding word "domes-

tic"; but so was the word "boundaries" qualified by the preceding word "domestic," and yet the Senator from Pennsylvania suggested that it was absurd to have it there.

It is very stoutly urged upon the part of the Germans that the war from which we have just emerged, and which gives rise to this discussion, was a commercial war; that it arose because of commercial controversies and commercial rivalries between Great Britain on the one side and Germany upon the other; and that view is entertained by other people besides our late enemy.

If this should have the construction which would ordinarily be given to it, that all questions of commerce are to be withdrawn from the so-called jurisdiction of the league, I scarcely think that anybody would support that who really desires to see the league established and operative. It was intended, I am sure, even by those who drafted the reservation, that questions in relation to foreign commerce not intimately associated with our internal affairs would go for determination before the league.

When we talk about jurisdiction of the league, the jurisdiction of the league is such, as a matter of course, as arises under the provisions of articles 12 and 13. I do not know that the league has any further jurisdiction in the matter. That is to say, if we have a controversy with a foreign country in relation to a matter of foreign commerce, not a domestic question in relation to commerce, we agree, under the provisions of article 12, to submit that to arbitration, if we consider it appropriate; or, if not, we agree, under the provisions of article 13, to submit that controversy to the determination of the council, or to the assembly, as provided therein. That is the extent to which we go.

Is it desired upon the other side, I ask, to have it understood that we will not submit to determination by arbitration under the provisions of article 12, or to determination by the council or the assembly of the league, any questions of foreign commerce? Do we thereby declare that we will not submit controversies of that character to the arbitrament of the league?

Mr. BORAH. Mr. President, may I ask the Senator, in return, if it is the view of the Senators upon the other side that they will submit to a foreign tribunal questions of commerce which concern the people of the United States?

Mr. WALSH of Montana. Any question of commerce international in its character giving rise to a dispute between this country and another country, such as suggested by the Senator from Wisconsin [Mr. LENROOT]; if Germany, for instance, would undertake to exclude from her territory any of our products discriminatorily, we would, of course, submit a controversy of that character to the league, as I understand it.

Mr. BORAH. And you are willing to do that. On the other hand, suppose a question of commerce between Germany and the United States arises and it is submitted to the council, and the council takes Germany's view of it. Does the Senator think that the people of the United States would be willing that their commercial affairs should be dominated by a foreign tribunal?

Mr. WALSH of Montana. If the Senator will put to me a concrete case, I would be better able to answer it.

Mr. BORAH. I am putting the Senator a concrete case.

Mr. WALSH of Montana. No; I am not able to answer it that way.

Mr. BORAH. I am putting the Senator just such a case as would arise under this clause. All questions of commerce, as the matter now stands, might give rise to a question upon which the council would pass judgment.

Mr. WALSH of Montana. Of course, I understand the attitude of the Senator from Idaho to be that he would not submit any controversy at all to the league.

Mr. BORAH. I would not submit to a foreign tribunal anything which concerns the domestic affairs of the United States.

Mr. WALSH of Montana. We differ upon that. I want to submit international controversies to the league.

Mr. LENROOT. If the Senator will yield, the Senator from Idaho, in the illustration given, asked the Senator from Montana whether the people of the United States would submit to the decision. The Senator from Idaho understands that the effect of such a finding is merely to bind the United States, not to go to war over that thing, does he not?

Mr. BORAH. No; I do not.

Mr. LENROOT. Well, I do.

Mr. BORAH. Well, I do not.

Mr. LENROOT. It would leave the United States any other remedy of retaliation that she might see fit to impose.

Mr. BORAH. Of course, that leads into another field which we will discuss later.

Mr. WALSH of Montana. Let me remind the Senator from Idaho that we have gone a long way already in that direction. We have many treaties to submit these matters to arbitration.

Mr. BORAH. That is a different proposition entirely. We make a treaty if we want to do so when the emergency arises and the facts are presented to us upon that particular occasion.

Mr. WALSH of Montana. I do not dispute that, but we have treaties of arbitration now; that is, we postpone war under all the Bryan treaties and submit those matters to arbitration.

Mr. BORAH. I did not vote for them.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Chair understands that the Senator from Massachusetts [Mr. LODGE] has withdrawn the amendments?

Mr. LODGE. I withdraw them both and ask for a vote on the fourth reservation.

The PRESIDENT pro tempore. The question now is upon the fourth reservation.

Mr. REED. Mr. President——

Mr. LODGE. The fourth reservation as originally adopted.

Mr. HITCHCOCK. Mr. President——

Mr. REED. I have been trying for some time to get the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Missouri.

Mr. REED. The Chair did not see me; I am perfectly well aware of that.

I wish to ask, for the sake of information, if it is now the view of the Senator from Montana [Mr. WALSH] that in all our international disputes under the treaty and without the reservation we are bound to submit them to arbitration, or if that does not take place we are bound to submit them to the decision of the council of the league?

Mr. WALSH of Montana. I have sent for the covenant. I will read to the Senator articles 12 and 13.

Mr. REED. I have read them, but I desire to get the construction of the Senator.

Mr. WALSH of Montana. In what particular does the Senator want my construction? I will read articles 12 and 13 of the covenant——

Mr. REED. It is not necessary to read them in answer to the question, because I am perfectly familiar with them. What I am trying to do, and I am trying to do it without attempting to be at all hypercritical or captious, is to see if we can not get a plain statement from some one about where we are going by this instrument. I want to know if it is the construction of the proponents of the league that if we sign and do not put on this reservation, all international disputes which do not arise over purely domestic questions would have to be arbitrated, and if arbitration did not take place they would have to go to the council of the league for decision?

Mr. SMITH of Georgia. Mr. President, I will give the Senator my view of it, although I can not speak for others. I think the plain meaning of the language under article 13 is that where the dispute grows out of a treaty we agree to arbitration. Under article 15 if either member of the league brings to the attention of the council a dispute likely to lead to a rupture, the council would ordinarily consider it, but if either party to the dispute claims that it is a domestic question and the council finds that the dispute arises out of a matter which by international law is solely within the domestic jurisdiction of the party, the council would abandon its consideration and make no report; otherwise, the council would seek to effect a settlement or proceed to consider it and give an opinion, but that opinion would not be conclusive except to the extent that we would forbear to enter or engage in war for a term.

Mr. REED. I am called to the long-distance telephone, and I am sorry to interrupt the colloquy. I will remain here long enough, however, to say that as I construe these voluminous answers it is rather strange that we can not get a direct answer even from my very candid and always very brave friend the Senator from Georgia [Mr. SMITH]. They all answer as though they were a little fearful, and I say that without reflection——

Mr. SMITH of Georgia. I mean to construe the instrument just as I understand it.

Mr. REED. This is all I am driving at, and I wish we could get one statement to go to the American people: Is it not true that if we sign this league covenant as written and without the reservation we have agreed to submit to some foreign body for decision every question of international dispute that is not strictly domestic?

Mr. SMITH of Georgia. I think that in a measure is true. We agree to submit it to some form of arbitration or some form of reference rather than to go to war.

Mr. REED. And if the other nation does not agree to the arbitration, then it goes to the council of the League of Nations, does it not?

Mr. SMITH of Georgia. With the right of either party to transfer it to the assembly.

Mr. REED. Exactly.

Mr. SMITH of Georgia. And the conclusions found are published, and we then do not obligate ourselves to carry out those conclusions, but we do obligate ourselves to refrain from entering war for a time after the findings are published.

Mr. REED. Three months.

Mr. SMITH of Georgia. That provision is in the interest of calm action with a view of securing a fair expression of opinion and its consideration before war is begun.

Mr. POINDEXTER. Mr. President——

Mr. REED. I have heard that a good many times and it is well said——

Mr. SMITH of Georgia. When you ask the question you are obliged to hear that if you hear its answer.

Mr. REED. It is well said, and let me pause long enough to say—and I shall be very glad to continue the debate when I return to the Chamber—that there is another side to it. I want it to end instanter. The delay of three or six months may mean the life of the United States. The waiting to give the other nation three months or six months to get ready to strike may mean the difference between a great war and no war at all.

Mr. POINDEXTER. Mr. President——

Mr. SMITH of Georgia. And, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Washington?

Mr. SMITH of Georgia. I only want to say a word.

Mr. POINDEXTER. I only want to say one word. [Laughter in the galleries.]

The PRESIDENT pro tempore. The occupants of the galleries will be in order. Expressions of approval or disapproval or any manifestations by occupants of the galleries are against the rules of the Senate.

Mr. POINDEXTER. I want to suggest to the Senator from Georgia that I think he misconstrues the covenant of the League of Nations in assuming that it only limits the United States for a time from entering into war in opposition to any decision of the assembly. There is no time limitation upon it at all. It is an absolutely unqualified obligation never to go to war in contravention of a decision of the assembly.

Mr. SMITH of Georgia. I do not understand that it goes to that extent. What I desired to do, in just a word, was to reply to the suggestion of the Senator from Missouri [Mr. REED] that a delay of three months might allow our enemy to prepare for war against us. Again, it might allow cooling space to prevent any war from coming on at all. I believe if the time ever came that a question of the preparation for war was involved, we would prepare about as fast as anyone else, if war was necessary with any other country.

Mr. POINDEXTER. This is the language of article 15 of the covenant of the League of Nations:

> Members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

Of course, the party in whose favor the report is made is going to comply with it.

Mr. SMITH of Georgia. That is true.

Mr. POINDEXTER. Members of the league agree, without any limitation as to time, that they will not go to war with the member who complies with the report of the council. There is a further provision that the entire controversy may be referred, at the will of either party, to the assembly, and the same provision applies to the report of the assembly.

Mr. HITCHCOCK. Mr. President, it is our purpose on this side of the Chamber to support a substitute to the pending reservation reported from the committee. I desire before offering that substitute, however, to express regret that the Senator from Massachusetts [Mr. LODGE] was so faint-hearted in his effort to reform and improve the pending reservation.

Mr. LODGE. If the Senator will allow me one moment——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. LODGE. No matter whether the Senator thinks I am faint-hearted or not, I can not undertake to defend two amendments which I presented here, because they have been presented by Senators on the other side, and I simply presented them because I hoped that we might get together with a view of ratifying; but when I present two things which I admit I can not defend, and find everybody silent on the other side of the Chamber, I am not going to undertake to carry them. You may offer them yourselves, if you wish to do so.

Mr. HITCHCOCK. If everyone was silent on this side of the aisle, it was possibly because almost everyone was vocal on the other side of the aisle. There were, for the most part, four or five Senators on the other side of the aisle on the floor at the same time, and it is a becoming trait of Democratic character that it gives way under such circumstances to the other side.

Mr. BORAH. When did that begin?

Mr. HITCHCOCK. It has certainly been shown recently to a distinguished extent.

I wish to say, moreover, that the Senator from Massachusetts is in error when he states that the amendments which he proposed were Democratic amendments. The recollection of members of the conference on this side of the aisle is that the word "internal," for instance, was inserted on the recommendation and at the request of the Senator from Minnesota [Mr. KELLOGG].

Mr. KELLOGG. If the Senator will yield, I desire to say that it was nothing of the kind.

Mr. BRANDEGEE. Who was the father of it, Mr. President?

Mr. KELLOGG. The Senator's recollection is at fault this time, as it has been many times before.

Mr. HITCHCOCK. Certainly I am not here to find fault.

Mr. KELLOGG. Further, I should like the Senator to know that I drew the original, and I am perfectly satisfied with it.

Mr. HITCHCOCK. If the Senator denies the fatherhood of the amendment, I shall not impose it upon him, but I can find no member of the conference over here who was responsible for it. There was, however, a general concurrence in the conference upon the proposition that the word "commerce" was entirely too broad without any qualification to come properly under the designation of a domestic question, and it was thought that some qualification should be made.

Without insisting on baptizing any Senator on the other side of the aisle as the father of this reservation, I can say that all of the Senators present from the other side of the aisle concurred in the belief at that time that the word "commerce" was too broad and should in some way be limited. Commerce is world wide, and no single nation can undertake to say that any disputes growing out of world-wide commerce can be considered solely the property and under the jurisdiction of any particular nation. They are, in their nature, the very disputes that must be submitted either to the arbitrament of war or to the arbitrament of peace in some form; and it is the policy of the United States, a policy which is written into many treaties with almost all of the nations of the world, that we will submit such disputes to arbitration.

However, Mr. President, I did not deem the amendment which the Senator from Massachusetts [Mr. LODGE] has offered as of very great importance except to clarify a reservation which is in its language already cumbersome and clumsy. Senators have called attention to the awkward construction of this language, which reads:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction.

That expression would seem to be broad enough. If you state the fact that the United States reserves to itself the right to decide what are domestic questions, and then declare that domestic questions shall not come within the jurisdiction of the league, you have certainly made an intelligent declaration; but you go further and use this language:

> And declares that all domestic and political questions relating wholly or in part to its internal affairs.

How can a domestic question fail to relate to the Nation's internal affairs? Why put in that language of confusion and doubt? So, Mr. President, I shall offer, as I offered on the former occasion, the following substitute for the pending reservation:

> That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. BRANDEGEE. Will the Senator allow me to ask him a question in reference to that reservation?

Mr. HITCHCOCK. Certainly.

Mr. BRANDEGEE. Does not the Senator think that that really is an amendment to the treaty, in that it changes the treaty provision as to all the other signatory powers as well as ourselves? All we are trying to do in the reservation is to fix our duty under the treaty; but the Senator's reservation—if

that is a proper designation of it—changes the treaty provision as to the duty of all the other signatory powers as well as ourselves.

Mr. HITCHCOCK. Mr. President, the answer to that is that if it is true, as the Senator states, that the reservation changes the treaty, it changes it in a way that all of the other nations would be pleased with.

Mr. BRANDEGEE. That may be true——

Mr. HITCHCOCK. Certainly we do not want to enter into the league upon any other basis than the basis upon which other nations enter it. We enter it as equals. We should be bound by the same rule; and if we make a reservation for our own benefit, reserving our domestic questions, we should lay down the rule that all domestic questions of all countries are also reserved. We should not, as a member of the league, be put in a position of asserting a right to pass upon their domestic questions when we withdraw our domestic questions from their consideration.

Mr. BRANDEGEE. Of course that would render utterly negative the reservation which has been made by Switzerland, and it would be useless for us to talk about making any reservations if the Senator's theory were accepted.

Mr. President, I send to the desk and ask unanimous consent at this time to have the Secretary read a reservation that I shall probably offer later on. I merely desire to have it now read so that it may go into the RECORD.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Reading Clerk read as follows:

Ratification shall not take effect unless the instrument of ratification shall have been filed within 30 days after the adoption of the resolution of ratification by the Senate.

Mr. BRANDEGEE. I ask that the amendment may be printed and lie upon the table.

The PRESIDENT pro tempore. It will be so ordered. The question is on the substitute for the pending reservation proposed by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. LENROOT. Mr. President, just a word. There is no Senator upon this floor who has declaimed louder against amending the treaty and sending it back to the different nations than has the Senator from Nebraska [Mr. HITCHCOCK]; and yet the Senator from Nebraska now offers to the Senate a clear amendment of the treaty that affects the rights not only of the United States, but attempts to change the rights and privileges of every member of the league as fixed by the treaty and after they have ratified the treaty. I am amazed at the change of position of the Senator from Nebraska.

Mr. SMITH of Georgia. Mr. President——

Mr. HITCHCOCK. If the Senator from Georgia will permit me, I desire to say that certainly the Senator from Wisconsin can not state there is any change in my position. This is the reservation which we voted for last November, and it is not a change in position for that reason, nor, in our opinion, is it an amendment of the treaty. It merely defines a right under the treaty which is already provided for, that domestic questions shall not be subjected to the jurisdiction of the league.

Mr. LENROOT. Does not the treaty provide that the league itself shall determine what are domestic questions?

Mr. HITCHCOCK. That is a dubious question. I doubt whether it does.

Mr. SMITH of Georgia obtained the floor.

Mr. REED. If the Senator from Georgia will pardon me a question, is the Senator from Nebraska willing to sign a treaty the meaning of which he is himself uncertain about?

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. SMITH of Georgia. Mr. President, I agree with the Senator from Wisconsin [Mr. LENROOT] that the suggestion of the Senator from Nebraska [Mr. HITCHCOCK] is unquestionably an amendment to the treaty. I do not recall it as having been offered in November last. I think it would certainly have attracted my attention as a clear amendment to the treaty if it had been offered at that time. If the language were changed so that it simply applied to the United States and was made a reservation of our right to pass upon any question and determine if it was a domestic question, then it would be entitled to favorable consideration. Beyond any doubt, under article 15 as written the council determines whether a question is or is not a domestic question.

Mr. BRANDEGEE. Mr. President——

Mr. SMITH of Georgia. I ask the Senator to allow me to proceed a little further, then I will yield.

Mr. BRANDEGEE. Very well.

Mr. SMITH of Georgia. The council is authorized to hear any dispute brought to its attention by any member of the league where the member claims that the dispute may lead to war. If the opposing member asserts that the question is a domestic question, then it is for the council to determine, in the language of the covenant, whether under international law it is solely within the domestic jurisdiction of the party. It is to get away from that provision a reservation is essential. I yield now to the Senator from Connecticut.

Mr. BRANDEGEE. I merely wish to call the attention of the Senator from Georgia to the reservation introduced by the Senator from Nebraska last November. I think he is correct in saying that he did introduce it.

Mr. HITCHCOCK. I wish to say in addition to that that the Senator from Georgia voted for it.

Mr. SMITH of Georgia. I do not remember having done so; I think the Senator is mistaken; if so, I overlooked its extent.

Mr. HITCHCOCK. I can demonstrate it to the Senator. I hand him the volume of the CONGRESSIONAL RECORD containing the reservation and the vote upon it.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.

Mr. REED. If we can not determine what we ourselves have done within the last 30 days or so, what do we suppose will happen to us when we get in the hands of the League of Nations?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. No; I prefer not to yield for the moment.

Mr. BORAH. I thought the Senator was through.

Mr. SMITH of Georgia. I am just running through the RECORD handed me by the Senator from Nebraska to see what it was that the Senator from Nebraska sent to the desk at the time to which he refers during the last session. In the last hours of that debate it was simply impossible to appreciate the full extent of the provisions read only at the desk and not read otherwise.

The Senator from Nebraska said at that time—

I move that the treaty be referred to the Committee of the Whole, with instructions to report it back to the Senate with the following reservations which I ask to be read.

Then follow quite a number of reservations which were no doubt read at the Secretary's desk. In connection with my vote to direct the Committee of the Whole to report back the treaty with the reservations then proposed, I said upon the floor that we would not be bound by the reservations as stated when reported back by the Committee of the Whole, nor would we be precluded from adding additional reservations; but, in order to bring the matter back to the Senate, I was willing to vote to have the Committee of the Whole report back the treaty with the reservations. That simply amounted to a committee report and would have brought the measure before the Senate. The reservations were read at the Secretary's desk, but it was impossible for anyone to have told exactly what was in them. However, before voting in favor of having them reported back from the Committee of the Whole I called attention to the fact that we would not be bound by them, but could amend them and perfect them after the report was made.

Mr. President, even though that statement had not been made by me upon the floor, the fact that lengthy reservations were read at the desk and the committee was directed to report the treaty back with such reservations would not in any way have precluded a Senator from criticizing the reservations themselves when the report came in from the committee. The reservation as presented by the Senator from Nebraska on November 13 was:

That any member nation proposing to withdraw from the league on two years' notice is the sole judge as to whether its obligations referred to in article 1 of the League of Nations have been performed as required in said article.

That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matters relating to its internal or coastwise affairs.

I should be perfectly willing to see a reservation of that character added to the league covenant, but I do not think it wise now for us to undertake to amend the original document. We have all conceded that reservations are the only mode by which we can proceed; the Senator from Nebraska has no hope that the Senate will vote for such an amendment now, and to present it as a substitute for a reservation is to offer something that he knows will be killed, and almost amounts to joining with the irreconcilables in hindering action.

SEVERAL SENATORS. Vote!

Mr. SMITH of Georgia. No; I am not ready to vote. I do not wish a vote until we may have an opportunity for agreement on a reservation which may aid ratification of the treaty.

Mr. HITCHCOCK. Mr. President, I do not like to have the Senator from Georgia take the position——

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. LODGE. If the Senators on the other side desire to debate this matter still further, as it is now half past 5 o'clock, if the Senator will yield to me I will make a motion to adjourn.

Mr. SMITH of Georgia. I yield.

Mr. LODGE. I move that the Senate, as in legislative session, adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 27, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 26, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father Almighty, inspire us with a profounder faith in Thee, that we may lay hold of life and its eternal values and prosecute the work Thou hast given us to do with new energy and zeal, thus fulfilling Thy purposes and satisfying our own consciences. "For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

TRADE-MARKS AND COMMERCIAL NAMES.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 10, 1910, and for other purposes, and to disagree to all the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, disagree to all the Senate amendments, and ask for a conference.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. NOLAN, Mr. LAMPERT, and Mr. CAMPBELL of Pennsylvania.

LEGISLATION RELATING TO SOLDIERS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report, which the Clerk will report.

The Clerk read as follows:

House resolution 470.

Resolved, That for the remainder of the second session of the Sixty-sixth Congress all proposed legislation relating to those who served in the World War (other than those of the Regular Establishment), excepting, however, legislation based on and relating to disability incurred in the service, shall be referred to the Committee on Ways and Means, and the Speaker is hereby authorized to make rereference of bills heretofore introduced in accordance with the terms of this resolution.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this resolution is to send to the Ways and Means Committee all bills heretofore introduced or that may hereafter be introduced relating to the soldiers who served in the World War, excepting legislation relating to disability.

Mr. POU. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. POU. I should like to ascertain from the gentleman if we can have some arrangement as to time.

Mr. CAMPBELL of Kansas. I think I shall make a brief statement and then move the previous question on the resolution.

Mr. POU. Does the gentleman mean——

Mr. CAMPBELL of Kansas. The purpose is——

Mr. RAYBURN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. After I have made a brief statement.

Mr. RAYBURN. Is the gentleman going to move the previous question immediately on making his statement?

Mr. CAMPBELL of Kansas. Yes; I think I shall.

Mr. POU. That cuts off all opportunity for debate.

Mr. CAMPBELL of Kansas. I will yield to the gentleman for a question after I have made my statement. The purpose of this legislation——

Mr. POU. Does the gentleman, my colleague on this committee, mean to tell us that his purpose is to cut off debate on this resolution?

Mr. CAMPBELL of Kansas. After the brief statement that I wish to make.

Mr. KINCHELOE. If the gentleman is going to do that, I will make the point of order that there is no quorum present.

Mr. RAYBURN. I will ask the gentleman from Kentucky to withhold that for a moment. Will the gentleman from Kansas yield for just a moment?

Mr. CAMPBELL of Kansas. I will yield for a brief question.

Mr. RAYBURN. The gentleman will remember that when I appeared before the Committee on Rules the other day his statement to me about time was that there would be 20 minutes on a side.

Mr. CAMPBELL of Kansas. I said there could be 20 minutes on a side.

Mr. RAYBURN. The gentleman said there would be.

Mr. POU. Will the gentleman yield to me for a question?

Mr. CAMPBELL of Kansas. For a question.

Mr. POU. I would like to ask the gentleman why this departure from the usual policy of fairness that has characterized the gentleman's course heretofore. I see no reason why the gentleman should not yield us 20 minutes on this side. I want to suggest to my colleague on the committee that this course of procedure is unusual and in my opinion unworthy of the great Committee on Rules and the chairman of it, who is now addressing the House.

Mr. CAMPBELL of Kansas. This is the first time that I have taken advantage of the right of the majority members of the Committee on Rules to move the previous question after a brief statement as to what the majority proposes to do.

Mr. KINCHELOE. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrews, Md.	Dupré	Kelly, Pa.	Reber
Bell	Eagan	Kendall	Rhodes
Benson	Ellsworth	Kennedy, Iowa	Riordan
Blackmon	Emerson	Kennedy, R. I.	Robinson, N. C.
Bland, Mo.	Ferris	Kettner	Rodenberg
Boies	Fields	Kreider	Rowan
Booher	Fuller, Mass.	Langley	Rucker
Brumbaugh	Gallivan	Larsen	Schall
Caraway	Garland	Lufkin	Scully
Carew	Godwin, N. C.	McCulloch	Sears
Clark, Fla.	Goldfogle	McDuffie	Smith, Ill.
Classon	Gould	McPherson	Smith, N. Y.
Cooper	Graham, Pa.	Maher	Snyder
Costello	Griest	Mann, S. C.	Steagall
Crago	Hamill	Mead	Steele
Cramton	Harrison	Moon	Stephens, Miss.
Crowther	Haugen	Moore, Ohio	Stephens, Ohio
Cullen	Hoey	Neely	Stoll
Currie, Mich.	Houghton	Nicholls, S. C.	Strong, Pa.
Curry, Calif.	Hudspeth	O'Connell	Sullivan
Dewalt	Hulings	O'Connor	Tague
Dominick	Johnston, N. Y.	Pell	Weaver
Donovan	Jones, Pa.	Porter	Welty
Dooling	Kahn	Purnell	

The SPEAKER. Three hundred and twenty-nine Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. MANN of Illinois. Mr. Speaker, I ask unanimous consent that the rule be again reported.

The SPEAKER. Without objection, the Clerk will again report the rule.

The Clerk read the rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, when interrupted by the point of no quorum——

Mr. SWEET. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. No; not until I make my statement. Mr. Speaker, since being interrupted by the point of no quorum, I have talked with my colleagues on the Committee on Rules and am led to believe that statements made in the committee properly led members of the minority to believe that there would be at least 20 minutes allowed for debate on each side on this resolution. If that is true, and I believe it is after refreshing my recollection, I shall yield 20 minutes to the gentleman from North Carolina [Mr. POU] out of the hour that is under my control. [Applause.] I will ask him to use as much of that time now as he can, because I think there will be little discussion on this side after he has concluded.

Mr. Speaker, I want to state, before I yield the floor temporarily, that the purpose of this resolution is to get all the bills now pending in all the committees before the Committee on Ways and Means so that action may be had by a committee that has jurisdiction of all bills on this subject and act as soon as possible.

Mr. RAYBURN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I shall not yield for a question at this time. I want to make a consecutive statement about this matter. I know what gentlemen have in their minds. But it is more important to the soldiers of the late war that some committee shall have jurisdiction of all matters pertaining to the legislation desired by Members of Congress than that some committees in the House shall lose or retain some of the jurisdiction they now have over this legislation. [Applause.]

Bills have been introduced that have been referred to the Committee on the Public Lands, to the Committee on Ways and Means, to the Committee on Banking and Currency, to the Committee on Education, to the Committee on Military Affairs, and to the Committee on Interstate and Foreign Commerce. Each of these committees is jealous of its jurisdiction, but the country does not care a picayune for their jealousy or their jurisdiction. [Applause.] It is all-important that all bills referring to these matters be referred to some committee now organized and ready for action, that can do something upon this very important question. It is for the purpose of enabling the House to get action through an instrumentality that has already been created that this resolution has been agreed to by gentlemen who have been urging this legislation.

Mr. BARKLEY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I shall yield to the gentleman from North Carolina.

Mr. BARKLEY. I want the gentleman to yield.

Mr. RAYBURN. Some of us would like to know what the resolution means.

Mr. CAMPBELL of Kansas. The resolution speaks for itself.

Mr. WINGO. Mr. Speaker, I think the gentleman ought to explain the resolution and give the House some information.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 20 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I would like to be notified at the end of seven minutes. Mr. Speaker, nobody ever loses anything by being fair. [Applause.] I felt perfectly sure that the gentleman from Kansas, chairman of the powerful Committee on Rules, would consent, after consideration, to give the minority at least 20 minutes of time for the discussion of this matter.

Mr. Speaker, the desire of the minority, at least of the Committee on Rules, is to secure speedy action on the bills providing for supplemental or additional compensation to the soldiers and sailors who served in the Great War. [Applause.] If it is the purpose of the Republican steering committee in ordering the resolution offered, referring all such bills to the Committee on Ways and Means—if the purpose is to secure speedy action, we bid you Godspeed, but I have a very well grounded fear that the purpose of this resolution in referring all of these bills to the Ways and Means Committee is to put them to sleep during the remainder of this session. [Applause on the Democratic side.]

Now, Mr. Speaker, the minority of the Committee on Rules, with some immaterial amendments, offered a resolution, introduced by the gentleman from Tennessee [Mr. HULL], some weeks ago as a substitute for the resolution now being considered, and I ask unanimous consent to have the resolution printed as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The resolution is as follows:

House resolution 323.

Resolved, That a select committee consisting of 21 Members of the House be appointed by the Speaker for and during the period of the present Congress; such select committee shall have jurisdiction of all the following proposed legislation, which shall be referred to such committee, viz: Subjects relating to the civil reestablishment of all honorably discharged officers, soldiers, sailors, and marines of the present World War, including all bills, resolutions, or communications relating to their vocational rehabilitation, to their educational facilities of any kind, to their employment, providing credits, or providing additional compensation of whatsoever kind or in whatever form, including the bonus, hospital, and sanatorium facilities, or homes, or allotting lands; also subjects relating to war-risk insurance and compensation for disabilities incurred in the service, including allotments, and any and all other subjects principally and directly relating to or affecting the status or interests of the officers, soldiers, sailors, and marines aforementioned. Said select committee shall have the right to report at any time.

That all standing committees having jurisdiction of bills and resolutions referred to the select committee aforesaid under this resolution be, and they are hereby, discharged from further consideration of such bills and resolutions.

Mr. POU. Mr. Speaker, that resolution provides for the appointment of 21 Members of the House by the Speaker. There is precedent for this. The committee should have jurisdiction of all bills relating to the subject. It was the idea of the minority and, no doubt, the introducer of the resolution that the Speaker would take the members of the respective committees which have charge of these bills—the Committee on the Public Lands, the Committee on Military Affairs, the Committee on Interstate and Foreign Commerce, the Committee on Education—and that the Speaker would create a committee from the membership of the several committees, appoint this special committee not burdened with work, not burdened with all manner of responsibility, that it should take charge of such bills and at an early date report to this House some measure whereby ex-service men may know it is the purpose to do more practical and substantial justice. They have a right to demand at least the same treatment as the Government clerk.

The only way to secure consideration of the substitute which in this brief time I have described is to vote down the previous question. If the previous question is voted down, there may be an opportunity for considering the substitute. If the previous question is voted up, there can be no consideration of the substitute which I have put in the RECORD.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. POU. I will.

Mr. BARKLEY. I have been told that the Ways and Means Committee already has some 50 or 60 bills of this sort upon which they have taken no action. Is there any hope that they will be any more expeditious with this than with those?

Mr. POU. Of course I can not answer that question. I entertain a very pronounced opinion, but I will say this: I believe the people of the country, and the ex-service men particularly, would instantly take it as the earnest purpose on the part of this House to do something if, as in the water-power case, a select committee were appointed by the Speaker, with no other bills to consider except those dealing with this great question—a committee that would immediately go to work to investigate all the bills which have been introduced and in all human probability make an early report to the House.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. BANKHEAD. Under the terms of this resolution does the gentleman understand that it affects bills that have already been acted upon by committees and that are now on the calendar of the House?

Mr. POU. I think not. Bills upon the calendar are under the jurisdiction of the House. But this resolution provides that all bills heretofore introduced on the subjects enumerated shall be referred to this select committee of 21, and that the respective committees that have had charge of them heretofore shall be discharged from further consideration of them. But, as I have said, this would not change the status of bills already on the calendar.

Mr. BANKHEAD. There is a bill to which I had particular reference, reported by the committee last week, providing for an increased allowance to the men taking vocational training.

Mr. POU. That bill would be referred to this committee, as I construe the resolution.

Mr. LONGWORTH. Oh, it would not. The resolution under consideration specifically excludes all bills that deal with disability. They are not included.

Mr. BLANTON. Will the gentleman yield for a brief question?

Mr. POU. Yes.

Mr. BLANTON. If the gentleman's idea of the purpose of this resolution is correct—and I am sure he can not be wrong—then this resolution would shelve all such legislation until after the elections.

Mr. POU. That is the fear of the minority of the Rules Committee.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. POU. My time is limited. I have only a minute or so, and I have agreed to yield all of the remaining time.

Mr. DYER. The gentleman ought not to make insinuations against this side of the House without foundation.

Mr. POU. I yield for a question.

Mr. DYER. I would like to have the gentleman state on what he bases the fear that the Republicans are not in favor of helping the soldiers when, as a matter of fact, they have always been in favor of helping the soldiers and the Democratic Party has never been. [Applause on the Republican side.]

Mr. POU. The gentleman is proceeding to take up my time to express his own views. The Republicans are in power, they have a large majority in this House, and if they had intended to do anything at all they would have done it by now. [Applause on the Democratic side.]

Mr. DYER. The record of the Republicans speaks for itself.

The SPEAKER. The gentleman from North Carolina has consumed 10 minutes.

Mr. POU. I will proceed just a minute. There is no need to speak of the debt of gratitude the Nation owes to the ex-service men. It is far greater than the Nation will ever be able to pay. Need I ask your pardon for speaking of the sacrifice of my own young son? I think not. I was very proud of him, and for a long time after his death I could not bear to speak of my sorrow, but I have thought a great deal about the lesson of his short life. It has made me a broader and, I hope, God being my helper, a better man. I think I have just reason to be proud. I have the tokens he won of duty well performed.

In one of his letters from France he wrote, "Papa, they call us all 'Yanks' over here, and I want to tell you I am proud of it." [Applause.]

Before he was 21 he paid the great price, but his work enrolled him with the immortals. They laid him away to rest in a casket draped with that flag. Yes; I have the flag, too, which I shall leave as a priceless heritage to posterity. Do you wonder I feel a thrill I never felt before when I look upon that flag? As a child my father taught me to love the flag, but my love for it, the reverence I feel for it now, no words can describe.

My boy did not die in vain. I reverently thank God I was permitted to be his father. The men who served in the great World War have buried sectionalism in America forever. [Applause.] If they had done that and nothing more, they would deserve all we will ever be able to do for them. [Applause.]

Mr. Speaker, I now yield five minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, I wanted the gentleman from Kansas [Mr. CAMPBELL] to yield, which he generously refused to do, for I would like to know what this resolution means before we vote upon it. A great deal of talk went around here yesterday among members of the Committee on Rules about what the Speaker was going to refer to the Committee on Interstate and Foreign Commerce and what he was going to refer to this committee. I simply wanted to get into the RECORD whatever the Speaker had agreed to do on that question. I would like to have the gentleman from Kansas answer the question, if he will.

Mr. CAMPBELL of Kansas. Mr. Speaker, answering the gentleman from Texas, I have not consulted the Speaker about the references that he would make. I am sure that the Speaker will read the resolution and he will carry out its purpose and intent.

Mr. RAYBURN. The gentleman does not have the information that I want.

Mr. SWEET. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SWEET. I want to ask the gentleman in reference to the language in the resolution. I would say that I am in sympathy with the spirit of the resolution, but I am doubtful as to the wording of it. The resolution states:

> Excepting, however, legislation based on and relating to disability incurred in the service, shall be referred to the Committee on Ways and Means, and the Speaker is hereby authorized to make rereference of bills heretofore introduced in accordance with the terms of this resolution.

Mr. RAYBURN. Yes.

Mr. SWEET. Do I understand that according to a proper construction of that resolution the Wason bill and the bills introduced by Mr. RAMSEYER and by Mr. TREADWAY and others, which are now being considered in our committee, would be rereferred to the Committee on Ways and Means?

Mr. RAYBURN. They would all go to this graveyard of which the gentleman from Michigan [Mr. FORDNEY] is chairman.

The gentleman from Michigan [Mr. FORDNEY], who is the chairman of this committee, has already introduced a bill and got it reported here that will tear the War Risk Bureau wide open and put half of it in one department of the Government and half of it in another.

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. FORDNEY. The bill that I introduced was to refer to the Committee on Pensions all pensions relating——

Mr. RAYBURN. Oh, no; the gentleman's bill reported to this House would take the compensation division of the war risk insurance act out of the Bureau of War Risk Insurance and put it over here in this Pension Department.

Mr. FORDNEY. That has nothing to do with this bill.

Mr. RAYBURN. If a man wants to ask me about the ability of this Committee on Ways and Means, I would say that it is just as able as the Committee on Interstate and Foreign Commerce; but would any member of the Committee on Interstate and Foreign Commerce contend that the Committee on Interstate and Foreign Commerce is capable of handling a bill involving the intricate technicalities of a tariff law?

Will any member of the Ways and Means Committee of this House or any Member of this House contend that the Ways and Means Committee, that knows nothing about this law except in a general way, is as capable of handling the amendments to the war-risk insurance act as the committee that gave it birth and that has brought it to such a high standard in this land? [Applause.] In the name of all the gods at once upon what meat does this committee feed that it has grown so great? [Applause.] Sound the name of FORDNEY and the name of ESCH; ESCH will start a spirit of this House or any place else of this land as soon as FORDNEY. Call the roll of the committees. What committee of this House since the war closed has done anything for the crippled and the maimed of the American Army? The Committee on Interstate and Foreign Commerce, by passing the Sweet bill. If you take the amendments that are introduced now and before the Interstate Commerce Committee and send them to this Ways and Means Committee you are sending them to their death, and as sure as you do it the country will hold you responsible for it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. POU. I have only one more speech.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON]. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Speaker, one of the squarest citizens in the whole United States as well as one of the most consistent friends of the ex-service men is the gentleman from North Carolina [Mr. POU], who opened the opposition to this measure. I hesitate very much to disagree with him because I know that he wants to accomplish the things that are best for the service men, and any disagreement I should have with him would be purely in the method we would want to adopt. He has been a constant supporter of all legislation advocated by the American Legion and by the Veterans of Foreign Wars, and is and always will be a friend of the service men. No man who has made the wonderful sacrifice that he has made for his country could do otherwise than he has done. I think it is natural that some questions would be asked about this resolution, and I am going to tell some of its history.

Mr. DYER. Will the gentleman yield for one question before he starts?

Mr. JOHNSON of South Dakota. Certainly.

Mr. DYER. I would like to know why those of the Regular Establishment are to be excepted from this resolution?

Mr. JOHNSON of South Dakota. It is one question, I will say to the gentleman from Missouri, I myself asked, because I know that a great many men of this country went into the Regular Army just as soon as war was declared, but I do not believe it would apply to those men who volunteered in the Regular Army for the war, and I do not believe it would except the members of the Regular Establishment if the Ways and Means Committee desires to include them in bonus legislation, but the phraseology would naturally bring up the question the gentleman asks. Personally, I believe the Regular Army should be included. Now, this legislation was fathered by Republicans and Democrats alike, and I do not think we ought to be trying to talk politics over a resolution of this kind. It was fathered by men who wanted to get some action on the matter. It was taken up with Mr. D'Olier and the executive committee of the American Legion and they said that they wanted to get some

kind of legislation, not trying to dictate to Congress at all, because Congress ought to decide for itself. They favored the getting of these bills and resolutions all in the hands of one committee in order that action might be secured. Now, most of us cared very little whether it came through legislation proposed by the gentleman from Tennessee [Mr. HULL], because his resolution is the basis of the substitute that would have been offered by the gentleman from North Carolina if he had had a chance, or through this resolution. The idea was that it ought to come from the committee that has to raise the money——

Mr. KINCHELOE. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. KINCHELOE. In view of the fact that the Ways and Means Committee, as the gentleman well knows, have had 40 50 bills before it for all these months and have had hearings on them and has not reported, why should the gentleman want to put an additional burden on the same committee as by the method proposed, especially when every fact goes to show this committee is not friendly to this legislation?

Mr. JOHNSON of South Dakota. I think that is a very fair question, and I would say to the gentleman that the only reason we want to adopt this method of procedure is because we know the condition of the Federal Treasury, and we feel that the legislation ought to be brought out by the committee which was going to provide for the raising of the money. As a matter of fact I would, if we had plenty of available funds, be willing to accept the proposition of the gentleman from North Carolina. I know that he has brought it in in the spirit of extreme fairness in order to get action, but I think it ought to go to the committee which has to raise the money.

Mr. CALDWELL. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from New York.

Mr. CALDWELL. Does not the gentleman realize that this Ways and Means Committee is always penurious and that an appropriation committee is always liberal, and does not the gentleman think that the soldier would be better off if the matter were in the hands of an appropriation committee rather than in the hands of the Ways and Means Committee?

Mr. JOHNSON of South Dakota. I will say to the gentleman I do not care to discuss the membership of the Ways and Means Committee, either Republicans or Democrats. If this Ways and Means Committee does not operate, we probably can secure action through caucus of both his party and mine, which will make it operate without regard to politics. Now, the question was raised, particularly by the gentleman from Iowa, as to how the war-risk insurance measures would be affected. I have just talked with the Speaker of the House, who will construe the resolution if it passes, and he said evidently there is only one bill now before the House——

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield the gentleman two minutes additional.

Mr. JOHNSON of South Dakota. There is only one bill before the House affecting war-risk insurance which would go to the Ways and Means Committee.

That is a bill that would provide that all the insurance premiums of all the ex-service men would be paid by the Government, and it is the only bill affecting the war-risk insurance which under this resolution would be transferred.

Mr. SWEET. I call the gentleman's attention to the Wason bill, on which hearings are being held. That relates solely to insurance. Would that be referred to the Committee on Ways and Means?

Mr. JOHNSON of South Dakota. Not unless it is a bill providing that all insurance premiums be paid by the Government.

Mr. SWEET. If it is purely an administrative bill, will it remain with the Committee on Interstate and Foreign Commerce?

Mr. JOHNSON of South Dakota. The Speaker assures me, and he can correct me if I misquote him, that that is one he would not take away and refer to the Ways and Means Committee.

Mr. SWEET. Under the terms of the resolution it is limited to "disability incurred in the service," which relates solely to compensation. I am in sympathy with the spirit of this resolution and doubtful only as to its wording. If I was sure that we could take up the Wason bill and continue the hearings and go on with it and report whatever the committee may see fit to this House I would have no objection to it.

Mr. JOHNSON of South Dakota. I can assure the gentleman—and if I am wrong the Speaker will correct me—that the Wason bill will stay in the gentleman's committee, and desire to say that no one would desire to take any jurisdiction from the committee of the gentleman from Iowa [Mr. SWEET]. He has done so much for ex-service men that they will all trust their interests to him.

I am sure the American Legion and its executive committee are perfectly satisfied with this particular resolution. I am sure that they would be just as satisfied, if the matter had come up before, and they could have made their decision on the substitute of the gentleman from North Carolina [Mr. POU]. It is purely a matter of what procedure we adopt; what we want is action, and we will get it. [Applause.]

Mr. POU. Mr. Speaker, I yield the remainder of my time to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker and gentlemen of the House, if the Democratic administration had taken as much time and had been as slow in preparing for and prosecuting a successful war as the Republican Party has been slow in giving justice to the soldiers, sailors, and marines who won that great victory, the German Kaiser to-day would be the military master of the world. [Applause on the Democratic side.] I want to pay a compliment to the gentleman from South Dakota [Mr. JOHNSON] who has just taken his seat. It is well known to the country, according to the reports recently in the public press, that it was the well-defined policy of the Republican Party in this House not to bring in legislation for the benefit of the soldiers who fought in the World War at this session of Congress. It was the gentleman from South Dakota who said in the public press, as I read it, that he intended to call a caucus of the Republican Members of Congress, and went so far, as the paper stated, to circulate a petition, and he laid down the law to you to the effect that unless you took this action he would let the country know who was responsible for the delay; and it is at his request to-day that you are trying to camouflage this proposition and make it appear to the country that you are going to do something for the ex-service men. I sincerely hope that you will.

So far as I am concerned I have been ready for months; and the Republican side has had control of this Congress since last May—almost a year—and now all that you can do in behalf of the ex-service men is to come in here with a resolution saying that all of these bills shall be referred to the Ways and Means Committee for consideration, while the men wait and wait for action. [Applause on the Democratic side.] We are on this side, so far as the minority members of the Rules Committee are concerned, glad to strike hands with the gentleman from South Dakota, and for any resolution which will get speedy action and speedy legislation for the ex-service men.

Mr. JOHNSON of South Dakota. Will the gentleman yield for a question?

Mr. CANTRILL. Let me finish my statement.

I hope the gentleman is correct when he says that the Ways and Means Committee will bring in a bill here, but I fear that he is mistaken. For one I do not expect them to do it. They have had nearly a year. You have now four months until your national convention. Do not put this thing off. I serve notice on you now that this side of the House will bring this question to your attention again. Bring in some kind of a bill between now and your national convention and pass it through this House for the benefit of the ex-service men.

Mr. JOHNSON of South Dakota. Will the gentleman yield for a question?

Mr. CANTRILL. Just for a question.

Mr. JOHNSON of South Dakota. We both of us desire action. Would not the best way to get this legislation be to vote for the previous question on the resolution and for the resolution?

Mr. CANTRILL. I want to say to the gentleman that I hope the House will vote down the motion for the previous question and give us an opportunity to present on its merits to that side of the House a substitute which the gentleman from North Carolina [Mr. POU] has put into the RECORD. If you vote that down, I am perfectly frank to say to the gentleman from South Dakota that I will join with him to vote to put it in the hands of the Ways and Means Committee, but I believe that the substitute is the better plan, and one that will bring better results for the ex-service men of the country. Give us a chance to bring up this substitute and submit it to that side of the House on its merits, and let the Speaker of this House appoint a special committee, with nothing else to do except to consider these bills. Then you will get some action. Do not bury the bills in the Ways and Means Committee or in any other committee, as I fear will be the result. [Applause on the Democratic side.]

Ah, Mr. Speaker, what is this action here to-day? As I pointed out, it is because the Republican side of the House is afraid to take issue with the gentleman from South Dakota and the men on this side of the House who want some action on this

matter. It is a command from the Republican steering committee of this House to kill this legislation, just as the Republican steering committee has commanded the Judiciary Committee and the Committees on Public Lands, Public Buildings and Grounds, Education, and other committees of this House to bury legislation which the members of these great committees stood for. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, just on the question of the substitute.

The substitute which the gentlemen desire to offer, and I hope they will not get the opportunity to do it, proposes the appointment of a committee by the Speaker consisting of 21 Members, and, as stated by the gentleman from North Carolina [Mr. POU], it would be expected that that committee would be made up of a number of the ranking men on four or five or six different committees. These committees now are active committees of the House. They are all busy. Yet the gentleman says if they had a special committee made up in that way, that that committee would have nothing to do but to consider these questions. That committee would be composed of Members of the House now working night and day on their own committee work, and they never could get a quorum of the special committee together. [Applause on the Republican side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. FESS].

The SPEAKER. The gentleman from Ohio is recognized for two minutes.

Mr. FESS. Mr. Speaker, the observations made by the gentleman from Illinois [Mr. MANN] were the observations that controlled in the determination of the majority of the Committee on Rules against the special committee, and I think they are very well taken.

This is a very simple proposition. Here is a demand for soldier relief that has gone to the Committee on Public Lands; here is another that has come to the Committee on Education—a bill introduced that I myself fathered before the Committee on Education to provide for vocational education of all service men who desire such benefit; here is another that has gone to the Committee on Interstate and Foreign Commerce; here are others gone to the Committee on Ways and Means. And if the business of this House is expedition, the first sensible thing to do would be to concentrate on a single committee to avoid conflicting proposals from various committees.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Not now. Therefore the Committee on Rules decided without opposition that it should go to one committee.

Now, as to whether it was to go to this particular committee or a specially appointed committee, it was thought first that a specially appointed committee, as was presented to us, would be too busy on account of its personnel being made up of members of other committees engaged in other work to do this particular work; and, second, it was thought that the Committee on Ways and Means is the one committee of the House to determine the income in the way of revenue to provide for the outgo to take care of such legislation as will be reported; and therefore, as the chairman of the Committee on Education, I voted to relinquish our claim upon that particular legislation which I fathered and which came to our committee. I believe all other committees will be willing to do the same. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used 16 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma is recognized for three minutes.

Mr. MORGAN. Mr. Speaker, I hope this rule will be adopted by unanimous vote and that the resolution which the rule makes in order will be passed with the same unanimity. Since the convening of the Sixty-sixth Congress last May I have been deeply interested in beneficial soldier legislation. Many others on both sides of this House have had a like interest. Indeed, the large majority of the membership of this House have been greatly interested. I gave considerable time and thought to the preparation of a bill, H. R. 5545, which proposes to organize the necessary credit facilities through which every honorably discharged soldier, sailor, and marine of the great World War may acquire a home. Many other Members of the House, I think about 75 in number, have introduced bills proposing various plans of recognition to the soldiers. Every man has no doubt proposed what he thought was best and wisest. These various bills have been pending for some time before a number of different committees. Some of us have been a little impatient over the apparent delay in their consideration. A number of us on this side of the House have several times conferred together on this matter. We have gone before the leaders of this side of the House and urged action. We have discussed among ourselves and with the leaders as to what would be the best plan to pursue. As a result of our conferences, we concluded some time ago that all of these soldier-aid bills should be referred to a single committee. Two plans were proposed. One was that a special committee should be created to which all of these bills should be referred. The other was that all of these bills should be referred to the Ways and Means Committee. After a somewhat careful consideration of the subject it was the conclusion of those in conference that, all things considered, the best plan was to refer all these bills to the Ways and Means Committee.

This committee consists of 25 members. It represents 24 States of the Union. New York is the only State having more than one representative on this committee. It has two. The East, the West, the North, and the South are represented on this committee. The soldiers from every part of the Nation will be represented on this committee. It will likewise represent the public interests in every part of this country. It is a safe committee to consider and act upon this important legislation. I believe the interests of the soldiers and the interests of the country will be safe in its hands.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes; I will yield.

Mr. CLARK of Missouri. Does not the gentleman think that if the Ways and Means Committee would attend to its legitimate functions it would have enough to do between now and the end of this session?

Mr. MORGAN. I think that the Committee on Ways and Means for the time being, for 20 or 30 days, should suspend action upon all other bills pending and that its members should concentrate their time and ability in perfecting wise legislation in behalf of the soldiers of our country. [Applause.]

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. For a question.

Mr. GARRETT. The last suggestion of the gentleman raises a very interesting inquiry in the minds of Members.

Mr. MORGAN. I hope the gentleman will be brief.

Mr. GARRETT. Back of all this is it the purpose to keep this legislation in that committee in order to relieve it from other duties?

Mr. MORGAN. I do not know what pressing legislation is pending before the Ways and Means Committee. I have talked with the chairman and with a number of the members of this committee on this subject. None of them, so far as I know, have been asking that these soldier-aid bills be referred to this committee. Those to whom I have talked recognize the responsibility to be placed upon them. They have not sought this task. They have not been asking for this additional jurisdiction. Persons not members of the Ways and Means Committee first proposed this arrangement, and they have been the ones who have urged its adoption. But now for the future work. Whatever legislation is pending before this committee, except such as is of immediate, vital, and supreme importance, must give way to the soldier-aid legislation. The time has come when there must be no further unnecessary postponement. The committee must give reasonable time for hearings on the various bills. The soldiers, sailors, and marines, individually and through their organizations, must be heard. The public also must be heard. In my judgment the soldier-aid legislation is the most important matter now pending before Congress. The fact that these bills shall be referred to the Ways and Means Committee does not relieve the other Members of this House from responsibility. Every Member of this House should study this subject with the utmost care, diligence, and thoroughness. We should aid and assist the Ways and Means Committee in every way in our power. In this matter we should be guided by the best impulses of our hearts and by the light of patriotic devotion to our country and its free institutions, which have been preserved and perpetuated through heroic deeds of our soldiers, sailors, and marines in the great World War.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Speaker, I think there has been general agreement on both sides of the House for some time that it was

important that all of the questions involving large expenditures on behalf of ex-service men should be considered by a single committee, at least all questions other than those that grow out of or relate to disability or have to do with the administration of present laws.

Some time ago certain gentlemen, who have been very actively interested in these matters, suggested and urged that some decision be reached in the matter. A committee of the American Legion with whom I talked also urged that all of these matters be referred to one committee. My first personal inclination was for the appointment of a special committee by the Speaker. But in discussing that with gentlemen on both sides I found there was much opposition to that procedure. It was urged, among other things, that any legislation involving large expenditures should be considered by the committee that has to do with the raising of revenue; that proposals of legislation that might involve a bond issue or raise the question of taxation, that would necessitate the general question of the revenues, ought to go to the committee that has jurisdiction over those matters. [Applause.] All of the other committees were perfectly willing to surrender their jurisdiction, except that there was some little question on the part of one or two members of the Committee on Interstate and Foreign Commerce.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. In a moment. That committee is yielding less of its jurisdiction over these matters than any of the other committees of the House that have jurisdiction over them, because that committee retains all of its jurisdiction except jurisdiction over matters that relate not to service and disability but questions that go to the demands or requests or suggestions of all of the ex-service men. Otherwise the Committee on Interstate and Foreign Commerce retains its jurisdiction, and it seems to me, Mr. Speaker, that under the circumstances the Committee on Ways and Means is the committee that logically should consider all of these great questions.

Now I yield to the gentleman from Arkansas, if I have time.

Mr. WINGO. On the gentleman's theory that the committee which has to do with the raising of revenue, or possibly bond issues, should have jurisdiction, does the gentleman intend to follow up that policy and have bills requiring compulsory military training referred to that committee, because, according to the gentleman's own statement, such bills will involve an expenditure of a billion dollars and involve a bond issue?

Mr. MONDELL. That question is silly.

Mr. WINGO. It requires neither character nor courage for the gentleman to take advantage of his position on the floor.

Mr. MONDELL. I have the floor, Mr. Speaker, I presume.

The SPEAKER. The gentleman from Wyoming has the floor.

Mr. WINGO. I know he has the floor and is abusing the privileges of the floor.

Mr. MONDELL. The matter that the gentleman refers to has no relation whatever to the matter treated in this resolution. [Applause.]

Mr. CAMPBELL of Kansas. The first vote will be on the previous question. If the previous question is not ordered, the control of the House will be turned over to the Democratic side, and everybody knows how incompetent they are to manage the affairs of this country, as they have shown in the last eight years. [Applause on the Republican side.]

Mr. WHEELER. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. WHEELER. I understand the members of the Ways and Means Committee are members of no other committees. Is it true that they always have a quorum at their meetings?

Mr. CAMPBELL of Kansas. The members of that committee are members of no other committees, and I understand they have very little other work to do at this particular time.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. DEMPSEY. Is it not a fact that the water-power bill, one of the most important bills before the House, has been delayed in its consideration for three or four months because the gentleman from Wisconsin [Mr. ESCH], the chairman of that committee, is also a member of the Committee on Interstate and Foreign Commerce, which has had the railroad bill before it?

Mr. CAMPBELL of Kansas. Yes.

Mr. DEMPSEY. And would not that illustrate the situation we would have if the Democratic proposal prevailed?

Mr. CAMPBELL of Kansas. I think the gentleman is correct. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question.

Mr. CLARK of Missouri and Mr. POU demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 127, not voting 93, as follows:

YEAS—208.

Ackerman	French	McArthur	Rowe
Andrews, Nebr.	Fuller, Ill.	McFadden	Sanders, Ind.
Bacharach	Gandy	McKenzie	Sanders, N. Y.
Baer	Garner	McKinley	Sanford
Barbour	Glynn	McLane	Scott
Begg	Goodall	McLaughlin, Mich.	Sells
Benham	Goodykoontz	McLaughlin, Nebr.	Shreve
Black	Graham, Ill.	McPherson	Siegel
Bland, Ind.	Green, Iowa	MacCrate	Sinclair
Bowers	Greene, Mass.	MacGregor	Sinnott
Britten	Greene, Vt.	Madden	Sisson
Brooks, Ill.	Hadley	Magee	Slemp
Brooks, Pa.	Hamilton	Mann, Ill.	Smith, Idaho
Browne	Hardy	Mansfield	Smith, Mich.
Browning	Harreld	Mapes	Snell
Buchanan	Hawley	Martin	Steenerson
Burdick	Hays	Mason	Stiness
Burke	Hernandez	Merritt	Strong, Kans.
Burroughs	Hersey	Michener	Summers, Wash.
Butler	Hickey	Miller	Sweet
Campbell, Kans.	Hicks	Monahan, Wis.	Swope
Campbell, Pa.	Hill	Mondell	Taylor, Tenn.
Cannon	Hoch	Moores, Ind.	Temple
Chindblom	Hulings	Morgan	Thomas
Christopherson	Hull, Iowa	Morin	Thompson
Coady	Husted	Mott	Tilson
Cole	Hutchinson	Mudd	Timberlake
Copley	Ireland	Murphy	Tincher
Dale	James	Nelson, Wis.	Tinkham
Dallinger	Jefferis	Newton, Minn.	Towner
Darrow	Johnson, S. Dak.	Newton, Mo.	Treadway
Davis, Minn.	Johnson, Wash.	Nichols, Mich.	Vaile
Dempsey	Juul	Nolan	Vare
Denison	Kahn	Ogden	Vestal
Dickinson, Iowa	Kearns	Olney	Volstead
Dowell	Keller	Osborne	Walsh
Dunbar	Kelley, Mich.	Paige	Walters
Dunn	Kiess	Parker	Ward
Dyer	King	Peters	Wason
Echols	Kinkaid	Platt	Watson
Edmonds	Kleczka	Radcliffe	Webster
Elliott	Knutson	Ramsey	Wheeler
Elston	Kraus	Ramseyer	White, Kans.
Esch	Lampert	Randall, Wis.	White, Me.
Evans, Nebr.	Layton	Reavis	Williams
Fairfield	Lazaro	Reed, N. Y.	Wilson, Ill.
Fess	Lea, Calif.	Reed, W. Va.	Wilson, Pa.
Focht	Lehlbach	Rhodes	Winslow
Fordney	Little	Ricketts	Wood, Ind.
Foster	Longworth	Riddick	Yates
Frear	Luce	Robsion, Ky.	Young, N. Dak.
Freeman	Luhring	Rogers	Zihlman

NAYS—127.

Almon	Doughton	Kitchin	Randall, Calif.
Ashbrook	Drane	Lanham	Rayburn
Aswell	Dupré	Lankford	Robinson, N. C.
Ayres	Eagle	Lee, Ga.	Romjue
Babka	Evans, Mont.	Lesher	Rouse
Bankhead	Evans, Nev.	Linthicum	Rubey
Barkley	Fisher	Lonergan	Sabath
Bee	Flood	McAndrews	Sanders, La.
Bland, Va.	Gallagher	McClintic	Saunders, Va.
Blanton	Ganly	McGlennon	Sherwood
Box	Gard	McKeown	Sims
Brand	Garrett	McKiniry	Small
Briggs	Goodwin, Ark.	Major	Smithwick
Brinson	Griffin	Mays	Stedman
Byrnes, S. C.	Hardy, Tex.	Mead	Stevenson
Byrns, Tenn.	Harrison	Minahan, N. J.	Sumners, Tex.
Caldwell	Hastings	Montague	Taylor, Ark.
Candler	Hayden	Mooney	Taylor, Colo.
Cantrill	Heflin	Moore, Va.	Tillman
Carss	Hersman	Nelson, Mo.	Upshaw
Carter	Hoey	Oldfield	Venable
Casey	Holland	Oliver	Vinson
Clark, Mo.	Howard	Padgett	Watkins
Cleary	Huddleston	Park	Welling
Collier	Hull, Tenn.	Parrish	Whaley
Connally	Humphreys	Phelan	Wilson, La.
Crisp	Igoe	Pou	Wingo
Davey	Jacoway	Quin	Wise
Davis, Tenn.	Johnson, Ky.	Rainey, Ala.	Woods, Va.
Dent	Johnson, Miss.	Rainey, H. T.	Wright
Dickinson, Mo.	Jones, Tex.	Rainey, J. W.	Young, Tex.
Doremus	Kincheloe	Raker	

NOT VOTING—93.

Anderson	Costello	Fields	Jones, Pa.
Andrews, Md.	Crago	Fuller, Mass.	Kelly, Pa.
Anthony	Cramton	Gallivan	Kendall
Bell	Crowther	Garland	Kennedy, Iowa
Benson	Cullen	Godwin, N. C.	Kennedy, R. I.
Blackmon	Currie, Mich.	Goldfogle	Kettner
Bland, Mo.	Curry, Calif.	Good	Kreider
Boies	Dewalt	Gould	Langley
Booher	Dominick	Graham, Pa.	Larsen
Brumbaugh	Donovan	Griest	Lufkin
Caraway	Dooling	Hamill	McCulloch
Carew	Eagan	Haugen	McDuffie
Clark, Fla.	Ellsworth	Houghton	Maher
Classon	Emerson	Hudspeth	Mann, S. C.
Cooper	Ferris	Johnston, N. Y.	Moon

Moore, Ohio	Reber	Smith, Ill.	Sullivan
Neely	Riordan	Smith, N. Y.	Tague
Nicholls, S. C.	Rodenberg	Snyder	Voigt
O'Connell	Rose	Steagall	Weaver
O'Connor	Rowan	Steele	Welty
Overstreet	Rucker	Stephens, Miss.	Woodyard
Pell	Schall	Stephens, Ohio	
Porter	Scully	Stoll	
Purnell	Sears	Strong, Pa.	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. LANGLEY with Mr. CLARK of Florida.
Mr. RODENBERG with Mr. STEELE.
Mr. CROWTHER with Mr. HUDSPETH.
Mr. PURNELL with Mr. SMITH of New York.
Mr. LUFKIN with Mr. SCULLY.
Mr. STEPHENS of Ohio with Mr. O'CONNELL.
Mr. ANDERSON with Mr. LARSEN.
Mr. HOUGHTON with Mr. BENSON.
Mr. GOOD with Mr. BELL.
Mr. ANTHONY with Mr. DEWALT.
Mr. EMERSON with Mr. CULLEN.
Mr. ROSE with Mr. CAREW.
Mr. ANDREWS of Maryland with Mr. WEAVER.
Mr. GOULD with Mr. OVERSTREET.
Mr. PORTER with Mr. FERRIS.
Mr. CURRY of California with Mr. PELL.
Mr. REBER with Mr. CARAWAY.
Mr. CLASSON with Mr. TAGUE.
Mr. SMITH of Illinois with Mr. BLAND of Missouri.
Mr. COOPER with Mr. RUCKER.
Mr. MCCULLOCH with Mr. GODWIN of North Carolina.
Mr. STRONG of Pennsylvania with Mr. BLACKMON.
Mr. GRAHAM of Pennsylvania with Mr. FIELDS.
Mr. FULLER of Massachusetts with Mr. MOON.
Mr. BOIES with Mr. SEARS.
Mr. COSTELLO with Mr. O'CONNOR.
Mr. WOODYARD with Mr. BRUMBAUGH.
Mr. SCHALL with Mr. SULLIVAN.
Mr. VOIGT with Mr. GALLIVAN.
Mr. CURRIE of Michigan with Mr. STEPHENS of Mississippi.
Mr. GRIEST with Mr. NICHOLLS of South Carolina.
Mr. HAUGEN with Mr. NEELY.
Mr. CRAMTON with Mr. HAMILL.
Mr. KENDALL with Mr. STEAGALL.
Mr. SNYDER with Mr. DOMINICK.
Mr. ELLSWORTH with Mr. JOHNSTON of New York.
Mr. KENNEDY of Iowa with Mr. DONOVAN.
Mr. CRAGO with Mr. MAHER.
Mr. KENNEDY of Rhode Island with Mr. EAGAN.
Mr. GARLAND with Mr. DOOLING.
Mr. KELLY of Pennsylvania with Mr. ROWAN.
Mr. JONES of Pennsylvania with Mr. MCDUFFIE.
Mr. MOORE of Ohio with Mr. GOLDFOGLE.
Mr. KREIDER with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLARK of Missouri. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 4, answered "present" 2, not voting 96, as follows:

YEAS—326.

Ackerman	Brooks, Pa.	Copley	Evans, Nev.
Almon	Browne	Crisp	Fairfield
Anderson	Browning	Dale	Fess
Andrews, Nebr.	Brumbaugh	Dallinger	Fisher
Anthony	Buchanan	Darrow	Flood
Ashbrook	Burdick	Davey	Focht
Aswell	Burke	Davis, Minn.	Fordney
Ayres	Burroughs	Davis, Tenn.	Foster
Babka	Butler	Dempsey	Frear
Bacharach	Byrnes, S. C.	Denison	Freeman
Baer	Byrns, Tenn.	Dickinson, Mo.	French
Bankhead	Caldwell	Dickinson, Iowa	Fuller, Ill.
Barbour	Campbell, Kans.	Doremus	Gallagher
Barkley	Campbell, Pa.	Doughton	Gandy
Bee	Candler	Dowell	Ganly
Begg	Cannon	Drane	Gard
Benham	Cantrill	Dunbar	Garner
Black	Carss	Dunn	Glynn
Bland, Ind.	Carter	Dupré	Goodall
Bland, Va.	Casey	Dyer	Goodwin, Ark.
Blanton	Chindblom	Eagle	Goodykoontz
Bowers	Christopherson	Echols	Graham, Ill.
Box	Clark, Mo.	Edmonds	Greene, Mass.
Brand	Cleary	Elliott	Greene, Vt.
Briggs	Coady	Elston	Hadley
Brinson	Cole	Esch	Hamilton
Britten	Collier	Evans, Mont.	Hardy, Colo.
Brooks, Ill.	Connally	Evans, Nebr.	Hardy, Tex.
Harreld	Lonergan	Osborne	Strong, Kans.
Harrison	Longworth	Overstreet	Summers, Wash.
Hastings	Luce	Padgett	Sumners, Tex.
Hawley	Luhring	Paige	Sweet
Hayden	McAndrews	Parker	Swope
Hays	McArthur	Parrish	Taylor, Ark.
Heflin	McClintic	Peters	Taylor, Colo.
Hernandez	McFadden	Phelan	Taylor, Tenn.
Hersey	McGlennon	Platt	Temple
Hicks	McKenzie	Pou	Thomas
Hill	McKeown	Quin	Thompson
Hoch	McKiniry	Radcliffe	Tillman
Hoey	McKinley	Rainey, Ala.	Tilson
Holland	McLane	Rainey, J. W.	Timberlake
Howard	McLaughlin, Mich.	Raker	Tincher
Huddleston	McLaughlin, Nebr.	Ramsey	Tinkham
Hulings	McPherson	Ramseyer	Towner
Hull, Iowa	MacCrate	Randall, Calif.	Treadway
Hull, Tenn.	MacGregor	Randall, Wis.	Upshaw
Humphreys	Madden	Reavis	Vaile
Husted	Magee	Reed, N. Y.	Vare
Hutchinson	Major	Reed, W. Va.	Vennble
Igoe	Mann, Ill.	Rhodes	Vestal
Ireland	Mansfield	Ricketts	Vinson
Jacoway	Mapes	Riddick	Volstead
James	Martin	Robinson, N. C.	Walsh
Jefferis	Mason	Robsion, Ky.	Walters
Johnson, Ky.	Mays	Rogers	Ward
Johnson, S. Dak.	Mead	Romjue	Wason
Johnson, Wash.	Merritt	Rouse	Watkins
Jones, Pa.	Michener	Rowe	Watson
Jones, Tex.	Miller	Rubey	Webster
Juul	Minahan, N. J.	Sabath	Welling
Kahn	Monahan, Wis.	Sanders, Ind.	Whaley
Kearns	Mondell	Sanders, La.	Wheeler
Kelley, Mich.	Montague	Sanders, N. Y.	White, Kans.
Kiess	Mooney	Sanford	White, Me.
Kincheloe	Moores, Ind.	Scott	Williams
King	Morgan	Sells	Wilson, Ill.
Kinkaid	Morin	Sherwood	Wilson, La.
Kitchin	Mott	Shreve	Wilson, Pa.
Kleczka	Mudd	Siegel	Wingo
Kraus	Murphy	Sims	Winslow
Lampert	Nelson, Mo.	Sinnott	Wise
Lanham	Nelson, Wis.	Sisson	Wood, Ind.
Lankford	Newton, Minn.	Slemp	Woods, Va.
Layton	Newton, Mo.	Small	Woodyard
Lazaro	Nichols, Mich.	Smith, Idaho	Wright
Lea, Calif.	Nolan	Smith, Mich.	Yates
Lee, Ga.	O'Connor	Smithwick	Young, N. Dak.
Lehlbach	Ogden	Snell	Young, Tex.
Lesher	Oldfield	Stedman	Zihlman
Linthicum	Oliver	Steenerson	
Little	Olney	Stiness	

NAYS—4.

Garrett	Johnson, Miss.	Rayburn	Stevenson

ANSWERED "PRESENT"—2.

Green, Iowa	Knutson

NOT VOTING—96.

Andrews, Md.	Eagan	Kendall	Riordan
Bell	Ellsworth	Kennedy, Iowa	Rodenberg
Benson	Emerson	Kennedy, R. I.	Rose
Blackmon	Ferris	Kettner	Rowan
Bland, Mo.	Fields	Kreider	Rucker
Boies	Fuller, Mass.	Langley	Saunders, Va.
Booher	Gallivan	Larsen	Schall
Caraway	Garland	Lufkin	Scully
Carew	Godwin, N. C.	McCulloch	Sears
Clark, Fla.	Goldfogle	McDuffie	Sinclair
Classon	Good	Maher	Smith, Ill.
Cooper	Gould	Mann, S. C.	Smith, N. Y.
Costello	Graham, Pa.	Moon	Snyder
Crago	Griest	Moore, Ohio	Steagall
Cramton	Griffin	Moore, Va.	Steele
Crowther	Hamill	Neely	Stephens, Miss.
Cullen	Haugen	Nicholls, S. C.	Stephens, Ohio
Currie, Mich.	Hersman	O'Connell	Stoll
Curry, Calif.	Hickey	Park	Strong, Pa.
Dent	Houghton	Pell	Sullivan
Dewalt	Hudspeth	Porter	Tague
Dominick	Johnston, N. Y.	Purnell	Voigt
Donovan	Keller	Rainey, H. T.	Weaver
Dooling	Kelly, Pa.	Reber	Welty

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.
Mr. COSTELLO with Mr. KETTNER.
Mr. GOOD with Mr. WELTY.
Mr. HICKEY with Mr. STOLL.
Mr. WOODYARD with Mr. LARSEN.
Mr. GOULD with Mr. MANN of South Carolina.
Mr. KELLER with Mr. MCDUFFIE.
Mr. SINCLAIR with Mr. MOORE of Virginia.

Mr. KNUTSON. Mr. Speaker, has the gentleman from Georgia, Mr. BELL, voted?

The SPEAKER. He has not.

Mr. KNUTSON. I am paired with the gentleman from Georgia. I desire to withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

Mr. MANN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

OFFICIAL DELEGATION FROM THE HAWAIIAN ISLANDS.

Mr. MANN of Illinois. Mr. Speaker, a good many Members of the House at one time or another have visited the Hawaiian Islands practically as guests of the legislature or the people there. There is an official delegation now in Washington for a very brief period from the Hawaiian Islands, and I beg to ask that all those Members of the House who have made any of these visits will meet with us in the Republican cloakroom—Democrats being cordially invited—for the purpose of seeing whether we will take any action toward social or other entertainment for this delegation.

Mr. GALLAGHER. When do you want them to meet?

Mr. MANN of Illinois. Right away.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT.

Mr. MAPES. Mr. Speaker, I call up the conference report upon the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

The SPEAKER. The gentleman from Michigan calls up a conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"There is hereby authorized for the expenses of said commission, including the employment of expert services and all incidental and contingent expenses, a sum not to exceed $5,000, payable one-half out of any money in the United States Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

And the Senate agree to the same.

CARL E. MAPES,
B. K. FOCHT,
BEN JOHNSON,
Managers on the part of the House.
LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 6863, entitled "A bill to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report, namely:

On Senate amendment No. 1: Authorized the appropriation of $5,000 for the expenses of the zoning commission. The conferees agreed to the amendment with an amendment authorizing an appropriation of not to exceed the sum of $5,000.

On Senate amendment No. 2: Provided that the zoning commission might make different regulations for the various zoning districts in the District of Columbia, and the conferees agreed to that amendment.

On Senate amendment No. 3: Provided that in the residence districts the usual accessories of a residence located on the same lot, including the office of a physician, dentist, or other person, and including a private garage containing space for not more than four automobiles shall not be prohibited, and the conferees accepted that amendment.

CARL E. MAPES,
B. K. FOCHT,
BEN JOHNSON,
Managers on the part of the House.

Mr. MAPES. Mr. Speaker, the Senate added three amendments to the bill as it passed the House, two of them being more in the nature of regulations than anything else. One amendment provided that in making the different zones in the District different regulations might be made for the different zones. Another provided that no regulations made by the zoning commission should prevent the usual appurtenances going with a house and lot, such as a garage, and so forth. The third amendment appropriated $5,000 to meet the expenses of the commission, for expert services, clerical work, and so forth. The House conferees accepted the first two amendments that I have mentioned, and the amendment making the appropriation was changed so as to authorize not to exceed $5,000 of appropriation.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RETURN OF THE RAILROADS.

Mr. BLANTON. Mr. Speaker, I have received telegrams this morning from 52 business men living in the State of Michigan expressing the hope that the President would sign the railroad bill, and asking Congress to see to it that the railroads are immediately returned to their owners. I ask unanimous consent to insert these telegrams in the RECORD.

Mr. BURKE. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EXTENSION OF REMARKS.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the resolution respecting the bonus to soldiers.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the national memorial, for which a million dollars has been raised, to men who lost their lives in the late war, the memorial to be erected on ground given by Congress to the association.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the resolution passed this afternoon with respect to granting a bonus to soldiers.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 12610, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. LONGWORTH in the chair. The Clerk reported the title of the bill.

The Clerk read as follows:

Office of Quartermaster General: Chief clerk, $2,750; principal clerks—5 at $2,250 each; 3 at $2,000 each; clerks—15 of class 4, 29 of class 3, 50 of class 2, 93 of class 1, 39 at $1,000 each, 10 at $900 each; draftsmen—3 at $1,800 each, 7 at $1,600 each; 5 at $1,400 each; hydraulic and sanitary engineer, $2,000; civil engineer, $1,800; electrical engineer, $2,000; electrical and mechanical engineer, $2,250; marine engineer, $3,500; sanitary and heating engineer, $1,800; 6 messengers; 14 assistant messengers; 12 laborers; laborer, $600; in all, $383,590: *Provided*, That immediately following the approval of this act the purchase service and the storage service in the Office of the Quartermaster General, Director of Purchase and Storage, shall be consolidated, together with their personnel, equipment, books, papers, and records, and thereafter these two services shall be administered by the Quartermaster General as the "Supplies Division."

Mr. CALDWELL. Mr. Chairman, I make the point of order against the proviso beginning with the word "*Provided*," in line 4, page 77, and ending with the word "division," in line 11 of the same page. It is legislation on an appropriation bill and does not come within the Holman rule, because it does not carry on its face evidence that it is a saving or a reduction of appropriation.

Mr. WOOD of Indiana. Mr. Chairman, as I understand it, under the Holman rule it is in the province of the Chair to look to the law as it now stands to determine whether or not the provision proposed comes within the rule, with reference to the reduction of expenditures or a reduction in the number of officers or in their salaries. The law as it now stands provides for the office of Quartermaster General 59 clerks, at $1,000 each. The law as it is proposed provides for 39 clerks, at $1,000 each. The proviso against which the point of order is made is a part

of this entire clause. I think it is a fair presumption that the reduction that is made, and which is patent upon its face, is due to the provision which requires the consolidation of these departments. It was for the purpose of reducing or making it possible to reduce not only the 20 employees that are reduced by reason of this provision, but to enable this department for the fiscal year 1921 to reduce at least 30 per cent of the employees now engaged therein. It will result by reason of this consolidation in the removal of those officers who are now engaged in duplicating work. It will result not only in that, but will eliminate innumerable delays and inefficiency. Very full hearings were had upon this subject, and not only is it the opinion of the Quartermaster General that this reduction may be made if this consolidation is had, but it is likewise the opinion of the Inspector General and the opinion of the experts who are in a position to know the possibility of that reduction; and they all agree with the report of the Bureau of Efficiency that it would result in a saving of many millions of dollars to the Government of the United States. For the very purpose of bringing this within the rule we, in this proviso, made it manifest that it will result in a reduction. We have reduced the number of statutory employees, and I think it is fair to say to the committee, in order that they may know what prompted us in doing this, that by reason of this proposed consolidation we were able to reduce, and it had much to do with our reduction in the general lump-sum appropriation of $2,500,000. Under the estimate for the Quartermaster Corps submitted by the War Department, upon which the appropriation of $2,500,000 is based, there were a great many officers who were provided for in the Quartermaster Corps and in these other corps that were omitted by your committee. That perhaps is dehors the record; but within the record it is perfectly patent that there has been a reduction made in the statutory employees of 20 men at $1,000 each, a net saving to the Government of $20,000 a year. It is by virtue of this consolidation that the reduction is made possible.

Mr. McKENZIE. Mr. Chairman, I do not think there is any question but that this proviso is subject to a point of order as being new legislation. I do not question the motives of the gentlemen who are members of the Committee on Appropriations, and I heartily approve their action in trying to reduce expenses; but, as a matter of fact, the number of commissioned officers in the Military Establishment is fixed by law.

There are so many in each grade and it is immaterial, so far as the expense is concerned, to the Government whether they are detailed in the Quartermaster's Department or in some other department of the Government, and this legislation would not, in my judgment, reduce the number of commissioned officers in the United States Military Establishment. They do have the right, however, to curtail the expenditure so far as the number of clerks are concerned, and in that I heartily concur, but it does not follow that in curtailing the number of clerks that they should have the right to usurp the functions of one of the standing committees of this House that has been given jurisdiction over this character of legislation. I might say further that the Committee on Military Affairs, having given this matter careful consideration, in its judgment will bring in a bill in a few days accomplishing the very purpose which the gentleman from Indiana intends to accomplish in this roundabout way. In the interest of orderly procedure, if nothing more, this legislation ought not to be attached to an appropriation bill and I hope the point of order will be sustained.

Mr. CALDWELL. Mr. Chairman, the Chair will recall yesterday in making a ruling as to the application of the Holman Rule that the Chair said, in connection with his decision of a point of order upon this question, that the Chair was not permitted to guess; that it must be plain from the section that it was germane and that it result in a saving. Now, the gentleman seeks to bring it within that ruling by saying that it is plain by referring to the law that gives so many clerks to this place and so many to the other, but he has made no reference whatever to the military side of this question, and I dare say, notwithstanding the wonderful hearings he has had upon this subject, he could not really tell this House how many men there were in these branches of the service, whether or not the consolidation was increasing or decreasing the number of men who are to perform the service. Now, in functioning from a military point of view certain rules of procedure are followed that are not followed in civil life. In functioning it is very probable that in putting these branches of the service together, while you may use a less number of clerks for the civilian work, that you would increase the work for the Army itself, and in that way increase the cost instead of reducing it. And because of that situation, and because it makes it necessary for the Chair to guess upon this subject, the point of order must be sustained and not rob the Committee on Military Affairs of the duty of legislating for the military affairs of this country, and particularly just on the eve of the bringing in of a bill which has been ordered reported from the Committee on Military Affairs and which will be in this week. I therefore insist upon the point of order and I ask for a ruling.

Mr. WASON. Mr. Chairman, in reply to one statement made by the gentleman from New York, I want to call the attention of the committee thereto. He said that this proposed limitation would not decrease the expense of the Quartermaster Department, because if we take out the civilian clerks, which, he admits, would decrease the expense by consolidating these two branches, he said officers of the Military Establishment would have to be detailed to do this work, at an increased expense. The Chair well knows that the pay of officers of the Military Establishment is not affected whether they are doing arduous and laborious work or whether they are sitting idle. The expense is the same, and they can be detailed to Washington or elsewhere. The purpose of this committee is not to deal with the officers of this Military Establishment or their detail, other than to bring the two deparments together under one head and increase efficiency and decrease the expenditures of the civil personnel of these two branches, and it seems to me clearly that the committee is within its right, under the rules of this House, in proposing this reduction of expenses, so far as the civilian clerks in these two branches are concerned.

The CHAIRMAN. The Chair is prepared to rule. This is, of course, legislation. It may be good legislation and it might possibly save expenses, but the Chair sees nothing in this proviso that indicates on its face that the necessary result will be to retrench expenditures or reduce the number and salary of officers of the United States. To qualify under the Holman rule, this item would have clearly to show upon its face that is the necessary result. The mere fact that in another part of the bill some officers or employees have been dropped out does not change this item in any respect.

Mr. WOOD of Indiana. May I make this suggestion: It is a well-known rule of construction that an entire paragraph must be construed together, just the same as an entire law. This proviso, with the paragraph, is a reduction——

The CHAIRMAN. But that does not change the question at all. The rest of the paragraph is in order. This proviso is new legislation, and can only be held in order under the Holman rule, and the Chair does not think that it comes under the Holman rule, and sustains the point of order.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. When this proviso is stricken out, do we then have enough money provided to care for both of these departments?

Mr. WOOD of Indiana. If this proviso is stricken out, the War Department, in their reorganization, will have to make their cloth fit the person. They will have to cut it accordingly.

Mr. SISSON. In other words, in order that this matter may be taken care of, it will be necessary that the Committee on Military Affairs shall adopt this language?

Mr. WOOD of Indiana. That is right.

Mr. SISSON. Or something like it; if not, we will have to make an appropriation for the purpose to take care of both of these services?

Mr. WOOD of Indiana. There is no question——

Mr. CALDWELL. There is no question but what it will be taken care of, but we want it done in a scientific way.

Mr. WOOD of Indiana. And the other committee will do exactly what we are trying to do here.

Mr. CALDWELL. Absolutely.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Office of the Surgeon General: Chief clerk, $2,250; principal assistant librarian, $2,250; principal clerk, $2,000; chemist, $2,100; assistant chemist, $1,600; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; anatomist, $1,600; entomologist, $1,600; photographer, $1,500; 2 translators, at $1,800 each; clerks—14 of class 4, 13 of class 3, 26 of class 2, 36 of class 1, 13 at $1,000 each, 2 at $900 each; engineer, $1,400; skilled mechanic, $1,000; 2 messengers; 11 assistant messengers; 3 firemen; 3 watchmen; superintendent of building (Army Medical Museum and Library), $200; 6 laborers; 4 charmomen; in all, $185,740.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I note from this paragraph there are employed 105 clerks in this department. The paragraph just preceding has something over 250. May I inquire of the chairman how this compares with the number of employees in this department prior to the beginning of the war?

Mr. WOOD of Indiana. This is just exactly what they had before the war. These are the statutory positions they had at that time. Each one of these departments had additional employees which they obtained under lump-sum appropriations.

Mr. DOWELL. In this bill?

Mr. WOOD of Indiana. Yes; in this bill for previous years; and I understand they are employing some of these clerks out of an appropriation they received from the Committee on Military Affairs.

Mr. DOWELL. Then, may I inquire if the list in this paragraph is all of the employees that were in the department prior to the war?

Mr. WOOD of Indiana. Approximately so, I understand, except occasionally when there were some special appropriations made or some arrangement was made for specific purposes out of some contingent fund. But in the main this represents the number of employees before we entered the war.

Mr. DOWELL. May I inquire if it is the purpose of the committee to bring these departments back practically to a prewar basis?

Mr. WOOD of Indiana. Yes; and for the purpose of doing it the provisions in this bill, if carried out with reference to the expenditure of money, and if the Committee on Military Affairs conforms to the ideas of the Appropriations Committee as expressed in this bill concerning the necessities of this department, it will reduce the number of employees in the War Department from the present total of about 21,000 for the fiscal year 1920 to 3,500 for the fiscal year 1921—a considerable reduction, is it not?

Mr. DOWELL. Quite a reduction; but upon reading this paragraph and seeing the number of employees I was wondering if the committee had really started toward a prewar basis.

Mr. WOOD of Indiana. We are making as strong an endeavor in that direction as we know how to make. If we could get the cooperation of everybody along this line, we would get back.

Mr. DOWELL. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1921 shall not exceed $50,400; the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word in order to ask the gentleman if they usually carry this legislation in the legislative bill or in the sundry civil bill?

Mr. WOOD of Indiana. It has been carried in this bill for a great many years.

Mr. GARRETT. The legislative bill?

Mr. WOOD of Indiana. Yes.

The Clerk read as follows:

Contingent expenses, War Department: For purchase of professional and scientific books, law books, including their exchange; books of reference, blank books, pamphlets, periodicals, newspapers, maps; typewriters and adding machines; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus; maintenance, repair, and operation of motor trucks and motor cycles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; street car fares, not exceeding $750; and other absolutely necessary expenses, including a per diem allowance not to exceed $4 in lieu of subsistence, $250,000.

Mr. BLANTON. Mr. Chairman, on page 80, line 15, I move to strike out the sum of $250,000.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 80, line 15, strike out "$250,000."

Mr. BLANTON. Mr. Chairman, I call the attention of the committee and the chairman to the fact that in this paragraph, to be paid for out of this $250,000, are the following items: Periodicals, newspapers, oilcloth, sponges, and street car fares not exceeding $750. Over on another previous page we find also to be paid for, cushions, wardrobe cabinets, leather for covering sofas; and on another page we find chamois skin, pitchers, lace, powders, tumblers, flower garden; and again the item of street car tickets not exceeding $250, making $1,000 for street car tickets alone. I want to ask the chairman and the committee if we are going to continue appropriating for all of these items of luxury, the great majority of which could be done without by these ease-loving department employees, and are we to keep on paying for these needless luxuries just because the departments place them in their estimates? Now, I take it that the young ladies who are employees in these departments, and the dandy officers, do not need these wardrobes, lace, and leather sofas, and they do not need these powders and chamois skins.

Mr. WOOD of Indiana. They may or may not need the powder.

Mr. BLANTON. They ought to furnish their own powder, and their own chamois skin and their own lace, and I take it that these officers down there in the War Department ought to work during business hours and they would not have time for all these luxuries. They have no need and there is no necessity for these leather-covered sofas down there. We have done away with leather-covered sofas in the House Office Building. Why, I am informed that you will not find a leather-covered sofa in the whole House Office Building now. We are getting along without them. Why can not the War Department do without them? Do the well-kept officers, after their two hours' noon-day lunch, which usually takes about three hours to devour, have to take a buttermilk siesta for another hour on these leather-covered sofas? I want to say that we ought to wake up on this proposition of real economy, and we ought to cut out all of these unnecessary luxuries in these departments.

Mr. McKENZIE. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. McKENZIE. Does not the gentleman believe that if a man ate a three-hour meal he ought to have a sofa to lie down on for a while?

Mr. BLANTON. I want to say this, that I have rung up and have had my secretary to ring up department chief after department chief down there, from time to time, along about from 5 minutes to 12 o'clock until along about 5 minutes to 3 o'clock, and it has been almost impossible to get hold of anybody down there except some second or third secretary or some underling. I want to say that I can not come to any other conclusion but that after these long two or three hour meals at noontime, when we are told the chief is out at lunch, these leather-covered sofas are put into use down there for an afternoon buttermilk siesta.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman from Illinois.

Mr. MANN of Illinois. Does the gentleman from Texas think when he waits three hours he ought to stand up during all that time or have a sofa upon which he can recline while he is waiting?

Mr. BLANTON. This is not a matter of levity with me; it is not a matter of facetiousness. This is a matter of strict business. I am here to represent 325,000 people who live in my district, who expect me to help the committees on appropriations cut out these useless and extravagant appropriations.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOOD of Indiana. Mr. Chairman, the gentleman from Texas has a misapprehension in reference to the kind of powder that is provided for here. It is not face powder for the ladies that he is talking about; it is bug powder, and the only question in the mind of the committee was as to whether or not we have appropriated enough for bug powder. We thought they ought to have more of it and get more bugs out of the department and out of these offices.

Mr. BLANTON. If the gentleman will reduce these appropriations and will cut out some of these useless luxuries for the offices out of this bill, we will probably get rid of some bughouse officers in some of the departments and save the people some of these expenses. If this is bug and not face powder, it ought to be so denominated in the bill, which merely says "powder." As chamois skin is used with face powder and not with bug powder, I expect this money will buy face powder.

Mr. Chairman, I withdraw the pro forma amendment. I merely wanted to show the chairman where we are drifting.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For rent of buildings in the District of Columbia for the use of the War Department, $23,700.

Mr. WOOD of Indiana. I ask unanimous consent to return for a moment to page 75, for the purpose of making a technical amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 75 for the purpose of offering an amendment.

Mr. BLANTON. Mr. Chairman, what is the technical amendment?

Mr. WOOD of Indiana. On page 75, in the item with reference to the Red Cross reimbursing the War Department for auditing the accounts of the Red Cross, the words "American National" should be inserted before the words "Red Cross." I ask unanimous consent to amend by adding, in line 3, after the word "the," the words "American National," and also adding, in line 4, after the word "the," the words "American National."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 75 for the purpose of offering the amendment indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 75, line 3, after the word "the," insert the words "American National," and, in line 4 of the same page, before the word "the," insert the words "American National."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. DOWELL. Mr. Chairman, may I inquire of the chairman of the committee about the item in line 22 of page 80, "For rent of buildings in the District of Columbia for use of the War Department, $23,700"? Does that include all of the buildings that the War Department occupies outside of the war building?

Mr. WOOD of Indiana. No; it does not. Twenty-two thousand five hundred dollars of that sum is for the payment of the rent on a long-term lease. There are many other buildings that are rented in the District of Columbia by the War Department, or quite a few other buildings, that are paid for out of the Army appropriation bill. We have provided in this bill, in order to retrench expenditures of that character, that steps shall be taken for the purpose of ascertaining the unoccupied space that may be used for the housing of the war activities. We discovered just a few days before we entered upon the consideration of this bill that they have two floors in the building which they rent for storage purposes on G Street, for which we are paying $10,000 a year, whereas all the material that they have stored there could be stored in one of the buildings in Potomac Park.

Mr. DOWELL. May I inquire if it is possible, if the proposed reduction of clerks be made, that there will be room in the war building for a number of these offices and if additional space can not be had by reason of the dismissal of a number of the thousands of unnecessary clerks there?

Mr. WOOD of Indiana. I have no doubt that that can be done.

Mr. DOWELL. Has this committee control over the rental of buildings, or appropriations for the rental of buildings, outside of the regular war building?

Mr. WOOD of Indiana. It has nothing to do with the rental of buildings. All it does when the proper showing is made is to provide the money to pay for the rental. I will say to the gentleman that we have sought in various ways to call to the attention of the allotment space committee the waste space that is now in many of the Government-owned buildings, where the activities now conducted in rented buildings might well be taken care of.

Mr. DOWELL. Has this committee any way of restricting these departments in leasing buildings outside and paying any rental they may see fit to pay?

Mr. WOOD of Indiana. They can not lease any building without authority, except under the war-time act—the Overman Act—under which they could rent almost anything they wanted to; but that will cease when the proclamation of peace comes, if it ever comes.

Mr. DOWELL. Then, may I inquire of the chairman if there is a possibility or probability that a restriction will be made as to the rental of these buildings outside of the regular war building?

Mr. WOOD of Indiana. They can not rent any building now outside of the established law except by specified authority, and, so far as the committee is concerned, we have nothing to do with granting that specific authority. But if we had, I assure the gentleman that we would restrict it all we could.

Mr. DOWELL. Let me inquire further: A large number of buildings were erected last year for the purpose of housing different departments of the Government. May I inquire if all those buildings are now being occupied by the various departments?

Mr. WOOD of Indiana. They are all being occupied in some manner. But there is not any question in the world that if the proper authorities become active many of these departments could materially reduce their space. I am of opinion that the Director of Finance in the War Department, who has five wings in the Potomac Park building on the third flood, could confine all the activities of that department now easilly within two wings. But they are attempting to occupy everything they have.

Mr. DOWELL. That is what I wanted to inquire about. Is it possible now, with the influence of this committee, to reduce the space in the buildings outside of the buildings owned by the Government?

Mr. WOOD of Indiana. This committee has nothing to do with the space proposition. That is the function of a commission on the allotment of space, a commission appointed by the House and the Senate, and it is the business of that commission to look after and to provide space for these activities and to utilize the unoccupied space in the Government buildings to house bureaus and divisions now in rented buildings.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. DALLINGER. I understood the gentleman from Indiana to say that most of this item of $23,700 was for a long-time lease of a private building. May I ask where the building is located?

Mr. WOOD of Indiana. It is at Eighteenth and E streets.

Mr. DALLINGER. Now, Mr. Chairman, it is a fact that very considerable portions of the temporary buildings constructed by the Government for office purposes during the war have been vacated from time to time, and I believe that every single Government activity could to-day be housed in buildings owned by the Government. I want to ask the gentleman from Indiana if he knows what the total rental of private buildings in the District of Columbia is at the present time; I mean the total rental per annum paid by the Government for the use of private buildings to house Government activities.

Mr. WOOD of Indiana. There is absolutely no way for this committee to tell what the total rentals are, because of the fact that that does not come within the purview of our jurisdiction.

The Book of Estimates for the last year would tell what it was at that time, and perhaps the gentleman could get the information he desires from that quarter.

Mr. DALLINGER. I would like to ask the gentleman if in his opinion it would not be possible for the Government to house all of these employees in the buildings that it owns, and then assign these leases? Of course, if the Government has a long-time lease, it must pay the annual rental which under the contract it is obligated to pay, unless there is a provision for cancellation in the lease; but is there any objection that the gentleman can see to selling those leases to private parties and having the money realized therefrom go into the Treasury, and then house these Government activities in Government buildings?

Mr. WOOD of Indiana. I can see no objection at all to it, and I think it would be a good business proposition to do it. I am perfectly frank to say that if the Committee on Appropriations had had jurisdiction over the allotment of space, there would have been a great many removals and consolidations here within the last few weeks. It was discovered to this committee that there is space in almost every one of these temporary buildings erected for war-time emergency. Especially is this true of the Potomac Park buildings, where that immense space is still being occupied in some way by the same bureaus that were occupying it with full forces during the peak of the war, and they do not make any effort to reduce that condition. We have a commission on allotment of space, and if we could just succeed in getting this commission to carry out the purposes for which it was created, I have no doubt it would result in a great saving.

Mr. DOWELL. Is it not true that the Committee on Appropriations, by reducing the appropriations for various departments here which are still keeping up their war-time activities, will make still further space for other departments?

Mr. WOOD of Indiana. We put a provision in this bill requiring that when they come back before this committee next year they will have to make a showing to this committee with reference to the rented buildings occupied not only by the War Department but by other activities; that they are occupying these rented buildings because they can not get space in the Government-owned buildings. We put in that provision for the

purpose of doing all that we could to stop the use of these rented buildings and to utilize all possible space in the Government-owned buildings.

Mr. TREADWAY. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. The gentleman is discussing the Potomac Park buildings and other temporary buildings, which are referred to two or three pages further along in the bill. Perhaps that is the more appropriate place at which to make some observations about those buildings; but if we are to continue the discussion here, I should like the opportunity to say something on the subject.

Mr. WOOD of Indiana. I wish the gentleman would wait until we get to that point in the bill.

Mr. TREADWAY. That was my idea, to wait until that part of the bill is read, although we seem to have drifted into this discussion here.

Mr. WOOD of Indiana. I hope the gentleman will do that.

Mr. BEE. Will the gentleman from Indiana yield?

Mr. WOOD of Indiana. I yield to the gentleman from Texas.

Mr. BEE. I have heard a good deal of discussion about a reduction of the forces in the War Department, and, of course, they ought to be reduced. But is it not true that growing out of the war there are a great many wartime activities which make it impossible to effect a reduction now to the prewar basis until they get rid of the multitude of correspondence that every Member of Congress has every day and that every Member of Congress refers to the War Department, which the War Department must investigate and refer back to Members?

Mr. WOOD of Indiana. There is no question about that. I will say to the gentleman that at the time we entered the war, and when it became necessary to provide some new housing for the War Department, the Army building and the Navy building on Potomac Park were built as practically permanent buildings—I suppose as permanent as any that we have—on the theory that after we got out of the war it would take at least 10 years to get back to normal conditions, and that during all that time a greater number of clerks and heads of bureaus would be required for the purpose of winding up these activities than were required at the time we entered the war.

Mr. GARD. Did the gentleman say a greater number each year?

Mr. WOOD of Indiana. No; a greater number than we had before the war. That is always one of the aftermaths of war. We have never had a war yet that has not left the Government with an increased number of clerical employees.

Mr. BEE. Necessarily so under the circumstances, in order that the resulting correspondence may be properly carried on.

Mr. WOOD of Indiana. I believe even after we get back to a peace basis the net result is always an addition to the pay roll of the civil service of the United States.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Park police: Lieutenant, $1,900; first sergeant, $1,700; sergeant, $1,580; 54 privates, at $1,360 each; in all, $78,620.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN of Illinois. I should like to ask the gentleman in charge of the bill whether there has been any change of law authorizing this paragraph?

Mr. WOOD of Indiana. Yes; there has been. The fact of the business is that these seeming increases—and they are increases—are made necessary because of public act No. 94, of the Sixty-fifth Congress, approved December 5, 1919, which fixed the salaries of these officers at exactly the amount for which we have reported the appropriation.

Mr. MANN of Illinois. What act is that?

Mr. WOOD of Indiana. It is an act amending the act relating to the Metropolitan police of the District of Columbia, approved December 5, 1919.

Mr. MANN of Illinois. Of course that bill came from the District Committee?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. Which committee had no jurisdiction at all, of course, over the Government officers who are under the Superintendent of Buildings and Grounds. It is an odd circumstance, Mr. Chairman, that a man gets his salary increased from $950 a year to $1,700 a year merely by changing his title; and the District Committee, for reasons undoubtedly good to them, but probably without any knowledge of what they were doing, undertook to dispose of the watchmen upon the reservations in the District of Columbia cared for by the Government, and to put those reservations in the hands of policemen and then fix their salaries on the same basis as the salaries of the regular policemen in the District of Columbia. So that we have increased the pay of a watchman for a few little reservations in the District of Columbia from $48,410 to $78,620. Evidently the committee who reported that bill did not at the time know the state of the Federal Treasury.

Mr. TILSON. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. TILSON. Did not the gentleman notice that they were called watchmen heretofore; and I wondered by what authority they have changed them to policemen?

Mr. MANN of Illinois. The law changed them into police by the bill reported by the District Committee, which includes them in the police of the District. The same thing applies in a number of other cases. It is fortunate, probably, in a way, for the Federal Treasury that the watchman for the care of the monument and dock at Wakefield, Va., who does not have anything to do, for which he gets $300, that the District Committee did not think of him, or they would have called him a policeman and paid him a policeman's pay.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BLANTON. This committee and the distinguished chairman have agreed to so many important amendments thus far to this bill that probably it would agree to another amendment if offered by the gentleman from Illinois to get this thing straightened out.

Mr. WOOD of Indiana. I wish to say to the gentleman from Texas and to the gentleman from Illinois that we have eliminated these gentlemen from the benefits of the bonus and invited all sorts of trouble on our shoulders in consequence of it. But we felt that it was necessary to do it in justice to other employees.

Mr. MANN of Illinois. They are now getting double salaries because they were placed in the same plane as the police of the District of Columbia, and if you did not exempt them they would get the bonus in addition to the pay of a policeman of the District of Columbia.

Mr. WASON. They get it for the current year and would have got it for 1921 if it were not for the provision in the bill.

Mr. MANN of Illinois. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. This was discussed in the subcommittee, but it was this House that changed the salary of these men. We are subjected to criticism when we attempt to reduce expenses in these departments where the salaries have been fixed for a number of years and the number of employees for a number of years. In this particular case this very House, this body of men here now, increased the policemen's pay and transferred these park policemen and watchmen who sit around and watch the parks—transferred them into the force of the District of Columbia, giving them the same salaries. I agree with the gentleman from Illinois; I think it is wrong. Still, the committee in discussing this matter did no feel like coming back and asking the House to thrash it all over again.

Mr. MANN of Illinois. I fully agree to that, and I think perhaps we are lucky that the District Committee did not report a bill to the House including in the police force all the watchmen in the various departments of the Government. Doubtless if they had thought of it and got it to a vote they would have increased the salary of all the watchmen in the departments.

Mr. SISSON. I thought the explanation was proper in view of the fact that the policemen and firemen seem to be in a class by themselves. But that is not the fault of the committee. We did this because we thought it just and fair.

Mr. GARRETT. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. GARRETT. Was it the judgment of the subcommittee that the legislation was wrong?

Mr. SISSON. I would not undertake to say that all of it was wrong.

Mr. GARRETT. I mean that authorizing this particular appropriation.

Mr. SISSON. No; nothing wrong in that, because the act came from the proper committee; they reclassified the watchmen into the police of the District.

Mr. GARRETT. I know that it is in accord with the law, but was it the opinion of the committee that the law was wrong?

Mr. SISSON. I agree with the gentleman from Illinois. I do not believe that all the park watchmen, the men that render service of that kind, ought to have been covered into the police force of the District of Columbia, with the salaries of the beat

policemen. I do not undertake to say that in the reclassification the beat policemen have too much salary, but I do not think the park watchmen ought to have been put on the same basis, on the same plane, with the police who perform duties on the beats.

The Clerk read as follows:

Of the foregoing amounts apropriated under public buildings and grounds, the sum of $68,290 shall be paid out of the revenues of the District of Columbia.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I assume that this amount, $68,200, is arithmetically one-half of the apropriation.

Mr. WOOD of Indiana. The amount was put in and made necessary by reason of the watchman at Wakefield, Va.

The Clerk read as follows:

Walker-Johnson Building, 1734 New York Avenue: Engineer, $1,200; 4 firemen; 4 elevator conductors, at $720 each; 7 watchmen; general mechanic or skilled laborer, $840; 7 laborers; attendant, $480; in all, $17,940.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The chairman will notice that in this paragraph just read there are seven watchmen with no salaries fixed. Was that an omission?

Mr. WOOD of Indiana. No; by section 2 of this bill, page 152, their pay is fixed at $720 a year.

Mr. BLANTON. Here is a watchman provided for on the preceding page at Wakefield, Va., and his salary is fixed at $300.

Mr. WOODS of Virginia. The reason that the watchman at Wakefield, Va.——

Mr. BLANTON. I am not making any comment on that, because we all know why men outside of the District get less than they do in Washington.

Mr. WOOD of Indiana. That is not the only reason.

Mr. BLANTON. All through the bill elsewhere and in the Agricultural bill and other bills I notice that when we provide for a watchman his salary is provided for in a specified amount.

Mr. WOOD of Indiana. We thought we would save at least a little paper and printer's ink.

Mr. BLANTON. Oh, if it is going to save paper, that is all that is necessary for me to know. We should do anything on earth to save print paper, for it is at a premium now.

The Clerk read as follows:

Potomac Park office buildings: For the following employees for the maintenance and protection of the buildings: Assistant superintendent, $2,000; clerks—1 of class 4, 2 of class 3, 2 of class 2, 4 of class 1, 4 at $1,000 each; 4 messengers, at $720 each; chief engineer, $1,800; assistant engineers—1 $1,600, 6 at $1,400 each; storekeeper, $1,200; chief electrician, $1,600; electricians—4 at $1,400 each, 4 at $1,200 each; foreman carpenter, $1,600; carpenters—3 at $1,400 each, 7 at $1,200 each; painters—3 at $1,200 each, 2 at $1,000 each; plumbers—1 $1,400, 4 at $1,200 each; steam fitters—2 at $1,400 each, 2 at $1,200 each; machinist, $1,400; 4 switchboard operators, at $1,200 each; 6 general mechanics, at $1,000 each; guards—captain $1,600, 3 lieutenants at $1,080 each, 3 sergeants at $930 each, 30 at $780 each, 30 at $720 each; fire marshal, $1,080; foreman of laborers, $1,400; 2 assistant foremen of laborers, at $960 each; 7 foremen or forewomen, at $780 each; 140 laborers; laborers and charwomen, $130,000; 22 female laborers, at $480 each; in all, $385,330.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I have gone over the various items of the temporary buildings with a little care. This particular one I think is not rated as entirely temporary in nature. It is rather more an addition to the Army and Navy general buildings, but from here on in the bill for the next three pages they are entirely temporary war buildings, and I find that the care of these buildings, including the Walker-Hughes Building, on page 83, amounts to the enormous sum of $1,547,000 a year.

Mr. WOOD of Indiana. Mr. Chairman, I will state to the gentleman that all told there are 5,000,000 square feet of office space.

Mr. TREADWAY. Are there not now about 9,000,000 square feet, according to the testimony of Col. Ridley—5,000,000 of new space and 4,000,000 formerly? It has increased from 2 buildings to 20, in other words.

Mr. WOOD of Indiana. I am speaking now of these temporary buildings that the gentleman is talking about. The buildings under his control have increased until the space now amounts to 5,000,000 square feet.

Mr. TREADWAY. Yes; so he testified. I would like to comment on some statements made by Col. Ridley. I shall not call particular attention to his testimony because I know that the gentleman from Indiana [Mr. WOOD] and his colleagues have gone into this matter very carefully, but I do wish to call attention to the fact that on page 871 of the hearings Mr. WOOD asked the question whether these tables showed any reduction in the amount of floor space, now estimated for, from that in use in 1919 and 1920. Col. Ridley replied:

I can answer that now by saying that the floor space is just the same.

And a little later reference was made to various activities moving out of some of these buildings, and inquiry was made as to what becomes of the space in these temporary buildings which are not fireproof and are vacated. He then replied that the Public Building Commission makes a survey at regular periods, and if it finds space that is vacant it assigns some bureau or office from a rented building to that space.

My point is this: Can not we by making very material cuts in this sum of $1,500,000 for care of these temporary buildings close them up? We are criticized continually upon the ground that we are not cutting down the number of employees. Of course, we will not cut down the number of employees if, to use a slang phrase, there is a continual passing of the buck from the Committee on Appropriations to Col. Ridley, and from Col. Ridley to the Public Building Commission. Can we not get at the source of the use of these buildings and concentrate in such a way as to close them up? For the life of me I can not see why the source of curtailment need not be right here in this appropriation for their care.

Mr. WOOD of Indiana. Mr. Chairman, if the gentleman will yield for a moment, I will tell him how the committee has sought to accomplish the purpose that he is now seeking to accomplish. The Committee on Appropriations has nothing to do with rented buildings. It has only to do with the employees that work in those buildings. For the purpose of not only reducing the clerical force but reducing the necessity for space in which to house these clerks, we have so reduced this War Department that next year they will have to dispense with 17,500 employees now occupying these buildings. I expect that by that means we have made it possible to reduce the space.

Mr. TREADWAY. Does the gentleman feel that as a result of a curtailment of 17,500 employees, to whom he refers, some of these buildings will be abandoned?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. They will not be abandoned, then, if those in charge of those activities can hold them.

Mr. TREADWAY. That is exactly what I am getting at.

Mr. WOOD of Indiana. The only way they can be abandoned is through this commission on allotment of space, whose business it is to make periodical surveys of these buildings for the purpose of consolidating the activities, so that there can be more vacant space. That is the only way whereby this can be ultimately solved. If there is only the head of the bureau and six clerks they will still be trying to occupy the buildings.

Mr. TREADWAY. I agree with the gentleman's statement absolutely. Does the gentleman consider, after due deliberation in the committee, that $1,547,000 is an economical appropriation for the care of these various 20 buildings during the ensuing year, beginning next July?

Mr. WOOD of Indiana. I do, for the reason that if we did not make it available for those buildings it would have to be made in some degree and in a far larger degree for rented buildings, and, in addition to that, we would have to pay the rent.

Mr. TREADWAY. In reference to the rental of buildings, when these departments or bureaus move from one of the rented buildings, what arrangement is it then possible to make to curtail the use of that building or the payment of that rent? I understand that the committee has not anything to do with it, but how can we get at that?

Mr. WOOD of Indiana. As far as the rented buildings are concerned, if the War Department has rented the building, and it can find space for the activity in a Government-owned building, the lease being made with the War Department, the War Department could sell or assign the lease.

Mr. TREADWAY. Does the gentleman know whether any of those rented buildings has ceased to be a source of expense to the Government?

Mr. WOOD of Indiana. Yes. We have taken it all away that we have jurisdiction over, as I said a while ago, except one, which is a long-term lease, and the rental of that is $22,500.

Mr. TREADWAY. Then, at the end of the fiscal year 1921, as I understand the gentleman, there will be but one rented building in the city of Washington in charge of the War Department. Is that correct?

Mr. WOOD of Indiana. So far as the War Department is concerned, this is the only rented building provided for in the bill.

Mr. TREADWAY. Where else are they provided for?

Mr. WOOD of Indiana. Here is the trouble, and that is one of the things that I tried to point out the other day when

I was speaking generally with reference to this bill. Because of our diversified way of making appropriations, because of the various sources from which moneys may be obtained, they can pay for rented buildings out of these various sums received from other committees.

For instance, out of the appropriation bill brought in by the Committee on Military Affairs they are renting a number of other buildings. We have no control over those at all.

Mr. TREADWAY. Why?

Mr. WOOD of Indiana. They are renting separate buildings.

Mr. TREADWAY. Can the gentleman tell me how many employees this $1,547,000 provides for? What number of employees for these 20 buildings are provided for in this bill?

Mr. WOOD of Indiana. Well, the number carried in this bill just offhand I could not tell. The gentleman will find in reference to every one of these buildings the exact number of people who are employed in them, but there are so many in them I could not carry the total in my mind.

Mr. TREADWAY. Then, when we come to criticize these various appropriations there is always some other source of leakage somewhere else where the actual blame may rest, and it does not apply at the very point where we are trying to criticize at the time—another argument in behalf of concentration through the budget system?

Mr. WOOD of Indiana. Absolutely, and it always will be until that is accomplished.

Mr. TREADWAY. That is until some system of a budget is provided?

Mr. WOOD of Indiana. I have felt repeatedly it would be the greatest blessing that could ever befall the American Government if by some magic our machinery could be dropped out in one night and some business system adopted the next morning. [Applause.]

Mr. TREADWAY. Mr. Chairman, I can not do it myself, because I feel I have not the information to make an intelligent motion, but I am in favor of starting right here by cutting off some of this $1,547,000 and seeing if these buildings down there can not be handled with fewer employees than that large sum of the taxpayers' money will employ.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I want to concur in what has been said by the gentleman from Massachusetts [Mr. TREADWAY]. The chairman of the committee, I note, is threatening to have economy after the expiration of another year from the 1st of July. It seems to me that the place to start is the 1st of July of this year instead——

Mr. WOOD of Indiana. Will the gentleman yield? That is exactly where we start.

Mr. DOWELL. But the gentleman is appropriating in this bill for one year beginning the 1st of July.

Mr. WOOD of Indiana. Of this coming July; yes.

Mr. DOWELL. But in this bill the gentleman concedes he has not economized all he should.

Mr. WOOD of Indiana. No; we do not concede that.

Mr. DOWELL. But the gentleman threatens to do that the year following by making preparations in this bill——

Mr. WOOD of Indiana. No; we do not do that. If the gentleman will read what we appropriated for the same things last year, he will find that we have made a very great reduction here.

Mr. DOWELL. Has the gentleman decreased the expenditure for the Potomac Park office building for this year?

Mr. WOOD of Indiana. Yes. I do not know how many hundreds, but we have gone into the thousands in the reduction of those employed in this building. We have reduced the clerical force that are provided for now in the Potomac Building alone more than $100,000, approaching very nearly $125,000.

Mr. DOWELL. But the gentleman is appropriating in this bill for a complete outfit of employees to take care of all the space which was occupied during any part of the war.

Mr. WOOD of Indiana. No; we have not. Now, the gentleman understands we have no jurisdiction over the space.

Mr. DOWELL. But he is appropriating in this bill everything so far as taking care of this building is concerned and giving to the War Department the same space that they had during the war.

Mr. WOOD of Indiana. Yes; but by reason of the fact of the diminished appropriation we are making it impossible for them to have the horde of men employed they now have in that building. Listen for a moment. When they are released from the pay roll it is going to make more space down there.

Mr. DOWELL. Then, why have the same number of clerks, messengers, and attendants to take care of this building?

Mr. WOOD of Indiana. Well, we are not. There is just the trouble with the gentleman. In that one building alone we have reduced the number of employees whose salaries would amount to practically $100,000.

Mr. DOWELL. Will the gentleman answer a further question?

Mr. WOOD of Indiana. Yes.

Mr. DOWELL. This is the point I am getting at. I do not know how many clerks have been reduced in this building, but I am inquiring about the number of employees to care for the building.

Mr. WOOD of Indiana. Yes.

Mr. DOWELL. And the space that is going to be occupied——

Mr. WOOD of Indiana. We have reduced——

Mr. DOWELL. Just a moment. If the gentleman has made the reduction in the clerical force he says has been made, the department will not occupy the same space it did and will not require the same number of employees to take care of the department that it did during the war.

Mr. WOOD of Indiana. Well, in our opinion, to the tune of $99,470.

Mr. DOWELL. But the gentleman is making the same appropriation here for attendants for taking care of the department in that building?

Mr. WOOD of Indiana. No; we are not. We are making an appropriation of $99,470 less.

Mr. DOWELL. And that is clerical force?

Mr. WOOD of Indiana. No; that is not clerical force. That is watchmen, charwomen, and everybody that has to do with the taking care of the building.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. This is the Potomac Park office building now under consideration?

Mr. WOOD of Indiana. Yes.

Mr. MANN of Illinois. The total appropriation for the current year carried in the bill, unless there have been deficiency appropriations, was $290,420. This bill carries $385,330, nearly $100,000 more, instead of $100,000 less.

Mr. WOOD of Indiana. I wish to call the gentleman's attention——

Mr. MANN of Illinois. I have no doubt there is some explanation.

Mr. WOOD of Indiana. Here is a deficiency appropriation of $196,000, and another of $19,308, and——

Mr. MANN of Illinois. Not for this building.

Mr. WOOD of Indiana. Absolutely for the Potomac Park Building.

Mr. MANN of Illinois. Oh, not for this one building.

Mr. WOOD of Indiana. Yes; for this one building.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. DOWELL] has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. One more question. Under this system of appropriation by the committee how is there to be a reduction if you appropriate for all the employees for taking care of all the space that the department desires to occupy? Have you not a remedy by refusing this appropriation?

Mr. WOOD of Indiana. We would have no justification for refusing the entire appropriation.

Mr. DOWELL. But, when the gentleman states that he knows they are occupying more space than they should occupy, and when he states that he knows they are expending more money than they ought to expend, is it not possible for the committee then to see that this appropriation is reduced and stop some of this unnecessary appropriation?

Mr. WOOD of Indiana. I have said half a dozen times that we have reduced it for this one building alone $99,470, practically $100,000. We have reduced it with reference to every one of these buildings until, as I say, in the War Department, from first to last, we have cut out 17,500 employees.

Mr. DOWELL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 84, lines 5 and 6, strike out the paragraph.

Mr. BLANTON. Mr. Chairman, I want to tell the gentleman from Iowa what I believe to be the cause of all of this trouble. The gentleman from Illinois [Mr. MADDEN], who, we will all agree, has an intimate knowledge concerning the clerical force of this Government, the other day told us that we had 40,000 unnecessary, idle employees here in the city of Washington alone. He did not say he believed we had them; he said we had them, as a matter of fact. And there are at least 40,000 of them idle, but still drawing salaries. I will tell the gentleman from Iowa [Mr. DOWELL] why we have them, and why we are going to continue to have them, and why this committee still keeps them on the pay roll. It is because we can not get rid of them by reason of the fact that many departments are afraid to discharge them and the Civil Service Commission is taking on new ones faster than we can get rid of the old ones.

Mr. DOWELL. Will the gentleman yield?

Mr. BLANTON. In just a moment. I want to give him some information that he may not have.

This morning I got hold of a printed appeal. It is about a foot wide and is about a foot and a half or two feet long, on great big, thick cardboard, just issued by the Civil Service Commission, appealing to the young men and the young women of this country to take the civil-service examinations in order to get them into the employ of the Government.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. BLANTON. In just one minute. I want to get this information before the committee. I am glad to see that the gentleman from Iowa [Mr. DOWELL] has seemingly wakened up on this proposition, and I hope he will get the committees stirred up on it, because they need to be stirred up.

Here we have 40,000 useless, idle employees, clock-watching all the time, with nothing to do, yet on the pay roll, regularly drawing their salaries and bonuses, and we are trying to get rid of them by lip movement only, and here is the Civil Service Commission appealing to the country for thousands of new clerks to be examined in order to get on the roll on a civil-service status. The commission goes on to tell them what high salaries will be paid and tells them that they will get the $240 bonus, and that the bonus may be changed, and all that, in order to induce them to take the examination. If we have not any use for 40,000 idle ones already on the pay roll, let us transfer them where they may have something to do, and not take on any new ones and keep adding to the list all the time. The papers regularly tell us each month that last month we sent so many clerks home and that we took on so many new ones, and that the new ones equal almost the old ones that we sent home.

Mr. KNUTSON. Will the gentleman yield?

Mr. BLANTON. In just a moment. The Republican whip is getting active again. He has the right idea, and his Republican colleagues ought to get in behind him and support him.

I want to show this to you. I have just had my secretary bring me this printed appeal I mentioned, having telephoned for it. Just look at this appeal to the country. That is what the Civil Service Commission is sending out. [Exhibiting circular.] Look at it. Look at the number of positions they are asking to be filled while there are already 40,000 useless, idle employees now on the pay rolls doing nothing. Why, when we built all these new war buildings down here in Potomac Park that run southwest from the Pan American Building, running nearly a half mile in length, on both sides of that avenue down to the Lincoln Monument, we understood when the war was over they would be taken away, yet they are still there, and we are still keeping them peopled with an army of useless, idle employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, now I yield to the gentleman, my friend from Minnesota.

Mr. KNUTSON. I want to make this observation: If the other members of the gentleman's party were as economically disposed as he is, there would not be any deficit in the Government's expenses this year.

Mr. BLANTON. If the gentleman's own party, that is now in the majority, that has the whip hand or control of legislation, would just turn the matter over to the distinguished Republican whip and myself for solution, we would know what to do, and do it by dismissing all useless, unnecessary employees from the service, and we would send these 40,000 useless, idle clerks home to-morrow.

Mr. KNUTSON. But Congress has nothing to do with the hiring of these clerks, I will say to my friend.

Mr. BLANTON. I know Congress has nothing to do with it, because Mr. Gompers will not let you have anything to do with it. If you were to discharge one to-morrow he would make you take him back the next day or he would put you out of Congress.

Here in my own paper, the Daily Abilene Reporter, is a whole page advertisement, seven full columns of printed matter, that Mr. Gompers paid for last Sunday, attacking me and vilifying me in my home city. Look at it. That is what a Member gets for opposing Gompers. He said he was going to spend $100,000 to put me out of Congress, and it seems that he has begun. Look at that page advertisement. It probably cost him about $300. And already he is having sent from Washington articles to some of the other 67 papers in my district, and he is getting articles attacking me put in a number of Texas papers. That is why Congress can not get rid of them, I will say to my good friend, the ever-active whip on this side of the House. You Republicans in power have got to wake up and you have got to cut these fellows loose, whether their organizations want you to do it or not. You Republicans have got to quit keeping your ear to the ground when they come in and ask you to give them a bonus of $480 a year, instead of $240, for seven hours' service per day. Are you going to do it?

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For fuel, lights, repairs, motor cycle and truck repairs, supplies, and exchange of same, miscellaneous items, printing, and city directories, $200,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. Mr. Chairman, I notice in all the items for the maintenance of these various temporary structures we have been referring to there is an appropriation for city directories. I would like to ask the chairman of the committee if we could not at least economize by buying fewer city directories for these 22 buildings that are in use around the city? I find that the telephone book makes a pretty good city directory, anyway, but here in this item we have "city directories," on page 84, and we have got "city directories" in many places elsewhere in the bill. Every single building, it seems, carries with it the item "fuel, light, repairs, ground rent, miscellaneous items, and city directories."

Mr. DOWELL. That is possibly for the amusement of some of the employees who have nothing to do.

Mr. TREADWAY. They probably want some of the employees to distribute the city directories. I can not see any other use for them.

Mr. WOOD of Indiana. It does not necessarily follow that each of these departments has a city directory.

Mr. TREADWAY. Then, why not strike them out?

Mr. WOOD of Indiana. Wait a moment. These can not be purchased without specific authority. They do not all have city directories. Without this specific authority none could be purchased. They could not buy a single city directory. I expect the gentleman would admit that there ought to be some.

Mr. TREADWAY. Does that refer to the local city directories, or does it refer to city directories throughout the country that they want to buy? How many city directories are there under this appropriation?

Mr. WOOD of Indiana. It is not to be supposed that these people are doing nothing but senseless things. It may be supposed that some of the things they do are sensible. Take the Bureau of Statistics in the Department of Labor. They probably need a city directory. None of these items mentioned here can be purchased without specific authority, so that, for the purpose of enabling those who of necessity require these items, they are provided for in this way.

Mr. TREADWAY. Do the hearings of the committee carry any reference to this one item? Does anybody testify as to what they are going to do with all these city directories for all these buildings?

Mr. WOOD of Indiana. I think on investigation the gentleman will find that in this department they have spent very little for books and city directories. In this department I can inform the gentleman that they spent $40.

Mr. TREADWAY. I am glad to get the information. It relieves my feelings considerably.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GARD. Inasmuch as the gentleman from Massachusetts has begun his serious campaign for reducing expenditures, I desire to ask him if, in striking out the appropriation for city directories, he intends to strike out any appropriation for blotters?

Mr. TREADWAY. Well, they make blotting paper in my country, and I do not know that I will take that trouble. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Temporary office buildings: For employees for the maintenance and protection of the temporary office buildings known as War Trade Building, between B and C Streets and Twentieth and Twenty-first Streets NW.; Food Administration Building No. 1 between Eighteenth and Nineteenth Streets and C and D Streets NW.; Food Administration Building No. 2, between New York Avenue and D Street and Nineteenth and Twentieth Streets NW.; Council of National Defense Building, on Eighteenth Street between C and D Streets NW.; Fuel Administration Buildings Nos. 1 and 2, bounded by Virginia Avenue, Eighteenth, and C Streets NW.; Fuel Administration Building No. 3, on D Street, between Twentieth and Twenty-first Streets NW.; H. L. Pettus Building, on Nineteenth Street, between Virginia Avenue and D Street NW.; Archie Butt Building, 1725 New York Avenue NW.; and Corcoran Courts Building, on New York Avenue, between Seventeenth and Eighteenth Streets NW.: Assistant superintendent, $2,000; principal clerk, $2 000; clerks—1 of class 3, 1 of class 2, 3 of class 1; 2 messengers at $840 each; chief electrician, $1,600; electricians—1 $1,400, 4 at $1,200 each; foreman carpenter, $1,600; carpenters—1 $1,400, 5 at $1,200 each; plumbers—1, $1,400, 3 at $1,200 each; steamfitter, $1,400; painters—3 at $1,200 each; 1, $1,000; 8 general mechanics at $1,000 each; assistant engineers—1, $1,400; 3 at $1,200 each; 18 firemen at $840 each; 11 coal passers at $720 each; guards—captain, $1,600, 3 lieutenants at $1,080 each, 12 sergeants at $900 each, 120 privates, at $780 each; fire marshal, $1,200; foreman of laborers $1,000; 2 assistant foremen of laborers, at $840 each; 7 foremen or forewomen, at $720 each; 60 laborers; 6 female laborers, at $480 each; laborers and charwomen, $60,000; in all, $296,760.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. I would like to inquire for what purpose any buildings enumerated on page 86 are now used? Reference is made to the Food Administration, the Council for National Defense, and two or three buildings for the Fuel Administration, and other activities, war activities, some of which at least I had hoped had gone out of being before this time. I really think we ought to know for what purpose those buildings are used at present and whether or not there is any chance of closing them up before they themselves fall down, and in that way prevent further use.

Mr. WOOD of Indiana. I would state in answer to the gentleman's question that in the item just passed are included the Commerce Department, the Compensation Commission, the Agricultural Department, the Council of National Defense, housing 380 people; the War Department, Wheat Director, 509 people; Labor Department, 156 people; Federal Trade Commission and Civil Service Commission, 303 people; War Department, 466 people; War Department again, 417 people; State and War Departments, 909 people; and War Department, 440 people.

Mr. TREADWAY. I am glad to get that information. From the gentleman's investigations does he consider that all these various departments to which he has referred need the number of employees he has read off?

Mr. WOOD of Indiana. I will say that we have given in this bill the best result of our judgment, and I would invite the gentleman's attention to the 2,858 pages of hearings which record the evidence upon which the judgment of this committee was based. It is wonderfully illuminating, and if the gentleman will read it he can draw conclusions of his own, based on facts rather than on conjecture.

Mr. BLANTON. Mr. Chairman, I move to strike out the last paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the last paragraph.

Mr. BLANTON. I want to give the gentleman from Massachusetts a little light on one of these buildings that he has asked about. It is the Food Administration Building. I have a letter from Mr. Hoover that he wrote me while he was here in Washington as Food Administrator in answer to a letter I wrote him making inquiry as to whether it was true, as the rumor had it, that he had paid an enormous sum, running up into over a score of thousands of dollars, more for rental per year for his office building than the lady who had the building under rent was paying at the time he took it over, and furthermore allowing the owner of the building to move out all of the furniture rented by the lady with the building and refurnishing it from top to bottom with new furniture at Government expense. I would like to get that letter into the RECORD in connection with my remarks, showing the gentleman from Massachusetts just how many more thousands of dollars this great Food Administrator agreed to pay out of the Treasury than a private person was paying when he opened up his office here in Washington. I have his letter over his own signature admitting that he paid even more than the rumor charged him with. I want to say that just that one little act alone of the gentleman, who has the reputation of having made a very distinguished Food Administrator, but who has very little idea about proper American economy, would keep me from supporting him for President of the United States, even if he were a Democrat and had resided in this country long enough, because we need an economical President to be elected in the next election to help us pay this country out of debt.

Mr. Chairman, in connection with my remarks, pertinent to the inquiry made by the gentleman from Massachusetts [Mr. TREADWAY], I ask unanimous consent to place in the RECORD the letter from Mr. Hoover concerning the matter I have just mentioned.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert in the RECORD the letter referred to. Is there objection?

Mr. BURKE. I object.

Mr. TREADWAY. Will the gentleman yield for one question?

Mr. BLANTON. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. The gentleman is very familiar with Government activities and offers a great many suggestions here. I should like to ask him if he can offer any suggestion in addition to that offered by the chairman of the subcommittee as to how we can dispense with the use of some of these buildings?

Mr. BLANTON. Close them up. Get PHIL CAMPBELL, the ever-ready chairman of the Rules Committee, to bring in a rule to-morrow morning, just like he brought in a rule this morning, and just like last month he had his hip pocket full of rules, which he brought out every time you fellows over there wanted one—have him bring in a rule here to pass proper legislation to either properly utilize or tear those war buildings down and send their idle occupants home and get rid of them and stop the expense.

Mr. TREADWAY. I will join the gentleman in asking the chairman of the Rules Committee——

Mr. BLANTON. Well, you would have a devilish hard time getting your steering committee to bring in a rule of that kind. [Laughter.]

Mr. McLAUGHLIN of Michigan. In regard to the use of these buildings, the Committee on Agriculture every year has to consider the matter of an appropriation for rent of buildings for the department, and during this current year the department has had space assigned to it and is occupying all the space so assigned, and in addition to such space—all available space in temporary buildings being occupied—it has found it necessary to rent about 40 buildings in the city and to pay approximately $270,000 in rents. If there were more of these so-called temporary buildings available and fit for occupancy, the rent to be paid by departments would be less than it is. A number of the activities of the Department of Agriculture are carried on in the buildings which the gentleman from Massachusetts [Mr. TREADWAY] and the gentleman from Texas [Mr. BLANTON] would like to have torn down and destroyed. Such of the buildings as are fit for use are occupied and are being put to a good use. They are not all suitable. I have in mind some buildings used by a department that are not convenient or entirely suitable, but the department is putting up with them, very much embarrassed in carrying on its work. These temporary buildings are occupied because they are there and in order to save the Government the expense of renting other buildings.

Mr. BLANTON. Will the gentleman yield there?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. BLANTON. Can the gentleman from Michigan tell us concerning the use of the great buildings down on Potomac Park, just below the Pan American Building, down toward the Lincoln Memorial? There are about half a mile of those buildings on each side of that avenue. Can the gentleman tell us for what purpose they are used now?

Mr. McLAUGHLIN of Michigan. I do not know the particular purpose.

Mr. BLANTON. I wish the gentleman would go down there and find out. The Agricultural Department does not use them.

Let us take some of those buildings that were built for war purposes and transfer the occupants of some of these rented buildings to them.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I have been so busy with real work, taking care of committee work and giving attention to proceedings on the floor, not reading newspapers or preparing remarks like some I have listened to——

Mr. BLANTON. The gentleman is not here any more than I am——

Mr. McLAUGHLIN of Michigan. I have been so busy doing real work that I have not had an opportunity lately to go down into that part of the city; but I understand those buildings are all occupied by assignments made by a commission appointed by the last Congress, the duty of that commission being to determine which of the buildings are suitable for use and to assign them to the departments which can best use them. I have no doubt that those buildings have been investigated and that they have been assigned to departments that need them and can use them. The committee of which I am a member has had considerable difficulty with the question of rents and of finding accommodations for the many offices of the department. The matter of rent is just now a serious proposition. Our committee has insisted that the department, when it must have space in addition to buildings owned by the Government, should occupy these temporary buildings or other property owned by the Government, as far as possible, and it is pursuing that course; but in spite of all that, as I say, the department is occupying 40 rented buildings and paying $270,000 a year rental for them.

Mr. FAIRFIELD. Mr. Chairman, I have listened with a good deal of interest to about an hour's discussion of this question of surplus space in Government buildings, and I am no more enlightened than I was when the discussion began.

It is so easy upon the floor of this House to deal in generalities, without a specific statement of fact, that I fear it has become such a habit that reform is impossible. One would like to know definitely first as to whether any space is ever assigned except by specific authorization of law.

Mr. FESS. Will the gentleman yield there?

Mr. FAIRFIELD. Certainly.

Mr. FESS. I appreciate what the gentleman has just stated about the difficulty of getting specific information. As the gentleman reads the hearings, which indicate an honest effort on the part of the committee to get the facts, is he satisfied with the facts that are stated to the committee? I am not. I think the committee are without information, although an honest effort was made to get it. And what I am concerned about is how are we to get the information in reference to these buildings? If a number of buildings erected to take care of the accessories of the war are still occupied, what are we to do? I am wondering whether it is not the purpose of those who are interested in occupying those buildings to conceal rather than to reveal the facts of the case.

Mr. FAIRFIELD. I have read a part of the hearings, and I confess that the committee seem to be without definite information that would justify them in making wholesale cuts in the appropriation.

Mr. FESS. That is the point exactly.

Mr. FAIRFIELD. Therefore, rather than cripple seriously any particular department of the Government, they must take what are said to be the necessities of the particular bureau or department.

If it be true that there can be no space occupied save by specific authorization, it would seem to be the function of the committee that authorizes that space to report to the House the conditions that obtain at this time. If there be discretion on the part of the department, I suppose a letter addressed to the department specifically requesting the amount of floor space at the time of the war, the amount now occupied, and the probable occupation for the future ought to bring that knowledge.

Mr. WOOD of Indiana. If the gentleman will yield, if you sent out that kind of a letter, it would be very easy to tell the amount of floor space they originally had and the amount now occupied, and they would give you the number of square feet they originally occupied and say that it is all occupied.

Mr. FAIRFIELD. So we seem to be in a position where it is impossible to get the knowledge.

Mr. WASON. Will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. WASON. In relation to what the gentleman has said about the hearings and in line with what the gentleman from Ohio [Mr. FESS] said, I want to say that your committee, after examining these men closely, found ourselves without absolute definite knowledge except as to the floor space, rental, and so forth, and we took upon ourselves the duty of going and using our eyes and seeing for ourselves. But time did not permit us to make a survey of the whole situation. We got some information which we felt was beneficial, and that was a guide to our subsequent action which is reported to this House.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FAIRFIELD. For that reason, gentlemen, I am inclined to follow the committee upon matters in which they have recently striven to give an opinion; their time was limited. They have been compelled to go in the dark, perhaps blindly to some extent, and use their best judgment. Certainly they are better informed upon this complex matter than any other Member of the House can be by a cursory discussion of the question as it has been presented this afternoon. Pardon me for taking the extra time, but really this matter was discussed last year and has been discussed for more than an hour this year and we have gotten nowhere. I wonder if we can not proceed a little more rapidly on the consideration of the bill.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the gentleman from Indiana who has just concluded says that in this discussion no light had been shed on this question. I shall not entertain the hope that I shall meet the gentleman's expectations in that regard. But I do want to point out one thing along the line suggested by the gentleman from Indiana. We had very little trouble in demobilizing our military Army, but it seems that we are having a great deal of trouble in demobilizing our peace-time army down in the departments. [Laughter and applause.]

I am not charging the responsibility for the demobilization of the Army on either the Democratic side alone or on the Republican side alone, because, while that side has been talking a great deal the last two years about the immense number of clerks in the departments that ought to be sent home, on that side the present discussion has disclosed that those gentlemen have not been able to solve the problem.

I am not making a partisan appeal, because we all know, whether Democrats or Republicans, the public service possesses an adhesiveness that is very hard to overcome. It has been found even to affect Members of Congress to the extent that when they get here they do not want to go back home to civil and private life. One reason the clerks have not been reduced is because every clerk in the departments of the Government solicits his Congressman to take care of his constituent, and when they are threatened with being turned out by the executive department of the Government they beat a trail to the office of their Member of Congress, and he immediately interests himself in trying to get that clerk, if he be discharged, put into another branch of the Government. [Applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. MADDEN. The gentleman said every Member of Congress, and I deny that is true as far as I am concerned.

Mr. CONNALLY. I do not know whether I used the word "every" in relation to a Member of Congress. I said every clerk trailed to the office of his Member of Congress. I will except the gentleman from Illinois from that. I do not mean to make the wholesale charge, but it is a charge we all know is well merited in some cases. I will not say that the gentleman from Illinois, or even his side of the House, is any more subject to that influence than our side; but it is a matter of common observation that that is true. The gentleman from Illinois is excepted in that respect, and in many other respects, from the common run of Congressmen. [Laughter and applause.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. FAIRFIELD. I want to say on that point that the clerks should be transferred to other departments if there are any places in the other departments. If there were no places in the other departments, of course there would be no transference. So I suppose ultimately it rests on this body to determine how many places there are to be filled.

Mr. CONNALLY. To be sure. That is what I was coming to. I trust the membership will not take it that I meant that everybody undertook to do this, but I meant that it was the natural inclination to transfer his clerk to another department if there should be a place in the other department for him.

Mr. MADDEN. There is another statement which I think ought to be excepted. "Their clerk" presupposes that every Member has a clerk in the departments, and I deny that.

Mr. CONNALLY. I will again except the gentleman from Illinois from that classification and repeat my statement that he is to be excepted.

Mr. BEE. Why has not the gentleman made a general exception of the gentleman from Illinois?

Mr. CONNALLY. I was going to say I would except him from all of the rules that apply to the common, ordinary Congressman and put him above the ordinary run on a pinnacle, where he belongs.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. The gentleman from Indiana [Mr. FAIRFIELD] wanted to know how we are going to find out about these clerks. We hear on the floor of this House from day to day that there are literally thousands of clerks in the departments who are not needed. To-day the gentleman from Iowa said that there were thousands of them down there that ought to be turned out, and yet from day to day we have appropriation bills brought in here by the majority side of this House making appropriations for those very clerks. There may be thousands, and I do not doubt that there are many hundreds, if not thousands, of clerks in the departments who could be spared, and for the purpose of arriving at the needs of the service I commend to the majority of this House a joint resolution, introduced by the gentleman from Virginia [Mr. MOORE], now pending before the Committee on Rules. This joint resolution provides for the appointment of a joint committee of the Members of the House and the Senate, whose duty it shall be to make a survey of this very matter and determine where in the various departments economies may be brought about by the reduction of their clerical forces and by a reduction of the activities of the departments.

Mr. SMITH of Idaho. Mr. Chairman——

Mr. CONNALLY. In a moment. Gentlemen on the Republican side of the House admit, as did the distinguished gentleman from Ohio [Mr. FESS], the chairman of the congressional committee, ignorance respecting these matters on the Republican side of the House, and if so diligent and so studious a Member of the House as is the gentleman from Ohio is ignorant about conditions, then it is not surprising that most Members are ignorant of the particular needs of the various departments.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. SMITH of Idaho. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. The gentleman has referred to a resolution introduced by the gentleman from Virginia [Mr. MOORE] with reference to investigating the departments to ascertain whether or not they have more clerks than are necessary.

Mr. CONNALLY. Yes.

Mr. SMITH of Idaho. Have we not now an investigating committee of both the House and Senate on expenditures in every department of the Government?

Mr. CONNALLY. Yes.

Mr. SMITH of Idaho. It is the duty of those committees to make these investigations.

Mr. CONNALLY. We have some innocuous, colorless, idle committees on expenditures in the departments, with the exception of the Committee on Expenditures in the War Department, and there we have a very active political organization.

Mr. DALE. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. DALE. Does the gentleman include all of the other expenditure committees in this phrase "innocuous and useless committees"?

Mr. CONNALLY. I did not use the word "useless." I said innocuous in the sense that they are comatose; they are laboring under a certain lassitude and inactivity.

Mr. DALE. I know of one committee some members of which are spending at least half their time every day investigating this same subject.

Mr. CONNALLY. To be sure. They are not only spending time but they are spending a great deal of money. I understand from one source that there are now supposed to be functioning 93 inquisitorial committees and subcommittees, including those in both the Senate and the House, investigating the doings of the War Department and other departments of the Government. The point I am coming to is that we ought to go about this matter in some intelligent way. The Republicans are responsible, and we will share with them that responsibility if they go about it intelligently and get a commission to investigate.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MANN of Illinois. Mr. Chairman, I think I seldom have listened to a speech that had as many inaccuracies condensed in the same length of time as the one just made by the gentleman from Texas [Mr. CONNALLY], and I might stop there. The gentleman assumes that the work of Members of Congress apparently is mainly looking after clerks in the departments, and I presume he speaks from his own personal experience or observation. I have been here a great many years, and I never have paid any attention whatever to the matter of clerks in the departments, so far as the individual clerk is concerned and his or her retention or otherwise. I have known few Members of Congress who gave it any time or attention at all. It may be that when a new Member comes here he is worked by some clerk, as the gentleman from Texas [Mr. CONNALLY] evidently has been; but after a Member has been here a little while he finds that he has something else to do besides running to the departments to have a clerk retained or appointed, and if he has anything at all to do he will have something better to do, because that will not have any effect, besides not being his duty.

The gentleman said there has been no effort to reduce the number of clerks in these departments. Evidently he was not in the Hall when the gentleman from Indiana [Mr. WOOD] stated on a number of occasions that his bill proposes to reduce the number of clerks in the departments by 21,000.

The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; private secretary to Assistant Secretary, $2,400; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; appointment clerk, $2,250; printing clerk, $2,000; stenographers—1 $1,800, 1 $1,200; clerks—1 of class 4, 3 of class 3, 5 of class 2, 5 of class 1, 1 $1,100, 6 at $1,000 each, 1 $900; carpenter, $1,000; 4 messengers; 4 assistant messengers; 3 laborers; messenger boys—4 at $600 each, 2 at $480 each; in all, $78,830.

Mr. CONNALLY. Mr. Chairman, I move to strike out the section. I suppose it would now be proper for me to go off into the cloakroom and coil up on a sofa somewhere, after incurring the legislative wrath and displeasure of the nestor of the Republican side of the House. I should have known that, no matter how I framed my remarks, not because it was I, but because I happen to be not so old in the service——

Mr. WASON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. WASON. I want to assist the gentleman and to assure him that when he makes the statement that our colleague from Illinois [Mr. MANN] is the nestor of the House he is inaccurate.

Mr. BLANTON. He is a nestor in reference to information and general knowledge.

Mr. WASON. That is not what the gentleman stated.

Mr. CONNALLY. I might have known I should have incurred the gentleman's wrath, not from my personality but by reason of not having served in the House as long as the distinguished gentleman from Illinois and because of being a comparatively new Member. I want to say to the gentleman from Illinois that I tried in my remarks simply to say that it was the natural and human thing for a Member of Congress to assist a constituent in being transferred from one department to another if there was a vacancy. I do not profess any virtue in that regard myself. I will state, however, to the gentleman from Illinois that I have turned down several applications of the very kind that he mentioned on the ground that the force of clerks had to be reduced.

Service in a great legislative body for a long number of years is something of which to be proud, but if that were the only reason by which a man could claim distinction I take it it would be one necessarily to be scorned. If I shall ever have the honor to remain in this House for a great many years, and during that time I shall acquire the distinction that the gentleman from Illinois possesses, if I shall acquire the skill which he possesses in legislative matters, it certainly shall be beneath my dignity to scorn any Member of this House, whether he is a new Member or any other, simply because he has not remained here until his whiskers drag the ground [applause], or else because he is simply a new man. Service here does not depend upon its length of time. Every constituency is entitled to its representation. In my statement a moment ago I did not attribute blame to the gentleman's side of the House more

than to any other, and I did not make the charge that no reduction of clerks had been had in the departments, but I stated that the complaint had been made to-day by the gentleman from Iowa that no reduction of clerks had been made. I appealed to the House to adopt some intelligent method of appointing a commission to investigate so that the clerks could be reduced. I for one, with all respect to the gentleman from Illinois, take exception to his fling at myself or any other Member simply because we happen to be new Members. At one time the gentleman from Illinois was a new Member. At one time he was new to these legislative halls; and but for the experience that he got here, associating with other new Members, he would not be able now to stand in his place, with all of his honors clustering about him, with all the plaudits of the people hanging about his well-merited shoulders, he would not be able to stand here and fling at some Member who is less conspicuous than he, some Member who is trying to serve his constituents faithfully and diligently. I marvel not that the gentleman is not now occupying the station of the Speaker of this House. If the manners which he exhibited here to-day were employed in his conduct toward gentlemen on the Republican side of the House during the days of his ascendency, I marvel not that they resented such conduct and displaced him by electing another to that coveted honor, to which I doubt not during all of these 20 years he has looked, even though at a distance, with longing eye and watering mouth. [Applause on the Democratic side.]

Mr. SNELL. Mr. Chairman, I am very much interested in the very large amount of money carried under the Navy Department for temporary employees in the various departments. It seems to me that here is one of the items that always gets us into trouble, these lump-sum appropriations for temporary employees. I notice, in the first place, that the Secretary of the Navy for his office has $56,600, and then naval operations has $56,700. It is surprising to see how near those two amounts are alike. I believe, unless there is some special reason that the chairman of the committee could give us, that here would be a good opportunity to begin to cut down the appropriations and be absolutely sure to rid ourselves of some of these unnecessary clerks that you hear so much talk about, for as far as I can find out it is temporary employees who fill up the offices and are engaged in work that is least essential. I would like to hear what the gentleman has to say upon that subject, and if it is not possible to cut some of these lump-sum appropriations.

Mr. WOOD of Indiana. Mr. Chairman, for the information of the gentleman, and also for the committee, I desire to state that the total estimate asked for by this department was $1,788,810. The total allowance by your committee was $1,422,920. The total appropriation for the last year was $3,268,922.

Mr. SNELL. Will the gentleman yield right there?

Mr. WOOD of Indiana. We have made a reduction in the Navy Department of $1,846,002, as compared with last year. I desire to say in reference to lump-sum appropriations that I agree with the gentleman that lump-sum appropriations should be guarded very carefully. But here is the situation that confronted us: The Navy Department, the War Department, and all the other departments that had these extraordinary activities during the war came before the committee and asked to have transferred to the statutory roll the clerks who were carried upon the temporary roll whom they still desired to retain in governmental employment.

We were of the opinion, knowing by reason of past experience how hard it is to get a man off the permanent or statutory roll, that it would be better to carry in the next year or until we can see our way clear to provide such places for such additions as we may find to be necessary, that until this temporary work is entirely disposed of it would be the part of wisdom and the part of economy still to provide for temporary employment. As I have stated, we have reduced the amount of the expenditure this year $1,846,002.

Mr. MADDEN. How does that compare with the estimate?

Mr. WOOD of Indiana. As I have stated, we reduced the estimate from $1,788,810 to $1,422,920, or a reduction of some $366,000.

Mr. MADDEN. And if you reduced it about a million more it would not have been far off.

Mr. WOOD of Indiana. Then we would not have a Navy at all, and I think we still have use for a Navy.

Mr. SNELL. The chairman has struck on the point I had in mind. They are trying to carry a great many of these war-time activities in peace times. Now, I believe that the proportion for peace times for temporary employment of $1,422,000 as compared with the war-time expenditure for temporary employees is altogether too large.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. The only way we will ever cut down the number of these employees is by refusing to appropriate. For instance, the Hydrographic Office is given $100,000 for temporary employees.

Mr. WOOD of Indiana. I will state in reference to the Hydrographic Office that we did not give them anywhere near the amount of the appropriation they desired, but that office is doing a wonderful work and must of necessity continue to do it. They furnish all the maps and charts for all the vessels, and they are constantly changing, too, by reason of the new activities in which we are engaging by reason of the change in world conditions, and there is a good deal more necessity for the Hydrographic Department than there ever has been before. In my opinion we cut that department as low as we could possibly cut it without absolutely crippling the present necessities.

Mr. SNELL. It seems that those activities might be cut still further for this immediate time.

Now, there is $10,000 for employees for the Naval Observatory. What more activities have they now than they previously had? I honestly believe, without crippling the departments of the Government, we could cut down these lump-sum appropriations some 50 per cent, and that would give them $750,000 for the present year for temporary employees. And I believe that would then give them a reasonable amount so that they could have all the extra employees absolutely necessary under present conditions, and that is all we ought to do at the present time. One thing the people insist upon, and that is that we must cut down the employees in Washington. It seems to me that this is the proper place to begin, and I do not think the $400,000 from what they ask for is enough of a cut. I fully appreciate the work the committee has done in this matter, only I want to go still further in this direction.

Mr. DEMPSEY. If the gentleman will turn to page 98 he will see there is a provision for temporary employees in the Bureau of Supplies and Accounts for $350,000.

Mr. SNELL. The chairman of the committee says there is practically a million and a half granted for temporary employees, and it does strike me that in justice to the departments and everything else we might cut these down at this time. I would like to see an amendment offered to cut each one of these appropriations for temporary employees 50 per cent.

Mr. WOOD of Indiana. Before we start any cutting here we ought to have some basis of action. In the first place, before any of these estimates were brought in the Secretary of the Navy reduced the estimates made by the heads of these bureaus to him very, very materially. They wanted, in some cases, twice the amount that the Secretary of the Navy requested that we give them. And I wish to say here, in all fairness to the Secretary of the Navy, he is the only head of any of these departments that was really trying to help the committee to reduce expenses. I think it is fair to say that of Secretary Daniels. However, I wish to say, in addition to that, that the Post Office Department did likewise. With these two exceptions, we received no help from any department in our efforts at reduction.

Mr. SNELL. Is it not the habit of the departments to make estimates a great deal larger than they expect, because they know the committees of the House will cut them down?

Mr. WOOD of Indiana. I think that may be true in some instances, but not in all.

Mr. SNELL. And you have only cut their estimates for employees 20 per cent, on your own statement. I believe they could be cut more than that and allow the department to do good work.

Mr. WOOD of Indiana. If you can give us the basis for that cut, well and good. But I will tell you where it would be absolutely fatal.

You asked with reference to the $10,000 for the Naval Observatory. You will remember that during the war we were absolutely without binoculars. We appealed to the Nation to furnish us with these much-needed instruments. They came from all parts of the country. This $10,000 is for gathering them up and sending them back to the owners, a duty, I think, which should be carried out, because the people supplied us with these instruments that we were absolutely in need of. The largest item in this appropriation is $404,140, for the Bureau of Navigation. That is by reason of a duty imposed upon that bureau similar to the one on The Adjutant General a few weeks ago for the purpose of gathering the statistics and gathering the history of each man who was engaged in naval service and marine service during the war.

The CHAIRMAN. The time of the gentleman from New York [Mr. SNELL] has expired.

Mr. WOOD of Indiana. May I proceed for five minutes?

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. If we were to take and cut that 50 per cent, we would simply deprive them of the necessary clerical force to do the work that we have already imposed upon them, and so it is all down the list.

Mr. SNELL. I would like to ask the gentleman if there are not some clerks there now who can do that work without adding these extra employees? The war is over. There should be some people down there who were employed before the war activities began who could give some of their attention to this peace-time business.

Mr. WOOD of Indiana. In our judgment, even with the estimate given by the Secretary of the Navy before us, we have made considerable cuts. As I say, we cut it even below the estimates submitted by Secretary Daniels himself, who had very materially cut the estimates submitted to him by the heads of the bureaus. We cut it below the estimates of the Secretary of the Navy, who was very conservative, to the amount of $366,000.

Mr. SNELL. What harm would it be to this country if some of this work were not done immediately, if we just cut down to rock-bottom and start it all over again?

Mr. WOOD of Indiana. I wish the gentleman would specify.

Mr. SNELL. Well, this information that the gentleman says must be compiled. If that was not done now, what harm would come?

Mr. WOOD of Indiana. It can be more easily furnished now, when these records are at hand, and when the information of these officers who were in charge of the work can be obtained, from temporary officers and men who have not yet been discharged, who can give the benefit of their information to those who are compiling these items. It can be more economically done now than later on. Years after the close of the Civil War information similar to this was furnished to the War Department and to the Navy Department, and it was almost impossible to gather it by reason of the fact that importance was not attached to the papers containing the information when the war closed, and in consequence the papers were not saved, and many of them were lost entirely and secondary information had to be taken instead. If this information is desired, it would be wise to have it furnished now.

Mr. SISSON. Mr. Chairman, I have not injected myself much into this debate, because I am anxious for the early passage of this bill, but I think the criticism made by the gentleman from New York [Mr. SNELL] is an unjust one.

In the first place, the chairman of the committee is correctly stating that the Bureau of Navigation had placed upon it by Congress the duty of keeping the record of every sailor and marine on all our ships and in the navy yards. Now, we would be very derelict in our duty if we did not furnish to this department the amount of money necessary to keep the records of those boys, and I do not think that any man on either side of the House would deny the necessary amount of money. We were simply acting in accordance with the specific wish and will, not only of this body but of the Senate, because that was the law; and it is the duty of the Committee on Appropriations to carry out the manifest wish and will of the House, as expressed in prior legislation. It is a duty that we owe to the soldiers and sailors and marines. Nobody said anything in opposition to the performance of our duty with regard to the soldiers in the Army. These boys in the Navy are on the same footing. Their records should be kept, and it requires a great deal of work to do it, and we want the record of each of these sailors and marines to be absolutely correct.

Another thing, the number of ships controlled by the Navy has been doubled. The various kinds of craft have had to be cared for. The property purchased during the war has to be disposed of. There are millions and millions of dollars' worth of this property. Shall we abandon this property? Shall we let this property be wasted? Shall we abandon these ships? It would be the worst sort of mistaken economy.

I want again, as I did in the opening of this debate, to congratulate the House and the country in having a chairman who has the nerve and the courage that this chairman has, because he has fearlessly used the paring knife; and if he is to be criticized and if I am to be criticized, it may be that we have cut a little too deeply in some places.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. SNELL. How many clerks and employees have you cut out of the Navy Department?

Mr. SISSON. I can not tell you the exact number. I do not carry those things in my head. But I think the gentleman's criticism is not founded upon facts or knowledge. It is a criticism made without having an iota of information. Yet we spent months in getting the facts upon which we based our action. In view of the fact that your chairman has acted with so much courage and patriotism, I do not think it is becoming on the part of gentlemen on that side of the House to criticize the chairman of your committee on your side of the House, who worked patiently and who remained here when others of you were taking holidays during the Christmas time while he was here doing his duty by the House, by the country, and by the Treasury.

And whatever else may be said, if any economy has been practiced in this bill he is entitled to infinitely more credit for it than any other Member on that side of the House, even including the subcommittee members with him. He has been patient, laborious, and courageous in doing his duty, and I want to congratulate the country again upon the kind of work that he has done, and upon the kind of public servant that it has in the gentleman from Indiana [Mr. WOOD]. [Applause.]

Mr. MONDELL. Mr. Chairman, we are halfway through this bill. We have been discussing it for a week. I am wondering if it is so important to discuss these matters out of order that it is necessary to discuss them further now before we go on with the reading of the bill.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. BLANTON. The gentleman, as usual, is accommodating.

Mr. MONDELL. I yield to the gentleman.

Mr. BLANTON. Just before the gentleman came in we used the last two or three hours in discussing the bill.

Mr. MONDELL. I should like to hear the bill read.

The Clerk read as follows:

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; maintenance, repair, exchange, or operation of motor truck or horse-drawn passenger-carrying vehicles; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, $12,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I do not want to consume time unduly and I do not want to be cautioned by the floor leader, because I have not taken a minute on this bill. I also want to be in unison with the spirit of the gentleman from Mississippi [Mr. SISSON] in what he said about the efforts to reduce the expenditures. What I am about to say is no criticism of the committee. I ask the attention of the chairman of the committee. I think the effort to reduce expenditures is very creditable and that it merits the approval of the House. There is a situation, however, that is distressing everybody. I am sure that this committee have tried to cut at every place they can, because there are places where cuts have been made that many Members wish were not necessary, cuts of established institutions like the library. I think the committee in their effort to cut down to bedrock are jusified even in that.

Now, here is the thing to which I call the attention of the membership of this Committee of the Whole. This bill is just about four times the size of the bill before the war. I want that fact to have its full significance. I read Prof. Seligman's observations upon the estimates of the Treasury Department for next year. Without including in those estimates any provision for the railways, without including in the estimates anything in the way of a soldier bonus which might come, but including the sinking fund of $287,000,000, the estimates for next year are $4,889,000,000. That is over four times what the estimates were prior to the war. If you take this bill and compare it with the appropriations for 1914 it carries nearly four times what that bill carried. Now, here is the problem which I wish to present to this committee. I do not know how we are going to cure it. Is it true that two years after the war is over we have accepted a scale of expenditure that is four times the scale of expenditure before the war? Is that to be permanent? If it is there is positively no hope of any reduction of taxation and we are going to continue the war basis of taxation after the war is over. I appreciate the efforts of this committee to cut. As I said before, they have cut in places where it hurt, and I have wondered whether it could not be avoided. But, gentlemen, this increase of expenditures is bewildering. Is it true that there is no possibility of getting anywhere near to the normal basis prior to the war, or are we in these appropriations lifting the normal standard of cost level to a place where it will be permanent and

not at all reduced? The committee will recognize that the lump-sum appropriation is the source of this danger.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. SISSON. Will my friend yield?

Mr. FESS. I yield.

Mr. SISSON. The trouble that your committee is going to have is not in reducing the scale of wages. The trouble is going to be to prevent the scale of wages being raised, because the Reclassification Commission is going to ask for very radical increases in the general scale of wages paid to Government employees in the District of Columbia.

Mr. FESS. I was aware of that statement, and if we read the editorial comment upon the dealings of Congress with the departments we find that we are criticized for our so-called niggardly policy. That is the way they put it—the niggardly policy of the Government toward the Navy Department and toward the War Department.

Now, gentlemen, if it means that, if we are to set the cost of the Government according to this war scale, we know that that war scale will be permanent. If that is to be made permanent, the cost to the Government to run these Government institutions is going to be four times what it was before the war opened. It is not fair to this Congress to be criticized as adopting a niggardly policy to our service when we are trying to prevent saddling on the Government four times the burden of taxation we had prior to the war. That came to us in this way: The War Department and the Navy Department and various governmental departments were given lump sums without any limitation as to salaries, and they shoved the salaries up abnormally.

I will state to my friend from Mississippi—what he will recall—that out of the Congressional Library was taken an assistant and put into the War Department and given a salary one-half greater than the chief in the library under whom he was serving while he was in the library. That was the order of shoving up the cost to the Government, and now we are told that we must make that standard permanent. If it be so there is no hope for any reduction of taxation. While I commend the committee for its effort to cut, and it has done it splendidly, the fact still remains that here is four times the expenditure in this bill of the last bill preceding the war.

Mr. SISSON. Mr. Chairman, your committee has not sanctioned any salary of that kind.

Mr. FESS. I am aware of that, but I wanted to call the attention of the committee, not because the committee does not know it, but the country demands, on the one hand, that we reduce taxes and, on the other hand, that we deal with the Government service more generously. It is simply contradictory.

Mr. WOOD of Indiana. Mr. Chairman, I would like to say in answer to the gentleman and for the benefit of the House that this committee in this bill has made a heroic effort to get back as near as possible to the amount carried in this bill before the war.

This bill in 1916, before we got into the war, carried $36,910,799. This bill carries $103,650,016, or an increase as compared with 1916 of $66,739,000.

I wish to call the attention of the committee to the fact that there are three items in this bill that make up $52,000,000 of this extra amount that we did not have anything to do with before we got into the war, that have been imposed upon us by reason and in consequence of the war. It carries $36,000,000 more for the Internal Revenue Bureau than was carried before the war, made necessary by recent legislation passed by this Congress the enforcement of which is placed upon the Internal Revenue Department. For the War Risk Bureau we carry an item of $11,000,000 that was not carried before, because there was no such bureau before the war. For the Census Bureau we carry in this bill $5,000,000 that was not carried for a period of 10 years before this time, making a total of $52,000,000. The difference between the amount of the prewar bill and this is $14,000,000. We have decreased this bill as compared with the war bill passed for this same service $23,000,000. We have decreased the estimates submitted by the various departments to your committee $18,000,000. If all the committees will be as active in trying to get back to the normal basis when providing for these activities which came to us as necessities of the war and in consequence of the war, they will get back some time to something near our prewar normal.

Mr. SISSON. If the gentleman will yield, there were $10,000,000 carried in the current appropriation for the census.

Mr. WOOD of Indiana. Fifteen million dollars.

Mr. SISSON. And $5,000,000 this year; so that, as the gentleman from Indiana states, we have got this bill down within $14,000,000 or $15,000,000 of what it was before the war, notwithstanding the fact of the enormous activities growing out of the war which we have not got rid of. I want to call my friend's attention to the fact that the bill did not carry the bonus of $240.

Mr. WOOD of Indiana. That is not a definite appropriation.

Mr. MANN of Illinois. Mr. Chairman, the gentleman from Indiana refers to the legislative bill for 1916 as the last bill before the war. It should have been the fiscal year of 1917, because that was the last legislative law passed before the war, and it was $2,000,000 more than the act of 1916.

Mr. WOOD of Indiana. I wanted to be conservative. I ask unanimous consent to insert this table as a part of my remarks, because it is very illuminating, showing where the increases are.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to insert the table referred to in his remarks. Is there objection?

There was no objection.

The table referred to is as follows:

Recapitulation showing appropriations for 1916 and amounts recommended for 1921.

Object.	Appropriation for 1916.	Amount recommended in bill for 1921.	Increase (+) or decrease (−) 1921 over 1916.
Senate	$1,812,832.50	$2,095,592.50	+$282,760.00
Capitol Police	57,350.00	65,750.00	+ 8,400.00
Joint Committee on Printing	7,600.00	7,600.00	
House of Representatives	4,951,652.25	5,763,845.25	+ 812,193.00
Library of Congress	662,105.00	709,305.00	+ 47,200.00
Botanic Garden	31,300.00	72,487.00	+ 41,187.00
Executive Office	185,440.00	197,880.00	+ 12,440.00
Bureau of Efficiency	[1]$30,000.00	$125,000.00	+ $95,000.00
Civil Service Commission	367,335.00	547,475.00	+ 180,140.00
State Department	383,500.00	1,027,660.00	+ 644,160.00
Treasury Department	4,672,872.00	[2] 20,296,251.36	+15,623,379.36
Internal Revenue	6,292,000.00	42,038,000.00	+35,746,000.00
Independent Treasury	479,820.00	231,870.00	− 247,950.00
Mints and assay offices	1,080,000.00	1,698,000.00	+ 618,000.00
War Department	1,838,008.00	4,934,420.00	+ 3,096,412.00
Public buildings and grounds	87,590.00	136,880.00	+ 49,290.00
State, War, and Navy Department buildings	156,840.00	1,965,680.00	+ 1,808,840.00
Navy Department	864,770.00	2,628,530.00	+ 1,763,760.00
Interior Department	4,871,850.00	5,120,870.00	+ 249,020.00
Surveyors general	220,450.00	175,000.00	− 45,450.00
Government in the Territories	125,500.00	[3] 204,360.00	+ 78,860.00
Post Office Department	1,804,275.00	2,035,720.00	+ 231,445.00
Department of Justice	608,590.00	639,020.00	+ 30,430.00
Department of Commerce	3,347,089.00	[4] 8,377,600.00	+ 5,030,520.00
Department of Labor	732,960.00	1,018,030.00	+ 285,070.00
Judicial	1,239,080.00	1,537,190.00	+ 298,110.00
Total	36,910,799.75	103,650,016.11	+66,739,216.36

[1] Division in Civil Service Commission.
[2] Includes $10,824,400 for the Bureau of War Risk Insurance and $294,320 for the Federal Farm Loan Board, neither appropriated for for the fiscal year 1916.
[3] Includes $47,010 for legislative expenses for Alaska and $30,000 legislative expenses for Hawaii, for which no provision was made in the fiscal year 1916.
[4] Includes $5,000,000 for the Fourteenth Decennial Census.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FESS. The estimate for next year is for $122,240,000; and the committee has cut that how much?

Mr. WOOD of Indiana. We have reduced that to $103,000,000—a cut of $18,000,000.

Mr. FESS. I want to state that no criticism is made of the committee. It is simply the scale on which we are going and how the country has been criticizing the Congress for other things.

The Clerk read as follows:

Naval Observatory: Astronomers—1 $3,600, 1 $2,800; assistant astronomers—1 $2,700, 1 $2,400, 1 $2,000, 1 $1,800; assistants in department of nautical instruments—1 $2,500, 1 $1,600; clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1; instrument maker, $1,500; electrician, $1,500; librarian, $1,800; assistants—3 at $1,600 each, 3 at $1,400 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter, $1,000; engineer, $1,200; 4 firemen; 7 watchmen; mechanic, $900; 8 laborers; in all, $60,000.

Mr. WALSH. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. WALSH. Mr. Chairman, I make the point of order on the paragraph.

Mr. BLANTON. I reserve the point of order on parts of the paragraph, Mr. Chairman.

Mr. WALSH. I do not know how the gentleman can reserve the point of order when one has been made.

Mr. BLANTON. Mr. Chairman, I desire to make the point of order against parts of the paragraph.

Mr. WALSH. Mr. Chairman, this creates three new positions for which there appears to be no authorization. We granted a new position last year, and there is nothing on the face of the paragraph to indicate that it is a reduction in expenditures, although it does omit a couple of positions provided for last year.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman reserve the point of order?

Mr. BLANTON. Mr. Chairman, will the gentleman permit me to state the point of order that I wish to make.

The CHAIRMAN. The gentleman from Massachusetts has made the point of order.

Mr. WALSH. Mr. Chairman, at the request of the gentleman from Indiana [Mr. WOOD], the chairman of the subcommittee, I reserve the point of order.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order.

Mr. BLANTON. Mr. Chairman, I desire to make one.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. BLANTON. I make the point of order not to the paragraph but against the following items: The position of one astronomer at $3,600 a year, it being a new position, unauthorized by law, the one at $2,700 a year, it being a new position, likewise unauthorized by law, and the one at $2,500, being an assistant in the department of nautical instruments, it being a new position and not authorized by law.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. BLANTON. I make those three points of order because they are new positions created in this bill and unauthorized by law, and the committee had no right to put them in.

Mr. WOOD of Indiana. Mr. Chairman, let me call the attention of the House and of the gentleman to what the situation will be if the point of order is insisted upon and sustained.

Mr. BLANTON. There are three parties waiting who expect to get these soft berths.

Mr. WOOD of Indiana. That is just the trouble. I wish it were possible to keep them in there. We would like to have done that, but this is the situation. Because of a law passed, as I understand, by the suggestion of the Secretary of the Navy, he has abolished the corps of professors there, and these positions now and for some time have been filled by these retired officers the gentleman is talking about. Under the law these gentlemen can no longer fill those positions, and unless we supply them, by reason of the provision for civilian employees, this department will be absolutely crippled beyond all measure.

Mr. BLANTON. It has gotten along without them in the past.

Mr. WOOD of Indiana. No; it has not. The two men who are now occupying these positions are these retired officers that the gentleman has talked about, put on the active list. They go finally upon the retired list, we are informed, at the close of this year, and then these two positions will be vacant.

Mr. BLANTON. I insist upon the point of order. They are new positions, are unauthorized by law, are unnecessary, and we should save this money.

Mr. SISSON. Mr. Chairman, I hope the gentleman will understand when doing that he is leaving the Naval Observatory in this attitude. Under the old law we sometimes had four of these naval officers whom they could use for that purpose, and I believe they have always had three who were competent to look after this business. If the gentleman will go out to the Naval Observatory and see the vast amount of work they do there in aid of navigation, in the way of adjusting compasses and timepieces on our ships, he will realize what sort of work they do there, and I do not think the gentleman would want to cripple that observatory.

I call attention also to this fact, that these naval officers cost a great deal more money because the salaries are very much higher than the salaries fixed here.

Mr. BLANTON. Mr. Chairman, I insist on the point of order.

Mr. SISSON. I was arguing the question to see if I could not induce the gentleman from Texas to withdraw the point of order.

The CHAIRMAN. Does the gentleman from Indiana contend that this is authorized by law?

Mr. WOOD of Indiana. I do not contend it is authorized by law, but I wished to inform the House of the situation we will be in.

The CHAIRMAN. Does the gentleman from Texas insist on the point of order?

Mr. BLANTON. I insist on the point of order, because I do not believe it is necessary.

The CHAIRMAN. The Chair has no other recourse but to sustain the point of order.

The Clerk read as follows:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac—1 $2,500, 1 $2,000, 2 at $1,800 each, 2 at $1,600 each, 2 at $1,400 each, 3 at $1,200 each; assistant messenger; in all, $18,420.

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order——

Mr. BLANTON. I make the point of order against the position of assistant in preparing for publication the American Ephemeris and Nautical Almanacs, one at $2,500, for the reason that this is a new position unauthorized by law. I reserve the point of order for a minute, as I want to get some information. I call the attention of the gentleman from Indiana to this fact. I want to know whether or not his committee had this information before it. In publishing this American Ephemeris three-fourths of the information that goes into that document comes from abroad and has come from abroad since the Paris agreement of 1911. Only one-fourth of the total of that document is furnished by this American department, and notwithstanding that fact each year during the last two years this bill has been increasing the amount of the appropriation.

Mr. WOOD of Indiana. I will say to the gentleman this is what the committee did. We dropped two places out at $1,000 each because of the fact it requires men of more than ordinary ability to do this work. We created one position at $2,500. That is the situation.

Mr. BLANTON. I call attention right here to this fact: The gentleman is probably aware of the fact, if his committee went into the matter, that during the last year, with four positions vacant, this magazine was gotten out on time. There was not any stoppage in the work at all and the work was well performed. Why should the committee come in now and create this new $2,500 position?

Mr. WOOD of Indiana. I will tell the gentleman why. During the time the gentleman was speaking about with reference to the vacancies we had a number of reservists who were employed there, and they had a great deal larger force than they have now or can have under this appropriation, and I wish to say with reference to the importance of this work that——

Mr. BLANTON. Is the gentleman speaking of the research work now?

Mr. WOOD of Indiana. No; I am speaking of the almanac. Every almanac that is gotten out by the State of Texas and every other State is founded upon this Nautical Almanac gotten out by the United States department. It is a very important work and should not be crippled, and it may be we have crippled it now a little, because of the fact we did not give them anywhere near the number of extra employees that they wanted. They did have a great amount of extra force during the war, because of the fact they had assigned several from the reservists corps which are now denied them.

Mr. BLANTON. But in the next paragraph you are allowing $3,000 for piecework.

Mr. WOOD of Indiana. They have always had that.

Mr. BLANTON. Always had the sum of $3,000?

Mr. WOOD of Indiana. Yes.

Mr. BLANTON. Why, they began with only $1,000.

Mr. WOOD of Indiana. That was a long while ago.

Mr. BLANTON. The gentleman is aware of this fact, is he not, that not for 20 years has there been any research work published?

Mr. WOOD of Indiana. Well, I am not up on all the research work that has been done in the last 20 years.

Mr. BLANTON. Well, there has not been any published in 20 years.

Mr. WOOD of Indiana. The gentleman may be particularly informed about that. We do know they are cooperating, and of necessity there should be cooperation, for all the information this Nautical Almanac contains, between this Government and all civilized Governments.

Mr. BLANTON. Does not the gentleman know for whom this position is fitted out especially?

Mr. WOOD of Indiana. I presume it is fitted out for the purposes for which this place is created. We have to have a Nautical Almanac.

Mr. BLANTON. The gentleman does not know the particular individual for whom this position is created?

Mr. WOOD of Indiana. No; I do not.

Mr. BLANTON. Then, Mr. Chairman, I make the point of order against this new position of $2,500, because I do know.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Steam Engineering and at rates of compensation not exceeding those paid hereunder prior to January 1, 1918, to carry into effect the various appropriations for "Increase of the Navy" and "Engineering," to be paid from the appropriation "Engineering": *Provided*, That the expenditures on this account for the fiscal year 1921 shall not exceed $184,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals for the items.

Mr. WASON. He has that authority now.

Mr. BLANTON. I understood the gentleman was going to rise after this paragraph.

Mr. WOOD of Indiana. Let us run until we get down to the Department of the Interior.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I think we ought to have a call of the House and a new shift. There have been about 25 or 30 or 40 of us working here all the afternoon.

The CHAIRMAN. The Chair can not tell from what the gentleman says what his request is.

Mr. WALSH. Will not the gentleman permit the committee to complete the naval item? He will recall that another matter interrupted the progress on this bill to-day. There is quite a good-sized attendance. Perhaps we might run as far as the Interior Department to-night.

Mr. BLANTON. I can stay here as long as the gentleman from Massachusetts can.

Mr. WALSH. I think the gentleman might withdraw it for a few minutes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of any appropriations made for the naval service shall be expended for any of the purposes (including freight and expressage) herein provided for on account of the Navy Department in the District of Columbia, except for personal services in certain bureaus, as herein expressly authorized.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'CONNELL, continued, on account of serious illness of his wife.

To Mr. MCDUFFIE (at the request of Mr. OLIVER), indefinitely, on account of sickness in family and official business.

To Mr. LUHRING, for 10 days, on account of illness in family.

To Mr. BELL, for three days, on account of illness.

To Mr. GALLIVAN, indefinitely, on account of illness.

To Mr. WELTY, for to-day, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act.

The message also announced that the Senate had passed without amendment the bill (H. R. 12351) to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12351. An act to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C.; and

H. R. 6863. An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

RESOLUTIONS OF CONDOLENCE TO VICE PRESIDENT AND MRS. MARSHALL.

Mr. FAIRFIELD. Mr. Speaker, I suppose most of the membership of the House have learned of the death of the son of Vice President and Mrs. Marshall. Death is so common that we note it but little, save it comes close to us in our own home. The death of a child appeals to all of us, and this great sorrow having come upon them, I thought it perfectly proper to present some resolution expressing the feeling of this House upon this occasion. I therefore have prepared and offer the following resolutions and ask unanimous consent for their consideration.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolutions expressing sympathy with the Vice President and Mrs. Marshall on the death of their son.

Resolved by the House of Representatives, That its membership learn with deep sorrow of the death of the adopted son of the Vice President and Mrs. Marshall.

Resolved, That we express to them our deep sympathy in this hour of grief and assure them that their ministration and love has awakened in the American people renewed admiration for the beauty of their home life.

Resolved, That a copy of these resolutions be sent by the Speaker to Vice President and Mrs. Marshall.

The SPEAKER. Is there objection to the consideration of the resolutions? [After a pause.] The Chair hears none. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until Friday, February 27, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Federal Board for Vocational Education, transmitting report of all gifts and donations offered and accepted unconditionally by the Federal Board for Vocational Education during the fiscal year ending June 30, 1919, was taken from the Speaker's table and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill (H. R. 12711) to amend the act approved December 23, 1913, known as the Federal reserve act, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, reported the same without amendment, accompanied by a report (No. 680), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MCKINIRY, from the Committee on Claims, to which was referred the bill (H. R. 1309) for the relief of Perry L. Haynes, reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 12772) to give preference right of employment on construction work on United States reclamation projects and preference right of entry on the public lands within such projects to honorably discharged soldiers, sailors, and marines; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12773) to regulate the practice of osteopathy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HICKS: A bill (H. R. 12774) for the purpose of improving the facilities and service of the Bureau of War Risk Insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. HERNANDEZ: A bill (H. R. 12776) to establish the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California"; to the Committee on Indian Affairs.

By Mr. CALDWELL: A bill (H. R. 12777) to further amend section 10 of the act entitled "An act making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. MASON: Resolution (H. Res. 472) asking the Military Affairs Committee of the House to investigate and report to the House whether our lack of preparedness in the late war was on account of inefficient soldiers or inefficient citizens; to the Committee on Rules.

By Mr. DALE: Resolution (H. Res. 473) authorizing the appointment of a clerk to the Committee on Expenditures in the Treasury Department; to the Committee on Accounts.

By the SPEAKER: Memorial of the Legislature of the State of New Jersey, urging the United States Government to acknowledge the independence of the Irish republic; to the Committee on Foreign Affairs.

By Mr. LUFKIN: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest; to the Committee on Agriculture.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Park; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEE: A bill (H. R. 12778) for the relief of the Dittlinger Lime Co.; to the Committee on Claims.

By Mr. FISHER: A bill (H. R. 12779) conferring jurisdiction upon the Court of Claims to hear, examine, consider, determine, and adjudicate the claims of Marion B. Patterson; to the Committee on Claims.

By Mr. LESHER: A bill (H. R. 12780) to correct the military record of Eugene Downing; to the Committee on Military Affairs.

By Mr. MAPES: A bill (H. R. 12781) granting an increase of pension to Ida C. Brandon; to the Committee on Pensions.

Also, a bill (H. R. 12782) granting a pension to Emanuel F. Oliver; to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 12783) granting a pension to Anthony D. Mitten; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 12784) granting an increase of pension to Luther Van Arman; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 12785) granting an increase of pension to Patrick A. Galvin; to the Committee on Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 12786) authorizing the Secretary of the Interior to sell and patent to Spencer F. Griffin, of Catahoula Parish, La., certain lands; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1883. By the SPEAKER (by request): Petition of the education commission of the Methodist Episcopal Church South and the Board of Missions of the Methodist Episcopal Church South, urging Congress to take action for the relief of the people of Europe and Asia; to the Committee on Foreign Affairs.

1884. By Mr. ASHBROOK: Petition of the International Iron Molders' Union, of Mansfield, Ohio, against the Sterling-Graham sedition bill, etc.; to the Committee on the Judiciary.

1885. Also, petition of Eugene Laughlin, of Warsaw, Ohio, and 112 other citizens of Coshocton County, Ohio, favoring the so-called shoddy bill; to the Committee on Agriculture.

1886. By Mr. BROOKS of Pennsylvania: Petition of the Rev. B. C. Witmore and members of his church, of Hanover, Pa., urging the passage of House bill 1112; to the Committee on the Judiciary.

1887. By Mr. DENISON: Petition of William Madison Hicks, chairman, and C. H. James, secretary, and numerous other citizens of West Frankfort, Ill., urging favorable consideration of House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

1888. By Mr. FULLER of Illinois: Petition of citizens of Rockford, Peru, Earlville, Mendota, and Garden Prairie, Ill., opposing the sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1889. Also, petition of Capt. Frank H. Billig, of Rockford, Ill., relative to the bonus for the soldiers of the late war; to the Committee on Ways and Means.

1890. By Mr. GALLIVAN: Petition of citizens of Dorchester and Boston, Mass., relative to the bonus for Government employees; to the Committee on Appropriations.

1891. By Mr. GOLDFOGLE: Petition of Frank Hollander and Rosie Hollander, Jake Sheriff and Minnie Sheriff, Arthur Hall and Sam Hall, M. Wasser, Joe Goldfinger, Tillie Hecht, Julius Myer, Mrs. Myer, Abe Meyer, Isadore Myer, and Mrs. I. Myer, all of New York City, protesting against the sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

1892. By Mr. McARTHUR: Petition of the City Council of the city of Portland, Oreg., relative to the protection of the timber from fire, etc.; to the Committee on Military Affairs.

1893. Also, petition of the City Council of the City of Portland, Oreg., relative to certain legislation regarding roads built to the national forests, etc.; to the Committee on Roads.

1894. By Mr. O'CONNELL: Petition of Victor B. Bridgman Post, No. 44, Veterans of Foreign Wars of the United States, favoring the passage of House bill 5766; to the Committee on Military Affairs.

1895. Also, petition of the Merchants' Association of New York, protesting against the passage of certain sections of House bill 12610; to the Committee on Appropriations.

1896. Also, petition of J. H. Williams & Co., Brooklyn, N. Y., urging the restoration of the commercial attachés service eliminated by the House Appropriation Committee; to the Committee on Appropriations.

1897. By Mr. SIEGEL: Petition of the New York County United States Spanish War Veterans, protesting against the postal rate from 2 cents to 1 cent; to the Committee on the Post Office and Post Roads.

1898. By Mr. SMITH of Idaho: Petition of the board of county commissioners of Gooding County, Gooding, Idaho, and the Twentieth Century Club, of Twin Falls, Idaho, relative to Federal appropriations for the construction of roads; to the Committee on Roads.

1899. By Mr. TIMBERLAKE: Petition of the Sagebrush Post, No. 68, the American Legion, of Brush, Colo., relative to legislation regarding the bonus to the soldiers, etc.; to the Committee on Military Affairs.

1900. Also, petition of sundry citizens of the cities of Akron and Flagler, of the State of Colorado, protesting against universal military training, etc.; to the Committee on Military Affairs.

1901. Also, petition of citizens of the counties of Lincoln, Elbert, Kit Carson, and Cheyenne, of the State of Colorado, protesting against the Kahn military bill, etc.; to the Committee on Military Affairs.

1902. By Mr. WATSON: Petition of citizens of Fairview Village, Montgomery County, Pa., in favor of the Sterling-Lehlbach bill; to the Committee on Reform in the Civil Service.

1903. By Mr. YOUNG of North Dakota: Petition of William G. Carroll Post, American Legion, Minet, N. Dak., urging the passage of House bill 11553, providing for the soldiers' settlement in Imperial Valley, Calif., and means to irrigate such lands; to the Committee on the Public Lands.

SENATE.

FRIDAY, *February 27, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou dost know the secrets of all hearts. We can not dissemble from Thee and cloak our sins. We pray that the sanctifying influence of Thy Spirit may cleanse our hearts of everything that is evil in Thy sight, that we may present our lives spotless and blameless before Thee. Grant this day that the service we may render shall be all the service possible through us to our fellow men. May we be guided by Thy Holy Spirit, that our work begun, continued, and ended in Thee may be acceptable in Thy sight. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

THE ADRIATIC QUESTION.

Mr. HITCHCOCK. Mr. President, I should like to have published as a Senate document the correspondence relating to the Adriatic question, and I ask unanimous consent that that may be done.

Mr. BRANDEGEE. Would the Senator object to having it printed in the RECORD also?

Mr. HITCHCOCK. I think it would be very desirable to have that done.

Mr. BRANDEGEE. It is not usual to have both courses taken, but I think in this instance, it being a state paper, it ought to be done.

Mr. HITCHCOCK. I perfectly agree with that.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The correspondence referred to is as follows:

JOINT MEMORANDUM OF DECEMBER 9, 1919.

DEPARTMENT OF STATE,
February 26, 1920.

The text of the joint memorandum signed on December 9 by Premier Clemenceau for France, Sir Eyre Crowe for England, and Undersecretary Frank L. Polk for the United States reads as follows:

PARIS, *December 9, 1919.*

The following memoranda were signed by Clemenceau, Crowe, and myself at the close of the meeting of the Supreme Council at Quai d'Orsay this morning:

"At the moment when the peace conference is entering what it is hoped may be the last stage of its labors for the conclusion of peace with Germany, Austria, and Hungary, the territorial settlement still remains incomplete in respect of regions which the (?) uncertainty is calculated to affect gravely the vital interests of the countries directly involved and might easily endanger the peace of Europe and of the world.

"Being persuaded that this danger could only grow in intensity if the peace conference were to terminate before an agreement had been reached among the principal allied and associated powers concerning the Adriatic question, the representatives of the conference of America, Great Britain, and France desire to call the attention of their Italian colleague to the urgent necessity of finding a solution. They realize fully the difficulties with which the Italian Government is confronted in dealing with this problem, but it is precisely for this reason that they believe that it would be unjust to all the parties concerned, and in the first place to Italy herself, were they any longer to delay putting frankly before the Italian Government a statement of the position such as they see it after many months of examination and reflection. The friends of Italy therefore feel impelled to make a further effort to reach a settlement which would be the fulfillment of her legitimate aims and aspirations with the equitable claims of the neighboring States as well as with the supreme interests of the peace of the world.

"The three representatives, accordingly, venture to invite the Italian Government to proceed to a fresh survey of the field in the light of the statement which they have now the honor to make.

"The British and French representatives have followed with earnest and sympathetic attention the negotiations which have passed between the Italian Government and the President of the United States. If they have hitherto refrained from tendering their direct advice to the Italian Government in the matter, it was because they had hoped the Italian Government would be able to reach an agreement with President Wilson to which the British and French Governments could readily subscribe. It will be remembered that the British and French Governments have already, more particularly by their note communicated to President Wilson on September 10th, used their best efforts to promote such an agreement which the President's answer to that note gave every reason to hope could be brought about. Though a complete agreement has not so far been arrived at, the points of difference still outstanding have been so much reduced as to justify an expectation that complete accord will now be reached.

"It is well, with this view, to place on record, in the first place, the chief points on which agreement has been reached. This is all the more desirable as it would appear from recent official Italian statements that some misapprehension may exist in regard to matters which can readily be cleared up, such, for instance, as the exact description of what is generally referred to as President's Wilson's line. The points of agreement are, in the main, embodied in the American memorandum communicated to the Italian delegation in Paris on October 27th.

"(1) With regard to Istria, President Wilson had from the first agreed to a frontier running from the Arsa River to the Karawanken Mountains, which widely overstepped the recognized ethnical line between Italy and Yugoslavia and which would have, as a result, to incorporate in Italy, more than three hundred thousand Yugoslavs. Italy's geographical position, as well as her economic requirements, was held to justify this serious infringement of the ethnic principle and President Wilson, anxious to give the fullest value to these important considerations, went still further in agreeing to an extension eastward in such a way as to give to Italy the region of Albona in spite of the considerable additional number of Yugoslavs thereby incorporated.

"Moreover, to strengthen the strategic security of Italy, President Wilson, in agreement with the Italian Government, has indorsed the creation of a buffer State between the Italian territory in Istria and the Serb-Croat-Slovene Kingdom in which some two hundred thousand Yugoslavs, as against less than forty thousand Italians, will be placed under the control of the League of Nations. Anxious to remove any conceivable strategetic menace that Italy might fear from the Serb-Croat-Slovene State, President Wilson has agreed, and the British and French Governments are glad to associate themselves with this agreement, that the so-called Assling region shall be permanently demilitarized. The three representatives would be happy to learn from the Italian Government whether slight modification of the demilitarized zone between the Arsa River and Cape Promotore are deemed necessary to safeguard the security of the defenses on Italian territory.

"(2) There is complete agreement concerning the creation, in the interest of Italy, of the buffer State to be known as the (free State of Fiume?) and its control by the League of Nations. Ethnic considerations would demand that this State, containing two hundred thousand Yugoslavs, should be afforded an opportunity by plebiscite to decide its own fate. In deference to Italy's objection that the incorporation of this region in the Serb-Croat-Slovene State by free act of the inhabitants might create a real menace, it is now agreed that the determination of the whole future of the State shall be left to the League of Nations, which, in conformity with Italian requirements, shall not fail to provide the full measure of autonomy which the city of Fiume enjoyed under Austro-Hungarian rule.

"(3) The three representatives are glad to record their appreciation of the wisdom and moderation which have marked the attitude of the Italian Government toward the difficult question of Dalmatia. They feel that the Italian Government has acted on an enlightened view of their higher interests in officially withdrawing territorial claims to an area where, to enforce them, would have meant permanent discord with the inhabitants of the Serb-Croat-Slovene State and prevented all possibility of friendly relations with them. In order, however, to safeguard every Italian racial and sentimental interest it has been agreed that the city of Zara shall enjoy a special régime. Its geographical position indicates Zara as a part of the Yugoslavs State, but, provided the town is left within the Yugoslavs customs union, it is to be given complete sovereignty under the League of Nations and freedom to control its own affairs.

"(4) The same wisdom and moderation as that which had marked the attitude of the Italian Government toward the Dalmatian question have characterized their attitude as regards the islands in the Adriatic. The Italian Government appears to be at one with President Wilson in realizing the necessary racial, geographic, and political connection of the Dalmatian coastal islands with the Yugoslav State. On the other hand, the possession of certain outlying islands, though ethnically Yugoslav and economically connected with Yugoslavia, are considered by the Italian Government necessary to Italy's strategic control of the Adriatic, and the reasonableness of this claim has been accepted, the following islands being accorded to Italy on a demilitarized status, namely: (*a*) The Pelagosa group, (*b*) Lissa and the small islands west of it, (*c*) Lussin and Unie. These islands are to pass in full sovereignty to Italy, who, on her part, is to make an agreement with the Slav population of Lissa providing for their complete local autonomy.

"(5) Italy is to receive a mandate for the administration of the independent State of Albania under the League of Nations. Attached to the present memorandum is an outline of the form which, in the opinion of the three representatives, such a mandate should take. The frontiers of Albania on the north and east at present will be those fixed by the London conference in 1913; the southern frontier is still a matter for negotiation. In order, however, not to delay a general settlement by such nego-

tiations, the following provisional arrangement could be adopted: Greece shall occupy the territory west and south of a demarcation line, which shall run as follows (reference one million two hundred thousand Austrian staff map): From Mount Tumba, on the northern boundary of Greece, northwestward along the crest of the Nemercha Ridge to the Vojusa River; thence down that river to Teleleni, Mirica, to point 98; thence south, passing between the villages of Lopsi-Martolozit and Zemblan; thence through points 1840 and 1225 to a point about two miles south by east of 1225; thence westward, passing just north of Poljana; thence southeast to point 1669; thence west and northwest to point 2025; thence southwestward to the coast, just south of Asprhyonruga. The triangle of territory from point 98, on the Vojusa River, between Baba and Sinanaj, northeastward to Lake Malik and southward to the Greek frontier and the demarcation line mentioned above should be the subject of later negotiation between the three allied representatives, on the one hand, and Italy and Greece on the other, the three allied representatives acting for Albania.

"(6) The city of Valonia, together with such hinterland as may be strictly necessary to its defense and economic development, is to be granted to Italy in full sovereignty.

"The above six points in their general aspect are those on which, after many months' negotiation, the Italian Government have happily reached an agreement with the President of the United States. They afford to Italy full satisfaction of her historic national aspirations, based on the desire to unite the Italian race; they give her the absolute strategic control of the Adriatic; they offer her complete guard against constitutional guarantees against whatever aggressions she might fear in the future from her Yugoslav neighbors, an aggression which the three representatives on their part consider as most improbable if the lines of a just and lasting settlement are reached. They have even carried their concern for Italian security to the point of neutralizing the Dalmatian Islands and adjacent waters from the northern border of the Ragusa region to Fiume. The three representatives therefore venture very earnestly to urge on the Italian Government in the most friendly spirit that they should reflect on the great advantages which the above settlement, following on that which gave to Italy the frontiers of the Alps, would bring her and the great moral and material triumph with which its successful conclusions would now provide the Italian Government.

"Anxious, however, to give the most sympathetic consideration to every Italian interest or sentiment, the three representatives have carefully examined in all their bearings certain further demands, which the Italian Government have presented under the following four heads: A. Control by Italy of the diplomatic relations of Zara. B. An arrangement by which the city of Fiume the so-called (corpus separatum) should be dissociated from the free State of Fiume and made completely independent, though its port and railway should be left to the free State. C. Direct connection of the city of Fiume (with the ?), Italian Province of Istria, by the annexation to Italy of a long, narrow strip of territory running along the coast from Fiume to Volosca between the railway and the sea, the Italian frontier in Istria being pushed eastward so as to include the whole peninsula within Italy. D. Annexation to Italy of the island of Lagosta.

"With regard to the first point, the representation of Zara, there ought to be no difficulty in satisfying the national Italian demand that this small historic Italian town shall preserve its Italian character both in its internal administration and in its representation abroad. It is already conceded that (beyond such connection with Yugoslavia as Zara shall have by its incorporation in the Serb-Croat-Slovene customs union) the city shall be completely independent under the League of Nations. The city will therefore be entirely free to decide, subject to the approval of the League of Nations, how it shall be diplomatically represented abroad. If, as is contended, the city is completely Italian, its choice will naturally be made in accordance with the Italian claims, and it is hoped that in this way entire satisfaction will be given to the desire of the Italian Government. The Italian proposal to withdraw the city of Fiume, except its port, from the free State, is one which has been found seriously perplexing. The main object of the creation of a buffer State between Italy and Yugoslavia was precisely to guarantee on the one hand Italian strategic security, and on the other the prosperity and development of Fiume. It is not understood how it would be possible for the so-called buffer State to exist without Fiume, and still less, how it would be possible for Fiume to exist except within the buffer State. Fiume and the buffer State are absolutely dependent one on the other, and any arrangement which removed Fiume from the buffer State would put an end to the prosperity alike of the city and of its hinterland. Mindful of the sentimental feeling aroused in Italy by the question of Fiume, the three representatives have always believed that a practicable plan could be devised whereby the city of Fiume within the buffer State should enjoy a privileged position. With this object in view they propose for Fiume precisely the same degree of autonomy as the city had under Austro-Hungarian rule. It is believed that this provision and the watchful and sympathetic interest of the League of Nations will guarantee to Italy full protection for the Italian ethnic and cultural elements at Fiume. With absolute sovereignty vested in the League of Nations and with Italy represented in the council of the league, every Italian interest will be fully safeguarded. Moreover, to separate the city of Fiume from the buffer State could not fail to lead to a protest against the very establishment of such a buffer State, which under such conditions would be inhabited entirely by Yugoslavs. With respect to the new Italian proposal for the annexation to Italy of a long, narrow, strip of coast from Fisnona to the gates of the city of Amann there are difficulties of a practical nature. The reason for which the Italian Government have made this demand is stated to be a purely sentimental one, namely, the desire that the city of Fiume should not be separated from Italy by any intervening foreign country. No doubt such a sentimental reason may be of great importance in the eyes of the Italian Government, but it would appear to rest on a misapprehension of the real position of Fiume. The creation of the buffer State, which is to be completely independent of Yugoslavia, was, among other reasons, probably intended to safeguard the position of Fiume; and the free State of which Fiume must, as indicated in the preceding paragraph, form an essential part is already in direct contact with the Kingdom of Italy not only by sea but by a long land frontier of approximately a hundred miles. Full effect therefore is already given to the sentimental considerations to which the Italian Government attach so much value; in fact, the new Italian plan would not achieve this object so well, as in practice it is to be feared that it would be quite unworkable. The Italian Government does not propose to interfere with the railway connecting Fiume with the north, which they admit is to remain within the free State. This railway runs for a considerable distance along coast, and the Italian proposal amounts, so far as this region is concerned, to cutting off from the free State and incorporating with Italy the line of sandy and barren beach intervening between the railway and the sea. Whilst the injury to the free State, which would in this eccentric way be entirely cut off from its only seaboard, is obvious and unmeasurable, it is not easy to understand what would be the benefit to Italy, unless it be considered a benefit to her that the free State should be so crippled. Nor does it seem necessary to dwell on the extraordinary complexities that would arise as regards customs control, coast-guard services, and cognate matters in a territory of such unusual configuration.

"The plan appears to run counter to every consideration of geography, economics, and territorial convenience, and it may perhaps be assumed that if these considerations were overlooked by the Italian Government this was due to their having connected it in their mind with the question of annexing to Italy all that remains of the Yugo-Slav portion of the peninsula of Istria.

"This question of further annexation of Yugo-Slav territory is raised quite unambiguously, both by the demand for the whole of Istria and by the proposal to annex the island of Lagosta. In neither case do even considerations of strategy arise, for the strategical command of the Adriatic is already completely assured to Italy by the possession of Trieste, Pola, the islands facing Fiume, Pelagosa, and Valona. Additional security is afforded by the proposed demilitarization of the whole free State of Fiume, together with a large zone lying to the north of it, and of the small portion of Istria remaining to the free (?) of Fiume.

"Economic consideration being equally excluded, there remains nothing but a desire for further territory. Now, the territories coveted are admittedly inhabited by Yugo-Slavs. They contain practically no Italian elements. This being so, it is necessary to refer to the way in which President Wilson, with the cordial approval of Great Britain and France, has met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian and not in favor of being absorbed. On this point the following passage may be quoted from a telegram addressed to Signor Tittoni by the Secretary of State at Washington on November 12:

"'Your excellency can not fail to recognize that the attitude of the American Government throughout the negotiations has been one of sincere sympathy for Italy and of an earnest desire to meet her demands. Italy claimed a frontier on the Brenner

Pass, and the demand was granted in order to assure to Italy the greatest possible protection on her northern front, although it involved annexing to Italy a considerable region populated by alien inhabitants. Italy demanded further a strong geographic eastern frontier, and this likewise was granted in order to assure her abundant protection, although it involved incorporation with Italian boundaries of further territory populated by alien inhabitants. Italy demands the redemption of her brothers under foreign sovereignty, and every effort was made to meet this wish, even in certain cases where by so doing much greater numbers of foreign races were brought within Italian sovereignty. Italy demanded complete naval control of the Adriatic, and this was granted by according her the three keys of the Adriatic—Pola, Valona, and a central island base. When all this failed to satisfy Italian claims there was added concession to concession at Sextan Valley, at Tarvis, at Albona, in the Lussin Islands, in the terms of the Fiume free State, and elsewhere. In our desire to deal generously, even more than generously, we yielded Italy's demand for an Italian mandate over Albania, always hoping to meet from Italy's statesmen a generous response to our efforts at conciliation.'

"To the considerations thus urged by Mr. Lansing the three representatives desire to add another argument. In doing so they trust the Italian Government will not credit them with any desire to give advice on questions of Italian high policy, on which the Italian Government will rightly claim to be the best judge. But an appeal to an historical argument may be permitted to the representative of three countries to whom the liberation of Italian territories from foreign domination has been a matter of unwavering concern and sympathy through generations of noble and often terrible struggles. Modern Italy won the place in the hearts of all liberty loving peoples, which she has never since lost by the pure spirit of her patriotism, which set before her people the generous aim of uniting under the Italian flag those extensive Provinces formerly within the ancient Italian boundaries which were and have remained essentially Italian territories in virtue of their compact Italian population. The sympathies of the world have accompanied Italy's advance to the outer borders of Italia Irridenta in pursuit of the sacred principle, the self-determination of the peoples. This principle is now invoked by other nations. Not invariably is it possible, owing to the complicated interaction of racial, geographical, economic, and strategical factors, to do complete justice to the ethnic principle. Small isolated communities surrendered and outnumbered by populations of different race can not in most cases be attached to the territory of their own nation from which they are effectively separated. But the broad principle remains that it is neither just nor expedient to annex as the spoils of war territories inhabited by an alien race, anxious and capable to maintain a separate national State or irridentism exactly analogous in kind to that which justified the demand of Italia Irridenta for union with the Italian State.

"The three representatives venture with all deference to express the opinion that in declining to agree to the incorporation of more Yugo-Slav territory they are acting in the highest interest of the Italian Nation itself.

"From this point of view, the inclusion in Italy of purely Yugo-Slav territories, where neither security nor geographical or economical considerations compel annexation, is not in itself a commendable policy. It would be bound to create within the Italian borders a compact body.

"The three representatives would make an earnest appeal to the Italian Government to seize the present most favorable of opportunities for arriving at a friendly agreement with them for the immediate conclusion and permanent guaranty of the definite settlement on lines which they venture to think fully realize all the legitimate national aspirations of Italy and fully safeguard her preeminent position in the Adriatic. A settlement based on the foundations which Italy, in conjunction with her allies, could thereby lay would have given a means of reconciling interest at present divergent and of offering Italy an opportunity for rendering more cordial and solid her relations with the new nations who are her neighbors and to whom she could furnish such valuable assistance and economic support as her resources and experience entitle her to offer.

"The spirit of moderation which was characterized in the recent attitude of the Italian Government leads the three representatives to hope that this appeal from Italy's American, British, and French allies will not pass unheeded, and that the Italian Government will, by assuring definite agreement with their allies, place on firm foundations the great moral and material triumphs to which Italy's efforts and sacrifices throughout the war have so justly entitled her.

"The United States, British, and French Governments desire to recognize the independence of the Albanian State. They consider that the State of Albania will require, to the extent indicated in paragraph 4 of article 22 of the covenant of the League of Nations, 'the administrative advice and assistance' of one of the great powers. For this task Italy, by her great geographical situation and economic capacity, is primarily indicated.

"The United States, British, and French Governments are anxious therefore to intrust to Italy a mandate over the State of Albania under the conditions implied in the covenant of the League of Nations. They consider that these conditions should form the basis of Italy's acceptance of this mandate and should be in a convention to be concluded between the Italian Government and the Governments of the principal allied and associated powers. The headings of such a convention would be the following:

"One. Albania is recognized as an independent State within the frontiers indicated in the body of the covering memorandum.

"Nothing in these stipulations shall, however, prevent the Albanian State from negotiating with the Serb-Croat-Slovene State such region rectifications as may be in accord with local ethnographic and economic requirements.

"Two. The Serb-Croat-Slovene Government shall have the right to construct and operate railways through northern Albania north of parallel 41° 15′ and otherwise to enjoy full privileges of international purport across northern Albania.

"Three. The right to control the development of the Boyana River shall be vested in the council of the League of Nations, with power to delegate the work to either Italy or the Serb-Croat-Slovene State under proper restrictions. It is assumed for this purpose that Montenegro will form part of the Serb-Croat-Slovene State.

"Four. A commission shall forthwith be established, consisting of a representative of the Italian Government, a representative of the League of Nations, and a representative of the Albanian State, who shall be designated by the principal allied and associated powers, for the purpose of elaborating (a) the terms of the mandate to be intrusted to Italy over Albania and (b) the organization of the future State of Albania. This commission shall terminate its labors within five months from the signature of this convention and will address a report thereon, with the necessary recommendation, to the council of the League of Nations. The final decision as to the terms of the mandate and the organization shall be made by the council of the league acting by a majority vote.

"Five. The commission foreshadowed in the above paragraph shall base its deliberation not only on the considerations above outlined but also on the following principles:

"(a) The freedom of conscience and the free and outward exercise of all forms of worship, the complete liberty in education and linguistic matters of all the inhabitants of the State of Albania.

"(b) The organization, in so far as may be compatible with the tradition of the country and the exercise of efficient administration, of legislative and administrative bodies representing all sections of the population.

"(c) The prevention of the exploitation of the country or its colonization in a manner liable to militate against the interests of the native inhabitants. Under this heading would be included any recommendations which the commission might make as to improvements in the existing system of land tenure.

"(d) The eventual creation of gendarmerie, the senior officers of which may be nationals of the mandatory power. The mandatory power shall have the right for a period of two years from the date of which the mandate is conferred and pending the organization of the native gendarmerie the request for armed forces in the country. After that period the State of Albania shall be permanently demilitarized, and no power shall be allowed to maintain regular forces in the country without the sanction of the council of the League of Nations."

BRITISH-FRENCH REVISED PROPOSALS OF JANUARY 14, 1920.

The following is a paraphrase of the text of the British-French revised proposals, as accepted by Premier Nitti and handed to the Jugoslav delegation by Premier Clemenceau on January 14.

THE ADRIATIC QUESTION—REVISED PROPOSALS HANDED TO THE JUGOSLAV DELEGATES BY M. CLEMENCEAU ON THE AFTERNOON OF JANUARY 14, 1920.

"(1) There shall be an independent State, under the guarantee of the League of Nations, consisting of the corpus separatum of Fiume. The right of this independent State to choose its own diplomatic representation shall be accorded. The Serb-Croate-Slovene State shall be given the town of Susak, it being understood that the railways terminating there, together with all facilities for their development, and the whole port as well,

are to be handed over and to belong to the League of Nations which will take into consideration the interests of the Serb-Croat-Slovene State, Hungary, Transylvania, as well as the city itself and will make arrangements accordingly.

"(2) The Free State (of the previous proposals) shall disappear and the boundary shall be so drawn between Italy and the Serb-Croat-Slovene State as to meet the following requirements:

"(A) To provide along the coast a connection by road within Italian territory. This, however, shall be done in such a manner as to leave within the Serb-Croat-Slovene State the whole of the railway from Fiume northward through Adelsberg. Where the railway from Fiume follows the coast, the boundary line shall lie between the railroad and the corridor joining Fiume with Italy.

"(B) A readjustment of the Wilson line in the region of Senosecchia in order to provide for the protection of Trieste.

"(C) The boundary line to be further drawn as marked by the blue line on the map attached. This will leave in the Serb-Croat-Slovene State purely Jugoslav districts.

"(3) There shall be an independent State, under the guarantee of the League of Nations, consisting of Zara, within the limits of the municipality. The right of this independent State to choose its own diplomatic representation shall be accorded.

"(4) Valona shall be retained by Italy, as provided for in the Treaty of London, and, in addition, the mandate over Albania shall be given to Italy. In northern Albania, the boundaries shall be readjusted as shown on the attached map. Those districts of Albania which will thus go to the Serb-Croat-Slovene State will enjoy a special régime as an autonomous province similar to that which the treaty with the Czechoslovak republic provides for its autonomous provinces. The southern boundary of Albania shall be the line which was proposed by the British and French delegations on the Commission on Creek Affairs. This leaves Greece Koritza and Argyrokastron.

"(5) There shall be assigned to Italy the following island groups: Lussin, Lissa, and Pelagosa. There shall be placed under the sovereignty of the Serb-Croat-Slovene State the remainder of the islands.

"(6) All Adriatic islands shall be demilitarized.

"(7) There shall be special provisions permitting Italians in Dalmatia to choose, without leaving the territory, Italian nationality.

"(8) Economic enterprises now existing in Dalmatia shall by an international convention have their security safeguarded."

The following is the text of the cable sent on January 19 by the Secretary of State asking the point of view of the British and French Governments in undertaking to dispose of the Adriatic and Russian questions before ascertaining the views of the American Government:

"WASHINGTON, *January 19, 1920.*

"Please take up with Mr. Clemenceau and Mr. Lloyd-George the question of the way the Russian and the Italian problems have been handled and ascertain their point of view. The United States is being put in the position of having the matter disposed of before the American point of view can be expressed, as apparently Mr. Clemenceau and Mr. Lloyd-George have sought only the views of the Italian and Yugo Slav Governments before ascertaining the views of the United States Government. Is it the intention of the British and French Governments in the future to dispose of the various questions pending in Europe and to communicate the results to the Government of the United States? There are features in connection with the proposed Fiume settlement which both Mr. Clemenceau and Mr. Lloyd-George must realize would not be acceptable to the President.

"As it was pointed out by Mr. Polk before his departure, the Dalmatian and other questions should be taken up through regular diplomatic channels, and the fact that you are not charged with full powers could have no bearing on the question. As no American official could be sent to these gatherings that could have the same authority as the prime ministers of the three Governments in question, it is manifestly impossible for the United States Government to be represented at the meetings of the prime ministers.

"(Signed) LANSING."

STATEMENT OF THE FRENCH AND BRITISH PRIME MINISTERS OF JANUARY 23.

The text of the reply of the British and French prime ministers to the preceding cable reads as follows:

"PARIS.

"His Britannic Majesty's ambassador presents his compliments to his excellency the United States ambassador and has the honor to state that he has been charged by Mr. Lloyd-George and Mr. Clemenceau to hand to Mr. Wallace the inclosed telegram, drawn up by Mr. Lloyd-George and M. Clemenceau before their departure. In reply to the telegram from Mr. Lansing, which Mr. Wallace handed to Mr. Lloyd-George and M. Clemenceau on the 20th instant, Lord Derby would be grateful if the telegram now inclosed could be transmitted to Mr. Lansing at the earliest opportunity."

The telegram reads as follows:

"The French and British prime ministers have given their careful attention to the memorandum communicated to them by the American ambassador in regard to the Russian and Italian negotiations. As to the Russian question, they had previously sent a statement of their views for the consideration of the United States Government, inviting their consent and cooperation.

"As regards the Italian question, the absence of the United States has never been regarded by the French and British Governments as more than temporary, and they have never lost sight of the American point of view on this question, on the right solution of which the future of the world so largely depends. The French, British, and Japanese Governments have never had the intention of making a definite settlement of the questions raised without obtaining the views of the American Government. They therefore took up the Adriatic question at the point at which it was left on the departure of Mr. Polk for Washington. Signor Nitti transmitted certain proposals in modification of the joint memorandum handed to Signor Scialoja by the request from the United States, France, and Great Britain on December 9, 1919. On the assembly of the conference in Paris a fortnight ago M. Clemenceau and Mr. Lloyd-George immediately resumed negotiations between the Italian Government and the representatives of Jugo-Slavia, and finally arrived at what they considered an arrangement which was the best available reconciliation of the Italian and Jugo-Slav points of view. The details of this settlement are appended. The French and British Governments are glad to think that practically every important point of the joint memorandum of December 9, 1919, remains untouched and has now been indorsed by the Prime Minister of Italy. Only two features undergo alterations, and both these alterations are to the positive advantage of Jugo-Slavia.

"1. The free State of Fiume, which would have separated 200,000 Jugo-Slavs from their fatherland, disappears. Three-quarters of these people are at once and forever united with Jugo-Slavia, a source of perpetual intrigue and dispute is done away with; and if in return Jugo-Slavia has to agree to the transfer of territory to Italy including some 18,000 Jugo-Slavs in addition to those already included under the Wilson proposals, the balance is clearly to the benefit of Jugo-Slavia. Fiume becomes an independent State under the guaranty of the League of Nations, and the authority of the League of Nations over the port becomes absolute and immediate in the interests of all concerned.

"2. As regards Albania, an attempt has been made to afford satisfaction to the necessary requirements of all parties concerned. The details of the administration of this country by Jugo-Slavia, Italy, and Greece have yet to be elaborated, but in working to this end sight will not be lost of the feelings and future interests of the Albanian people, and every endeavor will be made to carry out the arrangements in full consultation with them. The French and British Governments consider that the above is a fair settlement of a difficult and dangerous question, and have informed the Italian and Jugo-Slav Governments that in the event of its not being accepted they will be driven to support the enforcement of the treaty of London, which is satisfactory to nobody. Had a plenipotentiary representing the United States Government been in Paris, M. Clemenceau and Mr. Lloyd-George would have cordially welcomed his full cooperation in this negotiation, but in the absence of anyone who could speak on behalf of the United States, and in view of the vital importance of arriving (*) the settlement of a question which has inflamed southeastern Europe for more than a year, and which if it is not promptly composed may not only impede the recuperation and reconstruction of two countries greatly exhausted by the war but may lead to war itself, the prime ministers of France and Great Britain felt that no other course was open to them but to proceed to dispose as quickly as possible of difficulties between two of their allies, in close and continuous consultation with both while they were all in Paris together. In doing this they have not intended to show the slightest discourtesy to the United States Government nor have they wished to conceal their action in any way from the latter. They are indeed sure that the President would not have desired them to make a settlement impossible during the necessarily short stay of the prime min-

isters in Paris by requiring every phase of the negotiations to be communicated to Washington in order to obtain his consent to the proposals when he had not heard the arguments and could not interview the principals concerned. In their judgment, the only plan was to proceed with the negotiations as rapidly as possible and to submit the results to the United States Government as soon as a definite conclusion had been reached.

"(Signed) WALLACE."

PRESIDENT WILSON'S NOTE OF FEBRUARY 10.

On February 10 there was dispatched to the British and French representatives at Paris a note from President Wilson, the text of which is as follows:

"The President has carefully considered the joint telegram addressed to this Government by the French and British prime ministers and communicated by the American ambassador in Paris in regard to the negotiations on the Adriatic question. The President notes with satisfaction that the French, British, and Japanese Governments have never had the intention of proceeding to a definite settlement of this question except in consultation with the American Government. The President was particularly happy to receive this assurance, as he understood that Monsieur Clemenceau and Mr. Lloyd-George, in agreement with Signor Nitti, had decided upon a solution of the Adriatic question which included provisions previously rejected by the American Government, and had called upon the Jugo-Slav representatives to accept this solution on pain of having the treaty of London enforced in case of rejection. The President is glad to feel that the associates of this Government would not consent to embarrass it by placing it in the necessity of refusing adhesion to a settlement which in form would be an agreement by both parties to the controversy, but which in fact would not have that great merit if one party was forced to submit to material injustice by threats of still greater calamities in default of submission.

"The President fully shares the view of the French and British Governments that the future of the world largely depends upon the right solution of this question, but he can not believe that a solution containing provisions which have already received the well-merited condemnation of the French and British Governments can in any sense be regarded as right. Neither can he share the opinion of the French and British Governments that the proposals contained in their memorandum delivered to the Jugo-Slav representatives on January 14 leave untouched practically every important point of the joint memorandum of the French, British, and American Governments of December 9, 1919, and that 'only two features undergo alterations, and both these alterations are to the positive advantage of Jugo-Slavia.' On the contrary, the President is of the opinion that the proposal of December 9 has been profoundly altered to the advantage of improper Italian objectives, to the serious injury of the Jugo-Slav people, and to the peril of world peace. The view that very positive advantages have been conceded to Italy would appear to be borne out by the fact that the Italian Government rejected the proposal of December 9 and accepted that of January 14.

"The memorandum of December 9 rejected the device of connecting Fiume with Italy by a narrow strip of coast territory as quite unworkable in practice, and as involving extraordinary complexities as regards customs control, coast-guard services, and cognate matters in a territory of such unusual configuration. The French and British Governments, in association with the American Government, expressed the opinion that 'the plan appears to run counter to every consideration of geography, economics, and territorial convenience.' The American Government notes that this annexation of Jugoslav territory by Italy is nevertheless agreed to by the memorandum of January 14.

"The memorandum of December 9 rejected Italy's demand for the annexation of all of Istria, on the solid ground that neither strategic nor economic considerations could justify such annexation, and that there remained nothing in defense of the proposition save Italy's desire for more territory admittedly inhabited by Jugo-Slavs. The French and British Governments then expressed their cordial approval of the way in which the President had met every successive Italian demand for the absorption in Italy of territories inhabited by peoples not Italian and not in favor of being absorbed, and joined in the opinion that 'it is neither just nor expedient to annex as the spoils of war territories inhabited by an alien race.' Yet this unjust and inexpedient annexation of all of Istria is provided for in the memorandum of January 14.

"The memorandum of December 9 carefully excluded every form of Italian sovereignty over Fiume. The American Government can not avoid the conclusion that the memorandum of January 14 opens the way for Italian control of Fiume's foreign affairs, thus introducing a measure of Italian sovereignty over, and Italian intervention in, the only practicable port of a neighboring people; and, taken in conjunction with the extension of Italian territory to the gates of Fiume, paves the way for possible future annexation of the port by Italy, in contradiction of compelling considerations of equity and right.

"The memorandum of December 9 afforded proper protection to the vital railway connecting Fiume northward with the interior. The memorandum of January 14 establishes Italy in dominating military positions close to the railway at a number of critical points.

"The memorandum of December 9 maintained in large measure the unity of the Albanian State. That of January 14 partitions the Albanian people, against their vehement protests, among three different alien powers.

"These and other provisions of the memorandum of January 14, negotiated without the knowledge or approval of the American Government, change the whole face of the Adriatic settlement, and, in the eyes of this Government, render it unworkable and rob it of that measure of justice which is essential if this Government is to cooperate in maintaining its terms. The fact that the Jugo-Slav representatives might feel forced to accept, in face of the alternative treaty of London, a solution which appears to this Government so unfair in principle and so unworkable in practice would not in any degree alter the conviction of this Government that it can not give its assent to a settlement which, both in the terms of its provisions and in the methods of its enforcement, constitutes a positive denial of the principles for which America entered the war.

"The matter would wear a very different aspect if there were any real divergence of opinion as to what constitutes a just settlement of the Adriatic issue. Happily no such divergence exists. The opinions of the French, British, and Americans as to a just and equitable territorial arrangement at the head of the Adriatic Sea were strikingly harmonious. Italy's unjust demands had been condemned by the French and British Governments in terms no less severe than those employed by the American Government. Certainly the French and British Governments will yield nothing to their American associate as regards the earnestness with which they have sought to convince the Italian Government that fulfillment of its demands would be contrary to Italy's own best interests, opposed to the spirit of justice in international dealings, and fraught with danger to the peace of Europe. In particular, the French and British Governments have opposed Italy's demands for specific advantages which it is now proposed to yield to her by the memorandum of January 14, and have joined in informing the Italian Government that the concessions previously made 'afford to Italy full satisfaction of her historic national aspirations based on the desire to unite the Italian race, give her the absolute strategic control of the Adriatic, and offer her complete guarantees against whatever aggressions she might fear in the future from her Jugo-Slav neighbors.'

"While there is thus substantial agreement as to the injustice and inexpediency of Italy's claims, there is a difference of opinion as to how firmly Italy's friends should resist her importunate demands for alien territories to which she can present no valid title. It has seemed to the President that French and British associates of the American Government, in order to prevent the development of possibly dangerous complications in the Adriatic region, have felt constrained to go very far in yielding to demands which they have long opposed as unjust. The American Government, while no less generous in its desire to accord to Italy every advantage to which she could offer any proper claims, feels that it can not sacrifice the principles for which it entered the war to gratify the improper ambitions of one of its associates or to purchase a temporary appearance of calm in the Adriatic at the price of a future world conflagration. It is unwilling to recognize either an unjust settlement based on a secret treaty the terms of which are inconsistent with the new world conditions or an unjust settlement arrived at by employing that secret treaty as an instrument of coercion. It would welcome any solution of the problem based on a free and unprejudiced consideration of the merits of the controversy or on terms of which the disinterested great powers agreed to be just and equitable; Italy, however, has repeatedly rejected such solutions. This Government can not accept a settlement the terms of which have been admitted to be unwise and unjust, but which it is proposed to grant to Italy in view of her persistent refusal to accept any wise and just solution.

"It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary

causes of war. This Government does not doubt its ability to reach amicable understandings with the associated Governments as to what constitutes equity and justice in international dealings, for differences of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main the several Governments have entertained the same fundamental conception of what those principles are. But if substantial agreement on what is just and reasonable is not to determine international issues; if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers; if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

"The President desires to say that if it does not appear feasible to secure acceptance of the just and generous concessions offered by the British, French, and American Governments to Italy in the joint memorandum of those powers of December 9, 1919, which the President has already clearly stated to be the maximum concession that the Government of the United States can offer, the President desires to say that he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France of June 28, 1919, which are now before the Senate, and permitting the terms of the European settlement to be independently established and enforced by the associated Governments."

"(Signed) LANSING."

REPLY OF THE FRENCH AND BRITISH PRIME MINISTERS OF FEBRUARY 17.

The text of the memorandum signed by the prime ministers of France and Great Britain in reply to President Wilson's communication of February 10 reads as follows:

"LONDON, *February 17, 1920.*

"The prime ministers of France and Great Britain have given their earnest attention to the communication made to them in regard to the Adriatic settlement on behalf of President Wilson. They are glad that the Government of the United States has set forth its views so fully and with such complete frankness; they do not, however, find it altogether easy to understand the steps by which the Government of the United States has arrived at its present attitude.

"In the first place, they believe that there is no foundation for the assumption which underlies the American communication that the proposed settlement outlined in their telegram of January 20 involves a capitulation to the Italian point of view, as opposed to the Yugo-Slav, and therefore constitutes a settlement with which the Government of the United States can have nothing to do. The memorandum from the United States Government criticizes the proposed settlement on four grounds.

"Firstly, that it cedes to Italy the narrow strip of territory running along the coast as far as the Corpus Separatum of Fiume;

"Secondly, that this strip of territory, coupled with the constitution of Fiume as a free city, under the guarantee the League of Nations clearly paves the way for its annexation to Italy;

"Thirdly, that the modification of the Yugo-Slav-Italian frontier operates to the detriment of Yugo-Slavia in its control of the northern railway from Fiume; and

"Fourthly, that it provides for the partition of Albania. The memorandum of the Government of the United States would appear to have entirely ignored the great advantage conferred on Yugo-Slavia at the same time.

"The origin of the proposal of January 20 lies in the fact that when the prime ministers of Great Britain and France came to deal directly, both with the representatives of Italy and Yugo-Slavia in Paris, they found that nobody desired protect Free State of Fiume, which had always been an essential part of the American proposals for settlement. They discovered that Yugo-Slavia would prove settlement which did away with the

"Free State, including, as it does, a population of 200,000 Slavs, and included as much as possible of its territory and population within its own borders. Accordingly the Governments of France and Great Britain, continuing the negotiations from the point at which they had been left on December 7, made the proposal under discussion, including the rectification of the Wilson line and the cession to Italy of a strip of territory running along the shore so as to connect it with the free city of Fiume, the net upshot of which was that Yugo-Slavia was to gain, as compared with the American proposal, an additional 150,000 Yugo-Slavs, while agreeing to the inclusion within the Italian frontier of a further 50,000 Yugo-Slavs in addition to the 400,000 which President Wilson had already agreed to allot to that country.

"As regards the suggestion that the proposal of January 20 clearly paved the way for the annexation of the town of Fiume to Italy, the French and British Governments can not possibly accept the implication that the guarantee of the League of Nations is worthless and that the Italian Government has no intention of abiding by a treaty which it enters into. As regards the railway, the proposal of January 20 gives to the Yugo-Slav State the control of the whole line from the point where it leaves the port of Fiume, which is under the control of the League of Nations. This railway is a commercial and not a strategic railway. Under President Wilson's proposals it is commanded by Italian guns. According to either plan nothing could be easier than for Italy to cut it in the event of war. They do not, therefore, see that there is substance in this criticism, a proposal whose real effect is to transfer the whole railway to Yugo-Slavia instead of leaving it in the hands of the free city of Fiume, which no one desires.

"There remains the question of Albania. They are glad to receive the criticism of the American Government on this part of their proposal. They would point out, however, that their telegram of January 20 states that 'The details of the administration of this country by Yugo-Slavia, Italy, and Greece have yet to be elaborated, and in working to this end sight will not be lost of the feelings and future interest of the Albanian people, and every endeavor will be made to carry out the arrangements in full consultation with them. Further, they would point out that so far from this proposal being made in the interests of Italy it was made in the interests of Jugoslavia. The Jugoslavs pointed out that though, under the proposal of January 20, the northern part of their territory was guaranteed adequate access to the sea through the port of Fiume, the southern part of Yugo-Slavia had no such access, and that the national outlet was to build a line down the Drin River to the mouth of the Boyana River. The French and British Governments thought that there was force in this contention, and their proposal in regard to Albania was designed to enable Yugo-Slavia, inasmuch as Albania was unable to undertake the work for itself, to develop, under international guarantee, a railway, have never been able to establish a settled government for themselves, and as the northern part of the population is overwhelmingly Christian and the southern part similarly Mohammedan, they thought it best to entrust the responsibility for government and development of these two parts to Yugo-Slavia and Italy, respectively. They have, however, agreed that the whole of Albania should be brought under the mandatory system, and they believe that this will make it possible eventually to satisfy aspirations of the Albanian people for unity and self-government.

"The Governments of Great Britain and France therefore must repeat that they find difficulty in understanding the present attitude of the United States Government toward the proposals, and they hope that in view of these explanations that Government will see its way to reconsider its attitude. In their view, these proposals are the natural outcome of the policy of the joint memorandum of December 9, once, with the consent of both parties concerned, the idea of the free State of Fiume was abandoned in view of the absence of the American representatives they had no option but to attempt to settle this question by themselves. It is not, however, the desire of the two Governments to force a settlement which is unacceptable to the President of the United States, and they will therefore not attempt to insist upon its acceptance until they have heard the view of the United States Government on this dispatch. They have confined themselves, therefore, to asking the Yugo-Slav Government to give a definite answer to their memorandum of January 20, since they must know what the attitude of that Government is.

"They feel bound, however, to ask the United States Government to consider the effect of their action. The proposal of December 9 has fallen to the ground because nobody now wants to set up the artifical free State of Fiume. The proposal of January twentieth is objected to by the United States, which had no representative at the deliberations and which can not therefore be in close touch with the changes of opinion and circumstances which have taken place since its plenipotentiaries returned to America. They can not help feeling that a large part of the misunderstanding is attributable to the difficulty of reaching a common understanding. In such circumstances how does the United States Government, which, to the regret of the Allies, still has no plenipotentiaries at the conference, propose that this dispute, which prevents the reconstruction and threatens the peace of southeastern Europe and whose settlement is urgently required, should ever be closed?

"Further, the British and French Governments must point out that the fears to secure an agreed settlement between Italy and Jugoslavia must leave them no choice but to acknowledge the validity of the treaty of London, they would recall to the United States Government that the treaty of London was entered into in the spring of 1915, at a most critical and dangerous moment of the war. In thus entering the war on the side of human freedom Italy made a condition that the Allies should secure for her, as against Austria-Hungary, strategic frontiers which would guarantee her (?) retention by the Central Powers of the strategic command of the northern plains of Italy; had the Austro-Hungarian Empire remained in existence as the ally of Germany the provisions of the treaty of London would have been sound. Relying upon the word of her allies, Italy endured the war to the end. She suffered a loss in killed of over 500,000 men and in wounded of three times that number while her people are burdened by crushing debt. It was clearly impossible for her allies to declare at the end of the war that their signature to the treaty meant nothing but a scrap of paper and that they did not intend to apply the *time* their bond. They agreed with President Wilson that these circumstances under which the treaty of London were concluded had been transformed by the war itself, the Austro-Hungarian Empire had disappeared, and the menace to Italy against which the terms of the treaty were intended to provide had largely diminished. They therefore entirely associated themselves with the efforts of President Wilson to negotiate a settlement between Italy and Yugo-Slavia, which would be consonant with the new conditions and which was acceptable to both sides. But throughout these proposals they never concealed from him the fact that they regarded themselves as bound by the treaty of London, in the event of a voluntary agreement not being arrived at. The fact, therefore, that when they made their proposals of January 20 they informed both the Italian and the Jugo-Slav Governments that, in the event of their not being accepted, they would have no option but to allow the treaty of London to come into force, can have come as no surprise, and was indeed the obvious method of bringing this long controversy to a close. They would point out that this declaration is not, as the American Government would appear to think, an ultimatum to Yugo-Slav on behalf of Italy. Under the treaty of London, Italy has had to abandon Fiume altogether and hand it over to Yugo-*Slav*. This part of the treaty is as unacceptable to Italians as is the transfer of Dalmatia and the islands to Yugo-Slav. The declaration, therefore, in regard to the enforcement of the treaty was an attempt to promote a prompt settlement of this dangerous controversy by pointing out to both sides that if they could not agree upon a settlement, which after long negotiation seemed to be a fair compromise between their conflicting views, the only alternative was an arrangement which was less palatable to both.

"Finally, the Governments of France and Great Britain feel bound to reply to the general observations contained in the latter part of the United States' memorandum. They know well the sincerity of President Wilson's desire for the establishment order providing real guarantees against a repetition of the terrible events of the last five years. They are reluctant to believe that the President can consider that the modifications which they have made in the memorandum of December 9 can constitute in themselves a justification for a withdrawal from all further cooperation with them in the attempt to adjust peaceably the world's affairs. They feel confident that the explanations contained in this reply will remove any misunderstandings as to the nature of the Adriatic proposals. At the same time they are deeply concerned that the United States should even contemplate the action to which they refer. One of the principal difficulties encountered by the heads of Governments during the negotiations of peace was that of reconciling treaty obligations with national aspirations which had changed or come into being since the date on which the treaties were signed. It was obviously impossible to ignore these latter aspirations, many of them born during the war, and formulated with unexampled clarity and elevation by the President of the United States himself. It was equally clearly impossible to ignore treaties, in fact the war began in order to enforce upon Germany respect for the solemn treaty she had made nearly 80 years before in regard to the neutrality of Belgium. It is the task of the statesmen of the world to endeavor to adjust national aspirations and ideals, many of which are only transitory and ephemeral with one another and with international treaties. The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavoring to enforce preconceived ideas on refractory material has been recognized by the one more clearly than the other, and in his address at the opening session of the peace conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the peace conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war.

"Accordingly, not only was the League of Nations established but article 9 was specially inserted in the covenant providing that the assembly may from time to time advise us of reconsideration by members of the league of treaties which become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world, thus an essential part of the treaties of peace has been the constitution of machinery for modifying and correcting those treaties themselves where experience shows it to be necessary. The Governments of France and Great Britain, therefore, view with consternation the threat of the United States Government to withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement. The difficulty of reconciling ethnographic with other considerations is certainly not greater in the Adriatic case and does not produce more anomalous results than in the case of other parts of the general treaties of peace difficulties which were recognized by President Wilson and his colleagues where they agreed to the best settlement practicable at the time because their machinery for peaceful readjustment had come into being; also ethnologic reasons can not be the only ones to be taken into account is clearly shown by the inclusion of three million Germans in Czecho-Slovakia and the proposals so actively supported by the United States delegation for the inclusion within Poland of great Ruthenian majorities, exceeding three million five hundred thousand in number, to Polish rule. Though the British representatives saw serious objections to this arrangement, the British Government have not thought themselves justified in reconsidering on that account their membership in the League of Nations. The Governments of France and Great Britain, therefore, earnestly trust that whatever the final view of the United States Government as to the Adriatic settlement may be, they will not wreck the whole machinery for dealing with international disputes by withdrawing from the treaties of 1919 because their view is not adopted in this particular case. That would be to destroy the hopes now entertained by countless millions of people all over the world that the most enduring and most beneficent part of the treaty of peace was the constitution of machinery whereby the defects of treaties could be remedied, and that changing conditions and requirements of mankind could be adjusted by processes of reason and justice instead of by the balancing of armaments and resort to war. The Governments of France and Great Britain can not believe that it is the purpose of the American people to take a step so far-reaching and terrible in its effects on a ground which has the appearance of being so inadequate.

"MILLERAND.
"D. LLOYD-GEORGE.
"DAVIS."

PRESIDENT WILSON'S NOTE OF FEBRUARY 24.

The following is the text of the President's note of February 24 sent in reply to the joint memorandum of February 17 of the prime ministers of France and Great Britain:

"WASHINGTON, *February 24, 1920.*

"The joint memorandum of February 17 of the prime ministers of France and Great Britain has received the careful and earnest consideration of the President. He has no desire whatever to criticize the attitude of the Governments of France and Great Britain concerning the Adriatic settlement, but feels that in the present circumstances he has no choice but to maintain

the position he has all along taken as regards that settlement. He believes it to be the central principle fought for in the war that no government or group of governments has the right to dispose of the territory or to determine the political allegiance of any free people. The five great powers, though the Government of the United States constitutes one of them, have in his conviction no more right than had the Austrian Government to dispose of the free Jugoslavic peoples without the free consent and cooperation of those peoples. The President's position is that the powers associated against Germany gave final and irrefutable proof of their sincerity in the war by writing into the treaty of Versailles article 10 of the covenant of the League of Nations, which constitutes an assurance that all the great powers have done what they have compelled Germany to do—have foregone all territorial aggression and all interference with the free political self-determination of the peoples of the world. With this principle lived up to, permanent peace is secured and the supreme object of the recent conflict has been achieved. Justice and self-determination have been substituted for aggression and political dictation. Without it, there is no security for any nation that conscientiously adheres to a nonmilitaristic policy. The object of the war, as the Government of the United States understands it, was to free Europe from that cloud of anxiety which had hung over it for generations because of the constant threat of the use of military force by one of the most powerful governments of the Continent, and the President feels it important to say again that in the opinion of the American Government the terms of the peace settlement must continue to be formulated upon the basis of the principles for which America entered the war. It is in a spirit of cooperation, therefore, and of desire for mutual understanding that the President reviews the various considerations which the French and British prime ministers have emphasized in their memorandum of February 17. He is confident that they will not mistake his motives in undertaking to make plain what he feels to be the necessary conclusions from their statements.

"The President notes that the objections of the Italians and Jugoslavs were made the basis for discarding the project of the Free State of Fiume. It would seem to follow, therefore, that the joint consent of these two powers should have been required for the substitute project. The consent of Italy has been obtained. He does not find, however, that the Jugoslavs have also expressed a willingness to accept the substitute plan. Are they to be required now to accept a proposal which is more unsatisfactory because they have raised objections to the solution proposed by the British, French, and American Governments in the memorandum of December 9? The President would, of course, make no objection to a settlement mutually agreeable to Italy and Jugoslavia regarding their common frontier in the Fiume region provided that such an agreement is not made on the basis of compensations elsewhere at the expense of nationals of a third power. His willingness to accept such proposed joint agreement of Italy and Jugoslavia is based on the fact that only their own nationals are involved. In consequence, the results of direct negotiations of the two interested powers would fall within the scope of the principle of self-determination. Failing in this, both parties should be willing to accept a decision of the Governments of Great Britain, France, and the United States.

"The British and French Governments appear to find in the President's suggestion that the latest proposals would pave the way for the annexation of the city of Fiume an implication that the guarantee of the League of Nations is worthless and that the Italian Government does not intend to abide by a treaty into which it has entered. The President cannot but regard this implication as without basis and as contrary to his thought. In his view the proposal to connect Fiume with Italy by a narrow strip of coast territory is quite impracticable. As he has already said, it involves extraordinary complexities in customs control, coast guard services, and other related matters, and he is unable to detach himself from the previous views of the British and French Governments, as expressed jointly with the American Government in the memorandum of December 9, that 'the plan appears to run counter to every consideration of geography, economics, and territorial convenience.' He further believes that to have Italian territory join Fiume would be to invite strife out of which annexation might issue. Therefore, in undertaking to shape the solution so as to prevent this he is acting on the principle that each part of the final settlement should be based upon the essential justice of that particular case. This was one of the principles adopted by the allied and associated powers as a basis for treaty making. To it has been added the provisions of the League of Nations, but it has never been the policy of either this Government or its associates to invoke the League of Nations as a guarantee that a bad settlement shall not become worse. The sum of such actions would of necessity destroy faith in the league and eventually the league itself.

"The President notes with satisfaction that the Governments of Great Britain and France will not lose sight of the future interests and well-being of the Albanian peoples. The American Government quite understands that the threefold division of Albania in the British-French agreement might be most acceptable to the Jugoslav Government, but it is just as vigorously opposed to injuring the Albanian people for the benefit of Jugoslavia as it is opposed to injuring the Jugloslav people for the benefit of Italy. It believes that the differences between the Christian and Mohammedan populations will be increased by putting the two sections under the control of nations of unlike language, government, and economic strength. Moreover, one part would be administered by the Italian Government, which is represented on the council of the league, the other part by the Jugloslav Government, which has no such representation. Therefore, to alter or withdraw the mandate at some future time would be well-nigh impossible.

"Regarding the treaty of London, the French and British prime ministers will appreciate that the American Government must hesitate to speak with assurance, since it is a matter in which the French and British Governments can alone judge their obligations and determine their policies. But the President feels that it is not improper to recall a few of the arguments which have already been advanced against this treaty, namely, the dissolution of Austria-Hungary, the secret character of the treaty, and its opposition to the principles unanimously accepted as the basis for making peace. In addition, he desires to submit certain further considerations. In the northern Italian frontiers agreements have already been reached which depart from the treaty of London line and which were made with the understanding that negotiations were proceeding on quite a new basis. It has been no secret that the parties to the treaty did not themselves now desire it, and that they have thus far refrained from putting its provisions into effect. In mutually disregarding their secret treaty commitments the parties to the treaty have recognized the change in circumstances that has taken place in the interval between the signing of the secret treaty and its proposed execution at the present time. For nearly eight months discussion of the Adriatic problem has proceeded on the assumption that a better basis for an understanding could be found than those provided by the treaty of London. The greater part of the resulting proposals have already received Italy's assent. These proposals in some cases affected territory beyond the treaty of London line, as in the Tarvis and Sexton Valleys; in others, the territory fell short of the treaty of London line, as in the case of the islands of Lussin, Unie, Lissa, and Pelagosa—to mention only a few of the many proposals upon which tentative agreements have long been reached and which would be upset by an application of the treaty at this late day.

"The coupling of the treaty of London as an obligatory alternative to the Adriatic settlement proposed on January 14 came as a surprise to the American Government, because this Government had already by the agreement of December 9 entered into a distinct understanding with the British and French Governments regarding the basis of a settlement of the question. By their action of January 14, the Government of the United States was confronted with a definitive solution, to which was added on January 20 a threat to fall back upon the terms of the treaty of London. This course was followed without any attempt to seek the views of this Government or to provide such opportunity of discussion as was easily arranged in many other matters dealt with in the same period.

"The President notes that the memorandum of February 17 refers to the difficulty of reconciling ethnographic with other considerations in making territorial adjustments, and cites the inclusion of three million Germans in Czechoslovakia and more than three million Ruthenes in Poland as examples of necessary modifications of ethnographic frontiers. He feels compelled to observe that this is a line of reasoning which the Italian representatives have advanced during the course of negotiations, but which the British and French have hitherto found themselves unable to accept. There were cases where, for sufficient geographical and economic reasons, slight deflections of the ethnographical frontier were sanctioned by the conference, and the American Government believes that if Italy would consent to apply the same principles in Istria and Dalmatia, the Adriatic question would not exist.

"The American Government heartily subscribes to the sentiments expressed by the Governments of Great Britain and France regarding Italy's participation in the war. It fully appreciates the vital consequences of her participation, and is profoundly grateful for her heroic sacrifices. These sentiments

have been repeatedly expressed by the American Government. But such considerations can not be made the reason for unjust settlements which will be provocative of future wars. A course thus determined would be shortsighted and not in accord with the terrible sacrifices of the entire world, which can be justified and ennobled only by leading finally to settlements in keeping with the principles for which the war was fought. The President asks that the prime ministers of France, Great Britain, and Italy will read his determination in the Adriatic matters in the light of these principles and settlements and will realize that standing upon such a foundation of principle he must of necessity maintain the position which he arrived at after months of earnest consideration. He confidently counts upon their cooperation in this effort on his part to maintain for the allied and associated powers that direction of affairs which was initiated by the victory over Germany and the peace conference at Paris."

"POLK, *Acting*."

PERSONAL EXPLANATION.

Mr. THOMAS. Mr. President, the Evening Star yesterday contained a brief reference to an address which I had the honor to deliver the night before to the Society of the Order of George Washington. In that account I am reported as having assailed the Volstead Act. That act was not only not referred to in what I said on the occasion mentioned, but it did not even occur to me during the progress of my address. With that exception the article in the Star is otherwise correct.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT pro tempore laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1919, which was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 6863. An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes; and

H. R. 12351. An act to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C.

PETITIONS AND MEMORIALS.

Mr. PHIPPS. I send to the desk a telegram from citizens interested in stock raising in the State of Colorado, which I desire to have read and referred to the Committee on Agriculture and Forestry.

There being no objection, the telegram was read, and referred to the Committee on Agriculture and Forestry, as follows:

Denver, Colo., February 24, 1920.

Hon. L. C. PHIPPS,
Senate, Washington:

We learn the new Kendrick-Kenyon bill is before the Senate and Senator Kendrick pushing strong the passage of this bill. We attended the American National Live Stock Association convention at Spokane during January of this year and the principal subject under discussion there was packer legislation. Senator Kendrick publicly stated his future action at Washington would be governed largely by the action of the convention. The resolution calling for "prompt Federal legislation" was defeated and it was clearly the sense of the convention that no further agitation of the question be had until the Palmer agreement be given a fair trial. We returned to our people with this news. Again we learn the agitation is up and causing cattle feeders and producers untold losses. Twenty-five to $50 per head on cattle. Use your efforts to stop this bureau legislation and let our industry return to a sound and fair basis, thereby encouraging production. We know that further agitation of this question will drive many people out of the live stock business and we seriously protest against this bill with its bureau registration rules and regulations.

Cattle and Sheep Producers of Colorado, Ben Kemper, W. A. Snyder, A. G. Prey, Mark Beetham, Charles Clayton, Frank Wherren, John O. Hall.

Mr. LODGE. I present a memorial from the Legislature of the Commonwealth of Massachusetts and ask that it may be printed in the RECORD without reading and referred to the Committee on Agriculture and Forestry.

The memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

Order relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest.

Whereas there is pending in the Congress of the United States a bill (S. 3822 and H. R. 12188) authorizing the Secretary of Agriculture to establish and maintain a forest experiment station in the White Mountain National Forest for the purpose of conducting in New England and the Northeastern States silvicultural, dendrological, and other forestry experiments and investigations to determine the best methods for the conservative management of forests and forest lands; and

Whereas New England is now dependent upon outside sources for 70 per cent of its lumber and 30 per cent of its pulpwood, involving freight charges alone amounting to over two and one-half million dollars, which are added to the cost of production, while not more than 30 per cent of its own timberland is producing what it might, and at least 20 per cent, or over 3,000,000 acres, are waste land producing nothing; and

Whereas the wood-using industries of New England represent invested capital of nearly $300,000,000, producing products worth $240,000,000 each year, and employ 90,000 wage earners; and

Whereas for the best interests of our people it is essential that New England should become self-supporting in timber production; and

Whereas such a forest experiment station would study forest problems throughout New England, in cooperation with States, schools, and individuals, and thus benefit the entire people of New England: Therefore be it

Ordered, That the House of Representatives of Massachusetts hereby respectfully requests the Congress of the United States to pass said pending bill, which will provide for the establishment and maintenance of a forest experiment station in the White Mountain National Forest: And be it further

Ordered, That copies of this order be sent by the secretary of the commonwealth to the President of the United States Senate, to the Speaker of the National House of Representatives, and to the Members of the Senate and House in Congress from this Commonwealth.

In house of representatives, adopted February 12, 1920.

A true copy. Attest:

ALBERT T. LANGTRY,
Secretary of the Commonwealth.

Mr. MYERS presented resolutions in the nature of a petition adopted by the State Convention of the Clerks of the District Courts of the State of Montana, favoring the adoption of certain proposed amendments to the law relating to the naturalization of aliens, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented memorials of sundry citizens of the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Portland, Me., praying for the passage of the so-called Lehlbach-Sterling bill providing for the retirement of superannuated Government employees, which was ordered to lie on the table.

Mr. PHELAN presented a petition of Karl Ross Post, No. 16, American Legion, of Stockton, Calif., praying that an additional bonus be granted to ex-service men, which was referred to the Committee on Military Affairs.

MILITARY ACADEMY APPROPRIATIONS.

Mr. LENROOT. From the Committee on Military Affairs I report back favorably, with amendments, the bill (H. R. 12467) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes, and I submit a report (No. 456) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. NEW, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1457) for the relief of Joseph W. Skill (Rept. No. 454); and

A bill (S. 3119) for the relief of Con Murphy (Rept. No. 455).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3978) granting an increase of pension to Harriet V. M. Cavenaugh (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3979) to reimburse Lieut. George D. Graham, dental surgeon, United States Army, for rent of quarters at Honolulu, Hawaii; to the Committee on Claims.

A bill (S. 3980) granting a pension to Walter A. Fleming (with accompanying papers); and

A bill (S. 3981) granting an increase of pension to James W. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3982) to appropriate additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. WOLCOTT:

A bill (S. 3983) granting an increase of pension to William A. Reilly; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3984) for the relief of Hans Weideman; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3985) for the relief of Mary Frances Landry (with accompanying papers); to the Committee on Claims.

By Mr. GORE:

A bill (S. 3986) to provide for the acquisition of a site and the erection thereon of a public building at Henryetta, Okla.; and

A bill (S. 3987) to authorize the acquisition of a site and the repairing and enlargement of a Federal building thereon at Okmulgee, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. PHELAN:

A bill (S. 3988) for the relief of the estate of I. G. Wickersham; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 3989) granting a pension to Anna Honeycutt; to the Committee on Pensions.

RELATIONS WITH RUSSIA.

Mr. FRANCE. I introduce a joint resolution which I ask may be printed in the RECORD without reading and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 164) providing for the establishment of more friendly relations with Russia, for the lifting of the embargo against shipments to that country, for the extension of trade and commerce with the Russian people, for the arrangement of credits, for the withdrawal of all troops of this country which may still be on Russian soil, for any needed explanations and reparations which may be due from this country for our invasion of Russian territory, for the expression of our gratitude to the Russian people for their heroic part in the defense of civilization, our felicitations to them for having overthrown a despotic government and assurances of the desire of the American people to cooperate with them and to assist them in every proper and possible way in their efforts to establish institutions which will insure to them an ordered liberty, was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 164) providing for the establishment of more friendly relations with Russia, for the lifting of the embargo against shipments to that country, for the extension of trade and commerce with the Russian people, for the arrangement of credits, for the withdrawal of all troops of this country which may still be on Russian soil, for any needed explanations and reparations which may be due from this country for our invasion of Russian territory, for the expression of our gratitude to the Russian people for their heroic part in the defense of civilization, our felicitations to them for having overthrown a despotic government, and assurance of the desire of the American people to cooperate with them and to assist them in every proper and possible way in their efforts to establish institutions which will insure to them an ordered liberty.

Whereas from time immemorial there have existed, with few misunderstandings, most cordial relationships between the Governments of the United States and Russia; and

Whereas because of the devotion of the American people to free institutions the citizens of the United States had long looked forward to the time when the people of Russia would see fit to establish such free institutions for themselves; and

Whereas during the European war the noble Russian people made heroic sacrifices, cooperating with the allied nations in the war against Germany, without which cooperation Germany might have been victorious; and

Whereas it was not because of any lack of devotion to freedom and to the cause of the Allies, but rather on account of the incompetence and corruption of their autocratic government, which failed to supply the munitions of war, that the Russian people made a separate peace with Germany; and

Whereas no unfriendly act against the United States has been committed by the Russian people, but, on the contrary, the Russian people have borne with patience our unlawful invasion of their territory and intermeddling with their internal affairs; and

Whereas the people of the United States desire the continuance of friendly relations and the reestablishment of trade and commerce with the Russian people, and wish by every proper means to assist in the rehabilitation of the industrial and agricultural activities and agencies of Russia for the sake of the Russian people, as well as for the general welfare of the world: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, advised to communicate at once, through the Department of State, with the Government of Russia, assuring the people of Russia of our friendship, sympathy, and desire to cooperate with them and to reestablish with them full and cordial relationships of friendly intercourse, trade, and commerce; and further, that the President be, and he is hereby, advised—

(1) To instruct the Department of State to raise the embargo against the shipment of goods to Russia;

(2) To consider and advise as to the best method of arranging credits which will make possible the shipment of such American goods as may be needed and desired by the people of Russia for the rehabilitation of their country;

(3) To immediately withdraw from Russia any and all American troops which may still be on Russian soil;

(4) To enter upon negotiations, through the Department of State, concerning any explanations or reparations which may be due from this country because of our invasion of Russian territory;

(5) To convey to the people of Russia expressions of our appreciation and gratitude for their heroic part in the war and our felicitations to them for having overthrown a despotic government and assurances of the desire of the American people to cooperate with them and to assist them in every proper and possible way in their efforts to establish institutions which will insure to them an ordered liberty.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for the eradication of the pink bollworm from $288,560 to $588,560 intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ACQUISITION OF BERMUDA ISLANDS.

Mr. KENYON. I submit a resolution, which I ask may be referred to the Committee on Foreign Relations.

The resolution (S. Res. 315) was read and referred to the Committee on Foreign Relations, as follows:

Resolved, That the President is requested to undertake negotiations with the British Government looking to the acquisition by the United States of the Bermuda Islands.

THE PACKING INDUSTRY.

Mr. KENDRICK. Mr. President, during my absence from the Chamber this morning the Senator from Colorado [Mr. PHIPPS] had read into the RECORD a telegram referring to certain legislation in which I have been interested during the past few months. The message was so wide of the facts and conveys so erroneous an impression, not only of what transpired at the recent convention of the American National Live Stock Association with respect to proposed legislation for the regulation of the live-stock industry, but also of the general attitude of live-stock producers throughout the country, that I wish to ask to have inserted in the RECORD several resolutions that have directly to do with this question.

I want to say, Mr. President, that I have received innumerable telegrams recommending the enactment of a measure similar to that which was recently reported by the Senate Committee on Agriculture, but I am in entire accord with those who are opposed to encumbering the RECORD with such communications, and therefore I have hitherto withheld them. The substance of the telegram which was read this morning and ordered to be printed in the RECORD is so entirely unwarranted by the facts, as I shall hope to show in a minute's discussion, that I venture to depart from my practice in this instance.

At least two of the men who signed the telegram presented by the Senator from Colorado [Mr. PHIPPS] are lifelong friends of mine. They attended the convention of the American National Live Stock Association at Spokane, to which they refer in their message, and they have been usually so reliable that I was at a loss to understand why they should make these assertions until I was reminded of a rumor that was current among the stockmen at the convention that "booze" was being brought from Canada by airship. I did not give the report any credence at that time, but my worst suspicions are now confirmed.

It was my privilege, as president of the convention, to preside over it, to appoint the committee on resolutions, to listen to the reading of the resolutions, and to bring away a copy of them with me. I am not going to ask the Senate, therefore, to take my word with regard to what happened at Spokane. I shall be content to invite attention to the official text of the resolutions adopted by the convention indorsing legislation. The telegram which was presented to the Senate this morning in substance declares that a resolution calling for prompt Federal legislation was defeated by the stockmen assembled at Spokane, and that it was clearly the sense of the convention that no further agitation of the question should be had. The statement is altogether at variance with the facts. Far from opposing the enactment of legislation, the convention went on record in clear and unmistakable language in favor of legislation. If the Senator from Massachusetts will permit, I shall take the liberty of reading this resolution:

FEDERAL LEGISLATION RECOMMENDED.

"Whereas it is necessary that confidence should be established in the operation of marketing agencies, that competition may be developed, that an improved understanding may be created between producer, packer, and consumer, and distribution of meat and meat products guaranteed on a fair and economical basis and along practical lines, so as to cause the least disturbance of existing conditions: Therefore be it

"*Resolved by the American National Live Stock Association in annual convention assembled in the city of Spokane, this 28th day of January, 1920*, That we recommend the enactment of legislation by Congress providing governmental regulation of all marketing, manufacturing, and distributing agencies engaged in handling live stock and its products. And we believe that such regulatory laws should be so specific and plainly expressed as to prevent misunderstanding or the exercise of any arbitrary power, and further recommend that the supervision of such

market agencies provided for by the proposed legislation be made a matter of law such as to occasion the least possible disturbance or interference with existing business conditions."

I now present a copy of a resolution passed by the Kansas Live Stock Association at its annual meeting in Wichita, January 31, 1920, and a resolution passed by the executive board of the New Mexico Cattle and Horse Growers' Association on February 4, 1920, indorsing the resolution of the American National Live Stock Association, which I have already read. In addition, I desire to present resolutions passed by the League of Women Voters at the convention of that organization held at Chicago February 16, 1920, and I request that these resolutions may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions referred to are as follows:

RESOLUTION UNANIMOUSLY ADOPTED BY THE KANSAS LIVE STOCK ASSOCIATION AT ANNUAL MEETING HELD IN WICHITA, KANS., JANUARY 31, 1920.

"That we indorse the action of the Kansas Legislature in the passage of the Burdick bill, creating the live-stock bureau, and we also commend the action of our governor in promptly signing the same, making it effective. We favor the passage of Federal legislation pending in Congress, known as the combined Kendrick-Kenyon bills, similar to the Kansas law known as the Burdick bill."

INDORSING RESOLUTIONS OF THE AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

"Whereas the American National Live Stock Association at its convention at Spokane, Wash., January 29, 1920, adopted resolutions approving the action of the Attorney General in respect to the packers; indorsing the action of its president, Senator KENDRICK, and of the market committee; and recommending the enactment of Federal legislation regulating all marketing agencies; and

"Whereas copies of said resolution have been filed with the secretary of the association: Now be it

"*Resolved by the executive board of the New Mexico Cattle and Horse Growers' Association in session at Carlsbad, N. Mex., the 4th day of February, 1920*, That we indorse and approve said resolutions and adopt the policy therein declared.

"EXECUTIVE BOARD THE NEW MEXICO CATTLE AND HORSE GROWERS' ASSOCIATION."

LEAGUE OF WOMEN VOTERS—RECOMMENDATIONS OF THE COMMITTEE ON FOOD SUPPLY AND DEMAND.

"Whereas in addition to the results of inflated currency due to the war the high cost of living in the United States is increased and the production of necessary food supplies diminished by unduly restrictive private control of the channels of commerce, or markets and other distributing facilities, by large food organizations and combinations; and

"Whereas if our civilization is to fulfill its promise it is vital that nourishing food be brought and kept within the reach of every home, and especially of all the growing children of the Nation:

"*Resolved by the League of Women Voters*, First. That the principles and purposes of the Kenyon-Kendrick-Anderson bills now pending in Congress for the regulation of the meat-packing industry be indorsed for prompt and effective enactment into law; and that this declaration be brought to the attention of the leading political parties, both in advance and at the time of their respective national conventions, with an urgent request for corresponding and unqualified platform pledges.

"Second. That the food supply and demand committee be authorized to keep in touch with the progress of the proposed legislation and to cooperate with the National Consumers' League, the American Live Stock Association, the Farmers' National Council, and other organizations of like policy in an effort to promote through legislation the realization of such principles and purposes. Furthermore, that the committee on food supply and demand be authorized to confer with the Department of Agriculture in regard to the extension of its service, with a view to establishing long-distance information to enable shippers and producers to know daily the supplies and demands of the food market.

"Third. That the early enactment of improved State and Federal laws to prevent food profiteering, waste, and improper hoarding is urged, and the strict enforcement of all such present laws is demanded.

"Fourth. That the various State leagues of women voters are requested to consider the advisability of establishing public markets, abattoirs, milk depots, and other terminal facilities.

"Fifth. That aid be extended to all branches of the League of Women Voters in spreading knowledge of the methods and benefits of legitimate cooperative associations, and that indorsement be given to suitable national and State legislation favoring their organization and use."

Mr. KENDRICK. I ask that a telegram which I received this morning from the Buyers' and Sellers' Live Stock Association at Amarillo, Tex., may be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

AMARILLO, TEX., *February 26, 1920.*

Senator JOHN B. KENDRICK,
Washington, D. C.:

The Buyers' and Sellers' Live Stock Association in session at Amarillo, several hundred cattlemen being present, voted unanimously for the following resolution:

"Whereas there is now pending in the National Congress what is known as the Anderson redrafted Kendrick-Kenyon bill, having for its object the regulation and supervision of the meat-packing industry of the United States, such embodying clauses providing for the creating of a commission to supervise the operations of packing houses and the marketing of live stock and the finished products therefrom, the functions of the said commission to be along a line similar to those of the Interstate Commerce Commission in its regulatory control over the national railways, and other such features as will safeguard the best interests of the producers, the consumers, and the packers: Therefore be it

"*Resolved*, That the Buyers' and Sellers' Live Stock Association, of Amarillo, Tex., embracing as it does many men foremost in the Nation's beef production, go on record as favoring and indorsing the Anderson redrafted Kendrick-Kenyon bill and pledge its faithful and earnest efforts in the final passage and enactment into law of the aforesaid bill."

R. B. MASTERSON, *Chairman.*
WM. E. HERRING.
LEE BIVINS.
B. T. WARE.
BAEKLEY DAWSON.
JOHN LANDERGIN.
W. H. FUQUA.
W. OVRIEN.
A. S. STINNETT, *Secretary.*

ADDRESS BY SENATOR ROBERT L. OWEN.

Mr. POMERENE. I ask unanimous consent to have incorporated in the RECORD a copy of an address delivered by the Senator from Oklahoma [Mr. OWEN], February 5, 1920, at Muskogee, Okla., before the Democratic State convention.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS DELIVERED BY HON. ROBERT L. OWEN BEFORE THE DEMOCRATIC STATE CONVENTION OF OKLAHOMA ON FEBRUARY 5, 1920, IN THE CITY OF MUSKOGEE, OKLA.

"Mr. Chairman and fellow citizens, it gives me great pleasure to pay my respects to you, and, through you, to pay my respects to the Democracy of Oklahoma and to the Democracy of the United States.

"True Democracy is a religion. It is not completely monopolized by the members of the Democratic Party. Many of its loyal disciples find themselves affiliated with other parties. Democracy truly believes in the rule of the people, in their wisdom, in their common sense, in their common honesty, in their justice, in their patience and steadfastness, in their right and ability to govern themselves. It thinks in terms of the greatest good to the greatest number. Its disciples should be 'Soldiers of the Common Good.' Its great patron saint was Thomas Jefferson, who stood for freedom of religion, freedom of speech, freedom of the press, the education of the people by free schools, the right of every citizen to vote.

"On these principles Jeffersonian Democracy took control of the Government in 1801 and held it for many decades. When the party organization became weakened by selfishness and fell under the control of those who believed in human slavery, it passed from power by a revolt of Jeffersonian Democrats, who would not stand for human slavery. They organized a new party and took the name which the followers of Jefferson had employed in 1800, calling themselves Republicans.

"When the wise and kind Lincoln, on the field of Gettysburg, prayed that the Government of the people, for the people, and by the people should not perish from the earth, he voiced the spirit of true democracy throughout the world.

"When the Republican Party got control of the Government during the Civil War, 1861–1865, every selfish interest that wished to use the powers of government for private advantage

gradually attached itself to the Republican Party, courted its leaders, became busy in its organization, contributed to its elections, promoted its nominations, and steadily obtained an increasing influence in its management. Unhappily it seems to be the history of all parties.

"When in 1912, after many years, it became obvious that an invisible government of organized commercial and financial selfishness had gained control of the organization of the Republican Party and of the governing powers of the people of the United States, the spirit of democracy, that sleeps but never dies, arose in the hearts of the Progressive Republicans, under the leadership of Theodore Roosevelt, and by this revolt there was given to the Democratic Party its first real opportunity since the Civil War to demonstrate that it had, through tribulation, come back to the true principles of Democracy of Jefferson, of Jackson, and of Lincoln, and magnificently the Democratic Party has responded. It was assisted on many occasions by patriotic Progressive Republicans.

"We have thousands of new voters who will seek to know what the party did when it got the power to act. They will ask and our unmindful opponents will ask:

"'What did the Democratic Party do?'

"Let us answer that:

"Immediately *it revised the 'robber' tariff.* It cut down the prohibitive schedules that selfishly sheltered monopoly in the United States. It *put the necessaries of life on the free list*—the free-list importations have increased a billion dollars a year under Democratic management; it *removed unjust tariff* discriminations, and by lowering the tariff *stimulated our imports and our exports.* (38 Stats., 114, Oct. 3, 1913.) Our foreign commerce has increased from four billions in 1913 to ten billions in 1919. Let Democrats always keep in mind that, by logical necessity, ultimately imports measure exports and exports measure imports.

"It established *the Tariff Commission* (39 Stats., 795), to take the tariff out of politics and deal with it strictly as a business matter. The old rallying cry of the Republican Party of the Protective Tariff League, which promoted laws to tax the consumers for the benefit of the selfish members of the league, is gone, because of the necessity now of admitting the commodities of Europe, as the only available means by which the people of Europe can repay the many billions of loans made them by our Government and by our people. It has been demonstrated that a revenue tariff, fairly drawn, is abundantly sufficient to honestly protect American industries against foreign competition.

"The overwhelming majority of American industries, because of the enormous production and productive power of American machinery, can now compete on the most favorable terms with any nation in the world.

"What did the Democratic Party do?

"It placed the taxes on those best able to pay the taxes and from whom taxes were more justly due. It took the tax from the backs of the consumers and placed it upon incomes, by the *progressive-income tax*, so that those who could pay the cost of the Government without distress should do so. (39 U. S. Stats., 756, Sept. 8, 1916.)

"It passed a *progressive-inheritance tax*, so that the wealth of the country should pay for its own protection. (39 Stats., 1091, Mar. 3, 1917.)

"Do the American people want these statutes repealed?

"It passed the *excess-profits tax*, to compel those profiting by war conditions to meet the larger part of the cost of war. (39 Stats., 1000, Mar. 3, 1917.)

"It passed the *war-profits tax* for the same reason. (40 Stats., 1088, Feb. 24, 1919.)

"What did the Democratic Party do?

"It made a resolute effort to benefit the farmers of the country and to improve our agricultural output. For instance:

"It passed *the farm-loan act*, enabling the farmers of the country to obtain cheap money on long time from the investing public, through nontaxable farm-loan bonds. Over $300,000,000 have been loaned to farmers, and under this system ultimately the farmers of the country will get nearly all the money they require at the cheapest rates. (39 Stats., 360, July 17, 1916.)

"The farm-loan act had the effect of compelling land-mortgage banks to lower their interest rates, and thus has been of great value to the farmers.

"The Republican Senate, without a hearing, reported a bill recently to repeal the tax-exemption features of the bonds based on joint-stock bank mortgages authorized under this bill, but withdrew it when protests were filed.

"The Democratic Party passed the *Smith-Lever agricultural extension act*, under which the vast knowledge acquired by the Agricultural Department in agriculture, horticulture, animal industry, bee culture, farm economics, canning and preserving foods, raising poultry, etc., has been put at the service of every farmer in every agricultural county in America by trained men and demonstration farms. (38 Stats., 1086, Mar. 4, 1915.)

"The Democratic Party passed *the good roads act* and appropriated millions to build, by cooperation with the States, hard-surfaced roads connecting the farms with the cities, to the advantage of both. (39 Stat., 355, July 11, 1916.)

"The Democratic Party has vigorously expanded *the rural-route system*—delivering mail to the farms.

"It has built up *the Parcel Post System*, carrying parcels to and from the farm and to and from the cities. Do the American people or the farmers want these acts repealed?

"What has the Democratic Party done?

"It has shown its deep desire to serve those who labor.

"It established *a Department of Labor;* has developed it; has made it useful in steadily improving the conditions of life for those who labor. (37 Stats., 736, Mar. 4, 1913.) It has established *employment bureaus*, to bring the man and the job together. It helps to settle disputes between labor and capital. It has developed the *Bureau of Mines* and the *Bureau of Standards.*

"It passed the *child-labor act*, to prevent employers from denying children their right to be educated, and to have some of the freedom of youth. (39 Stats., 675, Sept. 1, 1916.)

"It passed the *eight-hour law*—one of the great accomplishments desired by organized labor. (39 Stats., 721, Sept. 3, 1916.)

"It passed laws providing for the *minimum wage.*

"It passed the *workmen's compensation act*, for accidents and death in industry. (40 Stats., 961, Sept. 13, 1918.)

"It exempted combinations of laborers and of farmers from the inhibitions of the antitrust act.

"It passed a great act declaring that *'labor is not a commodity.'* This act is regarded as a magna charta for labor, and forbids labor, consisting of human flesh and blood, to be handed about as a chattel. (38 Stats., 731, Oct. 15, 1915.)

"It passed an act providing for *vocational instruction* and is engaged now in giving vocational instruction to many of our young soldiers returning from abroad who have sought this advantage. I heartily wish a larger number were being given these advantages of instruction. (39 Stats., 929, Feb. 23, 1917.)

"Do they who labor desire to rebuke the Democracy for these acts and have these laws repealed?

"It passed the *seamen's act* to give liberty to those who labor on the high seas, to put an end to the slavery practiced on sailors, to provide better conditions of life at sea, and safety at sea for the sailors. This legislation has been of very great value in raising the wages of sailors and making the profession more attractive to young men. It was a necessary step in order to provide men who would be needed for the great merchant marine which the Democratic Party desired. (38 Stats., 1164, Mar. 4, 1915.)

MERCHANT MARINE.

"The Democratic Party has now built up a gigantic merchant marine, with 10,000,000 tons of shipping, big enough and strong enough to take our commerce and our flag to every port in the world. This alone is a monumental service to the American people.

MONOPOLIES.

"What did the Democratic Party do?

"It did many things to abate the evils of monopoly.

"It passed the *Clayton Antitrust Act*, providing various means with which to check the practice of monopoly. (38 Stats., 730, Oct. 15, 1914.)

"It established the *Federal Trade Commission*, with authority to suppress unfair practices in commerce. The Federal Trade Commission is destined, by its example, by its policies, and by its work, finally to teach the American people how to control the abuses of monopoly and of profiteering. (38 Stats., 717, Sept. 26, 1914.)

"The greatest of all monopolies in America was the monopoly of money and credit, known as *the Money Trust.*

"The Democratic Party passed the *Federal reserve act*, established 12 credit centers, with 12 great Federal reserve banks under the control of the Government of the United States through the Federal Reserve Board, so that any citizen having sound credit, based on commodities or on actual commercial transactions, could have his note underwritten by his local bank and get money from the Federal reserve bank. This act took from the Money Trust the monopoly of credits. (38 Stats., 251, Dec. 23, 1913.)

"This act has enabled the 25,000 banks in the United States to accommodate our national commerce without asking permission of any private monopoly. This act has made panics

impossible. It has given great stability to the banks and to credits. Under this act in six years the resources of the national banks have increased from ten billions in 1913 to twenty-two billions in 1919. All the banks included have had their resources increased from twenty-five billions to forty-eight billions under Democratic management in six years. Not a single national bank failed in 1919.

"This act enabled the United States to finance Europe, to organize and conduct and to win the greatest war in history. Those who fought this act are now asking the people of the United States to put them in control.

"Do the business men of America want this act interfered with or to rebuke those who passed the act over persistent Republican opposition?

"The Democratic Party has developed the *postal savings banks* for the accommodation of those timid people who do not deal with the banks but are willing to trust their deposits with the Government, and their deposits are thus made available for the banks. Under these acts the banks of the United States have had the greatest prosperity in their history and at the same time have substantially lowered the rates of interest to American business men.

"What did the Democratic Party do?

"It has passed many acts improving the *Public Health Service* for the conservation of human life.

"It has done many things to promote *popular government*. It was due to the Democratic Party and the Progressives that the *direct election of United States Senators* was put into the Constitution. This amendment has made the Senate of the United States more responsive to the opinions of the people, and will make it still more responsive than it is now.

"Do the people want to vacate or abandon this right or rebuke the Democracy for demanding greater power for the people?

"The Democratic Party *democratized the committees* of the United States Senate by giving the committees control of the chairmen and of conferees.

"The Democratic Party established *modified cloture in the Senate* so that a few men could not by unlimited debate permanently defeat the will of the Senate itself. (1917, vol. 55, p. 19.)

"It passed an act forbidding *bribery in elections*.

"It negotiated *peace treaties with all the important nations of the world except* Germany, Austria, Bulgaria, and Turkey, who wanted war—and got it.

"*It kept this Nation out of war* until it became clear that the liberties of America and of the world were in jeopardy from the aggressive conduct of the Teutonic allies. When war became necessary for the protection of the honor, the dignity, the liberties of the American people, the Democratic administration organized the *Council of National Defense;* organized the Nation for war, down to the very crossroads; passed *the declaration of war* and *the great war measures;* established the *War Industries Board, the War Trade Board,* and *the food and fuel control; financed the entente allies;* passed *the war marine insurance act;* set up the *War Risk Insurance Bureau;* organized over *30,000 four-minute men; called to the colors 10,000,000 Americans; raised an army of over 4,000,000 men; expanded the Navy and merchant marine; provided the munitions of war; trained and transported the required forces to Europe; protected them from disease and vice as far as humanly possible; broke up the German submarine campaign; crumpled the lines of the German troops in France; crushed the morale of the Teutonic forces and compelled their military leaders to beg for an armistice, in effect an unconditional surrender, thus saving the civilization of the world from the greatest military menace in the history of mankind.* (39 Stats., 649; 38 Stats., 711.)

"Mr. Chairman, I wish to express my warm and heartfelt respect for the patriotic Republicans and citizens of other parties who loyally cooperated from the Atlantic to the Pacific in winning this Great War. And I wish to express my deep gratitude to those progressive Republicans who cooperated with the Democrats in the great legislative program of the six years of Democratic control.

"What did the Democratic Party do?

"Why, it passed the '*selective-draft act*,' by which rich man and poor man, educated man and ignorant man, Protestant and Catholic, Jew and Gentile, black and white, took their position side by side on the battle line or in the service of the country where each was best fitted to protect the liberties of their common country. Never was a more democratic act passed. No man was permitted by law to buy a substitute with money, but every man's life and service was put upon a basis of equality in the defense of his country. (40 Stats., 76, May 18, 1917.)

"What man had the impudence to question the 'Americanism' of the Democratic Party in all these great accomplishments? What is '*Americanism*' if it be not the great policies which the Democratic Party has put into execution when it stamped out sedition at home, whipped the Hun abroad, and made America the commercial, financial, and moral leader of all the world, so that all great nations do homage to the United States, and small nations, when they bend their heads in prayer, pray God to bless the American people. America has become the beacon light to all mankind, and no narrow partisan can hide this light under a bushel or question the glorious Americanism of the Democratic Party.

"Under the *War Risk Insurance Bureau* was written insurance for our soldiers abroad of $40,000,000,000, and under our war marine insurance act American commerce was protected without loss to the Government.

"The Democratic Party passed the *War Finance Corporation act* for the protection of our business men under the extraordinary interruption and stress of war.

"It passed the *capital-issues act* in order to safeguard all credits of the country and make them available for war. (40 Stats., 512, Apr. 5, 1918.)

"It organized *the Red Cross movement* down to the crossroads, and in this Great War enterprise the Democratic Party gladly availed itself of the patriotism of citizens of all parties.

"By the combined efforts of the progressive men in both parties two great amendments to the Constitution of profound social and moral significance have been passed—woman's suffrage and prohibition. Of still greater importance is the fact that these great reforms were due to the progressive men and women in the homes of America.

THE ELECTION OF 1918.

"Before the Great War had terminated successfully there came on the election of 1918, in which the party lost many votes because men who were aggrieved by the conduct of the war, by the selective-draft act, by the operation of the Army and naval forces; many men injured by the priority orders and the conduct of the railroads where the administration had to give the right of way for war purposes; many men injured by the Government commandeering materials and men; many men hurt by the sudden raise in prices, due to the Government competing for men in the shipbuilding yards and in munition plants; many offended by high taxes and by the extravagance and waste of war, visited their displeasure on the Democratic Party.

"Many men of German blood or of German sympathy resented the United States going into war.

"Many men who opposed war as a principle were either turned against the Democratic Party or their devotion to the party was weakened.

"There was a general disposition to blame somebody, and the administration was the victim.

"The Democratic Party, with its leading men intensely occupied with the winning of the war, were in no position to present the accomplishments of the Democratic Party to the people of the country.

"Moreover, in 1918 the United States had the extraordinary affliction of 'Spanish influenza,' which killed in that year 447,000 of our people and over 380,000 of them died in the fall of 1918. Under the advice of physicians political meetings were forbidden.

"Was it any wonder the Democrats lost both Houses? Moreover, the result of the war was still unknown. It is now generally conceded that the President's famous preelection letter alienated many liberal or progressive Republicans and vitalized those who were partisans to strenuous activity in resentment of what they construed to be an affront and lack of appreciation of their loyalty in supporting the war activities of the administration.

"Mr. Chairman, I wish it might be truly said that none of our people during the Great War, either Democrat or Republican, had made any mistakes in the management of the war in the Army or Navy, or of the railroads, or of the telegraphs or telephones, or of any of the Government's affairs [Republican and Democratic citizens were almost equally divided in these activities, but the percentage of errors and wrongs was very small considering the magnitude of our operations in the war]; but I can truly say that the record of accomplishments in the last six years of complete executive and legislative control by the Democratic Party is the most magnificent ever made by any party in any country.

"The Democratic Party found the United States in depression in 1913, threatened with a panic. The New York banks declared in the summer of 1913 that they did not expect to be able to furnish the money to move the crops in the fall, and the

country banks were advised not to expect the customary rediscount privileges. The Democratic administration thereupon furnished the money out of the United States Treasury to move the crops and repeated the same operation in 1914, and now, after six years of Democratic management, the country has been brought up to a condition of the greatest prosperity in its history. The banks are crowded with money, the people are living better than ever, business is prosperous, everyone desiring to labor can find the opportunity, the trains are crowded, and the hotels are overflowing.

"Is it possible that the alleged delinquencies of a few individuals, great or small, shall blot out the legislative and executive accomplihments of the Democratic Party?

"Is it possible that the human fability of a few citizens in office will be urged as a just reason for reversing and condemning at the polls the ideals and the progressive, constructive policies of the Democratic Party and rebuking the spirit of loyalty and service by which it has been inspired?

"Mr. Chairman, such a judgment would be as thoughtless and as unjust as the condemnation of our sons who won the battles of the Argonne because some of them blundered and lost their way in the excitement of battle or came out of the carnage with muddy shoes and bloody uniforms.

"The Democratic Party was wounded in the Great War. It was wounded in many ways, but it came nobly through every trial and brought to the American people the most glorious victory ever recorded in all the annals of time. It made America the leader of the world.

"No party in history ever deserved better of the people than the Democratic Party now deserves of the people of the United States.

THE PEACE TREATY.

"Our President, whose leadership and whose sympathies were behind the record of the last six years, went to Paris and brought back a glorious peace treaty, establishing peace among all the nations of the world, by which all the nations of the world pledged themselves to respect and preserve the territorial integrity and political independence of other nations; to settle all international disputes by conciliation, arbitration, and peaceful adjustment; to end competitive armament; to coerce any outlaw nation again attempting to deluge the world in blood by a world-wide economic boycott and by such pressure as should be necessary to restore order.

"After many months of study and acrimonious debate the treaty of peace at last has four-fifths of the Senate in favor of it without amendment or with reservations that, after all, do not seriously change its meaning.

"The covenant of the League of Nations ushers in a new democratic era in which all the great nations have agreed that all just government is based on the consent of the governed.

"The monarchies and autocracies are crushed. The democracies of earth are completely and overwhelmingly triumphant throughout the whole world.

"But to accomplish this magnificent result our people lost a hundred thousand of our best young men, twenty-six billions of money, and dislocated all of our internal affairs.

"Shall we now lose the reward of these sacrifices—the greatest opportunity of service in our history—by refusing to ratify the treaty and thus fail to assume the moral leadership of mankind which is tendered our Republic by the unanimous sentiment of all the free nations? Shall Senators take a small revenge on the President for his alleged neglect of the Senate, reject the treaty, wound all the friendly nations of earth, who fought to the death in the cause of liberty side by side with us, and lose our preeminent position with them purchased at such a sacrifice? Shall the beloved youth of the world, our own best beloved, have died in vain?

"If the treaty be not perfect its errors can be corrected without tearing down the entire structure. Justice and reason will prevail in the assembly of the world's best representatives. The treaty should be ratified without delay, with such reasonable reservations as shall put the American people whole-heartedly behind it.

THE FUTURE.

"And now, Mr. Chairman, we are face to face with the immediate future. It is not enough to say what we have done; it is of the greatest importance to say what we shall do. The spirit and purpose, the vision and constructive genius which the Democratic Party has exhibited in the last six years, justifies the faith that this great party can be better relied on than any other party to solve the reconstruction problems following the war.

THE HIGH COST OF LIVING.

"The greatest problem confronting the country is the high cost of living, which deeply concerns those of fixed salaries, fixed wages, fixed small incomes.

"Many causes have combined to bring about the high cost of living and cut down the purchasing power of the dollar. The principal causes are:

"1. Credit expansion in the form of United States bonds and certificates of indebtedness, short-time Treasury notes, exceeding $26,000,000,000.

"Expansion in bank deposits, amounting to nearly $20,000,000,000 from 1913 to 1920.

"Expansion of Federal reserve notes, made necessary to meet rising prices and the consequent increased demand for actual currency.

"Expansion of gold sent to America to balance our excess commodity shipments abroad, amounting to eleven hundred million dollars.

"These expansions of credits make dollars much easier to get and make the exchange or purchasing value of the dollars less because dollars are easier to get.

"Similar foreign credit expansion in foreign bonds, bank deposits, and currency has in like manner reacted on prices abroad and raised the prices of foreign commodities imported into the United States.

"2. Diminished production. European labor for five years, and American labor for two years, has been largely withdrawn from the production of goods and raw materials required for normal peace times. In the United States we withdrew from the factories, fields, mines, forests, and fisheries over 4,000,000 men and put them under arms and in training for war, and we withdrew probably 10,000,000 laboring people from the activities of peace to the activities of war, causing a diminished production of goods.

"3. Increased consumption. The increased consumption by war in the destruction of property on land and sea, by the waste and extravagance of war, emphasized diminished production.

"4. High cost of labor: Because of the urgency of war and strenuous competition, extraordinarily high prices were paid for labor in our factories, in munition plants, in shipbuilding yards, and other Government and private works engaged in war purposes. The withdrawal of millions of men for war added to the scarcity of labor and doubled the prices paid.

"The extraordinarily high pay led many men to work half time—lowering production. They satisfied their wants with half-time labor.

"5. The extraordinary European demand for the necessaries of life added greatly to the demand for American goods and raised prices in America on all the necessaries of life.

"6. Impairment of transportation: Transportation on land and sea was subjected to ruinous losses. Millions of tons of ships were sunk. There was no time to repair or rebuild cars or locomotives, or to keep the railways in good condition, and now transportation is lacking efficiency even where production is available, thus adding to the cost of living.

"7. The excess-profits tax and certain war taxes have been shifted to the price of commodities, and thereby upon the consumer, raising the cost of living.

"High taxes of all kinds are in some degree put on the cost of goods wherever possible.

"8. Interstate monopolies, restricting production, restraining trade, hoarding necessaries of life and raw materials, and exacting unfair profits and high prices has added immensely to the high cost of living.

"9. Profiteering: Many people are taking advantage of unsettled prices and conditions and the absence of a suitable mechanism to control it, to profiteer on those who are compelled to buy.

"10. The unequal distribution of wealth, exaggerated by war, has led to extravagance and waste by thousands who have profited and set a false standard of prices in many lines by the reckless expenditure of those who need not measure the cost, compelling people who can not afford it to pay fictitious and false prices.

"11. Wholesale speculation in stocks, commodities, real estate, and business has led to excessive interest rates—going up on the stock exchange to 20 and 30 per cent; a 6 and 7 per cent rate by the Federal reserve banks, and 7, 8, and 9 per cent for commercial loans. This is one of the most serious factors in the high cost of living, because as goods pass through various hands each adds a merchant's profit to the original high cost. It has also resulted in depreciating United States Liberty bonds, because they bear a reasonable and moderate rate of interest, and seem a poor investment beside current rates much higher.

"Speculation in stocks alone was employing on the New York Stock Exchange within the last few months $1,900,000,000 loaned by banks on call or short terms for speculation. Such credits should be preferably used by the commercial banks for industry and commerce at legal rates.

"Some of the causes of the high cost of living can be almost immediately corrected, and steps should be taken of a concrete character by which to reduce the cost of living. Among the remedies which are obvious is *to stop the expansion of credit for unproductive purposes*, such as pure speculation in stocks, commodities, and real estate.

"The productive power of the people of the United States amounts to approximately seventy billions per annum, and will supply all the credits required for the most vigorous development.

"2. To *stabilize the Federal reserve note issue* and keep the currency at a relatively stable figure.

"The per capita circulation in the United States in 1890 was $22.82; in 1900, $26.93; in 1910, $34.33; in 1914, $34.35; in 1919, $54. The expansion in 1919 included $11 gold per capita sent from abroad in exchange for goods.

"3. *The taxes should be reduced* and *the cost of the war should be extended over 50 years*, so that the cost of the war will be distributed over the future and not fall too heavily upon the present generation or compel high taxes in paying the principal at this time.

"5. *The Federal Reserve Board* should *lower the normal rate of interest* for discounting for member banks to not exceeding 3 or 4 per cent as a normal rate, increasing the rate if banks seek discounts in excess of a fair proportion of the reserves to which such bank is entitled.

"6. The United States Government should be conducted on a strict budget system, limiting expenditures to a moderate income by reasonable taxation. Extravagance and waste in government should be prevented and treated as a serious wrong. Very great economies are possible in governmental administration and should be vigorously worked out under the most improved modern methods.

"7. The people of the United States should demand *reasonable interest charges*, and usury should be checked. The artificial usurious rates charged on call loans in the Stock Exchange in New York should be forbidden by law, and restrained by the powers of the Comptroller of the Currency and the Federal Reserve Board and by act of Congress if necessary.

"*Call* loans on stock exchange collaterals should be converted into *time* loans for the benefit of the stock exchange as a true market place and as a sound public policy. Time loans can not command very high usurious rates.

"It will be impossible for the railroads of the country to get money on their bonds at decent rates unless the normal interest rates are brought down. Unless the railroads can be financed on a fair interest rate for their bonds the public will pay the bill in higher freight rates and passenger fares. If the interest rates are brought down to a reasonable basis, the United States Government bonds will come back to par.

"The *excess-profits tax should be repealed*, and the Government should go out of partnership with those who are charging the American people excess profits. The *Federal Trade Commission should have its powers expanded* as an agency by which to reduce the high cost of living by restraining unfair practices in interstate commerce.

"During the war it was exceedingly difficult to entirely prevent waste and extravagance, but now the Government should enter upon a policy of rigid economy in the management of its affairs. Economy is as essential in Government as it is in private affairs, and if we are to lower taxes it is essential that every expense should be avoided consistent with the efficient conduct of government.

MONOPOLIES.

"The practices of interstate monopolies in limiting production in order to limit supply and charge extortionate prices should be stopped by the Government as an unfair practice. Unfair price fixing and hoarding for speculation should be forbidden. It will be far better for monopolies to turn out five times as much at 20 per cent profit than charge 100 per cent profit on one-fifth of the output. Even those who profit by monopoly should remember that they themselves are the victims of other monopolies, and that their profits would be more valuable if their dollars had a larger purchasing power.

The Sherman antitrust law has failed, because the Supreme Court declared that 'reasonable restraint of trade is not obnoxious to the statute,' and no man knows what a 'reasonable restraint of trade' signifies.

"The Federal Trade Commission should have power to limit interstate monopolies to a reasonable percentage of profit on their turnover, so that the public interest is preserved while not denying an abundant reward to those who transact the business of the country. This has been fairly well accomplished by the Cartel system.

PROFITEERING.

"Profiteering should be dealt with in the same manner by National, State, and local authorities, and public opinion should be aroused so as to make those guilty of profiteering feel the disapproval of the public, and so that suitable remedies may be provided to abate this evil without denying the just rewards for initiative and industry in commerce.

PRODUCTION—LABOR AND CAPITAL.

"It is of extreme importance that production should be stimulated, and this involves many factors. It involves reasonable, stable, low interest rates. It involves equally the rights of labor, of management, of capital, and of the public. Labor is both manual and mental and is entitled to the fullest consideration. The efficiency of labor for several reasons has been seriously impaired. Labor is estimated in many lines to be from 30 to 40 per cent below its productive capacity prior to the war, notwithstanding the high prices paid for labor due to the unrest of labor and the dislocation of labor under war conditions; to the extraordinary prices paid during war times; to extraordinary profits during war by the employers of labor; due to trained men being taken away from the stations in which they were expert to other more profitable lines in making war material. Readjustment is needed. This can be promoted by encouraging frank and free discussion and arranging peaceful methods by which labor will participate in what it produces above a bare living wage. The employee should not be regarded merely as a money-making machine, but altogether as a human being, entitled of right under the Constitution to life, liberty, happiness, and a reasonable participation in the profits arising from labor. This policy is advisable both for the sake of the employer and the employee. When the workman knows that he is working both for himself and his employer he will not indulge in or permit the killing of time, the waste of material, of energy. Labor management and capital should work together on the principle of service to all mankind along lines of cooperation in a spirit of fellowship, sympathy, and mutual support. It will not do in a democracy to rely solely on the physical powers of the Government and brute force to control human unrest. That remedy is a two-edged sword, dangerous alike to capital and to labor, and to the stability and peace of the Government itself. The doctrine of mere arbitrary force should not be seriously entertained by thinking men who love liberty after the lessons of this war.

"Neither labor nor capital can be expected to render willing service unless it receives a just and satisfactory compensation.

"To prevent strikes and lockouts, the causes should be found and removed.

"Increased productivity should be for the service of all, and not exclusively or unduly for profit.

DISTRIBUTION.

"Much can be done in promoting improved methods of distribution through improved organization, through terminal warehouses and distributing centers and a central board of information through which sound advice can be given to those engaged in the process of distribution.

"The improved use of warehouse receipts as a basis of credit through the expansion of the acceptance system in furnishing credit for goods in process of actual distribution.

GOOD ROADS.

"The building of hard-surfaced roads and the use of motor trucks and automobiles is a very important part of cheapening the process of distribution and lowering the cost of living. The United States should vigorously promote this development in conjunction with the States.

LAW AND ORDER.

"The powers of the Government should not be subjected to the dictation of organized minorities, whether representing capital or representing labor or any special group, but the right of men to organize and petition the Government should not be denied. The right of men to organize for collective bargaining is a just and reasonable right which should not be interfered with, but conflicts arising between organizations of men representing capital and representing labor should be adjusted by means provided for conciliation, mutual accommodation, and by public opinion. In such controversies the public is entitled to a substantial representation, so that the interests of the public shall not be disregarded by those who are merely seeking their own interests. A just settlement of such disputes can be arrived at and is one of the great problems remaining to be solved in a manner just to the public and to those who serve the public alike.

SEDITION LAWS.

"The existing statutes are sufficient to punish those guilty of overt acts against the dignity of the national statutes, and there is no need for the passage of extreme laws based on excite-

ment and fear of bolshevism in the United States. The punishment of the advocacy and organization of actual conspiracy to change the forms of our Government by assassination should be vigorously inflicted, and additional law should be provided to cover such conspiracies, if it actually prove to be necessary. The people of the United States are overwhelmingly honest, loyal, patriotic, and can be relied upon at all times to protect the country against sedition and treason.

"We saw during the war the best evidence of this. The only danger was that the people themselves might go too far and act on suspicion in dealing with the ignorant and thoughtless who exercised the American privilege of occasionally indulging in foolish speech.

"It has taken a long time to build up our great Government, based on its ideals of liberty, justice, and humanity, and the people of the United States will not permit any man or set of men by violence and force to tear down constitutional Government in America. Law and order must be and will be rigidly enforced. It can be and should be enforced without extreme sedition laws which might destroy liberty and break down freedom of speech and freedom of the press. Ignorance should be controlled by education where possible, and force should only be used where milder remedies fail.

"Our Constitution provides a peaceful, reasonable way for its amendment, and those who by organized societies are secretly engaged in advocating the overthrow of our Government and social institutions by fire and sword should be treated as guilty of criminal conspiracy and sedition.

"It is my opinion that political prisoners guilty of no overt criminal act should be released immediately and all others brought to summary trial and not subjected to indeterminate imprisonment awaiting trial.

CONSERVATION.

"The great policy of the conservation of our natural resources is another means by which the high cost of living can be abated by increasing production through the use of these great natural resources. It should be vigorously maintained and extended to bring into use these values.

UNITED STATES BONDS.

"The United States bonds which were sold to the people under the Liberty loan and Victory loan campaigns ought to be brought back to par, and this can be done by insisting upon lower rates of legal interest through the Federal reserve banks and through the member banks and forbidding the high usurious rates on the stock exchanges—which run up to 30 per cent on call loans—which have the effect of raising the commercial rates throughout the United States. Even the reserve banks under this influence raised rates to 6 and 7 per cent. It logically follows that United States bonds bearing moderate rates are discredited and brought below par, when contrasted with very high commercial rates, and when banks and citizens borrowing on 4½ per cent Government bonds are charged 6 per cent for credits. If Government bonds plus the credit of a citizen or bank are not entitled to credit at the rate of interest the Government bond bears, it need not surprise the country if the bonds sell for a 10 per cent discount.

"For 50 years before the war the normal rate of interest in France and Belgium was 3 per cent. In Great Britain the acceptance rate during the war was only 3½ per cent. United States bonds bearing 2 per cent, with the circulation privilege, have been selling at par for years.

POPULAR GOVERNMENT.

"The policy of the Democratic Party in promoting popular government should be steadily adhered to in order that the sovereignty vested in the people of the United States may have a concrete mechanism through which it may exercise the governing power. The popular-government process is of the greatest importance to accomplish this and to enable the people to so control the Government that it may function in their interest and be comparatively free from the organized selfishness that is continually exerting itself to lay its hands upon the governing powers of the people in a thousand crafty ways.

"Even now a majority of the people's representatives in the United States Senate can not control the Senate because of its minority serving rules that permits a minority to control its acts. Unqualified cloture or 'the right to move the previous question' is a reform absolutely necessary to deprive the special interests of undue power in the people's Senate. It ought to be demanded by the people.

"You have seen in Oklahoma the value of *the initiative and referendum*, which has now been adopted by more than 20 States, including such Commonwealths as Massachusetts, Ohio, California, Mississippi, and Missouri. This law puts the powers of government into the hands of the people and enables them to initiate any law they do want and veto any law they do not want.

"The *primary law*, the *short ballot*, the *preferential ballot*, the *corrupt practices prevention acts* are essential in preventing organized minorities and plutocratic influences, through machine-rule methods, getting control of the governing power.

"The *publicity pamphlet* issued by the Government to each citizen giving the argument for and against candidates and public measures is necessary for the information of the citizen that he may vote intelligently and escape the undue influence of the press columns too largely controlled by selfish interests.

"When these processes of popular government shall have been perfected and the people are in complete control of their own Government, the powers of monopoly and of profiteering can be effectively controlled and the high cost of living reduced. When this is accomplished we shall have had an answer to Lincoln's great prayer that 'A Government of the people, for the people, and by the people should not perish from the earth.'

"To accomplish these great ends the liberal elements of America should unite.

"It will surely be conceded by thoughtful and just men that the Democratic Party is very substantially controlled by the progressive and liberal elements of the country, and that the Republican Party can not hope to make itself the liberal party of America. We, therefore, have a just right to appeal to Progressive Republicans and liberal men of other parties to cooperate with the Democratic Party. We have a right to invite them to join us on terms of equality in order that the progressive elements of the Nation through the Democratic Party may control the laws of the country along progressive and liberal lines. If this cooperation can be accomplished, the liberal elements of America will be able to control the Government in the election of 1920, and the prosperity which has been brought about under the liberal and progressive statutes of the last six years will be continued and improved upon.

"Those who love democratic and progressive ideals, who love the common good, who love liberty, justice, and humanity, should do so 'in spirit and in truth,' and not be diverted by partisan pride, far less by sordid or selfish motives, from faithful service to the great cause.

"Hundreds of thousands of progressive men affiliated with the Republican Party in former elections believe in our ideals, and reluctantly follow the reactionary leaders who are continually protecting or favoring monopoly. These progressive citizens belong with us. They can be made to know that their ideals can best be obtained through the Democratic Party.

"The just solution of our vital domestic problems require progressive citizens to unite. I appeal to you to lay aside all partisan bitterness and invite to your support forward-looking citizens of other parties. Let us work harmoniously together in promoting social and industrial justice and human happiness."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3202) granting leave of absence to officers of the Coast Guard, and for other purposes.

CANADIAN WOOD PULP.

The PRESIDENT pro tempore (at 12 o'clock and 15 minutes p. m.). The morning business is closed.

Mr. UNDERWOOD. I desire to ask for the consideration of Senate joint resolution 152, in reference to wood pulp, which we had before the Senate on Wednesday.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 152) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick relative to the claims of the American interests now holding leases of Crown lands acquired prior to the passage of restrictive orders in council of the said Provinces.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Dillingham	Hitchcock	Lenroot
Beckham	Elkins	Johnson, S. Dak.	Lodge
Brandegee	Fernald	Jones, N. Mex.	McKellar
Calder	Gay	Jones, Wash.	McLean
Capper	Glass	Kellogg	McNary
Chamberlain	Gronna	Kendrick	Moses
Colt	Hale	Kenyon	Myers
Culberson	Harding	Keyes	Nelson
Cummins	Harris	King	New
Curtis	Harrison	Kirby	Norris
Dial	Henderson	Knox	Nugent

Overman	Ransdell	Smoot	Underwood
Page	Sheppard	Spencer	Wadsworth
Phipps	Sherman	Sterling	Warren
Pittman	Simmons	Sutherland	Watson
Poindexter	Smith, Ga.	Thomas	Williams
Pomerene	Smith, Md.	Trammell	Wolcott

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH of South Carolina] is detained from the Senate by illness.

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY] and the Senator from Missouri [Mr. REED] are detained from the Senate by illness.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is detained by the illness of a member of his family.

The Senator from California [Mr. PHELAN] and the Senator from Florida [Mr. FLETCHER] are absent on official business.

The Senator from Arizona [Mr. ASHURST] is detained at home by illness.

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. There is a quorum present.

Mr. UNDERWOOD. I do not know what the RECORD shows, but I reported the joint resolution from the Committee on Rules with an amendment in the nature of a substitute. I desire to have the amendment adopted. If it has not been read, I ask that it be read.

The PRESIDENT pro tempore. The proposed substitute has been read and it appears in the RECORD. The question is upon agreeing to the substitute reported by the committee.

Mr. KING. I should like to ask the Senator from Alabama a question.

Mr. UNDERWOOD. I yield.

Mr. KING. Does the Senator think that the object which he seeks to accomplish by the joint resolution may not be brought about through the interposition of the State Department? It occurred to me that the State Department could take up this matter with the other countries.

Mr. UNDERWOOD. I will say to the Senator from Utah that the very purpose of the joint resolution is to avoid that complication. My understanding is that this question has been attempted to be worked out in that way, but when the State Department takes up the matter it must of necessity take it up at the Court of St. James and then indirectly with the Dominion of Canada. Of course, the home British Government is not likely to insist on a question of this kind, and the treatment of it can not be as direct through the State Department as it could by this method. It is purely an industrial matter, and the purpose of the joint resolution is really to avoid the diplomatic channel. The people who are interested are hopeful that by way of a direct contact some result may be accomplished.

Mr. KING. If the Senator will still pardon me, I would not interpose any objection to the speedy determination of this matter. I made the suggestion because I thought perhaps, through the State Department, the matter would be much more quickly accomplished than by the appointment of a commission. I understand, furthermore, if the Senator will pardon me, that in matters relating to Canada and other possessions of Great Britain arrangements have been made by which we could deal directly with their representatives rather than through the home Government.

Mr. UNDERWOOD. To some extent that is true, but in the ultimate analysis it must go through the other channel.

Mr. McKELLAR. Will the Senator yield to me?

Mr. UNDERWOOD. Certainly.

Mr. McKELLAR. On page 6, line 10, where the word "newsprint" occurs, does the Senator think that is broad enough to cover other print paper?

Mr. UNDERWOOD. I think it does.

Mr. McKELLAR. On page 5 the second whereas reads:

> The whole content of newsprint and other printing paper is composed of mechanical and chemical products of pulp wood.

Ought not the same expression to be used in the joint resolution that is used in the whereas on page 5?

Mr. UNDERWOOD. I think the joint resolution as it stands is broad enough. It was drawn with the idea of making it broader, and I think it is broad enough; but if the Senator does not agree with me, I have no desire not to broaden it, and I am willing to accept an amendment.

Mr. SMOOT. I will say to the Senator that it is broad enough to cover all paper made in Canada.

Mr. McKELLAR. There has been some question raised about that, and I should like to offer an amendment, if it is not seriously objected to.

Mr. SMOOT. The only other kind of paper would be parchment paper and paper which is made from rags, and such paper is not made in Canada. Indeed, there is very little of it made anywhere in the world to-day, and it cuts no figure in the paper market at all. Of course, if the Senator wants to use those words, well and good; but the resolution itself covers all the paper that is made in Canada.

Mr. UNDERWOOD. I am satisfied in my own mind that it does; but I do not care to raise any question about a matter of that kind, for I have no objection to the viewpoint the Senator from Tennessee is taking.

Mr. McKELLAR. Then I move to amend the substitute by inserting after the word "newsprint," on page 6, line 10, the words, "and other printing paper composed of mechanical and chemical products of pulp and pulp wood."

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Tennessee [Mr. McKELLAR] to the substitute reported by the committee.

The ASSISTANT SECRETARY. In the proposed substitute of the committee, on page 6, line 10, after the word "newsprint," it is proposed to insert "and other printing paper composed of mechanical and chemical products of pulp and pulp wood."

Mr. SMOOT. Mr. President, let me suggest to the Senator from Tennessee, if he desires those words to go in, to strike out the word "printing." I understand he desires to include all classes of paper.

Mr. McKELLAR. I desire to include all classes of printing paper.

Mr. SMOOT. But does not the Senator want to include all classes of paper in the manufacture of which wood pulp is used?

Mr. McKELLAR. No.

Mr. SMOOT. I have no objection to the amendment.

Mr. McKELLAR. Then, if the Senator has no objection to the amendment, let it be adopted.

Mr. SMOOT. I have no objection to the amendment, but it is a limitation; that is all.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. SMOOT. I wish to suggest an amendment in section 2, on page 7, line 2, after the word "action," to insert the words "in its opinion," so that it will read:

> SEC. 2. That in the event the cancellation of said restrictive orders in council can not be agreed to by mutual arrangement of the Governments of the United States of America and the Dominion of Canada, that said commission shall invstigate, consider, and report to the Congress what action, in its opinion, should be taken by the Congress.

Mr. UNDERWOOD. I think that amendment is proper, and I accept it.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. SMOOT. There is only one other question which I desire to ask the Senator from Alabama. Does the Senator really think that it will take $50,000 to do this work?

Mr. UNDERWOOD. I do not think it will take $50,000, or any large part of it, if the commission is able to work out a conclusion with the Dominion of Canada; but if they fail in reaching such a conclusion and it shall become necessary for them to make a report as to their conclusion, it will probably take all of the $50,000. It is a matter of such grave importance to the country I think it is the part of wisdom to give them sufficient funds at this time with which to operate.

Mr. SMOOT. I want them to have sufficient funds, I will say to the Senator; but the Senator is fully aware that whenever an appropriation is made for a commission they base their estimates for clerks and expenses of all kinds upon the appropriation which is made, with the idea of expending it during the time within which they may decide they can make their report.

Mr. UNDERWOOD. I think, unfortunately, that is very often true; but the Senator can see that it will take no large portion of this appropriation if we can work the matter out through a conference with the Dominion Government. If, however, it shall become necessary for the commission to report back to Congress, I think it will require the sum named in the resolution.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

Mr. GRONNA. Mr. President, I should like to have the substitute as amended read. I have not been able to be present in the Chamber, and I should like to know what the joint resolution as it now stands contains.

The PRESIDENT pro tempore. The proposed substitute as amended will be read.

The Assistant Secretary read as follows:

> *Resolved, etc.*, That the President of the United States be, and he is hereby, requested to appoint a commission of five persons and, by appropriate authority, to confer on this commission the power, on behalf of the administration and the Congress, to negotiate with said Dominion Government, or with said Provincial Governments, in respect to the cancellation of said restrictive orders in council, and as well any other restrictions on the exportation of pulp wood and newsprint and other

printing paper composed of mechanical and chemical products of pulp and pulp wood from the Dominion of Canada to the United States.

SEC. 2. That in the event the cancellation of said restrictive orders in council can not be agreed to by mutual arrangement of the Governments of the United States of America and the Dominion of Canada, that said commission shall investigate, consider, and report to the Congress what action, in its opinion, should be taken by the Congress that will aid in securing the cancellation of said restrictive orders in council, or their modification so that they may not continue to militate against the interests of the people of the United States.

SEC. 3. That for the necessary expenses of said commission the sum of $50,000 be, and it is hereby, appropriated from the moneys in the Treasury of the United States not otherwise appropriated.

Mr. KIRBY. Mr. President, I had hoped the Senator from Alabama [Mr. UNDERWOOD] would, to some extent, explain the necessity for this new commission. It does not seem to me to be necessary to appoint a commission to negotiate with another government. Recently the chief newspaper in Arkansas wired me that because of an embargo in Canada on newsprint paper 60 per cent of their supply of paper would be cut off, which would put that paper out of business. I immediately took the matter up with the State Department that afternoon and by next day the embargo had been raised. If the State Department was effective in that instance, why could it not be effective in all these matters? If we are going to deal with the Canadian Government, why could not our department of the Government which is organized for that purpose do the dealing? It did it, and did it most effectively, the other day in the particular instance which I have cited, and it did it within 24 hours. I do not see the necessity for a $50,000 commission, under the circumstances, and I wish the matter might be explained.

Mr. HITCHCOCK. Mr. President, my attention was temporarily diverted while the Senator from Arkansas was making his statement, and I desire to ask him what was the instance to which he referred?

Mr. KIRBY. A leading newspaper in my State had a contract for newsprint paper which had to come from Canada through Fort Frances, and the Canadians had notified that newspaper that because of an embargo 60 per cent of their print paper could not be delivered under the contract. The newspaper called my attention to the fact; I took the matter up with the State Department in the afternoon; within less than 24 hours the embargo had been removed; and the paper was continued to be delivered under the contract as previously. If the State Department could be so effective in reference to that one particular matter, and could secure the raising of the embargo on print paper at that place, why could it not do so at all other places? Why could not our State Department, which is organized for that purpose, deal with the Canadian Government in reference to the subject.

Mr. HITCHCOCK. I think there is some misapprehension regarding that feature of the situation. In the matter of temporary orders issued by one of the officials of the Canadian Government, my understanding is the State Department has secured an abatement by appealing to the British Embassy in this city, which, through their Canadian connections, have brought about a change, there being some question as to the validity of such orders in the first place. As I understand, however, the joint resolution offered by the Senator from Alabama involves a radical change of the policy which the Canadian Government has adopted; and for us to approach the Canadian Government through the British Government is rather a roundabout way, particularly as at this time Canada is desirous of taking to a larger extent the control of her foreign relations and foreign affairs, and is even contemplating, as I understand, at the present time establishing in the United States her own diplomatic representative. I believe, inasmuch as this is a matter of policy which is fixed now in Canada and which involves possibly some legislative changes, it would be wiser to take it up directly with the Canadian Government. I believe that will be the shortest way to do it and the one most likely to result favorably.

Mr. KIRBY. The matter to which I referred was taken up directly with the provincial government through our consul general there, and the result was as I have stated. I have no objection to the joint resolution, if there is any good reason for it, but it looks to me like a proposal to provide for the appointment of a commission for which there is no great necessity.

Mr. GRONNA. Mr. President, may I ask the Senator from Alabama if he thinks it is necessary to appropriate $50,000 for this purpose? I presume he does, or he would not ask for it.

Mr. UNDERWOOD. I stated to the Senator from Utah [Mr. SMOOT] a few moments ago that if this matter can be worked out through the commission treating with the Dominion Government of Canada, I do not think that $50,000, or any considerable part of that sum, will be necessary to be used; but there are two clauses in the resolution. It is provided that the commission shall endeavor to work out the problem with the Dominion Government, but if they can not do so that they shall report to Congress their conclusions as to what should be done to relieve the situation. That will require somewhat of an investigation and somewhat of an extended report, and if it is necessary for them to spend money for that purpose I think it will require at least the $50,000 provided for in the joint resolution.

Mr. GRONNA. Mr. President, of course I shall not take up any time of the Senate to oppose the joint resolution. I think it is wholly unnecessary. I believe, as has been stated by the Senator from Arkansas [Mr. KIRBY], that this whole matter could be straightened out if it were taken up through the Department of State.

Mr. UNDERWOOD. I will say to the Senator that this is not a new matter with me. The first time that I myself came in contact with it was in 1913, when the present tariff law was written. We attempted at that time to pass legislation that would relieve this situation. Some years prior to that time Representative MANN of Illinois, of the House of Representatives, was the chairman of a committee that worked on this question for months, and tried to solve it. The situation was somewhat relieved by the present tariff law, which put newsprint paper below 5 cents a pound on the free list; but it has become very acute since that time.

It has been attempted to work this matter out through diplomatic channels and in the ordinary course. It is hardly worth while to call attention to the fact that, with the great influence the newspapers of the United States have in relation to the Government, they have not neglected any reasonable opportunity to solve this problem along existing lines. The question has become so acute with many of the newspapers of the country that it is really difficult for them to obtain paper with which to publish their editions, and unless there is some relief afforded it will be a serious calamity to the newspaper companies of the United States. It is not a question that has been pending for days or weeks but it has been pending for years, and the newspapers of the United States would not request this relief unless the matters had reached such a point that something along this line should be done.

As I have already stated—the Senator from North Dakota may not have been in his seat at the time—when we appeal through diplomatic sources we have got to go through the channel of the British Government and the British Embassy. As this is a business question, those who are interested in it are of the opinion that direct contact with the Canadian Government will be more successful than efforts directed through the ordinary diplomatic channels. I will say to the Senator, from the information I gather, that the newspapers of the United States are almost, if not entirely, unanimous in their desire for the passage of this joint resolution, and for some relief to be granted along these lines.

Mr. GRONNA. Of course, I believe what the Senator has stated to be true; but I want to call his attention to one instance which I have in mind. We have very few large newspapers in the State which I have the honor in part to represent, but I received a protest from the managers of a number of papers there in regard to the print-paper situation. They appointed a man and sent him to International Falls, which seems to be the place where they secured their paper. I took the matter up with the Department of State here—all I did was to write a letter and give the information—and in the course of a very few days the whole matter was settled satisfactorily to those interested in North Dakota, and I have had a number of letters from them stating that they are now securing all the paper they need.

Mr. UNDERWOOD. I will say to the Senator that I think there is a misapprehension about that matter. I know that there was an embargo placed on the shipment of certain paper into this country, but I understand that it grew out of the claim of the Canadian Government that some particular newspaper in this country had been violating the regulations. It was for that reason that the embargo, so called, was placed; but really when you come down to the last analysis there has not been any embargo placed at all. There was about to be an embargo, but, after an explanation, the situation was relieved. That situation, however, was not one to which the main body of the joint resolution was directed, but was in relation to some particular newsprint paper manufactured in the Dominion of Canada.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. UNDERWOOD. Certainly.

Mr. NELSON. The situation to which the Senator from North Dakota refers, and which was acute, was in connection with what transpired at Fort Frances and International Falls in respect to a company there that was manufacturing paper. They utilize water power extending across the international

stream and operate on both sides of the stream; and the grievance of the Canadians was that they shipped all of the paper to this side of the line and refused to supply the Canadian papers at Winnipeg. That was the whole matter in controversy there, and the situation was instantly cured, as the Senator from North Dakota has stated; but that is not involved in this question at all.

Mr. UNDERWOOD. No; I think not.

Mr. NELSON. It is not involved in this joint resolution. That situation simply grew out of the fact that the company, in disregard of the Canadian papers, sent all their print paper to this side of the line and left Winnipeg papers without any supply for the time being. I think the Senator from Nebraska [Mr. HITCHCOCK] knows that is the situation.

Mr. HITCHCOCK. I think the Senator from Minnesota is entirely correct so far as he goes, but I believe the grievance was even a little deeper than would be inferred from his remarks. The regulations in Canada, as I recall, require the mills of Canada to reserve 15 per cent of their product for home consumption; they are not permitted to export to the United States more than 85 per cent of their product, although the prices are higher in the United States. The mill to which the Senator refers, part of which, I believe, is in his State, although I am not sure about that, violated, as was claimed, contracts which it had with Canadian papers.

Mr. NELSON. Yes, sir.

Mr. HITCHCOCK. Being tempted by the higher prices in the United States, and, as a matter of penalty, was estopped from shipping paper to the United States until the inequality had been removed. I am inclined to think that, as some papers were in distress, the man who was temporary regulator of the matter in Canada went so far as to order other paper mills to come to the relief of the Winnipeg publishers, and that resulted in those mills being unable to comply with their contracts in the United States. But the short and long of it was that it was a temporary matter, merely intended to bring relief to the Canadian papers, and did not involve any matter of permanent policy of Canada, as involved in the pulp-wood proposition which the Senator from Alabama desires to cure by negotiation.

Mr. NELSON. The Senator from Nebraska has stated the matter more fully than I have. It is exactly as the Senator from Nebraska stated.

Mr. GRONNA. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from North Dakota.

Mr. GRONNA. I have no objection to the passage of any joint resolution which will correct mistakes; but I think I realize, and of course every other Senator realizes, that the mere appointment of this commission is not going to relieve the situation. I take it that the Senator from Alabama does not insist that this commission, regardless of who the commission may be, can adjust matters without legislation.

Mr. UNDERWOOD. Yes; I think they can. I do not think that there is any doubt that if this commission can convince the Government of Canada of the necessity for relief in this matter, it will not require further legislation, because all that is required is that an embargo by certain of the Provinces of Canada be raised. Of course, if these Provinces insist on this embargo, and will not raise it, then it may necessitate legislation on the part of this Government that will probably reach the situation, and the joint resolution provides for this commission reporting along what lines the Congress had best act if we can not work it out through agreement with the Canadian Government. As the first step, however, when our case is properly presented to the Government of Canada and the Provinces, we may, and I hope that we will, accomplish the relief desired, because all that is necessary is to raise an embargo that has been placed on the shipment of wood pulp to this country, and that can be accomplished by an order in council. It does not require legislation.

Mr. GRONNA. Mr. President, I want to say to the Senator that pulp wood is not the only question which has affected the American people. The question of grain has been much agitated, and it is a much larger question, of course, than that of pulp wood. If the Senator will permit me further, if the men who have been appointed to deal with this question are performing their duty, they have been able to do so with respect to cereals of all kinds, and, of course, our laws are such that they may, if necessary, resort to retaliatory measures, and that applies to pulp wood as well as it does to cereals.

So far as the grain question is concerned, it has been regulated by one man. There was no necessity for the appointment of a commission and for the further expenditure of $50,000. If the law is such that a commission may adjust the matter by insisting to the authorities of the Canadian Government that they are making a mistake, and that their action is burdensome to the Government of the United States, it seems to me it would be possible for the present officials of our Government to bring about that result.

Mr. UNDERWOOD. I will call the Senator's attention to this fact: Of course I am not as well informed about matters relating to the grains of the Northwest as he is, and do not pretend to be, but the present tariff law, in putting certain grains on the free list, made provision for a reciprocal treaty that is already provided for by law. That is in the law. There is no law at present with reference to this question. A law may be necessary in the end, but until we have a treaty——

Mr. GRONNA. May I ask the Senator if it is not true, then, that if a law is necessary, this commission would not be able to adjust the matter without further legislation?

Mr. UNDERWOOD. Yes; they can adjust it without further legislation if the Canadian Government will yield on this embargo, and that is what the commission are going to ask them to do. If they can persuade the Canadian Government to yield, or can persuade the Province of Quebec to yield on the present embargo, no further action will be necessary; but if that can not be accomplished the commission are asked to report to the Congress what action should be taken in the matter, and then legislation will have to follow.

Mr. GRONNA. Mr. President, my objection to the creation of these commissions is this: We are asked to reduce expenditures, and I believe it is absolutely necessary that we should keep down appropriations to the lowest possible amount. We are asked to cut appropriations for agricultural purposes to the very lowest possible amount; and yet every once in a while we get an idea that some other commission ought to be appointed, and instead of asking for a reasonable amount we ask for a large amount.

I consider that $50,000 is a tremendously large amount. I remember that when a commission was appointed to go to Europe and investigate rural credit conditions we allowed them only $25,000 for the purpose. Here we are providing $50,000 for a commission to go across the line between the United States and Canada. One-half of that, in my judgment, is a large amount, and regardless of whether it is voted down or voted up, I offer an amendment reducing the amount of $50,000 to $25,000.

The PRESIDENT pro tempore. The amendment offered by the Senator from North Dakota will be stated.

The ASSISTANT SECRETARY. On page 7, line 7, it is proposed to strike out "$50,000" and in lieu thereof to insert "$25,000."

Mr. KENYON. Mr. President, I should like to ask the Senator from North Dakota why $25,000 is necessary. Is not that a very large sum for the commission to spend?

Mr. GRONNA. I agree with the Senator that it is a very large amount.

Mr. KENYON. I will ask the Senator from Alabama why such a large appropriation should be made?

Mr. UNDERWOOD. The Senator from Iowa, I am sure, was not in the Chamber a moment ago when I made the statement. I stated then, in answer to a question, that if the commission that is sought to be appointed under this joint resolution can work out the problem with the Dominion Government of Canada, I am satisfied that it will not take the $50,000, or that it will not take a large part of it; but there are two clauses in this joint resolution. The second clause is that if it can not be worked out amicably with the Government of Canada, then this commission shall report to Congress what in their judgment is the best thing to do. I have no doubt that that will require an investigation; it will require clerk hire; it will require a more or less voluminous report, and considerable printing, probably; and I do not think $50,000 is a large sum if that contingency arises.

The Senator must remember that not only is one of the great industries of this country involved, but to a certain extent its very existence is threatened by the fact of the limitation of newsprint paper. The newspapers of this country can not proceed with their business unless they have an adequate and a reasonable supply. The vastness of the industry I can not say offhand, but the Senator knows that aside from the newspaper feature of the matter, this is one of the very large industries of the United States, and here is an order in council of the Dominion Government of Canada that is absolutely preparing to throttle its life, or force the manufacturers of all newsprint paper across the Canadian line; and if they go across the Canadian line our Government will lose control of the industry absolutely. The newspapers of this country will be absolutely in the hands of the manufacturers of newsprint paper in Canada.

With this great question confronting one of the great industries of this country, I can not conceive how the Congress can hesitate to allow a commission to use $50,000 when we consider

the vast expenditures that are made here every day about minor matters. I sincerely hope that the Senate will not agree to the amendment, but will allow the appropriation to stand as it is proposed in the joint resolution.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon agreeing to the amendment, in the nature of a substitute, proposed by the committee, as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States."

The ASSISTANT SECRETARY. The committee also recommends a complete substitute for the preamble of the joint resolution, as follows:

Whereas newsprint and other printing papers are commodities of universal use and are indispensable in the educational process of modern civilization, and the paramount importance of a sufficient production of such newsprint and other paper to supply the needs of the people of the United States is a self-evident proposition; and

Whereas practically the whole content of newsprint and other printing paper is composed of mechanical and chemical products of pulp wood, the supply of which in the eastern part of the United States is being rapidly exhausted by the growing demand and the price of which is being advanced to unprecedented levels; and

Whereas the existing scarcity of pulp wood and its threatened total exhaustion in the United States has become a matter of such grave concern to the paper industry, the users and manufacturers of forest products, the Federal Government, and the general public that the Forest Service, the lumber and pulp and paper associations, and the forestry authorities of the country are now formulating a broad and comprehensive national forest conservation and reforestation plan for early adoption; and

Whereas the lieutenant governors of certain of the Provinces of Canada, in council, did issue orders prohibiting the exportation of pulp wood cut from Crown lands, the chief source of supply of pulp wood, unless manufactured into lumber, pulp, or paper, thereby tending to create a monoply beyond our borders in the manufacture of paper, to the great detriment of the people of the United States:

The amended preamble was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate in open executive session proceed to the consideration of the German treaty.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the treaty of peace with Germany in open executive session.

Mr. NORRIS. Mr. President, in the discussion of the treaty of peace with Germany to-day I shall confine my remarks almost entirely to that part of the treaty referring to Egypt. In order that what I may say may be the better understood, I desire to refer briefly to some Egyptian history.

For a great many years Egypt was a part of the Turkish Empire. Some time about 1840 Egypt waged a war against Turkey for her independence. Her armies were successful. She was on the verge of establishing her independence, and Constantinople would soon have fallen, when Great Britain and France interfered in order to preserve the so-called balance of power. In 1840 or 1841 a treaty was negotiated which, while it gave to Egypt practical independence, nevertheless left a nominal suzerainty by Turkey, by virtue of which Egypt was compelled to pay Turkey about $3,500,000 annually. With this exception and with the other exceptions provided for in the treaty, that the victories which her armies had achieved were not given her by way of territory, Egypt became an independent nation.

Now, Senators, I want you to bear with me while I read some of the pledges made by the British representatives in the name of that Government and extracts from some of the treaties that Great Britain made, in order that I may lay the foundation for my claim that Great Britain has not only violated every pledge made by her and her allies during the war for a new and a free, regenerated world, but she violated the most sacred pledges that can possibly be given by one nation to another in regard to the independence of Egypt.

Before I read those I ought to say that in 1880, or somewhere thereabouts, the English fleet attacked Alexandria and English soldiers were landed on Egyptian soil. The ostensible reason for this course by Great Britain was to protect the Egyptian Government and also to safeguard some financial transactions and debts accruing in the construction of the Suez Canal, but England announced then, and, as I shall show, has announced a great many times since, that the object of this occupation of the Egyptian territory by her forces was only temporary; that she had no ambition upon Egyptian territory; and that she desired at all times to preserve the independence and the integrity of the Egyptian nation.

I desire to read to the Senate some, but not all, of the pledges made by British statesmen in the name of the English Government, and extracts from some of the treaties that England made with other countries, by which she pledged herself to the absolute integrity of the Egyptian nation and that she had no ambitions of her own in any way or at any time to interfere with that independence.

November 4, 1881, Lord Granville, speaking for the British Government, announced the policy of that Government toward Egypt as follows:

The policy of His Majesty's Government toward Egypt has no other aim than the prosperity of the country and its full enjoyment of that liberty which it has obtained under successive firmans of the Sultan. * * * It can not be too clearly understood that England desires no partisan ministry in Egypt. In the opinion of His Majesty's Government a partisan ministry founded on the support of a foreign power or upon the personal influence of a foreign diplomatic agent is neither calculated to be of service to the country it administers nor to that in whose interest it is supposed to be maintained.

Later, on June 25, 1882, England, together with the representatives of five other great European powers, entered into an agreement in regard to Egypt, from which I quote the following:

The Governments represented by the undersigned engage themselves, in any arrangement which may be made in consequence of their concerted action for the regulation of the affairs of Egypt, not to seek any territorial advantage nor any concession of any exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain.

In the very next month after that treaty was made, on July 26, 1882, the British admiral, Sir Beaucamp Seymour, in an official communication to the Khedive of Egypt, used the following language:

I, admiral commanding the British fleet, think it opportune to confirm without delay once more to your highness that the Government of Great Britain has no intention of making the conquest of Egypt, nor of injuring in any way the religion and liberties of the Egyptians. It has for its sole object to protect your highness and the Egyptian people against rebels.

On August 10, 1882, Mr. W. E. Gladstone spoke as follows in the House of Commons:

I can go so far as to answer the honorable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. Undoubtedly of all things in the world that is a thing which we are not going to do. It would be absolutely at variance with all the principles and views of Her Majesty's Government, and the pledges they have given to Europe and with the views, I may say, of Europe itself.

On February 6, 1883, Lord Dufferin used the following language in an official dispatch:

The territory of the Khedive has been recognized as lying outside the sphere of European warfare and international jealousies. * * *

The Valley of the Nile could not be administered from London. An attempt upon our part to engage in such an undertaking would at once render us objects of hatred and suspicion to its inhabitants. Cairo would become a focus of foreign intrigue and conspiracy against us, and we should soon find ourselves forced either to abandon our pretensions under discreditable conditions or embark upon the experiment of a complete acquisition of the country.

On August 9, 1883, Mr. Gladstone, speaking in the House of Commons, again referred to the Egyptian question and used the following language:

The uncertainty there may be in some portion of the public mind has reference to those desires which tend toward the permanent occupation of Egypt and its incorporation in this Empire. This is a consummation to which we are resolutely opposed and which we will have nothing to do with bringing about. We are against this doctrine of annexation, we are against everything that resembles or approaches it, and we are against all language that tends to bring about its expectation. We are against it on the ground of the interests of England; we are against it on the ground of our duty to Egypt; we are against it on the ground of the specific and solemn pledges given to the world in the most solemn manner and under the most critical circumstances, pledges which have earned for us the confidence of Europe at large during the course of difficult and delicate operations, and which, if one pledge can be more solemn and sacred than another, special sacredness in this case binds us to observe. We are also sensible that occupation prolonged beyond a certain point may tend to annexation, and, consequently, it is our object to take the greatest care that the occupation does not gradually take a permanent character.

Lord Derby, in the House of Lords on February 26, 1885, said:

From the first we have steadily kept in view the fact that our occupation was temporary and provisional only. * * * We do not propose to keep Egypt permanently. * * * On that point we are pledged to this country and to Europe, and if a contrary policy is adopted it will not be by us.

On the 10th day of June, 1887, Lord Salisbury, speaking for the British Government in the House of Lords, said:

It was not open to us to assume the protectorate of Egypt, because Her Majesty's Government have again and again pledged themselves that they would not do so.

Again, Lord Salisbury, in the House of Lords on August 12, 1889, said:

When my noble friend * * * asks us to convert ourselves from guardians into proprietors * * * and to declare our stay in Egypt permanent, * * * I must say I think my noble friend pays an insufficient regard to the sanctity of the obligations which the Government of the Queen have undertaken and by which they are bound to abide. In such a matter we have not to consider what is the most convenient or what is the more profitable course; we have to consider the course to which we are bound by our own obligations and by European law.

On the 8th of April, 1904, the British Government entered into another treaty known as the Anglo-French agreement, and in that agreement Great Britain declared as follows:

The Government of His Majesty declares that it has no intention of altering the political status of Egypt.

On the 3d day of March, 1907, in Lord Cromer's report, he referred to this Anglo-French agreement as follows:

There are insuperable objections to the assumption of a British protectorate over Egypt. It would involve a change in the political status of the country. Now, in article 1 of the Anglo-French agreement of the 8th of April, 1904, the British Government have explicitly declared that they have no intention of altering the political status of Egypt.

On October 24, 1908, Sir Eldon Gorst, in a public interview, speaking of a rumor that Great Britain proposed to proclaim a protectorate over Egypt, made the following denial:

The rumor has no foundation, and you may contradict it categorically. Great Britain has engaged herself by official agreements with Turkey and the European powers to respect the suzerainty of the Sultan in Egypt. She will keep her engagements, which, moreover, she reiterated in 1904 at the time of the conclusion of the Anglo-French agreement. England stipulated in that agreement that she has no intention to change the political situation in Egypt. Neither the people nor the Government wish to rid themselves of these engagements.

In August, 1914, Sir Edward Grey, speaking in the House of Commons, said:

England stretches out her hand to any nation whose safety or independence may be threatened or compromised by any aggressor.

Premier Asquith, in a public speech at Guildhall, in November, 1915, after the war had commenced, asserted:

We shall not pause or falter until we have secured for the smaller States their charter of independence and for the world at large its final emancipation from the reign of force.

Premier Asquith again, on November 9, 1916, while the war was in progress, declared:

This is a war, among other things—perhaps I may say primarily—a war for the emancipation of the smaller States. * * * Peace, when it comes, must be such as will build upon a sure and stable foundation the security of the weak, the liberties of Europe, and a free future for the world.

Again, on December 20, 1917, Premier Asquith, speaking in the House of Commons, said:

We ought to make it increasingly clear by every possible means that the only ends we are fighting for are liberty and justice for the whole world, through a confederation of great and small States, all to possess equal rights.

You will notice that some of these protestations in regard to Egypt and the rights of small nations were made during the war; they were made, Mr. President, at a time when Egypt was fighting on the side of the Allies. It must be remembered that many of these pledges were made years before; that they were continually made; that England entered into at least two treaty obligations by which she solemnly and specifically pledged herself as to the integrity of the Egyptian nation. During the war, when the war was on, the protestations of her leaders and her statesmen in the House of Commons and House of Lords, before the world, in public addresses, applied generally to all weak nations.

When war commenced, in August, 1914, in less than 30 days—yes, in less than 20 days—Egypt went into the war on the side of the Allies. She declared war against Germany on the 6th day of August, 1914. She fought that war through from the beginning to the very end. No one has questioned her loyalty; no one has questioned the sacrifice that she has made. She did it in part because she was opposed to the methods of the German Empire, because she wanted freedom from Turkey; and she knew that Turkey was closely allied with Germany, although at the time she went into the war Turkey was still neutral. She did it, in the third place, because she relied upon the pledges, upon the promises made by England not only before the war but later on. After she got into the war she renewed her energies, because she relied on the pledges that were made during the war that it was being fought for the rights of the small nations. She believed when the war was over she would be entitled to her independence from Turkey, never dreaming at that time, at the beginning, at least, that she would have to compete with one of her allies rather than with one of her enemies in order to gain and to establish her independence amongst the other nations of the world. More than a million—about 1,200,000—Egyptians took part in the war on the side of the Allies. Egypt turned her standing army over to the Allies. Not all her men were engaged in the trenches—many of them were laborers—but they were on all of the fronts and in some cases bore the brunt of the major part of the fighting in the trenches.

Later on, in 1914, Turkey entered the war. When Turkey entered the war England declared a protectorate over Egypt, the thing she had always said she would not do and that she had no right to do; but, as I shall show, she did it partially with the consent of the Egyptian Government, the Egyptian Government relying upon the English pledges then that the protectorate was only a war measure; that it was only temporary. Egypt continued in the war, as loyal as ever, clear to its close, fighting upon practically all the battle fronts in behalf of the allied cause.

When Turkey went into the war the most natural thing would be for her to attack Egypt, to attempt to capture the Suez Canal. It will be remembered that the first attempt to capture the Suez Canal was very nearly successful. It was Egyptian soldiers, in the main, who prevented the capture of the Suez Canal. It was at the sacrifice of Egyptian blood and Egyptian lives that Turkey was driven off and defeated. Later on the Egyptians fought on the other eastern fronts. A great many Egyptian soldiers were under Allenby in Palestine, and in Mesopotamia, Bulgaria, and Greece; others, mostly as laborers, were in France and in Belgium. A writer in a London magazine, who was personally present, said that during the fighting on the Gallipoli Peninsula, which proved so disastrous for the Allies, the Egyptian soldiers died like flies. Gen. Allenby has officially stated that he was very materially assisted in his capture of the Turks by the Egyptian Army. Thousands and tens of thousands, and, indeed, hundreds of thousands of Egyptians died on the battle field.

That was not all, Mr. President. On all those eastern fronts Egypt furnished a great portion of the food that kept the armies on the battle front. It is doubtful if the Suez Canal could have been kept from being captured by the Turks had it not been for the Egyptians, and God only knows what kind of a catastrophe might have been the result of that. Egypt furnished food, as I have stated, to all the armies; she furnished wheat; she also furnished cotton, which was so much needed by the Allies.

As I have said, when Turkey went into the war, which was, I believe, in December, 1914, England proclaimed a protectorate over Egypt. She did so under the guise of protecting the Egyptian people from capture by the Turks. She announced to the world that Turkey had attacked Egypt, and to convince the Egyptian people that her protectorate was only a war measure and was intended only for temporary purposes, the King of England at the time of proclaiming the protectorate sent the following message to the new Khedive of Egypt:

On the occasion when Your Highness enters upon your high office I desire to convey to Your Highness the expression of my most sincere friendship and the assurance of my unfailing support in safeguarding the integrity of Egypt and in securing her future well-being and prosperity.

Your Highness has been called upon to undertake the responsibilities of your high office at a grave crisis in the national life of Egypt, and I feel convinced that you will be able, with the cooperation of your ministers and the protection of Great Britain, to successfully overcome all the influences which are seeking to destroy the independence of Egypt and the wealth, liberty, and happiness of the people.

That official message is signed by the King. It seems to me that no man can read it without being impressed with the thought that England at least pretended to Egypt that she was taking this step in the interest of Egypt, for it will be noted that in the letter of the King it is stated:

I feel convinced that you will be able, with the cooperation of your ministers and the protection of Great Britain, to successfully overcome all the influences which are seeking to destroy the independence of Egypt.

There is nothing there to indicate that the independence of Egypt would be destroyed by the same hand that was offering this beautiful bouquet; but if there be any doubt as to the sense in which it was received by the Egyptian officials and the Egyptian people, let me read the response to that beautiful message that was sent to the King by the Khedive of Egypt. To the King of England he replied:

I present to Your Majesty the expression of my deepest gratitude for the feelings of friendship with which you see fit to honor me, and for the assurance of your valuable support in safeguarding the integrity and independence of Egypt. * * *

If England had had any other design except the independence and the protection of Egypt—independence as well as protection; in fact, protection involved independence, because, with the exception of the suzerainty which Turkey held over Egypt, Egypt was then independent—if there could be any other possible construction placed upon the letter from the King of

England to the Khedive of Egypt, then the answer of the Egyptian officials to that King must have shown him, as it showed to the world, that Egypt was relying upon England's word; that she construed it to mean the independence of Egypt. If the British Government had had any other design, if they had any covert purpose that was not shown to the public, and they were honorable and fair, they would at once have replied to this message, "We do not intend to preserve the independence of Egypt; we are going to destroy it ourselves; when we get to the peace table we are going to deny to you that independence for which you think you are now fighting."

Great Britain gave notice to the world of her protectorate over Egypt, and I desire to let the Senate and the country understand what view we took of it at the time officially. She gave notice to the United States, among other nations, of this move on her part to protect Egypt from the assaults of Turkey. The official notice from the British Government to our State Department reads as follows:

BRITISH EMBASSY,
Washington, December 18, 1914.

SIR: I have the honor under instructions from my Government to communicate to you, sir, for your information, the accompanying copy of a telegram stating that His Majesty's Government consider that the suzerainty of Turkey over Egypt is terminated—

That is what Egypt claimed also—

and that they have advised the King to place Egypt under his protection.

I have the honor to be, with the highest consideration, sir,
Your most obedient, humble servant,

CECIL SPRING RICE.

The Hon. W. J. BRYAN,
Secretary of State, etc.

The telegram which this official message says was inclosed with it reads as follows:

You should communicate the following to the Government to which you are accredited—

And I assume that this was sent to all Governments as well as ours—

In view of the state of war initiated by Turkey against Egypt His Majesty's Government consider that the suzerainty of Turkey over Egypt is terminated, and they have advised His Majesty to place Egypt under his protection and to order the adoption of all measures necessary for the safety of the inhabitants, the defense of the country, and the protection of the many and various important interests existing there. Official notifications to this effect have been issued in London and Cairo. The unprovoked nature of the Turkish aggression has prevented any discussion of this matter with the powers beforehand, but His Majesty's Government have no intentions of impairing foreign interests and wish to act in harmony with the powers in making those changes affecting their interests which are rendered unavoidable by the aggression of Turkey.

Meanwhile the Egyptian Government will arrange for the issue of a khedivial decree providing that the consular and other foreign courts shall continue to exercise in Egypt their accustomed jurisdiction to the extent to which the arrangements which will have to be made by the military authorities for the maintenance of public order are not inconsistent therewith. You should add that His Majesty's Government have appointed a high commissioner for Egypt who will also be the minister of foreign affairs in the Egyptian Government, and His Majesty's Government would therefore ask that the Government to which you are accredited will be as good as to instruct their representative in Cairo to address all his official communications in future to the high commissioner as minister for foreign affairs.

After our Government had received this official notice it acted on the suggestion that its representative in Egypt should be notified. This is the notice contained in the letter written by our consul general at Cairo after he had received the official notice:

AMERICAN DIPLOMATIC AGENCY AND CONSULATE GENERAL,
Cairo, Egypt, April 22, 1919.

I have the honor to state that I have been directed by my Government to acquaint you with the fact that the President recognizes the British protectorate over Egypt, which was proclaimed by His Majesty's Government on December 18, 1914.

In according this recognition the President must, of necessity, reserve for further discussion the details thereof, along with the question of the modification of any rights belonging to the United States which may be entailed by this decision.

In this connection I am desired to say that the President and the American people have every sympathy with the legitimate aspirations of the Egyptian people for a further measure of self-government, but that they view with regret any effort to obtain the realization thereof by a resort to violence.

(Signed) HAMPSON GARY.

Mr. President, article 147 of the pending German treaty reads as follows:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

It follows, Mr. President, if we are going to require of our enemy in the treaty a permanent recognition of the protectorate of Great Britain over Egypt that we of necessity recognize it ourselves. It can not for a moment be claimed that we will require that this protectorate shall be recognized by Germany and that we shall not recognize it. It follows that all other nations signing this treaty and approving it without reservation do the same thing that we have required the enemy to do—recognize the British protectorate over Egypt to remain as a permanent proposition. In other words, this treaty wipes the national integrity of the Egyptian people off the face of the earth. Egypt becomes a part of the British Empire.

It is true, I presume, that in carrying out this protectorate Great Britain will select, when she can, minor officials who are Egyptians; but there will be no one, from the top to the bottom, administering affairs in Egypt who does not obey the decrees of the British Government. It is one of the steps, perhaps the last and the final step, by which the British Government takes over Egypt. If there be remaining any Egyptians in official life after the protectorate of England is firmly established, they will be only rubber stamps. They will be only tools to carry out the word and the command of their masters. They will bear the same relation to England that the Secretary of State bears to the President of the United States under the present administration.

I might add that the Austrian treaty, which has not yet been officially submitted, contains this same provision in regard to Egypt.

Under this treaty, as I construe it, if unamended and without any reservation with regard to this article, we pledge our honor and our money to the support of the British protectorate over Egypt. American lives and American blood are mortgaged in order to add Egypt to the British Empire contrary to every pledge, contrary to the most sacred promises that have ever been made in the history of civilization. The carrying out of this article gives the lie to every pledge that I have read to-day—and I did not read all of them—made in the course of the last few years by the British Government and the British statesmen speaking for that Government. It gives the lie to every proclamation that was ever made and every sentence that was ever uttered by our President in his famous 14 points, in all the pledges that all the leaders of all the Allies made to the world during the progress of the war.

The President has asked for the ratification of the treaty without change; and, while the President in his speeches to the American people has said that we are not bound to maintain the new divisions of the earth, I desire to call attention to a speech that he himself made in Paris at the English plenary session of the peace conference in speaking to the premier of Roumania, who, it will be remembered, was not taking kindly to the program of the peace conference. I quote the President's speech from the advance sheets of a magazine article written by Herbert Adams Gibbons. In this article Dr. Gibbons says that he has in his possession the original stenographic notes of the President's speech, and from these notes he gives us the President's speech, as follows.

Said the President to the premier of Roumania, who, as I said, was objecting to some of the provisions of the treaty:

You must not forget that it is force which is the final guaranty of the public peace. * * * If the world is again troubled, if the conditions that we all regard as fundamental are upset and contested, the guaranty which is given you means that the United States will send to this side of the ocean their Army and their fleet. Is it surprising that, this being the case, we desire that the settlement of the different problems appear entirely satisfactory to us?

The judgment of the President as he gave it then, while he was on the ground and while he was talking to the Roumanian premier, is right, and no student of this treaty can successfully contradict it. If it follows that we must send our Army and our fleet to protect Roumania, will it not follow that for the same reasons and on the same grounds we must, under that treaty, send our Army and our fleet to protect Great Britain in the enjoyment of Egypt as a part of that great empire?

Now, Mr. President, I want to read from two speeches made by Mr. Balfour, the great English statesman. He made one before the armistice was signed, while the war was on, while he was anxious to get the support of the Egyptian people. He made it at a time when he knew the Egyptian people were fighting with the Allies because they desired at the peace conference to be consulted as to their own future and their own life; and the next speech he made after the armistice was signed and after Great Britain had thrown off the disguise and come out in her true colors.

On November 19, 1914, when England was about to declare her protectorate over Egypt for these war purposes, while Egypt was valiantly fighting for the allied cause, and when it was desired that she should not become suspicious because of this protectorate, Mr. Balfour made this speech. As I say, it was on November 19, 1914:

We fight not for ourselves alone but for civilization drawn to the cause of small States, the cause of all those countries which desire to develop their own civilization in their own way, following their own ideals, without interference from any insolent and unauthorized aggressor.

Mr. President, that speech went all over Egypt. There was some feeling in Egypt, when England declared this protectorate after Turkey went into the war, for fear that she might try to make it permanent; but it was such protestations, such speeches, and promises as Mr. Balfour made that I have just quoted from, as well as the others that I have previously quoted from, that kept Egypt loyally fighting for the allied cause from day to day, with a firm and an honest and, in my judgment, a justified belief that when the war was over and victory was won, she would be admitted to the peace council and she would be recognized as an independent nation, as in reality she was as soon as the suzerainty of Turkey was dissolved.

Compare that speech, made by this great British leader, with another speech that he made on December 10, 1919, after the peace, after the war was over, after this treaty had been signed, and when Egypt was commencing to object. She had been objecting from the very beginning of peace negotiations, but her voice had not gotten outside of Egypt because of the censorship of Great Britain; but it had gotten to England by this time, in December, 1919. Some of the British people—and, in my judgment, the great majority of the British common people—are just as bitterly opposed to this provision of the treaty as I am. They know that it is a sin; they know that it is dishonorable; they know that it is a broken pledge; they know that the word of honor of England was given in the opposite direction; and so, when there was some agitation about it, Mr. Balfour made another speech. Compare this with the one that I have just read. This speech was made in the House of Commons. I am not going to read all of it, but I want to read an extract that shows just exactly where he stood, as representing the British Government on this question, now when Egypt was down, now when they had no more use for her armies, now when the great powers had divided up the earth and put a fence around it and England had fenced into her corral the Egyptian nation of 13,000,000 people, without their consent. He said, speaking of Egypt:

> British supremacy is going to be maintained, and let nobody, either in Egypt or out of Egypt, make any mistake on that cardinal principle.

The mask is now off. The British Government has put behind her all the pledges she has made and the treaties she has made in regard to the independence of Egypt. She has cast aside all the beautiful speeches made during the war by her leaders, her statesmen, in proclaiming that they were fighting the war for the benefit of weak nations, for human liberty, and for human freedom. She has taken over now by this treaty 13,000,000 unwilling people, contrary to the doctrine of self-determination, contrary to the agreement upon which the armistice was based and the war actually ended.

I wish to read further from Dr. Gibbons's article. Dr. Gibbons was there, and is speaking from personal observation on Egyptian affairs. In referring to the message of the King that was sent to the Egyptian people and the reply of the Khedive, both of which I have read, Dr. Gibbons said:

> Sultan Hassein told me personally that the British Government promised him that the Egyptians would naturally participate in the peace conference and would have their say in establishing the new international status of Egypt.

And that is the most natural thing in the world. No man can read what I have already put into the RECORD in the way of official communications and public addresses by those who represented the British Government and reach any other conclusion.

Dr. Gibbons said at another place in his very interesting and able article:

> The Egyptians use against Great Britain the same points the races we have liberated use against Germany when they deny the assumption that they owe their material blessings to British rule and when they affirm that the Government which held them in subjection has exploited them. The Suez Canal was dug and the railway and irrigation system planned and partly constructed before the British came. Mohammed Ali and his successors were enlightened rulers, and they were responsible for the Europeanization of Egypt. They freed the country from the Turkish yoke, successfully defended its independence, and laid the foundations of the present economic prosperity. The British have reimbursed themselves richly for what they have done in developing irrigation and transportation facilities. Not only have the Egyptian people paid in taxes every cent spent upon them, but they were mulcted for a large portion of the expense of the reconquest of the Sudan, and the graft of big salaries and pensions to British officials and of the maintenance of the British garrison and police system has come out of the pockets of the Egyptian people. An appalling sum in gold goes from Egypt each year to be spent in England by the families of British officials and by the large roll of pensioners. The story of how Great Britain has used her position in Egypt to prevent the establishment of a native cotton textile industry for the benefit of Manchester and to cheat the Egyptian peasants out of the open market price of their cotton for the benefit of Liverpool is a telling refutation of the smug and comforting theory that the British occupation of Egypt is an altruistic burden unwillingly assumed by the British Government for the benefit of the Egyptians.

It has been said that there might be some danger on religious lines if the independence of Egypt were recognized, and I desire to read what Dr. Gibbons said in regard to that. As I said, he speaks, after having been on the ground, from a personal acquaintance with conditions.

> The British speak of the "nationalist faction" in Egypt and hint darkly at massacres of Christians and Europeans if the British relax their strong military control. This can fool only the uninitiated. So far as I have been able to see, and I have enjoyed exceptional opportunities, the native Christians are fully as nationalistic as the Mohammedans. If they have any fear of massacres the high clergy of the Coptic Church—

Which is the Christian church—

> If they have any fear of massacres the high clergy of the Coptic Church and the intellectual elements among the Copts act most queerly. They have assured me that they are heart and soul with the Mohammedans in demanding independence; Christian priests have preached patriotic sermons in mosques, and hundreds of Coptic young men and boys defied the British machine guns in the streets of Cairo and Assiut. When I visited the Presbyterian College at Assiut in 1916 one of the seniors, who had high standing, came to me secretly and begged me not to believe the stories of religious antagonism. "It is the old trick of 'divide et impera,'" he explained. "All educated Copts realize that our interests are with our Mohammedan fellow countrymen against the British. As long as we are under the régime instituted by Lord Cromer there is no hope of happiness for an educated Egyptian. The British are killing our souls. But with education we awake to self-respect and we can not help challenging foreign rule. We are all willing to die for our freedom."

This, Mr. President, was after the armistice, after England had taken possession as she has done, after she has murdered hundreds and thousands of Egyptian people for simply taking part in peaceful demonstrations demanding the independence of their own soil and their own country.

In another place in this article Dr. Gibbons speaks of an interview with the head of the British Government. He quotes the Khedive as saying to him:

> The British Government asked me to take the Sultanate when they deposed my nephew. I accepted the post and the war-time protectorate because we do not want the Turks and Germans in Egypt. Britain's interests and ours are identical when it comes to winning the war. But I do not want my people to think that I was unfaithful to the independence of Egypt. We have the definite promise of the British Government, only this is not the time to discuss the question in public. We shall have to wait until the end of the war.

In another place in this article he stated, quoting again from the Egyptian official:

> Our principal indictment of British rule is its utter disregard of the obligation of spending a fair part of the money derived from taxes on the education of the people. The British are deliberately keeping the Egyptians from getting an education, and then they tell the world that we are incapable of self-government.

On the religious question I desire to read from an article written also by a man who was on the ground, who talked personally with the people, an article by Dr. William T. Ellis, which was printed in the New York Herald December 23, 1919. It is an interesting article throughout, but I shall only read a part of it:

> November 13—

That was November 13, 1919.

> November 13 was the anniversary of the formation of the Egyptian delegation to Paris to plead for national rights—

And I will have something to say about that delegation later on—

> It has been agreed by the Egyptians to observe this day as a national holiday. Demonstrations of Egyptian patriotism, solidarity, and unity of purpose are always to be features of the commemoration.
>
> This year on November 13 a great company of Egyptions, officials, notables, students, business men, and fellaheen, estimated to number 20,000, marched in a body to the leading Coptic Church, the seat of the Patriarch, and then to El Azhar, the world-famous Mohammedan mosque. In both places as many persons as could enter united in public prayers for the independence of Egypt. Moslems led in prayers at the Christian church, and Christians led in prayers at the Moslem mosque.

This day, when the Egyptian people selected their official representatives to go to the peace conference to represent them as an independent nation, is sacred to them. It is the Egyptian Fourth of July and is as sacred to them as is the immortal Declaration of Independence sacred to the heart of every American.

Mr. President, at this point probably I might as well speak of the Egyptian delegation that is referred to by Dr. Ellis. When the war was over and the armistice signed, Egypt, naturally relying upon the pledges and all the circumstances surrounding her participation in the war, supposed that she would be admitted at the peace table when peace was made. She selected delegates, she selected her official representatives, and then for the first time she discovered that England had been false in all the pledges that she had made. Then she realized that she had been fooled, deceived, and that the lives of her soldiers on the battle fronts had been sacrificed in vain.

These delegates selected by the Egyptian people were arrested—no charge of any crime, no complaint that they had disobeyed any law, but they had been selected by the Egyptian people to go to Paris as the representatives of the Egyptian nation to make the peace for which they had been fighting dur-

ing all the war. No sooner had she taken this step than British Army officials arrested those representatives. They threw them in jail; they took them to Malta and put them in prison, and, let me repeat, without ever a charge of any kind being made against them. This brought about an eruption in Egypt. When the Egyptian people learned that before their official representatives could leave their own soil they were arrested and thrown into prison and were not going to be permitted to go to the peace conference, they rose almost as one man, demanding the release of these men and the freedom of Egypt.

They realized then that they had been tricked. They realized that all the blood that Egyptians had spilled upon the various battle fields had been shed in vain so far as the independence of Egypt was concerned. They realized that the promises made by the British statesmen on behalf of the British Government, those glittering generalities proclaimed by the President of the United States outlining the basis of this peace, were all bunk. They realized that they had been deceived, that their nation was going to be denied independence, and, notwithstanding their sacrifices, notwithstanding their loyalty, they were going to be turned over to another nation and their nationality absolutely destroyed.

When these people came out upon the streets of the villages and cities of Egypt, what happened? They were met with machine guns, they were attacked by bombs from British airplanes, their houses were burned, many of their women ravaged, men were tied at the stake and whipped, hundreds of them were shot down unarmed while they were engaged in the peaceful pursuit of trying to demand publicly before the world that the integrity of the Egyptian nation should be respected. Old men were killed, little children were killed. I have here photographs of 18 Egyptians, showing the naked bodies where they have been lashed until great welts have come out over their breasts and their backs, not because they committed a crime, not because they were charged with the commission of a crime, but because by this reign of frightfulness, following the precedent of the Kaiser, Great Britain wanted to coerce the people into submission. These 18 pictures that I have are not all. More than 500 men were flogged on their naked bodies. I shall read later on from official correspondence of the official representatives of the Egyptian people to the peace conference. Pictures were taken only of those who were able to get to the place where there was a photographer. I do not see how any liberty-loving man, woman, or child can look over the record that is made and reach any other conclusion than that it would be a crime, an international crime, a dishonor to civilization, if we would give our approval to conduct such as that, even though done by one of our allies.

After the Egyptian representatives had been imprisoned and the English Army had fired upon innocent gatherings and assemblages of people and killed them in cold blood, it was discovered that they could not stop the protestations in that way. Men and women, imbued with the spirit of freedom and human liberty, rushed pell-mell in the face of machine guns, knowing that death was going to be the result.

Gen. Allenby himself recommended to the British Government that these men be released, and after they had been held in prison in Malta for some time they were released. They were permitted to go to Paris. They never got into the peace conference. I will take that up later when I come to discuss the official correspondence of these representatives of the Egyptian people. At the present time I desire to call the attention of the Senate to the truth of a fact that I asserted a while ago—that the great mass of British citizenship have no sympathy with this kind of procedure.

I wish to read an article from the London Nation printed on November 29, 1919. I will not read the entire article, because it is lengthy. It is all interesting and all has a direct bearing, but I will read only some quotations from it:

> The proclamation of a protectorate in December, 1914, was a staggering blow to the hopes of the nationalists. So long as our status in Egypt was legally undefined and unrecognized they clung to the dream that the occupation might one day end. They have their register of our promises to withdraw. There are, they say, no less than 60 official repetitions of that pledge, which, in Mr. Gladstone's famous words, "If one pledge can be more sacred than another," were invested with "especial sanctity." In 1914 we wiped that pledge finally from our consciences even more decidedly than we had done 10 years before in the Moroccan treaty.
>
> It is time—

Says this article in another place—

> It is time that we asked ourselves to state honestly why it is that we insist on breaking our promise to withdraw from Egypt, or why we refuse to apply "the right of self-determination." That right is not satisfied by conceding some guarded form of consultative assembly. It means, if it means anything, the right of a people to choose under what rule it will live. Even if we elect to say that Egyptians, after a generation of our tuition, are still political minors, have we not laid down the principle that such races may choose the power which is to receive a "mandate" to watch over them? We seem to remember that Mr. Lloyd-George proposed to consult the negroes of German Africa before he transferred them to our rule. To refuse a right to Egyptians which we allow to nomad Arabs and the Cameroon tribes is sorry trifling. What is it that deters us? There are three possible answers—the strategic argument of the road to India, the financial argument of the investor, and, of course, the general reluctance to surrender power. Power that results in scandal is no precious possession. There are ways of insuring financial stability which fall far short of a protectorate. As for the Suez Canal, if we were in earnest with the idea of the League of Nations, we should ourselves propose to safeguard its neutrality by the same régime which we shall apply to the Turkish Straits. In any event it would be easy to police the canal without administering or even garrisoning Egypt.

It has been difficult, Mr. President, to get any reliable information out of Egypt because of the censorship maintained by the British Government over everything coming from there. I wish to read on that subject a dispatch that came from Cairo, Egypt, dated December 20, 1919, which was printed in the New York Times on December 25, 1919. I will read only a part of that dispatch. I think it has an important bearing upon the information which we do get from Egypt. It shows that we do not get it all. There is not any doubt but the worst is yet to be told in regard to Egypt. Now, remember, this is from Cairo, Egypt, where since the armistice Great Britain has been in control:

> Owners and editors of newspapers have received official warning to refrain from printing matter likely to excite the public. Recent disorders were attributed, the warning stated, to certain newspapers. Announcement is made that in the future a newspaper is liable to suspension under martial law if it prints:
>
> 1. References to the political opinions or activities of schoolboys or other irresponsibles.
> 2. Political protests addressed to the authorities or to the British mission without the consent of the censor.
> 3. Anything calculated to encourage public servants to strike for political reasons.
> 4. Reports or aspersions calculated to inflame the populace against the British or Egyptian Governments;
> 5. Newspaper men are assured that there is no intention to prevent reasonable criticism and are advised to submit doubtful matter to the censor before publication.

That shows, Mr. President, the desperate means that are being now employed to suppress public discussion there. Newspapers must not print "political opinions or activities of schoolboys or other irresponsibles," the dispatch says. Some of these uprisings were led by students from the universities. They are called "schoolboys" and "irresponsibles." Educated people in Egypt are suppressed. "Anything calculated to encourage public servants to strike" must not be published. The newspapers are assured that there is no intention of interfering with the right kind of criticism, but if they have any doubt to leave it to the censor. We know from censorship in our own country what that all means.

Mr. President, England's course in Egypt since the armistice is almost parallel with Japan's course in Korea and China before the armistice. Japan paved her way to her barbarous and inhuman treatment of Korea by the most profound expressions of friendship and love for the Korean people and the Korean nation. She entered into the most solemn engagements with nearly all the civilized nations of the world that she would respect Korean national integrity. Every time she robbed Korea of her sacred soil she made additional protestations of friendship and love, and when she finally took Korea over and abolished the Korean Government in violation of every pledge she had made to Korea and the balance of the world she still protested her friendship and her love for her helpless victim.

Japan gave the same kind of assurances as to the integrity of China and for her firm friendship for the Chinese people. As her friendship grew, the itching of her palm also grew, and the greater love she seemed to possess for China, the greater was her ambition to rob China of her nationality, her railroads, her harbors, her commerce, and her freedom.

For more than 30 years England has been giving to Egypt and to the world her solemn pledge of national honor that she had no ambitions in Egypt, and that she had no intention of depriving the Egyptian people of their territory or of their national integrity. She, like Japan—with reference to Korea and China—has entered into treaties with other nations, in which she has solemnly declared that she desires the perpetuation of the Egyptian Government and the Egyptian nation. During all those years her statesmen and her premiers, speaking in her Parliament, have proclaimed the honesty of her intentions in Egypt; always claiming that the integrity of the Egyptian nation was the ultimate object of her intentions.

It might be remarked parenthetically, Mr. President, that at the peace conference England forgot all about Persia and did not put her into the treaty. So when the peace conference adjourned, England took Persia over without consultation with anybody.

These two allied nations—England and Japan—received the support of China and saw Chinese shed their blood in behalf of the allied cause, knowing at the time that at the peace table

China would be carved and her most valuable territory and possessions given to her worst enemy. England, with the other allies, received the support of more than a million Egyptians on the battle field in eastern Europe. She ate from the hands of Egyptian peasants the food that made her great victory under Allenby possible, knowing when she did it that Egypt would be denied a place at the peace table; that her country would be despoiled; that her nationality would be blotted from the face of the earth; that the blood of thousands of her loyal citizens had been shed for the allied cause in vain; and that the freedom which Egypt thought she would eventually attain would be denied.

Japan loved Korea because she coveted the Korean farms for her own people. Japan loved China because China had coal and iron that Japan needed. She loved China because she needed Chinese ports for her commerce, and the railroads and territory in Shantung for her expansion.

While not directly a part of the discussion of the pending treaty as it refers to Egypt, yet, as it has a relation to that subject because of the similarity of the treatment accorded the people, I might digress to say that India furnished more than a million men upon the various battle fronts in behalf of England's cause, and when the soldiers of India went home, imbued with a spirit of liberty, believing in the proclamation of self-determination that were made by England and the allies of England, believing thereby that she had fought to make the world more free and that in the end she might share some of that freedom—when those soldiers went home and undertook to demand it, in peaceable assembly, they were shot down in cold blood by British machine guns. I will insert, Mr. President, at this point in my remarks an article from London giving a report of an investigation that was made by English officials of one of these murderous assaults upon innocent and unarmed Indian subjects.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I desire first to know whether I have permission to insert in the RECORD the article to which I have referred?

The PRESIDING OFFICER (Mr. GRONNA in the chair). Without objection, permission is granted.

The article referred to is as follows:

OFFICIALS O. K'D BIG SLAUGHTER, PROBE SHOWS—GENERAL IN COMMAND TELLS BOARD PROBING APRIL RIOTS IT WAS "HORRIBLE DUTY," LONDON LEARNS—EVIDENCE REVEALS LIEUTENANT GOVERNOR APPROVED BLOODIEST SLAYING IN LATE WESTERN HISTORY.

[By L. R. Murdoch, Staff Correspondent, Universal Service.]

LONDON, *December 13.*

A bloodcurdling story of massacre has been revealed by the British commission investigating the recent riots in India. It shows a British general deliberately ordering 50 troops to attack a crowd of 5,000 civilians and to fire until their ammunition was exhausted. The command was obeyed to the letter.

Five hundred persons were killed and 1,500 wounded. It was the bloodiest slaughter of civilians by western troops in modern history.

The evidence shows that this act was approved by the British lieutenant governor. News of the affair has just reached London from India with the reports of the Government commission's hearings at Lahore. The slaughter took place at Armitsar last April and was ordered to put down the riots there which were part of a general uprising that threatened to engulf the whole surrounding districts and spread all over India.

MARCHES ON CROWD.

Gen. Dyer testified before the commission that he arrived at Armitsar on April 11. Although martial law was not declared, he took over the administration from the deputy commissioner. He was informed that the situation was grave in many districts, including Lahore, and ordered that the alleged seditious meetings cease immediately. On April 13, according to his testimony, Gen Dyer informed crowds at Armitsar that meetings were forbidden and that assemblages were likely to be fired on without warning.

Later he was informed of a big meeting, which he judged to be not merely a disorderly meeting but open rebellion. He marched 25 British rifles, 25 Indian rifles, and 40 Gurkhas armed with knives to the scene and discovered an agitator haranguing a crowd of 5,000.

OPENS FIRE AT ONCE.

Continuing his testimony, Gen. Dyer said:

"I deployed my men and within 30 seconds ordered them to fire. The firing continued for about 10 minutes. My object was to disperse the crowd, and a little firing would have been insufficient to achieve that object."

The general admitted he had not warned the crowd, and asked what reason he had for supposing the crowd would not disperse without firing being necessary, he replied: "I think it quite possible that I could have dispersed the crowd without firing, but they would have come back and laughed, and I should have made a fool of myself. My view was that the situation at Armitsar was serious. I looked at the crowd of rebels and considered it my duty to fire and fire well."

Lord Hunter, chairman of the commission, asked the general: "Was there any other course open?"

Gen. Dyer replied: "No, sir. I looked upon it as my duty—a horrible duty."

Gen. Dyer asserted that 1,650 rounds were fired, and between 400 and 500 persons were killed and about 1,500 wounded. The soldiers, he testified, continued firing until they had run out of ammunition. He said he had made up his mind that if order were defied he would shoot straight away, and that he had felt he "had to do something very strong."

Justice Rankin, a member of the commission, asked: "Was it not a form of frightfulness?"

Gen. Dyer replied he figured it was best to "shoot well and strongly, so nobody would have to shoot again." He said there was no "middle course." Asked if his idea had been to strike terror into the hearts of the inhabitants, he answered he had found they had disobeyed his order and he meant to punish them and give them a lesson. From a military viewpoint, he said, the demonstration of force was bound to make a wide impression throughout Punjab.

One of the commissioners then read a telegram from Lahore (seat of the British lieutenant governor) to Gen. Dyer. It reads:

"Your action correct. Lieutenant governor approves.

"LIEUTENANT GOVERNOR."

The lieutenant governor of Punjab is Sir Michael Francis O'Dwyer, who has held that post since 1893.

FORCED TO CRAWL.

The evidence showed that during the riots mobs broke up the telegraph service, damaged the freight yards, and slew one guard and two bank employees, burning the bodies. A bank manager also was killed. The Government offices and an Indian Christian church were set afire and a missionary was outraged and left for dead.

Gen. Dyer testified he avenged the outrage on the missionary by picketing the streets and not permitting a single Indian to pass without crawling.

Mr. NORRIS. I now yield to the Senator from Utah.

Mr. KING. The Senator stated a moment ago, as I recall, that India furnished 1,000,000 soldiers during the war for the purpose of fighting for England and saving England. Does not the Senator think—and I do not propound this question by way of criticism of his position or his statement—if Germany had triumphed in the great World War that India would have been one of the objects of attack and that Germany would have superimposed her autocratic form of government upon India?

Mr. NORRIS. That may be.

Mr. KING. And does not the Senator, therefore, think that the Indians in fighting side by side with the Britishers, with the French, with the Italians, and with the Americans, were fighting for their own liberty and for the cause of civilization?

Mr. NORRIS. They thought they were; there is no doubt about that; but, as will be shown in this article, things that have happened in India almost demonstrate that they were mistaken. The Egyptians thought—no man doubts it; English statesmen led them to think so—that they were fighting for Egyptian liberty, for the integrity of the Egyptian nation; but they have found out since that they were not; that they were fighting for more territory for England. Before the war, Egypt, with the exception of a nominal suzerainty, was an independent nation. Her independence now has disappeared from the face of the earth, and she is part of the British Empire.

Mr. KING. Will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. I am not propounding the question or making the statement which I am about to submit with a view of defending Great Britain, but I desire to call the attention of the Senator, very briefly, to what England has done in Canada, in Australia, in New Zealand, and in South Africa. She has given to those dominions of hers autonomy, local self-government; indeed, such a liberal form of government that they might be denominated governments in and of themselves and separated from the English Crown; at any rate, the chains which bind them to the parent Government are as thin as gossamer thread; they are chains of love, affection, and loyalty to the mother country rather than those of force and power.

Does not the Senator think that the Anglo-Saxon race, which finds its highest expression, of course, in this great Nation and finds high expression in the English people, in the end will deal justly by the Egyptians and by the Indians and will give them local autonomy and perhaps independence? I merely suggest that to the Senator for his consideration.

Mr. NORRIS. Mr. President, with what the Senator says about Canada, Australia, and New Zealand I find no fault. So long as Canada, Australia, and New Zealand or any other dependency desires to be under the British Empire I am the last man to interfere; that is where they ought to be, if they want to be there, and the other side wants them there. That, however, does not excuse England or us or anybody else for subjecting by force a people who have a right to their independence and to reduce them practically to the position of slaves.

The Senator asks do I think they will ultimately be treated right? Probably—I do not know—in a thousand years from now, if conditions continue that long; but, in my judgment, this treatment can not be continued very much longer, because the treatment that has been accorded Egypt since the armistice was signed is such that it is revolting to every man who loves human freedom and who has in his heart any feeling of brotherly

affection toward his fellow man. Because England treats Canada right is no defense of England when she abuses India or when she mistreats Egypt. I am not complaining as to Canada; I am not complaining as to Australia or New Zealand; I am complaining of taking over a nation of 13,000,000 people without their consent, against their will, in violation of every pledge that ought to be sacred between man and man and particularly between nations.

Mr. KING. Mr. President, just one further suggestion, if the Senator will pardon me.

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to the Senator from Utah?

Mr. NORRIS. Yes.

Mr. KING. Does not the Senator think that the work of Great Britain in Egypt, in the physical and material development of the land, in the building of dams at stupendous cost, exhibiting the highest engineering feats that the world has seen, and which has resulted in bringing under cultivation thousands of acres of land in order to bring prosperity to the people, and, indeed, have brought the greatest prosperity to Egypt that she has ever enjoyed, together with the work which she has done in an educational way, her efforts to Christianize the people and to serve humanitarian impulses there, deserve one little word of commendation?

Mr. NORRIS. Mr. President, the Senator has overstated the case; the statement he has made is taking the matter a little too far. England did not build the Suez Canal——

Mr. KING. I was not speaking of the Suez Canal; I was speaking of the Assouan Dam.

Mr. NORRIS. The Suez Canal was completed and the great Assouan Dam was partially completed before England's efforts began. It was the Egyptians, as stated in the article of Dr. Gibbons which I have already read, who Europeanized the Egyptian people and the Egyptian nation. But, Mr. President, is it the Senator's assumption that because one nation goes into another nation and says, "We will develop some natural resource that you have and that you have not developed," therefore it has the right to take possession of its country and to deny its nationality? Even if that were true common honesty would have demanded that England proclaim her intentions at the beginning and not practice deception.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Let me finish now.

Mr. KING. The Senator inadvertently——

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Senator declines to yield.

Mr. KING. I think the Senator inadvertently did me an injustice.

Mr. NORRIS. I will yield to the Senator, then, if he thinks that. I do not want to do him an injustice, of course.

Mr. KING. I knew, of course, that the Senator did not.

The question I propounded was this: Did not the Senator think there ought to be one word of commendation for England? I did not justify England in the retention of the territory. I asserted that England had done certain things which contributed to the material prosperity of the Egyptian people. Then I asked, With that record, did not the Senator think that England was entitled to a word of commendation? I did not state, as I understand the Senator now to affirm, that England, by reason of having taken possession, and notwithstanding she has done a great deal of good, was entitled to retain possession and to superimpose her form of government on an unwilling people. I do not affirm that. I did not intend to affirm it.

Mr. NORRIS. In my judgment, as I said, the Senator has overestimated and overstated what England has done. As I have already shown, and as I think nobody can successfully deny, everything that England ever did in Egypt the Egyptians paid for. They did the work; by taxation they paid for it; and they have not been allowed, for instance, and are not allowed now, to send their cotton out to the world in the open market, because England needs it.

Mr. KING. Mr. President, will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from Utah?

Mr. NORRIS. I will yield, although I should like to answer one suggestion made by the Senator before he puts another question to me.

Mr. KING. All right. I will just ask this question, and then I will not bother the Senator again.

Mr. NORRIS. I do not object to being bothered.

Mr. KING. The Senator spoke about the cotton of Egypt. The Senator knows that Egypt never raised so much cotton as at the present time and never received so much for her cotton as at the present time, and that England has paid those very high prices and brought great prosperity to the people of Egypt.

Mr. NORRIS. Mr. President, if I do not forget it, I am going back to answer the other suggestions; but let me ask the Senator a question on that point. The American cotton producer never received so much for his cotton. Are you going to give England credit for that? Are we going to give England credit for the high wages that American labor receives? And if we are, are we going to charge her up with the profiteering? Are we going to put on the other side of the ledger, then, if you want to assume that for England, all the crimes that have been committed everywhere, all over the world, in the name of human freedom?

I was about to say when the Senator interrupted me the last time, Is it any reason for us, for instance, to take control of another people against their will, particularly after we have promised we will not do it, because they have some industry that we think we can develop better than they? How would we feel if England or Egypt came to the United States and went out here a few miles beyond the Capitol and saw Great Falls, where the water of the Potomac rolls down to the sea, and has been rolling down to the sea since the beginning of time, all the power that it might develop wasted and gone, and said to us, "You have never developed that great possibility there for the benefit of humanity. We are going to do it. In order to do it we will take possession of the Government," and then they would take possession of the Government; and after a while somebody like the Senator from Utah would come along and say, when we were claiming our independence and were being shot down by machine guns, "Why, Great God! did not England or Egypt develop Great Falls? Have you not got a word of commendation for her? You never did it."

Where are we going to draw the line, Mr. President? Why, England placed the line, President Wilson placed the line, the whole world drew the line when we were fighting in this war, when they outlined what the terms of peace should be—self-determination; no people should be ruled without their consent. Nobody denies that Egypt is competent for self-rule. She has ruled herself in the past for many years. England has said so. She has promised that she had no other motive than the preservation of that nation and of that people; and it is no defense to say that she will develop the agricultural lands, raise more wheat and more cotton, and dam some of the streams—none whatever.

But, Mr. President, every development that has ever taken place in Egypt has been made by the toil of Egyptian citizens, paid for by the taxpayers of Egypt. That is the reason why England wants Egypt. It is the financial profit that she is getting out of it. As Dr. Gibbons says, there is a long list of pensioners in England living on the taxes that are wrenched from the toilers of Egypt, and she wants it to continue, and under this treaty it is going to continue.

Let me return now, Mr. President, to the point where I deviated from my address when I spoke of England in India. I was speaking of the love and the friendship that great nations have for little nations when they are about to gobble them up.

During the centuries that have passed England has kept Ireland in practical subjection, under continual professions of national friendship. She is now deporting Irishmen to England on the ground of all imaginable kinds of crimes, always professing her sincere friendship for the Irish people. England loved Persia because she wanted to corner the oil fields of the earth, and I have put into the RECORD, in a prior discussion of this treaty that she made with Persia, by which she practically takes over the Persian Government and loans to Persia $10,000,000 that the Persian people must pay back with 7 per cent interest in order to develop English commerce and safeguard these oil fields.

She loans to Persia, at 7 per cent, money that she borrows from the American people at 4¼ per cent and upon which she has not even paid the interest up to date. England loved Egypt because Egypt is on the road to India; because her agricultural lands are the most fertile of all the earth; and because Egypt possesses cotton that England needs to keep her spindles turning and her world commerce afloat.

These historical incidents, Mr. President, almost prove that when an autocratic monarch professes his passionate love for a weak nation and reaches forth his mighty hand to shower upon the poor and helpless the blessings of his favor, the wise man will brush aside the silken folds of the royal mantle to discover the stiletto.

Mr. President, the official representatives of the Egyptian people, as I said a while ago, were finally released from prison and went to Paris. They attempted to get into the peace chamber and they wanted to represent their Government at the peace

council, and although the King of the Hedjaz was there, and all kinds of nomadic tribes were represented by various kinds of personages, Egypt was denied admittance. They refused to permit Egypt even to be heard when she was being tried for her own life. When these official representatives of 13,000,000 people who had been fighting loyally during the entire war were denied admission they had nothing left except to send official communications to that conference. They wrote official communications, asking to be heard, to Clemenceau, the president of the council; to Lloyd-George; and, last but not least, to President Wilson; and in every instance their communications were ignored. The only exception to that is an acknowledgment of those sent to President Wilson by his private secretary, saying that the communications had been received.

These official representatives then issued an appeal to the nations of the world setting forth what they believed to be their rights. They have been gathered together by these official representatives, and I have in my hand a copy of all these communications, given to me in person by one of these official representatives, and it would be interesting if it could be read from cover to cover.

Men who love liberty, men who believe in our system and in our own Government, who love the Declaration of Independence, who sympathize with the fathers who issued it and believe in the pronouncements of that immortal document, can not read these messages coming from this much-abused, faithful ally without tears coming to their eyes.

I am not going to read anything but extracts. First of all, let me say that in that council of peace was the King of the Hedjaz. Nobody knows yet who he is. We only know that he does not amount to anything. A whole lot of other insignificant nations were represented there. I am not complaining that their representatives were admitted. I am only calling attention to the fact that the representatives of only 200,000, 100,000, or 300,000 people, if they were fighting on the side of the Allies, were admitted with two exceptions, and those exceptions were Egypt and China. Japan was there; and if you compare the sacrifices made by Japan and those made by Egypt in this war, it is like comparing the noonday sun with the weakest star in the firmament. These representatives issued an official document, an official address, to the diplomatic representatives of all of the foreign countries represented in Egypt. I am going to read just one sentence from that, because it shows that if there was any question—they do not admit that there was any—about the stability of British investments—about the Suez Canal, for instance, which England did not dig, but took after somebody else did dig it—if there was any question about her holdings, they were willing that any provision protecting them might be put in. The world knows that there is not any. Ever since the Suez Canal has been dug Egypt has protected it, and by the sacrifice of her own blood and her own soldiers she saved it from being taken by Turkey in this war. So I will read from this official pronunciamento of these officials just one clause. It is No. 5. I wish Senators could read them all, because they show that Egypt is willing to do anything, to make any guarantee about the protection of anybody or anything in Egypt, and are willing that they should put into the treaty anything that will safeguard such protection if they would only maintain the integrity of the Egyptian nation. This clause reads:

> Egypt is disposed to accept every measure that the powers will judge useful for safeguarding the neutrality of the Suez Canal.

I am going to read from the official letter of these representatives to Lloyd-George. In that they say:

> Do you refuse to believe that Egypt has been a precious aid to you? The enormous sacrifices that we have made during the war in blood and treasure for the triumph of your cause were indispensable to you, and, moreover, you have recognized many times that these sacrifices were one of the principal factors of the victory in the Orient.

Further on they say:

> At whatever point of view we place ourselves, we can find, neither in the law nor in pretended military necessity, any excuse for the measure of which we are the victims. A single explanation remains that we ought not to allow ourselves to adopt, for it impugns your good faith—that you desire to make our silence, imposed by force, appear at Paris as the acceptance by Egypt of the protectorate and the political régime which it comports.

They practically said in there, "You have tried to keep us away; you have put us in prison, you are trying to shut out from the world the very fact that we have tried to be heard."

They also sent an official communication to Gen. Allenby, and I am going to read from that just a quotation:

> The military authorities summoned us finally and warned us that we were obstructing the functioning of the Government in trying to prevent the formation of a cabinet; and two days later were arrested and deported to Malta our president, Saad Pasha Zagloul, and three of our colleagues.

Further on they say in this same letter:

> Scarcely was the news of the arrest and deportation of our colleagues known than a numerous group of students of the higher schools came to inform us that they had decided to make manifestations. We advised them earnestly to give up their project and go back quietly to their studies. But it seems that their youth could no longer stand the policy of oppression and that in this state of mind they were unable to reflect seriously about our advice or persuade their comrades to listen to us.
>
> The day after the arrest the students made peaceful demonstrations. Nearly 300 were arrested. The following day, March 10, the students of Al-Azhar University participated in manifestations. Some hoodlums profited by this to attack tramcars and break the windows of several shops. On the 11th another peaceful manifestation of students was received by a volley of shots which killed a certain number of them. On the 12th similar peaceful manifestations were suppressed by machine-gun fire, which caused the death of more young people. The same day at Tanta a peaceful manifestation of students was met by continuous machine-gun fire, which made numerous victims killed and wounded. On the 13th and the 14th the British army in Cairo intervened to put down further peaceful manifestations by firing directly into the groups in the streets, who were without arms and who were committing no acts of violence.
>
> There is no doubt that this firing on unarmed students by the British troops, when the students were orderly and were simply making manifestations, provoked serious disturbances throughout the country. This was the last straw which broke the camel's back. In fact, on March 15 news began to arrive of an attempt to cut the railway lines, and immediately the entire country participated in those outbreaks. The discontent arising from the cruel treatment inflicted, in the interest of peace, upon a peaceful and unarmed people was not alone shown by the men. The most distinguished women in Egyptian society were not able, on their side, to see their fellow countrymen treated in this way and keep silent about it. The curtain that ordinarily separates our women of the upper classes from the outside world did not prevent them from expressing their sentiments. In fact, nearly 300 women of the most important families of Cairo organized on March 20 a simple and dignified manifestation after they had read in the morning paper that permission had been granted them. But when they got out of their carriages and reached the home of Saad Pasha Zagloul, the British soldiers surrounded them on all sides, with fixed bayonets pointed toward them, and compelled them to remain two hours under a broiling sun without allowing them either to walk or to go home in their carriages. The permission to return home was granted only after they had been seen in this situation by the personnel of the American and the Italian diplomatic agencies. This was another proof of the policy of harassing and humiliating the Egyptians, which, in justice and equity, must alone be held responsible for all the events that followed.

Now, Mr. President, when these Egyptian representatives were unable to get into the conference and were unable to get any answers to the communications to the members of the conference they sent an official communication to the members of the House of Commons in England. They said in part:

> To the Briton the most precious possession is his individual liberty and the independence of his country. Is it possible for him to deny to others that for the defense of which a million Britons have given their lives since August 1, 1914? We ask you simply to listen to us and then to decide whether the establishment of a British protectorate over Egypt, against our will and without our consent, is consonant with the traditions, individually and collectively, of your race.
>
> When Great Britain declared war against Germany, Egypt immediately followed her example. We Egyptians were in entire sympathy with the ideals in defense of which the British nation took up arms. We felt sure that the great conflict between the forces of democracy and the forces of autocracy, between principles based on right and fiats based on might, would end in securing for small and weak nations a brighter future. We believed with Mr. Asquith and Mr. Lloyd-George that the triumph of Great Britain and her associates would establish the world on a new foundation. For this reason we were glad to ally ourselves with the powers that promised to fight until the sanctity of the treaties, the rights of small nations, the existence of an international morality were recognized throughout the world.

Mr. President, I call attention to that language. Does it not appeal to every liberty-loving person? Do they not there call attention to pledges and promises that, if we are square and honest, ought to be kept sacred and inviolate, and has it not been demonstrated that they have been cruelly thrust aside and held for naught and these people subjugated and their nation destroyed without their consent and without an opportunity to be heard at the judgment seat of the court where the judgment was rendered?

They say further:

> During long years of war, in which we suffered with you and helped you to bear the burden, we were repeatedly told that when the final settlement came none who had helped in the common cause would be forgotten. Gen. Sir Edmund Allenby, the most competent man in the world to make the statement, declared publicly that the aid of Egypt was the most important factor of success in the decisive British campaign against the Turks. Had we not reason, then, to look forward to the defeat of Germany as our day of independence?
>
> Another cause of encouragement was the recognition of the independence of our brothers of the Hedjaz, who speak the same language as ourselves and are of the same religion as most of us. The Arabs of the Hedjaz did not have before a separate political existence like ourselves. In fact, within a century they were under our political control. We watched the dealings of Great Britain with the Hedjaz with keen interest and we registered with satisfaction the statement of the British cabinet, made in the House of Commons and reiterated at the opening of the peace conference, that the action in regard to the Hedjaz was inspired solely by the desire to help a subject nation to free itself from a foreign yoke and was not due to considerations of expediency. Was it illogical for us to expect from the British Government, in view of the oft-repeated assertions of its members, treatment at least as generous as that accorded to the Arabs of the Hedjaz?

Further on they say:

The only crime of which we have been guilty is the ardent desire to be consulted concerning our own destinies.

* * * * * * *

At the peace conference—

They say—

that was to be convened in Paris we wanted only what every other race of the Near East asked for and obtained—a hearing of our case. Permission was denied us, the representatives of Egypt, to go to London or to Paris. When the Egyptian cabinet resigned in protest against the refusal of the British military authorities to allow us to go to England, the president of our delegation and three of its members were arrested suddenly and were deported to Malta without any charge having been preferred against them.

In Paris we have received no answer to our communications to the peace conference.

I desire to read a quotation from the official message that these representatives sent to Mr. Clemenceau, the president of the peace conference:

In the name of liberty, of which you have been during your whole life, by word and pen, the untiring champion; in the name of justice, which you have promised to make the basis of the deliberations and decisions of the conference; in the name of humanity, which can not permit that a people pass from hand to hand like vulgar merchandise, we implore you not to interpret our silence and failure to appear in person at Paris as our acceptance of the domination imposed upon us, nor to decide the future of our nation without having heard us.

No response. Silent as the grave. No answer. Would that appeal strike an honest American citizen as being worthy of consideration when it comes from people representing 13,000,000 associates in the war, hundreds of thousands of whose fellow citizens have died to bring about the victory that this peace conference was called to put into actual force in the way of a treaty?

They sent an official communication addressed to the peace conference itself. After they got out of jail and got to Paris, they tried every means and every avenue to reach the men who were holding the world in their hands, to reach the three men who had the destiny of the world in their hands, every one of whom had made to the world the most beautiful promises for weak nations, for human freedom, for liberty, and for self-determination; every one of whom, singly and collectively, denied them a right even to be heard, and condemned them without a hearing. In this communication they say:

The anxiety of the Egyptians will be easily understood. They see all the races—even simple tribes—whose political status the war has changed, invited to make their voices heard at the conference, while they alone of the nations affected by the war had been deprived of this right. It is difficult, in order to justify such an equality of treatment, to invoke any plausible reason in harmony with the principles consecrated by the war and that the conference had taken upon itself the obligation to follow.

* * * * * * *

On August 5, 1914—

I think it is August 6, because that is my recollection of the day they declared war, but they say in here August 5—

On August 5, 1914, we declared that we were in a state of war with Germany. When, several months later, Turkey intervened in the conflict as an ally of Germany, the situation of Egypt, her vassal, became very delicate. It is then that the authorized representatives of the nation proposed to the British authorities that the independence of Egypt be proclaimed. With the political situation thus arranged, Egypt would be able to fight, at the side of the Allies, on any of the battle fields. This suggestion was not listened to. Great Britain decided upon another solution in declaring propriu motu, at the beginning of the war, and because of the war, her protectorate over Egypt, in spite of our national aspirations. Nevertheless, the country made, for the cause of the Allies, very heavy sacrifices. Gen. Allenby has recognized that the Egyption factor was one of the most decisive in the victory against the Turks. Is it possible, after that, to say that the Egyptian problem is not within the competence of the conference?

They close this memorable epistle to the conference by saying:

The Egyption delegation request the peace conference, in the name of the Egyptian people, that it be admitted to formulate the demands of the country in accordance with the rules of right and justice that are the foundation of the deliberations of the conference.

Under all the circumstances, Mr. President, what honest, honorable, or fair right had the peace conference to deny that simple request?

They wrote another communication to Mr. Clemenceau, and in it they said:

The conference of the allied and associated powers, regardless of the fact that Egypt had played a great part in the triumph of the principles of right and justice, and therefore deserved the application of these principles to her case, has refused to apply to Egypt these same principles.

The conference refused to listen to the voice of Egypt, which, from the very outset, declared herself in a state of war with the enemies of the Entente, and participated loyally in the struggle of the Allies.

The conference has refused to discuss, with the representatives of the Egyptian people, the political future of their country, in spite of the fact that the status of Egypt had been changed owing to the war.

They wind up that communication to M. Clemenceau by saying:

"Peace," said President Wilson, "can only be lasting if it extinguishes resentment in the hearts of nations, and if there be only one justice for the strong and the weak alike."

Yet the Egyptian people have been sacrificed on the altar of diplomatic understandings between the great powers. One can hardly imagine why such a sacrifice has been inflicted on a nation like ours, with such a glorious history.

For these considerations, we, the representatives of the Egyptian people, must raise the voice of that poor nation which has been treated as if it did not belong to this universe, and which had worked against herself by throwing her lot on the side of the Allies. Egypt protests most strongly against such a decision, which has deprived her of the benefit of peace after having been a most faithful collaborator during the war. A nation which respects herself, is firm in her ideals and conscious of her rights, can not allow others to dispose of her destiny, a destiny of which she is alone mistress.

In another part of the letter to M. Clemenceau they say:

It will not be easy to make the Egyptians understand by what cruel trick of fate they must be excepted from the rule which lays down that every people has the right to dispose of itself.

Even were Egypt reduced to slavery by a permanent decree of the peace conference, should she not still have the right to choose her master and indicate the mode of government she would like to live under, seeing that she must live in tutelage?

In other words, if the peace conference is going to say that Egypt can not longer live as a nation but must be turned over to some one of the great powers, can not her executioners even give her the simple right of choosing the master who is going to rule over her? But she was denied even that. They further state in the same letter:

In the name of the Egyptian nation we protest against the measure that it is proposed to apply to us—a measure unjust, illegal, prejudicial to the interests of Egypt and of the world peace. Once more we ask the peace conference to hear the voice of Egypt, as it has heard the voice of other peoples. We ask it in conformity with the spirit of the noble principles established by the victory in order to spare further shedding of innocent blood and in order to establish peace.

In another communication to the president of the peace conference they say:

We desire to present to the conference a brief statement of the different forms of atrocities committed in our country. The conference will thus be in a position to judge whether, after such treatment, the Egyptians should be expected to live under the British protectorate. Since our race aspires to assume its own part of the obligations that humanity is imposing upon all civilized peoples, we hope that the conference will reexamine our case.

The Egyptian people hesitate to complain of the cruel vengeance of which they are the victim, vengeance meted out in the name of the great English democracy, but certainly without its knowledge. The Egyptian people hesitate to brand with such atrocities the glorious British Army at the very moment of its leaving the battle fields crowned with a laurel wreath of victory. But our hesitation is not due to the lack of the importance of the facts which constitute our grievance or to lack of proofs to establish our charges. We know that the great bulk of the British people consent to what is being done in Egypt only through ignorance of the case of the Egyptian people and of the shameful daily facts of the occupation. The truth has been rigorously suppressed. The British public does not know; the British Parliament does not know. Is there not reason for us to doubt the triumph of justice, when we are confronted with diplomatic combinations of statesmen who mold the policy of the great powers and who, by constantly giving in to each other on questions of principle, are sharing at the expense of justice and right the spoils of the weak? * * *

We refuse to believe that in this solemn hour of history, when there is a possibility of a new world arising from the ruins of the war, sordid, material interests can completely stifle the most elementary sentiments of humanity. Certainly, public opinion in Great Britain and her self-governing dominions, in the United States, in France, and in Italy will listen to our grievances and examine the statement of atrocities committed against the Egyptians and of humiliation imposed upon the Egyptians—our reward for the aid we have given the Allies to bring about the happy end of the war.

We refuse to believe that the British people are against us. We doubt if they realize why their Government is against us. The hostility of the military authorities in Egypt against the people of the country and the barbarous acts of their troops are the result of our having taken British statesmen at their word. During the war we helped against the common enemy. After the armistice we simply asked for the reward others were receiving, including our nearest neighbors—our independence.

We based our claim on our natural right, on the reiterated promises of the British Government, on the principles of the Allies, and on the enormous sacrifices we made for the cause of the Allies, and which were, according to Gen. Allenby, the principal factor of victory on the Asiatic front. It is painful to us to impute atrocities to the soldiers of the greatest civilized nation; but can we Egyptians remain with folded arms and keep absolute silence in the presence of the different forms of martyrdom the British military authorities are inflicting upon us, especially when our conscience is free from having committed the slightest crime? We know that the strong has always a tendency to abuse his strength, and that it is regarded only as a regrettable weakness or as unavoidable in scattered instances to exceed the limit of reasonable treatment of the enemy; but, as for us, we have never been the enemies of Great Britain; we have never been in a war against Great Britain; on the contrary, we aided her with our strength up to yesterday. Then if excesses committed against the enemy are reprehensible, what is to be thought of excesses committed against a friendly and allied people, and of attacks against its liberty and against its life? Can we hold our peace and not complain when it is decided that every Egyptian, of whatever rank, must stand up and salute passing British officers? Can we preserve our serenity when our women are violated, our villages burned, the innocent assassinated en masse?

Mr. President, these representatives submitted to the peace conference with this letter and others like it evidence upon which the statements are based. Not only were the inhuman acts which they have outlined committed by British soldiers, but the most tantalizing arrangements were made, by which the Egyptian, as he stood on the street, had to salute every English officer when he came in sight, and if he did not do so he was arrested. The occurrences in Egypt are almost impossible of belief, even when you read the testimony that was submitted. I confess, Mr. President, that I hesitated before I thought it was proper even to produce the evidence to the Senate, because I could not make myself believe that Great Britain, our ally, would stoop to perform the barbarous and inhuman acts that have been committed by British soldiers in Egypt after the armistice, particularly when we remember that Egypt was our friend, our ally, and, according to her numbers and her ability, sacrificed almost as much as any other nation, and at least nearly as much as any other nation if we exclude France.

They submitted some evidence of an English woman which is contained in a letter. This was official; it was sent to the peace conference; it is something which is backed up and vouched for by the official representatives of the Egyptian nation. They have sent hundreds and hundreds of names, of affidavits, all kinds of evidence, sustaining the charges, and they say in one of their communications that no charge is made by them, no evidence submitted, where there is any doubt as to its truthfulness. Here was an English woman who was in Egypt after the armistice when the British took possession of the Egyptian nation by force. Like other communications, I shall only read a part of it, because I can not take the time of the Senate to read all these communications, but I wish the Senate to understand that I am not omitting parts of them simply because they do not bear out what I am claiming. It would be just as interesting if they could all be read, if all could be told, although the story would be long and perhaps tiresome. In the letter which this woman wrote she first stated that she was in Egypt for five months. The letter was printed April 2, 1919. In her letter she says:

In the canteen in which I worked a very good native servant was kicked and knocked about simply because he did not understand an order given him by a soldier. An educated native in the town was struck in the mouth and his inlaid walking stick snatched from him by a soldier who wanted it. More than one English resident said to me, "It will take years to undo the harm that has been done here by the army." Personally—

Listen to this, Senators. Here is an English woman, a loyal English citizen, speaking, and she says:

Personally I feel that were I an Egyptian I should have spared no effort to evict the British. I felt ashamed of my country—bitterly ashamed.

She winds up her letter with this sentence:

Small wonder if they hate and dread us.

Some time ago the junior Senator from Utah [Mr. KING] interrupted me by telling what the English had done in Egypt, and, among other things, he said they had taken the Christian religion there. Mr. President, this letter and hundreds and hundreds of others show under what difficulties a poor Christian missionary would be laboring in Egypt with British soldiers performing the inhuman, dishonorable acts that have been going on there ever since the British took possession after the armistice. Can we expect to spread the Christian religion by such treatment as is narrated by this Christian woman? Can we expect to spread the doctrine of the lowly Nazarine by taking those who do not agree with us and flogging them, as this evidence shows was done with hundreds and hundreds of innocent Egyptians? Can we expect to spread the Christian religion if we burn the villages, outrage the women, and steal the property of unoffending, innocent citizens living in their own country? Is that going to help the Christian religion? Every Christian missionary and every Christian throughout Christendom will blush with shame when they read the story of British cruelty in Egypt since the armistice.

In one of these official communications they say:

Consequently, when the armistice was concluded and Turkey found herself in a situation that no longer permitted her to maintain her claim to the suzerainty of Egypt, and Egypt thus became ipso facto independent, our people named this delegation for the purpose of asking the conference to establish in fact the independence we possessed in law, for the situation of England in Egypt rests on no foundation other than the presence there of an army cowing the people into submission. Great Britain is in Egypt not by right of conquest nor by right of any international agreement.

Mr. President, I do not believe any man can doubt the ability of Egypt to govern herself when he reads these communications from her official representatives. In all the diplomatic correspondence of the world, including that of the most enlightened and most powerful nations of the world, there is nothing that excels them in eloquence or in logic of argument. Such a people are not ignoramuses; people who can write the story that is printed in these letters should not be denied the right of self-government, especially when the denial of that right breaks a sacred promise made to the civilized world.

They say further:

The answer of the British military authorities to the official request of the Egyptian Government was to order the arrest and deportation to Malta of the president of the delegation and of three of his colleagues.

That is a repetition of what I have already read; but they go on in this communication at great length and tell about the suppression of all the meetings by the machine guns, and so forth, the burning of villages, and in one place they say:

The manifestations were suppressed by machine guns, which mowed down dozens of the unfortunate demonstrators. Since the Egyptians had no arms the order to fire was totally unwarranted, but frightfulness could not now stop the Egyptians from persisting in the determination to make the effort to obtain their independence.

Notwithstanding, Mr. President, they were shot down in cold blood, they still were so much imbued by the spirit of human freedom and liberty that they went on with their manifestations, knowing that it meant death.

They had firm faith in the principles of President Wilson—

Great God, how they were deceived—

which had been solemnly accepted by the Entente Allies. They felt that if their delegation could only get to Paris, justice would be accorded them. So, in spite of death that awaited them, they advanced in groups in ecstasy, making the sacrifice of their lives to the cause of liberty. According to figures given in the House of Commons on May 15, the number of those who fell in this way for the triumph of their ideal was more than a thousand.

Further on they say:

No longer content to stop the demonstration by the use of rifles and machine guns, they were guilty in several places of rape, of the assassination of peaceful villagers—

They are speaking of the British soldiers—

of pillage, of arson—all with the most trifling pretext or even without pretext.

Later they say:

Those who rule us have no thought of the pride of the people. The general commanding the British forces of upper Egypt decreed that every Egyptian must salute British officers passing in the streets under penalty of being dragged before a court-martial. These orders were no sooner put into effect than the dignitaries and high officials shut themselves in their homes and abandoned their personal affairs and those of the State.

* * * * * * *

On March 30 an armored train transporting several hundred British soldiers stopped above the village of Chobak. A certain number of soldiers penetrated the village, pillaging everything that was within their reach without encountering the slightest resistance. They attacked the honor of women. A husband who wished to interfere was immediately shot. Soon the soldiers spread themselves throughout the village and committed the most shameful excesses upon the women. Woe to her who wished to defend herself; she was immediately struck down. Woe to the man who wished to intervene; he underwent the same fate.

After the village was burned a hundred and forty-four houses were destroyed. There remain standing of this village only 56 houses. Twenty-one people were killed and 12 wounded. Some underwent a refined martyrdom. The soldiers buried the assistant mayor, his son, his brother, and two other persons up to their waists, and cut them up with their bayonets until they were dead. * * *

A detachment of more than a hundred soldiers, conducted by their officers, went to the village of Azizia, while another detachment of the same size went to Bedrechien. Motive? Searching for arms. The soldiers, after having pillaged the two villages, burned a large number of houses. * * *

In certain quarters of Cairo the soldiers attacked the inhabitants, ransacking their homes, and stealing everything they found, like silver and precious objects. In a single quarter and in one night the crimes reported to the police amounted to 32. The victims belonged to all classes of society—generals, notables, working people.

And then they refer, at these various places, to the annex attached, in which is the evidence upon which these charges are based:

See Annex No. 6. Annex No. 7 tells the history of a woman who, chased by the soldiers, succeeded with the aid of her husband in fleeing and arriving at her door. But the soldiers fired on her and killed her. * * * A little girl of 10 years was violated by several soldiers and was finally found dead.

* * * * * * *

Under pretext that in the neighborhood of the village of El-Chabanat an Indian soldier was killed, a detachment of English soldiers entered the village and, after having pillaged it, burned it, leaving more than 4,000 people without shelter, all this without investigation and without the slightest proof of an actual crime.

In that case, Mr. President, an English soldier, an Indian—some of the English soldiers were Indians—was killed, and there was no investigation made as to the cause of his being killed; and, Mr. President, you ought to expect some of them to be killed. There would be a good many of them killed if those things were going on in America. Every man who had an opportunity would kill one or two or three or four, or as many as he got an opportunity to kill. So an English soldier was killed, and in order to get the man who killed him they destroyed the whole village by burning it.

Under pretext that a shot had been fired at a British patrol which was passing at a certain distance from the village of Kafr Moussaed, the soldiers entered the said village, and also in the villages of Choubra-El-Charkieh and Kafr-El-Hagga, as well as in the hamlets that depend upon them. They compelled the whole masculine population to appear, and condemned them to be flogged on the stomach and on the back. * * *

And they were flogged.

The whole of Egypt rejects the British domination. The unanimous will of an entire people, homogeneous and having the ethnological conditions necessary to form once more its national unity, is the best proof that the people are worthy of independence. * * * It will be a crying injustice if the conference sanctions the loss of the autonomy we acquired a hundred years ago. * * *

We demand only the right to live. In virtue of what laws or of what principles of politics and morality should we be rewarded for the aid we have furnished the victors by the application of the treatment worse than that inflicted upon the vanquished enemies? Is it conceivable that the Egyptian people can be treated like ordinary merchandise in the political market, and this in the twentieth century, by the will of a conference that has not ceased to proclaim as its raison d'etre the liberation of small nationalities and the laying down of world-wide conditions which will insure a durable peace? * * *

Do you believe that our independence and our self-respect are less precious to us than your independence and your self-respect are to you?

In view of these considerations, we have the right to count on the equity of the peace conference. As the principal aim of the peace conference is to prepare a durable peace, we hope that our case will be reexamined, and that we shall be invited to present the wishes of the people of Egypt. In this way will acts be brought into agreement with principles. In this way alone will the allied and associated powers arrive at the peace they desire to attain.

Mr. President, they speak of the Egyptians that were flogged, and they send a photograph of 18 men whose pictures were taken a day or two after they were flogged. They say, in another communication, that these were the only men who were able to get to Cairo, where their photographs could be taken; so they do not represent the worst of the flogging. But no man can look without indignation and horror at these photographs of the naked bodies of innocent Egyptians, flogged not because they were armed, not because they had been even charged with committing a crime, but because they were Egyptians, because they wanted to be free, because they wanted their own nation to stand among the other nations of the world, because they wanted the proper reward for the sacrifices of hundreds and thousands of their fellow citizens who had given their lives on the battle field in order that the allied cause might win.

In one of these annexes they give a report of some of the atrocities, and I want to read a very few of them.

After they had described the burning of a town they say:

At 6 o'clock a. m. of the same day the village of Kafr El Hagueh—about 2½ miles from the railway line—and the surrounding villages were encircled. The villagers, who were at work in the fields, were obliged to reenter their homes in the midst of the shots fired upon them by the soldiers. The houses were all searched and all the male population taken to the railway station of Saft El Melouk. There they were encircled by British soldiers with fixed bayonets. The women and children had followed their husbands and parents, shouting and wailing, but dared not approach too near their people for fear of the soldiers.

And so they go on and describe how they were punished.

However this might be, they begged the general to institute an inquiry—

A charge had been made in this case that somebody had shot a British soldier and wounded him, and they were taking these towns in order that they would be sure to get the guilty person.

However this might be, they begged the general to institute an inquiry so as to punish the real author of the crime of which they accused the inhabitants of the region, all assuring him that the person or persons who had committed it could only belong to the lowest class of the population. All this was to no avail, however, the general declaring that unless the culprit surrendered or was indicated he would see that his orders were executed. * * * He refused to listen to us.

They say further:

Just then, however, we heard a terrible tumult, which was entirely dominated by the groaning of the men. The women and children were shouting and crying as they could see the sufferings of their parents from the banks of the canal where they had gathered all together.

Each man was brought before the authorities and was asked if he could indicate the criminal or any place where arms were concealed.

The soldiers' pretext for doing these various things was hunting for arms, hunting for guns and ammunition, which it was alleged had been concealed. I have an idea—I do not know, but I have an idea—that there were guns and ammunition concealed. They ought to have been concealed. They would have been justified in concealing them. They were justified in using them.

Each man was brought before the authorities and was asked if he could indicate the criminal or any place where arms were concealed. When he answered in the negative he was given a card and told to go on to a kiosque situated on the quay. Upon his arrival there he was seized by soldiers, who undressed him, took all his money away, and, as soon as he was naked, placed him with his head through a hole. Four soldiers held him outside this hole while four groups of soldiers, each composed of three soldiers, held his feet and hands in lifting up his body. Two other soldiers then flogged him unmercifully, without taking any care as to where the blows might fall.

This over, he was thrown out of the kiosque and beaten and kicked by other soldiers outside the kiosque. Some of these men fainted from the pain inflicted; others vomited blood. There was no doctor there to take care of those wounded or to prevent those who were ill or feeble already from being thus tortured.

The English did not even respect old age, and men over 50 years of age were tortured.

They give the names and the addresses of hundreds of people that it is alleged were thus treated, and they also attach to their official document to the peace conference a report of the medical authorities who examined the men after they were flogged and after they were abused. They give the names of the doctors.

Mr. President, thus far I have read letters sent by these representatives to the conference as a body, to the president of the conference, M. Clemenceau, individually, and to Lloyd-George as an individual. Now, I propose to read extracts from communications that were sent to our own representative, President Wilson, who was also there, and who joined in this refusal to give them a hearing. I want the Senate to consider what they said to President Wilson in connection with what President Wilson said in his speech at Mount Vernon on the 4th day of July, 1918.

The President in this speech was speaking of the things that must be attained before peace could be procured, and, among other things, he enumerated the following:

II. The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

Let us bear in mind that speech of President Wilson when we read the pleadings that these official representatives sent to him for mercy, for justice, for a hearing, for life. Let us remember, also, that that speech was one of the fundamental principles agreed upon by all of the belligerents upon which the armistice was signed, and therefore all of the members of the peace conference were bound by the sacred honor of the nations they represented to give adherence to that speech. President Wilson was not only bound by the honor of his own country, but he was bound by his own individual honor as a man, to give effect to the proclamation that he himself had put forth, and which rang around the world with the approval of all liberty-loving people everywhere. But, notwithstanding this, he, too, turned a deaf ear to the pleadings of these suffering people.

In the first place, Mr. President, before these representatives of Egypt had been arrested, while they were still in Egypt, they sent a telegram to President Wilson at Paris; and, as I have done with the others, I shall not be able to read it in full. I shall just read extracts. From that telegram, I read the following:

No people more than the Egyptian people have felt strongly the joyous emotion of the birth of a new era which, thanks to your virile action, is soon going to impose itself upon the universe, and to spread everywhere all the benefits of a peace whose calm and durability will no longer be troubled by the ambitions of hypocrisy or the old-fashioned policy of hegemony and furthering selfish national interests.

No people more than the Egyptian people appreciate the admirable disinterestedness with which your country entered into the war—disinterestedness that now enables it to demand that the same justice rule in deciding the affairs of the feeble as of the powerful, of the small as of the great.

The same telegram proceeds:

Unfortunately, the authorities have refused passports to the members of the delegation, and this measure which deprives us of presenting to world-wide public opinion our griefs and our wishes leaves the cause of Egypt at the mercy of insufficient and inexact documentation, and does not permit the realization of the insistent desire of Your Excellency, shared by the Allies, of seeing the destinies of peoples directed in accordance with their own desires.

They wind this up by saying:

Egypt begs Your Excellency to give her the opportunity of having her voice heard in defense of her lawful aspirations.

In another telegram to Mr. Wilson they say:

Egypt is trying to win her independence—the national right of nations—and she respectfully appeals to Your Excellency to help her in attaining this noble end.

In another telegram they say:

In two previous telegrams we have informed Your Excellency of the refusal of the British authorities to permit the departure of the delegation that has been intrusted with the responsibility of defending the interests and presenting the demands of Egypt in Europe. * * *

As we do not cease to be met with a refusal to allow our departure from our own country, the Egyptian delegation renews to Your Excellency its urgent prayer to help us to be in a position to expose the aspirations of Egypt.

They were still in Cairo. They had not yet been arrested. They were not yet in jail. They commenced to communicate with President Wilson by telegram, and the next thing that happened to them they were put in jail where they could not send telegrams. I do not know whether there was any connection between the telegram sent to President Wilson and the fact that the British nation arrested these people, but at first the British nation satisfied itself by refusing passports which said, in effect, "you can not go out of the country," and when they commenced to send telegrams to President Wilson asking

him to intercede as the result of that, or at least following that, came their arrest and incarceration in jail. They sent another telegram, and, very complimentary, all of these were to the President, and very properly so, because they believed the President meant all the beautiful things he had said about the rights of small nations, about human liberty, and about self-determination:

To the great and venerated President who led the people of the United States in their disinterested participation in the European conflict to save humanity and to preserve the world in the future from the horrors of war we send our affectionate greetings;

To the eminent philosopher and statesman who occupies to-day a preponderant place among the leaders of peoples and whose high ideals are imposing themselves upon statesmen and all nations we offer our homage and our admiration;

To the chief of the great American democracy, who left his country in order to bring about a durable peace based upon equal justice for all and guaranteed by the society of nations, we submit the cause of Egypt, which is subjected to a foreign domination that Egypt unanimously rejects.

And yet the only response to that telegram that was sent from Cairo was the arrest and incarceration in prison at Malta of these representatives. But finally, after they had been released, as I have related, and got to Paris, they then took it up again with President Wilson. They sent him a communication from the hotel where they were living in Paris, and I quote from that:

From the beginning of the war—

They said to President Wilson—

the Egyptian nation has never faltered in its loyalty to the Entente Alliance, and especially to Great Britain. To avoid the raising of embarrassing questions the Egyptian leaders decided to work wholeheartedly for the winning of the war and postpone discussion of the future of Egypt until the peace conference.

A delegation has been sent to Paris by the Egyptians to present their case. We represent all elements of the Egyptian population—Mohammedan and Christian alike.

The only thing the President ever did, so far as the Egyptians were concerned, was to send them this letter:

I beg to acknowledge receipt of your letter of April 22 and to say that it will be brought to the President's attention.

Sincerely, yours,

(Signed) GILBERT F. CLOSE,
Confidential Secretary to the President.

Another letter was sent to President Wilson, dated April 29, 1919. I read only parts of it:

Upon your respect for the rights of men we base our hope that the demand will be granted. Our faith in the impartial justice upon which you proposed to make the peace of the world is so great that even your recent intervention in connection with the British protectorate has not shaken it. Whatever may have been the reason that led the United States to recognize the protectorate, we believe that we should now make known the real opinion and aspirations of our country.

The privilege which we ask was not refused to the enemies of the cause of liberty. Can it be denied to those who have contributed to the triumph of liberty?

We make a special appeal to Your Excellency, because the people of all Egypt have placed their supreme hope in you. In no country was your stirring call for justice heard with such response as in Egypt. We are hungering and thirsting for liberty, and in your principles we see the pledge of our deliverance.

We were the first to rejoice over the coming of an era when "all people and all nationalities would have a right to live on a footing of equality, in liberty and security one with the other, whether they be strong or whether they be weak.

We have counted on your promise that in the general settlement the people would have satisfaction. That is why our young men rallied to the cry, "Long live Wilson!"

Only yesterday your solicitude spoke eloquently on behalf of a small nation, refusing to allow her conquerors to rule without the control of the League of Nations. You would not admit that a people who until now had formed a part of the Ottoman Empire should pass from one sovereignty to another like a piece of merchandise. You insisted that their aspirations be respected. Can this solicitude stop at the threshold of our unfortunate country?

Egypt is the cradle of civilization. The people of Egypt have faith in the high mission you assumed when you said that justice and not interest must dominate.

Here is another communication written by the president of the Egyptian delegation on behalf of that delegation to President Wilson. This is in June, 1919, while the President is still at Paris at the peace conference. He said:

I had the honor to request on April 22 last an audience, in which, as the representative of a historic and civilized country, I had hoped to submit to Your Excellency the real state of affairs in Egypt, as well as the national aspirations of my fellow countrymen.

* * * * * * *

My request for an audience was based upon the fact that the hopes of the Egyptian people rested in you as the author of these noble principles, and as the honored President of the great American democracy, which entered the war for no selfish purpose, but merely to serve the cause of liberty and justice.

Again the material and scientific resources of the United States, together with the great moral efforts of the Republic, were utilized—as Your Excellency emphatically declared—not in self-defense, nor for the love of conquest, nor, may I be permitted to add, for the consecration of foreign dominations over unwilling countries, but for the establishment of a system of international justice before which must bow both the stronger and the weaker nations.

These principles—which were declared in the name of the American people as the basis of a democratic and a durable peace—have become so deep-rooted in the hearts of the whole Egyptian people that they revolted, unarmed, for the application of these principles to their country. Their absolute faith in the 14 points, in the speech of September 27 last, and in other declarations was unshakable. And the bullets of the British Army in Egypt were powerless to shake their firm belief in your ability—and in the ability of the American people—to realize the principles for which they had fought and won. In the deportation of my colleagues and myself the Egyptian people saw an attempt on the part of the British authorities to deprive the country of the benefit of your consideration.

Their will prevailed. We were released. And our first duty on arriving at Paris was to request Your Excellency for an audience. This honor was denied to us. And a few days later the recognition by the Government of the United States of America of the British protectorate over Egypt was published throughout the world.

According to information received, the news in Egypt fell upon deaf ears. The Egyptians could not imagine that the principles which promised to the world a new era of political freedom and political equality would consecrate the servitude of a whole nation.

The decision of the peace conference with regard to Egypt resulted in a policy of systematic revenge by the British military authorities throughout the country. Towns and villages have been submitted to most awful exactions. Some villages have been completely burned, and thousands of families are without shelter. People who do not salute British officers are court-martialed. The judge of Kena Province refused to attend court to avoid submitting to such humiliation.

The Courbash is being most freely used. Notables are being maltreated and imprisoned. Women were violated, and in one case a husband (who was present) was shot dead by the troops while attempting to defend the honor of his wife.

And all this because the Egyptian people had dared to demand their political emancipation!

That they will persist in demanding their political freedom goes without saying. They will do so in the firm belief in the righteousness of their cause and in their whole-hearted adherence to the principles enunciated by Your Excellency. They will either succeed through America's help or perish victims to their loyalty and good faith.

For these reasons I beg to request that one of my colleagues and I be received by Your Excellency, so that we may explain to you the state of affairs in Egypt.

That plea, that ought to burn into the heart of every man who loves freedom, of every man who believes in a square deal to his fellow men, that plea that ought to have gone to the depth of every human heart, fell on deaf ears when it encountered Woodrow Wilson. Absolute silence, ignored, no answer, nothing done, no audience allowed.

Again, on June 18 they sent a letter to the President in the name of the Egyptian delegation.

I have the honor to acknowledge receipt of your confidential secretary's letter of the 9th instant, in which he says that you have not had the time to give an audience to one of our colleagues and myself. We note with satisfaction that you do not exclude the hope of an interview in the future.

Still hanging on to the hope, false hope as it proved to be; still hoping against fate that the man whose word had resounded around the world in behalf of human freedom, the man whose advice the Egyptian people had followed and fought for to the very end, believing in the doctrines that he had proclaimed, they still hoped that he might at least give them a hearing.

We feel sure that you realize, Mr. President, the position in which you have been placed on account of the rôle of international leadership which you have assumed.

We wish to impress upon you that it would be the despair of the Egyptian people if their delegation failed to get even a hearing before the exponent of international right and justice.

We do not believe that you wish Egypt to be condemned unheard. And we do not feel that you can form a judgment on the Egyptian situation without giving a hearing to the Egyptians themselves.

We believe you purposely left open the possibility of an audience with us in the future, and we respectfully request that this be granted us as soon as possible in order that history may reflect honor on you in this affair, as in all others connected with the conference.

And, Mr. President, that was the end. That plea that would almost turn a heart of stone failed even to bring a response from the confidential secretary, and thus Egypt was turned over without her consent to the British Empire. There she is to-day, there she will remain if this treaty is approved, as loyal and as true an ally as fought in the Great War.

Is America going to treat this ally in that way? Is the Senate of the United States going to put its official stamp of approval upon the conduct that leaves 13,000,000 people condemned unheard and without an opportunity to speak in their own behalf? Are we going to put our seal of condemnation upon an ally who lost more men than America did in the war, who did, as everybody knows, valiant service from the beginning to the end? Are we going to give approval to the demand of Great Britain that she will be permitted to thrust aside the official promises and pledges that she has been making to Egypt and the world for the last 30 years that she has no ambitions upon Egypt? Are we going to do it? Can we read with approval the speech of President Wilson made at the tomb of the father of our own country; can we remember his beautiful words there at Washington's tomb and give our approval to this act that, in my judgment, will be a disgrace to civilization?

Mr. President, as I said in the beginning, I have confined my remarks mostly to the question of Egypt, but Egypt is not the only sin contained in this treaty. It is only a sample, and it is not the worst sample. It is only an illustration of the general

rule. Almost every page of the hundreds contained in this treaty contains evils and other wrongs as great and as sinful as the crime against Egypt.

The world does not yet know the extent of the evil that is tied up within the folds of this ponderous treaty. The world was weary of war. It had been promised that when the war was over there would come out of it a peace that would be lasting.

The armistice was signed and hostilities ended on the express understanding that a peace should be written that would recognize the beneficent doctrine laid down in the famous 14 points and the other addresses of the President on that subject. All the peoples of the world believed that the sacred pledges so solemnly given by the belligerent nations would be kept inviolate. They had no suspicion when the armistice was signed and this agreement was made that secret treaties had been made by some of the principal allied nations that would result in the violation of every pledge.

The discussion that has gone on throughout Christendom has been confined almost entirely to the League of Nations portion of the treaty. Those who are demanding of the world the approval of this document have discussed practically nothing else.

Censorship in London, in Tokyo, and in other places, including Washington, has kept the world to a great extent in ignorance of the crimes that have been committed at Versailles in the name of peace. Can it be that the patriotic people of this Nation desire the Senate to turn a deaf ear to the pleading cries of many millions of people who by this treaty have been transferred from one nationality to another like chattels? Can it be that posterity will approve our action if we violate every principle for which our forefathers fought and which have made us a great and prosperous Nation? Can we long boast of our freedom and our honor if by our act we hold as chattels and slaves millions of helpless and innocent people and in this civilized day divide up the earth to suit the autocrats of Europe and Asia, without considering the wish or the will of the people whose freedom and liberty are thus denied?

To defeat this treaty it ought to be sufficient to know that every pledge made by which hostilities were ended and the armistice signed has been violated and trampled underfoot. There are those, however, who feel, even though we are violating these pledges, even though we are transferring people like chattels from one nationality to another, that we are excused for so doing because this treaty professes to bring to the hungry world a permanent peace. To those who believe in this doctrine it ought to be sufficient to point to the lessons of history. Every attempt that has been made during the history of the world to carry out such a program has ultimately failed. The history of Poland, of Alsace and Lorraine, and numerous other instances might be cited as guideposts to the statesmen of to-day. We can not build a permanent peace upon a foundation of broken pledges and unjust and inhuman treatment to millions of the human race. Such attempts have always failed, and always will; they must fail because they violate the eternal law of human progress. We can not by any man-made instrument repeal the laws of God, however laudable may be the purpose. All history teaches that such efforts must end in disaster. This treaty, if approved, while containing these inhuman and dishonorable things, will bring misery, suffering, and war to those who shall follow us, because they are in violation of nature's laws which are as immutable and unchangeable as the heavens.

When the representatives of the great nations emerged from their secret chamber they gave to the waiting world a treaty too long for the busy citizen to read and labeled it "perpetual peace." A war-weary world accepted their judgment, and, for a time, in no unhesitating way condemned any citizen who dared to deny the virtue of this unholy document; but when the fair-minded and honest citizenship of civilization had been induced to study this barbarous monstrosity, they began to awaken from their dream of peaceful satisfaction and commenced to realize that humanity had been "buncoed." When the peace-loving world understands what this treaty contains, it will not be slow to condemn the men who have practiced this deception. Already, the self-appointed autocrats who sat in secret judgment at Versailles are receiving a just condemnation in the hearts of their own fellow citizens. Orlando has been defeated in Italy; Clemenceau has been overthrown in France; Lloyd-George sees the handwriting on the wall; and Woodrow Wilson is "watchfully waiting" the coming condemnation of the American people.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gronna	Lenroot	Sherman
Beckham	Hale	Lodge	Smith, Ga.
Borah	Harris	McKellar	Smith, Md.
Calder	Harrison	McLean	Smoot
Capper	Henderson	McNary	Spencer
Chamberlain	Hitchcock	Nelson	Sterling
Colt	Johnson, S. Dak.	New	Sutherland
Cummins	Jones, Wash.	Norris	Thomas
Curtis	Kellogg	Nugent	Trammell
Dial	Kendrick	Overman	Underwood
Dillingham	Kenyon	Phelan	Wadsworth
Elkins	Keyes	Phipps	Warren
Fletcher	King	Poindexter	Williams
Gay	Kirby	Pomerene	Wolcott
Gerry	Knox	Sheppard	

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, as in legislative session, I submit a conference report on the deficiency appropriation bill, being House bill 12046, and I ask unanimous consent that it may be considered at the present time. I desire to say that it is a partial report, certain amendments, three in number, not having been agreed to. I therefore submit the report, and move its adoption. If that motion be agreed to, I shall then move for a further conference.

The PRESIDENT pro tempore. The Secretary will read the conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 54, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 12, 13, 14, 15, 19, 20, 23, 24, 26, 27, 29, 33, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 60, 61, 62, 63, 64, and 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: At the end of the matter retored insert the following: "An itemized statement of the articles transferred hereunder and the cost price thereof shall be reported to Congress by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate number 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the salary of an envoy extraordinary and minister plenipotentiary to Finland at the rate of $10,000 per annum from March 1 to June 30, 1920, inclusive, $3,333.33."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ADJUTANT GENERAL'S OFFICE.

"Not exceeding $500,000 of the appropriation of $3,500,000 for the care and custody of the draft records and for the employment of clerical assistance for the purpose of furnishing to adjutants general of States statements of service of soldiers who served in the war with Germany shall be available for the employment of clerical assistance necessary for the purpose of furnishing such information from the records of the demobilized Army as may be properly furnished to public officials, former soldiers, and other persons entitled to receive it: *Provided*, That the Secretary of War shall reallot the appropriation of $4,000,000 for temporary employees in the War Department in such manner as will provide an allotment of $174,000 for the office of The Adjutant General in addition to the allotments already made for that office for the current fiscal year for work in connection with records of the demobilized Army."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, strike out "$500,000" and insert in lieu thereof "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: " : *Provided*, That in case said bridge is thrown open for public use one-half the cost of the maintenance thereof shall be paid by local interests"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment strike out "$6,600,000" and insert in lieu thereof "$5,000,000," and add at the end of the matter inserted by said amendment the following: "*Provided further*, That the construction work hereunder shall be done by contract, let to the lowest responsible bidder, and no bid shall be accepted for any building to cost in excess of $2.45 per square foot for an unlined building or $2.90 for a lined building"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Norfolk, Va., navy yard: For dry dock and accessories, exclusive of any profit to the contractor, $451,047.30."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 17, 22, and 34.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.
JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the conference report which has been read. Is there objection?

Mr. KING. Reserving the right to object——

Mr. POINDEXTER. Mr. President, I have no objection to the consideration of the report, but I desire to make an observation in case it is considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

Mr. KING. I desire to ask the Senator from Wyoming whether he expects to have the report disposed of this evening?

Mr. WARREN. It should be disposed of this evening, because we have to act upon the report before the other House can do so, and quite a number of the amendments provide for sums which should be available by Monday next. There is an entire agreement on all but three items, and as to those three items we shall ask for a further conference.

Mr. KING. I desire to inquire further of the Senator if the consideration of the report were deferred until to-morrow morning, in order that we might have an opportunity to read it and see what are the items in controversy and what have been agreed to, and the report were taken up the first thing to-morrow morning, could it not be disposed of then without involving any delay in the final disposition of the matter?

Mr. WARREN. I will say to the Senator from Utah that there are three items which are still in disagreement, and I will tell him now what they are.

Mr. KING. I am advised as to those three items, but as to the other items which have been assented to there might be some disposition in the Senate to remonstrate a little.

Mr. WARREN. In other words, the Senator desires to send the report back unapproved?

Mr. KING. I do not want to take——

Mr. WARREN. The Senator has the right, of course, to object to the present consideration of the report, but I hope he will not do so.

Mr. KING. I do not want to object, but it seems to me that the Senator will dispose of the matter just as quickly if he will let the report go over until to-morrow morning and give us an opportunity to read it.

Mr. WARREN. Of course, my motion may be voted down, but I move the adoption of the report.

The PRESIDENT pro tempore. Does the Senator from Utah object to the consideration of the report?

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. POINDEXTER. Mr. President, as I understand the Senator from Wyoming makes a motion which is subject to debate.

The PRESIDENT pro tempore. The request is for unanimous consent for the present consideration of the report. The Chair understands that any objection carries the report over for one day.

Mr. POINDEXTER. My understanding was that the Senator from Wyoming withdrew his request and made a motion that the Senate proceed to the consideration of the report.

The PRESIDENT pro tempore. The Chair did not understand that the request was withdrawn. He has not heard of such a request being made.

Mr. WARREN. Mr. President, I think the misunderstanding arose in this way: As we were at that time in executive session, I at first asked that the conference report be considered as in open legislative session; but when a motion is made to adopt the report I do not understand that an objection can then be maintained, but that the motion would have to go to a vote.

Mr. POINDEXTER. Mr. President, upon that motion I desire to say just a few words.

Mr. SMOOT. Mr. President, do I understand the Chair to hold that one objection would carry the report over for a day?

Mr. POINDEXTER. I do not think so.

The PRESIDENT pro tempore. The Chair so understands the rule.

Mr. WARREN. The objection would only be to considering it in legislative session, because a motion will not apply; that is, the objection does not carry it over if we are by unanimous consent in legislative session for the moment.

Mr. LODGE. Mr. President, I understood the Senator from Wyoming to ask unanimous consent to consider the conference report in legislative session, which, of course, he had to get. That, I understand, he has got—permission to consider it in legislative session. Now he presents his report. That is privileged. He has presented the report, and the privilege is exhausted. The question of consideration is open. The Senate can decide whether they will consider it now or not, as I understand the rule.

Mr. SMOOT. Mr. President, the rule is Rule XXVII, and reads:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put and shall be determined without debate.

Mr. LODGE. Yes; that is right.

Mr. SMOOT. That is the rule.

Mr. LODGE. But the question of consideration can be passed upon.

Mr. SMOOT. Yes.

Mr. LODGE. A conference report has no privilege for consideration.

The PRESIDENT pro tempore. The report, being a privileged matter, has been received in accordance with the rule. The question of whether or not the Senate will take up the report for consideration is before the Senate, and, as the Chair understands the rule, a single objection takes the report over until some other time.

Mr. LODGE. Oh, no; I think not, Mr. President. It requires a vote of the Senate. The question of consideration has been raised and must be decided without debate.

Mr. SMOOT. The rule says:

And when received the question of proceeding to the consideration of the report, if raised, shall be immediately put and shall be determined without debate.

That is Rule XXVII.

The PRESIDENT pro tempore. The Chair did not so understand the rule.

Mr. LODGE. Mr. President, as the point has been made about my delaying the treaty, I will state that I gave notice that I should hold the treaty before the Senate against everything but a conference report; but I am not going to hold it before the Senate against a conference report, especially when it is necessary that an agreement should be reached between the two Houses before Monday next in order to meet certain of the appropriations that are carried in this deficiency bill.

The PRESIDENT pro tempore. The Chair believes that under Rule XXVII the question of consideration of the report must be immediately put. The question is on the motion of the Senator from Wyoming [Mr. WARREN] that the Senate proceed to the consideration of the conference report.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on House bill 12046.

The PRESIDENT pro tempore. The report is now before the Senate for consideration.

Mr. POINDEXTER. Mr. President, one of the items upon which I understand the conferees have failed to agree is the amendment of the bill which provided $3,000,000 for repair of naval vessels. May I ask the chairman of the committee whether that is correct?

Mr. WARREN. It is.

Mr. POINDEXTER. Mr. President, I was present during the debate in the Senate when that amendment was adopted, and at that time there seemed to be some confusion among the Senators who were interested in it as to the reason and necessity for asking for this amount in a deficiency bill. The Senator from Utah [Mr. KING] called attention to the fact that $31,000,000 had been appropriated in the last naval bill for repair of naval vessels, but attention was not called in the Senate to the fact that the Navy Department in its last annual estimate, after a study of the situation and needs of the Navy for repair of its new fleet, had asked for $75,000,000, and that the committee of Congress cut down the appropriation of $75,000,000 to $31,000,000. Several statements were made upon the floor as though a much larger sum than $31,000,000 had been appropriated. I heard $80,000,000 mentioned at one time as the amount that had been appropriated for the repair of naval vessels, but that was an entire mistake. Only $31,000,000 was appropriated, and it was not half of the amount that had been asked for by the Navy. Now, it seems to me that when the estimate of $75,000,000 made by the department for the repair of ships was cut down to $31,000,000 it is not at all strange that there is a deficiency in that appropriation.

Mr. WARREN. Mr. President, the Senator understands, of course, that the Senate is insisting upon retaining that $3,000,000 appropriation; hence the disagreement.

Mr. POINDEXTER. I understand that, and I very much hope that the Senate conferees will continue to stand upon that; but the particular point that I wished to bring to the attention of the Senate conferees, in order that they might present it in conference, was the fact that in the last annual appropriation bill the estimate for this item was cut down more than 50 per cent. That fact was not brought out in the debate here. That tremendous reduction by Congress in the last naval bill in its efforts to economize is the cause of the present complete tie-up of the work in the navy yards in connection with the repair of our naval vessels. This is a very small item in comparison with the curtailment of the amount that was asked for by the department.

Mr. WARREN. I will say to the Senator that we had those items with us and all of the figures, and that on four different days we went over to a greater or less extent those figures, which, of course, we had before us.

Mr. POINDEXTER. Including the estimates presented in connection with the last annual appropriation bill?

Mr. WARREN. Yes.

Mr. POINDEXTER. I am very glad to know it.

I take it that it will be conceded by every man who takes a business view of this matter that sooner or later our naval vessels must be repaired. If this appropriation is denied in this bill, I assume that it will be agreed by all who take a business view of the matter that it will have to be added to some other bill; so the only question is whether or not we are going to leave vessels rusting and deteriorating in the docks and in the navy yards in a state of disrepair and unfitness for use simply in order to delay making the appropriation from the Treasury and to create some sort of an appearance—a rather false appearance—of economy. It seems to me that true economy would dictate the immediate appropriation of this amount, and the repair of these vessels as soon as possible, in order to prevent the accumulation of the expense that will come from further delay.

Some figures were given, at the time this amendment was adopted, of the percentage of deterioration of vessels tied up at the docks and waiting for repairs—5 per cent a month, the Senator from Massachusetts [Mr. LODGE] suggests—all of which will be saved by the immediate appropriation of this amount; and I urge upon the Senate conferees that they insist upon this appropriation.

Mr. PHELAN. Mr. President, it seems to me that nothing less than an emergency will bring the conference committee, and especially the House, to a realization of the necessity of keeping in repair the vessels of the Navy.

We have here the testimony of Admiral Coontz and of Admiral Taylor that it is absolutely necessary to provide in this deficiency bill the sum required simply for the purpose of repairing the ships that are in Atlantic and Pacific waters.

I say that an emergency is the only argument that seems to avail with men who are bent upon economy. Economy and retrenchment are excellent things; but we know very well that when it was important that we should equip ourselves for the war, the expenditure on account of our unpreparedness was overwhelming; so it was very poor economy to wait until the enemy was at our gates.

There are now in the city of Washington the governor of the Hawaiian Territory and a delegation from the legislature, and I learn from them in conversation that the conditions in the islands are very critical; that there is a strike among the Japanese, who comprise one-half of the entire population of the islands; that there are 120,000 Japanese in the islands, and they are on a strike, and their consuls, it has been discovered, have agents in every camp who report to them. In order to make the strike effective notice has been sent out by the unions composed of Japanese that in case any Japanese refuses to join in the strike he shall be reported to the burgomaster of his native cantonment, or whatever political subdivision it is, in Japan; and great pressure, which seems almost to be of an official character, is put upon these men to join the strike—against whom? Against the white planters.

These Hawaiians say that the white planters will not yield. Already, they state, 14 cane fires have been started in the different plantations. They are using the method of sabotage and the destruction of property to bring about the accomplishment of their purposes; and I am told that a Japanese warship has just entered the harbor, ostensibly for the purpose of taking off Japanese who are willing to go back.

That is one condition in the Pacific, apart from many others throughout the world, which have inspired the men who control the Navy with a desire to keep the ships in repair; and I think it is of first importance that we should instruct—if, indeed, they need instruction—our conferees to stand for the insignificant $3,000,000 which we have voted for the repair of our naval fleet. The Secretary of the Navy said that $10,000,000 was necessary, but we have offered him $3,000,000, and now the House conferees refuse to grant even the $3,000,000. I think it is a matter upon which we should stand without doubt or equivocation, because of the extreme necessity of keeping in repair our fleet, our first line of defense, necessary to maintain our prestige and guard our rights.

Mr. KING. Mr. President, I wish that the Senate would recede from the item to which the Senator from California has just referred.

We appropriated for the Navy, for the current year, nearly $700,000,000. The direct appropriation was six hundred and some odd millions, and $64,000,000 were authorized in the shape of contracts. Out of that sum, it seems to me, there was ample to meet the expenditures required in any exigency which might arise.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. POINDEXTER. The Senator realizes, however, that the large sum of money which he has just mentioned is not available for the specific purpose for which this amendment is needed. The appropriations in the naval bill are specific, and the items which go to make up the amount which the Senator has stated, if the amount is correct, can not be used for the purpose of repairing vessels.

I do not understand that the Senator from Utah disputes the fact that the fleet is badly in need of repairs, and that many vessels are out of commission on account of the lack of money to repair them and put them in a fit condition. If the Senator is not prepared to deny that fact—and I do not think it can be successfully denied—it seems to me that his citation of sums of money appropriated for other purposes has but little bearing upon this immediate question. I do not think the Senator from Utah wants to have our fleet deteriorate, or have it incapacitated from service, and the question presented is simply a direct, plain proposition.

Mr. SMITH of Maryland. A matter of economy.

Mr. POINDEXTER. A matter of economy, as the Senator from Maryland very truly says; a matter of business also; and the circumstances stated by the Senator from Utah do not in any way affect the question.

Mr. KING. Mr. President, I understand, of course, that the appropriation bill did not carry the entire amount that I have referred to, namely, nearly $700,000,000, for the purpose of repairing vessels belonging to the Navy. There was a very large item, however, to which I referred the other day; indeed, there were two large items, for repairs and for construction in the yards and the docks. The aggregate of all those appropriations that related to repairs and improvements was nearly $100,000,000. The information that was conveyed in the House, I understand, indicates that that appropriation has not yet been exhausted. On the 1st of July there will be available such sums as may be required for the coming year. The committees now are dealing with this question. I believe from the information which I have that there is a sufficient amount now, if properly utilized, to carry on legitimate and imperative repairs until the next appropriation shall have been made.

Furthermore, Mr. President, after Congress has examined the subject fully, as the Naval Affairs Committees did both in the House and in the Senate, and reached a conclusion as to the appropriation which should be made, I do not approve of the idea that the executive officers of the Government, in the face of action by Congress, in the face of an investigation which had been made, shall go and create deficits without limitation and exercise their own discretion without any limitation. Congress decided what should be expended. As I recollect the debate the other day, there was something which indicated that some of the officials of the Navy Department transcended their authority and had made some improper expenditures, or at least had utilized money not allocated to them, and in so doing had deprived other funds of money which should have been allocated to them.

I think if you ratify the action of the Navy Department by making this appropriation you will confirm them in their acts of usurpation and you will invite them to continue the policy of ignoring the act of Congress and to continue a policy of expenditure regardless of the amount which Congress appropriates. Of course, we are all in favor of maintaining a Navy, and a great Navy, but we are in favor of law and in favor of subjecting executive officials to the laws which shall be enacted by Congress.

I sincerely hope that if this item goes back to conference the Senate conferees will recede.

Mr. LODGE. Mr. President, I only wish to say a single word. I want to express a strong and earnest hope that the Senate conferees will stand for the Senate provision. The total expenses of the Navy have nothing in the world to do with the item that is up now. A refusal of the appropriation under the guise of false economy is simply wasteful and destructive.

Mr. PHELAN. Mr. President, I feel so strongly in the matter that I should like to test the sense of the Senate on the subject, and I move that the conferees on behalf of the Senate be instructed to adhere to the item of $3,000,000.

Mr. WARREN. I have no objection to that course. I propose to ask for the reappointment of conferees, and the supposition is that they are instructed by the Senate when the item in disagreement is again sent to conference. However, if the Senator insists upon it, I shall not oppose his motion.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. PHELAN. Did the Chair understand that I had made a motion?

The PRESIDENT pro tempore. The Senator from California made no motion as the Chair understood.

Mr. PHELAN. The Senator from California moved that the Senate instruct its conferees to stand by the item of $3,000,000.

The PRESIDENT pro tempore. The motion was not in order at that time.

Mr. PHELAN. I shall renew the motion when it is in order.

Mr. WARREN. I move that the Senate insist upon its amendment and ask the House for a further conference, and that the presiding officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD conferees on the part of the Senate at the further conference.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. SMITH of Georgia. Mr. President, I ask the attention of Senators briefly to the reservation before the Senate and to the substitute offered by the Senator from Nebraska [Mr. HITCHCOCK]. I am opposed to the substitute offered by the Senator from Nebraska, and I also wish to suggest an amendment which I think should be made to the reservation. I am deeply interested in the ratification of the treaty with proper reservations protecting American rights, and I think we ought, if possible, to get together upon it.

Before discussing the reservation and the substitute, in just a word I wish to refer to a matter brought to the attention of the Senate on yesterday. It had reference to the length of time war would be delayed and to the effect of a finding by the council. Article 12 provides:

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

This, of course, means that, regardless of the character of the award, regardless of compliance with the terms of the award, regardless of the unanimity of the council in making a decision, for three months there shall be delay, a cooling time, with the hope that by diplomacy or in some way the differences may be adjusted and war prevented.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do not desire to yield just yet.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. SMITH of Georgia. I wish to finish what I have to say on this subject first, then I will yield gladly.

The fourth paragraph of article 13 provides that—

> The members of the league agree that they will carry out in full good faith any award that may be rendered—

This refers to an award by arbitration—

> and that they will not resort to war against a member of the league which complies therewith.

The effect, of course, of this provision is that if an award is made by arbitration and one of the members offers to comply and does comply, then the other member will not resort to war.

Paragraph 5 of article 15 provides—and this has reference to the case of a dispute brought to the attention of the council:

> If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

The effect, therefore, is this: For three months absolutely the parties agree after the award is made that they will not resort to war. In case of arbitration it is agreed that if one of the parties complies the other will not resort to war at all. In case of a unanimous finding by the council other than the two parties to the dispute; that is to say, if seven of the council unanimously agree upon the terms of settlement between the parties to the dispute and one of the parties complies, the other party will not resort to war.

The seventh paragraph of article 15 carries the provision that this reservation is intended to avoid. Let me say, Mr. President and Senators, that I regard these paragraphs as the heart of the league. I regard them as the valuable portion of the league. They are the provisions that make a league for peace, not an alliance for war. They are the provisions that seek to bring about an adjustment of disputes through peaceful

means, through arbitration, through conference, by an adjustment, and to obligate members of the league to delay war first, and if arbitration settles it, or seven of the council unanimously agree and one of the parties complies with the agreement, then that there shall be no war. I believe in these provisions. I believe they will be of real service to the world to maintain peace. There is no provision for the use of guns. There is no obligation to resort to war in them. They are the league for peace as compared to article 10, which I regard as an alliance for war.

The provision to which I am opposed as it stands in article 15 and to which this reservation applies is the seventh paragraph, as follows:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

By rules of international law solely within the domestic jurisdiction of the parties. I am unable to find established rules of international law that take domestic questions out of the field of internationalism and make them solely domestic questions. I am unwilling that domestic questions be passed upon by any board of arbitration or even by the seven members of the council. Especially I am opposed to having considered by them the question of immigration.

This is no new question in the United States. In January, February, and March, 1912, the Senate had under consideration a treaty of universal arbitration with Great Britain. Reservations were attached to that treaty providing that no domestic question should be the subject of arbitration. The reservation further proceeded to declare that we would not submit to arbitration the question as to whether the question was a domestic question. I desire to say to my colleagues on this side of the Chamber that every Democrat in the Senate at that time voted for the reservation, providing that we would not submit to arbitration our domestic questions and would not submit to arbitration the question whether a question was a domestic question, and we proceeded then to name immigration as one of the domestic questions which under no circumstances we would submit to arbitration.

In supporting this reservation I am simply following the policy declared by the Members on this side of the Chamber in 1912, and unanimously supported by them at that time when the treaty came from a Republican President, when the majority of the Senators were on the other side of the Chamber and when about one-half of them joined with us on this side to put the reservation upon the treaty which saved our domestic problems from foreign interference or from arbitration and saved us from letting any outsider determine for us what was and what was not a domestic question.

Mr. KING. What was the form of the reservation?

Mr. SMITH of Georgia. I do not have it before me now. I can give it to the Senator later. I have it in my office.

Now I come to the proposed amendment or substitute of the Senator from Nebraska [Mr. HITCHCOCK]. I can not think that the Senator from Nebraska will insist upon his substitute. It is an obstruction to the ratification of the treaty. I would expect the Senator from Idaho [Mr. BORAH] to support it, and if the Senator from Missouri [Mr. REED] were here I would expect him to support it, because they openly desire to kill the treaty; but I can not see how anyone who favors the treaty will support it. Let me read it:

That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

That is, no member of the league, not the United States, but the domestic disputes of no member of the league, shall be considered by the council, and each member shall alone determine what are its domestic questions. I agree that we should say that we will not submit ours, but it says "no member" shall submit. It not only takes us out but undertakes to amend the league covenant and apply the principle which we, by reservation, can apply to ourselves and applies it to every member of the league, whether the others wish such a privilege or not.

Mr. KING. If the Senator will pardon me——

Mr. SMITH of Georgia. I yield to the Senator from Utah.

Mr. KING. The contention has been made by Senators upon both sides of the Chamber, and I think the contention was correct, that the treaty itself as drawn does not commit to the League of Nations the domestic and internal affairs of any signatory to the treaty; that every signatory to the treaty is left free to determine its own purely domestic and internal affairs. With that premise, does the Senator think that the reservation offered by the Senator from Massachusetts [Mr. LODGE] or the reservation offered by the Senator from Nebraska [Mr. HITCHCOCK], which the Senator from Georgia is now discussing, affects in any manner the treaty, adds to or subtracts from or confers any additional rights upon the signatories, or deprives the signatories of any rights?

Mr. SMITH of Georgia. I dispute the premise. I show by the league covenant itself that the premise can not be sustained. The league covenant provides, as I read it a few moments ago—

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

In the first place, it leaves it to the council to determine whether it is a domestic question. In the second place, the council is not to determine that it is a domestic question unless by international law it is solely within the domestic jurisdiction of the parties. I deny that there are well-established rules of international law which take out of international consideration and make solely domestic all questions that may arise and which we should retain under our exclusive control because they concern our internal policies; but even if it is contended that there are rules of international law upon this subject I am unwilling to submit to the council the question of determining that matter for us; just as in the treaty with Great Britain in 1912 there was a provision that if we had a dispute as to whether the particular question was to be referred to arbitration, a board should pass upon it. Led by Senator Bacon, of Georgia, we rejected that provision in the treaty with Great Britain and we reserved to the United States under the reservation the right to pass upon what was a domestic question, and we reserved all domestic questions from arbitration.

I object to their passing upon what is a domestic question for us, and the rule of procedure by which they are to pass I also object to. I object to the language "solely domestic." Take the case of immigration—take the case of a treaty with Japan. Immigration is in some respects not a domestic question. It involves the interest of the country whose nationals are coming to our country.

I would like to have the word "immigration" expressly named in this reservation, because I would not vote to ratify the treaty under any circumstances if it would permit a question even as to the right of the United States to determine for herself who shall come to this country and who shall stay here. I especially am pleased with the fact that this reservation names immigration and declares that immigration is a domestic question, and no country shall interfere with our action and no council shall interfere with our action and no arbitral board shall interfere with our action when we come to determine who we will let live with us and how they shall live here.

I concede if the Senator's premise were not disputed his conclusions would be right; but I maintain that the seventh paragraph of article 15 is unsatisfactory in its mode of handling the question of domestic problems, that it jeopardizes our control of the problem of immigration. It invites a dispute with Japan, and it invites other disputes. I would never vote for any treaty of any kind that took away from the United States the privilege of controlling that problem.

Now, coming back to the substitute of the Senator from Nebraska [Mr. HITCHCOCK], it is an amendment to the league covenant. It is not a reservation as to ourselves; it is a provision that is to affect all the members of the league; it is to be applicable to every member of the league. It may be that there are members of the league who are perfectly willing to have their domestic problems considered by the council; there are members who have ratified it with the present provisions; there are members of the league whose territories adjoin each other and whose relations are so intimate that it might be desirable for them to submit to the council problems connected with their domestic matters; but we are 3,000 miles away from Europe, and the American people will never consent, I pray and believe, to let any other nation interfere with our domestic problems. When the Senator from Nebraska extends the reservation that we would have as to our own affairs and makes it applicable to every member of the league, he passes away from the field of reservations into a change of the league covenant itself.

Mr. LENROOT. Will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. LENROOT. Has not the Senator from Nebraska also passed entirely out of the field of interpretation? By no stretch of the imagination could this be called an interpretative reservation.

Mr. SMITH of Georgia. I thank the Senator from Wisconsin for the suggestion. I am not one of those who pretend that they are simply for interpretations. I do not care whether you call them interpretations or reservations, but we must be freed in some respects from the structure of the league. It is not a matter for us to consider that somebody else thinks; it is not a matter for us to consider what the Senator from Massachusetts [Mr. LODGE] wants or what the Senator from Nebraska [Mr. HITCHCOCK] wants or what the President wants, but it is for us to determine what we think is right. It is not for us to play politics in the interest of any party, but, laying parties aside and party interests aside, each Senator for himself is called to determine what he thinks is best for his country. I am one of those who believe that when a Senator takes that course he is doing what is wisest for his party.

Mr. President, I hope the Senator from Nebraska will withdraw his amendment. If we adopted it there would have to be a new conference in Paris and a resubmission of the treaty to every country which is a signatory of it. That is the very thing we have been trying to avoid; it is the thing we on this side—all, I believe, except one or two irreconcilables, or one irreconcilable—think should be avoided.

Mr. BORAH. There are more than that.

Mr. SMITH of Georgia. I hope not on this side. The Senator from Idaho is more familiar with them than am I, but I had hoped that there was only one irreconcilable on this side. I believe there are some irreconcilables on this side who want the treaty without reservations, and if the Senator from Idaho is counting those he is probably right that there is more than one irreconcilable found on this side.

Every Senator, however, knows that the treaty can not be ratified, and most of them believe it ought not to be ratified, without reservations, and reservations which go beyond interpretations are necessary.

Now I come to the reservation reported by the committee. There was a tentative agreement, I understand, on the part of the bipartisan conference that the word "internal" should be placed before the word "commerce," in line 5, and that in lines 7 and 8 the words "and all other domestic questions" should be stricken out. My own view is that the word "commerce" ought not to be in the reservation at all, and for this reason: We can not class all questions involving commerce as domestic questions; some of them are international; some of them we should be willing to submit to arbitration. It is illogical, it seems to me, to put the word "commerce" alongside the other subjects which we declare to be absolutely domestic questions not to be submitted to arbitration. There are many questions growing out of commerce which are domestic questions and will be held by us domestic questions, and I would not be willing to see any of them referred to arbitration. The language of the pending reservation is:

> 4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs * * * are solely within the jurisdiction of the United States.

The reservation names several questions; but in the words I have read there is found an express provision that we intend to handle domestic questions ourselves; that we reserve exclusively to ourselves the right to determine what are domestic questions and what are not domestic questions; and we do not need to insert the word "commerce." If we name some subjects, I do not think we ought to strike out the additional language "and all other domestic questions," because we have not named them all; and I believe in covering those domestic questions which have not been named. But as commerce, it seems to me, may apply to international questions as well as to domestic questions, to say that all questions growing out of commerce are to be treated by us as domestic questions, I fear goes too far. I hardly see how we can sustain the proposition, and I should be glad to see it removed.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I yield.

Mr. BRANDEGEE. I do not wish to interrupt the Senator, but at that point, if it will not inconvenience him——

Mr. SMITH of Georgia. It will not inconvenience me at all at this time.

Mr. BRANDEGEE. I desired to ask him how he avoided the point raised by the Senator from Washington yesterday afternoon, to wit, that the Constitution had vested in Congress the exclusive control of commerce among the States and with foreign nations? If that power is vested in Congress, how can we delegate any portion of it to the league?

Mr. SMITH of Georgia. We do not delegate it to the league. This is what we do: By treaty we can delegate to arbitration a question which ordinarily would be the subject of legislation. By treaty we can submit a liability that would subsequently require recognition by Congress in the way of an appropriation to arbitration for adjustment and decision. There are many questions about which we may arbitrate, upon which Congress must finally act.

Mr. KELLOGG and Mr. BORAH addressed the Chair.

Mr. BRANDEGEE. But, Mr. President, in addition to that, if the Senator will pardon me——

The PRESIDENT pro tempore. Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. I will first yield to the Senator from Connecticut, and then I will yield to other Senators.

Mr. BRANDEGEE. Inasmuch as the treaty gives both the council and the assembly jurisdiction over all questions which may affect the peace of the world, if the league, through its council or assembly, finds that a question involving our commerce with a foreign power does affect the peace of the world, why have we not attempted to give the league jurisdiction of foreign commerce instead of Congress, to which the Constitution gave it?

Mr. SMITH of Georgia. My view of that question is that the general authority is one of consideration but not of action; the authority of action is specifically limited at certain places in the league covenant, and the propositions I have just been discussing are limited only to the extent that we agree, if the finding is unanimous, that we will not go to war.

Mr. KELLOGG. Mr. President, permit me to suggest, in answer to the question of the Senator from Connecticut, that the Constitution of the United States confers jurisdiction upon Congress to regulate commerce only in so far as the United States can regulate it. If we have commerce with Austria, with Germany, or with Japan, the Constitution does not confer upon the Congress of the United States the power to regulate commerce in a foreign country, so that, if we have a treaty with any of those countries containing the "favored-nation" clause, or any other clause pertaining to commerce, a dispute over that treaty may be arbitrated, and should be arbitrated; but the Constitution does not give the Congress any power in case of a dispute with a foreign country to regulate commerce in that country.

Mr. SMITH of Georgia. But if the finding was that there was a liability upon our part, it would require an appropriation by Congress, which would simply follow the adjudication, if Congress saw fit to make it. I thank the Senator from Minnesota for his interruption.

Mr. President, I do not desire to detain the Senate any longer. I am deeply desirous, on account of our country and on account of the Senate, to see the Senate act and to see it function. I wish to see 64 Senators vote to ratify the treaty; I believe it is to the interest of our country; I believe it is the demand of the people of our country, and I think if the Senator from Nebraska does not withdraw his substitute we should defeat it.

I hope he will withdraw it, because I do not think it should receive many votes, except his own and those of the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Idaho [Mr. BORAH], the Senator from Missouri [Mr. REED] not being present. Then I hope that some Senator on the other side, in the majority, will move to eliminate the word "commerce" from the reservation. We do not need it in, because there are problems growing out of commerce that we can not insist are domestic problems solely, and I do not like to see the Senate add a reservation claiming as purely domestic a matter which may or may not be purely domestic. I believe if we will take the word "commerce" out that we will help to get votes to ratify the treaty.

Mr. BRANDEGEE. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. In just a moment. I desire the attention of the Senator from Massachusetts and the Senator from Minnesota when I repeat that by taking the word "commerce" out I believe we will remove a cause of just question as to this reservation, help to get votes for the treaty, and yet leave entire control in the United States of all questions affecting commerce which we determine to be domestic. I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. I am interested to know what made the Senator from Georgia suspect me of any intention to vote for the amendment proposed by the Senator from Nebraska.

Mr. SMITH of Georgia. Because I think its adoption would make ratification impossible.

Mr. BRANDEGEE. Oh, not by us; and the treaty has been ratified by the other nations. I voted for every amendment which I thought was proper before the other parties had ratified the treaty, but now that they have ratified it, and it is in existence and in operation so far as they are concerned, I regard it as unwise, if not impossible, for us to amend the treaty which they have already accepted without amendment.

Mr. SMITH of Georgia. I think I can rely upon the Senator from Connecticut to do anything he can legitimately to kill the treaty, and, if putting an amendment on it would hinder its ratification and tend to kill it, I thought he would favor it.

Mr. BRANDEGEE. The Senator is quite justified in thinking that I would do anything I could legitimately to kill the treaty, but I would want to do it in a wise way, and I would not want folly added to my crime.

Mr. SMITH of Georgia. I was using the Senator from Connecticut and the Senator from Idaho and the Senator from Missouri and their attitude toward the treaty to emphasize my opinion that this amendment would hinder and not help ratification. I thank Senators for their attention, and I again urge that without pride of opinion or effort to adhere to past action we seek reservations protecting the interests of our country which may still receive the requisite votes for ratification.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] to the reservation proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. KING. Mr. President, at the proper time I shall offer the amendment which I send to the desk as a substitute for the reservation offered by the Senator from Massachusetts. I merely tender it now, and ask that it be printed in the RECORD, and at the appropriate time I shall offer it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment in the nature of a substitute offered by Mr. KING to the reservation proposed by Mr. LODGE is as follows:

Amend reservation No. 4 so that it will read as follows:

"4. The United States understands that the jurisdiction and authority of the council or the assembly of the league do not include any power over the proper domestic, internal, or national police of any member of the league, and that said articles do not confer upon the league any powers with respect to immigration, imposts, property, inheritance, naturalization, citizenship, labor, coastwise traffic, or any other matter of proper domestic policy. This enumeration of matters of policy shall not in any wise be taken to exclude from authority of the United States any other subject of domestic policy properly within the national political powers and sovereignty of the United States, as recognized by the law and custom of nations. The United States will not submit to arbitration or to consideration of the council any question which in its judgment is a question within its domestic jurisdiction and sovereignty."

NOTICE OF CONFIRMATIONS.

Mr. LODGE obtained the floor.

Mr. TRAMMELL. Mr. President——

Mr. LODGE. I yield to the Senator from Florida, who desires to make a request.

Mr. TRAMMELL. I thank the Senator from Massachusetts for yielding, and I shall occupy merely a moment. On the 20th of February a number of post-office nominations were confirmed by the Senate, including several from my State. Under the rule requiring two executive sessions before they can be certified to the President they have not as yet been certified. Therefore, as in executive session, I desire to ask unanimous consent that the post-office nominations which were confirmed on the 20th of February be now certified to the President.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Georgia. Mr. President, I am reminded that the nomination of marshal for the northern district of Georgia was confirmed a few days ago. I do not think any unanimous consent order was made that the President should at once be notified. The former marshal is going out of office on the 1st of the month, and it has been arranged to change the office on that date; so it is quite important that the President should be notified.

Mr. LODGE. I ask unanimous consent that the President be notified of all confirmations made on February 20.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 28, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 27, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast made us and filled our souls with longings, hopes, and aspirations, cleanse us from all guile and imbue us with light to guide us, strength to sustain us, in every laudable ambition.

The world is facing a crisis and our Nation is facing with it great trials. Save us, we beseech Thee, from perils of stupidity and blunders and guide us safely on to the genius inspired by our fathers that we may live and grow in everything that is pure, and noble, and holy. In the Christ spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

SURPLUS MOTOR EQUIPMENT HELD BY WAR DEPARTMENT.

Mr. KAHN. Mr. Speaker, I desire to call up Senate bill 3037 and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the bill S. 3037, insist on the House amendments, and agree to the conference asked for by the Senate. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

The SPEAKER. The gentleman from California asks to insist on the amendments of the House and agree to the conference asked for by the Senate. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, this is a House bill amended by the Senate?

Mr. KAHN. No. It is a Senate bill amended by the House.

Mr. GARNER. And the Senate disagrees to the House amendments and asks for a conference?

Mr. KAHN. Yes.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, the request is to insist upon the House amendments?

Mr. KAHN. Yes. I should have said so.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as the conferees on the part of the House, Mr. KAHN, Mr. MCKENZIE, and Mr. DENT.

THE AMERICAN LEGION.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend in the RECORD an editorial which appeared simultaneously in five eminent independent journals of Ohio on the proposition of the American Legion. It is a very illuminating editorial, nonpartisan, and short.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing an editorial relative to the American Legion. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I regret very much to object to anything that the gentleman from Ohio might suggest should go into the RECORD, but if we begin now to insert into the RECORD editorials suggesting the policies which Congress should pursue with reference to the legion there will be no end to it. Only yesterday we referred all these measures to a committee of the House for the purpose of consideration. Would it not be better to wait until that committee reports out a bill and gives consideration to it before we encumber the RECORD with editorials? I am not going to object to-day, but I would like for somebody who is responsible for the RECORD to take care of it.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. This is a copy of the editorial printed simultaneously in five most important papers in Ohio, namely, the Toledo News-Bee, the Cleveland Press, the Cincinnati Post, the Akron Press, and the Columbus Citizen:

JUSTICE FOR THE SOLDIER AND SAILOR.

The American Legion, through its executive committee, asks that Uncle Sam pay to all ex-service men and women a $50 bond for each month of service during the war.

Commander Franklin D'Olier, in presenting the legion's case, says the Government has granted additional pay to its clerks for war service. War-time workmen in shipyards and munitions plants were paid high wages.

What the soldiers and sailors want, therefore, is not in its strict sense a bonus. They want a compensation adjusted to other Government rates of pay. And they have it coming to them.

The United States committed a regrettable blunder by not paying our soldiers at least $3 a day, as this newspaper advocated at the time. The result is that the service men came home to find the cost of living inflated, the buying power of the dollar deflated, and himself without war savings to help him build for the future.

Of all suggestions so far advanced for a fair and retroactive compensation to our active war forces, the proposed legion bonds plan is the best, the most just, the most workable.

It dovetails in with the present necessity for Government economy, for the bonds would involve no immediate expenditure of money.

They would be issued directly from the Government to the ex-service men and women, with no intermediate floating of a bond issue or increased taxation to pay for them.

The bonds would mature at a future date, in line with the just contention that the future generations should help pay for the Great War, which was conducted as much in their interests as the present's.

Canada and Australia, the two countries most like ours, have already set the example, though both their resources and man power were drained more than ours by the war.

Australia sent 400,000 of its 5,000,000 population overseas. It paid its fighting forces 40 per cent higher than our men were paid. Yet Australia did not consider its duty completed when it had merely brought its fighters home. The Australian blinded in the war is given a $3,500 home by his Government at a rent of 2 cents a month. Returned men were given from $10.50 to $15.50 a week until they found jobs. Able-bodied ex-service men who desire to farm are loaned $2,500 as working capital at low interest.

Canada, from a population of 8,000,000, sent 400,000 overseas. It paid its soldiers better than America.

Returned Canadians were given bonuses ranging, according to length of service, from $400 to $600 for married men and $280 to $420 for single men. Returned Canadians got $75 a month until they found jobs.

Canada has free vocational and farming training for its ex-fighters. Those who want to farm are loaned by the Government up to $4,500 for land, $2,000 for live stock, and $1,000 for buildings and equipment.

Interest is at 5 per cent, and the borrower has 25 years in which to pay. The Soldiers Land Settlement Board of Canada has spent about $200,000,000.

In contrast with Canada and Australia, the United States has done practically nothing for its ex-service veterans. The Lane project, to give them reclaimed land, fell through. A $60 bonus was voted, but it was a drop in the bucket.

Many suggested forms of bonuses have been advanced. We know now what the soldiers themselves, through the American Legion, want. They ask nothing but fairness. The legion bonds can be granted without financial difficulty. They should be granted.

PRODUCTION OF CORN.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to speak for about three minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for three minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to know what the gentleman is going to speak about.

Mr. RUBEY. I want to boost Missouri a little.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri is recognized for three minutes.

Mr. RUBEY. Mr. Speaker, I have in my hand a letter from the editor of the Farm Journal, a paper published at Philadelphia, calling my attention to the fact that some time ago they offered a prize of $1,000 for the best 5 acres of corn produced in the United States. This letter states that this prize was awarded to Missouri, and that the prize went to Mr. J. R. Shelton, of Holden, Johnson County, Mo., for the best 5 acres of corn in the United States, the average yield being 127½ bushels per acre.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes.

Mr. WOOD of Indiana. Do you know how many States that same thing has been issued to? [Laughter.]

Mr. RUBEY. I will say to the gentleman that Indiana, I am informed, got the second prize. [Laughter.] No; I beg the gentleman's pardon; Indiana received the third prize. Ohio was the second.

Mr. WOOD of Indiana. The same first prize that you are now talking about went to Washington. [Laughter.]

Mr. RUBEY. I hope the gentleman will not interfere with my little boost for my State. [Laughter.] Especially I hope he will not do that in view of the fact that this $1,000 prize goes to a farmer in my State who competed for it in the usual way, along with many hundreds of farmers from all parts of the country. Nearly 1,500 farmers competed for this prize in Ohio, Indiana, and Missouri, and notwithstanding the large number of competitors in these States Missouri carried off the prize. And I want to say in addition to this that the statement is made by the gentleman who won this prize that he won it without fertilizer, using simply the good old-fashioned Missouri soil. That produced 127½ bushels per acre on the average for the 5 acres.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield there?

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. RUBEY. Yes; I yield to the gentleman.

Mr. MANN of Illinois. Did the gentleman notice the other day a statement made by the gentleman from Oklahoma, showing how much larger the production of corn per acre was in Oklahoma than in Missouri?

Mr. RUBEY. I did not notice that. I want to call the gentleman's attention to this, if I do not exceed my time, and that is that there has been a larger yield per acre than the one I have cited, but that was when fertilizer was used and 1 acre was taken as the example.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the gentleman may have three minutes more.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HASTINGS. If the gentleman will yield, I want to say, so far as Oklahoma is concerned, that it must have been barred from the competition in this matter; otherwise Missouri would not have won in the competition with the State of Oklahoma. [Laughter.]

Mr. BANKHEAD. And, Mr. Speaker, I want to say to the gentleman from Missouri, who is manifesting so much State pride, that so far as that yield of corn is concerned, Alabama has the record of 237½ bushels. [Laughter.]

Mr. RUBEY. That was in a boys' contest some years ago, when only 1 acre was cultivated and fertilizer was used.

Mr. KITCHIN. I am glad the gentleman from Missouri [Mr. RUBEY] has called attention to the great yield in Missouri, and that the gentleman from Alabama [Mr. BANKHEAD] has referred to the yield of 237½ bushels in his State. I want to say if they continue to encourage these farmers in Missouri and in Alabama they may possibly get up to the record, eventually, of North Carolina, which holds a record of 250 bushels per acre, the largest in the history of the country. [Laughter.]

Mr. RUBEY. Mr. Speaker, I hope no more of the gentlemen will interrupt me, because if they do there is no telling how large this yield is going to get to be. [Laughter.]

Mr. BLANTON. Mr. Speaker, the gentleman from Missouri will admit that the State of Texas is in a class by itself, and is not involved in this controversy.

Mr. MANN of Illinois. Mr. Speaker, in connection with what has been said, it was reported to me the other day that a former Member of this House, Joseph C. Sibley, had raised on 12 acres of ground 331 bushels of corn to the acre. [Laughter and applause.]

Mr. RUBEY. They are still going up, Mr. Speaker.

Mr. MANN of Illinois. It shows the effect of being a Member of Congress.

Mr. KITCHIN. The gentleman from Illinois is joking again.

Mr. MANN of Illinois. No; that is an actual fact.

Mr. HADLEY. Mr. Speaker, while we are on this subject, I had a similar letter from the same paper. I desire to make reference to the subject of prizes for wheat. The average annual yield of wheat per acre in the United States for a 10-year period was stated as 15.8 bushels. In the State of Washington the average annual yield is 25.4 bushels to the acre for the same period. In the prize contest the first three prizes on wheat went to the State of Washington, one man raising approximately 84 bushels to the acre, another approximately 82 bushels to the acre, and a third approximately 82 bushels to the acre. All three of the prizes went to Island County, the wheat being produced on one of the largest islands in the United States, located in Puget Sound and in the congressional district which I represent. [Applause.]

To be exact, the prize winners, their residence and production, are as follows:

Fred De Wilde, Oak Harbor, Wash., 83.96 bushels per acre.

John Le Sourd, Coupeville, Wash., 81.33 bushels per acre.

Justus L. Hancock, Coupeville, Wash., 81.24 bushels per acre.

Mr. RUBEY. Mr. Speaker, I want to close my statement by again calling attention to the fact that the remarkably high yield in Missouri was obtained under field conditions. From what has been said by my colleagues, it looks like the mistake I made was in reporting my yield first. [Laughter.]

Mr. HERSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, to show that there were three prizes offered last year for the largest yield of an acre of potatoes in the United States, and that Aroostook County, in my district, obtained all three prizes. [Applause.]

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. GARD. Mr. Speaker, in the interest of a better yield of legislation, I ask for the regular order.

The SPEAKER. The regular order is demanded.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. WOOD of Indiana, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, H. R. 12610, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries, $4,000; assistant to the Secretary, $2,750; private secretary to the Secretary, $2,500; assistant attorney, $2,500; 2 special inspectors (whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the department), at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,500; chiefs of divisions—1 of supplies, $2,250, 1 of appointments, mails, and files, $2,250, and 1 of publications, $2,250; expert accountant, $2,000; clerks—4 at $2,000 each, 12 of class 4, 2 at $1,740 each; 1 $1,620, 16 of class 3, 1 $1,500, 19 of class 2, 1 $1,320, 24 of class 1, 4 at $1,000 each; returns office clerk, $1,600; female clerk, to be designated by the President, to sign land patents, $1,200; 7 copyists; classified laborer, $1,140; skilled laborer, $804; multigraph operator, $900; assistant multigraph operator, $720; typewriter repairer, $900; 2 telephone switchboard operators; chauffeurs—1 $1,080, 10 at $720 each; 10 messengers; 7 assistant messengers; 22 laborers; skilled mechanics—1 $900, 1 $720; 2 carpenters, at $900 each; plumber, $900; electrician, $1,000; gardener, $600; messenger boys—1 $540, 1 $420; five packers, at $660 each; 2 elevator conductors, at $720 each; 8 female laborers, at $400 each; captains of the watch—1 $1,200, 1 $840; lieutenants of the watch—1 $1,020, 5 at $840 each; 3 sergeants of the watch, at $750 each; 66 watchmen; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $318,590.

Mr. BEGG. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations a question.

On page 101, lines 14 and 15, I note that there is 1 chauffeur at $1,080, and that there are 10 chauffeurs at $720. I should like to ask the chairman of the committee why it requires $1,080 for 1 chauffeur when 10 chauffeurs can be secured at $720 apiece.

Mr. WOOD of Indiana. I will say, in answer to the gentleman from Ohio, that the $720 men are truck drivers, while the $1,080 man is the chauffeur for the Secretary of the Interior, to drive his private car. I wish further to state that in the estimates submitted they asked for three chauffeurs for the Secretary's private automobile—one day man, one night man, and a relief man. We thought the Secretary of the Interior might be able to get along with one chauffeur.

Mr. SMITH of Idaho. When the gentleman speaks of the Secretary's "private chauffeur" he means his personal chauffeur?

Mr. WOOD of Indiana. Yes.

Mr. SMITH of Idaho. In connection with his official duties?

Mr. WOOD of Indiana. Yes; that is what I mean.

Mr. SNELL. Does the Secretary himself work on his job night and day?

Mr. WOOD of Indiana. I presume, of course, that he would not ask for anything but what was official and that would indicate that the Secretary of the Interior was working night and day. As I have stated, the estimate was for three chauffeurs—one day man, one night man, and one relief man.

Mr. BEGG. Does it take greater skill to handle a passenger car than it does to handle a truck? Why the discrepancy of $360 a year?

Mr. WOOD of Indiana. There is very good reason for that. In the first place the higher-priced chauffeur works longer hours, and in view of the fact that we did not appropriate for a night chauffeur for the Secretary of the Interior, I presume this one chauffeur will have to do some night work. Then aside from that he has to keep himself in better attire and more in accord with the position that he is occupying, and I do not think that the amount given to this chauffeur is unreasonable. It is the same amount that is given to the chauffeurs for the other Cabinet officers.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For per diem in lieu of subsistence of two special inspectors, while traveling on duty, at not exceeding $4, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,500.

Mr. WOOD of Indiana. I ask unanimous consent that the Clerk may correct the typographical error in the word "typewriters," in line 16.

The CHAIRMAN. Without objection, the Clerk will make the correction.

There was no objection.

The Clerk read as follows:

Indian Office: Commissioner, $5,000; assistant commissioner, $3,500; chief clerk, $2,750; financial clerk, $2,250; chiefs of divisions—1 $2,250, 1 $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; examiner of irrigation accounts, $1,800; draftsmen—1 $1,400, 1 $1,200; clerks—18 of class 4, 25 of class 3, 30 of class 2, 60 of class 1 (including 1 stenographer), 32 at $1,000 each (including 1 stenographer), 34 at $900 each, 2 at $720 each; messenger; 4 assistant messengers; 4 messenger boys, at $420 each; in all, $283,790.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. I desire the attention of the gentleman in charge of the bill for a moment. I notice he has dispensed with 26 clerks in the Indian Bureau. I read the hearings, but was unable to find much concerning that matter. I want to find out from the gentleman if he knows just what work these clerks are doing whom he proposes to abolish.

Mr. WOOD of Indiana. Acting upon the best information that we had, and knowing the desire of Congress to reduce expenditures in the Indian Bureau as rapidly as possible, and believing that the bill recently introduced by the gentleman from Oklahoma will have a tendency in that direction, we decided that we could dispense with this number of clerks. I will state to the gentleman that I have had a conference with Mr. Sells, who has charge of the work, and he has agreed that he will make a showing to the Senate committee of just exactly what they want. I apprehend that there will not be much trouble if they make a showing that there is a necessity for these clerks, and that the remedy may be had on the other side.

Mr. CARTER. I want to say to the gentleman that I am in full sympathy with his purpose in reducing expenses of all bureaus. Seeking to carry out that purpose, the Indian Committee reported and the House passed the bill relating to citizenship which should operate to release many competent Indians, but that bill has not yet passed the Senate. I am in hopes it will pass the Senate, because it should materially reduce the expenses of the Indian Bureau. Granting that this bill should become a law during this session, however, it may still be necessary to maintain the present force until all administrative work necessary to releasing competents and distributing their per capita of tribal funds has been accomplished. I was just wondering if the clerks that this would turn loose might not be the very clerks required for this important work.

Mr. WOOD of Indiana. I will say that in the opinion of Mr. Sells we have reduced some clerks that he regards as essential. There was no showing of that fact before the committee, and we felt justified in so doing. Mr. Sells has his recourse, and he can make his showing before the Appropriation Committee at the other end of the Capitol when this bill gets there for consideration. There is no disposition on the part of this committee to cripple the service. When that showing is made before the Senate committee there will be no trouble on this proposition.

Mr. CARTER. What the gentleman expects to do is to have this matter thrashed out before the Appropriation Committee of the Senate, and if it can be shown that the services of these clerks are really needed, they will be retained.

Mr. WOOD of Indiana. That is the idea, that the matter will be taken up before the committee having this bill in charge.

Mr. HASTINGS. The gentleman means the legislative committee, the appropriating committee.

Mr. WOOD of Indiana. Yes.

Mr. CARTER. In other words, the gentleman is willing to agree to the employment of all clerks necessary to the service, and with this announcement I found myself in accord with the purpose of the gentleman.

Mr. WOOD of Indiana. It is not our desire to cripple the service. We are perfectly willing to appropriate for as many clerks as are necessary to carry out and complete this work.

Mr. HASTINGS. Mr. Chairman, in view of the statement made by the chairman of the subcommittee, I think the matter can be adjusted upon a proper showing before the Senate committee, as he has stated. While I am on my feet I want to say that there was no increase in the service of this branch during the war because of the war, and therefore there is no demand for a decrease like there is in a good many other departments of the Government, as, for instance, in the War Department and the Navy Department, where a great many temporary clerks

were employed. As I understand, in the Indian Service there were no temporary employees during the war.

I want to say further that I am in sympathy with the chairman of the subcommittee and the membership of the House generally in reducing the expenditures wherever it can be done without any injury to the service. But I want to leave this additional thought with the committee. A good many believe that as you individualize the lands and moneys of the Indians that you can immediately decrease the expenses. That is a mistake. When you deal with Indian tribes you deal with them much more cheaply from a governmental standpoint than when you deal with them as individuals. The Indian Office now is engaged in individualizing the lands and moneys of the Indians, and therefore more attention has to be given to the individual Indian than heretofore. As I remarked a moment ago, we used to deal with the Indians in their collective capacity. For instance, we dealt with the Five Civilized Tribes collectively as tribes. Within the last few years we have been dealing with the individual members of the tribes, and therefore it has taken more clerical force; it has taken more employees, both in Washington and in the field, than when you deal with them in their collective capacity. I wanted to invite the gentleman's attention to that, because I was afraid that he had not had occasion to give any detailed study to the Indian question which necessitated an increase rather than a decrease in the clerical force in the bureau and in the field.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CAMPBELL of Kansas. I am at a loss to know why, after the Government has allotted the land to the Indians and has declared the Indian competent to manage his own affairs, relieving him of the tribal relation, it should be necessary to spend a dollar on him from Washington; why there should be an overhead charge here in Washington with respect to the Indians that have been practically released from Government control.

Mr. HASTINGS. The gentleman understands; he is an old Member of the House—been a member of the Indian Committee for 16 or 18 years—he knows that the supervision over the individual Indian has been retained by the Indian Office in Washington. He knows that the competency commissions go among the various tribes and that they have to report to Washington and their work has to be supervised and approved, and that supervision is kept over nearly all the individual Indians until they are entirely free and able to manage their own affairs.

Mr. CAMPBELL of Kansas. I also know that in the same connection this supervision is retained more in the interest of the man who holds the job than in the interest of the Indian.

Mr. HASTINGS. That may be true, but we must have the clerical force to take care of it until the method is changed.

Mr. CAMPBELL of Kansas. The method should be changed now.

Mr. HASTINGS. But it has not been changed. It is up to Congress to enact the legislation the gentleman complains of, and that can not be done on this bill.

Mr. CAMPBELL of Kansas. And it never will be changed while you continue to appropriate and grant additional help on the demand of the Indian Office.

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

The Clerk read as follows:

Patent Office: Commissioner, $5,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word in order to get some information from the chairman of the committee. Within the last few days there has been one of the largest delegations of business men I have ever seen at the Capitol before the Committee on Rules in connection with the Nolan bill, which provides for various increases and changes in the Patent Office. These gentlemen claim that on account of the salaries paid in the Patent Office they are unable to keep efficient and experienced examiners, and on account of this inexperience on the part of new men there is growing up throughout the country a lack of confidence in the work of the Patent Office. Furthermore, they say the Patent Office is from 130 days to a year behind in its work. I would like to know whether this condition of affairs was brought to the attention of the committee, and, if it was, what the committee did in connection with it, and if we should give further consideration to this condition in this bill.

Mr. WOOD of Indiana. Mr. Chairman, in my opinion I think that further consideration should be given to this measure. I do not know exactly what the terms of the measure are, but I do know that there is need for relief in the Patent Office. The Patent Office has received as little attention, so far as increases of salaries are concerned, as any department of this Government. The business of that office has increased more than 100 per cent in the last six months.

Mr. SNELL. That was one of the statements made before our committee.

Mr. WOOD of Indiana. That is absolutely correct, and the Patent Office is one of the few offices that are revenue raisers for the United States. I think the amount that will come in as net, after paying all of the overhead charges, for the present year will amount to $250,000. I would say to the gentleman that we gave to the Patent Office very nearly all they asked for in their estimates. We did not undertake to increase any salaries for the reason that we felt if we did we would invite trouble and it would result in getting nowhere because of the fact that every increase would be subject to a point of order, and any attempt at any general increase in this office would have been subject to a point of order.

Mr. SNELL. There are no increases carried in this bill?

Mr. WOOD of Indiana. No.

Mr. SNELL. These gentlemen made the statement before the Rules Committee that it was absolutely impossible to get the technical men necessary in the Patent Office at the prices being paid now, that outside business corporations had taken all of the best men and paid them anywhere from 30 to 100 per cent more than they were getting in the Patent Office.

Mr. WOOD of Indiana. That was substantially the evidence before our committee. We did do this: We gave them a great many new places, and we felt that that was as far as we could go; and, in fact, it was all they asked us to do.

Mr. SNELL. From the information that is before the Committee on Appropriations, then, the gentleman would consider this a good proposition for the Rules Committee to consider?

Mr. WOOD of Indiana. Yes; I think it is worthy of further consideration.

Mr. SNELL. And worthy of consideration by the House?

Mr. WOOD of Indiana. I think so. If the gentleman will take the time to read the hearings on that proposition, submitted by Mr. Newton and some of those who are attached to the office, he will find them very illuminating and that they contain a great amount of valuable information. As I stated here the other day, all of the ingenuity that was set loose during the war, and that was then expending itself on war inventions, is now turning its attention to inventions of peace-time instrumentalities, and this has increased the business of the office more than 100 per cent.

Mr. SNELL. These gentlemen made the statement that they are from 130 days to 1 year behind in their work, and that there is a great deal of business being held up because of the fact that people are not able to get papers from the Patent Office.

Mr. WOOD of Indiana. There is no doubt about that, and that is why we gave them the additional force in this office.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman indicate the surplus accumulated from fees in excess of what has been spent in the conduct of the office? Is it not some seven or eight or ten million dollars?

Mr. WOOD of Indiana. There is no surplus. The money has all been covered into the Treasury.

Mr. SMITH of Idaho. Has the gentleman any idea how much the office earns yearly in excess of the cost of administration?

Mr. WOOD of Indiana. It varies. Their estimate at the time these hearings were held was that the surplus for the year 1919 would be $144,424, and they further estimated that if they had additional help, which we have given them, they would be able to do a great deal better than that this year.

Mr. MANN of Illinois. May I ask the gentleman also in regard to furnishing copies of patents, and so forth? I have had a number of complaints from men who state that the Patent Office informs them that they could not furnish printed copies or other copies of patents. Why can they not do that?

Mr. WOOD of Indiana. They can. Of course, a limited number of patents are printed in the first instance, and they do not always know how many they will need. Sometimes they do not need the regular quota and other times they need many times more, and one of the reasons assigned for additional help is that they do not have sufficient force to do this extra work.

They get a photostatic copy of the patent, and have even gone so far as to permit some man who is engaged in photostatic work and private institutions engaged in this kind of work to make photostatic copies in order to supply the demand they could not supply to produce these original copies.

Mr. MANN of Illinois. Well, recently I got a communication something like this, where the Patent Office had stated they could not furnish a printed copy of the patent, but a printed

copy had been ordered; and also at the same time, although they had ordered the printed copy and had an appropriation for it, they were seeking to convey the impression to the correspondent that the reason they could not furnish the copy in the first instance was that Congress had not given them money enough.

Mr. WOOD of Indiana. There may be some truth in that. They are asking, for the purpose of relieving the situation the gentleman is speaking about, an appropriation from the deficiency committee.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Bureau of Education: Commissioner, $5,000; chief clerk, $2,000; specialist in higher education, $3,000; editor, $2,000; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; 2 translators, at $1,800 each; collector and compiler of statistics, $2,400; specialists—1 in foreign educational systems and 1 in educational systems, at $1,800 each; clerks—5 of class 4, 6 of class 3, 7 of class 2, 9 of class 1, 13 at $1,000 each; 2 copyists; 2 skilled laborers, at $840 each; messenger; assistant messenger; messenger boy, $420; in all, $82,860.

Mr. BEGG. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to what seems to me to be an absurd appropriation. Under the Bureau of Education we are appropriating for a commissioner and that commissioner gets $5,000 a year. On the next page we have the Superintendent of Capitol Building and Grounds, and we give him $6,000 a year. We also have a lighthouse superintendent who gets $6,000 a year. We have a Superintendent of the Bureau of Standards who gets $6,000 a year, and you might stand here and enumerate officers in the Government, who in my judgment are not as important as the Commissioner of Public Education in the United States, whose salaries range from $6,000 to $10,000 a year. Now, I want to say to the chairman of the committee I shall not offer any motion to raise the salary of the Commissioner of Public Education of the United States, but I do think this, he is worth more than $5,000 a year or he is not worth anything.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. I will gladly yield for a question.

Mr. BLANTON. Pursuing the gentleman's line of thought, we have numerous porters here in the public buildings in Washington drawing a salary of $1,000 a year and $240 bonus, making $1,240 a year, and we have college graduates teaching school here in the city of Washington who do not draw over $840 a year.

Mr. BEGG. I agree with the gentleman all the way through, and the thought I want to leave with the House is this: If the public education of these United States is worth anything it is worth appropriating enough money to get the best man you can get of that particular profession for its head, and $5,000 to-day will not hire a school man big enough to command sufficient respect of even the village superintendents throughout the country to get his recommendations considered.

Mr. MADDEN. Will the gentleman yield?

Mr. BEGG. I will gladly yield for a question.

Mr. MADDEN. Does the Commissioner of Education have anything to do with the school activities of the different sections?

Mr. BEGG. I will answer that question by saying that if the gentleman will follow the next page he will find there we are appropriating money to the Commissioner of Public Education for the purpose of making investigations in various lines of education. We are giving him money to spend. He makes the investigations, and I simply maintain this position of a $5,000 man can not make an impression on a $12,000 superintendent, or a $9,000 superintendent, or a $7,000 superintendent. Even in our village schools in this country they are getting more money than the Commissioner of Education. I do not know anything about the Commissioner of Education—the present incumbent. This is not an attack upon him. He is probably a $20,000 man. It is poor policy for this Government to appropriate a miserly, measly sum like $5,000 a year when a little city in any State will give a man competent to be superintendent not $5,000 a year but it will give him $7,000 or $8,000. In any commercial line we will give anywhere from $7,500 to $10,000 and $12,000 a year.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BEGG. I will be glad to yield for a question.

Mr. GREEN of Iowa. I just wish to supplement the list of $6,000 employees by calling the attention of the gentleman to the fact that we are paying the reporters for committees $6,000.

Mr. BEGG. Very true; and I could go on, if I should make an investigation, and find any number of them. I want to appeal to the gentlemen of this House, the majority of you who have children to educate. I believe that the most critical thing in America and the most vital thing would be to pay your educators a salary big enough and great enough that would attract the biggest and best men of that calling in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. May I have two minutes more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEE. Will the gentleman yield?

Mr. BEGG. I will be glad to yield for a brief question.

Mr. BEE. I just wanted to make this suggestion, that I do not know a large city in my State that is not to-day paying its superintendent of education $5,000 a year, and if this man is worth anything he ought to be worth more than that or the position ought to be abolished.

Mr. BEGG. I just stated a minute ago that either the Commissioner of Education of the United States is worth more than $5,000 a year or he is not worth carrying on the pay roll. He is absolutely detrimental if he is not worth more than $5,000, but because of custom, and custom alone, we sit here and appropriate $5,000 a year for that job. Now, when I say custom and custom alone, there was a time in this country when $5,000 commanded a representative educator, but that time has passed. I would like to see this committee in its next bill—and I shall not make any effort at this time—but in its next bill I should like to see the committee do one of two things: Either eliminate the office or else pay a salary big enough to get a representative man from that profession, so that when he makes a recommendation to my city or your city, to my school officials and to your school officials, that recommendation will command respect.

Mr. GARD. Will the gentleman yield?

Mr. BEGG. I gladly yield.

Mr. GARD. With the gentleman's positive ideas on this question, does he intend to offer an amendment to increase the compensation or strike out the appropriation?

Mr. BEGG. I will say to the gentleman from Ohio I do not so intend at this time. I think it is probably sufficiently potent to call the attention of the House to it. I know they are all fair men, and I do not care to disrupt the committee's plan of holding this down as low as possible, but if I am in this House when the next bill comes up I shall do so unless the committee does it.

Mr. Chairman, I ask unanimous consent to withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. WASON. Mr. Chairman, I do not want to take issue with my colleague from Ohio in what he has said, but I want to call his attention to the fact that the Committee on Appropriations respects the law that Congress gives us to act under, and the law in reference to this subject fixes the salary of the Commissioner of Education at $5,000 a year. The Appropriation Committee must follow that instruction or its action would be subject to a point of order. The committee that has the original jurisdiction of fixing this salary is the place to address remarks of this kind, rather than by implication, leaving the impression that the Appropriation Committee is not doing its full duty toward this office.

Mr. BEGG. Will the gentleman yield for a question?

Mr. WASON. Certainly.

Mr. BEGG. I want to state—and I thought I did clearly state—that I meant no criticism of the committee. I merely meant to centralize the attention of this House on the condition that exists, and if that is the law it does not excuse the House. We amend statutes every day to help out some banking industry or some commercial institution, and the fact that it is by a law that we pay this commissioner $5,000 a year and we can not get the kind of a man we want for the place does not excuse us from responsibility. I am not centering my remarks to the committee at all, but to the House.

Mr. MANN of Illinois. Mr. Chairman, the gentleman from Ohio [Mr. BEGG] referred to the Commissioner of Education as superintendent of public instruction in the United States. Those are not the duties of the Commissioner of Education. It is not the duty of the General Government to superintend public instruction in the United States, and even if it were it has not yet been assumed. The Commissioner of Education presides over a bureau the total appropriation for which for all purposes are considerably less than $175,000 a year. The other gentlemen, whose salaries were mentioned by the gentleman from Ohio, have important duties and have charge of large sums of money. The Bureau of Education has a few experts—I presume they are—and they publish some annual reports which, in the main, are not read even by the school-teachers of the country, because, in the main, they are not valuable. But

the chief work of the Bureau of Education is looking after the health and education of the Eskimo in Alaska. That is about all they do. And while they are making a great and noble effort to teach the Eskimo children in Alaska all there is to be known about reading, and writing, and science, and art, and literature, and then, in addition, teaching them how to live—doubtless a very valuable work—after all we have taken a lot of that away from them in this bill, because it is not done either economically or well. They have just issued a bulletin, a copy of their educational magazine—for the publication of which I do not know where the authority exists, but it is worthless—devoted to education, and so forth, in Alaska, and no one can read it without thinking how silly most of it is. If the Government of the United States wants to undertake the supervision of public instruction in the United States, they ought to pay a man a very high salary to do that. I do not believe the time has come when the education throughout the country should be removed from local control and centralized in a bureau of Government clerks in Washington. [Applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph, in order to get the floor for a few minutes.

I want to indorse what the gentleman from Ohio [Mr. BEGG] said a moment ago, because I believe his position is well taken, but I do not believe he ought to be so timid about the matter that he will make a good suggestion and then not back it up by offering a proper amendment. All of us know that the Commissioner of Education for the United States Government is drawing too little when he draws a salary of only $5,000 a year, a thousand dollars less than the officers who superintend the public buildings and other places in Washington.

Mr. BEGG. Lighthouses.

Mr. BLANTON. Yes. And of lighthouses, who draws $6,000. If the gentleman hesitates about offering his amendment for fear of getting a curtain lecture from the floor manager, I will agree to inveigle the Republican majority leader out into the cloak room and entertain him a few minutes, and let the gentleman offer his amendment while the floor manager is outside.

Mr. BEGG. Will the gentleman yield for a statement?

Mr. BLANTON. I yield.

Mr. BEGG. I want to advise the gentleman from Texas that it is not fear.

Mr. BLANTON. I know it is not; it is not fear, but timidity, if anything, because I heard him get a lecture in here one day, and he did not take it at all. He promptly and properly asserted his rights. But I knew something was keeping him from offering a proper amendment, because he did make a good suggestion. The gentleman from New Hampshire [Mr. WASON] is mistaken when he tells his colleague that the committee does not have authority to raise the salary. The committee has that authority, or has assumed to exercise it in this bill.

Mr. BEGG. I will say to the gentleman, if I may, that it is sometimes the better part of discretion to go when you can get somewhere, rather than to run up against a wall.

Mr. BLANTON. Yes. But we can not get anywhere unless we keep pegging away at these older fellows until we get them to act and to get out of these old ruts, and some of us new fellows have got to keep after them all the time in order to get them out of these old ruts, and why I take so much time on the floor is because I am trying to get some of these old fellows to change their old extravagant methods and economize.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. McKENZIE. I want to ask the gentleman from Texas if he does not believe that in the interest of orderly procedure in legislative action we should first increase the jurisdiction of the Commissioner of Education of the Federal Government and give him some authority before we increase his salary?

Mr. BLANTON. Oh, well, if his duties are those of an ordinary janitor we ought to discard the office. But if he is really a United States commissioner of education, in its real sense, we ought to add enough dignity to the position by paying him a proper salary commensurate with such duties. As suggested by the gentleman from Ohio [Mr. BEGG], we ought not to keep an office here and maintain it and designate it by the big name of "Commissioner of Education of the United States" on a measly, miserly salary. The gentleman from New Hampshire [Mr. WASON] said by way of excuse that the committee did not have any authority to raise this salary. The committee assumed the authority in the bill to create and place a lot of new positions in here unauthorized by law, and fix generous salaries opposite the new positions created. The gentleman will remember that I made points of order against each and every one of them, and the Chair sustained my points of order, and struck out of the bill the various appropriations for these new positions attempted to be created. The Chair held that they were unauthorized by law. That was done yesterday. I made a point of order to four of them, and the Chair sustained it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MADDEN. Then I think his statement to the effect that they had authority ought not to have been made, because it was evident that they do not have authority, or the point would not have been sustained.

Mr. BLANTON. The committee had authority to fix the pay of the officers authorized by law, and this is one of the officers authorized in the law, and the committee should have assumed the authority to fix a proper salary.

Mr. MADDEN. No. The salary is fixed in the law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GREEN of Iowa. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I ask permission to withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Texas asks permission to withdraw his pro forma amendment. Is there objection?

Mr. GREEN of Iowa. I will object to the request.

The CHAIRMAN. Does the gentleman desire to be heard on the amendment?

Mr. GREEN of Iowa. I desire to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I assume that the committee did not make any change of salary here because the salary is fixed by law. Any change in this law would be subject to a point of order and consequently, as the gentleman from Ohio [Mr. BEGG] has well remarked, he does not care at this time to offer an amendment and run up against an obstacle that could not be overcome.

I wish, however, to make a suggestion in this connection. The gentleman from New Hampshire [Mr. WASON] stated that the committee was a law-abiding committee, as it doubtless is. But I hardly regard this as a strict matter of law, and I hope that the gentleman from New Hampshire will not regard me as hypercritical when I say that the public is getting misled sometimes by the expressions that we use with reference to amendments that are subject to a point of order because they are not in accordance with the rules of the House.

The Chair the other day, using language that has been used for so long that he had abundant precedent for it, referred to a certain amendment that was offered and other amendments of its class as being illegal. In no strict sense of the word, and, as I think, in no proper sense of the word, are these amendments that are subject to a point of order illegal. They are simply not in accordance with the rules of the House. But if we were doing anything illegal, or proposing to do anything illegal by adopting them, then every time unanimous consent is asked for some action we are being asked to do something that is illegal, because it is not provided for by the rules of the House. Yet we do this nearly every day, and sometimes 50 times a day. If we did not, the rules, instead of facilitating our business, would make it absolutely impossible to ever get through with it. Unfortunately the public is getting misled by that expression, and I have seen several times in the public prints statements to the effect that Congress was doing things that it knew to be illegal, when it was simply by unanimous consent doing something that was not in accordance with the ordinary rules of the House. Congress has the lawful right to do anything that is authorized by the Constitution, and in the exercise of its rights it may at any time dispense with all of its rules. Provisions in a bill that are subject to a point of order are not illegal, for Congress has the right to use the rules or not, as it may choose. On the contrary, they are absolutely lawful if no Member raises the point of order, provided, of course, that no constitutional objection can be properly urged.

I simply mention this in order to correct a misapprehension that is now existing in the mind of the public to a considerable extent.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURVEYORS GENERAL.

After June 30, 1920, the offices of surveyors general in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming, and the Territory of Alaska are discontinued, and the several surveyors general shall, on or before that date, under such rules and regulations as the Secretary of the Interior may prescribe, deliver into the custody of the Commissioner of the General Land Office all field notes, maps, records, and other papers, and all furniture and equipment of their respective offices, and the Commissioner is authorized, whenever the surveys and records of any surveying district are completed, to dispose of such field notes and plats of survey as are duplicates of records in his office in accordance with sections 2218 and 2221 of the Revised Statutes, and from and after June 30, 1920, the authority, powers, and duties in relation to the survey, resurvey, or subdivision of lands and all matters and things connected therewith, heretofore vested in and exercised by the several surveyors general, including the use in his office of deposits by individuals for office work, the like use of funds arising under the acts of March 2, 1895 (28 Stats., p. 937), and June 25, 1910 (36 Stats., p. 834), and the employment of personal services thereunder and for office work on Indian surveys, shall be vested in, and devolve upon, the Commissioner of the General Land Office: *Provided*, That so much of the clerical force in the offices of surveyors general as may be needed and such records as may be necessary may be transferred to the General Land Office in Washington, and the Joint Committee to Assign Space in Public Buildings shall provide the necessary additional space in the Interior Department Building.

Mr. RAKER. Mr. Chairman, I make a point of order against the amendment.

Mr. FRENCH. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. What is the gentleman's point of order?

Mr. FRENCH. I make the point of order that it is legislation which, under the rule, is not proper to be included in an appropriation bill. I refer especially to the latter part of paragraph 2 of Rule XXI, which provides—

nor shall any provision in any such bill—

That is, an appropriation bill—

or any amendments thereto changing existing law be in order, except—

First:

Such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Second:

By the reduction of the compensation of any persons paid out of the Treasury of the United States.

Third:

By the reduction of amounts of money covered by the bill.

And fourth:

That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment.

This proposition, I think, no one will contend comes from a committee which has jurisdiction. There is in existing law provision made for the establishment of surveyors general in the different States mentioned in this paragraph and in the Territory of Alaska. The laws have been provided, passed at different times, and this paragraph proposes to wipe them all out, and in lieu of the law to provide the language in the existing bill.

No. 4 of the propositions referred to in the rule provides that an amendment of this character might be in order if it came from a proper committee or from a joint commission authorized by law. This, however, is not such a case. Therefore it seems we need not discuss that particular feature. It also does not come within provision No. 2 that I referred to, as to the reduction of the compensation paid to any person out of the Treasury of the United States, because this does not propose to reduce the compensation of any person.

There are two other provisions, however, in the rule that bear upon this particular section. The two are the ones that I referred to as No. 1 and No. 3. No. 1 is that an amendment shall be in order—

such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Of course that is conditioned upon other parts of the rule.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question there?

Mr. FRENCH. Yes.

Mr. SNELL. Would you contend that it did not reduce the number of officers?

Mr. FRENCH. Oh, no; I do not contend that; but I am going to connect that up with another part of the rules of the House that I think is very pertinent to the case.

Mr. SNELL. If it did not reduce the salary or number of officers, you would not have any objection, because it would not take anything away from you?

Mr. FRENCH. I would have objection to the way it is proposed the work shall be handled.

The third provision to which I referred was that an amendment would be in order, other things being considered as satisfactory, if it reduced the amounts of money covered by the bill. This amendment may or may not reduce the amount of money covered by the bill. It does reduce the amount covered by the bill of last year and of several previous years. It is problematical and hypothetical whether the work, if done in the manner proposed, would in years to come be handled more economically than under the present system. It also appears to reduce the number of officials, because it does wipe out the several surveyors general. But it is also an established rule that an amendment of this kind is not in order if it enlarges the scope of the work of an officer whose office is already established. If you will turn to the section as it is proposed, you will find that the offices of the different surveyors general are wiped out. Then you will find that the duties conferred heretofore upon the surveyors general are conferred upon the Commissioner of the Land Office. Beginning with line 17, on page 113, the language of the bill recites—

And the several surveyors general shall, on or before that date—

The date for the abolition of the offices—

under such rules and regulations as the Secretary of the Interior may prescribe, deliver into the custody of the Commissioner of the General Land Office all field notes, maps, records, and other papers, and all furniture and equipment of their respective offices, and the commissioner is authorized, whenever the surveys and records of any surveying district are completed, to dispose of such field notes and plats of survey as are duplicates of records in his office in accordance with sections 2218 and 2221 of the Revised Statutes.

With the exception of the last line, that is, of course, all new legislation. It does not have relation to the abolition of the offices. Now, on page 114, line 2, the language is:

And from and after June 30, 1920, the authority, powers, and duties in relation to the survey, resurvey, or subdivision of lands and all matters and things connected therewith, heretofore vested in and exercised by the several surveyors general, including the use in his office of deposits by individuals for office work, the like use of funds arising under the acts of March 2, 1895 (28 Stats., p. 937), and June 25, 1910 (36 Stats., p. 834), and the employment of personal services thereunder and for office work on Indian surveys, shall be vested in and devolve upon the Commissioner of the General Land Office.

In other words, you add to the duties and responsibilities of an officer certain duties and responsibilities that have not heretofore been added, and which are now under the law vested in several different officers, whose offices it is proposed to abolish.

There have been several decisions upon this particular point. If you will turn to Volume IV of Hinds' Precedents, section 3680, you will find a case cited where the Committee on Agriculture brought in the Agricultural appropriation bill and omitted the appropriation for the salary of the chief clerk of the Bureau of Animal Industry. In lieu of that provision, however, the committee provided that there should be an assistant chief of division. This assistant chief of division was not authorized by law, and a point of order was made against the paragraph on the ground that it was in violation of the provisions of the rule to which I have directed attention. After the matter was considered the Chairman ruled that the point of order was well taken; that the committee did not have the authority in wiping out one office to bring in a provision in the bill creating other offices within the same bureau.

The CHAIRMAN. Will the gentleman allow the Chair to call his attention to the fact that the ruling just quoted by him was made in the House when the Holman rule was not in existence?

Mr. FRENCH. Let me call attention to section 3598 of Volume IV of Hinds' Precedents. Here was a ruling made after the adoption of the Holman rule. The Committee on Appropriations brought in the legislative, executive, and judicial appropriation bill with a provision that included the language—

For additional expenses involved in keeping the Library (of Congress) open from 9 a. m. to 10 p. m., $15,000.

The point of order was made against that language under the same rule to which I have directed attention. Here was an instance in which the committee sought to add new duties, new powers, and new responsibilities to the library force, and under the rule the Chairman held that the point of order was well taken and that the committee did not have authority to report such legislation.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. WOOD of Indiana. That was clearly out of order, because of the fact that it was new legislation that did not pretend to retrench expenditures or to discharge officers. That was the ground upon which it was held out of order.

Mr. FRENCH. It was held out of order because it added new responsibilities and duties to an officer whose responsibilities and duties had been fixed by law.

Mr. WOOD of Indiana. And did not retrench expenditures.

Mr. FRENCH. Of course, it did not retrench expenditures. But the rule also is very definitely held in this House that wherever any part of a section falls under the ban of the point of order it carries with it the entire section that is involved. It is true that these several offices could be abolished under the Holman rule, and if the section simply provided for the abolition of the offices of the several surveyors general, no one could contend that that proposition would not be in order under the rules of the House. But here is a proposition that not only abolishes the offices of the several surveyors general but also establishes additional duties and responsibilities which are placed upon the Commissioner of the General Land Office which are not his under existing law, and under the same rule under which it has been held that an amendment reducing expenses by abolishing offices is in order, it has also been held that if a particular part of a provision is out of order the entire section of which it is a part must fall with it.

Mr. RAKER. Will the gentleman yield right there?

Mr. FRENCH. Yes.

Mr. RAKER. Upon what theory can it be claimed that this is a reduction of expenses? This provides for the repeal of the law creating the various surveyors general for the several States and turning the jurisdiction over to the Commissioner of the General Land Office. How can anyone at this time say that it is a saving of any expense?

Mr. FRENCH. I prefaced my remarks with the statement that even that question is hypothetical, that it is speculative. We do not know whether it will reduce or increase expenses. If the gentleman will turn to the report of the Commissioner of the General Land Office for last year—chart opposite page 103—he will find that for every acre of land surveyed in the United States, in States where there is no surveyor general's office but where the work is handled from Washington, the office expenses per unit of acres surveyed is far greater than the average expense of surveying lands in the States where there are surveyors general's offices.

Mr. RAKER. Will the gentleman yield right there?

Mr. FRENCH. Yes.

Mr. RAKER. I knew that the gentleman knew that, and that is the reason I wanted to call it out. As a matter of fact, the expenses will be more, because of the distances and the greater amount of travel of the men who will have to be sent out to do this work, instead of having it done by the surveyor general in the State who is right on the ground with a force that can do the work.

Mr. FRENCH. Under the practice of a hundred years we have handled the matter through officers—surveyors general—right in the States where most of the surveys have been made. When the work of surveying the public land is about to pinch out—and it is pinching out in some States right along—the offices are abolished and the work taken over by the General Land Office. But in the handling of that work—I am not talking about the work in the field, I am talking about the office work alone in the city of Washington—the cost is greater than that of doing the same kind of work in the offices of the different States.

The chairman of the committee may say that the appropriation is less for the coming fiscal year than for the current year. This is doubtless so, but it would not necessarily be so on the basis of work done. It might be smaller, because there will not be so much work done in the next fiscal year as in the present year or the last one.

Let me call the Chair's attention to section 6878, in Hinds' Precedents, where it has been held that when a part of a section that is out of order is not germane, under the rule, the whole paragraph proposed must fall with it. In that case during the consideration of the Army appropriation bill in the committee Mr. HULL of Iowa made a parliamentary inquiry as to whether or not if a part of the paragraph was held subject to a point of order the whole paragraph would be stricken from the bill, and the Chair ruled upon the point and said that if the point of order was made against the entire paragraph, yes; but if the point of order was directed against a part of the paragraph, then only the words designated would go out.

Now, I submit here we have a case on all fours with the case decided at that time. We have a part of a paragraph that possibly standing alone would be in order. Yet there is nothing to show that it would reduce expenses if the several offices were abolished. But the other part of the paragraph, containing constructive legislation as to the duties and responsibilities of the officers not heretofore charged with this duty and responsibility is out of order. I did not make a point of order against that alone but against the whole paragraph.

The CHAIRMAN. Will the gentleman yield for the Chair to ask a question?

Mr. FRENCH. Certainly.

The CHAIRMAN. Does the gentleman distinguish this in any way from the paragraph in the former part of the bill abolishing the offices of the Subtreasuries?

Mr. FRENCH. I have not checked up closely on that, and I would not want to say. I think the point I have referred to is pertinent to this part of the paragraph. The whole paragraph involves two propositions—one of which is possibly in order if it stood alone. The other proposition is not in order under the rules of the House, and the whole paragraph must go with it.

Mr. SMITH of Idaho. May I ask the gentleman a question?

Mr. FRENCH. I will yield to the gentleman from Idaho.

Mr. SMITH of Idaho. It is plain that this would not reduce expenses. It will really increase the expenses, because in line 23, page 114, they appropriate $175,000 for the transfer of the records to Washington.

Mr. FRENCH. The proposition of the gentleman adds to the suggestion I made a little while ago, that it is purely speculative whether or not it would reduce in any way the expenses of the Government for the coming year.

If the Chair will turn to volume 5, section 6880, of Hinds' Precedents, he will find the same question to which I referred a minute ago was passed upon when the naval appropriation bill, on February 25, 1904, was under consideration. Here an amendment was proposed by Mr. Bell, of California. Mr. Bell raised a parliamentary inquiry, asking if the point of order was sustained as to the entire amendment. The part of the amendment to which the point of order was made was ruled out, and the Chair made this observation:

> It is well settled that where there is an amendment, any provision of which is out of order, the whole amendment falls with it.

It seems to me upon the considerations I have suggested, the tying up of the entire proposition in one paragraph, it being clearly demonstrated that one part of the paragraph is not in order, the fact that a part of the paragraph is not in order must carry the whole paragraph down with it.

Mr. HAYDEN. Mr. Chairman, I wish to be heard on the point of order that the paragraph entitled "Surveyors general" seeks to change existing law by legislation on a general appropriation bill and that the provision does not show upon its face, as a fair and necessary conclusion, that the enactment of such legislation will retrench expenditures.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HAYDEN. The present occupant of the chair has held that a saving of expenditure must appear beyond all cavil to make an amendment in order under the Holman rule. In considering whether an amendment will retrench expenditures the Chair can look only to the pending bill, the law of the land, and the rules and practices of the House.

The paragraph of the bill which is before the Chair contains five substantive propositions, any one of which may be enacted into law as an independent measure. The first proposal is that the surveyors general in the 12 Western States and the Territory of Alaska are abolished. If the Chair will look at the law he will ascertain that the aggregate salaries paid to these 13 officials is $36,000. By the next proposal the surveyors general are required to deliver into the custody of the Commissioner of the General Land Office all field notes, records, and other papers, and all furniture and equipment of their respective offices. The transfer of such property is bound to cost money.

The proposal to transfer all of the powers now vested in the surveyors general to the Commissioner of the General Land Office might not indicate upon its face that the result will be a direct expense to the Government, but that expense will result from that transfer of authority is shown by the appropriation called for further along in the bill. It will also cost money to transfer the duplicate plats and records to the secretary of state of each State, as is further provided by reference to section 2218 of the Revised Statutes.

The fifth and last substantive proposition which is contained in the proviso on page 114 authorizes the transfer of records and clerks from the offices of the surveyors general to the General Land Office in Washington. Certainly no one will deny that it will cost considerable sums of money to make such a transfer, and the proof of that fact quickly follows.

I direct the attention of the Chair particularly to the following paragraph, beginning on line 19, page 14:

> For per diem in lieu of subsistence, salaries, freight and expressage on records, instruments, and equipment shipped from the several offices, and the purchase of additional stationery, supplies, and equipment required in the General Land Office by reason of such transfer, $175,000, including $4,000 for salary of the secretary of the Territory of Alaska.

That is new legislation for the sole purpose of effecting this proposed transfer. It appears upon its face that a large expenditure of money, amounting to $175,000, must be made to do the work in Washington now performed under the direction of the surveyors general in the Western States, and the sum to be appropriated obviously exceeds the $36,000 which is supposed to be saved.

The CHAIRMAN. May the Chair ask the gentleman from Arizona the same question that he asked the gentleman from Idaho? Does the gentleman distinguish between this paragraph and the paragraph abolishing the Subtreasuries?

Mr. HAYDEN. Distinctly so. The provision abolishing the Subtreasuries was amended from the floor of the House by adopting section 2 of the bill H. R. 12721, introduced with that object in view by the gentleman from New York [Mr. PLATT], chairman of the Committee on Banking and Currency, which provides that all of the functions now performed by the Subtreasuries shall be transferred to the Federal reserve banks.

The CHAIRMAN. The Chair is not speaking of the Platt amendment, but of the item as carried in the bill originally.

Mr. HAYDEN. The item as it originally appeared in the bill was rejected and the Platt amendment was accepted.

The CHAIRMAN. The Chair stated that he would hold the item in order, following the precedents.

Mr. HAYDEN. I did not understand that the Chair actually ruled upon the original provision in the bill.

The CHAIRMAN. The Chair did not have to rule upon it, because an amendment was offered striking it out; but the Chair stated at that time that he would have ruled it in order, following the decisions of Chairman CRISP and Chairman SAUNDERS on that precise question. The Chair wants to know if the gentleman makes any distinction between the item carried in the bill and this particular item.

Mr. HAYDEN. My attention was particularly directed to what actually took place. There was simply a transfer of jurisdiction from one bureau to the other, without carrying any expense or appropriation, as is provided in this case. It seems to me that if the Chair is confined to the terms of the bill before him, he must conclude that if an appropriation of $175,000 is necessary to pay the salaries, freight, expressage, and so forth, on records and equipment shipped from the several offices of the surveyors general to Washington, and required in the General Land Office by reason of such transfer, he can not help but rule that on the face of the bill there will be a larger expenditure of money at this time than there would be if this proposed legislation was not enacted into law. That appropriation of $175,000 refers directly to the last proviso of the pending section, which states that the clerical force and equipment in the offices of the surveyors general may be transferred to the General Land Office in Washington. It is my contention that in order to make such a transfer, as shown on the face of the bill, it will cost more money than will be saved by the abolishment of the offices of surveyors general.

Mr. WOOD of Indiana. Mr. Chairman the point the gentleman is trying to make—that this does not show on its face that there will be any reduction in expenditure—is not well taken. Much stress is laid upon the fact that we provide in this bill in another paragraph $175,000 for clerical force and for freight to defray the expense of shipment. I call the Chair's atention to the fact that it is disclosed in this paragraph that we abolish 13 distinct offices, 13 surveyors general, carrying a total salary of $39,000; that we abolish the salaries of the clerks in these offices, to the amount of $172,570, and contingent expenses amounting to $12,300, making a total saving for the year 1920 of $223,870. As against that, deduct this appropriation of $175,000, and you have a net saving to the Treasury of $48,870.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. In a moment. The clerical force of $172,570, carried into the $175,000, or deducted from it, leaves less than $3,000 for freight, which would be an incidental expense.

Mr. EVANS of Montana. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. In just a moment. So that it does appear upon its face that it results in saving money to the Government and in retrenchment of expenditures. I yield to the gentleman from Montana.

Mr. EVANS of Montana. The gentleman suggests that the $175,000 carried in the next paragraph pays the salaries of the clerical force. I submit that it provides for per diem and transportation and freight and so forth.

Mr. WOOD of Indiana. The gentleman is reading too far down in the paragraph. The very first line says that it is for per diem in lieu of subsistence and salary. I yield to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, is there any guaranty at all that the amount of work would be done under the law for the coming fiscal year that was done in the year with which the gentleman is making the comparison?

Mr. WOOD of Indiana. That is a matter that might be pertinent if we were arguing with reference to the feasibility of the abolishment of these offices, and upon that proposition I think I have abundant authority to show that the work will not be curtailed in the least, and that it will be more advantageous and expeditious to those immediately concerned than under the present operation.

Mr. FRENCH. Let me call attention to the report of the Commissioner of the General Land Office for the last fiscal year. It is therein stated that it is shown that the office cost per mile of land surveyed was $4.61, while the average cost throughout the United States, and that includes these surveyors general offices and all the western offices, was $1.41 and $2.08 per mile.

Mr. WOOD of Indiana. That argument is not pertinent to the point of order, but I would say in passing, in answer to the gentleman, that with the decline of this activity, with the necessity for public surveys constantly growing less, the expense proportionately constantly grows greater.

That would be a sufficient answer to the gentleman on that proposition.

Mr. FRENCH. But that does not answer it. Here is a proposition where the office force alone at Washington, that employs far more for doing this same kind of work than are employed in any office of any one of these States, where the cost per mile per unit is $4 and something, in comparison with less than $2 in the States where you are proposing to abolish the office.

Mr. WOOD of Indiana. I will insist upon arguing the point of order. Now, with reference to the fact as to the germaneness of this proposition, the Chair looks to the law as it is, not as to any conjecture that might be thrown into it. He knows what the laws is, because it is demonstrated in the appropriation bill for 1920. He knows the proposal, because he has it immediately before him, and the two together show a net saving by the abolishment of these officers of $48,870. This case is on all fours with the abolishment of the Subtreasuries.

Mr. VAILE. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. VAILE. I notice in the matter of the independent treasuries, page 65, there is no provision in the act as it was reported providing for the transfer of the duties of those officers.

Mr. WOOD of Indiana. That is the trouble with the gentleman; he was not present and does not know what happened.

Mr. VAILE. The Chair referred in his discussion to the act as reported to the House, not what happened on the floor. The Chair's interrogatories to the gentleman from Arizona apparently are intended to base a conclusion upon the act as reported here to the House. Now, taking the act as reported to the House, the provision regarding the Subtreasuries shows nothing whatever about the transfer of the duties, whereas the provision in regard to the transfer of the office of surveyors general after June 30, 1920, etc., is that it shall be turned over to the General Land Office.

Mr. WOOD of Indiana. I will say to the gentleman, for his edification, the previous ruling on this very Subtreasury proposition was based upon the proposition that carried the very same idea with reference to the transfer of duties and has been universally held in order——

Mr. VAILE. In any event, the case is not on all fours with these independent treasuries.

Mr. WOOD of Indiana. It is on all fours with the independent treasury proposition. Now, I wish to call the attention of the Chair to the provision of the Platt amendment, which the Chair held in order:

> That the Secretary of the Treasury is hereby authorized, in his discretion, to transfer any or all of the duties and functions performed or authorized to be performed by the assistant treasurers above enumerated, or their offices, to the Treasurer of the United States or the mints and assay offices of the United States, under such rules and regulations as he may prescribe, or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, as provided by existing law, for the purpose of performing any or all of such duties and functions.

There was a transfer of the duties of these Subtreasuries to the Treasury of the United States. In the case at hand there is a transfer of the duties of these surveyors general to the Commissioner of the General Land Office absolutely parallel in so far as the situation is concerned. That being true, if it was proper to take and provide for the performance of the duties now incumbent upon the Subtreasuries by the transfer of their

duties to the Treasury of the United States, it is equally proper to provide by this proposal for the transfer of the duties of these surveyors general to the Commissioner of the General Land Office in the city of Washington. It strikes me it is not necessary to spend further time in arguing a proposition that is so perfectly plain and on which a ruling of the Chair has been so recently made.

Mr. RANDALL of California. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. RANDALL of California. I notice the committee has this proviso:

Provided, That so much of the clerical force in the offices of surveyors general as may be needed and such records as may be necessary may be transferred to the General Land Office in Washington.

Is it not possible under that provision to transfer the entire force to the General Land Office? Is not that possible?

Mr. WOOD of Indiana. Even if it were so, we are giving the benefit of the doubt so far as the saving is concerned if that would be true. As a matter of fact, it will not be done.

Mr. RANDALL of California. As a matter of fact, we do not make any reduction of the expenses of conducting these offices if the power which you give in the bill is exercised.

Mr. WOOD of Indiana. We have cut off the salaries of 13 sinecures, pure and simple; sinecures which, so far as the duties they perform are concerned, might as well all be in Alaska as to be distributed throughout these States.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SMITH of Idaho. Was the gentleman ever in the office of a surveyor general in any of the public-land States, and does he know anything about their duties and work which they perform?

Mr. WOOD of Indiana. No. They were abolished in my State before I was born. In fact, there never were any.

Mr. SMITH of Idaho. So the gentleman was never in the office of a surveyor general of a public-land State?

Mr. WOOD of Indiana. No; I never was.

Mr. SMITH of Idaho. But the gentleman speaks authoritatively and says that these places are sinecures, and that no duties are to be performed by these men?

Mr. WOOD of Indiana. When opportunity is given, I think I can demonstrate it—demonstrate that it will prove a benefit to the service itself in avoiding tedious and vexatious delays and in greater efficiency.

Mr. HAYDEN. Mr. Chairman, the Chair asked me a few moments ago to point out the distinction, if any, between the original provision of the bill with respect to the abolition of the Subtreasuries and the pending paragraph. The Chair will note on page 65 the bill as originally introduced did not provide for the transfer of the personnel from the Subtreasuries to the reserve banks, but merely gave to the employees who were legislated out of office a preference right under the civil-service law to secure position in the Treasury Department or any other branch of the Government. Let me read it:

All employees in the Subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil-service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed.

The proviso beginning on line 13, page 114, reads:

Provided, That so much of the clerical force in the offices of surveyors general as may be needed and such records as may be necessary may be transferred to the General Land Office in Washington.

It is to this last proviso that I particularly direct the attention of the Chair, which seems to me makes the whole paragraph subject to the point of order, because it enacts new law for the transfer of a clerical force from the field into Washington. It is subsequently shown on the face of the pending bill that the expense of such a transfer, the salaries, and freight, and other items connected with it will amount to $175,000, which amounts to very much more than the apparent saving in the salaries of the surveyors general.

Mr. SAUNDERS of Virginia. Mr. Chairman, the inquiry was made by the Chair whether this particular item could be distinguished from the Subtreasury item. I submit, Mr. Chairman, that it can be very readily distinguished from that item. I do not gainsay at all the proposition that it is in order on an appropriation bill to abolish an existing system and provide another and different system, provided always that the Chair on the whole is satisfied that the alternative system so provided will effect a reduction of expenditures.

The Chair has heretofore overruled the precedents afforded by Mr. Chairman CRISP and others to the effect generally that the Holman rule should be liberally construed, holding in express terms that if it was a question of drawing the conclusion that an item in the bill or an amendment from the floor afforded a reduction of expenditures the rule should be strictly construed, not liberally. Apply that ruling to this situation and let us see to what conclusion it will lead the Chair. What would be the proper conclusion should the Chair strictly construe the rule?

It is perfectly clear that while the bill abolishes the surveyors general in certain States, the work of those officials is not abolished. It is merely transferred. And the only question is whether the Chair can determine that this legislation on the whole will necessarily, ex proprio vigore, effect a reduction of expenditures; whether, in other words, the operating expenses of the system afforded will be less than the operating expenses of the system which it replaces.

I call the attention of the Chair to the transfer of the officials provided by the bill.

In line 13, page 114, it says:

That so much of the clerical force in the offices of surveyors general as may be needed and such records as may be necessary may be transferred to the General Land Office in Washington.

Every one of this force, and more, may be needed. How can the Chair determine how many officials will be transferred under this authority? Moreover, when these officials are transferred from the present localities where their work is being conducted to the remote location of Washington it will be altogether problematical whether the cost of operations on the whole will not be thereby increased. By what process of reasoning is the Chair able to say how many officials will be required in the new location to do the work necessary to be carried on, or what will be the cost of conducting operations from so distant a point as Washington?

The cost of transfer is problematical; the number of officials necessary to be transferred can not be ascertained at present, and the overhead cost of the new system is impossible of ascertainment by reference to any facts now in the possession of the Chair.

Another thing, as pointed out by the gentlemen who have argued this matter on behalf of their respective States, is that, as a matter of course, the work on the ground can be conducted much more economically with the headquarters of the chief officials in easy reach of the field force than when those headquarters are located in Washington and the officials must be sent to the field from this point. The gentleman from Indiana [Mr. WOOD] argued that the remarks of the gentleman from Idaho on this line did not touch the point of order, even though the figures submitted by that gentleman established his contention that operations conducted from Washington would be more expensive than operations based on headquarters in the several States. So far, Mr. Chairman, from these figures not being related to the point of order, they are of the very essence of the point of order, since it is necessary for the Chair to contrast the figures of the present system with the problematical figures of the alternative system. This provision is not in order, unless the Chair is satisfied that, on the whole, the replacement system will be more economical than the present system.

Mr. HAYDEN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. HAYDEN. I would like to state that there is annually appropriated $700,000, every cent of which is expended in the survey of public lands under the supervision of the surveyors general. So it is not alone a question of saving their salaries.

Mr. SAUNDERS of Virginia. I am seeking to point out, that the overhead under the new system may be so much greater than under the old, that it will swallow up the reduction appearing from the figures of the gentleman from Indiana. If that may be the case, and the Chair is not able to say that it may not reasonably be the case, then the provision as a whole is not in order.

On page 114 a very large amount is appropriated in this connection, as follows: For per diem in lieu of subsistence, salaries, freight, and expressage on records, and so forth, $175,000. The gentleman from Indiana takes this appropriation into consideration in his effort to show a reduction but he entirely fails to establish that on the whole this alternative system can be run more economically than the system that it is to replace. As stated above, unless it appears that the new system operating as a whole will be more economical than the old the paragraph is not in order. That is what is involved here. The Chair, as I have said, has already held, with respect to the Holman rule, that there can be no liberality of construction in respect to the conclusion of reduction of expenditures, but that it must appear beyond cavil or controversy that on the whole this reduction will be effected.

Every gentleman from the States affected by this provision who has argued this matter has pointed out (and the Chair should take cognizance of their suggestions, equally as well as of the suggestions of the gentleman from Indiana [Mr. WOOD], because both are merely arguments) that the overhead expenses in connection with operating the new system will be much greater than under the old. How much greater, Mr. Chairman, no one can say. Hence the cost of the new system is altogether problematical.

That brings us, Mr. Chairman, to the very crux of this matter, and that is whether the Chair, looking to the paragraph as a whole, can undertake to say definitely how much of the present force will be transferred to Washington and when transferred here what will be the cost of its establishment, maintenance, and operation at such a distance from the field of immediate activity. The Chair must be satisfied beyond cavil that the new system on the whole will be cheaper than the old, to sustain the paragraph under discussion. The Chair in reaching a conclusion of reduction should first determine reasonably the number of officials necessary to be transferred; second, the cost of establishing and maintaining them in the new location; third, the cost of conducting operations in the States with Washington as a headquarters. When the Chair has found a reasonable answer in figures to these three queries he will be able to make a comparison between the known cost of the present system and the cost of the alternative system, and to determine which of the two on the whole will be the cheaper. Of course, it is perfectly clear that if the bill stopped at abolishing the surveyors general a palpable retrenchment would be effected and the paragraph would be in order.

But when the transfers are provided for and an alternative system is afforded and headquarters so remote from the territory where the work is to be conducted are established, then the Chair is unable to say how many agents will need to be transferred, how many will be necessary for the conduct of the business from the new headquarters, and how great the overhead cost of the new system will be. In this state of uncertainty how can the Chair say that the new system will necessarily be cheaper than the old? How can he make a comparison between the two until he establishes to his satisfaction the essential facts of the new system? How can he, construing the Holman rule strictly as applied to the conclusion of reduction, undertake to say that he has enough facts in hand to make a comparison? And until he can make a fair comparison how can he reach a conclusion that the new system will be more economical than the old?

Mr. HICKS. Mr. Chairman, I wish to address myself for a moment to some of the arguments advanced by the gentleman from Idaho [Mr. FRENCH] in support of his point of order.

If I judge correctly, his argument was based largely upon the proposition that under the Holman rule the legislation proposed in the latter part of the paragraph should be held not in order, because it is not reported by a committee having jurisdiction and, further, that it is not properly related to the first part of the proposition, abolishing the surveyors general, as to make it in order in case the Chair holds that part of the item in order. We all know the Holman rule so well that it would be a burden for me to quote it. I gather from the argument of the gentleman from Idaho that he assumes that the latter part of the Holman rule—the proviso—limits the first three elements of the rule.

Mr. FRENCH. No; I think it enlarges it; but this is not comprehended within the provision.

Mr. HICKS. In my opinion the proviso in the Holman rule merely adds another vehicle by which legislation can be carried in an appropriation bill. Should I need reinforcement to my contention, I would quote from a ruling of Chairman CRISP on March 14, 1916, when in discussing the proviso he said, "It provides an additional method of legislating on an appropriation bill." Chairman SAUNDERS, on February 9, 1912, said, in discussing the Holman rule, "That proviso allows further amendments on the report of the committee having jurisdiction, provided they reduce expenditures."

It seems to me that the gentleman's contention that the several propositions which follow the one abolishing the surveyors general are not in order is not well taken. He admits, I think, that the salaries and a number of offices are reduced in the committee proposition, but contends that the following propositions of the same paragraph are not so related to the first part, reducing the offices and the salaries, as to come within the rule. I think, from the statement made by the gentleman from Indiana [Mr. WOOD], we can assume that the salary and number of offices will be reduced if this paragraph remains in the bill. The language admits of no doubt. I think the gentleman from Idaho practically admitted that there would be that reduction. To me it is not problematical; it is positive. Some have contended that the removal of the offices to Washington will increase expenditures. I submit this is pure guesswork and therefore outside the province of the Chairman to pass upon as a reduction. Then, the gentleman brings up the point whether or not these other legislative provisions in the paragraph, three or four of them, are so related to that "reduction in the salary and number of offices" as to come within the purview of the Holman rule. Let me state that in my opinion they are properly related. They are not independent, substantive propositions. They can not be divorced from what goes before, for they simply provide the ways and means of carrying on the work when the surveyors are abolished. They are useless when considered by themselves and have virility only when harnessed to the first part of the paragraph, and therefore must be considered as an integral part of the whole paragraph. Let me quote to the Chair a decision which I think is directly in line with what my contention is—that these several clauses are a part of one proposition and are therefore in order if the first part is in order. I argue that the second and third parts of this paragraph are so related to the part which reduces salary and offices as to be indivisible.

On March 14, 1916, we had before the committee an appropriation bill, and the late Mr. Borland, of Missouri, sought to amend that bill by adding an amendment providing for the reduction by one-tenth of the number of employees in the various departments in Washington, and then he added words which provided "that the heads of the departments, in order to make that work more efficient and to prevent loss to the Government, shall require the employees to work not less than eight hours a day," and so forth.

A point of order was made to that by the gentleman from Wyoming [Mr. MONDELL], both he and Mr. Borland conceding that the provision about reductions was in order. The Chairman, Mr. CRISP, of Georgia, ruled that the first part of Mr. Borland's amendment providing for a reduction of salaries was undoubtedly in order, and that therefore the only question for the Chair to decide was whether or not the second part, which compelled the heads of departments to require additional work on the part of the employees, was so related to the first part as to be in order; and the Chairman held that that relation did exist, and therefore held the whole amendment to be in order.

I will quote to the Chair, with his permission, the decision of Chairman CRISP on that occasion, because it seems to me directly in line with the point of order that we are now discussing. I read:

> Now, the Chair is clearly of opinion that where an amendment is offered reducing the salaries paid out of the Treasury, coupled with legislation, that legislation, to be in order, must be connected up with, or related to, or logically follow from the part of the amendment reducing the number of employees or the amounts covered by the bill.

And so forth; and he held the whole amendment in order. In my opinion this is on all fours with the proposition before us to-day, and if the Chairman holds that the reduction of officers is in order—and I respectfully submit he can not do otherwise—then I contend he must hold it all in order and will therefore overrule the point of order made against it.

Mr. GANDY. Mr. Chairman, I would like to call the attention of the Chair to one feature of the expense involved in this matter that has not yet been discussed. I find provision is made that the joint committee shall provide the necessary additional space in the Interior Department for the employees to be brought to Washington under the provisions of this section if it is adopted.

Now, Mr. Chairman, the Interior Department building today is all occupied. I grant you that the committee referred to in this section would have the power to take out of that building some bureau or some sections of bureaus and place them elsewhere, but if they did that they must somewhere in this city rent the space to put the employees taken out. We are now paying great sums of money for rentals in the District of Columbia, and I submit to you, Mr. Chairman, that these offices of surveyors general in the West to-day are located in public buildings, where rent is not a feature or an item that is to be considered. That will have to be considered here if these employees are brought to the city of Washington to be housed.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN of Illinois. Not if the Chair is prepared to rule.

The CHAIRMAN. The Chair is prepared to rule. The point of order made by the gentleman from Idaho [Mr. FRENCH] involves not only a question of the interpretation of the rules of

the House but a question of fact. The Chair thinks that it would first be proper to dispose of the question of fact.

The gentleman from Idaho and others intimate that possibly this would not be a real reduction of the expenditures of the Government. The Chair has before him the current law relating to the subject matter, which provides an appropriation of $223,870 for offices of surveyors general, of which the sum of $39,000 is salaries of surveyors general. This paragraph abolishes all the offices of surveyors general, and carries in the next paragraph an appropriation of $175,000.

Clearly on the face of this item there is a saving of $48,870. Under these circumstances would the Chair be justified in assuming that possibly such matters as have been alluded to just now by the gentleman from South Dakota, high rent of public buildings, and so forth, might result in a larger eventual expenditure?

The Chair is unable to distinguish between this proposition and the one abolishing the Subtreasuries. The present occupant of the chair some years ago made precisely the argument that has been made here, that while on the face of it the abolishment of the Subtreasuries saved money in that it abolished the offices, it might eventually cost more to transfer the employees, and not result, ultimately, in a saving of money; but the present occupant of the chair was overruled on that proposition, and he thinks rightly.

The Chair does believe that the Holman rule should be construed strictly, as the gentleman from Virginia has said. The Chair has not ruled and will not rule that an item can come under the Holman rule if it does not show on its face that it saves money to the Government. The Chair will not speculate where it is not apparent on the face of the item that it will retrench expenditures. Conversely the Chair does not think that he ought to speculate where on the face of the item, as here, there is an evident saving in this bill of $48,870, or that he is justified in guessing that eventually the expenses might be greater. On the question of fact then the Chair is clear in his mind that this is a saving of money to the Government by the abolition of the offices of the surveyors general. Now, that being the case, and this being a change of existing law, does it come under the Holman rule?

The gentleman from Idaho [Mr. FRENCH] makes as his principal point on that subject the question of jurisdiction of the committee. He claims that the Committee on Appropriations has no jurisdiction over the original subject matter, and to sustain that contention he refers to the proviso of the Holman rule. Now, the Chair thinks that the proviso has nothing whatever to do with the main part of the Holman rule as applied to items originally brought in in a bill. This is an item contained in the bill brought in by the Committee on Appropriations, and under the Chair's construction of the Holman rule it is not necessary that that committee must show jurisdiction of the original subject matter.

The Chair further believes that under the Holman rule it would be competent for a Member on the floor to offer an amendment, provided it came under the first part of the Holman rule. To the mind of the Chair the proviso of the Holman rule does not, as he has stated, relate either to original items or amendments offered on the floor in the first instance, because the proviso applies only to further amendments. In other words, in the opinion of the Chair the proviso in the Holman rule expands rather than contracts its scope.

The question then resolves itself into one as to whether the provision carried in this bill brought in by the Committee on Appropriations qualifies under the first part of the Holman rule, which reads as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures, by the reduction of the number and salaries of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money carried by the bill.

To the mind of the Chair this matter is absolutely clear. There is no question that this item is entirely germane to the bill. The only question then is, Does it by a reduction of the number and salaries of the officers of the United States retrench expenditures? Clearly it does. It specifically reduces the number of officers, it specifically abolishes their salaries, and it specifically reduces the amount of money carried by this bill. Under the circumstances the Chair can not think that he can make any other ruling except to overrule the point of order.

Mr. FRENCH. Mr. Chairman, I offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 113, line 13, strike out line 13 and the remainder of page 113 and all of page 114, down to and including line 18, and insert in lieu thereof the following:

"For salaries of surveyors general, clerks in their offices, and contingent expenses, including office rent, pay of messengers, stationery, printing, binding, drafting instruments, typewriters, furniture, fuel, lights, books of reference for office use, post-office box rent, and other incidental expenses, including the exchange of typewriters, as follows:

"Alaska: Surveyor general and ex officio secretary of the Territory, $4,000; clerks, $11,220; contingent expenses, $3,600; in all, $18,820.

"Arizona: Surveyor general, $3,000; clerks, $18,400; contingent expenses, $600; in all, $22,000.

"California: Surveyor general, $3,000; clerks, $14,100; contingent expenses, $650; in all, $17,750.

"Colorado: Surveyor general, $3,000; clerks, $18,650; contingent expenses, $750; in all, $22,400.

"Idaho: Surveyor general, $3,000; clerks, $12,600; contingent expenses, $750; in all, $16,350.

"Montana: Surveyor general, $3,000; clerks, $16,980; contingent expenses, $600; in all, $20,580.

"Nevada: Surveyor general, $3,000; clerks, $12,060; contingent expenses, $500; in all, $15,560.

"New Mexico: Surveyor general, $3,000; clerks, $18,900; contingent expenses, $900; in all, $22,800.

"Oregon: Surveyor general, $3,000; clerks, $9,510; contingent expenses, $600; in all, $13,110.

"South Dakota: Surveyor general, $2,000; clerk, $3,100; contingent expenses, $200; in all, $5,300.

"Utah: Surveyor general, $3,000; clerks, $14,020; contingent expenses, $725; in all, $17,745.

"Washington: Surveyor general, $3,000; clerks, 11,260; contingent expenses, $750; in all, $15,010.

"Wyoming: Surveyor general, $3,000; clerks, $10,540; contingent expenses, $500; in all, $14,040.

"Expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses in the offices of the surveyors general shall not be incurred by the respective surveyors general in the conduct of said offices, except upon previous specific authorization by the Commissioner of the General Land Office.

"The Secretary of the Interior is authorized to detail temporarily clerks from the office of one surveyor general to another as the necessities of the service may require and to pay their actual necessary traveling expenses in going to and returning from such office out of the appropriation for surveying the public lands. A detailed statement of traveling expenses incurred hereunder shall be made to Congress at the beginning of each regular session thereof.

"The use of the fund created by the act of March 2, 1895 (28th Stats., p. 937), for office work in the surveyors general offices is extended for one year from June 30, 1920: *Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated."

Mr. WOOD of Indiana. Mr. Chairman, there are a number of gentlemen interested in this proposition. I think, before we begin the discussion of it, we had better agree upon the time for debate.

Mr. SISSON. Mr. Chairman, in view of the fact that I am in sympathy with the report of the committee, I am willing that these gentlemen who oppose the committee shall select some one else to control the time on this side; or, if they desire me to do so, I am willing to control the time. It might be better to agree upon some one else; and, if the gentleman from Arizona [Mr. HAYDEN] or the gentleman from Idaho [Mr. FRENCH] or any of the others are willing to divide the time among themselves, any agreement they make with the chairman of the subcommittee will be agreeable to me.

Mr. MANN of Illinois. There are 12 States involved and 1 Territory. Will they want more than one Representative from each State to talk?

Mr. SISSON. I think that is a good suggestion.

Mr. SMITH of Idaho. Some of the States may not want any time.

Mr. WOOD of Indiana. Will the gentleman indicate how much time is desired?

Mr. SISSON. Gentlemen on this side of the aisle desire 60 minutes.

Mr. MANN of Illinois. Is there no one over there to stand up in favor of the committee proposition?

Mr. SISSON. I have just stated to the Chair that I was in sympathy with the report of the subcommittee.

Mr. MANN of Illinois. I knew that.

Mr. SISSON. I am speaking for myself only. I can not tell about other gentlemen.

Mr. MANN of Illinois. I wondered if anybody on the Democratic side except the gentleman from Mississippi was in favor of economy.

Mr. SISSON. I want five minutes for myself. I suggest two hours on a side.

Mr. WOOD of Indiana. I will state that all the gentlemen who have asked for time, with the possible exception of one, are in opposition to the provision contained in the bill. So it occurs to me that there should not be so much time taken in opposition to it and so little time in favor of the bill.

Mr. SISSON. That might strengthen the position of the committee, however. [Laughter.]

Mr. WOOD of Indiana. I ask that the debate on this paragraph and all amendments thereto be limited to two hours, one-half in favor of the bill and one-half against it, because of the fact that gentlemen who are in opposition to the bill are so numerous.

Mr. SISSON. I will retain five minutes of the time for myself, because I am going to speak in favor of the committee's report.

Mr. WOOD of Indiana. Let us agree on two hours' debate.

Mr. SISSON. That is satisfactory.

Mr. WOOD of Indiana. I have a list of the gentlemen who have asked for time on this side, and the gentleman from Mississippi has a list of those who asked for time on that side, and I will control one half of the time and he the other half.

Mr. SISSON. That is satisfactory.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments be limited to two hours, one-half to be controlled by the gentleman from Mississippi [Mr. SISSON] and one-half by myself.

The CHAIRMAN (Mr. TILSON). The gentleman from Indiana asks unanimous consent that all debate on this paragraph and all amendments thereto be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Mississippi. Is there objection?

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is it in order to enter into such an agreement in Committee of the Whole where the time is to be divided?

The CHAIRMAN. It is by unanimous consent. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, for the benefit of the Members, I would say that the amendment I have proposed is based on the language of the last current appropriation law. The particular items, however, have been modified, in some instances increased and in other instances decreased, so as to meet the estimates of the Department of the Interior in the recommendations made to the Congress. The net total in the amendment I have proposed is a little over $2,000 less than the amount carried in the current law.

The paragraph which the committee has reported proposes to wipe out all the surveyors general offices in 12 States and 1 Territory, to do away with the work as it has been done for years, and to transfer the work and jurisdiction to the Commissioner of the General Land Office.

I recognize that there must come a time when this shall be done. From year to year as the different States that were public-land States approached the completion of surveys of their public lands it came to be too large an expense to maintain the surveyors general in those particular States. Then the offices have been abolished and the work taken over by the Commissioner of the General Land Office.

The whole matter of public-land surveys is one that has had to do with all our States. The States along the Atlantic seaboard handled it for themselves, and so did the State of Texas. But the other States were public-land States, yet they are not so to-day. There is no surveyor general in any of the States as you go west until you reach the Dakotas and Colorado, and the reason is there is no public land or little public land unsurveyed. The work is pinching out in all the States. But the work to-day is in such shape in the 12 States and 1 Territory that in my judgment it is not wise to abolish the offices of the surveyors general in most of them.

Let me call attention to the lands in the several States that are still unsurveyed. Up to June 30, 1919, 1,261,136,954 acres of public land had been surveyed within the United States. We have unsurveyed land amounting to 559,229,126 acres. These lands to which I have referred that have been surveyed are largely in States where there are no surveyors general. The lands that are not surveyed are in the States to which I have referred where there are to-day surveyors general. To-day, according to these figures, approximately one-third of the land within the United States and Alaska has not been surveyed. Idaho is one-third unsurveyed; Utah more than one-third; New Mexico is one-fourth unsurveyed; and Arizona three-fifths. Colorado has nearly 3,000,000 acres not yet surveyed and Washington nearly 8,000,000 acres, while most of the States whose surveyors general offices you propose to abolish have vastly more.

Is it the orderly thing to do, is it the economical thing to do, in this stage of our surveying work, for us to abolish the policy that has obtained for 100 years, to abolish surveyors general offices in the various States and transfer all the work to the Commissioner of the General Land Office in Washington, regardless of the status of the surveys? I submit that it is not. We have had much experience in the West in doing business with officers 2,000 miles away, and we do not like it.

Let me call attention to another fact: You take the lands in these public-land States and you will find that they are being entered upon by homesteaders or other entrymen under the various land laws. I was very much surprised the other day when turning to the records of last year I saw that the number of acres of land acquired by private individuals under the public land and other land laws last year was in excess of 11,000,000 acres. And when I turned to the records to see how many acres passed to patent last year under the homestead laws I found the grand total was 6,524,759.68 acres. I found there were only six years in the whole period of land history of our country when the acreage acquired by settlers under the homestead laws was in excess of the acreage that was acquired last year under the homestead laws. Of course, it is true that in part this is accounted for by the enlarged homesteads and by the stock-grazing homesteads. Numerically, probably the number of entrymen is smaller than it was for many years past, but at the same time the number of entrymen must be large when the total acreage is six and one-half million acres, and when there were only six years in the past when the lands acquired exceeded in acreage the lands acquired last year.

Now, let me call attention to the receipts from the public-land States. The total receipts of the public-land States under the different land laws are in excess of $495,000,000. The receipts of public-land States last year were in excess of $4,000,000, and with the exception of four or five years from 1906 to 1912, when, under the enlarged-homestead law and under the development of the Reclamation Service, the receipts were increased tremendously, the receipts last year compare very favorably with the receipts covering a great many years. These three points to which I have referred are pertinent because they show the tremendous interest of people in the public-land States in the work that is conducted by the offices of the surveyors general. It shows the importance of the work, and it is important that these offices should be retained in the several States, so that the people who are interested in this work can have ready access to them.

Now, what does the surveyor general do? Prior to some 10 years ago he was trusted with the responsibility of awarding contracts for surveys. To-day the contract-work plan is not followed, but the Government handles the work through its own officers and surveying parties. The surveying parties in a given State return to the surveyor general's office with their survey notes of field work done. These notes are worked over and plats are made. Errors that are disclosed are corrected, and if necessary a surveyor can return to the land he has surveyed without crossing the continent and check up on his work. After the plat has been made and the notes transcribed, one set is sent to the Land Office at Washington for final approval and one set is retained at the office of the surveyor general for public use.

Mineral-survey applications are made, and the surveyor general upon a proper showing authorizes a deputy mineral surveyor to do the work. The surveyor general's office receives the money to cover the office cost of the survey and the survey proceeds.

There is a vast amount of detailed information requested of the surveyor general's office every day. It is requested by miners and by farmers, by settlers and prospectors, by county officers, by courts, and by the State. In the 12 States and the Territory of Alaska under the surveyors general are 119 clerks, draftsmen, or other office help. These people are rendering a distinct service to the public. The West is in the building, and we do not like to do business with executive officers two or three thousand miles removed when we can transact the same business with officers near at home. Suppose you could save a little in overhead charges. The people in the West would pay for it, and more than pay for it, in extra cost for service in long delays and in waste of valuable time. Gentlemen, other than is necessary for systematic conduct of the public business, the people will welcome closer contact with their public officials and not remoteness, which leads to bureaucratic government.

Let me call attention again to the fact that the overhead charges, the office charges, are not greater in most of these States than the overhead charges in conducting the same work in the office of the Commissioner of the General Land Office, if I read correctly the report of the Commissioner of the General Land Office. In three of the States, I believe, the average office charges are larger than the office charges here, but in all of the other States the average charge is much less than the aver-

age charge for office work in the surveying division in the office of the Commissioner of the General Land Office. The average cost is one-half or less in these different public-land States from the standpoint of mile unit of land surveyed in handling the work under the surveyors general of the different States than when the same work is handled under the supervision of the General Land Office, with the office located from two to three thousand miles away, and when you think of Alaska, 5,000 miles, from the place where the land is situated that is being surveyed. I wired to the surveyor general of my State and he advises that if the work of the assistant supervisors of survey could be combined with that of the surveyor general, under the direction of the latter, an economy could be effected. I wired to a preceding surveyor general and he says that possibly a saving of $50,000 can be made to the Government by the proposition that has been recommended by Mr. Tallman and by the Committee on Appropriations, but he says that when you are making the saving to the Government you are going to add more than you will save to the people in these public-land States, who, because of their remoteness from the Capital where the work shall be done, will be compelled to pay out of their own pockets for the handling of useless work. I admit that as the work of the surveyor general's office pinches out it should be abolished, but why abolish the offices in States where the work has not pinched out and where it continues and will for several years continue exceedingly heavy?

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Idaho [Mr. FRENCH]. Congress should not attempt to change a long-established policy of this Government at this time, as has been proposed by the Committee on Appropriations. The law now provides for an orderly way in which the offices of surveyors general shall be dispensed with. When the survey of the lands in any State is completed the Secretary of the Interior has authority to then abolish the office and transfer such duties as may remain to the Commissioner of the General Land Office. This summary proposal, when there yet remain in the Western States vast areas of land to be surveyed, is premature, untimely, and in the end will not be economical for the Government.

The total area of vacant public land in Arizona on July 1, 1919, was 20,714,785 acres, of which 13,572,200 acres was unsurveyed. Last year 1,762,639 acres were surveyed in my State. At that rate it will take nearly eight years to survey the remaining public domain, but surveying must proceed at least that fast to meet the demand for land by settlers.

The Indian reservations in Arizona comprise 21,884,682 acres, of which less than 3,000,000 acres have been surveyed. The Indian country must in time be surveyed by section and township, and Congress is annually appropriating money for that purpose, which is expended under the direct supervision of the surveyors general. It is evident that there are many years' work ahead in surveying the Indian lands in Arizona alone.

That is not all, however, for there are 12,076,769 acres in forest reserves in Arizona, only about one-half of which has been surveyed. In order to prevent quantities of merchantable timber from being acquired under the homestead laws many forest homestead entries must be surveyed by metes and bounds which, like all other surveys, must be approved by the surveyor general. Arizona was granted 10,489,236 acres of public land in aid of the common schools and for other purposes by the act admitting the State into the Union. None of this land can be selected until it is surveyed, and the State land commission is continually filing applications for new surveys in order that title to the lands donated by Congress may pass to the State.

Another uncompleted work of the surveyor general of Arizona is the survey of the remainder of the 3,218,469 acres granted by Congress in alternate sections to encourage the construction of the Atlantic & Pacific—now Santa Fe Pacific—Railroad. The railway company deposits money for such surveys which are now in progress. Mining claims must also be surveyed prior to patent at the expense of the claimant, and the recent regulations governing mineral leases on Indian reservations require all such claims to be regularly surveyed before a lease will be granted. Owing to the value of the mining properties involved, the supervision of mineral surveys constitutes a very important part of the duties of the surveyor general, the proper performance of which is of vital interest to the great mining regions of the West.

I have gone into details with respect to the situation in Arizona in order to demonstrate the inconvenience, expense, and hardship which will be imposed on large numbers of people representing many and varied interests if this new method of conducting the survey of the public lands is adopted. At the close of the last fiscal year the total area of unsurveyed land in Arizona was 31,028,155 acres, which is 7,500,000 acres greater than the entire area of Indiana.

The State of Indiana was once an unsurveyed wilderness, but the Congress of the United States brought order out of chaos by having the entire State surveyed, and every acre of it has passed into private ownership. In 1796 a surveyor general was provided for the territory northwest of the Ohio River for the convenience of those who were seeking homes on what was then the frontier. This surveyor general's office was maintained until 1857, when every township in Ohio and Indiana had been surveyed. It is my contention that the people of Arizona are entitled to the same service and the same consideration as was given to the people of Indiana under similar circumstances.

How can the gentleman from Indiana [Mr. WOOD], who is in charge of this great appropriation bill, justify the proposal he has made? It has been demonstrated that no real economy will be effected. It has been proven that the service will be impaired. It has been shown beyond a doubt that all those who desire surveys to be made will suffer greater inconvenience and expense. The existing law contemplates that in due course of time, when all of the land in any State is surveyed, the office of surveyor general will be discontinued. Until that time comes, why should the people of Arizona and the West be denied the same advantages which have heretofore been provided for every other public land State? [Applause.]

We are told that this legislation is recommended by Commissioner Tallman. Now, I have a very high regard for the Commissioner of the General Land Office. No one has brought greater ability to that office since its establishment than Clay Tallman. He is not only a man of sound judgment but also possesses the capacity to accomplish results both by his own efforts and as an organizer and administrator. The Members of this House receive quicker and better responses to their inquiries from the General Land Office to-day than from any other bureau of the Government, because the commissioner has kept the work in Washington current despite the war demands and other obstacles. In that regard Mr. Tallman may be compared to Gen. McCain when the latter was in charge of The Adjutant General's Office, and I know of no higher compliment than that to pay to any bureau chief.

The Commissioner of the General Land Office said at the hearings that in his opinion some money could be saved if the 13 surveyors general offices were discontinued and the entire public-land survey service conducted from Washington. Of course, he is sincere in that opinion, but did anyone ever hear of a first-class bureau chief who did not honestly believe that economy and efficiency would surely follow an increase in his powers? Everyone of them who is worth his salt will say that, because they have faith in themselves, without which they would be unfit for positions of responsibility. But actual experience has taught the Members of Congress that such expectations are not always realized, the usual result being an increase in appropriations with no greater service to the public.

In the present instance I fear that the Commissioner of the General Land Office has allowed a very natural desire for greater authority to warp his usual good judgment. What is the sum of money involved in the salaries of the surveyors general? The total saving if the offices are abolished is only $36,000. Yet Congress annually appropriates $700,000 for the survey of the public lands, the expenditure of every cent of which would normally be under the supervision of the surveyors general. We are told that this will reduce overhead expenses. Is 5½ per cent too high a charge for supervision? Ask any experienced contractor and he will tell you that a much higher rate is usually charged in private work. Some competent man must be in close touch with the surveying parties in the field or mistakes will be made and expenses incurred which will amount each year to much more than the alleged saving by the discontinuance of these positions.

If all of the surveyors general are thus summarily removed from office, does anyone imagine that the Commissioner of the General Land Office will himself perform all of the work that these 13 men have been doing, even though Congress shall enact fiction into law by saying that all of their authority, powers, and duties shall be vested in the commissioner? I am confident that I know what will happen, and I can fortify my forecast by reading the following extract from the commissioner's last annual report:

The work of the eastern surveying district includes the miscellaneous fragmentary public-land surveys and examinations and Indian surveys in those States where the former United States surveyor general offices have been discontinued. The active work of the past year extended into nine States, as follows: Alabama, Arkansas, Florida,

Kansas, Louisiana, Michigan, Minnesota, Oklahoma, and Wisconsin. The commissioner, as ex officio United States surveyor general, performs all of the duties incident to authorizing and approving the surveys, ordinarily required of the surveyors general. (Sec. 88, R. S. 2219.) The field work in this surveying district is placed under the immediate charge of the associate supervisor of surveys, who reports both to the commissioner and to the supervisor of surveys. Surveyors are detailed to this district as needed, the number averaging from five to eight. One technical examiner and computer and one draftsman, both in the office of the supervisor of surveys at Denver, Colo., now prepare most of the plats of the surveys.

It will be noted that the Commissioner of the General Land Office acts as ex officio surveyor general for the nine States named, but he delegates the work to an associate supervisor of surveys who reports to the supervisor of surveys in Denver. There are none but fragmentary tracts of land remaining to be surveyed in these States and, at most, only eight surveyors are employed. One general commands eight privates in this instance. With over 70,000,000 acres of unsurveyed land in the 12 Western States and 375,000,000 acres to be surveyed in Alaska, is it not certain that numerous associate supervisors of surveys will have to be appointed?

"A rose under any other name would smell as sweet," and "One can not get something for nothing," are two proverbs which are as true as they are ancient. Congress may change the title of the office from surveyor general to associate supervisor of surveys, but money must be appropriated to pay good salaries if first-class and efficient men are to be obtained for the new positions. In my opinion the net result of this change will not be a retrenchment in expenditures. There will be no material reduction in the number of supervisory officials, but instead of having surveyors general appointed by the President and confirmed by the Senate, there will be selected by the Commissioner of the General Land Office about the same number of associate supervisors of surveys. Instead of being selected from the States where their offices are located and therefore anxious to give good service to their fellow citizens, as is now the case with the surveyors general, their successors, with a longer title, will be but cogs in a great governmental machine responsible to no one but a superior officer who occupies a desk in Washington two or three thousand miles away.

The enactment of legislation abolishing the offices of surveyors general is but another step in the direction of centralization in Washington of business which experience has demonstrated should be supervised in the field. When the office of surveyor general was first established in 1796 it was recognized by Congress that the settlers on the public domain were entitled to prompt service in the surveys of their entries which could only be given by an official in the vicinity clothed with authority to act. The Ohio and Mississippi Valleys and the Great Plains region were successfully populated by this method. If the people of Ohio and Indiana and Illinois and Iowa and Kansas enjoyed this advantage so long as there was public land to be surveyed in those States, why should the people of Arizona and California and New Mexico and Colorado and all the West be now deprived of equally good service and compelled to look to an official in Washington for relief?

The West is now suffering from too much control by the executive departments. Instead of further concentration of power at the seat of government many activities should be decentralized. Instead of attempting to coordinate and standardize every activity by arbitrary revolving-chair regulations with the resulting formality and crystallization there should be a greater dispersion of initiative and responsibility. By this method alone can the reign of bureaucracy be curbed and the perplexing and paralyzing effect of official obstacles and red tape be obviated. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman, I am in hearty accord with the earnest desire of the Committee on Appropriations and the leaders in the House to reduce appropriations wherever advisable to do so, but I think they should exercise better judgment in the appropriations that are to be reduced than that indicated in this instance. I do not criticize the chairman of the subcommittee for his determination to prevent changes being made in the bill reported to the House, but I do criticize the committee's plan to move to the city of Washington the records in the surveyors general offices concerning the public lands in the various public-land States. I also criticize his assumption and the assumption of other members of the committee that they know more about the western country than the men who are elected by the people there to represent them here in Washington. Now, what is the mode of procedure of the committee in reference to acquiring the information in the framing of this bill? The subcommittee convenes, composed of five members, and holds hearings, calling before it the executive officers of the departments to be affected, but so far as I can ascertain they do not make any inquiry of the Representatives in Congress coming from the sections of the country that are to be affected by these proposed reductions. The chairman of the subcommittee admitted on this floor that he had not called into consultation any Representative from that great western country concerning the plan of changing a policy affecting the survey of our public lands which has been in force for nearly a century. Ninety-eight years ago on the 3d of next March a law was passed establishing the office of surveyor general, and now it is proposed to change this policy to the great inconvenience of the people in the West and the retardation of the development of the resources of that great western country. If the gentleman had taken the trouble to have searched the statutes he would have learned that there is a general law under which transfer of records are made when the surveys are completed. In 1893 general authority was given to the Secretary of the Interior to take care of the records affecting the public lands in States where the lands have all been surveyed. The law provided that those records instead of being brought to Washington, as proposed in this bill, should be placed in the office of the secretary of state in the State where the lands are located. He would have found in the act of 1888 that the surveyors general offices in the States of Nebraska and Iowa were abolished and a provision was made that those records should be kept in the office of the secretary of state, so as to make them accessible to the people, and not brought to Washington, as proposed.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SMITH of Idaho. I will.

Mr. WOOD of Indiana. The provision for the same purpose is the same in this bill for every one of those States.

Mr. SMITH of Idaho. Here is the provision to which the gentleman refers—section 2221 of the Revised Statutes. That section provides that those records can not be turned over to the secretary of state until the State passes a law making some provision for taking care of the records. Now I contend, Mr. Chairman, that it would be a very great inconvenience to the people of the public-land States who have business affecting titles to the public land transacted in Washington instead of at the State capital. When a number of settlers in an unsurveyed portion of the State desire a survey made they sign a petition and send it to the surveyor general, and he sends an agent immediately to inquire whether or not these are actual settlers who intend to remain there. If they are, he recommends a survey of those lands, draws up instructions to the surveyors who are to do the work, and transmits them to Washington for approval. They are generally approved immediately, because there is nothing more required than a formal approval, and the authority to survey the land goes back to the surveyor general and the work is undertaken. Immediately after the surveys are made and approved by the commissioner the settlers are able to file their claims in the local land office.

In the case with respect to mining claims, if a person develops a piece of mineral land which he thinks can be profitably developed and he desires to offer final proof, he does not have to take the matter up at Washington, but simply files an application for a survey, making the necessary deposit to do the work with the surveyor general, and he details a surveyor to do this work, the applicant for the mining claim pays for it, and it is disposed of directly from the office of the surveyor general——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER. I will yield the gentleman two minutes of my time.

Mr. SMITH of Idaho. I contend, Mr. Chairman, that it would not be a saving of the public money to bring these records here. On the contrary, it would cost a great many thousand dollars to move them to Washington. I venture to say it would take 50 box cars to bring the records from these various public-land States, which have been accumulating, some of them, for 75 years. It would also result in a suspension of public business, affecting the rights of title to public land during the time these records are being assembled and removed, and it would require a great deal of expense in the employment of laborers and other employees to take care of the records. They would have to be gathered in these various surveyors general offices and be classified, and at least six months would transpire before they could be assembled here. So I contend that the interests of the public would not be benefited but would be greatly injured by this proposition in the various public-land States by the adoption of this plan. It would be just as sensible, in my judgment, to remove all the records from every county in the State of Indiana affecting the title to land to the capital city at Indianapolis, the home of the chairman of the subcommittee, and put them in one great hall of records as to move all the records affecting the

public lands in the various Western States to the city of Washington.

Mr. BLANTON. Will the gentleman yield?

Mr. SMITH of Idaho. I will yield.

Mr. BLANTON. What good is this two hours' talk going to do on this proposition when we have only about 30 men in the House now? Why not have this debate cut down and eliminated. We know how we are going to vote, and what is the use of wasting two hours' time?

Mr. SMITH of Idaho. I am perfectly willing to vote——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. EVANS].

Mr. EVANS of Montana. Mr. Chairman, I am very much in favor of this amendment of the gentleman from Idaho, and my people feel that this office of surveyor general in my State and the office of the surveyor general in all of the Western States are important to them. They are a great aid in the conduct of their business. There are millions of acres of land yet unsurveyed and yet to be settled. There are thousands of people who annually come and inspect those lands. There were perhaps more entries made last year than in the history of this country, or at least in the history of the western country.

It is important that these men have access to the records in order to find out about these surveys. I anticipate that the gentlemen on this floor do not know what the situation is about the offices of the surveyors general in the States. Surveys are made on the ground and plats are made there. They are perfected there. They are then sent to Washington and approved and returned to those offices. If some surveyor, or some attorney, or some applicant for land wants to know anything about it, he goes to the surveyor general's office, or he goes to his attorney, who goes to the surveyor general's office. And if these records should be sent to the General Land Office in Washington they will be 2,000 miles away. It will be an imposition upon those people to compel them to come to Washington or to send to Washington. Immediate contact can not be made between the individual who is interested in these matters that could be made if the records are kept in Montana or in the other States.

There is a growing disposition upon the part of this House and the people of the eastern countries to feel that the West is getting something that it does not deserve, perhaps. There is a growing disposition to take from us some of the things we have had for years. It has been only a week or 10 days since there was an effort to take all the public lands and put them in some sort of reserve for grazing purposes. That country will never grow until that land is opened up. Two-fifths of my State is in reserves. We want to build up the western country. No part of the country west of the Mississippi was built up except under the beneficent homestead laws that enabled the people to take up those lands.

This is a proceeding to abolish those offices and have the land surveyed from the city of Washington. As to the matter of expense, I dare say it will cost twice as much to have the surveying done from Washington. Take the records from the commissioner's last report, and he advised you that for the surveys made from Washington in all States where they have not surveyors general the cost was $4 a mile square and where they had surveyors general it cost about $2 a mile square to get the land surveyed. So I feel that an injustice is being done to my section of the country. I feel that there is a disposition to trespass upon it. I feel it is wrong to change the policy at this time, at least. It was not changed in Ohio, it was not changed in Iowa or in Nebraska, until the lands were surveyed. Why can not we follow the same procedure as was followed in those States?

Mr. EDMONDS. Did the gentleman think that an injustice was done when they took away the Subtreasuries of the East?

Mr. EVANS of Montana. If the gentleman asks me individually, I will say that I did not vote to take them away.

Mr. EDMONDS. Some of the gentlemen from your States did.

Mr. EVANS of Montana. I relied on the statement of gentlemen who said that they were needed, and I voted to retain them. Will he rely on me now and vote with me to retain these surveyors general?

Mr. EDMONDS. I will.

Mr. EVANS of Montana. I thank the gentleman, kindly. If we can get some more, we will win this proposition.

Mr. Chairman, no one doubts the good intentions of the members of the Appropriation Committee who brought in this bill or the members of the subcommittee who framed the bill. The trouble is they are dealing with a subject on which they have little or no information, and in their effort to make a showing of economy they are doing a great injustice to all the public-land States of the Union and showing to the country and this House that they know little or nothing about the subject under consideration.

You will remember, Mr. Chairman, that while a Member who is leading the fight for this so-called economy was telling this House how the work of the surveyors general is now conducted and how it will be conducted when the State office is abolished and the records are all sent to Washington, and I asked if the map of survey of a given tract was made before the survey in the field or after the survey in the field, he insisted that the map was made before the actual survey on the ground. There are 2 men from public-land States on the Appropriation Committee and 30 more in this House, yet I am informed that the subcommittee who framed this provision did not consult a Member from a Western State where these offices are located. Any man living west of the Missouri River will tell you the absolute necessity for the continuance of these offices, and if he has lived there a year he will tell you that he wants home rule in the conduct of his local affairs and is utterly opposed to further concentration in Washington of the control of all governmental affairs that should be administered by local people for the benefit and convenience of the local people.

Mr. WOOD of Indiana. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I have no desire to see this bill cumbered by legislation that would make or retain unnecessary offices, but I do not believe the time has come when these offices should be abolished in these Western States. In Eastern States it was the custom to survey the land and settle the boundaries before the offices were abolished, and I can see no reason for changing the rule when there are only 12 States and 1 Territory left in which surveys have not been completed. The State of South Dakota, one district of which I represent, has approximately 30,000 acres of land that have not been surveyed. The homesteader has a right to be able to find that land when he files upon it and the Government says that he is entitled to it. He ought to be able to put his buildings and fences on it without unnecessary delay. At the present time there are 30 or 40 cases of surveys where lines are not run, and this will continue for approximately four or five years. At the expiration of that time I think the offices ought to be abolished, but there is no reason for taking the action while the offices are necessary. I think it would be false economy to transfer all these duties to the main office at Washington. A man who wants a survey run wants to be able to find the officer in his territory. And I oppose the feature of the bill which would make it necessary for a man to come to Washington in order to have that done which the Government ought to do for him without delay.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, there are other much more important matters connected with this proposition than the mere question of economy. Every Member from the West knows that if this change is made it will not save one dollar in expense to the Government. The work will have to be done by somebody. It will be done down here in Washington, the most expensive place on earth, where they have much shorter hours and very much higher pay and less efficiency. It will cost the Government more than it does to have the work done out in the field. It may not look that way now. But just wait until this work is all sent in and centered here. They will frantically insist upon having a thousand new clerks with expert skilled pay. But aside from that, even if there were some saving, which there will not be, there is no warrant or justification for this course. I feel that we ought to follow the policy that has been followed during the entire history of our country. Whenever the public lands of a State have all been surveyed and gone into private ownership, and no more work is to be done by the surveyor general, then, and not until then, is the office in that State abolished. Every State has had this office until all its surveys were made and completed and closed. Why change this policy now? And if there is any State in the Union now that has a surveyor general's office, with comparatively no public land left, this committee should abolish that particular office. This provision reported in this bill just wipes them all out by one fell swoop, without any attention whatever to the absolute necessity for them or to the work, that in many cases is far behind, and with no attention to the wishes or welfare of any of those States and without consultation with any of the Representatives in Congress of any of those States. The

welfare and development of our Western States should be the first consideration, and not the mere saving of a few dollars, even if it would save anything. This committee just shuts its eyes and wipes us all out. That action, if enacted into law, would cost the western people hundreds of thousands of dollars and untold delays, disappointments, and hardships that would be outrageous. That is not economy or justice. It is wholly wrong in principle and contrary to common sense and fair dealing. We do not want to send any more of our affairs to Washington to be attended to than is necessary. Washington is too far away from the people. The committee ought to consider how their action would affect each State.

Take the State of Colorado, that I have the honor in part to represent. We have at the present time 2,724,490 acres of unsurveyed land left in our State. I think we have a great deal more than that, because there are some 14,000,000 acres in its forest reserves, and I will bet there is scarcely a corner stone in all that 14,000,000 acres. Let me tell you that the number of acres published by the department as being unsurveyed does not mean that that is all the land that will have to be surveyed by any means. It probably means that no one has ever triangulated over that land. During this past year they have resurveyed in my State 279,000 acres. The fact about the so-called surveyed land is that many years ago some of these contracts were made to survey the land, and they reported their surveys and plats and their surveys were approved and plats duly filed here in Washington and in the local land office, but when the homesteader wants to locate a piece of ground he very seldom can find any corners. And when he hires a local county surveyor to find the corners and give him his numbers and he files, he then finds the surveys are not correct, and the whole country is withdrawn for a resurvey and is held up, and no entries allowed and no one can get a patent or know where he is for years and years while the Land Office is getting around in resurveying it, and until they can get all this land surveyed and then resurveyed and the lines correctly and definitely and finally settled they have no business to try to abolish the surveyors general.

In Rio Blanco and Routt and Moffat Counties, in my district, there the Government surveys were made about 1881 and 1882, and there was not a corner stone within 30 miles a few years ago. If they were ever set, there was not one left, and Congress had to appropriate $50,000 to resurvey a large part of what is now two counties. There is a good deal of the early work where they put corner stones that are now all gone, and a large part of the so-called surveyed land in the State of Colorado will probably have to be resurveyed hereafter.

But, aside from that matter, aside from the ordinary survey of public lands which the Eastern States had, we of the mountainous West now have the mineral-land surveys, mining claims of all kinds, and those surveys will have to be conducted for a great many years yet. They are conducted by local United States deputy mineral surveyors who live out there; and if we had to have it done through supervision in Washington, and by correspondence between Washington and the field carried on, and the field notes checked up by correspondence in that way, it would involve a frightful expense and involve delay to the development of our country, and would be most awfully inconvenient and unsatisfactory. I do feel that the conveniences, welfare, and development of the West, after all, is of far greater consideration than this possible saving of $48,000, and that is the most that they claim it would save. It does seem to me that this is a very shortsighted policy. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, under the leave granted to extend my remarks in the RECORD, I will insert a telegram that I received from the Hon. John B. McGauran, the United States surveyor general of Colorado, as follows:

DENVER, COLO., *February 19, 1920.*

Hon. EDWARD T. TAYLOR, M. C.,
Washington, D. C.:

The discontinuance of surveys and resurveys of public lands and mining claims would be a great blow to the development of the West. This work must continue, and it is impossible from a practical standpoint to handle it from a central office in Washington. United States surveyors and deputy mineral surveyors must have records and instructions upon which field work is based readily accessible, to say nothing of the primary consideration of the convenience and necessity of records for use of local surveyors and the general public. Local offices for such purposes, and to be in close touch with field operations, are imperative. If the offices of surveyors general are abolished the Commissioner of the General Land Office must necessarily establish local offices. This he has already done through supervisory offices, such offices usurping to some extent the lawful functions of the surveyor general, resulting in duplication of work and unnecessary expense. Why not seek to properly limit this attempt at enlargement of bureaucratic authority and retain to the surveyor general his statutory rights which have operated so successfully for half a century.

JOHN B. MCGAURAN,
Surveyor General.

Mr. WOOD of Indiana. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. MILLER].

The CHAIRMAN. The gentleman from Washington is recognized for three minutes.

Mr. MILLER. Mr. Chairman, I am in favor of this amendment or substitute. I am in hope that the members of this committee, which is dealing with this question, will lift up their eyebrows and look across the Rocky Mountains. There are some men who can not see the Rocky Mountains much less see what is west of them.

The State that I have the honor in part to represent here is eight times as large as the State of Massachusetts, and in that State two-fifths of the area of the State is unsurveyed Government lands, and, furthermore, the State of Washington is inseparably hooked up with the present and future of the Territory of Alaska, a Territory of 577,000 square miles. What benefits Alaska not only benefits the State of Washington, but benefits every State in the Union.

There is not only great agriculture in the State which I have the honor in part to represent, but there are mineral lands of great value there. If there are any two things in the world we ought to try to encourage production of now, they are agricultural products and the products of the mines. Every day we see that the money in the Treasury of the United States, the gold held for the redemption of our circulating medium, is decreasing out of safe proportion, and under these circumstances why in the name of all that is good are we not paying some attention to increasing the development of the mines of the West?

This subject of the surveyors general of the States of the West is intimately associated with the mineral output and the agricultural output of the West. I am astonished that a policy in vogue is this country for a hundred years should now be sought to be abolished at this critical time in the history of our country, when we are trying to increase our production in the directions I have mentioned. I hope the House will vote to adopt the substitute.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GANDY. Mr. Chairman, I yield five minutes to the gentleman from Alaska [Mr. GRIGSBY].

The CHAIRMAN. The gentleman from Alaska is recognized for five minutes.

Mr. GRIGSBY. Mr. Chairman and gentlemen of the committee, I have listened with interest to the statements of the Representatives from the Western States calling to the attention of the committee the number of millions of acres of unsurveyed land that they have in their respective States, and I must say that everything that they have said applies with a great deal more force to the Territory of Alaska, where we have over 300,000,000 acres of unsurveyed lands, and the most important office we have in that Territory, the office that is of most assistance to the people as homesteaders or miners seeking patents, is the office of the surveyor general.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GRIGSBY. Yes, sir.

Mr. WOOD of Indiana. Is the gentleman aware of the fact that if this provision is adopted it will not take a single bit of the machinery away from Alaska or one of these States, so far as the surveys are concerned?

Mr. GRIGSBY. I understand from the reading of the bill that the entire machinery and all the clerical force will be removed.

Mr. WOOD of Indiana. All the machinery for the surveys now provided will remain there as long as there is any seeming necessity for it.

Mr. MAYS. Mr. Chairman, will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. MAYS. Why should the gentleman from Indiana treat Alaska that way and not treat other States in that way? If there is surveying needed, why not leave the surveyors there?

Mr. WOOD of Indiana. It will not change the surveying in a single State.

Mr. GRIGSBY. Is there any difference in that regard between Alaska and the States?

Mr. WOOD of Indiana. No. The surveyor general shall remain the secretary of the Territory.

Mr. GRIGSBY. The provisions of the bill are that the entire clerical force shall be removed to Washington, and all the plats and records shall be removed from the offices.

Mr. WOOD of Indiana. That is in the discretion of the Secretary of the Interior.

Mr. GRIGSBY. I understand that the bill is mandatory in that respect. I did not hear that question raised before when any other gentleman was talking.

I have had an office across the hall from the surveyor general of Alaska for two years, and his is the busiest office conducted in Alaska.

We have over 500,000 square miles of unsurveyed land. The business is conducted with that office. Whenever a man wants to get a homestead, whenever he wants to get a patent for a mining claim, he has to do business with that office. Almost all the business we have to-day up there is done in connection with the bureaus down here in Washington, and we have to come down here enough as it is. Now, if I want to get a survey for a patent for a mining claim in Alaska, I have to employ a deputy mineral surveyor. They are scarcer than hen's teeth. I can find a surveyor or a civil engineer in Alaska, but he is not a deputy mineral surveyor. I can make an application to the surveyor general of Alaska and get him appointed, but under the terms of this bill I have got to come down here to Washington to have it done. He has to apply to the Commissioner of the Land Office, and the commissioner does not know him or his character or qualifications. The surveyor general in Alaska knows every surveyor in the Territory, and can pass on his qualifications. We can not do business in Alaska 6,000 miles away with a surveyor general's office conducted here in Washington, especially in the wintertime, when it takes from two to four months for the mail to make the round trip. We must have a surveyor general there on the ground [applause]; especially since the passage of the oil-leasing bill it is necessary that that office be maintained. What we want in Alaska is more government in Alaska and less in the bureaus in Washington. The forest reserves are already administered here, the fish and game are regulated here; everything is reserved from entry except mining and homestead land. If the office of the surveyor general is to be transferred to Washington, the governor of Alaska, the Federal judges, and court officials might as well be removed here, too, and there will no longer be any excuse for anybody living up there.

The surveyor general is ex officio secretary of the Territory of Alaska. This bill continues the salary of $4,000 for the secretary of Alaska, but does not create such an office nor provide for filling it. A surveyor general is appointed by the President, by and with the advice and consent of the Senate; the bill contains no authority for the appointment of a secretary of the Territory. The surveyor general of Alaska is also a member of the Territorial canvassing board, which canvasses the returns of the elections for Delegate for Congress and the Territorial officers. If you abolish the office of surveyor general you will leave us without a canvassing board; possibly the committee thought that, inasmuch as Alaska elections are generally decided here in Congress, we do not need any [laughter]; but we do need a surveyor general, and need him on the ground. [Applause.]

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. GRIGSBY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Washington is recognized for one minute.

Mr. JOHNSON of Washington. Mr. Chairman, I favor the amendment of the gentleman from Idaho [Mr. FRENCH]. I oppose the provision striking out the positions of surveyors general. The State of Washington and the Territory of Alaska for a long time have been looked upon by Federal employees, including chiefs of bureaus and divisions here in the city of Washington, as desirable places to visit in the summer time. Do away with the State surveyors general but leave the clerks and field men, and you will find a continuous round of inspecting surveyors or traveling generals out there every summer to join the array of Federal map makers, geologists, investigators, and so forth, already on our hands. You propose to save at the spigot and waste at the bunghole.

Mr. GANDY. I yield five minutes to the gentleman from Utah [Mr. MAYS].

Mr. MAYS. Mr. Chairman and gentlemen of the committee, the first point I wish to make in this discussion is that these mineral surveys do not cost the Government of the United States any money. This seems to be a movement toward economy, but the surveys in our State have been paid for by miners, by the claim owners, and we have now to the credit of the office in the State of Utah over and above all expenses of that office the sum of $13,948. These people who have this surveying done, who pay the bills, who put up the money, want to have the office there, so that their records may be there, and they are very anxious that this legislation should not be enacted. I read a paragraph from a letter just received from the Utah Chapter of the American Mining Congress:

UTAH CHAPTER,
AMERICAN MINING CONGRESS,
Salt Lake City, Utah, February 21, 1920.

Hon. JAMES H. MAYS,
House of Representatives, Washington, D. C.

DEAR MR. MAYS: Since I wrote you this morning regarding the proposal to abolish the office of the surveyor general of Utah I have conferred with Mr. Thoresen, the surveyor general, and the conversation developed a fact that I overlooked in my telegram and previous letter to you.

It is that so far as the mineral work of this office is concerned in Utah it is more than self-sustaining, as the mineral-survey work is all paid for by claim owners. Mr. Thoresen advises me that there is a surplus balance of $13,948 to the credit of the Salt Lake office at Washington to-day, this amount representing the profit of the Government from the mineral work in Utah after all expenses have been deducted. I also understand that several substantial balances, earned previously, have been absorbed into the National Treasury in former years.

I have not gone into the agricultural side of the question, as we do not assume to speak for the agricultural interests, and, as I understand it, agricultural surveys are made without cost to agricultural claimants. This is not the case with the mineral work, however, all of which is paid for by those who have the work done, and, as I have indicated, this activity shows an operating profit for the Government.

It seems to me that this is an additional and a potent argument, aside from the public necessity, for the continuance of this office here.

We sincerely trust you will succeed in retaining the office here.

Yours, very truly,

A. G. MACKENZIE, *Secretary.*

It has been stated here that the Commissioner of the General Land Office has recommended this change in the law. I do not believe that the Commissioner of the General Land Office intended to make any such recommendation. I want to read just a paragraph or two from the hearings on that particular point. In starting out on the subject of the surveyor general's office the gentleman from Indiana [Mr. WOOD], chairman of the subcommittee, questioned the Commissioner of the General Land Office as follows:

OFFICES OF SURVEYORS GENERAL.

SALARIES, CONTINGENT EXPENSES, ETC.

Mr. WOOD. We will now take up the item, "Surveyors general." The appropriation you are asking under the first item, "For salaries of surveyors general, clerks in their offices, and contingent expenses," is $11,220, as compared with $11,100 last year. What is this additional $120 for?

Mr. TALLMAN. The work in the offices of surveyors general varies in the different offices from time to time, and under the system of making these appropriations there are three times as many appropriation items as there are offices, and we have to adjust these appropriations to meet the number of employees and the salaries in each office from year to year. The total appropriation for the 13 offices of surveyors general is $39,000 for their salaries, $171,340 for their clerical assistance, and $11,125 for their contingent expenses, amounting in all to $221,465. To meet the necessities of the work we have readjusted some of those individual items of appropriation, the result of the whole of which, however, is $2,405 less than the total for last year.

Mr. WOOD. How does the $120 increase figure in that readjustment, Mr. Tallman?

Mr. TALLMAN. The first is Alaska——

Mr. WOOD (interposing). I do not mean how it is distributed among them. It is not only a readjustment, but you are increasing some place in order to take up this $120. For what purpose is the $120?

Mr. TALLMAN. In some cases we desire to promote some clerks a small amount, in other cases where the work has increased we desire to put on an extra clerk, in other cases the work has decreased and we can take off a clerk.

After pursuing an item of $120 to its source and indicating a most penurious disposition toward the West, the gentleman from Indiana put to Mr. Tallman the question—

Can not you abolish these surveyors general and transfer these clerks here?

He replied—

Yes; that could be done.

This colloquy occurs in the hearings:

Mr. WOOD. How about the Montana office?

Mr. TALLMAN. Montana is a very large and very active public-land State. It is not advisable to consolidate offices of surveyors general. If there is any consolidation to be done they should be all consolidated and the work transferred to the Washington office.

Mr. WOOD. That would not hurt; all of these offices could be abolished without material detriment?

Mr. TALLMAN. Of course, I do not belittle that work. They are doing important work, but the organization is not altogether in harmony with the development of the field organization and the office organization.

Of course a man is willing to augment his own importance. He is willing to have more clerks under him here. He is willing to take this responsibility, and they are now proposing to transfer these offices from all these States.

We have in Utah 20,000,000 acres of unsurveyed land, and I want to read just one little paragraph from the report of the Commissioner of the General Land Office, which was in the hands of this committee when they put this provision into the bill and to which they gave no heed.

Mr. SHERWOOD. Will the gentleman yield?

Mr. MAYS. I yield to the gentleman from Ohio.

Mr. SHERWOOD. Did the gentleman say 20,000,000 acres of unsurveyed land in the United States?

Mr. MAYS. I said 20,000,000 acres of unsurveyed land in the State of Utah. The Commissioner of the General Land Office in his annual report says, with reference to the State of Utah—

In his annual report of operations in his district the surveyor general states that although the 20,000,000 acres of unsurveyed land in this State have been considered in the past unfit for agricultural purposes, much of it is now conceded to be adapted for dry farming and grazing purposes, and the present estimate is that more than one-half of the above amount can thus be used, and it is now being sought for by returned soldiers and sailors and other young men brought up on Utah farms. He is of the opinion that no work of more importance could be performed by the Government than having these lands surveyed as early as possible, so that this land would be brought under cultivation and made productive, and these citizens be thus engaged in useful pursuits and making permanent homes. As no entry can now be made prior to survey, the citizen hesitates to go upon and improve the public lands before making entry.

I read also a telegram from the Utah Chapter of the American Mining Congress and a telegram from the surveyor general:

SALT LAKE CITY, UTAH, *February 20, 1920.*

Hon. JAMES H. MAYS,
House of Representatives, Washington, D. C.:

Discontinuance of surveyors general office here and transfer of records would be a calamity to us, and we hope the proposal can be defeated. Official surveys of all mineral lands of the State are kept in that office, and without these records deputy mineral surveyors would have no data available on which to base their surveys of claims and nobody to check and approve their work. Functions of this office must be discharged somewhere and can not be done elsewhere with same efficiency and convenience as here. We are unable to understand why it is proposed to remove this office and these records from the place where they are used. As many as a hundred persons consult these records in a single day, and there are more than 6,000 surveys on file in this office. About 45 are filed monthly now. The coming season promises to bring more work into this office than for years past on account of improvement in metals, especially silver and lead. If it be found impossible to prevent removal, can you get in a provision requiring duplicates of these records to be filed with some Government or State officer here and kept up to date, so that our people may have access to them? It is unthinkable to require reference or a trip to another place as a preliminary to every mineral survey.

UTAH CHAPTER AMERICAN MINING CONGRESS.

—

SALT LAKE CITY, UTAH, *February 26, 1920.*

Congressman JAMES H. MAYS,
Washington, D. C.:

Mineral division office self-supporting, with credit balance of $13,000 at the agricultural division, through sales of surveyed lands. Net income over $100,000 annually. Proof mailed Tuesday.

THORESEN.

Mr. WOOD of Indiana. I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I favor the amendment restoring the office of surveyor general offered by the gentleman from Idaho [Mr. FRENCH], for the reason that I feel that the provision inserted in the bill by the committee abolishing this local office violates one of the cardinal principles of a democratic or a republican form of government, in that it takes the actual Government and the actual administration of the Government far away from the local people who are supposed to be benefited by its administration and execution.

Gentlemen talk about the economy of this change, a doubtful saving of less than $50,000 per annum, to be made at the expense of the West, at the expense of expeditous administration. We are not even assured of this saving; it is a doubtful matter. By a change in our policy of administering and executing the mineral land laws this Government is going to receive from now on $1,000,000 a year more than it has received in the past through the provisions of the mineral leasing law that we have just passed, the oil leasing, the coal leasing, and the phosphates law signed by the President Wednesday. We are going to get $1,000,000 more into the Treasury each year from this source. Now, that law is going to entail from year to year more surveying. Those interested in that legislation and interested in the West should not be compelled to seek in Washington those who have charge of the administration of this law and the surveying of those lands.

What are the duties of the surveyor general? The surveyors are sent out by the surveyor general into the field during the summer. After the surveys are made the surveyors repair to the State capital, or wherever the local office is, where the map makers are. The map maker and the surveyor check up their maps and their field notes at the office in the State capital. If a mistake or ambiguity is discovered it can be corrected or cleared up at once; but if a mistake is discovered here in Washington it will not be corrected until the next year or the year after that, or whenever the local surveyor can be located. Under the present system if they find in the field notes a mistake in running a line the surveyor general immediately sends a surveyor back to the field to check up his lines, or to tie them up. It is impossible to go over this matter in the five minutes allotted me, but what is the situation in my State? We have in Oregon over 7,000,000 acres of unsurveyed land. How does that 7,000,000 acres compare with the area of some of the Eastern States? That 7,000,000 acres would make more than two States of the size of Connecticut. It would make seven States of the size of Delaware. It would make a larger State than Maryland, much larger than Massachusetts, much larger than New Hampshire, nearly 3,000,000 acres larger than New Jersey, more than ten times the size of Rhode Island, much larger than the State of Vermont. We should have an officer like the surveyor general in the State, as we have had for years, to order and superintend these surveys.

The embarrassment of this proposed change in the law is that the settler upon these lands seeking to have his lines run out would have to wait for the survey ordered from Washington. He would be compelled to seek relief 3,000 miles from the State, seeking it here in Washington. Possibly a surveyor and a map maker would be sent from Washington to the State of Oregon and then return here to check up the work here in Washington, whereas in the winter following the survey, where the office work is done locally, the entire matter can be straightened out at that time.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SINNOTT. No; I have but five minutes and the time is too short. Mr. Chairman, it seems to me that in seeking for economy, as they are trying to with this item in this bill, they have gone on the principle of "see a head and hit it," regardless of the effect on the 12 States involved and Alaska. They have reached out into the dark and surely have not given this matter due consideration from the western standpoint, from the standpoint of the people who are really looking for relief against the already too greatly overburdened and overhead Government that we have in Washington at the present time. I sincerely hope that every Member having the interest of the West and Alaska at heart will vote for the amendment offered by the gentleman from Idaho. [Applause.]

Mr. EVANS of Nevada. Mr. Chairman and gentlemen, owing to the oil land, oil shale, coal, and gas there are hundreds of inquiries relating to this new legislation, known as the oil-land leasing bill. It is my hope that the surveyor general's offices will be continued as at present. Surely you will grant this small recognition to many really great Commonwealths whose honesty of purpose can not be questioned, who, knowing their own needs more than you can learn by letters, respectfully request that they be granted your trust and confidence in a vital form of handling these lands. Their whole life work is reclaiming arid lands, enduring extreme hardships, deprived of the many living comforts found here. It seems to them wrong to take away and center in Washington, directed by a bureau, the land records, but the greater point at issue is having those records at home. If located here, will require thousands of telegrams and tens of thousands of letters, requiring at least 30 days for reply, thus delaying business connected with lands. Imagine the expense of residents of Nevada, necessitating a continuous stream of our citizens to Washington upon land affairs. We are already overburdened with expense; we must have your confidence to leave the land records at home of easy access. We can not endure this additional load. This is not a question of retaining an officer within our State, but aiding the man whose hardships are already too great. You all realize what "at the discretion of the Secretary of the Interior" means. It means concentration of those affairs in Washington. It means increasing appropriations every year. It means increasing Government bureaus. It means added expense, additional hardship, and delay to the pioneer, who deserves your consideration. [Applause.]

As it is, our State of Nevada is 89 per cent Government owned; there are more than 100,000 square miles of Govern-

ment-owned lands. It vitally affects our State; in fact, more than it affects any other State in the Union. I hope that the amendment offered by the gentleman from Idaho will be agreed to. [Applause.]

Mr. SISSON. Mr. Chairman, I ask unanimous consent that all gentlemen speaking on the bill may have unanimous consent to revise and extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all gentlemen speaking on the bill may have unanimous consent to revise and extend their remarks in the RECORD. Is there objection?

Mr. BURKE. Reserving the right to object, if it is confined to this section of the bill or to the amendment I have no objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, there is no Member on the floor of the House who is more interested in the economy program that am I. It seems to me that at this time we are approaching a false economy program. Take my own State of Washington; we have in the public domain more than 8,000,000 acres of land, an area larger than the State of Connecticut and Delaware combined, an area larger than Massachusetts and Delaware combined. We have an area something like half the size of the State of Ohio or half the size of the State of Indiana.

Can anyone believe that it is going to be more economical or more satisfactory to do all the necessary work to be attended to by an office 3,000 miles away rather than that the surveyor general's office should remain in that State where prompt attention can be given to all necessary surveys?

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. WOOD of Indiana. Suppose it is demonstrated that none of the surveying instrumentalities and activities will be removed, but all of that will be kept there until there is no further use for it; would the gentleman then think it necessary to keep the surveyor general?

Mr. SUMMERS of Washington. The bill definitely provides for all these things. The instruments, documents, and all furniture shall be transferred to the Commissioner of the General Land Office in this city.

Mr. WOOD of Indiana. At the discretion of the Secretary of the Interior; but we have the word of the Secretary of the Interior that all the instrumentalities, so far as the surveys and records are concerned, will be kept there, so I can not conceive that anybody is going to be hurt.

Mr. SUMMERS of Washington. It seems to me that centralizing of these forces 3,000 miles from the necessary field of action is not wise. If there is anybody that needs encouragement it is the poor homesteader endeavoring to make a home out of what has been left after 100 years of culling. He has not the time nor the money to put in in making investigations or waiting for the reports from the East. It would be similar to the situation that we have had in the War Risk Bureau, where there is great congestion and delay in reference to small problems.

The chairman contends that field men and all necessary records will be left in each public-land State; but let me read the bill:

SURVEYORS GENERAL.

After June 30, 1920, the offices of surveyors general in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming, and the Territory of Alaska are discontinued, and the several surveyors general shall, on or before that date, under such rules and regulations as the Secretary of the Interior may prescribe, deliver into the custody of the Commissioner of the General Land Office all field notes, maps, records, and other papers, and all furniture and equipment of their respective offices; and the commissioner is authorized, whenever the surveys and records of any surveying district are completed, to dispose of such field notes and plats of survey as are duplicates of records in his office in accordance with sections 2218 and 2221 of the Revised Statutes, and from and after June 30, 1920, the authority, powers, and duties in relation to the survey, resurvey, or subdivision of lands and all matters and things connected therewith, heretofore vested in and exercised by the several surveyors general, including the use in his office of deposits by individuals for office work, the like use of funds arising under the acts of March 2, 1895 (28 Stat., p. 937), and June 25, 1910 (36 Stat., p. 834), and the employment of personal services thereunder and for office work on Indian surveys, shall be vested in, and devolve upon, the Commissioner of the General Land Office: *Provided*, That so much of the clerical force in the offices of surveyors general as may be needed and such records as may be necessary may be transferred to the General Land Office in Washington, and the Joint Committee to Assign Space in Public Buildings shall provide the necessary additional space in the Interior Department Building.

For per diem in lieu of subsistence, salaries, freight and expressage on records, instruments and equipment shipped from the several offices, and the purchase of additional stationery, supplies, and equipment required in the General Land Office by reason of such transfer, $175,000, including $4,000 for salary of the secretary of the Territory of Alaska.

Here I find that after June 30, 1920, the surveyor general's office of my State of Washington "is discontinued," and that on or before that date he "shall deliver into the custody of the Commissioner of the General Land Office all field notes, all maps, all records and other papers, and all furniture and equipment" of his office.

Under this language there can be no mistake as to the meaning and the intent of this provision. It abolishes the office of surveyor general, the field men, and all of the records so far as my State is concerned. It either discharges the men or it transfers them, bag and baggage, down to the city of Washington to become cogs in a great machine which is bound down with red tape, and which moves too slowly for the purposes and the convenience of my constituents.

There is a possible saving, on the face of the committee report, of $48,000, but we know that frequently these presumed economies do not come out as they have been figured in advance, and it is very probable that instead of being an economy this will be an additional expense, with the additional delays and annoyances and all those things incident to having much of the work done and the records stored 3,000 miles from the locality where the lands are situated and the records are most needed.

I sincerely hope that every Member on the floor of the House, not only those from the States of the West but from all the States, will support the amendment that has been offered to this bill by the gentleman from Idaho. [Applause.]

Mr. SISSON. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, there is little use, in the first instance, of this amendment. Section 2218, United States Revised Statutes, directs the Secretary of the Interior to complete the surveys as rapidly as they can be completed, and section 2219 of the Revised Statutes of the United States directs that when the surveys are completed on the unsurveyed lands in the several States all records, maps, and plats are to be turned over to the several States, and then the Commissioner of the General Land Office is given full power to administer and continue the law as to the surveys, and so forth, that the surveyor general now has.

Section 2221 provides that the State must first provide by proper legislation proper archives for the protection of the records.

So that if there was any necessity now for transferring these offices, if there was no work to be done at the present time, the Secretary of the Interior, under direct mandate of the law, would now direct the records to be transferred. Not having done so, it shows clearly that it ought not to be done. There are large tracts of unsurveyed public land in all these States running into the millions of acres in each State. In addition to doing the general work of surveying for the Government, everyone knows that the office of the surveyor general performs the additional function of making surveys, so that conflicting claims in respect to title can be settled. This proposition is to take the officer from the State and transfer him to Washington. To perform those duties some one would have to be sent from Washington at a very great traveling expense and at an annual salary unquestionably as large as the present salary of the surveyor general. In addition to that, it would cause considerable delay and a great deal of inconvenience and there would be no saving to the Government. The surveyor general keeps in close touch with the situation in the various States. In addition to the survey, he goes over it upon the ground to see that the records are properly made, that the returns are in proper form, so that the records may be as nearly correct as records of that kind can be. Instead of a man going right from the local office in the State, under this provision he is to be sent from the General Land Office at Washington, as I say, with a salary as large, if not larger, than the present surveyor general receives, and in addition to that at a large, enormous traveling expense. So that there is no economy in the amount of work to be done. There is enough work in all these public-land States, and there has not been a word to show to the contrary.

The CHAIRMAN (Mr. LONGWORTH). The time of the gentleman from California has expired.

Mr. FRENCH. Mr. Chairman, I am of course delighted that there is no opposition apparent to the amendment, but if there is any opposition I think gentlemen in control of the time ought to yield to those who are opposed to the amendment instead of letting the time accumulate.

Mr. WOOD of Indiana. I was about to yield to the gentleman from Texas [Mr. BLANTON], but he does not seem to be present.

Mr. RAKER. Oh, I think he concluded that the amendment is a proper one.

Mr. SISSON. Mr. Chairman, I yield five minutes to the gentleman from Utah [Mr. WELLING].

Mr. FRENCH. Mr. Chairman, may I interrupt there to ask if the gentleman has anyone who is opposed to the amendment?

Mr. SISSON. No one has asked me for time.

The CHAIRMAN. The gentleman from Utah is recognized for five minutes.

Mr. WELLING. Mr. Chairman, something was said in the early stages of this debate with reference to the elimination of these surveyors general offices because their functions had all been performed as in the older States. It must be borne in mind that in almost all of these Western States there is a great deal of unsurveyed land. In the State of Utah we have nineteen and one-half million acres of such land. Obviously it would be the poorest policy in the world to remove the agency for surveying that great quantity of land from the very locality where the land lies and bring it 3,000 miles away and establish a bureau here in Washington to transact that business. What is true of the State of Utah in connection with this matter is true of every other Western State. As a matter of fact, the survey of the public lands of those States is only fairly well begun, and it would be very poor policy when it comes to a question of economy to concentrate all of that work here in Washington, 3,000 miles away from the seat of activity.

I assert now that the Department of the Interior did not recommend the change. The individuals there who have had supervision and control of this matter did not recommend it. They expected that the offices would be continued as they had been in the past. It was upon the initiative of the Committee on Appropriations, a committee that confessedly knows absolutely nothing about the business in the office of surveyors general, that this is sought to be done. The members of the subcommittee have none of these offices in their particular States, but if they had wanted to obtain advice from some one on the Committee on Appropriations who did know something about the unsurveyed public lands they might have had that advice from the gentleman from Idaho [Mr. FRENCH], who is a member of the Committee on Appropriations. Apparently he was not called in or consulted with reference to the change that was made. Yet, going against the recommendations of the department, these gentlemen of the subcommittee have felt that in the interest of false economy an obligation rests upon them of coming here and asking for the disruption of this entire organization for the surveying of the public domain and the bringing of all its offices and officers and clerks here to Washington. In my judgment it violates every principle of democratic government, of distributing the functions of government among the people of the country. It closes up offices that have been established by the Government at great expense in Federal buildings and brings them here and multiplies the expense of administration here in Washington, whereas those offices are not costing the Government of the United States in the buildings where they are now located anything to-day. I sincerely trust that the amendment offered by the gentleman from Idaho will be adopted and that the committee's provisions will be defeated.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. WELLING. Yes.

Mr. JONES of Texas. The gentleman referred to nineteen and one-half million acres of public land in the State of Utah. Would he be good enough to tell us the character of that land in the main, whether it is tillable or otherwise?

Mr. WELLING. It is public land, and probably a great percentage of it will be redeemed. Put water upon it, as will be done in the future, and it is the best land in the world. There are thousands of acres of oil land and mineral and coal land included in this area.

In my State applications for the survey of approximately 3,000,000 acres are now pending, all requested by the State of Utah and private citizens.

Applications for the survey of from 40 to 60 townships have been made annually during recent years, and only 20 to 30 townships have been surveyed. There is a great accumulation of demands for surveys not complied with.

Besides the above agricultural surveys, there have been 6,600 mineral surveys, embracing approximately 35,000 mining claims, completed, and 20 such surveys, embracing 93 locations, are now pending in the Salt Lake office, with an average filing of 45 applications for such surveys per month.

Relative to these surveys and the methods by which they can be secured, there are from 25 to 50 personal inquiries made daily at the Salt Lake office, besides numerous written requests for similar information. The United States mineral surveyors are constantly compelled to consult this office relative to the initiation, execution, and completion of mineral surveys, and the same is true of the regular United States agricultural surveyors.

Therefore if this office work was to be transferred to Washington, it would incur very expensive hardships and long delays to both miners and agriculturalists, if it could be accomplished at all by correspondence with Washington. From experience it has been learned that many applicants for information are unable to define just what they require without extensive assistance from local officials. Hence it would be impossible for them to write to Washington for such information.

The delays in securing information, especially by surveyors in the field, would also be aggravating and expensive, as surveying crews would be prevented from proceeding with their work pending receipt of required information and instruction.

All surveys are made by instructions issued from the Salt Lake office, and during execution special detail instructions are often demanded and furnished the surveyors, which in many cases must be obtained before the work can proceed. If this information should be furnished from Washington it would cause much delay and expense in the execution of surveys. Agricultural surveyors are required to submit progress or advance returns of their work, which are checked in the local office and corrections or additions immediately ordered, if found necessary, while the surveying crews are on the ground. If these returns were to go to Washington, necessarily by mail, and such instructions returned to the men in the field, they would be miles away from the location in question; time would be lost and expense incurred in returning to complete the survey.

The applicants for surveys, especially mineral surveys, would be compelled to employ attorneys in Washington, through whom they could operate in securing necessary information, and so forth, regarding surveys required, which now is obtained by their personal application in the local office without expense.

I presume that it is not the intention of the committee to abandon entirely the making of surveys of the public domain, and therefore if the work should be continued in Utah with only a limited force of surveyors for agricultural lands, averaging for the past few years about six crews, they would necessarily have to maintain a supervisor of said field work and also a disbursing agent to pay their salaries and the expenses incurred by them, with necessary offices in Salt Lake City.

The extensive records and files in the Salt Lake office, both of agricultural and mineral surveys, from the beginning would necessarily have to be retained in some office there, and one or more qualified custodians would have to be maintained in charge of those records for the benefit of the public, and especially for the extensive mining industries of the State, as all basic information relative to titles of the vast amount of valuable real estate is confined, in many cases, exclusively in these records and files. The law provides that they shall be maintained there by the Interior Department until all the public lands of the State are surveyed and at such time deposited in the archives of the State.

Therefore, besides the salary and expenses of a disbursing agent, salaries of the custodians of the records and files would have to be paid by the department.

I feel certain that the experienced employees there, without exception, would rather leave the service than to be transferred to Washington; hence new and inexperienced persons would have to be employed to continue the work, under which circumstances the supervision and execution of the work would increase its cost far beyond the salary of the surveyor general that would thus be eliminated.

For these and numerous other reasons I deem it inadvisable and detrimental to the public welfare and more expensive to discontinue this work and transfer the same to Washington.

I am aware it is difficult to make our eastern representatives, whose lands have been surveyed long ago at the expense of the General Government and given them by merely residing thereon, to understand that the great West ought to receive equal rights, or any rights whatsoever; but it appears to me that they ought to know that money expended in the development of our national resources, even of the West, will redown to the general good of the entire country and, even beyond that, to the whole world. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I desire to make some remarks upon this bill, and I would like to have some gentlemen here aside from those who have been speaking on the other side, for I do not expect to be able to convince any of them. I make the point of order that there is no quorum present.

Mr. SMITH of Idaho. If the gentleman wanted to be entirely fair, why did he not ask for that when we started in on this debate?

The CHAIRMAN. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred Members present, a quorum.

Mr. WOOD of Indiana. Mr. Chairman, in the time I shall occupy in discussing this measure I am going to try at least to bring some information to the committee in reference to the manner in which the business will be conducted if the proposed proviso in the bill is adopted. I wish to say at the onset that the history of the surveyor general discloses that he is purely a political creation, and for the first half century of the Government we did not have any surveyors general at all. Some time after the establishment of general land offices, and it was determined that some political places were needed, some patriot conceived the idea of creating this office.

Mr. SUMMERS of Washington. Will the gentleman yield for a brief question?

Mr. WOOD of Indiana. Wait until I can finish this.

Mr. JOHNSON of Washington. In 1823.

Mr. WOOD of Indiana. No; it was before 1823. The surveyor general was created, as I say, purely as a political proposition, and he is yet a political reward, and, so far as the good of the service is concerned, he can be as easily dispensed with now as he was unnecessary at the time that he was created. Now, let us see the manner in which this work is conducted and see whether or not there is to be a saving of time, which is money, for, it is said, time that is saved is money earned. Now, let us see if we can save to the western people, those who are immediately interested, time or money or both. If the information which we have from the Department of the Interior is correct—and I do not think that anyone will say that the present Department of the Interior has any design or desire to undertake to cripple this work—as the plan now is if a survey is wanted the one desiring the survey has to first submit a plat to the surveyor general. The surveyor general, after a certain examination, takes and sends it to the city of Washington. Every one of these things have to come to the city of Washington for final approval. Now, if the surveyor general is wiped out there would be that time, at least, saved that the surveyors general has this plat or application under his examination and supervision before he sends it to Washington.

That is not all. If the operation as proposed by the Department of the Interior is correct, it will save time, because it will get immediate action at the time it is sent to the city of Washington and sent back to the one interested. Now, much has been said here about the great inconvenience that will result to the people of that country because of the fact that they will have to send to Washington to get a surveyor. The gentleman from Washington said——

Mr. JOHNSON of Washington. No; do not misquote me, but let me tell you what will happen: Just as it does in other great bureaus when they can, they will send specially favored men on a junket. See if it does not turn out that way.

Mr. WOOD of Indiana. The gentleman may be correct; but the information we have—and I think we have the right to rely upon it—we take and place responsible men at the head of these bureaus for the purpose of advising the Congress. Sometimes they may not give us the best possible advice, but I think it is the exception when they do not.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. It certainly can not be said in my attempt of the abolishment of these offices that I have any partisan consideration in view, for the gentlemen asking for this thing to be done and who advise that it be done for the greater efficiency of the service are not of my political faith. So I can not be accused of that; but I do wish to submit to the Congress—to the Members upon that side as well as upon this side—that whenever we discover an opportunity to save money by the abolishment of useless offices, and especially when we do not interfere in any degree with the efficiency of the work that is to be performed, that it is the sworn duty of every man in this House to abolish such offices.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. I will.

Mr. MILLER. Who in the department has recommended the abolishment of these surveyors general?

Mr. WOOD of Indiana. If the gentleman would just content himself for a moment I will take pleasure in advising him.

Mr. MILLER. I have read the hearings.

Mr. WOOD of Indiana. I wish I had time to read all of the memoranda I have received from Mr. Tallman, under whose supervision this work finally comes. I wish I had time to read all of it, especially that part which details the manner in which the work is done now and all the steps that have to be taken from start to finish before one of these surveys is finally completed. I will content myself, however, by reading the manner in which it will be done if this new scheme is adopted. He says:

As to the method by which this work would be handled in case of a transfer and consolidation of the work in the General Land Office at Washington, it may be stated first, that it will be necessary to maintain in each State, as at present, the field surveying organization with headquarters where necessary for the conduct of the work, presumably in the same offices, or a part thereof, now occupied by the surveyor general. The field surveyors, instead of submitting their field notes of surveys to the office of the surveyor general, would transmit same direct to Washington.

This shows that there will be a saving of time. It will save not only the time that is necessarily employed by the surveyor general in passing upon it, but it will save the additional time of passing upon whatever he may have to say concerning it by the General Land Office when the plat comes here.

Mr. SINNOTT. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SINNOTT. Now, under this proposed change the field notes will be transmitted to Washington. Under the present system the field notes are sent to the State capitals and they are there taken up by the surveyor general.

Mr. WOOD of Indiana. Now, if the gentleman is going to ask a question——

Mr. SINNOTT. Now, just a moment.

Mr. WOOD of Indiana. Ask the question.

Mr. SINNOTT. I am—and the map maker goes over the matter with the surveyor and if a mistake is found in the field notes it is corrected there at once without any delay, but under this system that the gentleman proposes the field notes are sent to Washington and if a mistake is found the surveyor general——

Mr. WOOD of Indiana. I absolutely refuse to yield further. The gentleman rose to ask a question and he has asked no question.

Mr. SINNOTT. The question will be on the end of my statement. [Laughter.]

Mr. WOOD of Indiana. The trouble is there is no end to the statement.

Mr. SINNOTT. Will the gentleman yield?

Mr. WOOD of Indiana. I do not yield further.

Mr. SINNOTT. I want to make the interrogation point.

Mr. MADDEN. Will the gentleman from Indiana yield for a question? I want to get some light on it.

Mr. WOOD of Indiana. Yes.

Mr. MADDEN. Do I understand the gentleman from Indiana to say that under the system that is now in vogue no survey can be made even by the direction of the surveyor general until after he has been instructed from Washington?

Mr. WOOD of Indiana. That is absolutely correct.

Mr. MADDEN. As a matter of fact, instead of sending the application, then, through the surveyor general, there is a survey, if the committee recommendation is adopted, and people send the application direct to Washington, and an answer will go directly back, and save time and money perhaps?

Mr. WOOD of Indiana. That is correct. I will read further from the statement of Mr. Tallman.

Mr. RAKER. Will the gentleman yield for a question?

Mr. WOOD of Indiana. I will not. I will read. Now, listen:

Instructions for surveys would likewise be prepared in the Washington office and sent to the field surveying organization direct—

Now, listen. There has been much talk here about the removal of the field notes. I want to put that forever at rest, showing again how time will be saved by eliminating the surveyors general:

There would be no necessity of moving the official field notes and plats now kept in offices of surveyors general from their present location. It will be desirable to keep them where they are for reference by the field surveying service, in which case they could also be made available to the public as they are now, and such files would very properly be kept up to date, with additions of transcripts of field notes and plats of future surveys. Mineral surveyors would be appointed by the Commissioner of the General Land Office, instead of his approval of their appointment by the surveyor general, as now. Applications for mineral surveys would be made direct to the Washington office, and the order for the survey issued to the proper deputy, who, in turn, would make return of his survey direct to the Washington office.

Mr. FRENCH. Will the gentleman yield for a moment?

Mr. WOOD of Indiana. I will.

Mr. FRENCH. I want to call attention to the mineral surveys. When they are initiated they are not referred to the Washington office, but upon application and deposit of fee by the applicant the surveyor general directs the survey. Numerically they are greater than all other surveys.

Mr. WOOD of Indiana. That may be true. I will read further:

The instructions for surveys, instead of being prepared in the office of the surveyor general and submitted to Washington for approval, would be prepared and approved in Washington and sent out to the surveyor.

Mr. SMITH of Idaho. Will the gentleman permit a question?

Mr. WOOD of Indiana. I will.

Mr. SMITH of Idaho. Do you understand from the commissioner's statement that a surveyor or engineer here in Washington, who knows nothing about local conditions, could prepare instructions and submit them to a surveyor out there as well as a surveyor in the surveyor general's office could?

Mr. WOOD of Indiana. The plat has to come here in the first instance, and the plat has to contain all the preliminaries, and a surveyor could do it here as well as at any other place. These gentlemen are desirous of keeping this one officer, who is just as useless as it is possible for a man to be useless and whose removal will not in the least cripple this work. I presume it has always been so. Kansas has had them, Nebraska has had them, and all of the Western States have had them, and yet they were finally removed, and I dare say there were gentlemen here contending, as gentlemen are contending to-day, for the absolute necessity of continuing them. And the time will never come when a Representative from one of these States will be here to advocate their abolishment.

Mr. EVANS of Montana. I would like to ask the gentleman if the plat is sent here after the survey is made or before the survey is made?

Mr. WOOD of Indiana. After the preliminary survey is made.

Mr. EVANS of Montana. The plat is the evidence of the survey?

Mr. WOOD of Indiana. The plat is the evidence of the preliminary survey that is now submitted to the surveyor general.

Mr. EVANS of Montana. There is no plat of preliminary survey. The surveyor takes his field notes after going over the field and makes his plat and sends it for approval to Washington.

Mr. WOOD of Indiana. The notes are originally taken and sent to the surveyor general and from him to Washington, and there can not be any action taken in any individual case until final approval is had by the General Land Office. The gentleman need not try to delude other Members, because they know that the Commissioner of the General Land Office is the last man to pass on it and give his approval to the proposition.

Mr. JOHNSON of Washington. Is not all that red tape and rigmarole one of the reasons we are getting along so poorly in this matter, particularly in Alaska?

Mr. WOOD of Indiana. I think that is true. I believe that you can get along much faster by discharging than by keeping these useless officers.

I will read further:

In case of public-land township surveys, when the field notes and plats are found to be in satisfactory condition, they will be approved and accepted by the same operation, instead of being first approved by the surveyor general, then examined, and accepted by the General Land Office and the plats returned to the surveyor general.

The field surveying organization would have to maintain its own disbursing officers and financial clerks to keep their accounts, which would probably be concentrated in the one office of the supervisor of surveys at Denver.

Consolidation of the offices of surveyors general in one office would undoubtedly result in a saving of overhead expenses and also in the development of a single standard of efficiency for the entire force. The only disadvantage that occurs to me which might result from the proposed change would be the removal of the more localized source of information for the public, principally in the case of mineral surveys within the State, and, as above stated, it is thought that the matter can be handled in such a way as to obviate, if not eliminate, this disadvantage. It will be noted that the existing law and also a provision of the pending legislative bill provides that the official field notes and plats of the offices of surveyors general shall be turned over to the States when the surveying work in such States is completed. This has already been done in the older public-land States.

It is under a law that is now established, so that the train of box cars which the gentleman says would be necessary to take and remove the records of these offices would never be called into use, because those records never would be removed. The only purpose of this proviso is to eliminate this useless office of surveyor general; just as useless, if you please, as the Subtreasuries of the United States were, and we removed them.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. Under this bill the records are to be transferred to the custody of the Commissioner of the General Land Office here in Washington, and pending that and before they are turned over to the States how are you to get a certified copy of these records if they are out in the State of California? He has to send a deputy out there to do that.

Mr. WOOD of Indiana. No. That is a mere small matter of detail. There will be no trouble in regulating that.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. If they are never to be transferred to Washington, why is this appropriation of $175,000 proposed?

Mr. WOOD of Indiana. It would be because the clerical force, being under the supervision of the surveyor general, would be under the supervision of the department here in Washington. We are appropriating $172,000 now to pay for this clerical force. That money is now disbursed by the surveyor general. The only difference would be that it would be disbursed by the home office if this new proposal is adopted.

Mr. MAYS. Is the gentleman informed whether the Commissioner of the General Land Office has spare office space for all these clerks?

Mr. WOOD of Indiana. There would be no occasion for any great amount of office space. These clerks very largely, as I have tried to impress upon you gentlemen, will remain where they are, doing the work that you say is essential for them to do, and we would save the time now uselessly wasted in sifting the thing through the surveyor general.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. MONDELL. Do I understand the gentleman to say that it is not proposed to transfer the clerks from their present local offices to Washington?

Mr. WOOD of Indiana. Only such clerks as may be necessary to carry out the administrative part of it at this end instead of at that end.

Mr. MONDELL. Does the gentleman propose to keep the clerks still there?

Mr. WOOD of Indiana. All the force necessary to complete the surveys, as is now done.

Mr. MONDELL. Is it part of the gentleman's plan to divide this force and still have a force, but without a head, in all these localities, and then transfer part of them here? Is that the plan?

Mr. WOOD of Indiana. It is not the plan, and nobody has said that it is the plan to divide the force.

Mr. MONDELL. Has not the gentleman stated that it is the intention to retain some of the clerks there?

Mr. WOOD of Indiana. I have repeatedly said—and I hope the gentleman will not misunderstand me—that, so far as the working of the service under this plan is concerned, it will not be crippled in the least.

Mr. MONDELL. I was not raising the question whether it would cripple the work or not, but I was trying to get an idea as to the modus operandi. I supposed the gentleman was proposing the closing of the surveyors general offices and transferring all the work to Washington. Now I get the idea from the gentleman that what he proposes to do is to send a certain number of clerks here, and to retain a certain number without any head in the field. I was wondering how that could be done.

Mr. WOOD of Indiana. The way it is now, as Mr. Tallman said in his testimony before the committee, which I included in my general remarks upon this bill, is that they are all officers and no privates. That is the trouble about the business. There is not that cooperation that is requisite to efficiency, and because of that condition, in the opinion of the Department of the Interior, the work can be better directed from this central office, and we therefore propose this change.

I wish to state, further, that your committee, in order that we might know if this work could not be best done by consolidating some of these offices in the West, so as to dispense with some of them, made inquiry, and Mr. Tallman said that would not cure the evil at all, but that when one was abolished they ought all to be abolished, so that they would all be under one central control, and that should be in the parent office here in Washington.

Mr. RAKER. As I understand the gentleman, the records and the office force and all would remain in their present location. Is that correct? I understood from the gentleman's statement, quoting the commissioner, that the force as it now exists, together with the plats and records, will remain where it is in the various States, for the convenience of the people and for the efficiency of the work. Is not that correct?

Mr. WOOD of Indiana. Yes, sir.

Mr. RAKER. But the commissioner does add this, that he will have a man in charge to take care of them?

Mr. WOOD of Indiana. Absolutely.

Mr. RAKER. That being the case, I want to be frank with the gentleman and ask him this question: While the man in charge will not be called "the surveyor general," yet he will

cost more than the surveyor general costs now and not give as good results, will he not?

Mr. WOOD of Indiana. No; he will not, because the work now for the most part is purely supervisory, and it will be none the less supervisory then. We are trying to get rid of a useless officer, not that anyone is trying to cripple this work out there. It was certainly not the intention of the Department of the Interior to cripple it. They have advised us that the work will be more efficiently done and result in the saving of time and in the saving of some expense to the very men who are most interested in it.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SUMMERS of Washington. Will the gentleman explain this: As I understand, the chairman says there will be field notes and records left there for the convenience of the people of the States. Is that right?

Mr. WOOD of Indiana. Yes, sir.

Mr. SUMMERS of Washington. Then it says here that all field notes, all maps and records, and all other papers and all furniture and equipment of the respective offices shall come to the General Land Office.

Mr. WOOD of Indiana. That is in the discretion of the Secretary.

Mr. SUMMERS of Washington. I fail to find that. I find that "so much of the clerical force in the offices of the surveyors general as may be needed and such records as may be necessary shall be transferred to the General Land Office at Washington." It does not say anything about leaving any behind. I can not quite understand that word "all."

Mr. WOOD of Indiana. This whole business, as I take it, will have to be left in the discretion of the General Land Office, which is primarily interested in this work and of necessity must be charged with its responsibility. Now, I have no interest in the western land offices. I dare say if there was one in Indiana I would be here, like these other gentlemen are here, trying to point out some reason why it should be retained. That is inseparable from human nature, and, as I said before, the time will never come when there is a single individual who will be willing to admit that his land office or surveyor general should be abolished.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FRENCH. If one-third of the State of Indiana was still unsurveyed, as one-third of my State is, and one-third of other States unsurveyed, the gentleman ought to be opposed to its abolishment.

Mr. WOOD of Indiana. As against that proposition I submit the statement coming from a source that is absolutely disinterested and impartial, from an official who, if he had any leaning at all, would have a leaning toward the work being done out there; but he tells us that the work you are talking about, the surveying of the land, can be more expeditiously done and more economically done, resulting in the saving of time and expense, under direction from the home office rather than by local supervision.

I would not be here advocating the abolition of these offices if I was not convinced that the Department of the Interior, which is charged with this responsibility, knows what it is talking about. I do not believe that department would advise the Congress or any committee of Congress to do either a foolish thing or an unreasonable thing.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SMITH of Idaho. I ask unanimous consent that the gentleman's time be extended two minutes in order that I may ask him a question.

The CHAIRMAN. The gentleman's time has expired.

Mr. WOOD of Indiana. Has all time on this side expired?

The CHAIRMAN. Yes.

Mr. WOOD of Indiana. There were three minutes yielded back, and I have not used that time.

The CHAIRMAN. The Chair is informed that the gentleman from Indiana was given credit for the three minutes. The gentleman from Mississippi has 10 minutes remaining.

Mr. SISSON. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, I did not intend to talk on this subject, and I certainly do not desire to discourage the intention of the committee to economize. If I thought there was the slightest possibility of economizing under this legislation I would welcome it and vote for it; but in my opinion it would increase the cost and delay the execution of the surveys in a way that would be very harmful.

Our first surveyor general was appointed in 1823 for Florida, and since that time every public-land State, one after the other, has had its surveyor general, who has served until the surveys were completed, until the land was settled, and then the office was closed and abolished. It was so in Kansas, in Nebraska, and in Iowa, and so eventually it will be in all of the States. But until recently nobody has had the idea that you could properly dispense with the office that has to do with the surveys until the surveys were executed. What is the modus operandi? The surveyor general sends surveying parties into the field. They execute their surveys, and in the fall they bring their field notes into the office of the surveyor general, where they are written up and where the plats are made. At the time the plats are being made by the skilled drafting mapmakers of the surveyor general's office, the man who made the survey is frequently there to answer any questions that may arise as to any obscure matter in the field notes. After the plat is made, if there is anything faulty requiring a return to the field, they are within a day's travel or mail dispatch of the man who did the surveying, and he can return to the field and make the correction. Now, imagine that instead of having that facility everything had to await the sending of the field notes to Washington and the return to the field every time there was any correction under or any uncertainty or obscurity in the field notes, the distance to be covered being 1,500 or 2,500 miles each way, when it was found that a return to the field was necessary.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. MONDELL. I have only five minutes, and I have quite a bit to say. More than that, these trained draftsmen out in the States are getting an average of $1,600 a year. The same class of skilled employees here are paid $2,000 or more, and quite likely these same people by promotion would be paid that within a year after they arrived at Washington.

Mr. SMITH of Idaho. Or else they would not stay here.

Mr. MONDELL. Being scattered out through the States, their salaries are lower than they are here, because there is nobody constantly urging an increase.

Now I yield to the gentleman from Montana.

Mr. EVANS of Montana. In answering a question which I propounded to the chairman of the committee he said—I think he is in error—that the map was made before the survey was made. Will the gentleman tell us about that?

Mr. MONDELL. Oh, the gentleman did not intend to say that. There is no map until the surveyor, at the order of the surveyor general, has gone into the field and made the survey and come back with his notes indicating directions, distances, and topography. From those notes the men and women skilled in transferring to the plats the information contained in the field notes do the work in the surveyor general's office, and the office here has little to do except the largely formal function of approving after it is all completed. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 79, noes 39.

Mr. WOOD of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. WOOD of Indiana and Mr. FRENCH to act as tellers.

The committee proceeded to divide.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. I want to know whether this is pork or economy. I notice the gentleman from Wyoming [Mr. MONDELL] is voting for it.

The CHAIRMAN. The gentleman is out of order.

The committee divided; and the tellers reported—ayes 82, noes 50.

So the amendment was agreed to.

Mr. BURKE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE. A request was made by the gentleman from Mississippi [Mr. SISSON] that all gentlemen who spoke upon the amendment should have the right to extend their remarks in the RECORD. I notice the gentleman from Texas [Mr. BLANTON] butted in. Will he have the right to extend his remarks? That is what I want to know.

The CHAIRMAN. The Chair is not advised as to the parliamentary definition of the phrase "butted in" and is, therefore, unable to answer the gentleman's question. The gentleman from Texas was recognized by the Chair to speak upon the amendment, and the Chair assumes that he would have the right to extend his remarks in the RECORD.

Mr. MANN of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. Was permission given in response to that request?

The CHAIRMAN. The present occupant of the chair was not in the chair at that time and he is unable to answer that question.

Mr. MANN of Illinois. It has been held time and again that the committee has no power to give such permission.

The CHAIRMAN. The Chair thinks that the Committee of the Whole House on the state of the Union has not the power to give such consent as the Chair is informed by the gentleman from Pennsylvania [Mr. BURKE] it did give, but the present occupant of the chair was not in the chair at the time.

Mr. BANKHEAD. Mr. Chairman, for the information of the Chair the parliamentary situation was this: The gentleman from Mississippi [Mr. SISSON] submitted a request for unanimous consent that all members of the committee who spoke upon the pending amendment should have the privilege to revise and extend their remarks in the RECORD.

Mr. SISSON. Confined to the amendment.

The CHAIRMAN. The present occupant of the chair would have held that that request was not in order in Committee of the Whole.

Mr. BANKHEAD. No objection was made on that ground.

The CHAIRMAN. The present occupant of the chair was not present at the time.

Mr. BURKE. But the Chair was present when the gentleman from Texas [Mr. BLANTON] interrupted the gentleman from Mississippi——

Mr. BLANTON. Mr. Chairman, to relieve the situation I will state to the gentleman that I have no intention of extending any remarks in the RECORD. That will relieve the gentleman's mind.

Mr. BURKE. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For per diem in lieu of subsistence, salaries, freight and expressage on records, instruments and equipment shipped from the several offices, and the purchase of additional stationery, supplies, and equipment required in the General Land Office by reason of such transfer, $175,000, including $4,000 for salary of the secretary of the Territory of Alaska.

Mr. HAYDEN. Mr. Chairman, I make the point of order that the paragraph is not authorized by law and therefore——

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HAYDEN. I do.

The CHAIRMAN. The Chair ruled on the main proposition and overruled the point of order, and the Chair for the same reason will overrule this point of order.

Mr. HAYDEN. Mr. Chairman, I move to strike out the paragraph because clearly it provides for the transfer——

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out, page 114, all of line 19 up to and including line 24.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 114, line 19, strike out all of lines 19, 20, 21, 22, 23, and 24, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES.

Territory of Alaska: Governor, $7,000; four judges, at $7,500 each; four attorneys, at $5,000 each; four marshals, at $4,000 each; four clerks, at $3,500 each; in all, $87,000.

Mr. BLANTON. Mr. Chairman, I move to strike out of line 5 the sum of "$87,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 115, line 5, strike out the figures "$87,000."

Mr. BLANTON. Mr. Chairman, much has been said here about retrenchment and economy. I do not know what is in the mind of my friend from Pennsylvania [Mr. BURKE], who seems to be much afraid that I may say something on railroads or extend my remarks in the RECORD. If he is present, he is going to hear something from me——

Mr. BURKE. Mr. Chairman, I make the point of order.

Mr. BLANTON. I am in favor of economy and striking out these big amounts of money. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman is recognized.

Mr. BLANTON. I ask the Chair kindly not to take this interruption out of my time.

The CHAIRMAN. Does the gentleman from Pennsylvania make the point of order?

Mr. BURKE. That the gentleman is not speaking to the section.

The CHAIRMAN. The gentleman will proceed in order.

Mr. BLANTON. I think I know the rule, and I will confine myself to the rule. The Chair will not take this from my time. I am seeking to strike out these unnecessary sums of money from this bill. Now, in this bill are unnecessary sums. I want to ask the chairman of this committee if he knows exactly how many messengers he is providing for in this bill?

Mr. WOOD of Indiana. I will say offhand I can not tell.

Mr. BLANTON. Approximately, if the gentleman knows?

Mr. WOOD of Indiana. The report will disclose exactly.

Mr. BLANTON. I can tell the chairman exactly how many are provided for. You provide for 1,076 messengers, and I can tell you exactly how many watchmen are provided for, and I am sure the gentleman does not know that. He is providing for 515 watchmen, and this does not include the guards, of whom there are several hundred provided for in this bill. Now, on the Agricultural bill the other day, that distinguished committee of economy provided for 754 messengers for the Department of Agriculture, and they provided for 76 watchmen for the Secretary's office, so stipulated in the bill, and now this great committee of economy goes them one better and runs its number up to 1,076 messengers. That is why all of this so-called economy of theirs is "lip economy," as I have said before. That is why, when it comes to appropriating an additional $35,000 in one item for feeding the elk out in Wyoming, you find the distinguished gentleman, the leader of the other side of the House, takes the floor and brings his fellows in here to keep that money in there, because it is spent in Wyoming, and that is why, even after the gentleman from Wyoming went to this committee and, insisting on economy, told them that he would stand by them, as stated by Mr. SISSON, and when the committee, acting on his advice and suggestion, attempts to cut out of this bill unnecessary offices and asks that the promise of the gentleman from Wyoming that he would stand by them be carried out you find the gentleman from Wyoming taking the floor and defeating the committee's action, under rather peculiar circumstances it is true, because I happened to be over here when he came to the chairman of the committee, and he said, "Mr. Chairman, I want some time"; and the chairman said, "You will not get any time here to speak against the bill"; and he had to go to the other side of the House to get it.

Mr. MASON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MASON. The gentleman is not speaking to his amendment.

Mr. BLANTON. The distinguished ex-United States Senator from Illinois ought to know that even in the other end of the Capitol there is at least some latitude allowed in debate.

Mr. MASON. I ask a ruling by the Chair.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Texas will confine himself to the paragraph.

Mr. BLANTON. I will now get back to it. I moved to strike out the sum of $87,000.

The CHAIRMAN. The Chair will inform the gentleman that that is an appropriation for the Territory of Alaska. The gentleman will confine himself to Alaska.

Mr. BLANTON. May I not enlarge upon the subject of economy—striking out money from this bill?

The CHAIRMAN. If any gentleman makes the point of order, the Chair is bound to sustain it, because the gentleman is not discussing the paragraph.

Mr. BLANTON. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BLANTON. I want to call the attention of the Chair to the precedent established in this House some years ago when a very distinguished gentleman moved to strike out the last word, which happened to be "dollar," from an appropriation bill. The precedent was then established that upon the motion to strike out the last word, which was "dollar," even made as a pro forma motion, the Chair held that he could discuss the subject of an American dollar and everything that it embraced. I moved here, if the distinguished Chairman will recollect, to strike out the sum of $87,000 from this bill. In the latitude that is usually allowed in debate—that is, which used to be allowed—when the distinguished gentleman from Illinois [Mr. MASON] was a Member of the United States Senate, I ought to be permitted to show why it is necessary to strike such sum of money from the bill.

The CHAIRMAN. The Chair is prepared to rule. The paragraph to which the gentleman from Illinois [Mr. MASON] makes the point of order is a paragraph providing for the salaries of the governor, judges, and attorneys in Alaska. The gentleman is discussing the messenger service in Washington. The Chair

sustains the point of order of the gentleman from Illinois, and informs the gentleman from Texas that his time has expired.

Mr. BLANTON. I will reserve my further remarks until the subject of messengers is reached.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment on page 115, line 2, to insert a semicolon after the figures "$7,000."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 115, line 2, after the figures "$7,000" insert a semicolon.

The CHAIRMAN. Without objection, the Clerk will make the correction. The Chair overlooked putting the amendment of the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to withdraw it. It was a pro forma amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For incidental and contingent expenses, clerk hire, not to exceed $2,500; janitor service for the governor's offices and the executive mansion, not to exceed $1,200; traveling expenses of the governor while absent from the capital on official business; repair and preservation of executive mansion and furniture and for care of grounds, stationery, lights, water, and fuel, in all, $7,500, to be expended under the direction of the governor.

Mr. McARTHUR. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of asking the chairman of the subcommittee a question. What is the salary of the members of the legislature in Alaska?

Mr. WOOD of Indiana. The salary of the members of the legislature are paid out of the Territorial treasury, and they are paid a per diem, I think, of $15.

Mr. McARTHUR. How much mileage?

Mr. WOOD of Indiana. That comes later. The salaries of members amount to $21,600; and the mileage is $9,250.

Mr. McARTHUR. That is in here; but what I wanted to get at was the per diem.

Mr. WOOD of Indiana. It is $15 per day, and the traveling expense is 15 cents a mile, I think.

Mr. McARTHUR. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

POST OFFICE DEPARTMENT.

Office, Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; appointment clerk, assistant to chief clerk, confidential clerk to Postmaster General, and chairman, board of inspection, at $2,000 each; chief inspector, $4,000; chief clerk to chief inspector, $2,000; purchasing agent, $4,000; chief clerk to purchasing agent, $2,000; assistant attorneys—1 $3,500, 2 at $2,750 each, 1 $2,500, 1 $2,000; bond examiner, $2,500; law clerk, $1,800; clerks—116 of class 4, 170 of class 3, 268 of class 2, 297 of class 1, 138 at $1,000 each, 26 at $900 each; skilled draftsmen—1 $2,000, 3 at $1,800 each, 8 at $1,600 each, 5 at $1,400 each, 7 at $1,200 each; map mounter, $1,200; assistant map mounter, $1,000; blue printer, $900; assistant blue printer, $840; telegrapher, $1,400; typewriter repairer, $1,200; 3 telephone switchboard operators; 6 messengers in charge of mails, at $900 each; 30 messengers; 20 assistant messengers; captain of the watch, $1,200; additional to 3 watchmen acting as lieutenants of watchmen, at $120 each; 34 watchmen; 2 engineers, at $1,200 each; 9 assistant engineers, at $1,000 each; 2 blacksmiths or steam fitters, at $1,000 each; 3 oilers, at $840 each; 16 firemen; 20 elevator conductors, at $720 each; chief engineer, $1,600; assistant electricians—2 at $1,200 each, 3 at $1,000 each; 2 dynamo tenders, at $900 each; carpenters—1 $1,600, 1 $1,200, 2 at $1,000 each; plasterer and mason, $1,200; awning maker, $1,000; painters—1 $1,200, 1 $1,000; plumbers—1 $1,200, 1 $1,000; laborers—foreman $900, assistant foreman $840, 2 at $840 each, 78 at $720 each, 4 at $660 each; female laborers—1 $540, 3 at $500 each, 7 at $480 each; 58 charwomen; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $1,691,770.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, economy, after all, means self-denial. Nobody can economize in private life without denying himself something that he might want if he did not have to economize. Retrenchment means, after all, cutting off and drawing in and cutting down expenses. Every time we attempt to cut off an appropriation in this House we are going up against the will and the wish of some one. We might as well make up our minds to that. We are going directly against the will and wish of somebody. There is somebody who does not want us to do it. We can not retrench here unless we make somebody mad. We can not cut off these big expenditures unless we will go up against some of our best friends in this House.

Every time an attempt is made to economize here the word is passed around, "This colleague of ours wants this; he is a good fellow; let us help him out; we must not go against him"; or "The West wants this done, and we must help them out"; and the word passes around, and enough fellows will be brought in to stand up by him, because he is our colleague. Every time we vote to cut down an appropriation we are voting against somebody's pet scheme to spend money in a district.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I will yield to the gentleman from West Virginia, because I know he believes in economy.

Mr. GOODYKOONTZ. The gentleman from Indiana [Mr. WOOD] informed us that the members of the Legislature of Alaska——

Mr. BLANTON. Oh, I can not yield for that. I thought the gentleman was going to talk about economy. I am on the live subject of economy now. I want to say that 1,076 messengers, contained in this bill, are entirely too many messengers. You know that as well as I do. I want to say that 515 watchmen in this bill are entirely too many watchmen, and you know that, too, as well as I do.

Take the gentleman from Wyoming [Mr. MONDELL], the distinguished leader of the majority party. Do you not know that if he wants to keep any matter from passing he can do it? All on earth he has to do is to get my friend from Minnesota [Mr. KNUTSON] to go to the telephone and ring up "the boys" and they will obey. They will be in their seats here and they will carry out his wish. If he wanted to economize, he could do it. If my good friend from Wyoming had wanted to stand by his promise made to this committee, that he would economize and stand behind that committee's acts of economy, he could have gotten in enough fellows a little while ago to have defeated that amendment which put back into this bill the surveyor general out in the West. He did not want to defeat it. I want to say that there are several million acres of land out in Wyoming yet unsurveyed and he does not want that service withdrawn out in the West, as the employees spend money there.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret I can not yield. I have not the time. I would yield if I had the time.

I want to tell my friends why my distinguished friend from Pennsylvania [Mr. BURKE] was so stirred up a while ago for fear I would extend my remarks in the RECORD.

Mr. MASON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MASON. The gentleman from Texas is not speaking to his amendment, which is pending before the House.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. BLANTON. Will the Chair indicate what particular part of my argument was not pertinent to the amendment?

The CHAIRMAN. The amendment which the gentleman offered was to strike out the paragraph, and that paragraph refers to the pay of the employees under the Postmaster General. The gentleman will confine himself to that subject.

Mr. BLANTON. Will the Chair indicate what part of my argument was out of order? I want to find out, so that I can keep in order.

The CHAIRMAN. Everything outside of the discussion of the employees under the Postmaster General's department.

Mr. BLANTON. Will the Chair rule that way when I say there are 1,076 messengers included in this bill and quite a number in this paragraph? Outside of this paragraph, we carry more than a thousand. I was undertaking to show that they were not necessary in this bill.

The CHAIRMAN. The gentleman's argument must be confined to the provisions of the paragraph which he moved to strike out.

Mr. BLANTON. I understand the Chair. Now, if the Chair will kindly not take this out of my time [laughter], I will ask how many of you are going to begin to economize over here? You have got to make a beginning some time. The people of the United States demand it. They are going to require it. I want to tell you something. This applies to both sides of the House—to my side as well as yours. If we do not begin to economize, possibly it will be our last chance. Perhaps next year there will be somebody here in our places who can economize for the people, when the new Congress comes in. Are you going to wait until the election? I want to tell you right now, my good colleagues, that the people of this country are stirred up on this question of economy and of proper reconstruction and getting back to normal conditions. You had better do what they want done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Why, Mr. Chairman, outside of interruptions and points of order I have not had much more than a minute.

The CHAIRMAN. The gentleman has used five minutes.

Mr. BLANTON. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

Mr. BURKE. I object.

Mr. BLANTON. I withdraw the pro forma amendment. I see there is no use to make any attempt to economize; there seems to be no chance in this Congress.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw the pro forma amendment. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. For what purpose do they use the 34 watchmen provided in this paragraph? Do they need that many?

Mr. WOOD of Indiana. There are three buildings occupied by the Post Office Department, and they need a certain number of watchmen there in the daytime, but most of them are employed there at night. There is a great amount of very valuable property which belongs to the Post Office Department and a great amount of valuable property going through the mails, and it is necessary to have watchmen to safeguard this property. If we could get along with proportionately as few watchmen in the other departments of the Government as we have in the Post Office Department, where it occurs to me there is very great necessity for them, we would be very well satisfied.

Mr. JONES of Texas. Are there any more employed under this item than are needed?

Mr. WOOD of Indiana. I do not think so.

Mr. CHINDBLOM. Are these watchmen selected through the Civil Service Commission?

Mr. WOOD of Indiana. They are.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car fares not exceeding $200, and other necessaries, directly ordered by the Attorney General, $35,000.

Mr. MILLER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Out of what fund are the operatives in the Department of Justice paid who are scattered throughout the country?

Mr. WOOD of Indiana. They are paid out of the fund known as the fund for the detection and prosecution of criminals, which fund is provided in the sundry civil bill.

Mr. MILLER. Who has the fixing of the salaries of these men?

Mr. WOOD of Indiana. The Attorney General.

Mr. MILLER. He has arbitrary power as to the number and the amounts that he pays?

Mr. WOOD of Indiana. That is a part of the Secret Service. The subcommittee on the legislative bill make no appropriation for it and have no information on it.

Mr. MILLER. Can the gentleman give any idea what is the amount of the appropriation that is made?

Mr. WOOD of Indiana. Some gentleman on the subcommittee having in charge the preparation of the sundry civil appropriation bill can tell that.

Mr. MILLER. I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Office of Solicitor of the Department of Labor: Solicitor, $5,000; law clerk, $2,000; clerks—two of class 4, two of class 1; messenger; in all, $13,840.

Mr. SISSON. Is the gentleman willing to rise now?

Mr. WOOD of Indiana. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under considertion the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

DEFICIENCY APPROPRIATION BILL.

Mr. GOOD presented a conference report on the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, for printing under the rule.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I understand the Chair has ruled that the time to reserve points of order on a conference report is after the report has been read.

The SPEAKER. The Chair has so decided, and the gentleman was present.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had presented to the President of the United States, for his approval, the following bills:

On February 26, 1920:

H. R. 8819. An act to amend the Army appropriation act for 1920, and for the purchase of land and to provide for construction work at certain military posts, and for other purposes.

On February 27, 1920:

H. R. 12351. An act to extend the time for the construction of a bridge across the Roanoke River in Halifax County, N. C.

H. R. 6863. An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Saturday, February 28, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUSTED, from the Committee on the Judiciary, to which was referred the bill (H. R. 12724) to declare Lincoln's birthday a legal holiday, reported the same without amendment, accompanied by a report (No. 682), which said bill and report were referred to the House calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREENE of Massachusetts: A bill (H. R. 12787) providing for the recording of mortgages on vessels and notation thereof on certificates of registry or enrollment and license; creating jurisdiction in the district courts of the United States for the foreclosure of mortgages so recorded and noted, and providing procedure in connection therewith; also providing for maritime liens upon vessels for necessaries, etc., and their enforcement, and subordinating the same to the liens of mortgages; repealing all conflicting acts; and for other such purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. RAKER: A bill (H. R. 12788) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. CARTER: A bill (H. R. 12789) to enlarge the United States post office, Ardmore, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. FOCHT: A bill (H. R. 12790) to incorporate the Supreme Tabernacle, Illustrious Order Knights of the Cross; to the Committee on the District of Columbia.

By Mr. HASTINGS: A bill (H. R. 12791) to amend section 15 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A bill (H. R. 12792) authrizing the adjustment of the boundaries of the Olympic National Forest, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. TINCHER: A bill (H. R. 12793) making an appropriation for the contribution of the United States toward an international conference of agriculture; to the Committee on Appropriations.

By Mr. GRIGSBY: A bill (H. R. 12794) authorizing the Secretary of War to donate to the city of Anchorage, Alaska, two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. GRIFFIN: A bill (H. R. 12795) authorizing the Secretary of the Treasury to prepare plans and specifications for

the public building in the Borough of the Bronx, New York City, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. TINKHAM: A bill (H. R. 12796) authorizing the Secretary of the Treasury to remodel and repair the present post-office and subtreasury building and the appraisers' stores building at Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. DALE: A bill (H. R. 12797) to amend an amendment to an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department"; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 12798) granting a pension to A. W. Dumm; to the Committee on Pensions.

Also, a bill (H. R. 12799) granting an increase of pension to Carl F. Gatterdam; to the Committee on Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 12800) granting an increase of pension to Cornelius D. Morris; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 12801) granting an increase of pension to Donald A. Nicholson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12802) granting a pension to Frazier Ward; to the Committee on Pensions.

Also, a bill (H. R. 12803) for the relief of John Clark; to the Committee on Military Affairs.

By Mr. HOUGHTON: A bill (H. R. 12804) granting a pension to Charles Cranmer; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 12805) to authorize the commissioning of Dr. Hugh Hamilton; to the Committee on Military Affairs.

Also, a bill (H. R. 12806) for the relief of Peter Swartz; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 12807) granting an increase of pension to Samuel Caldwell; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 12808) granting a pension to Catherine Golden; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 12809) granting an increase of pension to Aaron C. Lawrence; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 12810) granting an increase of pension to William Middagh; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12811) granting a pension to Huston Frey; to the Committee on Pensions.

Also, a bill (H. R. 12812) granting a pension to Holman B. Hickey; to the Committee on Pensions.

Also, a bill (H. R. 12813) granting a pension to Samuel Walls; to the Committee on Pensions.

Also, a bill (H. R. 12814) granting a pension to John H. Smith; to the Committee on Pensions.

By Mr. UPSHAW: A bill (H. R. 12815) granting a pension to Jane Jackson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1904. By the SPEAKER (by request): Petition of the city council of the city of Portland, Oreg., indorsing the action of the American Association of State Highway Officials, etc.; to the Committee on the Post Office and Post Roads.

1905. By Mr. CARSS: Petition of the Wallace S. Chute Post, No. 76, of the American Legion, opposed to the proposed bonus for the soldiers, etc.; to the Committee on Ways and Means.

1906. By Mr. CURRY of California: Petition of 16 citizens of California, protesting against the sale by the United States Shipping Board of former German ships seized by the United States; to the Committee on the Merchant Marine and Fisheries.

1907. Also, petition of the members of the Wesley Methodist Episcopal Church of Richmond, Calif., favoring independence for Armenia, etc.; to the Committee on Foreign Affairs.

1908. By Mr. FULLER of Illinois: Petition of citizens of Rockford and Streator, Ill., favoring universal military training; to the Committee on Military Affairs.

1909. Also, petition of the Boone Post of the American Legion, of Belvidere, Ill., relative to compensation for the widows and orphans of the late war, also the disabled and their dependents, etc.; to the Committee on Way and Means.

1910. Also, petition of the local union of the International Hod Carriers and Building and Common Laborers' Union of America against the Sterling-Graham bill; to the Committee on the Judiciary.

1911. Also, petition of the Licensed Tugmen's Protective Association of America, favoring an increase in salary for the personnel of the Steamboat-Inspection Service, etc.; to the Committee on the Merchant Marine and Fisheries.

1912. By Mr. GREEN of Iowa: Petition of G. L. Edwards and 27 others, of Cumberland, Iowa, against compulsory military training; to the Committee on Military Affairs.

1913. By Mr. HERSMAN: Petition of City Council of San Jose, Calif., protesting against the sale of the former German merchant fleet; to the Committee on the Merchant Marine and Fisheries.

1914. By Mr. JOHNSTON of New York: Petition of Amory, Browne & Co.; Parsons Trading Co.; P. Pastene & Co.; J. H. Williams & Co.; W. E. Aughinbaugh, foreign and export editor New York Commercial; Nafra Co.; Pfister & Vogel Leather Co.; McElwain, Morse & Rogers, all of New York City, favoring the continuation of the appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1915. By Mr. O'CONNELL: Petition of the board of directors of the Brooklyn Chamber of Commerce relative to certain provisions in the present appropriation bill, etc.; to the Committee on Appropriations.

1916. Also, petition of McElwain, Morse & Rogers Co., of New York City, favoring maintenance of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1917. Also, petition of the Ship Construction & Trading Co. (Inc.), of New York, relative to certain legislation that will be introduced; to the Committee on the Merchant Marine and Fisheries.

1918. Also, petition of the Nafra Co., of New York City, in support of the Bureau of Foreign and Domestic Commerce, etc.; also, the Samstag & Hilder Co., supporting the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1919. Also, petition of the Flatbush Chamber of Commerce, of Brooklyn, N. Y., relative to the Mexican situation, etc.; to the Committee on Foreign Affairs.

1920. By Mr. THOMPSON: Petition of the George A. Morris Post, No. 306, the American Legion, of Paulding, Ohio, favoring House bill 4464; to the Committee on Ways and Means.

1921. Also, petitions of the Warren L. McIntire Post, No. 262, the American Legion, of Hamler; the Herbert E. Anderson Post, No. 117, the American Legion, of Defiance; and the Ottawa Post, No. 63, of Ottawa, all in the State of Ohio, relative to all ex-service men and women entitled to bonus of $50 bond, etc.; to the Committee on Ways and Means.

SENATE.

SATURDAY, *February 28, 1920.*

(Legislative day of Friday, February 27, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Hale	Lodge	Sheppard
Borah	Harding	McKellar	Sherman
Brandegee	Harris	McLean	Simmons
Capper	Harrison	McNary	Smith, Ga.
Chamberlain	Henderson	Nelson	Smith, Md.
Colt	Hitchcock	New	Smoot
Culberson	Johnson, S. Dak.	Norris	Sterling
Cummins	Jones, N. Mex.	Nugent	Sutherland
Curtis	Jones, Wash.	Overman	Thomas
Dillingham	Kellogg	Owen	Trammell
Elkins	Kendrick	Page	Walsh, Mont.
Fletcher	Kenyon	Phelan	Warren
France	Keyes	Phipps	Watson
Frelinghuysen	King	Poindexter	Williams
Gay	Kirby	Pomerene	
Gerry	Knox	Ransdell	
Gronna	Lenroot	Reed	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. I ask that this announcement may stand for the day.

Mr. GERRY. The Senator from Massachusetts [Mr. WALSH] is detained from the Senate by the death of a member of his family.

The Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family.

The Senator from Arizona [Mr. ASHURST] is detained on account of illness.

The Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Kentucky [Mr. BECKHAM] are absent on official business.

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

As in legislative session,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House insists upon its amendments to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. MCKENZIE, and Mr. DENT managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. COLT. I have a short telegram from the board of directors of the Chamber of Commerce of Woonsocket, R. I., which I should like to have read.

There being no objection, the telegram was read, as follows:

WOONSOCKET, R. I., *February 27.*

Hon. L. B. COLT,
United States Senate, Washington, D. C.:

Copy of resolution adopted by board of directors February 25:

Whereas the progress and the safety of the world demand it; and
Whereas in order that the vital interests of the United States and its nationals in Europe may be fully protected and the attention of our Government and our people may be concentrated upon our domestic problems it is essential that the peace treaty be ratified immediately: Now, therefore, be it

Resolved, That the board of directors of the Chamber of Commerce of Woonsocket hereby urge the President and the Senate to take prompt action with respect to the treaty of peace with Germany, with such reservations as will fully safeguard every fundamental principle of the Government of the United States. Letter follows.

WOONSOCKET CHAMBER OF COMMERCE.

Mr. NELSON. I have here a short resolution from the American Legion at St. Cloud, Minn., protesting against the $50 a month bonus. I ask that it may be read. It is very short. It is such a wholesome resolution under present conditions that I think it ought to be noted.

There being no objection, the resolution was read and referred to the Committee on Military Affairs, as follows:

"Whereas the executive committee of the American Legion, believing that the rank and file of the organization was favorable to a bonus and has therefore suggested that a bond of $50 be given to each service man and woman for each month of service; and

"Whereas the Government of the United States already is burdened with excessive war debts, causing great public unrest: Therefore be it

"*Resolved*, That the Wallace S. Chute Post, No. 76, of the American Legion, express itself as opposed to the American Legion being put in the position of asking for such bonus, thereby imposing a great burden on the rest of the people of this country at this time; and be it

"*Resolved further*, That we are opposed to the matter of a bonus or adjusted compensation being brought up this year, thus making the ex-service men and women the tools of selfishly ambitious politicians; and be it

"*Resolved further*, That copies of these resolutions be sent to our Senators and Representatives in Congress, to our national headquarters, to our State headquarters, and to our Minnesota member of the national executive committee."

Mr. NELSON. I ask unanimous consent that the resolution from the American Legion Post at St. Cloud, Minn., protesting against the $50 a month bonus be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON presented a petition of the Aero Club of St. Paul, Minn., praying for the enactment of legislation providing for a department of aeronautics, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented memorials of sundry citizens of Pomona, Great Bend, Emporia, Park, Tonganoxie, Ford, Montezuma, Buffalo, and Humboldt, all in the State of Kansas, and of College View, Nebr.; Rich Hill, Mo.; and Tacoma, Ohio, remonstrating against compulsory military training, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 331, Brotherhood of Railway and Steamship Clerks, of Atchison, Kans., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation providing for the protection of maternity and infancy, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Southwestern Millers' League at Kansas City, Mo., favoring the enactment of legislation providing for extensions of credit to encourage foreign trade, which was referred to the Committee on Finance.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN. From the Committee on Banking and Currency I report back favorably with amendments the bill (S. 3958) to amend section 14 of the Federal reserve act, and I submit a report (No. 457) thereon.

I wish to give notice that I shall ask the Senate to consider this bill next Monday, and I hope that every Senator who is interested in the measure will avail himself of the opportunity to read the report of the committee, which contains the reasons assigned by the Federal Reserve Board for this legislation.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

ANNIVERSARY OF LANDING OF THE PILGRIMS.

Mr. HARDING. As chairman of the joint special committee appointed under the provisions of House concurrent resolution 14 to confer with officials of the Commonwealth of Massachusetts or any political subdivision thereof and with officers of any organization or societies or with individuals relative to the contemplated observance of the three hundredth anniversary of the landing of the Pilgrims, I submit a report accompanied by a joint resolution providing for the appropriation recommended, which I ask to have referred to the Committee on the Library.

The joint resolution (S. J. Res. 165) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass., was read twice by its title and referred to the Committee on the Library.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3990) placing Lieut. Col. Charles C. Teare, of the Judge Advocate General's Department, upon the retired list and to retire him with the rank and pay of a lieutenant colonel upon the retired list; to the Committee on Military Affairs.

By Mr. HENDERSON:

A bill (S. 3991) for the relief of Fred E. Jackson; to the Committee on Claims.

A bill (S. 3992) authorizing the exchange of certain lands in the State of Nevada; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 3993) for the relief of the heirs at law of Jacques Clamorgan; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 3994) validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands.

By Mr. PHELAN:

A bill (S. 3995) providing for the relinquishment of certain described property by the United States to the city and county of San Francisco, State of California; to the Committee on Public Buildings and Grounds.

WATER-POWER DEVELOPMENT—CONFEREE.

Mr. JONES of Washington. The Senator from Alabama [Mr. BANKHEAD] is necessarily detained from the Chamber on account of illness. He is one of the conferees on the water-power bill and has asked to be relieved from service upon the conference.

Therefore I ask unanimous consent that he may be relieved from further service on the committee of conference, and that the Senator from Florida [Mr. FLETCHER] be appointed in his place.

The PRESIDENT pro tempore. Without objection, the Senator from Alabama will be relieved and the appointment of the Senator from Florida will be made accordingly.

MAGNA CHARTA.

Mr. GORE. Mr. President, on Monday, I believe, I obtained consent of the Senate to have the Magna Charta printed as a public document. I omitted at the time to ask that my remarks in making the request be printed with the document. I now make that request.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

CLAIM OF GOVERNMENT OF NORWAY (H. DOC. NO. 664).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and on motion of Mr. LODGE was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State and accompanying papers in relation to a claim presented by the Government of Norway against the Government of the United States based on the action of the authorities of Hudson County, N. J., in holding for their appearance as witnesses in a criminal case in that county, in violation of treaty provisions between the United States and Norway, as the Norwegian Government alleges, three members of the crew of a Norwegian ship called the *Ingrid*, and I recommend that, as an act of grace, and without reference to the question of the liability of the United States, an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Acting Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE,
28 February, 1920.

DISTRICT PUBLIC-SCHOOL SYSTEM.

The PRESIDENT pro tempore. At the suggestion and under the authority of the Vice President, the Chair appoints the Senator from Illinois [Mr. SHERMAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Kansas [Mr. CAPPER], the Senator from Mississippi [Mr. HARRISON], and the Senator from Nevada [Mr. HENDERSON] as the select committee provided for in Senate resolution 310 to investigate the public-school system of the District of Columbia.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. KELLOGG. Mr. President, I invite the attention of the Senator from Nebraska [Mr. HITCHCOCK] for a moment while I make some suggestions about his substitute for reservation No. 4.

Mr. President, I hope the Senate will not reverse its action and adopt this proposed reservation. It not only is opposed to the action of the Senate for four months, but after the treaty has gone into effect as to other nations it is a proposition to amend it as between those nations and make it absolutely impossible for ratification or for the other nations to accept it and admit this country on the terms of the Senator's reservation.

Mr. President, the principal object of adopting reservations instead of amendments, which I voted against from the beginning, was that the reservations should apply to this country alone and might be accepted by the other powers without disturbing the relations between those countries. After that battle has been fought and that principle has been settled the Senator from Nebraska now offers a reservation which amends the treaty not only as to ourselves but as to every party to the treaty.

Mr. BRANDEGEE. If it would not interrupt the Senator——

Mr. KELLOGG. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator if the process of accepting an amendment, now that the other signatories are operating under the ratified treaty, so far as they are concerned, does not require the unanimous vote of every Government which has membership on the council and a majority vote of all the other members of the league in order to get the treaty amended?

Mr. KELLOGG. It undoubtedly does, except as to this country, which is not a party.

Mr. BRANDEGEE. But I mean if we adopt this alleged reservation, an actual amendment, which, as far as we are concerned, it is, you could not accept it by mere diplomatic notes. It would have to be an amendment of the treaty under the terms of article 26 of the covenant.

Mr. KELLOGG. The Senator is quite right, and I will come to that point later.

Mr. BORAH. In this connection may I ask a question? By what process did they accept the reservation or amendment which Switzerland put on the other day with reference to reserving her historic policy of neutrality? I read in the press dispatches that the amendment of Switzerland had been accepted by the council of the league.

Mr. KELLOGG. Undoubtedly. I will state to the Senator from Idaho that if it applied to Switzerland alone, as the Senator from Connecticut said, of course they would accept it, but if it applied not only to Switzerland but to all the other countries which had already become parties to the League of Nations and the treaty it could only be amended as provided for by the treaty.

Mr. BORAH. Exactly; but did the council of the league undertake to assume an acceptance even for the purpose of binding Switzerland?

Mr. KELLOGG. I do not know as to that. Undoubtedly it did not have authority, because the other countries would be the ones to determine it.

Mr. BORAH. It occurred to me that it did not have any authority, but it was a fine illustration of what it is going to do without authority.

Mr. BRANDEGEE. I may say, if the Senator will permit me, that the press reports stated that the supreme council of the league had accepted it.

Mr. KELLOGG. The reservation proposed by the Senator from Nebraska provides:

That no member nation is required to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers in international law to be a domestic question.

Therefore, as I said, it would be necessary to amend this league and this treaty as between all the other nations parties to it, and the only possible effect it could have would be absolutely to prevent ratification and destroy the treaty so far as this country is concerned.

I have believed for a long time that it was the intention of the Senator from Nebraska to defeat this treaty, to defeat it with Republican votes if he could, and with Democratic votes if he could not accomplish it any other way.

Mr. BORAH. It seems to me that the Senator from Nebraska is not making very much headway in furnishing votes for the business.

Mr. KELLOGG. Mr. President, I congratulate both Senators upon their new alliance, and while I can not wish them success I wish them all the pleasure they can get out of the alliance.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. KELLOGG. I yield.

Mr. BRANDEGEE. If there is any alliance it is at least in the open; it is not in a secret, nonpartisan, bipartisan compromise, tentative committee.

Mr. KELLOGG. I will say to the Senator from Connecticut that so far as the irreconcilables are concerned, if we may call them that, or the "bitter enders," or whatever we may call them, they have made no secret of the fact that they intended to defeat the treaty in any event, if possible; but I will further say that even the Senator from Connecticut rather hesitated to undertake to defeat the treaty now by putting an amendment on it which he knew would mean its certain death.

Mr. BRANDEGEE. I am in favor of direct action, honestly in the open, Mr. President.

Mr. KELLOGG. I think so. Now, I hope the Senator from Nebraska will come to the same conclusion.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. HITCHCOCK. I did not understand. Was a question addressed to me?

Mr. KELLOGG. I was simply congratulating the Senator upon his new alliance; that is all.

Now, Mr. President, as to subdivision 4, if I may have order in the Chamber——

The PRESIDENT pro tempore. Let there be order in the Chamber.

Mr. BORAH. The Senator has created a disturbance; we are hunting for new allies.

Mr. KELLOGG. I can not even hear what the Senator says, there are so many Senators who wish to speak.

Mr. BORAH. I said the Senator had created a disturbance; we are hunting for new allies.

Mr. KELLOGG. The Senator will please wait until I get through before he hunts any more allies.

Now, Mr. President, so far as reservation No. 4 is concerned, if the treaty is to be ratified—and I hope it will be—it is going to be with reservation No. 4, which protects this country as to all its internal policies, its political policies, and domestic questions.

Mr. BORAH. Mr. President, is not the Senator from Minnesota an irreconcilable?

Mr. KELLOGG. Mr. President, I will let the Senate judge what I am when I get through.

Mr. BORAH. I understood the Senator to state an ultimatum.

Mr. KELLOGG. Why, everybody knows that there is not a member of the council or a party to this treaty who would intentionally submit their domestic questions to the decision of any tribunal. So far as I am concerned I have no objection to striking out the word "commerce," but I do not see that it really makes any difference. The council and the league would not have any control and could not decide in arbitration any question as to foreign commerce unless that commerce came under some treaty or rule of international law now existing or existing when the question arose.

Mr. REED. Will the Senator permit me to ask a question?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. Yes; I yield.

Mr. REED. The Senator just made a statement——

Mr. KELLOGG. I yield for a question, but not for a speech. I want to make a speech myself.

Mr. REED. I wish the Senator would tell us why what he has just stated is true.

Mr. KELLOGG. Because as to whether we shall trade with Argentina, Germany, Australia, or any other country is a question between the particular country and this country, and the league has no jurisdiction over it. If we have a treaty whereby we are granted equal privileges and we are denied them, or we grant equal privileges and then refuse them, that would be a question arising under a treaty and could therefore go to the League of Nations.

Mr. President, for those who are earnestly in favor of the ratification of the treaty the entanglement over the Adriatic question is a rather discouraging feature. I am not going to discuss the merits of the dispute about the boundary between Italy and Austria-Hungary and Serbia. My position is that it is none of our business; that this country ought not to try to settle the boundaries of all of the aspiring nations, new or old, in Europe, which have emerged from the war with some degree of autonomy. I do not think it is our place to do so, and I do not believe the President is justified in attempting to dictate the adjustment between Italy and her neighbors.

Why, Mr. President, it certainly more intimately interests the countries of Europe than it does us; undoubtedly that is true; but the idea that because we took part in the war we are now going to try to dictate the settlement of disputed boundaries and meddle in all the quarrels which follow such a great war as this is unthinkable. If we are going to do this before we have any treaty at all, what will we get into if we do not have an adequate reservation to article 10 after the treaty is signed? I say, therefore, that the Fiume or Adriatic incident does not afford a very encouraging outlook for the smooth operation of the treaty.

Mr. President, I do not know on the face of it why Italy should not protect herself as to her frontier. Austria-Hungary is the ancient enemy of Italy. For generations, yes, for centuries, Italy has lived under the shadow of Austrian and German domination. She went into the war and made great sacrifices. Austria has been defeated, we may say dismembered and humbled, but she may rise again. Why should not Italy protect herself by acquiring the territory inhabited principally on the north by Italians and also protect herself by taking the territory around the head of the Adriatic Sea? Austria's control of that territory has been a menace to the peace of Italy.

I am not going to discuss the Serbs or any other race that inhabits this particular territory, for since the days of the Roman occupation, Roman, Venetian, Italian civilization has had its foothold upon the eastern shores of the Adriatic, and a Roman emperor was born there.

But, Mr. President, let us for a moment consider the ground on which the President undertook to dictate the boundaries between Austria-Hungary and Jugo-Slavia and Italy.

Let me read what the President said in his note of February 24, 1920, to the prime minister of Great Britain and the prime minister of France. I invite the earnest attention of the Senate to the statement. Mr. Polk, speaking for the President and in the name of the President, said:

He—

The President—

believes it to be the central principle fought for in the war that no Government or group of Governments has the right to dispose of the territory or to determine the political allegiance of any free people. The five great powers, though the Government of the United States constitutes one of them, have in his conviction no more right than had the Austrian Government to dispose of the free Jugoslavic peoples without the free consent and cooperation of those peoples. The President's position is that the powers associated against Germany gave final and irrefutable proof of their sincerity in the war by writing into the treaty of Versailles article 10 of the covenant of the League of Nations, which constitutes an assurance that all the great powers have done what they have compelled Germany to do—have foregone all territorial aggression and all interference with the free political self-determination of the peoples of the world. With this principle lived up to, permanent peace is secured and the supreme object of the recent conflict has been achieved. Justice and self-determination have been substituted for aggression and political dictation.

Mr. President, let us consider for just a moment how far self-determination, which has been applied to prevent the protection and the aspirations of Italy, played a part in the settlement at the peace conference at Versailles. The declaration of self-determination seems to be the central point on which all the other considerations rest in the determination of the Italian question.

What part did self-determination play in the settlement of the Saar Valley question? It played no more part than it did at Versailles in 1871, when Germany demanded and forcibly took from France Alsace and Lorraine. Nobody pretended that self-determination determined the taking from Germany of the Saar Valley. I am not disputing the justice of that action; it was the result of war; it was just retribution, we may say; in fact, I know of no reason why France should not have taken the territory to the Rhine, if it was necessary to protect her. Germany did not hesitate to take French territory in 1871. But to say that the high and altruistic principle of self-determination ruled in the settlement of the Saar Valley question is to say that which is an absurdity.

What part did self-determination play in the Shantung matter? Was China consulted? Were the people consulted whose territory and rights were handed over to Japan? Not at all. What part did self-determination play in the establishment of the modern Serbia? Everyone knows that Bosnia and Herzogovinia are simply remaining as a part of the Serbian Government while the shadow of Austrian indemnity is hanging over them, and no longer. What part did it play in the case of Montenegro? Everybody knows that that hardy people, living in their mountain fastnesses, independent for many years, are to-day seething with revolution and rebellion against the control of their country by Serbia. Self-determination had nothing to do with erecting this new nation, which I believe, or fear, is held together by a rope of sand.

I may pause to ask, Are we to pledge ourselves for all time to furnish our manhood, our money, and our resources to maintain those nations which have been erected without regard to the principle of self-determination? I am not saying that they should not have been established, but I am saying that they were parceled out and were not built upon the principle of the self-determination of their people.

Mr. Lloyd-George naïvely asked the President how much did self-determination have to do with the 3,000,000 Russians who were taken into Poland and the 3,000,000 Germans into Czechoslovakia?

Mr. President, I am not inveighing against the establishment of Poland or of a modern Serbia or the other nations which have come out of the storm and the crucible of war. I am saying that self-determination has not been the rule and was not the rule in many cases in the settlements at the Versailles conference. That peace conference, which I believe did honest work as far, perhaps, as it was possible, was actuated by the same motives, the same ambitions, the same hopes and aspirations which have actuated great conferences following other conflicts in history. To say that they were actuated only by the highest motives, and established nations only on the high principles of self-determination and liberty, is to say that which is not true, and I have no doubt it was impossible. You can not surround the peace conference with any such sanctity, nor can self-determination be made the real basis for the settlement of the disputed line between Italy and Austria.

Why, Mr. President, it was the ordinary peace conference. True, this country did not ask anything. We were the most disinterested, and therefore occupied the highest and the most powerful position; and I think we should have said to those nations: "Fix your own boundaries and settle your own dis-

putes. We have helped to vanquish Germany, and we are now willing to withdraw, to act with you in bringing about peace in every way we can, but will not attempt to dictate all of the boundaries and the disputed questions of Europe."

Mr. President, I sometimes think it is a pity that we have not the genius of a Shakespeare to-day to throw around this peace conference the golden halo of romance and lift it from its sordid base. I do not know that they were to blame; but when we attempt to justify all the things that were done as having been along lines of high altruistic motives it can not be done. The members of the conference were human, as we are.

On these grounds I am not opposed to the treaty—not at all. I am not opposed to the League of Nations—not at all. I am in favor of it. I am in favor of taking them both and making the best of them and using our influence to help pull Europe out of the slough of despondency and ruin where the war has placed her, but I do not favor the United States becoming the dictator of Europe. I believe it is therefore all the more important that in the ratification of this treaty—which I hope and believe will be ratified—we should adopt reservations to protect this country in the exercise of all its powers of government and in the settlement and adjustment of all its domestic questions.

I earnestly hope that the reservation offered by the Senator from Nebraska [Mr. HITCHCOCK] will be defeated and that the one adopted by the Senate at the last session of Congress will be again adopted and that upon that principle this treaty will be ratified.

The PRESIDENT pro tempore. The question is upon the amendment, in the nature of a substitute, offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Gronna	Kirby	Poindexter
Beckham	Hale	Knox	Pomerene
Borah	Harding	Lenroot	Ransdell
Brandegee	Harris	Lodge	Reed
Capper	Harrison	McKellar	Sheppard
Chamberlain	Henderson	McLean	Smith, Ga.
Colt	Hitchcock	Nelson	Smith, Md.
Culberson	Johnson, S. Dak.	New	Smoot
Cummins	Jones, N. Mex.	Norris	Sterling
Curtis	Jones, Wash.	Nugent	Sutherland
Dillingham	Kellogg	Overman	Thomas
Elkins	Kendrick	Owen	Trammell
Frelinghuysen	Kenyon	Page	Walsh, Mont.
Gay	Keyes	Phelan	Watson
Gerry	King	Pittman	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, the Senator from Minnesota [Mr. KELLOGG], in making his attack upon the reservation which we have presented as a substitute, has gone far afield to argue matters that have nothing whatever to do with this reservation, and I refer to them only for the purpose of stating very obvious answers to the criticisms which he makes upon the President.

I assume that he is criticizing the President and the representatives of other countries because they turned the Saar Valley over to France for 15 years.

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I yield.

Mr. KELLOGG. Did not the Senator hear me say that I did not criticize the transaction?

Mr. HITCHCOCK. The Senator spoke in such a voice that I lost a part of what he said; but if he was commending the act, then, of course, what I say does not apply. The Saar Valley was turned over to France for 15 years for the stated necessity of giving to France reparation for the damage that Germany had done in destroying the coal mines in the Lens region of France. If Germany had not turned over to France the Saar Valley, with its coal mines, for 15 years it would have been necessary for Germany to make payment in cash or some other means; and it was as much for Germany's benefit as for the benefit of France that the coal mines of the Saar Valley were placed at French disposal for that period of time.

When the Senator intimates that the principle of self-determination was violated in turning over the Saar Valley to France he forgets that at the end of that time a plebiscite is to be taken, and the people of the Saar Valley themselves are to be permitted to decide whether they shall come under the Government of Germany or the Government of France. Thus, instead of the policy and principle of self-determination having been violated, it was distinctively vindicated in the Saar Valley matter, and it was done very largely through the influence of the President of the United States.

Mr. KELLOGG. The Senator means, of course, the people who may happen to be in the Saar Valley 15 years from now.

Mr. HITCHCOCK. Of course; I mean just that thing, and I so stated.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the senior Senator from Minnesota?

Mr. HITCHCOCK. I do.

Mr. NELSON. I can not entirely agree with either Senator. I think the Saar Valley was turned over to France by way of compensation for the coal fields that had been destroyed in France. It was to give France an opportunity to use that coal in place of the coal that had been destroyed in the coal fields of France.

Mr. HITCHCOCK. That was exactly my statement, Mr. President.

Mr. KELLOGG. And in answer to that I said in my speech that I entirely approved of it. I should not have objected if they had given the entire Saar Valley to France for all time.

Mr. HITCHCOCK. Yes; but the Senator was instancing that as a case in which the policy of self-determination was violated, and I am stating to the Senator that that presents a case in which the principle of self-determination was vindicated, because the people of the Saar Valley—a valley which for centuries has been a source of quarrel and dispute between Germany and France—are to be given the first opportunity in their history to decide to which country they shall belong; so that instead of being a source of criticism of the President for abandoning his principle of self-determination, it vindicates that principle.

Mr. REED. Mr. President, will the Senator yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Yes; I yield to the Senator.

Mr. REED. Can the Senator tell us what the racial population of the Saar Valley is?

Mr. HITCHCOCK. No; I am not able to state that offhand. It is a mixed population. Probably at the present time it is more German than French.

Mr. REED. Can the Senator tell us whether France has held it since the Napoleonic days?

Mr. HITCHCOCK. No; I think not. I think it is probably as far back as that time.

Mr. REED. Can the Senator tell us how long it was held at that time by France?

Mr. HITCHCOCK. Oh, I do not remember that; and I do not care, because it is immaterial to my discussion.

Mr. REED. I only ask because the Senator stated that for centuries the valley had been a source of dispute between the two countries.

Mr. HITCHCOCK. I have stated that the reason for turning over the Saar Valley to France was one of reparation. France was in a desperate condition for need of coal, and the reason she was in a desperate condition for need of coal was that Germany had very largely destroyed her coal mines in northern France.

It was a matter almost of necessity to recompense France in this way, but the French claim to the Saar Valley, so far as it was a permanent claim, was denied, and it was limited to 15 years; and at the end of that time the people of the Saar Valley were given the right to decide for themselves to which allegiance they should adhere.

The Senator again questions the statement that the principle of self-determination was violated when the nation of Poland was reconstituted, because within the boundaries of that nation so reconstituted there are said to be about 3,000,000 Russians. That presents one of those difficult questions which the council in Paris had to deal with. Everyone knows that when you come to the border lines of those countries races and nationalities intermix, and it is not possible to draw a geographical line which shall be absolutely accurate from ethnological standards. You are bound to include some of two and sometimes of three nationalities within the same area. But Poland was once a nation, and when Russia and Austria and Germany divided Poland among themselves it was a natural thing that Germany as well as Russia should induce and encourage their people to come into what was purely Polish territory.

The same is true of Czechoslovakia, the reconstituted nation of Bohemia. There, also, will be found to-day an element of Germans, but that constitutes no reason why the old nation of Bohemia, which for so many years has been held in subjection,

should not be allowed a resumption of the government of her own people, even when there may be a certain per cent of the foreign element within her borders.

The questions of geography and ethnology were difficult questions for the council to decide, and it comes with poor grace, I will say to the Senator from Minnesota [Mr. KELLOGG], from Senators on the other side of the aisle, who did all they could to destroy the influence of the President of the United States when he was laboring in Paris to maintain the principles of his 14 points, when they sought to destroy his influence in Paris, to charge that he did not entirely succeed in all his altruistic efforts and all his devotion to the ideals which are embodied in the doctrine of the 14 points.

Mr. KELLOGG. Mr. President——

Mr. HITCHCOCK. What did you do to uphold the hands of the President in those days? What did you do to strengthen his arms? You stood here in the Senate of the United States and by speeches and by votes did all you could to discredit him and to let the people of Europe believe that he did not represent the public sentiment of the United States; and now you assume to come here and twit him with not having succeeded in all that he undertook to do.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I yield.

Mr. KELLOGG. Will the Senator state anything that I did to hamper the President in Paris? Apparently he scorned any assistance from anybody.

Mr. HITCHCOCK. I will state some things the Senator did. The Senator joined in a conspiracy on that side of the aisle to stuff the Committee on Foreign Relations full of enemies of the treaty, Senators who were pledged to vote to defeat the treaty when it came here.

Mr. KELLOGG. Mr. President——

Mr. HITCHCOCK. That is one thing the Senator did. The Senator supported that plan, and that was the initiative, it was the beginning, of the effort made here in the Senate to destroy the treaty.

Mr. KELLOGG. Mr. President, the Senator knows that that is not true.

Mr. HITCHCOCK. And the Senator from Minnesota has done other things. While always assuming to be a friend of the treaty he has joined his colleagues over there in preventing every effort at compromise. He knows just as well as we know that you have succeeded in producing a solidarity of support for these reservations, a solidarity of support for yielding to the enemies of the treaty on that side of the aisle. How have you succeeded in getting a majority of the Senate to support these reservations? Have you done it by getting the votes of friends of the treaty? I ask the Senator from Minnesota, if he will give me his attention, whether it would have been possible to secure a majority of the Senate for the pending reservations without the votes of the 14 enemies of the treaty and the League of Nations? Will the Senator answer me that question?

Mr. KELLOGG. I do not think it would have been possible to get any reservations to protect this country without the entire Republican vote.

Mr. HITCHCOCK. And the Senator knows that when he agreed to those reservations under the assertion that he was a friend of the treaty, he voted for the very reservations that the enemies of the treaty supported because they thought it would kill the treaty.

Mr. KNOX. May I ask the Senator a question?

Mr. HITCHCOCK. I yield to the Senator from Pennsylvania.

Mr. KNOX. Two or three times lately the argument has been made that has just been made by the Senator from Nebraska, that Senators on this side failed to uphold the hands of the President while he was in Paris molding this treaty, and not only failed to uphold his hands but attacked him in the measures which he was trying to put through. I should like to ask the Senator from Nebraska, with the wires centered in the hands of Mr. Creel and the censorship that could not be overcome, what information did we ever get as to what was to be put into the treaty or what was put into the treaty until the Senator from Idaho [Mr. BORAH] procured a copy of it through a newspaper and had it put into the RECORD here?

Mr. HITCHCOCK. There never has been a time in the history of the world when the Senate has been advised in advance what the representatives of the President were doing in their negotiations. The Senator knows very well that the power to negotiate treaties is an Executive power, and I assert that the President had a right as the Executive to go there and make his treaty with the executives of the other nations.

Mr. KNOX. I am not challenging that at all, Mr. President. I recall very distinctly that before the President went upon this mission he took this case outside of the ordinary case and told us that all he would know we should know, and we sat here in expectation for months hoping that we could get some knowledge; but we got none. I am not saying that the President was not within his rights by secretly negotiating the treaty, because as the negotiator he could select any method that he saw fit; but I do not want this side of the Chamber to lie under the unjust accusation that we were attacking the measure which he was trying to put through when we had absolutely no information about it.

Mr. HITCHCOCK. I have not said that you were attacking the measure. What I said was that you were attacking the President and endeavoring to discredit him in every way and weaken him in the efforts he was making there in Paris; and when now you find here and there a flaw, as you see it, in the treaty, comparing it with his ideals, you are taking advantage of your own wrong. After having done all you could to weaken him, you are trying to point out that he did not succeed in some of the things he aimed to do. That is what I am asserting.

But, Mr. President, this is not very germane to what is now before the Senate. The question before the Senate is the reservation which I have presented, and which I presented last November, known as reservation No. 4. It has been criticized by the statement that it involves an amendment of the treaty, an amendment of the League of Nations. Mr. President, that comes certainly with poor grace from Senators who have been voting for amendments, from Senators who have been supporting reservations, which do change the treaty in vital and essential particulars. It is rather remarkable that they, after a record of that sort, in which they have sought to tear the treaty to pieces and amend the League of Nations and nullify the provisions of the League of Nations, should now charge that I am engaged in that enterprise.

Mr. President, this reservation, which had the support of Senators on this side of the aisle last November and which I hope will have their support now, is an interpretative reservation, and it is such a reservation as we think proper to attach to the treaty. It covers substantially——

Mr. SMITH of Georgia. Who does the Senator speak of when he says "we"? This proposition has never been approved, so far as I know, by any Democratic conference or Democratic steering committee.

Mr. HITCHCOCK. I do not know that the Senator was present, but early in November a Democratic conference was called and these reservations were read to them, and they agreed to stand by them and they did stand by them, including the Senator from Georgia.

Mr. SMITH of Georgia. I desire to correct the Senator. I did not stand by them. A motion to direct the Committee of the Whole to report the treaty with certain reservations does not mean that you stand by the reservations, for at the time I cast my vote I called attention to the fact that no one would be bound by the report, but it would come to the Senate with the right to amend the report, and that is entirely true. Voting to bring it again to the Senate from the Committee of the Whole did not mean an indorsement of this reservation, or, rather, this amendment to the treaty.

Mr. HITCHCOCK. I am rather surprised that the Senator from Georgia should make that statement. He made that explanation a few days ago, and I called his personal attention to the fact that he not only voted for my motion at that time, including this reservation among others, but that on a previous occasion he voted for this reservation itself as a separate proposition.

Mr. SMITH of Georgia. I do not recall that.

Mr. HITCHCOCK. I shall be glad to enlighten the Senator. On November 15 last I presented in the Senate the following reservation:

> That no member nation is required to submit to the league, its council, or its assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matters relating to its internal or coastwise affairs.

That is almost identically the same reservation. The only change I made at this time was in striking out the words "international law," which, I think, was an accidental inclusion and which does not change the meaning of the reservation in any respect. On the roll call the yeas were 43 and the nays were 52, and among the Democrats who voted for that reservation I find recorded "SMITH of Georgia."

Mr. SMITH of Georgia. Mr. President, the language was different; but even were the language the same, the effect will be different. The Senator can laugh, but he is now fighting the

treaty. The language was different and the effect will be entirely different. At that stage of the procedure on the treaty last November it might have been practical to adopt an amendment to the treaty, but at this stage, when we know that no amendment can be put to the treaty, after so many countries have acted, we know it will defeat the treaty, and I think the course of the Senator can only be accounted for upon the ground that he is ready to defeat ratification of the treaty.

Mr. HITCHCOCK. The Senator is welcome to his own conclusion. I think probably the Senate and the country will be able to decide whether I have been for the treaty or against it. There are some Senators you are hardly able to identify as to whether they are for it or against it, but I believe it will be generally agreed that I am for it.

But, Mr. President, this is not an amendment of the treaty. It is an amendment offered to the reservation of the Senator from Massachusetts [Mr. LODGE], because it is a substitute. I desire at this time to read my reservation:

> That no member nation is required to submit to the league, its council, or assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Is there any Senator here who claims that a nation is required to submit to the league, its council or assembly, for decision a matter which is a domestic question?

Mr. KELLOGG. Does the Senator wish to have me answer?

Mr. HITCHCOCK. I shall be glad to hear the Senator from Minnesota.

Mr. KELLOGG. Under the League of Nations the question whether a matter is a domestic question or not may be decided by the league, and therefore the league may have jurisdiction over domestic questions. This says "that no member nation is required to submit," and so forth. That would include England, France, Italy, and Japan, who have already ratified the treaty, and would release them absolutely from the obligation of that provision of the League of Nations.

Mr. HITCHCOCK. Any intelligent man knows that the League of Nations is formed for the purpose of dealing with international and not with domestic questions, and any intelligent man knows that no member of the league, the United States or any other, will ever submit to have its domestic questions passed upon by the league.

Mr. SMITH of Georgia. Will the Senator yield for a moment?

Mr. HITCHCOCK. I never have thought that any reservation on this subject was necessary. I never thought that the league, formed to deal with international questions, would ever attempt to assert its control over domestic questions. The only reason why I ever introduced it, and when I introduced it last November, was in the hope that it might secure the votes of some Senators on the other side of the aisle who have become obsessed with the idea that their reservations are more important than the league itself.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I yield.

Mr. SMITH of Georgia. Do you mean by this amendment that the council of the league shall still determine what are and what are not domestic questions? Do you mean by this provision—I will not call it an amendment—to take away from the council of the league the right to determine what are and what are not domestic questions?

Mr. HITCHCOCK. I mean that no nation is required, just as the language says, to submit to the league or any of its organs the power to pass upon a domestic question.

Mr. SMITH of Georgia. I understand, but the league covenant provides that the council shall determine in case of a dispute whether it is or is not a domestic question. Article 15 provides that "if the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report." Does the Senator intend by his substitute to change that provision in the league covenant and take away from the council the right to determine what are and what are not domestic questions?

Mr. HITCHCOCK. No; the council may report that, but no nation is required to submit to it. That was not necessary. It was put in there because Senators of the United States, when the first draft of the league came over here, stated that there ought to be a reservation on the subject. They stated that it might be interpreted to mean that the league might take jurisdiction over domestic questions, and so this additional paragraph which the Senator has just read was inserted, but it is not exclusive. That still exists; that is not changed. The council can still do so, but no nation is required to submit to it, and never was required to submit to it.

Mr. SMITH of Georgia. Let me ask the Senator, Does not the league covenant expressly provide that we will submit all disputes to the council and that the council shall continue to handle them, unless the point is made that a dispute is a domestic question, and then does it not provide that the council will still handle the question, though we claimed that it was a domestic question, unless the council found that it was domestic? So has not the Senator left in the council the privilege of determining what are and what are not domestic questions, or else has he not changed the covenant by his provision?

Mr. HITCHCOCK. Mr. President, the claim that this reservation changes the covenant is no stronger than to say that the reservation presented by the Senator from Massachusetts [Mr. LODGE] changes the covenant. The only difference between the two reservations is that the reservation presented by the Senator from Massachusetts asserts a right of the United States, while my reservation asserts that same right but declares it is a right which belongs to all members. If we assert the right as to ourselves the provisions of the covenant are just as much affected as if we said that other nations shall be upon the same basis.

Mr. SMITH of Georgia. Then, I want to ask the Senator, does he change, by the proposition which he has offered, the paragraph of article 15 which declares that the council shall exercise control of all controversies unless the council finds that they involve domestic questions? Does the Senator mean that the United States shall determine whether or not a question is domestic, or does he mean that the council is still to determine, under the league, whether a dispute is domestic? Which does the Senator mean?

Mr. HITCHCOCK. In the first place, this does not put everything under the control of the council in the broad manner the language of the Senator implies; and, in the second place, I assert that my provision makes less of a change in the league than the reservation presented by the committee, and for this reason: The fundamental principle of the League of Nations is that all members of the league are upon an equal basis; that one is bound just as another is bound. It is provided in the committee reservation that the United States shall be placed in a class by itself; and I judge from what the Senator from Minnesota [Mr. KELLOGG] has said that he avers that we shall be placed in a class by ourselves, that we shall not be bound, but that the other nations shall be bound to submit to a certain thing. That is a violation of the fundamental principle of the League of Nations.

Mr. SMITH of Georgia. Mr. President——

Mr. HITCHCOCK. I shall yield in a moment.

Mr. SMITH of Georgia. Very well.

Mr. HITCHCOCK. Whereas my reservation provides that the right which we claim for ourselves is a right which belongs independently to every other member of the league. The relative positions of the nations are in no wise affected by my reservation, whereas the reservation which Senators on the other side of the aisle are supporting makes a distinct and emphatic difference between the United States and other nations, and that is out of harmony with every principle of the league.

Mr. SMITH of Georgia. Mr. President——

Mr. LENROOT. Will the Senator yield to me?

Mr. SMITH of Georgia. I only want to ask the Senator one more question, and then I will quit. Will he tell us whether he means by his substitute to take away from the council the right to determine whether or not a question is domestic or international? Does he mean that we shall determine that for ourselves, or that it shall be left to the council?

Mr. HITCHCOCK. I mean to say that no nation—the United States nor any other nation—shall be compelled to submit to the council a domestic question nor to permit the council to decide what is a domestic question.

Mr. LENROOT. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. Yes.

Mr. LENROOT. I want to ask the Senator if a dispute comes before the council, and the council determines that it is an international question and not a domestic question, does the council have jurisdiction of the dispute?

Mr. HITCHCOCK. Under this reservation——

Mr. LENROOT. I mean under the treaty as it stands.

Mr. HITCHCOCK. Under the treaty as it stands the council has power to act, but I have no doubt that the nations need not recognize the act.

Mr. LENROOT. Very well. Then what becomes of the agreement that where the council has power to act and acts unanimously the nation does bind itself to stand by the award?

Mr. HITCHCOCK. The Senator, I am sure, in his fair moments will not claim that the nine members constituting the council are going to establish a principle which will enable the council at some time to go into their domestic affairs. It was never intended that the league should mix in domestic affairs, and I do not think even the Senator from Wisconsin will say that the council would ever undertake to usurp functions that were not properly intended it should exercise.

Mr. LENROOT. No; but supposing one of the parties to the dispute makes the claim that it is not domestic but international, who is to decide the dispute under the treaty as it stands?

Mr. HITCHCOCK. Well, it would not be a dispute.

Mr. LENROOT. Why not?

Mr. HITCHCOCK. The nation would have the right to say: "That is a domestic question, and not for the consideration of the league."

Mr. LENROOT. But one party to the dispute claims it is not a domestic question. Who then decides?

Mr. HITCHCOCK. Nobody. [Laughter.]

Mr. LENROOT. Then what was the purpose of the treaty in providing that, if the council finds that the question is a domestic one, it shall not take jurisdiction?

Mr. HITCHCOCK. It provides that it shall not take jurisdiction in that event; it does not provide that it shall.

Mr. LENROOT. It says that in that kind of a case it shall not make a report; and the Senator from Nebraska, although he may not be a lawyer, well knows that where they are denied the power to make a report in a given case, it implies the power to make it where that condition does not exist; and then we have bound ourselves to abide by the decision.

Mr. HITCHCOCK. I disagree with the Senator entirely. It is simply a limitation on the powers of the council, and the reservation which is presented from the Republican side of the Senate proposes an additional limitation that makes it apply only to the United States. Now, I say it is a violation of the very principle of the league to give something to the United States which we are not willing to accord to all members of the league. My reservation is framed on the line of interpreting the treaty to mean, as I believe it does mean, that no nation shall ever be required to submit its domestic questions to the decision of the league.

Mr. LENROOT. I should like to ask the Senator what, in his mind, is the difference between a reservation and an amendment? I am sure it will be interesting to the Senate to know.

Mr. HITCHCOCK. I observe the Senator from Wisconsin and a number of other Senators on the other side of the Chamber are very anxious to probe into the workings of my mind on these questions; but I have stated before that I am not disposed to split hairs with them on these subjects. There has been entirely too much of hairsplitting since we began the consideration of this great document; there has been too little disposition to accept its principles and to accept its objects and entirely too much disposition to split hairs on the fine meaning of words, on the theory that we were entering into a contract with a lot of bandits and were likely to lose our rights.

Now, what are the facts, Mr. President? The facts are that in common with the other democracies of the world we are undertaking to enter into an agreement to preserve the peace of the world. We ought to enter as equals, one being bound no more than the other is bound. We are not dealing with the murderous and criminal element of the world; we are dealing with the great democracies of the world that are governed by public opinion; and those democracies have an interest, as we have, in agreeing to do those things which will work for peace and agreeing not to do those things which will produce war; and yet we have spent nearly a year here in considering reservations on the theory that we were dealing with a lot of criminals and cutthroats and confidence men. Can not we, the greatest Nation in the world, enter into a compact with the remainder of the world to preserve its peace without haggling over reservations supposed to be in the interest of protecting our rights?

What reservation has been offered on the other side of the aisle designed to strengthen the league, designed to improve its efficiency, designed to preserve the peace of the world, designed to reduce the armaments of the world, designed to do justice to the subject peoples of the world? Those which have been offered are all petty, hairsplitting reservations, written on the theory that we are an innocent lamb about to go into a menagerie of wild animals and that we have to protect ourselves.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. The Senator from Nebraska thinks it is very unfair for some of us to ask him to disclose what is in his mind on these important subjects; but I wish to ask the Senator, when he asserts that our reservations are amendments, is it not fair and is it not due to the Senate that he explain what in his mind is the difference between a reservation and an amendment.

Mr. HITCHCOCK. An amendment is something which destroys the very purpose and spirit of the league, and such an amendment is found in the reservation to article 10. I will give the Senator an illustration.

Mr. LENROOT. Before the Senator does that, if he will yield further, I rather thought that was the Senator's idea of what an amendment was.

Mr. HITCHCOCK. Yes; that is my idea.

Mr. LENROOT. But nobody else agrees with the Senator from Nebraska as to that.

Mr. HITCHCOCK. Of course, I deny that conclusion of the Senator; but it is immaterial whether they do or not; the fact is that as to article 10, which is an agreement that all members of the league shall respect the territorial integrity and political independence of all other nations, members of the league, and preserve them against outside aggression, you write a direct repudiation of that obligation into a reservation; you repudiate in the strongest language any obligation to do that thing, and you call it a reservation.

Mr. LENROOT. How can we repudiate something until we have assumed it? The reservation referred to merely declines to assume the obligation.

Mr. HITCHCOCK. That is an amendment; that is what I say; that is what I am claiming, that the Senator is endeavoring to change the league, and he is not only endeavoring to amend the league in one of its most important covenants, but he proposes to have the United States stand out by itself and say to the remainder of the world, "You are bound to preserve as well as respect the territorial integrity and political independence of the other members of the league, but we are not bound; you are bound to do that thing, but we are not; you assume the burden, but we do not." That is the position of the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator what rights, duties, or obligations of any other member of the league are affected by these reservations, and what rights, duties, and obligations are affected by his substitute? Then we will get the difference.

Mr. HITCHCOCK. I have just stated to the Senator that the President of the United States went over there and negotiated a treaty that led to the formulation of a covenant for a great league of all the democracies of the world, designed to preserve peace. The nations were to come in as equals; they were to be equally obligated to do certain things, one no more than another. He brings it over here and the Senator from Wisconsin, while sometime described as a "mild reservationist," becomes the strongest advocate, perhaps, of a reservation which absolutely repudiates and refuses to accept an obligation which the other nations of the world not only agreed to accept but which they have ratified. He takes the position that we should now enter the league relieved from the obligation which the nations that fought the war with us, and which with us are obligated to maintain the peace of the world, have assumed. I say such a reservation is miscalled; it is an amendment; that is the reason that the Senator from Idaho and his colleagues, as they frankly avow, support these reservations; that is the reason the Senator from Connecticut supports these reservations; they go to kill the league, and that is what those Senators want to do. They are frank; they are fair; they are candid; but those Senators who, like the Senator from Wisconsin, support these destructive reservations on the theory that the league will still live, are either very much misguided or something worse.

Mr. LENROOT. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. I yield.

Mr. LENROOT. Is it not the Senator's difficulty that he assumes that the President of the United States in negotiating this treaty bound the United States? Of course, he did no such thing.

Mr. HITCHCOCK. No; that is not my difficulty. The President exercised a constitutional authority. You can reject the league; you can reject the treaty, if you have the votes to do

so, but when, under the pretense of making a reservation, you destroy our participation in it, you have done a contemptible thing; you have entered a league in which we are to have the benefits but only a part of the burdens.

Mr. REED. Mr. President, will the Senator kindly tell us what benefits we are to get out of this league? I should like to have a bill of particulars right now.

Mr. HITCHCOCK. In the first place I know of no country more interested in preserving the peace of the world than the United States; I know of no country where the sentiment against militarism is stronger than in the United States. If the league covenant goes into effect, the peace of the world is going to be preserved. The United States is enormously interested in Europe——

Mr. REED. Mr. President——

Mr. HITCHCOCK. I will ask the Senator not to interrupt me until I finish my answer. The United States sells most of its surplus products to Europe. Aside from any sentimental reason, Europe when facing destruction, Europe whose civilization has been actually in danger by this war, is a field in which we have deep interest. If we in the United States look over to Europe in times of prosperity and peace, we look upon the part of the world that is our greatest customer. Europe buys our surplus farm products, Europe buys the products of our mines, and Europe has begun to purchase in a large degree the products also of our factories. Now, if civilization is to go to wreck in Europe and by constant wars Europe sinks, as it may, to the state of Asia, we lose our greatest customer. So, aside from any altruistic reasons, aside from any ideals, the United States is interested not only in restoring peace to Europe for material reasons, but in keeping the peace in Europe.

Again, in this war, in which the United States has accumulated a debt of $26,000,000,000, she has incurred also the enmity of a large part of the people of Europe, and, if no device of civilization is formed to preserve the peace in the future, the United States must necessarily prepare to defend herself some day from the people whose enmity we have incurred—not only Europe but Japan.

There seems to have been a perfect madness on the part of Senators in this Chamber to offend and antagonize every nation in the world. Japan has been denounced in the most bitter and extreme terms, and Japan has been given to understand that the people of the United States view her with enmity. We have heard speeches here in this Chamber in denunciation of Great Britain and in criticism of France and in denunciation of all the peoples of the world, even those that have been associated with us. So I say, Mr. President, that if we are not ready to go into the league to help the world to maintain peace, we must prepare for war.

When the Senator from Missouri asks me what benefit we get out of it, I ask him, What benefit would we have had out of it if the league could have been established 10 years ago, before this war began? We would have escaped the expenditure of thousands of millions of dollars and the loss of fifty or sixty thousand men dead upon the fields of France and Flanders. The United States has much to gain by an arrangement of this kind.

Mr. REED. Mr. President, since the Senator asks me——

Mr. HITCHCOCK. I am not asking the Senator anything. We have much to gain by entering into an agreement to maintain the peace of the world. The United States is the greatest nation in the world—the greatest in commerce, the greatest in wealth, the greatest in credit-giving power, the greatest in population—and the United States is interested in the peace of the world; and when the Senator asks me what benefit we have to derive from it, I say there are many benefits—much more than ideals—that we can derive if we can devise a plan to maintain the peace of the world.

I yield to the Senator from Missouri.

Mr. REED. Mr. President, the Senator says that we are interested in the peace of the world. We are; but he then asserts that this League of Nations will give us that peace. There is the bone of contention. He assumes that it will; we assume that it will not; and when his assertion that it will give us peace is taken out of his syllogism there is nothing left.

Mr. HITCHCOCK. I yielded for a question. I hope the Senator will not make a speech in my time.

Mr. REED. The Senator did not say that he yielded merely for a question.

Mr. HITCHCOCK. The Senator can take his own time to reply. I want to conclude what I have to say.

Mr. REED. Just let me say this, and I shall be very brief about it:

The Senator's main argument—and I just want to get that clear—is that we have incurred the enmity of all of Europe through this war, and that if we do not have the League of Nations all of Europe will come over here and conquer us.

Mr. HITCHCOCK. Oh, I did not say that.

Mr. REED. I think that was a fair construction of what the Senator said. If he did not mean that, then I think he will have to revise his remarks. Does the Senator think that, if we enter into a combination with our enemies, that will make them our friends—that we will be safe with men inside the house who are ready to attack us from the outside?

Mr. HITCHCOCK. Mr. President, I have not said what the Senator attributes to me. I have said that the time has come in the world's history when it is governed by democracies; that if by forming the league at this time we can maintain the results of the war, the world will remain in the hands of democracies; and these democracies, governed by public opinion, are entirely capable of making a contract with each other not to do the things that work for war and to do the things that work for peace.

Mr. REED. Mr. President, will the Senator yield for a question? He says the world is governed by democracies.

Mr. HITCHCOCK. Yes; I said so.

Mr. REED. Does the Senator think that Japan is a democracy?

Mr. HITCHCOCK. It is rapidly becoming a democracy.

Mr. REED. Oh, I may be rapidly becoming an angel, but I have not yet arrived at that stage.

Mr. HITCHCOCK. I know whereof I speak when I say that Japan is rapidly becoming a democracy. The change that has come over the world represents the passage of the world from one stage to another. We are entering into a new era, just as much as the world entered into a new era when the Dark Ages passed away.

Mr. REED. Mr. President——

Mr. HITCHCOCK. I decline to yield now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HITCHCOCK. It is just simply a question whether the United States is going to do its part in reorganizing the world for peace as it has always been organized for war. Heretofore the world has been organized for war. Every nation has used probably more than one-half of the revenues of its government for destructive purposes; and possibly there was no way to put an end to that condition until the fall of the German Empire and the Russian autocracy and the Austro-Hungarian Empire, all of which were bent on conquest; but that time has passed away. Great Britain is a democracy. Her Government responds more immediately to public opinion than the Government of the United States. Her cabinets rise and fall as the public opinion of Great Britain changes.

Mr. REED. Mr. President——

Mr. HITCHCOCK. I decline to yield.

Mr. REED. Very well.

Mr. HITCHCOCK. France has become a republic, and her government is in the hands of her people. Italy is a limited monarchy, ruled by a cabinet, not by a king, and that cabinet comes and goes in accordance with the public opinion of the people of Italy. The same is true of Spain. The same is true of Holland. The same is true of Belgium. The same is true of the Scandinavian countries to the north, and it is going to be true of Russia. Russia is going through the welter and the strife of a revolution, just as France did, and Russia will emerge into a republic, just as France emerged.

Mr. REED. Mr. President, will the Senator yield there? If Russia is emerging into a republic, will the Senator tell us why the fathers of the League of Nations sent their armies in on that republic?

Mr. HITCHCOCK. Mr. President, I trust the Senator will not insist on interrupting me when I have asked him not to do so.

Mr. REED. Very well.

Mr. HITCHCOCK. I have been good-natured in yielding to questions.

Mr. NEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I do.

Mr. NEW. Is it required of the members of the cabinet in these foreign nations that they shall have minds that track with that of the monarch?

Mr. HITCHCOCK. I regret that the Senator from Indiana is not disposed to take seriously what I say. I am trying to make an argument to the effect that the world is now controlled by democracies, and that those democracies are controlled by

public opinion; that Russia, which was an autocracy, is developing into a republic; that Germany has already become a republic; that in all those countries hereafter the power for war and for peace, instead of being in the control of a handful of men, is going to be in the control of the people; and that we can safely make a contract with those democracies, governed by those people, when we perhaps could not have safely made such a contract in the days when conquering empires ruled the world.

Mr. COLT. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. I yield to the Senator.

Mr. COLT. I understood the Senator to say that he thought it was dishonorable for the United States not to accept this covenant as it stands. This covenant comprises, I think, 26 articles. Is it not the duty of the Senate of the United States, as a coordinate branch of the treaty-making power, to examine into these articles, to see what they mean, and how far the interests of the United States are affected thereby? And if, upon examination and discussion, it should be found that one of those articles, in the opinion of the Senate, is detrimental to the United States, is there anything dishonorable in the United States saying that it refuses to be bound by that article, and that it excepts itself from that particular provision?

I should like to ask the Senator, further, if it is not the common practice, where a treaty embraces numerous articles, and where there are numerous contracting parties, for one of the parties to say that it will not be bound by a particular article or articles, and thereby make a conditional ratification, asking the other members if they choose to admit it into the contract upon the conditions which it imposes?

There can not be anything dishonorable, can there, for the Senate of the United States, in a treaty of this magnitude which was negotiated by the President, upon full review and consideration, to say that the United States ought not to be bound by some of the provisions of the treaty? Would the Senator's position be that we must practically take this covenant as it stands, and that we should not, under the circumstances, except ourselves from any of the articles? I do not take that view.

Mr. HITCHCOCK. Mr. President, the Senator has to some extent misunderstood me. I did not say it would be dishonorable for the United States to express dissent from a certain article. What I said was that it would be dishonorable for the United States, as the greatest and most powerful Nation of the world, to go into a league with other nations to do a certain thing, and then shirk our share of it. It is just the same as if the Senator from Rhode Island and the Senator from Idaho and the Senator from Connecticut and I should sit down at a table and draw up articles of agreement under which we united to do a certain thing for the good of the community and for our mutual good, and then, when the three—the Senator from Rhode Island and the Senator from Idaho and the Senator from Connecticut—had signed the agreement, if I should lean back and say, "Well, I am going to sign this on a little different basis. I am going to provide that I will not agree to do that which you have already agreed to do. I am going to release myself." I say that in a case of that kind I would be doing a dishonorable thing. I say that I would be a shirker in the great work of redeeming the world. I say that I would be putting upon the other nations of civilization the burden of maintaining the peace of the world, and running away from my duty myself. That is what I call dishonorable.

Mr. COLT. Mr. President, the Senator is using general phrases. When France excepted herself from certain articles in the slave-trade treaty it was not regarded as dishonorable on her part; and, of course, if she took herself out from certain articles she took herself out from the responsibility of those articles. I maintain that it is not dishonorable for the United States to take herself out from any article in this covenant if she thinks, under the circumstances, it is proper for her to do so, leaving the other nations the right to pursue the same course or not, as they please. The principle is what I am contending for.

Mr. HITCHCOCK. Carrying out the simile that I have used here, if I was not ready to assume an equal obligation with the Senator from Rhode Island and the Senator from Idaho and the Senator from Connecticut I had better stay out of the league altogether and not get the benefits of it; and so I am in favor of the United States staying out of the league unless it is ready to go in as an equal and assume equal obligations with other members of the league.

Mr. COLT. That involves the proposition that the United States must take the league just as it stands. It involves the proposition that where a treaty is made between numerous parties involving many articles it is dishonorable for any one of the parties to take itself out from a certain article, thereby relieving itself from the responsibility of that article. No such principle exists with regard to treaty making. No principle exists permitting the President to negotiate a treaty and then throw upon the Senate the burden of ratifying that treaty as it stands. The effect of such a practice would be to relieve the Senate of all responsibility as a coordinate branch of the treaty-making power.

I maintain that in this great treaty, which calls for a certain departure on the part of America from its traditional policy, the Senate has a bounden duty to examine every article, and if we reach the conclusion that the United States should not be bound by that article it is our duty to take ourselves out from that article; and such a procedure is not dishonorable. This is the common practice that is pursued in every treaty embracing numerous articles and having numerous signatories.

Mr. HITCHCOCK. Mr. President, like the Senator from Minnesota [Mr. KELLOGG], I have gone far afield. The question before the Senate is this reservation:

> That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

That reservation is clear and specific and no man can claim that under it the United States is in any possible peril. The only difference between it and the reservation presented on the other side is that this reservation of mine leaves the United States an equal with the other nations. It claims no rights exclusively for the United States, but accords to the others the same rights which we claim for ourselves over our domestic matters.

Mr. BRANDEGEE. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] made an accurate statement in the closing part of his remarks when he stated that he had traveled far afield and discussed a good many questions which were not strictly relevant to his amendment. But the Senator has not seemed to me from the beginning either to have had a clear conception of the difference between an amendment and a reservation, or if he has, he has not been able to convey his idea of the distinction between them to me. I prefer to think that he has not a clear conception of the fundamental difference between the two things, because I do not charge him with any lack of sincerity or any incapacity in the use of the English language.

The Senator in a somewhat inconsistent way charges us with having voted for some amendments to the treaty, and then, congratulating himself upon his present attitude, he offers an amendment to it himself. I voted for every amendment that the Committee on Foreign Relations recommended to this body, but the majority of the Senate at that time, led by the valiant and chivalric Senator from Nebraska, slaughtered them on the ground that they would defeat the treaty, that it would necessitate resubmission to the peace conference and reconvening the peace conference, although the peace conference sat there perfectly tranquil in Paris ready to receive and deal with anything that came before it at the time.

Now, however, it must be obvious to anybody, it seems to me, who wants to look at the question in its true aspect, that all the other signatory nations having ratified the treaty as it was written textually, having entered into the execution of the treaty and now operating under it in its original form, for us to offer a change in the text of the treaty making a change in the duties of all the parties who signed the contract, and are now in the performance of it, without their knowledge or consent, as well as a change in our own duties in respect to the treaty, of course it is, as the lawyers say, irrelevant and impertinent, not to say impossible and foolish.

This is the difference, if I am able to understand it, between an amendment and a reservation to the treaty. An amendment changes the text of the instrument as it was submitted to us. I suppose that statement is intelligible. Changing the text means striking some words out of it or inserting some additional words into it, or both. No reservation that the Senate has adopted to the treaty does any such thing. We realize that we can not change the text of the treaty now because as to other parties it is all accepted and in operation, and they have plainly said so. They have ratified it and approved it as it stands. We do not approve it as it stands and by reservations we say that the United States in ratifying the treaty understands that it shall not be bound to do certain things, or that it understands that the treaty in using certain words shall, so far as we are concerned, be construed to mean such and such a thing. That is, any reservation which we adopt, we adopt in our own proper right and authority, as we have a perfect right, and there are

innumerable precedents for so doing. We are not meddling with the affairs of the other nations. We are defining our own duties if we ratify this thing and if the other powers are willing to receive our instrument of ratification without protest. We are saying: "We are willing to form this limited partnership with you if you want to have it on that basis. It is entirely optional and voluntary with you. If you do not like our construction of certain parts of the treaty, if you do not like the reservations of understandings that we have adopted as defining our own responsibility, you need not have us for a partner. We do not attempt to influence you; we do not attempt to tell you what you ought to have said was your duty to each other, and which you have said by ratifying the treaty. That is none of our business; but it is our business, and our exclusive business, to say what contract we will make with you; and it is your exclusive business to say whether you want us to make that contract with you or not. We make open profert and tender before the whole world of our understanding of a paper negotiated by the constitutional authority of this country, the President, to negotiate a proposition and present it to his constitutional and equal partner, the Senate, for its approval." We tender that paper with our conditions affixed, made in accordance with the Constitution of the United States in the performance of our constitutional duty thereunder; and if the powers want to say to us, "That is perfectly satisfactory to us," how in the world does it lie in the mouth of either the Senator from Nebraska or any other American citizen to stand here in the American Senate and charge us with being dishonest?

So overwrought and to such high tension of blood pressure do some superheated temperaments become when they throw off all restraint, both physical and intellectual, in their ravings about this chimerical instrument of world power that I am not astounded at any charge that they make. Their sublimated imaginations have run along with, so to speak, the minds of Don Quixote and the faithful Sancho Panza so long that they think the new order of things, the special dispensation of which they have just enjoyed, is already in operation, and that certain of them have attained a new state of holiness and sanctification which utterly removes their immaculate presence from the contact of viler things, and that they have liberty to fulminate, belch fire, denounce, and hurl their anathemas upon the unregenerate even before they see this thing more or less through a glass darkly and without ultimate vision. Heretofore no restraint has been able to control their imaginings and vaporings.

But, Mr. President, the earth is still on its axis and inclined at the regular angle to the ecliptic and is spinning around the sun at the usual rate in spite of the covenant of the league, though I do not doubt that in its operation the covenant of the league will make certain unexpected changes in our daily lives if we become a party to it.

There is one thing that makes a doubting Thomas sometimes sit up and pinch himself and see if he is awake, and that is to see how the original embryo, and what might be called the model upon which the thing has been founded, is now "demonstrating" in actual operation. They have the league over there, and our allies and associates, Great Britain, France, and Italy, have a little difference of opinion with Jugo-Slavia about a little place called Fiume. The league, in its omniscience, is now fulminating. It is operating, not through its apprentices or its dummies or its hired men, whose minds run along with the people who appoint them, but it is operating through the master minds themselves. The CONGRESSIONAL RECORD this morning for three pages is filled with an account of the sweet harmony which is now existing between Mr. Lloyd-George and M. Millerand and the President as to the treachery with which they have dealt with each other in repudiating their most solemn agreements which they had jointly entered into.

Mind you, this is just in starting the sacred league that is to insure tranquillity and harmony and justice all over the universe. Before they have opened Pandora's box, right on the inside of the box, these gentlemen are accusing each other of bad faith and are using language that really hurts my feelings.

The President has frequently advised us—I will omit the preamble—that a "new day having dawned," no longer do these wicked nations view each other with suspicion, and so forth, but have all engaged in a mission of service to pure philanthropy, and are desirous of exhibiting their lofty ideals to each other when nobody is looking; that they are simply engaged in altruistic enterprises, not mentioning Egypt or Persia or Syria, or anything on the side that they got away with and openly "arrived at." The President, in rebuking these people who have not attained to the proper state of holiness and sanctity, says:

It is a time to speak with utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government—

That is "him" [laughter]—

can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war.

My God! That is what they get first. They wheezed two or three times when they received that. Then the President went on, lest they should forget, and said:

The President—

I say the President went on. This is signed by a gentleman who spells his name L-a-n-s-i-n-g. He wrote the letter—

The President desires to say that if it does not appear feasible to secure acceptance of the just and generous concessions offered by the British, French, and American Governments to Italy in the joint memorandum of those powers of December 9, 1919, which the President has already clearly stated to be the maximum concession—

Not the obtaining of justice, but the maximum "*concession*"—

that the Government of the United States can offer, the President desires to say that he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France of June 28, 1919, which are now before the Senate, and permitting the terms of the European settlement to be independently established and enforced by the associated Governments.

You notice the word "allied" has been dropped therefrom. Just think of that!

Mr. REED. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Missouri.

Mr. REED. There is a suggestion there of the immediate withdrawal of the treaty, which of course can be done now. But assume that the Senate had approved the treaty and it had been delivered, he could not then get it out as it is now proposed, by stopping it. We would have to stay in for at least two years, would we not?

Mr. BRANDEGEE. Yes.

Mr. REED. It is well enough to remark in passing that the Senate has left the President in a happy position where he can withdraw it up to the present time.

Mr. BRANDEGEE. We would only be eligible to withdraw, then, if we had performed all our duties under the covenant and all our international duties of every kind.

Mr. REED. To the satisfaction and approval and with the unanimous vote of all of the members of the league.

Mr. BRANDEGEE. That is what it would be but for what the Senator from Nebraska is pleased to designate as our "destructive" reservation. These elements of destruction that offend the Senator from Nebraska are what the Senate considers to be necessary to protect this country and its constitutional institutions from utter destruction and this country from denationalization; and they are said to be "destructive."

Mr. SHIELDS. Mr. President, there has been some discussion by the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Missouri [Mr. REED] with reference to the great benefits the United States would obtain under the treaty. Would the Senator from Connecticut consider those benefits to be of incalculable value if they were all to be thrown away on account of a few Italians on the Adriatic coast?

Mr. BRANDEGEE. The President, of course, has stated from the beginning in his intense desire to have us ratify the covenants of the league and the treaty that the heart of the world would be broken if we did not do it; that Europe would lapse into chaos; that it was our plan duty and our Christian moral obligation to enter this thing; that we ought not to suspect anybody of ulterior motives, but that we ought to take the lead in the chivalrous mission to maintain the spiritual leadership of the universe, to jump right into this thing and take the league and hurrah for a new revelation, a human nature newly sanctified and rid of all its mundane attributes; and now at the very first intimation of a difference of opinion between him and the very gentlemen with whom he sat for six months in a dark closet in Paris, demonstrating the virtue of open diplomacy openly arrived at, he denounces them and says the league can go hang for all of him, that the heart of the world can break into its different valves and lobes and pulsate for themselves, because he can not have his way about some little thing that on the map of Europe would look about like the dot of a red pencil on it; the whole business is to be wrenched apart and he will withdraw the thing, and they can not only establish their own order but they can enforce it themselves at their own expense.

Mr. LODGE. The Senator referred to the place where the makers of the treaty sat as a dark closet, which I think describes it very accurately.

Mr. BRANDEGEE. En camera, I think the French is.

Mr. LODGE. I only call attention to the fact that Mr. Keynes, in his book, which most of us have read, the Economic Consequences of the Peace, speaks of finding them in a small and overheated room.

Mr. BRANDEGEE. There was another one there into which they withdrew on proper occasions.

Mr. LODGE. It is highly probable.

Mr. REED. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Missouri.

Mr. REED. The Senator while cataloguing the evils which would result if we withdrew from the league, that the heart of the world is to be broken if we do not have our way about Fiume, that the civilization of Europe is to be wrecked, forgot to name the more important thing from my viewpoint, just mentioned by the distinguished Senator from Nebraska [Mr. HITCHCOCK]. He told us that all the European countries are now at enmity with us and that they are likely to come over here to conquer us, and we might as well prepare for war if we do not adopt the covenant of the League of Nations. So it appears that we are about to plunge ourselves into a great and destructive war with all the world, according to the Senator from Nebraska, over the right of some Italians in a city on the Adriatic, a city which most of us never heard of until it came up in the treaty. I hope the Senator will not overlook that.

Mr. BRANDEGEE. No; I do not overlook it. That is what we would be about to-day if we had put our foot into the trap. But we have not done so yet. If we do not put our foot into the trap, if we are liable to get into war with the rest of the world which wants to drag us in, at least I shall console myself with the consciousness that I am fighting under my own flag and for my own country and for something that I know something about!

I venture to say that the American people, for whom this Government is supposed to act, whether it represents them or not, are absolutely ignorant about the technical issues that are contained in the first four pages of the CONGRESSIONAL RECORD to-day, embracing the state papers interchanged between the President and the British and French premiers on the Fiume-Italian question. When the President tells them that it is the attitude of America that this, that, or the other shall be done, and that it is a fundamental and indisputable sine qua non of any participation of this Nation in the affairs of Europe that they should take his view of it, why, he is simply saying what he thinks personally.

There is no way of ascertaining what the views of America are on that question at all. Nobody here on the floor of the Senate, although we are pretty intimately associated, knows what the Senate itself would say if that question were submitted to it as an independent, unprejudiced tribunal to arbitrate the question. There is nobody who has the slightest idea what the United States Senate would say about that question or as to what was just and right. Here a voice issues from America, is heard in London and Paris and Rome, asserting all sorts of things with the greatest assurance, not to say cocksureness, as to what America thinks about this controversy. I have no doubt that, inasmuch as there are many millions of Italians and Jugo-Slavs in this country, America may be viewing this question with mixed emotions; at least, I think the ballot box would be somewhat mixed on it if anybody were running on the issue in one of our big metropolitan cities.

That is the sort of thing that is going on. I shall not quote at length from the State papers, but on page 3351 of the CONGRESSIONAL RECORD of February 27, 1920, is the reply, signed Millerand, D. Lloyd-George, and Davis, to the President under date of London, February 17, 1920, which reads, in part, as follows:

> The Governments of France and Great Britain, therefore, view with consternation the threat of the United States Government to withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement. The difficulty of reconciling ethnographic with other considerations is certainly not greater in the Adriatic case and does not produce more anomalous results than in the case of other parts of the general treaties of peace difficulties which were recognized by President Wilson and his colleagues where they agreed to the best settlement practicable at the time because their machinery for peaceful readjustment had come into being; also ethnologic reasons can not be the only ones to be taken into account is clearly shown by the inclusion of 3,000,000 Germans in Czechoslovakia and the proposals so actively supported by the United States delegation for the inclusion within Poland of great Ruthenian majorities, exceeding 3,500,000 in number, to Polish rule. Though the British representatives saw serious objections to this arrangement, the British Government have not thought themselves justified in reconsidering on that account their membership in the League of Nations. The Governments of France and Great Britain, therefore, earnestly trust that whatever the final view of the United States Government as to the Adriatic settlement may be, they will not wreck the whole machinery for dealing with international disputes by withdrawing from the treaties of 1919 because their view is not adopted in this particular case. That would be to destroy the hopes now entertained by countless millions of people all over the world that the most enduring and most beneficent part of the treaty of peace was the constitution of machinery whereby the defects of treaties could be remedied, and that changing conditions and requirements of mankind could be adjusted by processes of reason and justice instead of by the balancing of armaments and resort to war. The Governments of France and Great Britain can not believe that it is the purpose of the American people to take a step so far-reaching and terrible in its effects on a ground which has the appearance of being so inadequate.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. Certainly.

Mr. BORAH. I do not know how the Senator from Connecticut views that statement on the part of the premiers of France and England wherein they seem to place so much confidence in this league. To my mind it is a very remarkable exhibition of insincerity upon the part of both of them. It is a matter of history that neither Lloyd-George nor Clemenceau nor Millerand have ever had any confidence in the league and over and over again have expressed themselves to that effect, privately and semipublicly. I simply call the Senator's attention to the manner in which propaganda is being constantly put out by those in Europe who want to accomplish certain purposes and undertake to accomplish them by eulogizing the league because they think the American people believe in it. The statesmen referred to do not believe in the league; they never have believed in it. They were unwilling to accept it as a guaranty of peace in Europe; they were unwilling to go into the league until certain prerequisite conditions were fulfilled which, to their mind, made it more safe for them. I do not, therefore, accept the statement of those gentlemen as being made with any degree of sincerity whatever.

Mr. BRANDEGEE. Mr. President, I think I take the same view of that subject as does the Senator from Idaho. I had not commented on the language which I read. The Senator took the proper occasion immediately upon its quotation to call attention to his view about it.

Of course, when these gentlemen say to Mr. Wilson that they can not believe that the American people will "wreck the whole machinery for dealing with international disputes," and so forth, they are using the lingo of Mr. Wilson to him; they are appealing to him in the well-known vernacular in which he appealed to them. It is the kind of talk that is prevalent upon this subject. Everything is going to wreck unless the league and the covenant go through.

Mr. THOMAS. It is diplomatic reciprocity.

Mr. BRANDEGEE. It is diplomatic reciprocity, or comity that exists between comrades, "hands across the sea." [Laughter.] They understand it all right; but this is a public document and it must keep up the superheated temperature of the crusade. It was a crusade, and the crusaders, having learned the international volapuk by which they communicate their spiritual emotions to each other, find it difficult to discard it now.

But, Mr. President, the world did get along for I do not know how many hundred thousand or millions of years without any league, and some of us thought we had arrived at quite a stage of civilization. At any rate, we have become advanced and intelligent enough in this country to establish a Government of constitutional guaranties; a Government by which the people, through their representatives, could carry out their will; a Government in which law and order and life and property were fairly well secured; a society in which every man, rich or poor, learned or ignorant, can act with equal force and effect at the ballot box; a Government in which whatever revolution existed consisted of simply "turning the rascals out" and putting the honest victors in their places until they in turn were subjected to a similar fate; but there was no blood letting or throat cutting about it. However, that evidently is no longer sufficient, and that Government of free men, which our fathers established in a bloody revolution against one of the very gentlemen with whom we are now interchanging this uplift talk, is now to merge itself, according to this league and covenant, in a supergovernment, and all these things that are embarrassing to any nation in the world are hereafter to be cared for by this supergovernment in the manner indicated by the judicial temperament which is manifested by these great world-powering statesmen, who have filled four pages of the CONGRESSIONAL RECORD this morning with an interchange of drolleries.

There may be Americans who think "that is a consummation devoutly to be wished." As I have said from the beginning, this treaty and its constitution for a League of Nations—it was somewhat imprudently, although more correctly, named in its first edition as a "constitution for a new world order of things"—that constitution for a new world order, now called a covenant for a League of Nations, with what will be established in it and what it will acquire by its rotary movement in operation, like a snowball rolling down hill in a wet snow, with its permanent secretariat, now so beautifully filled by a British

duke, and all its minor positions occupied by foreigners, in continuous operation, with its hordes of paid emmissaries, inspectors, and trouble makers of various kinds, will constitute a new and hitherto undreamed of political unit of power in the world; and that is what it is intended to do.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Yes.

Mr. REED. In that connection I should like to call the Senator's attention to the London Times of February 11, quoting Lord Curzon, as follows:

> And I believe most profoundly that in the seriousness in which the council of the league approaches the problems before us, in the authority which it acquires—and everybody ought to lend a hand to magnify that authority—and in the spirit which characterizes its debates and its action will be the one real hope, not of Europe alone but of the world, that we are to advance into a new era.

I call attention particularly to the expression "and everybody ought to lend a hand to magnify that authority." So that already, before this league is formed, at least before we are a responsible party to it, the proposition is to "magnify its authority," and that coming from a responsible British statesman.

Mr. BRANDEGEE. Yes, Mr. President; I thank the Senator. The more people dream about this covenant and this league and the functions which it is to exercise the more it ought to repel free American citizens who have been brought up upon the doctrine of home rule and minding their own business and avoiding entangling alliances and the more should it incline them to keep out of this thing.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. While the Senator is discussing the official correspondence between our Government and the representatives of Great Britain and France, as printed in the RECORD, I should like to ask him his idea as to what the authority of these representatives is? In what capacity are they acting in the settlement of this particular dispute in Italy? As I understand, the League of Nations, under the treaty, has been actually put in force, but it is not the League of Nations that is functioning in this instance. Who gives to the representatives of Great Britain and France, and now the President in connection with them, the authority to settle this particular dispute? And if they settle this dispute between Jugo-Slavia and Italy without anybody selecting them, without having been selected by those Governments to settle it, why can they not be self-appointed arbitrators to settle any other dispute between any other nations? When are they going to cease and let the League of Nations, that has already been organized, get into operation and function?

Mr. BRANDEGEE. Of course, Mr. President, we get no information at all from the State Department or the White House about any of these matters, so that in answering the Senator's question I am left to my own guesses, so to speak, as to what is going on and why. I assume that the peace conference which framed the German treaty is functus officio; I do not know, but I assume so from the fact that the treaty has gone into operation among the European powers, and I suppose that the peace commissioners, so far as their duties in regard to the German treaty are concerned, are out of office, although I do not know, because I have no word of the President resigning to himself or disbanding any of his fellow commissioners, except his late Secretary of State. I assume that what is going on is that the various peace commissions of the different principal allied and associated powers, at the head of which in each instance except our own was the premier of the Nation, are still in operation upon the Austrian treaty, which involves the boundaries between Austria and Italy, and so forth, and also in relation to the Turkish treaty. As to the Bulgarian treaty, I do not remember, although it may be in the same category.

Mr. NORRIS. Mr. President, will the Senator yield there?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. How can that be true as far as the Austrian treaty is concerned, because that has already been signed and is in the possession of the President here, and a copy, although it did not come directly from the President, has been printed as a Senate document? But, even if that were possible, why is it that the representatives of only two nations assume to act? Why are not the other belligerents taken into consideration if that is one of the things to be settled in making a treaty, let us say, between Austria and Great Britain and France and Italy and Turkey and Bulgaria and Greece? Where are the representatives of the other belligerent nations?

The point I want to get at is, Why are these two representatives, one from France and one from Great Britain, assuming to settle this dispute, and where do they get their authority, and whom do they represent in such a settlement?

Mr. BRANDEGEE. Mr. President, I can not answer by the card, as I stated before.

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. THOMAS. If I correctly understand the situation with regard to the Fiume dispute, France and Great Britain, each having a treaty made heretofore with Italy for the purpose of inducing Italy to enter the war, are trying to compose the conflict between the terms of that treaty and the requirements of the Jugo-Slavs, and they therefore have upon themselves, or have assumed the burden of making, if possible, some disposition of that *impasse* which the recognition of the Jugo-Slav nation has brought about. I do not vouch for that, but such is my understanding.

Mr. NORRIS. If the Senator from Connecticut will be kind enough to permit me, I am only asking for the purpose of getting information and elucidating the question; but if we assume that the Senator from Colorado is correct, still there must come a time before this can become a part of some treaty—and I do not see how it can be effective unless it does, so long as the League of Nations is not acting—there must eventually come a time when the nations themselves must at least give their approval.

Mr. THOMAS. Certainly; and I presume that time will come, if it is possible to suggest something that will be acceptable to the two contending nations.

Mr. NORRIS. Then we must assume, I take it, that the settlement of these two nations, although only representing themselves, and joining now with the President of the United States—the President having objected because he was not in, so that will take Great Britain, France, and the United States in on it—we must assume that their settlement, whatever it may be, is going to be formally approved by the nations that are interested in the particular treaty of which this must be a part.

Mr. THOMAS. Why, certainly. No other nation would have the temerity to question the settlement which was agreed upon by the three principal parties to the treaty.

Mr. NORRIS. That is interesting to know. In other words, some other nation which technically, at least, had the same right to be heard, and whose signature was necessary for the approval of the treaty, would probably get into disrepute with these great powers if it presumed to have anything to say about what had been settled for it in advance and failed to put its name on the dotted line.

Mr. THOMAS. I think the Senator's conclusion is a perfectly logical one.

Mr. BRANDEGEE. Mr. President, there can be no question that the weaker powers whose rights and properties are being dealt with by those who are negotiating this series of treaties will have to submit. They are helpless. When the principal allied and associated powers, who won this war and beat the great Triple Alliance which had been the terror of the world for nearly a quarter of a century—they had their armies and navies intact, greatly enhanced and increased in power. They had added thereto the entire German Navy and shipping, the disposition and operation of which could absolutely put an embargo and blockade upon the products of other nations and starve them to death, if necessary, to enforce the decrees of the great powers who are settling the disputes and determining the rights of these people who have a right to self-determination under one of the 14 points. What can Jugo-Slavia do if they are dissatisfied with the boundary between themselves and Italy or Austria? Why, immediately the league notifies its members that here is a matter concerning the peace of the world, and they make recommendations to the members of the league as to what shall be done about it. They will decide it. The treaty says they shall recommend, and they will recommend the quotas of ships and of troops and of money which the members of the league are to bring forward in the peaceful and benevolent promotion of the decision arrived at by the league in secret, star-chamber proceedings; and when our friends who are trying with honeyed words to toll us into this well-baited trap come to those articles of the covenant which, so far as they dare in cold type, set down that the star-chamber council is to apportion the quotas of death-dealing force to be furnished by each constituent member in promoting the reign of peace on earth and good will toward men—when the covenant itself sets that down, and the league is to decide how they are to be used to enforce its decisions, how much of self-determination by the poor and defenseless peoples of the world is there to be in actual practice?

If Jugo-Slavia does not accept the terms prescribed by these gentlemen who are writing state papers to each other, Jugo-Slavia had better look out; that is all there is to that. That is the way peace is to be established on earth, and to be maintained. But when article 10 is submitted to us for our approval in the name of the American people—for we represent the people, and not simply what these state papers call "the Government"; it sounds big and looks big when written with a capital "G," but it is written by one man—when we hesitate to say that we approve of the contract contained in article 10, by which we are to be made parties, and the principal parties, to an agreement by which we undertake to respect and preserve not only the territorial integrity but the political independence of every member of the league; when we hesitate and want to know what that means, and say that it is prudent for us to understand what obligation we, as the representatives of our respective States, are saddling upon the people of our States, before we do this, we are charged by the Senator from Nebraska [Mr. HITCHCOCK] with dishonor.

Mr. President, the dishonor would come if we adopted the other course. The dishonor would come to this country and to that flag if we agreed to article 10, assuming any such contract as that. Then, when the emergency arose, and the council called upon us for our quota of troops and our billions of treasure, if we, the Senate of the United States and the great House of Representatives, should enter into a debate as to whether we were morally bound or legally bound or actually bound to do what the council said, it would be claimed that we were dishonored if we did not "go along" with what would be declared to be the unanimous voice of civilization!

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I yield to the Senator.

Mr. HITCHCOCK. The Senator speaks of the council calling upon the United States to furnish a certain quota. The Senator, of course, will admit that the council does not call.

Mr. BRANDEGEE. I will use the word "recommend," if the Senator prefers.

Mr. HITCHCOCK. No; the council advises.

Mr. BRANDEGEE. Well, what is the difference?

Mr. HITCHCOCK. There never has been any question but that that is merely advice, which each Government is free to accept or reject. The Senator also admits that the council can not even give the advice unless it is unanimous, and that the United States in perpetuity has a member of that council, and the United States can control the action of the member of the council, so that the United States is in a position to prevent the council even giving the advice. How, then, can the Senator become so alarmed as to what advice the council may give?

Mr. BRANDEGEE. I am not particularly alarmed, because we are going to keep out of this thing, Mr. President; but it has taken nearly a year to inform the American people of what they were trying to stampede them into. If we were in it, I would be alarmed, and so would the people; and I will tell the Senator how it would operate.

The Senator brings up again the specious plea that we can not be hurt, because there must be unanimity in this "advice"—think of it!—the "advice" of a council that is to rule the world! You might call it "the friendly aid and succor," if you wanted to, or if you wanted to put a little more honeyed candy on the operation. He wants to know how we can be hurt by it if it has to be unanimous and we have a delegate there.

Well, this is the way it would be done:

The President would appoint Col. House, or Mr. Bainbridge Colby, or George Creel, or some of those people whose minds "run along" with his sufficiently, as our delegate on the council of the League of Nations, and he would be there because his mind "ran along" with the President's, and if it did not he would not be there very long. He would get what they call in diplomatic language his "exequatur," his ticket of leave. It would be an indefinite leave, too. He would be home on leave, but with about the same reputation as an ordinary "ticket-of-leave" man has. Suppose the dispute between Italy and Jugo-Slavia about Fiume comes up. Nothing could be done wrongly, the Senator claims, because it all has to be unanimous. Well, while Col. House, with every sensitive tentacle stretched to intercept the most delicate agitation of the ether waves by wireless, was sitting there quivering with the anticipation of hearing his master's voice, suddenly there would be two or three clicks of the instrument operated by Mr. Tumulty en camera in the White House, and Col. House would assume a virtuous attitude and say, "I cast my vote on this great question in the interest of the plain people. I make it unanimous."

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. I have not finished with it yet. I have just started.

The PRESIDENT pro tempore. Does the Senator from Connecticut further yield to the Senator from Nebraska?

Mr. BRANDEGEE. I yield.

Mr. HITCHCOCK. The Senator is aware that this side has expressed its entire willingness to have any delegate appointed either to the council or to the assembly confirmed by the Senate and his powers defined by the Congress of the United States. Under those circumstances, how can the Senator still claim that such a delegate would be under the exclusive control of the President?

Mr. BRANDEGEE. Why, Mr. President, I do not claim that he would be under the President's dictation if Congress should say that he should not do anything without an act of Congress; but what sort of a league are you going to have if our participation in the spiritual leadership of the universe is to consist in having a puppet over there controlled by Congress, like a bear dancing around a hand organ with a chain around his neck?

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. I do.

Mr. SMITH of Georgia. I wish to ask the Senator if that reservation has yet been adopted and made a part of our resolution of ratification?

Mr. BRANDEGEE. Why, the Senator argued with us in the Foreign Relations Committee that it was one of the most abhorrent and destructive of all of the reservations that we had proposed; that it was a reflection upon the President and an attempt to hinder and minimize the participation of this great country in this great international body.

Mr. WALSH of Montana. Mr. President——

Mr. HITCHCOCK. Mr. President, does the Senator refer to me?

Mr. BRANDEGEE. Why, certainly; and to the Senator's colleagues also.

Mr. HITCHCOCK. On the other hand, I have from the first taken the position that the powers of the delegate of the United States upon the council and in the assembly should be defined by Congress. I have at all times advocated the idea that such a representative should be appointed by the President and confirmed by the Senate, and that his powers should be outlined by an act of Congress. The Senator must know that.

Mr. BRANDEGEE. Would the Senator be willing to say that our delegate, sitting 3,000 miles away from us in conference with the other delegates, our fellow members of the league, should not cast a vote upon any subject without instructions from Congress?

Mr. HITCHCOCK. I do not say that.

Mr. BRANDEGEE. Very well. Unless the Senator does say that he leaves the man loose to bind us.

Mr. HITCHCOCK. I have said that these powers could be defined, and ought to be defined, by Congress, and when it comes to voting on a question which involves possible war and the advising of nations to raise an army, he certainly should be under the control of an act of Congress. I hope the Senator will not again put me in the position of claiming that the delegate of the United States should be exclusively under the control of the President of the United States, because I have never believed it, I have never said it, and I have always advocated the idea that his powers should be defined by the Congress of the United States.

Mr. BRANDEGEE. The Senator would not vote for a resolution of ratification which contained a reservation that this delegate might not cast a vote except by authority of an act of Congress, because it would render him impotent. Of course, we might say that he shall not vote to put this country into war, but nobody expects him to vote for any such thing, and I have not claimed that he would vote for such a thing. All I claim is that the advice which he would give, the advice in which he would join, would be advice which, if it were accepted, would put us into war many times; and when that advice has been arrived at, under direction of the President who appoints his delegate, and under the direction of other delegates appointed by the premiers or the heads of the various Governments, our fellow members of the league, and a decision has been made unanimous to advise a certain thing and they all agree to it, when the matter comes before Congress, the President having agreed to it in advance, the President, the Commander in Chief of the Army and Navy, with his party here in Congress either in control or in a minority and in either case solid behind him pressing for it, with the whole great emergency staring civilization in the face, I want to see the puny, pigmy-minded Congressman who would rise in his place here and defy the views of

civilization. Compared with the pressure that has been put upon this body for now over a year demanding that we should sign this paper without the dotting of an "i" or the crossing of a "t" and merely mumbling a few interpretative reservations, which mean nothing at all, about our understandings, with nobody else saying they agree to them, the pressure that would then be put upon us to carry out that advice would be a thousandfold more than it has been at this session of Congress, and which has already been nearly enough, in view of the suppliant attitude of some Senators, to accomplish its purpose.

Mr. HITCHCOCK. The Senator has shifted his position.

Mr. BRANDEGEE. I will shift back again.

Mr. HITCHCOCK. He now claims that the Congress of the United States would not have enough independence so to define the duties of the American representative in the council of the league or in the assembly of the league as to keep us out of war; but what the Senator said when I rose to interrupt him was that we were likely to be embroiled in a war against our will, because the council might call upon us to furnish soldiers.

I called the Senator's attention to the fact that the council does not make the call in the first place; that all it does is to advise; that we are free to accept or reject that advice, like any other nation; that that advice can not even be given until the representative of the United States concurs in it; and that that representative can be bound by act of Congress in advance, so that he can not do it without consulting the views of the United States. Can the Senator get away from that conclusion?

Mr. BRANDEGEE. I have gotten away from it twice, but the Senator comes right back to it. I will get away the third time.

The situation is this: If you bind your delegate effectually, so that he is responsive only to Congress and not to the President, you destroy the efficiency of the league, because it can not operate; it can not act in emergencies, where a rush is to be made by what the Senator is so fond of calling a predatory nation upon its neighbor. It is a council of nine and can meet and advise something quickly; but if the representative of the greatest and richest and most powerful nation member of the league, the pack horse of the league, who is expected to pay most of the expenses and do most of the work in its passion for service and altruism, can not say yes or no until a special session of Congress is called, if we are in vacation, and we organize and debate upon how much our moral obligation weighs at that time, it will not have a very serious deterrent effect upon the nation whose troops are then crossing the bridges of the international river which divides it from its victim.

Mr. HITCHCOCK. There may be some force in what the Senator says, but he has been compelled to abandon the position which he took a few moments ago that the council could involve us in war without our consent.

Mr. BRANDEGEE. No; it would not involve us in war, because we would dishonor ourselves and not go into war. What I want to do is to get away from the "juggling fiends"—

> That keep the word of promise to our ear
> And break it to our hope!

I want either to assume the obligation or to refuse to assume it. The Senator wants to adopt article 10, by which foreign nations are going to be made to think that they can rely upon us as their ever-present help in time of trouble; just to sign it, guaranteeing the political independence and territorial integrity of every European and Asiatic member of the league, and when they call for help then we are to enter upon a casuistical debate upon the extent of our moral obligations, in parentheses, if any, to save civilization again. It is because, having had experience in the debate of being denounced as dishonorable people, we do not want to sign a dubious contract, as a result of which anybody can say in the future that we have made a scrap of paper of this. Is that fair to America or is it not? Our fellow members of the league are entitled to know what we are going to do if they make this international treaty with us.

Lord Grey, who is a great statesman and has had great experience in diplomacy, as we all know, came over here and waited for months for some purpose or other which was never fully revealed, to me at least, and then he sought his island home. Within a few days the Thunderer, Lord Northcliffe's vox populi, had a lengthy communication from Lord Grey, who is an observant gentleman and learned several things in this country even if he did not get into the White House. In that paper he said that he had been on the ground here, that he had talked with many Americans of all beliefs in relation to the treaty, and that he was there to say to them that if they proposed to have any dealings with this country the basis of their dealings and the basis of the obligations that would be assumed by this country were contained in the reservations which the Senate had already adopted concerning the treaty.

He knew perfectly well what the reservation was on article 10. That reservation was that we declined to assume any obligation to protect anybody's territorial integrity or political independence. We do not ask anybody to protect ours. We do not ask this European or Asiatic league to protect the political independence of Uncle Sam nor to protect his territorial integrity. We do not protect our own territorial integrity along the Mexican border. Any bandit is free to kidnap an American citizen and string him up until he can find the resources of his friends and then name his price per head, and the Army and the Navy and the air fleet are daily ransomed in their uniforms from the agents of our great and good friend Carranza, the first chief.

But we have not called upon Europe to do it. We have called upon our own Government without success, but we never yet have demanded that Europe should do it. I believe Germany did come to our aid once and take off our distressed people from a Mexican city—I think it was Vera Cruz—when our own people would not do it. But we never yet have asked Europe to protect us.

Why do they want to drag us into protecting their political independence? Just think of it! Is it so that no government in Europe or Asia or South America is to be allowed to do anything that tends to overthrow the political independence of some other government in which we have only the most remote influence without our being summoned, under our guaranty and international undertaking, to maintain that existing status? Is it true that the people of this country actually, when you put it right up to a matter-of-fact, brass-tack vote, want the Senate to sign a contract so that if the people of Russia shall take it into their heads to march across the boundary of East India to aid an East Indian uprising against their British—what shall I call them—"benefactors" we have got to go in and put conscription back into force and summon from East, West, South, and North our military array and re-create the Shipping Board—which I hope by that time will have been abolished—to commence to build ships of mortar and steel and wood, and to have a new crusade for Liberty bonds and the Red Cross to raise money to go over and help Great Britain to keep East India, a member of the league, under the control of the British Empire? Is that what the royal American farmer wants? If he does not want it he had better keep shut of this thing, because we shall be lectured and bothered and badgered and denounced by the peoples with whom we are now on friendly relations if we do not come in to settle their troubles for them when they hoist the danger signal.

How does the unanimous requirement of the covenant protect us? You should remember this: Our delegate who sits on the council of the League of Nations engaging in these secret proceedings sits in an atmosphere to which he is not accustomed. It is a highly rarified and charged atmosphere. The delegate who sits upon the assembly to which cases can be removed from the council, and must be removed upon the mere request of any party in interest, is a gentleman who a year or two before the crisis arises left his country and has from that time lived in foreign parts. He is surrounded by the atmosphere of Europe. He reads the European newspapers. He talks several European languages or else he would not be capable of conversing with his colleagues. Every morning when he gets up he is confronted by the interests and the incidents that have happened in the capital where he is temporarily sojourning. His whole environment is that of Europe. He is under the control of the President of the United States, who appointed him. The President of the United States gets his information from his representative delegate over there.

Instead of selfishness and greed having been eliminated from human nature by the mere resolution of the Senate ratifying the treaty, human nature will go on just as it always has, and there will be just as much opportunity within the league and within the council and within the assembly for nations to look after their self-interest as there was without it, and unless selfishness has been abandoned and nations no longer look after themselves our delegate there—our one lone delegate—will be subject always to his local atmosphere and environment, to the entertainment and the numberless arts which are practiced so successfully by the diplomacy of the Old World upon our one American delegate.

He goes into the chamber alone. He is there with eight foreigners. As I said, all the President knows about what goes on behind those closed doors, in which there is an eight-to-one foreign majority, is what our delegate tells him. Our delegate and the President, having corresponded by wireless,

determine the attitude of America, and every man from Alaska to Florida and from Maine to the Hawaiian Islands under the jurisdiction of the American flag is bound by that action.

When our representative, under the instructions or the advice of the President, unless there is such a reservation or act to deprive him of his legitimate powers and render him an impotent figure, sitting there as an emblem of the impotency of this country, makes that verdict unanimous, it means something to us. You can not get away from that. There is no use to talk about it being a debating society or that it is only advice, which we can repudiate. It was upon a subject that was of sufficient international gravity to enlist the most careful thought of the ablest men of all the members of this great League of Nations, and our delegate certainly can not cast his vote except as directed by the President. If the President wants to make the vote unanimous and our man declines to do it, what becomes of him? He is not a free agent. The other men are. The Senator from Idaho [Mr. BORAH] is eternally right when he says that it is impossible for this country to enter into a combination providing for a council and an assembly, to be in continuous session in Europe, and appoint an accredited representative to take part in its proceedings and then to repudiate his decision.

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator's last statement is equally applicable to Part XIII. Once we appoint our representatives, we are in, are we not, and at least morally bound by the conclusion of the majority, or the two-thirds, which under some circumstances is made necessary in their proceedings?

Mr. BRANDEGEE. Yes; the Senator is entirely right. There is no getting away from it as a practical thing, and every American knows it. I have said repeatedly, and the more I say it the more I am convinced by my own repetition of the truth of it, that you can not half enter into an international alliance. The thing involves good faith or bad faith. It involves entire cooperation or else charges of betrayal.

There are some, and I have no quarrel with them—I am grateful to them for coming as far as they do, and I know they are acting in good faith—who believe that we have rendered America safe if we put on the reservations that the Senate has adopted. I agree with them that we have rendered the part we take in the operation of this great international machine for the enforcement of its will upon the rest of the world as safe as we can render it by the use of language; that we have protected ourselves by these reservations so far as mere words can do it. But, Mr. President, when this foreign assembly, utterly without any warrant from the people of America, have sat for a week or a month, being drawn from one position to another, and our delegate, being operated upon in various manners, drawn from one admission to another, finally take their view of it, what do our reservations amount to really?

It will have been demonstrated that they are mere paper reservations; that they can not control the practice of the thing; that they can not control the operation of it. We can say that our domestic questions shall not be under the jurisdiction of either the council or the assembly. Well, we can say it, but in the great interweaving of the commercial and other transactions of the world, the blending of interstate into foreign commerce, the mutual interplay of all the great financial and commercial relations of the nations of the world, these reservations and the things with which they deal will fade into "innocuous desuetude"; they will be worth nothing in practice. When our delegate wants to repel the overpowering strength of the eight foreigners who are forcing him into a corner to secure that one vote necessary to unanimity, when he hunts through the CONGRESSIONAL RECORD of to-day or yesterday to pick out the little reservation which the Senator from Nebraska [Mr. HITCHCOCK] has now pending before the Senate, in order to hold it up to these Europeans, I can see the look on their faces. They will simply laugh at it. "Why, yes," they will say, "that is what the recalcitrant Senate thought back in 1920, but the world has moved; it is now 1924, and you have been associated with us, going along with us, and our great international bankers have made all these interlocking, guaranteed poolings of the debts of the war, and their commissions are all based upon your voting to go along with us. My God! you are not going to desert us now; the crack of doom will impend, and we shall hold you up as a 'hermit nation,' and there are the provisions for boycotts in this league, and all sorts of horrible things will happen to you." And the President will order him to vote with them.

There is nothing to it. This is either a good thing or it is a bad thing. Those who think it is a good thing ought to be perfectly willing to vote for it as it stood, as 38 Democrats did; those who think it is a good thing ought not to put on any reservations, because it does not need them; those who think it is a bad thing ought, if they have sense enough to see that it is a bad thing, to have sense enough to know that a bad thing can not be made a good thing by a few reservations. Here is a great international trust to be organized, and we are a little leery about trusts; we think they are against public policy and against democracy, and we do not like to go in; but we will say, "Well, if you will let us in in a limited liability kind of way, so that we can claim that we are not really in the trust, and will put in some things to save our faces in case we are indicted for a criminal conspiracy, we will join."

It does not "listen good" to me, Mr. President. I believe that America, if it wants international leadership, if it wants to establish its ideal of morality and fair play and justice, if it is higher than that of other nations—and we think it is—will stand an infinitely better chance of accomplishing those objects by staying out of the intricacies and concealed and half-visible doubts and entaglements of this league. Standing clear, America can be of a thousand times more influence for justice and for international good will and for peace and good order upon the earth as the free, independent America, which we were founded to be and hitherto always have been, than we can as the internationalized and denationalized partner of this new internationalism.

Mr. THOMAS. Mr. President, the pending controversy over Fiume is very prominent just now, because of the publication of the correspondence between the President and the two principal members of the supreme council, of which we have just been informed. It presents a situation which seems to be fraught with tremendous possible consequences and affords a graphic illustration of the perils which I fear will beset the United States in the event it becomes a partner and associate in the proposed League of Nations.

The extent of the territory involved is trivial, but the consequences which may flow from its forcible adjustment or even from a peaceful solution seem to me to be very serious and far-reaching.

The insistence of the President upon the understanding which he approved during the closing days of the last year and which he now maintains must be observed, unless the two nations which are directly in interest shall otherwise agree, which is highly improbable, will in all likelihood encourage and stimulate the Jugo-Slavic nation to an insistence upon all that is involved in that agreement. It is but natural that, having the sanction of the greatest Nation in the world behind them, they should feel indisposed to yield anything, whereas without that sanction the difficulty might be adjusted. In the event the solution becomes impossible—and I fear that will be the situation—the result is obvious, and war may again make its appearance between two great European nations.

Italy has behind it the sanction of her treaty of 1915 with France and England. Jugo-Slavia has behind it the sanction of the Government of the United States, and, in the event of hostilities, the moral obligation now imposed upon the United States would certainly require its recognition of her cause. That means but one thing—our participation in another European war, or our refusal to sustain our present attitude by force. In the one instance we may be involved in a conflict which may be precipitated between ourselves and some of our recent allies; in the other we will be justly charged with a repudiation of a doctrine upon the strength of which one nation was encouraged to persist in its demands, and which has a consequent right to depend upon us for aid, should appeal be made to the sword.

On the other hand, any settlement resulting from the position the United States now occupies, whatever that settlement may be, will necessarily arouse in the disappointed nation a feeling of resentment toward the United States, national in its character, and which may, in the course of time, develop into serious controversy. All of which indicates the contingencies confronting us as a member of the league in conjunction with every dispute in which we may be called upon to participate and which our potent influence may determine.

It is the most obvious thing in the world, it is a matter of our daily experience. that the individual involved in a controversy seldom loses, whether by arbitration or by the judgment of a court, without feeling that injustice has been done him, and without inwardly resolving to take advantage of any opportunity which may be offered in the future for his satisfaction. That which the individual feels because of his controversy, the nations, which are collections of individuals only, entertain perhaps in much greater degree. I can not, therefore, but regard the incident as in some respects providential, should we give it

due heed, since it reveals with the utmost clearness the responsibilities which we are about to assume, not for one year or two years, which is a contingency, but for all time.

The very fact that the United States is the greatest Nation in the world and isolated from the other great powers will naturally make it the arbiter of arbiters in all disputes between European and Asiatic countries. We must assume the responsibility, therefore, of deciding those disputes or, at least, of shifting the equilibrium between the two sides in the one way or the other, and in every instance where we settle the dispute we create another enemy. Instead, therefore, of contributing to the harmony of nations, it would seem, if we are to take this incident as an illustration of what we shall encounter, that harmony will be obtained at the expense of American popularity and leadership. Such a price no nation, however powerful, can afford to pay.

There is another thought which has occurred to me, Mr. President, in connection with this controversy. However much we may attempt to safeguard the Monroe doctrine, either in the text of the treaty or by reservations, we can not both enter the league and also preserve the integrity of that policy. Our union in a great family of nations will prove entirely inconsistent in practice, although it may not in theory, with our reservation of that great policy which has shaped the destiny of the Western Hemisphere ever since its announcement and whose continual recognition is admittedly essential to the welfare and the future of the American Republic.

This contention can be illustrated by a situation on the Western Hemisphere which is analogous to that of Fiume. I refer to the dispute now and for some time existing between Peru and Chile over two provinces which, at the close of the war between those two countries, were taken over by Chile to be held for a certain number of years.

Chile contends that her right to those provinces is permanent; Peru contends that the terms of the treaty having been complied with, they should be restored to her, while Bolivia insists upon one of them, that she may have an outlet to the sea. Here are the conditions of a grave international controversy, first, between two nations claiming the same territory, and, second, between these and Bolivia, once the owner of one of the provinces, shut off from the sea, and entitled by all the principles of economic justice to access to the highways of the sea for her foreign trade.

When the league is established, this controversy must go to it for solution, if the nations parties to it belong to the league, or if it threatens the peace of nations, whether they belong to it or not.

Now, let us assume, Mr. President, that the league disposes of that controversy, after due consideration, in a manner unsatisfactory to the United States, albeit the decision may have been assented to by our representative. It certainly will not be satisfactory to the nation or two of the three nations whose interests are adverse to the ultimate decision. But the league, having made the decision, must enforce it whether satisfactory or not. The sympathies of the United States—indeed, the interests of the United States—may be with the disappointed party; and yet, the Monroe doctrine to the contrary notwithstanding, our membership in the league would preclude us from doing otherwise than recognizing the decision and contributing the forces of our Army, our Navy, and our Treasury to its establishment.

We can, if my illustration be reliable, decline to do anything; but that would involve a condition not compatible with the integrity of American agreements. We might protest, but our protest might be unavailing. If we should resort to the principle of the Monroe doctrine to vindicate our attitude, we would repudiate the covenant of the league. If we acquiesced in the decision of the league, although inimical to ourselves, we would abandon the Monroe doctrine pro tanto. Sooner or later that controversy will become acute, league or no league. It is even now of serious proportions. It would seem to me, therefore, that the Fiume incident offers a striking example of the dangers involved in the League of Nations and a solemn warning against our entry into it.

I may be prejudiced regarding this subject. It may be that the situation is otherwise than as it appears to me; yet so serious is it that the President of the United States justifies his insistence upon its adjustments in harmony with his own view that he contemplates a withdrawal of the treaty, which means its abrogation, unless his demand be complied with. I can not therefore overemphasize its importance or draw too somber a lesson from the consequences which it forebodes once we enter upon this new and untried experiment and take what Lord Grey happily calls this "plunge into the unknown."

The PRESIDENT pro tempore. The question is upon the amendment, in the nature of a substitute, offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. LODGE. On that I ask for the yeas and nays.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gore	Knox	Sheppard
Ball	Gronna	Lenroot	Shields
Borah	Hale	Lodge	Smith, Ga.
Brandegee	Harding	McKellar	Smith, Md.
Capper	Harris	McLean	Smoot
Chamberlain	Harrison	Myers	Spencer
Colt	Henderson	New	Sterling
Culberson	Hitchcock	Norris	Sutherland
Curtis	Johnson, S. Dak.	Nugent	Thomas
Dillingham	Jones, N. Mex.	Overman	Trammell
Elkins	Jones, Wash.	Page	Underwood
Fernald	Kellogg	Phelan	Walsh, Mont.
Fletcher	Kendrick	Phipps	Warren
France	Kenyon	Pittman	Watson
Frelinghuysen	Keyes	Poindexter	
Gay	King	Pomerene	
Gerry	Kirby	Ransdell	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, I wish to read to the Senate the construction given to-day by the Senator from Nebraska [Mr. HITCHCOCK] of the substitute which he has offered. I read it to show that his own statement construes it as being an amendment to the treaty. I congratulate him that he has gotten away from interpretative reservations:

> Mr. HITCHCOCK. I mean to say that no nation, the United States nor any other nation, shall be compelled to submit to the council a domestic question, nor to permit the council to decide what is a domestic question.

There we have his declaration that this substitute is to prevent the council from deciding what is a domestic question. Here is the treaty. It declares that the members agree either to arbitrate every dispute or to submit them to the council. Now, I will read the provision of the covenant on disputes when one of the parties claims it is a domestic question:

> If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendations as to its settlement.

So that the league covenant expressly provides that the council shall pass upon the question as to whether a particular dispute falls within the class of a domestic dispute. The substitute of the Senator from Nebraska, according to his own interpretation, takes away from the league the right to decide what is and what is not a domestic question, and it takes it away not only so far as the United States is concerned, but as to all nations members of the league. It changes the substance of the league covenant.

I am glad that the Senator realizes that there are provisions in the league covenant that can not be handled by interpretation and that require change. I have insisted for some time that there were provisions in the league covenant to which we should not submit and that by reservations we should take ourselves out from under objectionable provisions. That can be done, leaving other nations to stay under the terms of the provisions if they wish.

Only a few days ago Switzerland went into the league, reserving to herself freedom from the obligation of article 10 to put her troops behind the countries, members of the league, that might be involved in war, and also reserving to herself the right to refuse to permit armies to pass through Switzerland, making two distinct reservations taking Switzerland out from under two distinct provisions of the league covenant. So we can take our country out from under provisions if we wish.

I object to this amendment, not because I object to freeing the United States from the objectional provision as to domestic questions, but because, if we amend the treaty, it must go back to the conference in Paris. It must go back to the countries that have already ratified it. It is a change of the substance of the covenant; not merely a refusal, so far as we are concerned, to submit to the particular provision.

This amendment by the Senator from Nebraska would greatly delay if it did not defeat acceptance by the other countries of ratification by the United States. It is more objectionable than the reservation reported by the committee. I am opposed to it because I favor ratification with reservations and not with amendments.

Mr. BORAH. Mr. President, I suppose the Senator from Massachusetts [Mr. LODGE] would like to have a vote upon this matter this afternoon. I have no particular desire to delay the matter unduly, but I wonder if the Senator would be willing to have unanimous consent given to vote upon it on Monday not later than 1 o'clock, and permit the vote to go over until that time?

Mr. LODGE. The Senator means on the reservation and the two pending amendments?

Mr. BORAH. I mean on reservation 4 and all amendments which may be offered to it.

Mr. LODGE. Yes; there are two pending.

Mr. KING. Mr. President, I should like to ask the Senator whether that request would contemplate that there should be no debate beyond 1 o'clock if substitutes should be offered for the pending reservation?

Mr. BORAH. Of course I contemplate that, but I would be perfectly willing to modify it to a later hour if the Senator thinks he would want some little time. My opinion is that this matter can be voted on immediately upon coming in; and then if we said "not later than 1 o'clock" the Senator would have time to present his amendment.

Mr. KING. I shall take only a moment or two to submit the substitute which I shall offer for the reservation offered by the Senator from Massachusetts; but there may be a number of other reservations offered in the form of substitutes or there may be amendments offered to the reservation offered by the Senator from Massachusetts.

Mr. LODGE. Mr. President, it is now late on Saturday afternoon. I should be glad to make such an arrangement; but if Senators on the other side are going to insist that more time than two hours shall be given to discuss a subject that we have been discussing now for 48 hours, of course I shall feel bound to hold the Senate in session as late as I can.

Mr. HITCHCOCK. I would suggest that the Senator make his request for 2 o'clock. A number of Senators are out of the city, and if the matter is not to be voted on to-day it is just as well to let it go to that hour, so as to accommodate them until their return. If the Senator will make it 2 o'clock, that will be entirely satisfactory.

Mr. LODGE. Mr. President, I am perfectly willing to make it 2 o'clock, but if that is to be done I shall have to ask that when the Senate adjourns it adjourn to meet at 11 o'clock on Monday. The Military Academy appropriation bill ought to be taken up and disposed of promptly, and I should like to have an hour extra for that purpose.

Mr. BORAH. If it is understood that the hour extra will be used for that purpose, that will be satisfactory to me.

Mr. LODGE. I will ask the Senator from New Jersey [Mr. FRELINGHUYSEN] if he thinks the bill can be disposed of in that time?

Mr. FRELINGHUYSEN. I think it can be disposed of in an hour.

Mr. BORAH. It was not the limit of time upon the Military Academy bill to which I referred, but it is the understanding that that bill is to be taken up the first thing?

Mr. LODGE. Yes; immediately upon the convening of the Senate.

Mr. BORAH. I will ask the Senator if he will prefer a request for unanimous consent to vote on this reservation at 2 o'clock?

Mr. LODGE. I will. I must ask now for a brief executive session. Mr. President, I move that when the Senate adjourns to-day, it adjourn to meet at 11 o'clock on Monday morning.

The motion was agreed to.

Mr. LODGE. Now, Mr. President, I ask unanimous consent that without further debate the vote be taken on reservation No. 4 and all pending amendments at 2 o'clock on Monday.

The PRESIDENT pro tempore. The Secretary will reduce the proposed agreement to writing and state it.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Monday, March 1, 1920, the Senate will proceed to vote without further debate upon reported reservation No. 4 to the treaty of peace with Germany, any amendment that may then be pending or that may be offered thereto.

The PRESIDENT pro tempore. Is there objection to the proposed agreement? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION WITH CLOSED DOORS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes the doors were reopened and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, March 1, 1920, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 28 (legislative day of February 27), 1920.

SECRETARY OF STATE.

Bainbridge Colby, of New York, to be Secretary of State, vice Robert Lansing, resigned.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

George W. P. Hunt, of Arizona, to be envoy extraordinary and minister plenipotentiary of the United States of America to Siam.

COLLECTOR OF CUSTOMS.

Estelle V. Collier, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 48, with headquarters at Salt Lake City, to fill an existing vacancy.

UNITED STATES MARSHAL.

John D. Lynn, of Rochester, N. Y., to be United States marshal, western district of New York. (A reappointment.)

COAST AND GEODETIC SURVEY.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be hydrographic and geodetic engineer (by promotion from junior hydrographic and geodetic engineer):

Henry Bowers Campbell, of New York, vice J. A. Daniels, resigned.

The following-named officer of the United States Coast and Geodetic Survey in the Department of Commerce to be junior hydrographic and geodetic engineer (by promotion from aid):

Robert Francis Anthony Studds, of the District of Columbia, vice W. T. Combs, promoted.

INTERNATIONAL TELEGRAPH AND TELEPHONE CONFERENCE.

The following-named persons as representatives of the Government of the United States to participate in an international conference to be held in Washington to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis:

Albert S. Burleson, of Texas, Postmaster General of the United States.

Rear Admiral William S. Benson, United States Navy, retired.

Walter S. Rogers, of LaGrange, Ill.

PROMOTIONS IN THE NAVY.

Lieut. Noel Davis to be a lieutenant commander in the Navy, for temporary service, from the 25th day of September, 1919.

Lieut. Carl H. Jones to be a lieutenant commander in the Navy, for temporary service, from the 20th day of October, 1919.

Medical Inspector Edgar Thompson to be a medical director in the Navy, with the rank of captain, for temporary service, from the 28th day of December, 1919.

Surg. Ausey H. Robnett to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 5th day of October, 1919.

Surg. Spencer L. Higgins to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 23d day of October, 1919.

Surg. Harry R. Hermesch to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 28th day of December, 1919.

Lieut. Philip B. Becker, United States Naval Reserve Corps, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 15th day of June, 1919.

Paymaster Frederick B. Colby to be a pay inspector in the Navy, with the rank of commander, for temporary service, from the 12th day of October, 1919.

Paymaster Edward E. Goodhue to be a pay inspector in the Navy, with the rank of commander, for temporary service, from the 30th day of October, 1919.

Naval Constructor Ernest F. Eggert to be a naval constructor in the Navy, with the rank of captain, for temporary service, from the 18th day of November, 1919.

Naval Constructor Andrew W. Carmichael to be a naval constructor in the Navy, with the rank of commander, for temporary service, from the 16th day of November, 1919.

The following-named officers to be naval constructors in the Navy, with the rank of commander, for temporary service, from the 18th day of November, 1919:

Thomas B. Richey and

Henry E. Rossell.

Capt. William R. Shoemaker to be a rear admiral in the Navy from the 1st day of July, 1919.

The following-named commanders to be captains in the Navy from the 1st day of July, 1919:

John T. Tompkins,
Hutch I. Cone,
Ernest L. Bennett, and
Franklin D. Karns.

Commander John V. Klemann to be captain in the Navy from the 23d day of September, 1919.

Commander William H. Standley to be a captain in the Navy from the 22d day of December, 1919.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1919:

Victor S. Houston,
Merlyn G. Cook,
Lewis Coxe,
William H. Allen,
Jesse B. Gay,
John V. Babcock,
James O. Richardson,
Lewis B. Porterfield,
David A. Weaver,
Frederick R. Naile,
John P. Jackson,
Theodore A. Kittinger,
Joseph L. Hileman,
William W. Galbraith,
Rufus F. Zogbaum, jr.,
George J. Meyers,
Adolphus Staton,
Neil E. Nichols, and
Charles W. Early.

Lieut. Commander John F. Green to be a commander in the Navy from the 20th day of July, 1919.

Lieut. Commander Edward C. S. Parker to be a commander in the Navy from the 17th day of August, 1919.

Lieut. Commander Frank B. Freyer to be a commander in the Navy from the 25th day of September, 1919.

Lieut. Commander Carlos Bean to be a commander in the Navy from the 20th day of October, 1919.

Lieut. Commander Roscoe C. Davis to be a commander in the Navy from the 21st day of October, 1919.

Lieut. Commander John A. Monroe to be a lieutenant commander in the Navy from the 1st day of July, 1918.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

Randall Jacobs,
Ralph C. Needham,
John H. Hoover,
George W. Kenyon,
William S. Farber,
Baxter H. Bruce,
Elmer W. Tod,
Robert T. S. Lowell,
Irving H. Mayfield,
Raymond F. Frellsen,
John M. Schelling,
Harry J. Abbett,
Thomas A. Symington,
William F. Amsden, and
Charles C. Windsor.

Lieut. Alexander M. Charlton to be a lieutenant commander in the Navy from the 8th day of December, 1919.

Lieut. Kirkwood H. Donavin to be a lieutenant commander in the Navy from the 22d day of December, 1919.

Lieut. (Junior Grade) Jefferson D. Smith to be a lieutenant in the Navy from the 7th day of March, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:

Lloyd R. Gray,
Henry M. Briggs,
Walter E. Doyle,
Paul Hendren,
Thomas G. Berrien, and
Stuart E. Bray.

Lieut. (Junior Grade) Valentine Wood to be a lieutenant in the Navy from the 1st day of July, 1919.

Ensign John J. Mahoney to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1918.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:

Paul W. Rutledge, and
Knefler McGinnis.

Medical Inspector Granville L. Angeny to be a medical director in the Navy with the rank of captain from the 28th day of December, 1919.

Surg. Henry A. May to be a medical inspector in the Navy with the rank of commander from the 1st day of July, 1919.

Surg. Norman T. McLean to be a medical inspector in the Navy with the rank of commander from the 5th day of October, 1919.

Assistant Surgeon for Temporary Service Wendell P. Blake to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade) from the 15th day of January, 1920.

Passed Asst. Surg. James B. Moloney, United States Naval Reserve Force, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 15th day of January, 1920.

Professor of Mathematics William S. Eichelberger to be a professor of mathematics in the Navy, with the rank of captain, from the 18th day of September, 1918.

Naval Constructor James L. Ackerson to be a naval constructor in the Navy, with the rank of commander, from the 21st day of January, 1920.

Boatswain David F. Mead to be a chief boatswain in the Navy from the 19th day of February, 1918.

The following-named boatswains to be chief boatswains in the Navy from the 11th day of January, 1919:

John H. MacDonald and
Nathan E. Cook.

The following-named machinists to be chief machinists in the Navy from the 29th day of December, 1919:

Charles W. Wagner,
William W. Holton,
Max Bayer,
George F. Veth,
Charles J. Naprstek, and
William S. Evans.

Lieut. Commander William D. Puleston to be a commander in the Navy from the 19th day of November, 1919.

Lieut. Commander Earl P. Finney to be a commander in the Navy from the 22d day of October, 1919.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

George W. Simpson and
Elmo H. Williams.

POSTMASTERS.

ALABAMA.

William L. Jones to be postmaster at Parrish, Ala., in place of R. G. Waldrop, resigned. Office became presidential October 1, 1918.

ARKANSAS.

Azro C. Brooks to be postmaster at Harrison, Ark., in place of J. B. Holder, resigned.

FLORIDA.

Sallie Grace to be postmaster at Graceville, Fla., in place of Walter Williams. Incumbent's commission expired December 17, 1919.

MARYLAND.

Donald E. Clark to be postmaster at Silver Springs, Md., in place of C. A. Barnes, deceased.

MICHIGAN.

Estella R. Newcomb to be postmaster at Le Roy, Mich., in place of G. W. Parker, resigned.

Edward F. Eversole to be postmaster at Redford, Mich., in place of C. A. Lahser, resigned.

NEBRASKA.

Ward W. Miller to be postmaster at Bayard, Nebr., in place of G. C. Fox, resigned.

Leah P. Rice to be postmaster at Harrison, Nebr., in place of Alexander Lowry, resigned.

Clifford R. Young to be postmaster at Marquette, Nebr., in place of L. L. Colby, declined.

Harry M. Townsend to be postmaster at Minatare, Nebr., in place of E. O. Harshman, resigned.

Etta H. Bartlett to be postmaster at Potter, Nebr., in place of Fred Nelson, deceased.

George E. Barto to be postmaster at Wakefield, Nebr., in place of Byron Busby, resigned.

George E. Gilpin to be postmaster at Wilsonville, Nebr., in place of F. R. Parker, resigned.

NEW JERSEY.

Gunnar A. Spangberg to be postmaster at New Egypt, N. J., in place of W. T. Nash, resigned.

William G. Cowgill to be postmaster at Paulsboro, N. J., in place of W. J. Cowgill, to correct name.

NEW YORK.

Leon Pralatowski to be postmaster at Cold Spring, N. Y., in place of Otis Montrose, resigned.

NORTH DAKOTA.

John E. Nelson to be postmaster at Litchville, N. Dak., in place of J. B. Christensen, resigned.

Henry Branderhorst to be postmaster at Ray, N. Dak., in place of N. W. Moelbring, resigned.

Michael Coyne to be postmaster at Starkweather, N. Dak., in place of P. F. Meharry, resigned.

Andrew M. Hewson to be postmaster at Wimbledon, N. Dak., in place of A. J. Swartwout, resigned.

OHIO.

John E. Futhey to be postmaster at Adena, Ohio, in place of W. P. Moore, resigned.

Henry W. Streb to be postmaster at Dover, Ohio, in place of H. W. Streb. Incumbent's commission expired December 17, 1919.

Fred D. Hart to be postmaster at Garrettsville, Ohio, in place of G. L. Higby, resigned.

Ethel D. Young to be postmaster at Linden Heights, Ohio, in place of O. M. Brobst, resigned.

Robert E. Friel to be postmaster at Lore City, Ohio, in place of C. H. Robertson, resigned.

Edwin H. Hayman to be postmaster at Murray, Ohio, in place of W. M. Polling, declined.

Allan R. Trumbull to be postmaster at Swanton, Ohio, in place of A. A. Lathrop, deceased.

Asher O. Earley to be postmaster at Woodsfield, Ohio, in place of Thurman Springs, resigned.

OKLAHOMA.

Frank S. Neptune to be postmaster at Bartlesville, Okla., in place of Frederick McDaniel, removed.

Harry T. Wolfe to be postmaster at Bristow, Okla., in place of H. F. Wolfe, to correct name.

Blanche R. Harrison to be postmaster at Byars, Okla., in place of E. R. Harrison, resigned.

Paul H. Shelton to be postmaster at Covington, Okla., in place of O. J. Conner, resigned. Office became presidential October 1, 1918.

Alva G. Sweezy to be postmaster at Quapaw, Okla., in place of G. U. Jennison, removed. Office became presidential January 1, 1918.

PENNSYLVANIA.

Edward C. Eichholtz to be postmaster at Drexel Hill, Pa., in place of M. S. Kerney, resigned.

Rollo E. Shirey to be postmaster at Foxburg, Pa., in place of J. M. Keesey, removed.

Stanley M. Williams to be postmaster at Hop Bottom, Pa., in place of J. W. Bisbee, resigned.

Laura M. Peacock to be postmaster at Houston, Pa., in place of T. A. Riggle, resigned.

Robert F. Turner to be postmaster at Lincoln University, Pa., in place of J. H. Turner, resigned.

TENNESSEE.

William R. Williams to be postmaster at Bells, Tenn., in place of G. W. Bell, resigned.

TEXAS.

Arthur E. Davis to be postmaster at Blue Ridge, Tex., in place of Datie McFall, resigned.

Edgar Lewis to be postmaster at Mesquite, Tex., in place of E. P. Shands, resigned.

Duane B. Scarborough to be postmaster at Oakwood, Tex., in place of Claude Wiley, resigned.

Edmond L. Wheeler to be postmaster at Paducah, Tex., in place of W. B. Stradley, resigned.

UTAH.

Thomas C. Smiley to be postmaster at Helper, Utah, in place of L. E. Young, resigned.

WEST VIRGINIA.

Stella I. Wells to be postmaster at Bethany, W. Va., in place of W. E. Reeves, removed.

WASHINGTON.

Mabel G. Lamm to be postmaster at Burlington, Wash., in place of Thomas McIntyre, deceased.

Garrett R. Patterson to be postmaster at Malden, Wash., in place of G. R. Patterson, resigned.

Kathryn Fenton to be postmaster at Orting, Wash., in place of James O'Farrell, jr., removed.

Ethel M. DeLong to be postmaster at St. John, Wash., in place of J. C. Crane, resigned.

Rose M. Illy to be postmaster at Uniontown, Wash., in place of M. A. Illy, resigned.

Julia Estes to be postmaster at White Salmon, Wash., in place of G. G. Crow, resigned.

WYOMING.

William B. Cooper to be postmaster at Green River, Wyo., in place of W. A. Johnson, resigned.

Rachael G. Chappell to be postmaster at Superior, Wyo., in place of F. S. Heitz, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28 (legislative day of February 27), 1920.

SECRETARY OF THE INTERIOR.

John Barton Payne to be Secretary of the Interior.

SOLICITOR OF INTERNAL REVENUE.

Wayne Johnson to be Solicitor of Internal Revenue.

MISSISSIPPI RIVER COMMISSION.

Col. Charles L. Potter to be a member and president of the Mississippi River Commission.

Lieut. Col. Herbert Deakyne to be a member of the Mississippi River Commission.

Lieut. Col. Harry Burgess to be a member of the Mississippi River Commission.

COLLECTOR OF INTERNAL REVENUE.

William A. Kelly to be collector of internal revenue for the district of Nevada.

UNITED STATES ATTORNEY.

Charles D. McAvoy to be United States attorney, eastern district of Pennsylvania.

COAST AND GEODETIC SURVEY.

Ernest Werner Eickleberg to be hydrographic and geodetic engineer.

Earl Oscar Heaton to be junior hydrographic and geodetic engineer.

Louis Morris Zeskind to be an aid in Coast and Geodetic Survey.

Henry Caperton Warwick to be an aid in Coast and Geodetic Survey.

Jacob Stanley Rosenthal to be an aid in Coast and Geodetic Survey.

POSTMASTERS.

KANSAS.

Siegfried Kuraner, Fort Leavenworth.
Frederick D. Lamb, Manhattan.
Anna M. Bryan, Mullinville.
Robert J. Rowe, Ogden.

MINNESOTA.

Frederic E. Hamlin, Chaska.
Mary I. McGuire, Norwood.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 28 (legislative day of February 27), 1920.

POSTMASTER.

MICHIGAN.

Wallace Grace to be postmaster at Redford, Mich.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 28, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Omnipotent, Omniscient, Omnipresent God, our Father, ever ready to uphold, sustain, and guide Thy children.

If I take the wings of the morning, and dwell in the uttermost parts of the sea;
Even there shall Thy hand lead me, and Thy right hand shall hold me.

Help us to conserve our intellectual, moral, and spiritual gifts against the day of disaster and sorrows, when the earth seems to be slipping from beneath our feet and all that we hold dear seems lost.

Teach us that the fairest temple we can build out of the material Thou hast given us is a patient, honest, pure, noble, generous soul—fit temple for the indwelling of Thy spirit.

The man who goes ahead and tries
To do his level best
Has little time to criticize
The failures of the rest.

So help us to live, and aspire, and pray, after the similitude of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, had insisted upon its amendments Nos. 17, 22, and 34, had asked the House for a further conference on the part of the Senate, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. UNDERWOOD as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 152. Joint resolution authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had, on February 27, 1920, approved and signed bill of the following title:

H. R. 3654. An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair designates the gentleman from Louisiana [Mr. WATKINS] to preside at the memorial exercises to-morrow.

PILGRIM TERCENTENARY.

Mr. WALSH. Mr. Speaker, I submit a report from the Joint Special Committee on the Pilgrim Tercentenary Observations and ask unanimous consent that it be printed.

The SPEAKER. The gentleman from Massachusetts presents a report from the Joint Special Committee on the Pilgrim Tercentenary Observations and asks that it be printed. Is there objection?

There was no objection.

The SPEAKER. It will be printed and referred to the Committee on the Library.

CORRECTION.

Mr. MAYS. Mr. Speaker, in the RECORD of February 25, 1920, page 3481, I am quoted as follows:

I remember the Director of the Mint two years ago was the only man who recommended that this office be abolished, and he stated that it was only a gunshot distance from Denver. Since then he has studied his geography, and has found out that Salt Lake City is as far from Denver as New York is from Chicago in point of time, and that would be the nearest place to which these prospectors would take their samples.

The present Director of the Mint, Mr. Raymond T. Baker, telephones me that the statement just quoted does him an injustice, as he is not now and never has been in favor of abolishing the assay office at Salt Lake City, stating that no one acquainted with the practical benefits of the Government assay offices in the mining regions would so recommend. I desire to do no injustice to Mr. Baker, and upon looking up the record I find that the recommendation to which I alluded was made three years ago by the then Director of the Mint, a gentleman named F. J. H. von Engelken.

The SPEAKER. This does not seem to be a correction of the RECORD.

Mr. MAYS. I will come to that in a moment. My statement, therefore, should read "three years ago" instead of "two years ago," and I ask that the correction be made accordingly.

The SPEAKER. The gentleman wishes to change the statement that he made?

Mr. MAYS. Yes.

The SPEAKER. Is there objection?

There was no objection.

COMPENSATION OF DISABLED OFFICERS.

Mr. KAHN. Mr. Speaker, by the direction of the Committee on Military Affairs I ask unanimous consent for a reference of the bill H. R. 10835, to fix the compensation of officers of the National Army who incurred disability while in the service.

Mr. CLARK of Missouri. Mr. Speaker, what is the request?

The SPEAKER. It is to rerefer the bill from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. ESCH. Mr. Speaker, it seems to me that the bill would more properly go to the Committee on Ways and Means under the resolution adopted the other day.

The SPEAKER. The Chair thinks not.

Mr. ESCH. It is a bill that involves very large expenditures.

The SPEAKER. The Chair will have authority to so refer it, if the gentleman's suggestion is correct; but at first blush the Chair thinks that that is not so.

Mr. GARNER. This refers to officers and men who were in the service?

Mr. KAHN. It gives them increased compensation.

Mr. GARNER. Under the war-risk insurance act, and applies only to those who were wounded in the service?

Mr. KAHN. Exactly.

Mr. GARNER. If I understood the gentleman from Wyoming [Mr. MONDELL], he stated that the purpose of his resolution was to take from the Interstate and Foreign Commerce Committee only such matters that were general in their nature and which did not refer specifically to those who were wounded or who suffered injury in the service.

Mr. MONDELL. This bill belongs clearly to the Interstate and Foreign Commerce Committee.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MANN of Illinois. Does this increase war-risk compensation or increase the salaries of men on the retired list?

Mr. KAHN. It does not affect anyone on the retired list. These men were in the service and go out of the service as soon as they are honorably discharged. They are no longer connected with the service.

Mr. MANN of Illinois. Does it increase the pay while they are in the service?

Mr. KAHN. No.

The SPEAKER. Is there objection?

There was no objection.

AMENDMENTS TO FARM-LOAN ACT.

Mr. PLATT. Mr. Speaker, I present a conference report on the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, for printing under the rule.

The SPEAKER. The gentleman from New York presents a conference report, which will be printed under the rule.

SUITS AGAINST THE UNITED STATES IN ADMIRALTY (S. DOC. NO. 233)—CONFERENCE REPORT.

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report upon the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the bill S. 3076 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. GARD. Reserving the right to object, has there been a full agreement in this matter?

Mr. VOLSTEAD. Yes; there is a full agreement, and it is substantially as it was passed by the House, with some slight changes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this act shall not apply to the Panama Railroad Co.

"SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel suit the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this act.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this act shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel, are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury, to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation having control of the possession or operation of such vessels.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which

final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitrations awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

And the House agree to the same.

A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

W. L. JONES,
F. M. SIMMONS,
CHAS. L. MCNARY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing vote of the two Houses on the amendment of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, submit the following statement:

The Senate recedes from its disagreement to the amendment of the House and agrees to the same with the following amendments:

1. Section 1 of the House amendment has been rewritten. As amended it eliminates the provision declaring all vessels of the United States to be public vessels, and excludes the Panama Railway Co. from the operation of the bill.

2. In section 2 the words "or intended to be employed in the carriage of cargoes or of passengers for hire" have been stricken out, and the words "as a merchant vessel or as a tugboat operated by such corporation." The effect of this change is to exclude from the scope of the bill certain public vessels not employed as merchant vessels but that occasionally carry persons and property for hire, and to make certain that tugboats employed as auxiliaries to the merchant fleet are made subject to the proposed act.

3. Two verbal changes have been made in section 5. The word "only" has been inserted after the word "brought," in the first line of the section, and the words "approval of this act" have been changed to "taking effect of this act." The word "only" was inserted to make certain that only suits on causes of action originating after April 6, 1917, are authorized.

4. At the end of section 7 the following words have been added: "in a proper case." This effects no change.

A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the conference report.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. MANN of Illinois. As I understood this bill as it passed the House and the Senate, it was to take away the right of libel of certain Government-owned vessels where that right now exists?

Mr. VOLSTEAD. That is the purpose.

Mr. MANN of Illinois. Now, the amendment to section 2 as agreed to by the conferees, I take it, is not to enlarge in any way that question, but to prevent some naval vessels or other vessels from being considered as being subject to libel or suit at all. Is that right?

Mr. VOLSTEAD. Yes; certain vessels, such as transports, occasionally carry passengers or carry freight, I am told, and they desire to have them excluded.

Mr. MANN of Illinois. And they are not now subject to be libeled?

Mr. VOLSTEAD. No; that is not the intention. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, I call up the conference report on the bill H. R. 12046, the second deficiency bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. CALDWELL. Will the gentleman yield for a minute? I want to ask the gentleman if he would not, out of deference to Members on this side of the House, please let that go over until Monday the first thing? It will not lose any particular time.

Mr. GOOD. Mr. Speaker, this bill is to supply deficiencies in certain appropriations for support of the Government. It is only a partial report and it has to go back again into conference, I presume. The conferees feel that the report ought to be submitted to both Houses at the very earliest possible moment.

Mr. CALDWELL. But the gentleman knows that the Democratic Party in New York State is just having a convention at Albany, which is quite some distance from here, and there are certain Members on this side of the House prominently identified with Democratic matters——

Mr. GOOD. A few.

Mr. CALDWELL. And I think it is only a matter of courtesy to grant delay, and I ask it. Of course, if the Republicans have no courtesy at all to extend to Democrats, if they insist that while these men are away they will take advantage of them, there is not anything we can do; but I ask the gentleman in a spirit of fairness to do this. Never when the Democrats were in power in this House did we take advantage of any considerable number of Republicans being away at a State convention.

Mr. GOOD. Mr. Speaker, there is no intention of taking advantage of anyone.

Mr. CALDWELL. Then, if there is no intention of taking advantage of Members who are away attending a State convention, let the matter go over until Monday, in order that they may be here.

Mr. GOOD. If we waited until every Member of the House could be here, we would not have action on a conference report at all. I can not agree. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. CALDWELL. Mr. Speaker, I shall have to object to that; and in the meantime, Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BLANTON. Mr. Speaker, I hope the gentleman will not do that. There are more Democrats on the floor now than Republicans.

The SPEAKER. The gentleman has no right to make such a statement.

Mr. MANN of Illinois. And it is not true, anyhow.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Apparently there is no quorum present.

Mr. GOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Iowa moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Bacharach	Drane	Kennedy, Iowa	O'Connell
Bell	Eagle	Kennedy, R. I.	Paige
Blackmon	Echols	Kiess	Peil
Booher	Ellsworth	Kraus	Phelan
Bowers	Emerson	Kreider	Purnell
Browning	Ferris	Lampert	Radcliffe
Butler	Fess	Langley	Reber
Campbell, Pa.	Fields	Lankford	Reed, W. Va.
Caraway	Flood	Larsen	Riddick
Carew	Fuller, Mass.	Layton	Riordan
Clark, Fla.	Gallivan	Lesher	Robsion, Ky.
Classon	Goldfogle	Lufkin	Rodenberg
Cooper	Goodall	Luhring	Rose
Copley	Goodykoontz	McCulloch	Rowan
Costello	Gould	McDuffie	Rubey
Crago	Graham, Pa.	McFadden	Rucker
Cramton	Griest	Major	Saunders, Va.
Crowther	Hamill	Mann, S. C.	Schall
Currie, Mich.	Hudspeth	Montague	Scully
Curry, Calif.	Hutchinson	Moores, Ind.	Sears
Dewalt	Jefferis	Morin	Sells
Dominick	Johnston, N. Y.	Neely	Slemp
Dooling	Kelley, Mich.	Nicholls, S. C.	Smith, Ill.
Doughton	Kendall	Nichols, Mich.	Smith, N. Y.

Snell	Steele	Sullivan	Temple
Snyder	Stoll	Swope	Venable
Steagall	Strong, Pa.	Taylor, Tenn.	Yates

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. GOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. GOOD. Mr. Speaker, I ask that the conference report be read.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 54, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 12, 13, 14, 15, 19, 20, 23, 24, 26, 27, 29, 33, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 60, 61, 62, 63, 64, and 65, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: At the end of the matter restored insert the following:

"An itemized statement of the articles transferred hereunder and the cost price thereof shall be reported to Congress by the Secretary of War."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the salary of an envoy extraordinary and minister plenipotentiary to Finland at the rate of $10,000 per annum from March 1 to June 30, 1920, inclusive, $3,333.33."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"ADJUTANT GENERAL'S OFFICE.

"Not exceeding $500,000 of the appropriation of $3,500,000 for the care and custody of the draft records and for the employment of clerical assistance for the purpose of furnishing to adjutants general of States statements of service of soldiers who served in the War with Germany shall be available for the employment of clerical assistance necessary for the purpose of furnishing such information from the records of the demobilized army as may be properly furnished to public officials, former soldiers, and other persons entitled to receive it: *Provided*, That the Secretary of War shall reallot the appropriation of $4,000,000 for temporary employees in the War Department in such manner as will provide an allotment of $174,000 for the office of The Adjutant General in addition to the allotments already made for that office for the current fiscal year for work in connection with records of the demobilized army."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$500,000" and insert in lieu thereof "$300,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That in case said bridge is thrown open for public use one-half the cost of the maintenance thereof shall be paid by local interests"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 8 of the matter inserted by said amendment strike out "$6,600,000" and insert in lieu thereof "$5,000,000"; and add at the end of the matter inserted by said amendment the following: ": *Provided further*, That the construction work hereunder shall be done by contract, let to the lowest responsible bidder, and no bid shall be accepted for any building to cost in excess of $2.45 per square foot for an unlined building or $2.90 for a lined building"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Norfolk, Virginia, Navy Yard: For dry dock and accessories, exclusive of any profit to the contractor, $451,047.30."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 17, 22, and 34.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 1: Appropriates $20,000, as proposed by the Senate, for the Bureau of Efficiency.

On Nos. 2, 3, 4, and 5, relating to the Council of National Defense: Strikes out the authority for the purchase of books, newspapers, and periodicals; strikes out the authority for the expenses of the advisory commission or subordinate bodies; appropriates $45,000 instead of $40,000, as proposed by the Senate and $50,000 as proposed by the House; and limits the highest salary to be paid from the appropriation to $6,000 instead of $4,000, as proposed by the Senate.

On Nos. 6, 7, and 8, relating to the public schools of the District of Columbia: Appropriates for additional teachers from March 1 to June 30, 1920, as proposed by the Senate, instead of from February 1 to June 30, 1920, as proposed by the House, and inserts the paragraph, proposed by the Senate,

authorizing the payment to employees of the night schools from February 16, 1920, to the date of approval of the act.

On Nos. 9 and 10, relating to vocational rehabilitation of soldiers, sailors, and marines: Appropriates $11,000,000 instead of $12,000,000, as proposed by the House and $10,000,000 as proposed by the Senate; and restores the paragraph, stricken out by the Senate, relating to the transfer of equipment from the War Department to the Federal Board for Vocational Education, modified so as to require the Secretary of War to report to Congress an itemized statement of the articles transferred under the authority granted.

On No. 11: Appropriates for the salary of an envoy extraordinary and minister plenipotentiary to Finland from March 1 to June 30, 1920, inclusive.

On Nos. 12 and 13: Appropriates for additional employees in the office of the Coast Guard from March 1 to June 30, 1920, inclusive, as proposed by the Senate, instead of from February 1 to June 30, 1920, as proposed by the House.

On No. 14: Inserts the paragraph, proposed by the Senate, authorizing officers and enlisted men of the Coast Guard to purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price charged officers and enlisted men of the Army, Navy, and Marine Corps.

On No. 15: Appropriates $1,000,000 for the enforcement of the national prohibition act by the Bureau of Internal Revenue in the manner proposed by the Senate instead of in the manner proposed by the House.

On No. 16: Appropriates $20,000 for a new roof on the mint building at Philadelphia, as proposed by the House, instead of $25,000, as proposed by the Senate.

On No. 17: The committee of conference have been unable to agree on the appropriation of $1,000,000, inserted by the Senate, to enable the Customs Service to enforce the laws governing the importation and exportation of intoxicating liquors.

On Nos. 18, 19, 20, 21, 22, and 23, relating to the Public Health Service: Appropriates $3,500,000, instead of $4,000,000 as proposed by the House and $3,000,000 as proposed by the Senate, for the care of war-risk insurance patients and other beneficiaries; inserts the paragraph, proposed by the Senate, authorizing officers of the Public Health Service to purchase quartermaster supplies from the Army, Navy, and Marine Corps; inserts the paragraph, proposed by the Senate, crediting officers of the Public Health Service with service in the Army, Navy, Marine Corps, and Coast Guard in computing longevity pay; and appropriates $100,000, instead of $200,000 as proposed by the Senate, for the prevention of epidemic diseases. The committee of conference have been unable to agree on the paragraph, inserted by the Senate, increasing the limit of cost of the hospital building at Cook County, Ill., from $3,000,000 to $3,500,000.

On No. 24: Appropriates $620.42, as proposed by the Senate, for rent of buildings for the War Department for the fiscal year 1919.

On No. 25, relating to the Office of The Adjutant General: Inserts the paragraph, proposed by the Senate, making the appropriation "for the care and custody of draft records and the furnishing of statements of service of soldiers to the adjutants general of States" available for the furnishing of other information from the records of the demobilized Army, modified so as to limit such expenditures to not to exceed $500,000 and also to require the Secretary of War to reallot the current appropriation of $4,000,000 for temporary employees in the War Department in such a manner as to give to the office of The Adjutant General an additional sum of $174,000.

On No. 26: Appropriates $956.63, as proposed by the Senate, for the payment of damage claims in connection with river and harbor work.

On Nos. 27, 28, and 29, relating to the Signal Service of the Army: Inserts a reappropriation of $300,000, instead of a reappropriation of $500,000, as proposed by the Senate, for telegraph and telephone systems, and inserts the reappropriation of $95,000 for the Washington-Alaska military cable and telegraph system.

On No. 30: Appropriates $35,000, as proposed by the Senate, for a bridge across the Missouri River at Fort Leavenworth, Kans., modified so as to provide that local authorities shall pay one-half the cost of the maintenance of the bridge in the event it is opened up to public traffic.

On No. 31: Inserts the paragraph, proposed by the Senate, authorizing an expenditure from previous ordnance appropriations for the construction of storage facilities for ammunition and other explosives, modified so as to limit the expenditure to $5,000,000, instead of $6,600,000 as proposed by the Senate, and also further modified so as to require the construction work thereunder to be done by contract let to the lowest responsible bidder and to limit the cost of any unlined building to $2.45 per square foot and any lined building to $2.90 per square foot.

On Nos. 32, 33, and 34, relating to the Naval Establishment: Appropriates $451,047.30 for the dry dock at Norfolk, Va., and provides that the appropriation shall be exclusive of any profit to the contractor; appropriates $128,260.60 for expenditures incident to the cost of a dry dock at Pearl Harbor, Hawaii. The committee of conference have been unable to agree on the appropriation of $3,000,000, proposed by the Senate, for the Bureau of Construction and Repair.

On No. 35: Appropriates $3,000, as proposed by the Senate, for the construction of a dam to protect a bridge over the Elk Fork of the Shoshone River on the Cody approach to the Yellowstone National Park.

On Nos. 36 and 37: Appropriates for additional employees in the Patent Office from March 1 to June 30, 1920, as proposed by the Senate, instead of from February 1 to June 30, 1920, as proposed by the House.

On No. 38: Appropriates $8,000, instead of $10,000 as proposed by the Senate, for repairs to the power plant in the old Land Office Building.

On Nos. 39 and 40, relating to St. Elizabeths Hospital: Authorizes, as proposed by the Senate, the accounting officers of the Treasury Department hereafter to credit the accounts of the disbursing clerk with such amounts as he may pay in carrying out the provisions of the current sundry civil act relating to the readjustment of salaries at the hospital; and inserts the paragraph, proposed by the Senate, authorizing the Secretary of the Interior to make regulations governing the disposal of articles produced by patients in the course of their treatment.

On Nos. 41, 42, 43, 44, 45, and 46, relating to the Department of Justice: Appropriates $5,000 for miscellaneous expenses and $5,000 for stationery, as proposed by the Senate; appropriates $2,500, instead of $5,000 as proposed by the Senate, for furniture and repairs; inserts the language, proposed by the Senate, making $75,000 of the appropriation for detection and prosecution of crime available for the compensation of employees of the District of Columbia; inserts the paragraph, proposed by the Senate, making the current appropriations for salaries of district judges available for the salaries of all district judges lawfully entitled to compensation during the current fiscal year.

On No. 47: Appropriates $20,500, as proposed by the Senate, for alterations to vessels transferred from the Navy Department to the Coast and Geodetic Survey.

On Nos. 48, 49, 50, 51, 52, 53, and 54, relating to the Senate: Inserts appropriations as follows: Seven thousand five hundred dollars to pay the heirs of Thomas S. Martin, late a Senator from the State of Virginia; $3,000 for a motor passenger vehicle for official use of the office of the Secretary of the Senate; $5,000 for a motor vehicle for carrying the mails and for official use of the Secretary and Sergeant at Arms of the Senate; $1,000 for fuel; $4,966.79 for Senate kitchens and restaurants; and strikes out the appropriation of $2,500 for securing plans for the construction of an additional section to the Senate Office Building.

On Nos. 55, 56, 57, 58, and 59, relating to the Government Printing Office: Appropriates $800,000 as proposed by the Senate, instead of $1,000,000 as proposed by the House, for materials and labor for public printing and public binding; inserts the paragraph, proposed by the Senate, authorizing the printing of enrolled bills and resolutions on parchment or paper of suitable quality as the Joint Committee on Printing may determine; appropriates $25,000 for printing and binding for the Interior Department as proposed by the House, instead of $15,000 as proposed by the Senate; appropriates $50,000 for printing and binding for the Department of Labor as proposed by the House, instead of $25,000 as proposed by the Senate; appropriates $25,000, as proposed by the House, for printing and binding for the Treasury Department, instead of $20,000 as proposed by the Senate.

On Nos. 60, 61, 62, and 63: Appropriates for judgments of the Court of Claims certified to Congress as required by law, after the bill had passed the House.

On Nos. 64 and 65: Reduces the amount for the payment of judgments against internal-revenue officers from $25,665.15 to $20,917.51, as proposed by the Senate.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

Mr. GOOD. Mr. Speaker, there is one item in the conference report that the gentleman from Kansas [Mr. ANTHONY] desires to make some inquiry about and desires some time upon. It is in regard to a matter at Fort Leavenworth. I yield five minutes to the gentleman.

Mr. ANTHONY. Mr. Speaker, there is an item in the conference report covering a provision inserted in the bill by the Senate to purchase a bridge across the Missouri River in order to connect two bodies of the military reservation at Fort Leavenworth. The purpose of it is to provide access to a thousand acres of land owned by the Government on the Missouri side, which land they desire for agricultural and military purposes, and which is absolutely useless to the Government unless they acquire possession of the old bridge. This bridge was taken charge of by the War Department under the war power, and this provision, inserted by the Senate, of $35,000 to complete the purchase of the bridge expedites the settlement of the claims the owners of the bridge have against the War Department, and for which they will ultimately be paid. But the conferees on the part of the House have inserted what I deem to be a very harmful proviso. They provide in case this certain bridge is thrown open for public use that one-half of the cost of the maintenance thereof shall be paid by local interests.

Mr. CALDWELL. What amendment is that?

Mr. ANTHONY. Senate amendment No. 30.

The situation is that there are a number of bridges either built or operated by the War Department across various streams over the country near military posts where the public has free use of the bridges, and if such a restrictive proviso is put upon this bridge at Fort Leavenworth it should apply equally to every bridge operated by the War Department where the public has the free use thereof, and not impose a burden upon that one community.

It is true that the proposition for the Government to operate this bridge is being fought by a railroad—the Chicago Great Western—which owns a bridge 3 miles to the south, and which thinks its wagon tolls may be impaired by the Government operation of this bridge 3 miles from it. Now, if the desire of the committee is to protect the railroad company, they have undoubtedly accomplished their purpose with this proviso. The president of that railroad company, Mr. Felton, was a member of the Council of National Defense here during the war, and through his influence the use of that 1,000 acres of land in Missouri, which was desired by the War Department, was handicapped all during the war through the selfish idea of protecting the railroad company. And therefore I believe the conferees should not accept the amendment of the Senate in that respect.

Mr. CALDWELL. Will the gentleman from Iowa yield to me some time? I want to talk about that subject and, incidentally, to pay my respect to the gentleman in charge of the bill. I do not want to camouflage the proposition at all.

Mr. GOOD. I yield five minutes to the gentleman from New York.

Mr. CALDWELL. Mr. Speaker, the subcommittee of the Committee on Military Affairs visited Fort Leavenworth, Kans., a few weeks ago, and while there examined this bridge; and I heartily concur in everything that the gentleman from Kansas has said. This, in my opinion, is one of the outrageous things that sometimes happen in this House. The proposition as it appears now in this conference report was reported by the subcommittee of the Committee on Appropriations, that had charge of this bill, to this House; and it being in the shape that it was in, and being legislation upon an appropriation measure, I took occasion to make a point of order against it. The gentleman from Kansas, in whose district this bridge is located, agreed that that was the only fair and right thing to do from a legislative point of view, and the best thing for the Government; that it should be taken out of the bill rather than to have it put in in that way. The bill then went over to the Senate, and in the Senate they appropriated the money to pay for the bridge; and, as I understand it, the conferees have written this proviso in the bill that was knocked out here. The gentlemen now seek to force upon this House legislation that they do not know anything about and can not find out anything about. They try to tie up the Government and take away from the Committee on Military Affairs the power to legislate upon this subject that is inherently and necessarily a duty of that committee.

In a few days we will begin hearings upon the military appropriation bill, and it is there that this item ought to be considered. What does this Committee on Appropriations know about the reservation at Fort Leavenworth, Kans.? What does it know about the school that is there, or the farm that is there, or anything else there? Have they visited it? Do they know anything about it except what somebody, with a purely personal interest in it, has to say to them? Have they made an inquiry about it? Is this House going to permit a subcommittee of two or three men to sit over there and listen to one side of that case—a Republican committee—and write into the bill a provision which a Republican Member from that district says is not fair to the Government or the people? Are you going to permit that to be done by the gentleman who shows such courtesy to the Democrats in this House in calling up this matter to-day, when the Democrats who are interested in this particular legislation are attending a Democratic convention and are unable to get here, and who wants to force a vote to-day in order that he can defeat a provision in this bill put in there by a Republican Senate? He does not agree it is the right thing to do. I want to say, gentlemen, that you can stand for that kind of legislation if you want to do so.

Mr. GOOD. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, Senate amendment No. 56, which is agreed to by the conference report, provides that "hereafter enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality, as shall be determined by the Joint Committee on Printing." Does the gentleman from Iowa happen to know—probably it was not a very important matter in conference—why this change is proposed and what change is proposed?

Mr. GOOD. The reason given to the conferees that appealed to them was this, that at the present time parchment paper is very scarce and very, very expensive; that, through processes of manufacturing linen and bond paper, a paper almost if not equally good can be procured at less than one-half the cost of parchment paper; that the Joint Committee on Printing had thoroughly investigated the matter, and that they recommended this legislation; that the paper would be just as good for all practical purposes as parchment paper, and would result in the saving of about one-half of the cost of the parchment paper.

Mr. MANN of Illinois. Well, that is a statement made to the House conferees. I do not wonder that they agreed to the proposition. But the statement is not true. To say that you can buy paper just as good for half price is all nonsense to begin with. The enrolled bills passed by Congress are laid away forever, or sooner, in the State Department. They ought to be preserved on the best quality of paper. That is parchment paper.

Now, the shortage in parchment paper is not like the shortage in print paper and newsprint paper and has nothing to do with it, and in the eagerness of a distinguished Member of another body, whom I have complimented often, to save a little money in printing, he proposes to cut out the use of parchment paper to keep documents which ought to last forever, and substitute some paper which will cost one-half as much and which will not last half as long. I think it is a great mistake.

Mr. GOOD. I assume that that will not be done unless a paper equally good at practically half the cost, as was represented to the conferees, would be the result of this legislation.

Mr. MANN of Illinois. I have no doubt that some manufacturer who manufactures it will say that it is equally as good, but anybody who knows anything about parchment paper and other papers knows that you can not make any other paper equivalent to parchment paper. If you could make another paper for half the cost equally good there would be no parchment paper made.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. McCLINTIC. The statement was made to the Committee on Printing, I think by the Public Printer, that suitable paper could be purchased for this purpose at about half the price, and that the paper would be just as good. The statement was also made that when a bill was put on parchment it could be erased, but if a superior grade of paper were used as a substitute they could get paper that could not be erased. For that reason the Committee on Printing was in favor of allowing the bill to be amended, so that it would not be necessary to use parchment in printing the bills.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. GOOD. I yield for a question.

Mr. BANKHEAD. In reference to amendment No. 9, regarding the appropriation for the Federal Board for Vocational Education, I notice the report shows that the House conferees agreed to a reduction of $1,000,000 in the amount originally carried in the House bill. I wanted to ask the gentleman this question: What facts were presented by the Senate conferees to

induce the House conferees to reduce the appropriation $1,000,000 for that fund?

Mr. GOOD. They did not present very many facts. They simply made a reduction of $2,000,000, and the amendment was one that provoked considerable discussion before the conferees, the Senate holding that the amount carried in the House bill of $12,000,000 was too large and would not be necessary.

Mr. BANKHEAD. Did they give any reasons for that?

Mr. GOOD. No; they did not. They seemed to feel that the estimates made by the director and officers of the Vocational Board in regard to the increase in the number of men who would ask for training was overestimated and that they would not need the $12,000,000. The House conferees still feel that if this service grows, as there is every indication that it will grow, the amount carried by the House bill would not any more than take care of the service, and that in fact we would be likely to be compelled to make the item in the sundry civil bill for the next fiscal year immediately available in order to take care of some of the bills that might be contracted this year. The conferees of the House stood out for this full amount, and the Senate conferees were just as confident that they would not spend more than $10,000,000 as the House conferees were that they would require $12,000,000, and the best we could do was to split the difference with them, and we brought it back with $11,000,000 as the amount carried.

Mr. BANKHEAD. That, as the gentleman well knows, is very far below the amount as estimated by the board to be required.

Mr. GOOD. The estimate was $15,000,000. I agree with the gentleman that the full amount carried in the House bill should have been allowed, but we were compelled to come to an agreement, and we did the very best we could in the matter of this appropriation, and whatever is necessary will have to be appropriated for this purpose.

Mr. BANKHEAD. In what bill?

Mr. GOOD. What is not carried in this bill will have to be taken care of in some other bill. That is evident, as the gentleman very well knows.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield for a question in regard to the Vocational Board?

Mr. GOOD. Yes.

Mr. TREADWAY. Amendment 10, stricken out by the Senate, has been restored, I find, by the conferees with an added proviso. I heartily approve of the restoration of that, but I would like to ask the chairman of the committee why it was not possible to reach an agreement looking to the adoption of the proposition submitted by the Vocational Rehabilitation Board so that the surplus machine tools hereafter declared as surplus could also be used by the Vocational Board?

Mr. GOOD. That matter was brought up. I remembered the gentleman's interest in the matter and suggested it to the conferees, but the position of the Senate conferees was that this item ought not to be carried at all, and that any enlargement of it would be subject to a point of order. The only thing to do in conference was either to agree or disagree to Senate amendment numbered 11. They were opposed to agreeing to this limited power, and expressed still greater opposition to an agreement whereby we would enlarge the power of the War Department to turn over machines and tools. It was our desire if possible to have shop machines and tools, in addition to those under the control of the Vocational Board, that belonged to the War Department turned over to the board when needed; but the Senate conferees would not agree to that.

Mr. TREADWAY. In other words, we have simply to abide by a wrong decision of the Senate. That appears to be the state of affairs.

Mr. GOOD. The gentleman knows that when we go into conference we can not always have our own way.

Mr. TREADWAY. Will the gentleman permit me to say in that connection that since this item has been before the House it has been necessary for the Vocational Board to go into the open market and endeavor to buy these very tools for the rehabilitation schools which might have been supplied by the War Department?

Mr. GOOD. If they are surplus tools and machines, the War Department has the power to sell all surplus machines and tools, and the board would be compelled to buy from the War Department and could not buy in the open market if the War Department had a surplus of these very tools and machines. That is the law.

Mr. TREADWAY. I am glad to know that is the law; but it is practically taking money out of one pocket in Uncle Sam's trousers and putting it into another pocket to make a better accounting and a better showing for the War Department.

Mr. GOOD. Yes. Still it keeps some account of what is being done with the vast amount of stores acquired by the War Department during the war.

Mr. TREADWAY. The gentleman is quite sure that is the law, is he?

Mr. GOOD. There is no question about that.

Mr. JUUL. Mr. Speaker, may I have the attention of the chairman of the Committee on Appropriations for a moment?

Mr. GOOD. Yes.

Mr. JUUL. On page 7, at the bottom of the page, is what appears to be a Senate amendment granting an appropriation of $3,000 for a motor passenger vehicle for official use of the Secretary of the Senate. Then there is an additional $5,000 for motor vehicles for carrying the mails for official use.

Mr. Speaker, some time ago I tried to get a resolution passed permitting the soldiers when in search of work to travel on the railways of this country for 1 cent a mile. I have been unable to get that resolution out of the committee on the ground that we can not afford it. Now, if we can not afford to let the soldiers travel for 1 cent a mile, how can we afford to give a $3,000 passenger vehicle to the Secretary of the Senate and at the same time give him vehicles for the transportation of whatever rough work he may have to handle? Here are two passenger vehicles, one for the Secretary of the Senate and one for the Sergeant at Arms of the Senate. I do not think that the Clerk of the House has any passenger vehicle furnished him by the House to ride around in, and I do not see why the Secretary of the Senate should have one. If the chairman of the committee has any explanation of that, I should like to hear what it is.

Mr. GOOD. Answering the question of the gentleman from Illinois [Mr. JUUL], I will say that these are Senate items. I do not believe that the Secretary of the Senate ought to have a passenger vehicle at Government expense at all. The Clerk of the House does not have one, and the Sergeant at Arms of the House does not have one supplied at Government expense. But an unwritten law has obtained for a century that when the House puts on an item for the benefit of the House the Senate conferees do not attempt seriously to strike out that item where there is a disagreement, and when the Senate puts on an item of this kind the House conferees have very little to say. The Senate conferees will not listen to any dispute or controversy about it. Senate amendment No. 54 carried an appropriation of $2,500 for the securing of plans and specifications for an addition to the Senate Office Building. The House conferees contended that that was altogether different than an appropriation for clerk hire or for automobiles or for contingent expenses; that it might involve the expenditure of millions of dollars in a building project not authorized by law. After a great deal of discussion we were able to have the Senate conferees agree that that item should go out, and the Senate receded. But this item is in a different class.

Mr. JUUL. I do not wish to embarrass the gentleman——

Mr. GOOD. It does not embarrass me at all.

Mr. JUUL. I am in earnest about this.

Mr. GOOD. So am I.

Mr. JUUL. Does it not seem to the gentleman that we should either give the gentleman who occupies the same official position in the House a motor vehicle to ride around in or else we should strike out the motor vehicle going to the Secretary of the Senate?

Mr. GOOD. The gentleman is a valuable Member of the House——

Mr. JUUL. I thank the gentleman.

Mr. GOOD. There is going to be a vacancy in the Senate from the State of Illinois in the forthcoming election, and the only way I can suggest by which the gentleman can accomplish what he desires with regard to economy in the Senate is either to be a candidate for the Senate and be elected to that body and bring about these reforms or else elect somebody who will carry out his idea, because in conference we can not get the Senate conferees even to listen to a proposition to surrender on such items as this. The Senate is not a very economical body, as the gentleman knows.

Mr. JUUL. Then the gentleman means to tell me that we are compelled to vote for this item or vote against the entire report?

Mr. GOOD. We are practically compelled to do just as the Senate wishes about that item, in the same way that the Senate is compelled to agree to the House items of a similar character. The items are usually small.

Mr. MILLER. Will the gentleman yield.

Mr. GOOD. I will.

Mr. MILLER. I notice on Senate amendment 34 the conferees are unable to agree on the appropriation for $3,000,000 for the Bureau of Construction and Repair in the Navy.

Mr. GOOD. Yes. I imagine that whole matter will probably come up when we have disposed of the conference report under instructions. It is not in the conference report.

Mr. Speaker, in regard to the item referred to by the gentleman from Kansas [Mr. ANTHONY], the gentleman is a member of the Committee on Military Affairs. This is really not a deficiency item at all. This was for the authority to buy a bridge where no authority exists under the law. The gentleman from Kansas should have brought in a bill through his committee authorizing the purchase of this bridge, and after that had become a law there would have been no question in regard to the appropriation.

Now, the facts are as stated practically by the gentleman from Kansas. I think there is a reason why we should acquire this bridge. The Secretary of War commandeered it during the war; spent $7,000 or $8,000 in repair. The whole question may go into the court, and it was the thought of the conferees that possibly the Government might be compelled to pay more than the amount agreed upon. That entered into the conclusion. But the House will recall that this same question came before us in a conference report last session, and the conferees disagreed to it. This time we put in this provision: That after the bridge has been purchased and put in repair and is thrown open to the public, if it is thrown open to the public, the local authority shall contribute one-half to the maintenance of the bridge. I think that is eminently fair.

Mr. KEARNS. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. KEARNS. Is that same rule applicable to every other bridge in the United States?

Mr. GOOD. I understand it is not, but it should be.

Mr. KEARNS. Is it applicable to any other bridge?

Mr. GOOD. I do not know whether it is or not. So far as the bridge is concerned, I have no knowledge about the bridge referred to by the gentleman from Kansas. The bridge at Rock Island is a double-deck bridge, partly used by the railroad and a wagon road beneath.

The principal travel on the bridge, so I am advised, is travel to and from the arsenal by men having business at the arsenal. There is a little bridge at St. Paul which the gentleman refers to that I know nothing about. I know this is a matter that the Committee on Military Affairs should legislate on, and the Committee on Appropriations never desired to assume jurisdiction of the matter. The gentleman from Kansas casts aspersions on the conferees, insinuating that we are in collusion with the officers of the Great Western Railroad. As far as I am concerned, no person, except the gentleman from Kansas, outside of the conferees has spoken to me about the bridge. My whole information in regard to it, outside of the conferees, has come from the gentleman from Kansas, and if the president of the Great Western road is interested in this matter he has manifested his interest in some other way and not through the House conferees.

Mr. ANTHONY. Will the gentleman yield?

Mr. GOOD. I will.

Mr. ANTHONY. I informed the gentleman that this proposition had been tied up over a year in the War Department through the influence of the president of the railroad company, by reason of his position on the Council for National Defense. He has blocked every step toward the acquisition of this property.

Mr. CALDWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and ninety-three Members present; not a quorum.

Mr. GOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following-named Members failed to answer to their names:

Bacharach	Clark, Fla.	Doughton	Graham, Pa.
Bell	Classon	Echols	Griest
Blackmon	Cooper	Ellsworth	Hamill
Bland, Ind.	Copley	Emerson	Harrison
Booher	Costello	Ferris	Hoey
Bowers	Crago	Fess	Huddleston
Brand	Cramton	Fields	Hudspeth
Britten	Crisp	Flood	Hutchinson
Browne	Crowther	Fuller, Mass.	Jefferis
Browning	Currie, Mich.	Gallivan	Johnson, Miss.
Brumbaugh	Curry, Calif.	Godwin, N. C.	Johnston, N. Y.
Campbell, Pa.	Dewalt	Goldfogle	Kendall
Caraway	Dominick	Goodall	Kennedy, Iowa
Carter	Dooling	Gould	Kennedy, R. I.
Kettner	Moon	Riordan	Snell
Kiess	Moore, Ohio	Robinson, N. C.	Snyder
Kreider	Moores, Ind.	Robsion, Ky.	Steagall
Langley	Morin	Rodenberg	Steele
Larsen	Neely	Rose	Stoll
Layton	Nicholls, S. C.	Rowan	Strong, Pa.
Lesher	Nichols, Mich.	Rucker	Sullivan
Little	O'Connell	Saunders, Va.	Swope
Lufkin	Paige	Schall	Venable
Luhring	Pell	Scully	Watson
McCulloch	Phelan	Sears	Winslow
McDuffie	Pou	Sells	Wright
McFadden	Purnell	Shreve	Yates
Major	Radcliffe	Slemp	
Mann, S. C.	Rayburn	Smith, Ill.	
Montague	Reber	Smith, N. Y.	

The SPEAKER. Three hundred and six Members have answered to their names, a quorum.

Mr. GOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. JUUL. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Iowa [Mr. GOOD] has control of the time.

Mr. GOOD. For what purpose does the gentleman desire time?

Mr. JUUL. I want to have permission to speak for three minutes upon the subject of this bill and the fact that I do not think that I was treated very well——

Mr. GOOD. Mr. Speaker, I yield three minutes to the gentleman from Illinois.

Mr. JUUL. Mr. Speaker and gentlemen, I rose in my seat and requested the chairman of the Committee on Appropriations to kindly grant me a few minutes time in which to discuss an item in this conference report. The item that I desire to discuss is an appropriation of $3,000 for the passenger motor vehicle for the official use of the Secretary of the Senate. I want to know if the Clerk of the House had a similar vehicle, and was informed that he had not. Under the item for $3,000 is another item for $5,000 for maintaining and equipping motor vehicles for carrying the mails and for the official use of the offices of the Secretary and Sergeant at Arms of the Senate. Vehicles evidently do the rough work over there. I thought that the $3,000 was out of order and unjust and should not have been appropriated out of the people's money.

In taking the matter up and standing in front of the chairman of the committee, the gentleman stated to me that I ought to go and have myself elected to the Senate, and then I could probably get an item like that stricken out. I think that was entirely uncalled for. If it was meant as sarcasm, it was in bad order; and if it was meant to wound me, it was uncalled for. I want to inform the chairman of the Committee on Appropriations and the gentlemen on this floor that I occupied for a number of years a similar position to the one that he occupies, in the senate of my State, and that I transacted business as the chairman of the committee on the judiciary for a State with over 6,000,000 people. I think a Member on this floor ought to be permitted to rise and discuss an item in this bill without being squelched and ridiculed by anybody. I resent it; I think it is unfair; I think it is uncalled for. If the gentleman thought when he said what he did say that it would embarrass me to sit in the Senate and that I would not be able to transact the business if I sat over there, he is entirely mistaken; and I want to add this, that there is not anybody back home in my State who thinks that I could not fill the position over there if elected to it.

Mr. GOOD. Mr. Speaker, I am very sorry if I said anything to hurt the feelings of the gentleman from Illinois [Mr. JUUL]. Whatever I said was not so intended.

Now, with regard to this bridge at Leavenworth, Kans., we have on the Missouri side of the river 1,000 acres of land, and the penitentiary is on the Kansas side. The item is not properly a deficiency; it is not an appropriation that is authorized by law; and the only provision that we add is that if the bridge is thrown open for public use one-half the cost of the maintenance thereof shall be paid by local interests. There ought to have been legislation. The gentleman from Kansas [Mr. ANTHONY] is a member of the Committee on Military Affairs, and there ought to have been legislation from that committee with regard to this matter. It is obvious to the committee that so far as the use of the bridge by the Government is concerned, it would be almost negligible as compared with the use the public would put the bridge to. It is also shown that if abutments were put to the bridge, made of concrete, it would cost almost $100,000. There is very little standing there now, except the braces and the girders. Some work, about $7,000 worth, has been put on the bridge, and the bridge has been condemned

as an obstruction to navigation by the War Department. In view of all these facts, if this bridge is to be used by the public, as we are informed it will be, and as the gentleman from Kansas [Mr. ANTHONY] admits it will be used, then the public ought to contribute at least one-half of the expense. If the Government is to go out and build bridges here and there free of expense on the part of the local authorities, that is one proposition, but we place the provision in this amendment to protect the Treasury of the United States. If it does an injustice to that locality, the Committee on Military Affairs to-morrow can bring in a bill to repeal the provision.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. TINCHER. Was the statement made by my colleague that the Government has bridges of this character in other places and that no such provision has been placed upon them as in this bill?

Mr. GOOD. Yes; that statement was made.

Mr. TINCHER. And I suppose the only difference is that this is in Kansas and not in some other State.

Mr. GOOD. The use that will be made by the Government of this bridge is negligible.

Mr. CALDWELL. The bridge on the Kansas side is on Government property?

Mr. GOOD. Yes.

Mr. CALDWELL. The bridge on the Missouri side is on Government property?

Mr. GOOD. Yes.

Mr. CALDWELL. And there is no road running to it which the Government uses?

Mr. GOOD. I am advised by the gentleman from Kansas [Mr. ANTHONY] that it is intended to throw it open to the public.

Mr. CALDWELL. The gentleman has not been there and seen this?

Mr. GOOD. No.

Mr. CALDWELL. And the gentleman knows that a subcommittee of seven members of the Military Committee were there and did examine it?

Mr. GOOD. Then the Military Affairs Committee ought to bring in legislation. That is the point that I am trying to make, that it is a matter for legislation.

Mr. CALDWELL. By what rhyme or reason does the Committee on Appropriations undertake to legislate for the Committee on Military Affairs?

Mr. MANN of Illinois. If there is no road leading to this bridge on either side, what was the use of the bridge there?

Mr. CALDWELL. There are 1,000 acres of land on the Missouri side, and we have 1,000 men in prison on the Kansas side who need that kind of work, and if we could get that bridge, so that they could go back and forth, it would be very beneficial.

Mr. MANN of Illinois. That is for the future. What was the use of the bridge in the past?

Mr. CALDWELL. It was a railroad bridge, used exclusively by the railroad, and it burned.

Mr. GOOD. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The question is on the motion of the gentleman from Iowa, ordering the previous question on the conference report.

Mr. VARE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VARE. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VARE. Does that prohibit debate on the other three sections?

Mr. GOOD. No; that will come after the conference report is disposed of.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

Mr. CALDWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 31, answered "present" 5, not voting 131, as follows:

YEAS—261.

Ackerman	Andrews, Nebr.	Baer	Begg
Almon	Ashbrook	Barbour	Benham
Anderson	Aswell	Barkley	Benson
Andrews, Md.	Babka	Bee	Black
Bland, Va.	Garrett	McLane	Sanders, N. Y.
Blanton	Good	McLaughlin, Mich.	Sanford
Box	Goodwin, Ark.	McLaughlin, Nebr.	Scott
Brand	Graham, Ill.	McPherson	Sherwood
Briggs	Green, Iowa	MacGregor	Siegel
Britten	Hadley	Madden	Sims
Brooks, Ill.	Hamilton	Magee	Sinclair
Browne	Hardy, Colo.	Mann, Ill.	Sinnott
Buchanan	Hardy, Tex.	Mapes	Sissen
Burdick	Harreld	Martin	Small
Burke	Hastings	Mason	Smith, Idaho
Burroughs	Hawley	Mays	Smith, Mich.
Butler	Hayden	Merritt	Smithwick
Byrnes, S. C.	Hays	Michener	Stedman
Byrns, Tenn.	Hellin	Minahan, N. J.	Steenerson
Candler	Hernandez	Monahan, Wis.	Stephens, Ohio
Cannon	Hersey	Mondell	Stevenson
Cantrill	Hersman	Moon	Stiness
Carss	Hickey	Moore, Va.	Summers, Wash.
Casey	Hicks	Morgan	Sumners, Tex.
Chindblom	Hill	Mott	Sweet
Christopherson	Holland	Mudd	Taylor, Ark.
Clark, Mo.	Houghton	Murphy	Taylor, Tenn.
Coady	Huddleston	Nelson, Mo.	Thompson
Cole	Hulings	Nelson, Wis.	Tillman
Collier	Hull, Tenn.	Newton, Minn.	Tilson
Connally	Humphreys	Newton, Mo.	Timberlake
Darrow	Husted	Ogden	Tinkham
Davey	Igoe	Oldfield	Towner
Davis, Tenn.	Ireland	Oliver	Treadway
Dempsey	Jacoway	Olney	Upshaw
Denison	Johnson, S. Dak.	Osborne	Vaile
Dickinson, Mo.	Johnson, Wash.	Overstreet	Vare
Dickinson, Iowa	Jones, Pa.	Padgett	Vestal
Doremus	Juul	Park	Vinson
Dowell	Kahn	Parrish	Voigt
Drane	Keller	Peters	Volstead
Dunbar	Kelley, Mich.	Platt	Walsh
Dunn	Kelly, Pa.	Porter	Walters
Dupré	Kettner	Pou	Wason
Dyer	Kincheloe	Quin	Watkins
Eagan	King	Rainey, Ala.	Weaver
Eagle	Kitchin	Rainey, H. T.	Webster
Edmonds	Kleczka	Rainey, J. W.	Welling
Elliott	Kraus	Raker	Welty
Elston	Lampert	Ramsey	Wheeler
Esch	Lanham	Ramseyer	White, Me.
Evans, Mont.	Lankford	Randall, Calif.	Wilson, Ill.
Evans, Nebr.	Lazaro	Randall, Wis.	Wilson, La.
Evans, Nev.	Lea, Calif.	Rayburn	Wilson, Pa.
Fairfield	Lehlbach	Reed, W. Va.	Wingo
Fisher	Linthicum	Rhodes	Winslow
Focht	Lonergan	Ricketts	Wise
Fordney	Longworth	Riddick	Wood, Ind.
Foster	Luce	Robinson, N. C.	Woods, Va.
Freeman	McAndrews	Rogers	Yates
French	McArthur	Romjue	Young, N. Dak.
Fuller, Ill.	McClintic	Rouse	Young, Tex.
Gandy	McGlennon	Rowe	Zihlman
Gard	McKenzie	Rubey	
Garland	McKeown	Sanders, Ind.	
Garner	McKinley	Sanders, La.	

NAYS—31.

Anthony	Donovan	Kearns	Nolan
Ayres	Gallagher	Kinkaid	O'Connor
Bland, Mo.	Ganly	McKinley	Sabath
Caldwell	Goldfogle	MacCrate	Strong, Kans.
Carew	Griffin	Maher	Tincher
Cleary	Hoch	Mead	White, Kans.
Cullen	James	Miller	Williams
Dallinger	Johnson, Ky.	Mooney	

ANSWERED "PRESENT"—5.

Bankhead	Knutson	Reed, N. Y.	Tague
Goodykoontz			

NOT VOTING—131.

Bacharach	Echols	Kiess	Robsion, Ky.
Bell	Ellsworth	Kreider	Rodenberg
Blackmon	Emerson	Langley	Rose
Bland, Ind.	Ferris	Larsen	Rowan
Boies	Fess	Layton	Rucker
Booher	Fields	Lee, Ga.	Saunders, Va.
Bowers	Flood	Lesher	Schall
Brinson	Frear	Little	Scully
Brooks, Pa.	Fuller, Mass.	Lufkin	Sears
Browning	Gallivan	Luhring	Sells
Brumbaugh	Glynn	McCulloch	Shreve
Campbell, Kans.	Godwin, N. C.	McDuffie	Slemp
Campbell, Pa.	Goodall	McFadden	Smith, Ill.
Caraway	Gould	Major	Smith, N. Y.
Carter	Graham, Pa.	Mann, S. C.	Snell
Clark, Fla.	Greene, Mass.	Mansfield	Snyder
Classon	Greene, Vt.	Montague	Steagall
Cooper	Griest	Moore, Ohio	Steele
Copley	Hamill	Moores, Ind.	Stephens, Miss.
Costello	Harrison	Morin	Stoll
Crago	Haugen	Neely	Strong, Pa.
Cramton	Hoey	Nicholls, S. C.	Sullivan
Crisp	Howard	Nichols, Mich.	Swope
Crowther	Hudspeth	O'Connell	Taylor, Colo.
Currie, Mich.	Hull, Iowa	Paige	Temple
Curry, Calif.	Hutchinson	Parker	Thomas
Dale	Jefferis	Pell	Venable
Davis, Minn.	Johnson, Miss.	Phelan	Ward
Dent	Johnston, N. Y.	Purnell	Watson
Dewalt	Jones, Tex.	Radcliffe	Whaley
Dominick	Kendall	Reavis	Woodyard
Dooling	Kennedy, Iowa	Reber	Wright
Doughton	Kennedy, R. I.	Riordan	

So the conference report was agreed to.

The Clerk announced the following pairs:
Until further notice:
Mr. KNUTSON with Mr. BELL.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. BOWERS with Mr. NEELY.
Mr. BOIES with Mr. SEARS.
Mr. PURNELL with Mr. CRISP.
Mr. BROWNING with Mr. FLOOD.
Mr. KIESS with Mr. MAJOR.
Mr. HUTCHINSON with Mr. WRIGHT.
Mr. BACHARACH with Mr. JOHNSON of Mississippi.
Mr. NICHOLS of Michigan with Mr. BEE.
Mr. WOODYARD with Mr. PELL.
Mr. KENNEDY of Iowa with Mr. VENABLE.
Mr. SLEMP with Mr. BLACKMON.
Mr. KREIDER with Mr. CAMPBELL of Pennsylvania.
Mr. LUHRING with Mr. ROWAN.
Mr. SNELL with Mr. STEELE.
Mr. KENNEDY of Rhode Island with Mr. WHALEY.
Mr. TEMPLE with Mr. DENT.
Mr. MCFADDEN with Mr. PHELAN.
Mr. RODENBERG with Mr. MONTAGUE.
Mr. FESS with Mr. DEWALT.
Mr. WATSON with Mr. SAUNDERS of Virginia.
Mr. HAUGEN with Mr. CARTER.
Mr. CRAMTON with Mr. THOMAS.
Mr. GRIEST with Mr. BRUMBAUGH.
Mr. MOORE of Ohio with Mr. HOWARD.
Mr. LUFKIN with Mr. RIORDAN.
Mr. KENDALL with Mr. SMITH of New York.
Mr. CURRY of California with Mr. STEAGALL.
Mr. ELLSWORTH with Mr. JONES of Texas.
Mr. GREENE of Massachusetts with Mr. FIELDS.
Mr. DAVIS of Minnesota with Mr. MANSFIELD.
Mr. SHREVE with Mr. LEE of Georgia.
Mr. GREENE of Vermont with Mr. FERRIS.
Mr. REBER with Mr. MANN of South Carolina.
Mr. GOULD with Mr. O'CONNELL.
Mr. CRAGO with Mr. MCDUFFIE.
Mr. GRAHAM of Pennsylvania with Mr. SCULLY.
Mr. REAVIS with Mr. GALLIVAN.
Mr. MORIN with Mr. JOHNSTON of New York.
Mr. STRONG of Pennsylvania with Mr. LARSON.
Mr. SNYDER with Mr. RUCKER.
Mr. PAIGE with Mr. STEPHENS of Mississippi.
Mr. FREAR with Mr. NICHOLLS of South Carolina.
Mr. RADCLIFFE with Mr. LESHER.
Mr. PARKER with Mr. DOOLING.
Mr. GOODALL with Mr. SULLIVAN.
Mr. CAMPBELL of Kansas with Mr. HARRISON.
Mr. FULLER of Massachusetts with Mr. TAYLOR of Colorado.
Mr. ROSE with Mr. GODWIN of North Carolina.
Mr. ECHOLS with Mr. HOEY.
Mr. COPLEY with Mr. DOMINICK.
Mr. BLAND of Indiana with Mr. CARAWAY.
Mr. CROWTHER with Mr. DOUGHTON.
Mr. BROOKS of Pennsylvania with Mr. BOOHER.
Mr. CLASSEN with Mr. HAMILL.
Mr. COSTELLO with Mr. BRINSON.
Mr. COOPER with Mr. STOLL.

Mr. TAGUE. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. KENNEDY. I wish to withdraw my vote of "nay" and answer "present."

The name of Mr. TAGUE was again called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Mr. GOOD. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment No. 17.

The SPEAKER. The gentleman from Iowa moves that the House insist on its disagreement to Senate amendment No. 17, which the Clerk will report.

The Clerk read as follows:

CUSTOMS SERVICE.

For enforcing the laws governing the importation and exportation of intoxicating liquors by the Customs Service, $1,000,000.

Mr. GOOD. Mr. Speaker, I desire to take only a minute on this amendment unless somebody makes a preferential motion to bring the matter more clearly before the House.

Mr. BLANTON. Will the gentleman yield for information?

Mr. GOOD. Yes.

Mr. BLANTON. Is this an addition to the million dollars that the House provided for some time ago for the enforcement of the prohibition law?

Mr. GOOD. No; this is for another object altogether.

Mr. BLANTON. This is for a different, distinct, and separate object?

Mr. GOOD. This, it seems to me, has for its object the attempt to make prohibition wholly ridiculous.

Mr. BLANTON. And comes from the enemies of the prohibition law?

Mr. GOOD. I do not know as to that.

Mr. BLANTON. The gentleman supposes that?

Mr. GOOD. It comes from the Treasury Department. I do not know who is responsible for it. I will say to the gentleman that, broadly speaking, it is for the purpose of hiring 1,000 men to guard 3,000 miles of territory along the Canadian border and about 1,800 miles of territory along the Mexican border, so as to prevent persons in automobiles, on horseback, in wagons, or on foot from coming across the line and bringing liquor into the United States.

Mr. BLANTON. There is not that much mescal in Mexico.

Mr. GOOD. I do not know anything about that. It did seem to the committee that with the $10,000,000 appropriated for collecting the customs, every dollar of the unexpended balance of which is available for this very purpose, to now appropriate $1,000,000 more and employ a thousand men would be a waste of money. In the first place, if we are going to patrol all along the border we must erect a wall along that border. We must protect it with aeroplanes; we must protect it in every possible way if you are going to try to keep out the importation of liquor in that manner. It is absolutely ridiculous, and would make any man who votes for it as a business proposition, it seems to me, look ridiculous. [Applause.]

We are considering the same matter before the sundry civil subcommittee. We have gone into the matter at considerable length, and it did not seem to the subcommittee that heard the testimony that this proposition could really be asked for in good faith. If we are to employ these men at every crossroad, we ought to have three men at every crossroad. We must have three shifts a day, and that will be 3,000 men instead of 1,000. But if they are only going to try to guard the crossroads, how about the spaces between the crossroads? What will prevent an automobile, in that vast space, going across the prairie and bringing in liquor? It is absolutely ridiculous to appropriate a million dollars for this purpose for the rest of this year. I believe in the enforcement of the prohibition law. It ought to be given a fair chance. A man who votes for this, it seems to me, throws upon the enforcement of that law an obligation by which no man or set of men can bring about any degree of enforcement.

Mr. RANDALL of California. Is there any money available for this particular purpose?

Mr. GOOD. Yes. There was $10,000,000 available for this year for all purposes of the Customs Service.

Mr. BOX. If the gentleman will yield, I wish to say that before the Committee on Immigration and Naturalization it has been complained that a large number of men are coming across the Canadian and Mexican borders in violation of immigration laws. We have been asked to present a bill authorizing an appropriation to better guard the Mexican and Canadian borders against the illegal entry of aliens. I am wondering whether, if this legislation is going through, this work can not be coordinated with the work of the immigration authorities, so as to avoid a duplication?

Mr. GOOD. I do not know whether the bill will pass the House or not.

Mr. JOHNSON of Washington. As a matter of fact, there is to be a great expenditure to protect the borders of the United States with guards, and a great effort is to be made to enforce the policies in regard to immigration, liquor, and other things.

Mr. CALDWELL. To vote "yea" on the motion of the gentleman to insist on the House position in this matter would mean to strike out the $1,000,000?

Mr. GOOD. That is equivalent——

Mr. CALDWELL. A vote "yea," then, would on its face appear to be against the enforcement of prohibition also?

Mr. GOOD. Not at all. It would be in favor of a proposition to prevent the waste of $1,000,000 in a useless attempt to enforce this phase of the prohibition law.

Mr. CALDWELL. Will not the gentleman agree it is useless to attempt to enforce prohibition anyhow?

Mr. GOOD. I do not agree to that, but I agree that this appropriation is useless.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House insist on its disagreement to Senate amendment No. 17.

Mr. BYRNES of South Carolina. Mr. Speaker, I desire to be recognized.

Mr. GOOD. I yield to the gentleman from South Carolina.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I am in accord with the chairman of the Appropriation Committee in opposing the appropriation of $1,000,000 inserted in this bill by the Senate for the Customs Service. The Volstead Act appropriated $2,000,000 to the revenue department for the enforcement of the prohibition law for the balance of this fiscal year. It appropriated $100,000 to the Department of Justice for the same purpose for the balance of this fiscal year. This bill carries an additional sum of $1,000,000 for the revenue department for the purpose of guarding warehouses and thus aiding in the enforcement of the prohibition law from now until July 1.

The Coast Guard came before the Appropriations Committee recently, and in asking for a greatly increased appropriation urged that the increase was necessary in order that they might send aeroplanes out to sea in order to detect small craft coming into the Florida coast with liquor from ports to the south, and also to operate off the Florida coast hundreds of small vessels which they intended to take over from the Navy. There is not a department of the Government, it seems, that now does not want to put its hands into the Treasury in order to enforce the prohibition law. I voted for the resolution submitting the constitutional amendment. I voted for the Volstead Act, but I am not willing to make the enforcement of that law ridiculous in the eyes of the people of the Nation by granting every request that comes for millions of dollars for its enforcement by every department of this Government.

The only argument made in behalf of this appropriation is that while the revenue department is to spend its money in enforcing the prohibition law in the interior, there is no appropriation to enable the Customs Service to stop the smuggling in of whisky at the ports and across the Canadian border and the Mexican border.

Mr. GOODYKOONTZ. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. I regret I can not yield. I have but a limited time. The representatives of the Customs Service have their agents at the ports now. They are supposed to inspect the property of the man who lands at those ports. If they inspect it for other reasons, they can determine whether or not he has a bottle of whisky in his grip; and as to the desirability of attempting to place an army along the Canadian border and the Mexican border, this sum of $1,000,000 would be merely that much money thrown away, because every man knows that it would take a man to a mile, and you would have to have three shifts a day, and it would take $15,000,000 or $20,000,000 for the Canadian border alone. And why this law alone should be singled out as an excuse for building a wall around the United States and employing an army I do not know nor does any man in this House know; and as a friend of the law, wanting to see it enforced and not wanting to make it ridiculous, I oppose this appropriation. [Applause.]

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN of Illinois. The gentleman says it would take "an army." Would it not be desirable, if this attempt is to be made in this way, to use the Army? Would not that be the only way it could ever be done?

Mr. BYRNES of South Carolina. Yes; I agree that that is the only way it could be done.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Speaker, I was a member of the conference committee on this bill. I voted for the legislation that is upon the statute books. Let us look at it just a minute. One million dollars has been appropriated, as referred to, $200,000 of which is for the detection of frauds. This is also available to the Treasury Department, and practically to protect the revenue it is available for the purpose referred to.

I do not know what disposition may be made of the request of the Coast Guard, with airplanes to assist. From Maine across the continent on our northern border it is 3,500 miles, and on the southern border it is in the neighborhood of 2,500 miles, as I recollect. On the east the United States has the Atlantic Ocean, and on the south the Gulf, and on the west the Pacific Ocean. If I thought that this $1,000,000 was necessary for the enforcement of the law I would vote for it. [Applause.] I am in favor in good faith of enforcing the law, and it does not make any difference, it seems to me, what I thought about it heretofore. I voted for the legislation because the sentiment for a decade from the district which I have the honor to represent demanded the legislation, and I felt that the time had come when I should either resign or voice the sentiment of my constituency.

Now, I agree that nothing short of the Army and Navy, including the Coast Guard and including a thorough policing of six or seven thousand miles of land on the boundaries between us and the country upon the south and the country upon the north, would be efficient in guarding our borders. With the amount of money that is now available for the balance of the fiscal year, in my judgment—and I agree with the gentleman from South Carolina [Mr. BYRNES]—without regard to the $1,000,000 additional to what has been devoted to the enforcement of the laws along this line, without regard to the loss of the million dollars, it seems to me that the enemies of the prohibition law desire to make it ridiculous by reason of the extraordinary expenditure, and therefore, perhaps, favor this appropriation. I may be wrong about it. I do not think I am. But I agreed with the conference committee on the part of the House to bring it back to the House and let the House pass upon it, and, by a preferential motion, if anybody sees fit to make it, to agree to the Senate amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa [Mr. GOOD] that the House insist on its disagreement to the Senate amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN of Illinois. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 211, noes 0.

So the motion was agreed to.

Mr. GOOD. Mr. Speaker, the next Senate amendment relates to the hospital at Chicago, numbered 22. I understand the gentleman from Illinois [Mr. CANNON] desires to make a preferential motion.

Mr. CANNON. Yes. I offer the following motion, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. CANNON moves that the House recede from its disagreement to the amendment of the Senate No. 22, and agree to the same with the following substitute:

"To enable the Secretary of the Treasury to carry out at once the provisions of paragraphs (a) and (b) of section 7 of the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanitarium facilities for discharged sick and disabled soldiers, sailors, and marines,' approved March 3, 1919, the limit of cost of the acquisition of the site and uncompleted building and completion and construction of the hospital buildings at Cook County, Ill., authorized by said act, is hereby increased from $3,000,000 to $3,400,000, and, for the purpose of carrying the foregoing authorization into effect, there is hereby appropriated the sum of $400,000, to remain available until expended: *Provided*, That no part of said sum so appropriated shall be used to pay any profit to either the owners of the land and present uncompleted buildings or to the contractor for the completion of the work."

Mr. BYRNES of South Carolina rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. BYRNES of South Carolina. I desire to offer a motion to concur with an amendment. I want to know if the gentleman from Iowa will allow me to offer that motion instead of moving the previous question?

Mr. GOOD. Does the gentleman desire to offer it now, so that it may be pending?

Mr. BYRNES of South Carolina. Yes.

The SPEAKER. The gentleman from South Carolina offers a motion for the information of the House. The Clerk will report it.

The Clerk read as follows:

Mr. BYRNES of South Carolina moves to concur in Senate amendment No. 22 with an amendment striking out all of the paragraph after the word "of," on line 25, page 15, and inserting in lieu thereof the following:

"Section 7 of the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanitarium facilities for discharged sick and disabled soldiers, sailors, and marines,' approved March 3, 1919; so much of the act entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes' (Public, No. 5, Sixty-sixth Congress); and so much of the act entitled 'An act making appropriations to supply urgent deficiencies in appropriations for the employees of the Compensation Commission and the Public Health Service for the fiscal year ending June 30, 1920,' approved December 24, 1919, as directs the Secretary of the Treasury to acquire and complete the hospital at Broadview, Cook County, Ill., known as the Speedway Hospital, is hereby repealed, and the Secretary of the Treasury is authorized and directed to construct in Cook County, Ill., on land now owned by the Government or on a new site to be acquired by purchase or otherwise, a hospital plant, complete, at a cost not exceeding $3,000,000.

Mr. MADDEN. I reserve a point of order against the amendment.

The SPEAKER. It is read for information only. It has not yet been offered.

Mr. GOOD. I will say to the gentleman from South Carolina [Mr. BYRNES] that it has been suggested that it might be better if the gentleman would offer his amendment now as a substitute for the amendment offered by the gentleman from Illinois.

Mr. BYRNES of South Carolina. Mr. Speaker, I accept the suggestion of the gentleman from Iowa, and I offer my amendment as a substitute, so that if the point of order is to be made it can be made at this time.

Mr. MADDEN. I reserve the point of order.

The SPEAKER. The Chair assumes that the gentleman does not desire to have his amendment read again immediately, and the Chair will assume that he offers it as a substitute instead of for information.

Mr. BYRNES of South Carolina. Yes.

The SPEAKER. Does the gentleman from Illinois make the point of order?

Mr. MADDEN. I reserve it.

Mr. BLANTON. I ask for the regular order.

Mr. MADDEN. I will waive the point of order. I think we can determine the question on its merits. I am perfectly willing to do that.

Mr. GOOD. Mr. Speaker, I assume that the gentleman wants to use some time in the discussion of this proposition, and inasmuch as the time is limited to one hour I will ask the gentleman if it will be satisfactory to him if I yield him one-half of that time?

Mr. BYRNES of South Carolina. Entirely satisfactory.

Mr. GOOD. I yield first 10 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, almost two years ago the Shank Co. began to construct a building proposed to be used for a hospital under the Public Health Service for the care of wounded soldiers who have been discharged from the service.

The work on this hospital was not done under a formal contract, but it was done under an informal contract and by authority of the public officials of the Government.

Later on, about the 16th of October last year, it was suggested by the contractor that if the Secretary of the Treasury would sign the contract authorizing the completion of the work he would complete the work for $3,000,000, and up to last December the contractor was ready to do that. The Secretary of the Treasury never was ready to sign a contract up to that time, although negotiations had been conducted from time to time looking to that end.

Later on the Secretary of the Treasury determined that he would sign a contract, and then it transpired that the cost of labor and material had risen so much higher than it was either in October or December, 1919, that it would be impossible for the contractor to proceed without great loss, and so the matter stands. When the question was up here a short time ago the gentleman from South Carolina [Mr. BYRNES] wanted to know if anyone here could speak for those who were interested in the construction of this building and say for them that no additional appropriation would be requested or required. In response to that I said I was not authorized to speak, but that I was in favor of completing the work within the $3,000,000 that was then appropriated. But it seems that now that is not possible. Everything within the power of man that could be done by the contractor and his associates has been suggested to the Treasury Department with a view to closing a contract that would furnish the facilities needed to care for these wounded soldiers, but no agreement has yet been reached. Even the suggestion has been made by the contractor and his associates to the effect that they would take back 240 of the 320 acres of land at the price which they were to be paid for the entire 320 acres of land, thus proposing to give to the Government of the United States for this purpose 80 acres of land without cost upon which to construct these buildings.

It has been suggested by these contractors, and agreed to, I believe, by the Secretary of the Treasury, that various deductions can be made without in any way affecting the adequacy of the buildings, amounting to about $165,000, and proposals have been made to the effect that these men will now enter into a contract to construct the buildings called for by the plans and specifications of the Government at a cost not to exceed $3,400,000, and that all the excess labor cost and material cost shall be determined by the Secretary of the Treasury, and that under no circumstances will these contractors require any profit on any contract which they may enter into; that they will do the work without profit and at cost. Could anything be fairer than that? I think not.

Now, the proposal under the amendment offered by the gentleman from South Carolina prevents the possibility of furnishing facilities for the care of these wounded discharged soldiers, because if we were to enact that into law we would simply provide that the Secretary of the Treasury may build a hospital somewhere in Cook County to cost not to exceed $3,000,000. What is the first thing he would have to do under that? He would have to provide the land. How long would that take? It would take not less than two years to find and buy the land. How long would it take to put up the buildings? Not less than one year more, consuming three years of time before we would supply facilities to care for the men who have been wounded in defense of the flag.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes; I will yield to my colleague.

Mr. MANN of Illinois. I understood the substitute proposal of the gentleman from South Carolina to say that the new hospital should be erected on land now owned by the Government.

Mr. MADDEN. "Or purchased."

Mr. MANN of Illinois. The Government does not now own any land suitable for this purpose in Cook County.

Mr. MADDEN. The Government owns a piece of land where the Marine Hospital stands, on Racine Avenue on the north side, and that land is 540 feet long. There is a hospital standing upon that land to-day. It has facilities for 120 men, 120 beds. There are now 140 patients in that building. That hospital has been there since I was a small boy and long before. It is utterly inadequate. It is antiquated; it is unfit for human use. It should be torn down and something else erected in its place.

The Illinois Tuberculosis Association has just reported that there are 1,200 tubercular patients in Illinois alone now awaiting hospital facilities. There are no hospital facilities in Chicago or around it except this Marine Hospital with facilities for 120 men, and the Cooper Hospital, now located in a private building, the owner of which refuses to extend the lease. There are facilities in the Cooper Hospital for 400 patients and the place is overcrowded. It is insanitary. What are you going to do? Are you going to say that because of a difference of the measly sum of three or four hundred thousand dollars you are not going to provide for the care of the men who gave themselves to the defense of the flag in the time of its direst need?

The time has come when we must stop this dillydallying, the time is here when we must act and act quickly, and if we expect to furnish facilities for the care of these men there is only one way to do it, and that is to appropriate this money, sign the contract on the terms which have been agreed upon, proceed to the completion of the building where the men can be taken care of within the next 90 days.

Mr. JUUL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JUUL. I would like to have the gentleman state for the benefit of the Members how much sooner these buildings can be completed than new ones built.

Mr. MADDEN. I have said that these buildings could be completed in 90 days and that it would take 3 years to complete new buildings which you have not yet started. So that we would have 2 years and 9 months advantage over the proposal covered by the gentleman's amendment. Here we have 320 acres of land, fertile as no land anywhere in the United States is, 250 acres of which can be used for the purpose of raising food supplies for the men who are to be provided for in the hospital.

Mr. GALLAGHER. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GALLAGHER. To erect new buildings, would it not cost double what these buildings have cost?

Mr. MADDEN. You could not put up buildings that would be half the size of these for anything like the money that is proposed to be appropriated. The only reason why you can complete these buildings for the amount indicated is that we have already built the most of them under normal conditions, and conditions at present are abnormal. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GOOD. Mr. Speaker, I yield 30 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. We will only have one speech on this side, and I presume the chairman wishes to close debate.

Mr. GOOD. Mr. Speaker, I yield two minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, this is the same old hospital fight being gone over again. Instead of proceeding with the completion of the hospital, which is needed by the department, following out the precedents made by former Secretaries, the Secretary of the Treasury desires to go out and get more land and proceed to build another new hospital and delay the completion of necessary hospital facilities for the ex-service men of this country for two years. It is useless

to talk about it. The Secretary of the Treasury and his entire force have for some unknown reason been opposed to the completion of this hospital. Whether it is because of personal feeling against some one connected with it I do not know, but I do know that unless we adopt the suggestion of the gentleman from Illinois [Mr. CANNON] we are not going to get the thing that is absolutely necessary for the wounded soldiers of this country for two years. This appropriation has been inserted by the unanimous vote of the Senate without regard to politics or personal feeling, and there is no reason why the House should not agree with the Senate and have the hospital in operation in three or four months. If the House does not do it the membership is at fault, and if they do not do it they will deserve the censure of all men.

The House on March 3 a year ago appropriated the money for the hospital, knowing that we needed it, and we can not get action. Always they came back with some new plan of delay. I hope every Member will join with us to secure the hospital facilities which we so much need. [Applause.] A vote for the Cannon amendment will get action.

The SPEAKER. The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, I would not speak at all were it not for the fact that I apprehend my beloved friend from South Carolina [Mr. BYRNES] might subsequently tell the House that I stated when this matter was up before that we would never ask for more than $3,000,000. I do not remember whether that was the exact statement I made, but it was substantially so. These were the circumstances: The Treasury Department, not feeling authorized and for other reasons not desiring to sign the contract under the original provision, had asked Congress to appropriate two and a half million dollars more for the construction of additional buildings. It is true that at the time I understood that if we passed the item authorizing a contract within the limit of $3,000,000 that would be sufficient to have these buildings completed. I stated then, and I state now, that as far as I am concerned I not only would not ask but I would be opposed to appropriating two and a half million dollars, or any part of it, toward the construction of this additional building which the Public Health Service was trying to get Congress to authorize. Of course, I do not know what may come in the far-distant future. I am not in favor of the plan proposed by the Public Health Service to provide not only a great hospital there, but buildings costing two and a half million dollars more for the use of nurses and physicians.

What is the proposition pending before us? Mr. Hines, through various circumstances, the main one of which was the loss of his son under very distressing conditions in France during the war, wanted to help the Government build a hospital for the use of the Government during the war. He proposed that he be allowed to do that to the extent that he would contribute a million or a millon and a half dollars and the Government should contribute the balance, and at the end of the war he would get the buildings back and then have the hospital, which he proposed to donate as a memorial to Chicago or to Illinois, whatever the local municipality might be. If his contract goes through and the hospital is built, he will then have given to the Government in the neighborhood of a million and a half dollars. He will be out a million and a half dollars. If the Government built a new hospital on ground already owned by the Government—although it does not own ground in Cook County, Ill., on which a hospital can be built—the Government would lose a million and a half dollars which Mr. Hines would otherwise contribute to the Government, and thereby reduce the size and the facilities of the hospital.

This matter has been before the House on a number of occasions. If we can now for $3,000,000 or $3,400,000 obtain a hospital which would cost five or five and a half million dollars to complete as a new proposition, are we not better off, will we not have better facilities than would be obtained by starting a new project and paying $3,000,000 for a half-size hospital which can not be obtained for several years? [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SABATH] and the gentleman from Illinois [Mr. CHINDBLOM] each have five minutes on this subject, not to be taken out of the hour.

The SPEAKER. Is there objection?

Mr. BYRNES of South Carolina. They are both in favor of this proposition, are they not?

Mr. GOOD. Yes; but my time has already been yielded. I have agreed to yield 30 minutes to the gentleman from South Carolina, and I have not any time to grant to these gentlemen.

The SPEAKER. Is there objection?

There was no objection.

Mr. GOOD. I will ask the Speaker now to recognize Mr. SABATH.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. SABATH. Mr. Speaker, I think the Members of the House are familiar with the former legislation on this proposition, and I shall not take time to go into it now. I am satisfied that the substitute offered by the gentleman from Illinois [Mr. CANNON] protects the interests of our Government. There is no one here who will deny that the hospital is badly needed. The hospital is needed, and we owe it to these boys to provide them a proper place in case of sickness. It has been stated that there are eleven hundred service boys in need of hospital or medical attention who can not be taken care of at this time. Our hospitals are filled now. We have no place anywhere within miles of Chicago where we can take care of these sick and suffering boys. The substitute offered by the gentleman from South Carolina [Mr. BYRNES] that the Government should build a hospital somewhere else is absolutely out of the question, and if the gentleman were acquainted with conditions in Chicago and in the vicinity of Chicago, from what I know of him I know that he would not have offered this substitute. The location that he referred to contains only a block and a half; it is in a crowded section, where thousands of automobiles pass every day. This great hospital, the Speedway, is 10 miles away from the courthouse. It is splendidly situated and will afford to these boys who need attention a splendid place to put in one, two, or three weeks when in need of medical treatment.

I do not know how much money Mr. Hines is donating to the Government. I do not know whether it is a million or a cent; but even if he is not donating a penny, our Government is rich enough and is in duty bound to provide for these boys. It will be a shame and a disgrace if we should delay another three or six months or another year, as we have already done. I do not know the reason behind this effort to prevent the erection and completion of this hospital. No one has charged that it is too expensive. It is fireproof; it can not be duplicated for the same price now, nor can the ground be obtained for the same price. As I understand the motion, it is to provide $400,000 in addition to the $3,000,000, although it may not require more than $150,000 or $200,000. If it is not used, it will go back into the Treasury. I think the motion of the gentleman from Illinois ought to prevail.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LAZARO. Mr. Speaker, will the gentleman from South Carolina give him a minute in which to answer a question?

Mr. BYRNES of South Carolina. Yes, if the gentleman asks me to.

Mr. GARD. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAZARO. Gentlemen on both sides of the aisle speak of the cost, speak of dollars. What I am interested in is the element of time. Is it the opinion of the gentleman that this hospital which has been started will be completed within three months and the other one in about three years?

Mr. SABATH. This hospital is under roof now. It is a building over 2,000 feet long, it is fireproof, and I believe it can be completed within 90 days. It would have been completed a year ago had it not been for a lot of technical questions that came up from time to time.

Mr. LAZARO. Another question: Have gentlemen on both sides of the aisle taken into consideration the fact that in order to cure tubercular patients you have got to start now, and if you wait a year or nine months it will be too late?

Mr. SABATH. There is no doubt about that.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. GALLAGHER. If they had purchased this hospital when it was offered first, they would have saved $400,000.

Mr. SABATH. Why, we would have saved $900,000. It is the same as with the Chicago post office. If we had acted when we should, we would have saved to the Government $4,000,000; and if we do not act now, the chances are that we will be obliged and the public will demand that we appropriate instead of $400,000 perhaps $4,000,000 more. I do not agree with my

colleague [Mr. MANN], and I would not refuse to appropriate in the future any additional sum of money recommended by the department. On the contrary, I am ready and willing to appropriate any amount of money which is necessary to properly take care of the boys who have served our Nation. We can not do too much for them.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. JUUL. Mr. Speaker, I want to ask the gentleman——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

Mr. GOOD. Mr. Speaker, I will ask the Chair to recognize the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] is recognized for five minutes.

Mr. CHINDBLOM. Mr. Speaker, I feel that the House and the country should know the situation with reference to the hospital facilities for the sick and disabled soldiers who have come out of the recent war. On December 5 last the Secretary of the Treasury sent to the Speaker of the House of Representatives a communication, which, on December 8, was referred to the Committee on Public Buildings and Grounds. This Committee on Public Buildings and Grounds has held hearings for six or seven days upon a bill suggested by the ex-Secretary of the Treasury, now a Member of the Senate [Mr. GLASS]. Those hearings have brought out the great need for hospital facilities for the care of the soldiers, sailors, and marines who have returned from the war sick or disabled. The Secretary of the Treasury, Mr. GLASS, in the communication of December 5, 1919, stated to the Speaker of the House that there would be required during the next two years 30,600 beds for the care of these ex-service men, and that the total number of hospitals now operated by the Public Health Service provide 7,200 beds, leaving a balance of 23,400 beds to be provided within the next two years.

Representatives of the Bureau of War Risk Insurance and the Public Health Service have appeared before the Committee on Public Buildings and Grounds and asked for $85,445,000, to be expended as follows: Fifteen million dollars for the fiscal year ending June 30, 1920; $25,000,000 for the fiscal year ending June 30, 1921; $20,000,000 for the fiscal year ending June 30, 1922; $18,425,000 for the fiscal year ending June 30, 1923, for construction purposes, and, in addition, $1,400,000 for 1920, $2,200,000 for 1921, $2,000,000 for 1922, and $1,400,000 for 1923, for furniture and equipment, all for the purpose of providing accommodations for the care of discharged sick and disabled ex-service men from the late war.

Hearings before the committee show that none of the projects included in the act of March 3, 1919, have been advanced sufficiently to justify an expectation that they will be ready for use within the present year, with the single exception of the Broadview Hospital, at Chicago, which could have been completed within not to exceed four months at any time since March 3, 1919.

The owners and contractors for the Broadview Hospital would have completed the building within the limit of cost of $3,000,000 if they had been permitted to begin work at any time prior to October 16, 1919. The Secretary of the Treasury was authorized to take over the Broadview or Speedway Hospital by the act of March 3, 1919; thereafter he was directed to acquire the property on July 11, 1919, and again directed by Congress to close the matter on December 24, 1919. During all this time the cost of material and the scale of wages have constantly increased, and with the opening of the spring season at this time further large advances in both material and labor are inevitable. In fact, the labor unions belonging to the Building Trades Council in Chicago have already served notice of a demand for increased wages to take effect both on April 1 and May 1. The situation resulted in action being taken by the Associated Building Contractors of the State of Illinois at their third annual convention at Chicago on January 7 and 8 advising their members to protect themselves by inserting in every contract a provision that the proposition therein made is based upon the cost of material as of the date of the contract, and that the owners will be charged or credited with the increase or decrease in the cost of material and labor over or under the prices which existed upon the date of the contract. Similar action has been taken by the building interests throughout the United States.

The Committee on Public Buildings and Grounds is now confronted with the necessity of acting upon the communication from the Secretary of the Treasury, asking further authorization to procure hospital facilities. The situation is appalling. Everywhere throughout the country there are hundreds and thousands of men who are waiting for hospital care and treatment, who are suffering disabilities and ailments and diseases contracted in the recent war. I do not apprehend that the gentleman from South Carolina [Mr. BYRNES] is going to stand upon the queries which he propounded to some of us in a recent discussion of this matter, but if he does, I want to call attention to the question which was asked of me. It was then proposed by the Bureau of the Public Health Service and by the Secretary of the Treasury, not by Members of the House who advocated this proposition, that an additional appropriation of $2,500,000 should be made for the purpose of enlarging not only the capacity but the scope and purpose of the Broadview Hospital. The gentleman from South Carolina, interrupting me at that time, said:

> I want the gentleman to tell me in that one one word—
>
> Which I was about to utter—
>
> whether he is going to come back here and ask for the two and a half million dollars.

And, as the record shows, the gentleman from Illinois [Mr. CHINDBLOM] answered, "I am not." We are not here now asking for the two and a half million dollars; but, Mr. Speaker, let me say this: It is almost a year since the Secretary of the Treasury was first authorized to acquire this property or some other suitable property for the care of the sick and disabled ex-service men in the Middle West. He has done nothing yet. The buildings at Broadview could have been completed within four months at any time since the 3d of March, 1919. If there be any increased cost now, it has been caused by these repeated delays of the Treasury Department.

The SPEAKER. The time of the gentleman has expired.

Mr. CHINDBLOM. May I have one minute more?

The SPEAKER. The gentleman asks unanimous consent that his time be extended one minute. Is there objection?

Mr. BYRNES of South Carolina. Mr. Speaker, we did have an agreement in which the time was fixed——

Mr. GARD. Mr. Speaker, I understood the request was that the time be extended outside of the time fixed.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that I may extend and revise my remarks.

The SPEAKER. The gentleman asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. Forty-three minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, is not that incorrect, because I understand we on this side are to have 30 minutes?

The SPEAKER. The Chair included the 30 minutes which the gentleman from Iowa is going to yield to the gentleman from South Carolina, and he has 13 minutes besides,

Mr. GOOD. Mr. Speaker, I yield 30 minutes to the gentleman from South Carolina. There will be but a combination speech on this side between the gentleman from Illinois and myself.

Mr. BYRNES of South Carolina. I understood the gentleman to have but one speech, but I have no objection to his having two.

The SPEAKER. The gentleman from South Carolina is recognized for 30 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I dislike very much again to discuss this question of the Speedway Hospital. I hoped that we had finished with it; but, like Banquo's ghost, it will not down. The Speedway Hospital has been before Congress for many months. The fact is that it originated as the result of the abandonment of what was known as the Speedway race track. Mr. Edward Hines, having started the construction of that enterprise, had upon his hands during the year 1918 an immense lot of steel girders and other material that had been purchased for the grandstand. It is difficult to know for what purpose they could be used other than in the construction of such a building as has been erected. I can only speculate as to what motive actuated him in commencing the construction of this building and in endeavoring to sell it to the War Department in the summer of 1918. The officers of the War Department at that time were exceedingly anxious to take over anything and everything that they could find that would serve the purpose of a hospital building, anticipating as they did that the war would continue for many months, if not years, to come. A subordinate officer approved the plans by putting his initials upon the plan of the hospital submitted to him by Mr. Hines and his representatives. Before it reached the Secretary of War or the Assistant Secretary of War for his approval, Mr. Hines proceeded with the construction of that building, and

finally telegraphed asking that the War Department secure priorities for the shipment of certain material necessary for the building of this hospital under contract with the War Department. The Secretary of War immediately telegraphed him that if he was under the impression that he had a contract with the War Department for the construction of the hospital that he was mistaken, and he was proceeding at his own risk. No contract was ever signed with Mr. Hines; and, notwithstanding the repeated statements upon this floor with reference to a contract had with the War Department, there never was a contract and there is no contract to-day.

Mr. SABATH. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not yield. I am going to state the history of this thing. Upon the cessation of hostilities November 11 it became apparent that the War Department had no use whatever for this immense hospital building. These gentlemen then went to the Public Health Service, and they were wise in doing it, because, as the gentleman from Illinois [Mr. MANN] has so often stated on the floor, there is no department of the Government more anxious to branch out and extend its activities than the Public Health Service, and they were willing to take over the building, provided it could be adapted to the needs of the Public Health Service. Negotiations followed. Finally, on March 3, 1919, this Congress passed an act—I have it here—and I wish to read it to the House, because I want the House once and for all to understand this Speedway Hospital matter.

Gentlemen to-day tell you that on March 3 the Congress directed the Secretary of the Treasury to take over this hospital immediately and complete it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNES of South Carolina. I can not yield.

Mr. CHINDBLOM. Has anybody said he was directed?

Mr. BYRNES of South Carolina. I have refused to yield.

In March, 1919, Congress passed an act providing that the hospital in Cook County, Ill., should be taken over, but the act contained this provision:

Provided, That if the Secretary of the Treasury shall make a finding that any hospital project hereinafter specifically authorized is not to the best interest of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service he is hereby authorized to reject such project or projects and to locate, construct, or acquire hospitals at such other locations as would best subserve the interest of the Government and the emergency needs of the Public Health Service within the limits of cost of such authorization.

This act limited the expenditure to $3,000,000. It was a discretionary act of Congress. It placed in the Secretary of the Treasury the discretionary authority to complete the Speedway Hospital, or, if he did not think it best served the interest of the Government, then to go elsewhere and construct a building. The Secretary of the Treasury, following out the mandate of the act of Congress that said he must investigate as to whether it would best serve the interests of the Government, caused the Surgeon General of the Public Health Service and the Supervising Architect to come before him. The Supervising Architect submitted to him a memorandum telling him if he signed the contract which was referred to in this act that the Government would buy an extraordinary amount of trouble. Upon that recommendation of the Supervising Architect the Secretary of the Treasury proceeded to investigate. He submitted it to the Surgeon General of the Public Health Service, asking him to determine what the needs of the Public Health Service were, and when those needs were determined he submitted the matter to the Supervising Architect in order to ascertain whether it could be completed within the limit of cost. He had to do it to comply with the act of Congress that said this building must be suited to the needs of the Public Health Service and limited the cost to $3,000,000. The Supervising Architect reported to him that in order to adapt that building to the needs of the Public Health Service it would cost $2,500,000 in addition to the $3,000,000 appropriated by Congress. The law officer of the Treasury Department advised the Secretary of the Treasury that he could not sign a contract exceeding $3,000,000. The Secretary of the Treasury then proceeded to exercise the discretion placed in him by this act, and investigated what is known as the marine hospital site. Plans were drawn—tentative plans are to-day in the Supervising Architect's office—for the construction of a hospital building on land owned by the Government, known as the marine hospital site.

At that time the gentlemen interested in the Speedway proposition heard what was in the mind of the Secretary of the Treasury. They knew he was considering the erection of a hospital on the marine hospital site instead of completing the Speedway Hospital. And then what happened? A deficiency bill went to the Senate. And here on the last night of that session of Congress, prior to the next fiscal year, when the deficiency bill came back to the House it had on it a provision making it mandatory upon the Secretary of the Treasury to take over the Speedway Hospital and taking away from him the discretion he was about to exercise in favor of constructing a new building in Cook County, Ill. But the gentlemen who framed that amendment and put it on the deficiency bill in the Senate framed it so that it provided again that it was discretionary to the extent that the Secretary had to adapt it to the needs and purposes of the Public Health Service. The Public Health Service immediately proceeded to frame its plans, and when the plans were submitted to the Supervising Architect he advised the Secretary that to complete the buildings in accordance with what the Public Health Service said was necessary to make it suit their needs would make it cost $5,500,000. I was opposed to the Congress appropriating $5,500,000 for this hospital. In December we sent to the Senate a bill providing an urgent deficiency appropriation for the Employees' Compensation Commission and the Public Health Service, and in accordance with its custom the Senate again legislated on the subject of the Speedway Hospital, directing that the Secretary of the Treasury proceed without regard to the needs of the Public Health Service to complete this Speedway Hospital at a sum not exceeding $3,000,000.

Now, what happened? The gentleman from Iowa [Mr. GOOD] presented that bill the afternoon the House adjourned for the holidays. There was not a quorum in the House, and I first made the point of no quorum. I then withdrew it until I could ascertain what was included in the Senate amendment. Then my good friend from Illinois [Mr. MADDEN], who, knowing what he said at that time, had to make a speech to-day, told us this would settle the question. I told him I was opposed to spending one dollar over the $3,000,000, but because I had been told by gentlemen that this would settle the Speedway matter I would not insist upon a quorum and would vote for the bill, but that I feared they would come and ask for more than $3,000,000. The gentleman from Illinois [Mr. MADDEN] knows that he told us $3,000,000 would build this hospital. If he is in doubt about it, I will read it to him. Mr. MADDEN said:

As far as I understand the situation, it is that the Secretary of the Treasury prepare plans for such buildings as he had suggested to him by the Public Health Service; that the people who are interested in this matter have agreed to complete the contract for the buildings on such a plan as he submits within the $3,000,000.

And then in another place he says:

I think that within the $3,000,000 proposed they can put up all the buildings they need.

And the gentleman from Illinois [Mr. MANN] said practically the same thing, and I have great confidence in his judgment. I had such confidence in his judgment and the statements of these other gentlemen that I did not insist upon a quorum, did not oppose the conference report, and it went through.

The gentleman from Illinois [Mr. CHINDBLOM] also had to make a speech to-day, because he went on record as agreeing to the $3,000,000.

Mr. CHINDBLOM. I read the language of the report.

Mr. BYRNES of South Carolina. I do not know what you read, I do not recall your language, but in substance you did so agree. The gentleman from Iowa [Mr. GOOD] went further and said:

And the Public Health Service and the Secretary of the Treasury ought to understand that by taking this action it is the intention of Congress that this building and the 320 acres of land and the five auxiliary buildings shall be acquired within the present limit of cost.

And again he said:

It will be useless, so far as I am concerned, for the Secretary or the Public Health Service to come before the Committee on Appropriations or any other committee of this House asking for anything in addition to the $3,000,000 already appropriated for the purpose of acquiring this hospital.

And I say in justice to the gentleman from Iowa that he took the same position in conference, refusing to agree to the Senate amendment because of his promise to the House. Two or three weeks ago, when this subject was discussed, gentlemen charged the Secretary of the Treasury with refusing to sign this contract, when he had time and again offered to sign it for $3,000,000. In the presence of the gentleman from Michigan [Mr. FORDNEY] Mr. GLASS offered to Mr. Hines the contract and said, "If you sign that with Mr. FORDNEY as a witness for $3,000,000 I will agree to the changes you say you can make, which will save $165,000, and will let you keep that $165,000." And Mr. Hines refused to sign unless the contract included a provision giving him in addition to the $3,000,000 a sum equaling the increase in labor and material since last October.

Mr. FORDNEY has told me that this offer was made in his presence. Time and again Mr. GLASS offered to sign it. Yet gentlemen sought to create the impression that the Secretary of

the Treasury was refusing to sign the contract as authorized by law. The gentlemen who are interested in this proposition submitted a contract which provided for $3,000,000 plus an amount that would equal whatever increase in cost of material was incurred from October 16, 1919, by them. They not only did that, but I will call your attention to another thing right now. During the consideration of this matter, since Secretary Houston has become the Secretary of the Treasury, about February 8, they offered the Supervising Architect a contract which had a stipulation to provide that out of this $3,500,000 that the Government shall pay $28,856.96 to cover the increase in cost of labor from August 26, 1918, until March 15, 1919, before Congress ever legislated on the subject at all.

The stipulation reads:

It is also understood and agreed that the party of the second part has a claim for extra compensation already earned on account of the increase in the scales of labor wages between August 26, 1918, and March 15, 1919, and that the amount of said claim does not exceed $28,856.96. The amount of this claim is subject to verification by the Supervising Architect and in the amount found by him to be due is payable out of the sum of $3,500,000 authorized and appropriated for this project.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield

Mr. BYRNES of South Carolina. I regret I can not yield.

Mr. CHINDBLOM. You are not quoting the record, and I have the stipulation here in the papers, and I will be glad to show it to the gentleman—the language of it.

Mr. BYRNES of South Carolina. The gentleman is referring to the stipulation in the final contract presented to the Secretary. What I have read is the stipulation first offered to the architect. I have read the original and copied it myself. They handed it to the Supervising Architect, and he stated that he could not even consider it, and it was not presented to Secretary Houston by the architect, and the contract that is now offered by Mr. Hines does not contain it. But it is not because they did not try to put it over.

Now, what are you going to do about it? Why, the gentleman from Illinois [Mr. MADDEN] says the reason for this action is that the cost of labor has gone up in two months. Before the Committee on Public Buildings and Grounds, the gentleman who represents Mr. Hines, Mr. Bennet, says first that in a letter, dated October 16, 1919, he had agreed to build this hospital for $3,000,000; then he stated, on page 48, "What you have just read shows that we said then that we could not complete it for $3,000,000, and we never would have been able to do it." This shows they never have had any idea of signing a contract for $3,000,000. Then, on the same page, he says the reason he is not now willing to build for $3,000,000 is the fact that labor has gone up in the last two months, just as Mr. MADDEN states. What has that got to do with it, when away back in January the Secretary of the Treasury offered to sign this contract for $3,000,000? And when Mr. Bennet came before the conference committee he gave an entirely different excuse. He told us, "The increase in the cost of labor and material during the last 60 days is not great, but I am now asking for $500,000 more because of the fact that the builders in Chicago have adopted a resolution to the effect that every contractor should insist upon this cost-plus provision, inasmuch as the union labor in Chicago is asking for an increase of wages, to take effect in April."

Gentlemen of the House, when I asked him to hand me the paper, the bulletin was marked "February," so that he never had seen it at the time he refused to sign that contract in January in the presence of Mr. FORDNEY, when Mr. GLASS offered it to him.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. I regret I can not yield.

Mr. GOLDFOGLE. I have no interest in this matter one way or the other, but I want to be able to vote intelligently.

Mr. BYRNES of South Carolina. Very well; go ahead and ask the question.

Mr. GOLDFOGLE. Why did he refuse to sign the contract?

Mr. BYRNES of South Carolina. The last reason he gave was that in a bulletin that he has from the Builders' Exchange of Chicago it is stated that the union labor of Chicago asks for an increase of wages of 60 or 75 or some other large per cent, to take effect in April, and therefore it would not be safe for them, he says, to sign this contract without having in it this provision, paying for any increased cost of labor and material back to October. They want you in advance to appropriate $500,000 so that labor will know they have the money to meet their increased demands and there is no incentive to him to keep down the cost of labor or material. And now for the first time, after they have denied time and time again that that provision in their contract would cost a single dollar over the $3,000,000, they come in and say they want $500,000 and admit that when they asked the Secretary to sign that contract under the law limiting the cost to $3,000,000 that they knew it would cost $3,500,000. The Secretary of the Treasury agreed that they could make certain changes, provided these changes were approved by him. Mr. Houston stated in the presence of Mr. Bennet the other day "I will approve of the changes that will enable them to save about $100,000." I said, "Mr. Secretary, if you can get them to sign that contract for $3,000,000, will you agree to allow these changes and thus give them this $100,000 extra?" He said, "Yes, but they will not agree." And Mr. Bennet stated then that they would not agree, even though they got this $100,000. Then Mr. GOOD said to Mr. Bennet: "You told me you could get out if you had those changes."

Now, I ask you to turn to the hearings here of the Committee on Public Buildings and Grounds in December—not last March, but December 17 and 18, 1919—and here is what Mr. Bennet said:

I want to make it plain that the present contractors believe—and the Chicago people believe—that $3,000,000 will erect a sufficient hospital for the needs of the Public Health Service.

Then gentlemen on that committee asked him whether, if they granted the legislation he wanted making it mandatory to accept this building, it would increase the appropriation, and he said, "Not a penny; not one cent."

Now, I will tell you why he took that position. The Secretary of the Treasury had discretion in the matter. They had to get that discretion out of the hands of the Secretary. If they had come in and asked Congress to take that discretion away and force him to sign the Speedway contract without regard to the needs of the Public Health Service and at the same time had asked for $500,000 additional, Congress might not have done it, so that they take one bite at a time, and they make this provision mandatory in the first deficiency bill, and then in this deficiency bill they come in for $500,000 additional. The Lord only knows what they will ask in the next bill.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. I can not yield.

Mr. BRITTEN. I would like to clear up one point on the gentleman's amendment.

Mr. BYRNES of South Carolina. I regret I have not the time. The gentleman from Illinois [Mr. MANN], in whom I have great confidence, has been misled. They have all been misled. A deficiency bill came in here in July. It had legislation for the Speedway Hospital on it. The House gave what they asked. A deficiency bill came in here again in December. It had legislation for the Speedway Hospital on it. They all swore it would not cost a dollar more than $3,000,000. The House gave what they asked. Now, this bill has legislation for the Speedway on it, and it will cost the people $500,000. Later we will have another deficiency bill, and I am wondering how much more will be demanded.

You are in here within two months asking for $500,000 more, one-sixth of the cost, and you are going to find these people asking for something on the next deficiency bill and on every deficiency bill that comes through the Senate. The Supervising Architect was right. The Government is buying an extraordinary amount of trouble. The only thing to do is to vote for my amendment and take $3,000,000 and construct a hospital in Cook County, either on the marine hospital site or on land to be purchased, and in either event you will get it cheaper; for just as sure as I am standing here you are not now appropriating the last dollar for this building when you appropriate $3,500,000. You can not tie them up in a contract. I have seen Houdini down here at Keith's Theater, and I would rather undertake to tie up Houdini than to tie up these people in a contract and hope to hold them to it. You can not do it. Every time a deficiency bill comes in here pressure is brought to bear to secure some legislation they desire. The present Secretary of the Treasury, Mr. Houston, is a very good man, but he does not know what he has gotten into. He said the other day that he was not able to attend to any business of the office of the Secretary of the Treasury except the Speedway business, and I fear he will have time for little else if you do not adopt my amendment and abandon this Speedway building. Gentlemen, the Court of Claims in the final analysis will wind up the affairs of the Speedway Hospital, because you can not bind them.

Mr. GARD. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. I yield to the gentleman from Ohio.

Mr. GARD. Can the gentleman tell us what was the original character of the construction of this building?

Mr. BYRNES of South Carolina. Constructed out of the girders of the grand stand of the speedway and the other

material purchased for stands. Of course, additional material had to be purchased.

Mr. GARD. Was that a race track?

Mr. BYRNES of South Carolina. A race track.

Mr. SABATH. It was an entirely new building.

Mr. BYRNES of South Carolina. The gentleman from Illinois [Mr. MANN] said that Mr. Hines lost a million dollars in this thing. I know he was so informed; but what are the facts? The Supervising Architect sent his experts to look at the building which is now standing in Chicago. Mr. Hines says it is worth $1,600,000—$300,000 for the land and $1,300,000 for the building. The Government experts went over the building and their estimate is that the building is worth only $1,000,000 instead of $1,300,000. So when you take over this building you give him $1,600,000 for land and building when the Supervising Architect's experts say it is worth $1,300,000, and you give him $1,900,000 to complete it. You not only give him $500,000 velvet, but you give him the $300,000 over and above what the officials of the Government say his building is worth. Then, in addition to that, he is going to get the changes in the interest of economy which amount to $165,000 according to Mr. Hines, but only $100,000 according to Mr. Houston. Now, that is what you are going to do. My friend from Illinois [Mr. SABATH] said to his colleague [Mr. MANN] that he would vote for any appropriation for that. Of course he would.

Mr. SABATH. Not for that. I said for this purpose.

Mr. BYRNES of South Carolina. Yes; for that purpose. You could offer an amendment for $5,000,000 and he would vote for it, and we all know it, and there are other good-hearted gentlemen here who will vote for it at any time; but, my friends, we have a duty to perform. It may be an unpleasant duty, but you have got to protect the Treasury sometimes, and when you quarrel here day after day to save a dollar here and a dollar there by cutting somebody's salary and then come in here and throw away $500,000 at one time when it is unnecessary you are not making any saving.

Adopt my amendment, and before Monday morning, before the Senate can act on this matter, Mr. Hines will sign that contract for $3,000,000. He would not let it get away from him. The Secretary of the Treasury could not take an aeroplane and get away from him. There is no chance for it. Talk to me about sentiment! I hate to say a word about it, because I have no doubt that Mr. Hines's son was a splendid young man. He was a lieutenant who died in France, not in battle but in sickness, just as much a hero as if he had died in battle; but I do not believe in coming in here and under the cloak of a soldier who died in France trying to appropriate money from the Treasury in this manner. If Mr. Hines, who is a millionaire, was commemorating the death of his son, would he come here to-day and refuse to sign this contract for $3,000,000 when it is the amount he asked for in December, and his representative, Mr. Bennet, promised time and again they would complete it for $3,000,000? Would he come in here and try to get $28,000 to cover the increase in the cost of labor and material between August, 1918, and March, 1919, before the Government ever touched it? That does not look like sentiment. The gentleman from Illinois says Mr. Hines is giving the Government a million dollars. Great God, I never knew a man in my life who needed to employ a lawyer to spend six months here trying to force the Government to take a million dollars away from him. Looking a gift horse in the mouth! Yes; sometimes you had better do it when they come and tell you they are giving a million dollars away. One day in the discussion on the floor here I heard the gentleman from Dakota say that Mr. Hines would not sign the contract drawn up by Mr. GLASS, because it would cost the Government more than $3,000,000. And now they are asking for $500,000 more than the $3,000,000. Did you ever hear of such a thing? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CALDWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. GOOD and Mr. GARRETT moved a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrews, Md.	Brumbaugh	Costello	Dominick
Bacharach	Byrns, Tenn.	Crago	Dooling
Bell	Campbell, Pa.	Cramton	Doughton
Benham	Caraway	Crowther	Dunn
Blackmon	Clark, Fla.	Currie, Mich.	Ellsworth
Booher	Classon	Curry, Calif.	Emerson
Bowers	Cooper	Dewalt	Ferris
Browning	Copley	Dickinson, Mo.	Fess
Fields	Kennedy, R. I.	Neely	Sells
Flood	Kiess	Nicholls, S. C.	Shreve
Fuller, Mass.	Kreider	Nichols, Mich.	Slemp
Gallivan	Langley	O'Connell	Smith, Ill.
Godwin, N. C.	Larsen	O'Connor	Smith, N. Y.
Goodall	Layton	Paige	Snell
Gould	Lea, Calif.	Parker	Snyder
Graham, Pa.	Lesher	Pell	Steagall
Griest	Lufkin	Purnell	Steele
Hamill	Luhring	Radcliffe	Stephens, Miss.
Hamilton	McCulloch	Reber	Stoll
Haugen	McDuffie	Riordan	Strong, Pa.
Hoey	McFadden	Robsion, Ky.	Sullivan
Hudspeth	Major	Rodenberg	Swope
Hulings	Mann, S. C.	Rose	Taylor, Colo.
Hutchinson	Mansfield	Rowan	Temple
Jefferis	Montague	Rucker	Ward
Johnson, Miss.	Moore, Ohio	Saunders, Va.	Watson
Johnston, N. Y.	Moore, Va.	Schall	Whaley
Kelley, Mich.	Moores, Ind.	Scully	Wheeler
Kennedy, Iowa	Morin	Sears	

The SPEAKER. On this call 313 Members have answered to their names. A quorum is present.

Mr. GOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. GOOD. Mr. Speaker, I yield six minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I desire to modify the amendment which I have offered.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with the following substitute:

"To enable the Secretary of the Treasury to carry out at once the provisions of paragraphs A and B of section 7 of the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanitarium facilities for the discharged sick and disabled soldiers, sailors, and marines,' approved March 3, 1919, the limit of cost of the acquisition of the site and uncompleted buildings and the completion of the construction of the hospital building in Cook County, Ill., authorized by said act, is hereby increased from $3,000,000 to $3,400,000: *Provided*, That no part of said sum so appropriated shall be used to pay any profit to either the owners of the land and present uncompleted buildings or to the contractor for the completion of the work."

Mr. CANNON. Mr. Speaker, is my modification agreed to?

The SPEAKER. The gentleman has a right to modify his amendment.

Mr. MANN of Illinois. Mr. Speaker, let us understand the parliamentary situation. My colleague offered the original proposition, and to that the gentleman from South Carolina [Mr. BYRNES] offered an amendment by way of substitute. Now, if my colleague has withdrawn his motion and offered a new one instead of asking for a modification of his original motion, on which will the vote first come? Does he offer it as an original proposition?

Mr. CANNON. No; I modify my amendment.

The SPEAKER. Is there objection to the modification of the amendment of the gentleman from Illinois?

There was no objection.

Mr. CANNON. Mr. Speaker, I live in Illinois. [Applause.] Iowa, Mchigan, Indiana, and various other States, with a great population, center about the great city of Chicago. I saw a newspaper statement the other day that Chicago, as will be shown by the census, is the most populous city in the world. If it is not, it soon will be. There is a great population to be served, and a large part of that population was in this contest to win the war. [Applause.] This is a proposition to care for the disabled, the people that were wounded, the people that are sick. It is needed, and needed as speedily as possible.

Now, this is a proposition to increase the limit of cost not $500,000 but $400,000. Oh, a gift, says my friend, to this speculator for his half section of land and unfinished hospital. Nay, nay; not a gift, but a proposition that there shall be no profit to him nor to the contractor.

Now, the present Secretary of the Treasury we had before us for an hour going over this matter while we were in conference. He is desirous—and I measure my words—that this site shall be acquired and the hospital be completed. What does the gentleman from South Carolina propose in lieu of this?

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. CANNON. Briefly.

Mr. BYRNES of South Carolina. The Secretary of the Treasury said he wished it understood that he was making no recommendation about this at all.

Mr. CANNON. The gentleman understands that he is favorable to it, that he desires to acquire it, and the whole conversation showed that he is friendly to the proposition, as he ought to be.

Now, what is the alternative offered by the gentleman from South Carolina? It is to construct a hospital from the foundation, including the site, for $3,000,000. The Government has no site except where the Marine Hospital is situated, about 15 acres. There is a hospital on that as against 320 acres well drained which is 6 miles from State Street with a hard road, with an elevated road within a mile of it. Why, you could not do the drainage that they have got there into the Des Planes River for many hundred thousands of dollars.

Oh, but there is something wrong about this, says my friend. Great heavens, it was a speedway, and they used the steel girders to construct this hospital in this arrangement. Good Lord, is the steel spoiled? [Laughter.]

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CANNON. No; I have only 6 minutes. Now, is this hospital needed? Yes. Ought the limit of cost to be increased $400,000? Yes. Why? Because you can not buy, as I am credibly informed, materials to complete this building except by agreeing to pay the price when delivered, which is constantly advancing. Everybody knows that prices are constantly advancing as the country is trying to get back to the normal rate of erecting buildings. Insurance? A prudent man insures. Notice has been given by the union working people that on the 1st day of April the wages will be increased 50 per cent in that great city, and have notified contractors that they have got to be careful to include that increase in their contracts.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I ask for two minutes more not to be taken out of the time allotted.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, will the gentleman now yield?

Mr. CANNON. Yes.

Mr. BLANTON. Is it not a fact that if the Byrnes substitute is adopted this contract will be signed within a few hours afterwards and we will save $400,000?

Mr. CANNON. No. I deny the truth of that, because these 320 acres are worth far more if you tear down the hospital than they were worth with the advancing prices of real estate and the depreciated currency that we have. What is the sensible thing to do? Not to exhibit a lot of temper, but to determine what, in that center of population, will provide a great hospital to care for the soldiers who are sick and wounded, and what will provide it most speedily, without profit, without one cent of profit, under the direct supervision of the present Secretary of the Treasury, with all of his officials, under a contract that enables him to comply with these provisions. I hope to God it may be completed for less than $3,400,000, and it will be, provided it can be under that contract and under that superintendence. There is nothing for insurance, nothing for the advance of wages, nothing for the advance of material. I would not take this contract if you would make it $1,000,000 instead of $400,000—not $500,000. We strike out the appropriation and we authorized the expenditure of $400,000, and I believe it will be completed for less than that. My God, what kind of word are you going to send to this great soldier population in this great center of the great Northwest? Are you going to tell them that there was a little disagreement with the former Secretary of the Treasury, or a little disagreement about this or that or the other, and that the contract was not made? A plague on the contractor, a plague on everybody concerned! I want to be practical. There is no place for you to spend your $3,000,000. God knows what 320 acres or half that amount would cost, if you chose to condemn or to purchase. You know the people who are lame and halt and blind do not understand about the fuss between the gentleman from South Carolina [Mr. BYRNES] and the Chicago contractor. [Applause.]

Mr. GOOD. Mr. Speaker, at the outset I want to assure the House that I think no Member of the House is more embarrassed over the hospital situation than I am. I have tried as best I could to have this hospital building completed within the limit of cost. I am sorry that the contract was not signed six months ago, when it might have been possible to complete the contract within the limit of cost. I hope it can still be completed within that limit. All depends upon the labor and material market. The question that I have been called upon to decide is, Shall I adhere to my former position and avoid personal embarrassments and prevent the building of a much-needed hospital for our sick and wounded discharged soldiers or face the embarrassment and help secure the hospital facilities asked for by the present Secretary of the Treasury? I wish from the bottom of my heart that the Treasury Department had one program with regard to the building of all of these hospitals. At Chicago the Secretary of the Treasury will not sign this contract because there is a provision in it which might require the expenditure of more than the limit of cost, and in that I commend his action; but at Dawsonsprings, Ky., where he is authorized to build a hospital for 500 beds at a limit of cost of $1,500,000, he does not adopt the same program. Here he has a plan for 23 hospital buildings and a limit of cost of $1,500,000, and has let a contract for one building for $500,000, and proposed to build the 22 hospital buildings at day labor, and how much they will cost nobody knows, and the Treasury does not and can not know and seemingly does not care!

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I can not yield.

Mr. BYRNES of South Carolina. The gentleman ought not to state what is not true.

Mr. GOOD. He is proceeding to build one building for $500,000, leaving $1,000,000 for 22 buildings, but for the hospital at Chicago, where, by the motion of the gentleman from Illinois, not one penny shall be paid for profit, but where the limit of cost shall only be increased by a sufficient amount to complete the contract, if there shall be an increase in the cost of labor and materials.

Mr. BYRNES of South Carolina. The Secretary says that that statement is absolutely not true; that he has not done it, and that he will not do it.

Mr. GOOD. I was told by Maj. Perry, supervising architect of the Public Health Service and in charge of this building program, this morning that the contract for the main building had been signed and that the other buildings would be built by day labor for $500,000.

Mr. BYRNES of South Carolina. The Comptroller of the Treasury and the Secretary of the Treasury say that that is not so.

Mr. GOOD. And Maj. Perry told me also that the contract had been signed, and that the Dawsonsprings Construction Co. had the contract—the very concern that Mr. Graff told us about when he said the president of the Dawsonsprings Construction Co. had told him he had an understanding with Mr. Doyle, the Assistant Secretary of the Treasury, that he should have all of the contracts, whether he was the lowest bidder or not. I want to say to the gentleman that the present sundry civil appropriation bill carries an appropriation of $123,000 to add to the marine hospital building in Chicago. Not a dollar has been expended; and yet, of all places in the United States, Chicago is most in need of hospital accommodations, and this appropriation was to provide for 43 additional beds. The gentleman from South Carolina brings here a proposition—and you must accept that or the proposition offered by the gentleman from Illinois—in which it is provided that the Secretary of the Treasury shall reject this contract and build a hospital there on the marine hospital grounds, or buy lands and build a new hospital. The marine hospital grounds are a small tract of land, with a frontage of 504 feet, extending back about 700 to 850 feet, with a long building on it now, and yet he proposes to build on that lot of ground, surrounded by apartment houses, a hospital, if you please, to take care of 1,000 of our soldiers! To build a new hospital—and you can not build a new hospital without paying profits, and profits on increased costs.

The gentleman from Illinois offers a motion to increase the limit of cost of the Broadview, but the motion of the gentleman from Illinois provided that no part of the authorized appropriation shall be paid in profits. In the one case we are to vote for profits and in the other we vote to secure a hospital without the payment of profits. Take your choice. I am sorry that it is necessary to increase this limit of cost, but I hold in my hand the publication of the labor organizations of Chicago in which they serve notice on the contractors that if any contract is entered into for a lump sum it should include the same provisions that it carried in this contract, and that is, that if there is an increase in the cost of labor or an increase in the cost of material after October 16, 1919, and the contractors are obliged to pay that increase, then and in that case the limit of cost shall be increased for enough to take care of it. The motion of the gentleman from Illinois specifically provides that not a penny of profit shall be paid to Mr. Hines or to the contractor.

What must Congress want? We have given all kinds of profits to the Army and Navy contractors, to contractors in the Treasury Department, and are asked to pay profits to some new contractors, but we say that we will not accept a building already partly constructed to house those boys who are sick, who carried the flag to imperishable glory, because, forsooth, the

contractor agrees to build it without profit to the Government of the United States.

The SPEAKER. The time of the gentleman from Iowa has expired. The question is on the substitute offered by the gentleman from South Carolina.

The question was taken.

Mr. BYRNES of South Carolina. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 228, not voting 119, as follows:

YEAS—81.

Almon	Dickinson, Mo.	Lanham	Sisson
Ayres	Drane	Lankford	Small
Bankhead	Eagle	Lee, Ga.	Stedman
Barkley	Evans, Mont.	McClintic	Stevenson
Bee	Evans, Nev.	McKeown	Sumners, Tex.
Black	Fisher	Mays	Taylor, Ark.
Blanton	Gard	Moon	Thomas
Box	Garner	Moore, Va.	Tillman
Brand	Garrett	Nelson, Mo.	Upshaw
Briggs	Goodwin, Ark.	Oldfield	Venable
Brinson	Griffin	Oliver	Vinson
Buchanan	Hardy, Tex.	Overstreet	Watkins
Byrnes, S. C.	Hastings	Padgett	Weaver
Candler	Heflin	Park	Welling
Carter	Howard	Quin	Wingo
Clark, Mo.	Huddleston	Rainey, Ala.	Wise
Collier	Jacoway	Robinson, N. C.	Wright
Connally	Johnson, Ky.	Romjue	Young, Tex.
Crisp	Jones, Tex.	Rouse	
Davis, Tenn.	Kincheloe	Rubey	
Dent	Kitchin	Sims	

NAYS—228.

Ackerman	Fordney	Linthicum	Reed, W. Va.
Anderson	Foster	Little	Rhodes
Andrews, Nebr.	Freeman	Lonergan	Ricketts
Anthony	French	Longworth	Riddick
Ashbrook	Fuller, Ill.	Luce	Rogers
Aswell	Gallagher	McAndrews	Rowe
Babka	Gandy	McArthur	Sabath
Baer	Ganly	McGlennon	Sanders, Ind.
Barbour	Garland	McKenzie	Sanders, La.
Begg	Glynn	McKiniry	Sanders, N. Y.
Benham	Goldfogle	McKinley	Sanford
Benson	Good	McLane	Scott
Bland, Mo.	Goodykoontz	McLaughlin, Mich.	Sherwood
Bland, Va.	Graham, Ill.	McLaughlin, Nebr.	Siegel
Boies	Green, Iowa	McPherson	Sinclair
Britten	Greene, Mass.	MacCrate	Sinnott
Brooks, Ill.	Greene, Vt.	MacGregor	Smith, Idaho
Browne	Hadley	Madden	Smith, Mich.
Burdick	Hardy, Colo.	Magee	Smithwick
Burke	Harreld	Maher	Steenerson
Burroughs	Haugen	Mann, Ill.	Stephens, Ohio
Butler	Hawley	Mapes	Stiness
Caldwell	Hays	Martin	Strong, Kans.
Campbell, Kans.	Hernandez	Mason	Summers, Wash.
Cannon	Hersey	Mead	Sweet
Carew	Hersman	Merritt	Tague
Carss	Hickey	Michener	Taylor, Colo.
Casey	Hicks	Miller	Taylor, Tenn.
Chindblom	Hill	Minahan, N. J.	Temple
Christopherson	Hoch	Monahan, Wis.	Thompson
Cleary	Holland	Mondell	Tilson
Coady	Houghton	Mooney	Timberlake
Cole	Hull, Iowa	Morgan	Tincher
Cullen	Hull, Tenn.	Mott	Tinkham
Dale	Humphreys	Mudd	Towner
Dallinger	Husted	Murphy	Treadway
Darrow	Igoe	Nelson, Wis.	Vaile
Davey	Ireland	Newton, Minn.	Vare
Davis, Minn.	James	Newton, Mo.	Vestal
Dempsey	Johnson, S. Dak.	Nolan	Voigt
Denison	Johnson, Wash.	O'Connor	Volstead
Dickinson, Iowa	Jones, Pa.	Ogden	Walsh
Donovan	Juul	Olney	Walters
Doremus	Kahn	Osborne	Wason
Dowell	Kearns	Parrish	Webster
Dunbar	Keller	Peters	Welty
Dunn	Kendall	Phelan	Wheeler
Dupré	Kettner	Platt	White, Kans.
Eagan	King	Rainey, H. T.	White, Me.
Echols	Kinkaid	Rainey, J. W.	Wilson, Ill.
Edmonds	Kleczka	Raker	Wilson, La.
Elliott	Knutson	Ramsey	Wilson, Pa.
Elston	Kraus	Ramseyer	Winslow
Esch	Lampert	Randall, Calif.	Wood, Ind.
Evans, Nebr.	Lazaro	Randall, Wis.	Woods, Va.
Fairfield	Lea, Calif.	Rayburn	Young, N. Dak.
Focht	Lehlbach	Reed, N. Y.	Zihlman

NOT VOTING—119.

Andrews, Md.	Classon	Emerson	Harrison
Bacharach	Cooper	Ferris	Hayden
Bell	Copley	Fess	Hoey
Blackmon	Costello	Fields	Hudspeth
Bland, Ind.	Crago	Flood	Hulings
Booher	Cramton	Frear	Hutchinson
Bowers	Crowther	Fuller, Mass.	Jefferis
Brooks, Pa.	Currie, Mich.	Gallivan	Johnson, Miss.
Browning	Curry, Calif.	Godwin, N. C.	Johnston, N. Y.
Brumbaugh	Dewalt	Goodall	Kelley, Mich.
Byrns, Tenn.	Dominick	Gould	Kelly, Pa.
Campbell, Pa.	Dooling	Graham, Pa.	Kennedy, Iowa
Cantrill	Doughton	Griest	Kennedy, R. I.
Caraway	Dyer	Hamill	Kiess
Clark, Fla.	Ellsworth	Hamilton	Kreider
Langley	Morin	Robsion, Ky.	Snyder
Larsen	Neely	Rodenberg	Steagall
Layton	Nicholls, S. C.	Rose	Steele
Lesher	Nichols, Mich.	Rowan	Stephens, Miss.
Lufkin	O'Connell	Rucker	Stoll
Luhring	Paige	Saunders, Va.	Strong, Pa.
McCulloch	Parker	Schall	Sullivan
McDuffie	Pell	Scully	Swope
McFadden	Porter	Sears	Ward
Major	Pou	Sells	Watson
Mann, S. C.	Purnell	Shreve	Whaley
Mansfield	Radcliffe	Slemp	Williams
Montague	Reavis	Smith, Ill.	Woodyard
Moore, Ohio	Reber	Smith, N. Y.	Yates
Moores, Ind.	Riordan	Snell	

So the substitute was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. DOMINICK (for) with Mr. GALLIVAN (against).

Mr. REAVIS with Mr. BELL.

Mr. HAMILTON with Mr. FIELDS.

Mr. COPLEY with Mr. BYRNS of Tennessee.

Mr. COSTELLO with Mr. HAYDEN.

Mr. JEFFERIS with Mr. SEARS.

Mr. KENNEDY of Iowa with Mr. MANSFIELD.

Mr. WILLIAMS with Mr. POU.

Mr. MOORES of Indiana with Mr. SMITH of New York.

Mr. LAYTON with Mr. HARRISON.

Mr. MCCULLOCH with Mr. JOHNSTON of New York.

Mr. CRAMTON with Mr. HOEY.

Mr. SMITH of Illinois with Mr. CANTRILL.

Mr. SELLS with Mr. HUDSPETH.

Mr. KELLY of Pennsylvania. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. KELLY of Pennsylvania. No, I was not; I thought it was a point of no quorum.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 196, noes 24.

So the amendment was agreed to.

Mr. GOOD. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment No. 34.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

For the preservation and completion of vessels on the stocks and in ordinary, etc., including the same objects specified under this head in the naval appropriation act for the fiscal year 1920, $3,000,000.

Mr. TINKHAM. Mr. Speaker, I have a preferential motion.

The SPEAKER. The gentleman will submit it.

Mr. TINKHAM. I desire to move that the House recede from the disagreement to Senate amendment No. 34 and agree to the same with an amendment.

The SPEAKER. The gentleman moves that the House recede from the disagreement to the Senate amendment No. 34 and agree to the same with an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That such parts of this appropriation as in the judgment of the Secretary of the Navy may be necessary may be applied to the objects of expenditure specified in the appropriations for various bureaus of the department for the fiscal year 1920.

Mr. GOOD. Mr. Speaker, I make the point of order on the amendment.

The SPEAKER. The gentleman will state his point of order.

Mr. GOOD. It is legislation on an appropriation bill and not germane.

The SPEAKER. The Chair will hear the gentleman briefly in order to distinguish this amendment from the ruling which the Chairman of the Committee of the Whole made on this very paragraph, as the Chair remembers.

Mr. TINKHAM. Mr. Speaker, the amendment is entirely distinct in that this provides a disposition of the various funds. It applies to the entire appropriation and its use, whereas the amendments which were offered when the bill was being originally considered were ruled out as not being germane. No point was raised in relation to its incompetence as legislation. In other words, the same point of order is not involved in any way.

Mr. BLANTON. Mr. Speaker, I make the further point of order that the last proviso is unauthorized by law and that it introduces a new subject upon an appropriation.

The SPEAKER. The Chair sustains the points of order. The Chair thinks that clearly the amendment offered by the

gentleman from Massachusetts [Mr. TINKHAM] extends this appropriation, which is made for yards and docks, over the whole Navy Department, and is subject to the ruling which was made in the committee on this subject.

Mr. TINKHAM. Mr. Speaker, I then desire to withdraw the amendment, and make a simple motion that the House recede from its disagreement to Senate amendment No. 34 and agree to the same.

The SPEAKER. The gentleman moves that the House recede from its disagreement to Senate amendment No. 34 and concur.

Mr. GOOD. Mr. Speaker, I desire to say this: It is not my intention to curtail the right of debate at all on the items in this bill. Four or five roll calls have been had to-day by gentlemen who simply want to carry this bill over, which ought to get back into conference and become a law. Now, I have said to two of my colleagues on the committee that I would yield them five minutes each; but I propose after they have had five minutes apiece to take one minute and then move the previous question.

I yield five minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. CALDWELL. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts [Mr. TINKHAM] has the floor.

Mr. TINKHAM. Mr. Speaker, this is the same amendment which has been before this House three separate times. It is an amendment, although reduced in amount, providing an appropriation of $3,000,000, instead of $9,000,000, for the essential repair of ships of the line which have been in constant use during the war, and recommended not only as an emergency appropriation but one necessary for the national defense.

In the first deficiency bill the honorable Representative from Iowa stood before you and said that it was absolutely essential; that it was in the nature of economy, as the repairs had to be made; that there should be an allowance of $9,000,000. How can he stand here to-day and say with any consistency that $3,000,000 four months afterwards is not necessary? The amendment which now is before the House was proposed by Senator LODGE, the Republican leader of the Senate, and supported in several speeches, one by Senator KNOX of Pennsylvania and one by Senator POINDEXTER of Washington. Had I the time I would read the convincing reasons they all gave why the Republican leadership in this Congress, both the House and Senate, should support this essential appropriation for the rehabilitation of our Navy and in the interest of national defense. In the amendment you have only $3,000,000 for the essential repairs of ships of the line, which the very Appropriation Committee is now opposing who reported five months ago that $9,000,000 was not only necessary but in the interest of economy, as repairs must be made and the sooner they were made the less they would cost. Had I the time I should like to read the fervid address of the honorable Representative from Iowa [Mr. GOOD] for this purpose, who now is head and front of the opposition. The appropriation for $3,000,000 which I am proposing passed the Senate by unanimous vote, and only yesterday, after the disagreement with House conferees, by unanimous vote the Senate instructed their conferees to include the item in the bill.

Mr. Speaker, I frankly state that I believe the Republican leadership in the Senate is wiser and more patriotic, as well as more intelligent, than the Republican leadership in this House, in relation to this item at least. It is not in the nature of economy to postpone the repairs which must be done, as the longer that such repairs remain undone, particularly in relation to naval construction, the greater will be the cost. The House is entirely inconsistent if it refuses that appropriation of $3,000,000 in view of its passing for the same purpose $9,000,000 five months ago. The opposition springs not from a spirit of economy but through blind following of bad leadership. The mistake should not be made.

I now yield, Mr. Speaker, one minute to the honorable Representative from New York [Mr. MAHER].

Mr. MAHER. Do you believe that it is good economy to refuse $3,000,000 for the repair of Government ships, while on last Saturday this House voted hundreds of millions of dollars to repair the property of the railroad owners of this country?

Mr. TINKHAM. I absolutely do not believe it is sound, consistent, or broad public policy.

Mr. CALDWELL. Mr. Speaker, will the gentleman yield?

Mr. TINKHAM. I will.

Mr. CALDWELL. I have asked the gentleman to yield in order that I may express the hope that the motion of the gentleman will carry.

Mr. TINKHAM. Mr. Speaker, I desire to read, now that it is brought to my attention, a communication from the Secretary of the Navy, Mr. Daniels, to the honorable Representative from Pennsylvania [Mr. BUTLER], chairman of the Committee on Naval Affairs, in relation to this appropriation:

NAVY DEPARTMENT,
Washington, February 3, 1920.

MY DEAR MR. BUTLER: I feel that your constant interest in the welfare of the Navy has led you to give serious attention to the necessity of an immediate deficiency appropriation, as set forth in my letter of January 21 last to the Speaker of the House, with its accompanying letters from the Chief of Naval Operations and the Chiefs of the Bureaus of Construction and Repair, Steam Engineering, and Yards and Docks (CONGRESSIONAL RECORD, Jan. 31, 1920).

In my frequent representations of the urgent need of additional funds for completing the essential postwar repairs and alterations on our capital ships and on the requisite destroyers, submarines, and other craft that go to make up a well-rounded fleet, I have tried to refrain from alarmist predictions and to present the case of the Navy's need in temperate language and without exaggeration. The detail facts are set forth in the correspondence referred to above, and I have been at personal pains to verify those facts. In the present condition of funds there is no possibility of completing work this fiscal year on 6 of our 15 dreadnoughts. None of our 13 predreadnoughts can be completed, nor any of the 7 armored cruisers which require repairs.

Certain changes necessary to bring the military efficiency of destroyers up to present-day standards can not be undertaken, and it will be impossible to place our submarines in a condition for effective action.

In the present unsettled condition of world affairs I do not believe it is possible, with safety, to delay repairs on these vessels until July 1 next, when the new appropriation for maintenance and upkeep becomes available, or to some indefinite date in the future, as is now the case. The discharge of 13,900 skilled workmen from our industrial yards, as it is estimated will be necessary if funds are not made available for essential military repairs, will seriously cripple our present industrial organization and necessitate later the slow rebuilding of a system which is now functioning effectively. I therefore strongly urge your good offices in presenting to the House these facts, which speak for themselves, with a view to securing the funds requested in the naval deficiency estimate.

I am sending a similar letter to Hon. L. P. PADGETT, of the committee.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. T. S. BUTLER, M. C.,
Chairman Committee on Naval Affairs.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GOOD. Mr. Speaker, now I will yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. VARE. Mr. Speaker, when this item for the maintenance and repair of ships of the Navy was first suggested, it was $9,300,000. At that time, in the first deficiency bill, it passed this House unanimously. When it went to conference the Senate conference committee urged an item of $20,000,000 for airplanes. The Navy was sacrificed to the extent of that appropriation as an offset to the airplane appropriation of $20,000,000. When the present deficiency bill was considered it was argued that if this item were placed in the bill, namely, $9,300,000 for the Navy, the Senate would strike it out. That did not happen. The Senate has inserted an item of $3,000,000 in this bill.

The distinguished Senator from Massachusetts [Mr. LODGE] presented that amendment; and without the slightest thought of reflecting on the policy of economy, as expressed by this House, the distinguished Senator from Pennsylvania [Mr. KNOX] said on the floor of the Senate that a policy of economy which meant to destroy or which meant to permit the deterioration of the ships of the American Navy was a cheeseparing policy. I want to go a shade further and say that, so far as I am concerned, I regard it as not only unwise but petty economy.

The Republican management of the House has started out to pare these bills below a certain percentage of the estimates. It seems to me that, having already pared this estimate to the extent of 67 per cent, they might with good grace say to this House, "We will permit this item of $3,000,000 to stay in the bill."

I appeal to my colleagues on this side of the House to make this appropriation of $3,000,000 at this time on this bill. [Applause.]

Mr. GOOD. Mr. Speaker, in making the statement about closing debate I did not intend to cut off my colleague from South Carolina [Mr. BYRNES]. If he desires time, of course, I shall yield.

Mr. BYRNES of South Carolina. I do not desire any time.

Mr. GOOD. Mr. Speaker, just a word about this item. It is as useless as the fifth wheel to a wagon unless we carry with it the other appropriations requested. [Applause.]

I have here a letter from the Secretary of the Navy, asking that this appropriation, if made at all, be so made that he can spend it for all of the bureaus which have to carry on the work as it is carried on in the Navy. When the estimate was made for the Bureau of Construction and Repair, it called for $3,250,000. That was made in conjunction with a further estimate of

$1,050,000 for the Bureau of Supplies and Accounts, a further estimate of $2,500,000 for the Bureau of Steam Engineering, and a still further estimate of $2,500,000 for the Bureau of Yards and Docks.

Now, this item has to do only with the hulls of the vessels. They could not expend a dollar of this money for steam engineering or for any of those other related purposes; it is a useless expenditure. It is a useless appropriation, because it could not be judiciously expended if appropriated. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. TINKHAM] that the House recede and concur in the Senate amendment.

Mr. VARE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VARE. Do I understand that those who wish to support the motion of the gentleman from Massachusetts [Mr. TINKHAM] will vote "aye"?

The SPEAKER. Those in favor of the motion of the gentleman from Massachusetts will vote "aye."

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. TINKHAM. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 202, answered "present" 2, not voting 133, as follows:

YEAS—91.

Anthony	Eagan	Lampert	Padgett
Aswell	Eagle	Lazaro	Peters
Benson	Edmonds	Lea, Calif.	Phelan
Bland, Mo.	Elston	Linthicum	Pou
Bland, Va.	Focht	Lonergan	Rainey, H. T.
Buchanan	Gallagher	McAndrews	Rainey, J. W.
Burdick	Gandy	McGlennon	Rogers
Burke	Ganly	McKiniry	Rouse
Burroughs	Garland	McLane	Sabath
Byrnes, S. C.	Garner	MacCrate	Sanders, La.
Caldwell	Garrett	Madden	Siegel
Carew	Goldfogle	Maher	Smithwick
Carss	Greene, Mass.	Martin	Summers, Wash.
Casey	Griffin	Mays	Tague
Cleary	Hadley	Mead	Tinkham
Coady	Holland	Miller	Vare
Cullen	Humphreys	Minahan, N. J.	Walters
Dallinger	Igoe	Mooney	Webster
Darrow	Ireland	Nolan	White, Me.
Davey	Johnson, Wash.	O'Connor	Wilson, La.
Donovan	Jones, Pa.	Oldfield	Wilson, Pa.
Dunbar	Keller	Olney	Zihlman
Dupré	Kelly, Pa.	Osborne	

NAYS—202.

Ackerman	Echols	King	Randall, Calif.
Almon	Elliott	Kinkaid	Randall, Wis.
Anderson	Esch	Kitchin	Rayburn
Andrews, Md.	Evans, Mont.	Kleczka	Reed, N. Y.
Ashbrook	Evans, Nebr.	Kraus	Reed, W. Va.
Ayres	Evans, Nev.	Lanham	Rhodes
Babka	Fairfield	Lankford	Ricketts
Baer	Fisher	Lee, Ga.	Riddick
Bankhead	Fordney	Lehlbach	Robinson, N. C.
Barbour	Foster	Little	Romjue
Barkley	Freeman	Longworth	Rowe
Bee	French	Luce	Rubey
Begg	Fuller, Ill.	McClintic	Sanders, Ind.
Benham	Gard	McKenzie	Sanders, N. Y.
Black	Glynn	McKeown	Sanford
Blanton	Good	McLaughlin, Mich.	Scott
Box	Goodwin, Ark.	McLaughlin, Nebr.	Sherwood
Brand	Goodykoontz	McPherson	Sinclair
Briggs	Green, Iowa	MacGregor	Sinnott
Brinson	Greene, Vt.	Magee	Sisson
Britten	Hardy, Colo.	Mann, Ill.	Small
Brooks, Ill.	Harreld	Mapes	Smith, Mich.
Browne	Harrison	Mason	Stedman
Butler	Hastings	Merritt	Steenerson
Byrns, Tenn.	Haugen	Michener	Stephens, Ohio
Campbell, Kans.	Hawley	Monahan, Wis.	Stevenson
Candler	Hays	Mondell	Stiness
Cannon	Heflin	Moon	Strong, Kans.
Carter	Hernandez	Moore, Va.	Sumners, Tex.
Chindblom	Hersey	Morgan	Sweet
Christopherson	Hickey	Mott	Taylor, Ark.
Clark, Mo.	Hicks	Mudd	Taylor, Colo.
Cole	Hill	Murphy	Taylor, Tenn.
Collier	Hoch	Nelson, Mo.	Temple
Connally	Howard	Nelson, Wis.	Thomas
Crisp	Huddleston	Newton, Minn.	Thompson
Dale	Hull, Tenn.	Newton, Mo.	Tillman
Davis, Minn.	Husted	Ogden	Tilson
Davis, Tenn.	Jacoway	Overstreet	Timberlake
Dempsey	James	Park	Tincher
Denison	Johnson, S. Dak.	Parrish	Towner
Dickinson, Mo.	Jones, Tex.	Platt	Treadway
Dickinson, Iowa	Juul	Quin	Upshaw
Dowell	Kearns	Rainey, Ala.	Vaile
Drane	Kendall	Raker	Venable
Dunn	Kincheloe	Ramseyer	Vestal
Vinson	Weaver	Wilson, Ill.	Woods, Va.
Voigt	Welling	Wingo	Wright
Volstead	Welty	Winslow	Young, Tex.
Walsh	Wheeler	Wise	
Watkins	White, Kans.	Wood, Ind.	

ANSWERED "PRESENT"—2.

Knutson	Oliver

NOT VOTING—133.

Andrews, Nebr.	Fess	Langley	Rose
Bacharach	Fields	Larsen	Rowan
Bell	Flood	Layton	Rucker
Blackmon	Frear	Lesher	Saunders, Va.
Bland, Ind.	Fuller, Mass.	Lufkin	Schall
Boles	Gallivan	Luhring	Scully
Booher	Godwin, N. C.	McArthur	Sears
Bowers	Goodall	McCulloch	Sells
Brooks, Pa.	Gould	McDuffie	Shreve
Browning	Graham, Pa.	McFadden	Sims
Brumbaugh	Graham, Ill.	McKinley	Slemp
Campbell, Pa.	Griest	Major	Smith, Idaho
Cantrill	Hamill	Mann, S. C.	Smith, Ill.
Caraway	Hamilton	Mansfield	Smith, N. Y.
Clark, Fla.	Hardy, Tex.	Montague	Snell
Classon	Hayden	Moore, Ohio	Snyder
Cooper	Hersman	Moores, Ind.	Steagall
Copley	Hoey	Morin	Steele
Costello	Houghton	Neely	Stephens, Miss.
Crago	Hudspeth	Nicholls, S. C.	Stoll
Cramton	Hulings	Nichols, Mich.	Strong, Pa.
Crowther	Hull, Iowa	O'Connell	Sullivan
Currie, Mich.	Hutchinson	Paige	Swope
Curry, Calif.	Jefferis	Parker	Ward
Dent	Johnson, Ky.	Pell	Wason
Dewalt	Johnson, Miss.	Porter	Watson
Dominick	Johnston, N. Y.	Purnell	Whaley
Dooling	Kahn	Radcliffe	Williams
Doremus	Kelley, Mich.	Ramsey	Woodyard
Doughton	Kennedy, Iowa	Reavis	Yates
Dyer	Kennedy, R. I.	Reber	Young, N. Dak.
Ellsworth	Kettner	Riordan	
Emerson	Kiess	Robsion, Ky.	
Ferris	Kreider	Rodenberg	

So the motion to recede and concur was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. JOHNSTON of New York (for) with Mr. YOUNG of North Dakota (against).

Mr. O'CONNELL (for) with Mr. WASON (against).

Mr. GALLIVAN (for) with Mr. KENNEDY of Iowa (against).

Mr. WHALEY (for) with Mr. OLIVER (against).

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. KAHN with Mr. DENT.

Mr. HUTCHINSON with Mr. KETTNER.

Mr. KELLEY of Michigan with Mr. HARDY of Texas.

Mr. YATES with Mr. SIMS.

Mr. WARD with Mr. WELTY.

Mr. RAMSEY with Mr. JOHNSON of Kentucky.

Mr. MCKINLEY with Mr. HERSMAN.

Mr. OLIVER. Mr. Speaker, I voted "nay." I have a pair with the gentleman from South Carolina, Mr. WHALEY, and I desire to withdraw my vote and to be recorded "present."

The result of the vote was announced as above recorded.

Mr. GOOD. Mr. Speaker, the House having refused to recede and concur, is not that equivalent to a vote to disagree?

The SPEAKER. It is.

Mr. GOOD. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. FLOOD, indefinitely on account of illness in his family.

To Mr. MOORE of Ohio (at the request of Mr. FOSTER), for three days on account of sickness in his family.

CLAIM OF THE GOVERNMENT OF NORWAY AGAINST THE UNITED STATES (H. DOC. NO. 664).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompaying papers, was ordered printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State and accompanying papers in relation to a claim presented by the Government of Norway against the Government of the United States based on the action of the authorities of Hudson County, N. J., in holding for their appearance as witnesses in a criminal case in that county, in violation of treaty provi-

sions between the United States and Norway, as the Norwegian Government alleges, three members of the crew of a Norwegian ship called the *Ingrid*, and I recommend that, as an act of grace, and without reference to the question of the liability of the United States, an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Acting Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE,
28 February, 1920.

EXTENSION OF REMARKS.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report on the bill H. R. 12046.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the conference report. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Sunday, February 29, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the United States Housing Corporation, transmitting report from March 1, 1919, to December 31, 1919, in accordance with act of May 16, 1918, and July 19, 1919 (vols. 1 and 2), was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution (H. Res. 451) requesting the Federal Trade Commission to make certain inquiries into the prices of combed cotton yarns, reported the same with an amendment, accompanied by a report (No. 692), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 156) authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers, reported the same with an amendment, accompanied by a report (No. 687), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11877) granting the consent of Congress to Madison and Rankin Counties, in the State of Mississippi, to construct a bridge across the Pearl River between Madison and Rankin Counties, reported the same with an amendment, accompanied by a report (No. 689), which said bill and report were referred to the House Calendar.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina, reported the same with an amendment, accompanied by a report (No. 688), which said bill and report were referred to the House Calendar.

Mr. MILLER, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 292) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Ramon Ricardo Arias, a citizen of Panama, reported the same with an amendment, accompanied by a report (No. 690), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 1288) for the relief of George W. Gamble, reported the same without amendment, accompanied by a report (No. 685), which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 12634) for the relief of Wilhelm Alexanderson, reported the same without amendment, accompanied by a report (No. 686), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 7573) authorizing payment of compensation to Pasquale Dolce for personal injuries, reported the same with amendments, accompanied by a report (No. 693), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8881) authorizing the Secretary of the Treasury to reimburse the First National Bank of New Carlisle, Ind., for the loss of war-savings stamps and thrift stamps, reported the same without amendment, accompanied by a report (No. 694), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11989) granting an increase of pension to Charles A. Morrison; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12092) granting a pension to John Van Dyne; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12517) for the relief of Warren J. Deems and Mrs. Anna Leppo; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 12816) to further define malfeasance in office, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND of Indiana: A bill (H. R. 12817) providing for a survey of White River, Ind., with a view of controlling flood waters; to the Committee on Flood Control.

Also, a bill (H. R. 12818) providing for a survey of White River, Ind., with a view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. SHERWOOD: A bill (H. R. 12819) to authorize the Secretary of the Navy to waive the age limit for admission to the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. ACKERMAN: A bill (H. R. 12820) to create revenue in lieu of the excess-profits tax, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 12821) to create revenue for defraying, carrying out, contributing toward, or meeting the requirements of any legislation to be presently enacted awarding funds to any enlisted or commissioned man in the United States Army, Navy, or Marine Corps who has now or may hereafter receive an honorable discharge therefrom; to the Committee on Ways and Means.

Also, a bill (H. R. 12822) to amend subdivision 3 of section 214 of an act to provide revenue, and for other purposes, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 12823) to authorize the sale or lease of real estate or any interest therein acquired for the use of the Army since April 6, 1917, and no longer needed therefor; to the Committee on Military Affairs.

By Mr. RAINEY of Alabama: A bill (H. R. 12824) to authorize coinage of 25-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union; to the Committee on Coinage, Weights, and Measures.

By Mr. WALSH: Joint resolution (H. J. Res. 302) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.; to the Committee on the Library.

By Mr. KAHN: Joint resolution (H. J. Res. 303) to amend an act entitled "An act making appropriations for the support of

the Army for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Joint resolution (H. J. Res. 304) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public; to the Committee on the Merchant Marine and Fisheries.

By Mr. BLAND of Indiana: Resolution (H. Res. 475) calling for information from the War Department concerning motor trucks; to the Committee on Military Affairs.

By Mr. KING: Resolution (H. Res. 476) to investigate the administration of the Federal reserve act since its passage; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 12825) for the relief of the Great Lakes Engineering Works; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 12826) authorizing the appointment of Paymaster T. DeF. Harris as pay inspector in the Navy; to the Committee on Naval Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 12827) to remove the charge of desertion standing against George W. Raney; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 12828) granting a pension to George E. Tolin; to the Committee on Pensions.

By Mr. LUCE: A bill (H. R. 12829) granting a pension to May Belle McDermott; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 12830) granting a pension to Fredericka Bauersfeld; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 12831) granting a pension to Margaret Judge; to the Committee on Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12832) for the relief of Julia A. Reid; to the Committee on Claims.

By Mr. RICKETTS: A bill (H. R. 12833) granting an increase of pension to Thomas E. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12834) granting a pension to George W. Dille; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 12835) granting an increase of pension to Harriet M. O. Williams; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 12836) validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12837) granting a pension to Annie Baird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12838) granting an increase of pension to Thomas J. Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12839) granting a pension to William Martin; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12840) granting a pension to Isabella B. Slayter; to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 12841) granting an increase of pension to Rebecca Greenawalt; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 12842) for the relief of the estate of William Alger Varner; to the Committee on Claims.

By Mr. WOOD of Indiana: A bill (H. R. 12843) granting a pension to Henrietta Riedel; to the Committee on Pensions.

Also, a bill (H. R. 12844) granting a pension to Clinton E. Brown; to the Committee on Pensions.

Also, a bill (H. R. 12845) granting an increase of pension to Lewis Ward; to the Committee on Pensions.

Also, a bill (H. R. 12846) granting a pension to Adelia Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12847) granting a pension to George L. Smith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1922. By the SPEAKER (by request): Petition of the Master Builders' Association of Des Moines, Iowa, urging the defeat of H. R. 10738; to the Committee on the Judiciary.

1923. Also (by request), petition of employees of the Whitcomb-Blaidsell Machine Tool Co., of Worcester, Mass., against the adoption of the metric system; to the Committee on Coinage, Weights, and Measures.

1924. Also, petition of the Polish Citizens' Committee of Ludlow, Mass., relative to certain legislation, etc.; to the Committee on Foreign Affairs.

1925. By Mr. BEGG: Resolutions of Perry Post, No. 83, American Legion, Sandusky, Erie County, Ohio, urging action of Congress giving a $50 bond for each month of service; to the Committee on Ways and Means.

1926. By Mr. BLAND of Virginia: Petition of Mr. L. Hubbard and other citizens of Newport News, Va., requesting passage of House bill 1112, providing for parol of Federal prisoners; to the Committee on the Judiciary.

1927. By Mr. CAREW: Petition of the Merchants' Association of New York, protesting against provisions in House bill 12610; to the Committee on Appropriations.

1928. By Mr. COLE: Petition of the Pomona Grange No. 43, Dola, Ohio, urging the passage of the pure-fabric bill, etc.; also, the Ohio Wool Growers' Association, urging the passage of the pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

1929. By Mr. CULLEN: Petition of the Assembly of the National and State Bankers at New Orleans, La., relative to the Federal reserve act; to the Committee on Banking and Currency.

1930. Also, petition of the Twenty-eighth War Taxpayers' Protective Association, of Brooklyn, favoring the Lehlbach retirement bill, etc.; to the Committee on Reform in the Civil Service.

1931. Also, petition of the Flatbush Chamber of Commerce, Brooklyn, relative to the Mexican situation; to the Committee on Foreign Affairs.

1932. Also, petition of the Michael Davitt Branch of the Friends of Irish Freedom, to safeguard the liberty in our Liberty bonds; to the Committee on Foreign Affairs.

1933. By Mr. FOSTER: Petition of John D. Wells, of Rutland, Ohio, favoring the passage of the pure-fabric bill; to the Committee on Agriculture.

1934. Also, petition of Local Union No. 3918, W. M. W. of A., of Pomeroy, Ohio, against the Sterling-Graham bill; to the Committee on the Judiciary.

1935. By Mr. FULLER of Illinois: Petition of the American Tariff League, relative to tariff revision and the League of Nations; to the Committee on Ways and Means.

1936. Also, petition of the National and State banks of the city of New Orleans, La., relative to the Federal reserve banks; to the Committee on Banking and Currency.

1937. By Mr. FULLER of Massachusetts: Petition of the Boston Chamber of Commerce, Boston, Mass., protesting against proposed reduction by House Committee on Appropriations; to the Committee on Appropriations.

1938. By Mr. JOHNSTON of New York: Petition of the board of directors of the Brooklyn Chamber of Commerce and various other corporations of the city of New York, favoring the maintenance of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1939. By Mr. KELLEY of Michigan: Petition of Mrs. S. A. Kessell and 48 other club women, of Oakland County, Mich., opposed to universal military training; to the Committee on Military Affairs.

1940. By Mr. KENNEDY of Iowa: Petition of citizens of Fort Madison, Iowa, protesting against the Sterling-Graham bill; to the Committee on the Judiciary.

1941. By Mr. LINTHICUM: Petition of the National Enameling & Stamping Co., the Green-Lucas Co., Dr. F. K. Nichols, N. W. Williams, J. E. Teal, Kenneth S. Cullom, the James Edgar Potts Post, No. 2, Maryland Branch of the American Legion, all of the city of Baltimore, Md., favoring universal military training, etc.; to the Committee on Military Affairs.

1942. Also, petition of William A. Wells Post, No. 1, Maryland Branch of the American Legion, urging a bonus to all service men of a $50 bond, etc.; to the Committee on Ways and Means.

1943. Also, petition of the Clothing Manufacturers' Association of Boston, favoring Senate bill No. 3792; to the Committee on Military Affairs.

1944. Also, petition of the Export and Import Board of Trade of Baltimore (Inc.), the A. H. Colmary Co., of Baltimore, Md., favoring maintaining the Bureau of Foreign and Domestic Commerce, etc.; to the Committee on Appropriations.

1945. Also, petition of various citizens of the city of Baltimore, Md., favoring a $480 bonus for the employees of the Government; to the Committee on Appropriations.

1946. Also, petition of the Real Estate Board of Baltimore, Md., urging the defeat of H. R. 12397; to the Committee on Ways and Means.

1947. Also, petition of J. Henry Miller (Inc.), of Baltimore, Md., in favor of H. R. 10708; to the Committee on Naval Affairs.

1948. Also, petition of Mr. P. Murphy, of Baltimore, Md., in favor of the Mason resolution; to the Committee on Foreign Affairs.

1949. Also, petition of Cumberland Union, No. 1024, United Brotherhood of Carpenters and Joiners of America, Cumberland,

Md., protesting against the Graham peace-time sedition bill, etc.; to the Committee on the Judiciary.

1950. Also, petition of Niles, Wolff, Barton & Morrow, law firm of the city of Baltimore, Md., relative to promotion in the Navy, etc.; to the Committee on Naval Affairs.

1951. Also, petition of executive committee of the Builders' Exchange of Baltimore, Md., opposing the passage of H. R. 10738; to the Committee on the Judiciary.

1952. By Mr. MacGREGOR: Petition of the Polish Citizens' Committee, relative to certain legislation; to the Committee on Foreign Affairs.

1953. By Mr. MICHENER: Petition of the Adrain (Mich.) Chamber of Commerce, in favor of 1-cent postage; to the Committee on the Post Office and Post Roads.

1954. By Mr. O'CONNELL: Petition of the National and State Bankers' Protective Association of Atlanta, Ga., approving the Federal reserve act, etc.; to the Committee on Banking and Currency.

1955. Also, petition of the H. R. Lathrop Co., the George Borgfeldt Co., and the Neumzn & Schwiers Co., all of New York City, favoring maintaining the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1956. Also, petition of Thomas C. Miller, of New York City, in favor of increase in salary for the men in the Army and Navy; to the Committee on Appropriations.

1957. By Mr. RAKER: Petition of the classified employees of the United States navy yard, Mare Island; supply department, State of California; the chief clerk United States naval ammunition depot of Mare Island, Calif.; and Miss Eva L. Ashworth, of San Francisco, Calif., urging the retention of the bonus feature in the legislative bill and raised to $480; also, James K. Taylor, of San Diego, Calif., urging the same features; to the Committee on Appropriations.

1958. Also, petition of the Los Angeles city association of school-teachers, urging support of the Smith-Towner educational bill; to the Committee on Education.

1959. By Mr. ROWAN: Petition of the Assembly of the National and State Bankers' Protective Association of Atlanta, Ga., relative to the Federal reserve act; to the Committee on Banking and Currency.

1960. Also, petition of the National Sheep and Wool Bureau of America, of Chicago, relative to House bill 11641; to the Committee on Agriculture.

1961. Also, petition of various corporations of the city of New York, urging the maintenance of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1962. Also, petition of the American Woodpulp Corporation, of New York City, urging the retaining of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1963. Also, petition of John W. Gillen, favoring increased compensation for Government employees; to the Committee on Appropriations.

1964. Also, petition of Frank J. Fulton, president the Ship Construction & Trading Co., New York City, favoring legislation for adjusting and paying claims of wooden-ship builders; to the Committee on the Merchant Marine and Fisheries.

1965. Also, memorial of the executive committee, United Spanish War Veterans, New York City, opposing 1-cent drop-letter legislation; to the Committee on the Post Office and Post Roads.

1966. Also, petitions of Nafra Co., McElwain, Morse & Rogers, and Eugene Sutter & Co., all of New York City, favoring appropriation for maintenance of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1967. Also, petition of the Merchants' Association of New York, favoring appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1968. Also, petition of Henry F. Samstag and P. Pastene & Co. (Inc.), favoring appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1969. Also, petition of the American Jewelers' Protective Association, favoring House bill 11980; to the Committee on Ways and Means.

1970. Also, petition of the Piney Branch Citizens' Association, Washington, D. C., urging an addition to the J. R. West School, Washington, D. C.; to the Committee on the District of Columbia.

1971. Also, petition of Thomas C. Miller, New York City, favoring Army and Navy pay bill; to the Committee on Military Affairs.

1972. Also, petition of Lorraine Cross Post, No. 392, American Legion, favoring universal military training; to the Committee on Military Affairs.

1973. By Mr. TAYLOR of Tennessee: Petition of W. R. Gallagher, of the committee on interstate and foreign commerce, Washington, D. C., favoring an increase in pay for Government employees, etc.; to the Committee on Appropriations.

1974. Also, petition of J. L. Boston, of Wartburg, Tenn., regarding the purchase of farms for soldiers; to the Committee on Ways and Means.

1975. Also, petition of A. R. Tuell, of Knoxville, Tenn., favoring universal military training; to the Committee on Military Affairs.

1976. By Mr. VARE: Petition of a mass meeting held in the city of Philadelphia, Pa., favoring aid to the Armenians; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 29, 1920.*

The House was called to order by the Speaker pro tempore [Mr. WATKINS, of Louisiana].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We are met, our Father in heaven, on this holy day, to fulfill a sacred duty which springs spontaneously from our hearts; that we may record for future generations the life, character, and achievements of a long-time Member of this House—a born gentleman, one of God's noblemen, who had convictions and dared to live them; a soldier, a statesman, a servant of his people in State and Nation.

At the age of 18 he enlisted in the Confederate Army and served throughout that long struggle with distinction—a brave and gallant soldier; and when the war ended laid down his sword and submitted to the inevitable with the same bravery and nobility of soul which characterized him as a soldier fighting for principles which he deemed right.

He took up the duties of life, became a man of affairs, a leader of men, and was chosen by his people for onerous duties in State and Nation—a loving husband, a tender father who gave to the great World War four stalwart sons. His work is done but his memory lives.

Comfort his family and friends with the immortal hope that sometime in the providence of God they shall meet in a land where sorrows never come, where love will be the crowning glory of a life eternal in one of God's many mansions where Christ has prepared a place for His own; and pæans of praise we will ever give to Thee, our God and our Father. Amen.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that the reading of the Journal be deferred until to-morrow.

The SPEAKER pro tempore. If there is no objection it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will read the order for the day.

The Clerk read as follows:

On motion of Mr. O'CONNOR, by unanimous consent,

Ordered, That memorial services shall be held on Sunday, February 29, 1920, on the life and character of Hon. ALBERT ESTOPINAL, deceased.

THE LATE REPRESENTATIVE ESTOPINAL.

Mr. O'CONNOR. Mr. Speaker, I desire to offer the following resolutions, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ALBERT ESTOPINAL, late a Representative from the State of Louisiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. O'CONNOR. Mr. Speaker, we have assembled here to-day in accordance with a resolution adopted by the House of Representatives, and in pursuance of a custom of parliamentary assemblies and legislative bodies, to commemorate the life, character, and services of the late ALBERT ESTOPINAL, Member-elect to this Congress from the first congressional district of Louisiana. This custom is derived from the past, and its origin is lost in the remoteness of time. For even from the twilight of history there come stories and traditions of great ceremonies

and funeral rites suggesting the customs which we observe as a mode of expressing our grief and woe for the loss of those who at one time walked amidst us in glory.

From the antiquity of the customs which are observed among all people it would appear that there has always existed a tendency to reverence the dead and to give that tendency an outward form and expression. In Egypt's celebrated Book of the Dead, written more than two thousand years before Joseph was sold into captivity and long before the dawn of Judaism had begun, there appeared these sublime words:

He hath given bread to the hungry; clothes to the naked; He hath given a boat to the shipwrecked; He hath buried the dead; and made due offerings to the gods.

Whatever its origin may be it certainly has now and will always in all probability have a powerful appeal to the imaginations of those who are left behind to recall the memories that come back like burning stars to dissipate the gloom of the day when the lamented one departed for the unknown country from which no traveler ever returns.

In assembling here to pay tribute to his life, character, and services what a flood of memories comes to the minds of those that are in attendance in this historic part of the Capitol of the Nation. For Gen. ESTOPINAL was one whose splendid personality commanded the admiration of his generation and whose spirit appeals powerfully to the imagination of those that remember the part he played in the history of Louisiana, as a soldier, patriot, citizen, and legislator; and the reverence paid to him from his earliest years until he anwered the final summons as a man. "In his honor impregnable; in his simplicity sublime."

No State ever had a truer son, no cause a nobler champion, no principle a purer advocate, no people a bolder defender, than this magnificent Louisianian who stood foursquare to all the storms that life blew across the road over which he went with malice toward none and with charity to all.

Born and reared in the beautiful parish of St. Bernard and near the Plains of Chalmette, on which was fought the Battle of New Orleans, he passed his early youth amid surroundings that made for vision and that serene poise which characterized all his days. From his home he could view the Mississippi as it sweeps in majesty on its way to the Mexican Gulf and could see every day and night "the Riders to the Sea" that passed down the Father of Waters carrying the commerce of the valley to the uttermost parts of the earth. As a mere youth he answered the call of the Confederacy and donned the gray. He served "the Lost Cause" as a faithful soldier, but when the conquered banner took its flight at Appomattox to the field of blue above, he like all other southern soldiers followed the lead of the immortal Robert E. Lee and began to reconstruct, rebuild a wasted and ruined land. For the South was a land of ruins, as a result of those four years and more of fraternal strife. Perhaps no other land in the history of the world was ever the ruin that the Southland was in 1865.

From those ruins phœnixlike has sprung a new and not less glorious South, the marvel and wonder of an admiring world; and this great creation was the work of the survivors of "the Lost Cause."

We can never forget the ruin that it was; but we will recall that ruin in words which express the history of that period for the Southland wet with tears and choking with heart sobs; a ruin which showed that the South fought until all was lost but honor:

A land without ruins is a land without memories—
A land without memories is a land without history.

A land that wears a laurel crown may be fair to see; but twine a few sad cypress leaves around the brow of any land, and be that land barren, beautiless and bleak, it becomes lovely in its consecrated coronet of sorrow, and it wins the sympathy of the heart and of history. * * * Crowns of roses fade—crowns of thorns endure. Calvaries and crucifixions take deepest hold on humanity. The triumphs of might are transient—they pass away and are forgotten; the sufferings of right are graven deepest on the chronicle of nations.

As a member of the Louisiana Legislature, as the lieutenant governor of that great Commonwealth, as the chieftain of the Confederate Veterans of Louisiana, as a Representative in this Congress, his conduct was and is an inspiration to Louisianians "to do noble things, not dream them all day long, and so make life, death, and that vast forever one grand sweet song."

Brave, chivalrous, devoted, and tender, "the elements were so mixed in him that one might stand up and say to all the world: This was a man." He has passed away from earthly scenes; his remains are entombed in the old St. Louis Cemetery in New Orleans, where many another gallant Louisianian sleeps his last sleep. But the influence of his lifetime still walks abroad and makes for higher aspirations and nobler efforts in behalf of home and fireside, country, and its altars.

He was as true as steel and as fixed in purpose as the northern star is in the heavens. While his brave heart thrilled with pride at the memories and glories of the Old South, he accepted the arbitrament of the sword; and he gave to the Stars and Stripes the same unflinching, dauntless loyalty that he had shown for the conquered banner.

By precept and by example he taught the people "to weep no more"; to look to the rising sun, though they may cast a lingering, longing glance behind.

Sad, silent, and dark were the tears that he shed by the monument to Lee in New Orleans, and before that of Albert Sidney Johnston, but his great heart throbbed with an exultant patriotism at the sound of "America" and the sight of the symbol that to North, East, South, and West is the inspiration that kindles in the soul freedom's holy flame.

May it always be thus—a reunited people, baptized anew in the blood and tears of a fraternal conflict that tried men's souls, who will look with shining eyes and pulsing hearts to the flag of our country and say, in the sublime words of Ruth to Naomi, "Whither thou goest I will go; thy land shall be my land, and thy people shall be my people."

Brave and gallant ESTOPINAL—but no more. Tears, idle tears, can not avail. Our consolation lies in the beautiful lines of a great American poet—

Were a star quenched on high—
For ages would its light,
Still traveling downward from the sky
Shine on our mortal sight.
So when a great man dies
For years beyond our ken
The light he leaves behind him lies
Upon the paths of men.

Mr. CLARK of Missouri. Mr. Speaker, I desire to add a few words of affection and esteem of Gen. ESTOPINAL to the remarks of his other friends who have spoken touching his life and character.

Death has been busy among the Democratic membership of the House of the Sixty-sixth Congress—Sulzer of Alaska, Van Dyke of Minnesota, Burnett of Alabama, Ragsdale of South Carolina, Watson of Virginia, Thompson of Oklahoma, ESTOPINAL of Louisiana, ranging in age from Sulzer and Van Dyke, who were in the morning of life, to Gen. ESTOPINAL, whose span of life exceeded the psalmist's allotment of threescore and ten. So he had a long and useful existence—a benefaction to his country and his kind.

He was one of the best friends, personal and political, that I had in the House or out of it, and as such I sincerely mourn his departure from our midst. He was one of the most dependable of the sons of Adam, and dependableness is one of the most valuable of human characteristics. What he was he was—honest, honorable, kind, courteous, industrious, faithful as the needle to the pole.

He did his duty and did it well in all the relations of life. In his youth he was a volunteer soldier. In civil life he was sheriff, member of the legislature, State senator, member of the constitutional convention, lieutenant governor, and for many years a Representative in Congress. In every position he ever held he enjoyed the confidence of all who knew him and won both their respect and affection.

He was a modest man and was not much given to speechmaking, but he was a safe and sane counselor, active and valuable in committee work, and, so long as his health permitted, constant in his attendance on the sessions of the House.

He was a delightful companion, an interesting conversationalist, and his heart was as tender as a little child's. His large and varied experience in war and in peace had given him a vast mass of interesting reminiscences on which he drew freely in private association. His knowledge of French caused me while Speaker to call on him to translate communications in that language, which he did cheerfully and well.

Louisiana has contributed many men of note to the service of the Republic. Among these Gen. ESTOPINAL will hold a high place in the memory and hearts of the people of Louisiana. His splendid record is part of the priceless archives of the great State which heaped honors upon him and which he honored by his work and by his example.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Speaker, it is not my purpose to-day to attempt to recite or to rehearse the entire scope of the varied activities of Gen. ESTOPINAL. Others who knew him and were associated with him in his own State and in the earlier activities of his life can speak more knowingly and more eloquently of

these things than I. I shall content myself in speaking solely regarding him since my association with him some years ago in the House.

Gen. ESTOPINAL was a member of the Committee on Naval Affairs of the House, of which I was also a member. In that association we were thrown closely and intimately and, I rejoice to say, affectionately together. We were in that work so blended, so closely knit together, that I feel that our hearts often beat as one in the work and in the tasks assigned to us.

In speaking of him I wish to call attention to some of the traits of his character. As referred to by the gentleman from Missouri [Mr. CLARK], he was decidedly and distinctly a modest man; modest in that high and generous and inspiring sense that commands our respect and our reverence. Gen. ESTOPINAL was a man of courtesy. Not only was he courteous, but he was chivalric. I do not think I ever knew a man who combined courtesy and chivalry more admirably than did Gen. ESTOPINAL. As the Chaplain said, he was a born gentleman. He was possessed of traits of character which lifted him in the esteem and in the confidence and in the affection of all who knew him. He was a courageous man—not demonstrative, not boastful, not egotistical. He had but little to say of or about himself or his convictions, and yet when duty presented itself to him, when a task came before him, he met it with a courage, with a conviction, with a firmness that challenged the admiration of all.

I know whereof I speak. I associated with him in the great work of the naval affairs and in the work of this House. Thrown closely in contact with him as I was, I know the true metal of which he was made. Modest, courteous, chivalric, courageous, having convictions, believing what he believed, and not afraid to express his convictions and to stand by his purpose, he was faithful to duty, and I do not know of any attribute of character that is more worthy of commendation or of emulation. Faithful to duty wherever and whenever that duty presented itself under any and all circumstances, Gen. ESTOPINAL realized the importance and appreciated the dignity of duty and of faithfulness and fidelity to duty. I dare say that it can never be charged against him that, knowing his duty, he had not the courage to meet it as a man.

He was generous in friendship, quiet, unassuming, unobtrusive, and yet his heart was full of the milk of human kindness and he had a high regard and a generous and noble estimation of friendship; and his character, his qualities of manhood, so diffused themselves that he drew his friends to him, and he so diffused the kindness and the generosity of his own life to others that in deed and in truth he was the friend worthy and deserving of the confidence, the esteem, and the friendship of all upon whom he would bestow it.

Gen. ESTOPINAL was a man of comprehensive patriotism, and in speaking of patriotism I use the word "comprehensive" intentionally. His patriotism was not limited to his parish, or to his borough, or to his State. His patriotism extended as far as his duty lay, as far as opportunity for its manifestation offered.

Broad, liberal, constructive, "no pent up Utica" contracted the powers of his patriotism, but, like the generous friendship of his heart, he had a generous, noble, comprehensive patriotism toward the whole length and breadth of our country. No narrow bigotry, no contracted sectionalism, characterized his conduct or his action. Having gone through that great struggle referred to, the Civil War, he came out tested and tried. He accepted the fact that it was one country, one flag, one love, and one patriotism, and that patriotism comprehended the length and breadth of our entire land.

Gen. ESTOPINAL possessed a splendid intellect. It was not that character of intellect that was scintillating and sparkling on the surface, but it was quiet, deep, and penetrating. He was able to grasp the problems, to fathom the depth of questions, and to arrive at correct solutions, so that his judgment was reliable, and his opinions challenged respect, reliance, and confidence.

He was a man of fine moral character. We do not say that he was perfect. None of us are. And yet I think Gen. ESTOPINAL had as delicate and as refined a sense of morals as any man with whom I was ever associated; the morals upon which the substance of our civilization rests; the morals that form the basis of our institutions; the morals that constitute the stamina and the substance of manhood.

Gen. ESTOPINAL had the qualities of moral character that were the basis of his life, his conduct, his demeanor, his citizenship, his character.

Gen. ESTOPINAL was also a religious man. He had a sensitive realization and appreciation of his relationship and his duty toward his Creator. He had a reverence for his Maker. He had a respect for the Almighty.

In all of our associations, he being a Catholic and I a Protestant, we never had discussions or controversies, but with him I may say, as I have grown older in years and more observant and of wider scope and association, I realize more sensibly and more appreciably, as the years come and go, the wisdom of what Peter said to Cornelius: "God is no respecter of persons, but in all nations he that feareth God and worketh righteousness is accepted of Him." And we in this age are glad to know that denominational lines and denominational prejudices are passing away, and that we are coming together more closely upon that great truth that God is no respecter of persons, that "he that feareth God and worketh righteousness is accepted of Him." I believe that truth was deep in the heart and in the affections of Gen. ESTOPINAL.

Full of years and full of honors, having the confidence and the respect of his people, having served them faithfully and well, having lived an honest and an honorable life, he laid himself down to sleep.

Mr. Speaker, Gen. ESTOPINAL had a wealth of character, a richness of soul, such as "moth nor rust could not corrupt, nor thieves break through nor steal"; a wealth of character and a richness of soul that form a wealth that he could take with him. When our loved ones go we say they can not take this or that or the other with them; but we rejoice to know that our loved ones can take with them the wealth of their characters and the richness of their souls.

Upon occasions like this, Mr. Speaker, when we stand at the graves or about the graves of our departed loved ones, I want to turn away from the darkness to the light; turn away from the evening to the coming morning, from the shadow toward the sunlight, from the night to the day, from the sunset to the sunrise. I think not of death but of life.

Mr. Speaker, it is upon occasions like this, when we think of our departed loved ones, that the words of the prophet of old come to us, "I know that my Redeemer liveth, and though after my skin worms destroy this body, yet in my flesh shall I see God, whom I shall see for myself, and not another."

These words become our words. They become our anchor, sure and steadfast, not idle words but firm convictions. Gen. ESTOPINAL in that faith, in that confidence, passed on. Sometimes we speak of our friends as being "no more." I never use those words. I do not believe them. They are more than ever they have been. They have more of life, more of opportunity, more of all that contributes to fullness and sweetness. They are not with us; they have only gone before. But in faith and in confidence we can say, in that better, that beautiful, life reserved for the noble characters of earth, wherever God has reserved a place for the noble characters of earth, they are there.

Mr. DUPRÉ. Mr. Speaker, I am not present this morning in obedience to any convention, nor in compliance with any congressional proprieties, nor is there aught of perfunctoriness in what I shall say. I am here because I deeply mourn the death of Gen. ALBERT ESTOPINAL, and I speak out of a full heart. My relations with him were of the closest, not simply those that usually exist between colleagues from the same State, nor even those that naturally obtain between colleagues who represent the same city, whose public duties and interests are largely the same, whose political alignments are practically identical, and whose views regarding most of the questions that come before Congress coincide. I was bound to him by ties of affection. My dead father and he had been dear friends for many years, and often he reminisced with me about their associations. My mother and his wife were intimates. His nine sons were and are all my friends. It came to pass, then, that in spite of the disparity of our years, he and I enjoyed a close comradeship, unmarred by even the slightest breach. I was sure of him and he also knew where I stood. Half playfully, and yet I want to believe not altogether jocularly, he would sometimes call me his "tenth son." I thought always of him in a filial sense, and in that loving and reverential spirit I discharge this last sad office for him.

ALBERT ESTOPINAL had a very remarkable public career. He was born in the parish of St. Bernard, La., which adjoins the parish of Orleans and the city of New Orleans, and save for some four years' residence in that city he lived his entire life in the parish of his birth. Its good people began early to do him honor, and never ceased in appreciation of him. When but 27 years of age, he became sheriff of St. Bernard (1872) at a time when that office was calculated to test all a man's ability and courage. He was reelected in 1874 for another two-year term. In 1876 his people sent him to the house of representatives of the Louisiana Legislature, reelecting him in 1878, and he participated actively in the stirring times that included

the Electoral Commission of 1876, and the recognition by President Grant of the first white government in Louisiana since the Civil War, captained by Francis Tillou Nichols, of blessed memory. St. Bernard sent him to the constitutional convention of 1879 that finally freed Louisiana from reconstruction misrule. In 1880 it demanded of the wards of the city of New Orleans and the adjacent parish of Plaquemines, which formed the same senatorial district, that he be sent to the State senate, and in that body he remained continuously a member until 1900—twenty years. Again, in 1898, St. Bernard sent him as its representative to the constitutional convention of that year. He was at various times president of its police jury, of its board of education, and its representative on various levee boards and drainage districts. For more than four decades he was the first citizen of St. Bernard.

But the Democracy of Louisiana was not content that he should receive merely these local honors and this recognition at the hands of his neighbors. It called him to broader, State and Nation-wide fields. He was made lieutenant governor in 1900, giving with William Wright Heard, governor, a sane, tranquil, and withal progressive administration of the affairs of that State. In 1908 he became chairman of the Democratic State central committee. In the fall of that year he was elected to membership in the 60th Congress, in succession to Gen. Adolph Meyer, deceased. He was reelected without opposition to the 61st, 62d, 63d, 64th, and 65th Congresses, and had been reelected to the 66th Congress when death overtook him on April 28, 1919.

Gen. ESTOPINAL'S tenure in this body, therefore, exceeded a decade. His service was characterized by punctual attendance on its proceedings, by high regard for its best ethics and traditions, and by never-wavering devotion to the interests of the people of the district and the State whom he represented. He was assigned to membership on the Committee on Naval Affairs, of which his predecessor, Gen. Meyer, had long been a member, and on which he served continuously.. At his death he was the ranking Democratic member of that committee, being next to Hon. LEMUEL P. PADGETT, of Tennessee, whose great service in behalf of the Navy entitles him to the affection of the American people. His eloquent and touching tribute to Gen. ESTOPINAL we have all just listened to with appreciation. Outranking Congressman ESTOPINAL on that committee for a short time before the latter's death was Capt. J. F. C. Talbot, of Maryland, another Confederate veteran, who shared my colleague's views on the Navy.

Between these two—par nobile fratrum—existed deep and beautiful friendship. Gen. ESTOPINAL'S really last public appearance was at the funeral of "Uncle Fred" Talbot. He was advised not to attend on that occasion, but he insisted, and he was rather difficult to control. He realized that it would not be long before he would rejoin his old comrade at a reunion on the other shore, and he did not want to be absent when "taps" were sounded at this last earthly tribute to his brother in arms.

I have already mentioned that Congressman ESTOPINAL, on his entrance into this body, became a member of the Naval Affairs Committee. It was then, as now, one of the most important assignments in the House, and membership thereon then, as now, was eagerly sought after. To that work Gen. ESTOPINAL gave the best that was in him. He never looked upon the American Navy from a local or a party standpoint. He regarded it as a much bigger question. Indeed, he and I, and I am proud of the fact, as he was, frequently supported larger appropriations for the Navy than our associates on either side of the aisle were willing to support, and subsequent developments showed that we were right. As a member of the Naval Affairs Committee, Representative ESTOPINAL rendered valuable service to the country at large, to the Gulf ports, to the city of New Orleans, and to the Algiers Navy Yard, which is located in that city.

Among his last official acts, Truman H. Newberry, Secretary of the Navy under Theodore Roosevelt, had closed by Executive order on March 3, 1909, the Algiers Navy Yard. He was succeeded by George von Lengerke Meyer, Secretary of the Navy under Mr. Taft, who persistently refused to rescind Secretary Newberry's order, in spite of many protests to him and many appeals for redress. When I came to Congress in December, 1910, I joined Gen. ESTOPINAL in these protests and appeals to Secretary Meyer. We made repeated visits to the department, and discussed the matter on innumerable occasions with Secretary Meyer, who always treated us with courtesy, but was unyielding in his opposition. I remember our parting interview. Gen. ESTOPINAL, who was the very pink of politeness, arose, bowed to Secretary Meyer, and said, "Well, we will have to get rid of you before the Algiers yard will be opened." He was right. The rebirth of the American Navy had taken place under William C. Whitney, a Democratic Secretary of the Navy, and when another Democratic administration came into power, the Secretary of the Navy, Josephus Daniels, in conformity with many recommendations of Navy boards, rescinded the Newberry order, and the Algiers yard was reopened. How wise a thing that was was realized when came the declaration of war between England and Germany, and long before we became involved in the conflict the wisdom of that order was vindicated beyond question. The public service that Representative ESTOPINAL rendered to the American Navy is something that should endear him to all of those who feel that the Navy is the first line of national defense.

Mr. Speaker, no one who served in this House with Gen. ESTOPINAL can forget him. He was a very striking figure, more than 6 feet tall, carrying himself erectly and a bit cavalierly—an unusually handsome man. He had about him a singular charm and grace of manner. He was American born, and his forebears for many generations were likewise. But there ran through his veins the purest Castilian blood, and he had all of the courtesy that attaches to this strain. He was, however, never the haughty Don. His courtesy was innate, natural, never assumed. I do not think I have ever known a man who was more truly a gentleman.

My friend was blessed with unusual domestic happiness. In his young manhood he was married to Miss Eliska Legier, and the bride of his youth lived to celebrate with him the golden anniversary of their wedding. It was beautiful to see them "grown old together," and our sympathies flow warmly to her in her great bereavement. Sixteen children were born of their union, ten of whom grew to maturity. Of his nine sons—his "baseball nine," as he was wont to call them—the General was very proud. There was an only daughter who never married, and those of us who knew her and her attachment and devotion to her mother and father realize that her death was the greatest sorrow that ever came into the life of her parents.

I have been frequently asked as to the reason why Mr. ESTOPINAL was always referred to as "General" ESTOPINAL, or, as was the custom among his associates, "the general." This is the explanation: In 1862, then 17 years of age, he enlisted in the Confederate Army. He joined the Twenty-eighth Louisiana Volunteers, commanded by Gen. Allen Thomas, which gallant body of troops surrendered with the fall of Vicksburg. Pvt. ESTOPINAL a short time before had been sent on a mission to Richmond, which fact alone prevented him from surrendering with his comrades when Vicksburg fell. He immediately returned to the colors with the Twenty-second Louisiana Regiment, under Col. I. W. Patton, and served until the end of the war, surrendering to Gen. Canby at Meridian, Miss., in May, 1865.

Privately and publicly he never forgot his brother veterans of the Lost Cause, and in 1905 they chose him as commander-in-chief of the Louisiana Division of the Confederate Veterans, with the rank of general. In that capacity he was host to the great reunion, held in New Orleans in 1906, of the United Confederate Veterans—one of the most memorable gatherings that ever took place in that historic city. When the U. C. V. met here in Washington some years ago, Gen. ESTOPINAL led the Louisiana contingent, and a gallant and martial figure he was à cheval on that occasion. He was thrown from his horse while the parade was in formation, and some of us have always thought that this fall brought on the illness from which he died. It happened that his colleague and mine, Representative RILEY J. WILSON of Louisiana, was passing the spot where this accident happened, and wanted to take Gen. ESTOPINAL to a hospital or at least to his home, but the old warrior scorned such a suggestion, and insisted on following the line of march in Congressman WILSON'S motor until its completion. Such a course was characteristic of him. He would disregard all personal consequences; where his brothers in gray were was his place.

Mr. Speaker, a day or two before he did, le bon Père Bourrendon, who was his friend and neighbor and pastor, called to see him, as was his custom in sickness as in health, and the general said to him: "Vous savez, je suis un vieux combattant"—"You know, I am an old fighter." He was right. He belonged to the Church Militant. He fought all of his days. As a youth he fought for the Confederacy. After peace he fought for the people of his parish and his homeland. All through the horrid era of reconstruction he was in the forefront of the combat. He warred against the forces of evil and ignorance; he gave inestimable aid to the cause of education in his parish and district and State. He even warred against nature, because there was never an outbreak of the Mississippi River, which passed by his very doors, that he did not share the dangers and hardships in an

effort to stop the ravages of this stream, and what he did for the redemption of his section by his fight for the organization and maintenance of levee boards in our State, and for the reclamation of now splendid land in St. Bernard, through the establishment of model roads therein, all of us know. Until his last gasp he fought sham, hypocrisy, duplicity, double-dealing of every sort, private and public.

Is it too much to hope that after such service in the Church Militant, a risen Christ, in whom he always believed, granted him fellowship in the Church Triumphant? So believing, I say to this valiant soldier, this knightly gentleman, this loyal citizen, this wise lawgiver, this faithful friend, this devoted father, this tender and affectionate husband, "Ave atque vale"—"Hail and farewell!"

Mr. ASWELL. Mr. Speaker, Gen. ALBERT ESTOPINAL'S life should be an inspiration to young men everywhere. He was clean of mind and pure in heart. His ideals were lofty and his purpose always noble. As a man he was a prince among men, suave, gracious, courtly, and dignified. No one ever doubted his sincerity or questioned his integrity. He never quibbled or dodged.

High-spirited and courageous, he feared no man; yet considerate and forgiving, he loved his fellow man with a passionate love. Modest to the point of timidity, his personality commanded respect and impelled admiration. To know him was to love him; to work with him was to trust and follow him; to think of him now is to praise and honor him.

A gallant and fearless Confederate soldier of unfaltering bravery during the Civil War, a trusted public officer for 47 years, no man ever enjoyed more continuous love and confidence than did ALBERT ESTOPINAL in Louisiana.

His was a successful life, filled with service and devotion to his family, to his people, to his country. A loving and dependable father, husband, and friend, a noble soul, was ALBERT ESTOPINAL—a statesman and patriot, heroic in peace, courageous in war!

We mourn with his bereaved family, but we console them with the reflection that his long and honorable career leaves behind him for them a brilliant record of distinguished service of which they and the whole country may well be proud.

Mr. LAZARO. Mr. Speaker, we are gathered together to pay those tributes to the memory of a departed friend which are prompted by the affectionate regard in which he was held in this body.

Gen. ESTOPINAL was born January 30, 1845, at St. Bernard, La., and lived there all of his life.

The district which he for so long a time represented is made up of a territory as historic as any spot of like dimensions in the United States. It was in that territory that the memorable battle of New Orleans was fought January 8, 1815, in which Gen. Jackson, with a citizen army, defeated the trained heroes of Wellington, commanded by Gen. Packenham.

Gen. ESTOPINAL was worthy, both personally and officially, of the fine traditions and spirit of that great section from whence he came. Physically he was well-nigh perfect in proportion and build. His features were of finest line, his bearing was one of gracious dignity and unostentatious knightliness, his gentlemanliness came from the heart out. It was inbred; it was the warp and woof of his spirit. Intellectually I think we must justly say that he was profound. He had a thoroughly disciplined mind. He was broad-minded, practical, and quick. He was a close student of history. I don't mean simply that he knew history; I mean that he understood it. He caught the significance of events as applied to human life and destiny. He was honest and sincere and detested hypocrisy. He believed in his country and its Constitution, and his Americanism was 100 per cent. Thus, Mr. Speaker, he was prepared to be, and was, a god lawmaker, understanding life, knowing human nature, having information of the past which was accurate, and being able to analyze with quick and usually unfailing accuracy the significance of great activity; he was prepared for his work, and he did it well.

As a member of the Committee on Naval Affairs he was a strong advocate of a large and efficient navy as a line of defense. He was a man of intense convictions. When he felt in committee, in his office, or on the floor of the House that he was being obstructed for any purpose that was not sincere and in good faith, he was quick to resent it.

When I came to this House in 1912 I learned to like Gen. ESTOPINAL. I saw him when he was taken sick and frequently after that in his office and at home, and I shall never forget how philosophically he accepted his illness. Although he suffered constantly, he was always glad to see his friends. He was always courteous and patient to the last. Gen. ESTOPINAL was one of the most lovable men I ever met, in his home. He was a man of tender sentiment, graceful in personality, gracious in his temperament and demeanor, and a chivalrous, splendid, knightly gentleman. Gen. ESTOPINAL'S death was a loss, not only to his family and his friends, but to the State of Louisiana, which he loved so truly, and to the United States.

Mr. MARTIN. Mr. Speaker, it was in 1882 that I first met Gen. ALBERT ESTOPINAL. I was then a student at the Louisiana State University and had as a roommate the general's eldest son, Albert, who is now sheriff of St. Bernard Parish, La. At that time Gen. ESTOPINAL was a State senator, so that during the sessions of the legislature he was a frequent visitor at the university. I was thus thrown in intimate contact with him and often listened with profit to his fatherly advice. I grew to love Gen. ESTOPINAL from the very beginning, being impressed with his kindly, courteous manner, his strong, sincere personality, and the qualities of political leadership which made for him, even at that time, a place of distinction in the administration circles of our State.

Having been appointed enrolling clerk of the State senate a few years later, I came to know him better in his public rôle, and there I had occasion to see more of this forceful man, whose qualities of statesmanship made him so popular with the masses. He had no enemies. He was so fair, so upright, and so sincere in all his public dealings and utterances that even those who differed with him politically admired and loved him.

When I came to Congress several years ago, like all new Members I felt the need of advice and encouragement. Among the older Members who manifested some interest in me and who won my sincere gratitude was the generous soul in whose memory we are to-day gathered here.

Gen. ESTOPINAL was a gentleman of the old school. He was a tender husband, a loving father, a sincere friend, and a chivalrous gentleman. He loved the South. Even before he had reached the age of majority, and while he was still in school, his mother State called upon her sons to defend her cause upon the battle field and he answered the call to undergo the greatest suffering and hardships. His duty done on the battle field, he returned home, like so many thousands of young men, to enlist in the army of reconstruction, the remarkable achievements of which is one of the most brilliant and inspiring pages in the history of our country.

Almost his entire life was spent in the service of his people. As sheriff, as State legislator, as State senator, as lieutenant governor, and as congressman from the first district of Louisiana, Gen. ESTOPINAL served his people faithfully and conscientiously and with great ability.

That his scions have proved worthy of their sire was shown by the fact that four of his sons served their country with distinction in the great World War. While the general had himself fought on the Confederate side in the Civil War, yet, when the cause of the South was lost, he took defeat like a true soldier and thereafter became loyal to the victorious flag of the Union. He was proud of the fact that four of his sons had served under the Stars and Stripes, and often expressed regret that he was too old to join his sons in the fighting for liberty and democracy.

The character and fortitude of Gen. ESTOPINAL was shown by an incident which happened in Washington a few years ago. There was a convention of Confederate Veterans here and the General was given a place of honor in the parade which was to pass up Pennsylvania Avenue to be reviewed by the President at the White House. Despite his seventy-odd years, he took his place on horseback at the head of the Louisiana Veterans. Just as the parade started, his horse became frightened and in the struggle Gen. ESTOPINAL was thrown violently to the ground. Badly shaken, with several bones fractured, this soldier refused to be taken to a hospital, but remained in the parade until it had passed the reviewing stand. The General never fully recovered from that fall and it is believed that it hastened the end of a career of usefulness and public service.

The greatest tribute to the man was shown by the attendance at his funeral. From every part of the State came men who had known him in his long public life and none came but to praise. But most impressive of all was the large number of the poor who gathered at his bier to pay tribute to a man whose charity and generosity they so well remembered. Even the darkies, many of them former slaves, followed timidly behind the cortége to the grave.

Of him it can be truly said: He was a soldier, a statesman and a patriot.

Mr. WILSON of Louisiana. Mr. Speaker, Gen. ALBERT ESTOPINAL might well be termed the typical Louisianian. In his veins ran the blood of the pioneer settlers of the Louisiana Territory and the founders and builders of the first white man's civilization along the banks of the lower Mississippi. He was born in St. Bernard Parish in 1845, receiving his early education there and in the city of New Orleans. The outbreak of the Civil War cut short his course at college. While yet in his eighteenth year young ESTOPINAL joined the forces of the Confederate Army, serving first with the 28th Louisiana Volunteers and later with the 22d Louisiana Regiment, being with this latter command at the time of the surrender in 1865. His record in the war was that of a brave and gallant soldier, loved and honored by his comrades.

The war over, Gen. ESTOPINAL returned to his Louisiana home, Actuated by the same quality of patriotism, the same devotion to principle, the same lofty impulses to the discharge of duty that had led him to the battle front when Louisiana took her stand with her sister States of the South, he now set to work with his fellows for the readjustment and rebuilding of the industrial and governmental structure of his community and State. This work of rebuilding and reestablishing government and industries in the Southern States after the close of the Civil War required if possible more heroic courage, a higher degree of sacrifice, and more enduring patience than that which was exercised in defending their cause on the battle field.

The ruin was all but complete. The government they had so recently established was overthrown, credit was destroyed, and money worthless. Industries and business were paralyzed. To men of ordinary type the situation would have appeared hopeless, yet the adverse verdict of the battle field was accepted in good faith and as having closed the issues involved in the desperate struggle. The Confederate soldier, with courage, fortitude, and patriotism unsurpassed in history, undertook the rebuilding of his country, the reestablishment of his local government, and the reorganization of his social fabric. In this work in Louisiana Gen. ESTOPINAL, by virtue of his native ability, naturally became a leader, and remained a leader in the affairs of his State and Nation until the day of his death.

Shortly after his return from the war he engaged in the mercantile business in New Orleans, but soon sold out and took up his residence in his native parish of St. Bernard, where he became a planter. His interest in public affairs soon led him into the field of politics. He was elected sheriff of St. Bernard Parish in 1872, and he was reelected for a second term. In 1876 he was elected a member of the State legislature and in 1880 to the State senate and in 1900 as lieutenant governor of the State. He was also a member of the constitutional conventions of 1879 and 1898. In 1908 he was elected a Representative in Congress from the first Louisiana district and was reelected for each successive term up to and including the Sixty-sixth Congress. His public career at Washington, as in Louisiana, was characterized by a comprehensive grasp of the questions with which he had to deal, and untiring efforts for the advancement of every interest of his district, State, and country.

He was in the true sense a constructive statesman and was among the first to warn the American people of the dangers to our national safety and security involved in the failure to provide and equip an adequate and efficient navy, one commensurate with our own needs, and without reference to any other Nation.

Gen. ESTOPINAL was a most engaging and attractive personality—handsome in stature, polished in manner, kindly and courteous always, and by nature true and genuine.

He was a loyal friend and a safe counselor, one whose advice always came devoid of any tinge of personal interest.

In 1868 he married Miss Eliska Legier, of New Orleans, who, with nine sons, survives him. Four of these sons were volunteers in the late war, the youngest being 25 years of age. They have all been important factors in their community and State, and are worthy descendants of their honored parents.

The home and family life of Gen. ESTOPINAL was beautiful and ideal. The American home is the unit of American civilization; and after all, here in the home and family circle is the final, the acid test, of a man's unfaltering devotion to the highest duty and of his faithfulness in those better and finer things of life that form the true basis and hope of our civilization.

Mr. Speaker, the relentless hand of death has removed our friend and colleague from the scenes of earthly contests and activities. Yet he lives in the record of his service to his fellow man, to his State, and to his country; he lives in a noble example of unselfish devotion to principle and loyalty to the cause of truth, right, and justice; he lives in the memory and fond recollections of his friends; he lives enshrined in the hearts of those who loved him. And thus continues the work, the influence, and the life of the just and upright man.

Mr. SANDERS of Louisiana. Mr. Speaker and gentlemen of the House, my association with Gen. ESTOPINAL was as close, if not closer, than any other man in Louisiana. The first time I ever met the general, as we all loved to call him, was when I was elected to the legislature in 1892. The two most striking figures in the State senate at that time was Gen. ESTOPINAL, of St. Bernard, and Senator C. C. Cordell, of Tensas. I had just reached my majority. Both of those gentlemen had been in the State senate for a number of years, both had been in the Confederate Army, and some way, somehow, I became intimate with them both, an intimacy only ended by death.

I kept up my acquaintance with Gen. ESTOPINAL year after year. We served together in the Legislature of Louisiana until 1898, and we were both, in that year, elected to the constitutional convention in Louisiana that solved the suffrage problem. In 1900 I had the honor of supporting Gen. ESTOPINAL for lieutenant governor. In 1907, when I became a candidate for governor, Gen. ESTOPINAL became the manager of my campaign. Upon the success of my candidacy he became the chairman of the Democratic State central committee, and a short time thereafter was elected to Congress. Gen. ESTOPINAL and my father were together in the Confederate Army. They went through the siege of Vicksburg together. They had practically the same experience, both of them having been detailed a few weeks before Vicksburg fell, and therefore neither of them were surrendered there, but joined other Confederate commands and stayed in the war until its close. Gen. ESTOPINAL was one of the men of the South who did their full duty in the conflict between the States and then returned to their homes. We, their sons, love to read of the glory and the valor of our fathers on the battle fields of the South. And yet sometimes it seems to me that the Confederate soldier showed more heroism after the war, when they returned home and found that the very fabric of their civilization had been swept away, found chaos where there had once been order, poverty where once plenty had been, their civilization gone, their country in ruins, when they faced the new conditions and new surroundings and out of the wreck and ruin of a country builded up the splendid empire of the South that we their sons enjoy to-day. It seems to me, gentlemen of the House, that the Confederate soldiers performed a task after the war as glorious as that which they had performed on the battle field itself.

Gen. ESTOPINAL was my friend. I was his. There was never any difference between us, either personal or political. I loved him, and I am proud of the fact that I enjoyed his friendship. I have known all of his family since a boy. They are a splendid people.

Gen. ESTOPINAL's parish of St. Bernard was probably the most unique county in the United States. There never was any opposition to the general in his home parish. There was never any opposition to any man whom he supported in his home parish. Every man and woman in St. Bernard respected, admired, and loved Gen. ESTOPINAL. I never will forget the funeral service in the courthouse of St. Bernard Parish. Practically the entire population of the parish was there. There was not a dry eye in that whole assembly. Men and women wept and were not ashamed of the tears that coursed down their cheeks. Little children who did not understand the solemnity of the occasion showed their strained feelings in their faces. It was perchance the most unique and wonderful funeral that has ever been held in the State of Louisiana. The people of his parish followed the funeral cortege up to the city of Orleans, where he was placed in the family vault. Gen. ESTOPINAL is gone, but yet he lives in the hearts of his people, for whom he worked so long and so faithfully. St. Bernard Parish is one of the most beautiful parishes in our State to-day.

Its educational, its drainage, its public road systems are all due to the industry, courage, splendid ability, and perseverance of the man in whose memory we are gathered here to-day. Gone, but not forgotten. His work and his life will stand as a monument and example to those who come after him. A splendid soldier in time of war, a splendid citizen in time of peace. He was a leader in battle and in civil life. He was a man of whom every Louisianian is proud. He was a citizen who will be sadly missed in our State, and a leader for whom we will long seek to find a successor.

Soldier, citizen, patriot, statesman, you fought the good fight, you kept the faith, and firmly and fervently we believe you have entered into your reward.

Here Mr. DUPRÉ took the chair.

Mr. WATKINS. Mr. Speaker, my conception of the scope that eulogies should take is that they should set forth with accuracy the characteristics of the person who is being eulogized.

It had been my intention this morning, on account of my long personal friendship and association in this House with Gen. ESTOPINAL, to make a few remarks.

I have listened with close attention and with great interest to these eloquent eulogies which have been pronounced in his memory, and just at this time I can not recall any incident in his private life or in his public career, of which I have knowledge, but has already been referred to. Therefore, I do not see that there is anything which I can add to the eulogies which have been pronounced. It is possible that later on I may think of something that I would like to insert in the RECORD. There are some, Mr. Speaker, who are absent to-day, who would like the same privilege. Therefore, I ask unanimous consent that all the Members who desire to do so may extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent to extend his remarks in the RECORD, and asks like permission for other Members. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore (Mr. WATKINS). The resolution which has already been adopted provides an adjournment at the end of the pronouncement of the eulogies for to-day. If there is no other Member to ask recognition, in conformity with the resolution the House will stand adjourned.

ADJOURNMENT.

Thereupon, in conformity with the resolution previously agreed to, the House (at 1 o'clock and 35 minutes p. m.) adjourned until Monday, March 1, 1920, at 12 o'clock noon.

SENATE.

MONDAY, *March 1, 1920.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.:

Almighty God, our sense of need moves us to prayer. It is not danger or want of power, but a fear that we may come short of Thy law. Through all the vain conflict of human interests there runs the golden thread of a divine purpose. Victory through love is the only achievement worthy of the sons of God. Teach us to overcome evil with good. May we not fear to trust ourselves and our Nation to the divine program. Greater is he that ruleth his own spirit than he that taketh a city. So may we be the true heroes in the world's strife through the glorious victory of self-mastery. For Jesus' sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Friday, February 27, 1920, was dispensed with and the Journal was approved.

THE FIUME QUESTION.

Mr. BRANDEGEE. I ask unanimous consent that there may be printed in the RECORD an article by Frank H. Simonds, published in yesterday's New York Tribune, on the Fiume question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York Tribune, Feb. 29, 1920.]

ARGUMENTS FOR AND AGAINST ITALY'S CLAIMS TO FIUME—JUGO-SLAVS, UNDER THE DOCTRINE OF SELF-DETERMINATION, HAVE RIGHT TO THE PORT—THE TREATY OF 1915 WITH FRANCE AND GREAT BRITAIN CONTAINED THIS CONCESSION.

(By Frank H. Simonds.)

"The peculiar value of the Fiume episode at the present hour lies in the extent to which it serves to shed light upon the character of the great American adventure in Europe. Examining this incident in all of its various phases, one may see how difficult and how complicated is the task which President Wilson undertook at Paris, the task of imposing American ideas upon Europe.

"To begin at the beginning, Fiume is a purely Italian town, situated in a wholly Slavonic region, surrounded on three sides by Slav populations, which, in fact, constitute a considerable minority within its limits. On the fourth side is the sea. Historically, Fiume has only the remotest association with Italy, having been for centuries connected with Austria or with Hungary, and in recent times a Crown possession of the Hungarian Kingdom.

NATURAL SLAV PORT.

"Commercially and economically it is the natural port of the vast Slav and Magyar regions which constitute its immediate and remoter hinterland, and it is one of the two ports by which all the districts which were included within the Hapsburg empire must communicate with the outside world. The other port, Trieste, is already in Italian hands. Even in the case of Trieste, however, the Slavonic claim is worthy of note, because all the populations surrounding the town are Slav, and Trieste has a large and growing Slovenian minority.

"The Italian claim to Fiume rests upon the fact that within the narrow limits of the town a majority of the people are Italian. Under a strict interpretation of the 14 points self-determination might establish Italian rights. But, on the other hand, the real desire of the Italians is founded upon the wish to dominate the Adriatic coast, to control the two ports of the Slav hinterland, and thus to establish economic and political control of this portion of the world.

"If Fiume were to pass out of Italian hands it would at once become the formidable rival of Trieste, and it is by no means certain that this would not spell the ruin of Trieste, because the Slavs naturally would use Fiume and Trieste would be deprived of its commerce. It would lie within Slav power, since the Jugo-Slavs control the whole hinterland, with its railways, to divert all traffic to Fiume, and Trieste would perish.

"By contrast, if Italy gained control of both of the available ports of Jugo-Slavia, that country would be economically at the mercy of Italy. Nor is the Italian insistence upon the availability of other ports worth discussing. The character of the country, which is mountainous, forbids the construction, save at prohibitive costs, of any alternative railway line. Actually, if the Italians acquire both Fiume and Trieste, they have Jugo-Slav commerce at their mercy.

MR. WILSON'S STAND.

"In this situation President Wilson's opposition to the original proposal that Italy have Fiume is understandable; is, in fact, unassailable, as a question of right and wrong. A country of 11,000,000 people, as large as Italy in area and destined to have a population nearly as large in a future not too distant, can not safely be deprived of a sea gate or placed in economic subjection to the Italians. Moreover, if the population of Fiume, less than 30,000, contains a majority of Italians, very large areas with a purely Slav population have been assigned to Italy on grounds which could be cited to warrant Jugo-Slav claims to Fiume.

"Unfortunately the naked question of right or wrong has little to do with the larger aspects of the question. In 1915, when Great Britain and France needed Italian aid, they made a secret treaty with the Italian Government by which they promised Italy the Austrian territory in the Trentine and Tyrolese districts, as far north as the Brenner Pass, Trieste, and the Istrian Peninsula, the northern half of Dalmatia, and certain other things in Albania and Asia Minor.

"All this was done long before the 14 points were even born. Italy accepted the promise, entered the war, and performed her part of the bargain. She therefore feels entitled to claim her reward, and, looked at purely as a contractual obligation, neither France nor Britain has the smallest warrant to decline to carry out the agreement of 1915.

OTHER ITALIAN DEMANDS.

"But when the matter was raised at Paris, President Wilson firmly opposed the performance by Britain and France of their contract. His opposition was based upon the solid foundation that this meant placing many hundreds of thousands of Slavs under Latin rule, depriving them of their own nationality, and also depriving the Slavs of the hinterland of access to the sea. A more flagrant break with the 14 points was not conceivable.

"Meantime the Italians on their side had formulated other demands. In their agreement with the British and the French they had left Jugo-Slav claims to Fiume unquestioned. But this concession had aroused protest in certain Italian quarters, and for reasons of domestic politics it became necessary for the ministry of the hour to advance claims to Fiume also. These claims were based upon the 14 points upon the right of self-determination. In Paris, therefore, the Italians claimed Istria and Dalmatia, on the Slav hinterland of Trieste, on the basis of the Anglo-French bargain, the treaty of London of 1915. But they claimed Fiume on the basis of self-determination.

ITALIAN CLAIMS.

"This opened a way for compromise. France and Great Britain had no wish to oppose President Wilson; they had no private or selfish interest in advancing Italian claims. They were merely bound by a bargain; if they could be released from

the bargain they would welcome the escape. But if they could not refuse to stand by the treaty of London they could honorably insist that the whole treaty be enforced, and that, while Dalmatia was assigned to Italy, Fiume should be turned over to the Jugo-Slavs.

"To this the Italians at Paris could not consent, because it merely convicted them at home of weakness and insured the fall of the ministry. While this debate was still in progress Mr. Wilson appealed to the Italian people over the head of Orlando, expecting they would see the injustice of their position and compel the ministry to abandon its stand. Instead, the country rallied to these claims and the ministry fell, precisely because it had not made good the demands.

"Italy then withdrew from the peace conference, but presently resumed participation, while the Adriatic solution was postponed. Before it could be settled d'Annunzio, scenting weakness in certain official quarters and receiving encouragement in others, made his descent upon Fiume, seized it, and continues to hold it. He is thus, in theory, a rebel against Italian authority, but the Government does not dare interfere, because the army and navy sympathize with him.

PEACE IN DANGER.

"This Fiume adventure, however, brought the peace of Europe into immediate danger. The Serbs, the Croats, the Slovenes, with strong military forces, were only deterred from actually opposing Italian aggression by military operation by the promise of the great powers that they should have justice, accompanied by warnings that if they resorted to arms they would get nothing.

"Meanwhile the Italians had recourse to many devices. They sought to break up the soldiarity of the Serbs, the Croats, and the Slovenes by intrigue; they endeavored to prevent the union of Montenegro with Serbia, using old King Nicholas as a tool. When the plebiscite in Montenegro on the union was taking place they endeavored to send a regiment to the Montenegrin capital, and were prevented only by the daring intervention of an American naval officer.

"At the same time they made common cause with the Roumanians, who opposed the cession of part of the Banat to the Serbs, a cession ordered by the Paris conference. Italian influence was also exerted to stir up both Bulgar and Hungarian hostility to the Jugo-Slavs—an easy thing, because the Paris conference had assigned both Bulgar and Hungarian lands to the Jugo-Slavs. Thus a situation was created and survives in which a clash between the Jugo-Slavs and the Italians may have as a consequence attacks upon Jugo-Slavia by both the Roumanians and the Bulgarians and a campaign which will set all of the south of Europe in flames again.

CAMPAIGN OF BITTERNESS.

"At the same time Italy pursued a campaign against her old allies, the French and the British, and particularly against the French, because these two nations accepted President Wilson's policy instead of assenting to the Italian claims. Many French soldiers, occupying portions of the Adriatic coast under orders from the Paris conference, were actually murdered, and a press campaign of unparalleled bitterness was carried on against France.

"For Britain, as for America, this Italian bitterness had no real threat, but for France it was quite different. In case of another war with Germany, France would be menaced by an Italian attack along the Alps, and it was only Italian neutrality which saved France in 1914 by enabling the French to concentrate all their troops in the north. It was this detail which totally wrecked German combinations and led directly to the defeat of the first Marne.

"France could afford to stand with Britain and the United States against Italian claims if it were clear that Britain and the United States would stand with France in case of a new German attack. But when the President returned to Washington it became clear that there was no real chance that America would undertake to defend France against German attack, while Britain declined to undertake the task without American cooperation.

"France thus found herself estranged from two Latin States—Italy and Roumania—because of her acceptance of Wilson leadership, but without any commensurate reward in the way of security. Consequently there developed a strong French sentiment in favor of changing sides and standing with the Italians, while both in Britain and in France there was a general demand that there be some settlement of a situation which threatened to be the occasion of a new war and, while unsettled, prevented actual peace in all of southern Europe.

PROPOSAL REJECTED.

"At first a solution satisfactory to President Wilson and to Italy was sought, but the proposal accepted by Mr. Polk for the President was rejected by Italy. Thereafter Mr. Polk left Europe, and the President became ill. In this situation Britain and France, acting without the United States, proposed a settlement which Italy accepted. Then both States served notice upon the Jugo-Slavs that they must accept this or submit to seeing the old treaty of London imposed, which meant the loss of all of Dalmatia.

"The compromise was far more favorable to the Jugo-Slavs than any previous proposal. It gave them all of Dalmatia and most of the islands, with certain restrictions as to Zara, but it placed Fiume under the League of Nations and in addition gave the Italians a strip of Slav coast land, thus enabling them to have access over their own territory to the Fiume district. As a compromise it was not unreasonable, but the main criticism was that Great Britain and France ordered the Jugo-Slavs to accept it or accept the treaty of London as the alternative. But President Wilson had expressly refused to recognize the treaty of London, he had not been consulted as to the compromise, and he was free, if he chose, to follow exactly the course he took, namely, to warn Europe against a compromise in the manufacture of which America was ignored, but in the future results of which Mr. Wilson conceived America would be concerned under its League of Nations duties.

"The result was an international crisis. The British from the outset had no intention of sacrificing American association for Italian demands. The French preferred American to Italian assurance, but had to have one or the other, and were beginning to conclude that only the Italian was obtainable. The Italians were naturally furious and angrily defiant, while the Slavs, reenforced by this powerful American support, naturally ignored the ultimatum.

CHAOTIC SITUATION.

"Thus the situation reverted to chaos. Jugo-Slavia renews demands which can be ignored only in defiance of President Wilson and with the obvious probability that such defiance will lead to the recall by the President of both the treaty of Versailles and the Anglo-French-American treaty. But Britain and France promised Italy certain things under the treaty of London, and recently pledged themselves to abide by the terms of the latest compromise and compel the Jugo-Slavs to accept it. Italy now stands violently insisting that her recent allies make good their solemn promises to her, promises which she has been compelled already to reduce to an almost unrecognizable shape.

"But if Britain and France concede all that the President demands, if they agree to use their force to compel Italy to yield an impossible concession, they have still not the smallest assurance that the United States will accept the treaty of Versailles or the treaty of insurance. Mr. Wilson has the power of the executive branch of the American Government to use against them if he chooses, but he has not power over the legislative. Meantime the Jugo-Slavs are so encouraged by the President that they may resist any new Italian aggression, and such aggression becomes daily more likely.

"Moreover, for the British the situation becomes more acute, for it is clear that the popular sentiment in France is growing more and more favorable to a recognition of the probability that America will not accept European responsibilities and more and more insistent that, as a consequence, Europe must proceed to settle her own questions. This means that the British, French, and Italians must form an out-and-out alliance and thus united enforce their several demands, the French at the Rhine, the Italians along the Adriatic, and all three in Asia Minor. The British have not the smallest desire for a new European alliance. They desire the closest sort of Anglo-American association, an alliance if possible. They will not follow France or Italy in resisting the President, yet they have made promises to both, and their situation will be extremely awkward if, under American pressure, they break their engagements to the Continent, only to find that this sacrifice has not contributed in the least to increasing American willingness to enter European affairs or to make an Anglo-American alliance.

SOLUTION BASED ON FORCE.

"Of course, if Europe were satisfied that America was done with its affairs Europe would seek its own solution for pending questions. The solution would necessarily be based upon force. France, having renounced the occupation of the Rhine barrier in deference to President Wilson's objection and in return for his promised guaranty, would reassert her claims to the barrier security, basing these claims upon the nonfulfillment by America

of the President's pledge. Nor could the British effectively oppose this.

"But in the same order of ideas Italy would retain Fiume and there would be a swift elimination of those portions of the several peace treaties which owe their existence to the President's Paris adventure. The several League of Nations areas would disappear. Danzig would go to the Poles, Fiume to the Italians, the Sarre to France. The lot of the Germans would necessarily become harder and the chances of any economic recovery even more slender.

"British policy still clings to the notion that America and Britain, in association, can not merely preserve the chief elements in the existing settlement, but also bring about a modification of certain of the treaty provisions which seem to insure permanent German ruin. But this policy, which demands great apparent sacrifices from the French and none from the British, can not prevail unless it is supported by America and enforced by American financial power.

CANCELLATION OF LOANS.

"The British conceive that if America is allowed to redraft the terms of the treaty of Versailles in such fashion as to save Germany economically, and the balance of Europe as well, it will agree to vast new loans and not impossibly to the cancellation of $10,000,000,000 of existing loans. They believe this because it falls in with what the President and those associated with him in Paris declared was the real character of American idealism. But they know all such amendments will encounter strenuous continental opposition and recognize that only American power and prestige can put them through.

"Nevertheless, as long as there is the remotest chance of an American return to Europe, Great Britain will not run the smallest risk either of offending the President or of raising an impassable barrier between Britain and the President's opponents in America. The course of Lord Grey demonstrated the latter. The course of Lloyd-George in his reply to President Wilson demonstrated the former. Great Britain wants American association, but is indifferent as to whether it comes through the President or through his political antagonists.

"Inevitably a policy based upon the pursuit of American cooperation involves ever-increasing British estrangement with the French, with the Italians, with the Continent. What is not clear is whether it can in the end lead to any compensatingly closer Anglo-American relations. The difficulty here lies in the paralysis of American machinery. The President can not do anything affirmatively; his opponents will do nothing through the existing medium, namely, the League of Nations, while the protraction of the dispute over this is having for an unmistakable effect an expansion of American sentiment in favor of avoiding all European entanglements, continental and British.

COLONIES DISSATISFIED.

"Nor is it less worthy of note that the British desire to make every concession to America has once more involved the United Kingdom in a dispute with a colony. All through the Paris conference the deference shown by the British delegation to the President aroused the protest of Australia through its prime minister, Hughes, an outspoken critic of the President. Now, Viscount Grey's suggestion to increase the United States voting power in the League of Nations to counterbalance the votes conceded to British colonies has stirred Canadian dissatisfaction.

"Indeed, it is almost impossible to make a census of the number of mix-ups which have followed our first European adventure. Britain and her colonies have disagreed; Britain and France are at loggerheads; so are Britain and Italy. France and Italy have almost come to blows; France and Roumania are mutually resentful. Our insistence upon Serb claims in the Banat has compelled Britain and France to break their word to Roumania; it has led to a Serbo-Roumanian feud. With no real power to resist and without any assurance of aid from us, the Jugo-Slavs are holding out against the demands of Italy, which have been supported until recently by France and Britain. We have refused Greece her aspirations in Thrace and about Koritza; our ultimate decision in Asia Minor, where settlements have also been outlined without regard to us, may precipitate another Fiume crisis. Or the President may reject the proposal to leave the Turk in Constantinople.

"Obviously, if Europe could determine what American policy was to be for the future the situation would be different. But ever since the Paris conference, ever since the President came home, Europe has had to operate on two mutually exclusive assumptions—the assumption that the President's ideas would be adopted by the United States and the assumption that they would be rejected. If President Wilson's ideas were destined to prevail, Europe would reluctantly make the necessary concessions, but they would have to be paid for by American loans and American pledges of military and naval support. But if the President's ideas were destined to fail, then Europe would have to settle its own problems in its own way.

UNITED STATES MONEY NECESSARY?

"To-day, yesterday, to-morrow, as far as it is possible to see, neither course can be followed and chaos persists as a result. In the case of Fiume, it seems to me that the President is dead right on the merits of the case. The Italian demands are preposterous; they quarrel with every consideration of moral right. But the Jugo-Slav case, just as it is, fortified as it is by all regard for principle, is still untenable if there be not force behind it, and that force can come only from the use of American money and perhaps arms.

"The moment the Italians are satisfied that we shall do nothing they will declare their purpose to stay where they are, and then who can put them out? Certainly the French will not even think of it; rather they will feel compelled to assent, because American decision to stay out of Europe reopens for them the old danger of an attack on the Alps and the Rhine. As for the British, they may protest, but they certainly will not go beyond this. What, then, will be the position of the Slavs, resentful but helpless, and threatened henceforth on all sides? Threatened because of American policy in the Banat as well as along the Adriatic.

"But if the situation continues unsettled Italy may be faced with a domestic political crisis. She can not demobilize. Her army is costing her terribly. Her own Government may sink as a result of the two pressures—that coming from the nationalists and that coming from the socialists. The Jugo-Slavs are no better off, while the repercussions are felt all through Europe.

"It will be perceived, then, how little of the real Fiume question is actually comprehended in a discussion of the case of the city itself and how symptomatic it is of the whole European network of problems.

THE PROMISED REWARDS.

"Fundamentally the situation turns upon a fact which has only now begun to be appreciated in the United States. President Wilson believed, when he went to Europe, that he had only to insist upon the 14 points and he would be supported by the mass of the people of all nations. Having thus established peace on this basis, he assumed that it would automatically endure as a 'peace of justice.'

"In Europe he discovered that during the war nations involved had been compelled to make agreements, to promise Japan, Italy, and Roumania certain rewards for participation. Promised these rewards, Japan, Italy, and Roumania had entered the war to the very great profit of France and Britain, who otherwise would have been defeated. These agreements, the famous 'secret treaties,' manifestly conflicted with the 14 points, but neither France nor Britain could safely go back on these agreements if the nations that held their pledges insisted upon performance. In the case of Japan President Wilson agreed in the end to yield, and with informal promises of Shantung evacuation Japan acquired what had been promised her.

"In the case of Italy the President refused to yield, and the Italians insisted upon performance. Britain and France were thus called upon to decide whether their pledge to Italy was a 'scrap of paper' or their decision to follow Mr. Wilson necessarily abolished. For many months, for a whole year, British and French statesmen have been temporizing, seeking to 'keep in' with Wilson while not actually breaking with Italy. Meantime the French have more and more inclined to stand with the Italians and the British with Wilson.

ISSUE UNCHANGED.

"To-day the issue remains unchanged. Italy demands the performance of solemn pledges embodied in the treaty of London, and points to the fact that one of the great issues of the war was the maintenance of the sanctity of international obligations. Britain and France, having tried to arrive at a compromise and having merely aroused the President's indignation, are still faced with the dilemma. The gravity of the problem lies in the fact that even complete acceptance of the President's leadership and the consequent alienation of Italy may not insure American support for the future, while yielding to Italy and estranging the President may lead to the loss of all chance of American assistance or American participation. All of which is another way of saying that Europe, in the hope of enlisting American aid in European reconstruction and peace maintenance, has placed in the President's hands absolute veto power, so far as its own policies are concerned, only to discover that it has not acquired any assurance of American participation. Now, the French and the Italians, like the Roumanians and the Greeks, desire to regain freedom of action and take away the President's power of veto, while Great

Britain still insists upon placating the President, because British statesmen still cling to the idea that America, if not disgusted, will presently come back into European affairs.

"This means, if it means anything, that the Continent, France, Italy, and the smaller States will at no distant time repudiate the President's control of European affairs, while British opposition to such a repudiation will lead to a complete break between Britain and the Continent. Then the question will arise whether the United States will reward the British course by participation in an Anglo-American alliance. If it does, British policy at Paris and since will be vindicated; if it does not, that policy will prove a very costly blunder. But every recent indication from London serves to confirm the Paris impression that the British mean to run every risk in the hope of realizing the Anglo-American alliance."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes; insists upon its disagreement to the amendments of the Senate Nos. 17 and 34 to the bill; recedes from its disagreement to the amendment of the Senate No. 22, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina managers at the further conference on the part of the House.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon. ALBERT ESTOPINAL, late a Representative from the State of Louisiana.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lodge	Ransdell
Ball	Gay	McKellar	Sheppard
Brandegee	Glass	Nelson	Smoot
Capper	Hale	New	Spencer
Chamberlain	Hitchcock	Norris	Sterling
Cummins	Johnson, S. Dak.	Nugent	Sutherland
Curtis	Jones, N. Mex.	Overman	Thomas
Dillingham	Jones, Wash.	Page	Trammell
Edge	Kellogg	Phelan	Wadsworth
Elkins	King	Phipps	Warren
Fernald	Knox	Poindexter	Watson

Mr. CAPPER. I wish to announce the absence of the Senator from North Dakota [Mr. GRONNA], the Senator from Oregon [Mr. MCNARY], the Senator from New Hampshire [Mr. KEYES], the Senator from Iowa [Mr. KENYON], the Senator from Wyoming [Mr. KENDRICK], the Senator from Mississippi [Mr. HARRISON], the Senator from Maryland [Mr. FRANCE], and the Senator from Oklahoma [Mr. GORE], who are attending a meeting of the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Members.

The Reading Clerk called the names of the absent Senators, and Mr. HARRIS and Mr. PITTMAN answered to their names when called.

Mr. KIRBY, Mr. LENROOT, Mr. SMITH of Georgia, Mr. STANLEY, Mr. HENDERSON, Mr. POMERENE, Mr. BECKHAM, Mr. WALSH of Montana, Mr. SHIELDS, Mr. CULBERSON, Mr. COLT, Mr. BORAH, Mr. FLETCHER, Mr. CALDER, Mr. SHERMAN, Mr. MCLEAN, and Mr. MCCORMICK entered the Chamber and answered to their names.

Mr. MCKELLAR. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Arizona [Mr. ASHURST] is absent on account of illness.

The Senator from Rhode Island [Mr. GERRY] and the Senator from Delaware [Mr. WOLCOTT] are detained on official business.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

SALE OF SHIPS (S. DOC. NO. 242).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d ultimo, a list of the vessels sold, to be sold, and those on which action is pending, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

THE FIUME INCIDENT.

Mr. KNOX. I ask unanimous consent to have printed in the RECORD an editorial published in this morning's Philadelphia North American on the Fiume incident. It shows how sweet it is for brethren to dwell together in peace and harmony.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia North American, Mar. 1, 1920.]

A COSTLY VICTORY.

"Publication of the correspondence on the Adriatic question shows conclusively that illness has not impaired in any degree President Wilson's powers as a writer and a controversialist. His countrymen should, however, make the most of whatever comfort this circumstance affords, since it is the only aspect of the international situation which gives grounds for such a feeling. As was foreseen, the President has won another diplomatic victory; but, as in many like cases, it has been achieved at the expense of Europe and the United States. Settlement of one of the most dangerous problems arising from the war has been indefinitely deferred; strife-breeding suspicions and rivalries have been intensified without providing a means of allaying them; and, finally, increased hostility toward America has been bred among the allied nations, which are incensed and utterly bewildered to find that a Government which will not cooperate with them asserts a right of veto and dictation.

"The outstanding feature of the correspondence, indeed, is a tone of bitterness such as is seldom discernible in diplomatic communications between friendly nations, not to speak of associates in a common cause. It is a depressing commentary upon the 'new world order,' to which such ostentatious deference is paid, to find that there is more acerbity, a keener spirit of discontent and accusation, in the messages that passed between President Wilson and the allied premiers than ever marked the notes he exchanged with the government of the Kaiser five years ago. There is left hardly a pretense of harmony, and such desire for cooperation as remains is plainly inspired by considerations of expediency or of need rather than of genuine sympathy and confidence. On one side is manifested the anger of offended arrogance; on the other, a disdain for methods regarded as uncouth, with its expression restrained, however, by fear of vengeful reprisals.

"The record to be examined really begins with the joint Anglo-French American memorandum of December 9 proposing an inclusive settlement of the controversies between Italy and Jugo-Slavia, and the plan of January 14, wherein Great Britain, France, and Italy agreed upon modified terms, the compromise not being submitted in advance to the United States. Most Americans are familiar with the outlines of these two documents, which we discussed in detail last week.

"Sharp inquiry as to the procedure having been made from Washington, the British and French premiers explained on January 23 that the second proposal was 'the best available reconciliation of the Italian and Jugo-Slav points of view'; reminding the President that 'he had not heard the arguments and could not interview the principals concerned,' they intimated that he might concede to them a desire to reach the fairest possible decision. To one of Mr. Wilson's temperament such suggestions were intolerable, and he turned immediately from small-arm fire to heavy artillery, laying down a devastating barrage of reproaches, accusations, and ultimatums.

"His note of Februry 10 was unusually effective, not because of any innovations in the attack but because his opponents had supplied him with his most destructive ammunition. In the proposal of December Great Britain and France had joined the United States in explicitly rejecting and reprobating Italian demands which the two former indorsed in the modified plan of January. President Wilson did not fail to turn their own words against them. 'The President,' he wrote, 'can not believe that a settlement containing provisions which have already received the well-merited condemnation of the French and British Governments can be regarded as right,' and thereupon he cited the reversals of judgment.

"While the Allies had protested that only two features of the original plan had been changed, and these to the advantage of Jugo-Slavia, he retorted that it had been 'profoundly altered to the advantage of improper Italian objectives.' Against the granting to Italy of a narrow strip of coast near Fiume he quoted the December memorandum to the effect that this 'appears to run counter to every consideration of geography, economics, and territorial convenience,' and he recalled that 'unjust and inexpedient annexation' forbidden in December was approved in January. He also complained of the discarding of his idea of a 'free State of Fiume,' comprising the city and surrounding territory, and the creation of Fiume as an independent city under the League of Nations, 'with the right

to choose its own diplomatic representatives.' Fiume being Italian, such representatives would be of that race, and Mr. Wilson held that the plan 'paves the way for future annexation.'

"It was not upon facts or arguments, however, that he relied to give force to his demand for cancellation of the January proposal, but upon undisguised coercion. When this feature of his note was made known in Paris 'emphatic denial was made at the White House,' according to an inspired dispatch, and officials characterized this interpretation as 'an absolute falsehood.' Yet the text when published showed that the President had made these deliberate threats:

"The Adriatic issue raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in maintaining the peace of the world. If substantial agreement on what is just and reasonable is not to determine international issues * * * then the time is not yet come when this Government can enter a concert of powers. * * * If it does not appear feasible to secure acceptance of the memorandum of December 9, he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France.

"Stripped of diplomatic cant, President Wilson's decree was that unless his view prevailed he would kill both the peace treaty, with the league covenant, and the special treaty guaranteeing support to France in case of attack. Threatened with such dire consequences, the Allies were compelled to seek conciliation, but they could not wholly conceal their resentment nor deal gently with Mr. Wilson's errors of statement and deduction. They did not find it 'altogether easy to understand' his position and declared that there was 'no foundation for the assumption' that they had adopted the Italian view. The 'free State of Fiume,' his great contribution to the settlement, was an idea rejected by both Italy and Jugo-Slavia. Furthermore, the Allies' plan, while transferring 50,000 Jugo-Slavs to Italian sovereignty, restored 200,000 of them to their own fatherland, while Mr. Wilson's map drawing had allotted 400,000 to Italy. Reminding the President that he had withdrawn his representative from the conference and 'could not therefore be in close touch with the changes of opinion and circumstances,' the premiers asked, politely but firmly, 'How does the United States Government propose that this dispute should ever be closed?'

"In studied rebuke they inquired whether Mr. Wilson actually considered that this country 'should withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement'? And they expressed the hope that the United States 'will not wreck the whole machinery for dealing with international disputes because its view is not adopted in this particular case.' They 'could not believe' the American people would 'take a step so far-reaching and terrible on a ground which has the appearance of being so inadequate.'

"They were to be instructed again, of course, that such decisions are made not by the American people but by President Wilson. His second note told them he had 'no choice but to maintain the position he has all along taken.' Otherwise, it was but an extension of his former arguments. He offered, however, one definite concession:

"The President would, of course, make no objection to a settlement mutually agreeable to Italy and Jugo-Slavia regarding their common frontier in the Fiume region, providing that such agreement is not made on the basis of compensations elsewhere at the expense of nationals of a third power.

"In their reply the allied premiers have seized upon this suggestion and have proposed a withdrawal of both the December and January plans, so that the contending nations may try to reach an agreement by negotiation.

"Few Americans will feel competent to adopt offhand judgment upon this complicated problem, but thoughtful students of the correspondence will find in it the most disquieting implications. They will reject, for example, President Wilson's repeated assertion that his Adriatic settlement alone harmonizes with 'the principles for which America entered the war.' By the decision of her people and the explicit terms of her declaration, America entered the war to defeat Germany, to preserve human liberty against the designs of an imperialistic autocracy, to protect American lives from attack and American property from spoliation; she never had the remotest idea of entering the war in order to vitiate a treaty made among the Allies, or to prevent the development of Italy, or to draw boundaries for the Balkan races.

"Despite this fact, the President undertakes to make America responsible for those aims, and to enforce their fulfillment upon Europe by uttering threats in the name of the American people. Reckless of the country's refusal to accept the obligations to which he audaciously pledged it, he still assumes the voice of one whose decrees are law, and menaces friendly nations with a withdrawal of that which he had no power to guarantee. Hardly less provocative is his hardy insistence that he alone strives for 'equity and right,' while all who question his mandates are selfish intriguers. His intellectual arrogance is not even relieved by a saving grace of humor, for he proclaims that 'no Government or group of Governments has the right to dispose of the territory or to determine the political allegiance of any free people,' and then, having delivered a whole Province of China to Japan, he forbids Italy to possess the Italian city of Fiume and decrees its annexation to a Slav State.

"The one serious plea offered by and for President Wilson is that his course is designed to prevent future strife. He can not, he says, 'sacrifice principles to purchase a temporary appearance of calm in the Adriatic at the price of a future world conflagration.' This would be more convincing if there were any evidence that Mr. Wilson's judgment upon matters of peace and war is sound. It took him two years and a half to discover what the struggle in Europe was about, and his ideas of the proper procedure in peacemaking have brought the world to the verge of a new catastrophe. Does this record argue that he has knowledge superior to the statesmen of Europe respecting a problem so complex as that of the Adriatic? Is it perfectly clear that it were better to obstruct every settlement short of absolute justice—which is utterly unattainable—than to seek a reasonable compromise which would satisfy at least the urgent demand for peace?

"But the most serious aspect of the affair is that, even if the President's course were miraculously designed to solve the Adriatic difficulty, its larger effects would disastrously outweigh that assumed achievement. For he has not only immeasurably strengthened the enmity between Italy and Jugo-Slavia, whatever the ultimate settlement may be, but he has embittered the Italian people against the United States and has destroyed the sense of confidence and cooperation between the Allies and America which was the one hope of making an enduring peace in the world."

WHEAT POOL.

Mr. FERNALD. I ask to have read an article in the Washington Post this morning, on page 11, entitled "Find big wheat pool."

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. FERNALD. As soon as the article has been read I wish to make a few comments upon it.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Reading Clerk read as follows:

FIND BIG WHEAT POOL—UNITED STATES JURY CHARGES GRAIN OFFICIALS PROFITED BY MANIPULATION—OWN 85 PER CENT, IT IS SAID—REPORT SAYS GOVERNMENT CONTROLLERS CAUSED RISE IN PRICE FROM $2.22 TO $3.30 FOR HARD WHEAT—A. M. HOUSER "REAL PARTY IN INTEREST," IT IS SAID.

"SPOKANE, WASH., *February 29.*

"The Federal grand jury has made a report, in which it expresses belief that the credit of the United States Government has been used by wheat speculators to carry the great bulk of the 1919 wheat crop. It states that it is within the power of the Government to reduce the price of flour whenever it chooses and begs such relief.

"The names of high officials of the United States Grain Corporation, organized by the Government to protect its citizens, are mentioned in the report. It follows:

"'When the Government appropriated $1,000,000,000 to buy the 1919 wheat crop, wheat receipts became as good as Government bonds. Banks were glad to loan money in any quantity to purchase wheat, for the money paid the farmers was immediately redeposited in the banks.

'HELD 85 PER CENT, IT IS CHARGED.

"'The minimum price of wheat was fixed in the Northwest at $2.20 for soft wheat and $2.22 for hard wheat, coast points, and the prices paid the farmers were these sums less freight to coast points, averaging about 13 cents per bushel, and certain other charges which amounted to from 4 to 6 cents per bushel. In some cases a small premium was paid for hard wheat.

"'The majority of the mills in the Northwest are owned by a half dozen concerns, and each in turn has a grain company, which is officered and operated by the men who own the milling concerns.

"'From a great mass of testimony presented before the grand jury we believe that 85 per cent of the 1919 wheat crop of this State, estimated at 42,000,000 bushels, went into the hands of these half dozen grain companies and was purchased prior to October 15, before any material advance in price.

'BANKS HONEYCOMBED WITH RECEIPTS.

"'The banks of this State are honeycombed with warehouse receipts; Spokane banks at one time were carrying $9,000,000 worth of warehouse receipts, and it is not unusual to find that a small country bank has loaned $1,000,000 on wheat receipts.

"'Having bought practically all of the wheat in the States of Oregon and Washington, these grain companies have been able to advance the price by sales to each other and through manipulations of the grain market centered at Indianapolis and by other methods.

"'Although the greater part of the wheat was purchased around $2.07, the grain companies are selling the wheat to their own milling concerns at the prevailing market price, which at present is from $3 to $3.30 per bushel for hard wheat. Their own mills are asserting the rights to manufacture flour on the basis of the price paid for the wheat—a price which is the result of their own acts of manipulation.

"'The by-products of flour, bran and shorts, are a necessary food for dairy cattle, and the prices now demanded by these by-products mean destruction of the dairy industry.

"'Under regulations existing in 1918 millers were prohibited from making more than 50 cents a ton on mill feeds, and a "fair" price on carload lots was fixed by the United States Food Administrator at $28.75 per ton, while to-day mill feeds are selling on the Spokane Exchange at $43 per ton, carload lots, and $50 at coast points.

"'The Pacific Grain Co., the successor of the M. H. Houser Grain Co., the Pacific Coast Elevator Co., and the Puget Sound Warehouse & Elevator Co. are owned and operated in connection with the Portland flour mills concern, with headquarters at Portland, Oreg.

"'These corporations were owned by M. H. Houser, vice president of the United States Grain Corporation for the northwestern district. At the time he became vice president he made some kind of a transfer of his interests in these concerns and does not at this time appear as the owner.

'SAY HOUSER IS "REAL PARTY."

"'The officers of the United States Grain Corporation for the northwestern district and the offices of the above named being quartered in a building owned by M. H. Houser, in Portland, Oreg., it is, by reason thereof, the belief of the grand jurors that Houser is the real party in interest in the milling and grain concerns above named, and that by reason of his connection with the United States Grain Corporation he has been able to manipulate and operate them to an immense profit to himself and associates.

"'The Pacific Grain Co. admits having bought 11,000,000 bushels of the 1919 wheat crop.

"'It is impossible for this district to obtain relief, for the grain companies threaten in case action is taken to force them to sell the grain to the mills at the price paid by them plus a reasonable carrying charge to close the mills and ship the grain to eastern points.

"'To frustrate any concerted plan of evasion we would urge that the Department of Justice take simultaneous action in all wheat and flour centers of the United States.

'GLASS URGED BIG APPROPRIATION.

"'According to press reports, former Secretary of the Treasury GLASS recommended to Congress the appropriation of $150,000,000 to purchase flour and wheat. It is our belief that this wheat is now owned largely by speculators, and in some cases by interests directly and indirectly connected with some of the officers of the United States Grain Corporation. Sales to Europe will benefit only the purse of individuals and the consumer will pay the bills.

"'We would recommend that a proclamation be issued fixing a selling price of all wheat now held in the United States at the price paid the farmers, plus a reasonable carrying charge, said fixed price not to apply to the producer, and that similar price be fixed on flour and mill feeds.

"'We further recommend that no appropriation be made by Congress to finance the sales of wheat, flour, or mill products to foreign countries until such time in which the American people are relieved from paying the extortionate prices now required of them by reason of the grain manipulation as herein stated.'

"The report is signed by L. Roy Slater, foreman, and George W. Fuller, secretary."

Mr. FERNALD. I also ask to have printed an article on the same subject from the New York American of this date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

[From the New York American, Mar. 1, 1920.]

ONE HUNDRED AND FIFTY MILLION DOLLAR WHEAT CONSPIRACY CHARGED—BREAD BOOSTED 50 PER CENT—UNITED STATES OFFICIALS NAMED—GRAND JURY'S FINDINGS ARE PIGEONHOLED IN WASHINGTON—M. H. HOUSER, MILL OWNER AND A FORMER FOOD OFFICIAL, ACCUSED OF MAKING HUGE WHEAT CORNER—HOOVER FOOD PLAN INVOLVED—SPECULATORS FACING RUIN UNLESS GOVERNMENT APPROPRIATES HUGE SUM TO TAKE THEIR GRAIN.

"WASHINGTON, *February 29.*

"The report formulated by the Federal grand jury at Spokane, Wash., involving the United States Grain Corporation in an alleged 'billion-dollar manipulation' by wheat speculators, and affecting directly every bread consumer in the Nation, was received by the Department of Justice about the middle of February.

"The report, amazing in detail and striking to the heart of an alleged system of secret 'jockeying' of the bread market, was made February 7. It was pigeonholed by the Department of Justice.

"Responding to the urgings of M. H. Houser, one of the vice presidents of the United States Grain Corporation, and who is accused virtually of having profiteered in the sale of wheat while holding a Government office, and the strong recommendation by Julius H. Barnes, head of the Grain Corporation, the Department of Justice later 'got busy.'

"Although the department had shelved the recommendations of the Spokane grand jury for a blanket investigation, it now appears ready to conduct an inquiry on the pleas of Houser and Barnes. This inquiry, being conducted at Portland, Oreg., appears to be an investigation of the grand jury which had urged an investigation of the alleged manipulations in wheat.

HOOVER'S PLAN INVOLVED.

"Involved in the case, as pointed out in the presentment, is the propaganda of Barnes and Herbert Hoover as appearing in their newly acquired newspaper in Washington to 'boost' the plan to finance wheat and flour to foreign countries on a large scale.

"The Hoover-Barnes propaganda and the 'rush' with which Barnes and Houser stirred up the 'investigation' of the grand jury is interpreted by men of high office to mean that the 'handwriting on the wall' has been seen and feared.

"It is maintained that the Nation-wide scheme alleged will not be realized unless the speculators are successful in inducing Congress to use $150,000,000 of the appropriation to take the wheat which they have cornered off their hands.

"It is the above appropriation that Hoover and Barnes are urging in their newspaper.

"Faced by the coming expiration of the Government's minimum price guaranty and the probable subsequent recall by the banks of the millions which they have loaned on warehouse receipts, it is claimed these speculators now see ruin impending unless they can get rid of their holdings prior to the harvesting of the 1920 crop.

OFFICIALS ARE ACCUSED.

"It is in this speculation, deep down, that some of the officials of the United States Grain Corporation are involved, according to the Federal grand jury's charges.

"The grand jury intimated strongly that the motive which prompted the grand jury to investigate the conditions prevailing in the wheat market was to make public the machinations of the grain ring and to prevent them from using the United States Treasury or its credit, and further as a shield from the unexpected results of their alleged manipulations.

"In the opinion of the grand jury, the situation which they discovered in Spokane and its vicinity exists on a similar scale throughout the wheat-growing districts of the United States. Instead of launching the systematic investigation urged by the grand jury to protect the rights of consumers, the only action even contemplated by the Department of Justice appears to be the investigation of the grand jury which had made the report.

"It is regarded as significant that when the substance of the presentment was first made known in official channels that Houser wired Attorney General Palmer for a 'complete investigation.' It is also understood from an excellent source that Julius H. Barnes also requested an investigation.

"Mr. Barnes's contention, it was said, was that a grave charge had been made against a man connected with the Grain Corporation and that another inquiry was necessary to determine whether the charge were true. If it were true, Mr. Barnes is reported to have told the Attorney General, Mr. Houser should be indicted.

"The Attorney General ordered the Portland investigation, but not on the strength of the presentment which had urged

immediate action, and which was pigeonholed, but after Houser and Barnes had acted.

JURY IS IGNORED.

"Not only did the Department of Justice fail to act on the grand jury's request, but officials of that bureau refuse to explain the 'why' of the pigeonholing episode.

"While denying the charges made by the Federal grand jury as being 'a damnable attempt to besmirch my integrity, prompted by political motives and motives of jealousy,' at Portland last night, M. H. Houser admitted his connection with the Pacific Grain Co. as stated in the presentment.

"Mr. Houser stated that he retained complete control of the grain organization he had built up before the war and that two years ago he had bought the entire chain of Theodore E. Wilcox properties, which include the Portland Flouring Mills and the Tacoma Warehouse Co. He controls in all 9 mills and 148 warehouses and elevators.

"United States Attorney Francis Garrecht, who conducted the investigation of the grand jury, said to-day, according to advices from Spokane:

"Houser's statement, to say the least, is neither clear nor convincing. People who know Mr. Houser best will be inclined to doubt his assertion that he was losing hundreds of dollars a day on the flour that he was milling. His insinuation that there was any ulterior motive or purpose on the part of the grand jury or the Department of Justice is absolutely without any foundation in fact.

"The farmer organizations to which he alludes as being opposed to Hoover and consequently inimical to himself were not known to exist by this grand jury.

"Probing deep into the affairs of the Houser concern, the grand jury found that Houser had bought up 11,000,000 bushels of the wheat crop.

"From an excellent source it became known to-day in a dispatch from Spokane that the abnormally high price of mill feed, rather than the sudden rise in wheat, was the original incentive to the grand-jury investigation.

DAIRYMEN FORCED OUT.

"Until the armistice in November, 1918, the United States Food Administration, controlling the mill-feed situation, kept the price of feed at $28.75 per ton. But when this control was withdrawn the mills at once raised the price to more than $40 a ton.

"As a result, many of the dairymen in the Spokane district were compelled to sell their cows and abandon business. The situation was growing acute when, in the fall of 1919, Julius H. Barnes, president of the Grain Corporation, was asked by numerous dairymen for relief. Barnes is reported as having stated that the Grain Corporation could do nothing to control the price of mill feed.

"District Attorney Humphreys, at Portland, who is in charge of the 'new investigation,' said:

"These charges against Houser are of a most serious nature, amounting to an allegation that he has profiteered in the sale of wheat while holding a Government office

"Senator GRONNA, of North Dakota, was one of the Members of the Senate to express wonder as to why the Attorney General had not taken action on the report of the first grand jury, as was Senator CAPPER, Republican, of Kansas."

Mr. FERNALD. Mr. President, for several months the Senate and the House of Representatives have been undertaking to lower the price of foodstuffs. We have investigated very many private concerns all over the country. I do not know a thing about this matter other than is stated in the article in the morning Post, except that I know in banking circles all over the country for the past six months it has been generally known that the banks in the Northwest were filled with wheat receipts and that many of the small banks have loaned out as much as a million dollars, country banks which naturally would not lend any one line of business more than three or four hundred thousand dollars. If this be true—and I am going to suggest that the matter be taken up by the Agricultural Committee—there ought to be an investigation of the subject.

We do know that for months the Federal Trade Commission have investigated all kinds of private business and have attempted to bring business men before the bar of public justice for the very small amounts which they have shown that those men have made in connection with the sale of different food products, and while the newspapers of the country have been filled with reports concerning the investigation of the five great meat packers, this Government organization has been making more than a dollar a bushel on every bushel of wheat that has been raised in some of the Western States.

The price which was fixed by the Government of $2.20 per bushel for wheat has gone to $3.20 per bushel. We have known that somebody was making money in the transaction. If this be true, every one of the men who have been associated in this matter ought to be indicted for grand and petit larceny. It is the most deplorable condition that has ever been brought to the attention of the people of the country, and the Senate of the United States ought to begin an investigation of the matter to-day.

Mr. President, I have been so opposed to all Government control of activities and to the different agencies which have been instituted to bring about such control that when I read an article of that kind I have hardly the patience to give it fair consideration or discussion. Every effort the Government has made to operate private business has resulted in failure. We have learned from the reports of the Railroad Administration and from the investigations of the Interstate Commerce Committee running over a period of several months that the Government has been operating the railroads at a loss of hundreds of millions of dollars; but, Mr. President, that does not begin to compare with the loss to the railroads of the country. The railroads are in a deplorable condition. In my State one great system that has been in the habit of laying more than 40,000 ties each year has not laid a new tie in the last three years.

We know of the great shortage of cars which are required for the transportation of fuel and food products all over the country. There have been none of these cars repaired, and it will be found that every siding from here to the State of Maine and from here to the Northwest is filled with cars that need some little repairs.

We have before us another committee proposition relative to operating the ships of the country, and an appropriation of $75,000,000 has been asked for the repair of a few ships in order that the Government may operate them; and yet every report as to every ship which has sailed out of our ports under Government control indicates that the operation has been conducted at a loss, although ocean freight rates have been advanced to an amount which is almost beyond the conception of the mind of man, at the expense, as my friend from Kansas [Mr. CAPPER] demonstrated last week, of the American farmer. The situation has become such that food products can hardly be sold and shipped across the water by American farmers and merchants. Rates have been advanced from 200 to 400 per cent on such products, and yet we have the proposition to consider as to whether or not we shall continue the operation of ships.

The same condition exists as to the Fuel Administration; and I might go through other Government activities and demonstrate that a similar situation prevails. Only last Saturday I took up a newspaper, and I read that there are 39 different bureaus and 9 departments doing precisely the same thing, making 48 bureaus and departments that were operating and asking the same questions of the business men of the country.

All I wish to do is to submit this matter to the Agricultural Committee and ask that it be investigated. From now on let us see to it that every one of the Government agencies that are so active in interference and in the embarrassment of business shall be abolished and that business men have an opportunity to carry on their business in their own and a businesslike way so long as it is legitimate.

Mr. JONES of New Mexico and Mr. PHELAN addressed the Chair.

Mr. FERNALD. I will yield in just a few moments. I shall soon be through. If it be true that the officials in the United States Grain Corporation have been speculating, as this article suggests, I repeat that they ought to be indicted for grand larceny and sent to State prison.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from New Mexico?

Mr. FERNALD. I yield to the Senator.

Mr. JONES of New Mexico. The article presented by the Senator from Maine carries with it a very strong imputation of personal and official misconduct. It purports to be the finding of a grand jury, if I have been able to understand the language of the article as read. I should like to inquire of the Senator from Maine if the grand jury was charged with the investigation of such subjects?

Mr. FERNALD. That is precisely what I want to know. I have only the information from the Washington Post. If it is true that the grand jury is making an investigation, that would be sufficient; but I thought the Agricultural Committee could make such inquiries as might be necessary.

Mr. JONES of New Mexico. I also observed from the reading of the article that it recommended that the Attorney General take some steps regarding the matter. That was an indication to my mind that the grand jury itself had no jurisdiction, and, therefore, that it was acting wholly outside of any duty imposed by law. Does the Senator from Maine so understand?

Mr. FERNALD. I think so, I will say to the Senator from New Mexico.

Mr. JONES of New Mexico. Then, if that be true, we have here an article which purports to come from a grand jury which went outside of its jurisdiction to take up a subject about which it had made no examination; and it would seem from the reading of the article that the grand jury made this report, in whatever form it may be, upon mere rumor. Does not the Senator from Maine so understand?

Mr. FERNALD. I understand that the facts of the article are correct. Just what the legal status of the case is, I do not know, not being a lawyer; but I know that the price of wheat is very much higher than it ought to be, and that it costs every man who purchases a barrel of flour to-day at least $4.50 more than it should.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. I think I can, perhaps, throw a little light upon the matter. My information is—and I derived it not only from the article which has been read but from a number of other articles which I have read—that an investigation was made by the State grand jury of a number of matters which came before its attention. It also made an investigation respecting the high price of commodities within the State, and reached the conclusion that no State law was infracted by the action of the individuals and corporations and organizations referred to; but it also reached the conclusion—that is the information I have received—that this matter came within the denouncement of the Federal statute—the Sherman antitrust law—and recommended proceedings under the Federal statute.

Mr. JONES of New Mexico. Mr. President——

Mr. WADSWORTH and Mr. LODGE rose.

The PRESIDENT pro tempore. Does the Senator from Maine yield; and if so, to whom, as there are three Senators on the floor?

Mr. WADSWORTH. There is a unanimous-consent agreement printed upon the calendar this morning under which we are exceedingly anxious to bring up the Military Academy appropriation bill. I am therefore constrained to ask for the regular order.

Mr. JONES of New Mexico. I merely desire to say, if the Senator will allow me just a word——

Mr. WADSWORTH. I have raised the question of the regular order.

Mr. JONES of New Mexico. If the Senator from New York calls for the regular order, he has a right to do so, but I should like to state——

The PRESIDENT pro tempore. The Senator from New York demands the regular order.

Mr. WADSWORTH. If the discussion does not go to any great length I shall not object, but I simply have the interest of legislation at heart; that is all.

Mr. JONES of New Mexico. I will wait until the regular order is laid before the Senate.

Mr. FERNALD. I wish to say——

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. FERNALD. Just a moment, Mr. President——

Mr. LODGE. Let us have the regular order, Mr. President. The understanding was that the Military Academy appropriation bill should be taken up at the earliest possible moment. I ask for the regular order.

The PRESIDENT pro tempore. If there be no reports of committees, bills and joint resolutions are in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3996) to authorize the sale or lease of real estate or any interest therein, acquired for the use of the Army since April 6, 1917, and no longer needed therefor; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A bill (S. 3997) for the relief of D. Beatrice Arline; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 166) to permit the payment of certain money for the acquisition of land for the United States Army General Hospital No. 19, Azalea, N. C; to the Committee on Military Affairs.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to increase the appropriation for investigations in operation of seed and plant introduction, etc., from $82,700 to $114,200, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to grant authority to the Secretary of Agriculture to accept lands for field stations, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMNESTY TO PRISONERS (S. DOC. NO. 241).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to lie on the table and to be printed:

To the Senate:

I transmit herewith a communication from the Acting Secretary of State replying to the resolution of the Senate dated January 13, 1920, requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done, through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
27 February, 1920.

SHIP AND RAIL TERMINAL ON SAN DIEGO BAY.

Mr. PHELAN. I ask unanimous consent to have printed in the RECORD a resolution of the common council of the city of San Diego, Calif., making a proposition to the Federal Government for terminal shipping and rail facilities on San Diego Bay.

There being no objection, the resolution was ordered printed in the RECORD, as follows:

Resolution of the common council of the city of San Diego, Calif. (Res. No. 25266), approving the proposed establishment of a Federal ship and rail terminal on San Diego Bay, at such point and under such policy as Congress may prescribe, as a means of furthering overseas commerce.

"Whereas the city of National City, located on San Diego Bay, has by resolution of the city trustees, the legislative body of said city, of the date of December 18, 1917, tendered to the Federal Government without cost tidelands bordering upon the channel waters of San Diego Bay for the establishment of a Federal ship and rail terminal in the interests of commerce and navigation; and

"Whereas the city of San Francisco, the 'premier port' of the Pacific, has by resolution of the board of supervisors, the legislative body of said city, of the date of December 30, 1917, ceded to the Federal Government all tidelands standing in the name of the city, together with all streets and street ends, without cost of any kind, for the purpose of establishing a Federal ship and rail terminal as a means of promoting the interests of commerce and navigation, in accordance with the existing and contemplated policy of furthering overseas trade; and

"Whereas at a public hearing before the United States Senate Committee on Commerce held in Washington on February 4, 1920, Gen. William B. Black, former Chief of Engineers of the United States Army, now serving as engineer adviser for the National Shipping Board, controlling and operating Government merchant ships of the value of $2,000,000,000, recommended the construction and operation of a modern Federal ship and rail terminal at Bayonne, N. J., in order to relieve the congestion and escape the extortionate rates charged for berth space in the port of New York, an increase from the prewar price of from $60 to $80 per day, as stated by Gen. William Black, to $250 and $666, thereby imposing undue burdens upon the sea commerce of the Nation at a time when overseas trade is in the balance, demanding the highest efficiency in ship and seaboard rail movement; and

"Whereas the city of San Diego, State of California, was the first municipality in the United States to anticipate naval needs of the Nation by the cession of 500 acres of tidelands without cost for the establishment of a naval base, upon which the Secretary of the Navy has recommended the expenditure of $30,000,000 in the form of sea walls, channel dredging, ship-repair yards, marine ways, and other aids to navigation in keeping with the national policy of naval expansion; and

"Whereas the physical conditions of San Diego Bay are such that provision for the channel and general port needs of the Navy in the form of increased channel area will furnish the basic needs of the nationally owned merchant ships by a single outlay, with the exception of modern docks and rail terminals: Now, therefore, be it

"*Resolved by the common council, the legislative body of the city of San Diego, State of California, as trustee of all the tidelands bordering upon San Diego Bay within its corporate limits*, That it views with favor the establishment and operation of Federal ship and rail terminals, as advocated by Gen. William M. Black, engineer adviser of the National Shipping Board, and hereby pledges its support and assistance in every way possible to the accomplishment of that object as an aid to overseas commerce and national trade expansion; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the National Shipping Board, the United States Railroad Administration, and to the Federal Representatives of the State of California at Washington.

"Presented by Councilman Virgilio Bruschi.

"I hereby certify the above to be a full, true, and correct copy *of resolution No.* 25266 of the common council of the city of San Diego as adopted by said council February 11, 1920.

[SEAL.] "ALLEN H. WRIGHT, *City Clerk.*"

THE ADRIATIC SITUATION.

Mr. FRELINGHUYSEN. I ask to have inserted in the RECORD an article from the Sun and New York Herald of Saturday last on the Adriatic situation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sun and New York Herald, Feb. 28, 1920.]

MR. WILSON'S ADRIATIC DISPUTE EXPOSES OUR DANGER FROM THE LEAGUE OF NATIONS.

"Into his challenge of the decision of the Governments concerned in the Adriatic crisis Mr. Wilson has put all the brilliance and power of intellect which he gives to any cause that he makes peculiarly his own. His indictment of their methods and purposes is as shrewd a piece of mingled idealism and casuistry as his keen mind has ever contrived.

"The President, indeed, was never in truer Wilson form than when he threatened to kick the League of Nations into kingdom come because the proposed settlement of the Adriatic question was not to his liking. His disregard of the practicable, his pursuit of the unattainable, were never more complete. His insistence that a mutual understanding among several nations must always mean acceptance of his views was never more unqualified; his intolerance of a majority dissent from those views never more absolute.

"In the Adriatic matter, as Mr. Wilson sees it, as he expresses it, and as he decrees it, it is not a question of what is now possible. It is not a question of what Great Britain and France, bound by a treaty compact with Italy, now want and can agree upon. It is not a question of what Italy and Jugo-Slavia now want and can agree upon. It is not a question of what the different elements of the population of Fiume now want and can agree upon. It is a question of what Mr. Wilson wants them all to want, and what he is willing to permit them to agree upon.

"It unquestionably is a fact, as Mr. Wilson declares, that there is not perfect justice in the compromise settlement. The Allies themselves say so. Both Jugo-Slavia and Italy concur. But anybody except Mr. Wilson must concede that no settlement that could be worked out by mortal man would give perfect justice to everybody. Short of Heaven itself, there is no such thing as perfection of anything. When different interests are in conflict there can be no such thing as full satisfaction to all.

"Furthermore, what might be justice to all those nations concerned, in the opinion of Mr. Wilson, might, in their own opinion, be justice to none. The Allies, in truth, point out to the President that the proposed terms of settlement take away from Italy things and rights which Italy has believed and still believes are hers. In the same way Jugo-Slavia, while getting such surrendered things and rights, does not get and could not get others which her nationals claim as naturally belonging to them. But each is benefited. Both are more content:

"The origin of the proposal of January 20 lies in the fact that when the Prime Ministers of Great Britain and France came to deal directly both with the representatives of Italy and Jugo-Slavia in Paris they found that nobody desired the consummation of the free State of Fiume, which had always been an essential part of the American proposals for settlement. They discovered that Jugo-Slavia would prefer a settlement which did away with the free State, including, as it does, a population of 200,000 Slavs, and included as much as possible of its territory and population within its own borders. Accordingly the Governments of France and Great Britain, continuing the negotiations from the point at which they had been left on December 9, made the proposal under discussion, including the rectification of the Wilson line and the cessation to Italy of a strip of territory running along the shore so as to connect it with the free city of Fiume. The net upshot of which was that Jugo-Slavia was to gain, as compared with the American proposal, an additional 150,000 Jugo-Slavs, while agreeing to the inclusion within the Italian frontier of a further 50,000 Jugo-Slavs in addition to the 400,000 which President Wilson had already agreed to allot to that country.

"If Mr. Wilson himself were the sole arbiter of the points in dispute, if he were determining the questions in accordance with his principles of justice, he could not satisfy all the claimants, he might not satisfy a single one of the claimants. He might not satisfy a soul on earth but himself. Groping after the shadow of exaggerated idealism but rejecting the substance of practical compromise, he might wrong and inflame all. The only practical thing, as the joint notes of the Allies well say and as they quote Mr. Wilson himself as having once said, is to come as near as possible to giving general satisfaction:

"The difficulty of the task, the patience required in order to effect it successfully, the uselessness of endeavoring to enforce preconceived ideas on refractory material has been recognized by the one more clearly than the other, and in his address at the opening session of the peace conference he pointed out how impossible it was to expect imperfect human beings and imperfect nations to agree at once upon ideal solutions. He made it clear that in his judgment the only course before the peace conference was to do the best it could in the circumstances and to create machinery whereby improvements and rectifications could be effected by reason and common sense under the authority of the League of Nations instead of by resort to war.

"But perfect or imperfect justice in this Adriatic crisis, wise solution or unwise solution of this delicate, difficult, and dangerous problem, nothing could more strongly emphasize the pitfalls for everybody of this League of Nations, conceived out of the imagination of Mr. Wilson, than the President's action. Nothing could more vividly reveal its perils to the United States than the very argument, protest, and wrath of Mr. Wilson against this compromise decision.

"Here is the League of Nations—Mr. Wilson's own league, as he willed to impose it on our country—in existence and in operation. Here it is functioning in one of the crucial situations of the Old World. Here is the first great decision of members of Mr. Wilson's league in a question which affects the peace and safety of Europe. It is a decision acceptable to Europe in general and to those most directly concerned in particular. But straightway Mr. Wilson, creator of and sponsor for that very league, sets all Europe by the ears with his refusal to abide by the decision, although the United States is not even a member of the league.

"Suppose the United States were already in the league. Suppose Mr. Wilson, then acting for this Government instead of merely for himself as now, threatened to snatch our country out of the league because he did not like a decision reached by its members, except for him, unanimously. Suppose he threatened to cancel on the spot all the contracts we had made with the league, all the obligations we had assumed directly and indirectly with its members. Suppose he threatened to ride roughshod over the League of Nations to compel it to do his bidding. What an uproar this country and the world would be in because of our membership in his League of Nations! To what a danger of war he would have exposed us! Into what a welter of war he might actually have plunged us; and, as we say, through this very League of Nations—Mr. Wilson's own League of Nations—which he has been determined to jam down the throats of the American people."

RAILROAD WAGE CONTROVERSIES.

Mr. POMERENE. I have sent for a copy of the letter which was addressed by the President to the railroad organization representatives relative to the wage controversy. I do not have it before me, but it appeared in the Sunday morning papers, and is of such universal interest that I ask that it be incorporated in the RECORD without reading.

The PRESIDENT pro tempore. Is there any objection to the request of the Senator from Ohio?

Mr. GORE. I did not understand the request.

Mr. POMERENE. The request was that the letter written by the President to the different railroad organizations, bearing upon the subject of wage controversies, may be incorporated in the RECORD.

Mr. GORE. I have no objection. I should like to ask that there also be printed in the RECORD the manifesto issued by the brotherhoods, I believe, or by organized labor, a few days ago, just before the passage of the bill. Whether Senators entirely approve of its arguments and conclusions, it seems to me that it ought to be in the RECORD. They have a right to state their side of the case in their own way, and those who wish to consider the whole case ought to have access to it.

Mr. POMERENE. I have no objection.

Mr. GORE. I was sure the Senator would not object.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

WILSON'S LETTER TO HEADS OF RAIL UNIONS ON WAGE ISSUE.

President Wilson yesterday sent the following letter to the chiefs of the railroad labor unions who are negotiating for wage advances:

"THE WHITE HOUSE,
"*Washington, 28 February, 1920.*

"GENTLEMEN: Your letter of the 14th instant and the subsequent arguments presented on your behalf with reference to the subject of pending claims for wage increases have had my careful consideration. The passage of the railroad bill by the House of Representatives on the 21st instant and by the Senate on the 23d instant has made it evident that I could not act upon your suggestions until it should be determined whether the bill would become a law or not. It was manifest that if the bill should become a law the negotiation and consideration of the wage matter ought to proceed in harmony therewith.

"The bill having now become a law, the way is open for immediate action on the wage matter in accordance with the terms of the bill. Section 301 of the bill evidently contemplates that the carriers and employees should, as suggested by you, select representatives who will thus constitute a bipartisan board for the purpose of attempting by conference to agree upon a solution of this wage problem. In accordance with the assurance I gave last August and repeated in substance in my letter of the 13th instant, I shall at once request the carriers and the employees to join in this action. I believe such a step will go far toward clarifying and maturing the subject for final disposition. In fact, the sort of board thus contemplated by section 301 appears to be an appropriate substitute for the committee of experts which I have heretofore suggested, and indeed such a board will be authorized to go further than such a committee could have gone.

DIFFERS AS TO LABOR BOARD.

"While it is true that the provisions of section 307 of the railroad bill relating to the labor board will probably also come into operation as to this wage matter, nevertheless the bipartisan board can make a great deal of progress which will materially diminish the time to be consumed by the labor board; and while the bipartisan board is functioning, the appointment and organization of the labor board can be expedited.

"I can not share the apprehension of yourselves and your constituents as to the provisions of the law concerning the labor board. I believe those provisions are not only appropriate in the interest of the public, which, after all, is principally composed of workers and their families, but will be found to be particularly in the interest of railroad employees as a class.

"The argument that the public representatives on the labor board will be prejudiced against labor because drawn from classes of society antagonistic to labor can and ought to be overcome by selecting such public representatives as can not be charged with any such prejudices. Nor do I anticipate that the public representatives will be against wage increases because they involve rate increases. Not only must public representatives be selected who can be relied upon to do justice, but the bill itself provides that the labor board shall establish rates and wages and salaries which in the opinion of the board are 'just and reasonable'; and it is further provided that the entire labor board shall be guided by the very important standards which are provided in the law, those standards including the wages paid for similar kinds of work in other industries, the relation between wages and the cost of living, the hazards of the employment, the training and skill required, the degree of responsibility, the character and irregularity of the employment, and the correction of inequalities as the result of previous adjustments. Coupled with the direction to the labor board to take into consideration these important standards is the highly important direction to the commission to prescribe rates sufficient to admit of the payment of the reasonable operating expenses, including, of course, fair rates of wages.

EXPECTS NEW WAGE ERA.

"My hopes are that the putting into effect of these provisions with a carefully selected labor board whose public representatives can be relied upon to be fair to labor and to appreciate the point of view of labor that it is not longer to be considered as a mere commodity will mark the beginning of a new era of better understanding between the railroad managements and their employees, and will furnish additional safeguards to the just interests of railroad labor.

"I am sure that every agency which will be involved in the creation of the labor board and in the conduct of negotiations fully appreciates that the wage demands are entitled to the earliest possible consideration and disposition, and therefore I do not anticipate delay in the appointment and organization of the labor board or in the other necessary steps.

"Sincerely, yours,

"WOODROW WILSON.

"Messrs. B. M. Jewell, W. S. Stone, Timothy Shea, L. E. Sheppard, W. G. Lee, S. E. Heberling, E. J. Manion, James W. Kline, William H. Johnston, M. F. Ryan, Louis Weyand, John J. Hines, James Noonan, James J. Forrester, and D. W. Helt."

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WASHINGTON, D. C., *February 17, 1920.*

To the Members of the Congress of the United States.

GENTLEMEN: The organizations whose names are attached respectfully urge the defeat of the conference report for the return of the railroads to their owners.

These organizations are fairly representative of the mass of the people of the United States. They represent directly 2,000,000 organized workers.

We believe that we may claim to reflect the wishes, opinions, and interests of a great majority of the people of the country. Certainly we have no sinister interest in the railway question.

Speaking in our official capacity, we earnestly urge that Federal operation of the railroads be continued for at least two years more, in order that a reasonable test may be made of Federal operation under normal conditions, so as to ascertain whether the Government can not operate the railroads more cheaply, more efficiently, and more satisfactorily to the country than is possible by private operators interested only in the making of profits.

The railroad question is exclusively a public question. Railroads should be agencies of service, not profit. America is the only nation in the world of any importance that even contemplates the private operation of its transportation agencies.

We urge the continuation of Federal control for the following reasons:

1. The reports of the Director General of Railroads indicate that the railroads are on a paying basis, or are in a fair way to earn all charges against them and possibly accumulate a surplus.

2. A return of the railroads means an increase in the rates of from 25 to 50 per cent. This means an addition of freight rates of at least $1,000,000,000 a year. It may be much more. According to the estimates of the Director General and Interstate Commerce Commissioner Woolley, this will involve a cumulative increase in added costs to the public of from three billion to five billion dollars a year.

3. Such an increase in railway costs will be shifted to the consumer, already struggling under an unbearable living cost. It will be shifted to food, to fuel, to building materials, to everything the people use. It can not be otherwise. Much of the railway rate increases must be borne by the producing classes, and especially by the workers and the farmers.

4. The railroad owners and executives are urging the validation of watered securities of many billions of dollars. This is one of the main objects desired by the railroads. They desire, first, a guaranteed subsidy, and, second, the underwriting of 50 years of railway exploitation.

5. We protest against the subsidizing of any industry or the guaranteeing of a return to stockholders. There is no more reason for the subsidizing of the railroads than there is for thousands of other corporations that have suffered as a result of the war. The demand of the railroads can, with perfect propriety, be urged by street railways, by electric-lighting corporations, by other corporations, and even by individuals.

The subsidization of any industry is contrary to American traditions.

6. The Cummins-Esch bill, with its guaranty of earnings, is an invitation to waste and extravagance. If guaranteed a return, railway operators will be under no impulsion to keep down their own salaries, to buy cheaply, or to operate the railroads efficiently. Waste is inevitable under any kind of a guaranty of earnings. This is especially true with railway officers and stockholders, interested as they are in every kind of supply bought by the railroads.

7. Bankruptcy, we believe, is inevitable if the railroads are returned. For two years traffic has been short-routed. It has been sent over selected lines. A great part of the mileage of the country is not earning operating expenses and fixed charges. Receiverships are inevitable if the railroads are unscrambled and each one left to shift for itself.

8. Railway bankruptcy in the United States may bring on a panic. Railway securities and Government bonds are almost the only solvent securities in America. They form the basis of a great part of our credit. If they tumble, industry may tumble with them.

9. World-wide bankruptcy may result from such a collapse. The credit of the world rests in America. If the financial structure of America collapses, there may be a world collapse.

10. Return of the railroads to their owners means their return to Wall Street. It means a return to J. P. Morgan & Co., the National City Bank, the First National Bank, and Kuhn, Loeb & Co. For proof of this fact we refer you to the report of the Pujo investigating committee made to Congress in 1913.

Congress should at least return the railroads to their owners, rather than to incompetent banking managers. It should return them to clean hands, not to the men who bankrupt the New Haven, the Rock Island, the Pere Marquette, the Frisco, the Cincinnati, Hamilton & Dayton, and a score of other profitable corporations.

11. Our foreign trade is dependent upon a highly mobilized and unified transportation system. Germany, France, and England own and operate their railroads and are using them to build up their foreign trade.

12. An increase in freight rates must be borne largely by the farmers. The price of farm produce is fixed in the markets of the world. If freight rates are increased, the amount the farmer receives will be diminished to that extent.

13. Industrial unrest is universal. It is born of the labor shortage on the one hand and the high cost of living on the other. The return of the railroads at this time is an invitation to still further industrial disturbances.

14. The banking groups which control the railroads also control all of the major trusts. They control anthracite and bituminous coal; they control iron and steel; they control all kinds of food supplies; they control the five packing plants; they are interlaced with all of the major trusts.

Under these conditions the banking-railway managers will inevitably use their power to aid the monopolies which they control. In some way or other they can grant preferential rates. The Standard Oil Co., the Anthracite Coal Trust, the Packers' Trust, the Steel Trust, the great trusts of America were built up by discriminating freight rates. Neither the law nor the Interstate Commerce Commission can prevent such discriminations.

No single thing will be a graver menace to the productive resources of America than to place the railroads in the hands of men to whose interest it is to strangle competition.

15. Under Federal operation the Southern States of America have had a square deal. Ports, harbors, terminals, and shipping lines have been stimulated from the Rio Grande to Baltimore. Railway executives of the lines leading into New York have announced that they will resume the preferential treatment of New York. This will kill southern ports, southern shipping, southern industry.

16. Federal administration has made colossal savings, economies, efficiencies. It has consolidated terminals. It has merged car, motive, and other equipment. It has increased the car equipment of the country alone by 300,000 cars. A freight car is at home to-day any place in the United States. This is equivalent to adding $900,000,000 to the assets of the railroads. Needless passenger trains have been taken off, many officials have been released, high salaries have been cut down.

The economies so introduced, as reported by the regional directors of the railroads, amount to at least $200,000,000 a year.

17. The railroads of the country have destroyed water competition on which the Government has expended hundreds of millions of dollars. Water competition is cheap. It menaces railroad earnings. We can never use the Great Lakes, our rivers, or develop coastal trade so long as the railroads are in private hands and find it in their interest to smother and destroy water competition by denying it terminal facilities, proper connections, and other opportunities to live.

18. Director General McAdoo, as well as Interstate Commerce Commissioner Woolley, have urged the electrification of the railroads or the building of central power stations at the mines. They have indicated colossal savings from the elimination of the haulage and consumption of coal. Coal alone costs the railroads $400,000,000 a year. The railroads will not electrify the lines. It will destroy the best market for coal which railroad operators themselves own. It will cut into their profits as coal operators. The United States will only electrify the lines by Government action.

19. Transportation is the most vital agency in the economic and industrial life of a nation. It vitally affects every man, woman, and child in the country. It determines the amount of wealth produced. It decides for us what section of the country shall grow and what section shall not. It determines the prosperity or failure of industry. It controls the life of the farmer. It affects 2,000,000 employees. It is far and away the most important industry in the country. On it every other industry and every other worker depend.

20. Before the railroads are returned we believe a thorough study should be made of the transportation needs and possibilities of the country. It should be such an inquiry as was made of banking and credit prior to the passage of the Federal reserve banking act. It should be broad enough to include the economies and efficiencies from the merger of rail and water transportation, from unification of terminals, of shops, of rolling stock, and motive power. A study should be made of water transportation and electrification. A similar inquiry should be made as to decentralization of administration.

A matter of most vital interest is the enlisting of the employees so that they will work harmoniously, willingly, and efficiently. It is a colossal waste to exclude from railway operation the contributions of 2,000,000 men with lifelong experience in the railway industry.

The development of southern and Pacific ports should be studied so as to promote South American, Asiatic, and foreign trade.

The railroad question is an industrial question. It is a social question. It is far more than a question involving the dividends to stockholders or the wages of employees. It is a question that involves every industrial activity of the country.

Believing that the return of the railroads under the terms proposed in the pending bills neglects all these questions and makes their solution impossible; believing, further, that the provisions for a subsidy and for the utilization of public funds by private individuals is a betrayal of the public interest and is subversive of the traditions of the country; believing that the pending bills are an invitation to waste; believing that the worker and the farmer will be made to pay tribute to financial exploitation and that the people will be called upon to bear an unnecessary load, measured by billions of dollars, that will be saved by Government control; believing that the return of the railroads at this time is as calamitous a proposal as could be conceived—believing in all these things, we feel justified in protesting with all the emphasis at our command against the passage of the pending railroad bill.

We beg to remain,

Very respectfully, yours,

W. S. Stone, grand chief engineer Brotherhood of Locomotive Engineers; Timothy Shea, acting president Brotherhood of Locomotive Firemen and Enginemen; L. E. Sheppard, president Order of Railway Conductors; Wm. H. Johnston, international president International Association of Machinists; J. J. Hynes, international president Amalgamated Sheet Metal Workers' International Alliance; Martin F. Ryan, general president Brotherhood of Railway Carmen of America; E. J. Manion, president Order of Railroad Telegraphers; A. E. Barker, grand president United Brotherhoods of Maintenance of Way Employees and Railway Shop Laborers; B. M. Jewell, acting president Railroad Employees' Department, American Federation of Labor; J. W. Kline, general president International Brotherhood of Blacksmiths, Drop Forgers, and Helpers; Lewis Weyand, acting international president International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; James P. Noonan, international president International Brotherhood of Electrical Workers; S. E. Heberling, president Switchmen's Union of North America; James J. Forrester, grand president Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; D. W. Helt, president Brotherhood of Railway Signalmen of America.

MILITARY ACADEMY APPROPRIATIONS.

The PRESIDENT pro tempore (at 11 o'clock and 33 minutes a. m.). Morning business is closed.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of House bill 12467, known as the Military Academy appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12467) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, at the top of page 2, to strike out the subhead "Permanent establishment" and insert the heading "Permanent establishment."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "sword," to strike out "$3,000" and insert "$3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency," so as to make the clause read:

For pay of master of sword, $3,500, and the present incumbent shall have the relative rank and allowances of a lieutenant colonel during his incumbency.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 2, line 5, before the word "sword," I move to insert the article "the," so as to read "For pay of master of the sword," which is the correct title.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 9, before the word "pay," to strike out "*Provided*, That the" and insert "The," and in line 13, after the word "Army," to insert "*Provided*, That the sum of $250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him," so as to make the clause read:

The pay of cadets for the fiscal year ending June 30, 1921, shall be fixed at $780 per annum and one ration per day or commutation thereof at the rate of $1.08 per ration, to be paid from the appropriation for the subsistence of the Army: *Provided*, That the sum of $250 shall be credited to each cadet now at the academy and to each cadet discharged since January 1, 1919, to the extent of paying any balance due by any such cadet to the academy on account of such initial clothing and equipment issued to him.

The amendment was agreed to.

The next amendment was, on page 2, after line 18, to insert as a subhead the following:

Officers on detached service at the academy.

The amendment was agreed to.

Mr. WADSWORTH. I ask unanimous consent that the vote by which the amendment commencing in line 13 was agreed to be reconsidered in order that I may make a small correction.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. WADSWORTH. In line 17 I move that the word "such," before the word "initial," be eliminated.

Mr. POMERENE. Mr. President, before the question is put to a vote, may I ask is the $250 provided for in the amendment of the committee in addition to the allowances which have heretofore been made to the cadets?

Mr. FRELINGHUYSEN. In reply to the question of the Senator from Ohio, I wish to state that at the present time the pay of a cadet is $780 a year. On his entrance to the academy he is compelled to purchase articles which he needs during his term amounting to $416, and he is compelled to advance in cash $160 to the academy. At the present estimated prices these articles cost $416. The pay of $780 is absolutely absorbed during the year, and at the end of the four years the cadet goes out of the academy $250 in debt for necessary articles purchased during his term, including initial equipment.

Mr. POMERENE. I did not ask the question because I was objecting to the amendment. The subject has been called to my attention heretofore, and I was interested in knowing that the committee have provided additional pay or compensation. I wanted that made perfectly clear. I think the committee is to be commended for making this recommendation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 2, line 21, after the words "Military Academy," to insert "as follows," so as to make the clause read:

For extra pay of officers of the Army on detached service at the Military Academy, as follows:

The amendment was agreed to.

The next amendment was, on page 2, line 22, to strike out:

For pay of one commandant of cadets (colonel) in addition to his regular pay, $1,000.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For pay of one commandant of cadets, in addition to his regular Army pay, $1,000, or so much thereof as may be necessary to enable him to receive the pay and allowances of a lieutenant colonel.

The amendment was agreed to.

The next amendment was, on page 3, line 5, after the word "gunnery," to strike out "(lieutenant colonel)"; in line 6, after the words "in addition," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of ordnance and science of gunnery in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "of law," to strike out "(lieutenant colonel)"; in line 9, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of law in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the word "engineering," to strike out "(lieutenant colonel)"; in line 11, after the words "addition to," to insert "his regular"; and in the same line, after the word "pay," to strike out "as major," so as to make the clause read:

For pay of one professor of practical military engineering in addition to his regular pay, $500.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to insert:

For pay of three battalion commanders in addition to pay as captain, $1,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to strike out:

For pay of the Military Academy band, field musicians, service, Cavalry, Artillery, and Engineer detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I may say, in explanation of a large number of these amendments, that they are purely corrections of form in printing the bill. There are no further amendments of importance for some time, and the Secretary will rapidly recognize that these are merely corrections in the method of printing the captions.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 4, after line 19, to insert as a subhead the following:

"Military Academy band."

The amendment was agreed to.

The next amendment was, on page 4, line 21, before the word "Military," to insert "the," and in the same line, after the word "band," to insert "as follows," so as to make the clause read:

For pay of the Military Academy band, as follows:

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert as a subhead the following:

Field musicians.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after the word "musicians," to insert "as follows," so as to make the clause read:

For pay of field musicians, as follows.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

For pay of Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to insert as a subhead the following:

Service detachment.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

For pay of Service detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "detachment," to strike out "service" and insert "Service," so as to make the clause read:

Extra pay of the enlisted men in the Service detachment, on extra duty at West Point, $37,536.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert as a subhead the following:

Cavalry detachment.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Cavalry detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 7, line 1, to insert as a subhead the following:

Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 7, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Artillery detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, line 1, to insert as a subhead the following:

Engineer detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Engineer detachment, as follows.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert as a subhead the following:

Signal Corps detachment.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the words "Signal Corps," to insert "as follows," so as to make the clause read:

For pay of detachment of Signal Corps, as follows:

The amendment was agreed to.

The next amendment was, on page 9, after line 3, to insert as a subhead the following:

Coast Artillery detachment.

The amendment was agreed to.

The next amendment was, on page 9, line 5, after the word "detachment," to insert "as follows," so as to make the clause read:

For pay of Coast Artillery detachment, as follows:

The amendment was agreed to.

The next amendment was, on page 10, line 1, to insert as a subhead the following:

Extra pay for enlisted men.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to strike out "Extra pay of enlisted men" and insert "For extra pay of enlisted men, as follows," so as to make the clause read:

For extra pay of enlisted men, as follows:

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

For pay of one regimental sergeant major, Infantry, $660.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to strike out:

Provided, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

For pay of one regimental sergeant major, Infantry, $660: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

Pay of civilians:

The amendment was agreed to.

The next amendment was, on page 13, line 1, to insert as a subhead the following:

Pay of civilians.

The amendment was agreed to.

The next amendment was, on page 13, after line 1, to insert:

For pay of civilians, as follows:

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to strike out:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, $4,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to strike out:

Provided, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

For pay of two expert assistant civilian instructors in military gymnastics, fencing, boxing, wrestling, and swimming, $4,000: *Provided*, That these civilian instructors employed in the department of modern languages and the department of tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of a first lieutenant when occupying public quarters.

The amendment was agreed to.

The next amendment was, on page 17, line 23, after the words "Military Academy," to strike out "under the act of Congress" and insert "authorized by the Military Academy appropriation act for 1914"; and on page 18, line 1, after "1913," to insert "(Thirty-seventh Statutes at Large, page 860)," so as to make the clause read:

For pay of one stenographer, typewriter, and clerk in the medical department and department of military hygiene, to be appointed by the Superintendent of the United States Military Academy authorized by the Military Academy appropriation act for 1914, approved March 4, 1913 (Thirty-seventh Statutes at Large, page 860), $840.

The amendment was agreed to.

The next amendment was, on page 18, line 9, after the words "accounted for by," to strike out "officers of the Quartermaster Corps" and insert "the disbursing officer of the United States Military Academy," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by the disbursing officer of the United States Military Academy as pay of the Military Academy, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, under the subhead "current and ordinary expenses," on page 18, line 16, before the word "superintendent," to strike out "Contingencies for" and insert "For contingencies for the," so as to make the clause read:

For contingencies for the superintendent of the academy, $3,000.

The amendment was agreed to.

The next amendment was, on page 18, line 18, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements, namely: Timber, plank, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, screws, nails, locks, hinges, glass, paints, turpentine, oils, etc., $55,000.

The amendment was agreed to.

The next amendment was, on page 18, line 23, after "$70,000," to insert "of which $5,000 shall be immediately available," so as to make the clause read:

For fuel and apparatus, namely: Coal, wood, etc., $70,000, of which $5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 19, to strike out:

Provided, That $5,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the words "and binding," to strike out "Printing" and insert "For printing," so as to make the clause read:

For printing and binding, etc., $3,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, before the word "maintenance," to insert "the," so as to make the clause read:

For the maintenance of one automobile, $300.

The amendment was agreed to.

The next amendment was, on page 19, line 23, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of carbons and for repairs and maintenance of searchlight, etc., $250.

The amendment was agreed to.

The next amendment was, on page 20, line 1, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of stationery and office supplies for the office of senior instructor of Coast Artillery tactics, $75.

The amendment was agreed to.

The next amendment was, on page 20, line 16, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of tools, machines, etc., Artillery gun shed, $2,500.

The amendment was agreed to.

The next amendment was, on page 21, line 21, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase of machines, tools, etc., for practical instruction of cadets in wood and metal working, $500.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to strike out:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to insert as a subhead the following:

Miscellaneous items and incidental expenses.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after "$8,000," to insert "of which $1,000 shall be immediately available," so as to make the clause read:

For water pipe, plumbing, and repairs, $8,000, of which $1,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 15, to strike out:

Provided, That $1,000 of this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, $500.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to strike out:

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, $500: *Provided*, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the words "of instruments," to strike out "Purchase" and insert "For the purchase"; and, in the same line, before the word "band," to insert "the," so as to make the clause read:

For the purchase of instruments for the band and repairs to same, $1,500.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word "machinery," to insert "the purchase of," so as to make the clause read:

For the purchase of machinery and equipment for new dry cleaning, sterilizing, and disinfecting plant, and for the installation of same, to be expended without advertising, $12,000.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the words "and improvements," to strike out "Repairs" and insert "For repairs," so as to make the clause read:

For repairs and improvements to the laundry machinery, etc., which may be expended without advertising, and to be immediately available, $35,000.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the words "and purchase," to strike out "Repair" and insert "For the repair," so as to make the clause read:

For the repair and purchase of cooking utensils, chairs, etc., cadet mess, to be expended without advertising, to be immediately available, $3,000.

The amendment was agreed to.

The next amendment was, on page 24, line 13, before the word "purchase," to insert "the," so as to make the clause read:

For the purchase and repair of fire-extinguishing apparatus, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 26, line 1, before the word "cadet," to insert "the," and in the same line, after the word "building," to insert "to be immediately available," so as to make the clause read:

For repairs to the cadet mess building, to be immediately available, $4,265.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

Provided, That the appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, line 15, before the word "repair," to insert "the," so as to make the clause read:

For the repair and upkeep of quarters of the sergeant, first class, Hospital Corps, at the cadet hospital, $50.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to strike out:

Repairs to cadet barracks, $15,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 19, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to insert:

For repairs to the cadet barracks, to be immediately available, $15,000.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "advertising," to insert "to be immediately available," so as to make the clause read:

For repairs of boilers, engines, dynamos, motors, etc., cadet mess, to be expended without advertising, to be immediately available, $6,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 6, to strike out:

Provided, That this appropriation be, and the same is hereby, made immediately available.

The amendment was agreed to.

The next amendment was, on page 28, line 1, after the words "officers' quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 4, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of eight sets married officers' quarters authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "quarters," to strike out "appropriated for by act of Congress No. 179 (65th Cong.)" and insert "authorized in the Military Academy appropriation act for 1919," and, in line 9, after "1918," to insert "to be immediately available," so as to make the clause read:

For completion of 20 sets of bachelor officers' quarters, authorized in the Military Academy appropriation act for 1919, approved June 27, 1918, to be immediately available, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, before the word "old," to insert "the"; in line 13, before the word "new," to insert "the," and in line 14, after the word "expenses," to insert "to be immediately available," so as to make the clause read:

For remodeling the old cadet hospital, extension steam tunnels, water, sewer, and electric systems, excavation, grading, roads, quarrying stone for the new cadet hospital, and miscellaneous expenses, to be immediately available, $75,000.

The amendment was agreed to.

The next amendment was, on page 28, line 16, before the words "The Secretary," to insert "(a)," so as to make the clause read:

(a) The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of temporary buildings; also, surplus tools and matériel for use in the instruction of cadets at the academy.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the word "amount," to strike out "*Provided*, That the" and insert "(b) The," and in line 26, after the words "appropriated in," to strike out "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1920, and for other purposes," and insert "the Military Academy appropriation act for 1920," so as to make the clause read:

The amount, $10,000, for enlarging elevator shaft and instaling elevator from basement to second floor (cadet hospital); appropriated in the Military Academy appropriation act for 1920, approved March 4, 1919, shall remain available until expended.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the words "the purpose," to strike out "*Provided*, That for" and insert

"(c) For"; and, in line 11, before the word "purpose," to strike out "the" and insert "that,' so as to make the clause read:

(c) For the purpose of accounting only, all funds hereinbefore appropriated under the titles "Current and ordinary expenses," "Miscellaneous items and incidental expenses," and "Buildings and grounds," shall be disbursed and accounted for by the disbursing officer, United States Military Academy, as "Maintenance, United States Military Academy," and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 29, line 13, before the word "course," to strike out "*Provided*, That the" and insert "(d) The"; in line 14, after the word "*Provided*," to strike out "*further*"; in line 17, before the word "during," to strike out "class" and insert "cadet"; in line 19, after the word "such," to strike out "class" and insert "cadet"; and, in the same line, after the word "academy," to insert "*Provided further*, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920 who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year," so as to make the clause read:

(d) The course at the United States Military Academy shall be four years: *Provided*, That any person heretofore nominated in accordance with regulations for appointment to fill a vacancy which would have resulted from the graduation of a cadet during the present year, may be so appointed notwithstanding the retention of such cadet at the academy: *Provided further*, That any cadet entitled to graduate in 1920 may, at his option, exercised before June 11, 1920, continue his course for one year, and that any cadet of the class of 1920, who may have been found deficient in his studies shall also have the right to reenter and continue his course for a like period of one year.

The amendment was agreed to.

Mr. FRELINGHUYSEN. On page 29, line 13, after the word "course," I move to insert the words "of instruction."

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. After the word "course," in the House text, on page 29, line 13, it is proposed to insert the words "of instruction," so that, if amended, it will read:

The course of instruction at the United States Military Academy, etc.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 29, line 25, before "1318," to strike out "*Provided further*, That section" and insert "(e) Section," so as to make the clause read:

(e) Section 1318, Revised Statutes, be, and the same is hereby, amended to read as follows: "Appointees shall be admitted to the academy only between the ages of 17 and 22 years, except in the following case: That during the calendar years 1919, 1920, and 1921 any appointee who has served honorably and faithfully not less than one year in the armed forces of the United States or allied armies in the late war with Germany, and who possesses the other qualifications required by law, may be admitted between the ages of 17 and 24 years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to insert:

(f) The Secretary of War is hereby authorized to allow any corporation, company, or individual to erect on the United States Military Academy reservation at West Point, N. Y., a hotel, in accordance with plans and specifications to be approved by the Superintendent of the United States Military Academy, and to enjoy the revenue therefrom for a period of 50 years; after which time said hotel shall become the property of the United States: *Provided*, That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time. That said hotel shall be conducted under such regulations as may be promulgated by the Superintendent of the United States Military Academy under the direction of the Secretary of War.

Mr. FRELINGHUYSEN. At the end of line 17 I move to insert a hyphen. It is merely a question of punctuation.

The amendment to the amendment was agreed to.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Senator in charge of the bill with respect to this amendment. I can understand the amendment thoroughly down to a certain point. It is an amendment which authorizes the Secretary of War to allow any corporation, company, or individual to build a hotel at West Point, and, after enjoying the revenue from it for 50 years, to turn it over to the United States; but I do not understand the proviso. The proviso says:

That the title and ownership of said hotel may be accepted by the Secretary of War on the behalf of the United States at any time.

I do not know whether that means that the Secretary can buy it at any time, or that he can accept it as a gift at any time, or what it does mean.

Mr. FRELINGHUYSEN. The Senator from Wisconsin [Mr. LENROOT] conducted the hearing when this matter was under consideration. Perhaps he can answer the question.

Mr. LENROOT. Mr. President, in reply to the Senator from Pennsylvania, I will say that this is a provision of existing law. That proviso is in the law now.

Mr. KNOX. Can the Senator tell me what it means?

Mr. LENROOT. I do not know that I can, except that if the owner of the hotel should be so foolish as to convey it to the United States Government without cost, the Secretary of War is authorized to accept it.

Mr. KNOX. That, of course, would not be an objection to it; but I can not imagine anybody being so foolish as to give away a hotel.

Mr. LENROOT. I can not, either; but the objection to the existing law was that under existing law the Secretary of War is given the right to control the rates and charges of the hotel, and it was represented to the committee that because of that provision they could get no offers whatever for the construction of a hotel; so in this amendment the committee merely eliminates from existing law the right to regulate the charges of the hotel.

Mr. KNOX. And the committee left the provision of the existing law that the Secretary could graciously accept the donation of a hotel at any time?

Mr. LENROOT. Yes.

The amendment as amended was agreed to.

The next amendment was, on page 30, after line 25, to insert:

(g) The Secretary of War be, and he hereby is, in his discretion, authorized to select and permit one Panaman student, without expense to the United States, to receive instruction at the United States Military Academy at West Point, and such student, while undergoing instruction as herein authorized, shall be accorded the same privileges as are authorized by law for cadets at the Military Academy appointed from the United States.

The amendment was agreed to.

The next amendment was, on page 31, after line 6, to insert:

(h) Hereafter, whenever all vacancies at the Military Academy shall not have been filled as the result of the regular annual entrance examination, the remaining vacancies shall be filled by admission from the whole list of alternates selected in their order of merit established at such entrance examinations: *Provided*, That in filling vacancies to the credit of a State the list of alternates nominated from that State shall first be exhausted before selections are made from any other State to fill such vacancies. The admissions thus made, except as herein otherwise provided, shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law; and whenever by the operation of this or any other law the Corps of Cadets exceeds the authorized maximum strength as provided by law, the admission of alternates as prescribed in this act shall cease until such time as said corps may be reduced to its authorized strength.

Mr. WADSWORTH. As a perfecting amendment to the committee amendment, I move to strike out of line 22 the word "to" before "its" and to insert the word "below," so that it will read "until such time as said corps may be reduced below its authorized strength."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRANDEGEE. If there are no further committee amendments, I offer the amendment which I send to the desk. After it is read I desire to make a brief statement with reference to it.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Connecticut.

The ASSISTANT SECRETARY. Add at the end of the bill the following:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States thereafter, and any payment made to him covering a period subsequent to the date of his commission as a retired officer shall be deducted from the amount due him on the first payment under this act: *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of Cavalry, shall accrue as a result of the passage of this act.

Mr. BRANDEGEE. Mr. President, a bill for this purpose has been passed several times by the Senate at different sessions, and it was passed September 22, 1919, according to the indorsement of the Secretary of the Senate on the bill which the Secretary has just read as an amendment. I should like to have it placed as an amendment upon this bill, so that it may stand a better chance of receiving consideration in the House, where, as we know, the legislative machinery is so blocked that it is very difficult to get a bill up from the calendar.

The record of this gentleman, who is now 77 years old, and who was a Union soldier at the age of 19, is most distinguished and is to be found in the CONGRESSIONAL RECORD of April 24, 1916, printed upon pages 6709 and following of the RECORD. I ask that it and the report of the then chairman of the Committee on Mili-

tary Affairs [Mr. CHAMBERLAIN] upon a similar bill, being Report No. 281 of the Sixty-fifth Congress, second session; also the report of the Senator from Florida [Mr. FLETCHER] upon Senate bill 861, being Report No. 150 of the Sixty-sixth Congress, first session; the report of former Senator Catron, being Report No. 308, Sixty-fourth Congress, first session; and also the findings of fact and conclusion of the Court of Claims in the case may be printed in the RECORD as explanatory of the provisions of the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

CASE OF EDWARD W. WHITAKER, LATE CORPORAL, COMPANY A, FIRST REGIMENT CONNECTICUT INFANTRY VOLUNTEERS; FIRST LIEUTENANT COMPANY C, AND CAPTAIN COMPANY D, SECOND NEW YORK CAVALRY VOLUNTEERS; CAPTAIN COMPANY E AND LIEUTENANT COLONEL FIRST CONNECTICUT CAVALRY VOLUNTEERS; AND BREVET BRIGADIER GENERAL, UNITED STATES VOLUNTEERS.

"Reports in the case of this officer have been furnished to Congress by this department on dates and in connection with measures as follows: June 29, 1906, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 20388, Fifty-ninth Congress, first session, proposing to appoint Gen. Whitaker as captain, United States Army, and place him on the retired list; January 27, 1908, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 4193, Sixtieth Congress, first session, of the same import as the measure referred to, and in connection with this measure supplementary data were furnished on February 12, 1908, to the same committee; January 16, 1911, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 6608, Sixty-first Congress, first session, of the same import, with the recommendation by this department that the bill do not receive favorable consideration; February 26, 1912, to the chairman Committee on Military Affairs, House of Representatives, in connection with House bill No. 18540, Sixty-second Congress, second session, proposing to appoint him as lieutenant colonel of Cavalry, United States Army, and place him on the retired list; May 13, 1912, to the chairman Committee on Military Affairs, United States Senate, in connection with Senate bill No. 6274, Sixty-second Congress, second session, of the same import; and February 6, 1913, to Hon. J. L. Bristow, for use in connection with Senate resolution No. 348, Sixty-second Congress, second session, proposing to authorize and direct the Secretary of War to furnish the Senate with a full and detailed statement of his military history, with the recommendation by this department that the resolution be not adopted.

"Although the reports referred to hereinbefore set forth the information ordinarily furnished in connection with proposed legislation of this character, yet Gen. Whitaker has been dissatisfied with those reports, because they do not furnish all the details of his military service, and he has repeatedly importuned this department to supply Congress with a full and detailed statement of his military career. The Secretary of War has finally directed that a full report be furnished in the case, setting forth every record found regarding the military services of the officer. Such a report, based upon the official records in the War Department, is set forth hereinafter, and this report includes every item that has been found in those records relative to the military services of this officer.

"Edward W. Whitaker was enrolled April 19, 1861, at Hartford, Conn., and was mustered into the military service of the United States April 22, 1861, as a corporal of Company A, First Connecticut Infantry Volunteers, to serve three months, his age at the time being stated on the records as 20 years. It appears that he served faithfully as a member of the organization until July 31, 1861, when he was mustered out and honorably discharged from service with the company, at New Haven Conn., as a corporal.

"The said Whitaker was again enrolled August 21, 1861, at Hartford, Conn., and was mustered into service August 29, 1861, at Camp Lyon, N. Y., as a sergeant of Capt. Thornett's company, Harris's Light Cavalry, which was also known as Company D, Second New York Cavalry Volunteers, to serve three years. It appears that he was present for duty with the company as a sergeant until January 10, 1862, when he was promoted to be quartermaster sergeant thereof in a regimental order bearing that date. He was accounted for on the rolls of the company as quartermaster sergeant thereafter until August 14, 1862, when, upon the recommendation of the captain in command of the company, he was promoted to be first (or orderly) sergeant thereof. He performed duty as such until September 24, 1862, when he was detailed as sergeant major of the regiment, and while so serving an order was issued from the headquarters of the organization, on November 16, 1862, in which it was announced that he was thereby appointed regimental sergeant major, to date from September 24, 1862. By reason of this appointment, he was transferred from Company D to the noncommissioned staff of the regiment, and it appears that he served therewith from September 24 to November 16, 1862, to take effect from which last-named date he was mustered out as regimental sergeant major, near Belle Plain, Va., to enable him to accept promotion.

"On January 10, 1863, the commanding officer of the Second New York Cavalry Volunteers addressed a communication to the adjutant general of the State of New York, forwarding for the consideration of the governor of that State a recommendation that Whitaker be promoted to be second lieutenant, vice another officer who was promoted to a higher grade November 16, 1862. The recommendation made by the regimental commander was favorably considered, and on January 22, 1863, a commission was issued by the governor, in which it was recited that Whitaker was thereby appointed to be a second lieutenant in the Second New York Cavalry Volunteers, to rank as such from November 16, 1862.

"On February 10, 1863, Whitaker received a leave of absence and it appears that he remained absent from the regiment thereafter until on or about February 27, 1863, when he was mustered into service as second lieutenant of Company C, same regiment, entries appearing upon the muster-in roll purporting to show that the muster in was to date from November 16, 1862. He was accounted for as present for duty with Company C on February 28, 1863; as officer of the guard March 2, 1863, and as officer of the day March 13, 1863. Shortly thereafter he was detailed as acting adjutant of the regiment and signed orders as such from March 26 to April 12, 1863.

"On April 9, 1863, the commanding officer of the regiment addressed a communication to the adjutant general of the State of New York in which he recommended that Whitaker be promoted to be first lieutenant of Company C, Second New York Cavalry, vice another officer promoted to a higher grade on March 16, 1863. The recommendation was considered favorably and he was duly appointed by the governor of New York as of that grade, to rank as such from March 16, 1863. He was not formally mustered into service as first lieutenant until September 10, 1863, when he was so mustered in to date from June 11, 1863. It appears, however, that he actually performed the duties of a first lieutenant from March 16, 1863, and upon application for recognition as first lieutenant from that date, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as first lieutenant from March 17, 1863, the earliest date on which a vacancy existed for him as first lieutenant in the organization mentioned.

"It appears from the records that the officer was performing the duties of first lieutenant with Company C, or was acting as adjutant of the regiment, thereafter until on or about June 13, 1863, when he was detailed as aid-de-camp on the staff of Brig. Gen. J. Kilpatrick, who was then in command of the Second Brigade, Second Division, Cavalry Corps. While so serving he made application, in a letter dated at Aldie, Va., June 18, 1863, for permission to take home to Connecticut the bodies of his brother and one other officer, killed in an engagement on the preceding day. The application was approved and forwarded through military channels, but nothing has been found of record to show specifically whether the leave asked for was granted.

"The officer was accounted for on the company records dated June 30, 1863, and for the month of July, 1863, as absent, aid-de-camp to Gen. Kilpatrick. On July 30, 1863, he was admitted to the Seminary General Hospital at Georgetown, D. C., suffering with intermittent fever, and the records of the hospital indicate that he remained in that institution and was under treatment continuously thereafter, for the disease mentioned, until August 31, 1863, when he was pronounced fit for duty and ordered to rejoin the command to which he belonged.

"In a report dated August 10, 1863, relative to the part taken by the Third Division in the Maryland and Pennsylvania campaign (the full text of which report is printed in the Official Records of the Union and Confederate Armies, Series I, Vol. XXVII, pp. 991-996), Gen. Kilpatrick, then in command of the division, mentioned Whitaker, in referring to an engagement of July 6, 1863, near Williamsport, Md., as follows:

"'* * * I can not pass over this engagement without mentioning a few among the many individual cases of gallantry that came under my own observation: * * * The officers of my regular staff, * * * Lieut. Whitaker * * *, all did

their duty in this engagement, as they have in all others, like brave and gallant gentlemen.'

"On August 16, 1863, an order was issued, a pertinent extract of which is as follows:

"[General Order No. 7.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*Hartwood Church, Va., August 16, 1863.*

"The following-named officers are hereby announced as the staff of the brigadier general commanding division. They will be obeyed and respected accordingly: * * * Lieut. E. W. Whitaker, Second New York Cavalry, aid-de-camp * * *.

"By command of Brig. Gen. J. Kilpatrick.

"L. G. ESTES, *A. A. A. G.*

"On records of the Third Division, Cavalry Corps, Army of the Potomac, for the months of August and September, 1863, Whitaker was accounted for as an aid-de-camp on the staff of the officer in command of the division, Gen. Kilpatrick.

"In a report dated October 26, 1863, printed in the Official Records of the Union and Confederate Armies, Series I, Volume XXIX, Part I, Brig. Gen. Henry Prince mentioned Whitaker three different times as the representative of Gen. Kilpatrick, and again in a report printed on pages 328–329 of the same volume he was referred to as having furnished information to the commanding officer of the One hundred and twentieth Regiment, New York State Volunteers.

"On October 29, 1863, Whitaker was detailed as judge advocate in an order, a pertinent extract of which is as follows:

"[General Orders, No. 24.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*October 29, 1863.*

"* * * Lieut. E. W. Whitaker, A. D. C. to Brig. Gen. Kilpatrick, is hereby detailed as judge advocate, general court-martial, convened by General Orders, No. 22, Headquarters, Third Cavalry Division, October 28, 1863.

"By command of Brig. Gen. Kilpatrick.

"L. G. ESTES, *A. A. Genl.*

"In a report of Brig. Gen. H. E. Davies, jr., dated November 18, 1863, the full text of which is printed on pages 656 and 657 of the volume last mentioned hereinbefore, Whitaker was referred to as follows:

"'Last evening I received instructions from Gen. Custer to detail from this command an escort to accompany Lieut. Whitaker and another officer in a reconnoissance to be made this morning at daylight to Elys Ford. In pursuance of this an order was sent Capt. Kingsland to furnish Lieut. Whitaker with 60 men for that purpose. Capt. Kingsland had also been previously instructed at daylight this morning to move his main reserve camp nearer to Stevensburg, leaving 50 men at the position he was holding. Lieut. Whitaker reached the headquarters of the regiment before daylight, and reveille was sounded and the whole command aroused. Lieut. Whitaker and an orderly from my headquarters who accompanied him both concur in saying that the horses in the camp were all saddled and bridled. * * *

"'The party in charge of Lieut. Whitaker, which I have mentioned, had proceeded nearly 2 miles on the road to Germanna Ford when they heard the firing and countermarched. On nearing the camp of the regiment they encountered what all concur in stating was a regiment of cavalry drawn up in a field on the right of the road, which charged them. The men retreated into the woods on the left of the road and skirmished for some time, but were obliged to fall back. The majority of them succeeded in reaching their regiment.'

"The officer was accounted for on November 3 and 30, 1863, as aid-de-camp on the staff of the officer in command of the Third Division, Cavalry Corps, Army of the Potomac, Gen. Kilpatrick, and on December 1, 1863, reported to The Adjutant General of the Army as follows:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"*Stevensburg, Va., December 1, 1863.*

"ADJUTANT GENERAL UNITED STATES ARMY.

"GENERAL: I have the honor to report, pursuant to General Order No. 244, current series, A. G. O., 1863, that I am an aid-de-camp on personal staff of Brig. Gen. Kilpatrick by virtue of General Order No. 7, these headquarters, August 16, 1863, and am at present performing the duties of the office in the field. I am, General,

"Very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant, Second New York Volunteer Cavalry,*
"*Aaid-de-Camp.*"

"On December 27, 1863, Whitaker applied for leave of absence in a letter of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"ARMY OF POTOMAC,
"*Stevensburg, Va., December 27, 1863.*

"Capt. E. B. PARSONS,
"*Assistant Adjutant General.*

"CAPTAIN: I have the honor to apply for a leave of absence for 35 days to accompany my company of veteran volunteers to Connecticut. I hereby declare my intention and willingness to serve for the new term of three years. Furloughs accompany this for three-fourths of my company, which reenlisted and were mustered previous to the 21st instant. I am, Captain,

"Very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant Company C,*
"*Second New York Cavalry, Aid-de-Camp.*

"The application was forwarded by Gen. Kilpatrick, approved, and the leave asked for was granted in an order dated December 29, 1863. On December 31, 1863, he was reported as absent on leave under the terms of that order, and on a record of the command to which he belonged, dated January 31, 1864, his name is borne without entry as to his presence or absence.

"On February 23, 1864, an order was issued as follows:

"[Special Orders, No. 12.]

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*February 23, 1864.*

"1. Lieut. E. W. Whitaker, aid-de-camp, is hereby announced as A. A. A. G. of this division during the absence of Capt. L. G. Estes, A. A. G.

"By command of Brig. Gen. Kilpatrick:

"L. G. ESTES,
"*Captain and A. A. G.*

"From February 24 to April 1, 1864, Whitaker signed orders issued from the headquarters of the Third Division, Cavalry Corps, Army of the Potomac, 'By command of Brig. Gen. Kilpatrick.'

"In a report of Brig. Gen. Henry E. Davies, jr., relative to the part taken by the First Brigade, Third Division, Cavalry Corps, in a raid to Richmond, dated April 4, 1864, and printed on pages 190–194, Volume XXXIII, of the publication referred to, Whitaker was referred to in connection with military operations on March 1, 1864, as follows:

"'* * * I then moved toward Richmond, passing Ashland station about a mile to my left and crossing the Richmond & Fredericksburg Railroad some 2 miles below Ashland. At this point the telegraph and railroad were destroyed and a party sent, in charge of Lieut. Whitaker, aid-de-camp on the staff of the general commanding division, to destroy a bridge on the line of the road, which object I believe was accomplished. * * *'

"In a letter dated March 11, 1864, printed on page 242, same volume, Whitaker was mentioned as follows:

"HEADQUARTERS CAVALRY EXPEDITION,
"*March 11, 1864.*

"BRIG. GEN. WISTAR,
"*Commanding Expedition.*

"GENERAL: Col. Onderdonk and Lieut. Whitaker, of my staff, have returned. Lieut. Whitaker reports having met some 15 of the enemy at King and Queen Courthouse yesterday. He drove them from the town and destroyed a large amount of government stores, consisting of grain and arms stored at the place. A company of rebel infantry was found stationed opposite Fraziers Ferry. At 2 p. m. Lieut. Whitaker joined Col. Onderdonk, who had been sent to attack the enemy at Carlton's store. The enemy, some 1,200 strong, was found encamped just beyond. The enemy was driven from his camp, his camp destroyed, several of the enemy killed and wounded, and 12 taken prisoners. Col. Onderdonk pursued the enemy until dark, when orders reached him to return.

* * * * * * *

"Very respectfully,
"J. KILPATRICK, *Brigadier General.*

"Whitaker reported under date of April 10, 1864, as follows:

"BEALETON, *April 10, 1864.*

"Brig. Gen. KILPATRICK,
"*Commanding Third Division Cavalry:*

"Have reached here all right. Lost some men in crossing Mountain Run. Capt. Judson was at this point to-day for forage; had no news from Morrisville. The command from Second Division has just passed—6.15 p. m.

"E. W. WHITAKER,
"*Lieutenant, Aid-de-Camp.*

"Whitaker was afterwards detailed as aid-de-camp on the staff of Brig. Gen. Wilson, in command of the Third Division, Cavalry Corps, and on April 24, 1864, signed an order by command of that officer.

"On April 25, 1864, the adjutant general of Connecticut addressed The Adjutant General of the Army by letter, of which the following is a copy:

"GENERAL HEADQUARTERS, STATE OF CONNECTICUT,
"ADJUTANT GENERAL'S OFFICE,
"*Hartford, April 25, 1864.*

"Brig. Gen. L. THOMAS,
"*Adjutant General, Washington, D. C.*

"GENERAL: By direction of his excellency the governor I have the honor to request that First Lieut. Edward W. Whitaker, Second New York Cavalry, aid-de-camp to Gen. Kilpatrick, may be discharged, in order to enable him to accept a commission as captain in the First Connecticut Cavalry.

"Very respectfully, your obedient servant,
"H. J. MORSE, *Adjutant General.*

"Thereupon an order was issued as follows:

"[Special Orders, No. 162.]
"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, April 29, 1864.*
"[Extract.]

* * * * * * *

"3. At the request of the governor of Connecticut First Lieut. E. C. Whitaker, Company C, Second New York Cavalry, is hereby honorably discharged the service of the United States, to enable him to accept a commission in the First Connecticut Cavalry.

* * * * * * *

"By order of the Secretary of War.
"W. A. NICHOLS,
"*Assistant Adjutant General.*

"Apparently before receiving notice of his discharge in the order of April 29, 1864, Whitaker tendered his resignation in a letter, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION, CAVALRY CORPS,
"*May 1, 1864.*

"Lieut. Col. C. KINGSBURY, Jr.,
"*Assistant Adjutant General.*

"COLONEL: I have the honor to herewith tender my resignation as first lieutenant Company C, Second New York Cavalry, to enable me to accept promotion as captain in First Connecticut Cavalry.

"I am, Colonel, very respectfully, your obedient servant,
"E. W. WHITAKER,
"*First Lieutenant Company C, Second New York Cavalry.*

"The resignation of the officer was accepted in Special Orders, No. 123, paragraph 7, issued from the headquarters of the Cavalry Corps on May 2, 1864, a copy of which is as follows:

"[Special Orders, No. 123.]
"HEADQUARTERS CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"*May 2, 1864.*
[Extract.]

* * * * * * *

"7. First Lieut. E. W. Whitaker, Second New York Cavalry, having tendered his resignation, is hereby discharged the service, to enable him to accept commission as captain in First Connecticut Cavalry, his discharge to date April 30, 1864.

* * * * * * *

"By command of Maj. Gen. Sheridan.
"C. KINGSBURY, Jr.,
"*Assistant Adjutant General.*

"After the close of the war, with a view to fix the date of discharge of the officer as a member of this organization, an order was issued as follows:

[Special Orders, No. 198.]
"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, August 19, 1868.*
[Extract.]

* * * * * * *

"9. By direction of the Secretary of War so much of Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, as relates to First Lieut. E. C. Whitaker, Second New York Cavalry, is hereby amended to read 'First Lieut. E. W. Whitaker.'

"10. By direction of the Secretary of War so much of Special Orders, No. 123, paragraph 7, May 2, 1864, from Headquarters Cavalry Corps, Army of the Potomac, as discharged First Lieut. E. W. Whitaker, Second New York Cavalry, to date April 30, 1864, to enable him to accept a commission in First Connecticut Cavalry, is hereby revoked, he having been previously discharged for the same reasons by Special Orders, No. 162, paragraph 3, April 29, 1864, from this office, amended by Special Orders, No. 198, paragraph 9, August 19, 1868, from this office.

* * * * * * *

"By command of Gen. Grant.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"In the meantime the colonel commanding the Second Regiment New York Cavalry Volunteers, in a letter dated March 29, 1864, addressed to the adjutant general of New York, recommended certain promotions in the regiment, among them being a recommendation that Whitaker be commissioned as a captain in the regiment, referring to him in terms as follows:

"'* * * The above-named commissioned and noncommissioned officers are all well deserving their promotions, and none of them more than Lieut. Whitaker, who is one of the ablest and most trustworthy officers of this command; and I would most respectfully request that the above recommendations be confirmed.'

"Whitaker was duly appointed by the governor of New York as a captain in the Second New York Cavalry, in a commission issued April 29, 1864, to rank as such from January 30, 1864, which commission, it will be observed, was issued on the date of his first discharge order as a member of that organization. He was not mustered into service as of that grade and organization in the Civil War, but under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was, and is, recognized by the War Department as having been in the military service of the United States in the grade of captain of Company D of the regiment from January 30, 1864, and as having been discharged from service as such instead of as first lieutenant, the grade set forth in his discharge order.

"It is stated on the records of the Second New York Cavalry that the officer was 20 years of age at the date of his enlistment; that he was born in Killingly, Conn., and was by occupation a teacher; that he was 6 feet high; and that he had light complexion, blue eyes, and light-brown hair.

"The said Whitaker was duly appointed by the governor of Connecticut to be a captain in the First Regiment Connecticut Cavalry Volunteers, to rank as such from April 23 or 25, 1864, and the receipt of the commission, as such, as indicated by a certificate, of which the following is a copy:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"ARMY OF THE POTOMAC,
"OFFICE AID-DE-CAMP OF MUSTERS,
"*May 2, 1864.*

"I certify on honor that E. W. Whitaker, first lieutenant Company C, Second Regiment New York Cavalry, received May 1 from the governor of Connecticut a commission as captain in the First Regiment Connecticut Cavalry, bearing date April 25, and can be mustered in to date, May 1, 1864.

"JACOB BRISTOL,
"*First Lieutenant, Fifth Michigan Cavalry,*
"*Aid-de-Camp of Musters, Third Division Cavalry Corps,*
"*Army of the Potomac.*

"Whitaker was mustered into service as captain in the First Connecticut Cavalry Volunteers May 3, 1864, at Stevensburg, Va., to serve three years, and entries appearing upon the individual muster-in roll, as such, show that he entered upon the performance of duty as captain on May 3, 1864, the date of the muster. He was assigned to Company E of the regiment, and on the records of the company he was accounted for as on detached service from May 3, 1864 (the date of his muster in as captain), as acting aid-de-camp on the staff of Gen. Wilson, then in command of the Third Division, Cavalry Corps, Army of the Potomac. On a record of the latter command for the month of May, 1864, Whitaker was accounted for as an acting aid-de-camp on the staff of the general commanding; in a communication dated June 2, 1864, he was referred to as such; and in a report dated July 4, 1864, relative to the part taken by the Cavalry Division in the expedition to destroy the Richmond & Danville Railroad, Brig. Gen. Kautz stated that during the night of June 23, 1864, 'Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands opposing his advance.'

"In a report relative to the part taken by troops under his command in an expedition against the South Side and Danville Railroads, dated July 3, 1864, and printed on pages 625–630, Series I, volume 40, part 1, of the publication mentioned hereinbefore, Gen. Wilson referred to Whitaker as follows:

"'* * * The First Brigade was held on the road to Hungarytown in order that when Kautz's position became known exactly I might have choice of roads and the certainty of forming a junction with him. Capt. Whitaker, of my staff, was detached, with a squadron, to communicate with him. He carried orders for Kautz to join by the road from the railroad junction to Lewiston, in case he found it necessary to leave the railroad.

* * * * * * *

"'The advance reached Wylliesburg by daylight on the morning of the 26th and halted. * * * Early the next morning the march was resumed, the column crossing the Meherrin at Saffold's Bridge and going thence east to Great Creek, on the Boydton Plank Road. From this place it moved to Poplar Mountain, in Greensville County, crossing the Nottoway at the Double Bridges, near the mouth of Hardwood Creek. I arrived there about noon on the 28th, where I learned that the enemy had a small force of Infantry at Stony Creek Depot, on the Weldon Road, and two small detachments of Cavalry which had been cut off from Lee's division when we marched southward. The most diligent inquiry from the negroes and captured pickets gave no information of any other force. This, together with the fact that the road from Double Bridges to Prince George Courthouse passes 2 miles to the westward of Stony Creek Depot, induced me to take that route, and, accordingly, the advance was pushed forward with the utmost rapidity, with orders to drive in the reserve picket at the crossing of the road just mentioned and the one from Stony Creek Depot to Dinwiddie Court House and clear the road for the main column. This order was handsomely executed under the directions of Capt. Whitaker, of my staff, and state of affairs found to be nearly as represented. * * * In the meantime, anticipating difficulty of a serious nature, I endeavored to open communication with the Infantry in front of Petersburg, and finally detached Capt. E. W. Whitaker, First Connecticut Cavalry, of my staff, with about 40 men of the veteran Third New York Cavalry. I have since learned he succeeded in reaching Army headquarters about 10 a. m. On his way he gallantly rode through the enemy's Cavalry and Infantry columns in motion, escaping with 20 men. * * * The greatest credit is due to officers and men for their endurance, sleepless exertion, and gallantry. * * * My own staff, particularly Capt. Whitaker, First Connecticut Volunteers, * * * did their duty with great intelligence and unceasing industry.'

"With regard to military operations on June 24–29, 1864, Gen. Wilson in a report dated February 18, 1865 (published on pp. 620–625, same volume), referred to Whitaker as follows:

"'* * * Just before daylight of the 24th, having heard of Kautz's success at Burkeville through Capt. Whitaker, of my staff, whom I sent to communicate with him, I withdrew from the position near Nottoway Court House and by a rapid march through Hungarytown struck the Danville Railroad near Meherrin Station. * * * I determined, therefore, to lose no time, but push on with rapidity to that place, drive the pickets back to the Stony Creek Depot, and under cover of darkness march the whole command as rapidly as possible toward Prince George Court House. The advance guard, under the direction of Capt. Whitaker, of my staff, found the picket posted, as I expected, at the church, and by a spirited dash drove it toward the depot. This success had scarcely been reported before the enemy received reinforcements, and in turn drove back the advance guard to the head of the column. * * *

"'At 7 a. m., June 29, Gen. Kautz's advance arrived in the neighborhood of that place, but instead of finding it in the possession of the infantry of the Army of the Potomac found Hoke's division of rebel infantry strongly posted. He attacked them at once, but after capturing about 60 prisoners was compelled to withdraw his troops. By 9 a. m. the entire command was united. Having remained with McIntosh throughout the night, I did not arrive until about 8 a. m. I had previously sent Capt. Whitaker, of my staff, forward with instructions to make his way with the utmost rapidity to Gen. Meade's headquarters. * * * I confidently hoped that either the firing of our artillery or the message of Capt. Whitaker would bring troops to our assistance * * *.'

"Whitaker was also mentioned in other reports, pertinent extracts of which are as follows:

"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—10.40 a. m.*

"Maj. Gen. MEAD,
"*Commanding Army of the Potomac,*
at Gen. Burnside's Headquarters:

"Capt. Whitaker, of Gen. Wilson's staff, reached here some 15 or 20 minutes ago. * * * Capt. Whitaker thinks that Wilson succeeded in following the trains and that his whole force is in the vicinity of Reams's Station and that the whole force of the enemy's cavalry have probably concentrated there. Will you send an infantry force there?

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—(Sent 11.30 a. m.).*

"Maj. Gen. MEADE,
"*Commanding Army of the Potomac,*
"*at Gen. Burnside's Headquarters:*

"I should have added in my dispatch that Capt. Whitaker informs me that seeing an opening in the dust of the enemy's columns moving along a road near Reams Station he forced his way through it, losing half his escort, 40 in number.

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"(Reports printed in Official Records of the Union and Confederate Armies, Series I, vol. 40, pt. 2, p. 493.)"

—

"HEADQUARTERS ARMY OF THE POTOMAC,
"*June 29, 1864—1.40 p. m.*

"Maj. Gen. WRIGHT,
"*Commanding Sixth Corps:*

"Your dispatch received. The commanding general wishes you to follow your division with your whole corps as promptly as possible, leaving your pickets as they are posted. Capt. Whitaker, of Gen. Wilson's staff, who reported this morning, states that the Cavalry that followed Wilson and opposed him on the Meherrin were commanded by W. H. F. Lee, and were composed of Chambliss's, formerly Lee's; Barringer's, formerly Gordon's; and Dearing's brigades; that besides this command, another was concentrated at the crossing of Stony Creek (10 miles north of Ream's Station), which had been two days collecting from Petersburg, according to the statement of the people of the country. They took a prisoner from Rosser's brigade.

"A. A. HUMPHREYS,
"*Major General and Chief of Staff.*

"(Report printed, p. 507, same volume.)"

—

"CITY POINT, *July 1, 1864—2 p. m.*
"(Received 8.20 a. m.—2d.)

"I have just seen Gen. Kautz and have obtained from him a clearer idea of the disaster to Wilson's Cavalry. It seems Wilson had been led to believe by a dispatch from Gen. Meade that our lines had extended around to the Appomattox, or at least across the Weldon Railroad. He was, accordingly, confident of finding our pickets at Reams Station, or near there. After he crossed the Sappony, on what is called the stage road, he was attacked by Hampton's Cavalry; fought them Tuesday afternoon and night between that stream and Stony Creek, relying all the while on aid from the Army of the Potomac, which he supposed to be in hearing of his cannon. One of his aids, Capt. Whitaker, also cut his way through with a company and reported the case at Gen. Meade's, but succor could not be got up in season. * * *

"C. A. DANA.

"Hon. E. M. STANTON, *Washington.*

"(Report printed, Part I, same volume, p. 29.)"

—

"HEADQUARTERS SIXTH ARMY CORPS,
"*June 30, 1864—11.30 a. m.*

"Maj. Gen. HUMPHREYS:

* * * * * * *

"Capt. Whitaker, who is out with the cavalry on the Dinwiddie Road, reports that at least four guns were carried off by the enemy, and prisoners claim to have seen seven on the way to Petersburg. Capt. W. can find no guns, but has discovered three or four limbers, which I have sent for. * * *

"H. G. WRIGHT,
"*Major General, Commanding.*

"(Report printed, Part II, same volume, p. 526.)

—

"HEADQUARTERS CAVALRY DIVISION,
"*Camp near Jones Neck, Va., July 4, 1864.*

"CAPTAIN: I have the honor herewith to submit my report of the operations of the division under my command in the expedition to destroy the Richmond & Danville Railroad. * * * During the night Capt. Whitaker, of Gen. Wilson's staff, reached me and reported the enemy in between our commands, opposing his advance. * * * Capt. Whitaker, of Gen. Wilson's staff,

volunteered to go through the enemy's lines with a company of Cavalry, and other scouts were started to go into our lines.
* * *

"Very respectfully, your obedient servant,
"AUGUST V. KAUTZ,
"*Bridgadier General of Volunteers, Chief of Cavalry.*

"Capt. L. SIEBERT,
"*Assistant Adjutant General, Third Division,*
"*Cavalry Corps.*

"(Report printed, Part I, same volume, pp. 730–733.)

"Copies of reports made by Whitaker on June 29 and 30, 1864, are as follows:

"REAMS' PUMP, PETERSBURG & WELDON RAILROAD,
"*June 29, 1864—8.25 p. m.*

"[Gen. A. A. HUMPHREYS,
"*Chief of Staff.*]

"GENERAL: Gen. Wright's advance is now here and not engaged anywhere. The enemy's infantry are out 1 mile on the Dinwiddie Courthouse Road, reported to be one brigade strong, the other brigade that was here having gone toward Petersburg from here. All the enemy's cavalry have gone after Gen. Wilson, who, I believe, has been obliged to retire a long way, as I have heard a gun very distant west. I can not devise any way to find Gen. W[ilson]. Gen. Wright has a few cavalry, but by night I can not take them through. Would respectfully beg that professional scouts be sent to communicate with him and his pursuers engaged in rear early. Knowing the exhausted and encumbered condition of his command and the force about him, I have the greatest anxiety for his safety.

"I beg pardon for this irregularity, and am,
"Very respectfully, your obedient servant,
"E. W. WHITAKER,
Captain and Aide-de-Camp.

"(Printed, Part II, same volume, pp. 508–509.)

"REAMS STATION, *June 30, 1864—12.30 p. m.*

"Maj. Gen. HUMPHREYS,
"*Chief of Staff, Army of the Potomac.*

"GENERAL: In a reconnoissance toward Dinwiddie Courthouse I have just learned that a train of 200 empty wagons passed the courthouse at 9 this a. m. going from Petersburg to Stony Creek after forage, 'guarded by North Carolina Infantry, eight men to a wagon, with front and rear guard.' The enemy's infantry have all moved toward Petersburg. Their cavalry have followed the road to left and south of Dinwiddie Courthouse, in which direction Gen. Wilson went. I have taken charge of the Cavalry with Gen. Wright, at his request, and am covering all roads on his front and flanks. Should you have no further orders for me, shall I not remain here, do and learn all I can, and report through or to Gen. Wright? My escort I left at your headquarters, being worn out; if now rested, they could be valuable with me. I am, General,

"Very respectfully,
"Your most humble and obedient servant,
"E. W. WHITAKER,
"*Captain and Acting Aid-de-Camp.*

"(Printed, same volume, p. 526.)

"On a record of the Third Division, Cavalry Corps, Army of the Potomac, for the month of June, 1864, Whitaker was reported as acting aid-de-camp on the staff of the commanding general, and on July 4, 1864, report was made to The Adjutant General of the Army, a pertinent extract of which is as follows:

"HEADQUARTERS, THIRD DIVISION, CAVALRY CORPS,
"*July 4, 1864.*

"Brig. Gen. L. THOMAS,
"*Adjutant General, United States Army,*
"*Washington, D. C.*

"GENERAL: In pursuance of General Order No. 244, War Department, series of 1863, I have the honor to report the following-named officers on duty with me as aids-de-camp:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

"I have the honor to be, General,
"Very respectfully, your obedient servant,
"J. H. WILSON,
"*Brigadier General Commanding Division.*

"On July 9, 1864, an order was issued as follows:

"[Special Orders, No. 53.]

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*City Point, Va., July 9, 1864.*

"1. Capt. E. W. Whitaker, of the Third Division, Cavalry Corps, Army of the Potomac, will proceed to Washington, D. C., and report to Brig. Gen. Casey, president of the Examining Board for Officers of United States Colored Troops, for examination.

* * * * * * *

"By command of Lieut. Gen. Grant.

"E. S. PARKER,
"*Assistant Adjutant General.*

"On the same day Hon. C. A. Dana, then Assistant Secretary of War, telegraphed to the War Department as follows:

"FROM GRANT'S HEADQUARTERS, *July 9, 1864.*

"Col. J. A. HARDIE:

"Capt. Whitaker, of Wilson's staff, goes up to Washington, under orders from Gen. Grant, that he may present himself for examination before Casey's board; he wants to be a colonel of a black regiment, and from my own observation of him and the testimony of his officers he would make a first-rate one. If colonels are wanted for Burbridge's regiments in Kentucky, I would recommend him; you will oblige me by giving the necessary order for his examination or by speaking to the Secretary about him.

"C. A. DANA.

"It appears that Whitaker proceeded to Washington, D. C., and on July 11, 1864, an order was issued in his case as follows:

"HEADQUARTERS DEPARTMENT OF WASHINGTON,
"*Twenty-second Army Corps, July 11, 1864.*

* * * * * * *

"Whitaker, Capt. E. W., First Connecticut Cavalry.

* * * * * * *

"To the above sir:

"The major general commanding directs that you report for duty without delay to Col. William Gamble, Camp Stoneman.

"Very respectfully, your most obedient servant,
"C. H. RAYMOND,
"*Assistant Adjutant General.*

"Copies of communications relating to duties performed by Whitaker on July 13–16, 1864, are as follows:

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON,
"*Camp Stoneman, July 13, 1864.*

"Respectfully referred to Maj. Gen. Doubleday, in reference to communication just received.

"In compliance with within order, 100 mounted men are about to march from here to Col. Lowell.

"This takes every available mounted man in my command, save the 100 under Capt. Whitaker on picket in front of Forts Mahon and Meigs, whom I would respectfully ask to have relieved to enable me to comply with Gen. Augur's orders.

"W. GAMBLE,
"*Colonel, Commanding Cavalry Division.*

—

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON, D. C.,
"*Camp Stoneman, July 14, 1864.*

"Lieut. Col. B. B. G. STONE,
"*Acting Aid-de-Camp and Chief of Staff,*

"COLONEL: Since the receipt of Gen. Doubleday's communication of this morning, saying that Capt. Whitaker and command had disappeared from in front of Forts Mahon and Meigs, the bearer of this has brought a dispatch from the captain asking for forage and rations. The orderly says that Capt. Whitaker is where he has been all the time, and that his line has not been changed. If you will send him duplicate of the orders sent by the orderly, who could not find him, this man will deliver them direct to the captain. Let him report here, and I will supply him forage and rations.

"I remain, very respectfully,
"W. GAMBLE,
"*Colonel, Commanding Cavalry Division.*

—

"HEADQUARTERS CAVALRY DIVISION,
"*Camp Stoneman, 11 a. m.—July 14, 1864.*

"Respectfully forwarded.

"I know nothing of the whereabouts of Capt. Whitaker and his men. When last heard from was in front of Forts Mahon and Meigs.

"W. GAMBLE,
"*Colonel, Commanding Cavalry Division.*

"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON, D. C.,
"*Camp Stoneman, July 15, 1864.*

"Lieut. Col. J. H. TAYLOR,
"*Chief of Staff, Assistant Adjutant General.*

"COLONEL: Capt. Whitaker, First Connecticut Cavalry, having returned with 100 mounted men sent out on the line of the Baltimore & Ohio Railroad by orders of Gen. Halleck, will proceed with the above men to Washington City this morning and report for orders to department headquarters.

"The above are all the mounted men in this camp able to do mounted duty, except orderlies.

"Very respectfully, your obedient servant,
"W. GAMBLE,
"*Colonel, Commanding Cavalry Division.*

"On July 16, 1864, Whitaker asked to be relieved from the duty on which he was then engaged, in a letter of which the following is a copy:

"HEADQUARTERS CAVALRY DIVISION,
"DEFENSES OF WASHINGTON, D. C.,
"*Camp Stoneman, July 16, 1864.*

"Hon. CHARLES H. DANA,
"*Assistant Secretary of War:*

"Having served four days commanding 100 mounted men in the defense of the Capital, and learning that the emergency which demanded my services is passed, I would be pleased to be released from duty and allowed to act in obedience to orders from Lieut. Gen. Grant, dated July 11.

"I am, with great respect,
"Your most humble and obedient servant,
"E. W. WHITAKER,
"*Captain and Acting Aid-de-Camp to Gen. J. H. Wilson,*
"*Third Division, Cavalry Corps, Army of the Potomac.*

"The letter was referred to The Adjutant General of the Army, by indorsement, as follows:

"WAR DEPARTMENT, *July 16, 1864.*

"Respectfully referred to The Adjutant General.

"The officer will be relieved from the temporary service alluded to, to the end that he may be at liberty to attend his examination before the board for examination of applicants for commissions in the colored troops.

"By order.
"JAS. A. HARDIE,
"*Colonel, Inspector General.*

"On July 18, 1864. an order was issued in the case of this officer as follows:

"[Special Orders, No. 175.]
"HEADQUARTERS CAVALRY DIVISION,
"DEPARTMENT OF WASHINGTON,
"*Camp Stoneman, D. C., July 18, 1864.*

* * * * * * *

"3. The following-named officers are hereby relieved from duty in this camp and ordered to report to their respective regiments in the Army of Potomac for duty, viz:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry.

"The Quartermaster Department will furnish the necessary transportation.

* * * * * * *

"By order of Col. William Gamble.
"L. L. RAMEY,
"*Captain and Acting Assistant Adjutant General.*

"But on July 19, 1864, an order was issued from the War Department, as follows:

"[Special Orders, No. 242.]
"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, July 19, 1864.*
"[Extract.]

* * * * * * *

"13. Capt. E. W. Whitaker, acting aid-de-camp to Brig. Gen. Wilson, commanding Third Division, Cavalry Corps, Army of the Potomac, is hereby relieved from temporary duty within the defenses of Washington, to enable him to appear for examination before the board for the examination of applicants for commissions in the United States colored troops, in obedience to orders from Lieut. Gen. Grant.

* * * * * * *

"By order of the Secretary of War.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"A memorandum on file, apparently in the handwriting of Hon. C. A. Dana, but not signed, reads as follows:

"WAR DEPARTMENT,
"*Washington City, July 19, 1864.*

"Will Maj. Foster oblige Mr. Dana by giving Capt. Whitaker any information he may require respecting the examination for commissions in the colored regiments?

"About the same time permission was granted as follows:

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, D. C., ——, 186—.*

"SIR: Under authority of the Secretary of War, you are hereby permitted to appear for examination before the board now sitting at No. 212 F Street, Washington, D. C., of which Maj. Gen. Silas Casey is president.

"The Government makes no allowance on account of traveling or other expenses in consequence of this permission.

"Very respectfully, your obedient servant,
"C. W. FOSTER,
"*Assistant Adjutant General.*

"To Capt. EDWARD W. WHITAKER,
"*First Connecticut Cavalry.*

"Under date of July 20, 1864, recommendation for a leave of absence in the case of this officer was made in a communication of which the following is a copy:

"BOARD OF EXAMINERS,
"*No. 212 F Street, Washington, July 20, 1864.*

"I recommend that Capt. E. W. Whitaker, Third Division, Cavalry Corps, be granted leave of absence for 20 days to enable him to attend the Free Military School at Philadelphia for applicants for command of colored troops.
"SILAS CASEY,
"*Major General, President Board.*

"The recommendation was approved by order of the Secretary of War and an order issued on July 20, 1864, as follows:

"[Special Orders, No. 243.]
"WAR DEPARTMENT.
"ADJUTANT GENERAL'S OFFICE.
"*Washington, July 20, 1864.*
"[Extract.]

* * * * * * *

"56. Leave of absence for 20 days is hereby granted Capt. E. W. Whitaker, First Connecticut Cavalry, to enable him to attend the Free Military School at Philadelphia.

* * * * * * *

"By order of the Secretary of War.
"E. D. TOWNSEND,
"*Assistant Adjutant General.*

"The next record found relating to the officer is an order of which the following is a copy:

"[General Orders, No. 36.]
"HEADQUARTERS THIRD DIVISION CAVALRY CORPS.
"*July 21, 1864.*

"1. The following-named officers are announced as composing the staff of the brigadier general commanding:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Cavalry, aid-de-camp.

* * * * * * *

"They will be obeyed and respected accordingly.

"By command of Brig. Gen. Wilson.
"L. SIEBERT,
"*Assistant Adjutant General.*

"In a report dated February 18, 1865, and printed on pages 516–520, Volume XLIII, Part I, of the publication mentioned hereinbefore, relative to the part taken by the Third Division in the Shenandoah Valley campaign, Gen. Wilson referred to Whitaker as follows:

* * * * * * *

"'In closing this report I have the honor to commend the zeal, gallantry, and soldierly conduct of both officers and men of the division throughout the entire period they remained under my command. * * * To * * * Capt. E. W. Whitaker, First Connecticut Cavalry, always prompt and gallant in the discharge of their duties, I am greatly indebted for the valuable assistance they have rendered me * * *.'

"From a report of Gen. Wilson, dated August 16, 1864, it appears that on the morning of that day Whitaker was directed to proceed to the headquarters of the Middle Military Division, then at or near Winchester, Va.

"On August 20, 1864, an order was issued as follows:

"[Special Orders, No. 78.]

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"August 20, 1864.

* * * * * * *

"II. In accordance with instructions from the brigadier general commanding Cavalry forces of the Middle Military Department, Capt. E. W. Whitaker, First Connecticut Cavalry, A. A. D. C., is hereby detailed to collect and return to their regiments all the detached men of this division serving with this army. He will report without delay to Brig. Gen. Torbert for detailed instructions.

"By command of Brig. Gen. Wilson.

"L. SIEBERT,
"Acting Adjutant General.

"On August 21, 1864, another order was issued, as follows:

"[Special Orders, No. 11.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"Charlestown, Va., August 21, 1864.

* * * * * * *

"2. Capt. E. W. Whitaker, First Connecticut Cavalry and A. A. D. C. to Brig. Gen. Wilson, will proceed to Washington, D. C., for the purpose of collecting and conducting to their regiments men of the Third Cavalry Division, on detached duty in this command, returning to his proper station with the least practicable delay. One enlisted man can accompany him as orderly. The Quartermaster's Department will furnish the necessary transportation, to include two horses.

* * * * * * *

"By command of Maj. Gen. Sheridan.

"E. B. PARSONS,
"Assistant Adjutant General.

"Several letters, dated August 12, 1864, from officers of various commands, in which requests were made that certain men then on detached duty be returned to their regiments, were received at the headquarters of the Middle Military Division on August 23, 1864, and were returned to the writers on August 24, 1864, with indorsements as follows:

"'Capt. Whitaker, of Gen. Wilson's staff, has been ordered to collect all detachments and forward them to their regiments.'

"With reference to the duties of Whitaker at this time, a communication, of which the following is a copy, is pertinent:

"HEADQUARTERS THIRD DIVISION CAVALRY CORPS,
"August 27, 1864.

"Brig. Gen. MCINTOSH,
"Commanding First Brigade.

"GENERAL: The following extract from a letter from Capt. Whitaker, acting aid-de-camp, is furnished you for your guidance:

"'WASHINGTON, *August 24, 1864.*

"'Gen. Augur offered me all facilities in his power, with which I now only need a complete list, giving full names and whereabouts of every man in the forts and hospitals about this city. I obtained papers containing this list, but the same was in the form of applications for their return formally through Army headquarters, which were thus retained awaiting indorsements when I left.'

"The general desires you to have these lists made out as soon as possible and forward them. He also desires you to detail a commissioned officer to take charge of the guard stationed at the pike near the bridge to examine papers of commissioned officer, and to order back all those without authority.

"I am, General, very respectfully, your obedient servant.

"L. SIEBERT.
"Assistant Adjutant General.

"A record of the Third Cavalry Division, Middle Military Division, dated August 31, 1864, near Berryville, Va., accounts for Whitaker as acting aid-de-camp on the staff of the general commanding, and he was so accounted for on a record of the same command, dated September 30, 1864, then stationed at Bridgewater, Va., but on the latter record he was also accounted for as 'absent on duty at Camp Stoneman.'

"On October 1, 1864, an order was issued as follows:

"[Special Orders, No. 45.]

"HEADQUARTERS MIDDLE MILITARY DIVISION,
"Harrisonburg, Va., October 1, 1864.

"1. The following-named officers of his staff will accompany Brig. Gen. Wilson to the Military Division of the Mississippi for duty:

* * * * * * *

"Capt. E. W. Whitaker, First Connecticut Volunteer Cavalry.

* * * * * * *

"By command of Maj. Gen. Sheridan.

"C. KINGSBURY, Jr.,
"Assistant Adjutant General.

"In a communication dated October 28, 1864, Brig. Gen. Kilpatrick casually mentioned Whitaker as the bearer of reports showing the condition of the former's command.

"In the meantime Whitaker was appointed by the governor of Connecticut to be a major in the First Connecticut Cavalry Volunteers, the commission reciting that he was to rank as such from September 14, 1864. He remained absent from the regiment in performance of duty as aid-de-camp on the staff of Gen. Wilson until relieved in an order of which the following is a copy:

"[Special Orders, No. 7.]

"HEADQUARTERS CAVALRY CORPS,
"MILITARY DIVISION OF THE MISSISSIPPI,
"Nashville, Tenn., November 6, 1864.

"[Extract.]

* * * * * * *

"X. Capt. E. W. Whitaker, First Connecticut Cavalry, having been promoted to the grade of major, is, at his own request, detached from the staff of the major general commanding and will rejoin his regiment in the Shenandoah Valley.

"The distinguished zeal, activity, and ability which Maj. Whitaker has displayed upon every occasion entitles him to the thanks and commendation of the major general commanding.

* * * * * * *

"By command of Bvt. Maj. Gen. Wilson.

"E. B. BEAUMONT,
"Captain and Acting Assistant Adjutant General.

"On November 7, 1864, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"November 7, 1864.

"Capt. L. SIEBERT,
"Assistant Adjutant General.

"CAPTAIN: I have the honor to make application for muster out as captain Company E, First Connecticut Cavalry, and a special muster in as major, to date October 1, 1864, by virtue of receipt of commission as major in First Connecticut Cavalry, and being taken away when in act of reporting for duty by provisions of Special Order No. 45, Headquarters Middle Military Division, dated October 1, 1864. I am, captain,

Very respectfully, your obedient servant,

"E. W. WHITAKER,
"Captain Company E, First Connecticut
"Volunteer Cavalry,
"Acting Assistant Division Commander.

"An indorsement appears upon the foregoing communication, as follows:

"HEADQUARTERS CAVALRY CORPS, M. D. M.,
"Nashville, November 7, 1864.

"The statement of Maj. Whitaker herein is correct. He should be mustered to date from October 1.

"J. H. WILSON,
"Brevet Major General.

"On November 17, 1864, Whitaker addressed the Assistant Secretary of War as follows:

"WAR DEPARTMENT,
"Washington, D. C., November 17, 1864—2.30 p. m.

"Hon. CHARLES A. DANA,
"Assistant Secretary of War.

"DEAR SIR: I am en route to rejoin and assume command of my regiment in 'Valley.' Left Gen. Wilson at Nashville, Tenn. In consideration of the fact that my accompanying him West prevented my muster in in the grade of major under the usual muster regulations, he kindly advised me to apply to you for a special order, for which I make application in the inclosed communication bearing the general's indorsement. Permit me to note there is nothing complicated or any strife in this, as the vacancy has been long open, the regiment strong enough, etc. I am at present the only major in the regiment. I simply desire my muster to date when I should have reported if not for obeying an order of same date transferring me West. Perhaps the commissary of musters (it being more simple) could be ordered to muster me in for said date, providing other circumstances in the case admit.

"Hoping you will pardon me for this intrusion on your valuable time,

"I shall ever remain your most humble and obedient servant,

"E. W. WHITAKER,
"*Major, First Connecticut Cavalry.*

"An indorsement appears upon the foregoing communication, as follows:

"'Referred to Maj. Gen. Torbert, commanding Cavalry Corps, Middle Military Division, to direct the muster in of Maj. Whitaker, according to his request.

"'By order of the Secretary of War.

"'C. A. DANA,
"'*Assistant Secretary of War.*

"'WAR DEPARTMENT, *November 18, 1864.*'

"Whitaker joined the First Connecticut Cavalry Volunteers; entered upon duty as major thereof on November 22, 1864, and in a report of the commanding officer of the regiment dated December 9, 1864, and printed on pages 535-6, Volume XLIII, Part I, Series I, of the publication already mentioned, he was referred to as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
December 9, 1864.

"CAPTAIN: In obedience to orders from the colonel commanding the brigade, I have the honor to submit the following report of the operations of the First Connecticut Cavalry since the 18th of October, 1864:

* * * * * * *

"On the 13th the regiment went with the division on a reconnoissance toward Cedar Creek, returned the same day, and continued in camp till the 17th, when Capt. Morehouse was ordered to make a reconnoissance to Middletown. Finding no enemy, he returned to camp and remained till the 21st instant. He then started for Remount Camp, Pleasant Valley, Md., having in his charge the unserviceable horses of the brigade. He camped near Martinsburg that night and reached the camp on the 22d instant. Here Maj. Whitaker assumed command of the regiment, and worked diligently for the next three days in providing the men with such articles as they required.

* * * * * * *

"Very truly, your obedient servant,

"BRAYTON IVES,
"*Lieutenant Colonel, Commanding Regiment.*

"On November 25, 1864, Whitaker telegraphed the Assistant Secretary of War, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
"PLEASANT VALLEY, MD.,
"*November 25, 1864.*

"Hon. C. A. DANA,
Assistant Secretary:

"Please inform by telegraph—Yes—if my muster was order to date October 1, 1864.

"E. W. WHITAKER,
"*Major Commanding Regiment.*

"A letter was addressed to Whitaker on November 26, 1864, as follows:

"WAR DEPARTMENT,
"THE ADJUTANT GENERAL'S OFFICE,
"*Washington, D. C., November 26, 1864.*

"Capt. E. W. WHITAKER,
"*First Connecticut Cavalry.*

"SIR: I am directed to inform you that upon application to the proper commissary of musters he will muster you into service as major, First Connecticut Cavalry, to date October 1, 1864, provided the following conditions be complied with:

"First. You will satisfy the commissary of musters that you were in receipt of your commission at the date from which muster is requested.

"Second. You will furnish him with a copy of Special Orders, No. 45, headquarters M. M. D., under which you were detached from your regiment, and show clearly that it was not from negligence or delay on your part that you failed to be mustered at that time.

"Third. This muster must not in any way conflict with the provisions of General Orders, No. 182, series of 1863, from this office.

"If the muster be made in accordance herewith, the commissary of musters will file a copy of this communication and your replies hereto with the muster-in rolls.

"I am, very respectfully, your obedient servant,

"THOMAS M. VINCENT,
"*Assistant Adjutant General.*

"In connection with the foregoing Whitaker wrote a letter on December 3, 1864, as follows:

"HEADQUARTERS FIRST CONNECTICUT CAVALRY,
"FIRST BRIGADE, THIRD CAVALRY, DIVISION M. M. D.,
"*December 3, 1864.*

"Capt. BARNHARD,
"*Assistant Commissary of Musters.*

"CAPTAIN: I have the honor, in compliance with requirements of communication from The Adjutant General's office, dated November 26, 1864, of which a copy is herewith appended, to state that I received my appointment before October 1, 1864, by mail via Washington, D. C., where I was serving on detached duty under the provisions of Special Orders, No. 11, Ex. 2, from headquarters Mid. Mil. Div.

"Having completed the duties assigned me in Washington, I was en route to rejoin my command in the 'Valley,' October 1, 1864, and was within a few miles of my regiment when met by Gen. Wilson bearing Special Orders, No. 45, from headquarters M. M. D., dated October 1, 1864, of which a copy is appended.

"I certify that I made every effort to get mustered, but could not be granted time to go to mustering officer, as I was not given even time to dismount at the front, which I had reached by a four days' march and compelled to return at once en route west in obedience to inclosed orders.

"I am, Captain, very respectfully, your obedient servant,

"E. W. WHITAKER,
"*Captain, First Connecticut Cavalry.*

"The records of the First Connecticut Cavalry Volunteers account for Whitaker as captain of Company E thereof until December 5, 1864, when he was mustered out of service as such, to date from September 30, 1864, to enable him to avail himself of promotion; and on the same day, December 5, 1864, he was mustered into service as a major of the regiment, at Kernstown, Va., to date from October 1, 1864. However, under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he was and is recognized by the War Department as having been in the military service of the United States as a major of the First Connecticut Cavalry Volunteers, to take effect from September 14, 1864.

"On December 8, 1864, Whitaker was detailed for duty in an order, as follows:

"[General Orders, No. 43—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*December 8, 1864.*

"1. A general court-martial is hereby appointed to meet * * * on the 10th day of December, 1864 * * *. Detailed for the court.

* * * * * * *

"Maj. E. W. Whitaker, First Connecticut Cavalry.

* * * * * * *

"By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,
"*Assistant Adjutant General.*

"It appears that Whitaker continued on court-martial duty until relieved in an order, as follows:

"[General Orders, No. 6—Extract.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 17, 1865.*

"1. Maj. E. W. Whitaker, First Connecticut Cavalry, is relieved from duty as a member of a general court-martial, of which Lieut. Col. M. B. Birdseye, Second New York Cavalry, is president, held at Winchester, Va., and convened by General Orders, No. 43, of December 8, 1864, from these headquarters.

* * * * * * *

"By command of Col. A. C. M. Pennington, commanding division.

"L. SIEBERT,
"*Assistant Adjutant General.*

"In the meantime Whitaker was appointed by the governor of Connecticut to be lieutenant colonel of the regiment, to rank as such from January 11, 1865. He was mustered out of service as major to date from January 16, 1865, to enable him to accept promotion, and on January 17, 1865, he was mustered into service as lieutenant colonel of the same regiment at Winchester, Va.

"Copies of communications dated January 27, 1865, relating to this officer are as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 27, 1865.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"COLONEL: In compliance with orders from the acting chief of Cavalry you will detail from each of your regiments 50 good men, with the proper complement of officers, armed with sabers and revolvers only, to be ready with three days' rations and the usual amount of forage, to march at 7 o'clock a. m. to-morrow from brigade headquarters under command of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, who has already been notified from these headquarters. The horses will be selected with a view to their being fit for travel, rough shod, etc., and the men will be warmly clad.

"By command of Col. Pennington, commanding division.

"L. SIEBERT,
"*Assistant Adjutant General.*

—

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*January 27, 1865.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"COLONEL: Pursuant to instructions from the acting chief of Cavalry you will detail a major from your brigade to take command of the 200 men to start out to-morrow morning, in place of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry. You will instruct the major to report immediately for orders at headquarters Cavalry M. M. Division, and will please send his name up to these headquarters.

"By command of Col. Pennington, commanding division.

"L. SIEBERT,
"*Assistant Adjutant General.*

"He signed a record as lieutenant colonel commanding the First Connecticut Cavalry Volunteers, near Winchester, Va., January 31, 1865; served as field officer's court on February 2, 1865; and on February 3, 1865, was detailed on duty indicated by communications as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"COLONEL: In accordance with orders from the chief of Cavalry you will detail from your command 100 men, with the proper complement of commissioned and noncommissioned officers, to be in readiness to march with a detachment of 200 men from the Second Brigade at an early hour to-morrow morning.

"The horses selected will be well shod and in a good condition to travel.

"The men will take three days' rations and the usual amount of forage and will be armed with pistols and sabers only.

"Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, will take command of the entire party. You will direct him to report in person at once to the chief of Cavalry for instructions.

"The place of rendezvous and the hour of march will be designated hereafter.

"By command of Col. W. Wells, commanding division.

"L. SIEBERT,
"*Assistant Adjutant General.*

"Col. A. M. RANDOL,
"*Commanding First Brigade.*

"HEADQUARTERS FIRST BRIGADE,
"THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"COMMANDING OFFICER,
"*First Connecticut Cavalry:*

"The detail for special service from your regiment will report at these headquarters at 6 a. m., precisely, to-morrow the 4th instant.

"You will please direct Lieut. Col. Whitaker to report at the above hour to take command of the detail.

"Surg. G. A. Hurlbut will accompany the expedition.

"By command of Col. A. M. Randol, commanding brigade.

"JOHN J. PIKE,
"*Lieutenant and Acting Assistant*
"*Adjutant General.*

—

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 3, 1865.*

"Col. JOHN J. COPPINGER,
"*Commanding Second Brigade.*

"COLONEL: The colonel commanding division directs that the 200 men ordered from your command to start out to-morrow morning with Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, report at 6 o'clock, precisely, in front of First Brigade headquarters, where Col. Whitaker will take command of them.

* * * * * * *

"Very respectfully, etc.,

"L. SIEBERT,
"*Assistant Adjutant General.*

"In his report of the Shenandoah Valley campaign, dated February 3, 1866, and printed on pages 40–57 of the volume last mentioned hereinbefore, Gen. Sheridan mentioned Whitaker in terms as follows:

* * * * * * *

"'On the 5th of February Harry Gilmor, who appeared to be the last link between Maryland and the Confederacy, and whose person I desired in order that this link might be severed, was made prisoner near Moorefield, his capture being very skillfully made by Col. (error, major and my guide only) Young, my chief of scouts, and a party under Lieut. Col. Whitaker, First Connecticut Cavalry, sent to support him. Gilmor and Mosby carried on the same style of warfare, running trains off railways, robbing the passengers, etc.'

* * * * * * *

"Again, Whitaker was mentioned in connection with the same incident, as follows:

"WINCHESTER, VA., *February 6, 1865.*
"(Received 1.50 p. m.)

"Maj. Gen. H. W. HALLECK,
"*Chief of Staff:*

"A small party, under command of Lieut. Col. Whitaker, sent out by Gen. Merritt to break up Harry Gilmor's band, at a point south of Moorefield, was quite successful. Maj. Young, of my staff and chief of scouts, captured Harry Gilmor and (did not bring him in) brought him in.

"P. H. SHERIDAN,
"*Major General, Commanding.*

"Whitaker made a report of the affair as follows:

"CAMP OF FIRST CONNECTICUT CAVALRY,
"NEAR WINCHESTER, VA.,
"*February 8, 1865.*

"MAJOR: I have the honor to report that, pursuant to instructions from general commanding corps, I collected my command for special duty, armed with sabers and pistols, and numbering 300, all from the Third Division Cavalry, at headquarters First Brigade, at 6 a. m., the 4th instant, and moved out on the Moorefield Pike for our destination. After halting three-quarters of an hour for feed and coffee at Wardensville, organized the detachments into a regiment, and having a short drill resumed the march at a rapid gait, striking the enemy's scouts, which Maj. Young quickly drove off the pike toward Harper's; column moving fast as possible, intending to surprise the enemy's camp by moonlight, but at 12.30 at night, when we had reached a covered point within 4 miles of Moorefield, the sky clouded up, which induced me to halt for rest and feed until 4 a. m. the 5th instant. In the meantime Maj. Young, who had been a short distance in my advance, was to send his scouts into town and ascertain the exact location of Gilmor's camp, which I had decided to strike at daylight. On moving out at 4 a. m., Capt. Hamilton, Eighth New York Cavalry, reported to me the loss of two men by desertion during the halt; the men being recent recruits from rebel States, I deemed it a more unfortunate event than the next fact which was reported by Maj. Young, i. e., his scouts had not been able to learn the exact whereabouts of Gilmor or his camp. Reaching the outskirts of Moorefield before light, during a heavy snow squall, I halted to await news from Maj. Young, who entered town with all of his party in search of information. I here became anxious about the loss of time and moved on, sending word to the major that he should go on down the South Fork till I found the enemy. I left a detachment from the Second Ohio Cavalry to search the town for soldiers, and moved at once across the stream and turned to the left down the South Fork, Maj. Young taking the advance, when, as it had become light enough, I discovered several of the enemy mounted and rapidly moving across the fields and hills on our right flank, taking the same direction as my column.

"On communicating the fact to the scouts a lively race set in, I following with my column in hopes of reaching their camp before the alarm, which it would appear had not before been given. The houses on the banks of the fork were being hastily searched by the scouts, when the large number of horses in the stable next the road to Mr. Randolph's house, 3 miles from Moorefield, excited much suspicion; and as Maj. Young asked the colored woman sternly, 'What soldiers were in the houses?'

she at once replied, 'Maj. Gilmor is upstairs.' Maj. Young immediately surrounded the house and seized the major and his cousin Gilmor, late from Baltimore, both in bed. On my learning that our prize had been found I halted column and prepared to resist the attack of the enemy collecting on the bluff over the house and river and on my right flank and rear. Finding the position untenable and deeming it impossible to get more of Gilmor's band from their skillfully selected position, we made haste in getting out, before which Maj. Gilmor had been brought to me and placed at the head of the column; and as his men were firing into us he shouted encouragement to them, feeling, as he afterwards said, confident of release. On the return march I placed Lieut. Brown, First Connecticut Cavalry, with 38 men who had been doing good service on the Petersburg Road, in the rear, he having 15 Spencers for that use, with which he successfully checked each dash of the enemy. I took the Romney Pike by advice of Maj. Young, who took the advance, and turned over to me at different points on the route 12 men captured about houses. The enemy last troubled my column as we were feeding at a point 35 miles from Moorefield and 8 from Romney. Though night had come on I did not think it wise to halt with prisoners, but resumed the march in passing Hanging Rock Gap and reached Big Capon Bridge after midnight, when we halted for rest until daylight, the 6th instant, on the forenoon of which I reached Winchester with prisoners, having ridden near 140 miles in a little over 48 hours, over a mountainous country, across swollen streams filled with floating ice, and within the enemy's lines, fully accomplishing the object of the expedition without the loss of a man.

"I can not commend too highly the zeal and hearty cooperation evinced by Maj. Young, commanding Gen. Sheridan's scouts, who accompanied me. To his personal gallantry is due the successful 'bearding of the lion in his den.'

"To the officers commanding the detachments from the Second Ohio, Eighth New York, First New Hampshire, Twenty-second New York, and First Connecticut Cavalry Regiments, I desire to express my thanks for prompt obedience to orders and strict attention to the care of their commands, on which I confidently relied in anticipation of a better test than was offered. To Surg. G. A. Hurlbut, First Connecticut Cavalry, who accompanied me with ambulance, attendants, etc., I owe much for valuable assistance rendered outside of his duties. He safely brought in two sick men and one accidentally wounded, who were unable to ride.

"Respectfully submitted.

"E. W. WHITAKER,
"*Lieutenant Colonel First Connecticut Cavalry,*
"*Commanding Expedition.*

"Maj. WILLIAM RUSSELL, Jr.,
"*Assistant Adjutant General.*

"Whitaker was recommended for special duty in a letter, as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 11, 1865.*

"Maj. WILLIAM RUSSELL, Jr.,
"*Assistant Adjutant General, Cavalry M. M. Division.*

"MAJOR: In accordance from instructions from the Chief of Cavalry just received, I have the honor to recommend Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to the position of division inspector, in place of Maj. E. M. Pope, ordered on recruiting service.

"Very respectfully, etc.

"G. A. CUSTER,
"*Brevet Major General Commanding.*

"On the same day an order was issued as follows:

"[Orders.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"*February 11, 1865.*

"Division field officer of the day, February 12, 1865: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, to report at 10 o'clock a. m.

"By command of Bvt. Maj. Gen. Custer.

"L. SIEBERT,
"*Assistant Adjutant General.*

"The officer was detailed for special duty in an order as follows:

"[Special Orders, No. 145.]

"HEADQUARTERS CAVALRY, MIDDLE MILITARY DIVISION,
"*February 12, 1865.*

"1. Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, is hereby detailed as assistant adjutant inspector general, Third Cavalry Division, vice Lieut. Col. E. M. Pope, detailed on recruiting service. Lieut. Col. Whitaker will report in person without delay to Bvt. Maj. Gen. Custer, commanding.

"By command of Bvt. Maj. Gen. Merritt.

"WM. RUSSELL, Jr.,
"*Assistant Adjutant General.*

"On February 13, 1865, a regimental order was issued in the name of this officer, as lieutenant colonel commanding First Connecticut Cavalry, and he signed orders issued on February 16, 18, 19, and 23, 1865, from the headquarters of the Third Cavalry Division, as lieutenant colonel of the First Connecticut Cavalry Volunteers and acting assistant inspector general.

"In a communication dated February 21, 1865, Whitaker was mentioned as follows.

"HEADQUARTERS THIRD DIVISION CAVALRY,
"*February 21, 1865.*

"Col. PENNINGTON,
"*Commanding First Brigade:*

"Gen. Crook, Gen. Kelley, and other officers were captured last night by about 60 men belonging to McNeill's command. The force were hurrying toward Romney. The chief of cavalry directs that a force be sent immediately from this division to intercept them, if possible. Have 300 of your best mounted men get ready at once, with two days' rations and one of forage, I would suggest that the men be selected from the different regiments. Do not detail an officer of higher rank than major to accompany the expedition, as Lieut. Col. Whitaker will go in command. Have the men rendezvous at your headquarters.

"Very respectfully, etc.,

"G. A. CUSTER,
"*Brevet Major General, Commanding.*

"The result of the attempt to recapture the general officers is set forth in a report as follows:

"HEADQUARTERS THIRD DIVISION CAVALRY,
"MIDDLE MILITARY DIVISION,
"*February 23, 1865.*

"CAPTAIN: I have the honor to report that pursuant to instructions from general commanding division to recapture general officers taken by enemy at Cumberland, Md., early the 21st instant, I moved at 9 a. m. that day, with 340 men, for Moorefield, Va., which point I reached at 1.30 p. m. the 22d instant, and there learned that the enemy, with important prisoners, had crossed the Moorefield and Winchester Pike 2 miles from town at about 1 p. m. the 21st instant, and that a party of Federal cavalry from New Creek were in the town immediately after but had returned. I at once sent an officer to communicate with the latter force—the camp fires could be seen about 5 miles out of Moorefield—and then returned to the trail of the enemy, which I carefully examined and found to have been made by about 50 mounted men in crossing my route, apparently in haste, obliquely, and from northwest to southeast, from a wooded path on my right down a steep declivity into woods on my left. Here obtaining conclusive proof that the trail was made at or about 1 p. m. the previous day, giving the enemy over 12 hours in my advance, I decided to not pursue, my horses having been badly jaded in breaking a foot of snow over the mountains and in consideration of the prospects of not overtaking the enemy till he had reached assistance in the valley. The citizens stated he had discovered the near approach of the New Creek Cavalry. The prospect of rain induced me to return rapidly campward, via the Back Creek Road.

"The officer whom I sent to communicate with the New Creek Cavalry soon rejoined me, with verbal statement from Col. Greenfield, Twenty-second Pennsylvania Cavalry, to the effect that his advance, 400 men, under a major, had seen the enemy with prisoners between 1 and 2 p. m. the day previous moving off from the Romney and Moorefield pike, with such an accession to their numbers as to make an attack on them hazardous; therefore he had not attacked them, but desired to cooperate with me if I was about to pursue. I had moved out too far to return a reply, and still continued march, with occasional annoyances from bushwackers in rear, to Cacapon bridge, where bivouacked last night, arriving in camp at noon to-day after much trouble in crossing the rapidly swelling streams.

"My loss was none, except in horses, a few. Four of enemy taken prisoners en route.

"I desire to express my thanks to Maj. McClong, Third New Jersey Cavalry, and Lieut. Haswell, Gen. Custer's escort, First Vermont Cavalry, for zealous aid and hearty cooperation in

efforts to accomplish the object of the expedition, which I much regret to report a failure.

"I am, Captain, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Lieutenant Colonel First Connecticut Cavalry,*

"*Acting Assistant Inspector General Third Division Cavalry.*

"Capt. L. SIEBERT,

"*Assistant Adjutant General.*

"A record of the Third Cavalry Division, Middle Military Division, for the month of February, 1865, accounts for this officer as acting assistant inspector general on the staff of the general commanding.

"In a report of Gen. Merritt relative to operations of Cavalry forces, dated May 7, 1865, and printed on pages 484 to 488, part 1, Volume XLVI, same publication as the one referred to hereinbefore, Whitaker was referred to as follows:

* * * * * * *

"'March 2, the command arriving at Staunton, a force was detached from the First Division to go to Swoopes Station, where it was reported the enemy had stored supplies of war. This expedition found immense quantities of commissary, quartermaster's, and ordnance stores, which it destroyed. The main column, the Third Division in advance, moved toward Waynesborough, where the enemy was found, strongly posted behind barricades and rifle pits. Gen. Custer, after engaging the enemy's artillery with his own for a short time, moved three regiments, under direction of Col. Whitaker, First Connecticut, to the left flank and rear of the enemy and routed him, with the loss of but 3 or 4 men to our command, capturing over 1,000 prisoners, the enemy's artillery and wagon train, containing all the wardrobe, papers, etc., of the officers of Early's depleted army. This event opened the roads for unresisted advance on the James River and all the roads and means of supply north of Richmond. All the captures which could not be carried away were destroyed. The prisoners and some few pieces of artillery were ordered back to Winchester, under a mounted guard of about 1,500 mounted and dismounted men, under Col. Thompson, First New Hampshire Cavalry.

* * * * * * *

"Gen. Custer, in a report dated March 20, 1865, and printed on pages 501 to 504, same volume, stated as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"MIDDLE MILITARY DIVISION,

"*White House, Va., March 20, 1865.*

"I have the honor to submit the following report of the operations of my command since February 27, 1865. * * * On the 2d we moved to Staunton, where the command was halted for a short interval. In accordance with verbal orders received from the major general commanding the expedition, I then marched toward Waynesborough. * * * Our march was necessarily slow. Upon reaching Fishersville, 6 miles from Staunton, our advance struck the enemy's pickets and drove them in the direction of Waynesborough. Upon arriving at the latter point we found the enemy in force, posted behind a formidable line of earthworks. * * * A careful reconnaissance along his entire line convinced me that the enemy had a heavy force of infantry behind his work, while 10 pieces of artillery were in position and completely covered his front. But one point seemed favorable for attack. The enemy's left flank, instead of resting on South River, was thrown well forward, leaving a short gap between his left and the river. The approach to this point could be made under cover of the woods. I directed Lieut. Col. Whitaker, of my staff, to conduct three regiments of Pennington's brigade to our extreme right. Selecting three regiments armed with Spencer carbines, they were moved, dismounted under cover of the woods, to the point previously indicated, where they were held in readiness to charge the enemy's left. * * * With reference to the conduct of the officers and men of my command throughout the entire expedition, both when engaged with the enemy and while on the march, I have nothing but words of the highest praise and commendation to offer. As a special report will be made, making mention of those who are particularly deserving and meritorious, none of the many instances of personal gallantry and merit as displayed on the late expedition are mentioned in this report.

"I am, very respectfully, yours, etc.,

"G. A. CUSTER,

"*Brevet Major General.*

"Capt. E. M. BAKER,

"*Acting Assistant Adjutant General,*

"*Cavalry, Middle Military Division.*

"In a report dated March 19, 1865, and printed on pages 504–508, same volume, the officer is referred to as follows:

"HEADQUARTERS FIRST BRIGADE,

"THIRD DIVISION, CAVALRY CORPS.

"*Near White House Landing, Va., March 19, 1865.*

"CAPTAIN: I have the honor to submit the following report of the operations of my brigade during the recent cavalry expedition from February 27 to present date: * * * The First Connecticut Cavalry, commanded on this occasion by Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, Third Cavalry Division, sent out a reconnaissance of one squadron toward the enemy from the right of my line, while a battalion of the Second New York moved down the Telegraph Road. The squadron of the First Connecticut, accompanied by Lieut. Col. Whitaker, was ambushed by infantry and cavalry, losing one officer (Lieut. J. W. Clark) killed and two men missing. This reconnaissance ascertained that the enemy were in force and that they had both infantry and cavalry. * * *

"I am, sir, very respectfully, your obedient servant.

"A. C. M. PENNINGTON,

"*Colonel Commanding Brigade.*

"Capt. L. W. BARNHART,

"*Acting Assistant Adjutant General,*

"*Third Division, Cavalry Corps.*

"Whitaker applied for leave of absence in a letter as follows:

"HEADQUARTERS THIRD CAVALRY DIVISION,

"*White House, Va., March 23, 1865.*

"Lieut. Col. F. H. NEWHALL,

"*Assistant Adjutant General.*

"COLONEL: I have the honor to make application for five days' leave of absence to visit Georgetown, D. C., and permission to apply for five days' extension, should it be necessary, and my command unengaged. Reason: The most important private business, which if longer postponed will compel me to leave the service. Have not received the benefit of leave of absence since January, 1864.

"I am, Colonel,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Lieutenant Colonel First Connecticut Infantry,*

"*Acting Assistant Inspector General.*

"The application was returned with indorsement: 'Not granted for the present.'

"A record of the Third Cavalry Division, Middle Military Division, for the month of March, 1865, accounts for Whitaker as acting assistant inspector general on the staff of the general commanding.

"On April 16, 1865, Whitaker applied for leave of absence for 15 days. The leave was granted, and on April 19, 1865, an order was issued as follows:

"[Special Orders, No. 20.]

"HEADQUARTERS THIRD CAVALRY DIVISION,

"*April 19, 1865.*

"[Extract.]

* * * * * * *

"2. During the temporary absence of Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general, the duties of that department will be performed by Col. E. M. Pope, Eighth New York Cavalry. He will be obeyed and respected accordingly.

* * * * * * *

"By command of Bvt. Maj. Gen. Custer, acting adjutant general.

"Gen. Sheridan, in a letter to the Secretary of War dated April 19, 1865, and published on pages 1111–1114 of the volume last mentioned hereinbefore, recommended that certain officers be promoted or brevetted, Whitaker being referred to as follows:

* * * * * * *

"'Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, [acting] assistant inspector general, Third Cavalry Division, to be brevet brigadier general of Volunteers for gallantry and skill displayed in turning the enemy's left flank at Waynesboro March 2, 1865, and for gallantry and uniform good conduct at the Battles of Five Forks, April 1, and Appomattox Station, April 8, 1865, and throughout the entire campaign.'

* * * * * * *

"An order was issued on April 21, 1865, as follows:

"[General Orders, No. 22.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"April 21, 1865.

"The brevet major general commanding hereby announces the following staff officers of the division: Lieut. Col. E. W. Whitaker, First Connecticut Cavalry, acting assistant inspector general. * * * They will be obeyed and respected accordingly.

"By command of Bvt. Maj. Gen. Custer, Assistant Adjutant General.

"On April 28, 1865, the governor of Connecticut addressed a letter to the Secretary of War as follows:

"STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
"Norwich, April 28, 1865.

"SIR: I am informed that Lieut. Col. E. W. Whitaker, of the First Connecticut Cavalry, has been strongly recommended by Gens. Sheridan and Custer for promotion to the rank of brevet brigadier general.

"I take great pleasure in adding my testimony as to the valor and merits of Col. Whitaker.

"I am, with high consideration.

"Your obedient servant,

"WM. A. BUCKINGHAM,
"Governor of Connecticut.

"Hon. E. M. STANTON,
"Secretary of War.

"(NOTE.—No record has been found of the recommendation referred to as having been made by Gen. Custer.)

"Hon. L. F. S. Foster, then Senator from the State of Connecticut, addressed the Secretary of War on April 29, 1865, by letter as follows:

"NORWICH, CONN., *April 29, 1865.*

"SIR: I would respectfully recommend Col. E. W. Whitaker, of the First Connecticut Cavalry, for promotion to the rank of brevet brigadier general. He enlisted as a private in the first regiment raised in this State, served out his three months, reenlisted, and has worked his way to his present position by sheer merit. He is well educated, thoroughly correct in his habits, and of excellent character. As an officer he is bold and dashing without rashness; in a word, an accomplished soldier.

"Gens. Sheridan and Custer both recommend him strongly. May I not hope that he will be recommended? With great respect, I am,

"Your obedient servant,

"L. F. S. FOSTER.

"Mr. Secretary STANTON.

"On May 19, 1865, Whitaker was appointed brigadier general of Volunteers, by brevet, apparently upon the recommendation of Gen. Sheridan of April 19, 1865, as set forth hereinbefore, and he was notified of the appointment in a letter as follows:

"WAR DEPARTMENT,
"Washington, May 19, 1865.

"SIR: You are hereby informed that the President of the United States has appointed you, for gallantry and uniform good conduct, a brigadier general of Volunteers, by brevet, in the service of the United States, to rank as such from the 13th day of March, 1865. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and with your letter of acceptance return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"EDWIN M. STANTON,
"Secretary of War.

"Bvt. Brig. Gen. E. W. WHITAKER,
"United States Volunteers (through Maj. Gen. Sheridan).

"Upon receipt thereof Whitaker forwarded the usual oath of office and a statement as to his age, birthplace, and residence, with a letter, of which the following is a copy:

"HEADQUARTERS THIRD CAVALRY DIVISION,
"ARMY OF THE POTOMAC,
"May 22, 1865.

"Brig. Gen. E. D. TOWNSEND, *Adjutant General.*

"GENERAL: I have the honor to acknowledge receipt and acceptance of the appointment of brigadier general of Volunteers, by brevet, under date of May 19, 1865, and to forward herewith the oath of office subscribed and attested, together with report giving age, birthplace, etc.

"I have the honor, General, to be,

"Very respectfully, your obedient servant,

"E. W. WHITAKER,
"Lieutenant Colonel First Connecticut Cavalry,
"Brevet Brigadier General Volunteers.

"It appears that in the meantime Whitaker was on duty as Acting Assistant Inspector General on the staff of the general commanding the Third Cavalry Division from April 21, 1865, until the issue of an order as follows:

"[General Orders, No. 2.]

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"May 25, published May 30, 1865.

"The major general commanding announces the following-named officers as composing his staff:

"Bvt. Brig. Gen. E. W. Whitaker, Assistant Inspector General and Chief of Staff.

* * * * * * *

"By command of Bvt. Maj. Gen. Davies.

"THOS. C. LEBO,
"Acting Assistant Adjutant General.

"On May 25, 1865, an order was issued as follows:

"[Special Orders, No. 33.]

"HEADQUARTERS THIRD CAVALRY DIVISION,
"May 25, 1865.

"Bvt. Maj. M. A. Stone, First Vermont Cavalry, is hereby detailed for duty at these headquarters as acting assistant inspector general of the Third Cavalry Division. He will report to Bvt. Brig. Gen. Whitaker, Acting Assistant Inspector General, Cavalry Corps, to-morrow morning at 8 o'clock a. m. for instructions.

"By command of Brig. Gen. Capehart.

"H. M. BURLEIGH,
"Assistant Adjutant General.

"In a letter dated May 30, 1865, Whitaker wrote to Brig. Gen. Wells, commanding the Third Division of Cavalry, making inquiry as to the name of an officer 'whom you spoke of to me as one who would make a good staff officer.'

"A record of the Cavalry Corps, Department of Washington, for the month of May, 1865, dated near Alexandria, Va., June 19, 1865, accounts for this officer as acting assistant inspector general on the staff of the commanding general, with entries showing that he was appointed May 25, 1865, and joined the same day.

"On June 11, 1865, the officer received leave of absence in an order as follows:

"[Special Orders, No. 18.]

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
"June 11, 1865.

* * * * * * *

"3. Leave of absence is granted to the following-named officers:

"Bvt. Brig. Gen. E. W. Whitaker, assistant inspector general and chief of staff, Cavalry Corps, for five days.

* * * * * * *

"(NOTE.—Order not signed, but previous order, dated June 10, 1865, signed by command of Bvt. Maj. Gen. Davies, W. Harper, jr., Major and Acting Assistant Adjutant General.)

"A record of the Cavalry Corps, Department of Washington, for the month of June, 1865, dated at Clouds Mill, July 1, 1865, accounts for Whitaker as assistant inspector general and chief of staff of the general commanding.

"On July 11, 1865, Whitaker addressed a communication to superior authority, as follows:

"HEADQUARTERS CAVALRY CORPS,
"DEPARTMENT OF WASHINGTON,
July 11, 1865.

"Col. T. S. BOWERS,
"Assistant Adjutant General, United States Army.

"COLONEL: I have the honor to apply for assignment to duty with brevet rank in any division, department, or district it may please the Lieutenant General Commanding the Armies of the United States to designate.

"Would respectfully beg leave to state that I have served during the whole war in extreme front; that I am taking steps to enter the Regular service with recommendations from Gens. Sheridan, Custer, Wilson, Kilpatrick, Davies, Crook, and Kautz; and that the duties of attending the muster out and breaking

up of the Cavalry Corps, on which I have been retained by order of Gen. Auger, is nearly complete.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Brevet Brigadier General, United States Volunteers,*

"*Acting Inspector General and Chief of Staff,*

"*Lieutenant Colonel First Connecticut Cavalry.*

"The letter of July 11, 1865, was forwarded, recommended, by the commanding officer of the Cavalry Corps, Department of Washington, and was forwarded to the Headquarters of the Army by the department commander without recommendation. Nothing has been found of record to show the action finally taken on the application.

"On July 18, 1865, an order was issued, a pertinent extract of which is as follows:

"[Special Orders, No. 173.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"*Washington, D. C., July 18, 1865.*

* * * * * * *

"7. The Cavalry Corps having been discontinued by the muster out of regiments composing the same, all officers and enlisted men heretofore on detached duty with said corps, unless otherwise ordered, will at once join their proper regiments.

"Under the provisions of General Orders, No. 106, of June 2, 1865,. War Department, Adjutant General's Office, all general and General Staff officers heretofore serving with the Cavalry Corps of this department, unless otherwise ordered by higher authority, will proceed to their respective homes, and thence report by letter to The Adjutant General of the Army.

"The commanding officer of the Cavalry Corps will report to these headquarters the names and residences of the officers relieved by this order.

"By command of Maj. Gen. C. C. Augur.

"R. CHANDLER,

"*Assistant Adjutant General.*

"Following is a copy of an order relative to this officer issued on July 20, 1865:

"[Special Orders, No. 175.]

"HEADQUARTERS DEPARTMENT OF WASHINGTON,

"TWENTY-SECOND ARMY CORPS,

"*Washington, D. C., July 20, 1865.*

"Leave of absence for 10 days is granted to Bvt. Brig. Gen. E. W. Whitaker, of the First Regiment of Connecticut Cavalry, to enable him to proceed to Connecticut on important private business.

"At the expiration of this time he will report to the chief mustering officer of his State.

"By command of Maj. Gen. Augur.

"R. CHANDLER,

"*Assistant Adjutant General.*

"Whitaker reported, as directed in the second paragraph of the foregoing order, in a letter, as follows:

"ALLYN HOUSE,

"*Hartford, Conn., July 28, 1865.*

"Lieut. Col. C. C. GILBERT,

"*Chief Mustering Officer, State of Connecticut.*

"COLONEL: I have the honor to report to you, in compliance with a paragraph from a Special Order No. 175, dated July 20, 1865, from headquarters, Quartermasters Department of Washington, which grants me a leave of absence for 10 days. At the expiration of the 10 days, which is day after to-morrow, the 30th instant, it was expected that the First Connecticut Cavalry would have arrived here for muster out. That regiment is still detained on duty, from which it may be relieved any day.

"I would respectfully request orders or instructions at your earliest convenience.

"I am, Colonel, very respectfully, your obedient servant,

"E. W. WHITAKER,

"*Brevet Brigadier General,*

"*Lieutenant Colonel First Connecticut Cavalry.*

"The letter of July 28, 1865, was duly received at the office of the chief mustering officer for Connecticut. Nothing has been found of record to show what action, if any, was taken thereon, but, as recited hereinafter, it appears that Whitaker remained in the State until the arrival there of the First Connecticut Cavalry.

"In a letter dated at Ashford, Conn., August 3, 1865, Whitaker reported to the War Department for orders, and on August 19, 1865, he was advised that as his regiment had been mustered out of service he should apply to the chief mustering officer for the State for his discharge papers.

"The regiment was mustered out of the military service of the United States August 2, 1865, at Washington, D. C. The muster-out roll of the field and staff accounts for Whitaker at the time as absent from the regiment with leave, but, nevertheless, under the terms of orders then in force, he was honorably discharged from the military service of the United States on that date by reason of the muster out of the regiment, and information furnished by the Treasury Department shows that he was finally paid on the muster-out roll mentioned at New Haven, Conn., August 17, 1865.

"On August 22, 1865, an order was issued from the War Department, pertinent extracts from which are as follows:

"[General Orders, No. 133.]

"WAR DEPARTMENT,

"ADJUTANT GENERAL'S OFFICE,

"*Washington, August 22, 1865.*

"Appointments by brevet in the Armies of the United States made by the President since the publication of General Orders, No. 97, of May 26, 1865:

* * * * * * *

"Volunteer force.

* * * * * * *

"To be brigadier generals by brevet.

* * * * * * *

"Col. E. W. Whitaker, of the First Connecticut Cavalry, for gallantry and uniform good conduct, to date from March 13, 1865.

* * * * * * *

"By order of the Secretary of War:

"E. D. TOWNSEND,

"*Assistant Adjutant General.*

"The nomination of the officer as brevet brigadier general of Volunteers was presented to the United States Senate for consideration; was confirmed by that body on March 12, 1866, and thereupon the usual commission was issued on April 9, 1866, entries appearing therein showing that the appointment was to date from March 13, 1865, and was granted 'for gallantry and uniform good conduct.' The commission was sent to the governor of Connecticut May 12, 1866, for delivery to the officer.

"Gen. Whitaker alleges that he participated in 82 different engagements of the Civil War, and has submitted to this department a list of such engagements, a few less in number, but it is impossible to ascertain from the records in the department whether or not he participated in all of those engagements, because the official records do not, as a rule, show all the engagements in which an officer or enlisted man participated, and no such complete data have been found of record in the case of this officer. When specifically mentioned in connection with any particular engagement, such mention is, of course, evidence of participation, but as the records pertaining to military services in that war were usually made out monthly or bimonthly and do not show engagements in which individuals took part, the department has no means of obtaining definite information regarding individual participation in engagements, even though the organization took part therein, unless the individual is specifically mentioned in connection therewith, or unless it should happen that the organization engaged in some action on the very date of the monthly or bimonthly record, in which event the presence of a man with the organization on that date would indicate participation. Then the fact that an organization engaged in certain battles, coupled with the additional fact that there is nothing in the records to show that the officer or enlisted man was absent at the time, is also an indication of individual participation, although not conclusive.

"Following is a list of engagements submitted to this department by Gen. Whitaker in which he alleges that he took part. Opposite each engagement will be found the letter A, B, C, or D; the letter A indicating that the officer is mentioned specifically as having participated in that engagement; the letter B indicating that, by reason of his stations or duties, he probably participated in that engagement; the letter C indicating that nothing has been found of record in this department showing or tending to show that he was a participant in that engagement; and the letter D indicating that no record has been found in the War Department of any engagement at the time and place mentioned.

"First Bull Run, July 21, 1861. (B.)

"Action near Spotted Tavern, Virginia, April 17, 1862, and capture of Falmouth. (B.)

"First raid Virginia Central Railroad, July 19 (capture of Mosby at Beaver Dam Station, Va.) to 22, 1862. (B.)

"Action near Carmel Church, July 22, 1862. (B.)

"Second raid on Virginia Central Railroad, July 24, 1862. (D.)
"Third raid on Virginia Central Railroad, August 6-7, 1862. (B.)
"Cedar Mountain, August 9, 1862. (B.)
"Fords of Rapidan, August 18-19, 1862. (B.)
"Brandy Station, August 20, 1862. (B.)
"Rappahannock Station, August 20 to 23, 1862. (B.)
"Thoroughfare Gap, August 27 and 28, 1862. (B.)
"Groveton, August 29, 1862. (B.)
"Bull Run, August 30, 1862. (B.)
"Sudley Church, November 3, 1862. (C.)
"White Plains, November 8, 1862. (D.)
"Fredericksburg, December 13, 1862. (B.)
"Chancellorsville campaign, April 26 to May 6, 1863. (B.)
"Stoneman's raid, April 29 to May 7, 1863. (B.)
"Louisa Court House, May 2, 1863. (B.)
"Fortifications of Richmond, May 4, 1863. (B.)
"Ayletts Ferry, May 5, 1863. (B.)
"Brandy Station, June 9, 1863. (B.)
"Aldie, June 17, 1863. (B.)
"Hanover, Pa., June 30, 1863. (B.)
"Gettysburg, Pa., July 1 to 3, 1863. (A.)
"Monterey, Md., July 4, 1863. (A.)
"Williamsport, July 6, 1863. (A.)
"Funktown, July 9, 1863. (A.)
"Jones Cross Roads, July 10, 1863. (B.)
"Falling Waters, July 14, 1863. (B.)
"Culpeper Court House and Brandy Station, Va., September 13, 1863. (B.)
"Rappahannock River, September 15 and 16, 1863. (B.)
"Robertsons River, September 17-24, 1863. (B.)
"Whites Ford, at Liberty Mills, September 22, 1863. (B.)
"Hazell River, October 7, 1863. (C.)
"James City, October 9 and 10, 1863. (A.)
"Rappahannock River, October 11 to 15, 1863. (B.)
"Buckland Mills, October 19, 1863. (B.)
"Mortons Ford, November 15, 1863. (D.)
"Raccoon Ford, December 5, 1863. (B.)
"Ellis Ford, January 18, 1864. (B.)
"Stephenburg, January 19, 1864. (D.)
"Raid on Richmond, February 28 to March 4, 1864. (B.)
"South Anna River, February 29, 1864. (B.)
"Fortifications of Richmond and Ashland, March 1, 1864. (B.)
"Old Church at Walkerstown, March 2, 1864. (B.)
"Craig's Meeting House, May 5, 1864. (B.)
"Todd's Tavern, May 6, 1864. (B.)
"Spotsylvania Court House and Wilderness, May 8, 1864. (B.)
"Sheridan's Raid on Haxhalls Landing, May 9 to 20, including Beaver Dam Station, May 9 and 10, 1864. (B.)
"Yellow Tavern, May 11, 1864. (B.)
"Meadow Bridge and Fortifications of Richmond, May 12, 1864. (B.)
"Mechums Creek, Hanover Court House, May 31, 1864. (B.)
"Ashland, June 1, 1864. (B.)
"Hawes Shop, June 2, 1864. (B.)
"Old Church, June 10 and 11, 1864. (B.)
"Long Bridge, June 12, 1864. (B.)
"White Oak Swamp, June 13, 1864. (B.)
"St. Mary's Church, June 15, 1864. (B.)
"Raid on Danville and Welden Railroad Junction, June 22 to 29, including Nottaway Court House, June 23, 1864. (A.)
"Roanoke Station, June 25, 1864. (B.)
"Stony Creek, June 28, 1864. (A.)
"Reams Station, June 29, 1864. (A.)
"Defense at Washington, July 11 to 13, 1864. (A.)
"Summit Point, August 21, 1864. (A.)
"Charlestown, August 24 and 25, 1864. (A.)
"Kearneyville, August 25 and 26, 1864. (A.)
"Lacys Springs, December 21, 1864. (B.)
"Capture of Harry Gilmor, February 6, 1865. (A.)
"Sheridan's Raid from Winchester to Petersburg, February 27 to March 19, including Waynesboro, March 2, and Ashland, March 15, 1865. (A.)
"Dinwiddie Court House, March 31, 1865. (B.)
"Five Forks, April 1, 1865. (A.)
"Deep Creek, April 3, 1865. (B.)
"Sailors Creek, April 6, 1865. (B.)
"Appomattox Station, April 8, 1865. (A.)
"Appomattox Court House, April 9. At head of charge receiving surrender of Lee's army, 1865. (A.)

"On April 4, 1866, Maj. Gen. P. H. Sheridan addressed the Secretary of War as follows:

"HEADQUARTERS, MILITARY DIVISION OF THE GULF,
"*New Orleans, La., April 4, 1866.*

"To the Hon. E. M. STANTON,
"*Secretary of War, Washington, D. C.*

"DEAR SIR: I have the honor to transmit herewith a list of officers of the Regular and Volunteer service whose promotion or appointment in the Regular Army, upon its reorganization, I would suggest and recommend for gallant and meritorious services during the Rebellion.

"I am, sir, very respectfully, your obedient servant,
"P. H. SHERIDAN,
"*Major General, United States Army.*

"Accompanying the letter of April 4, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"In a letter dated October 13, 1866, Gen. U. S. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*Washington, October 13, 1866.*

"Hon. E. M. STANTON,
"*Secretary of War.*

SIR: I have the honor to forward herewith lists of recommendations for company officers of Infantry and Cavalry.

"Very respectfully, your obedient servant,
"U. S. GRANT, *General.*

"Accompanying the letter of October 13, 1866, was a list bearing the name of E. W. Whitaker, with the recommendation that he be appointed captain of Cavalry.

"Again, on October 17, 1866, Gen. Grant addressed the Secretary of War as follows:

"HEADQUARTERS ARMIES OF THE UNITED STATES,
"*Washington, October 17, 1866.*

"Hon. E. M. STANTON,
"*Secretary of War.*

"SIR: In view of the fact that the Seventh Regiment of Cavalry is already nearly full and yet is almost without company officers, that the men will desert rapidly unless company officers are appointed, and that the regiment is needed at once for service against the Indians, I would urgently recommend that the company officers be appointed without delay. I submit a special list of recommendations for company officers of this regiment herewith.

"Very respectfully, your obedient servant,
"U. S. GRANT, *General.*

"In the list accompanying the letter Whitaker was once more recommended for appointment as captain of Cavalry.

"The letter of October 17, 1866, was referred to the President by the Secretary of War on October 18, 1866, and the recommendations made therein were approved by the President on the same day.

"Thereupon a notification of appointment was prepared, as follows:

"WAR DEPARTMENT,
"*Washington, October 18, 1866.*

"SIR: You are hereby informed that the President of the United States has appointed you captain in the Seventh Regiment of Cavalry, in the service of the United States, to rank as such from the 28th day of July, 1866. Should the Senate at their next session advise and consent thereto, you will be commissioned accordingly.

"Immediately on receipt hereof please to communicate to this department, through The Adjutant General's Office, your acceptance or nonacceptance of said appointment, and, with your letter of acceptance, return to The Adjutant General of the Army the oath herewith inclosed, properly filled up, subscribed, and attested, reporting at the same time your age, residence when appointed, and the State in which you were born.

"You will report for examination to the board convened to meet in this city on the 24th instant, and of which Bvt. Maj. Gen. David Hunter, colonel, United States Army, is president; and so soon as notified by the president of the examining board that you have passed a satisfactory examination you will proceed without delay to join your regiment at Fort Riley, Kans.

"EDWIN M. STANTON,
"*Secretary of War.*

"Capt. E. W. WHITAKER,
"*Seventh Regiment United States Cavalry,*
"*Hartford, Conn.*

"The notice of his appointment was sent addressed to Gen. Whitaker, at Hartford, Conn., November 6, 1866. No response

having been received from him, on April 27, 1867, a communication was on that date addressed to the postmaster at Hartford, Conn., by this department, in which a statement was requested showing whether the appointment had been delivered to Gen. Whitaker or remained in the post office uncalled for. In response the postmaster informed this department that Gen. Whitaker was then a resident of Hartford, and with the Connecticut General Life Insurance Co., and that without doubt his letters would be placed in the drawer of that company. It does not appear from the records that he accepted or acknowledged the receipt of the appointment, or that he appeared before the board for examination, or that he declined it in any manner other than the declination that was presumed by his failure to acknowledge the receipt of it.

"The matter was presented to the Secretary of War by The Adjutant General of the Army in a communication of which the following is a pertinent extract:

* * * * * * *

"'List of full appointments issued prior to December 1, 1866, which have not been accepted, although every endeavor has been made to ascertain the addresses of the appointees. Agreeably to the orders of the Secretary of War, these persons were also notified of their appointment through the press March 8, 1867, and that if not accepted on or before May 20 the appointments would be canceled.

"'Name: 7. Whitaker, E. W.

"'Appointment: Captain, Seventh Cavalry.

"'Recommended by: Gen. Grant on Army record; no residence stated.

* * * * * * *

"'Respectfully submitted to the Secretary of War with the recommendation that the appointments of the above-named persons be canceled.

"'J. C. KELTON,
"'*Assistant Adjutant General.*'

"The recommendation was approved, as indicated by indorsements appearing on the communication, as follows:

"'The recommendation of The Adjutant General is approved and submitted to the President, with the recommendation that the appointments be canceled for want of acceptance in due time, and that other applicants be appointed in their stead.

"'EDWIN M. STANTON,
"'*Secretary of War.*

"'Approved:
"'ANDREW JOHNSON.'

"On June 20, 1867, the appointment of Gen. Whitaker, as set forth in the letter of October 18, 1866, hereinbefore, was canceled.

"With regard to the statement in the accompanying bill to the effect that Gen. Whitaker 'declined to accept an appointment issued to him as captain in the Seventh Regiment, United States Cavalry,' because of disability incurred in the last engagement in which he participated, it should be remarked that nothing has been found in the official records of the War Department showing or tending to show that he incurred any disability whatever in the engagement referred to or that he was under treatment for any wound, injury, or disease, other than in the Seminary General Hospital in the months of July and August, 1863, as set forth hereinbefore.

"In a letter addressed to President Grant on July 12, 1876, Gen. Whitaker solicited an appointment in the Regular Army. The letter, with accompanying papers, was referred to the Secretary of War for consideration, and it appears from the records that on July 26, 1876, Gen. Whitaker was advised that there was no law under which he could be appointed as requested.

"On July 12, 1898, Gen. Whitaker submitted his name to the President for an appointment as additional paymaster of Volunteers, but his application for the appointment desired was not favorably considered, because all vacancies in the Paymaster's Department had been filled.

"In the year 1895 application was made for the award of a medal of honor to Gen. Whitaker for gallantry at Reams Station, Va., in June, 1864. In connection with the application documents were submitted of which the following are copies:

"STOCKFORD, WILMINGTON, DEL.,
"*February 27, 1895.*

"JAS. R. DURHAM, Esq.,
"*Washington, D. C.*

"DEAR SIR: Absence from home has prevented an earlier acknowledgment of your favor of February 24.

"I note with regret that my letter in regard to Gen. E. W. Whitaker's distinguished service in cutting his way through from Reams Station to headquarters near Petersburg with dispatches for Gen. Meade has been mislaid or lost, and my regret is all the keener as I find I failed to keep a copy of the letter in question.

"I now beg to replace it by what follows:

"E. W. Whitaker, then a captain of the First Connecticut Cavalry, served on my staff as an aid-de-camp, while I was commanding the Third Division, Cavalry Corps, Army of the Potomac, and at all times and upon many occasions showed himself to be a very able and conspicuously gallant officer, but he rendered peculiarly valuable and courageous service in carrying dispatches through the enemy's lines from me to Gen. Meade.

"As the official records will show, the command, after destroying the railroads between Petersburg and the Roanoke River and inflicting great injury upon the Confederate cause, had got back to the immediate vicinity of Reams Station, where it found itself confronted by a strong force of rebel cavalry and infantry. On arriving on the field in the early morning a reconnoissance of the enemy's lines convinced me that we should have to cut and run for it unless Gen. Meade should speedily send a relieving force to open the road for us, but inasmuch as Gen. Meade could have no means of knowing the perils which surrounded us, it was necessary for me to open communication with him. Headquarters were not over 5 miles away, but a strong force of veteran Confederate infantry lay straight across the way and was supported by Fitzhugh Lee's cavalry. Their position was a strong one, and the oldest cavalrymen regarded it as impregnable for our jaded force. Upon indicating my desire to get information through to Gen. Meade, Capt. Whitaker volunteered to take it, and his offer of services was accepted. A single troop of cavalry was selected to escort him, and as soon as the necessary dispatch could be written he set out upon his perilous mission, and within an hour he had cut his way through the Confederate lines and delivered his dispatch at Army headquarters. The details of his exploit will be found in the official records, but no one except himself and those who saw him ride so gallantly into and through the rebel lines can properly appreciate the dangers he ran or the value of the services rendered by him. It is true that Gen. Meade did not succeed in getting any part of his force to Reams Station till after noon, and after we had retired, but that was no fault of Capt. Whitaker's. He did his whole duty with rare skill, dash, and courage and I trust may be rewarded by the medal of honor and the proper acknowledgment of his distinguished services upon that occasion.

"Yours, very respectfully, "JAMES H. WILSON,
"*Late Major General, Volunteers.*

"[Special Orders, No. 135.]

"GENERAL HEADQUARTERS STATE OF CONNECTICUT,
"ADJUTANT GENERAL'S OFFICE,
"*Hartford, September 15, 1864.*

"1. Capt. Edward W. Whitaker, of the First Regiment Connecticut Cavalry, is hereby promoted to be major, for meritorious services in cutting through the enemy's lines on the 29th of June, and reporting the perilous condition of Gen. Wilson's cavalry at Reams Station, Va., to Maj. Gen. Meade, with rank from the 14th day of September, 1864, vice Blakeslee promoted.

"By order of the Commander in Chief.

"HORACE J. MORSE,
"*Adjutant General.*

"The application was considered favorably and on March 22, 1898, a medal of honor was awarded to Gen. Whitaker for most distinguished gallantry in action at Reams Station, Va., June 29, 1864, the action taken being based upon a decision of the Secretary of War, as follows:

"WAR DEPARTMENT, OFFICE OF THE SECRETARY,
"*March 22, 1898.*

"By direction of the President a medal of honor is presented to Gen. Edward W. Whitaker.

"At Reams Station, Va., June 29, 1864, this officer, then captain, First Connecticut Volunteer Cavalry, in command of a troop, hearing of an expressed wish of the general in command to get information to Gen. Meade through the line of the enemy, volunteered to carry the dispatches. In the most distinguished manner he forced his way through an infantry division of the enemy and delivered the dispatches to Gen. Meade, but lost half his escort in the desperate ride.

"R. A. ALGER,
"*Secretary of War.*

"Respectfully submitted.

"GEO. ANDREWS,
"*The Adjutant General.*

"WAR DEPARTMENT,
"THE ADJUTANT GENERAL'S OFFICE,
"*March 10, 1914.*

"The honorable the SECRETARY OF WAR."

[Senate Report No. 281, Sixty-fifth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2646) for the relief of Edward W. Whitaker, have considered the same and report it back to the Senate with the recommendation that it do pass.

"The records of the War Department show that Gen. Whitaker enlisted as a private April 19, 1861, in Company A, First Connecticut Infantry Volunteers, on President Lincoln's first call for volunteers, and served in the field during the war from Bull Run to Appomattox, receiving promotion through every grade to lieutenant colonel for gallantry in action on recommendations of his commanding officers, and then was specially brevetted brigadier general of United States Volunteers over many senior officers for skill and gallantry displayed in the three last and decisive battles that ended the war, he having participated in 82 engagements and being so disabled in the last that he declined to accept an appointment issued to him as captain in the Seventh Regiment United States Cavalry, on which he could have been retired as lieutenant colonel, the rank held when disabled.

"Gen. Whitaker was given a hearing on March 3, 1916, before a subcommittee of the Committee on Military Affairs in connection with a similar bill (S. 2517) which passed the Senate in the Sixty-fourth Congress. An extract from the report of that hearing is printed herewith:

"'The CHAIRMAN. Now, Gen. Whitaker, please state, so the stenographer can get it down, the history of your service, making it as condensed as possible and giving the reasons why you ask to have this bill passed.

"'Gen. WHITAKER. Thank you, Mr. Chairman. I wish to say that the outline of my services and the claims that I present are briefly recited in Senator BRANDEGEE's bill, S. 2517. My military history is briefly recited there, and the grounds on which I feel that special legislation would be justified in this case. You have right there, supporting it, a full detailed military history from the War Department of about 50 pages. That recites my record all the way from the Battle of Bull Run to Appomattox. It also recites the fact that at the close of the war I was appointed a captain in the Seventh United States Cavalry, an appointment I declined on account of the fact that my disabilities, incurred in the last battles of the war, would have immediately resulted in my being ordered before a medical examining board and my being retired on account of my disabilities.

"'I was unfitted for the service. Had I been retired under the law at that time I would have been retired as a lieutenant colonel, but I was somehow too proud to accept that. I said, "I have my hands and I can get my living, and therefore I will not be a pensioner on the rolls of the Government when the Treasury is so depleted on account of the terrible cost of the great war we have just passed through." Out of my foolish pride, I concede now, I declined that appointment. I would have been all these long years on the retired list, competing with men that could not beat me every time. Besides, I did not feel that I was so seriously disabled; if I had had an arm off I probably should have accepted the appointment.

"'I have been induced, however, during the last 12 years by my friends, on account of my growing disabilities, to ask to be put on the retired list. My Congressman, Charles A. Russell, 12 or 15 years ago introduced a bill to retire me as captain, in view of the fact I had been once appointed captain. He thought at first he had only to go to the White House, to the President, and he would at once reappoint me, but he soon learned he could not do so. For 12 years I have been hoping to be retired. During those years the volunteer officers have organized an association to secure a general legislative retirement bill. They organized that after I had tried. I had only tried after a few of my Confederate friends were put on the list. Men who had fought for four years against me in the field were retired, and many volunteer Union officers. My old captain, Joseph R. Hawley, who became a general, was put on the retired list, and Gen. Osterhaus, both volunteers. They were civilians who were put on the retired list in their old age.

"'I have been rather negligent about pressing my bill, for the reason I did not have the means to employ a lawyer, and I had hoped that during these long years perhaps those volunteer officers would secure the passage of the general bill and I would be taken care of there. But recently I have been assured that there is no prospect whatever of a general retirement bill being passed, by reason of the fact that it would involve a large sum of money, and that it might provide for men who are amply able to subsist without a pension or retired pay from the Government.

"'My friends have urged me to press my individual bill, and I have plenty of friends in the Senate; and, having their assurance that there would be no opposition to a meritorious individual bill, I have had the audacity to ask for a special hearing. Last year I was denied even a five-minute hearing by a Senator who is not now on the committee. He said, "Drop it. Support the general bill; we will put the general bill through." It failed. I do not want to say anything further to go into the report, and I will therefore state that I leave the whole matter in your hands, gentlemen.

"'I ought to add, however, that I am in that condition of health and forced in my occupation to expose myself so that I will probably not survive another year. I have serious bronchial trouble. I am occupying a position which is menial and degrading. I am watching the violations of the smoke law in the District of Columbia here, so as to get pure air to breathe. That necessitates my exposure in blizzards like this—and I only got leave of absence for to-day so as to come here—on the tops of high buildings, where I can not protect myself with the most heavy clothing in the world. I have to stand still and get no exercise. Each year I get worse and worse with my bronchial trouble, and unless I get some relief I shall have to go to some soldiers' home or be "planted" in Arlington. That is the way it looks now. I leave the matter with you.

"'Senator MYERS. What would be your pay if you were retired as lieutenant colonel?

"'Gen. WHITAKER. I have been asked that repeatedly, and I have told everybody that I have never thought of asking the question or looking it up. I do not know what the retired pay of a lieutenant colonel is. It is cut down considerably from what the Regulars get in the service; they have a lot of perquisites. I can not tell you the retired pay of a lieutenant colonel to save my life.

"'The CHAIRMAN. Do you get a pension now?

"'Gen. WHITAKER. Yes. I have $30 a month, the rating for total disability incurred when holding the rank of lieutenant colonel. I should have told you that when I was examined in the Pension Bureau the examiners found me three times totally disabled. If I could have received the aggregate pension for all my disabilities it would have amounted to $104 a month. The ratings added together would have amounted to that much, but no rate could legally be put above $30. I am rated at only $30.

"'The CHAIRMAN. Do you know of any other instances where volunteers who served in the Army when the war was over and their services were ended were retired on officers' pay?

"'Gen. WHITAKER. Plenty of them everywhere.

"'The CHAIRMAN. Without being reappointed, or something of that sort?

"'Gen. WHITAKER. No; not without being reappointed. They were appointed—many of my own friends were appointed the same as I was. I recollect Capt. Tyler, who was competing in business with me in Washington. He had his arm off. I did not even ask for a pension until in the eighties, when I broke down in business. I was too proud to ask for a pension prior to that.

"'The CHAIRMAN. When did your service terminate?

"'Gen. WHITAKER. I was mustered out August 16, 1865, and enlisted April 15, 1861. I was four years and four months in the service, and there is not a scratch of a pen against me. I was never reprimanded and never absent without leave. I have as perfect a military record as can be produced.

"'The CHAIRMAN. If you had accepted the appointment as captain you could have retired later while in the service as captain, and then you would have been retired on that basis——

"'Gen. WHITAKER. I would have been retired as a lieutenant colonel promptly, on medical examination, under the law at that time, by reason of the fact that I was disabled while ranking as lieutenant colonel.

"'The CHAIRMAN. I thought you were ranking as captain?

"'Gen. WHITAKER. No; the law will tell you that a retired Army officer, retired for disabilities incurred in the service, would be retired at the rank he held when disabled. I was disabled as a lieutenant colonel. Many have said to me, "You should be retired as a general." But no; I was not appointed as a general (brigadier by brevet) until after Appomattox. Then I was mustered out, August 16, 1865, as a brevet brigadier general. I could not have been retired as a general under the law; I could only have been retired as a lieutenant colonel, the rank I held at the time I was disabled at Five Forks.

"'Senator MYERS. What is your age?

"Gen. WHITAKER. I was 19 when I enlisted. I will be 75 in June next.

"'The CHAIRMAN. I believe that is all, General.

"'Gen. WHITAKER. I am very much obliged to you, gentlemen.'"

—

[Senate Report No. 150, Sixty-sixth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 861) for the relief of Edward W. Whitaker, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

"In line 15, page 1, strike out the words 'after the date of the passage of this act' after the word 'States' and insert 'thereafter.'

"In line 2, page 2, strike out 'passage of this act' and insert 'date of his commission as a retired officer.'

"At the end of the bill strike out the period, insert a colon, and the words '*Provided further*, That no back pay, allowances, or other emoluments except his pay as a retired lieutenant colonel of Cavalry shall accrue as a result of the passage of this act.'

"It appears that the beneficiary named in this act is now a pensioner, and the purpose of these amendments is to make clear the intent of Congress that there shall be no duplication in payments. This bill was favorably reported to the Senate in the Sixty-fourth Congress, and the CONGRESSIONAL RECORD for April 24, 1916, page 6709 et seq., in the proceedings of the Senate, contains a full explanation of its purpose. The report of the committee of that Congress follows:

"'The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"'On page 2, line 11, after the word "extent," insert: "*Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act."

"'A statement made by The Adjutant General, United States Army, regarding Mr. Whitaker, is hereby filed with this report. The pension certificate under which the said Edward W. Whitaker is receiving pension sets forth the reasons why he is paid said pension and is as follows:

"'UNITED STATES OF AMERICA,
"'DEPARTMENT OF THE INTERIOR,
"'BUREAU OF PENSIONS.

"'It is hereby certified that, in conformity wtih the laws of the United States, Edward W. Whitaker, who was a first lieutenant, Company C, Second Regiment New York Cavalry, and lieutenant colonel First Regiment Connecticut Volunteer Cavalry, is entitled to a pension at the rate of $30 per month, to commence on the 26th day of March, 1887, this pension being for slight deafness of both ears and resulting severe deafness of left ear and slight deafness of right ear, and injury of thighs and small of back and right inguinal hernia. Reissue in lieu of lost certificate dated June 18, 1889.

"'Given at the Department of the Interior this 5th day of February, 1915, and of the independence of the United States of America the one hundred and thirty-ninth.

"'(Signed) FRANKLIN K. LANE,
"'*Secretary of the Interior.*

"'Countersigned:

"'G. M. SALTZGABER,
"'*Commissioner of Pensions.*'"

[Senate Report No. 308, Sixty-fourth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (S. 2517) for the relief of Edward W. Whitaker, having given the same very careful consideration, report the same back to the Senate with the recommendation that the bill do pass with the following amendment:

"On page 2, line 11, after the word 'extent,' insert: '*Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment under this act.'

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"BUREAU OF PENSIONS.

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"Given at the Department of the Interior this 5th day of February, 1915, and of the independence of the United States of America the one hundred and thirty-ninth.

(Signed) "FRANKLIN K. LANE,
"*Secretary of the Interior.*

"Countersigned:

"G. M. SALTZGABER,
"*Commissioner of Pensions.*"

[House Document No. 986, Sixty-third Congress, second session.]

"LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS TRANSMITTING A CERTIFIED COPY OF THE FINDINGS OF FACT AND CONCLUSION FILED IN THE CASE OF EDWARD W. WHITAKER AGAINST THE UNITED STATES.

"COURT OF CLAIMS,
"*Washington, May 18, 1914.*

"Hon. CHAMP CLARK,
"*Speaker of the House of Representatives.*

"SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact and conculsions filed in the aforesaid cause, which case was referred to this court by resolution of the House of Representatives June 22, 1912, under the act of March 3, 1911, known as the Judicial Code.

"I am, very respectfully, yours,

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*

[Court of Claims. Congressional, 15837–295. Edward W. Whitaker *v.* The United States.]

"STATEMENT OF CASE.

"This is a claim for bounty for military service during the Civil War, and in the petition filed June 21, 1913, petitioner alleges as follows:

"That he is a citizen of the United States resident in the city of Washington, in the District of Columbia, and that he has a claim against the United States which arises as follows:

"That he enlisted April 15, 1861, as private, Company A, First Connecticut Infantry, to serve three months, and was mustered out July 31, 1861; he again enlisted in Company B, Second New York Cavalry, August 21, 1861, for a term of three years; promoted second lieutenant, November 16, 1862; first lieutenant, March 17, 1863; captain, January 30, 1864; transferred to First Connecticut Cavalry and promoted major, September 14, 1864; promoted lieutenant colonel, January 17, 1865; and honorably discharged, August 2, 1865, by reason of end of the war.

"That the act of July 22, 1861, entitled 'An act to authorize the employment of volunteers to aid in enforcing laws and protecting public property,' provides (12 Stat., 268):

"'Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid * * * when honorably discharged * * * if he shall have served for a period of two years, or during the war, if sooner ended, the sum of $100."

"And the act of July 28, 1866 (14 Stat., 310), provides:

"'That each and every soldier who enlisted into the Army of the United States after the 19th day of April, 1861, for a period of not less than three years, and having served the time of his enlistment, has been honorably discharged, and who has recieved or who is entitled to receive from the United States under existing laws a bounty of $100 and no more, and any such soldier enlisted for not less than three years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service and in the line of duty, shall be paid the additional bounty of $100 hereby authorized.'

"That he presented his claim for bounty under these laws to proper accounting officers of the Treasury, and it was disallowed on the ground that he was discharged for promotion prior to a service of two years.

"That believing this decision to be unfair, he appealed to Congress for relief, and a bill, H. R. 23375, second session, Sixty-second Congress, was referred to this court on June 22, 1912, by a resolution of the House of Representatives, said bill, so far as it relates to his case, reading as follows:

"'SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to each of the following persons named in this section, or, if deceased, to the party entitled thereto, the sum of $400, or so much thereof as may be necessary, being for unpaid balance of bounty for military

service during the Civil War, namely: * * * Edward W. Whitaker, * * *.'

"The case was brought to a hearing on its merits on the 30th day of March, 1914. C. D. Pennebaker, Esq., appeared for the claimant and the Attorney General, by B. W. Andrews, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

"The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

"FINDINGS OF FACT.

"I. The claimant, Edward W. Whitaker, was enrolled in the military service of the United States on April 19, 1861, for three months, in Company A, First Connecticut Volunteer Infantry, and was mustered out with his company July 31, 1861.

"He was again enrolled in Company D, Second New York Cavalry, August 21, 1861, for three years; was promoted to be second lieutenant November 16, 1862, and resigned as captain April 29, 1864.

"II. Said claimant filed a claim for bounty with the accounting officers of the Treasury under the act of July 22, 1861 (12 Stat., 269), and July 28, 1866 (14 Stat., 322), and the same was disallowed April 14, 1909, for the following reasons:

"'For his first service as an enlisted man there is no law authorizing the payment of bounty. As of his second service, he was enrolled as an enlisted man after July 21, 1861, and discharged for promotion prior to two years' service, hence no bounty due.'

"CONCLUSION.

"Upon the foregoing findings of fact the court concludes that the claim is neither a legal nor an equitable one against the United States.

"BY THE COURT.

"Filed April 27, 1914.

"A true copy:

"Test this 16th day of May, 1914.

"JOHN RANDOLPH,

"*Assistant Clerk Court of Claims.*"

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. LENROOT. This matter was not even presented to the committee. It is bad policy to place matters of this kind upon an appropriation bill, especially when the committee has not had opportunity to consider it. I therefore feel constrained to make a point of order against the amendment.

Mr. BRANDEGEE. The matter was not strictly formally presented to the committee, I admit. I did, however, consult with the chairman of the committee and the Senator having the bill in charge and asked them if they would be willing to let it go to conference and see if the House conferees would not agree to it, but not to press it unduly if the House would not agree to it.

One of my predecessors in the Senate, Senator Hawley, once had the amendment placed upon a similar appropriation bill in order to get it through. This gentleman was an intimate friend of Gen. Hawley. He has only a year or so yet to live. I would not ask that it be considered as an amendment to the pending bill if there was any prospect of its getting attention in the House in the ordinary manner. I hope, inasmuch as the chairman of the committee and the Senator in charge of the bill have no objection to it, that the Senator from Wisconsin will not feel constrained to insist upon his point of order.

Mr. LENROOT. As a member of the subcommittee I will say that there was one other very similar matter brought to the attention of the committee and the committee declined to favor the amendment in that case. I do think it would be a discrimination against others to permit it in this case; and if it be permitted in this case there are no doubt a dozen equally meritorious propositions now pending before the Committee on Military Affairs that would have equal claim to go upon the bill. I shall, therefore, insist upon the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

Mr. FRELINGHUYSEN. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WADSWORTH, Mr. FRELINGHUYSEN, and Mr. MCKELLAR conferees on the part of the Senate.

CON MURPHY.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 3119) for the relief of Con Murphy. It will lead to no debate; or if so, I shall not press it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$5,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Con Murphy, for personal injuries sustained by him while in the performance of his duty as janitor in the Custodian Service, Federal building, Cheyenne, Wyo.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUITS IN ADMIRALTY—CONFERENCE REPORT.

Mr. JONES of Washington. There is a conference report on the table which has been acted upon by the House, and I ask that it may be considered. I think it will take but a moment. It is the conference report on Senate bill 3076, authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That no vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: *Provided*, That this act shall not apply to the Panama Railroad Co.

"SEC. 2. That in cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tugboat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing. Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party. Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States.

"SEC. 3. That such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private par-

ties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per cent per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder. Any such bond or stipulation heretofore given in admiralty causes by the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this act.

"SEC. 4. That if a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this act.

"SEC. 5. That suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this act shall be brought within one year after this act goes into effect; and all other suits hereunder shall be brought within two years after the cause of action arises.

"SEC. 6. That the United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

"SEC. 7. That if any vessel or cargo within the purview of sections 1 and 4 of this act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation, or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit. The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation. The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul, shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: *Provided, however*, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case.

"SEC. 8. That any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement.

"SEC. 9. That the Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this act.

"SEC. 10. That the United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel.

"SEC. 11. That all moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid.

"SEC. 12. That the Attorney General shall report to the Congress at each session thereof the suits under this act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived.

"SEC. 13. That the provisions of all other acts inconsistent herewith are hereby repealed."

And the House agree to the same.

W. L. JONES,
F. M. SIMMONS,
CHAS. L. MCNARY,
Managers on the part of the Senate.

A. J. VOLSTEAD,
DICK T. MORGAN,
RICHARD S. WHALEY,
Managers on the part of the House.

The report was agreed to.

PRINTING OF MATTER IN CONGRESSIONAL RECORD.

Mr. SMOOT. Mr. President, I wish to give notice at this time that, beginning to-morrow morning, I shall object to any outside matter being printed in the CONGRESSIONAL RECORD on request of Senators, with the exception of resolutions from State legislatures or city councils. I want Senators to know now that there will be no discrimination, but it will apply to every Senator. The only way Senators will be allowed to get any such matter in the RECORD from now on will be by a vote of the Senate. I felt that I should give the notice this morning.

Mr. HITCHCOCK. I should like to ask the Senator what his objection will cover? I did not hear it clearly.

Mr. SMOOT. My objection will cover everything with the exception of resolutions from the legislature of a State or the city council of a city, I will say to the Senator.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 4.

Mr. WALSH of Montana. Mr. President, the purpose of the reservation now under consideration by the Senate is to limit controversies which come under consideration or investigation by the league. It is quite evident that it was not the purpose of those framing the covenant that purely domestic questions should fall within the jurisdiction of either the council or the assembly, and a method was provided by which the question should be determined, when the objection was raised that a question was domestic in character, that the council should determine whether it was or was not.

Very serious objection was made on Thursday last by the Senator from Missouri [Mr. REED] to the all-embracing provisions of the covenant in relation to questions which might be submitted for investigation or inquiry by the council or the assembly. I thought it quite pertinent and appropriate to call the attention of the Senate—and of the country, for that matter—to the fact that we have already traveled a long way in the direction of submitting controversies either to arbitration or to investigation. The Senator from Missouri felt very much concerned for the future of our country by reason of these provisions, under which questions generally were thus to be submitted for investigation, apparently overlooking entirely the fact that we have already gone almost as far in that direction, and in some aspects and particulars even farther, by the so-called Bryan treaties, which were adopted by the practically unanimous vote of the Senate away back in the year 1914, nearly six years ago.

I regret that the Senator from Missouri [Mr. REED] is not here this morning. I should like to have his attention if he were here to article 1 of the so-called Bryan treaties. I read from the treaty between the United States and the Netherlands, ratified by the Senate on the 13th day of August, 1914. It reads as follows:

The high contracting parties agree that all disputes between them—

All disputes between them—

of any nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, to be constituted in the manner prescribed in the next succeeding article.

Mr. KNOX. May I ask the Senator from Montana from what he is reading?

Mr. WALSH of Montana. I read from the treaty with the Netherlands, ratified by the Senate on the 13th of August, 1914, a characteristic so-called Bryan treaty.

I invite the attention of the Senate to the fact that this provides for the submission of every question. It would not even exclude those that are distinctively domestic in character, if, indeed, a dispute could arise over a purely domestic matter.

I wish to call attention to the fact that this international commission, to which all of these disputes of every character are relegated, exercises practically the same power as that reposed in the council or in the assembly of the league. It investigates, it inquires, and it makes a report. That is all the council is entitled to do under the provisions of article 15 of the covenant. Whenever there is a division, if any one voice should be raised against it, the council can do nothing more than the international commission can do under the Bryan treaties, namely, to investigate and report. But if the council shall be entirely unanimous or in case an appeal should be taken to the assembly and the assembly is unanimous and a majority of the other members of the league agree, still nothing can be done by the council. Its judgment, its report, is no more enforceable than is the report of the international commission provided for in the Bryan treaties, and the only difference in the effect is that under article 15 the nation against which the report goes agrees that it will not go to war to enforce its claim involved in the dispute.

Mr. PHELAN. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. PHELAN. The Senator has evidently made a study of this question. I should like to inquire what is the effect of the report and the purpose of the report? Is it merely to create a public sentiment among the nations in favor of one proposition or another?

Mr. WALSH of Montana. That is all. It is believed that the world will accept the judgment of the international commission as the proper solution of the dispute, and that a nation going to war contrary to the determination of the council would not have that support of world opinion that is so important in one of these great contests.

That is exactly the effect that goes with the determination of the council under the provisions of article 15. It is equally believed that the judgment of the council, whenever a matter is referred to it under the provisions of article 15, will be accepted by the world, and that it will thus act as a deterrent upon both of the parties interested, or upon as many parties as are interested, against an appeal to arms.

Mr. PHELAN. May I further interrupt the Senator?

Mr. WALSH of Montana. Yes.

Mr. PHELAN. I was not aware that the Bryan treaties were so general in their terms as to require the submission of all questions to negotiation, and in case of failure by negotiation to report. Does the Senator think a question so confessedly domestic as the question of immigration should be submitted at all, either to negotiation or to report, when there is no disposition on the part of this Government at any time to submit to a foreign or mixed tribunal the settlement of a question of that kind?

Mr. WALSH of Montana. I prefer not to be diverted from the line of argument I am now making to consider the advisability or the wisdom of the Bryan treaties.

Mr. PHELAN. I will not interrupt the Senator further.

Mr. WALSH of Montana. I am calling attention to the fact that we went further in the Bryan treaties, and we now have international engagements more extensive in their scope with respect to the submission of controversies to inquiry or investigation or to arbitration than the covenant which has been the subject of so much criticism.

Mr. President, not only that; not only do we by those treaties agree to submit to inquiry all controversies of every nature whatsoever, but when those treaties were under consideration the Senator from Washington [Mr. POINDEXTER] undertook to exclude from the operation of them any questions arising under the Monroe doctrine, and he was not able to muster a handful of Senators to the support of that contention. The proceedings of the Senate upon the so-called Bryan treaties appear never to have been printed in the CONGRESSIONAL RECORD, but I have before me the record of executive session for August 3, 1914, the treaty with Norway being under consideration. From that record I read as follows:

Mr. POINDEXTER proposed the following amendment:

In article 1, line 1, after the word "disputes," insert the following: "Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties."

That would make the article read:

The high contracting parties agree that all disputes not involving the Monroe doctrine or other question of settled national policy, or the vital interests, or the national honor of the high contracting parties between them, of every nature whatsoever, to the settlement of which—

And so forth.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH of Montana. I yield to the Senator.

Mr. WOLCOTT. Merely for the purpose of clarity, I desire to suggest that the Senator from Montana referred to the treaty from which he has quoted as "the Norway treaty." Of course, that is the one of the Bryan treaties applicable to Norway?

Mr. WALSH of Montana. It is the treaty between the United States and Norway, and is one of the Bryan treaties.

Mr. WOLCOTT. It is one of the so-called Bryan treaties?

Mr. WALSH of Montana. Yes. I continue to read from the executive Journal:

Pending the consideration of his amendment and in response to a suggestion by Mr. POINDEXTER of the absence of a quorum, the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

The call of the roll for the yeas and nays on Mr. POINDEXTER'S amendment was ordered, and, on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

Those who voted in the affirmative are,

Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

Mr. OVERMAN. Would it not be well to have the names of those who voted in the negative also read?

Mr. WALSH of Montana. I ask, Mr. President, that the entire record on the Bryan treaties in the Executive Journal from page 508 to page 516 be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Executive Journal, Thursday, August 13 (legislative day of August 11), 1914.]

"Pursuant to the agreement of yesterday, August 12, 1914, the Senate proceeded to consider executive business at 11 o'clock a. m. (the Vice President in the chair), and, as in Committee of the Whole, continued consideration of the treaty with Norway (Ex. J., 63d Cong., 2d sess.) looking to the advancement of the cause of general peace.

"Mr. Jones suggested the absence of a quorum, and the roll being called, 50 Senators responded to their names, showing a quorum to be present.

"The treaty was read a second time and proceeded with article by article.

"The Committee on Foreign Relations having no amendments, Mr. Cummins presented the following, which, by unanimous consent, was treated as one amendment:

"Article II. In line 2, after the word 'whatsoever,' insert the following: 'wherein the facts are in controversy.'

"In line 3, after the word 'investigation,' insert the words 'of the facts'; and, in the same line, after the word 'report,' insert the word 'thereon.'

"Article III. In line 1, after the word 'adjust,' insert the word 'such.'

"In line 4, after the word 'report,' insert the words 'as to the facts.'

"After debate on his amendment, Mr. Cummins suggested the absence of a quorum. The Chair directed the calling of the roll, and 55 Senators having responded to their names, a quorum was announced to be present.

"Mr. Cummins demanded a call for the yeas and nays on his amendment, and the demand being adequately seconded, the Secretary was directed to call the roll, which was done, with the result that 13 votes were cast in the affirmative and 36 votes in the negative.

"Those who voted in the affirmative are:

"Messrs. Bristow, Clark of Wyoming, Cummins, Fall, Gallinger, Gronna, Hitchcock, Jones, Martine of New Jersey, Page, Poindexter, Smoot, and Sterling—13.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Borah, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Culberson, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Stone, Swanson, Thompson, Thornton, Walsh, West, White, and Williams—36.

"Accordingly, the amendment was not agreed to.

"Mr. Thomas moved to amend by adding at the end of article 2 the following:

"'They further agree that pending such investigation and report such dispute shall remain in status quo.'

"After debate, the question being on the acceptance of Mr. Thomas's amendment, that Senator demanded the yeas and nays. The demand being seconded, the roll was called, with the result that 5 votes were cast in the affirmative and 45 in the negative.

"Those who voted in the affirmative are:

"Messrs. Clark of Wyoming, Fall, Jones, Martine of New Jersey, and Shafroth—5.

"Those who voted in the negative are:

"Messrs. Ashurst, Bankhead, Brady, Bristow, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Cummins, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Page, Perkins, Poindexter, Pomerene, Ransdell, Saulsbury, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—45.

"So the amendment was not agreed to.

"Mr. Cummins moved to strike out the word 'five' and insert the word 'six' in line 1, Article II; to strike out all of the same article after the word 'follows' in line 2, and to insert in lieu thereof the following: 'Three nationals of each of the high contracting parties.'

"The amendment was not agreed to.

"Mr. Poindexter proposed the following amendment:

"In Article I, line 1, after the word 'disputes,' insert the following: 'Not involving the Monroe doctrine or other question of settled national policy, or the vital interests or the national honor of either of the high contracting parties.'

"Pending the consideration of his amendment and in response to a suggestion by Mr. Poindexter of the absence of a quorum the roll was called. Fifty Senators responded to their names, revealing the presence of a quorum.

"The call of the roll for the yeas and nays on Mr. Poindexter's amendment was ordered on the demand of that Senator, duly seconded, with the result that 10 Senators responded in the affirmative and 35 in the negative.

"Those who voted in the affirmative are,

"Messrs. Borah, Brady, Bristow, Fall, Gallinger, Jones, Martine of New Jersey, Page, Poindexter, and Smoot—10.

"Those who voted in the negative are,

"Messrs. Ashurst, Bankhead, Bryan, Burton, Camden, Culberson, Hitchcock, Hollis, Hughes, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Nelson, O'Gorman, Overman, Perkins, Pittman, Ransdell, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Sterling, Stone, Swanson, Thompson, Thornton, West, White, and Williams—35.

"(Messrs. Chamberlain, Johnson, Reed, and Thomas being present and paired, the Vice President declared a quorum in attendance.)

"So the amendment was not agreed to.

"No further amendments being offered and none having been agreed to, the proceedings in Committee of the Whole were reported to the Senate.

"Thereupon Mr. Swanson submitted the following resolution of ratification:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Norway (Ex. J, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington June 24, 1914.

"Mr. Jones submitted the following amendment:

"Add at the end of the resolution the following:

"'*Provided*, That the Senate advises and consents to the ratification of said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to or investigation by said international commission of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.'

"The amendment was not agreed to.

"No further amendments being presented, and the question recurring on the resolution as submitted by Mr. Swanson,

"Mr. Poindexter demanded a call of the roll for the ayes and noes. The demand was seconded, and the call being ordered, resulted in a vote of 45 yeas and 5 nays.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Clarke of Arkansas, Gallinger, Gronna, Hitchcock, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Page, Perkins, Pittman, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—44.

"Those who voted in the negative are,

"Messrs. Borah, Bristow, Fall, Jones, and Poindexter—5.

"So the resolution of ratification was agreed to.

"The Senate proceeded then, as in the Committee of the Whole, to consider the treaty with the Netherlands (Ex. P), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson offered the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913.'

"Mr. Culberson demanded the yeas and nays and the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

"Those who voted in the negative are,

"Messrs. Clapp, Fall, Jones, and Poindexter—4.

"The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

"The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

"Those who voted in the affirmative are,

"Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

"(Mr. Jones having requested to be excused from voting, the Vice President declared a quorum present.)

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the treaty with Portugal (Ex. S), looking to the advancement of the cause of general peace.

"The treaty was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson presented the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Portugal (Ex. S, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Lisbon February 4, 1914.'

"Mr. Gallinger raised a point as to the presence of a quorum.

"On the call which ensued, 49 Senators responded to their names, so a quorum was present.

"On demand of Mr. Gallinger, duly seconded, the yeas and nays were ordered on the adoption of the resolution, with the result that 47 votes were cast in the affirmative and 2 in the negative.

"Those who voted in the affirmative are,

"Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, McCumber, Martine of New Jersey, Nelson, Newlands, O'Gorman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—47.

"Those who voted in the negative are,

"Messrs. Jones and Poindexter—2.

"Accordingly the resolution of ratification was agreed to.

"The Senate proceeded, as in Committee of the Whole, to consider the other general peace treaties.

"The treaty with Switzerland (Ex. U) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"Mr. Swanson proposed the following resolution of ratification:

"'*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Switzerland (Ex. U, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914.'

"The resolution was put to a vote by unanimous consent and agreed to.

"The treaty with Denmark (Ex. X) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"The amendment was agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Denmark (Ex. X, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington April 17, 1914, with the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,'

"So that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"The treaty with Italy (Ex. Y) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Italy (Ex. Y, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, May 5, 1914.

"The treaty with Salvador (Ex. K) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to in the order given; and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Salvador (Ex. K, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, August 7, 1913, with the following amendments:

"1. In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"2. Strike out Article IV.

"3. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Guatemala (Ex. L) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to; and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Guatemala (Ex. L., 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, September 20, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Honduras (Ex. N) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Honduras (Ex. N, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, November 3, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Nicaragua (Ex. O) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no furthr amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Nicaragua (Ex. O, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, December 17, 1913, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Bolivia (Ex. Q) was read the second time and proceeded with, article by article. There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Bolivia (Ex. Q, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, January 22, 1914.

"The treaty with Persia (Ex. R) was read a second time and proceeded with, article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in the Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Persia (Ex. R, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Teheran, February 4, 1914, with the following amendments:

"1. Strike out Article IV.

"2. Change the title of the next article so as to make it read 'Article IV' instead of 'Article V.'

"The treaty with Costa Rica (Ex. T) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Costa Rica (Ex. T, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington February 13, 1914.

"The treaty with Venezuela (Ex. W) was read the second time and proceeded with, article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Venezuela (Ex. W, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Caracas March 21, 1914.

"The treaty with Uruguay (Ex. Z) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Uruguay (Ex. Z, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 20, 1914.

"The treaty with Argentina (Ex. AA) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, proposed the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and.'

"The amendments were agreed to, and

"There being no further amendments,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the treaty between the United States and Argentina (Ex. AA, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914, with the following amendment:

"In line 3 of Article I, after the word 'whatsoever' and before the word 'which,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and,' so that as amended the article will read:

"'The high contracting parties agree that all disputes between them of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, and which diplomacy shall fail to adjust, shall be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.'

"The treaty with Brazil (Ex. BB) was read the second time and proceeded with article by article.

"There being no amendments, the treaty was reported to the Senate.

"There still being no amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Brazil (Ex. BB, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington July 24, 1914.

"The treaty with Chile (Ex. CC) was read a second time and proceeded with article by article.

"Mr. Swanson, from the Committee on Foreign Relations, presented the following amendment:

"In line 3 in Article I, after the word 'them' and before the word 'shall' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact.'

"The amendments were agreed to, and

"There being no further amendment,

"The treaty as amended was reported to the Senate.

"The amendments made in Committee of the Whole being concurred in by the Senate, and

"There being no further amendments,

"On motion by Mr. Swanson, and by unanimous consent, it was

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and Chile (Ex. CC, 63d Cong., 2d sess.), looking to the advancement of the cause of general peace, signed at Washington, July 24, 1914, with the following amendment:

"In line 3, in Article I, after the word 'them' and before the word 'shall,' insert the following: 'to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact,' so that as amended the article will read:

"'The high contracting parties agree that all disputes that may arise in the future between them, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be submitted for investigation and report to an international commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation nor before all resources stipulated in this treaty have proved unsuccessful.'

"*Ordered*, That said resolutions of ratification be transmitted forthwith to the President of the United States.

"On motion by Mr. Swanson, consideration of the treaty with Panama (Ex. M) and the treaty with the Dominican Republic (Ex. V) was postponed.

"On motion by Mr. Swanson, it was

"*Ordered*, That the injunction of secrecy be removed from the treaties for the advancement of the cause of general peace with Norway, the Netherlands, Portugal, Switzerland, Denmark, Italy, Salvador, Guatemala, Honduras, Nicaragua, Bolivia, Persia, Costa Rica, Venezuela, Uruguay, Argentina, Brazil, and Chile, together with the resolutions of ratification of and the report of the Committee on Foreign Relations on the same, and

"That the said treaties be printed, with amendments."

Mr. WALSH of Montana. In the discussion of this particular phase of the reservation under consideration the Senator from Missouri [Mr. REED] expressed very great concern lest, while a matter in which we were interested was under consideration by the council, our antagonist would be busily engaged in preparing for war, so that immediately the report of the council was submitted we might become the victim of our unpreparedness upon the one side and his extreme preparedness upon the other. Of course, Mr. President, that implies that the United States, among all the nations of the earth, would be blind to everything that was going on throughout the world, and particularly in the enemy country, and would be supinely awaiting a determination while the other party was feverishly engaged in a military program awaiting the judgment of the council.

Mr. REED rose.

Mr. WALSH of Montana. The Senator will pardon me for just a moment. But, Mr. President, aside from that, I call the attention of the Senate to the fact that that is one of the dangers of the Bryan treaties, which secured practically the unanimous consent of the Senate, as I have heretofore indicated. I conclude the reading of article 1 of the Bryan treaty with the Netherlands, as follows:

And they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Now I yield to the Senator from Missouri.

Mr. REED. I did not rise to make any complaint at all, but the Senator from Montana put a construction upon the words of the Senator from Missouri—I presume he was referring to me—and I wanted to know if he could not put in the RECORD what I said instead of his construction.

Mr. WALSH of Montana. I shall be very glad to submit as a part of my remarks that portion of the remarks of the Senator from Missouri to which I have adverted.

Mr. REED. I have not seen my remarks as they appear in the RECORD.

Mr. WALSH of Montana. I have undertaken to state what the Senator said without having his remarks before me. I understood them to be to the effect that while the council was thus deliberating upon a matter submitted to it under the provisions of article 15, we would be under the peril of the other party feverishly preparing for war.

Mr. REED. I think the Senator—my very good friend, and a very fair man, as fair as his sometimes strong opinions will permit him to be—hardly stated my position correctly. I have not seen my remarks in print since I made them, but I know what my position would have been and what it was on the Bryan treaties.

Mr. WALSH of Montana. I shall be very glad to have the Senator state what his position was in reference to the matter to which I have just, perhaps inaccurately, alluded.

Mr. REED. That is precisely what I should like to do, and I desire to say only a word. My position on the Bryan treaties——

Mr. WALSH of Montana. Mr. President, I made no question as to the Senator's position on the Bryan treaties. I was referring to some remarks which he made last Thursday in criticism of the covenant of the League of Nations, upon the ground that while the question in dispute between this country and another country was under consideration under the provisions of article 15 we were then in peril of having the other party arm against us.

Mr. REED. All that I desire to say is that the position I took on the Bryan treaties and the position I take with reference to this particular clause in the pending treaty is that, if the only effect is a delay of three months, it does not at all follow that it will mitigate the horrors of war, because one or both of the parties may during all of that time be busily engaged in preparing for war, and there is always the danger that one nation, the nation most inclined to follow policies of peace, will be relying upon the protection of a decision, whereas the other nation, probably a nation controlled by an autocracy of some kind, will know exactly what it is going to do and will be preparing all the time to strike. I do not offer that as a major objection, but I do offer it as one of the things that tend to show that three months' delay may not mean peace.

Mr. WALSH of Montana. And the only purpose of my rising this morning is to indicate to the Senator that exactly the same condition confronts us now under the Bryan treaties to which we are already bound.

Mr. REED. And against which I voted. So, I am consistent.

Mr. WALSH of Montana. The Senator is quite in error about that. He voted for the Bryan treaty with the Netherlands, and his vote ratified the treaty.

Mr. REED. If that is true the record is in error, for I voted against every one of the Bryan treaties.

Mr. WALSH of Montana. I read from the executive record.

Mr. REED. If the record shows differently, it shows a mistake.

Mr. WALSH of Montana. The executive record in connection with the treaty with the Netherlands reads as follows:

Mr. SWANSON offered the following resolution of ratification:

"*Resolved* (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the treaty between the United States and the Netherlands (Ex. P, 63d Cong., 2d sess.) looking to the advancement of the cause of general peace, signed at Washington, December 18, 1913."

Mr. CULBERSON demanded the yeas and nays, and, the call being seconded, the Vice President ordered that the roll be called, which was done, with the result that 36 votes were cast in the affirmative and 4 in the negative.

Those who voted in the affirmative are:

Messrs. Ashurst, Bankhead, Brady, Bryan, Burton, Camden, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Martine of New Jersey, Page, Perkins, Pomerene, Ransdell, Saulsbury, Shafroth, Sheppard, Simmons, Smith of Maryland, Smoot, Stone, Swanson, Thomas, Thompson, Thornton, Vardaman, Walsh, West, White, and Williams—36.

Those who voted in the negative are,

Messrs. Clapp, Fall, Jones, and Poindexter—4.

The call having developed the absence of a quorum, the Vice President directed that the roll be called, with the result that 50 Senators responded to their names, showing a quorum present.

The roll call for the yeas and nays on the resolution of ratification being renewed, resulted in 48 votes in the affirmative and none in the negative.

Those who voted in the affirmative are,—

Messrs. Bankhead, Brady, Bryan, Burton, Camden, Chamberlain, Clarke of Arkansas, Culberson, Gallinger, Gronna, Hollis, Hughes, Johnson, Kern, Lea of Tennessee, Lee of Maryland, Lewis, Lippitt, McCumber, Martine of New Jersey, Nelson, O'Gorman, Overman, Owen, Page, Perkins, Pittman, Pomerene, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smoot, Sterling, Stone, Swanson, Thomas, Thornton, Vardaman, Walsh, West, White, and Williams—48.

Mr. REED. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. I yield.

Mr. REED. Of course I have never seen the executive record from which the Senator has read. I consistently opposed the Bryan treaties; I spoke against them, and I have repeatedly stated on the floor of the Senate that I opposed the Bryan treaties. The record is, in my opinion, simply an error. I made speeches against the Bryan treaties when they were being considered here in executive session, as many Senators will remember. That was one of my acts of insubordination. I engaged then in a somewhat lengthy discussion of them. There is a naked possibility that, coming into the Senate on a second call of the roll, I may have voted on this particular matter without having understood the question, voting simply with the great majority present. But I ask the Senator has he examined the votes on the other Bryan treaties?

Mr. WALSH of Montana. I have.

Mr. REED. Does the Senator find me voting for them?

Mr. WALSH of Montana. I find no case where the Senator from Missouri voted against any of them.

Mr. REED. Does the Senator find that I voted for them?

Mr. WALSH of Montana. I do not find the Senator's name as voting at all except on the Netherlands treaty. The Senator was not sufficiently interested in their defeat at least to come in and vote against any of them.

Mr. REED. Oh, well, I was interested against them. The Senator wants to be fair with me——

Mr. WALSH of Montana. Certainly.

Mr. REED. There are Senators here who will remember that I spoke against those treaties. I have always said that, in my opinion, they were treaties that would bring us no good; that they were shortsighted; that they would be obeyed by the power that wanted to obey them and disobeyed by the other; that it would result in the nation employing the interval of time, if it wanted to be a vicious nation, in getting ready to strike us; that we would be the Nation that would rely upon honesty of conduct, but that the same motives could not be attributed to all the nations of the world. I think possibly I can find some remarks I have made of that kind which were not made in executive session; but to try to put me in the attitude of supporting the Bryan treaties by the last remark of the Senator that I was not sufficiently interested to vote against them is not fair. It is true that in the consideration of the Bryan treaties—and there were a number of them—a point was reached where it was perfectly manifest that the Senate was going to ratify them, and objection became absolutely useless.

Mr. WALSH of Montana. Mr. President, that statement of the Senator appears to be sustained by the record, for having taken votes upon several of the treaties and the temper of the Senate having been easily disclosed, the remainder of them went nem con. So that I read the test vote; the Senator, being present, was recorded in the affirmative, and I said that his vote carried the treaty. There were 48 votes——

Mr. REED. Was that the first treaty voted on?

Mr. WALSH of Montana. No; the first treaty voted on was, according to my recollection, the treaty with Norway, and the Netherlands treaty was the second.

Mr. REED. I know I did not support them.

Mr. WALSH of Montana. I do not find the Senator recorded either way upon the first treaty, the treaty with Norway; but the point that I am making is that 49 Senators appeared to have been present; but the Senator from Washington [Mr. JONES], being present, asked to be excused from voting. It took 49 votes to make a quorum, and, if the Senator from Missouri had not been here, it would have been impossible, on that occasion at least, to ratify the treaty.

There is another matter to which I wish to call the attention of the Senator from Missouri. In connection with the same remarks, to which I have already referred, he insisted that we were submitting these questions to the arbitrament of a foreign tribunal, a tribunal composed of foreigners. Of course, that is correct; the United States will not be permitted to vote upon the determination of any controversy to which it is a party, and naturally the question must then be determined by the votes of representatives of other countries. That, however, is also a feature of the Bryan treaties. I read article 2 of the treaty with the Netherlands, as follows:

The international commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country; the fifth member shall be chosen by common agreement between the two governments, it being understood that he shall not be a citizen of either country. The expenses of the commission shall be paid by the two governments in equal proportion.

The international commission shall be appointed within six months after the exchange of the ratifications of this treaty, and vacancies shall be filled according to the manner of the original appointment.

It thus appears that—

One member shall be chosen from each country, by the government thereof; one member shall be chosen by each government from some third country—

That will make four, the third and fourth not being citizens of either country that is a party to the controversy—

The fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

So that of the five members of the international commission provided for by the Bryan treaties, in a case in which we are interested there will be just one United States citizen and four foreigners; so that is another consignment of water that has already gone by the mill. We have committed ourselves to the determination of all of these controversies by a tribunal of investigation and inquiry acting in substantially the same way as the council. We have stipulated that we will not go to war while the subject is under consideration by the commission, and we have agreed that the matter shall be determined by a commission four out of the five members of which are not citizens of this country.

Mr. REED. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. I want to ask the Senator if he does not see first this difference—of course he sees it, for he has stated it. We have one representative in the arbitration under the Bryan treaties.

Mr. WALSH of Montana. Quite right.

Mr. REED. Under the League of Nations we have no representative. That is difference one. Second, under the Bryan treaties we participate in the selection of three of the judges, do we not?

Mr. WALSH of Montana. That is correct.

Mr. REED. And unless we agree upon three of the judges, who constitute the majority, there can be no arbitration. That is true, is it not?

Mr. WALSH of Montana. Yes.

Mr. REED. Now, is there no difference between a tribunal where we must agree on three of the judges, one of whom must be one of our own citizens, and a tribunal where we agree on none of the judges, and every one of them is a foreigner, and probably allied in interest with our antagonist?

Mr. WALSH of Montana. Mr. President, the Senator can point out other differences between the council and the commission agreed upon under the Bryan treaties. That is not the point I am making. The point I am making is that, in the first place, we have already agreed to submit all of these controversies to the determination of a tribunal. In the second place, we have agreed that we will not go to war while that tribunal has these subjects under consideration. In the third place, the commission is composed of four out of five foreigners, as the matter has been expressed by the Senator. Now, there may be some countervailing considerations. I do not undertake to say.

Mr. REED. Mr. President——

Mr. WALSH of Montana. If the Senator will bear with me for a moment, under the Bryan treaties the determination is made by a majority, not by a unanimous vote.

Mr. REED. Certainly; it is made by a majority, and we help pick that majority, and we pick them with a view to the particular controversy where it may be possible to find fair judges, selected with reference to a particular controversy. In other words, it is not much different from an ordinary agreement in court for arbitration; but there is this difference between the two treaties: One is a treaty of arbitration, where we have a direct representation and a right to participate in the selection of a majority of the judges. The other is an agreement to submit a matter to a tribunal which, as we start out, we find is composed entirely of foreigners; we have nothing to say with reference to their selection, and these foreigners are inextricably tied together by every kind of alliance and every kind of agreement and every kind of interest. It is the difference between submitting a thing to a court which you have a reasonable ground to believe will be impartial and submitting it to a court over which you have no control and which you have every reason to believe will be partial.

Mr. WALSH of Montana. I merely desire to add that the only objection I have to this reservation is that I do not care to have my country put in the attitude of saying—that is, so far as I can help it; there are some things I can not help; but I shall not willingly put my country in the attitude of saying—to the other nations of the earth, "If we have a controversy with you which you insist is domestic in character, it must be determined by the council; but if we have a controversy in which we insist that the question is domestic, we will determine it for ourselves." I think it scarcely comports with the dignity of this great country of ours and this Government of ours to tender any such proposition to any nation.

Mr. REED. Mr. President——

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. LENROOT. If, then, we are engaged in a dispute and the other party to the dispute insists that the question is not a domestic one, and we insist that it is, is the Senator in favor of having the council decide for the United States whether it is a domestic question?

Mr. WALSH of Montana. The Senator is in favor of giving the other country exactly the same privilege that we claim for ourselves. If we say for ourselves that we will not submit the controversy to the determination of the council, but that we shall judge it ourselves, we should give the other country exactly the same opportunity.

Mr. LENROOT. Then I should like to ask the Senator's construction of the present treaty, as to whether the council has jurisdiction to decide that question.

Mr. WALSH of Montana. I think the treaty is perfectly plain upon the matter.

Mr. LENROOT. Does the Senator think it has jurisdiction?

Mr. WALSH of Montana. Why, it does not seem to me that the word "jurisdiction" is very appropriately used. There can not be any controversy about what the covenant provides. I read:

> If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

I do not see how language could be plainer that that. If we raise the point that the question is domestic in character, the determination of the question as to whether it is or whether it is not goes to the council; and if the council shall determine that it is domestic it shall make no recommendation as to its settlement. If, on the other hand, we have a controversy with some other nation, and we ask the council to determine the matter as between us and the other nation, and the other nation insists that the question is domestic in character, the council would do exactly the same thing; it would determine the matter, and if it found that it was domestic in character it would make no recommendation as to settlement. The Senator can not misunderstand my position. If we are going to determine for ourselves that the question is domestic, it seems to me pretty small to say to the other party, "You shall not."

Mr. LENROOT. I thoroughly agree with the Senator in his construction. I think he is absolutely correct. Then I take it that the Senator's position is that he is willing to amend this treaty, taking away that jurisdiction from the council, but if the treaty can not be amended he is willing to have the council decide these domestic questions?

Mr. WALSH of Montana. The Senator need not go that far. I am in favor of the provision of the treaty just exactly as it stands. I have not the slightest fear about the matter. In the first place, Mr. President, cases are very rarely going to arise where one side will insist that a question is a domestic one; but, if such a case should arise, what reason have we to assume that the council is going to determine a matter of that character adversely to us, or that there would be prejudice against the contention of the United States?

Mr. PHELAN and Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I do.

Mr. PHELAN. The Senator construes the covenant as requiring unanimity on the part of the council in its decision as to whether or not a question is domestic?

Mr. WALSH of Montana. Exactly.

Mr. PHELAN. Then those who are interested in the determination of the question as parties would be excluded from participation?

Mr. WALSH of Montana. Undoubtedly.

Mr. PHELAN. Therefore the United States, for instance, would not be in a position to protect itself?

Mr. WALSH of Montana. If all the world held that we were wrong about the matter, as a matter of course the league would take jurisdiction.

Mr. PHELAN. I call the Senator's attention to a concrete fact:

There was a council in Paris the other day, and the question of racial equality was submitted to it. I believe that body was called a commission; and, as I read the report which has come out—there has been no official report of the proceedings—by a vote of 11 to 5 it was declared that the league covenant should be interpreted to confer national or racial equality; that is, giving Japanese, for instance, the same rights of immigration and naturalization as other nationals. There is a case where a majority has acted, and I understand that those nations which were most interested in defeating the proposal—Great Britain and the United States—voted in the negative. There they had an opportunity to protect themselves. Here, according to the Senator from Montana, if the same proposition arises neither Great Britain nor the United States would be in a position to protect itself. Therefore I believe that the amendment proposed by the Senator from Massachusetts [Mr. LODGE], defining what is a domestic question and debarring the league from jurisdiction over such questions, is a necessary thing to protect the interests of this country.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I will yield to the Senator in just a moment. I merely desire to say to the Senator from California that if he studies the so-called Lodge reservation upon this matter he will see that it does not undertake to define our domestic questions. It says that domestic questions relating to certain subjects shall not be considered by the league, leaving the question as to what are domestic questions to be determined in some way or other.

Mr. PHELAN. My understanding of the Lodge reservation No. 4—I have not it before me—is that questions of immigration, commerce, tariff, and the like, shall be regarded as domestic questions, and shall be excluded from the consideration of the league, thus denying the league jurisdiction.

Mr. LENROOT. Mr. President——

Mr. WALSH of Montana. I want to get the Senator from California straight about this if I can. The Senator obviously is in error concerning the meaning of this reservation. The word "commerce" is in it. If his interpretation is correct, then every question in relation to commerce—even international commerce, which has no domestic aspect at all—is declared to be without the jurisdiction of the league. That is not the purpose of this section at all. It reads:

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating—

To commerce or relating to immigration—that is, all domestic questions relating to these subjects—are without the jurisdiction of the league.

Mr. PHELAN. Mr. President, it is a reservation by the United States to decide for itself what questions are within its domestic jurisdiction.

Mr. WALSH of Montana. The Senator is correct about that.

Mr. PHELAN. That is satisfactory to me. The rest is surplusage.

Mr. REED. Mr. President, in order to clear up one or two questions which the Senator from Montana has raised, I want just a few minutes of the time of the Senate.

The Senator undertakes to put me in the attitude of being estopped from saying that the article of the league covenant which provides for the submission of all questions to the council of the league, and that the parties can not go to war pending its decision, and never if the decision is unanimous, is dangerous, because one nation might prepare for war during the interval of abeyance. The Senator so insists on the ground that I voted, as he states and as the Journal he read bears him out in stating, for the Bryan peace treaties.

Of course, we never examine the Journal. The last thing in the world I would do would be to accuse one of the clerks of the Senate either of willfully misrecording a vote or of being stupid in the performance of his business, for neither statement is true; but mistakes occur, and while human recollection is fallible, it is not possible that my recollection is in error about my position with reference to the Bryan treaties. I know that I made speeches opposing the Bryan treaties. My impression at present is that they were all made in executive session in the early days of the debates on those treaties. If made in executive session, of course they do not appear in the RECORD; but one of the first things I was severely criticized for doing in the Senate, as being contrary to the desires of the President, was the opposition I manifested to the Bryan treaties.

I said then, and I say now, this regarding the Bryan treaties: They simply provide for arbitration, and that a nation shall not go to war until there has been a finding by a board of arbitrators. After that a nation was at perfect liberty to go to war. So that all the Bryan treaties did and all they were intended to do was to delay action. They did not provide for a maintenance of the status quo during that period of arbitration.

I remember illustrating it in this wise: We have a controversy with Japan and Mexico over the attempt of Japan to establish not only a colony but possibly to gain control and a military base and naval base in one of the ports of Mexico. We protest against that action and notify Japan that under the Monroe doctrine we will not permit it, whereupon Japan under the Bryan treaty demands arbitration. Three or four or five or six months elapse, during which time the United States is absolutely bound not to lift a hand, but in the meantime there is no provision binding Japan to cease operations. Accordingly, during that six months, if she were to see fit, she could land an army of a million men, she could establish an impregnable fortress, she could mass her fleet in the waters of the Pacific and place them under the guns of that fortress, so that when the time had expired and we were permitted to act, we would be obliged to move our troops against the guns of a fortress and against an intrenched army of a million men, whereas if we had no such arrangement, at the first moment it became manifest Japan intended to violate the Monroe doctrine we would move our troops and our ships to the scene of action, and we would be able to protect our country with a very slight loss of men and material.

That was my fundamental objection, and I added at that time that it was no answer to say that we, as well as the other nation, might prepare, for that would not save us anything, but that the real difficulty was and is under all these treaties that the United States, always impelled by a high regard for the spirit of the obligations of treaties, would probably rely upon the other nation complying with the treaty, whereas, as experience has shown, autocratic governments and military governments have generally employed to their advantage every such situation as would develop under the circumstances to which I have just alluded.

Now, what has all that to do with this treaty? Where is the parallel between the two? Because I may have agreed that one of my clients should arbitrate a particular question before a certain tribunal, that does not mean that I am thereafter bound to agree that my client shall submit to an entirely different tribunal the arbitration of every question with every individual. It may be entirely wise to agree to arbitrate a question with A or to arbitrate all disputes arising with A, but very unwise to agree to arbitrate all disputes with everybody arising anywhere and at any time before the same or an entirely different kind of court.

But the main point I desire to urge is the essential difference in the courts and causes to be determined. Every lawyer knows that when it is proposed to him to arbitrate a dispute between his client and another, the first question to be settled is the arbiters. If you can secure fair arbiters for that particular question, you sometimes, and, indeed, frequently, agree to arbitration. The ordinary method is for each of the parties to select an arbiter and then the two by agreement select a disinterested man for the third arbiter. Accordingly the litigant has this security, that he knows that one of the men going upon the board of arbitration is naturally friendly to him and will defend his interests. He knows that the third or deciding vote must be cast by a man whom the litigants' representatives have, after examination, determined to be an absolutely fair and impartial man. So that in fact you have an impartial tribunal to decide the particular case.

It is possible that between nations, if you segregate a particular controversy, you may find a representative of some nation, a citizen of some nation, so far removed by circumstances from an interest in the controversy that his decision will be absolutely impartial. You may find one or two such disinterested individuals. Therefore, an arrangement to arbitrate where the parties are to agree to arbiters in each particular case may be a feasible thing between nations in many cases and a thing highly to be desired and which has not often been done.

Let us compare that to the proposition that is before us. The council is not a board of arbitration selected at the time for a particular case. It is a fixed tribunal, the members of which are selected now, and that membership is permanent. If the members of that tribunal are interested in the controversy there is no way to disqualify them or take them from the board. The only parties that are not allowed to sit are the parties to the controversy, but the parties to the controversy may not be and, indeed, almost inevitably are not the parties at interest. I illustrated that the other day. Suppose that a controversy arises over the Panama Canal Zone, involving the right of the United States to permit ships of her own to go through her own canal free and to charge toll upon the ships of other nations. Suppose that dispute arises between the United States and Great Britain. Of course, Great Britain would not sit and we would not sit upon the board, because we are parties to the controversy. But who would sit and who would constitute the board?

France. Is France interested? She is as much interested as Great Britain in proportion to the number of vessels that she has upon the waters of the ocean, for if her vessels could go through free it would advantage her just as much as it would advantage Great Britain if her vessels could go through free or on a parity with ours. Nevertheless she is not disqualified, but sits. The man who will deny that is not a fair man.

Who else would sit? Japan. Is Japan interested? She has a great navy of war and of peace. She is interested just as England is interested. Italy would sit; she has a navy of war and of peace and is interested. Spain would sit; and she has a navy of war and of peace and is interested. Belgium would sit; she has a navy of war and of peace and is interested. Greece would sit; and she has a navy of war and of peace and is interested. Brazil would sit; and Brazil has a navy of war and of peace and is interested.

We do not sit, and we have no voice. So that instead of having a tribunal where we have a direct representation of two men, where the deciding vote is to be cast by some man picked from a disinterested country, if you can find one in such a controversy—and I do not believe you could in the whole world—you are going before a packed tribunal, the interests of every member being against the claim of the United States. Do Senators see no distinction between that kind of an arrangement and an agreement to arbitrate before arbiters they were to help name? If they were representing their clients, they would see it very quickly.

Again, every nation that I have spoken of is not only interested in the particular controversy, but every representative on the board being an alien to the United States, those nations are all obligated by interests in such manner as to make those interests controlling. What have you to say of the situation of Greece in a controversy between the United States and Great Britain? Is there a man living who supposes that the representative of Greece would be really a free moral agent? Is there a man here who does not know that Greece has been practically sustained by the strong arm of Great Britain for many years, and that Great Britain was so potential in the last war that she practically pulled the King of Greece from his throne and used the waters of Greece as a naval base and the land of Greece as a military base? I do not complain of Great Britain having done this, but to talk about Greece being anything but a British pawn in the great international game is utter and sheer nonsense.

Is Belgium a free moral agent? She was set up as a buffer State to be interposed between Germany and those waters which are contiguous to Great Britain and France. She was sustained by the strength and majesty of the British Army and the British Navy, and the invasion of Belgium was a direct blow at Great Britain. While I will not say it was the real cause, it was undoubtedly a principal cause of Great Britain's ready and magnificent response.

Would Spain be disinterested? Aside from the interest I have already mentioned, there is not a Spaniard living who does not in his heart hate the United States, for every one of them regards the United States as being responsible for having reduced Spain to a fifth-rate power at the cost of her possessions in the Pacific and in the Atlantic. So it rankles in their hearts and will for a century of time.

I shall not take the time of the Senate to refer to all the others, save only Japan. Is there a man here who doubts that in the controversy I have named Japan would be bound to Great Britain by other interests than the mere interest of navigation? In the Orient they are partners in the greatest scheme of exploitation that has occurred in this world since Julius Cæsar.

So we do not by this treaty propose arbitration. If the treaty stopped at arbitration, we might all stop much of our caviling. It is not the arbitration feature we are discussing. It is the decision by a fixed body, that body composed exclusively of foreigners, to decide every question between the United States and any foreign power, and the question may involve the life of this Republic.

The Foreign Relations Committee appended a reservation for which I was responsible. It provided that the United States would not submit its national honor or its vital interest; that it would not submit the honor and integrity of this great Nation and would not submit a question involving the life of this Republic, established in the blood of our fathers and baptized in the tears of our mothers. That reservation was defeated in the Senate, and I think the distinguished gentleman from Montana [Mr. WALSH] voted to defeat it.

So the bald proposition is that we will submit to a tribunal composed exclusively of political representatives of foreign States, for the most part monarchies, the life of this Republic. Do you undertake to compare that with the Bryan treaties? There is no comparison.

Mr. WALSH of Montana. I desire to inquire of the Senator whether exactly the same questions would not be submitted under the Bryan treaties that are to be submitted under the covenant? Is not the character of questions identical in the two cases? If we submit to that council a question involving the life of the Nation have we not equally agreed to submit a question involving the life of the Nation under the Bryan treaties?

Mr. REED. Possibly that is true, but when you come to the decision in the one case and in the other, what is the difference? Under the Bryan treaties we submit the controversy to decision and when the decision is rendered it binds nobody.

Mr. WALSH of Montana. Mr. President, I inquire of the Senator whom the decision of the council binds?

Mr. REED. I am coming to that, sir. Under the Bryan treaties it is expressly provided that when the decision is rendered—

> The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

That is to say, they reserve the right to disregard the report, to do just what they please in whatsoever way or manner they please, to exercise their full right of sovereignty; but under the pending treaty if there is a unanimous decision against us, we can not go to war, though the life of the United States is at stake, without bringing the whole world against us. That is the difference.

Is that a substantial difference? Let us bring it to illustration. We have a controversy with Mexico. Under the Bryan treaty it goes to arbitration; the arbitrators decide against us; we are not satisfied. We go on and do business with Mexico just as we think we ought to. Suppose we have the same controversy with Mexico under the pending treaty; it goes to the council of the League of Nations; the decision is unanimous against us; we then undertake to enforce what we believe are our rights, and immediately the whole power of the League of Nations is massed against us.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. I want to make an inquiry of the Senator. Suppose we had a controversy with Mexico and we submitted it under the Bryan treaty. We choose one of our citizens and Mexico chooses one of her citizens; each of us then chooses a citizen of some other country, and a fifth is chosen by common agreement. The international commission so provided hear the evidence upon both sides and then decide against us; decide that Mexico is right and that we are wrong. Does the Senator believe we would go to war with Mexico under those circumstances?

Mr. REED. That would depend entirely upon the case, sir. It is very probable that if the decision apparently was rendered in an honest way, and if it was an honest matter of dispute, we would abide by the decision, even though it hurt us considerably; but it is also true that if the decision seemed to be tainted with fraud or if it seemed to involve great wrong and outrage to this country, our people would decide it for themselves; for, let me tell the wise men assembled in Washington at both ends of the Capitol, that once this entity called the American people is aroused they yet control, thank God, in this Republic.

There is no comparison between the two propositions, and there has not been any comparison between them from the first, except the strained one made by special pleaders who seek to justify a bad cause by a weak and nonapplicable precedent.

Mr. President, let us see about the unanimous decision arrived at by the council. There has been much misstatement in regard to that. One misstatement was inadvertently just made by the Senator from Montana. He asked, in substance, Are we going to protest when all the world is against us? as though all the world had sat down together in this tribunal, and the unanimous opinion of all the world was against the United States.

In the first place, the world does not sit on the council at all; and I might go so far as to say that representatives of the peoples of the world do not sit there. The representative of the autocratic Government of Japan sits there; possibly at some time in the future the representative of the present highly enlightened and Christian Government of Mexico may sit there, Mexico being ineligible now; but, to refer only to the nations that can sit there, the representative of the Imperial Government of Great Britain sits there; the representative of the King of Spain sits there; the representative of the King of Greece sits there. There are the representatives of only two republics on the whole council. The remainder of them are the representatives of kingdoms or something worse; so that the council is made up of political representatives of political states.

In the next place, after our antagonist has withdrawn they only represent 7 of the nations of the earth, while there are approximately 75 self-governing states of the world. There are 23 members of the League of Nations that do not even sit there; 7 nations out of all the world participate in the decision; yet that is called the opinion of all the world when all the world but 7 nations has been disfranchised, and those 7 nations, as has been argued time and time again here, in all probability are under the control of one nation. Is it hard to get a unanimous-consent agreement? Not very, when there are things to trade.

The President protested against the Shantung outrage, we are told, and in the next to his last letter which he sent regarding the Fiume controversy he lays down principles which would have made the adoption of the Shantung infamy impossible if they had been adhered to. The President said in his note of February 10:

> It is a time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war. This Government does not doubt its ability to reach amicable understandings with the associated Governments as to what constitutes equity and justice in international dealings, for differences of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main the several Governments have entertained the same fundamental conception of what those principles are. But if substantial agreement on what is just and reasonable is not to determine international issues, if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers, if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

That exactly outlines the situation with reference to Shantung; yet there was a unanimous decision, and the President was constrained to join in that decision because of the exigencies of the case. So there was a unanimous decision to all intents and purposes in the Adriatic matter; and against that the President now rises to protest. There is no trouble, Mr. Presi-

dent, in securing a unanimous-consent agreement where the powers have many axes to grind and one power agrees to turn the grindstone for another, provided a similar and corresponding service is rendered for it. Unanimous decisions are easily arranged where there is sufficient trading material and where the parties trade cold-bloodedly.

Mr. WALSH of Montana. Before the Senator from Missouri proceeds further, will he permit me now to put into the RECORD the statement from his remarks on last Friday to which I earlier referred?

Mr. REED. Yes; I shall be very glad to have the Senator do so.

Mr. WALSH of Montana. I read from the RECORD of last Thursday, as follows:

Mr. REED. It is well said, and let me pause long enough to say—and I shall be very glad to continue the debate when I return to the Chamber—that there is another side to it. I want it to end instanter. The delay of three or six months may mean the life of the United States. The waiting to give the other nation three months or six months to get ready to strike may mean the difference between a great war and no war at all.

Mr. REED. I have no complaint as to that. That is just what I said. That was not quite the way the Senator stated it, but I make no complaint, for he did not mean to misrepresent me. However, I would rather have my own words stand for what I said. What I desired to say I said, and what I said I stand by.

Mr. President, in view of the situation which has arisen, while I meant to discuss another phase of the question, I do not feel like proceeding, and I will yield the floor, as I understand the Senator from Alabama [Mr. UNDERWOOD] desires to make an announcement in a moment.

Mr. LODGE. Mr. President, before the Senator from Alabama makes the sad announcement, which I know will bring sorrow to every Member of the Senate, I ask unanimous consent that the unanimous-consent agreement applying to to-day may remain in force and take effect to-morrow, Tuesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The unanimous-consent agreement applying to to-day stands in effect as applicable to to-morrow.

DEATH OF SENATOR BANKHEAD.

Mr. UNDERWOOD. Mr. President, it is my sad duty to announce to the Senate that this morning my colleague, Hon. JOHN H. BANKHEAD, died suddenly at his temporary residence in the city of Washington.

For a quarter of a century he has been the foremost figure in the State of Alabama. I think he was the one remaining Member of the Senate who served in the army of the Confederacy and thus connected this body with that portion of the history of our country.

He was a man whose sterling character, probity, and earnest devotion to duty have given him a fixed place in the history of our Nation and of the State which he so long and faithfully represented in the Halls of Congress. He died with the love and respect of his constituents, of his friends, and of all who knew him.

At the proper time, Mr. President, I shall ask the Senate to set apart a day on which proper tribute may be paid to his memory. I now submit the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 316) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 316.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of nine Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect the remains of the dead Senator be removed from Washington to Jasper, Ala., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER appointed, under the second resolution, Mr. UNDERWOOD, Mr. NELSON, Mr. POMERENE, Mr. TOWNSEND, Mr. MCKELLAR, Mr. FERNALD, Mr. ASHURST, Mr. BALL, and Mr. HARRISON as the committee on the part of the Senate.

Mr. UNDERWOOD. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O the depth of the riches both of the wisdom and knowledge of God! how unsearchable are his judgments, and his ways past finding out!"

Broaden, we beseech Thee, O Lord, the scope of our intellectual vision, quicken our conscience, and bring us into a closer communion with Thee.

We can not know Thee, since we are finite and Thou art infinite; but we can know Thee better and conform our ways to Thy ways as it is given us to see them.

"For of him, and through him, and to him are all things: to whom be glory forever." Amen.

The Journal of the proceedings of Saturday, February 28, 1920, and Sunday, February 29, 1920, was read and approved.

RETURN OF THE RAILROADS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that there be printed 30,000 additional copies of the act (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of the disputes between carriers and their employees; to provide to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes—10,000 copies to be distributed through the document room and 20,000 through the folding room.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the printing of 30,000 additional copies of the railroad act—10,000 copies to be distributed through the document room and 20,000 through the folding room. Is there objection?

Mr. CLARK of Missouri. Ought not that matter to be referred to the Committee on Printing?

Mr. ESCH. I tried to get in touch with the chairman of the Joint Committee on Printing on Saturday and also this morning, but I have been unable to see him. There is such a demand for copies of the act that I thought prompt action was necessary, especially in view of the fact that there are only five or six copies of the bill remaining in the document room.

Mr. CLARK of Missouri. How many does the gentleman propose to have printed?

Mr. ESCH. Thirty thousand copies—20,000 to be distributed through the folding room and 10,000 copies through the document room.

Mr. CLARK of Missouri. And how much is it going to cost?

Mr. ESCH. I do not know. That is why I wish to confer with the chairman of the Committee on Printing.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object——

Mr. MILLER. How many would that allot to each Member?

Mr. ESCH. Forty-six to each Member.

Mr. GARD. The allotment through the folding room amounts to 46 to each Member?

Mr. ESCH. Yes.

Mr. GARD. And the other 10,000 are to be distributed through the document room?

Mr. ESCH. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to insert in the RECORD some resolutions adopted by 6,000 ex-service men at a mass meeting at St. Louis recently upon the subject of legislation for relief in the way of additional compensation for the men who have seen service in the late war.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the printing of certain resolutions passed at a meeting in St. Louis of ex-service men relative to additional compensation. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri——

Mr. WALSH. Mr. Speaker, I object.

Mr. BLANTON. Whether or not this would be embarrassing in any way to our colleagues on the other side?

Mr. IGOE. I do not know. My purpose is only to get it printed in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

CALENDER FOR UNANIMOUS CONSENT—CONFERRING JURISDICTION UPON THE COURT OF CLAIMS TO HEAR CERTAIN INDIAN CLAIMS.

The SPEAKER. To-day is suspension day, and the Clerk will call the Calendar for Unanimous Consent. The first business on the Calendar for Unanimous Consent is the bill H. R. 10105, conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes. Is there objection?

Mr. WALSH. Mr. Speaker, this matter was up before and objection was made at that time. I object.

Mr. HASTINGS. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. WALSH. I reserve my objection if the gentleman desires me to.

Mr. HASTINGS. Mr. Speaker, when this bill was under consideration two weeks ago, objection was made by the gentleman from Illinois [Mr. MANN] on the ground that certain groups of Indians were permitted to bring suit as shown in lines 2, 3, 4, 5 of page 2. In order to obviate that objection, if consideration is given to the bill, I will offer an amendment to strike out all of the language after the word "tribes," in line 2, page 2, down to and including the words "heirs" in line 5. That language was inserted at the suggestion of the Interior Department, and not by the author of the bill. We had no reason to have any groups or individual Indians bring suit who are not enrolled members of the Five Civilized Tribes in Oklahoma. The gentleman will remember that when this matter was being discussed some two weeks ago the gentleman from Illinois [Mr. MANN] was afraid that it might permit members or groups outside of the Five Civilized Tribes in Oklahoma and who were not members of the tribes to bring suit. If permission is given for the consideration, we will move to strike out all after the word "tribes," in line 2, page 2, down to and including the word "heirs" at the end of line 5. That would strike out all of that objectionable language.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WALSH. Of course, in line 10 the gentleman would have to strike out the words "bands, groups."

Mr. HASTINGS. Of course, there would be no objection to that.

Mr. WALSH. And over in line 24, page 3, the same words?

Mr. HASTINGS. Yes.

Mr. WALSH. If the gentleman will offer those amendments, I shall withdraw my objection.

Mr. HASTINGS. I agree to offer them.

Mr. WALSH. Then I withdraw my objection on the statement of the gentleman from Oklahoma.

Mr. HASTINGS. I have such an amendment prepared now.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, will the gentleman in charge of the bill enlighten us as to the necessity of the scope of the inquiry conferred upon the Court of Claims here to examine and adjudicate any and all claims contained in this bill and other bills on the calendar? I ask for the purpose of information, because there are several bills like this upon the calendar, and I apprehend they all stand on the same basis?

Mr. HASTINGS. I would like to say to the gentleman from Ohio that I can not answer so much about the other bills, but so far as this bill is concerned the Five Civilized Tribes are now going out from under the jurisdiction of the Government, their affairs being about wound up, and so far as the Cherokee Tribe is concerned, all of the land has been divided and all of the money paid out. It is like a minor arriving at age, and all they want is to examine the books and file any objection against any item of money paid by the Government out of their funds that they think ought not to have been paid, and the same thing is true in reference to the other Five Civilized Tribes, and that is what is intended by this bill.

Mr. WALSH. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. WALSH. Simply to direct attention of the gentleman from Oklahoma that that language also occurs in line 5, page 3.

Mr. HASTINGS. Well, I will strike it out, of course, wherever that occurs.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, if the gentleman will yield for a question?

Mr. HASTINGS. I do.

Mr. MANN of Illinois. This bill as introduced provided that any payment heretofore made by the United States on account of any claim sued upon may be treated as a set-off to any such claim, but may not be treated as an estoppel. The committee recommended an amendment striking that language out. I would like to ask the gentleman if the effect would not be the same whether it was in or out?

Mr. HASTINGS. I do not think it made any difference, but the department recommended that it be stricken from the bill, and it was done at the request of the Interior Department.

Mr. MANN of Illinois. I take it, under the terms of the bill elsewhere provided, that if there has been any dispute heretofore, and a settlement of that dispute has been made and the money paid to the Indians in accordance with the settlement, that is of no value except to the extent that the money was paid, and any settlement heretofore made under the terms of this bill will have no effect, whether that provision was in the bill or out of the bill.

Mr. HASTINGS. Well, I think if a settlement has been made and payment made to these Indians, that they would not have the right to recover——

Mr. MANN of Illinois. But would they not have the right——

Mr. HASTINGS. That is my judgment.

Mr. MANN of Illinois. That is what the purpose of the bill is, one of them. But if a settlement has been made and money paid to the Indians in accordance with the settlement, all the Government can do under the terms of this bill, as I understand it, is to set off the amount of money which may be paid. The settlement is wiped out as a settlement. The Indians bring suit for what they think originally they ought to recover, and having obtained the money in the settlement the settlement is now abandoned.

Mr. HASTINGS. Upon what language does the gentleman base his opinion?

Mr. MANN of Illinois. Why, the language of the bill only confines the settlement of claims to adjudicated claims. Most claims have not been adjudicated. They have been settled and the money paid if there have been such.

Mr. HASTINGS. Of course, I do not place that sort of construction on any language in the bill. Just before the gentleman came in, I do not know whether he overheard the colloquy between the gentleman from Massachusetts [Mr. WALSH] and myself about the elimination of the language he objected to on page 2 and elsewhere in the bill——

Mr. MANN of Illinois. Yes; as to certain groups of Indians, and so forth. But the language of the bill is to bring suit on any claim which they may have against the United States which claim has not heretofore been determined or adjudicated.

Mr. HASTINGS. If it has been determined or adjudicated, of course they can not bring suit upon it.

Mr. MANN of Illinois. They can not if there has been a determination upon it in court.

Mr. HASTINGS. Well, of course, if an examination of the books discloses that they think that the Government of the United States has wrongly appropriated their funds and erroneously used them this would permit them to go into court and contest the item just like a minor on coming of age would have the right to contest any item in a guardian's report.

Mr. MANN of Illinois. Oh, well, the case has not anything to do with a guardian here or a minor in court. If the court had settled these claims they would be forever settled. Here is a proposition where the Indians have a claim under a treaty which they may have made long ago, and it has been settled by the Government of the United States and the money paid in accordance with that settlement, but it has not been adjudicated or determined by the court, and they still can make their claim, not based upon the books but based upon the recollection of the Indians many years old, of occurrences many years past.

Mr. HASTINGS. Well, I never heard any such contention as that made, and I respectfully suggest to the gentleman that I do not believe that any language of this bill would bear that construction.

Mr. MANN of Illinois. Well, the language of this bill is very similar to the language in other bills providing for the claims of Indians, and that has been the determination in the past as to what it meant. I have no doubt that is the case here.

Mr. HASTINGS. No suggestion of that kind has ever been made in the committee or by the department or elsewhere to the effect that that is the construction that is placed on the language of this bill.

Mr. MANN of Illinois. That will be the construction that will be placed upon it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill,

The Clerk read as follows:

A bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes.

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress, or of the executive departments, affecting their property, lands, or funds which said Choctaw, Chickasaw, Cherokee, Creek, or Seminole Indian Nations or Tribes, or any band or organized group of Cherokee Indians or enrolled individual Indian members of aforesaid Indian nations, or their heirs, may have against the United States and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations or tribes, bands, groups, or individual claimants: *Provided further*, That the suits be instituted within five years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations, tribes, bands, groups, or individual Indians, as the case may be, shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior, and on the part of any band, group, or individual Indians by the attorney or attorneys employed by them, with the approval of the Secretary of the Interior.

A copy of the petition shall, in each case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any payment heretofore made by the United States on account of any claim sued upon may be pleaded as a set-off to any such claim, but may not be pleaded as an estoppel.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within five years from the date of approval of this act as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations, tribes, bands, or groups, or individual Indians for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 15 per cent of the amount of recovery against the United States.

The following committee amendment was read:

Page 1, line 8, after the word "Congress" strike out "or of the executive departments, affecting their property, lands, or funds," and insert "in relation to Indian affairs."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. DYER. Mr. Speaker, I make the point of order that the bill should be on the Union Calendar.

The SPEAKER. The Chair ruled on the last suspension day that, following the precedents, it would be considered that the unanimous consent given to its consideration would include its consideration in the House.

The question is on the committee amendment.

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I have an amendment that eliminates the next committee amendment.

The SPEAKER. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 2, after the word "tribes," strike out "or any band or organized group of Cherokee Indians or enrolled individual Indian members of aforesaid Indian Nations, or their heirs."

The SPEAKER. Then, the gentleman wishes to vote down the committee amendment?

Mr. HASTINGS. Yes.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Now, Mr. Speaker, on page 2, line 10, after the word "nations" I move to strike out the language:

Or tribes, bands, groups, or individual claimants.

The SPEAKER. The question is on the amendment which the Clerk will report.

Mr. MANN of Illinois. Mr. Speaker, the first amendment, I think, would come on page 2, line 7, after the word "adjudicated."

Mr. HASTINGS. What amendment is that?

Mr. MANN of Illinois. The amendment which reads:

Provided, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations or tribes, bands, groups, or individual claimants.

Is the gentleman offering his amendment now to come at that place?

Mr. HASTINGS. I am offering it in line 10, so as to cut out the tribes, bands, groups, or individual claimants.

Mr. MANN of Illinois. But that proviso would come under it.

Mr. HASTINGS. Does the gentleman want to cut out the whole proviso?

Mr. MANN of Illinois. No; I am satisfied.

Mr. HASTINGS. Mr. Speaker, I offer an amendment, after the word "nations," page 2, line 10, to strike out "or tribes, bands, groups, or individual claimants."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 10, after the word "nations," strike out "tribes, bands, groups, or individual claimants."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 12, after the word "within," strike out the word "five" and insert the word "two."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on line 21, page 2, I move to strike out, beginning with the word "tribes," in line 21, "tribes, bands, groups, or individual Indians, as the case may be."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 21, strike out "tribes, bands, groups, or individual Indians, as the case may be."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on page 3, line 5, strike out all of line 5.

Mr. MANN of Illinois. All of lines 5, 6, and 7.

Mr. HASTINGS. That is right. All of lines 5, 6, and 7.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 3, line 5, strike out all of lines 5, 6, and 7.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, strike out all of lines 13, 14, and 15.

The SPEAKER. The question is on agreeing to the amendmittee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 18, strike out the word "five" and insert in lieu thereof the word "two."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, on line 24, page 3, I move to strike out after the word "nations" the words, "tribes, bands, or groups, or individual Indians."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 3, line 24, after the word "nations" strike out: "Tribes, bands, or groups, or individual Indians."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Speaker, I move to amend on page 4, line 3, by striking out the figures "15" and inserting in lieu thereof "10."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 4, line 3, strike out the figures "15" and insert in lieu thereof the figures "10."

Mr. MANN of Illinois. Has the gentleman from Oklahoma any objection to that amendment? In most of these bills reported you have provided an attorney's fee not exceeding 10 per cent.

Mr. HASTINGS. I think in some cases it ought to be more. Some of these amounts may be trivial, and in that case, of course, 10 per cent would not be sufficient compensation.

Mr. MANN of Illinois. Well, if the amounts are trivial the suits ought not to be brought by an Indian tribe. We have a whole lot of these cases, and we ought to adopt the same principle in one as in another.

Mr. HASTINGS. I accept it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 93, noes 7.

So the bill was passed.

On motion of Mr. HASTINGS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

THE OSAGE NATION.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10401) to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stats., p. 137).

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Oklahoma [Mr. HOWARD], who has had charge of the bill, to explain the necessity of the inclusion with regard to the Osage Tribe of Indians.

Mr. HOWARD. Mr. Speaker, in reply to the inquiry of the gentleman from Ohio, I will say that at the time the railroads, most of them, were built through the Indian Territory, the Government granted easements as to rights of way, and, later, when that country became settled and our cities began building, it became necessary at times to abrogate the provision where the title to any part of these easements or rights of way could not revert to corporations or railroad companies, with the result that in the act of April 26, 1906, so far as the Five Civilized Tribes were concerned, that act prepared the way for the Secretary of the Interior, wherever necessary, to issue title to certain property that became necessary in the building up of these towns.

Mr. GARD. Mr. Speaker, will the gentleman again yield?

Mr. HOWARD. Yes, sir.

Mr. GARD. Is that the act of June 24, 1906, that the gentleman refers to?

Mr. HOWARD. It is section 14 of the act of April 6, 1906. This only changes that by changing the word "Osage," which recently has become necessary in the improvement and development of that country, to make it possible at times for railroad companies and cities or private individuals to exchange lands in order to build industrial tracts, and so forth, in the towns and cities of the Osage Nation. I will call the attention of the gentleman to the fact that this is a departmental measure, and that it has the approval of the Osage Council.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat., p. 137), be amended to read as follows:

"SEC. 14. That the lands in the Osage, Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations reserved from allotment or sale under any act of Congress for the use or benefit of any person, corporation, or organization shall be conveyed to the person, corporation, or organization entitled thereto: *Provided*, That if any tract or parcel thus reserved shall before conveyance thereof be abandoned for the use for which it was reserved by the party in whose interest the reservation was made, such tract or parcel shall revert to the tribe and be disposed of as other surplus lands thereof: *Provided further*, That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stockyards, or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company under rules and regulations to be prescribed by the Secretary of the Interior at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality, the title to which, upon abandonment, shall vest in such municipality.

With a committee amendment, as follows:

Page 2, line 24, after the word "municipality," insert:

"*Provided further*, That so far as lands within the Osage Nation are affected by this act, nothing herein contained shall be construed as divesting the Osage Tribe of its title to the oil, gas, coal, or other minerals covered by said lands, title to which was expressly reserved to the Osage Tribe for a period of 25 years from and after the 8th day of April, 1906, by the act of June 28, 1906 (34 Stat., p. 539)."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 46, noes 3.

So the bill was passed.

On motion of Mr. HOWARD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CLASSIFICATION OF VESSELS OF THE UNITED STATES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11311) providing for the classification of vessels of the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the classification of vessels of the United States, and for such other purposes as are the proper functions of a classification bureau, all departments of the Government and all commissions created by the Government are hereby directed to recognize the American Bureau of Shipping as their agency, so long as the American Bureau of Shipping continues to be maintained as an organization which has no capital stock and pays no dividends: *Provided*, That the Secretary of Commerce and the chairman of the Shipping Board shall each appoint one representative who shall represent the Government upon the executive committee of the American Bureau of Shipping, and the bureau shall agree that these representatives shall be accepted by them as active members of such committee. Such representatives of the Government shall serve without any compensation, excepting necessary traveling expenses: *Provided further*, That the official list of merchant vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time and passed.

The SPEAKER. The Clerk will report the next one.

LIMITED NUMBER OF PASSENGERS ON CARGO VESSELS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11313) to permit transportation of a limited number of passengers on cargo vessels.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That cargo vessels may carry not to exceed 16 persons in addition to the crew from any port or place in the United States to any foreign port, or from any foreign port to another foreign port, or from any foreign port to a port of the United States; and such cargo vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such cargo vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any cargo vessel carries persons other than the crew as above provided for, the owner, agent, or master of the vessel shall first notify

the said persons of the presence on board of any dangerous articles, as defined by the law, if there be any on board, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of $500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

Mr. WALSH. Mr. Speaker, will my colleague yield?

Mr. GREENE of Massachusetts. I yield to my colleague.

Mr. WALSH. Will the gentleman state how the number of passengers to be carried was arrived at? This seems to be a rather unusual number—16.

Mr. GREENE of Massachusetts. I will be glad to explain it. A number of the vessels of the United Fruit Co. have accommodations for 16 passengers. The bill as originally drawn provided for 12 passengers, that being the number on some Japanese steamers, but the United Fruit Co. stated that number would interfere with their line of traffic on some of their boats, which formerly were not under American registry. That is the principal reason the number was increased so as to provide for the four additional passengers. Commercial travelers and business men believed it would be extremely useful in extending our foreign trade.

Mr. WALSH. Will this permit a vessel engaged in lake commerce to take some passengers on board going to a port in Canada, and thence to a United States port, and to carry those passengers the entire journey?

Mr. GREENE of Massachusetts. Only to a foreign port. Would the gentleman call Canadian ports foreign ports?

Mr. WALSH. I should say they would be.

Mr. GREENE of Massachusetts. It had not been particularly considered by the committee. I think, however, it would be an advantage to permit the freight boats on the Great Lakes to do this line of business. I know some of these boats have carried passengers who have been obliged to sleep in the officers' quarters.

Mr. WALSH. This would not permit the freight steamers that ply on Long Island Sound, touching at domestic ports, to carry passengers. Why is this discrimination made?

Mr. GREENE of Massachusetts. This bill was introduced particularly for the purpose of extending our foreign trade if possible, and it was thought that some of these smaller-sized freight vessels might reach ports that would not otherwise be reached, because we do not have passenger lines reaching them, and the committee thought it would be a great convenience. It has also been shown by testimony before the committee that some men who have gone to foreign ports had been obliged to rely upon the large passenger steamers, and frequently these steamers could not supply the accommodations desired, while they could obtain the accommodation on these freight steamers. In addition to the convenience, it was believed it would save to the commercial traveler a great deal of time, and possibly it would result in an extension of American trade to foreign ports not easily reached by the great steamship lines.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

WATER SUPPLY OF LOS ANGELES, CALIF.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARD. Reserving the right to object——

Mr. OSBORNE. Mr. Speaker, I ask that this bill be passed without prejudice.

Mr. GARD. Why does the gentleman ask that it be passed without prejudice?

Mr. OSBORNE. I hope to bring it up in some other parliamentary form.

Mr. GARD. Mr. Speaker, I objected to the consideration of the bill when it last appeared on the Calendar for Unanimous Consent. I have received a number of communications about the matter which I would be pleased to bring to the attention of the gentleman from California. I do not think the bill should be on the calendar. Therefore I object.

The SPEAKER. Objection is made.

Mr. OSBORNE. I withdraw my request.

The SPEAKER. Does the gentleman object to the present consideration of the bill?

Mr. GARD. I object to the present consideration of the bill.

The SPEAKER. The Clerk will report the next bill.

CUSTER STATE GAME PARK SANCTUARY, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11398) for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. I would like to have the bill reported.

The SPEAKER. The bill will be reported.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding 30,000 acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated as provided for in section 1 of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

SEC. 4. That the State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota.

SEC. 5. That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may convey to the State of South Dakota a patent to not to exceed 1,600 acres of national forest lands within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this act.

With the following committee amendments:

Page 2, line 16, after the word "private," insert the word "or."

Page 2, line 16, after the word "State," strike out the words "or Territorial."

Page 3, line 7, after the word "may," strike out the word "convey" and insert the word "patent."

Page 3, line 8, after the word "Dakota," insert the words "a patent to."

Page 3, line 9, after the word "of," insert the word "nonmineral."

Page 3, line 10, after the word "lands," insert the words "not otherwise appropriated or withdrawn."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

Mr. WALSH. Mr. Speaker, I move to insert, in line 21, page 3, after the word "or" the word "may." I should like to ask the gentleman from South Dakota if he does not think the language there is a little deficient? It says:

Any selection rights which the State may have or be hereafter granted.

I move to insert the word "may," so that it will read "or may be hereafter granted."

Mr. GANDY. I have no objection to the amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 3, line 21, after the word "or" insert the word "may."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. GANDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

AQUEDUCT BRIDGE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

SUBMISSION OF CLAIMS BY INDIAN TRIBES TO COURT OF CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (S. 157) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. I reserve the right to object.

Mr. KELLY of Pennsylvania. Mr. Speaker, the gentleman from Illinois [Mr. MANN], who objected to this measure two weeks ago, suggests that he would like to see the further information that we have secured put in the RECORD. I will ask unanimous consent to extend in the RECORD the statement made by the president of the Northwestern Federation of American Indians dealing with the case, stating the number of Indians and giving facts about the claim, and also a letter from the Secretary of the Interior stating that the department is satisfied with the bill, and certain other information.

The SPEAKER. Does the gentleman from Illinois withdraw his reservation of an objection?

Mr. KELLY of Pennsylvania. No; but pending that I ask to put these matters in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Now, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks that the bill be passed without prejudice. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I notice that there are other bills on the calendar of a similar nature, authorizing certain tribes of Indians to submit claims to the Court of Claims. Is it necessary that there be a large number of separate bills substantially for the same purpose? Would it not be advisable to have some general law applying to all alike? It seems to me it is a waste of the time of the House and would result in some confusion to have separate bills considered by the House and submitted to take care of claims of each separate tribe of Indians.

Mr. KELLY of Pennsylvania. In answer to that suggestion I would say that the policy of the Committee on Indian Affairs is exactly the opposite, because each case arises on a separate treaty and has entirely different conditions. There have been objections time and again to dealing with tribes widely separated in a single bill, and it is deemed best to consider each case by itself.

Mr. McLAUGHLIN of Michigan. Is it true that treaties are so drawn that no method is possible by which the Indians can have a proper consideration of their claims?

Mr. KELLY of Pennsylvania. That is absolutely the case here, and only through an act of this kind, where such treaties are involved, can these claims be adjudicated.

Mr. MANN of Illinois. The gentleman wants to modify that statement a little. These claims are all barred by the statute of limitations. They could have been adjudicated if there was any claim and the claim had been made. Many of them have been adjudicated by the department. Now, they want a chance to come before the Court of Claims, and can not get it because the statute of limitations pleaded against them would shut them out.

Mr. KELLY of Pennsylvania. In this bill the San Juan Indians were involved, and both Great Britain and America laid claim to the land. There was no opportunity at that time for a settlement, and there has not been up to this time.

Mr. MANN of Illinois. If the American Government got the land, as they did, and the Indians had a claim, they would have presented the claim for that land that had been taken away from them. They never thought they had one until some bright attorney, in recent years, concluded that he would dig up the claim.

Mr. KELLY of Pennsylvania. I am sure if the gentleman from Illinois will take the time to go over the real facts he will find that these Indians themselves have some claim on the Government.

Mr. MANN of Illinois. I am going through the claims.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the bill be passed without prejudice?

There was no objection.

The matter referred to by Mr. KELLY of Pennsylvania is as follows:

[Letter from T. G. Bishop, president of the Northwestern Federation of American Indians, to Hon. L. H. HADLEY, Member of Congress, which was presented at the hearing before the Indian Affairs Committee.]

NORTHWESTERN FEDERATION OF AMERICAN INDIANS,
Washington, D. C., August 28, 1919.

Hon. L. H. HADLEY, M. C., *City.*

DEAR MR. HADLEY: On receipt of yours of July 28 last with a copy of letter from the Secretary of the Interior, and a careful review of my files, I submit the following report, as I think will support the answers to the three questions, required, etc.:

At the time of the making of the treaties, during the years of 1854 and 1855, there was estimated to be forty-one hundred and sixty Indians in the district covering the treaties of the four treaties.

I figure that since that date about 2,000 have been allotted within the four reservations, and, of course, fully compensated.

There are to my figures now, according to an enrollment roughly made by our officers of the federation, 2,321 who wish to have their claims presented to the Court of Claims for adjudication. They may be divided into two classes, viz, reservation, or included with the treaty-making descendants, and nontreaty Indians.

The former are enrolled as follows, including the following unallotted:

Point Elliott treaty:		
Skagets	192	
Nootsacks	167	
Stilaguamish	118	
Swinomish	208	
Duwamish	141	
Muckleshoots	146	
Snohomish	194	
Snoqualamines	142	
Total		1,308
Point-no-Point treaty:		
Clallams and allied tribes or bands		493
Quinaielts—		
Quinaielts	18	
Quileutes	110	
Total		128
Medicine Creek treaty:		
Nisquallys	116	
Puyallups	132	
Squaxon Island	42	
Total		290
		2,219

The latter (nonreservation) would be:

San Juan Islands Indians	184	
Chehalis Indians	238	
Total		422

This would be a total of twenty-five hundred and nine Indians who think they have claims against the Government that they wish adjudicated before the proper courts.

I have on two different occasions written the Indian Office for information in regard to amounts unpaid these Indians through treaty agreements, but could get no information on that subject. The treaty agreements called for $267,000, together with the improvements or compensation due them or their ancestors for improvements made by them and which was never settled for. Also for lands taken by the Government after the treaties were agreed upon. On an average, I might say, that about each of these four reservations not more than one-half of the original reserve was kept for the reservation of the different tribes for allotments.

I would figure that the amount involved would be in the neighborhood of one and probably one and one-half millions of dollars. There would be, of course, some "cut-offs"—or the amount already paid by the Government—according to the treaty agreements. This latter I can get no figures on whatever.

The claim of the San Juan Islands Indians, and also the Chehalis Indians, is quite a problem, as the former at the time of treaty making, in the years of 1854 and 1855—this was disputed territory between the British and United States Governments, and as a consequence was never settled with; never could they have access to any of the other reservations, though many attempts have been made by individuals for allotments of lands on three different reservations.

With the Chehalis Indians treaty agreement was never entered into. They ask an allotment of land on the Quinaielt or other reservation or the value of an average allotment of land as given other Indians in

their district. About 50 of these (Chehalis) Indians have taken advantage of the Indian allotment act, and this would have to be adjudicated by the courts as to their rights for claim.

The average quantity of land ceded by western Washington Indians during these treaty agreements was 1,800 acres each, and the average tracts if reserved according to treaty agreements would be about 7½ acres each.

First, the "nature of our claim" is based upon treaty agreements as stipulated in our bill, H. R. 2846, or for the value as found by the courts authorized in the adjustments therein.

Second, that where Indians were forced to move on to the reservations and surrender their improvements—crops and stock—that they or their legal heirs should have been paid according to the then agreements.

Third, that repatriation should be had for lands taken from the agreed reservations, where taken without the consent of the Indians affected.

Hoping this will be satisfactory as a reply, but, in the event that more enlightenment in the case may be needed, I am at your pleasure, at any moment.

Thanking you in advance, I am, as ever,

Faithfully, yours,

THOMAS G. BISHOP.

[Letter from the Secretary of the Interior to Hon. G. W. EDMONDS, Member of Congress, chairman of the Claims Committee, to which the bill was referred upon its introduction.]

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1919.

MY DEAR MR. EDMONDS: I am in receipt of your letters of June 26 and July 10, 1919, requesting information with respect to the amount of money, the number of Indians involved, and the nature of the claims of the Indian tribes residing west of the summit of the Cascade Mountains, Wash.

In answer you are advised that the Indian Bureau informs me that it has no definite knowledge of the nature of the claim, amount of money, or number of Indians involved. However, it may be inferred from the nature of the treaties referred to in the bill, H. R. 2846, that their claims would be for money or land they believe they are entitled to under the treaties.

In all such cases I am of opinion that where Indian tribes believe they have meritorious claims against the Government they should be allowed an opportunity to have such claims properly investigated and adjudicated, notwithstanding the fact that they may not, at the time of asking for legislative authority to permit them to do so, have made a prima facie showing setting out the amount of their claims.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

[Statement by Assistant Commissioner of Indian Affairs, E. B. Meritt, before the Senate Committee on Indian Affairs at hearing on measure.]

We have had the claims of the Washington Indians looked into, and we have a representative now in the State of Washington making an investigation of these various matters. We expect to have a report from that representative in the office within the next two months, which we hope will be a complete résumé of the conditions existing among those Indians in the State of Washington. However, the only practicable way, and the only conclusive way, in my judgment, is to authorize the Indians to go into the Court of Claims under a properly worded jurisdictional act which will authorize the Indians to submit their claims against the Government and which should also authorize the United States to interpose any set-offs or counterclaims against those Indians.

[Statement of Judge Arthur E. Griffin, attorney at law, Seattle, Wash., at hearing before Senate committee.]

Our claims would be principally for money which was promised to these Indians under treaties—$150,000 under one treaty and about $45,000 under another—and the treaties further provided that they would reimburse these Indians for the improvements upon the lands which they should vacate. I have not been able to get definite information from the Indian Office, but as near as I can find out, nothing whatsoever has been paid these Indians for the improvements upon the lands which were taken away from them. The early reports of the office show that nearly all these Indians had little farms, little potato patches, and when the early settlers came to Puget Sound they were able to buy potatoes from the Indians and help them until such time as they got started with their farms, and when logging camps started they were able to get potatoes from the Indians, and the Indians sold enough of the potatoes which they raised to buy their clothing and implements which they needed in their work.

As I say, as far as I can ascertain, nothing whatever has been paid to those Indians for those improvements, and I can not find that any considerable amount of money that was promised in these treaties has ever been paid. There are a number of tribes that never treated with the Government at all. The white settler simply went in and selected the best land and crowded the Indians out to a space or a piece of land that was not attractive enough to the settlers to have them take it away from them, under the promise that the Great Father would reimburse them at some time for their land, and they have been there 62 years, and have never received anything whatsoever. Those Indians who did receive small annuities would travel long distances in their canoes, 75 miles or more, to the place where the annuities were distributed, and when they got there probably a family of Indians would receive a little flour or a few yards of calico, but nothing which would compensate them for the expense of making the trip. So after a short time they ceased to visit the place where they knew it was to be distributed.

* * * * * * *

My idea is that in making these treaties Gov. Stevens, who made the five treaties, promised these Indians at least sufficient land for a home, but when the treaties were finally made there was not sufficient land reserved for the estimated number of Indians living at that time, although he had promised them all homes, but had only reserved land enough to give them 7.05 acres apiece, which you know is not sufficient ground for an Indian home.

After the treaties were made Congress, by Executive order, set apart other land by treaties; so if it was all allotted to the Indians now they would have about 59 acres apiece. But the trouble is that some of that land—a greater portion of it—is in the Quinaielt Reservation—ground which is not agricultural land, but is covered with big timber. The Government claims the right to sell that timber first. So it has left a lot of these Indians without any allotment of land at all; and my idea in having the bill drawn in the way it was was to give those Indians an opportunity to claim allotments, or the value of allotments, and that would be such Indians who had never been able to procure an allotment of land. Such right would be in addition to the rights of the tribe generally to claim for the failure of the Government to pay the amount stipulated in the treaties.

* * * * * * *

Now, at the time these treaties were made the Oregon donation act was in effect. They were then giving to a single white man a half section of land and to a married man and his wife a full section of land in Oregon and Washington Territory, and those Indians ceded an average of 1,800 acres apiece; while the Government promised to give them their homes—not directly promising to give them allotments, but saying that the President might, when in his judgment the interests of the Indians would be advanced, they might allot to these Indians in severalty, giving the Indians allotments in accordance with the sixth section of the treaty with the Omahas.

The sixth section of the Omahas treaty provided for an 80-acre allotment for the individual Indians. Those Indians knew nothing of land measurements and knew nothing of the 80-acre provision of the Omahas treaty. The treaties were explained to them in Chinook jargon—there were eight different languages spoken in this country west of the Cascade Mountains. The Chinook jargon was invented by Capt. Cook, and it was later used by the Hudson Bay Co. in their intercourse with the Indians. It is composed of a very limited number of words, and the history of making these treaties was that the treaties were prepared and taken up there, but no arrangement made by the Indians when they were up there, and Gov. Stevens made his talk and gave away presents bought in New York and Boston. The settlers were taking away their land, and they saw no other way of doing it, and they signed those treaties, believing that they would be allotted 80 acres of land, while instead of that they only received 7.05 acres of land, and many of them were pushed aside from where they had taken their homes; and I may say that the reports show that many of those homes had substantial buildings, from 30 to 100 feet long, and well built, as appears by the early reports; and they have since been pushed aside and have gotten nothing.

SALE OF CUSTOMHOUSE BUILDING AT KENNEBUNKPORT, ME.

The next business on the Calendar for Uuanimous Consent was the bill (H. R. 11175) authorizing the public sale of customhouse building and site at Kennebunkport, Me.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that the communication from the Secretary of the Treasury that recommends the legislation permits the sale of a number of abandoned buildings for which the Government had no further use. Why has the committee picked out one particular building and reported on it?

Mr. ELLIOTT. Mr. Speaker, I am on the committee that reported the bill, and the gentleman from Maine [Mr. GOODALL], the author of the bill, asked me to explain it. In answer to the gentleman from Massachusetts [Mr. WALSH], the reason why the committee acted on this bill was because a bill came before the committee for this purpose, and no bill has ever been introduced up to this time as to the other buildings. As I understand, this little piece of land and building was used in Kennebunkport for years as a customhouse. It was abandoned years ago for that purpose. The Government has been allowing the Library Association of Kennebunkport, Me., to use this for a number of years for a public library. The town of Kennebunkport would like to buy the land and building for this purpose. The Government has no further use for it and, if you will notice the report of the Secretary of the Treasury, it recommends that the bill be passed and that the land be sold and the money turned into the Treasury.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. ELLIOTT. Certainly.

Mr. MANN of Illinois. If there should be any competition at this sale and somebody buys the land, what would become of the public library?

Mr. ELLIOTT. They would have to get out, I suppose. I do not know whether anybody else wants it or not. It is a very small piece of land, only 124 by 40.

Mr. MANN of Illinois. Was it represented in the committee that the town desires to buy it as a site for a library?

Mr. ELLIOTT. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell at public sale the present customhouse building and site at Kennebunkport, Me., after proper advertisement, and at such time and upon such terms as he may deem for the best interests of the United States, to execute and deliver to the purchaser the usual quitclaim deed therefor, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. ELLIOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, MONTAGUE COUNTY, TEX.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12160) authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Nocona Red River Bridge Co., a corporation, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Red River at a point suitable to the interests of navigation on the south bank of Red River at a point a little east of due north of Nocona, in Montague County, to a point approximately north of said beginning and located in Jefferson County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

With the following committee amendment:

Page 1, line 8, after the word "County," insert the word "Texas."

The SPEAKER. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARRISH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS COLUMBIA RIVER, WASH.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12164) to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, this bill proposes to grant to private individuals the right to construct a bridge. That is done at times, and I think there is one more bill on the calendar like this. Usually there is some explanation why a private individual seeks an opportunity to sell a permit to construct a bridge. I take it that that is what it is, that it is speculative. I do not know, but there is no information in the report upon the subject. If some one wants to construct a bridge where it is needed, very well, but it has not been the practice of Congress to grant to private individuals the right to construct a bridge as a speculative proposition.

Mr. SUMMERS of Washington. Mr. Speaker, if the gentleman will permit, the two counties that are directly concerned have each granted a franchise for the construction of this bridge.

The bill was introduced at the suggestion and the request of the county commissioners of those two counties. This is to supplant to a degree a ferry which is the only means by which the Columbia River can be crossed in that part of the State.

Mr. MANN of Illinois. The county on each side of the river has already granted authority to Charles G. Huber to construct this bridge?

Mr. SUMMERS of Washington. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Charles G. Huber, his heirs, executors, administrators, or assigns, be, and he or they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, such bridge to extend from the east bank of said river adjacent to the town of Pasco, Wash., at a point not more than 2 miles upstream from the Northern Pacific Railway bridge across said river, to a point on the west bank of said river adjacent to the town of Kennewick, Wash., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CONNECTICUT RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11756) to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield in Hampden County, Mass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Mr. Speaker, reserving the right to object—and I shall not object—will the gentleman in charge of the bill state whether it is in proper form to extend the time of construction, inasmuch as the time of construction has already expired? Is the present bill a proper bill, all of the time extended on previous authorizations having now expired?

Mr. MANN of Illinois. Mr. Speaker, if the gentleman will permit, this has been the practice for years. I say that, having formerly been a member of this committee.

Mr. GARD. I would be very glad to have the word of the gentleman from Illinois. I merely want to be satisfied upon the point. I should think the ordinary practice would be to extend before the time the previous authorization had expired.

Mr. MANN of Illinois. It is as the ordinary practice, but frequently it is not extended until after the time for the construction of the bridge has expired. That gives the authority, however.

Mr. GARD. It would seem to me that the term "extension" itself would mean the carrying on further of the authority already conferred, and when that time had expired the proper practice would be the introduction of a new bill.

Mr. MANN of Illinois. This extends the time for commencing the work from the time when the right would otherwise have elapsed instead of a year from the present date.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for comencing and completing the construction of a bridge, authorized by act of Congress approved August 25, 1916, to be built across the Connecticut River between the city of Springfield and the town of West Springfield, in Hampden County, Mass., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments, which were severally reported and severally agreed to:

Line 3, correct the spelling of the word "commencing."

Line 9, strike out the words "date of approval hereof" and insert the words "27th day of February, 1920."

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WINGO, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BIG NESTUCCA RIVER, OREG.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12213) authorizing F. R. Beals to construct, maintain, and operate a bridge across the Big Nestucca River in Tillamook County, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, I would like to know about this matter in which it is proposed to grant a franchise to individuals.

Mr. HAWLEY. Mr. Speaker, this is to connect a small town called Pacific City on the north bank of the river with the south bank, so that the people who live on the north bank can cross the river and get to the ocean beach on the south bank. It is a summer resort.

Mr. MANN of Illinois. I understand; but why are we asked to grant this right to an individual? Does he expect to build the bridge?

Mr. HAWLEY. Yes.

Mr. MANN of Illinois. Or is it for speculative purposes?

Mr. HAWLEY. He expects to build the bridge. He owns land on both sides of the river and expects to build a bridge to accommodate people who may live in that section, and I suppose for the benefit of his own interests in connection with the land he owns on both sides of the river.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That authority is hereby granted to F. R. Beals and his successors to construct, maintain, and operate a bridge and approaches thereto across the Big Nestucca River, in Tillamook

County, Oreg., connecting the northerly part of lot 1 with the northerly part of lot 10, in section 30, township 4 south, range 10 west, Willamette meridian, in Oregon, and at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Page 1, line 3, strike out the word "and" and insert the word "or."

Mr. MANN of Illinois. Mr. Speaker, I think that amendment ought not to be agreed to. The bill provided that F. R. Beals and his assigns have the right. Now, the committee proposes that F. R. Beals or his assigns have the right to construct and maintain, and so forth. Now, "or" is an alternative and does not give the right to both. Either one can do it, and if Mr. Beals constructs the bridge and afterwards sells it his assigns would not maintain it.

Mr. HAWLEY. I accept the gentleman's judgment as to that and ask that the amendment be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Page 1, line 4, strike out the word "successors" and insert "assigns."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 5, strike out the word "Big."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg."

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey. one of his secretaries, announced that the President had, on February 28, 1920, approved and signed bills of the following titles:

H. R. 8819. An act to amend the Army appropriation act for 1920 and for the purchase of land and to provide for construction work at certain military posts, and for other purposes; and

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Joint resolution (S. J. Res. 152) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States; to the Committee on Foreign Affairs.

NATIONAL SCREW THREAD COMMISSION.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 299, extending the life of the National Screw Thread Commission for a period of two years from March 21, 1920.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the life of the National Screw Thread Commission, created by an act approved July 18, 1918, as amended by an act approved March 3, 1919, be, and the same is hereby, extended for an additional period of two years from March 21, 1920.

Mr. WALSH. Mr. Chairman, I offer an amendment to strike out the word "life," in line 3, page 1, and insert the word "term."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, strike out the word "life" and insert in lieu thereof the word "term."

Mr. WALSH. Has the gentleman any objection to that?

Mr. MANN of Illinois. Is that amendment proposed because this is a dead concern?

Mr. GARD. Reserving the right to object——

The SPEAKER. Consent was granted.

Mr. TILSON. It is not dead, but it is not active in the sense it has been heretofore.

Mr. GARD. Was the gentleman's amendment to strike out the word "life" and insert the word "term"? There was no term——

Mr. WALSH. Yes.

Mr. GARD. What was the term?

Mr. WALSH. Its term was to expire, I think——

Mr. TILSON. March 21, 1920.

Mr. MANN of Illinois. Its term expired in 1918.

Mr. TILSON. It was extended one year.

Mr. WALSH. The commission originally created was to expire, I think, in June, 1918, and then it was extended, and now it is to expire March 21 of this year, and now we are extending the term.

Mr. GARD. Will the gentleman explain——

Mr. WALSH. I yield to the gentleman from Connecticut who engineered this.

Mr. TILSON. The provision in the original act was that it should last six months from the time of the appointment of the commission. The commission was finally appointed on September 21, 1918, therefore it would have expired on March 21, 1919, had it not been extended for the period of one year from March 21, 1919.

Mr. GARD. Would it not meet the same purpose if we provided that the National Screw Thread Commission, and so forth, be extended without the use either of the word "life" or the word "term"?

Mr. TILSON. Any way to serve the purpose will suit me. What is wanted is for the commission to remain in existence for certain purposes for as much as two years more.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF THE KLAMATH TRIBE OF INDIANS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PENSION TO SOLDIERS OF THE WAR WITH SPAIN.

Mr. SELLS. Mr. Speaker, I call up the bill H. R. 2, with committee amendment, a bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, and move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from its further consideration, and pass the same.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from the further consideration, and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

Be it enacted, etc., That all persons who served 90 days or more in the military or naval service of the United States during the War with Spain, the Philippine insurrection, and the China relief expedition, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacities them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $12 per month. In case such person has reached the age of 72 years, $24 per month; and in case such person has reached the age of 75 years, $30 per month: *Provided further*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his

pension under any other general or special act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this act.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $20, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. CARSS. Mr. Speaker, I demand a second.

Mr. SELLS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee [Mr. SELLS] is entitled to 20 minutes and the gentleman from Minnesota [Mr. CARSS] to 20 minutes.

Mr. SELLS. Mr. Speaker, I ask unanimous consent that all Members who speak on the bill may have the right to extend and revise their remarks for five legislative days.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members who speak on the bill may have unanimous consent to extend and revise their remarks for five days. Is there objection? [After a pause.] The Chair hears none.

Mr. SELLS. Mr. Speaker, this bill is presented to the House from the Committee on Pensions with the approval of its entire membership. It furthermore has the unqualified indorsement of the legislative committee of the United Spanish War Veterans and of the various branches of that organization in practically every State in the Union. It seeks to confer on this class of our soldiers the same benefits that were secured for the Civil War veterans by the act of June 27, 1890. That law was the first piece of legislation that gave to the Federal soldier a pension for disabilities other than those directly traceable to Army service. In this bill the verbiage of that act, and the rules for its administration, have been followed as closely as practicable in order that no delays might be necessary in its construction.

It goes, however, one step further than the act of 1890, in that it creates a pensionable status for all honorably discharged soldiers of the Spanish War who have attained the age of 62 years. In other words, it assumes that disabilities incident to that age shall entitle the soldier to receive a pension at the rate of $12 per month. If he has reached the age of 68 years, $18 per month; of 72 years, $24 per month; and of 75 years, $30 per month. For disabilities, no matter how incurred, he shall receive a pension of not less than $12 and not more than $30 per month, based upon the extent of the disability from which he may be suffering.

All kinds of criticisms have been directed against the rates proposed in this bill. To some they have appeared too high, to others too low. To the latter class I would answer that the disability rates which this bill proposes, compared to the act of June, 1890, are double the minimum and two and a half times the maximum. The rates for age approximate those fixed by the act of May 11, 1912. And it must be remembered that this bill seeks to in no way interfere with the right of a soldier to file a claim for pension under the general law for disabilities actually incurred in line of duty, upon making satisfactory proof of which he may receive a pension as high as $72 per month.

To those who would criticize these rates on the ground that they are higher than those granted in 1890 to our Civil War soldiers I would say that relatively they are no higher, and certainly their purchasing power no greater. In reporting this bill the committee has sought to do only substantial justice. We have tried to show no favoritism as against any other class of our soldiers. We merely seek to give to these the same status and the same rewards that we have generously accorded to others who have nobly served their country. [Applause.]

As one of the Committee on Pensions during the nine years that I have been a Member of Congress, I have recognized the necessity, as well as the justice, of granting to the Spanish War soldier more liberal treatment. Thousands of them, stricken by disease and unable to earn a living, are supported by charity and the contributions of their former comrades. In New York City alone last year the various Spanish War organizations contributed more than $200,000 for the relief of their diseased and penniless members. Their cry of distress comes up from every city and practically every community. Thousands of them, unable to prove their diseases of service origin, have had their claims rejected by the Bureau of Pensions, and are dependent upon charity for a miserable existence. I think no fair-minded man will deny that this is a condition that demands and deserves remedial legislation by Congress. In enacting it we are not bestowing gratuities or granting charities. We are merely paying an honest debt and discharging a national obligation. [Applause.]

The cost of administering this legislation would be small. In answer to a request for an estimate of probable expenditures as a result of such a law, the Bureau of Pensions advises me that its maximum cost during the first year of its enactment would not exceed $2,000,000, and at no time would it exceed $15,000,000. I ask leave to extend my remarks by inserting this letter as a part of my remarks:

JULY 16, 1919.

Probable cost of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition for the first three years, should it become a law, as ascertained by comparison with results of the first three years under the act of June 27, 1890: The bill follows the invalid provision of said act, except that the maximum and minimum rates are $30 and $12 per month, as against $12 and $6 per month under the act, which would make the cost of the bill per pensioner somewhat more than double.

The number of men engaged in the War with Spain, etc., was about one-seventh the number engaged in the Civil War, the estimated numbers being 312,000 and 2,213,365, respectively.

The results for the first three years under the act of June 27, 1890, in numbers of invalids on the roll at the close of the years and the totals paid each year are as follows:

	Number of pensioners.	Total paid.
1891	101,112	$7,812,107.65
1892	293,068	43,845,071.02
1893	377,203	54,568,610.16

Taking one-seventh of the number of pensioners and two-sevenths of the amount paid in each year as approximating the cost of the bill in the first three years after enactment, the results are as follows:

	Number of pensioners.	Total paid.
First year	14,445	$2,232,630.76
Second year	41,867	12,527,163.14
Third year	53,886	15,591,031.48

On January 5 this body passed the Fuller bill for the further relief and protection of the Civil War soldier. I was glad to support it, believing that these aged veterans, by the suffering and sacrifices of four long years of bloody warfare, had fully earned it. It will not be for long. The Grand Army of the Republic will soon exist only in the hearts and memories of their countrymen. They are on the last lap of the march. The drums are muffled and taps will quickly sound. The campaign has nearly ended and they are about to taste the fruits of their final victory, eternal and complete.

But I am none the less glad to support this bill. I am proud to plead the cause of a soldier who, though perhaps less renowned, was none the less faithful in the discharge of a sacred trust. [Applause.] Whether facing the Spaniard in Cuba and Porto Rico, or attacking the Filipino under a tropical sun in the land of the jungle, he upheld the traditions of the American soldier and added to the imperishable glory of American arms. [Applause.] His efforts forever destroyed in the Western Hemisphere the last vestige of autocratic rule. They added to the flag of the world's republics another star, which, though small, is brightly shining. To 8,000,000 people in the Orient they carried the blessings of just and beneficent government and a guaranty of civil and religious liberty. I maintain that in the same length of time no American Army has every accomplished more. [Applause.] And so I am proud to present this bill for his relief, so justly and so fully earned, and urge its prompt and favorable consideration. The time has come to discharge in part, at least, this debt of gratitude, and I submit this bill to this House in the belief that it will do its full duty. [Applause.]

Mr. BEE. Mr. Speaker, will the gentleman from Tennessee yield for a question?

Mr. SELLS. Yes.

Mr. BEE. I do not wish to take up the time. I will state it has often been a source of wonder to me that we have not had this legislation in behalf of the Spanish War veterans. It ought to be passed. But why is the language "manual labor" in there? Is there any reason why you state that they shall be incapable of manual labor, or is that construed to mean any character of labor?

Mr. SELLS. Any character of labor, as I understand it. As I just stated, the language of this act follows almost identically

the language of the act of June, 1890, in its application to Civil War soldiers.

Mr. BEE. There would not be anything in the bill that would exclude from its operation any man disabled, although he was in any other occupation than that which called for manual labor?

Mr. SELLS. No.

Mr. FOCHT. On page 2, line 4, I see that the maximum allowed there is $30 a month. Now, that would mean that a totally disabled Spanish-American War soldier, whether he had his legs off or his arms off, or had tuberculosis, could never draw, by any means, more than $30 a month?

Mr. SELLS. No. It does not necessarily mean that. It means that he shall receive that rate in the event those disabilities are of other than service origin. If a soldier can show that his disabilities are the result of disease that he incurred while actually in the service of his country, he may receive a pension as high as $72 per month, or in case of total blindness $100 a month. This bill seeks in no way to limit his right to file under the general law for diseases of service origin.

Mr. FOCHT. Attention has been called to the fact that totally disabled soldiers under the war-risk insurance act may have $80, and the question naturally arises why a Spanish War soldier who is totally disabled may not have that maximum of $80?

Mr. SELLS. A soldier of the World War is not entitled to any pension or compensation whatever unless his disabilities are traceable to his service. This bill grants a pension to the Spanish War soldier for disabilities not contracted in line of duty.

Mr. FOCHT. Yes; but he has a privilege that the Spanish War soldier does not have—the war-risk insurance. The Spanish War soldier for overseas service receives $15 as compared with the allowance made to the World War soldier.

Mr. SELLS. That is true, but the gentleman must remember that the minimum rate fixed in this bill is twice as high and the maximum rate is two and one-half times as high as the pension that was granted to the Civil War soldier 25 years after that war closed.

Mr. FOCHT. Of course the ordinary answer to that would be that the purchasing power of the dollar which he then received was just double what it is now. Would the gentleman object to an amendment to be offered here to raise that maximum to $50 instead of $30?

Mr. SELLS. I will say to the gentleman that this bill is being considered under suspension of the rules and amendment is not in order.

Mr. Speaker, I reserve the balance of my time.

Mr. OGDEN. I wish to ask the gentleman whether his committee has considered a provision for the benefit of the widows of deceased soldiers?

Mr. SELLS. We have. And later on the committee expects to report out a bill removing certain limitations.

Mr. KITCHIN. Will the gentleman permit an interruption for just a minute? I think the gentleman stated it in his speech, but I did not catch it. How much will this bill cause appropriations to be increased; that is, how much of an appropriation will be necessary?

Mr. SELLS. According to an estimate given by Mr. Saltzgaber, the Commissioner of Pensions, for the first year $2,200,000 and for the third year, I believe, $15,500,000.

Mr. SMITH of Idaho. Will the gentleman yield to an inquiry?

Mr. SELLS. I will.

Mr. SMITH of Idaho. I notice in lines 12 to 15, page 2, it provides that the soldiers who are now drawing pensions or whose claims are pending must make a formal application in order to get the benefits of this act. Do you think it fair to impose upon the soldiers the necessity of making a formal application for the benefits of the law? Many of them may not be advised of its enactment.

Mr. SELLS. All soldiers have to make application for pension. Now, I can not yield further.

Mr. CARSS. Mr. Speaker, I desire to use five minutes.

Mr. Speaker, "in times of peace prepare for war" is a familiar quotation, but I much prefer to believe that in times of peace it is our duty to, in slight measure, take care of those who during the time of war bore the brunt of the burden.

History deals much with war, but as a rule it deals only with that part concerning the actual battle, the clash of arms, and the numbers of dead and wounded. It devotes little space to the details of preparation, the long days of the training period, or the toil, the hardships, and the sickness which abound in the concentration camps preceding the time of actual battle.

In support of the measure now under consideration, Mr. Speaker, I intend to confine my remarks to the subject of the inroads upon the health of the men who served during the Spanish-American War, brought about by the conditions of their service, conditions for which the Government that asked for that service is to blame.

Most of us can remember the call of 1898 and how the patriotic young men from every walk of life, from every city, village, and hamlet, presented themselves to the recruiting offices. The number called for was not large in proportion to those eligible for service, and as a consequence the medical officers had much material to pick from, so much so, in fact, that the physical standard set for the volunteers of 1898 was the highest of any army that has ever gone forth in defense of a nation's honor in all history.

And well that it was so. Without that high physical standard as a basis the mortality rate among these men who had so gallantly offered their services to the Government would have been far greater than it was, and Heaven knows it was high enough. Concentrated in camps in the Southern States or sent to the tropical climes of Cuba, clothed in woolen when the coolest of linen should have been worn, fed on greasy bacon and hard-tack when fruits and vegetables should have been the diet, it is no wonder they were an easy prey to dysentery and various kinds of fever. No wonder, Mr. Speaker, that these men returned to the northern demobilization camps after that service mere physical wrecks, with pinched and drawn faces and with yellow skin drawn over gaunt skeleton frames. No wonder, Mr. Speaker, that this entire Army registered an average loss in weight of 26 pounds per man during their period of service.

Mr. Speaker, the Nation was startled during the winter of 1917 by charges of neglect and lack of accommodation in the hospitals at the training camps throughout the country; but, sir, figures prepared by Surg. Gen. Gorgas show that among the approximately million and a half Regulars, National Guardsmen, and National Army who had been in camp for the preceding five months, the deaths from disease alone were at the rate of 8 per 1,000, while during the five months of the War with Spain, from disease alone in the camps of the United States, the death rate was 25 in every 1,000.

It is hard at this late day to say just whether it was the jungles of Cuba, the rice swamps of the Philippines, or the fever-stricken camps in the United States that did more to destroy the health of the soldiers of that period, but this I know, Mr. Speaker, and so does every man within the sound of my voice, that very, very few came back from that service in good health. I know, and all of you know, that for months and months after discharge thousands of those men were unable to perform manual labor, and that when at last their health was in a measure restored they were still left in such condition as to be an easy prey to ailments which normally should have been shaken off.

Mr. Speaker, the pension law as it stands to-day requires these soldiers to furnish absolute proof that the disability under which they claim pension is of service origin. I state to the House now, after my experience on the Pensions Committee, after examination of numerous claims turned down by the Bureau of Pensions, that there are thousands of cases of physical disability of greater or less degree which, to my mind, are the result of military service in which the claimant has no possible chance of submitting the indubitable proofs now required.

That is the reason I supported this bill in committee, and it is the reason I am supporting it now. It is more liberal in its terms than the general law, and it does away with the necessity of showing that disability is of service origin.

This bill merely extends to the veteran who served during the period from 1898 to 1902 the principles of Government aid in case of disability and in case of old age that have been indorsed time and again in the Halls of Congress and by the voters of the country as applied to soldiers of other wars.

Those who will benefit by this act are worthy in every sense. They responded nobly to the country's call, and freely and willingly took oath to serve with the colors until their services were no longer needed, no matter what period of time that might mean. Now that they are ailing, now that they are aging, it is our duty to prove to them and to those who will emulate them in the future that republics are not ungrateful, and that if misfortune overtakes them a generous Government will aid them because of the sacrifices they have made. [Applause.]

Gentlemen, I thank you.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. MACCRATE). The gentleman has consumed six minutes.

Mr. LITTLE. Mr. Speaker, this is the most important measure that has ever been introduced on this subject, and I think,

in order to show our fair treatment of the soldiers who fought in Cuba, in the Philippines, and in China, we should not shut off the discussion on each side. I ask unanimous consent that there may be an extension of 15 minutes to each side.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the time to be allowed in the debate on this bill be extended 15 minutes on each side. Is there objection?

Mr. DYER. Mr. Speaker, I think we ought to have more than that. There is no other such important bill on the calendar to-day as this. I ask unanimous consent that the time be extended 30 minutes on a side. There are a number of gentlemen here who wish to speak.

Mr. SELLS. Mr. Speaker, 15 minutes additional will be enough for each side.

Mr. DYER. Then, Mr. Speaker, I withdraw my request.

Mr. GARD. Mr. Speaker, what is the gentleman's request?

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that 15 minutes additional be allowed to the gentlemen in control of the time on this bill on each side. Is there objection?

Mr. CANNON. How much time will that be altogether?

Mr. LITTLE. That will be 1 hour and 10 minutes.

Mr. CANNON. This is a motion to suspend the rules and pass the bill, as I understand it. How much debate is there altogether?

The SPEAKER pro tempore. Seventy minutes, 35 minutes to a side.

Mr. CANNON. I mean without this extension.

The SPEAKER pro tempore. Thirty-five minutes to a side.

Mr. CANNON. Will it pass the bill any earlier and give the soldiers of the War with Spain any more, or will it enable some of us who want time to just talk? [Laughter.]

Mr. LITTLE. Mr. Speaker, I think it would be ordinary courtesy to the men who fought in Cuba, the Philippines, and in China to allow a little more of debate on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas that 15 minutes more be allowed to those in control of the time on each side?

There was no objection.

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COLE] five minutes.

Mr. COLE. Mr. Speaker, this bill sheds a ray of light upon a period in our history that has been all but obscured by the greater brilliancy of the periods preceding and subsequent. The Spanish-American soldiers came on to the field, performed a remarkable service, but in so short a time and with such slight casualties that the pomp and circumstance that ordinarily environ a victorious Army has been reduced to a minimum. The splendid results of the service and sacrifice of that volunteer Army must not be wholly swallowed up by the heroic achievements of other days. [Applause.]

Ever since the separation of the human family and the organization of different nations down to the present time heroism has been largely measured by the degree of valor displayed upon the field of battle. Patriotism meant bravery in belligerent struggle. As a result the Old World has almost continually trembled beneath the measured tread of the battling hordes, and the streams have run red with the lifeblood of millions of strong men, to the extent that the history of the world is largely but a record of its wars and he the greatest patriot and most loudly lauded hero who left the widest wake of wreck and ruin in his relentless sway.

I should hail with delight the time when the agencies of civilization shall have so far progressed as that enthusiasm for the principles of peace shall be considered a higher compliment to the patriotism of the people than heroism in the prosecution of war.

But all wars have not been fought in vain. Neither have they been unjustifiable. It is true that civilization oft has followed in the wake of war. Great crises are common to every great nation and almost universally have been attended by war. Up to the beginning of the late World War this Nation had passed through at least three great crises. The first was the revolutionary crisis or the war for independence. The second was the civil crisis or the war for freedom and nationality, and the third the Spanish-American crisis or the war for humanity. [Applause.]

God forbid that I say aught that shall have a tendency to pluck one single star from the crown of glory that bedecks the brow of all who took part in them, but I am persuaded that not the least of these is humanity.

The close of the Civil War soon witnessed the reconstruction of the States. Once more we were at peace with ourselves and all the world. Our attention was withdrawn from the operations of war and devoted to the pursuits of peace. New telegraphic and cable lines were extended, new railroads constructed, and great steamers plowed the ocean's waves far and near, bringing us into such close contact and communication with the rest of the world that the ignorance and superstition, heathendom, and debauchery that existed in some parts, not only remote but adjacent, could no longer be heedlessly regarded. The tyrannical and barbaric conduct of the Spaniards toward the helpless, hapless inhabitants of our neighboring islands became a veritable stench in the nostrils of our advanced civilization. President McKinley made a call for troops to fight, not for individual power or prestige, not for personal aggrandizement or glory, not in self-defense, not for the maintenance of the Union, but in the interest and for the welfare and well-being of humanity. That call was answered by almost every able-bodied man within the limits of the Nation, manifesting the high state of civilization and patriotic devotion to which our people had attained.

The war was short but decisive, and this Nation was awakened from the lethargies of an isolated people and assumed the responsibilities of a great world power. In the far-off benighted Philippines, where the effulgent sunshine of the higher civilization and governmental restraints had seldom, if ever, penetrated, the benign emblem of national authority and morality was unfurled and the beautiful isles of the sunrise seas witnessed the glorious dawn of a great new day. And Cuba, Pearl of the Antilles, rich in natural resources, and resplendent in perennial verdure, with a populace having capacity for advancement. yet where misery and suffering, death, destitution, and despair stalked unrestrained under the eaves of the great structure of our boasted civilization, was set free, and from then until now her star of destiny has been rising higher and higher and growing brighter and brighter in the constellation of nations.

The close of the Civil War soon witnessed the reconstruction of the States, but the bitter emotions of civil strife still lingered to mar the tranquil relations between North and South. We had, indeed, but one flag, but there had been no common sacrifice for its maintenance. There is no agency in all the world that will so readily and thoroughly unite a people in a common cause as to make common sacrifice for that cause. I am persuaded that there is no tie that binds so closely and genuinely as that of military comradeship, or any condition or circumstance where human life is offered upon a common altar. When the call came for our people to fight against the inhumanities of the Spanish domain, they knew no North, no South, no East, no West; but the sons and grandsons of the loyal blue clasped hands with those of the gallant gray, and shoulder to shoulder, to the wild, grand music of war, beneath the folds of the Stars and Stripes, marched away and offered themselves a living sacrifice upon the altar of humanity and for the preservation of the dignity and honor of our common country. Thus in common sacrifice was the healing balm applied, and to-day we recognize one flag and one Nation united and inseparable.

Mr. Speaker and gentlemen, in the light of these facts I submit to you that in my humble judgment the men comprehended in this bill, most of them now beyond the meridian of life, having manifested the presence of the heroic spirit of the fathers and having to their credit such marvelous achievements, are deserving of even greater consideration than is provided in this bill, and I beseech its speedy enactment into law. [Prolonged applause.]

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that the time may be extended, so that the gentleman may ask his question and so that I may ask a question.

Mr. DYER. I object.

The SPEAKER pro tempore. Objection is made.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

Mr. WALSH. I will object to that. We have given that right to those who speak on the bill, and that is enough.

The SPEAKER pro tempore. The gentleman from Massachusetts objects to the request.

Mr. TAYLOR of Tennessee. I yield to the gentleman from Maine [Mr. WHITE] such time as he may desire.

Mr. WHITE of Maine. Mr. Speaker, notwithstanding the remarks of the gentleman from Texas [Mr. CONNALLY], I approve of this legislation and wish to indicate my assent to it and to summarize very briefly the reasons which lead me to vote for it.

The pending bill liberalizes existing law. The Spanish War veteran is to-day pensioned under general law, by the terms of which he must connect his present disability with his service to acquire pensionable status. The minimum rate granted

under this general law is $6 per month, and under the rating of disabilities followed by the department many soldiers and sailors receive only this pittance, and few are allowed more than $17 per month.

This bill proposes that all persons who have served more than 90 days in the military or naval service during the War with Spain, the Philippine insurrection, and the China relief expedition, and have been honorably discharged, and who are now or may hereafter be suffering from disabilities of a permanent character, shall be placed on the pension-rolls and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support; and with the committee amendment adopted that a veteran shall be entitled to the minimum pension of $12 per month on reaching the age of 62 years without proof of disability and thereafter a rate of pension based upon age until on arriving at 75 years of age the pensioner will draw $30 per month.

The significant changes from existing law are that in the case of those who served more than 90 days proof of disability originating in the service is not required; in the increase of the minimum to $12 per month; and in the provision granting a pension at the age of 62 years, and thereafter a graduated rate, without regard to disability.

The bill has my support. The Spanish War soldier, paid $15.60 a month, hurriedly mobilized, poorly equipped and supplied, his rations consisting principally of salt pork, embalmed beef, and hardtack, successfully invaded tropical strongholds of intrenched, acclimated regulars in both hemispheres, destroyed two fleets without the loss by capture of a man, boat, gun, or inch of ground. He fought to triumphant conclusion a war great in its consequences to our country and to humanity. He freed islands at our very shore from centuries of tyranny and oppression; he carried the flag to the far Pacific and the blessings of ordered government and civil liberty to the benighted peoples of far-off lands; and he gave to America a new and dominating position among the nations of the earth. These men are now for the most part of middle age, with family and financial obligations resting heavily upon them. If we are ever to show appreciation for their services and their sacrifices, we should do so now; it will never be more needed and more welcome. I bespeak for this legislation the votes of all Members of the House. [Applause.]

Mr. FOCHT. I will ask the gentleman from Maine the question which I wished to ask the gentleman from Texas [Mr. CONNALLY]. Is it not a fact that the veterans of the Civil War, whether they were injured in the service or have incurred disability since, now receive age-service pensions, even though they incurred no disability in the service?

Mr. WHITE of Maine. Yes.

Mr. FOCHT. And also is it not a fact that able Members of this House have made appeals on this floor for pensions for the aged, for men and women, who were never in any war; and is it not a fact that the only reason why this was not seriously considered was on account of the occurrence of the great World War?

Mr. WHITE of Maine. I can answer the gentleman's first question in the affirmative, but I am not able to answer his second question.

Mr. CARSS. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. WELTY].

Mr. WELTY. Mr. Speaker and gentlemen of the House, I can not agree with my good friend from Texas [Mr. CONNALLY], for I shall vote for this measure.

The Spanish War veterans have waited over 21 years before they asked any assistance for the soldiers of that war who are suffering from disability. They waited because they felt that their widows and children should come first. The measure providing for pension for their widows passed the House during the Sixty-second, Sixty-third, and Sixty-fourth Congresses, but each time failed in the Senate. Finally, during the Sixty-fifth Congress the Senate passed the same, and shortly thereafter it passed the House and became a law, June 16, 1918. Under this law the widows now receive $12 per month.

The present bill provides a pension not to exceed $30 per month nor less than $12 per month to all persons who served 90 days or more during the war. The pensionable status depends upon his disability.

Mr. Speaker and gentlemen of the House, it is now more than 22 years since the startling report came over the wires of the sinking of the *Maine*. In April following that event over 300,000 of our boys, at the request of President McKinley, volunteered to enter the military service of the Government of the United States, although they knew when they volunteered that their service would take them to yellow-fever-stricken districts. As a result of that service thousands of them are now suffering disabilities, though they are not all able to trace those disabilities directly to that service. Ninety per cent of the boys during that service were probably sick and had hospital records. They were sent home under disability. They were treated by physicians at home, and can not trace their present condition directly to their former military service. Shall it be said, because they are not able to trace their disability back to that time, although they then contracted the germs of the disease, that they shall not receive any pensions because of that? Thousands of them to-day are languishing in charitable hospitals, suffering from tuberculosis. Thousands of them are suffering from other disabilities, which the doctors will probably pronounce to be the result of their service either in Cuba, Porto Rico, the Philippine Islands, or in the camps of the States, where they suffered from conditions which were no fault of theirs.

Mr. BLACK. Will the gentleman yield?

Mr. WELTY. I yield to the gentleman from Texas.

Mr. BLACK. In the cases the gentleman mentions are not those soldiers permitted to enter the soldiers' homes that we maintain?

Mr. WELTY. Yes; and that is all they are permitted to do—to enter soldiers' homes, just as they could enter a county infirmary in my county or your county, and receive nothing more. [Applause.] When you ask them to enter a soldiers' home, you might just as well ask them to enter an infirmary or some other poorhouse.

Mr. BLACK. The gentleman does not mean to cast any reflection on the soldiers' homes that we maintain at public expense, does he?

Mr. WELTY. The only difference between a soldiers' home and an infirmary is that the soldiers' home is largely conducted under the Federal Government for the poor and disabled soldiers—a class by themselves—while the infirmaries are conducted in the sovereign States. That is the only difference. We have infirmaries that are just as creditable to this country as are the soldiers' homes; but to ask a soldier suffering from disease and disability to go and spend his time at a soldiers' home without any other compensation, without anything else coming to him, is placing him upon a par with those whom we send to our infirmaries. I think the boys who are suffering and disabled should receive some compensation from the Government. [Applause.]

I think the boy who volunteered when his country needed him is entitled to more than the comforts of a public institution. These boys should receive enough so that they need not be sent to a charitable institution. They have earned the comforts and pleasure of a home and all that it means when surrounded daily by loved ones. God bless our soldier. I shall always support him to his dying day, for it was he who made our country possible, it was he who preserved it when it was endangered, it was he who drove the last vestige of autocracy from the Western Hemisphere, and, thank God, it is to him we can turn when hate and red anarchy attempt to destroy it.

Mr. Speaker and gentlemen of the House, it seems that the Spanish-American War soldier never received any recognition. During the war he was kept in fever-stricken camps, had to sleep on the ground without any straw, was fed on pork that the dogs or the razorback hogs of the South would not eat. His camp was so foul that the ground in spots was gray with maggots. While at Chickamauga Park he had to haul the drinking water for 3 or 4 miles, when Crawfish springs, next to his camp, would have furnished ample pure and cool water. He did not have any recreation camps; was fed on foul, putrid, and embalmed beef, in order that the meat packers might make millions. This is the camp in which he was required to wait for months until he was called to the front for duty. Because of this condition some of the boys became sick, with no hospital facilities and nurses to wait on them. Those who did not die were glad to escape from this camp, and finally, when the day came for their discharge, few refused to sign certificates of good health even though they knew at the time that they were still suffering, because they wanted to get away from these filthy and unhealthy conditions. Most of them were homesick and believed and hoped that they would fully recover after a season under the parental roof.

Oh, Mr. Speaker, I can still see these rosy-cheeked boys leaving their homes mid the cheers and waving of flags, and with the blessings of thousands. In six months they returned pale, haggard, and with loss of health and weight. But as I say, these boys wanted to return to their homes, and would do anything to escape the conditions that the Government permitted

the camps to assume; and you can not blame them for signing a certificate showing that they had not incurred any disability during their service. Not one of these brave lads volunteered with any thought of ever receiving a pension, but each was willing to drive autocracy from the Western Hemisphere, and when their work was finished they were equally anxious to return to their homes, with little thought of self. All signed the certificate, but what happened? These certificates of good health now are evidence against them, and are precluding everyone from procuring a pension. Well, you say that he should not have signed this certificate showing good health when he did not possess it. Fine advice to give to a lad who is homesick and honestly believes that is all that ails him. Fine advice to give a boy who wants freedom from military autocracy.

I will gladly vote for this bill in order to remove this evidence against most of these boys who have been suffering under a disability ever since they left the service. I do believe their comrades and the charitable institutions should not longer be required to support them, and I do hope that the bill will pass. [Applause.]

Mr. CARSS. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, let us see what this bill does. It makes eligible to pensions those who served in the Spanish-American War, the Philippine insurrection, or the Chinese relief expedition, when they can show mental or physical disability, regardless of whether or not that disability was incurred in the line of duty. Under the present law soldiers who served in the Spanish-American War and the Philippine War can secure pensions if they can show that they incurred their disability in the line of duty. A great many of them are now drawing pensions, because they have met the measure of the law. But let us consider whether or not at this time we want to open up the door of the pension roll to soldiers in these wars which are mentioned in the bill, who can not connect their disability with any injury received or disease contracted in line of duty. If we are going to do this, then why not amend article 3 of the war-risk insurance bill at once, strike out that provision of it which requires that the soldier shall, in order to get the compensation benefit, show that he incurred his disability in line of duty. Here is the situation: More than 4,000,000 men served in the World War, and under the ordinary rules of health a certain number of these men will become disabled from accident and disease each and every year. A certain number of them have become disabled and are now disabled since their discharge from the service, but can not connect up their disability with service in the line of duty.

Mr. WELTY. Will the gentleman yield?

Mr. BLACK. No; I can not. I have only five minutes. What reason is there in morals or equity for pensioning the men who served in the Spanish-American War or the Philippine insurrection for disabilities from disease arising or accidents suffered since they left the service and not in any way connected in the line of duty, and refusing the same pension to men who served in the recent World War and who have become disabled in the same way? I can not see one particle of difference.

For instance, in my own district when the first anniversary of the armistice came around the boys had a celebration, and one of the boys who went to France was engaged in the celebration. They had 11 sticks of dynamite to celebrate with. One stick did not explode and this young man went down to inspect it, and about the time he got there it exploded, cut off one of his arms and put out both of his eyes, and he is totally blind to-day. He had allowed his war-risk insurance policy which he had been paying on to lapse and therefore he could not collect for a total disability, and can not collect under article 3 of the war-risk insurance act because the disability was not incurred in the line of duty, and yet he is as totally disabled as any man that can come under the provisions of this bill that we are about to pass. Why not pension that boy, because he was a gallant young fellow, if you are going to admit to the pension roll men who served in the Spanish-American War and Philippine insurrection and who did not suffer their disability in line of duty?

I warn you that unless you are willing to amend section 3 and strike out that provision which requires the boys who served in the World War to show that their disability was incurred in the line of duty that you ought not to pass this bill, because you can not defend it and refuse them the same relief.

I am willing to be liberal and generous with the soldier who was injured in line of duty during the war or contracted a disease as the result of his service, but I am not prepared to go so far as to give this compensation to the one whose injury or disease has no connection with his services in the Army.

Unless we are willing to pass a general disability pension law applying to every soldier who ever served in the Army, regardless of how he incurred his disability, we should not pass this bill.

I am not willing to go that far and therefore will vote against it. [Applause.]

Mr. SELLS. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] has overlooked one of the reasons why this country has always pensioned the disabled veterans of its wars, whether they incurred the disability in line of duty or not. The reason is because the country never called for men to fight its battles and failed to get them. The Spanish War veterans responded to their country's call knowing that Congress on June 27, 1890, had voted for pensions for every man who was suffering any sort of disability who served in the war of the sixties. At the proper time the same thing was done for the Mexican War veterans, the same thing was done for the veterans of the War of 1812, the same thing was done for the soldiers of the War of the Revolution, and the same thing will be done for the veterans of the World War 20 years from now.

Mr. BLACK. Why not do it now; why not amend section 3?

Mr. CAMPBELL of Kansas. The soldier that the gentleman described a moment ago should be pensioned, and if the gentleman will introduce a special bill I have no doubt that it will pass the House unanimously. [Applause.] I will vote for it, and every other Member of the House will vote for it. We have passed special pension bills for such cases for veterans of the Spanish-American War. During the first term I was in Congress we passed special bills for cases similar to that. The time is ripe now for a general law and we should pass this bill to enable the Spanish-American veterans to come under its provisions. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. OGDEN].

Mr. OGDEN. Mr. Speaker, I wish to congratulate this Congress for discharging the long-delayed duty which has rested on the Federal Government to the veterans of the War of 1898 these many years.

The bill under consideration, in addition to providing many thousands of the soldiers of the Spanish American War with needed assistance, furnishes further evidence of the fact that this country has not forgotten those who served her so valiantly in that war.

No higher or more important service can be rendered than that of the soldier in time of national emergency. The destiny of the country is committed to his care. Although his undertaking is fraught with danger, he enters upon its performance just when life is replete with hope and all its tides are at their highest, grandest flow—just when the early sunbeams are falling on the steeps of fame; he thinks not at all of the risk or the sacrifice, but only of his burning, eager desire to measure up to his full duty as a true soldier to his flag.

The short duration of the War with Spain dims, perhaps, the full significance of the things accomplished therein and may supply the reason for the delay in enacting necessary legislation for the care and support of the veterans of that war who have become disabled for earning their own support. I would remind my colleagues that the young men who answered the call for volunteers on April 23, 1898—two days after the declaration of war—possessed the same spirit that has characterized the American soldier since the War of Independence. They were eager that the power of a great free people should go out like the benediction of heaven to bring liberty and justice and hope to the oppressed and tyranny-ridden inhabitants of the islands of the sea. But in the short space of a few months our gallant and indomitable Army accomplished more than the conquering of a mighty foe.

The campaign served to reunite our country and bring North and South together as they had not been brought since those early days when the Puritan and the Cavalier shed their blood on the field of Yorktown. The sons of those who fought as foes a little more than 30 years before were comrades under the same command, fighting for the same cause and for one and the same flag. But, more than this, we stepped out upon the broad stage of world action and became one of the great powers; we advanced from the continental domain to world-wide influence. We took a new position in the great family of nations and emerged from a restricted sphere into the arena of the world's activities.

We must not, we can not, forget the services of the veterans of that war. And until we have passed a law that will shield those who have become dependent from the necessity of apply-

ing to others for assistance we have not shown a consideration for their interest commensurate with what they accomplished.

The first legislation enacted by Congress for the relief of Civil War soldiers suffering from disabilities not contracted in the military service was in 1890, and this bill very largely follows that act. The principal difference is that the bill under consideration fixes a minimum of $12 and a maximum of $30 per month. The amount of the pension granted will be controlled by the degree of inability to earn a support. The bill very wisely provides that, in determining such inability, each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated. The length of service required to give a soldier a pensionable status is 90 days, and he must have been honorably discharged from the service. This bill, Mr. Speaker, will give relief to a great many of our soldiers who served during the War with Spain, the Philippine insurrection, and the China relief expedition. I am personally acquainted with a number of veterans who, under existing law, have had their claims for pensions denied, by reason of their inability to prove by competent evidence that their disability was received in line of duty. The requirements under the general laws are so exacting that only a very limited number of the Spanish-American War veterans have been able to obtain pensions, although thousands of them are totally incapacitated for earning their own living. This bill will come as a blessing to them, as, under its provisions, they will not be required to trace their disability to causes sustained in the service. If misfortune has overtaken them while pursuing the pathway of civil life, from any cause whatsoever, their Government will extend its benevolence in the form of a helping hand.

I would prefer a larger maximum than is provided in this bill for my comrades, but the Committee on Pensions, after thorough investigation and mature thought, and out of a consideration of the opposition that might develop either in this body or in the Senate and thereby endanger the passage of the bill, has fixed the maximum at $30.

It is no doubt true that we will not give complete relief to the totally disabled and dependent soldiers, but by the bill we will improve their present condition under the law as it now exists. In this day of the high cost of every item that enters into the problem of living, $30 per month is, indeed, a pittance to one without home and ability to compete with his fellow man in the great struggle for individual advancement.

I believe that it is not possible for a great country like ours to commit extravagance in legislating in behalf of its soldiers. The achievements of our Army constitute dominant factors in the wonderful progress that we have made as a Nation. Six times the American people have waged war—never for conquest, never for dominion, never for martial glory, never for unworthy or ignoble purpose. The sword in the hand of the American soldier has ever been the emblem of human rights and true civilization.

The good cheer and the Godspeed which the soldier receives when he answers the call of his country in the presence of a momentous undertaking should not lose its quality or become forgotten after his return with duty well and fully performed. And yet sometimes I am inclined to believe that his heroism and valor displayed on the field of action are soon relegated to the forgotten past when the emergency subsides and peace prevails.

One of the proudest periods in my life is that devoted to the service of my country as a soldier during the Spanish-American War, and I shall ever retain fresh in my memory the experiences of that service.

I have been glad to support every measure that has come before this Congress calculated to benefit the soldiers of our country. It gave me pleasure to support the Fuller bill, making increases in the pensions to the old soldiers of the Civil War, whose number is being fast diminished by the ravages of time. I realize the sacrifices in a material way that the veterans of the World War made when they entered the service. They were gathered from every avenue of life and many of them abandoned and gave up opportunities which promised lucrative returns. But they did not hesitate, as they preferred to serve their country at any sacrifice. In every department of the service they reflected credit upon their country, and a grateful people will never cease to applaud their achievements. The world will ever look upon their display of skill and genius as the wonder of the age.

I am heartily in favor of the pending legislation to provide a substantial bonus for them, not as a gratuity or charity, but in further payment of the compensation to which they are rightfully and equitably entitled for the services they have rendered. The economy which they were compelled to practice during their service in order to exist upon the pay received, if applied even in a limited degree to the administration of the affairs of the Government during the next fiscal year, would provide the Treasury with ample means with which to meet the bonus carried in the legislation.

Mr. Speaker, I realize that this has been a very busy Congress and that the many important bills essential to the stabilizing of affairs and returning the country to normal conditions have engrossed the time of the membership. But I regard the bonus legislation as one of the most important pending matters and one which well justifies the present consideration of the great Ways and Means Committee. I hope that we shall have the opportunity and pleasure of voting for this bill and enacting it into law without any further delay.

Mr. SELLS. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I am glad I have an opportunity at last to vote for a measure that will do some justice to the veterans of the Spanish-American War. These men composed an army that never lost a flag, never gave up a foot of ground, never surrendered a gun, and this measure will take care of some of those disabled veterans. Forty thousand of these men volunteered in the last war—volunteered for the second time, although by reason of their age each and every one of them was exempted from the draft.

The total number of men in the service from April 21, 1898, to July 4, 1902, was 434,000. The total number of deaths from all causes among these volunteers was 12,000. Fifty-two thousand Spanish War veterans then either made the great sacrifice or offered to make it during the late war, and any man could be proud to belong to an army with such a record. They participated in 826 battles and engagements and skirmishes of record in which 515 men were killed or wounded. Purely as a pension measure I should oppose this legislation, but knowing as I do that the records kept during the Spanish-American War are in such condition that it is practically impossible for an ex-soldier of that war to prove that disability arose from service, I feel that we must go to the other extreme and take care of the sick and disabled regardless of what the records show.

These men have received less consideration than the veterans of any other war in which the United States was involved, fought in the most unhealthy climate in which American soldiers ever served, and we can not do less than remember that service.

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Speaker, I am glad, indeed, to give my support to this bill. Those of us who have served in Congress for a number of years have had opportunities to know of the many cases of distress among veterans of the Spanish-American War, meritorious cases to which relief could not be given for want of just such a law as is proposed in this bill. I am glad it is possible to take up the bill to-day under suspension of the rules. It is to be hoped that the Senators will stop talking about the treaty long enough to pass this measure carrying relief for those worthy and highly patriotic men who responded to the call to arms of President McKinley.

Mr. SELLS. Mr. Speaker, I yield half a minute to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, I am very glad to give my hearty support to this bill. There were a great many men, both single and married, who left my own city of Fall River, Mass., to serve in both the Army and the Navy during the Spanish War. They rendered valuable service there, and there has been a great deal of trouble in securing pensions for them and for the widows and families of the married heroes and the dependent fathers and mothers of the single young men. The calls were made for volunteers, and the young men of that day entered the ranks for the purpose of freeing the island of Cuba from the domination of the Spanish Government and the barbarities and injustice from which the residents of that beautiful island had long suffered. Our country had no ambition to acquire additional territory. We only sought to redeem that land of promise and opportunity from the degradation and disgrace which were visited upon that unfortunate island by its oppressors. All volunteers demonstrated their prowess on land and on sea in a manner that typified the valor and public spirit of the heroes of our Revolutionary forefathers who from 1776 to 1783 fought and suffered to establish the independence of the United States from the thraldom and domination of our oppressors who sought to destroy the hopes and aspirations of the embattled farmers of the earlier days who fought these invaders of our shores who sought to tax them and deny them representation.

I have heard the Spanish War denominated not a war but merely a skirmish with no definite result. I do not so regard it. It cemented together the sections of our country that had

been divided in the terrible struggles of the Civil War. The lines of division between the Blue and the Gray were largely shattered by the ties of love and affection that sprang from unity of heart and mind, on sea and on land, as their sons vied with each other in the defense of the flag of the United States during the struggles on the Atlantic and in the Far East on the Pacific.

Our Navy, with but little home training in preparing for battle, shot to disable the ships of our opponents, rather than to kill the men who manned them. They made a record that should arouse the true American spirit of patriotism and should awaken the pride and glory of every citizen of the United States, and awaken to a sense of gratitude in the heart of every Member of the Sixty-sixth Congress who has the responsibility of insuring that the legislation embodied in this bill shall be enacted into law without unnecessary delay. I well remember when these men left their homes, full of vigor and life, and I have seen many of them of later years who bear the effects of their service in all the struggles named in this meritorious bill. What did we do for Cuba? She was afflicted with yellow fever which affected our own dear land and our homes and firesides.

We established a system of sewerage and enforced cleanliness such as the island of Cuba had never known under its filth and degradation, that almost entirely engulfed it.

I can not enumerate all the heroic deeds of the soldiers and sailors of that war, but I will refer to the heroic work of one citizen of the city of Fall River, Mass., where I reside, who, when volunteers were called upon to cut the cable at Guantanamo Bay to destroy the power of the Spanish Navy to communicate with Havana, sprang to the side of the steamer and sped to the point of contact and severed the cable and destroyed the connection; but he forfeited his life for the heroic act. His name was John J. Doran, a humble mechanic in said Fall River, Mass., and a hero whose memory is loved and respected there and the camp of Spanish War Veterans in that city is honored in bearing the name of "The John J. Doran Camp of United Spanish War Veterans of Fall River, Mass."

My time is too limited to recall all the heroes of that valiant struggle. Can anyone forget or belittle the memory of the lamented Admiral George Dewey, the hero of Manila Bay?

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Speaker, I am glad we have reached the consideration of the Sells bill to pension the Spanish-American War veterans. This day calls to our mind the great debt of gratitude to those who in that intense struggle brought victory to American arms. The act is sufficiently comprehensive to include within its terms those who fought during the War with Spain, the Philippine insurrection, and the China relief expedition.

There were approximately 312,000 men engaged in this struggle, and the cost will not be so great as to put an undue burden on the taxpayers. The cost during the first year is estimated to be a little over $2,000,000, the second year twelve million, and by the third year about fifteen million. Thus during the three years the cost will only be about $29,000,000, which is about what we were spending each half day as our part of the World War.

These men went forth to serve their country in Cuba, in Porto Rico, and the Philippines. They contracted malaria, fevers, and other diseases prevalent in the torrid climates of these countries. Heretofore they have been pensioned only where their disability was traceable to the service, but 20 years have elapsed, and we find that they are entitled to more liberal recognition by the country they so valiantly served.

Mr. Speaker, a feeling of sorrow comes to those of us who were close in our friendship to the late Hon. Carl C. Van Dyke. We should all bow to the will of our Maker, but we can not help but feel how proud he would be if he were here to-day to see his comrades obtain the recognition that will be given to them when this bill has passed. Congressman Van Dyke was the commander in chief of the United Spanish War Veterans. When he was carried back to his native State of Minnesota by his comrades in the Spanish-American War and his colleagues in Congress a more impressive tribute to his memory could not have been given.

As he lay in state in the beautiful capitol at St. Paul, guarded by his Spanish-American war comrades, thousands upon thousands of his friends came to pay their silent tribute of love and respect. Some of those same comrades are here to-day. He was ever alert in their interest, and while the whole Nation suffered a loss in his death the United Spanish War Veterans suffered a peculiar loss. He was their chief, their counselor, and their friend.

I felt highly honored when the Worth Bagley Camp, to which he belonged, conferred honorary membership in the Spanish War Veterans upon those of his colleagues, including myself, who accompanied him when he was laid to rest.

This great organization of these tried and true veterans will serve their country in peace with the same spirit of patriotism and heroism as in the days of war. They will be a bulwark of defense against any attempt to overthrow the institutions of the Government for which they offered their lives and strike mighty blows in the great fight for steady progress toward the high goal of achievement within our reach. [Applause.]

On September 22, 1902, in Detroit, Mich., at a meeting of the Spanish War Veterans, there were two notable speeches made, one by Capt. Richmond P. Hobson and the other by the then President, Theodore Roosevelt. Capt. Hobson said on that occasion:

> I would rather be born an American than be the crown prince of any kingdom on earth. And for the South may I say to you, veterans of the Civil War, that the South is happy and grateful to you to-day that she was not allowed to secede. I bring witness, if any is necessary—and you will pardon the indulgence I take in referring to the fact—that of the four medals of honor voted by Congress for the late war four went to sons of the South.
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> The Navy in America is a word to conjure by. In the Spanish War the Navy really made a record that will stand unchallenged until the last day in human history. It will stand as the maximum of efficiency, for never before in history did one fleet completely destroy another, never did one fleet gain a victory, without having a serious injury inflicted. This record was broken twice by the victories of Manila Bay and Santiago. This extraordinary characteristic has followed our Navy from the start, when Paul Jones set the pace.

Col. Roosevelt, in a stirring speech to his comrades, said:

> The war itself was an easy one. The tasks left behind us, though glorious, have been hard. Yes; the men of the Spanish War, you and your comrades in arms who fought in Cuba and Porto Rico and in the Philippines, won renown for the country, added to its moral grandeur and to its material prosperity, but you also have left duties to be done by those who came after you.
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> I speak in the presence not only of the men who fought in the Spanish War and in the Philippine war, which was its aftermath, but in the presence of the veterans who fought in the great war, and, more than that, I speak here in a typical city of the old Northwest, of what is now the Middle West, in a typical State of our Union. You men of Michigan have been mighty in war and mighty in peace. You belong to a country mighty in war and mighty in peace, a country of a great past, whose great present is but an earnest of an even greater future.
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> This country has never yet been called upon to meet a crisis in war or a crisis in peace to which it did not eventually prove equal, and decade by decade its power rose greater and the likelihood of its meeting successfully any crisis becomes even more assured.
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> We are optimists. We spurn the teachings of despair and distrust. We have an abiding faith in the growing strength, the growing future, of the mighty young Nation still in the flush of its youth and yet already with the might of a giant which stands on a continent and grasps an ocean with either hand. Succeed? Of course we shall succeed! How can success fail to come to a race of masterful energy and resolute character, which has a continent for the base of its domain and which feels with its veins the thrill that comes to generous souls when their strength stirs in them and they know that the future is theirs? No great destiny ever yet came to a nation whose people were laggards or faint-hearted. No great destiny ever yet came to a people walking with their eyes on the ground and their faces shrouded in gloom. No great destiny ever yet came to a people who feared the future, who feared failure more than they hoped for success. With such as these we have no part.
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> We know there are dangers ahead, as we know there are evils to fight and overcome, but we feel to the full the pulse of the prosperity which we enjoy. Stout of heart, we see across the dangers the great future that lies beyond, and we rejoice as a giant refreshed, as a strong man girt for the race; and we go down into the arena where the nations strive for mastery, our hearts lifted with the faith that to us and to our children and our children's children it shall be given to make this Republic the greatest of all the peoples of mankind.

[Applause.]

Mr. Speaker, I do not want to close without extending my congratulations to the Committee on Pensions reporting out this bill, and particularly to the gentleman from Tennessee, the Hon. SAM R. SELLS, the distinguished chairman of that committee. With tireless energy and persistent industry he has worked in season and out of season that this great act of justice should be done for his comrades, and the work of the House to-day will be the fruition of countless months of labor on his part.

In the passage of this act to-day, Mr. Speaker, the Republic expresses in a concrete way the gratitude that is in the hearts of her people for whom these men fought. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FULLER].

Mr. FULLER of Illinois. Mr. Speaker, I am very glad of the opportunity to support and vote for this bill. It is a just and too long-delayed recognition of what the country owes to the brave men who so gloriously upheld the honor and dignity of the American name in the freeing of the Republic of Cuba, the pacification of the Philippine Islands, which fell to us by reason of the War with Spain, and in the Boxer uprising in China. I

hope it can never be said of any American Congress that the Representatives of the people of this Republic failed to appreciate and recognize in every reasonable way what the country owes to its soldiers, sailors, and marines of every war in which the country has been or may be engaged.

Under existing law no soldier of the War with Spain or of the Philippine insurrection or of the China relief expedition can be pensioned unless he is able to prove to the satisfaction of the pension officials that he is suffering from a disability incurred in the service and in the line of duty. Many of them are suffering from disabilities so incurred, but they are unable to positively prove that such disabilities are the result of their Army service, though they undoubtedly are. This bill only provides pensions for those who are now disabled, but relaxes the law to the extent of not requiring that proof be made that their present disabilities were incurred in the service and in the line of duty. The bill is on the same principle as the Civil War act of June 27, 1890, which provided pensions for the soldiers of that war who were disabled to the extent of being unable to earn a living by manual labor.

I look upon the matter of pensions to soldiers and their dependents in a little different light than some others. The sums we pay in pensions are not wasted or thrown away. Every dollar that is thus expended by the Government goes into immediate circulation in the communities all over this land and benefits every community. But more, much more, than this, it is a just recognition by the Government of the obligation it owes to the country's defenders and is an encouragement and assurance of appreciation and support to those who may hereafter be called upon to defend our country, our institutions, and our flag. It promotes patriotism, love of country, devotion to our institutions, and recognition of the obligations of citizenship. In every war we have ever had it has been demonstrated that the men who fought the battles, who braved death for a principle, when the war was over proved themselves to be loyal and patriotic citizens, true Americans, whose lives and example were ever an inspiration to the youth of the land. As the Government recognizes the service of the men of former wars, so may the younger men who were privileged to serve their country in the late World War be assured that their services and sacrifices will not be forgotten nor neglected by a grateful people.

I hope this bill may speedily pass and become a law, and I trust that after it passes this House it may not be allowed to sleep at the other end of the Capitol, as some other pension bills have fared during the present Congress. True, there are weighty questions being considered by both Houses of Congress, requiring much time and the most careful consideration; true also it is that there is the most urgent need for economizing in Government expenditures; but, to my mind, nothing is of greater importance than to fitly and promptly recognize our obligations to the brave men now living of all past wars and to their dependents. The admonition of Abraham Lincoln "to care for him who shall have borne the battle, and for his widow and his orphan," should sink deep in every heart, and what we know we should do, and what we propose to do, let us do it now.

Mr. CARSS. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, the Government of the United States of America, I believe, stands ready at all times to render every possible appreciation and assistance to soldiers who have defended its flag. That time, in so far as it relates to soldiers of the Spanish-American War, is now here. I am glad to be informed that in the Pension Committee the entire committee reported in favor of the bill; that there was a unanimous report in favor of this relief for soldiers of the Spanish-American War.

In the last Congress I was interested, as I suspect was everyone else in the House, in a bill for the relief of the widows and children of the Spanish-American War veterans. I want to go on record as saying that I think pension bills which afford relief to widows and dependent children are among the most valuable of all the bills for the relief of our soldiers. The widows and dependent children of Spanish-American War soldiers are entitled to their pensions. I know that we may afford benefit by special enactment, but I am in favor of general recognition, of doing everything proper for the relief of the soldier who has borne American arms in any war, for his widow and his dependent children. [Applause.]

Mr. CARSS. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, as a member of the Committee on Pensions, I want to supplement the remarks of the gentleman from Ohio [Mr. GARD] by saying that every Democratic member of the committee, as well as every Republican member of the committee, voted to report out the bill. To-day they are all here to see that the bill receives favorable consideration, and I know that it will.

This particular legislation is for the relief of the men who served in the Philippine insurrection, the China relief expedition, and the War with Spain. It provides that an applicant for a pension must have served over 90 days, and the amount of the pension shall not in this particular bill exceed $30 or be less than $12 per month, according to the conditions and circumstances of the particular case. These men, from every State in the Union, answering the call of President McKinley in 1898, have, after fighting that war and enduring innumerable hardships, supported, for the past 22 years, by their own voluntary subscriptions, their comrades who have since become disabled. For example, last year in New York City alone the Veterans of the Spanish-American War spent over $200,000 out of their own pockets in caring for their disabled comrades, unable to care for themselves by reason of some disability or other.

It seems to me that with the committee unanimous in its favorable report of this bill declaring for disability pensions of $30 as a maximum and $12 per month as a minimum, and with the amendment with respect to age pensions, granting men 62 years of age $12, men of 68 years $18, men of 72 years $24, and men of 75 years of age $30 per month, there should be no opposition from anyone. It is the adopted policy of the Government to pay veterans disability and age pensions, and if we expect men to answer the call to arms in time of war we must adhere to that policy. I hope we will never have another war. However, these men have patiently waited for 22 years before coming to us for relief. They are not asking for anything that they do not richly deserve, and it is our paramount duty to pass this bill here and now.

These men made a great record. They were hurriedly recruited, poorly equipped, fed on hardtack and embalmed beef, fought against acclimated regulars in distant tropical lands, and never lost, by capture, a man, boat, gun, or an inch of ground, and, like the veterans of all our wars, they upheld the glorious traditions of America.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CARSS. Mr. Speaker, I yield one minute to the gentleman from Colorado [Mr. VAILE].

Mr. SELLS. Mr. Speaker, I yield two minutes to the gentleman from Colorado.

The SPEAKER. The gentleman from Colorado is recognized for three minutes.

Mr. VAILE. Mr. Speaker, I am not as much impressed with the arguments of the gentlemen from Texas as I usually am with their arguments. They object to this bill because it does not require that it be shown that the disability of the soldier was incurred in service. There is an important distinction with reference to disabilities under which Spanish War veterans are now suffering, 22 years after the Spanish War took place, and that is that nearly every man in that service, who saw foreign service, had his health permanently impaired, and, as has been pointed out, it is impossible to furnish the proof that the disability under which he is suffering now was incurred in the service. There is a broader view, however, and that is that the country at that time was under a disability, not very serious perhaps, but nevertheless a disability, a trouble involving war, and these men who volunteered for that service did not ask the country—the United States—to prove that its disability was incurred in line of duty. They assumed that it was. They believed that in declaring war their country was acting "in line of duty," and they further believed that its duty was their duty.

And I think it is a sound principle that when a man is willing to place his own life in jeopardy his country should see to it thereafter that that man should not be reduced to destitution, poverty, and starvation, and I for one am by no means frightened by the prospect that we may some day have to take care of sick men who offered their lives for the United States in the World War. Now, Mr. Speaker, our attention to-day is riveted very naturally and properly on soldiers of two other wars. They are the young men who kept America's honor unsullied in the World War, and the old men who in the dark days between 1861 and 1865 preserved this Nation to become the defender of civilization. But I hope that we shall not lose sight of those men of equal patriotism and courage who preserved in our War with Spain the best traditions of '61 and transmitted them with added purity and luster to the boys of 1917.

As we think of wars to-day the War with Spain was not a great war, but it was a most important one. It unified us at home. It took the "bloody shirt" forever out of American politics. It made Dixie popular in the North and Yankee

Doodle popular in the South. It established us as a world power—not of aggression but of beneficence, enlightenment, and progress. It constituted a taking upon our shoulders of our share of the white man's burden, and it was the beginning of the demonstration, which has ever since been made by the United States to all the world, that that burden can be carried with justice and generosity.

It was not a great war in the sense of numbers engaged. It was great in its call to humanity. It was great in its results to the United States and to all Christendom. And it was also great in its sufferings and hardships to the men engaged in it. They fought in the fever-ridden swamps of the Tropics. Their casualties, both in battle and by disease, were far greater in proportion to their numbers than in the war now happily ended. They deserve as considerate treatment from their Government as any other class of soldiers.

This bill deals only with the soldiers themselves, and under the rule by which we got it considered to-day it can not be amended in this House by the addition of provisions relating to the widows and children of deceased soldiers of the Spanish War, but I can not let this opportunity pass without calling attention to what I consider a very glaring defect and lack of equity in our present laws relating to pensions of those widows and children. This injustice arises from the construction placed by the Pension Office upon the act approved July 16, 1918, "to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China." (Public No. 199, 65th Cong.). This construction is announced in the case of Anna, widow of Oscar J. R. de Rochemont, case No. 104, decided January 31, 1919. This decision is to the effect that while the dependents of a volunteer officer or enlisted man are pensionable if the soldier served for 90 days or more during the period of the war, independent of the geographical locality of such service, yet the dependents of a soldier (officer or enlisted man) of the Regular Army are not pensionable unless such soldier's service included 90 days at the actual theater of military operations.

While this decision is highly technical, I must concede that it was probably correct under the language of the act of July 16, 1918, especially as Assistant Secretary Hopkins referred to the language of the debates on that act when it was being considered and quoted Mr. Keating, of Colorado, who had the bill in charge, to show the legislative intent, as follows:

> This bill does not provide pension for the widow or minor children of a soldier or sailor of the Regular Establishment unless he actually left the confines of the United States and participated actively in the War with Spain. (CONG. RECORD, July 9, 1918, p. 8920.)

It seems to me, however, that the policy of such a distinction is wrong and that it should be abrogated. In time of peace as well as in time of war we solicit men to undertake military service as a profession, though everybody knows that it is a profession which will endanger a man's life in the event of war. The probabilities, well known to the professional soldier, are that he will be called into action ahead of the volunteer, and this often affords a strong motive for enlistment of venturesome spirits even in time of peace. Military service in time of war is military service wherever it is rendered and is subject to the danger of death by disease as well as death by bullets. I was a soldier in the volunteer service in the War with Spain. I contracted typhoid fever in camp in the United States and lay for several weeks at the point of death. If I had died and had left a widow she would have had a pensionable status under the decision in the De Rochemont case. But some of my friends, civilians, enlisted in the Regulars at the outbreak of that war, deeming it their best chance to get to the front. If one of them had died from fever contracted in camp in the United States his family would not have had a pensionable status. They would have been debarred from it because the husband or father had chosen the service more likely to cause him to die for his country.

Why should there be a distinction anyway between those whose orders were to stay here and those whose orders were to go to Cuba or the Philippines? It will not do to say that the former did not render military service in the war. The fact that they were in the Army was the very reason why it was possible to send men of some other organization to the actual front.

Now, an interesting thing developed in debate here a few days ago. It appeared that under the act of July 16, 1918, the family of a soldier who did "leave the confines of the United States," and who did "participate actively in the War with Spain," was not entitled to pensionable status, although he was wounded in battle and actually died as the result of such wound, the reason being that the wound caused him to be sent to the United States before he had had his 90 days' service at the front and also caused him to be discharged on account of disability, so that he did not die in the service. This is the case cited by Mr. GARD, of Ohio (RECORD, Jan. 21, p. 1847). It is, of course, an extreme case, but it is extreme cases which test a law.

Such a lack of equity is abhorrent to our sense of justice. One of my earliest acts as a Member of the Sixty-sixth Congress was to introduce a bill to put the widows and orphans of the Regular soldiers who served in the War with Spain on the same plane as the dependents of those of us who went in with the Volunteers. It is H. R. 7408, and, speaking as a former soldier outside of the Regular Establishment, speaking from a heart full of the tribute which must be yielded in fairness to the Regular by the National Guardsman and the Volunteer, I earnestly urge upon my colleagues the passage of that bill for the widow and the orphan of the man who rendered as loyal and faithful service as any of us rendered, for the widow and orphan who are as much entitled to the protection of a just Government as my own widow and orphan would be.

Mr. Speaker, the soldiers of the Regular Army rendered a necessary and an exceedingly important service in the War with Spain. Of course, it was no braver or more self-sacrificing service than that which was performed by the Volunteers. Any distinction in degree of patriotism between these two branches of the service would be unfair—as unfair as the distinction in the pension law passed by the last Congress. But the Regulars had a great opportunity for service, and the Regular soldiers of the United States have never neglected such an opportunity. Just as our volunteer armies had the larger share in bringing the islands of the Pacific under the influence of the United States, so our Regular Army did the major part of the work in Cuba. That work was a great factor in the winning of the war. Many military critics say that it was the deciding factor. I do not care to argue the point. It was a great work well done.

The profession of the Regulars, a profession of the highest necessity to the Government and which the Government urges men to undertake, bars them from active participation in politics. They are nobody's constituents. They elect no Representatives to Congress. They can not hold up the fear of punishment to a Congressman who denies them redress. They can offer no reward to the Congressman who hears their plea. Their widows and orphans must rely merely upon our sense of fairness, our desire to do equity. For this reason especially they should have equity. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. I yield to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, my only objection to this bill is the tardiness of its enactment. I count it tremendously unfortunate for anything to be done or left undone that will cause distrust of the Government on the part of the citizens in general; and it borders on tragedy for our Government to pursue a course that seems to show national ingratitude toward the soldiers who offered their lives for the American flag. Too long has this country waited to give substantial legislative recognition of the valor of our Spanish-American War veterans. The sinking of the *Maine*, the plight of the pleading Cubans—the "Queen of the Antilles" staggering from 400 years of slavery under the black shadow of Morro Castle—these, all these, constituted a clarion call to arms which caused patriotic young Americans, North, South, East, and West, to flock to the colors with a volunteer enthusiasm that was at once a tonic and an inspiration to patriots everywhere. But our Government was not prepared to care for these soldiers as we did for the soldiers of the recent World War. The camps suffered for lack of sanitation and necessary bodily comforts; the toll of death was pathetic, and thousands of those who survived disease and Spanish shot and shell are carrying until this good day many marks of physical depletion as the measure of their exposure and the proof of their devotion.

Let us make haste in this tardy legislation to show our gratitude to these heroic defenders of our flag. If we must think of war at all, we love to think of the Spanish-American War as the first opportunity that came to us after the "uncivil" war between the States for the sons of the Blue and the sons of the Gray to fight side by side for our common flag [applause]; and ever since this first blood-bought fellowship of the once sundered sections—ever since Theodore Roosevelt and "Fighting Joe" Wheeler charged together in glorious loyalty up San Juan Hill—they buried in the trenches around Santiago the bickerings and bitterness of an unhappy past as they had never been buried before. And the sons of "the wind-swept North and the sun-kissed South" who followed their starry standard to victory were the hero evangels of a new world prestige and a new national fellowship, and we honor ourselves as lawmakers to-day when we refuse to longer delay this inadequate expression of love and helpfulness from the heart of a grateful Nation. [Applause.]

Mr. SELLS. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, as a member of the Committee on Pensions which considered and reported favorably the pending bill, I am firmly impressed with the urgency for this legislation. A casual survey of the individual pension bills considered by our committee and which could not be acted upon favorably because of the lack of legal authority, will convince any unbiased and fair-minded Member of the necessity of this measure.

There is no division of judgment among the members of the committee, who are familiar with these conditions, as to the crying need of this legislation. Hundreds of bills have been introduced praying for relief for Spanish-American War veterans who have become incapacitated for work since they were released from service. The majority of these claims were based upon disability not incurred in war service. Many who claimed that their infirmities originated during the period of actual service were unable to furnish medical proof because of lost or destroyed records and hence no relief could be afforded them.

A large percentage of the soldiers who served in Cuba or in the Philippines contracted a character of disease that did not fully manifest itself until some time after the termination of their service. Under the rules of the Pension Department all of these men were and will be denied pensions except by special acts of Congress or unless this measure is passed. This bill removes and overcomes all these obstacles and will give aid and relief to those who are most deserving of a grateful people's consideration. It will, but in a limited measure, enable the Nation to discharge its obligations to its valiant defenders.

I know from personal observation of the distressful condition of many of these veterans. The Northwestern Branch of the National Home for Disabled Volunteer Soldiers is located in my district. These veterans have passed the meridian of life, and with health impaired, and in many cases with physical injuries sustained to an extent that wholly incapacitates them for any work, they could not be cared or provided for by their families or relatives and were compelled to seek shelter in these institutions.

The testimony before the committee discloses the fact that the Spanish-American War veterans and other associations are required to contribute annually hundreds of thousands of dollars to take care of these incapacitated soldiers and sailors. Surely the people of this country do not desire these unfortunate and disabled soldiers and sailors to become objects of charity. To alleviate their wants and soothe their sufferings is therefore but a feeble expression of the Nation's gratitude. Of course, their sacrifices can never be adequately compensated. Their services can not be measured by any monetary standards. They heroically rendered their part, they were ready to give their all; now is the Nation's opportunity to perform its duty and partly, at least, discharge its obligation.

Twenty-two years have elapsed since that memorable conflict, but the lapse of time has not erased from our memory the results of their valiant efforts nor diminished the glory of their heroic achievements. The passage of this bill will bear splendid testimony that those who respond to the country's call will never be forgotten in their hour of need and distress and that passing years but increase our solicitude for their comfort and well-being. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KIESS].

Mr. KIESS. Mr. Speaker, I am very glad for the opportunity of speaking in favor of this bill granting pensions to the soldiers and sailors who participated in the Spanish-American War. During my service of seven years in Congress I have been a member of the Committee on Pensions, and my length of service on this committee is exceeded only by the distinguished chairman, Mr. SELLS, of Tennessee. I have always favored granting liberal pensions to the soldiers and sailors of all our wars, and when elected to the Sixty-third Congress I requested that I be assigned to the Committee on Pensions. This has given me an opportunity to assist in the passing of many meritorious special or private pension bills, and also to assist in the framing and passage of general pension legislation favorable to our soldiers and sailors. I firmly believe that no money that the Government appropriates is better or more wisely expended than the money that is paid to disabled veterans who through service in defense of our country incurred disabilities that render them unable to earn a livelihood. The bill now before the House was carefully considered by our committee, and was favorably reported by the unanimous vote of the committee. It is unnecessary for me to take up the time of the House in explaining the merits of this bill for I am fully convinced that the bill as reported will pass the House by an almost unanimous vote. I hope that the Senate will give this measure prompt and favorable consideration and that it will become a law without unnecessary delay. [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, it gives me a great deal of pleasure to be able to vote for this bill. As one who had a very modest part in the Civil War, I feel a great interest in this bill. Every Congressman here knows that to establish the fact whether a disability was incurred in service or not is one of the most difficult things that come before us.

Many a Civil War veteran has been refused a pension because he has been unable to trace his disability with certainty to his service or in the line of duty. Rheumatism and many other diseases doubtless had their origin in military service in many cases, but there is no way to legally prove the fact. I believe that every Civil War veteran will be pleased that their comrades of the Spanish War have at last received fair consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 10 minutes, and the gentleman from Minnesota 5 minutes.

Mr. SELLS. I yield to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, I do not like to take up much time, and I would like to have the privilege of extending my remarks on this bill. [Applause.]

The SPEAKER. The gentleman has that right already.

Mr. SELLS. I yield to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker and gentlemen of the House, of course I am in favor of the passage of this bill. I am not in harmony with the views expressed by the gentleman from Texas [Mr. CONNALLY]. The gentleman states that he saw service in the Spanish-American War and thinks that he voices the sentiment of many veterans of that war in opposing this legislation. He says there are many of those who saw service who are not asking for and who would oppose this legislation. I, too, like my former comrade from Texas, served as a volunteer throughout that war. I suffered no physical disability by reason of that service, and do not believe that the gentleman from Texas suffered any permanent physical disability. There are thousands of these veterans who are suffering disability by reason of that service. I know many men who went through that struggle, and a struggle it was for them; not a battle of bullets but a battle with disease. They left the service broken in spirit and in health. When they returned to civil life they were not the same ruddy-cheeked boys who but a few months before had voluntarily answered their country's call and placed their lives upon the Nation's altar. It would not be becoming for me to dwell upon the hardships endured. The facts and the conditions as they were at that time are well known to every Member of this House, and in the face of these facts it seems to me that this Congress would be falling far short of its duty if this legislation was delayed another day.

This is the first specific legislation providing pensions for this particular class of men. Under existing law they are compelled to apply under the general pension laws, and in order to qualify under existing law they must establish to the satisfaction of the authorities, and, in short, must furnish positive proof, that the disability complained of is of service origin and contracted in the line of duty. I have personal knowledge of many cases where the disability is unquestioned but where it is impossible to show by competent proof that the disability originated while in the service. These suffering and deserving men are denied relief under present law even though there is a moral certainty as to the origin of their troubles.

In the Spanish-American War the deaths caused in actual battle were few compared with the net deaths. Insanitary surroundings, unwholesome food, and tropical climatic conditions ruined the health of many a lad. From that day to this he has never been the same man. The decline has been gradual, but none the less sure, so that by reason of the very nature of the ailment proof of its inception is the more difficult. The number of men who receive pensions for wounds under the general law to-day is small, indeed, compared with the number of those who are receiving pensions because of shattered health—where these men were able to furnish hospital records and the testimony of witnesses familiar with all the facts. It is interesting to note that in the great World War, in the first 12 months, about 800,000 American soldiers, sailors, and marines were engaged, mostly upon the western front in France. I am informed that the number of deaths from wounds and disease was 8,634. In

the Spanish War, for a similar period, the deaths from wounds and disease were 12,000. In the War with Spain there were 335,000 Volunteers and 100,000 Regulars—435,000 in all. It will be observed that with about double the number of men in the World War, for the first year there was almost one-third less deaths than in the first 12 months during the War with Spain.

It is an easy matter to show origin of injury when the injury was caused in action, but the matter is entirely different where circumstances are as they were in Cuba and in the Philippines. During the Spanish-American War our Army learned much about sanitation and keeping sick records. The men of the recent war will not be so handicapped in making proof.

It has been suggested in this debate that the men who volunteered in this war did so with full knowledge of the act of June 27, 1890, passed for the benefit of the soldiers in the Civil War, and that these soldiers had a right to believe, and did believe, that they would be treated in a like manner; and that for this reason, if for no other, we should pass this law.

I do not think for one minute that the men who answered President McKinley's call in 1898 gave the matter of compensation or pension a single thought. Well do I remember when the newspapers throughout the country announced the sinking of the *Maine* and a little later the declaration of war. Volunteers were asked for. The call was answered by hundreds of thousands of patriotic boys and men. In popular language the issue was oversubscribed. The pay which the private soldier received was $15.60 a month, and there was no bonus. It was patriotism and duty, not the thought of pay or future pension, that prompted those boys. Medicine was scarce and medical attendance was less available. In the company in which I served the citizens from my home town provided medicines, and these medicines were administered to the boys and treatment given to them by a physician and surgeon who happened to be a line officer in the regiment. This doctor knew these boys, and was better able to care for their wants than was the authorized Army surgeon; however, at this time this very fact militates against the soldier when pension is concerned. The boys treated in this way do not have an army sick record. In the southern camps practically every northern man in the service suffered from dysentery, malaria, and many from rheumatism. They have never recovered. As age advances their sufferings and disabilities increase, and as a consequence their earning capacity decreases.

I have recently had several pension cases where the record shows that the boy at the time of his discharge signed the statement that he had received no injury during his military service, and an effort is made to thereby estop him from now receiving a pension. When the boy signed that statement he was not thinking of pension. His task had been completed; he was anxious to return home; it is not his spirit to claim that to which he is not entitled. The present bill will remedy just such cases.

If a man is entitled to any consideration at all, he should receive at least $12 a month, the minimum provided, and the maximum, or $30 a month, provided for in this bill is not excessive. Indeed, it is inadequate, and I would strenuously oppose this small maximum were it not for the fact that the soldier still has recourse to existing law and can receive as much as $72 a month, provided he complies with the conditions imposed under that law.

It can not be said that this action is premature. More than 20 years have passed since that war, and pursuing the policy heretofore adopted by this Congress it seems wise to say that all these men who were honorably discharged should upon arriving at the age of 62 years receive a $12 a month pension, and arriving at the age of 68 years should receive $18 a month, at the age of 72 years $24 a month, and at the age of 75 years $30 a month.

The few gentlemen who have opposed this legislation on the floor of this House insist that they are not discriminating against the Spanish-American War soldier, but are opposed to the general policy of pensions as heretofore annunciated.

Fortunate, indeed, it is for the American people that men with such views are in the minority. It surely can not be said that sectionalism enters into this matter. I noticed when the Fuller pension bill passed the House a large majority of those voting against the bill came from a section of the country where Union soldiers of the Civil War are scarce. The Spanish-American War was not a sectional war.

The Thirty-first Michigan Volunteer Infantry, of which I was a member, was brigaded with the First Georgia Volunteer Infantry. Our colonel was the son of a northern soldier and the colonel of the First Georgia was the son of a southern soldier. We camped in Chickamauga Park on the ground where our fathers had fought—that made no difference. Together we celebrated Robert E. Lee day in Savannah, Ga. Shoulder to shoulder we marched. Heart to heart we stood. There was no North; there was no South; there was no East; there was no West. It was the Nation's call that was answered. It is the Nation's soldiers who are to be benefited by this law.

This legislation does not contemplate a gratuity or charity. I feel that the gentleman from Texas [Mr. BLACK] is out of touch with the feeling in the country when he suggests that this legislation should not be enacted because national soldiers' homes are provided. America will never see the day when her citizens, members of her patriotic armies, are compelled to give up home ties and home surroundings, and unwillingly seek refuge in public institutions. The soldiers' homes are splendid institutions and should be maintained, but their maintenance should have no effect on pension legislation.

I yield to no Member in this House in my opposition to extravagant and unnecessary appropriations at this particular time. We should not saddle upon the taxpayers of this country unmerited and unwise pensions. It has been estimated that approximately 10,000 soldiers will be subject to immediate relief if this act becomes a law. This amount will not be burdensome.

During my short term in Congress I have supported every measure providing for the relief of our soldiery, and I sincerely hope that the time is not far distant when this body will take affirmative and decisive action in behalf of the ex-service men of the recent Great War. I appreciate that this will cost money, but do not believe that the American people are penurious in this matter, and am satisfied that our constituency demands prompt action.

Mr. Speaker, there is no question but what this bill will pass the House, and it is my hope that the same may become a law.

Mr. SELLS. I yield to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, no nation ever waged a more unselfish war than our country did against Spain in 1898. The spirit of the Nation which forced a declaration of war was the spirit of justice crying out against injustice and wrongdoing. It was the spirit of service in the cause of another rather than in the mere protection of one's self.

This was the spirit of the Nation and this was the spirit of the 300,000 young men who heard the call of duty.

The war was a short one, but the service, whether in southern camp or tropical swamp or jungle, disabled and incapacitated many of its participants. Those who were discharged for disability have already been provided for with pensions under existing laws. However, the health of many a man was permanently affected and impaired by this service, but which impairment did not warrant his discharge and was not in evidence upon his discharge.

This was 20 years ago. The effects of this service upon some of the men are now becoming apparent, but under existing law the men disabled are not entitled to a Federal pension.

The measure before us is designed to take care of just such cases. By an act of Congress in 1890 this country provided for the relief of veterans of the Civil War suffering from disabilities not contracted in the service. This bill applies to Spanish-American War veterans the policy then started.

Following out the injunction of the immortal Lincoln in his second inaugural address, "Let us care for him who has borne the battle." [Applause.]

Mr. SELLS. Mr. Speaker, I yield to the gentleman from New York [Mr. MACGREGOR.]

Mr. MACGREGOR. Mr. Speaker, the need for this legislation is so urgent, the demands are so great on the part of those who are absolutely in need, that I am glad to give it my hearty support. The bill now under consideration in the House is one that should have been passed years ago and is in line with the policy of the Government since its very beginning. It has always been the aim of the United States to provide for those who fought for their country and to make their after lives free from the haunting fear of poverty and the pinching curse of want.

The old adage that "Republics are ungrateful" is one that patriotic Americans resent, and by our action to-day we not only gladden the hearts of thousands of sick and destitute veterans of 1898, but we prove to the world at large that whatever might have been true of the Republics of old, Columbia, at least, is ever ready to acknowledge and repay the debt she owes the boys who respond to the trumpet call of duty and "rally round the flag" whenever the country needs them.

In its effect on the country at large, the War with Spain was more than memorable. The moment war was declared and President McKinley called for volunteers a ready and immediate response reechoed throughout the country. Over-

night all sectionalism vanished from the land, all racial feelings were obliterated, and with one pulsating thought East and West, North and South, sent forth their quotas of men, ready and willing to meet life or death, to endure the close grip of battle or the deadly pestilence of the Tropics with equal composure.

The war did not last long and the losses in battle were not heavy, but exposure to the burning heat of the Tropics, the poisonous miasmas of the jungle and swamp, the deadly fevers and malignant diseases of an unaccustomed climate took heavy toll of our Army and to-day in the graveyards of every city, town, and village of the country thousands of the boys of '98 are sleeping their last sleep, while thousands of others are wrecks of the men who went away full of the health and vigor of young manhood.

It is, moreover, specially to be considered in the case of the veterans of the War with Spain that the diseases they contracted, and in many cases will never be permanently cured of, are mostly of the subtle kind that may stay dormant for years and then appear and cause untold pain and suffering.

Every Member of Congress has case after case of malarial poisoning that could not come from any other cause and yet can not be traced to Army origin, and no matter how worthy the claimant may be, no matter how dire his need, there is no provision under the law by which his sufferings can be mitigated or his urgent wants relieved.

These men have waited long and patiently for this recognition. Twenty years have passed since they followed the colors. The young men of '98 are middle-aged now and many of them broken down, needy, and helpless, and it is not any too early for the country to assume its sacred obligation to them and grant them a right to a place on the pension roll with the boys of '61.

Mr. SELLS. Mr. Speaker, I yield one minute to the gentleman from Kansas [Mr. ANTHONY].

Mr. CARSS. Mr. Speaker, I yield the gentleman three minutes.

Mr. ANTHONY. Mr. Speaker, heretofore it was necessary for a soldier of the Spanish War in order to get a pension to prove disability contracted in the service. But in the 22 years which have elapsed since the Spanish War there are hundreds of men who have become blind, who have become paralyzed, who have lost limbs, who are totally disabled, and who deserve to have the benefits of this bill and I hope it will pass. [Applause.]

Mr. SELLS. I have only one more speech on this side, and I would ask the gentleman to use his remaining time.

Mr. CARSS. I yield two minutes to the gentleman from Texas [Mr. RAYBURN]. [Applause.]

Mr. RAYBURN. Mr. Speaker, I do not think, since my action in reference to the war-risk insurance act, that anybody in this House can say I am not willing to do what I think and what the country thinks is justice to the soldier who becomes disabled in the service; but I can not look upon this bill at the present time as anything but a colossal piece of hypocrisy. If you want to pass a law along this line it would be all right, and it would be consistent to come in here with a service pension for all men who served in the Spanish-American War. Or if you wanted to pass a general old-age pension act, you would be consistent to come in here at this time. Or if you wanted to pass a bill granting disability pensions to all the people in the United States that were injured in industry or in any of the pursuits or occupations, it would be consistent. But to come in here 20 years after the war is over and pick out a special class and say that, because a man's team has run away with him and has broken his legs, the Government of the United States ought to pension him and not pension any other citizen of the United States for the same and a similar accident seems to me is the most colossal piece of inconsistency I have ever known.

Mr. CARSS. Mr. Speaker, I yield to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, the Spanish-American War veterans have asked very little in the past, and they have received very little. They got very little in the war itself but harsh treatment. No body of men that ever volunteered to serve under our flag have received so little consideration at the hands of their Government. They had no recreation centers; they had no nurses to soothe them; they had no cheer leaders; they had no dormitories. Many of them slept on the bare ground in southern swamps all through the war. What with embalmed beef and improper military sanitation, their experience was no holiday. In the brief Spanish-American War 2,845 men perished. Of these, 280, or 10 per cent, were killed in action, and 2,565, or 90 per cent, died of disease. Many thousands of others were stricken by disease, and though they may have recovered, and even though they may have gone out of the service with no apparent evidence of illness due to that service, they carried in their blood and in their system the ineffaceable marks of their sacrifices. Many of them were too proud, Mr. Speaker, to admit that they had suffered any physical disability as the result of their service. Thousands of them declined to undergo a physical examination upon their muster out—an examination which might have revealed disabilities—because they would not deign to put themselves in the position of laying a claim for the future bounty of their Government. This bill will help men of this stamp—the proud and high-spirited men who never malingered, who did their duty loyally and faithfully, with no hope of reward. Discharged as they were in the full flush of manhood, many of them were utterly unaware of the ravages which the fever and the hardships of campaigning had made in their strong bodies. Many of them have since collapsed, and find themselves in middle life outdistanced by the companions of their youth who were more discreet than they and who hung back while Uncle Sam was calling for volunteers. Let us now volunteer to help them in eking out an existence by granting the exceedingly modest pension which this bill provides. The bill is eminently proper, and I trust it will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. SELLS. Mr. Speaker, I yield to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Speaker, I supported the Spanish-American War veterans' pension bill on several occasions when it came before Congress and voted for it when it was finally passed and became a law. The veterans of the Spanish-American War, who will be the beneficiaries of this measure, have had less consideration at the hands of Congress than the veterans of any war since the days of the Revolution, and this measure partly makes up for our neglect in the past regarding these worthy veterans of the War with Spain, the Philippine insurrection, and the China relief expedition. During the War with Spain there were no such things as allowances or allotments to the dear ones who were left at home, neither did these men have any of the benefits such as we gave to the soldiers in the World War under the war-risk insurance act, neither did they receive any consideration in the way of bonuses, and this measure is nothing but a relief act in the interest of those who in their declining years find themselves sick and incapacitated from earning enough to support themselves and their families during the remaining years of their life. As time goes on this great country is learning more and more the art of war and how to prepare for it. This was well illustrated through the handling of our boys under the selective-service act, and while there may have been some mistakes regarding conditions in camp and their location, on the whole everything was fairly satisfactory. It is only just and right that every consideration should be given to the men whom we took from their homes to fight our battles, both while the war is on in looking after them and their dependents, as well as to take care of the dependents of the men who died in battle or from sickness contracted in the service, and to see to it that the disabled men are given every consideration in the way of medical aid and rehabilitation so that they may be able to meet the struggle for existence.

Mr. CONNALLY. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. CONNALLY. I would like to ask the gentleman from California if he is not in favor of providing a pension for everybody.

Mr. NOLAN. In time; yes. I believe this country ought to pension its soldiers as provided for in this bill, and I also believe that we should pension the men and women that served the country faithfully and well in a civilian capacity, and I intend to vote for the Lehlbach retirement bill when it comes before the House. I am also in favor of an old-age pension, as I believe it would be better to take care of the men and women of the country who have given their life to toil through a pension system rather than throw them on the industrial scrap heap or send them to the poorhouse. Society should pay for its maimed, crippled, blind, and its aged people who can not take care of themselves, and in that respect I am in favor of a general pension bill. I intend to vote for this bill and trust it will pass the Senate and become a law.

Mr. SELLS. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I ask unanimous consent that my time may be extended from five minutes to seven minutes.

Mr. CANNON. Will that close the debate?

Mr. SELLS. It will.

Mr. CANNON. Because I have got to go away at 3 o'clock.

Mr. DYER. Mr. Speaker, I am constrained to object to the request of the gentleman from Kansas.

Mr. LITTLE. I yield the time back, then.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. SELLS. Mr. Speaker, I ask for the yeas and nays.

Mr. BLACK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair thinks that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and those who are in favor of suspending the rules and passing the bill will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 295, nays 19, answered "present" 1, not voting 112, as follows:

YEAS—295.

Ackerman	Fisher	Longworth	Rhodes
Almon	Flood	Luce	Ricketts
Anderson	Focht	McArthur	Riddick
Andrews, Nebr.	Fordney	McClintic	Riordan
Anthony	Foster	McFadden	Rodenberg
Ashbrook	Frear	McGlennon	Rogers
Aswell	Freeman	McKenzie	Romjue
Ayres	French	McKeown	Rouse
Babka	Fuller, Ill.	McKinley	Rowan
Baer	Gallagher	McLane	Rowe
Barbour	Gandy	McLaughlin, Mich.	Rubey
Barkley	Gard	McLaughlin, Nebr.	Sanders, Ind.
Bee	Garland	McPherson	Sanders, La.
Benham	Glynn	MacCrate	Sanford
Benson	Graham, Ill.	MacGregor	Scott
Bland, Ind.	Green, Iowa	Madden	Sells
Bland, Mo.	Greene, Mass.	Magee	Sims
Bowers	Greene, Vt.	Maher	Sinclair
Brand	Griest	Mansfield	Sinnott
Briggs	Griffin	Mapes	Small
Brinson	Hadley	Martin	Smith, Idaho
Britten	Hardy, Colo.	Mays	Smith, Mich.
Brooks, Ill.	Harreld	Mead	Smith, N. Y.
Brooks, Pa.	Harrison	Merritt	Smithwick
Browning	Hastings	Michener	Snell
Brumbaugh	Haugen	Miller	Stedman
Burdick	Hawley	Minahan, N. J.	Steenerson
Burroughs	Hayden	Monahan, Wis.	Stephens, Ohio
Butler	Hays	Mondell	Stiness
Byrns, Tenn.	Heflin	Montague	Strong, Kans.
Caldwell	Hernandez	Moon	Sullivan
Campbell, Kans.	Hersey	Mooney	Summers, Wash.
Campbell, Pa.	Hersman	Moore, Ohio	Sumners, Tex.
Cannon	Hickey	Moore, Va.	Sweet
Cantrill	Hicks	Moores, Ind.	Tague
Carew	Hoch	Morgan	Taylor, Tenn.
Carss	Howard	Mott	Temple
Carter	Hulings	Mudd	Thomas
Casey	Hull, Iowa	Murphy	Thompson
Chindblom	Hull, Tenn.	Neely	Tillman
Christopherson	Humphreys	Nelson, Mo.	Tilson
Clark, Mo.	Husted	Nelson, Wis.	Timberlake
Cleary	Igoe	Newton, Minn.	Tincher
Coady	Ireland	Newton, Mo.	Tinkham
Cole	Jacoway	Nichols, Mich.	Towner
Crago	James	Nolan	Treadway
Crisp	Jefferis	O'Connor	Upshaw
Cullen	Johnson, Ky.	Ogden	Vaile
Dallinger	Johnson, S. Dak.	Oldfield	Vestal
Darrow	Johnson, Wash.	Oliver	Vinson
Davis, Minn.	Johnston, N. Y.	Olney	Voigt
Davis, Tenn.	Jones, Pa.	Osborne	Volstead
Denison	Juul	Padgett	Walsh
Dickinson, Mo.	Kahn	Park	Ward
Dickinson, Iowa	Kearns	Parrish	Wason
Donovan	Keller	Pell	Watkins
Dooling	Kelly, Pa.	Peters	Weaver
Doremus	Kendall	Phelan	Webster
Dowell	Kettner	Platt	Welling
Drane	Kiess	Porter	Welty
Dunbar	Kincheloe	Pou	Wheeler
Dupré	King	Radcliffe	White, Kans.
Dyer	Kinkaid	Rainey, Ala.	White, Me.
Eagan	Kleczka	Rainey, H. T.	Williams
Echols	Kraus	Rainey, J. W.	Wilson, Ill.
Edmonds	Lampert	Raker	Wilson, La.
Elliott	Lankford	Ramsey	Wingo
Elston	Lazaro	Ramseyer	Winslow
Emerson	Lea, Calif.	Randall, Calif.	Wood, Ind.
Esch	Lee, Ga.	Randall, Wis.	Woods, Va.
Evans, Nebr.	Lehlbach	Reavis	Yates
Evans, Nev.	Linthicum	Reber	Young, N. Dak.
Fairfield	Little	Reed, N. Y.	Zihlman
Fess	Lonergan	Reed, W. Va.	

NAYS—19.

Black	Connally	Hardy, Tex.	Sisson
Blanton	Garner	Lanham	Stephens, Miss.
Box	Garrett	Mann, Ill.	Venable
Buchanan	Good	Quin	Young, Tex.
Collier	Goodwin, Ark.	Rayburn	

ANSWERED "PRESENT"—1.

Knutson

NOT VOTING—112.

Andrews, Md.	Blackmon	Burke	Classon
Bacharach	Bland, Va.	Byrnes, S. C.	Cooper
Bankhead	Boies	Candler	Copley
Begg	Booher	Caraway	Costello
Bell	Browne	Clark, Fla.	Cramton
Crowther	Gould	Luhring	Sears
Currie, Mich.	Graham, Pa.	McAndrews	Sherwood
Curry, Calif.	Hamill	McCulloch	Shreve
Dale	Hamilton	McDuffie	Siegel
Davey	Hill	McKiniry	Slemp
Dempsey	Hoey	Major	Smith, Ill.
Dent	Holland	Mann, S. C.	Snyder
Dewalt	Houghton	Mason	Steagall
Dominick	Huddleston	Morin	Steele
Doughton	Hudspeth	Nicholls, S. C.	Stevenson
Dunn	Hutchinson	O'Connell	Stoll
Eagle	Johnson, Miss.	Overstreet	Strong, Pa.
Ellsworth	Jones, Tex.	Paige	Swope
Evans, Mont.	Kelley, Mich.	Parker	Taylor, Ark.
Ferris	Kennedy, Iowa	Purnell	Taylor, Colo.
Fields	Kennedy, R. I.	Robinson, N. C.	Vare
Fuller, Mass.	Kitchin	Robsion, Ky.	Walters
Gallivan	Kreider	Rose	Watson
Ganly	Langley	Rucker	Whaley
Godwin, N. C.	Larsen	Sabath	Wilson, Pa.
Goldfogle	Layton	Sanders, N. Y.	Wise
Goodall	Lesher	Schall	Woodyard
Goodykoontz	Lufkin	Scully	Wright

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. KNUTSON with Mr. BELL.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. PURNELL with Mr. O'CONNELL.

Mr. GOODALL with Mr. DOMINICK.

Mr. CURRIE of Michigan with Mr. BYRNES of South Carolina.

Mr. LUHRING with Mr. MAJOR.

Mr. BOIES with Mr. SEARS.

Mr. WATSON with Mr. ROBINSON of North Carolina.

Mr. ANDREWS of Maryland with Mr. MANN of South Carolina.

Mr. KREIDER with Mr. EAGLE.

Mr. COPLEY with Mr. LESHER.

Mr. CROWTHER with Mr. TAYLOR of Colorado.

Mr. DEMPSEY with Mr. SABATH.

Mr. MASON with Mr. RUCKER.

Mr. KENNEDY of Iowa with Mr. WHALEY.

Mr. HOUGHTON with Mr. JONES of Texas.

Mr. STRONG of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. CURRY of California with Mr. MCDUFFIE.

Mr. HAMILTON with Mr. STEAGALL.

Mr. LAYTON with Mr. FERRIS.

Mr. CLASSON with Mr. BLAND of Virginia.

Mr. SHREVE with Mr. HOLLAND.

Mr. PAIGE with Mr. NICHOLLS of South Carolina.

Mr. ROBSION of Kentucky with Mr. HUDDLESTON.

Mr. BEGG with Mr. KITCHIN.

Mr. ELLSWORTH with Mr. SHERWOOD.

Mr. LUFKIN with Mr. GALLIVAN.

Mr. SLEMP with Mr. OVERSTREET.

Mr. DUNN with Mr. EVANS of Montana.

Mr. HUTCHINSON with Mr. STOLL.

Mr. COSTELLO with Mr. HAMILTON.

Mr. SIEGEL with Mr. GOLDFOGLE.

Mr. MCCULLOCH with Mr. WRIGHT.

Mr. BACHARACH with Mr. DEWALT.

Mr. KENNEDY of Rhode Island with Mr. SCULLY.

Mr. SMITH of Illinois with Mr. BANKHEAD.

Mr. COOPER with Mr. MCANDREWS.

Mr. BROWNE with Mr. LARSEN.

Mr. ROSE with Mr. MCKINIRY.

Mr. VARE with Mr. HUDSPETH.

Mr. BURKE with Mr. STEVENSON.

Mr. FULLER of Massachusetts with Mr. JOHNSON of Mississippi.

Mr. GRAHAM of Pennsylvania with Mr. STEELE.

Mr. WOODYARD with Mr. DOUGHTON.

Mr. GOODYKOONTZ with Mr. WISE.

Mr. SANDERS of New York with Mr. CANDLER.

Mr. SWOPE with Mr. CARAWAY.

Mr. WALTERS with Mr. GODWIN of North Carolina.

Mr. PARKER with Mr. TAYLOR of Arkansas.

Mr. CRAMTON with Mr. DENT.

Mr. GOULD with Mr. GANLY.

Mr. DALE with Mr. FIELDS.

Mr. HILL with Mr. DAVEY.

Mr. MORIN with Mr. HOEY.

Mr. KELLEY of Michigan with Mr. BLACKMON.

Mr. SNYDER with Mr. BOOHER.

Mr. KNUTSON. Mr. Speaker, I understand that the gentleman from Georgia has not voted. I therefore desire to withdraw my vote in the affirmative and answer "present." I have a pair with him.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KNUTSON, and he answered "Present."

Mr. LEE of Georgia. Mr. Speaker, I think it was announced that I was paired. I wish to withdraw from that pair and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. SELLS. Mr. Speaker, I want to renew my request that all Members may have three legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all Members may have three legislative days in which to extend their remarks on the bill just passed. Is there objection?

Mr. MADDEN. I object.

The SPEAKER. Objection is made.

WATER SUPPLY OF LOS ANGELES, CALIF.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 406.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill H. R. 406, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, when the bill was up before I objected to it. I understand now that certain corrective amendments, satisfactory to the Committee on the Public Lands, and satisfactory to other Representatives in Congress from the State of California, are to be offered as amendments to this bill if consent is given.

Mr. ELSTON. I understand that certain amendments are to be offered, and I do not know positively that they will be, but an opportunity will be given to gentlemen to explain.

Mr. GARD. I understand these amendments are satisfactory to the proponents of the bill.

Mr. ELSTON. There is one minor amendment suggested by the Secretary of Agriculture which is acceptable. There are two amendments, as I remember, that have been proposed where consent could very well be given, but where it was suggested that the matter be explained to the House and that the House be given an opportunity to decide upon them. I could not for the author of the bill make any agreement of that kind.

Mr. GARD. I will state to the gentleman that unless the other proponents of the bill agree to the amendments that were offered in the Committee on the Public Lands by the gentleman from California [Mr. BARBOUR] I will withhold again my consent.

Mr. ELSTON. I can not recall any amendment proposed by the gentleman from California [Mr. BARBOUR]. I understand that since the bill has been reported to the House he has some amendments which, I believe, have been suggested. I suggested to him that the matter would not take long, and that he might place the discussion before the House and let the House decide. I regret very much that I am not in a position, having reported out the bill but not having introduced the bill, to accede to the gentleman's request. I do not believe that the gentleman from California [Mr. BARBOUR], for whom the gentleman from Ohio is speaking, would insist to the degree that the gentleman from Ohio is insisting. I would like to have them say so if they feel that way about this thing.

Mr. GARD. That was my understanding as to the gentleman from California [Mr. BARBOUR], and therefore, reserving the right to object, I ask that the gentleman from California explain his position.

Mr. BARBOUR. Mr. Speaker, I would state to the gentleman from Ohio that I have two amendments to offer to the bill, and with the opportunity to present these amendments it is perfectly satisfactory to me to have the bill considered at this time. One of the amendments, I understand, is not objected to.

Mr. GARD. State that one, if you please.

Mr. BARBOUR. On page 3, line 10, after the word "basin" insert the following:

And embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin.

That, I understand, is agreed to.

Then I have another amendment. On page 5, lines 7, 8, and 9, after the word "city" in line 7, strike out the comma and the remainder of lines 7, 8, and 9, down to the words "*Provided further*"; and then on line 3, page 5, after the word "heard" insert a comma and the words "and upon notice by the city within 90 days of such possible conflict."

The purpose of this latter amendment is to clarify the language of the bill.

The gentleman from Los Angeles, Mr. OSBORNE, now states that he will also accept that amendment. We have not heretofore agreed on the latter amendment, but the gentleman from Los Angeles now states that he will accept it.

Mr. ELSTON. With that agreement made between the two gentlemen from California who are most interested in the bill and who represent the territory covered by the bill, I should say that the situation seems very satisfactory.

Mr. RAKER. Will the gentleman from California yield to me right there?

Mr. BARBOUR. I understand the gentleman from Ohio [Mr. GARD] has the floor.

Mr. RAKER. What the gentleman has stated will meet the objections of the gentlemen who have telegraphed here to various Members of Congress regarding the bill. It will cover their amendments, which are found on page 135 and also on page 142 of the hearings. These amendments are agreed to by Mr. Finney and by Mr. Matthews, representing the city of Los Angeles and the irrigationists, as I understand it. Is that correct?

Mr. BARBOUR. That is my understanding of it. It does not, however, conform to the amendment they first submitted to the Committee on the Public Lands.

Mr. RAKER. I want to get this statement straight in the RECORD. Is it the gentleman's view that the amendment now offered meets and is in accord with what was proposed before the committee and agreed to by the irrigationists and by the city of Los Angeles, through Mr. Matthews and Mr. Finney, which amendment is found on page 142 of the hearings?

Mr. MADDEN. I should like to know who is running this thing—these men out in Los Angeles or this House? I ask for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. Is there objection to the request?

Mr. GARD. Reserving the right to object for a moment, I hope the gentleman will not insist. We are just trying to determine whether these amendments are satisfactory to the parties concerned.

Mr. MADDEN. I should like to find out from the gentleman from California, if the gentleman from Ohio will yield long enough, whether these men whose names he has just mentioned are running this question or whether the House is?

Mr. RAKER. The gentleman from California [Mr. BARBOUR] is a member of the committee.

Mr. MADDEN. I am talking about these men out in Los Angeles.

Mr. RAKER. Mr. Matthews appeared before the committee. He represented the city of Los Angeles.

Mr. MADDEN. Who is he?

Mr. RAKER. He is the attorney for the city of Los Angeles and he appeared before the committee. Mr. Finney is a member of the board of appeals of the Department of the Interior, and he was before the committee and assisted materially in its work.

Mr. MADDEN. One man represents the Department of the Interior and the other one the city of Los Angeles?

Mr. RAKER. Yes.

Mr. MADDEN. And these two men have agreed to language that will protect the city of Los Angeles and also the Government of the United States. Is that right?

Mr. VAILE. And other interests.

Mr. RAKER. There were also present at that hearing Mr. Edgar and Mr. K. K. Fritz. The record shows that all these men before the committee agreed to the amendment which is found on page 142 of the hearings, which the committee slightly altered. I am asking now, so that I may keep our record straight, and so that proper legislation may be had, whether the gentlemen concerned have agreed upon it. Is the gentleman from California [Mr. BARBOUR], in whose district the land is now situated—although originally part of it was in my district—satisfied that the proposed amendment now suggested will meet the wishes and protect the interests of the irrigationists, as well as give the city of Los Angeles proper water rights?

Mr. MADDEN. The fair presumption is that he must be satisfied with it or he would not be offering it.

Mr. RAKER. I am taking the proper course to present the matter and get it into the RECORD.

Mr. BARBOUR. I will state to the gentleman from California that I have a telegram from one of the representatives

of the irrigation interests who appeared before the Committee on the Public Lands at the time of the hearing. He asked, first, that if possible we incorporate into the bill the amendment originally suggested, which at that time they receded from and agreed to accept another amendment which was prepared by the representatives of the Interior Department. The committee amendment is not in exactly the same form as that agreed upon at that time, but in this telegram he says that by accepting these amendments—that is, the committee amendment with the changes which my amendments will incorporate into it—the bill will be rendered much more satisfactory to him. I am now offering these amendments.

Mr. RAKER. I am asking the gentleman from California if it is his view that the suggested amendment proposed by himself does give the city of Los Angeles all it is entitled to and still protect the irrigationists?

Mr. BARBOUR. I believe it does. There is one change, however, in the proposed amendment. The irrigationists suggested a 30-day limitation, and that has been changed to 90 days, because it is not believed that 30 days is a sufficient length of time for the representatives of the city to come back here to Washington and be heard if there should be conflicting interests.

Mr. RAKER. Ninety days is a reasonable time. There is no question about that.

Mr. GARD. Are these amendments satisfactory to the Secretary of the Interior?

Mr. ELSTON. I understand that they are.

Mr. GARD. Do I understand that the gentleman from California [Mr. OSBORNE] and the gentleman from California [Mr. ELSTON] agree to these amendments?

Mr. ELSTON. Yes.

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range 6 west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth: *Provided, however,* That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, or to lands located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State."

Mr. BARBOUR. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Page 3, line 10, after the word "basin," insert "and embracing Mono Lake drainage basin and the Adobe Valley and Black Lake drainage basin."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That section 2 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 2. That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights of way indicated on the original map or maps: *Provided,* That any rights inuring to the city of Los Angeles under this act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein."

The following committee amendment was read:

Page 4, line 17, after the word "herein," insert the following:

"*Provided,* That during the period allowed the city of Los Angeles, for filing maps or applications under this act, the head of the department having jurisdiction over the lands, may grant easements or permits for rights of way, under any act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights of way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city, and for which application is filed by said city within 90 days from notice of the possibly conflicting application: *Provided further,* That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this act, shall be with the reservation of the power to thereafter grant other rights of way by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees."

Mr. BARBOUR. Mr. Speaker, I desire to offer an amendment to the committee amendment.

The Clerk read as follows:

Page 5, lines 7, 8, and 9, after the word "city" in line 7, strike out the comma and the words "and for which application is filed by said city within 90 days from notice of the possibly conflicting application"; and insert, page 5, line 3, after the word "heard," a comma and the words "and upon notice by the city within 90 days of such possible conflict."

The SPEAKER. The question is on the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

SEC. 3. That section 3 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided,* That the lands affected hereby shall be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city."

The Clerk read the following committee amendment:

Page 7, line 4, after the word "development" insert the words "and transmission."

The committee amendment was agreed to.

Mr. SINNOTT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend page 6, line 20, by inserting after the word "shall" the following: "in accordance with existing law continued to."

The amendment was agreed to.

The Clerk completed the reading of the bill.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. OSBORNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on this bill. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Speaker, the bill under consideration, H. R. 406, is for the purpose of supplementing and carrying out the intentions of an act of Congress of June 30, 1906, entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif." The purpose of that act was to facilitate and assist the great and growing city of Los Angeles to acquire a water supply commensurate with its rapidly increasing population and needs.

The original act of 1906 was quite broad in its grants and provisions, as will be seen by reference to section 1 of that act, as follows:

That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara Forest Reserves and the San Gabriel Timberland Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes, and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps, showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

It will be noted that not only was provision made for rights of way for conducting water from the mountains to the city, but also for "constructing, operating, and maintaining power and electric plants, poles and lines for the generation and distribution of electric energy," together with sites for power houses, diverting and storage dams, and reservoirs and necessary buildings and structures to be used in connection therewith.

The reason why provision was made for power purposes as well as a water system was that the expense involved in the construction of this great aqueduct, amounting to about $25,000,000 for first cost, was so great that it would have amounted to criminal waste and shortsightedness to have failed to provide for the extraordinarily favorable facilities for the generation of power afforded by a cement-lined conduit capable of carrying 20,000 miners' inches of water, dropping in its course from an elevation of 3,812 feet at the intake to nearly sea level. From the first it was well understood to be necessary, in order that the municipality should have a firm financial basis for its aqueduct bonds, of which $32,000,000 have been issued to the present time, that the marvelous power facilities should be utilized and eventually contribute to the liquidation of the bonds.

In the construction of the Los Angeles Aqueduct, which was completed in 1913, frequently it was found necessary to deviate from the granted right of way 250 feet in width sometimes only a few feet and at others for several hundred feet, generally because of economic or geologic reasons. The country through which the aqueduct passes is for the most part uninhabited, mountainous, and valueless Government land.

The purpose of the present bill is to correct the original rights of way, making them conform to the actual construction of the aqueduct. Where such changes are made the land originally granted and not actually used will revert to the Government. There is also granted to the city additional time—to December 31, 1922—in which to file additional rights of way for both water and power purposes, reserving, however, the full rights of all prior homestead, power, or irrigation claimants.

The fact that the United States Congress has greatly assisted the city of Los Angeles in the establishment of this great municipal water system by enacting the law of 1906, backed as it was at the time by the sympathetic favor and assistance of the then great President, Theodore Roosevelt, and that the Congress and the President will this year in all likelihood further facilitate it by the passage and approval of the amendatory bill now under consideration, may make interesting to the House of Representatives a somewhat detailed account of the inception of this notable and gigantic municipal engineering work. I sincerely wish that the great story might be set forth by one more gifted in description than myself.

First, I will take up the picturesque section of California—Owens River Valley, at the foot of its highest mountain, Mount Whitney, which is the source of the splendid water supply of Los Angeles.

THE TERRITORY.

Owens River Valley, although one of the most extensive and promising, from an agricultural standpoint, of the lesser valleys of California, is one of the least known. Owens River Valley, geographically, is more of a Nevada valley than one of California. The river from which it takes its name in its southern course parallels the main range of the Sierra Nevadas and has its source in and derives its waters from these grand mountains.

The Sierra Nevadas, throughout their northerly and southerly course, nearly 1,000 miles, are extremely abrupt on their eastern slopes and fall away gradually and gently to the west, toward the Pacific Ocean, several of the highest peaks rising abruptly from the plains on the eastern flank of the range.

The snowfall is extremely heavy on the high eastern side of the Sierras, and nearly every canyon carries fine streams of water throughout the year. These streams are veritable rivers in the spring and summer months, when the winter snows are melting. Thirty-five such streams empty into the Owens River from a drainage area of 2,800 square miles.

On the high and sequestered parts of the mountains the snows never entirely disappear, but are held from one season to another as living glaciers. Lakes of large size are formed by the waters from the mountains; lakes which have no outlets, like Mono Lake, in Mono County, and Owens Lake, nearly 200 miles farther south, in Inyo County.

To witness the enormous quantity of water that pours into these lakes one would think that, with no visible outlets, they would eventually cover vast areas. But by means of the excessive evaporation of a naturally dry country, which is said to amount to 90 inches per year on the surface of the lakes, the equilibrium is pretty well maintained, and while there is sometimes a rise for several successive years—and in Mono Lake I have seen fences inclosing former meadows covered 5 or 6 feet with water—lighter snowfalls are likely to reduce it in subsequent years to its former level.

One of the well-known phenomena of Mono and Owens Lakes is that they are excessively mineralized, the evaporation leaving the salts in the water. The result is that water that flows into the lakes as fresh and pure as it is possible to be, coming direct from the snows, quickly becomes brackish and unpotable; nor can it be used for irrigation or any other purpose, except that in a limited way the salts have been abstracted at Owens Lake. This lake has a superficial area of 75 square miles, while Mono Lake is much larger.

Owens River has a length of about 150 miles. Its waters are made up altogether of the snow waters from the Sierras. The valley itself is from 2 or 3 to 10 miles wide, bounded by the Sierra Nevadas on the west and by Inyo Mountain range on the east, and sufficient water flows in the river to irrigate all this valley, with an overflow into Owens Lake, where it performs no useful service, to supply a city of 2,000,000 people with an ample quantity for domestic use.

It was to this source that Los Angeles turned when it was foreseen that there might in the course of its rapid growth be a shortage in the indispensable water supply.

THE MAN.

Having described the place, let us take a look at the man, because with every big job there is a big man to carry it out. In the case of the Panama Canal it is Gen. Goethals. In that of the Los Angeles Aqueduct it is William Mulholland. Unlike Goethals he did not have the advantage of early scientific training. William Mulholland is a scholarly man, with a diversified knowledge of the widest range, but his education and engineering skill were not gained in schools or colleges, but were acquired by constant reading and study under most unfavorable conditions. His Irish parents conferred upon him a vigorous and rugged physique, a fine sense of right and wrong, and a humorous and practical turn of mind. A remarkably retentive memory enabled him to hold the knowledge that his habits of uninterrupted study brought to him.

William Mulholland, born in Ireland 63 years ago, came to the United States when 20 years of age, and two years later he arrived in Los Angeles, not essentially different from any other poor Irish lad, with $10 in his pocket and abundance of good health, optimism, and ambition. His first work was in assisting in sinking artesian wells. Six months later he became a "zanjero," or ditch tender, for the Los Angeles City Water Co., which at that time had a lease of the city water supply and furnished the city with water for domestic use and irrigation. It was his duty to patrol the open ditch which served Los Angeles and keep it clear of weeds and impurities. The first three years of his employment he had a cabin in the upper reaches of the Los Angeles River bottom, where he lived alone, faithfully watching the zanja by day and reading and studying engineering

and other scientific books by night, reserving for sleep only such time as was necessary. He was advanced step by step until he became superintendent and chief engineer of the company. The growth of the city had rendered necessary a large equipment, and he supervised the job of reconstruction of the works. The lease of the water company having expired, the city resumed its control of the water system in 1902, and Mr. Mullholland was retained as chief engineer by the nonpartisan water board which was placed in control by the city.

A GIGANTIC ENTERPRISE FINISHED.

The completion of the Los Angeles Aqueduct marked the successful ending of one of the most gigantic struggles with obdurate nature in her most rugged aspects of mountain and desert and with powerful and subtle private interests for the possession of water that has ever been recorded in the world's history. The 10 aqueducts of ancient Rome were marvels of engineering skill and durability, but their construction stretched over a period of five centuries against the eight years that elapsed while the Los Angeles Aqueduct was building, and the length and dimensions of the ancient Roman aqueducts bear no comparison with those of that of modern Los Angeles. The longest of the Roman aqueducts was 62 miles, while the Los Angeles Aqueduct is 250 miles in length from the intake on Owens River to the city limits of Los Angeles. The irrigation aqueducts of the Inca Indians of ancient Peru, one of which was 360 miles long, are among the wonders of the world, especially so when it is considered that they were constructed by a people uninformed as to modern engineering science and its methods, but these undoubtedly exhausted centuries of time. The 350 miles of iron pipe line, 30 inches in diameter, which convey water across the arid plains of western Australia to the gold-mining districts of Kalgoorlie and Coolgardie, form one of the triumphs of modern constructive hydraulic engineering; but this construction, although in a hot and waterless country, was comparatively level, while the Los Angeles Aqueduct bores through miles of mountains of solid rock, crosses valleys on pillars of concrete in some places and through immense steel siphons in others, and is of vastly greater dimensions than the notable Australian structure.

A COMPARISON WITH THE CATSKILL AQUEDUCT.

The great Catskill Aqueduct to supply the city of New York is the only modern hydraulic enterprise intended mainly for industrial and domestic use that compares fairly with the Los Angeles Aqueduct. The New York Aqueduct crosses the Hudson far beneath the river bed, and furnishes the metropolis with less than 25 per cent greater quantity of water than does the California conduit at a cost, including its various reservoirs, of about $165,000,000. The Los Angeles Aqueduct is about twice as long, passes through an incomparably rougher country, and will cost when completed less than one-fourth as much as the great New York enterprise. The capacity of the Catskill Aqueduct is 500,000,000 gallons each 24 hours, while that of the Los Angeles Aqueduct is 265,000,000 gallons.

INCEPTION OF THE AQUEDUCT.

The present site of the city of Los Angeles was selected by its Mexican founders in 1781 because of its proximity to the Los Angeles River, from which it received its supply of water for domestic use and irrigation purposes. The waters of the river, a small stream ordinarily, but with an extensive drainage area, were granted in perpetuity to the "Pueblo de Nuestra Senora de Los Angeles"—the City of Our Lady of the Angels—by the Mexican Government. The first settlers numbered 44 humble pobladores or colonists from Mexico. They and their successors for the intervening 132 years, now comprising a city of a half million people, have drawn their supply of water—and very good water it is—from the Los Angeles River. The deep gravel deposits of the San Fernando Valley and of the coastal plain, gathering the saturation of centuries, constituted a reserve supply of importance.

The average rainfall at Los Angeles for a long series of years, as reported by the United States Weather Bureau, is between 15 and 16 inches. The seven seasons from 1893–94 to 1899–1900 were as a whole very dry, and yielded altogether but 68.77 inches of rainfall, or an average of 9.82 inches per year. The two seasons of 1894–95 and 1897–98 were average seasons, each with a record of over 16 inches; but the average of the other five seasons was but 7.16 inches. That this was no permanent condition, and that the pessimists who felt sure that "the climate is changing" were wrong, is evidenced by the fact that in the following seven seasons, from 1900–1901 to 1906–7 the total rainfall was 112.40 inches, or an average of 16.06 inches. During the "seven dry years," however, the flow of the Los Angeles River gradually decreased, while the population of the city and county increased very rapidly. The orange growers and other horticulturists and ranchers attacked the "reserves" by boring wells into the underlying gravels, and, by applying powerful gasoline pumping engines, secured an ample supply for their present needs, and very largely extended their area of irrigated orchards and cultivated lands. The season of 1903–4 was one of light rainfall—8.72 inches. A series of measurements made during several years by the United States Reclamation Service showed that the level of underground water had lowered very considerably. William Mulholland, chief engineer of the Los Angeles water department, in an address before the Sunset Club, an organization of men deeply interested in the welfare of the city, in the summer of 1904 set forth these important facts as to the diminution of the water supply, and the necessity of bringing in a largely increased quantity from an ample and unfailing source, if Los Angeles was to continue the great growth that it was then enjoying. He intimated that such a supply of pure mountain water had been found, and that as soon as options had been obtained for the purchase of the necessary water rights and lands the information would be made public.

GETTING THE "JUMP" ON LAND SPECULATORS.

Fred Eaton, a former city engineer, and subsequently mayor of Los Angeles, had spent some years of his earlier life in the Owens River Valley of Inyo County, and to his alert mind probably first occurred the idea of Owens River as a source of the permanent water supply of Los Angeles. He presented the subject to the board of water commissioners and to Chief Engineer Mulholland, and the latter was sent with Mr. Eaton to look over the ground. Upon his return Mr. Mulholland made a favorable report upon the project. It was then that a most venturesome thing was done by the board of water commissioners—an action which might be described as a "war measure"; one which a less courageous body of men, or one less firmly grounded in the sincerity of its own intentions and less sure of the final results, would not have ventured to do. Without other authority than their confidence that their action would subsequently be ratified by the people of the city, the board directed Mr. Eaton to obtain options on the excess waters of the Owens River and on all the lands in the valley that might be needed to carry out successfully the plan to divide the flow of the river, and transfer 20,000 miners' inches to the city of Los Angeles, 250 miles away. It was necessary that this delicate work of securing the options should be done by a private citizen, with as little publicity as possible, because if it had been known that the city of Los Angeles was the intending purchaser, the lands would have been advanced to a prohibitive price. Had the matter come regularly before the city council, this publicity would have been inevitable. Speculators would have secured options ahead of the city; prices would have gone skyward; and, in short, Los Angeles never would have received the water.

Fred Eaton, as one thoroughly acquainted with the valley and its people, was authorized to negotiate the options, and the water board advanced the amounts necessary to procure them. About 90,000 acres were optioned in this way, this acreage controlling about 260,000,000 gallons of water per day. In June, 1905, the public of Los Angeles was apprised by a simultaneous publication in the daily newspapers that it was the potential owner of 90,000 acres of land in Inyo County, 250 miles distant, and of a priceless right to a sufficient quantity of pure mountain water to supply amply a city of 2,000,000 people.

MONEY PROVIDED FOR THE WORK.

So well pleased were the people with the bold steps that had been taken by the water board, upon the recommendation of Chief Engineer Mulholland, that their action was confirmed by a popular vote in the ratio of 14 to 1 in September of the same year upon the question of authorizing bonds to the extent of $1,500,000 to pay for the 90,000 acres of land and water rights and for preliminary surveys and engineering investigations.

Chief Engineer Mulholland prepared the plans and estimates for the constructon of the adequct in 1906, and the city council authorized the employment of a board of three eminent hydraulic engineers to examine and report upon the whole project. This board consisted of John R. Freeman, construction engineer of the great Catskill Aqueduct of New York; James D. Schuyler, one of the engineers appointed by President Roosevelt to report upon the Panama Canal; and Frederick P. Stearns, former president of the American Society of Civil Engineers. They made a careful examination of the project, and on Christmas Day, 1906, they reported that they had been over the entire course of the proposed aqueduct, had examined Mr. Mulholland's plans and estimates, and they found them sound and practicable, and they agreed with his estimate of $23,000,000 additional as the cost of the aqueduct, exclusive of any expense for developing electric power. Six years was estimated as the minimum of time that would be required to conclude the work.

FIERCE ATTACK ON THE PLAN.

About this time there developed the fact that the aqueduct was not to be constructed without a bitter contest, all the more dangerous because the attack was from masked batteries. A half dozen or more projects sprang up, one after another, to supply Los Angeles with water from various sources at less cost than from Owens River. All these projects had been examined years before and found inadequate. There was delay after delay in fixing the time for the election on the issue of $23,000,000 of bonds. The report of the eminent hydraulic engineers was accepted by the great majority as conclusively in favor of the Owens River project, and finally the election was set for June 12, 1907. This was one of the most critical periods in the history of the aqueduct. A persistent and bitter campaign was made against voting the bonds, evidently inspired and fostered by powerful private interests. All sorts of arguments were used, often of a contradictory nature, but all intended to weaken the public faith in the enterprise. It was declared upon engineering authority that the cost of the aqueduct alone would be $50,000,000—more than twice Mr. Mulholland's estimate—and that it would bankrupt the city. The Owens River water was insufficient in quantity; it was impregnated with alkali; and it would all evaporate before reaching Los Angeles. It would take 20 years to construct the aqueduct instead of 6; the 50 miles of tunnels were impossible; and the gravity system of Mr. Mulholland was therefore impossible, and the water would have to be pumped over high mountains at prohibitive cost. To guard against the dangers from earthquakes two aqueducts would have to be built at enormous cost. Steel pipe throughout should be used instead of cement-lined conduits. Mulholland was a sagebrush engineer—he is now recognized as one of the great hydraulic engineers of the world—and he never had a diploma from any university or scientific school.

The Los Angeles Chamber of Commerce and other civic bodies, with a view to preventing a stampede of the people by these specious and adroitly presented objections, declared their belief in the Los Angeles Aqueduct and in Chief Engineer Mulholland's plan, and advised the people to vote the bonds. To the credit of the sound sense and courage of the people, they voted the $23,000,000 bonds, in spite of the vicious opposition, by more than 10 to 1; or, to be exact, by a vote of 21,918 to 2,128.

Legislative obstacles were encountered, however. The Government was asked to retain lands in the valley needed by the city, and this failing, a bill was introduced into Congress providing that in granting Los Angeles a right of way for the aqueduct over public lands the privilege should be confined to the conveyance of water for "domestic use." This restriction would have been fatal to the full use of the aqueduct. The Los Angeles Chamber of Commerce again took up the fight, and sent a committee of its leading members to Washington with Chief Engineer Mulholland and the city attorney to interview the President. Senator Frank P. Flint secured them an audience with President Roosevelt and the situation was frankly placed before him. The President took a friendly interest in what at once impressed him as a big, useful, and courageous enterprise, and his vigorous recommendation resulted in omitting the restricting clause, and Los Angeles was given a free right of way through Government lands under most liberal conditions.

The obstructors turned their attention to the State capitol, and an innocent appearing bill was introduced in the legislature at Sacramento providing for a minimum wage on all public work. Now, 80 per cent of the cost of the aqueduct was for labor. To have added 25 per cent would have increased the total expenditure $5,000,000. As $23,000,000 was the limit of bonded indebtedness of the city, this increase would have blocked the enterprise. The chamber of commerce and other public-spirited citizens went to Sacramento and succeeded in killing the objectionable measure.

These are some of the difficulties that Mr. Mulholland and his associates met, altogether unconnected with the physical and engineering obstacles, which were sufficient in themselves to have daunted less stout hearts.

LAYING OUT THE WORK.

The planning and the preparations for the building of the aqueduct were difficult and stupendous in their scope. Transportation facilities between Mohave and Owens Lake were confined to a rickety stagecoach. Water holes on the desert were 15 or 20 miles apart and water would have to be piped down from distant mountains. There was no timber for construction or fuel and, of course, no coal. Upon making up his estimates Mr. Mulholland found that the aqueduct would require a million tons of material and that 6,000 men would be necessary to complete the work within the time he had fixed. A railroad 120 miles long, from Mohave to Owens Lake, would be required to take the place of the stagecoach. Hundreds of miles of roads and trails must be built to make all parts of the work accessible. Cheap electric power must be installed for power shovels, dredges, and air compressors. The housing and feeding of the thousands of laborers and miners must be provided, with sanitary conditions. Telephone lines had to be installed for the full length of the work for communication with general headquarters at Los Angeles and all parts of the line.

A contract for transportation was made with the Southern Pacific Railroad Co., which provided that that corporation should build a standard-gauge railroad from Mohave, 144 miles north, to Owenyo, north of Owens Lake, where it would connect with the California & Nevada narrow-gauge road. This line was rapidly built in 1907.

There were 315 miles of roads and trails built and 150 miles of copper-wire telephone lines were installed, connecting the main office in Los Angeles with all parts of the work. Three hydroelectric plants were established, with a high-voltage transmission lines to convey the electric energy to the excavating machinery along the aqueduct and for lighting the many camps. Four water systems, with three reservoirs and 400,000 feet of pipe line, were made and used to convey pure water to the camps and places where needed.

THE AQUEDUCT CEMENT PLANT.

The proper quality of lime and clay to produce a good Portland cement was discovered at Tehachapi, and the city constructed a cement manufactory at an expense of $850,000. More than 1,000,000 barrels of cement were made and used in the work additional to that which was purchased from other cement manufacturers. This resulted in a large saving in freight and obviated delays from lack of cement in prosecuting the work.

CAREFUL PRELIMINARY WORK.

Two years were exhausted in finding the best and most feasible route, which was often changed by Mr. Mulholland and Mr. Lippincott for economic or other good reasons. Fourteen months were required for the enormous preparatory work which has been referred to. So that, with the execption of some work at the Elizabeth Tunnel and at the intake, the actual construction work on the aqueduct began in October, 1908. The wisdom of thorough preparation, even at the cost of considerable time, was fully vindicated by the rapidity and certainty with which it proceeded from that time.

THE AQUEDUCT.

The intake, which is constructed of concrete in the most solid and substantial manner, is situated 35 miles above the mouth of the Owens River to insure against the possibility of alkali solutions. Its elevation above sea level is 3,812 feet. The dimensions of the aqueduct vary greatly on different parts of the work, depending upon the physical nature of the country through which the water is passing. The first 22 miles is a canal, 62 feet wide at the water surface, 38 feet wide at the bottom, and 10 feet deep, uncemented, and at an elevation slightly higher than the river. This canal was excavated by three electric dredges.

At the Alabama foothills the aqueduct is conducted along the mountain side, passing Owens Lake on its western side and about 200 feet above the surface. This part of the aqueduct is concrete-lined, 30 feet wide, 12 feet deep, and 38 miles long to the Haiwee Reservoir, the first of the five great storing basins. This upper portion of the aqueduct to Haiwee Reservoir is the only portion uncovered. All the remaining conduit is covered with reinforced concrete slabs 6 inches thick. The conduit is lined with concrete from 8 to 12 inches thick.

South of Haiwee Reservoir the size and shape of the aqueduct vary considerably, and were determined by the topography of the country and character of the soil. The average size is 12 feet wide and 10 feet deep.

THE TUNNELS.

The enormous amount of work on the tunnels, their great length, and the rapidity with which they were driven are one of the most notable features of the aqueduct. All told, there are 150 tunnels on the line of varying length, from 100 feet to the great Elizabeth Tunnel, 26,870 feet, or over 5 miles long. All world records for tunnel construction were broken in this tunnel. The estimate of the board of consulting engineers was that one year would be required for preparation, four years for actual construction, and $1,913,000 as the cost. Work was begun simultaneously at both ends of the tunnel October 5, 1907, and 250 men were employed night and day in boring the mountain. An average rate of 11 inches per hour was made throughout, and the tunnel was completed February 28, 1911, in a period of three years seven and three-tenths months, and at a cost of $500,000 less than the estimate. It is the second longest water tunnel in the United States.

The total length of tunnels on the aqueduct is 52.035 miles, of which 43.129 miles are on the main aqueduct and 8.906 miles on the power system.

THE RESERVOIR SYSTEM.

There are five reservoirs on the line of the aqueduct, the largest being the Haiwee Reservoir, which is intended for storage, clarification, and regulating purposes. The capacity of the canal and cement-lined conduit leading to this reservoir is 500,000,000 gallons per day, about twice the capacity of the aqueduct below that point, and made so large for the purpose of carrying the excess flow in the melting season and accumulating a large reserve. The Haiwee Reservoir, which occupies a former channel of the Owens River, is now a large lake 7 miles long, with an area of 15 square miles and a storage capacity so large that in case of emergency it would amply supply the city of Los Angeles for a long period.

The Fairmont Reservoir is 127 miles south of the Haiwee Reservoir. Its purpose is for regulation rather than storage, its capacity being limited to 10 days' flow of the aqueduct. Its purpose is to regulate the flow into the Elizabeth Tunnel, through which the water will flow to the seaward side of the coast range. The reservoir covers a surface of 165 acres.

The Dry Canyon Reservoir is a small reservoir a few miles from the terminus of the aqueduct.

Two large reservoirs are constructed in San Fernando Valley at an elevation of from 1,100 feet to 1,200 feet above the city and are for the purpose of impounding the water just below the outlet of the aqueduct and to regulate the distribution. These two reservoirs mark the end of the Los Angeles Aqueduct proper. At the bond election, held April 15, 1913, the city voted $1,500,000 additional bonds, to construct a trunk line from these reservoirs, 28 miles to the city limits, where it connects with the city water mains.

CROSSING THE VALLEYS.

While the boring of the mountains for tunnels is sufficiently difficult, the task of carrying a great flow of water across the valleys is little less so. In many instances it is much more difficult. In some places this crossing the valleys was done by building the great conduit of solid concrete, supported by columns and abutments of the same material. More frequently, however, the valleys are crossed by means of enormous steel siphons, with a diameter of from 7 feet 6 inches to 11 feet, built to stand a pressure up to 350 pounds per square inch. There are on the line 23 of these siphons, crossing as many canyons, with an aggregate length of 12.06 miles. The only rock siphon on the line, that at Sand Canyon, on trial failed to stand the pressure and has been rebuilt of steel.

AQUEDUCT WORK CLASSIFIED.

A classification of the work as it has been carried out, extending from the inlet gates to the outlet on the rim of the San Fernando Valley, includes the following construction:

Classification:		Length in miles.
Open unlined canal		23.802
Open lined canal		37.168
Covered conduit		97.641
Tunnels	42.003	
Power tunnels	8.906	
		51.809
Siphons, steel, and concrete		12.052
Flumes		.165
Reservoirs		7.870
Haiwee Reservoir tunnel outlet		.226
Haiwee by-pass		2.000
Power siphons		0.239
Power penstocks and tailrace		.700
Total length of aqueduct (to San Fernando)		233.672

GENERATION OF ELECTRICAL ENERGY.

Aside from the sales of water for domestic use and the surplus, which for many years will be large, for irrigation purposes, it is anticipated that the most prolific source of revenue with which to meet the principal and interest on the bonds which have been and will be issued for the construction of the Los Angeles Aqueduct, will be the sale of electric energy produced by the waters of the aqueduct in their descent from an altitude of 3,812 feet at the intake to its outlet in the San Fernando Valley, 1,461 feet above sea level. The construction of the power plant is an independent operation from that of the aqueduct.

In 1906 E. F. Scattergood, the aqueduct's chief electrical engineer, made an estimate of the cost of development of 37,000 horsepower delivered at the city boundary at $4,490,000. April 10, 1910, Los Angeles voted bonds to the extent of $3,500,000 for the purpose of partially developing the electrical power of the aqueduct, which eminent electrical engineers estimate at 120,000 horsepower, peak load. It is not the intention to develop the full amount at this time, but eventually, as the demand for power increases, as it inevitably must, plants sufficiently expansive to develop all the power possible will undoubtedly be put in.

The first electric-power plant is 47 miles from Los Angeles, at Clearwater Canyon. The water plunges from the mouth of Elizabeth Tunnel 935 feet down the precipitous side of the canyon upon the power-producing water wheels, whence the power is transmitted to the city over high-tension lines. The plant erected produces 37,500 horsepower, and it can be increased at this point by additional construction to a limit of 75,000 horsepower. After leaving the wheels of the first power plant the water is carried 7 miles along the rim of San Francisquito Canyon and dropped down 512 feet upon the wheels of a second power plant. A third power plant, to develop a maximum of 10,000 horsepower, can be built between the aqueduct outlet and the upper San Fernando Reservoir, and still another power plant, capable of producing 3,400 horsepower, will be placed on the main trunk line to the city at Franklin Canyon in the Santa Monica Mountains.

THE GREAT ENTERPRISE JUSTIFIED.

A little more than six years have elapsed since the completion of the Los Angeles Aqueduct proper—one of the most gigantic municipal water-supply enterprises of America and one of the world's greatest accomplishments in engineering. Has the faith of the people of that great Pacific coast city, as evidenced by an investment to date of $32,000,000, been justified by the results? The remarkable growth of the city, both in population and in commercial importance, gives the answer. The census of 1900, taken about four years before the enterprise was conceived, showed a population of 102,000. Due at least in considerable part to assurances of an unfailing, continuous water supply, the population grew to 319,198 by 1910, and had reached half a million by the time the aqueduct was opened; by 1919 it had reached 600,000; and to-day 1,500 homes are being built there each month.

Los Angeles is now the headquarters and capital center for several lines of commerce of much importance. The citrus-fruit industry is one of these. The shipments of citrus fruits during the present season will approximate 50,000 carloads, valued roundly at $50,000,000. Los Angeles is also the headquarters of the petroleum industry of California, most of the large oil districts being in the southern or southern-central parts of the State. The oil production approximates 100,000,000 barrels a year, and the southern California oils are used for most of the power plants of the Southwest and for the transcontinental railways west of the Rocky Mountains, and oil shipments are made in tank steamers to all parts of the world.

Under the stimulus of an ample water supply the manufacturing industries have been increased enormously. In 1913 the total manufactures of Los Angeles amounted to about $150,000,000. In 1918 they had reached a total of $374,000,000. In 1919 they had a value of $618,772,250.

The imports and exports of the harbor of Los Angeles also throw light upon the growing importance of the city. From the first year after the completion of the aqueduct proper the imports were:

1914	$5,049,897
1915	4,159,306
1916	5,462,810
1917	8,043,242
1918	9,773,432
1919	16,165,628

The exports show still more marked progress:

1914	$2,069,983
1915	2,632,532
1916	4,341,553
1917	7,592,170
1918	7,625,390
1919	15,509,911

Thus, in the five years succeeding the opening of the aqueduct, imports through Los Angeles had increased by 220 per cent and exports by 649 per cent.

Among the great lines of business in Los Angeles is the unique one of the production of moving pictures. The climatic and atmospheric conditions are peculiarly adapted to the taking of moving pictures, and the Los Angeles Chamber of Commerce recently published some figures on the subject, showing that 80 per cent of all the photographed screen plays produced in the United States are produced in and about Los Angeles. There are 40 large plants engaged in making pictures about the city and its suburbs, the plants themselves being valued at more than $12,000,000, and their pay rolls showing the employment of 10,000 people, earning more than $20,000,000 a year. Their output is estimated at a valuation of $50,000,000.

Recently there has been established in Los Angeles one of the largest rubber-tire manufacturing plants in the United States, involving the expenditure of many millions of dollars. The establishment of this great enterprise there was based upon many considerations, one that was deemed vital being the abundant water supply. One of the requirements of this tire plant is large quantities of long-staple Egyptian cotton, and

many thousands of acres are producing this high-grade cotton in the Imperial Valley of California, in the Salt River Valley of Arizona, and in some parts of San Joaquin Valley, also in California. The locating of all these great industries has been influenced wholly or partly by the building of the Los Angeles Aqueduct.

Thus it will be seen that the adjustment here asked is for the furtherance of a great public work, one which benefits not alone the city of Los Angeles—for it is by no means there alone that the total imports and exports I have mentioned are consumed or produced—but all the surrounding country and, indeed, the whole Nation. The industrial development and progress made possible by this great work already are seen to redound to the advancement of all our people, and this profit they all will continue to reap increasingly. As my colleague [Mr. ELSTON, of California] has well said in his report on the bill, "This is not a money-making enterprise for private advantage. Thirty-two millions of dollars expended upon this great public improvement are represented by the bonds of the city of Los Angeles, and it is to meeting this financial undertaking and to the maintenance and improvement of the aqueduct that any money derived from it by the city is applied." [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'CONNELL, on account of the serious illness of his wife.

To Mr. BELL, for three days, on account of illness.

To Mr. KENNEDY of Rhode Island, on account of sickness.

To Mr. HAMILTON, on account of sickness in his family.

To Mr. BROWNE, indefinitely, on account of illness in his family.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that at the close of business on Wednesday afternoon the House recess until 8 o'clock in the evening for the purpose of taking up bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that at the close of business Wednesday afternoon the House take a recess until 8 o'clock in the evening. Is there objection?

Mr. GARD. Reserving the right to object——

Mr. BLANTON. I reserve the right to object.

Mr. MONDELL. Mr. Speaker, it is not at all material to me what evening we take up the Private Calendar. I think that many Members think it important that we have an evening for this class of business very soon. But at the suggestion of a number of Members I desire to modify my request and make it Thursday evening instead of Wednesday.

Mr. GARD. Reserving the right to object, does the gentleman intend to follow the Calendar Wednesday work on Calendar Wednesday?

Mr. MONDELL. I think I shall at the proper time ask to dispense with Calendar Wednesday.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

Mr. BLANTON. If the regular order is demanded, I shall have to object. I would not have objected if I could have had a chance to ask a question and have some understanding.

The SPEAKER. The gentleman from Texas objects.

DEATH OF SENATOR BANKHEAD.

Mr. HEFLIN. Mr. Speaker, it becomes my sad duty to announce to the House the death of Hon. JOHN H. BANKHEAD, the senior Senator from Alabama. At a future day I shall ask the House to set apart a day for the purpose of paying tribute to the life and public service of Senator BANKHEAD. I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN HOLLIS BANKHEAD, a Senator of the United States from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 18 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect the House do now adjourn.

The resolutions were agreed to.

ADJOURNMENT.

Accordingly (at 3 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 2, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Interior, transmitting report in connection with certain lands forming a part of Camp Lewis, Wash., and formerly part of the Nisqually Reservation; to the Committee on Indian Affairs.

2. A letter from the Secretary of War, transmitting list of leases granted by the Secretary of War during the calendar year 1919; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 10187) to change the place of holding the United States district court for the western division, northern district of Illinois, and for maintaining the clerk's office therein, reported the same with an amendment, accompanied by a report (No. 695), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 12848) repealing certain powers of the President in respect to fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODYKOONTZ: A bill (H. R. 12849) to amend the Federal reserve act by providing a rate of interest on reserve balances in Federal reserve banks; to the Committee on Banking and Currency.

By Mr. WELLING: A bill (H. R. 12850) to establish the standard and decimal divisions of weights, measures, and coins of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. BRITTEN: A bill (H. R. 12851) to prevent open conflict between various State and Federal officers; and to allay the present unrest of labor in every State of the Union; and to ameliorate the supreme disgust in the District of Columbia, so apparent in the embassies and legations of practically every foreign power on earth; and to make constitutional the so-called national prohibition act; to the Committee on the Judiciary.

By Mr. HASTINGS: A bill (H. R. 12852) authorizing the superintendent for the Five Civilized Tribes of Oklahoma to approve oil and gas leases made by the individual restricted members of said tribes, and providing for an appeal to the Secretary of the Interior in contested cases; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 12853) authorizing the Postmaster General to investigate conditions arising from contracts in star route, screen wagon, and other vehicle service, prior to June 30, 1918; to the Committee on the Post Office and Post Roads.

By Mr. HUSTED: Resolution (H. Res 478) directing the Director of the Federal Board for Vocational Education to transmit certain facts to the House of Representatives; to the Committee on Education.

By Mr. HASTINGS: Joint resolution (H. J. Res. 305) to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12854) granting an increase of pension to Benjamin F. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12855) granting an increase of pension to Reason H. Treadway; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 12856) granting an increase of pension to Elijah W. Knowland; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 12857) granting an increase of pension to Robert N. Barton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12858) for the relief of the heirs of W. W. Parrish; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 12859) granting an increase of pension to William M. Parry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12860) granting a pension to Alfred W. Marks; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 12861) for the relief of Thomas C. Steenwerth; to the Committee on Claims.

Also, a bill (H. R. 12862) for the relief of James A. McErlain; to the Committee on Claims.

By Mr. O'CONNELL: A bill (H. R. 12863) granting an increase of pension to Margaret M. Frazier; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 12864) for the retirement of Clarence Cappel; to the Committee on Naval Affairs.

By Mr. THOMAS: A bill (H. R. 12865) granting an increase of pension to John W. Ramey; to the Committee on Pensions.

By Mr. WELLING: A bill (H. R. 12866) for the relief of Emma Kiener; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1977. By Mr. ASHBROOK: Petition of International Molders' Union, of Newark, Ohio, against the Graham-Sterling sedition bill; to the Committee on the Judiciary.

1978. By Mr. BRIGGS: Petition of the Commercial Association of the counties of Bryan and Brazos, Tex., favoring the Sheppard bill regarding highways, etc.; to the Committee on Roads.

1979. By Mr. CARSS: Petition of citizens of Duluth, Minn., favoring the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

1980. By Mr. CULLEN: Petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1981. Also, petition of the Argonne Post, No. 107, Veterans of Foreign Wars of the United States, urging the passage of the Royal C. Johnson bill, etc.; to the Committee on Ways and Means.

1982. By Mr. DALLINGER: Petition of the Edward Everett Hale Chapter, Unitarian Laymen's League, and the members of the South Congregational Church Society, of Boston, Mass., indorsing the Dallinger daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

1983. By Mr. DOWELL: Petition of residents of Des Moines, Iowa, favoring the bonus for ex-service men; to the Committee on Ways and Means.

1984. By Mr. JAMES: Petition of the Norway Post, of the American Legion, in favor of adjusted compensation; to the Committee on Ways and Means.

1985. By Mr. JOHNSTON of New York: Petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1986. By Mr. KENNEDY of Iowa: Petition of sundry citizens of the first congressional district of Iowa, protesting against conscription and compulsory military training; to the Committee on Military Affairs.

1987. By Mr. LONERGAN: Resolutions of the Mothers' Club of South Glastonbury, Conn., approving appropriation of $2,500,000 for interdepartmental board for social hygiene, and of $328,000 for control of venereal diseases; to the Committee on Interstate and Foreign Commerce.

1988. Also, resolutions of the Chamber of Commerce of Willimantic, Conn., approving the expenditure of $200,000 by the Department of the Interior for the investigation of power generation, transmission, and distribution in manufacturing communities; to the Committee on Interstate and Foreign Commerce.

1989. By Mr. MICHENER: Petition of citizens of Ann Arbor, Mich., relative to conditions created by Japan and existing in Korea, etc.; to the Committee on Foreign Affairs.

1990. By Mr. NEWTON of Missouri: Petition of a number of citizens of St. Louis, Mo., against the method employed by the St. Louis postmaster in the conduct of his office; to the Committee on Expenditures in the Post Office Department.

1991. Also, petition of a number of citizens of St. Louis, Mo., protesting against the method employed by the St. Louis postmaster in the conduct of that office; to the Committee on the Post Office and Post Roads.

1992. By Mr. O'CONNELL: Petition of the Fuchs-Lang Manufacturing Co. and the H. D. Roosen Co., both of New York, favoring release of Government employees; to the Committee on Appropriations.

1993. Also, petition of Joseph Ullman (Inc.), the Republic Bag & Paper Co., and the P. Pastene Co. (Inc.), of the city of New York, relative to maintaining the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

1994. Also, petition of Jamaica Board of Trade, Jamaica, N. Y., indorsing Senate bill 3572, for the construction of a national highway system and the creation of a Federal highway commission; to the Committee on Roads.

1995. Also, petition of Thomas P. Hendry, secretary Federal Employees' Union No. 126, Albany, N. Y., favoring increased bonus for Federal employees; to the Committee on Appropriations.

1996. By Mr. ROWAN: Petition of the Jamaica Board of Trade, relative to the national highway act; to the Committee on Roads.

1997. Also, petition of the Massachusetts Federation of Churches, relative to Ireland, etc.. to the Committee on Foreign Affairs.

1998. Also petition of A. B. Tubbs, of New York City, protesting against the sedition bill, etc.; to the Committee on the Judiciary.

1999. Also, petition of the Joseph Ullman Co., of New York City, relative to the Bureau of Foreign Commerce, etc.; to the Committee on Appropriations.

2000. Also, petition of Nicholas Engel and George E. Gregory, of New York City, favoring the passage of Senate bill 3792; to the Committee on Military Affairs.

2001. Also, petition of Model Brassiere Co., Brooklyn, N. Y., favoring military training; to the Committee on Military Affairs.

2002. Also, petition of H. J. O'Grady, secretary Michael Davitt Branch, Friends of Irish Freedom, to safeguard the liberty in our Liberty bonds; to the Committee on Ways and Means.

2003. Also, petition of the Fuchs & Lang Manufacturing Co., favoring curtailment of Government expenditures, release of surplus Federal employees, and reduction of taxes; to the Committee on Appropriations.

2004. Also, petition of sundry citizens of New York City, urging relief of the starving people of the Far East; to the Committee on Foreign Affairs.

2005. By Mr. SANFORD: Petition of 35 civil-service employees in Albany, N. Y., favoring the Lehlbach-Sterling bill; to the Committee on Reform in the Civil Service.

2006. By Mr. TAGUE: Petition of Ala A. Rosenthal, Boston, Mass., favoring increased appropriation for foreign trade; to the Committee on Appropriations.

2007. Also, petition of Chipman Harwood & Co., Boston, Mass., for increase of appropriation for foreign trade; to the Committee on Appropriations.

2008. Also, petition of commander Bunker Hill Post, No. 26, American Legion, Charlestown, Mass., indorsing soldiers' bonus; to the Committee on Ways and Means.

2009. By Mr. VAILE: Petition of the Sagebrush Post, No. 68, the American Legion, Brush, Colo., favoring additional bonus for soldiers of the World War; to the Committee on Ways and Means.

SENATE.

TUESDAY, *March 2, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God—

Our birth is but a sleep and a forgetting;
The soul that rises in us, our life star,
Hath elsewhere its setting and cometh from afar;
Not in entire forgetfulness and not in utter nakedness,
But trailing clouds of glory do we come from God, who is our home.

Such is the intimation of immortality. To-day we are brought to face once more the great question of life's final issue. We are called upon to mourn the loss of one of the eminent statesmen in this country, a man whose character was forged in the furnace of civil conflict, tested in the glare of public office, refined and beautified and glorified in the service which he rendered to our common country.

We thank Thee for the embodiment of all the elements of greatness that Thou thyself hast inspired in the leaders of our people. We pray that Thou wilt ever raise men to take the places of those who fall and to stand for the unchangeable principles of Thy Holy Word.

Bless and comfort the afflicted family. Give them the consciousness of the divine hope that ever abides in the hearts of the faithful. Help us to so discharge our duties as that when the summons comes to us we may enter unafraid into the presence of our God. For Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gay	Knox	Sheppard
Ball	Gerry	Lodge	Sherman
Borah	Glass	McCormick	Shields
Brandegee	Gronna	McKellar	Smith, Ga.
Calder	Hale	McLean	Smith, Md.
Capper	Harris	McNary	Smith, S. C.
Chamberlain	Harrison	Nelson	Smoot
Colt	Henderson	Norris	Spencer
Culberson	Hitchcock	Nugent	Sterling
Cummins	Johnson, S. Dak.	Overman	Sutherland
Curtis	Jones, N. Mex.	Page	Thomas
Dillingham	Jones, Wash.	Phelan	Townsend
Edge	Kellogg	Phipps	Trammell
Elkins	Kendrick	Pittman	Wadsworth
Fernald	Kenyon	Poindexter	Walsh, Mont.
Fletcher	Keyes	Pomerene	Warren
France	King	Ransdell	Wolcott
Frelinghuysen	Kirby	Reed	

Mr. CURTIS. I desire to announce the absence of the Senator from Indiana [Mr. NEW] on official business.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. There is a quorum present.

NISQUALLY INDIAN LANDS (S. DOC. NO. 243).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report of an investigation made by the Secretary of War and the Secretary of the Interior as to the advisability and necessity of acquiring, with a view to returning to the dispossessed Indians, from the authorities of Pierce County, Wash., those several tracts of allotted Nisqually Indian lands, Nisqually Reservation, Wash., aggregating approximately 3,200 acres, which were acquired under a compromise agreement of April 18, 1918, between the Secretary of War and the Secretary of the Interior, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

FEDERAL BOARD FOR VOCATIONAL EDUCATION (S. DOC. NO. 244).

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Board for Vocational Education, transmitting, pursuant to law, a report of all gifts and donations offered and accepted unconditionally by that board, which was referred to the Committee on Education and Labor and ordered to be printed.

UNITED STATES HOUSING CORPORATION.

The PRESIDENT pro tempore laid before the Senate the report of the United States Housing Corporation in two volumes, from March 1, 1919, to December 31, 1919, which was referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2. An act to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition;

H. R. 406. An act amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906;

H. R. 10105. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes;

H. R. 10401. An act to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stats., p. 137);

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me.;

H. R. 11311. An act providing for the classification of vessels of the United States;

H. R. 11313. An act to permit transportation of a limited number of passengers on cargo vessels;

H. R. 11398. An act for the creation of the Custer State park game sanctuary, in the State of South Dakota, and for other purposes;

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.;

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.;

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington;

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg.; and

H. J. Res. 299. A joint resolution extending the term of the National Screw Thread Commission for a period of two years from March 21, 1920.

The message also transmitted to the Senate resolutions on the death of Hon. JOHN HOLLIS BANKHEAD, late a Senator of the United States from the State of Alabama.

WOMAN SUFFRAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate a certified copy of a joint resolution adopted by the Legislature of the State of Oklahoma ratifying the Susan B. Anthony amendment to the Constitution extending the right of suffrage to women, which will be filed.

PETITIONS AND MEMORIALS.

Mr. ASHURST. I have this morning received a number of telegrams from stockmen in Arizona protesting against the so-called Kenyon-Kendrick bill. I present the telegrams and ask that they be referred to the Committee on Agriculture and Forestry, and I would request the honorable chairman of that committee to read the telegrams to the committee when the committee assembles.

The PRESIDENT pro tempore. The telegrams will be referred to the Committee on Agriculture and Forestry.

Mr. TOWNSEND. I present resolutions, in the form of a petition, signed by hundreds of citizens of Detroit, Mich., favoring the continuance and extension of the aerial mail service so as to include the State of Michigan and the city of Detroit. I ask that the resolutions be read, the names omitted, and that they be then referred to the Committee on Post Offices and Post Roads.

The resolutions were read and referred to the Committee on Post Offices and Post Roads, as follows:

To the Senate of the United States of America in Congress assembled:

We, your petitioners, residents of Detroit, Mich., and of its suburbs, respectfully represent that we are familiar with and fully indorse the terms of certain resolutions adopted by the Detroit Board of Commerce on the 29th day of January, A. D. 1920, said resolutions being in words and form as follows:

"Whereas the newspapers have recently carried information from Washington that appropriations for the purpose of continuing and extending the United States aerial mail service were excluded from the postal bill, notwithstanding that Assistant Postmaster General Praeger was anxious to have said service continued and extended; and

"Whereas it is reported that Cleveland has advanced its time of carrier delivery of mail originating in Chicago or west of that point by 16 hours by the use of aerial mail service, and that Chicago by means of said service has advanced the carrier service of mail originating in New York approximately 24 hours; and

"Whereas Detroit, the fourth city of the United States in population and the third city in importance from a manufacturing standpoint is deprived of the advantages that accrue from aerial mail service; and

"Whereas Detroit has a greater interest than this purely selfish one, namely, an interest in the maintenance of America's lead in the science of aviation; and

"Whereas the establishment of the aerial mail service on a broader basis than the present one and the inclusion of Detroit would not only directly stimulate inventions and development in Detroit but would also further the progress of aeronautical science in the United States: Therefore be it

"Resolved by the Board of Commerce of the city of Detroit, State of Michigan, That this board earnestly desires that the aerial mail service of the United States may be established on a broad basis and that the said service at as early a date as prac-

ticable be extended to include Michigan and the city of Detroit; be it further

"*Resolved*, That the House of Representatives and the Senate of the United States be, and they are hereby, respectfully urged to make adequate appropriations for the continuance and extension of the present aerial mail service; be it further

"*Resolved*, That our Senators and Representatives from Michigan be, and they are hereby, urged to do their utmost to secure the continuance of the present aerial mail service, and also to secure the extension of said service to include Michigan and Detroit; be it further

"*Resolved*, That a copy of these resolutions be sent to Senator TOWNSEND as chairman of the Senate Committee on Post Offices and Post Roads, and that copies be sent to each of our other Representatives in Congress, and that these resolutions be made a part of a petition to Congress, to be subsequently signed by leading manufacturers, citizens, and members of this board, to be forwarded to Senator TOWNSEND."

And we humbly petition for legislation to provide for the continuance of the present United States aerial mail service and its extension to include Michigan and Detroit. For this your petitioners do ever pray.

Very respectfully, your obedient servants,

Mr. TOWNSEND presented a petition of sundry citizens of Drummond, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 301, United Association of Plumbers and Steam Fitters, of Grand Rapids, Mich., remonstrating against the passage of the so-called Sterling sedition bill, which was ordered to lie on the table.

He also presented a petition of Adelaide Fairbanks Wallace Tent, No. 16, Daughters of Veterans, of Detroit, Mich., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the City Commission of Sault Ste. Marie, Mich., praying for the enactment of legislation providing for a war bonus for Federal employees, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Oakland County, Mich., remonstrating against the passage of the so-called Chamberlain-Kahn bill, to reorganize the General Staff of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying for the fulfillment of our treaty obligations with Korea, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Battle Creek, Mich., praying for the enactment of legislation providing for a bonus for ex-service men, which was referred to the Committee on Military Affairs.

Mr. JONES of Washington presented a memorial of the Board of County Commissioners of Lewis County, Wash., remonstrating against the proposed extension of Rainier National Park, which was referred to the Committee on Agriculture and Forestry.

Mr. ELKINS presented a memorial of sundry citizens of Corinth, W. Va., remonstrating against compulsory military training, which was ordered to lie on the table.

Mr. PHELAN presented a petition of Post No. 28, American Legion, of Petaluma, Calif., praying for the enactment of legislation providing for an additional bonus for ex-service men, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Zenith, Kans., remonstrating against compulsory military training, which was ordered to lie on the table.

Mr. KENYON presented a petiton of Allen Jewett Post, No. 47, American Legion, of Fairfield, Iowa, praying for the enactment of legislation giving relief to service men from the alleged misadministration of the War Risk Bureau, which was referred to the Committee on Finance.

REPORTS OF COMMITTEE ON FINANCE.

Mr. CURTIS, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States (Rept. No. 458); and

A bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments (Rept. No. 459).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3999) for the relief of certain estates; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 4000) for the relief of certain estates; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 4002) to establish in the Department of Labor a bureau to be known as the women's bureau; to the Committee on Education and Labor.

A bill (S. 4003) granting an increase of pension to James Dewey (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4004) to correct the military record of Joseph B. Forbes; to the Committee on Military Affairs.

DISTRICT BOARD OF EDUCATION.

Mr. SHERMAN. I introduce a bill to provide for the election of the members of the Board of Education of the District of Columbia, and for other purposes. I did not have time to read it, as it is very voluminous. I do not know whether I will approve of it or not. I introduce it only by request, and ask that it be referred to the Committee on the District of Columbia.

The bill (S. 4001) to provide for the election of the members of the Board of Education of the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

METROPOLITAN POLICE AND FIRE DEPARTMENT.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 3748) providing additional compensation for the dependent relatives of members of the Metropolitan police or fire department of the District of Columbia killed in line of duty, which was referred to the Committee on the District of Columbia and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

PRICE OF SHOES.

Mr. McNARY submitted the following resolution (S. Res. 317), which was read and referred to the Committee on Manufactures:

Resolved, That the Committee on Manufactures is hereby authorized and directed, by subcommittee or otherwise, to ascertain in every practicable way the causes for the increased price of shoes in the United States; the labor, material, and other costs; and the profits of manufacturers, wholesalers, jobbers, and retailers of shoes, and of the manufacturers, wholesales, and distributors of leather, thread, shoe machinery, and other articles required for the manufacture of shoes, with a view to determining who or what may be responsible for such increased prices. For this purpose such committee, or any subcommittee thereof, may sit during the recess and sessions of the Senate, at such times and places as they may deem advisable, and may employ a stenographer and such other clerical assistance as may be necessary. A report of the results of such investigation shall be made to the Senate, together with such recommendations for legislation as may be deemed necessary and practicable. The expense of such investigation shall be paid out of the contingent fund of the Senate.

WHEAT POOL.

Mr. REED submitted the following resolution (S. Res. 319), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Federal grand jury sitting at Spokane, Wash., on February 29 made a report containing certain charges against the United States Grain Corporation and its directors of reported speculations in wheat; and

Whereas an account of such report was, on March 1, made a part of the CONGRESSIONAL RECORD: Therefore be it

Resolved, That the Committee on Manufactures be directed to inquire into the reported wheat pool and investigate the United States Grain Corporation and its dealings, operations, speculations, and manipulations, if any there has been, of such Grain Corporation, its officers, and agents, in wheat and wheat products, and report thereon to the Senate, together with their recommendations of any steps which they may deem it necessary to take in view of the findings.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, a short article from the New York Commercial in reference to an appropriation for the Bureau of Foreign and Domestic Commerce.

In presenting this matter I merely desire to say that I agree with that part of the article which deprecates the cutting down

of this appropriation, which is only $487,470, as against $910,510 for the present year, a reduction of nearly one-half. It seems to me that at this time in our history we ought not to cut down the appropriation to build up foreign trade. It is absolutely necessary. We have a great merchant marine that we should aid in every way possible, and we can only aid it by having trade agents in foreign countries. I think the article is a well-timed one, and I hope the Senate will give attention to it.

Mr. SMOOT. The request was for unanimous consent to have an article printed in the RECORD?

Mr. McKELLAR. It is very short.

Mr. SMOOT. I object, Mr. President.

Mr. McKELLAR. Then, Mr. President, I will ask the Secretary to return the article to me.

BOLSHEVIST MOVEMENT IN RUSSIA.

Mr. FRELINGHUYSEN. Mr. President, in the near future I hope to speak at some length on Russia and the proposed resolution recently introduced providing for recognizing the soviet government there. Among the many books, pamphlets, and addresses which I have studied none impressed me more than the memorandum on certain aspects of the Bolshevist movement prepared from original sources in the Department of State and transmitted on October 27, 1919, by the Secretary of State to the Committee on Foreign Relations. This memorandum is entitled "Bolshevist Movement in Russia." Its perusal will show that there is a fundamental difference between democracy and bolshevism, and such difference will appear in official Bolshevist documents, translations of which are appended to the memorandum. There are many in this country who have used the word "bolshevik" in a very loose sense. There are some who seem to sympathize with the bolshevik movement. We are all familiar with the phrase "parlor bolshevik." Are we familiar with the fact that Mr. Lenin reported last year that "the destruction of State authority is the aim which all socialists have set for themselves," and that "only a soviet organization of the State is able actually to disrupt without delay and destroy definitely the old apparatus of government of the bourgeoisie, the bureaucracy, and law courts"? How many know that he ridiculed attempts to unite the soviet system with a democratic system, and characterized as "yellow" and as displaying "deformed mentality" the Socialists and Social Democrats who proposed such union?

How many have read the proclamation issued last year calling the first congress of the Communist International, in which it is clearly set forth that "the present is the period of destruction and crushing of the capitalistic system of the whole world," and that "the aim of the proletariat must now be immediately to conquer power"? How many know that in this proclamation it was proposed that representatives of 39 groups should participate in the congress, and that of the 39, 3 are described as groups within the United States of America?

The memorandum of the Secretary of State has not received the study and attention which it deserves. There is no more important document on the subject of bolshevism. It should be widely circulated.

I now ask that the resolution be read, and I trust that it may be adopted.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 318), as follows:

Resolved, That 2,500 additional copies of Senate Document No. 172, Sixty-sixth Congress, second session, entitled "Bolshevist Movement in Russia," be printed for the use of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I ask the Senator to allow the resolution to be referred to the Committee on Printing.

Mr. FRELINGHUYSEN. I have no objection to that, Mr. President.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 2. An act to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition was read twice by its title and referred to the Committee on Pensions.

H. R. 406. An act amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, was read twice by its title and referred to the Committee on Public Lands.

H. R. 11175. An act for the public sale of customhouse building and site at Kennebunkport, Me., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 11398. An act for the creation of the Custer State park game sanctuary, in the State of South Dakota, and for other purposes, was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

H. J. Res. 299. Joint resolution extending the term of the National Screw Thread Commission for a period of two years from March 21, 1920, was read twice by its title and referred to the Committee on Standards, Weights, and Measures.

The following bills were each read twice by their title and referred to the Committee on Indian Affairs:

H. R. 10105. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; and

H. R. 10401. An act to amend section 14 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stats., p. 137).

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 11311. An act providing for the classification of vessels of the United States;

H. R. 11313. An act to permit transportation of a limited number of passengers on cargo vessels;

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.;

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.;

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River, between the towns of Pasco and Kennewick, in the State of Washington; and

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River in Tillamook County, Oreg.

TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore (at 12 o'clock and 25 minutes p. m.). Morning business is closed. The calendar under Rule VIII is in order.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 4.

Mr. McLEAN. Mr. President, in view of the wide difference of opinion in this Chamber concerning the wisdom, the meaning, and the constitutionality of many of the covenants in the pending league, it must be clear to all of us that some of us are mistaken. If any Member of this body were possessed of infinite wisdom we would all be glad to follow his lead, but in his absence—and I think he is absent—we must do the best we can.

The wisest statesman of his generation once declared that all virtues, all blessings, all enjoyments, and all governments are founded in compromise, not with principle, I take it, but with pride of opinion and loyalty to party. It seems to me that a compromise ought to be welcomed at this juncture, provided it offers a fair test of the soundness of the claims of all the parties to the controversy—that is, a compromise which will separate the wheat from the tares, without injury to anyone, and permit the accomplishment of all that is wise and possible.

If the league is a menace to our country and will produce the undesirable results its enemies predict, this fact will soon be revealed, if it is ratified subject to the Lodge reservations. It will be revealed long before any irreparable or permanent injury can result to the United States. Under the Lodge reservations we can withdraw with honor and upon our own conditions if we find the experiment unprofitable, and such withdrawal will vindicate the judgment of the irreconcilables, so called. The men who voted against the recent resurrection of the league will then become the wise men of the West, if not of the world.

On the other hand, everything that the friends of the league claim for it can be had under the Lodge reservations, because the foundations of the international organization for the promotion of peace will be so securely laid that they will sustain any kind of superstructure that experience may justify. Indeed, the Lodge reservations could be much more drastic than they are

and still leave an international association that could broaden its purposes and extend its powers as far and as fast as sanity and safety would warrant. Certainly peace by every means except war would be its guiding star, and wars could be had whenever they were wanted by the people who must wage them. If we do nothing, if we reject the league, the world will never know nor be able to identify the truly wise and great men in this body or elsewhere. The controversy will continue, and it will have a nuisance value of ever-increasing proportions. Every misfortune and discomfort from the untimely frost down to and including the high price of sugar and shoes will be attributed to the fact that we do not possess a League of Nations. This brings me to what I consider to be the real items of consequence in this discussion.

Mr. President, the American people want to do justice, love mercy, and walk as humbly with their Creator as hard winters and high taxes will permit. The American people want the world to return to and do business at the old stand, plus everything new that is desirable. We are not going to lose the flag if we ratify this treaty with the Lodge reservations. We are not going to war unless we want to. We are not going to do anything we do not want to do. On the other hand, we can do anything we want to do; we can agree to do anything the other members of the league want us to agree to that will invite peace and good will among the nations of the earth. We can all of us remember the terrible things that we were told would happen if we voted to give the President the extraordinary powers conferred by the Overman Act and the other so-called war measures of 1917 and 1918. We were told that in voting for them we were tearing the flag and the Constitution to tatters and feeding our civil liberties to the dogs of war, never to be regained. A majority of the Senate, however, refused to be terrified, and did the sensible thing.

The three things that are of paramount interest to us and all others just now are debts, taxes, and prices, and the greatest of these is prices. Nothing would bring greater harm to the industrial life of the world than a sudden and radical reduction in prices. I do not mean the exorbitant and extortionate prices for the exaction of which the responsible parties can not be too severely punished, but prices that are fairly comparable to the cost of production under the present standard of wages. Debts must be paid with goods measured in dollars. Cut the price of goods in two, and you will double the hours of labor required to produce a dollar's worth of goods; in other words, you will double the already colossal total of debts incurred in the prosecution of the war. It will be justly claimed that debts incurred at prewar prices can now be paid with depreciated or 50-cent dollars, principal and interest. My answer to this is that a sudden reduction of prices to the 1914 standard would so paralyze production that the payment of principal or interest of any kind of a debt with any kind of a dollar might be rendered very difficult for some time to come. Of course, prices should stop rising and gradually seek a lower level. Those whose incomes have remained tied to the prewar standard have a real grievance and deserve every consideration. I simply desire to emphasize the fact that all concerned, creditors as well as debtors, will find neither comfort nor profit in a sudden and radical fall in prices and wages.

The question of the hour for us to consider is, Will the League of Nations, if we join it under conservative reservations, put us in a position where we shall be the better able to help Europe maintain her industrial and political sanity, to the end that Europe and America can go to work and remain at work under a fairly remunerative standard of wages and prices until the colossal war debts are shorn of some of their existing terrors? There is very little danger of another international war in defense of militarism or the divine right of kings. I once read somewhere that for several centuries after the flood arks were deemed to be the prime economic necessity. Everybody that could afford one had an ark of his own, and the State provided ample arking accommodations for the poor; but after many years, as I remember the story, these arks were all remanufactured into pump handles, water being more useful than boats in the arid regions of Asia Minor.

It is not strange that in the year following the Great War we should all want to prevent its recurrence, but when we look at the real situation with candor we can readily see that another international war of the conventional type will be a physical, mental, and financial improbability for many years to come. Internal and domestic disturbances and convulsions are now the order of the day, and we should lose no time in our endeavors to minimize their intensity and shorten their duration.

We were a very happy people on the 11th of November, 1918. We were very proud of ourselves, very confident and courageous, and very grateful to our own brave boys and those of our associates whose sublime courage carried our arms to victory. This is no place for sentiment, but when sentiment, safety, and sound business principles unite to point the way to duty, why hesitate? A great many Americans in the hour of victory proclaimed that the cause of Belgium and France had been our cause from the first, and if this were true our obligations in the premises would be great; but let us take the narrower view. Let us admit that Belgium and France, and England, and Italy entered the war because they had to. They fought to save their lives, and for no other reason. We waited until we were attacked, and it became painfully apparent that we must help them or fight for our own lives without their help later on. Let us admit that it was "My country first," and "right or wrong," with them and us. Nevertheless, we fought a common foe and in a common cause, and if that cause was just, and it was, then our boys died that justice and civil liberty might be the portion of all men "everywhere"; that governments of, for, and by the people might not perish from the "earth." That is what the boys in blue fought for at Gettysburg. That is what fighting for America always has meant; that is what fighting for America always must mean if America is to remain worth fighting for.

And now, having won the victory over militarism and monarchism, and at heartbreaking cost, what are we going to do with the other subtle and deadly "isms" that threaten us? What do we propose to do with those who, in the language of Mr. Lincoln, look upon liberty as a license "to do as they please with other men and the products of other men's labors"? Prices will go down, production will cease, want and crime will be the sole heritage of those who entertain this definition of the word "liberty" if they succeed to power. This age-old conflict between reason and passion, wisdom and folly, has never been more bitter and the issue more doubtful than in the present hour, and in this conflict, upon the result of which the sanity and solvency and domestic peace of the world depend, the East again is forced to go to the firing line first and must bear the brunt of the battle. And if the East loses, it will be our turn next. It is quite possible that we have as much at stake in Europe to-day as we had in April, 1917. It is quite possible that the cause of every liberty-loving, justice-loving Slav and Frank and Latin is as much our cause to-day as Belgium's cause was ours in 1918. We may not use force except as force may be necessary to compel obedience to reasonable and just terms of peace with Germany. In my opinion we ought not to attempt to use force except as a last resort; but with every device known to reason and peace we can and should help the sane men still remaining in Europe retain their sanity, and, in my opinion, it will pay us in good morals and good money to do this.

This league, if it is based and grounded in the theory that reason is a safer guide to justice than force, if it is accepted subject to reservations which eliminate the possibility of the use of force for selfish purposes, will give us an influence abroad which we can not otherwise attain. If we join it for the purpose, and sole purpose, of helping our associates in the late war regain and retain their confidence in sound economic principles and the blessings of civil liberty, we may again turn the tide of battle and save them and ourselves from something worse than German bayonets. There is nothing in Washington's Farewell Address against such an alliance, and why the President and his followers should refuse to approve such an errand and purpose and ratify such a treaty and league will be for them to explain. There is not a man on this side of the Chamber who would have voted against such a proposition had it been presented.

This treaty has occupied much time, yet the great underlying principles involved are few and easily understood. In this adventure into world politics we have been most unwisely led and advised. Controverted points could have been adjusted without difficulty long ago but for the uncompromising spirit of a single individual. An international organization or concert of nations, willingly and voluntarily entered on the part of all who may desire, wherein the minds of the weaker and less experienced States may meet with the stronger and more experienced for the purpose of establishing friendly relations for their mutual benefit, and especially for the purpose of encouraging disarmament and settling disputes by arbitration and promoting industrial prosperity throughout the world, we can all heartily support. But any combination of nations that contemplates the use of force to carry out the recommendations of a handful of irresponsible politicians is a colossal blunder. As I have before remarked in this Chamber, if this league and treaty should be ratified upon conditions less conservative and safe than those contained in the Lodge reservations, Russia and Germany, if not all of central Europe, Japan, Mexico, and perhaps all of South

America would soon find common ground to denounce it as an attempt on the part of the English-speaking peoples to dominate the world. And to defeat that purpose they will rally around the red flag or any other that promises success.

Mr. SMITH of Georgia. Mr. President, I desire to offer two amendments, one to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] and one to the reservation of the committee.

I wish to offer an amendment to the substitute of the Senator from Nebraska striking out the language "no member nation is required to" and substituting "the United States will not." As the substitute of the Senator from Nebraska reads it is:

That no member nation is required to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matters relating to its internal or coastwise affairs.

Really, I do not think this statement is true. It says "no member nation is required." It seems to say that the covenant now does not require submission to the council of whether a dispute is a domestic question. We all concede that the covenant as written does require it. To relieve it from any ambiguity, and really to take care of the United States instead of interfering with the status of all members of the league, I suggest substituting the words "the United States will not," so that it will read:

That the United States will not submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. President, I have already discussed a suggested amendment to the reservation that came to us from the committee, and I want to suggest this amendment, that in lines 5 and 6 of the committee reservation we amend by striking out the word "commerce." I submit that amendment at this time, although, having discussed it before, I do not wish to discuss it further.

Mr. HITCHCOCK. Mr. President, if I correctly caught the reading of the amendment of the Senator from Georgia, it merely substitutes for "all member nations" the name of the United States, so that the United States would not be required to submit, and so forth. Is that correct?

Mr. SMITH of Georgia. Yes; and it does this further: It changes the word "is," which is in the present tense, and which might be construed simply to indicate an opinion as to what the treaty already does, and it substitutes "the United States," with the definite statement. I should be glad if the Secretary would read it once more.

Mr. HITCHCOCK. I wish the Secretary would state the proposed change.

The ASSISTANT SECRETARY. In the amendment proposed by the Senator from Nebraska the Senator from Georgia proposes to strike out the words "no member nation is required to," and in lieu thereof insert the words "the United States will not," so that, if amended, it will read:

That the United States will not submit to the league—

And so forth.

Mr. HITCHCOCK. That makes it quite different. If the Senator would state that "the United States is not required"——

Mr. SMITH of Georgia. But I do not think that is true.

Mr. HITCHCOCK. The preamble then would read, in substance, that it is the understanding of the Senate in adopting the resolution to ratify the treaty that the United States is not required to submit to the league any of these questions.

Mr. SMITH of Georgia. But we know that that is not true. The language of the eighth paragraph of article 15 specifically says we shall do it. I could not say that the United States is not required to do so, according to the provisions of the covenant, because I know that the provision of the covenant does require the United States to let the council pass upon the question as to whether a dispute is domestic or is not domestic. Here it is:

If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement.

So that the eighth paragraph of article 15 expressly confers upon the council the power of passing upon the question as to whether the dispute is or is not domestic; and I could not say that under the covenant the United States is not required to do so, because under the covenant the United States is required to let the council pass upon the question.

Mr. HITCHCOCK. Mr. President, I differ with the Senator from Georgia on that point. To my mind the section of the covenant to which the Senator refers merely outlines a limitation upon the powers of the council; but in adopting a resolution of ratification the Senate now proposes, according to the resolution offered by the Senator from Massachusetts, to use language about as follows:

That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification.

One of our understandings which we define and as to which we make a reservation is, according to the amendment which I have offered, an understanding that no nation shall be required to submit a domestic question to the arbitrament of the council. I would not have any objection to narrowing that somewhat if it would secure the Senator's support, so as to have it read:

That it is the understanding and reservation of the Senate that the United States is not required—

To do this thing. I think it is a mistake to narrow it, however, because I think what we demand for ourselves we should accord to every member; and I have no doubt that that will be the final interpretation of this section of the league covenant—that we not only demand for ourselves but accord to other nations the right to control their domestic questions. If the Senator would change his amendment so as to bring it within that phraseology, I should not object to it.

Mr. SMITH of Georgia. I could not truthfully say that I understand it that way. I do not see how anybody could understand it that way when the language is expressly to the contrary.

Mr. HITCHCOCK. The Senator will say that if he votes for this reservation and for the resolution of the Senator from Massachusetts, because that is the language that is involved in the preamble—

Subject to the following reservations and understandings.

Mr. SMITH of Georgia. Some of them are understandings, and some of them are reservations.

Mr. HITCHCOCK. Yes. That language applies to my reservation just as much as it does to the reservation of the Senator from Massachusetts. It is an understanding and a reservation. There is no more logical reason why we should limit that understanding and that reservation to ourselves than that we should extend it to every member of the league; but in order to secure the Senator's support, if he would make it follow the language which I used, and limit it to the United States, I think there would be no objection to it, because that is then an understanding and a reservation, and that is what the Senator proposes to vote for.

Mr. PITTMAN. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Nevada.

Mr. PITTMAN. As I understand the word "understanding" in the preamble, it means the understanding arrived at upon the acceptance of our reservation; not the understanding that was had between the drafters of the treaty, but the understanding that is set forth in the reservation.

Mr. HITCHCOCK. The understanding which we assert as a condition of ratification. It applies no more to the reservation which I offer than it does to the reservations that are offered by the Senator from Massachusetts.

Mr. SMITH of Georgia. Except that some of them are constructions of meaning where the construction is reasonable, and some of them are definite withdrawals from obligations under the covenant where a construction could not possibly reach the extent to which we wish to withdraw; and my difficulty about following the Senator is that I can not truthfully say that the construction which he suggests is possible.

Mr. BRANDEGEE and Mr. FLETCHER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HITCHCOCK. I yield to the Senator.

Mr. BRANDEGEE. The treaty having been ratified by all the other members of the league and being in operation, I desire to ask the Senator from Nebraska whether he thinks that if his reservation were adopted it could be of any force or effect unless it were agreed to by the members of the league in accordance with the terms of article 26 of the treaty in regard to amendments?

Mr. HITCHCOCK. Mr. President, it is my opinion that a statement of the meaning of the treaty as a condition of our ratification will go into effect if after we deposit our instrument of ratification no objection is raised against it by any ratifying member of the league.

Mr. BRANDEGEE. When the treaty itself lays down the conditions of the contract that has been agreed to by those who have made it and are operating under it, and the contract itself provides how that understanding may be varied, how can anything that we say, affixing our statement that what we say shall be the understanding of the other parties unless they

object to it, they not having become a party to that condition of ours at all, bind them except by our asseveration that it shall bind them? The contract itself provides how what they have reduced to writing and signed and sealed may be varied. Is it so that somebody who is not a party to the contract can, by merely issuing a bull to the wide world, change the terms of their contract and put them upon notice that their contract is changed unless they protest against our action?

Mr. HITCHCOCK. It is an assertion that we will not require of them something from which we explicitly exclude ourselves.

Mr. BRANDEGEE. It is more than that; and the Senator's basis for offering it proceeds upon the theory that he is not willing to confine the change proposed by him to ourselves, but he insists upon forcing it upon them, and he makes it so that any one of the other nations which is a member of this league shall have that same understanding as to its duty, and each one of them shall have it, not only as to its own duty but as to the reciprocal duty owed to it by its colleagues—and that by an outsider who has not yet joined the league at all.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. I shall not attempt, of course, to answer the Senator from Connecticut; the Senator from Nebraska will do that; but it seems to me that amendment would simply mean that it was at the option of these other powers to accept our understanding and interpretation if they desired to do so. We do not force it upon them. It is at their option. They can take that position and assume that attitude if they want to. If they do not, then that is their affair; but, so far as we are concerned, they do take the position that we take ourselves.

I expect to vote for the Senator's substitute; but, if it is not agreed to, I would suggest changing it so that it would read:

That the United States understands that it is not required, and hereby declines, to submit to the league, its council, or assembly——

Mr. SMITH of Georgia. I can support that amendment cordially if the Senator will submit it.

Mr. FLETCHER. I shall offer that as a substitute. I am inclined to think it would be better to put it on that footing.

Mr. SMITH of Georgia. If the Senator from Florida will offer that amendment, I will withdraw mine, because I think it is better than mine.

The PRESIDENT pro tempore. The Senator from Florida will state the amendment he proposes to offer.

Mr. FLETCHER. The question in my mind is whether the Senator from Nebraska desires a vote on his reservation first. This could be offered afterwards if his reservation is not adopted. I have no objection to offering it as an amendment to his reservation, if he does not object.

Mr. SMITH of Georgia. That is the way to get it before the Senate, it seems to me—to perfect his substitute—so that we can be in a position to vote for his substitute.

Mr. FLETCHER. If it is in order, then, Mr. President, I will offer that as an amendment to the proposed substitute offered by the Senator from Nebraska—to strike out in line 1 the words "no member nation is required" and insert the words "the United States understands that it is not required, and hereby declines," so that it would read:

The United States understands that it is not required, and hereby declines, to submit to the league, its council, or assembly for decision—

And so forth, as in the other reservation.

The PRESIDENT pro tempore. The question will be, first, upon the amendment proposed by the Senator from Georgia to the reservation reported by the committee.

Mr. MOSES. On that I ask for the yeas and nays.

Mr. POMERENE. I ask that the amendment be reported.

The PRESIDENT pro tempore. The amendment will be stated.

The ASSISTANT SECRETARY. So that it will read:

4. That the United States understands that it is not required and hereby declines——

Mr. SMITH of Georgia. No; the Secretary is not reading the amendment to which I refer. The one that I offered to the committee reservation was simply to strike out the word "commerce" from the list of domestic questions that are exempted.

The ASSISTANT SECRETARY. Where it appears in the printed reservation No. 4, the Senator from Georgia moves to strike out the word "commerce."

Mr. SMITH of Georgia. I will leave the amendment on the table to be called up when the treaty gets into the Senate and I shall not press it at this time. I should like to have it printed as an amendment to the reservation, but I will not call it up until the treaty gets into the Senate.

The PRESIDENT pro tempore. The Senator from Georgia withdraws for the present his proposed amendment as stated. It will lie on the table and be printed.

Mr. FLETCHER. Mr. President, of course I do not object to the withdrawal of the amendment by the Senator from Georgia, but I think it is a very important amendment, almost a vital amendment to the reservation. If the Senator does not offer it I propose to offer it myself, because it does seem to me that it is perfectly absurd for us to take the position that we reserve exclusive control over all questions relating to commerce and decline absolutely to submit any such questions to the jurisdiction or province of the League of Nations.

Mr. SMITH of Georgia. As I said, I intend to press it in the Senate, because I believe that perhaps we would be in a better position to succeed in passing it then than now, although I am perfectly willing to vote on it now.

Mr. FLETCHER. I think it ought to be pressed now.

Mr. SMITH of Georgia. If the Senator from Florida will give me his support I am perfectly willing to vote on it now.

Mr. REED. Is the pending question to strike out the word "commerce"?

The PRESIDENT pro tempore. The Senator from Georgia withdraws the amendment proposed and it is now offered by the Senator from Florida [Mr. FLETCHER]. The amendment is to strike out the word "commerce," on lines 5 and 6 of reservation No. 4 as reported by the committee.

Mr. REED. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Kirby	Sheppard
Ball	Gay	Knox	Shields
Beckham	Gerry	Lenroot	Simmons
Brandegee	Glass	Lodge	Smith, Ga.
Calder	Gore	McKellar	Smith, S. C.
Capper	Gronna	McNary	Smoot
Chamberlain	Hale	Moses	Spencer
Colt	Harris	Myers	Sterling
Culberson	Harrison	Norris	Sutherland
Cummins	Henderson	Nugent	Thomas
Curtis	Hitchcock	Overman	Townsend
Dial	Johnson, S. Dak.	Page	Trammell
Edge	Jones, Wash.	Pittman	Wadsworth
Elkins	Kendrick	Poindexter	Walsh, Mont.
Fernald	Kenyon	Pomerene	Warren
Fletcher	Keyes	Ransdell	Watson
France	King	Reed	Wolcott

Mr. GERRY. The Senator from Massachusetts [Mr. WALSH] is detained by a death in his family.

The Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family.

The Senator from New Mexico [Mr. JONES], the Senator from California [Mr. PHELAN], and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The PRESIDENT pro tempore. Sixty-eight Senators have answered to the roll call. There is a quorum present.

Mr. HITCHCOCK. I think the Chair was somewhat in error as to the question before the Senate. The reservation which I offered as a substitute for the reservation of the Senator from Massachusetts [Mr. LODGE] has been before the Senate for several days.

The PRESIDENT pro tempore. In what respect does the Senator from Nebraska think the Chair was in error?

Mr. HITCHCOCK. I think the Chair was proposing to have the vote taken upon a different amendment, which, it seems to me, should properly come later.

The PRESIDENT pro tempore. There are two propositions before the Senate, one reported by the Committee and the other offered by the Senator from Nebraska. Either of them can be perfected by amendment. The Senator from Florida offered an amendment to the original proposition and it is upon that question that the vote must first be taken. It will then be taken upon the amendment proposed by the Senator from Georgia to the proposition made by the Senator from Nebraska.

Mr. LODGE. There is no amendment before the Senate offered by me. There is the original proposition, and the Chair is quite right in stating that perfecting amendments are in order. The substitute is not a perfecting amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. MOSES] has asked for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. HITCHCOCK. I understand the pending amendment offered by the Senator from Florida [Mr. FLETCHER] proposes to strike out the word "commerce" from the reservation of the Senator from Massachusetts numbered 4, so that the commerce of the United States will not be designated as one of the domestic questions over which we maintain exclusive jurisdiction.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida is to strike out the word "commerce" as it occurs in the copy in the hands of the Chair, in lines 5 and 6.

Mr. HITCHCOCK. I think that is very desirable.

Mr. TOWNSEND. Mr. President, a parliamentary question.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TOWNSEND. If I understood the Senator from Massachusetts correctly, reservation No. 4 has not been offered to the Senate. I supposed that it was pending.

Mr. LODGE. It is pending.

Mr. TOWNSEND. I understood the Senator to say he had not offered it.

Mr. LODGE. I offered the reservation several days ago.

Mr. LENROOT. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] has just stated to the Senate that he thinks it very desirable that this amendment should be adopted. I should like to ask the Senator from Nebraska if the amendment is adopted whether he and his associates will vote for the reservation as amended?

Mr. HITCHCOCK. I am perfectly frank to say that I shall vote for the substitute to it which I offered, but I am like some Senators on the other side of the aisle—I am very glad to aid in perfecting and removing some of the errors in the pending reservation, even though I do not intend to support it.

Mr. LENROOT. If the Senator's substitute is not adopted, then may I ask the Senator from Nebraska if he and his associates, in case this amendment is adopted to the pending reservation, will vote for the reservation as amended.

Mr. SMITH of Georgia. Many of us will. I do not know how many. I certainly will do so.

Mr. LENROOT. I am asking the Senator from Nebraska.

Mr. HITCHCOCK. I decline at this time to publish a census of what the vote is going to be on this side.

Mr. LENROOT. Very well. I am only going to say a word. The Senate might as well understand that this is a part of a plan of the Senator from Nebraska [Mr. HITCHCOCK] to defeat all reservations. It is a plan, I charge, of the Senator from Nebraska to amend these reservations and then with the vote of the irreconcilables upon this side he expects to defeat the reservation entirely. For that reason I shall vote against the amendment proposed by the Senator from Florida [Mr. FLETCHER].

The PRESIDENT pro tempore. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Florida [Mr. FLETCHER]. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him during that absence. I find, however, that I can transfer my pair to the Senator from Michigan [Mr. NEWBERRY]. I make that transfer and vote "nay."

Mr. TOWNSEND (when Mr. NEWBERRY's name was called). The junior Senator from Michigan [Mr. NEWBERRY] has a general pair with the senior Senator from Missouri [Mr. REED]. If the junior Senator from Michigan were present he would vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

The roll call was concluded.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea." I ask that the announcement of this transfer may stand for the day.

Mr. CURTIS. I was requested to announce the unavoidable absence of the Senator from California [Mr. JOHNSON]. If present he would vote "nay." Also I announce the absence of the Senator from New Mexico [Mr. FALL] on official business. If present he would vote "nay." Also the Senator from Ohio [Mr. HARDING] is unavoidably absent. If present he would vote "nay."

Mr. EDGE (after having voted in the negative). Has the junior Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I transfer my pair to the Senator from California [Mr. JOHNSON] and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 34, nays 44, as follows:

YEAS—34.

Ashurst	Harris	McKellar	Simmons
Beckham	Harrison	Myers	Smith, Ga.
Chamberlain	Henderson	Nugent	Smith, Md.
Dial	Hitchcock	Overman	Smith, S. C.
Fletcher	Johnson, S. Dak.	Phelan	Trammell
Gay	Jones, N. Mex.	Pittman	Walsh, Mont.
Gerry	Kendrick	Pomerene	Wolcott
Glass	King	Ransdell	
Gore	Kirby	Sheppard	

NAYS—44.

Ball	Fernald	Lodge	Reed
Borah	France	McCormick	Sherman
Brandegee	Frelinghuysen	McLean	Shields
Calder	Gronna	McNary	Smoot
Capper	Hale	Moses	Spencer
Colt	Jones, Wash.	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kenyon	Norris	Townsend
Dillingham	Keyes	Page	Wadsworth
Edge	Knox	Phipps	Warren
Elkins	Lenroot	Poindexter	Watson

NOT VOTING—17.

Culberson	McCumber	Smith, Ariz.	Walsh, Mass.
Fall	Newberry	Stanley	Williams
Harding	Owen	Swanson	
Johnson, Calif.	Penrose	Thomas	
La Follette	Robinson	Underwood	

So Mr. FLETCHER's amendment was rejected.

Mr. HITCHCOCK. Mr. President, I desire to announce that, with consent, I will accept the suggestion made by the Senator from Florida [Mr. FLETCHER] and the Senator from Georgia [Mr. SMITH], so that the reservation now pending will read as follows:

That the United States is not required and hereby declines to submit to the league, its council or assembly, for decision, report, or recommendation any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. President, I take it that the reservation read in connection with the resolving clause will still retain substantially the same idea that I had in proposing my original reservation. The resolving clause reads:

That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings—

And this comes under that head.

Mr. FLETCHER. Mr. President, will the Senator again read his reservation as now amended?

Mr. HITCHCOCK. It reads as follows:

That the United States is not required and hereby declines to submit to the league, its council or assembly, for decision, report, or recommendation any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. SMITH of Georgia. I shall support the reservation of the Senator from Nebraska as now modified.

The PRESIDENT pro tempore. Does the Senator from Florida withdraw his proposed amendment?

Mr. FLETCHER. I am perfectly willing to do that, in view of the change which has been made in the reservation of the Senator from Nebraska.

The PRESIDENT pro tempore. The Senator from Nebraska modifies his substitute in the manner indicated by the language which he has just read.

Mr. SMITH of Georgia. I only desire to say that I shall support the substitute of the Senator from Nebraska in its changed form because I think it is entirely satisfactory. If in the Senate it becomes necessary, I shall renew the amendment which I offered, and the amendment offered by the Senator from Florida, striking out the word "commerce" from the original reservation.

Mr. BORAH. Mr. President, may I ask the Senator from Georgia, outside of the word "commerce," what is the difference between the two reservations now?

Mr. SMITH of Georgia. I think there is practically none, with the word "commerce" out of the original reservation.

Mr. BORAH. Do I understand that that is the view of the Senator from Nebraska [Mr. HITCHCOCK] also?

Mr. SMITH of Georgia. I am not speaking for the Senator from Nebraska. I was only speaking for myself.

Mr. BORAH. I merely wanted to know the difference between the two reservations. As I heard the amended reservation read from the desk, the only difference is the word "commerce" being left out, as it was attempted to be taken out by a motion.

The PRESIDENT pro tempore. The Senate has just declined to strike out the word "commerce."

Mr. BORAH. So I understand. Now, as I understand, the reservation presents the question in another form. I understand that the Senator from Georgia says the reservation as now offered is practically the same. I take it that the Senator from Georgia means, then, that it is the same except in the mere matter of verbiage?

Mr. SMITH of Georgia. I think it is sufficiently effective. I should be glad to lay the two reservations down side by side and compare them word for word before I undertook to express an exact opinion. I shall, however, vote for this reservation, and if it does not carry, I intend to vote for the other reservation. I intend to vote to strike out the word "commerce" from it; and if that word is not stricken from the reservation I intend to vote for it anyway. In other words, I desire to say to the Senator from Idaho that my purpose is to seek to bring reservations as nearly as I can to what I think they should be, and then to support them.

Mr. LODGE. May I ask the Senator a question?

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. I merely wish to say that I think there are very substantial differences between the two reservations, but I do not want to take time to go into them, as I shall be glad if we can have a vote.

Mr. BORAH. The reservation as now presented by the Senator from Nebraska reads:

That the United States is not required, and hereby declines, to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

I wish to ask the Senator from Georgia what effect would this reservation have upon the commerce through the Panama Canal, and what effect would it have in bringing the Panama Canal under the jurisdiction of the League of Nations?

From a hurried examination of the reservation which has now been offered by the Senator from Nebraska, in my opinion it would put the control of the Panama Canal under the jurisdiction of the council of the League of Nations.

Mr. SMITH of Georgia. Such a thought never occurred to me, and I do not possibly think it could be justified. I would give serious consideration to any suggestion on a legal question that might come from the Senator from Idaho; but I do not see how what he suggests could possibly happen.

Mr. BORAH. I think it is worth considering.

Mr. EDGE. Mr. President, will the Senator from Idaho yield to me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. It is rather an important matter, it occurs to me, Mr. President; and rather than try to interpret it in this way, would it not be the correct proceeding to request the Senator from Nebraska to state wherein the difference between the two reservations may lie?

Mr. BORAH. I should be very glad to hear the Senator from Nebraska, but I have some ideas of my own on the subject.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH of Montana. I am very glad the attention of the Senate has been specifically attracted to the matter of the use of the word "commerce." I want to say a word about that directly; but, first, I wish to ask the Senator from Idaho if commerce through the Panama Canal would be thrown under the jurisdiction of the league by the exclusion of the word "commerce," would not commerce on the Hudson River be within the jurisdiction of the league by the same force of reasoning; also commerce on Chesapeake Bay, on the Delaware Bay to the city of Philadelphia, and up the Mississippi River to St. Louis? What is the difference between those highways and the Panama Canal, so far as the jurisdiction of the league is concerned?

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield.

Mr. KNOX. If the Senator from Idaho will permit me to endeavor to answer the question of the Senator from Montana, I will call his attention to the fact that, with the single exception of our coastwise trade, all of the commerce through the Panama Canal is foreign commerce, while none of the commerce upon the Hudson River or the Chesapeake Bay is foreign commerce, except in the sense that ships from other countries are allowed to enter our ports on those waterways.

Mr. WALSH of Montana. I can hardly understand that. Ships land in the city of Philadelphia from all parts of the world, as I understand.

Mr. KNOX. That is exactly what I said; but they land subject to our harbor and port regulations.

Mr. WALSH of Montana. Yes; so they also go through the Welland Canal and into the Great Lakes and clear on to the city of Chicago. What is the difference between the commerce through the Panama Canal and the other commerce, except, possibly, the proportion of foreign commerce through the canal exceeds the domestic commerce, while in the other case perhaps the domestic commerce exceeds in proportion the international or foreign commerce?

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. There is one obvious distinction between commerce through the Panama Canal and commerce on the Hudson River and the Chesapeake Bay. Commerce, we will say, from London to the Straits Settlements, touching at no intervening port, might pass through the Panama Canal, constituting commerce between two foreign ports, whereas the foreign commerce on the Hudson River and the Chesapeake Bay is commerce between a port of the United States and a foreign port.

Mr. WALSH of Montana. Yes; but let me remind the Senator that commerce from Liverpool to Fort William on Lake Superior passes through Sault Ste. Marie. Now, what is the difference between the Panama Canal and Sault Ste. Marie and the other waterways?

Mr. BORAH. Mr. President, I frankly confess that the idea of the Panama Canal passing under the jurisdiction of the League of Nations was not entirely original with the Senator from Idaho. I was reading a comment in an English paper a few days ago upon our reservations, and, amongst other things, the consolation which they derived from the reservations was that they would undoubtedly leave the council of the League of Nations control over the Panama Canal. I am always interested in anything those men suggest in regard to these matters, because they have a great faculty for looking after their own interests, and I have observed since the armistice was signed that they have uniformly been successful. I may be in error, but I know that that opinion prevails in very high quarters in England, and it is certainly a matter of considerable moment to our people, in view of the fact that there has been a very large body of people in this country ever since the Panama Canal was built who wanted to turn it over to the control of the British Government entirely; in fact, they are the same class of people who regret that their ancestors ever came to this country at all.

Mr. President, speaking about domestic questions, I want to call the attention of the Senate to the fact that so far as I know there has not been a single question raised since the League of Nations was attempted to be organized upon which the council has endeavored to take jurisdiction that has not been essentially a domestic question; every question with which the League of Nations is attempting to deal in Europe to-day is essentially a domestic question, and, as stated by a distinguished writer of Belgium a few days ago, unless the league could deal with domestic questions it would, as an organization, be utterly useless and worthless to Europe. All the matters which they have taken up with reference to Russia and with reference to the affairs over which they have assumed control have been domestic questions. They take charge of them and deal with them and effectuate plans which have nothing to do with other matters than those of the internal concerns of nations.

I read in the New York Sun this morning that the league is to be asked to control the world's supply of oil.

In view of the fact that the English Government to-day owns or dominates or controls 95 per cent of the oil supply of the world, I can see what is meant when it is said that the League of Nations is to take control of the oil supply of the world. A report made to the British Parliament within the last few weeks by an expert of the English Government stated that the English Government now dominated or controlled, directly or indirectly, from 95 to 98 per cent of the oil supply of the world, and stated, furthermore, that in less than 10 years the United States would be paying the English Government $1,000,000,000 a year for its oil supply. I see this morning that the council of the League of Nations, and the assembly combined I presume, if a dispute shall arise, are to be asked to fix the control, the supply, and the price, I presume, of the oil which is to be furnished the world.

Mr. GORE. Mr. President——

Mr. BORAH. I yield.

Mr. GORE. I think the Senator is in error in saying that the British Government now controls 95 per cent of the oil output. He probably means of the oil territory of the world, or territory which is known or supposed to be capable of producing oil. The United States still leads in the production of oil, but in Mesopo-

tamia, Persia, and other countries acquired by Great Britain there are supposed to be vast oil territories; and I have seen the statement that England expected to derive enough oil from Mesopotamia to liquidate in large part the debts of the war.

Mr. BORAH. Mr. President, the article which I have read, and which I have in my possession, goes into detail and states the control of the English people over the oil supply of the world. It may not cover the actual output at this particular time, but it does state, in so many words, that in less than 10 years, according to the situation as it has now developed, the United States will have to pay England $1,000,000,000 a year for her necessary oil supply.

Mr. PITTMAN. Mr. President——

Mr. BORAH. I yield.

Mr. PITTMAN. The statement of the Senator is very interesting.

Mr. BORAH. It is interesting.

Mr. PITTMAN. But if we have control of the Panama Canal at the present time, as I think we have, I do not see why England, controlling 95 per cent of the oil of the world, with a prospect of controlling more in the near future, as the Senator suggests, could be any more desirous of turning the control of oil over to the League of Nations than we should be desirous of turning the Panama Canal over to the League of Nations.

Mr. BORAH. I can see it. It is because there is nothing to the League of Nations except England. That great people are running it now, and they will continue to run it.

Mr. PITTMAN. She certainly would not be any better off if she turned it over to the League of Nations than if she kept it herself.

Mr. BORAH. She would be infinitely better off, because she would not have to assume to do that which she is doing, which has always been her policy, as now in the case of Fiume; in other words, it would be much better for John D. Rockefeller if he could have the Senator from Nevada, the Senator from Missouri, and the Senator from Idaho fix the price upon his oil if he were going behind the curtains to name what that price should be.

Mr. PITTMAN. I see the Senator's point, of course; but I really could not follow him for a while, when he was trying to prove that England, while herself controlling all the oil supply of the world—or would control it pretty soon—should desire to have anyone else meddling with it at all—the League of Nations or anyone else.

Mr. BORAH. I have never discovered that England objects to anybody meddling if she controls the meddler.

Mr. PITTMAN. Does the Senator think England will consult anyone when she obtains control of 95 per cent of the oil of the world?

Mr. BORAH. I will venture to say that if the Senator will take the report which I will furnish him and read it he will be startingly surprised at the manner in which England has taken control of the great oil fields of the world since the armistice was signed.

Mr. PITTMAN. I am aware of the fact that England is accumulating the control of oil all over the world; she is doing so without consulting any other country, and, so far as I know, she is doing it legally; and doing legally what she is doing, it seems to me that the Senator has rather strained his argument in his attack on the League of Nations to quote from a newspaper article, and say that England is desirous of turning the oil control over to the League of Nations while she already controls the oil supply.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield.

Mr. REED. If I may be permitted, I should like to make two suggestions. The figures which the Senator suggests as coming from a British source or similar figures have been in my possession, furnished to me by a former employee of our own Government, working, I believe, in the Bureau of Mines. The figures were startling and bear out what the Senator states.

The second suggestion I have to make is this: It is pretty well known that Great Britain has acquired for her Government, either directly or through her agencies, vast oil territories in Mexico. It might be highly desirable, in the event of a disturbance between the United States and Mexico, for Great Britain to protect her oil supplies through the instrumentality of the League of Nations, in that way asserting a control over a dispute essentially American, and coming under the Monroe doctrine, but at the same time employing the League of Nations to intervene in the matter.

I take it that as Great Britain owns oil all over the world, in other countries, that is just what she wants the League of Nations to do. She wants to employ the League of Nations constantly to protect the distribution of that oil.

It seems to me the two ideas run absolutely along parallel lines, and that they are not in conflict.

Mr. BORAH. Mr. President, having discovered the difference between the two amendments, I am ready to vote.

Mr. GORE. Mr. President, I desire to ask the Senator from Idaho to print in the RECORD the report to which he refers.

I wish to add to that the statement that there can be no doubt of Great Britain's fixed purpose to monopolize the oil supply and the sources of oil supply in the world, so far as that is practicable. The statement has been made in the public prints that Great Britain to-day will not permit Americans to prospect in Mesopotamia or in Persia, and I believe Secretary Lane, in his last annual report, urged the necessity of some sort of international arrangement under which Americans would be permitted to prospect and exploit oil in British territories and in other territories of the world.

Mr. POINDEXTER. Mr. President, to cite a specific instance, in order that by having an object lesson the question may be somewhat clearer, British interests own a great deal of oil in the ground in Mexico. Various controversies have arisen in regard to taxes upon that oil, and in regard to its exportation. Under the Monroe doctrine those questions, in so far as they affect interposition with the Government of Mexico, are subject to the application of the Monroe doctrine, and in the administration of the Monroe doctrine the United States is the ultimate arbiter of those questions so far as Europe is concerned. Now, if by the adoption of the League of Nations Great Britain can transfer the jurisdiction of that international dispute, or any such dispute, from the United States of America, a rival naval power, to a league of nations in which she has six times as many votes as anybody else, her interest in it is quite obvious.

Mr. HITCHCOCK. Mr. President, I have been interested in the discovery announced by the Senator from Idaho [Mr. BORAH] that this league is to be under the control of Great Britain. I have been interested in it, because he seems to differ radically from two of his very ardent colleagues numbered among the irreconcilables, like himself. The Senator from Illinois [Mr. SHERMAN] spent an afternoon here in demonstrating to us that the league was to be under the control of the Pope of Rome, as most of the nations belonging to the league were of the Catholic faith. The Senator from Missouri [Mr. REED] spent some hours here, at one time or another, in demonstrating that the league was to be under the control of the colored nations of the world, and he introduced very interesting ethnological information here to demonstrate that contention. Now, I understand from the Senator from Idaho that in some mysterious way the league is to be under the control of Great Britain; and I suggest that it might add force and effect to the arguments which are presented if the irreconcilable Senators, opposed to any league, could in some way agree among themselves as to who really is to dominate it.

Mr. BORAH. Mr. President, there is only one thing upon which the irreconcilables are absolutely agreed among themselves, and that is that the United States is not going to control the league.

Mr. WALSH of Montana. Mr. President, I had intended to address an inquiry to the Senator from Wisconsin [Mr. LENROOT], but in his absence I will ask the Senator from Massachusetts [Mr. LODGE].

The idea was expressed on the floor on yesterday, and I know that is the general view, that by the enumeration of these various subjects in this particular reservation—namely, immigration, labor, coastwise traffic, and so on—these subjects are entirely withdrawn from the jurisdiction of the league and all questions in relation to them. I desire to inquire of the Senator from Massachusetts if it is his understanding that all questions in relation to commerce are thus withdrawn from the jurisdiction of the league?

Mr. LODGE. I did not quite understand the Senator's question.

Mr. WALSH of Montana. I stated that it is the very general view that by this reservation all of the particular subject matters referred to in this reservation—that is to say, immigration, labor, coastwise traffic, and so forth—are entirely withdrawn from the jurisdiction of the league and all questions in relation to them. I believe it is the general view that these matters ought to be withdrawn from the jurisdiction of the league, because it is contended that immigration is a purely domestic question, that labor is a purely domestic question, that coastwise traffic is a purely domestic question, and that the tariff is a purely domestic question; but when we come to commerce everybody must recognize that a vast number of questions in

relation to commerce are international in character. Now, if all questions in relation to commerce are withdrawn, I do not imagine that any friend of the league would desire that result, and I ask the Senator if that is his understanding of it? I will say to the Senator, in explanation of my inquiry, that it is not my understanding.

Mr. LODGE. The question which the Senator from Montana has been putting is so long and has been stretched out so far that I am not sure that I know just what it is, but I will try to explain what I think about the matter.

The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction.

There is no question about that. That is perfectly plain. I like it because it is plainer than the somewhat misty substitute offered by the Senator from Nebraska. We are to decide what is a domestic question. We can decide that in any case. Now, it goes further and says:

And declares that all domestic and political questions relating wholly or in part to its internal affairs, including—

Certain ones which are enumerated—

are solely within the jurisdiction of the United States.

It seems to me that is perfectly plain. The enumerations are simply by way of illustration and example. Commerce is undoubtedly there if we declare it to be domestic.

Mr. WALSH of Montana. I am very sure that the fault is mine in stating the question, but the Senator apparently has not appreciated the idea on which I am seeking information. I said to the Senator that it is the general view that by virtue of this language all questions relating to these particular subjects are withdrawn from the operation of the league.

Mr. LODGE. Yes; and any other subject that the United States declares to be domestic.

Mr. WALSH of Montana. Exactly; so I inquire of the Senator, is it his understanding that all questions relating to commerce are withdrawn from the jurisdiction of the league?

Mr. LODGE. They are all withdrawn, if we choose to withdraw them, and if they wholly or in part relate to our internal affairs.

Mr. WALSH of Montana. Then I understand the Senator to say that all questions in relation to commerce are not withdrawn, but only those questions touching commerce that relate to our internal affairs?

Mr. LODGE. That relate wholly or in part to our internal affairs, or which are decided by us to be domestic questions.

The PRESIDENT pro tempore. The question is upon agreeing to the substitute for reservation No. 4.

Mr. LODGE. I ask for a yea-and-nay vote.

Mr. REED. I ask to have the substitute stated.

The PRESIDENT pro tempore. The amendment, in the nature of a substitute, will be stated.

The Reading Clerk read as follows:

4. That the United States is not required, and hereby declines, to submit to the league, its council or assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. REED. I desire to inquire by whom that is offered.

The PRESIDENT pro tempore. It is offered by the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Massachusetts asks for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Making the same announcement that I made a short time ago with reference to my pair and its transfer, I vote "nay."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent on the business of the Senate. He is investigating now the recent murders that took place in Arizona by Mexican bandits.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. TOWNSEND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). Making the same announcement as to the transfer of my pair with the junior Senator from Oklahoma [Mr. OWEN] to the junior Senator from California [Mr. JOHNSON], I will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the unavoidable absence of the Senator from California [Mr. JOHNSON]. If present, he would vote "nay."

I also announce the absence of the Senator from New Mexico [Mr. FALL] on official business. If present, he would vote "nay."

The Senator from Ohio [Mr. HARDING] is unavoidably absent, and is paired with the Senator from Alabama [Mr. UNDERWOOD]. If present, the Senator from Ohio would vote "nay."

The result was announced—yeas 36, nays 44—as follows:

YEAS—36.

Ashurst	Gore	Kirby	Sheppard
Beckham	Harris	McKellar	Simmons
Chamberlain	Harrison	Myers	Smith, Ga.
Culberson	Henderson	Nugent	Smith, Md.
Dial	Hitchcock	Overman	Smith, S. C.
Fletcher	Johnson, S. Dak.	Phelan	Trammell
Gay	Jones, N. Mex.	Pittman	Underwood
Gerry	Kendrick	Pomerene	Walsh, Mont.
Glass	King	Ransdell	Wolcott

NAYS—44.

Ball	Fernald	Lodge	Reed
Borah	France	McCormick	Sherman
Brandegee	Frelinghuysen	McLean	Shields
Calder	Gronna	McNary	Smoot
Capper	Hale	Moses	Spencer
Colt	Jones, Wash.	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kenyon	Norris	Townsend
Dillingham	Keyes	Page	Wadsworth
Edge	Knox	Phipps	Warren
Elkins	Lenroot	Poindexter	Watson

NOT VOTING—15.

Fall	McCumber	Robinson	Thomas
Harding	Newberry	Smith, Ariz.	Walsh, Mass.
Johnson, Calif.	Owen	Stanley	Williams
La Follette	Penrose	Swanson	

So Mr. HITCHCOCK's amendment, as modified in the nature of a substitute for reservation No. 4, was rejected.

Mr. LODGE (at 2 o'clock p. m.). I ask for a vote on reservation No. 4.

The PRESIDENT pro tempore. The question is upon reservation No. 4 as reported by the committee. The unanimous-consent agreement is now in operation and debate is out of order.

Mr. KING. I desire to offer a substitute for the reservation.

The PRESIDENT pro tempore. The substitute is in order and it will be read.

The Reading Clerk read as follows:

4. The United States understands that the jurisdiction and authority of the council or the assembly of the league do not include any power over the proper domestic, internal, or national policy of any member of the league, and that said articles do not confer upon the league any powers with respect to immigration, imposts, property, inheritance, naturalization, citizenship, labor, coastwise traffic, or any other matter of proper domestic policy. This enumeration of matters of policy shall not in any wise be taken to exclude from the authority of the United States any other subject of domestic policy properly within the national political powers and sovereignty of the United States, as recognized by the law and custom of nations. The United States will not submit to arbitration or to consideration of the council any question which in its judgment is a question within its domestic jurisdiction and sovereignty.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute, which has just been read.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to reservation No. 4 as reported by the committee.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Making the same announcement with reference to my pair that I made a while ago, I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE'S name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, on this question, he would vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I make the same announcement as before. My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I am informed, however, that as to this reservation he would vote as I intend to vote. I therefore vote. I vote "yea."

Mr. TOWNSEND (when his name was called). Again announcing my pair with the Senator from Arkansas [Mr. ROBINSON] and its transfer to the Senator from Massachusetts [Mr. WALSH], I vote "yea."

Mr. WILLIAMS (when his name was called). The Senator from Pennsylvania [Mr. PENROSE], with whom I have a general pair, is absent on account of illness. I transfer my pair with him to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the affirmative). Making the same announcement as to my pair and its transfer, I allow my vote to stand.

The result was announced—yeas 56, nays 25, not voting 14, as follows:

YEAS—56.

Ashurst	France	McCormick	Reed
Ball	Frelinghuysen	McLean	Sherman
Borah	Gore	McNary	Shields
Brandegee	Gronna	Moses	Smith, Ga.
Calder	Hale	Myers	Smoot
Capper	Henderson	Nelson	Spencer
Chamberlain	Jones, Wash.	New	Sterling
Colt	Kellogg	Norris	Sutherland
Cummins	Kenyon	Nugent	Thomas
Curtis	Keyes	Page	Townsend
Dillingham	King	Phelan	Trammell
Edge	Knox	Phipps	Wadsworth
Elkins	Lenroot	Pittman	Warren
Fernald	Lodge	Poindexter	Watson

NAYS—25.

Beckham	Harris	McKellar	Smith, S. C.
Culberson	Harrison	Overman	Walsh, Mont.
Dial	Hitchcock	Pomerene	Williams
Fletcher	Johnson, S. Dak.	Ransdell	Wolcott
Gay	Jones, N. Mex.	Sheppard	
Gerry	Kendrick	Simmons	
Glass	Kirby	Smith, Md.	

NOT VOTING—14.

Fall	McCumber	Robinson	Underwood
Harding	Newberry	Smith, Ariz.	Walsh, Mass.
Johnson, Calif.	Owen	Stanley	
La Follette	Penrose	Swanson	

So reservation No. 4, reported by the Committee on Foreign Relations, was agreed to, as follows:

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

Mr. LODGE. Mr. President, I move the adoption of reservation No. 5.

The PRESIDENT pro tempore. The Secretary will read reservation No. 5.

The Assistant Secretary read as follows:

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

Mr. HITCHCOCK. As a substitute for that reservation, I tender the reservation which I offered on a former occasion covering the same subject.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Assistant Secretary. In lieu of the reservation proposed as read, the Senator from Nebraska [Mr. Hitchcock] moves to substitute the following:

5. That the national policy of the United States known as the Monroe doctrine as announced and interpreted by the United States is not in any way impaired or affected by the covenant of the League of Nations and is not subject to any decision, report, or inquiry by the council or assembly.

Mr. LODGE. Mr. President I need hardly call the attention of the Senate to the fact that this changes vitally the reservation. It affects, to mention only one case, the statement "said doctrine is to be interpreted by the United States alone." That statement is a declaration for the future and carries out the unbroken history of the United States. It has never been interpreted by anyone but the United States. I attach very great importance to that declaration, because the delegation at the peace conference from Great Britain published officially a statement in which they declared that there was no question of doubt that the interpretation of the Monroe doctrine was to be decided by the league. That statement, I think, ought to be met in language which can not possibly be misunderstood.

The Monroe doctrine is our policy. It was declared for the purpose of protecting the safety and well-being of the United States. It was not issued disguised in any trappings of altruism. It was of great benefit to some of the South American States, and they have taken advantage of it on more than one occasion, but it is an American doctrine. It is, with one exception, to my mind the most absolutely vital thing involved in the question of the league.

The fifth reservation has received the closest inspection and care. I hope the Senate will adopt it as it stands. To me the maintenance of the Monroe doctrine without any possibility of misunderstanding is absolutely vital. I said when I spoke in the Senate in August last that it was one of the things which, if it was impaired, would make it absolutely impossible for me to vote for the treaty, and I have not changed my opinion in that respect.

I ask for the yeas and nays on the substitute offered by the Senator from Nebraska.

Mr. SMITH of Georgia. Mr. President, I believe that the United States should construe the Monroe doctrine from time to time, and I believe it will. That has been the policy of the United States. But for us to require that all other countries shall agree in advance to our construction and generally commit themselves to our authority to pass upon it is to ask from them a concession that I think goes beyond reason. I fear that such language would not be pleasing to our South American friends. I do not consider such language necessary. All we really need to do is to declare that neither the council nor the assembly nor the League of Nations shall have the right to interfere at all with us in our long-established policy known as the Monroe doctrine. What we wish is to keep this new covenant from doing us any harm in that regard.

I can not account for the singular language in the covenant with regard to the Monroe doctrine. It is difficult to conceive of a student of the Monroe doctrine putting such language into the covenant as a reservation. It is, to say the least, awkward, ill-advised, if not somewhat intentionally misleading.

But while I am opposed to permitting the council or the assembly in any way to interfere with our action in reference to the Monroe doctrine, it seems to me that if we take ourselves out from under the league in any way and leave ourselves with reference to the Monroe doctrine just where we were before the conferences began over the league at Paris we will have accomplished all we really require. I am just afraid that we go too far when we ask the balance of the world to concede that we shall have the right to construe it for ourselves.

Mr. LODGE. Mr. President, I desire to say merely a word or two on the point in reference to the South American States. The Monroe doctrine is not their doctrine. Incidentally, it was of great value to them when it was enunciated, because the contest of the South American colonies then being carried on against Spain involved a question which affected all Europe, and which was of great moment, of course, to the colonies themselves. I repeat, it is not their doctrine; it is ours. They have never attempted to interpret it. Sometimes they reject it and denounce it, as Carranza has lately done, and sometimes they run to its shelter, as Mexico did after the Civil War, and as Venezuela did only a comparatively few years ago.

It is for us alone to interpret this doctrine. We are claiming here nothing more than we have always claimed; but if, after that claim has been put into a reservation adopted by the Senate, it is stricken out, it would be equivalent to saying to all the world that we are not prepared to interpret the doctrine alone; and, if it has not yet been said to all the world that we alone interpret the Monroe doctrine, the time has now come to say it.

Mr. REED. Mr. President, I desire to call the attention of the Senate to the peculiar wording of this amendment. Without speaking of it harshly, I think it is utterly and absolutely without any meaning whatsoever; and that is the mildest language I can employ to describe it. First let me call attention to the reservation itself. The reservation reads:

The United States will not submit to inquiry by the assembly or the council of the League of Nations, provided for in said treaty, any *questions* which, in the judgment of the United States, depend upon or relate to the long-established policy commonly known as the Monroe doctrine.

That deals with the subject matter of disputes; it refers to the *controversies* that may arise; it states we will not submit those *controversies* if, in our judgment, they come under the Monroe doctrine; and that we will decide that for ourselves. Now, notice the peculiar language of this very peculiar amendment which is offered. I read:

That the national policy of the United States, known as the Monroe *doctrine*, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the League of Nations and is not subject to any decision, report, or inquiry by the council or the assembly.

That is to say, we refuse to submit the *policy* of the Monroe doctrine to the League of Nations. We do not refuse to submit *questions* which we may claim are controlled by that policy, but we refuse to submit the *policy* itself. By the Lodge or committee reservation, if a question arises as to the right of Japan to colonize in Mexico, we would say, "That comes under

the Monroe doctrine, and we refuse to submit that question." That gets us somewhere; but under the amendment which is proposed the only thing that we reserve to ourselves is the blessed privilege that we will never submit to the League of Nations the *policy* of the Monroe doctrine. It seems to me that the only thing it covers and guards is the question whether or not we ought to have a Monroe doctrine. The amendment clearly is a most peculiar statement, as any Senator who will take it in his hands will see at a glance.

That the *national policy* of the United States, known as the Monroe doctrine, * * * is not in any way impaired or affected by the covenant and is not subject to any decision—

That is, the *policy* is not subject to any decision—

by the council.

Instead of a *question* which has arisen to which the policy may apply being reserved, we reserve the *policy* itself. It seems to me that it—the amendment—is utterly without meaning. Now, I will not say that any Senator who has supported this proposition wants to surrender the rights of the United States, but it is a singular thing to me to find a great question like this, which it is admitted jeopardizes the sovereignty of our country, dealt with here in the Senate as though we ought to be very careful not exactly to save it, but that we ought to reserve just as little of the Monroe doctrine as possible.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I agree with the construction which the Senator from Missouri is placing upon the amendment, but I should like to ask the Senator's view of this question: Suppose we adopt the reservation offered by the Senator from Massachusetts and leave article 11 just as it stands, does the Senator believe that in the practical workings of the league the reservation will ever amount to anything?

Mr. REED. I am very sure that if we ever set up this thing called the League of Nations and it asserts its authority over any question there is, after all, only one remedy for any nation, and that is to exercise its power to defend itself and to defy the jurisdiction of the league.

Mr. BORAH. Precisely. It would come to the very point where we now are in the Adriatic affair?

Mr. REED. Exactly.

Mr. BORAH. Instead of saying that we will withdraw the treaty from the Senate we will say that we will withdraw from the league; that is the only remedy that we shall ever have.

Mr. REED. And we shall have to take two years to do that.

Mr. BORAH. We shall not only have to take two years to do it, but we shall have agreed in advance that every nation which is a member of the league has a perfect right to engage in conflict with us and to fight us while we are doing it and for doing it.

Mr. REED. Oh, certainly. Nevertheless, to state the question with all fairness, it may be possible if the Lodge reservation is adopted that it will have a restraining effect upon this body which we are about to create; but that it is not a real protection is, in my opinion, not open to dispute. It is not a real protection. In the last analysis, we are setting up a body without any constitution to govern it, without any court to construe or regulate its acts, and with no real guaranty of safety to any State of the world except the ability of the State to take care of itself.

Right on that point, Mr. President, is this not a good time to pause and give a few moments' thought to the tremendous importance of the recent letter of the President to the diplomats of Europe? Stated very briefly, this is the situation in which the President finds himself to-day by his own words: That if the Senate had ratified this treaty as he brought it to the Senate, and if he had exchanged ratifications, and if the League of Nations had been established, we would now be bound by that treaty and would be a member of the league; and yet the dispute over Fiume would have come up, would have been settled by the same men who have undertaken to settle it, and we would have been committed to the league, would have been in the league, and consequently powerless to defend ourselves as the President is now defending himself against what he considers a wrongful act.

Mr. McCORMICK. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. Yes.

Mr. McCORMICK. I wish merely to recall to the Senator the statement of Stephane Laussane, which is pertinent in this connection, that if the United States entered the league, if it intervened in European affairs, necessarily it must tolerate European intervention in American affairs.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I yield.

Mr. THOMAS. The suggestion of the Senator from Illinois seems to me to reach the very crux of the controversy. We can not interfere in the controversies and differences between European nations and at the same time consistently deny their right to interfere in the affairs and controversies of the nations of the Western Hemisphere.

Mr. McCORMICK. Their intervention here has begun, for, as the Senator will recall, the Spanish foreign office has transmitted to Washington the notice of the parties in the Spanish Cortes demanding our withdrawal from Santo Domingo.

Mr. THOMAS. Mr. President, that might have occurred independently of this treaty or of anything it contains, but we all, familiar with the contemporaneous history of the Monroe doctrine, remember that Mr. Jefferson's fundamental postulate was that we must not concern ourselves in cisatlantic affairs. Now, if we go into this league, and under its covenants we must necessarily take part in and assume the responsibility for the decision of European troubles, it makes no difference what sort of an amendment or reservation we adopt here; and we can not deny their right correspondingly to interfere in the affairs of the Western Hemisphere. Hence, while I shall vote for any reservation that seems to withdraw the Monroe doctrine from the jurisdiction of the league, I do not deceive myself with the notion that it will be at all effectual. We must be consistent, and, if we expect that the Monroe doctrine shall be preserved in all its integrity, we must observe the condition which makes that possible, and that is an abstention from the affairs of Europe, particularly from their difficulties and controversies. I am obliged to the Senator for yielding.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I yield.

Mr. KNOX. To me it seems perfectly obvious, Mr. President, that we will be repeating the history of a hundred years ago. When the Holy Alliance was formed it was distinctly avowed that it would have nothing to do with the internal affairs of the component parts of the alliance; but the alliance had not been in existence for more than 12 or 15 years before the formula was created of jurisdiction and recognition over internal affairs that had external effect, and there is just exactly where we would land under the League of Nations.

Mr. REED. Mr. President, the remarks which have been made by the Senators are very illuminating upon the points to which they have addressed themselves. I am speaking to another point for the moment; and I say that if there is any man in the world who ought to be glad to-day that the Senate has not ratified the treaty it is the President of the United States, because if we had ratified the treaty his arm would now be paralyzed and his power to compel European monarchs to withhold their action with reference to Fiume would be gone.

Let us follow that for a moment and let us see whether, in order really to sustain the President, it is not our duty at this juncture to refuse to ratify this treaty. The President has said to the European Governments in substance and effect: "In the settlement of this Fiume controversy you are following the old, selfish, autocratic methods of the past; you are disregarding the enlightened principles to which I have called your attention, and unless those enlightened principles can be in good faith adopted as the ruling policy in all international affairs, then the United States must not and will not enter this league; and, therefore, unless you will abandon the position you have taken with reference to Fiume I shall be obliged to consider withdrawing entirely from the League of Nations." He can say that to-day with great force, and the British and French statesmen respond that they "are thrown into a state of consternation" by the mere threat of a possible withdrawal of this document from the Senate.

That is his great lever; that is his great power; and yet friends of the President, particular advocates of the President, champions of the President, propose to deprive him of that power by rushing this treaty to ratification and consummation at the very time the President's only weapon is a threat to withdraw it!

If I pretended to be a champion of the White House and to get my inspiration by turning my face toward the White House each morning, lifting my eyes in supplication for light, I would be on this floor insisting that when the President is engaged in this great international controversy the Senate should sustain his hands by refusing to consider this treaty further until the

European powers had yielded to the President's will. It is the only possible position for men to take. Behold the anomaly! Here is the President, engaged in a great struggle. He has but one weapon—that is the threat to withdraw the treaty. Here are the advocates and champions of the President trying to tear that weapon from his hands while that controversy is pending!

If you do that, then the prime ministers of England and of France can laugh in the President's face. They can say to him: "You can not withdraw your treaty, Mr. President. You are in this league, and you are here for two years. Now, we will deal with the question of Fiume and Jugo-Slavia as we see fit, not as members of the league, but as the representatives of great powers dealing with this question."

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. McCORMICK. The Senator surely does not mean to imply that if in a certain event they may laugh in the President's face, they are at this moment laughing behind his back?

Mr. REED. The Senator from Illinois possesses an exquisite satire which I frequently envy him, but I am dealing with this question in the most serious manner.

Mr. McCORMICK. So is the President.

Mr. REED. Yes; but so are not some of the particular champions of the President.

Why, Mr. President, to adopt a simile, the question is exactly like the illustration I will use. Here are two armies, drawn up in battle array. The commander of one of those armies has a battery with which he can destroy the enemy. Negotiations have been pending looking to the making of peace, but a controversy arises which the commander of the army having the battery regards as vital, and he thereupon states to the enemy: "Unless you accede to my terms, I will open on you with my battery." While that threat is pending, his own men, behind his back, turn the battery over to the enemy, and yet claim to be his loyal supporters! I can not understand that sort of service.

I have been classed here as a critic of the President. I have not been a critic of the man personally. I have not agreed with certain public questions he has submitted, and I do not agree to this question, because I believe that just as we would find to-day, if we were in the League of Nations and tied by its provisions, that we would be helpless in the Fiume controversy, so in the future, in all the great disputes that may arise, we will find ourselves equally bound and equally helpless. Nevertheless, since the President of the United States has taken this position with reference to Fiume, since he has thrown the glove squarely in the face of the diplomats of Europe, since he has said to them, "Unless you yield to this question I will withdraw the treaty," I do not propose to be a party to disarming the President in the very hour of his contest. I do not propose to take away from him his only weapon. I do not propose to side with Great Britain and side with France against the President of the United States in the pending controversy.

You might as well treat the matter seriously. The point may have escaped some of my colleagues. But suppose you were an Englishman sitting over in the House of Commons, a real Englishman, and you witnessed the spectacle of the President of the United States saying, "Unless the Prime Minister of Great Britain backs down on the Fiume question, there shall be no League of Nations; I will withdraw the treaty," and then you beheld the American Senate rushing the treaty through to confirmation at the very time the President was making that threat: Would you not believe that the American Senate had cut the ground from under the President, and would you not laugh at him?

Suppose we put the shoe on the other foot; that it is not the President that is threatening to withdraw, but that the prime minister of England has threatened us that unless we yield on the Fiume question Great Britain will cancel its signature to the treaty. Suppose that the Parliament of Great Britain were to meet and pass a law providing that the prime minister could not take that action, would we not all understand that the prime minister was whipped, and whipped by his own men, conquered by his own forces, destroyed by his own nation? Manifestly that is the situation.

Now, sir, let us see. Is this important or is it unimportant?

I read from the President's letter. There are several references. Perhaps I may read a number of them.

In his note of February 10 the President said:

> The President is glad to feel that the associates of this Government would not consent to embarrass it by placing it in the necessity of refusing adhesion to a settlement which in form would be an agreement by both parties to the controversy, but which in fact would not have that great merit if one party was forced to submit to material injustice by threats of still greater calamities in default of submission.

Then he proceeds to discuss the inequalities of this treaty, and states:

> These and other provisions of the memorandum of January 14, negotiated without the knowledge or approval of the American Government, change the whole face of the Adriatic settlement, and in the eyes of this Government render it unworkable and rob it of that measure of justice which is essential if this Government is to cooperate in maintaining its terms.

That is all I care to read at that point. Notice how emphatic he is:

> These and other provisions of the memorandum of January 14, negotiated without the knowledge or approval of the American Government, change the whole face of the Adriatic settlement, and in the eyes of this Government render it unworkable and rob it of that measure of justice which is essential if this Government is to cooperate in maintaining its terms.

Mr. President, I am going to decline to speak to empty benches. Everybody has gone to luncheon. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate adjourn. [Putting the question.] The noes seem to have it. The noes have it.

Mr. SHEPPARD and Mr. THOMAS called for a division.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. McCORMICK. Less than a quorum can adjourn. Did the Chair decide the vote?

The PRESIDING OFFICER. The Chair decided the vote. The Chair declared that "the noes seem to have it; the noes have it."

Mr. SHEPPARD. And I asked for a division.

Mr. REED. Very well, Mr. President; I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Frelinghuysen	Knox	Ransdell
Beckham	Gay	Lenroot	Reed
Borah	Glass	Lodge	Sheppard
Brandegee	Gronna	McCormick	Sherman
Calder	Hale	McKellar	Shields
Capper	Harris	McLean	Simmons
Chamberlain	Henderson	McNary	Smith, S. C.
Colt	Hitchcock	Moses	Smoot
Culberson	Johnson, S. Dak.	Nelson	Spencer
Cummins	Jones, N. Mex.	New	Sterling
Curtis	Jones, Wash.	Norris	Sutherland
Dial	Kellogg	Nugent	Thomas
Edge	Kendrick	Overman	Trammell
Elkins	Kenyon	Page	Wadsworth
Fernald	Keyes	Phelan	Wolcott
Fletcher	King	Pittman	
France	Kirby	Poindexter	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. BRANDEGEE. Mr. President, before the Senator from Missouri proceeds with the very interesting discussion in which he was indulging, I wish, if it would not interrupt him, to ask him a question, if he will yield for that purpose.

Mr. REED. I am glad to yield.

Mr. BRANDEGEE. The Senator was discussing the ultimatum which the President had delivered to the European negotiators with whom he was in correspondence in relation to this dispute. I will have to make a short statement in order to lay the foundation for the question. It is this:

As I understand it, the parties between whom the dispute as to Fiume exists, to wit, Italy and Jugo-Slavia, are both members of the league. As such they have delegates in the assembly of the league, to which any case may be removed from the council at the request of either party. Under article 11 of the treaty, which they have ratified, it is the duty of the council and of the assembly also to consider any matter that threatens the peace of the world. This matter certainly does that. Why does not the league, the very purpose of the existence of which is to maintain peace and prevent an outbreak, take jurisdiction of this thing? Why is it left for our President, we not being a member of the league, to decide the terms upon which the dispute will be settled, if it shall be settled, and to oust the league from the very jurisdiction that is conferred upon it and which was the sole purpose of its existence?

Mr. REED. The Senator comes from a State that is generally called a Yankee State. So he will permit me to adopt the Yankee policy of answering by asking him a question. In view of the fact that the controversies of Europe are not yet settled and the United States is assumed to have an interest in their settlement, does the Senator know why our representatives were several weeks ago entirely withdrawn from Europe?

Mr. BRANDEGEE. The Senator comes from a State that has to be shown [laughter], and he belongs to the party that is in custody of the information he is asking; but neither the White House nor the State Department gives us any information upon these things. I shall have to refer him to his friends at that end of the Avenue.

Mr. McCORMICK. Does the Senator mean Mr. Colby?

Mr. REED. I asked the question because it seems to me to lie at the root of the answer to the question of the Senator from Connecticut. I have never understood the situation. We were engaged in a war in Europe. Peace had not yet formally been declared. A peace had been negotiated with Germany and signed by Germany and signed by a number of the other powers and had been sent to us for ratification. That peace treaty contains the terms of the League of Nations covenant. It was declared that when a certain number of nations had signed the covenant of the League of Nations the treaty should become effective, so that the league would come into effect upon those signatures having been attached. Thereupon, although the controversy existed between Jugo-Slavia and Italy and although numerous controversies still remained unsettled, our representatives were entirely withdrawn not only from the peace conference but from Europe, and we were left without any representative there.

Then this situation appears to have developed. The League of Nations is in existence; it is functioning; and also the peace conference is still going on in our absence. If we withdrew from the peace conference it would seem that we ought not to complain of what was there done after our withdrawal. If we intended to interfere in what was done by the peace conference, it would appear that we ought to have kept our representative there to have spoken for us. If, however, we withdrew because the League of Nations was functioning, expecting the League of Nations to handle this question, then it would appear that the protest now being made ought to be that the wrong tribunal is deciding it, and that the question ought to be sent over to the League of Nations.

I do not know of any better way to answer the Senator than that, and that is not satisfactory to me, because the whole situation is, to my mind, a maze through which no mind can see the path of reason. Indeed, I think there is no reason running through the situation.

But, Mr. President, I want to come back to the proposition which I was making to the Senate, that when the President of the United States had said to the European powers, "Unless you do what I regard as justice in the Fiume case I will withdraw the treaty from the Senate," it seems to me to be an assault from the rear, the indulgence of bushwhacking tactics, for the Senate to deprive him of the power he now seeks to exercise, by confirming the treaty, thus taking away his weapon. I say that in all the good faith in the world. The inevitable effect upon the European mind will be, if we were to aprove the treaty to-day, to convince it that we have said to the President, "You can not now withdraw the treaty because it is approved and affirmed." We withdraw our support in the very hour of controversy and trial.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I yield.

Mr. BRANDEGEE. Even if the Senate ratified the treaty, would not the President still be in possession of his weapon? He would have the treaty there in his pocket in the White House, and he could decline to file the instrument of ratification until they surrendered to him, could he not?

Mr. BORAH. I think we ought not to take that chance.

Mr. REED. I doubt that. It is true the President has done that sort of thing with minor treaties, but it is my opinion, as a matter of proper construction of the Constitution, that when the President negotiates an instrument and lays it before this body, up to the time this body has acted he can withdraw it, but when the body by a two-thirds vote has ratified, advised, and consented to that treaty, the point of finality has been reached. Life has been breathed into the treaty by the action of the Senate. The manual delivery of the document has nothing whatever to do with its validity.

Mr. McCORMICK. The Senator from Missouri is at it again, resurrecting the Constitution of the United States. [Laughter.]

Mr. REED. We had a reference to it by the President of the United States a few days ago. [Laughter.]

Mr. McCORMICK. Inadvertently.

Mr. REED. Oh, no; I think not. The Constitution is always a great thing. I am not prepared to say that the President has meant to disregard the Constitution of the United States. He has appealed to it several times lately. But I do not hold to the doctrine that after this last act that the Government of the United States has to do with the treaty has been performed by the Senate, any man can nullify the action of the Senate by withholding the delivery of the document.

Mr. KING and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I think I ought to yield to the Senator from Connecticut, as he rose first.

Mr. BRANDEGEE. When the Senator made a similar statement, a minute ago, I wanted to ask him if he did not think this would make a difference. If the Senate by a two-thirds vote had ratified the treaty in the exact form in which the President submitted it to us, I agree with him that that would conclude the transaction; but if the Senate ratifies the treaty with reservations which change the aspect of this country to the treaty, does the Senator then think that the President would not have a right to withhold the treaty?

Mr. REED. That is a different question, and one I would not want to pass upon without more than a passing moment's consideration. The position from which I was discussing the question is that of the friends and supporters of the President, the position of that assemblage of distinguished Senators who have looked to the White House for their inspiration on the treaty, and who stand ready to do what the White House desires. The White House has demanded the adoption of the treaty without a single change. Therefore that is the position I assume for the present.

Mr. WALSH of Montana. Mr. President——

Mr. REED. From that standpoint I say it is absolutely illogical, and it is unkind and cruel to seek to take from the President the only weapon he has at the very hour when the controversy is hottest. I yield to the Senator from Montana.

Mr. WALSH of Montana. I was wondering why the Senator did not equally denounce the Senators upon the other side, who seem so wedded to the Lodge reservations that they will not consent to a change of any of them, even in a matter of form, and whether the Senator has inquired as to the source from which their inspiration comes.

Mr. REED. That is entirely aside the question I am discussing. When the time comes to discuss the Lodge reservations I will tell you what I think about them; I shall have some very plain words to speak. I am supporting the Lodge reservations because if my country is going to be pushed into a furnace I desire that it shall be burned as little as possible. If we are to be pushed into a condition where we may be destroyed, I want to go as short a distance as possible. I do not pretend to claim that the Lodge reservations cure the defects of the treaty, and that is the reason why I am against the treaty with the Lodge reservations.

But I do not desire to be led aside from the theme I am discussing. I say to the men in the Senate on both sides, when our President is engaged in this sort of a controversy with the diplomats of Europe, and when he has said to them, "Unless you yield I will withdraw the treaty from the Senate and I will refuse to enter the League of Nations," with that question pending for the Senate to approve the treaty and thus disarm him is to fire upon the President of the United States from the rear. There is not a particle of doubt if we had a little different atmosphere here and this question were presented under normal conditions, we would find the Senate standing as a solid body and demanding that no action should be taken, thus certifying to the powers of Europe that the American Government was at one and a unit with the Chief Magistrate.

But I started to read what the President had to say about the importance of this question. Let us see as a preliminary what the President said in some of his speeches. How grave the situation in Europe in his opinion must be to lead him to the declaration he has recently made. In one of his speeches to the country, when he was opposing all kinds of reservations, he said:

> This—
>
> The league—
>
> is the only conceivable system that you can substitute for the older order of things which brought the calamity of this war upon us and would assuredly bring the calamity of another war upon us. Your choice is between the League of Nations and Germanism.

At other places he has said, in substance, that civilization is at stake, that the very race and its destiny is at stake, but I content myself with the one literal quotation. Let me read it again:

> Your choice is between the League of Nations and Germanism.

And yet, sir, when the Fiume controversy is presented he tells us that the settlement of it in the way he demands is so impor-

tant that he will be warranted in withdrawing the treaty, leaving the world to the old order of affairs, thus turning the world over to Germanism.

Mr. McCORMICK. To association with the contemptible quitters.

Mr. REED. Yes. Let me read from his letter of the 10th of February—last month:

It is time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war.

Do you get the awful significance of those words?

The Adriatic question as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world by removing the primary causes of war.

That is to say, their conduct has been so execrable and their spirit so at war with the new spirit that was to control the world, their motives are so diabolic, and their evil purpose so clear that it is now a grave question whether we can afford—I quote his language—"to cooperate with them in the great work of maintaining the peace of the world," although according to the previous statement which I have read a failure to so cooperate leaves the world to the fate of Germanism.

I continue reading:

This Government does not doubt its ability to reach amicable understandings with the associated governments as to what constitutes equity and justice in international dealings, for differences of opinion as to the best methods of applying just principles have never obscured the vital fact that in the main the several governments have entertained the same fundamental conception of what those principles are.

That is, they can agree on a principle of equity. But now to the practical application. I read further:

But if substantial agreement on what is just and reasonable is not to determine international issues, if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers, if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful unless they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

The President desires to say that if it does not appear feasible to secure acceptance of the just and generous concessions offered by the British, French, and American Governments to Italy in the joint memorandum of those powers of December 9, 1919, which the President has already clearly stated to be the maximum concession that the Government of the United States can offer, the President desires to say that he must take under serious consideration the withdrawal of the treaty with Germany and the agreement between the United States and France of June 28, 1919, which are now before the Senate.

That is to say, because of the misconduct of these powers, because they are "wedded to the old order," because they are guilty of a great act of international injustice, the President tells them that unless they recede he must "take under consideration the withdrawal" of this treaty and also of the treaty of defense which France asked us to sign with her, and that the world is to be, in consequence, thrown back into what the President has described as the "old conditions" where, as he stated, war will be inevitable and Germanism certain to become the fate of the world.

Mr. President, with that threat made and the situation thus outlined, the pretended champions of the President still ask to have this treaty ratified and ratified without a single change, so that when the ratification takes place it will be an effective instrument, finally concluded and binding upon the United States.

I appeal to your judgment, to your fairness. Suppose this question as it now arises were dissociated from this long controversy and that a matter had arisen of this gravity between England and France and Italy upon the one side and Jugo-Slavia upon the other, that the United States were a third party, and our President had said what he has here said, would not the Senate of the United States immediately respond by saying, "We will withhold action upon this instrument until the President has the opportunity to determine the question, either to gain his point or, if he does not gain his point, be at full liberty of action to carry out his threat"? Is that not absolutely the situation? Is it not the duty of every champion of the President, aye, is it not the duty of every Senator here under this strange condition of international affairs—a very grave one, indeed—to take the position that the Senate will withhold action upon this treaty until the President has a chance to play this international game to a finish, thus indicating to all the world by our acts that we propose in international affairs to present a solid and unbroken front? I say there would not be a doubt under normal conditions what our action would be. Suppose this afternoon we ratify the treaty, what becomes of the President's threat? What becomes of his controversy? Have we not, to use the expression I employed a moment ago, cut the ground from under him?

Is this controversy over there a small or trivial thing? There is not a Senator in this Chamber who would have been for this League of Nations if it had not been presented here by the President. A Senator might have been for some kind of a League of Nations, but he would not have been for this one. The President has told you how important it is; he has stated that the peace of the world depends upon it; that the future of mankind hangs upon it; and that to reject it means to plunge the world into Germanism. All this he has told you time and time again, and yet he declares this Fiume controversy to be so crucial, to be so fundamental, to be so overmastering in its importance that if it is decided wrong it will be a greater calamity than the defeat of the League of Nations, with all of the evils that he has told us will flow in the wake of that defeat. Yet we do not hesitate at the very hour of the crisis of the battle to go right along undertaking to approve a document which he fears he may find it necessary to withdraw. I should like to have some one point to an escape from that.

I desire to read a little further what the President had to say about the Fiume controversy, or rather let me for the moment read what the British and French statesmen had to say in their reply:

They are reluctant to believe that the President can consider that the modifications which they have made in the memorandum of December 9 can constitute in themselves a justification for a withdrawal from all further cooperation with them in the attempt to adjust peaceably the world's affairs.

A little later they say:

The Governments of France and Great Britain, therefore, view with consternation the threat of the United States Government to withdraw from the comity of nations because it does not agree with the precise terms of the Adriatic settlement. The difficulty of reconciling ethnographic with other considerations is certainly not greater in the Adriatic case and does not produce more anomalous results than in the case of other parts of the general treaties of peace difficulties which were recognized by President Wilson and his colleagues where they agreed to the best settlement practicable at the time because their machinery for peaceful readjustment had come into being; also ethnologic reasons can not be the only ones to be taken into account is clearly shown by the inclusion of 3,000,000 Germans in Czechoslovakia, and the proposals so actively supported by the United States delegation for the inclusion within Poland of great Ruthenian majorities, exceeding 3,500,000 in number, to Polish rule. Though the British representatives saw serious objections to this arrangement, the British Government have not thought themselves justified in reconsidering on that account their membership in the League of Nations. The Governments of France and Great Britain, therefore, earnestly trust that whatever the final view of the United States Government as to the Adriatic settlement may be, they will not wreck the whole machinery for dealing with international disputes by withdrawing from the treaties of 1919 because their view is not adopted in this particular case.

Now, see what they declare will be the fate of the world—

That would be to destroy the hopes now entertained by countless millions of people all over the world that the most enduring and most beneficent part of the treaty of peace was the constitution of machinery whereby the defects of treaties could be remedied, and that changing conditions and requirements of mankind could be adjusted by processes of reason and justice instead of by the balancing of armaments and resort to war. The Governments of France and Great Britain can not believe that it is the purpose of the American people to take a step so far-reaching and terrible in its effects on a ground which has the appearance of being so inadequate.

So that the Governments of Great Britain and of France treat the withdrawal as the President treats it, as a great world catastrophe; but nevertheless the President adheres to his position. I read from his last letter:

The President asks that the prime ministers of France, Great Britain, and Italy will read his determination in the Adriatic matters in the light of these principles and settlements and will realize that standing upon such a foundation of principle he must of necessity maintain the position which he arrived at after months of earnest consideration. He confidently counts upon their cooperation in this effort on his part to maintain for the allied and associated powers that direction of affairs which was initiated by the victory over Germany and the peace conference at Paris.

In the whole of his last letter—and I have only read a portion of it—the President takes emphatically the position that he stands upon his previous letter and refuses to recede from it by an inch. That was an absolute ultimatum to these governments to yield or he would withdraw the treaty. Now, at the time that controversy is keenest we propose to ratify the treaty and take away from him the power of withdrawing it.

Mr. President, it would more comport with friendly action toward the President if some of our friends who have gone there alone for their inspiration and their ideas were to introduce a resolution that the Senate stands back of the President and will defer action on the treaty until Italy, France, and England have yielded to his demands. But instead of that we make haste to pass it, and in order to pass it numerous Senators are engaged in the business of trying to sugar-coat each reservation so that when it goes down we will not taste it, and after it has gone down it will not operate. [Laughter.] Let some of the ardent advocates of this treaty without reservations or amendments or changes tell us what position the President will be in to-morrow morning if we ratify this treaty without an amendment, and thus take from him forever the power of withdrawing it.

Incidentally there has been something said by the President about coercion; that is to say that Jugo-Slavia had submitted to it the proposition either to accept the terms laid down or to accept the terms of the treaty of London. The President complains that that is not the way to arrive at a just decision.

The soul of his utterances is that every decision ought to be rendered without compulsion and without coercion of any kind, that it should be settled upon its merits and in accordance with the principles of equity as construed in the high court of justice and reason. But behold the alternative he places before the Governments of Great Britain, of France, and of Italy! First, he tells them if we do not have the League of Nations the world will come to wrack and ruin; war's devastating flame will sweep every quarter of the earth; Germanism will place its cloven foot upon the bosom of liberty; and the sword of war will be pressed to the beating hearts of all men and women living; and then he tells them, "Unless England and France and Italy yield to me on the Fiume question that shall be the fate of the world," for, says the President, "I will withdraw from the league, and there can then be no league." Second, he says to France, "I agree that, in addition to the League of Nations' protection, you ought to have for some years of time an absolute guaranty of the assistance of Great Britain and of America in case you are unjustly attacked by Germany. Therefore I propose to recommend to the Senate, and do recommend, that it shall pledge the last drop of the blood of our boys and the last dollar of our treasure to defend you against unjust attack by Germany."

Although he has said all that, he now says to France: "Yield on the Jugo-Slavia question or I will withdraw that treaty, and you will be open to unjust attack by Germany; your fields can be invaded, your cities destroyed, your women murdered, and the beast of war shall devour your substance and your children." This is the alternative he presents to them; and in the high court of reason and justice, where only equity is to decide and coercion is not to be employed, these are the clubs that are placed beside the seat of justice, these are the swords suspended above the heads of the litigants!

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. Was it not in reliance upon the promise of the President to advocate the ratification by the Senate of the Franco-American treaty of alliance that France withdrew her claim for the German Rhineland?

Mr. REED. I understand that to be the case.

So, Mr. President, conceding, as we must all concede, that the President is sincere, that he has been sincere in all he has said, and endeavoring to coordinate these various views, there is but one deduction possible, namely, that the Fiume controversy is of such a fundamental character, is so grave in its nature, and so far-reaching in its results, that its proper settlement outweighs all the calamities, all the fears, all the wars, all the devastations that the President has told us will occur if the League of Nations is not adopted. If such is his opinion, then let those who have gone to his opinions for their opinions, who have, like satellites, shone alone in the reflected glory of the great central luminary, who have attained their heat, their power, and their political prestige from that one sovereign and sacred source, answer me why they are trying now to disarm him. Why do they not bring here a resolution certifying to Lloyd-George and to the prime ministers of Italy and of France that the American Senate is standing by the President; that the Senate will not breathe the breath of life into this treaty until foreign Governments have yielded, and that the Senate is holding the treaty in a position where he can withdraw it at any moment if his wishes are not complied with?

Mr. President, I could take the time of the Senate for hours in reading from this volume of the President's speeches, in which he has depicted the horrors that will come to the world if we do not have a League of Nations, but I shall not further trespass upon your time. I shall view with curiosity the attitude of those men who so desire to save the world that they are willing to enter into a contract surrendering the sovereignty of America but are unwilling to remain out of a contract when a great international injustice is to be done, and when, by remaining out, they can sustain the hands of the President in the controversy he now has with three great world powers.

The PRESIDENT pro tempore. The question is upon the amendment, in the nature of a substitute, to reservation No. 5.

Mr. LODGE. Mr. President, I am going to ask for a yea-and-nay vote on the pending amendment. I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gay	Knox	Pittman
Ball	Gerry	Lenroot	Ransdell
Beckham	Glass	Lodge	Reed
Borah	Gore	McCormick	Sheppard
Brandegee	Gronna	McKellar	Shields
Calder	Hale	McLean	Simmons
Capper	Harris	McNary	Smith, Ga.
Chamberlain	Henderson	Moses	Smith, Md.
Colt	Hitchcock	Myers	Smoot
Culberson	Jones, N. Mex.	Nelson	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kellogg	Norris	Sutherland
Dial	Kendrick	Nugent	Thomas
Dillingham	Kenyon	Overman	Townsend
Elkins	Keyes	Owen	Trammell
Fletcher	King	Page	Wadsworth
Frelinghuysen	Kirby	Phipps	Wolcott

The PRESIDENT pro tempore. Sixty-eight Senators have answered to the roll call. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I call for the yeas and nays upon the substitute, and before the roll is called I ask to have the substitute stated.

Mr. McCORMICK. Mr. President, before the yeas and nays are had upon this substitute, which purposes to withdraw from the exclusive jurisdiction of the United States the determination of the Monroe doctrine, I wish to submit to the Senate the remarks of Lord Robert Cecil bearing upon the subject:

The amendment respecting the Monroe doctrine—

He wrote—

does not specifically recognize what is commonly understood to be the American conception of that feature of American foreign policy; but the amendment was frankly accepted in order that the occasion for certain opposition to the league covenant in America might be removed. The amendment may be described as vague in its essence. It leaves the Monroe doctrine where 50 years or so of international practice has left it, and one gathers that it is regarded as fully satisfying American susceptibilities about the cardinal features of their international policy. If any dispute should arise about the Monroe doctrine, the council of the league is there to settle it.

It is entirely consistent with the purposes of those who have fought to bestow upon another power six times our vote that they should seek, by every device, to destroy the Monroe doctrine. They are to be praised for their consistency. They are determined that we shall depart from the policies which have guided the conduct of our foreign affairs from the beginning of the Republic until this time. They are candid in their purpose. They will leave nothing undone to make an end to those policies.

Mr. BRANDEGEE. Mr. President, I thought that the view of the Senator from Missouri [Mr. REED] regarding the language of the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK] was very well taken. The substitute of the Senator from Nebraska simply debars the submission by us of the national policy known as the Monroe doctrine, but would not prevent the league from taking jurisdiction of specific cases which were claimed to be a violation of that policy. I think myself that the reservation reported by the Committee on Foreign Relations and adopted by the Senate previously upon this question could be improved. It is equivalent to saying that we do not submit questions under the Monroe doctrine to the league. I think it might have been better to say that the league should have no jurisdiction whatever over any question that we considered to involve or affect the Monroe doctrine.

Mr. LODGE. The Senator, I think, has forgotten the language.

Mr. BRANDEGEE. I may have done so.

Mr. LODGE. The reservation says that it is "hereby declared to be wholly outside the jurisdiction of said League of Nations."

Mr. BRANDEGEE. The question of the Monroe doctrine?

Mr. LODGE. Yes. It reads:

Said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

Mr. BRANDEGEE. That certainly covers it. Any question concerning the Monroe doctrine ought to be outside the jurisdiction of the league. Those who believe in America interpreting its own policy can not assert those policies too strongly. Any suggestion that we ought to allow any other country to interpret a purely North American policy is utterly abhorrent to me. It is inconsistent with sovereignty, and that is all there is to it. Nobody would say that our tariff policy, which is our own business, ought not to be interpreted and decided exclusively by us. It would be an impertinence in my mind to allow anybody else to have anything to say about it.

The Monroe doctrine is a mere assertion by us for our defense, and practically it was that we would regard it as an unfriendly act if any European power or foreign power endeavored to set up their institutions upon this continent. That is our statement. It ought to be exclusively interpreted by us. I am not afraid of offending anybody by saying that we insist upon the right to interpret our own declarations. If I had any sensitiveness about it, I should have been equally sensitive about originally making the declaration, which was certainly at that time out of a clear sky, and much more of a surprise and affront, if they chose to consider it so, to other nations than it is to say after we have asserted and maintained it successfully for over half a century that we still insist upon our interpretation of it, especially inasmuch as the Senate has already adopted in the Lodge reservation the statement that we do insist upon our own right to exclusively interpret our own policy.

What would be the effect of now striking it out after this debate? It could not be considered by any other power in the world in any other light except as a withdrawal from the position previously taken by the Senate and an assertion in lieu of our previous position that other powers or the league were invited to help us interpret the Monroe doctrine. That is of such an offensive nature to me that I can not conceive that any American would want to vote for such a declaration as that.

Mr. LENROOT. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator if it is not the evident purpose of those on the other side to leave the Monroe doctrine a cause for dispute and a cause for future war, if it is taken out of the jurisdiction of the league, and that they desire to leave it as a matter of dispute for the future.

Mr. BRANDEGEE. Of course, I can not state what the purpose of the other side is or of any Senator who offers something designed to modify the reservations hitherto adopted by the Senate. The effect of it, of course, I can see, and the clear implication of the language used. My judgment is that nobody in favor of a ratification of the treaty would consciously want to surrender essential and vital American rights, rights that pertain to our sovereignty. It is my own inclination to believe that a good many of the so-called substitutes and modifications which are now being offered are simply to lure those who have voted for the reservations hitherto adopted into getting into such a mood of changing their own work and rewriting and shaving and whittling it down as that ultimately they will change the vitals of things.

I regard the present substitute tendered by the Senator from Nebraska as a direct drive at one of the vitals of America—the Monroe doctrine. There are others that have been and will be offered, some of which I think, perhaps, could originally have been adopted by the Senate without very much damage, but it is a mere attempt now to modify the Lodge reservations for the purpose of modifying them, not for the purpose of improving them or of protecting the country, but for the purpose in some way of fixing it so that it can not be said that the Lodge reservations remained intact.

But, irrespective of any sparring for position or any skillful rapier play about inconsequential things, there is, in my opinion, no question that the Lodge reservation on the Monroe doctrine is absolutely vital, and I do not think it can be stated in better language than it is now formed in.

Mr. SMITH of Georgia. Mr. President, the provision under consideration differs radically from the one which we had under consideration a short time ago and upon which we acted this morning. There was a definite declaration in the league covenant which gave to the council the right to determine what were our domestic problems and no interpretation could be effective. It was essential that by reservation we should change the provision of the covenant. The reason why I am willing to vote for an interpretation in this case is that I think the league covenant meant to exempt the Monroe doctrine, but it did it in a bungling way. I will read the provision of the covenant, article 21:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace.

I suppose that means that nothing in the league covenant is to take the Monroe doctrine under its provisions, but I am surprised that any student of American history should call the Monroe doctrine a regional understanding for securing the maintenance of peace. It is neither; and yet I have felt that we could afford to say that we understand it to mean that the Monroe doctrine is not to be interfered with by the League of Nations, and is not carried into the consideration either of the council or the assembly.

The objection I had to the reservation was to the language "is to be interpreted by the United States alone." I want to say distinctly that in objecting to that language I do not mean at all to concede that anyone shall interpret it for us. I believe when occasion arises we should apply the doctrine, decide what it is, and interpret it for ourselves.

I had the privilege for nearly two years of hearing the Monroe doctrine discussed by Judge Gresham, Mr. Olney, and Mr. Carlisle, three of the greatest minds I ever met, and I remember well the declaration which came from Mr. Cleveland announcing the doctrine in no uncertain terms. I recall also the morning when he presented to the Cabinet his celebrated Venezuelan message, and some were frightened; but he advised that it had already been sent to Congress, and he referred to it as his "peace measure" and the only way to prevent a breach between the United States and Great Britain.

If I thought leaving those words out would mean that we did intend to permit any other nation or any organized body to interpret for us the Monroe doctrine, I would be in favor of leaving the reservation unchanged. I expect if they are not left out, if the substitute of the Senator from Nebraska is not adopted, to follow the course I have been following and seek to make reservations as nearly as possible what I think they ought to be and then vote for what has been approved by the majority of the Senate.

Mr. PITTMAN. Mr. President, I offer an amendment to the substitute proposed by the Senator from Nebraska, and I ask to have it read.

The PRESIDENT pro tempore. The proposed amendment to the substitute will be reported.

The READING CLERK. Strike out all after the word "nations" in line 7 of the substitute proposed by the Senator from Nebraska, and insert:

> And no question which in the judgment of the United States depends upon or relates to such doctrine shall be subject to any inquiry, report, or decision by the council or assembly.

Mr. PITTMAN. I should like to have it read now as it would read with the suggested amendment agreed to.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Reading Clerk read as follows:

> 5. That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the League of Nations, and no question which in the judgment of the United States depends upon or relates to such doctrine shall be subject to any inquiry, report, or decision by the council or assembly.

Mr. PITTMAN. Mr. President, the reason why I have offered the amendment is obvious. Without the amendment the question might arise as to whether the council or the assembly of the League of Nations were to consider a question that they believed was not within our reservation or whether it would be left to the judgment of the United States.

Mr. HITCHCOCK. Mr. President——

Mr. PITTMAN. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I am not inclined to agree with the Senator that such a situation would be possible, but I have no objection to the change which the Senator suggests and I accept it as a part of my substitute.

The PRESIDENT pro tempore. The Senator from Nebraska accepts the modification offered by the Senator from Nevada. The question is upon agreeing to the substitute as modified.

Mr. TOWNSEND. Can the Senator tell us how it differs now in any material degree from the Lodge reservation?

Mr. PITTMAN. In that it does not voluntarily use language which might be considered obnoxious by some of our friendly nations. I think that some have placed obnoxious language in these reservations for the deliberate purpose of preventing their acceptance by other nations.

Mr. TOWNSEND. What obnoxious language is proposed to be omitted?

Mr. PITTMAN. The amendment, as I propose it, allows the United States to withhold any question that it considers relates to or depends upon the Monroe doctrine. The Senators upon the other side who are intent upon defeating the treaty and who have drawn these reservations have gone just as far as this proposed reservation now goes, but not satisfied with that they have voluntarily thrown in language which carries the import, as I said——

Mr. TOWNSEND. What language is that?

Mr. PITTMAN. The language is that the United States shall be the sole judge of this question. The United States becomes the sole judge under the reservation as I have proposed it. There is not, in my opinion, any difference in the purport or the effect of it at all.

Mr. TOWNSEND. That is what I wanted to get at.

Mr. PITTMAN. That is what the Senator wanted to know. We very frequently have a way of discussing matters and making statements that accomplish the same purpose without making the language insulting.

Mr. TOWNSEND. Then the Senator agrees with the real intent of the reservation to protect the Monroe doctrine?

Mr. PITTMAN. Certainly. I do not see how any other opinion could be held.

Mr. TOWNSEND. The only objection the Senator now has is that the language of the Lodge reservation is not what the Senator thinks it ought to be?

Mr. PITTMAN. I have stated my objection to the language. I think that the language used might prevent some country from accepting it. I am anxious that any reservations we adopt shall be accepted, because, in my opinion, if they are not accepted then we are not in the League of Nations.

The PRESIDENT pro tempore. The question is on agreeing to the substitute proposed by the Senator from Nebraska [Mr. HITCHCOCK] as modified.

Mr. HITCHCOCK. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Reading Clerk proceeded to call the roll.

Mr. THOMAS (when his name was called). I have hitherto announced my pair. I therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). Transferring my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Wisconsin [Mr. LA FOLLETTE], I vote "nay."

The roll call was concluded.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent owing to illness. By a transfer he is paired on this vote with the Senator from Arkansas [Mr. ROBINSON].

Mr. JONES of Washington (after having voted in the negative). I failed to announce my pair on this vote. I have a pair with the Senator from Virginia [Mr. SWANSON], which I transfer to the Senator from Michigan [Mr. NEWBERRY] and allow my vote to stand.

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE], who is ill and unable to attend the sessions of the Senate, to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maryland [Mr. FRANCE] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 34, nays 43, as follows:

YEAS—34.

Beckham	Henderson	Nugent	Smith, Ga.
Chamberlain	Hitchcock	Overman	Smith, Md.
Culberson	Johnson, S. Dak.	Owen	Smith, S. C.
Dial	Jones, N. Mex.	Phelan	Trammell
Fletcher	Kendrick	Pittman	Walsh, Mont.
Gay	King	Pomerene	Williams
Gerry	Kirby	Ransdell	Wolcott
Glass	McKellar	Sheppard	
Harris	Myers	Simmons	

NAYS—43.

Ball	Fernald	McCormick	Sherman
Borah	Frelinghuysen	McLean	Shields
Brandegee	Gronna	McNary	Smoot
Calder	Hale	Moses	Spencer
Capper	Jones, Wash.	Nelson	Sterling
Colt	Kellogg	New	Sutherland
Cummins	Kenyon	Norris	Townsend
Curtis	Keyes	Page	Wadsworth
Dillingham	Knox	Phipps	Warren
Edge	Lenroot	Poindexter	Watson
Elkins	Lodge	Reed	

NOT VOTING—18.

Ashurst	Harrison	Penrose	Thomas
Fall	Johnson, Calif.	Robinson	Underwood
France	La Follette	Smith, Ariz.	Walsh, Mass.
Gore	McCumber	Stanley	
Harding	Newberry	Swanson	

So Mr. HITCHCOCK's amendment in the nature of a substitute to reservation No. 5 was rejected.

The PRESIDENT pro tempore. The question now is upon reservation No. 5.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. THOMAS (when his name was called). I am informed that if my pair, the senior Senator from North Dakota [Mr. MCCUMBER], were present, he would vote in the affirmative upon this reservation. I therefore vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and vote "yea."

Mr. WILLIAMS (when his name was called). The senior Senator from Pennsylvania [Mr. PENROSE], with whom I have a general pair, is absent on account of sickness and can not be present. I transfer my pair with him to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent. If present, he would vote "yea." On this vote he stands paired, by transfer, with the senior Senator from Arkansas [Mr. ROBINSON].

Mr. CURTIS. I have been requested to announce the unavoidable absence of the Senator from California [Mr. JOHNSON]. If present, on this question he would vote "yea." I have also been requested to announce the absence of the Senator from New Mexico [Mr. FALL] on official business. If present, the Senator from New Mexico would vote "yea" on this reservation.

I have also been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Maryland [Mr. FRANCE] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 58, nays 22, as follows:

YEAS—58.

Ball	Frelinghuysen	McLean	Sherman
Beckham	Gore	McNary	Shields
Borah	Gronna	Moses	Smith, Ga.
Brandegee	Hale	Myers	Smoot
Calder	Henderson	Nelson	Spencer
Capper	Jones, Wash.	New	Sterling
Chamberlain	Kellogg	Norris	Sutherland
Colt	Kenyon	Nugent	Thomas
Cummins	Keyes	Owen	Townsend
Curtis	King	Page	Trammell
Dillingham	Kirby	Phelan	Wadsworth
Edge	Knox	Phipps	Warren
Elkins	Lenroot	Pittman	Watson
Fernald	Lodge	Poindexter	
Fletcher	McCormick	Reed	

NAYS—22.

Culberson	Harrison	Overman	Smith, S. C.
Dial	Hitchcock	Pomerene	Walsh, Mont.
Gay	Johnson, S. Dak.	Ransdell	Williams
Gerry	Jones, N. Mex.	Sheppard	Wolcott
Glass	Kendrick	Simmons	
Harris	McKellar	Smith, Md.	

NOT VOTING—15.

Ashurst	Johnson, Calif.	Penrose	Swanson
Fall	La Follette	Robinson	Underwood
France	McCumber	Smith, Ariz.	Walsh, Mass.
Harding	Newberry	Stanley	

So reservation No. 5 was agreed to, as follows:

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I ask unanimous consent, as in legislative session, for the consideration of the report I am about to present from the conference committee on the deficiency appropriation bill. It embraces only three items which were in dispute.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the consideration of the conference report which he is about to submit.

Mr. WARREN. I send the conference report to the desk and move its adoption.

The PRESIDENT pro tempore. The conference report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17 and 34.

That the Senate agree to the amendment of the House to the amendment of the Senate numbered 22 with an amendment as follows: In lieu of the matter proposed insert the following:

"To enable the Secretary of the Treasury to carry out at once the provisions of paragraphs A and B of section 7 of the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines,' approved March 3, 1919, the limit of cost of the acquisition of the site and uncompleted building and the completion of the construction of hospital buildings in Cook County, Ill., authorized by said act, is hereby increased from $3,000,000 to $3,400,000, and the Secretary of the Treasury is hereby authorized to enter into contracts therefor within the total limit of cost hereby fixed: *Provided*, That no part of said sum so authorized shall be used to pay any profit to either the owners of the land and present uncompleted building, Edward Hines and the Shank Co., or to the contractor for the completion of the work."

And the House agree to the same.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.
JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

Mr. PHELAN. Mr. President, I ask the Senator in charge of the conference report whether the conferees have receded from the $3,000,000 item for the repair of ships of the Navy inserted by the Senate?

Mr. WARREN. They have been compelled to do so after struggling for two days, in addition to the efforts they made previous to the time when the first report was submitted. In the meantime the matter had been submitted to the House, debated there, and had been defeated by a majority of more than 2 to 1. In view of the circumstances we felt compelled to recede.

Mr. PHELAN. Mr. President, when this matter was brought up several days ago I moved that the conferees adhere to the item placed in the bill by the Senate.

Mr. WARREN. I beg the Senator's pardon. The Senator did not move that the conferees adhere; he made a motion that the conferees be instructed—and he used the word "instructed" instead of "adhere"—but after the motion was made to adopt the report, to appoint another conference committee, and that the Senate insist upon its amendment, the motion of the Senator from California was not carried. If it had been carried, however, the conferees would have been compelled to act just as they have acted in this instance.

Mr. PHELAN. Mr. President, I do not know the exact language in which I made the motion, but it was my intention at the time to move that the conferees adhere to the amendment of the Senate, and the Chair ruled, in confirmation of what I say and of what was my intention, that the motion was out of order at that time, whereupon the Senator from Wyoming moved that the conferees be instructed to maintain their position with respect to that item. Now, the conferees come in here in disobedience, I may say, to the instructions of the Senate, having conceded the point made by the House. Of course, we can never get a provision for the repair of vessels of the Navy unless we insist, even to the point of defeating the conference report, on the amendment inserted by the Senate. I desire now to inquire, Is it in order to move that the conferees be further instructed to adhere?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would not be in order.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Chair is about to rule upon an inquiry made by the Senator from California.

Mr. LODGE. I beg the Chair's pardon; I did not know an inquiry had been made. I rose to make a point of order; that is the reason I interrupted.

Mr. WARREN. The Senator ought to be advised that the matter is entirely closed so far as the conferees are concerned.

The PRESIDENT pro tempore. The Chair was answering a parliamentary inquiry of the Senator from California, which is whether a motion to instruct the conferees further to adhere to the Senate amendment is in order. The Chair is of the opinion that it would not be in order; that the only question now is upon agreeing to the conference report.

Mr. PHELAN. Then the only possible way to restore the item for the repair of the Navy, which is in very bad need of repair, is to vote down the conference report.

Mr. LODGE. That is the only way.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion suggested by the Senator from California is not in order, and that the only question before the Senate is upon agreeing to the conference report.

Mr. LODGE. Mr. President, we are not bound to agree to the conference report. We have the power to reject the conference report, of course.

The PRESIDENT pro tempore. The Chair knows of nothing that interferes with the liberty of the Senate to do so.

Mr. WARREN. Mr. President, the motion before the Senate is the one made by me for the adoption of the conference report. If the vote is "no" upon that, then the conference report is open to further disposition, but the question must first be put whether we shall adopt the report.

Mr. LODGE and Mr. KING addressed the Chair.

The PRESIDENT pro tempore. May the Chair suggest that the Senator from Wyoming asked unanimous consent for the consideration of the report? That consent has not yet been given. The Chair asks now, Is there objection?

Mr. PITTMAN. I object, Mr. President.

Mr. WARREN. That is not as it occurred, as I understand.

Mr. WILLIAMS. Because of the very violent opposition to this report on the part of the Senator from California——

Mr. WARREN. I asked unanimous consent to take up the report, and supposed consent had been given; and then I moved to adopt the report. That is the motion, as I understand, which is now before the Senate.

The PRESIDENT pro tempore. The Chair understood the Senator from Wyoming to ask unanimous consent for the consideration of the report.

Mr. WARREN. Yes.

The PRESIDENT pro tempore. The Senator needed no consent to present the report. If, however, the Chair misunderstood the Senator from Wyoming, the question now is, Will the Senate proceed to the consideration of the report?

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state it.

Mr. WILLIAMS. According to my understanding of parliamentary law, the Senator need not have asked unanimous consent. All he has to do is to make a motion and put the motion before the Senate. Has the Chair ruled that unanimous consent was necessary?

The PRESIDENT pro tempore. Will the Senator state his question a little more clearly? The Chair is unable to hear him.

Mr. WILLIAMS. I said that I thought the Senator from Wyoming need not have asked unanimous consent.

The PRESIDENT pro tempore. The Chair has just stated that the Senator from Wyoming did not need unanimous consent to present the report.

Mr. WILLIAMS. That is what I thought.

Mr. THOMAS. Mr. President, let me suggest that we were in executive session, and, being in executive session, it would seem that unanimous consent was necessary.

The PRESIDENT pro tempore. The Chair is not of that opinion.

Mr. WILLIAMS. I do not know whether we were in executive session or not, but my parliamentary inquiry is this: Does this suggestion—for if it is a motion it does not need unanimous consent—does this suggestion need unanimous consent or not?

The PRESIDENT pro tempore. The Chair is of the opinion that it does not.

Mr. WILLIAMS. I think the Chair is right.

The PRESIDENT pro tempore. The Chair is very much obliged to the Senator from Mississippi.

Mr. WILLIAMS. The Chair need not be obliged. Every now and then the Chair's ruling agrees with my judgment.

The PRESIDENT pro tempore. Once in a while.

Mr. WILLIAMS. And whenever it does, of course the Chair is right.

The PRESIDENT pro tempore. The Chair understands that the Senator from Wyoming, after having presented the report, moved its consideration. [Putting the question.] The Chair is in doubt.

On a division, the motion was agreed to; and the Senate, as in legislative session, proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on H. R. 12046, the second urgent deficiency bill.

Mr. GLASS. Mr. President, last week, when I was momentarily absent from the Senate Chamber, there was attached to

the deficiency appropriation bill an amendment increasing by half a million dollars the appropriation for what is known as the Speedway Hospital enterprise in Chicago, and in the brief discussion which ensued there apparently was an implication of unnecessary and even inordinate delay in the consummation of this contract by the Secretary of the Treasury. I desire to state to the Senate that there was not one particle of delay that might reasonably be attributed to the Treasury Department.

This, I believe, is the fourth time that this particular matter has been brought to the attention of the Congress, and each time the attorney for this hospital scheme has had the act altered as he proposed. Unhappily for him and his clients, however, the Treasury Department was yet compelled to proceed under statutory limitations as to the total cost.

In the first place, the Congress appropriated the sum of $3,000,000 for the acquirement and completion of this Speedway Hospital enterprise, with a proviso which gave to the Secretary of the Treasury discretion to build with the $3,000,000 an entirely new hospital. In the circumstances, the Secretary of the Treasury proceeded to inquire whether or not it would be to the advantage of the Government to acquire and complete this war-emergency hospital or to use the $3,000,000 with which to build a new, modern Government hospital on land owned by the Government in the Chicago territory. As soon as it was ascertained that the Secretary of the Treasury was considering this alternate plan authorized by the act of Congress there was attached to an appropriation bill, at the suggestion of the attorney for the owners and contractors of the Speedway Hospital, an amendment of the statute which took away from the Secretary of the Treasury all discretion in the matter and required him to acquire this Speedway property "and adapt it to the needs and purposes of the Public Health Service," within a limit of $3,000,000 as to cost.

Had the discretion originally given to the Secretary of the Treasury not been summarily withdrawn, the Government, in my considered judgment, would long ago have gotten a modern hospital. The only way to ascertain the needs and purposes of the Public Health Service in the circumstances was to have the officials of the service state their needs, and this was required to be done.

The Public Health Service did state to the Supervising Architect of the Treasury what was required, and the Supervising Architect's Office, as soon as possible thereafter, reported to the Secretary of the Treasury that an additional appropriation of $2,500,000 would be required to meet completely the needs and purposes of the service; that is to say, to build an absolutely modern hospital, completely equipped, would require that sum; and the Secretary of the Treasury immediately reported the fact to the Congress. Thereupon the attorney for the owners and contractors of this Speedway Hospital again intervened, and induced the Congress to reject the proposal for a complete hospital plant. He prevailed with his counter suggestion again to amend the statute by requiring the Secretary of the Treasury to acquire this particular property and to complete the project in accordance with certain designated plans and specifications for $3,000,000, assuring the Congress that his clients were eager to do the work within that limitation as to cost. Thereupon the Secretary of the Treasury caused to be drafted a contract for the signature of the owners and contractors. It was then disclosed that the owners and contractors of the Speedway Hospital were not at that time, nor had they ever been, willing to sign a contract for the disposal and completion of this Speedway Hospital for the sum prescribed by Congress. Although urged, they utterly refused to sign the contract unless the Secretary of the Treasury would consent to have embodied in it a provision, tucked away in the old war-emergency proposal, which would have enabled the owners and contractors to charge the Government an indeterminate sum for the completion of the hospital. The Secretary of the Treasury did not feel authorized to go beyond the precise limit prescribed by law, and refused to permit the insertion of a clause of that description in the contract.

Now, for the fourth time, the owners and contractors of this Speedway project, through their attorney, appear at the Capitol and are proposing that the limit originally prescribed by Congress be increased by the sum of $400,000. The Supervising Architect's Office of the Treasury estimated that the sum asked for this hospital building in its present incomplete state was from $250,000 to $300,000 in excess of its actual cost; so that, counting $250,000 as the minimum excess, and adding it to the $400,000 additional now provided, it is my judgment that the Congress is simply making a gift of $650,000 to the owners and contractors of this property.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. LENROOT. I have not seen the final provision as agreed upon, but I should like to ask whether the provision as agreed to provides that the owners and the contractors shall not receive a profit upon this hospital?

Mr. WARREN. It does. It provides absolutely that no one connected with it shall have a profit.

Mr. LENROOT. Then I should like to ask the Senator from Virginia how he can possibly make the statement that this is a gift of $650,000 to the owners of the property?

Mr. GLASS. Because it is the estimate of the Supervising Architect's Office that, to begin with, the owners and contractors will receive $250,000 in excess of the cost to them of the building as it stands to-day, and right there is a gift of $250,000.

Mr. LENROOT. But, if the Senator will yield, does not the provision that is agreed upon in the conference report absolutely prohibit that profit?

Mr. GLASS. No.

Mr. LENROOT. That is what I wanted to find out.

Mr. GLASS. The provision does not touch that profit at all.

Mr. WARREN. Mr. President, I think I can say something that will substantiate in some degree the statement of the Senator and perhaps give him some information, too. I do not, however, want to proceed until he has finished, unless he wishes.

Mr. GLASS. It does not disturb me at all to be interrupted.

Mr. WARREN. I want to say that this matter is one that has been before the committee several times. In the first place, it was not inaugurated through the Committee on Appropriations. It was provided for in an omnibus bill for that and other hospitals, and the Committee on Appropriations, which is now handling it, had nothing whatever to do with it at that time; but those on the original committee examined this project, and later it was presented to the Committee on Appropriations to make some provision that would help the Secretary of the Treasury, if he needed help, to be able to make the contract.

As to the earlier transactions, or rather the absence of transactions, perhaps I should say—the Senator will correct me if I am wrong—of the early part of it, I know nothing. The first that I knew of this mater was when those interested came before the committee asking for some language that would enable the Secretary of the Treasury to accept it if in his judgment he saw fit. It was still entirely in his judgment. At one time the Secretary was before the committee, and it developed, or had developed before, and I suppose then, that the officers of the Public Health Service differed somewhat in their different estimates as to what they wanted done; and not only that, but they differed in their votes at different times as to what they needed or would accept.

Mr. GLASS. Mr. President, may I interrupt the Senator there?

Mr. WARREN. Certainly.

Mr. GLASS. Can the Senator tell the Senate why the original statute was so amended as to deprive the Secretary of the Treasury of the discretion given him either to acquire this property or to spend the $3,000,000 to build a Government hospital on Government-owned property in the Chicago territory?

Mr. WARREN. So far as the members of the Committee on Appropriations are concerned, they had no part in any such beginning or outcome as that. It was represented to them that the language that they introduced in the bill would enable the Secretary to say yes or no to that proposition. I am not saying that it did that.

Later there came another proposition. The second proposition was confined to the $3,000,000 and to asking the Secretary to complete the transaction, if he could, under that limit. I am assuming that the Secretary of the Treasury could not. I am assuming that he is declaring what is undoubtedly true, that the contractors would not contract for the hospital to finish its construction under the requirements of the Public Health Service and keep within this amount of money.

We now come to the present bill, when the present Secretary of the Treasury again applied for or rather indorsed an application for some legislation. The chairman of the Committee on Appropriations, and, I think, his associate members on the subcommittee, agreed that they would not touch this thing again unless there was to be an absolute settlement and unless we knew exactly to a cent the utmost limit that it should cost. This matter was not considered by the committee further until we had two communications, one in the form of an amendment and the other a communication which was a copy of a long telegram—I take it to be a telegram—sent by the Secretary of the Treasury to the contractors at Chicago asking if they would complete this hospital with such additions as he might require, all subject to the Supervising Architect of the Treasury, and insure

that the cost should not exceed $3,500,000 for the entire matter, the contractor to accept all responsibility for accidents and incidents of every kind and character, so that it would be a positive insurance against greater cost to the Government. The committee thought it better to end the matter, and an amendment was introduced as presented and also there was placed in the RECORD a copy of the correspondence between the Secretary and the contractor, which was the guaranty.

We sent for the Secretary of the Treasury to come before the subcommittee and took a record of his understanding about it and his wishes and what he thought could be done. He felt that possibly yet it might be finished under the $3,000,000 by some changes under the Supervising Architect, and with the cooperation of the Public Health Service, but the chairman of the committee had demanded and the committee had demanded some guaranty as to ultimate cost, beyond which it could not and would not go under any circumstances.

So the matter went into the bill and passed the Senate, went to the House, and came to conference in the usual way on a failure to accept any of our amendments. Then in conference we summoned before us again the Secretary of the Treasury, so he might fully state what the understanding was and what he proposed to insure, and it went back to the House in disagreement. It was considered by the House extensively, and they voted on a motion to ask us to recede. The vote was 91 against 201 to sustain the amendment, not exactly as we had it, but changed in language somewhat as it appears now and as it has been read from the desk.

I think, as the Senator probably knows, as I have stated, and as the Senator from Michigan [Mr. TOWNSEND] has brought out, that there is an inhibition that not any profit shall be made in the establishment from the first of it to the last of it, up to the time it is finally settled. If the Secretary of the Treasury takes up the examination of that, and is able to ascertain the exact cost, which undoubtedly he can, there is not a dollar or a nickel of profit from first to last under this legislation.

Mr. GLASS. I think perhaps the House has gotten into a mood over this question that some Senators say the country has gotten into over the peace treaty. They have gotten so utterly tired of it that they want it settled in some way, and apparently do not care very much how it is settled, just so it is ended. I will frankly say to the Senator that I have no expectation of reversing or modifying the action of the committee on this question. I rose primarily to resent the implication that there had been any effort made on the part of the Treasury Department to hinder the matter.

Mr. WARREN. I have not at any time or anywhere to my knowledge hinted at any hindrance in the Treasury Department because there was any intention other than to carry out the law.

Mr. GLASS. I think that is absolutely so.

Mr. WARREN. I want to say now to the Senator that from the time I first became acquainted with this proposition I have seen nothing that has led me to think that the Secretary of the Treasury, the former Secretary, who is now an honored Member of this body, has done anything there but what any one of us might have done in the same place to properly protect the country.

Mr. GLASS. I am obliged to the Senator for making that statement. I must insist, however, that had not the Congress evinced such a ready disposition to respond to any request that was made by the attorney for the owners and contractors of this Speedway Hospital, it is my belief that we would not now be compelled to expend this additional $400,000.

I think, furthermore, that the chairman of the committee is mistaken in saying that the law has now been so amended as to prohibit any profit whatsoever to the owners and contractors. That may be related to this additional $400,000——

Mr. WARREN. Not at all. If the Senator will read it carefully, he will find that it refers back to the entire $3,400,000.

Mr. GLASS. I had not so interpreted it; and if that be true I have nothing further to say about the matter, except that the Treasury Department has not unreasonably delayed the consummation of the project in any sense.

I would call attention to the fact that on February 19 the attorney for the owners and contractors of this Speedway Hospital appeared before the Committee on Public Buildings and Grounds of the House and definitely stated that his last modification of the law did not "involve one cent of increased cost" to the Government. This attorney was asked by a member of the committee this question:

Do you mean to say this amendment now does not increase the appropriation at all?

The attorney responded:

Not a penny.

That was on the 19th of last month, and we see to-day how true that is, because we have extended the limit of appropriation by $400,000.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. GLASS. I yield.

Mr. LENROOT. I would like to ask the Senator if, while he was Secretary of the Treasury, he made a report to Congress recommending an increase of $2,500,000 instead of $400,000 for the purpose of acquiring this property and completing a modern plant?

Mr. GLASS. Yes; and I would vote for an appropriation of $2,500,000 to-day, because that would give us a complete modern hospital, whereas according to the officials of the Public Health Service this will give us a hospital which will be "an eyesore and a disgrace to the Nation for all time."

Mr. WARREN. Just a moment as to the proposition of completing it within $3,000,000. Coupled with that was the proposition to take back part of the land and, in place of bronze and brass trimmings, to put on the ordinary black trimmings, and so forth, which might or might not make that difference. But, as I said, we have the assurance of the present Secretary, as well as the statement of the contractors, that in the drawing of this contract $3,400,000 is simply the utmost limit of insurance that can be reached, while the intention is still to keep within the figures that the Senator has mentioned of the $3,000,000; but the contractors have refused, as the Senator stated, to sign a contract to absolutely finish it for that, and the difference comes in the allowance for contingencies and for increased wages and cost of materials, which have been brought about by the delay, and so forth.

Mr. GLASS. I will say to the Senator that the proposition made to the House Committee on Public Buildings and Grounds on the 19th of February did not involve taking back any of the land. It involved the acquisition of the entire property and the completion of the buildings according to designated plans and specifications. The attorneys for the owners and contractors definitely and unqualifiedly stated that they would do this within the $3,000,000.

Mr. WARREN. The Senator stated the 19th of February; does he mean this last month?

Mr. GLASS. Yes.

Mr. THOMAS. May I ask the Senator a question?

Mr. WARREN. If I may ask one first. Has the Senator from Virginia examined all of the evidence that was given at that time? I know what the Senator refers to, because it was before us.

Mr. GLASS. Yes; every particle of it, I will say.

Mr. WARREN. I yield to the Senator from Colorado.

Mr. THOMAS. I wish to ask the Senator whether this additional appropriation of $400,000, making a total of $3,400,000, will represent all the moneys to be invested in this building and grounds? In other words, does the $3,400,000 complete the project?

Mr. WARREN. It does.

Mr. THOMAS. Will the Government hereafter be compelled to make other appropriations to finish the building?

Mr. WARREN. I will say to the Senator that I would not be standing here saying one word about that hospital if the committee had not had that brought in such shape that it is an absolute closure, and the $400,000 is intended more as an insurance than a possible expenditure; but the contract they have agreed to sign, and the only contract which the present Secretary of the Treasury says he will sign, will cover that, so that there can be no contingency whatever on account of God, man, or the elements which shall prevent the completion of the building on the part of the contractors and former owners inside of the $3,400,000, and they will be under heavy bond.

Mr. THOMAS. Does the statute so declare?

Mr. WARREN. It so declares as nearly as can be in a telegram, where the question is asked and the answer is accepted. It was in the RECORD some days ago; but we had, as I say, assurance not only of the men interested in the hospital itself but from the Secretary of the Treasury, absolutely his word that that kind of a contract was the only one that should be entered into—and the Supervising Architect was also there—and he proposed that there should be such contracting done, if any could be made, and such a watching by the Supervising Architect as should provide for making that a less sum; and these parties did not reserve any chance of disputing the word or findings of the Supervising Architect under the instructions of the Secretary of the Treasury.

Mr. GLASS. The Senator must know, at least I know, that what is meant is the completion of this particular Speedway Hospital building and five auxiliary buildings according to certain plans and specifications. The testimony of the Public

Health Service is that the completion of the project in this way will not give us a modern hospital, will not furnish a hospital at all adequate to take care of that middle western territory; and, moreover, it does not give a hospital into which, without further considerable expenditures, patients can immediately be admitted. It provides for no equipment of any description. It omits some very essential structural units. I make the prediction here and now that before you shall have gotten a hospital there suitable for the effective care of patients you must appropriate other large sums; and before we shall have a real modern plant we must expend from $1,000,000 to $2,500,000 more.

Mr. WARREN. That may be the Senator's opinion. It is not mine.

Mr. WILLIAMS. I want to ask the Senator whether, in the provision now submitted to the Senate, it is provided that no further appropriation shall be made for this particular service?

Mr. WARREN. It provides that it shall be finished completely.

Mr. WILLIAMS. Would the Senator mind reading to me the provision?

Mr. KING. If the Senator will pardon me, I do not quite agree with the Senator. It reads as follows——

Mr. WARREN. I would rather have it read from the desk.

The PRESIDENT pro tempore. The Secretary will read.

The Assistant Secretary read as follows:

To enable the Secretary of the Treasury to carry out at once the provisions of paragraphs A and B of section 7 of the act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," approved March 3, 1919, the limit of cost of the acquisition of the site and uncompleted building and the completion of the construction of hospital buildings in Cook County, Ill., authorized by said act, is hereby increased from $3,000,000 to $3,400,000, and the Secretary of the Treasury is hereby authorized to enter into contracts therefor within the total limit of cost thereby fixed: *Provided*, That no part of said sum so authorized shall be used to pay any profit to either the owners of the land and present uncompleted building, Edward Hines and the Shank Co., or to the contractors for the completion of the work.

Mr. KING. I do not know what it means.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. WILLIAMS. Mr. President, this reads:

The limit of cost of the acquisition of the site and uncompleted building and the completion of the construction of hospital buildings.

"The limit of cost of the acquisition"—that is as far as the amendment goes.

Mr. WARREN. It is $3,400,000. That is the total cost.

Mr. WILLIAMS. Oh, no; it is the limit of cost of the acquisition. Of course, we all know as Senators——

Mr. WARREN. The Senator did not read the entire article. That is not the entire article touching the subject.

Mr. WILLIAMS. Oh, I understand that; but that is the entire paragraph, and that defines that paragraph, that specifies what that paragraph means. Of course there follows this language:

And the Secretary of the Treasury is hereby authorized to enter into contracts therefor within the total limit of cost—

Of cost—c-o-s-t—

thereby fixed: *Provided*, That no part of said sum—

What does "said sum" mean? The said sum of cost—c-o-s-t—

so authorized shall be used to pay any profit to either the owners of the land and present uncompleted building, Edward Hines and the Shank Co., or to the contractor for the completion of the work.

We are all acquainted with the rivers and harbors bills and public building bills, with the idea of appropriating for the original cost, to be followed up later by something else.

Mr. WARREN. The bill to which this is an amendment contains language providing what the whole cost shall be and provides that it shall not be beyond the sum therein provided, so that this is really a part of the original provision in which the limit is fixed.

Mr. WILLIAMS. That is, the limit of cost?

Mr. WARREN. Yes.

Mr. WILLIAMS. But it is not a limit as to improvements, ameliorations, extensions, and all the balance of it.

Mr. WARREN. It covers all that the Secretary of the Treasury may call for, whatever that may be, under the contract that he is to make.

Mr. WILLIAMS. I did not hear the Senator's statement.

Mr. WARREN. The amendment is one drawn by the Secretary of the Treasury. The other part of it, which was not read, shows that whatever changes are necessary to adapt the hospital to the wants of the Public Health Service shall be provided for; that the contractors must do what the Secretary and the Supervising Architect require shall be done; and that the cost of minor changes as they go along will be estimated as they go along by the Supervising Architect, but that the final expense to the Government shall not in any case exceed $3,400,000.

Mr. WILLIAMS. Mr. President, I do not read the law as the Senator from Wyoming has proffered it to the Senate in the way in which he construes it. I read the law to be that there shall be this appropriation for the cost, but that they are left perfectly free afterwards to go ahead. It looks like a pension bill. So much is appropriated right now, but the door is left open to appropriate, if necessary, a hundred million dollars more later on. It seems to me that the Senator from Virginia [Mr. GLASS] has been exactly right in his criticism. I suppose, of course, that the item will pass through, and likewise suppose, of course, that there will have to be another appropriation of something like a half million dollars to make this scheme go through. The present language of the law does not complete the project; it merely starts the project at a certain cost, but says nothing about improvements, repairs, extensions, and other similar items.

Mr. LENROOT. Mr. President, with reference to the character of this hospital when completed, I send to the Secretary's desk a letter from Surgeon General Rupert Blue to the Secretary of the Treasury, which I ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Assistant Secretary read as follows:

MARCH 4, 1919.

The SECRETARY OF THE TREASURY.

SIR: Referring to legislation to provide immediate additional hospital and sanatorium facilities, approved by the President on March 3, 1919, and particularly to section 7, paragraph b, authorizing the Secretary in his discretion to execute the contract with the Shank Co. for the land and erection thereon of buildings specified, I have the honor to report that in order to expedite all matters relating to the supply of additional hospital accommodations as contemplated in the bill, a complete investigation of this project, including its location, surroundings, and adaptability for the needs of the Public Health Service in caring for the patients of the War Risk Insurance Bureau and others provided for in the bill, has been made, and there is attached herewith a copy of a report thereon.

The contract, plans, and specifications have been carefully inspected and I find that the construction provided for is of a high-class fireproof type, well adapted for the needs of the service, and I therefore recommend that the contract be executed for the completion of the building under the terms of the contract and as provided for in the legislation.

Respectfully,

RUPERT BLUE, *Surgeon General.*

Mr. GLASS. Mr. President, I call attention to the fact that the letter which has just been read was written March 4, 1919—a year ago—when the Surgeon General of the Public Health Service, naturally intent on expanding his bureau, had not personally inspected the site or hospital buildings nor made anything like an adequate survey of hospital requirements. Subsequently the Surgeon General reported to the Secretary of the Treasury that to undertake to complete the Speedway Hospital project within the limit of $3,000,000, and according to the contracted plans and specifications to which reference is made in the letter, would provide the country an institution which would be a perpetual eyesore and a discredit to the Nation. That report was made last December and the substance of it communicated by the Secretary of the Treasury to Congress.

Mr. PHELAN. Mr. President, it seems that the attitude of the other House with respect to this item for the repair of ships of the Navy is the governing factor in the consideration of this matter by the Senate. There is a feeling that, on account of the large vote by which the item was rejected by the other House, therefore it can not be adopted at all. The House of Representatives is hostile to any legislation just at this time which involves a large expenditure of money, and as the great majority of the Members are from States in the interior, where they never feel the necessity of naval protection, it is not surprising that such is the fact.

I remember that when it was sought to establish nitrogen and munition plants upon the coast, the Navy Department held that such institutions should be established west of the Alleghanies or east of the Sierras, because there was no danger to the interior of the United States from offensive operations by hostile fleets. That has led the good people of the interior of the country to believe that there is never any urgent necessity for keeping the Navy in a fighting condition.

I have been deeply impressed by the reports of the operating officers of the Navy. Admiral Coontz recently said the inefficient condition of the Navy is—

a direct result of a lack of funds with which to prosecute vigorously the required repair work on vessels whose material fitness has been lowered through the excessive and continuous demands of war service.

Our fleets have come home from the war and are now being repaired just in that measure which Congress will allow by the appropriation of funds. Both Admiral Coontz and Admiral Taylor agree than $10,000,000 is the irreducible minimum. We have sought to provide $3,000,000, but the House of Representatives rejects that.

I will refer to an emergency which may bring to the mind of the House, not of the Senate, the necessity of keeping ships in repair. At the last meeting of the Senate, when this matter was being considered, I mentioned the serious condition of the Hawaiian Islands, where, I believe, will develop the spark which in this belligerent world sooner or later will cause the explosion to precipitate another war. There is in the islands now a strike of the 120,000 Japanese against the white planters. I have here the Pacific Commercial Advertiser, of Honolulu, of February 8, containing an editorial which declares:

Hawaii stands to-day at the dividing of the ways. Upon the outcome of the Japanese conspiracy against the Americanism of these islands depends the future of the Territory. Unless the conspiracy is crushed and those who instigated it are rendered powerless to continue their plotting against American citizens and American industry, Hawaii will inevitably lose her autonomy and be placed under a commission form of government.

Uncle Sam can not afford to have Hawaii under the domination of an alien race. If such a thing should come about, it would be necessary for him to step in and take charge.

"A proposal has been made that a mass meeting of citizens be called," and that they agitate in various ways to bring about finally a settlement of this question, so far as they are able so to do, without appealing to the United States.

It adds:

The Japanese press of Hawaii has constantly preached anti-Americanism. It is preaching it to-day. It will continue to preach it as long as no adequate action is taken to put a stop to it.

In that connection, as to the seriousness of the crisis there, where there are many incendiary cane fires and other evidences of violence, I stated that a Japanese warship was in the harbor. I made that statement upon the authority of a member of the Hawaiian Commission now in this city. I see that it was denied in the New York press on Sunday that there was a Japanese warship there. So the member of the Hawaiian Commission sends me this paper in which there is the following statement, which was his authority:

The Japanese naval training cruiser—

Which is an equipped warship—

Yakumo, which visited Honolulu and Hilo the latter part of November last, will be in Hononlulu again on March 8—

That was the reason why I stated that a warship was in those waters.

Under all these circumstances—and the Pacific is not the only locality where trouble is developing—I think the Senate should adhere to its original intention to provide funds for the repair of vessels of the Navy. While the appropriation proposed is inadequate, I think the Senate should continue to show an earnest desire, at any rate, to keep our fighting ships in repair. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Hale	Moses	Smith, Md.
Calder	Harrison	New	Smoot
Colt	Henderson	Norris	Spencer
Cummins	Jones, Wash.	Overman	Sutherland
Curtis	Kellogg	Phelan	Thomas
Dial	Kendrick	Phipps	Wadsworth
Elkins	Keyes	Pittman	Warren
France	King	Ransdell	Williams
Frelinghuysen	Kirby	Sheppard	Wolcott
Gerry	Lenroot	Sherman	
Glass	Lodge	Shields	
Gronna	McKellar	Smith, Ga.	

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Montana [Mr. WALSH], the Senator from Florida [Mr. FLETCHER], the Senator from Kentucky [Mr. BECKHAM], and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The names of the absent Senators were called, and Mr. JONES of New Mexico and Mr. NUGENT answered to their names when called.

Mr. CAPPER, Mr. KENYON, Mr. HARRIS, and Mr. POINDEXTER entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. There is a quorum present.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, I am anxious to have a brief executive session, and if this debate is to be continued for some time I am afraid we shall be unable to have it.

Mr. KING. I can assure the Senator that there will be some debate upon the pending motion.

Mr. PHELAN. Then I move that the Senate adjourn.

Mr. LODGE. Mr. President, I think I have the floor——

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. LODGE. And I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business with closed doors. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 3, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1920.

UNITED STATES MARSHAL.

Joseph L. Asbridge, of Helena, Mont., to be United States marshal, district of Montana. A reappointment, his term having expired.

POSTMASTER.

TENNESSEE.

Charles M. McCabe to be postmaster at Nashville, Tenn., in place of E. S. Shannon, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1920.

FEDERAL TRADE COMMISSION.

John Garland Pollard to be a member of the Federal Trade Commission.

UNITED STATES ATTORNEY.

Herbert M. Peck to be United States attorney, western district of Oklahoma.

COLLECTOR OF CUSTOMS.

Clarence D. Sprigg to be collector of customs, San Diego, Calif.

APPOINTMENTS AND PROMOTIONS IN THE COAST GUARD.

William Ellicott Maccoun to be captain of engineers.
John Kelly to be district superintendent.
Frank Burnham Lincoln to be district superintendent.

POSTMASTERS.

ALABAMA.

Walter Morgan, Woodward.

ARKANSAS.

Azro C. Brooks, Harrison.

COLORADO.

Fred H. Sanderson, Hotchkiss.

DELAWARE.

Levi K. Bowen, Newark.

GEORGIA.

George D. Rucker, Alpharetta.

IDAHO.

Leo M. Rusk, Pocatello.

LOUISIANA.

Harriet R. Rice, Madisonville.

MINNESOTA.

Thomas Considine, Duluth.

NEW JERSEY.

Anna W. L. Cowie, Cedar Grove.
Thomas B. Thompson, Elwood.
Mabel E. Tomlin, Sewell.
Clara Mark, South River.

NEW YORK.

Raymond A. Heckroth, Oakfield.
James F. Haggerty, St. Johnsville.

OHIO.

William H. Kroeger, Akron.
Joel C. Clore, Cincinnati.
Orrin L. Gessley, Circleville.
Frank H. Shaw, Germantown.
Patrick J. Dunn, Strasburg.

PENNSYLVANIA.

Ira S. Price, Canadensis.
Charles S. Duncan, Gettysburg.
George F. Reichneder, Wyomissing.

TENNESSEE.

Charles M. McCabe, Nashville.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 2, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the gift of life with its precious hopes and promises; the old world in which Thou hast placed us, as sojourners, with its splendid opportunities to develop all that is best in us; the sun which shines by day; the stars which shine by night; the change of seasons, seedtime and harvest; its fertile soil which yields abundantly to the husbandmen; its rich deposits which meet all the necessities of life; home with its joys, society, government, educational institutions, churches, and philanthropic organizations.

The tenure of this life is brief and we are called upon to work while it is yet day, for the night cometh when no man can work.

Death has once more entered the congressional family and taken away the veteran Member of the upper House. Comfort his family, numerous friends, in Thine own way, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE TO ATTEND FUNERAL OF THE LATE SENATOR BANKHEAD.

The SPEAKER appointed the following committee to attend the funeral of the late Senator BANKHEAD:

Mr. HEFLIN, Mr. DENT, Mr. BLACKMON, Mr. ALMON, Mr. OLIVER, Mr. BANKHEAD, Mr. HUDDLESTON, Mr. STEAGALL, Mr. McDUFFIE, Mr. RAINEY of Alabama, Mr. MANN of Illinois, Mr. TOWNER, Mr. STEENERSON, Mr. MOON, Mr. HUMPHREYS, Mr. McCLINTIC, Mr. CANDLER, and Mr. WINGO.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the Governor of the State of Oklahoma announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

THE LATE WILLIAM A. STONE, OF PENNSYLVANIA.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to proceed for two minutes, to announce the death of a former Member of this House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Speaker, in Pennsylvania yesterday there passed to the shadowy beyond a former Member of this House, who subsequently attained the governorship of the Keystone State and died as prothonotary of the supreme court of that Commonwealth. William A. Stone was a self-made man and a masterful man. His services in the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses are remembered by men who yet occupy seats in this House. His career embraced heroic services as a boy in the struggle to preserve the Union; as a returned soldier, he did chores and menial work to enable him to pursue the study of law; as United States district attorney for the Pittsburgh district, he acquitted himself with credit; and after serving eight years faithfully in this House he was elected governor of his native State by more than 100,000 majority at a time when bitter factionalism and partisanship ran riot.

Being a member of Gov. Stone's cabinet, I came to know him well. He elicited the high esteem and regard of his associates because of his engaging qualities of heart and mind; because of his loyalty to friends, to his party, his State, and Nation; and because of his detestation of the arts of deceit and of the demagogue. William A. Stone was a true man. Peace be his portion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3119. An act for the relief of Con Murphy.

The message also announced that the Senate had passed with amendments the bill (H. R. 12467) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1921, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. WADSWORTH, Mr. FRELINGHUYSEN, and Mr. MCKELLAR as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate resolution 316.

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

Resolved, That a committee of nine Senators be appointed by the President pro tempore of the Senate to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect the remains of the dead Senator be removed from Washington to Jasper, Ala., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And in compliance with the foregoing resolution the Vice President had appointed Mr. UNDERWOOD, Mr. NELSON, Mr. POMERENE, Mr. TOWNSEND, Mr. MCKELLAR, Mr. FERNALD, Mr. ASHURST, Mr. BALL, and Mr. HARRISON as the committee on the part of the Senate.

The message also announced that the Vice President had appointed Mr. FLETCHER as a manager on the part of the Senate at the conference on the bill (H. R. 3184) entitled "An act to create a Federal power commission and to define its powers and duties; to provide for the improvement of navigation; for the development of water power for the use of lands of the United States in relation thereto; to repeal section 18 of 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved August 8, 1917," and for other purposes, in place of Mr. BANKHEAD.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3119. An act for the relief of Con Murphy; to the Committee on Claims.

THE RECORD.

Mr. LITTLE. Mr. Speaker, I desire to submit an inquiry with reference to the correctness of the RECORD of yesterday. I notice that the gentleman from Missouri [Mr. DYER] is reported as voting "yea" for the Spanish War pension bill. I understood him to vote "present." Possibly he changed his vote later, but if not the RECORD does him an injustice, and I should like to know whether it was changed.

The SPEAKER. The gentleman from Missouri is present himself and can probably inform the gentleman.

Mr. DYER. Mr. Speaker, the gentleman from Kansas is desirous, probably, of getting up a controversy because of the fact that last evening when he asked for additional time to address the House I objected. That is the answer to his request.

Mr. LITTLE. But that does not answer the inquiry. I challenge the correctness of the RECORD, unless he changed his vote.

The SPEAKER. If the gentleman will state the facts——

Mr. LITTLE. The facts are that he voted "present" on the first roll call. I do not know whether he changed it afterwards or not.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. LITTLE. I guess that it has been answered.

DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, the House in its action on the conference report upon the bill H. R. 12046, the second deficiency bill, adopted the conference report and took action with regard to the three remaining items that were in disagreement. The first was the amendment of the Senate carrying $1,000,000 for the enforcement of the prohibition act. The next was the Senate amendment No. 22, relating to the Chicago hospital, and the third was the appropriation of $3,000,000 for the Navy Department. The House conferees have met with the conferees of the Senate, and we have come to a complete agreement, the Senate receding on its amendment No. 17 with regard to prohibition, also receding on its disagreement on amendment No. 22 with regard to the Chicago hospital, which amendment was changed in accordance with some minor suggestions by the Supervising

Architect so as to make clear the provision that the authority was given to enter into the contract, and also that there should be no profits paid out of it to the owner or the contractor, and the Senate also receded from the third matter in disagreement. We have come to a complete agreement, therefore, and the position of the House on all of these items has been agreed to by the conferees.

Mr. DUPRÉ. Was the third amendment the Lodge amendment?

Mr. GOOD. Yes.

Mr. DUPRÉ. And the Senate receded from that?

Mr. GOOD. Yes.

Mr. CLARK of Missouri. Is this the last of that Chicago hospital quarrel?

Mr. GOOD. I certainly hope so. We tried to make it sure that the matter was absolutely clear. I now present the conference report and ask unanimous consent for its present consideration.

Mr. KITCHIN. How much is now appropriated for the Speedway Hospital?

Mr. GOOD. Three million dollars, with an authorized limit of cost raised to $3,400,000.

The SPEAKER. Is there objection to the present consideration of the conference report?

Mr. GARD. Mr. Speaker, reserving the right to object, has this matter been taken up with the minority member of the Committee on Appropriations?

Mr. GOOD. Yes. Mr. BYRNES of South Carolina is sick in bed. I told him what my plan was, and he said that it met with his approval.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17 and 34.

Amendment numbered 22: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 22, with an amendment as follows: In lieu of the matter proposed insert the following:

"To enable the Secretary of the Treasury to carry out at once the provisions of paragraphs A and B of section 7 of the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines,' approved March 3, 1919, the limit of cost of the acquisition of the site and uncompleted building and the completion of the construction of hospital buildings in Cook County, Ill., authorized by said act, is hereby increased from $3,000,000 to $3,400,000, and the Secretary of the Treasury is hereby authorized to enter into contracts therefor within the total limit of cost hereby fixed: *Provided*, That no part of said sum so authorized shall be used to pay any profit to either the owners of the land and present uncompleted building, Edward Hines and the Shank Co., or to the contractor for the completion of the work."

And the House agree to the same.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
O. W. UNDERWOOD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate, Nos. 17, 22, and 34, to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On No. 17: Strikes out the appropriation of $1,000,000, inserted by the Senate, to enable the Customs Service to enforce the laws governing the importation and exportation of intoxicating liquors.

On No. 22, relating to the hospital in Cook County, Ill.: Inserts a substitute for the amendment of the House to the amendment of the Senate, which substitute modifies the amendment of the House to the amendment of the Senate as follows: Corrects verbal errors in quoting the title of the act of March 3, 1919; makes verbal corrections in the text of the amendment in referring to the present uncompleted building and the proposed buildings; inserts authority for the Secretary of the Treasury to enter into contracts for the uncompleted building and the proposed buildings within the extended limit of cost; modifies the limitation upon the payment of profits so that it shall extend to the entire sum authorized; and makes clear the owners of the land and present uncompleted building by inserting the names of Edward Hines and the Shank Co.

On No. 34: Strikes out the appropriation of $3,000,000, inserted by the Senate, for the Bureau of Construction and Repair of the Navy Department.

JAMES W. GOOD,
J. G. CANNON,
JAMES F. BYRNES,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

EXTENSION OF REMARKS.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short editorial from this morning's Washington Post on disabled soldiers.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing an editorial from this morning's Post on disabled soldiers. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

ANNIVERSARY OF THE DECLARATION OF THE INDEPENDENCE OF TEXAS.

Mr. LANHAM. Mr. Speaker, inasmuch as this is the anniversary of the declaration of independence of Texas, I ask unanimous consent to speak for 15 minutes on that subject.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for 15 minutes on the subject of the anniversary of the declaration of independence of Texas. Is there objection?

Mr. KNUTSON. Mr. Speaker, reserving the right to object, may I suggest to the gentleman to withhold his request for a moment while the gentleman from Washington [Mr. MILLER] disposes of a little matter which he has been trying to get before the House for two days?

The SPEAKER. The Chair will recognize the gentleman from Texas first. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. LANHAM. Mr. Speaker, I feel that this day should not pass without a word in appreciation of the heroic service it brings to mind.

Assembled in convention at Washington, on the Brazos, 84 years ago to-day a small band of patriots, descendants of Puritan and Cavalier alike and embodying the best virtues of their parent stocks, threw off the yoke of Mexico in a formal declaration of independence. [Applause.] They were summoned to this task of freemen by the worth of their character and the strength of their will. Such men, free in their hearts and consciences even in bondage, could not bow to autocracy.

A brief survey of the conditions in Texas will reflect the spirit of this convention. The Texans had endured under Mexican rule a series of oppressive wrongs which found its culmination in the deeds of the dictator Santa Anna, the self-styled "Napoleon of the West." Largely through his unbridled caprice civil liberty had given way to military despotism in the government of the Texans. They were ruled by laws in a foreign tongue, attached for political purposes against their will to Coahuila, surrounded and harassed by mercenary military forces quartered in their midst, and practically denied the right of trial by jury and a system of public education.

It was a little company that Santa Anna dealt with and sought in this manner to crush, but their principle, their purpose, their power, were beyond the selfish scope of his autocratic vision. Liberty is known by its fruits. Since the dawn of history

it has triumphed "not by might nor by power" but by devotion without stint of life and fortune to its vicarious service. These Texans loved their country with their blood.

From the time of the early attempts at colonization by La Salle and his followers Texas had been traded about as a territorial slave from one master nation to another. Spain and France had vied with each other for its broad domain. But now its chief asset was a league of men and not of land, men who had built their cabin homes from the sturdy timbers of the forest and who stood with hearts of oak ready to defend them. Their story is a glorious record of the accomplishments of pioneers and patriots.

In the brief time allotted me I shall not endeavor to epitomize a history so entrancing. I shall seek merely to suggest the spirit which makes its study so inviting.

The pioneers who met in that convention of March 1, 1836, were schooled in the tenets of American freedom. The delegates represented settlers who had come from every part of the New World. The signers hailed from Alabama, the Territory of Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North and South Carolina, New York, Pennsylvania, Tennessee, and Virginia. They knew almost as an experience how the Continental Congress had grown tired of inequality and injustice and had determined to assert the rights of a free people. They remembered the circumstances under which Thomas Jefferson, a young man of 33 years, gave evidence of his budding genius by drafting the Declaration of Independence of the United States from the fullness of his own mind. There was similar oppression to inspire them to a similar resolution. Accordingly, on the following day, March 2, 1836, they severed forever with their memorable document the arbitrary tie which linked their political fortunes with Mexico.

This convention was held in an unfinished building. There were rude openings for doors and windows, covered with cotton cloth which did not wholly exclude the cold air of the inclement day. There, under circumstances so humble and conditions so severe, was the Texan declaration of independence unanimously adopted, and there, poor in purse but rich in spirit, was born a new republic of the West.

The convention adopted a constitution and, driven by the stern necessities of war, assumed the prerogative of selecting temporary officers. They were: President, David G. Burnet; vice president, Lorenzo de Zavalla; a cabinet of five members; and a commander in chief of the army, Gen. Sam Houston.

Indissolubly connected with the history of this convention is the matchless story of the Alamo. Before its adjournment the Alamo had fallen. Including the sick and wounded, the fortress had been held by 182 men. Typical of the spirit which inspired them was the letter written by their commander, Col. William Barret Travis, and sent from the Alamo on the 24th day of February, 1836. This stirring appeal and the subsequent bravery which attested its sincerity are enough to make the blood of the patriotic American tingle with pride as it courses through his veins. Listen!

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continued bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion; otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot—

[Applause]—

and our flag still waves proudly from the walls. I shall never surrender or retreat. Then I call on you, in the name of liberty, of patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!

[Applause.]

In the spirit of that message Travis and Crockett, Bonham and Bowie, and the band of heroic martyrs who battled and bled with them, gave their lives gloriously for their country at this shrine of liberty. A thousand of the foe had fallen at their right hand and a thousand more were yet to perish through the forceful and inspiring power of their example.

In that same fateful March occurred the massacre at Goliad. There Mexican perfidy followed Mexican promises. The same brutal, cold-blooded Santa Anna was the author of each. The gallant Texans, under Col. Fannin, were lured and trapped to their death, and on Palm Sunday morning they poured forth their blood in sacrificial service that it might cry out from the ground for vengeance and call the sons of men to the cause of freedom. [Applause.]

The despot now felt that his career of tyranny was assured, but he was untutored in the laws of liberty. The sacrifices of the Alamo and Goliad served as stepping stones to the glorious victory of the Texans at San Jacinto. By that triumph, on April 21, 1836, Mexican might surrendered to Texan right. The battle field was the territory between Buffalo Bayou and the San Jacinto River. The Texans were led by Gen. Sam Houston, a victor in campaigns civil and martial. It is worthy of note that his career included service in each house of the National Congress, the governorship of two States, and the presidency of a Republic. The fighting remnant of his little army was eager for the unequal contest.

"The twin sisters," two small cannon which had been given to the Texans by sympathetic citizens of Cincinnati, were lodged at crucial places. Deaf Smith was detailed to cut down Vince's bridge across the bayou, and thus preclude the possibility of retreat. A new government of free people was to rise or fall with that engagement.

Rending the air with their cries of "Remember the Alamo! Remember Goliad!" the followers of Houston fell with righteous fury on the forces of Santa Anna. The Mexican hordes found little comfort in their greater numerical strength. The spirits of Travis and Crockett and Fannin and Bowie were pointing the way to Houston and his men. When they had fired their rifles they used them as clubs, and in the hand-to-hand struggle which ensued resorted to their bowie knives. The vaunted Mexican supremacy of the dictator sought vainly to take refuge in flight. The Texans pursued, killing and capturing the panic-stricken soldiers, many of whom cravenly fell on their knees shouting, "Me no Alamo! Me no Goliad!"

The results of the battle proclaim the signal victory. The casualties of the Texans were 8 dead and 27 wounded. A wound sustained by Gen. Houston caused him to limp during the remainder of his life. The Mexicans lost 630 killed and 730 prisoners, of whom 208 were wounded. Santa Anna was among the captured.

It may be interesting, though doubtless a work of supererogation and somewhat aside from the purpose of these remarks, to trace briefly in a parallel way the history of the United States and Texas during this interesting era. We have seen that each declared its independence and adopted a constitution. Each sought also to remove inequality and administer justice as a republic. On March 1, 1837, the United States recognized Texas as a free and independent country. There was an unsuccessful attempt at reconsideration next day, which makes March 2 doubly a memorable date in our history. France, Holland, Belgium, and England subsequently took similar action, and France sent a minister to the new government.

The Federal Government had its Presidents. So did Texas. It had its Congress. So did Texas. It had its flag, as Gov. Winthrop once said, "A star for every State and a State for every star." Texas had its flag. Other States had their emblems and banners, it is true, but Texas had its flag, bathed in and bought by the blood of its martyred heroes. [Applause.] In this respect, also, it is a Lone Star State.

May I not say, therefore, inasmuch as the early history of Texas is the history of the brave settlers who came there from the various States which you gentlemen represent, that, paradoxical as it may seem, the Texan, with a sincere and undivided allegiance, has a double heritage? Two countries are his; two flags are his; two glorious histories are his. He may add to the glamor of Lexington and Concord the glory of the Alamo and San Jacinto. He realizes with pride that the fires of patriotism burned in Washington, in Patrick Henry, in Israel Putnam, in Anthony Wayne, and many others who labored with them, but he knows that the cause of freedom had worthy advocates also in Austin, in Bowie, in Travis, in Lamar, in Crockett, in Houston, and the scores of others who have made glorious the pages of Texas history. In this spirit we may all be Texans on this anniversary, and in our high regard for and devotion to the cause and principles of freedom I feel sure that, in the language of the slogan of the Texans in their struggle for independence, we are all "one and indivisible." [Applause.]

RAMON RICARDO ARIAS.

Mr. MILLER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. J. Res. 292) providing for the admission of a young man from the Republic of Panama to the United States Military Academy at West Point.

The SPEAKER. The gentleman from Washington asks unanimous consent for the consideration of the joint resolution, which the Clerk will report by title.

The Clerk read as follows:

Joint resolution (H. J. Res. 292) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Ramon Ricardo Arias, a citizen of Panama.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WALSH. Mr. Speaker, reserving the right to object, is not this provided for in an amendment put on the Military Academy appropriation bill by the Senate?

Mr. MILLER. Not as it passed the House. I do not know what amendment was put on in the Senate.

Mr. WALSH. I think there was an amendment put on the Military Academy bill for the next fiscal year, and I was wondering if there was any reason for expedition with reference to this matter?

Mr. MILLER. In answer to the gentleman from Massachusetts, I will say I am informed that the last examination by which this young man can enter the academy will be held on the 16th of this month, and that is the reason for my asking unanimous consent.

Mr. KITCHIN. Reserving the right to object, I would like to ask the gentleman if this is a unanimous report of the Committee on Military Affairs?

Mr. MILLER. It is.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, in his discretion, authorized to permit one Panaman student, without expense to the United States, to receive instruction at the United States Military Academy at West Point; and such student, while undergoing instruction as herein authorized, shall be accorded the same privileges as are authorized by law for cadets at the Military Academy appointed from the United States.

The committee amendment was read as follows:

Line 4, page 1, strike out the words "Panaman student" and insert the words "Ramon Ricardo Arias, a citizen of Panama."

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MILLER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PRICES OF COMBED COTTON YARNS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of H. Res. 451 and for the immediate consideration of the same.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of H. Res. 451, and for the immediate consideration of the same. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 451.

Whereas the prices of combed cotton yarns have increased several hundred per cent during the years 1914 to 1919, inclusive, more than 100 per cent of which was during the last six months of the year 1919; and

Whereas this increase has been greatly in excess of the increase of the cost of the raw cotton and the labor entering into the manufacture of such yarns and can not therefore be attributed to such increases: Therefore be it

Resolved, That the Federal Trade Commission is hereby requested to inquire into the increase in the price of combed cotton yarns during the years 1914 to 1919, inclusive, and especially during the last six months of the year 1919; to ascertain the cause or necessity for and the reasonableness of such increase; to ascertain the difference between the increase in the price of the yarn on the one hand and the increase in the cost of raw cotton and the labor entering into the cost of the manufacture of such yarn; and to report to the House at the earliest practicable date the result of the investigation, together with such recommendations as the commission may deem advisable and proper.

The committee amendment was read, as follows:

Page 2, lines 5 and 6, after the word "investigation," strike out the words "together with such recommendations as the commission may deem advisable and proper."

The SPEAKER. The question is on the committee amendment.

Mr. WALSH. Consent has not been given.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, is this the same matter the gentleman brought up the other day?

Mr. TILSON. It is. It was objected to at that time because it had not gone to a committee. Since that time it has gone to the Committee on Interstate and Foreign Commerce, a hearing has been held, and a unanimous report made by that committee recommending that the resolution be agreed to.

Mr. GARD. I note that the committee added an amendment.

Mr. TILSON. The original resolution asks for a recommendation by the Federal Trade Commission, and the committee struck out that part of it.

Mr. GARD. This limits it to the findings.

Mr. TILSON. Simply to the facts.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, what is sought to be accomplished by this resolution?

Mr. TILSON. Well, it will at any rate lay bare the facts in a case where it is believed there has been exorbitant prices.

Mr. BEE. Will the gentleman yield?

Mr. TILSON. I will.

Mr. BEE. Can not the Federal Trade Board or one of these commissions furnish the gentleman with the information instead of having to have a resolution of Congress to secure it?

Mr. TILSON. No; it seems not. It has been the practice and it is said to be so provided in the law creating the commission that these investigations are made only by direction of one of the Houses of Congress or of a department of the Government.

Mr. BEE. I shall not object, but it seems to me that we are going far afield in investigations in this House.

Mr. TILSON. Well, that is really the purpose for which this commission was established—to make investigations—and I think this is a very proper one for the commission to make.

Mr. GARRETT. If the gentleman will yield, first I want to ask the gentleman this: As I understand, this deals with the manufacturing end of it?

Mr. TILSON. Of cotton yarns only.

Mr. GARRETT. Now, my recollection is that the act of Congress creating our Trade Commission inhibits making public cost prices, manufacturing costs, and so on, that they may find. I may be in error about that, but I think I am correct about it. I want to ask the gentleman whether it was considered by the committee that a request from Congress to them to find these facts would justify their making it public under the law?

Mr. TILSON. The question was not raised at the hearing, and I do not know whether the committee itself considered the question in executive session.

Mr. GARRETT. I am inclined to think, I will say to the gentleman, that the resolution of the gentleman has some merit in it, but I am asking this question now as to whether or not we are going to be confronted with any legal trouble. This is a simple House resolution. Now, whether by the passage of a simple House resolution you can get the information——

Mr. TILSON. I do not believe that we can change the law.

Mr. MANN of Illinois. I understood the gentleman to say, in answer to the inquiry of the gentleman from Texas [Mr. BEE], the commission could not make this investigation unless permitted to do so by one of the Houses of Congress. Of course, under the law the commission can make the investigation if it chooses, and the only difference between making it on its own motion and making it under a resolution of one of the Houses of Congress is that the resolution gives them a standing before the Committee on Appropriations to get an appropriation which their own initiative would not give them.

Mr. TILSON. I understand that the commission raised this very question as to whether it had the authority to make this investigation without direction by the House.

Mr. MANN of Illinois. They have made repeated investigations on their own initiative.

Mr. PAIGE. Will the gentleman from Connecticut yield?

Mr. TILSON. I will.

Mr. PAIGE. What is the object of the resolution? What do you understand is to be accomplished by it?

Mr. TILSON. To show up what is believed to be one of the very worst cases of profiteering that has been known in the industries of the country.

Mr. PAIGE. Why do you not include the woolen manufacturers?

Mr. TILSON. If it were to cover too wide a territory it would require so much time that perhaps by the time it was accomplished the usefulness of it would be passed.

Mr. PAIGE. Do you not know that there has been much more increase in woolens than in cotton?

Mr. MILLER. Why do you not include boots and shoes?

Mr. TILSON. That would entirely destroy the usefulness of this particular investigation by spreading it too much.

Mr. WALSH. Mr. Speaker, reserving the right to object, by whom has this profiteering been indulged in, the manufacturers of cotton yarn or the manufacturers of its fabrics?

Mr. TILSON. The manufacturers of cotton yarn, in particular.

Mr. WALSH. They have been profiteering in the manufacture of cotton yarn?

Mr. TILSON. It is a well-founded belief on the part of a great many that there has been such. If there has been, we should find it out by this investigation.

Mr. DYER. How long does the gentleman think it will take to make this investigation?

Mr. TILSON. I hope but a very short while. The quicker the better.

Mr. DYER. The gentleman knows that other resolutions have been passed here asking the Federal Trade Commission to make investigation of similar articles, boots and shoes, and other things, and that no reports have come, and it has been quite a long while since the resolutions were passed. Would it accomplish anything unless it does come promptly?

Mr. TILSON. Its usefulness will be diminished if it does not come promptly.

Mr. DYER. In what length of time?

Mr. TILSON. I should not like to commit myself to any specified time.

Mr. DYER. Six months?

Mr. TILSON. It should come in much less time than that.

Mr. WALSH. Mr. Speaker, I do not think we ought to take up a matter of this sort on just a mere general statement from the gentleman from Connecticut [Mr. TILSON]. It ought to come up in the regular way. We ought to have an opportunity to discuss the matter and get some information. None of us have had an opportunity, and I doubt if any of us have examined the hearings held on this resolution. I am going to object for the present.

Mr. TILSON. I ask unanimous consent to extend my remarks on this resolution, Mr. Speaker, and also embrace a part of the statement I filed with the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, the resolution to the consideration of which the gentleman from Massachusetts [Mr. WALSH] has just objected relates to an instance of price raising so unusual and unjustifiable as to come readily within the meaning of the word "profiteering" in an industry which causes it to operate with considerable hardship upon a very large number of people.

Profiteering may be defined as the ignoble, but human, art of taking while the taking is good. Economically speaking, it is the relentless operation of the law of supply and demand when it has been disturbed in its normal course. That it has been generally practiced for the last two years—and never more than at this very hour—no one can truthfully deny. It is not confined to any country, business, trade, or profession. Everybody is doing it. Price fixing has not prevented it, and in the end only intensifies it. Instance the case of sugar. There has been an undersupply of sugar and the demand has justified economically very high prices. To the direct consumer prices were for a time restricted by governmental action, with the result that sugar was not obtainable by the direct consumer except upon conditions almost intolerable as measured in terms of inconvenience and annoyance. The supply simply went elsewhere. Since the Government has legalized profiteering in sugar to the full extent that the traffic will bear there is no further talk of a shortage and no further trouble or annoyance in procuring sugar if one has the price.

The same story, with appropriate variations, will describe many other articles of constant use entering into the economic life of the people. Some are very much more burdensome to the consuming public than sugar by reason of having to pass through a number of successive stages, and, like a rolling snowball, increasing in size with every turn.

A single instance, somewhat amplified, will serve as an illustration of what is taking place on every hand and in almost every line of business.

A few weeks ago I became convinced, upon information believed by me to be entirely reliable, that among many sinners guilty of making hay while the sun shines, the cotton-spinning industry is now probably near the head of the class and that the prices of combed yarns are the most exorbitant in that industry. I introduced a resolution requesting the Federal Trade Commission to make an investigation of the combed-yarn industry, but unanimous consent for the consideration of the resolution was refused in the House and it was sent to the Committee on Interstate and Foreign Commerce. This committee unanimously reported the resolution favorably. In support of my resolution I collected some facts concerning high prices and profiteering which I believe will prove interesting. They are also startling when it is considered what the necessary effect of these prices is upon the price of cotton fabrics, and the further fact that this is fairly typical of what is going on in many fields of production essential to the comfort and well-being of the people.

Let me submit a table from the Textile World Journal, showing the range of prices of three sizes of combed yarns, taken semiannually, from June, 1914, to December, 1919. The three sizes are No. 40, 2 ply; No. 60, 2 ply; and No. 80, 2 ply.

Price range of combed yarns, 1914–1919.

	1914 June to December.	1915 June to December.	1916 June to December.	1917 June to December.	1918 June to December.	1919 June to December.
2-40s	$0.43–$0.38	$0.40–$0.50	$0.58–$0.85	$0.85–$0.90	$1.00–$0.95	$1.20–$2.50
2-60s	.55– .50	.52– .65	.75– 1.05	1.10– 1.15	1.25– 1.20	1.55– 3.50
2-80s	.75– .70	.72– .85	1.00– 1.25	1.40– 1.45	1.55– 1.50	2.00– 4.75

It will be observed that the increase in price of these yarns from June, 1914, to June, 1919, is somewhat gradual, but that from June, 1919, to December, 1919, there is in every case a violent jump of more than 100 per cent in the short space of six months. In the same six months raw cotton advanced only about 15 per cent and wages, the other principal item in the cost of production, not more than 15 per cent.

A hosiery manufacturer showed a few days ago a bill for No. 70, 1-ply, combed yarns, at $4 per pound. The profiteering in cotton yarns is not confined to any section of the country. It is being practiced by all textile mills and fostered by the American Spinning Association. A president of a bank made this statement the other day: "A client of our bank, owner of a spinning mill, showed me a statement for the month of January, 1920, that he made $55,000 that month on a capitalization of $200,000." The same banker reported a statement by a manufacturer made a week or so ago to the effect that a cotton mill that does not make back its investment in six months is poorly managed. He also said that prices of raw cotton are not a factor or even a consideration, because the margin of profit is so great. It is not denied that the spinners profiteered and made big money during the war, but these profits within the last six months are simply enormous.

Just one more example is given for the purpose of showing that the end is not yet.

The Old Dominion Trust Co., of Richmond, Va., sent out a circular a few days ago offering a new issue of 7½ per cent cumulative sinking-fund preferred stock in a certain North Carolina cotton mill having nearly 50,000 spindles. It is stated in the circular that for the preceding four years the average net earnings of the mill had been more than $250,000 per annum, this being two and one-half times the dividend requirements. The most interesting part of the circular is the following statement:

> Net earnings for the year 1920, based on the present cost of cotton and manufacturing, are conservatively estimated to be over $1,000,000 per annum, or over eight times the dividend requirements.
>
> Had the company had the benefit of the new capital now going into the treasury ($1,500,000) the earnings would have averaged $375,000 for the past four years, or three times the dividend requirements.

I quote from a newspaper article published in the center of a cotton-mill district to show the effect of the present reigning prices upon the values of cotton-mill stocks:

COTTON-MILL OWNERS BECOME MILLIONAIRES—STORIES OF HEAVY SALES AND FABULOUS DIVIDENDS BY TEXTILE PLANTS.

> Stories of fabulous prices being paid for cotton-mill stocks, of the consequent quick enrichment of the former holders, and of superdividends to shareholders in other plants have been sifting through the heavy screen of secrecy which is thrown around financial fortunes of industry and commerce. If these stories are true even in part, many men in the * * * district have jumped into the $100,000 class recently, and some have gone to the $1,000,000 mark.
>
> Throughout the period of the war, especially up to the last year, there was little exchange of cotton-mill stocks. Dividends hit below zero early in the struggle, struck normal after the first year or 18 months, went to attractive figures the third year. The fourth year men began to get rich.
>
> But it remained for the year following the war to witness the most spectacular high prices of cotton-mill stocks.

As I have said, the exorbitant prices complained of are not confined to any one section of the country. It is probably about a fifty-fifty proposition between the mills of New England and those of the South. It is possible that the mills of New England have been a little more quiet about it.

I submit here an article from the well-known and reliable Manufacturers' Record, which gives not only the cotton-mill situation in the South but also considerable light on the general situation. The article referred to in this article, written by Mr. Wade H. Harris, while too long for insertion here, is well worth reading:

THE PROSPERITY OF SOUTHERN COTTON MILLS ALMOST MATCHES THE AMAZING PROSPERITY OF ENGLISH MILLS, AND STOCK VALUES ARE ADJUSTING THEMSELVES TO THE WORLD'S ECONOMIC CONDITION.

> A safe estimate, it is believed by conservative authorities, of the increase in the value of southern cotton-mill stocks within the last 12 months is that on the average they have at least doubled in market value, thus doubling the entire investment in southern mills. In many cases mill stocks have trebled in value, and during the last three years some have done even better. But taking all mill stocks, the estimates

of well-informed men is that, measuring the value of these properties by the market value of stocks, the entire industry has more than doubled in 12 months. This is based in part on the splendid earnings that have been made. But another feature of great importance is the fact that the demand for textile machinery so far exceeds the producing capacity of machinery plants that many new mills which have been projected for construction as promptly as material and equipment can be had have been unable to secure promised deliveries of machinery until 1923.

A dispatch to the Manufacturers' Record from Mr. Wade H. Harris, editor of the Charlotte Observer, whose special article in this issue on cotton-mill development is of world-wide interest, in referring to the great increase in the value of cotton-mill stocks, says: "It must be borne in mind that new mills projected have placed contracts for machinery as a general thing for delivery in 1923."

This inability of textile-machinery people to make prompt deliveries within 12 months even is a fulfillment of statements made at the World's Cotton Conference in New Orleans, when it was shown that if the world should build the mills that are needed to take care of the world's increasing cotton trade all the textile-making plants of the world would have to be crowded to their utmost capacity for the next 12 or 15 years. It is largely because present mills and the projectors of new mills are unable to make an increase in the number of spindles and looms within the next year or two that there has been given an added value to existing cotton mills.

The tremendous increase in mill stocks shown in the article by Mr. Harris is therefore due, in part, to abounding prosperity of the past few years, to the outlook for continued activity, and to the inability to increase mill capacity to any large extent inside of two or three years and likewise to the fact that mill-stock values are, in part, adjusting themselves to the cutting in two of the value of the dollar. All of these factors have contributed toward an inevitable increase in mill stocks.

The cotton-mill industry in this country and abroad is the only one, we believe, in which stock values have thus adjusted themselves to the new conditions of world-wide inflation. This inflation has been so great that the value of the dollar has been cut in half, and even to a greater extent, and there is therefore a full economic justification for an increase in profits which would meet new conditions.

The man whose income might have been, say, $10,000, from a former 6 per cent investment in a cotton mill or other property is very seriously handicapped now if his income has not increased to some extent in proportion to the doubling in the cost of living. Earnings on all the invested capital of the country, whether in farms, in mills, in furnaces, in mercantile business, are justified from every economic standpoint on a basis of at least double the amount earned in former years, for otherwise the farmer, the merchant, the manufacturer, or the investor in any of these properties would have nothing to offset the vast increase in the cost of living.

Not all industries are able to do this. The greatest investment in the country, that of about $20,000,000,000 in railroads, has been almost cut in half by the decline in railroad securities, whereas based on economic conditions and the cost of replacing the railroads, their values should have doubled. Holders of railroad securities, like the man or woman dependent on a small fixed income from investments, or the teacher or the preacher whose salaries have not been advanced, are the greatest sufferers in the country. The adjustment of their income to their pressing needs is one of the problems of the hour.

The story about the cotton-mill development of the South and the rush of New England money into the purchase of southern mill securities, published in this issue, shows some of the marvelous prosperity which exists in the cotton-mill industry and which is spreading to all lines of activity throughout the South.

I have asked for an investigation by the Federal Trade Commission because I believe that such an investigation, quickly made, covering thoroughly all the salient facts directly relating to the inordinately high prices of cotton yarns and made public at the earliest possible moment will have a salutary effect. It will, at least, help to fix public attention upon a condition that is well-nigh intolerable and one that will inevitably and for a long time increase the prices of many necessary and useful articles made from cotton yarns. These goods are already much too high in price, but of necessity must go much higher if the present prices of cotton yarns continue to prevail.

Profiteering is not an accident, neither is it simply a malevolent manifestation of sordid human nature. It can not be said to be the cause of the abnormally high cost of living, though the cause of the one furnishes opportunity for the other.

The basic cause of the high cost of living as of profiteering is that production failed for several reasons to keep pace with consumption during the war period, while at the same time great monetary inflation took place by reason of the enormous expenditures incident to the war. The former greatly contracted the supply of necessary commodities, while the latter inordinately increased the demand. The inevitable consequence is just what we see going on all around us. No law or regulation can fully control it. No governmental action can entirely prevent it. Flagrant instances of profiteering may be dealt with and the guilty parties punished, but no appreciable effect upon the cost of living can be produced by such means.

The only real remedy is to remove the cause. This can be done only by increasing the supply or by lessening the demand, or by both, which, reduced to the lowest terms, means produce more and spend less. If this principle were adopted at once and followed out individually, industrially, and in the carrying on of the Government itself, we should soon be on the high road toward a gradual recovery from the awful financial and economic debauch through which we have been passing. Meanwhile, every act or omission that restricts or curtails production and every unnecessary expenditure made, whether governmental or otherwise, will help to still further increase the cost of living and give additional opportunity for profiteering.

FEDERAL FARM LOAN ACT—CONFERENCE REPORT.

Mr. PLATT. Mr. Speaker, I call up the conference report on the bill H. R. 9065.

The SPEAKER. The gentleman from New York calls up the conference report on the bill H. R. 9065, which the Clerk will report by title.

The Clerk read as follows:

An act (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. MORGAN. Mr. Speaker, reserving the right to object, I have not had time to read the report, and I would like to ask the chairman of the committee whether there is anything in the report which amends the Federal farm loan act so as to authorize the levying of an assessment upon the Federal land banks and joint-stock land banks to pay the expenses of the Federal Farm Loan Board?

Mr. PLATT. I will say to my friend from Oklahoma that there is nothing of that kind in this bill. It is simply administrative. It takes some of the red tape out.

Mr. MORGAN. I do not object.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, and 8, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office"; and also by adding after "registrars," in the sixth line of said paragraph, the words "deputy registrars"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office"; also on page 1, line 13 of the engrossed bill, strike out the period and insert a comma; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

SEC. 3. That the first paragraph of section 10 be amended to read as follows:

"That whenever an application for a mortgage loan is made through a national farm loan association the loan committee provided for in section 7 of this act shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant and the sufficiency of the security offered and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval thereof.

"The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal."

SEC. 4. That the third paragraph of section 11 be amended to read as follows:

"Third. To fix, under rules and regulations of the Farm Loan Board, reasonable charges to applicants for loans and to borrowers, in order to meet the necessary expenses of the association, and to acquire and dispose of such property, real and personal, as may be necessary or convenient for the transaction of its business."

Also, on page 4, line 20 of the engrossed bill, strike out "4" and insert "5."

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "and inserting in lieu thereof the numeral $40"; also, on page 7, line 3 of the engrossed bill, strike out "5" and insert "6"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "$40"; also, on page 7, line 19 of the engrossed bill, strike out "6" and insert "7"; and amend the title so as to read "An act to amend certain sections of the Federal farm-loan act, approved July 17, 1916"; and the Senate agree to the same.

GEO. P. MCLEAN,
A. J. GRONNA,
ROBT. L. OWEN,
Managers on the part of the Senate.

EDMUND PLATT,
JOE H. EAGLE,
LOUIS T. MCFADDEN,
Managers on the part of the House.

STATEMENT.

This bill, which passed the House of Representatives on September 10, 1919, and passed the Senate with amendments on January 28, 1920, has reference to administrative features of the Federal farm-loan act, and its chief purpose is to avoid delays in making loans.

The Senate's amendments Nos. 1, 2, and 3 relate to the appointment of deputy registrars in the Federal land bank districts. The bill as passed in the House provided that the registrars might name their own deputies, with the approval of the Farm Loan Board. The Senate's amendment provided for appointment by the Farm Loan Board after the disability of the registrar became known. The amendment agreed to simply authorizes the appointment of deputy registrars in each district at any time by the Farm Loan Board.

Amendment No. 4 struck out of the House bill the section which based membership in farm-loan associations on the approval of the application for a loan and inserted in lieu thereof a new section providing that the funds from which the reasonable expenses of secretary-treasurers, loan committees, and agents of the associations shall be paid may "be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers." To this the House conferees agreed, as these charges are and have been the ordinary means of raising the necessary fund for expenses in the associations, though without explicit authority. There is, in fact, no other way to raise the necessary funds in the associations unless the members are willing to assess themselves.

In amendment No. 5 the Senate had stricken out all of section 3 of the House bill, a section that provided that the loan committees of the farm-loan associations need not visit the lands of an applicant for a loan personally but might cause an investigation to be made "as to the character and solvency of the applicant for a loan and the sufficiency of the security offered." The managers on the part of the House felt that it was vital to have this section restored in some form, as the difficulty of getting the association loan committees to act has been a most prolific cause of delay. The section was restored with an amendment providing that all three members of a loan committee must concur in reports on loans and must approve the reports in writing.

In lieu of section 3 of the House bill the Senate had inserted a new section amending the third paragraph of section 11 of the farm-loan act, giving the farm-loan associations the authority, under rules and regulations of the Farm Loan Board, to fix reasonable charges to applicants for loans in order to meet necessary expenses. This has reference to the same matter as amendment No. 4, and the House agreed.

Amendments 6, 7, and 8 have reference to the purposes of loans made "to liquidate indebtedness of the owner of the land mortgaged," and here the Senate struck out restrictions placed in the original bill by the House. As the Farm Loan Board desired the restrictions removed and as a considerable body of opinion in the House seemed to favor their removal, the House conferees agreed.

Amendments 9 and 10 are unimportant. The House bill had stricken out the smaller bonds ($25 and $50) and the Senate inserted a $40 bond in place of them, to which the House managers agreed.

EDMUND PLATT,
L. T. MCFADDEN,
JOE H. EAGLE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. PLATT. Mr. Speaker, I do not want to take up much time with this bill. It has been thoroughly explained to the House.

Mr. WINGO. In view of the remarkable answer to the interrogatory of the gentleman from Oklahoma [Mr. MORGAN] a moment ago, I would like to ask the gentleman something.

Mr. PLATT. I would be glad to answer any question that my colleague may ask.

Mr. WINGO. Here is a new matter that you put into the law. It was not in the House bill when it passed the House. I read from page 4 of the bill, Senate amendment, as follows:

SEC. 2. That the fifth paragraph of section 7 be amended by adding after the word "association," in the fourth line thereof, the words "such funds, under rules and regulations of the Farm Loan Board to be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers," so that said paragraph as amended will read:

"The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations and the salary of the secretary-treasurer shall be paid from the general funds of the association, such funds, under rules and regulations of the Farm Loan Board, to be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of 6 per cent per annum from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct said repayment.

Now, that is new matter injected into the law, and matter that was not in the bill when it was considered by the House.

Mr. PLATT. Only a part of it; about four lines of it.

Mr. WINGO. Well, the proposition of levying an assessment on the borrowers is new matter.

Mr. PLATT. Yes; but the levying of an assessment on the members is in the law now.

Mr. WINGO. I know; but you can not by law assess as much as 1 per cent on the local expenses to pay the expenses of the secretary-treasurer. That is the effect of it, and that was not in the House bill when we passed it.

Mr. PLATT. No.

Mr. WINGO. And the House Committee on Banking and Currency have not approved of it.

Mr. PLATT. The conferees have approved of it.

Mr. WINGO. The House committee has not approved it.

Mr. PLATT. I know. It was not before the committee. The Federal Farm Loan Board is very anxious to have this in, and without it new farm-loan associations are practically unworkable. They have no funds, and they can not or generally will not assess themselves, and consequently there is a tendency to make no new loans, and to make it a close corporation and shut out other people. This is a small assessment of 1 per cent. It is being done now. That is the point.

Mr. WINGO. Then it is done without any authority of law.

Mr. PLATT. Without any authority of law it is being done.

Mr. WINGO. It is probably in some isolated cases where the secretary-treasurer is putting something over on the farmer. It is not authorized by law.

Now, on page 8 of the bill we undertake in the House bill to amend the provision which covered the purposes for which loans might be made. I notice in line 22 you have agreed to the Senate amendment which strikes out the words "contracted for any of the purposes enumerated in one of the subdivisions (a), (b), and (c) above. (e) To liquidate mortgage indebtedness existing at the time of the organization of the first farm-loan association established in and for the county in which the land is situated."

I am calling attention to this so that the Members of the House may understand it and gentlemen may know what I am driving at. At the bottom of page 8, in amendments 7 and 8, which the House conferees agreed to, the Senate struck this language out—"(a), (b), and (c), above."

Now, (a) is to provide for the purchase of land for agricultural purposes; (b) is to provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm, the term "equipment" to be defined by the Federal Farm Loan Board; (c) is

to provide buildings and for the improvement of farm land, the term "improvement" to be defined by the Federal Farm Loan Board.

Now, in amendment No. 8, which the conferees on the part of the House have agreed to, is this language, which the Senate struck out: "To liquidate mortgage indebtedness existing at the time of the organization of the first farm-loan association established in and for the county in which the land is situated."

That leaves the law, if this House adopts this conference report—does it not leave the law in this way: That a man can get a loan for the purpose of liquidating any indebtedness of the owner of the land mortgaged?

Mr. PLATT. That is true if the man is in debt.

Mr. WINGO. If he wants to buy an automobile——

Mr. PLATT. Oh, if you are going to go into the reasons why he got into debt years ago, you will throw all sorts of monkey wrenches into the operation of the machinery. It is difficult to get a man to say what he got into debt for 5 or 10 years ago. The fact is, he is in debt. Why should we ask him whether he had bought an automobile or not? A farmer has the right to buy an automobile. I do not own any myself, but I concede that the farmer may have good use for one.

Mr. WINGO. Will you yield me 10 minutes?

Mr. PLATT. Yes; I yield the gentleman 10 minutes.

The SPEAKER. The gentleman from Arkansas is recognized for 10 minutes.

Mr. WINGO. Mr. Speaker, the bill as it was originally passed by the House contains several minor amendments to the farm loan act that were threshed out by the Committee on Banking and Currency, and the House approved them when they were explained to the House. When it went to the Senate, the Senate put in some new matters that the House Committee on Banking and Currency have never considered and which this House has never considered. Now, I want the Members of the House to vote with their eyes open, so that they will understand what they are doing. If you want to approve what the Senate inserted and what the House conferees have agreed to, all right; but I want you to know what it is.

The first proposition I call your attention to is that under the Senate amendment, to which the House conferees have yielded, assessments may be required by farm loan boards upon the farm loan borrowers as well as applicants of not to exceed 1 per cent, to pay the salary of their local secretary treasurer and other officers and agents of the local association. This is in addition to examination expense fee required on each application to cover expense of making loan. Now, if the gentleman will turn to page 4 of the bill he will see that not only is that permitted but the local borrowers do not control that themselves, as provided by existing law. If you want to give to the local association authority to meet an expense, it is a local corporation, and the stockholders of the local associatin are authorized to levy an assessment upon themselves without rules or regulations, without any reference to what the farm loan bank might require or what the Farm Loan Board might require; that is already the law. This is a proposal to compel them to do what is now within their own control by the board here making regulations that will make an arbitrary charge compulsory. One of the objects of the farm loan act was to relieve the farmers of this country of certain burdens, one of which was paying a local loan agent that had money for insurance, and loan companies, a commission of 1 per cent. Do gentlemen doubt if you adopt this report that the Farm Loan Board by regulation will not make this additional 1 per cent charge?

The only justification the gentleman from New York [Mr. PLATT] offers is that they are doing it now and that the Farm Loan Board want it. What reasons have they given? You have heard the gentleman from New York admit that they have never come before the Committee on Banking and Currency and given a reason. I would like those gentlemen to come before our committee and show why they want to fasten on this system one of the evils to eradicate which the system was created, one of the evils farm borrowers in this country were suffering from. What moral effect is it going to have? It is going to encourage the local agent of the loan company to go around among the farmers, saying, "You had better keep out of this farm-loan enterprise. They can tie you up and make an assessment on you at any time during the 36 years that you have a loan. They can make an assessment of 1 per cent if they want to. You had better keep out of it."

The present law provides that the directors of the local association may levy an assessment on members in proportion to amount of stock held by each, in order to raise funds to cover expenses of local associations or pay such expenses with the dividends due local association by the land bank. The Senate amendment goes further and provides that in addition to this assessment the salaries of the officers and agents shall—not may—be paid from funds raised by a charge of not exceeding 1 per cent, made not by the borrowers by their voluntary act, but by the rules of the board here at Washington. The gentleman from New York is in error when he says the charge will be made on new applicants alone, as the amendment says "applicants for loans and borrowers."

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. WINGO. I gladly yield.

Mr. MOORE of Virginia. Is not this the ultimate fact, that to adopt this conference report will inevitably lead to increasing the expense to which the borrower, particularly the small borrower, is subjected?

Mr. WINGO. That is the whole object of it.

Mr. MOORE of Virginia. And is not that the inclination that we find shown in the legislation that is proposed with reference to this subject?

Mr. WINGO. Some of the gentlemen responsible for the recommendations, some members of the board, are good men, but they have not yet grasped the philosophy of the farm-loan act. They think it is a land-mortgage scheme. They want to take the lid off and to furnish the financing facilities for great plantations and farms instead of helping the small borrower and the would-be farm-home owner.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. McLAUGHLIN of Michigan. Does the law limit the number of assessments that may be made on the borrower?

Mr. WINGO. The gentleman heard me read it, did he not?

Mr. McLAUGHLIN of Michigan. I do not recall that part of it.

Mr. WINGO. I will read the proposed law to the gentleman:

> The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations and the salary of the secretary-treasurer shall be paid from the general funds of the association, such funds, under rules and regulations of the Farm Loan Board, to be provided by reasonable charges, not to exceed 1 per cent of the amount borrowed, made to applicants for loans and to borrowers, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid, with interest at the rate of 6 per cent per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

If you adopt the conference report, that will be the law. It leaves that question of number of assessments open. Of course, it is intended that they shall make only one assessment, but the language permits numerous assessments if the board by rule requires it.

Mr. PLATT. The assessment is in the law now.

Mr. WINGO. Oh, you have a voluntary assessment by the local directors; that is true; but here you specifically provide for an additional assessment, not by the voluntary action of the local association, but by an arbitrary rule of a Federal board here in Washington. Let us be fair and assume that they will make only one assessment; that that is what they intend to do. If that is the law now—and the gentleman from New York admits it—then why do they want to make this additional assessment? Let us see, gentlemen, what will happen. It will be a deterrent to those who want to come in. They will say, "We do not understand this." The enemies of the system, the private loan agents who want to criticize the system, can use this as an argument and take the very language I have read here, and take the uncertainty that there will be in the law as it now reads, as I have read it to you, and they can hurt the system.

Here is my proposition: If this thing is proper, why did the Senate inject it into a bill which did not have this subject matter in it? If it is right, why did not the gentleman from New York [Mr. PLATT] disagree to this and say, "Let the Farm Loan Board come down here before the Banking and Currency Committee of the House and show us why we should do this, and then let it be considered in a separate bill and let the House pass upon it on its merits, and not tack it as a rider on an administrative bill which the House has passed"?

I want to call attention to another thing.

Mr. PLATT. I will answer the gentleman's question if he wants me to.

Mr. WINGO. If the gentleman will give me some more time; yes.

Mr. PLATT. If the gentleman does not want his question answered, go ahead.

Mr. WINGO. Certainly I do, if the gentleman will yield me more time. Now, I want to call your attention to another matter contained in Senate amendments 7 and 8. If you adopt this conference report it will mean that a man can get the benefits of this farm loan system and get a loan—

to liquidate indebtedness of the owner of the land mortgaged.

For what purpose? When we enacted the farm loan act we provided for a loan to cover the indebtedness of the owner of the land secured by an existing mortgage on the land, provided the debt had been incurred for the following purposes or any of them, to wit:

(a) To provide for the purchase of land for agricultural uses.
(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm; the term "equipment" to be defined by the Federal Farm Loan Board.
(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal Farm Loan Board.

But the Senate amendment cuts out these limitations. The gentleman says, "Why inquire into the purpose for which the landowner contracted his previous indebtedness?" All right. Suppose a farmer says, "I want to get an automobile. I want to go into debt for that. I want to amortize that debt under the Federal farm loan act. I want to buy a $2,000 automobile. I have a farm worth $5,000." Now, that man will go and borrow $2,000 at the bank for 90 days to buy an automobile, or he will give his note to the agent who sells him the automobile. Then he will go and file his application for a farm loan under this act "to liquidate indebtedness of the owner of the land mortgaged." He wants to pay that off and get it into an amortized loan and get it into the farm loan system, with exemption from taxation for the security. You gentlemen who are talking about exemption from taxation, if you vote for this conference report, will make it possible to amortize all nonproductive debts that improvident farmers may have incurred prior to joining the system. Let us keep this system to its original purpose to help develop the producing capacity of the farms of this country, to enable men to get farm homes, and restrict the loans to such purposes.

What justification is there for the Federal Government setting up expensive machinery to lend its aid to men to go and get loans on their land for any purpose they please? It may be to pay a poker debt, buy an automobile, or purchase oil stocks or patent rights. It may be anything of that kind, just so he owes the debt when he asks for a loan on his farm. I say, let us vote this down. I have not yet found one man who is in favor of it who was in favor of rural credits. I have not found one man in favor of these different amendments which are being urged, which destroy the very purpose of the farm loan act—I have not found one man in favor of this new scheme unless that man was originally against rural credits and sneered at our proposal and said it was a paternalistic and populistic scheme, and when the demand became so insistent they yielded and tried to kill rural credits with a "conservative" land-mortgage act. And now these same gentlemen are leaders in the efforts to weaken the present law, which was the best they would permit us to have, by putting on the borrower a load here and a load there, defeating the whole purpose, instead of devising some plan to extend the benefits of the act so as to more nearly meet the needs of the struggling farm tenant who wants to become a farm home owner. I am against the conference report. The Federal Farm Loan Board can not appear before our committee and justify either one of these two propositions. They have not tried to do it, and I challenge them to come there. I do not believe they will get the new member of the board to agree to it when once he sees their effects. Let us vote down this conference report and send it back and make the Senate recede on these three amendments. Then I am willing to give those who advocate these changes that put an additional load on the farmers and weaken the system a chance to be heard before our committee, which then can present the matter fully to the judgment of the House after mature consideration.

Private conference by certain members of the board with the gentleman from New York [Mr. PLATT] and the gentleman from Massachusetts [Mr. PHELAN] is not a committee consideration upon which the House can rely. Vote down the report. [Applause.]

Mr. PLATT. Mr. Speaker, in regard to Senate amendment No. 4, which provides for raising funds for the farm loan association by charging not exceeding 1 per cent on applications for loans, the Federal Farm Loan Board says that is absolutely necessary to the success of the system.

It was not brought to the attention of the House committee for the reason that it has been done right along. The associations have been doing it, and they could not get along without it. About the time the House committee reported the bill somebody heard that there was no authority for this charge, and some of the secretary-treasurers began to write to the board, asking about it. The law does not provide for it, and, of course, the board had to reply that there was no authority for any charge. Commissioner Norris came down and saw the gentleman from Massachusetts [Mr. PHELAN], ranking Democratic member of the committee, and myself, and talked it over with us and showed us the necessity for it. We decided that it ought to be done, but I told him it was too late to do anything in the House bill, and the only way was to have it put in as a Senate amendment.

Mr. WINGO. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. WINGO. Mr. Norris raised the question two years ago, and the investigation I made shows me that in every county where I have examined it there is a rivalry between the commissioners and the banks to serve free as secretary-treasurers of the Farm Loan Association. They are anxious to give their services free.

Mr. PLATT. You take the case of a farmer who lives 5 or 10 miles away, who wants to borrow $3,000—which is about the average loan. The committee has to go out and look at the land, and how are they going to do it? There is no fund to pay for it.

Mr. WINGO. They provide for it in the existing law, and this will do away with the personal inspection.

Mr. PLATT. They have to hire an automobile to go out and look at the land, and where is the money coming from?

Mr. WINGO. They can raise it under the existing law.

Mr. PLATT. They are raising their funds now by making the charge of 1 per cent.

Mr. WINGO. They can do it under existing law.

Mr. PLATT. There is no authority in the law for it, but they have been doing it, because otherwise it is necessary to get the farmers together and assess themselves. The gentleman knows how easy it is to get farmers or any other association together to assess themselves. The result is that if this means of raising funds is not allowed the associations are likely to sit tight and shut out new borrowers.

Mr. WINGO. Why should you assess the stockholders of the corporation, against their own protest, for the benefit of an outsider? Suppose you would propose to assess the stockholders of national banks under such conditions.

Mr. PLATT. I am arguing against assessment of the stockholders. If you have no other way of raising funds than by assessment, the farm-loan association is likely to become a close corporation, letting no one else in. They will say, "Why should we let this fellow in? It will cost us $20 or $30; let him stay out and get his loan somewhere else."

Mr. BEE. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. BEE. Do I understand that under this amendment we are asked to agree that an applicant for a loan is to pay an additional sum of 1 per cent after having agreed to pay so much for making the loan?

Mr. PLATT. No; that is simply a charge on them to pay the expenses of the farm-loan association for the examination of the land, salary of the secretary, and so forth.

Mr. BEE. A man borrows money from the farm-loan association at a certain specified rate of interest. Now, do I understand that this amendment compels the borrower to add 1 per cent to that sum?

Mr. PLATT. Not as interest; it is paid once for all. Suppose he is asking for a loan of $3,000, which, as I have said, is about the average loan; he will pay $30 once—nothing more.

Mr. BEE. That is in addition for the purpose of making the application?

Mr. PLATT. That is for the expense of examining the land, of looking for new members, and so forth. Somebody has got to go out and do it.

Mr. BEE. I do not know how it is in your section of the country, but from what knowledge I have in my section there has never been any practical difficulty in having the land inspected and the proper report made without putting an additional expense of $30 on the man who is borrowing $3,000. It is generally a poor man who is borrowing the money.

Mr. PLATT. If the gentleman will go into his district and ask the secretaries of the farm loan associations, I think he will find that they are now doing it without authority of law, because it is the only way they can get the money.

Mr. WINGO. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. WINGO. As I understand, under the law as it exists bonds are sold for 1 per cent more than the interest rates—that is, an addition of 1 per cent.

Mr. PLATT. The interest rate on the bonds is 1 per cent less than the interest charged borrowers.

Mr. WINGO. One per cent was intended to cover the expenses?

Mr. PLATT. The expenses of the Federal land banks.

Mr. WINGO. In addition to that, do they not make a charge for inspection, and does not the language of the act with the amendments you put in specifically authorize, in addition to the regular inspection, a charge of 1 per cent for the benefit of the secretary-treasurer and bookkeeper?

Mr. PLATT. The charge for inspection—actual cost—goes to the land banks, and has nothing to do with the associations. The 1 per cent is for association expenses.

Mr. WINGO. Here is a Federal land bank owned by the association——

Mr. PLATT. I am not yielding to the gentleman for a speech.

Mr. WINGO. I am asking a question.

Mr. PLATT. The Federal land bank has to send an inspector around afterwards, but the cooperative feature of the whole Federal farm-loan system is in the farm-loan association, made up of groups of farmers. They may start with 10 farmers. They get together and make application for 10 loans. After they get going the Federal land bank sends down an appraiser to appraise the land, look into the titles, and so forth, and if the loans are approved they are made. Suppose another man wants to come in and these 10 men say, "We do not want to assess ourselves for the purpose of sending somebody to look at your land. You stay out and get your money some other place." There is no reason why that man should not pay a small sum, which he pays once for all, for the privilege of joining the association and having his land appraised and the application forwarded. Under the old system he often used to pay a commission of 5 per cent, and he might have to pay it every five years, or as often as he had to renew his loan. That is one thing that we passed the farm-loan act to stop. This is a small charge, generally less than 1 per cent, paid once for all, and he gets his loan for 33 years. It has been paid right along, and so far as I know there never has been a complaint against it.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. McLAUGHLIN of Michigan. Under this amendment would the money collected by this 1 per cent be used for the purpose of paying salaries, compensation, clerical help, and so on, or is there something in the law which would require that it shall be used and be used only for making this inspection, viewing the property, estimating its value?

Mr. PLATT. I will read the gentleman the section:

> The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm-loan associations and the salary of the secretary-treasurer shall be paid from the general funds of the association.

That is the present law and is not changed. Where is the association to get any funds? If it is an old association in a rich farming country, it may receive dividends from the Federal land bank, but if it is a new association or attached to a land bank which has not yet paid dividends, it must have some way of getting funds. The only way that it can do it is either to assess its members or make a little charge on the applicants for membership who do not object to it, but who pay it once for all, for 33 years.

Mr. McLAUGHLIN of Michigan. Then the money arising out of this 1 per cent can be used for paying the salaries of the officers?

Mr. PLATT. Yes. Officers of the cooperative association.

Mr. McLAUGHLIN of Michigan. And there is nothing to prevent them pursuing the policy the gentleman says they now pursue without authority of law—of making an assessment to cover the expense of the inspection of the property.

Mr. PLATT. There is no authority for the charge now, and if the law were strictly followed the members would have to be asssessed to provide funds.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. BEE. Do I understand that this 1 per cent is not to be exclusively used for the purpose of inspection of the property?

Mr. PLATT. No; not exclusively. It provides for general expenses of the associations. There is nothing new in this except the authority for the levying of the 1 per cent. As it stands now, they can assess their members.

Mr. BEE. I understand that.

Mr. PLATT. Or use their dividends, if they have any.

Mr. BEE. Here is what is in my mind. If you are to assess a man for the purposes indicated by the gentleman from Michigan [Mr. McLAUGHLIN], of paying the expenses of the inspection, it ought to be so worded as to make it not to exceed a certain amount, because it might cost a few dollars to inspect one piece of property, while it might cost $50 to inspect another piece of property, and you make the man making the loan on the piece of property which it is inexpensive to inspect pay just as much as the man whose inspection will cost $50.

Mr. PLATT. If you are going into that, it costs a great deal more in proportion to inspect a small piece of property, a small farm, than it does to inspect a large farm.

Mr. BEE. I am not speaking of the small ones or the large ones. Let me ask the gentleman this further question: How long has this been going on—making these loans?

Mr. PLATT. The act was passed July 17, 1916, and the Federal land banks were organized in the spring of 1917.

Mr. BEE. Has it not been a marked success, growing in volume and force?

Mr. PLATT. A very marked success. The capital stock of the Federal land bank is growing at the rate of $500,000 a month, and the assets are increasing some sixteen or eighteen millions a month.

Mr. BEE. Is it necessary to put this additional burden of 1 per cent on the people who are borrowing the money?

Mr. PLATT. I think it is necessary, and the board says it is essential. It is not an additional burden, but has been generally charged, though without authority, because there was no other practicable way of raising necessary funds.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. PLATT. Yes.

Mr. TINCHER. Is it not true that the local organizations, where they desire to, now, by mutual agreement, pay their secretaries a salary?

Mr. PLATT. Yes; as a rule, a small salary.

Mr. TINCHER. Is not this amendment the result of a propaganda of the local secretaries, who want to be put on a salary themselves?

Mr. PLATT. I have not heard a word from them in favor of this. It is the Federal Farm Loan Board that declares that it is necessary.

Mr. TINCHER. This will have the result of putting all the local secretaries on a salary, whereas, as a matter of fact, a great many are now serving without compensation.

Mr. PLATT. A good many of them are bank officers in commercial banks, and they serve for the purpose of getting the deposits.

Mr. TINCHER. Is there any complaint from any local organization indicating that they can not successfully operate without this amendment?

Mr. PLATT. The Farm Loan Board stated that unless this language is incorporated a good many associations would stop and will not make any more loans. They will say, "Why should we assess ourselves to take in new members who are making us extra expense, perhaps for viewing property 10 miles away?"

Mr. TINCHER. There is nothing to hinder that man from paying for an examination of his property.

Mr. PLATT. There is if we do not pass this.

Mr. TINCHER. That is the meat of the whole proposition. If a man is willing to pay for this inspection, then he could go into the association, unless the secretary was demanding a salary.

Mr. PLATT. It is not the secretary. That salary is wholly within the power of the association. They do not have to pay him a salary if they do not want to; but they can not run, or, at least, they can not grow and secure new members and new loans without incurring some expenses.

Mr. TINCHER. Is the gentleman aware of the fact that some secretaries have argued prior to this time that they should get a larger salary, and it has been the policy of the banks to try to encourage the local association to pay their secretaries a salary?

Mr. PLATT. I think it is very likely, because the land banks want to get men who will attend to the business. The secretary-treasurers have considerable to do. They have to collect the interest and amortization payments and forward them to the land banks.

Mr. TINCHER. They want to get the best clerical force they can, and inasmuch as the farmer pays part of the money, they have adopted the policy of trying to get each local organization to get its secretary on a salary. Does the farmer get any benefit from it? Is it not for the convenience of the bank that gets the difference between what the farmer pays and the loan price?

Mr. PLATT. The farmer, already in an association, perhaps gets no benefit from letting in new borrowers. That is the reason for this amendment. It is a question of whether you want to stop the associations from going on. If you will examine this question with the Farm Loan Board you will find they are having the greatest trouble in getting reports from farm loan associations. The associations must have secretary-treasurers who know their business. Some farm loan associations carry on their affairs very well. There is one in Senator GRONNA's district. Senator GRONNA was a conferee and was very strongly in favor of having this put in; but a great many of their secretary-treasurers do not get a salary large enough to warrant spending much time on their work, and they do not care whether they make new loans or not, and they do not make reports. The growth of each association depends largely on the secretary-treasurer.

Mr. STEVENSON. Will the gentleman yield?

Mr. PLATT. I will.

Mr. STEVENSON. I do not exactly get the point of view of the 1 per cent business. On page 2 of your report here you fix section 4 as amended to read:

To fix, under rules and regulations of the Farm Loan Board, reasonable charges to applicants for loans and to borrowers.

And so forth.

Now, where is the limit of 1 per cent? Gentlemen have been talking about 1 per cent here, and I do not see any limitation in reference to that.

Mr. PLATT (reading):

Such funds under rules and regulations of the Farm Loan Board to be provided by reasonable charges, not to exceed 1 per cent.

Mr. STEVENSON. Here you have in italics—

Not exceeding 1 per cent.

Mr. PLATT. One clause gives the Farm Loan Board authority, and the other the farm loan association.

Mr. STEVENSON. The conference report, though, says that in lieu of the matter proposed in the Senate amendment insert the following and——

Mr. PLATT. The gentleman is looking at another amendment.

Mr. PHELAN. He is looking on page 6 and the gentleman is talking about an amendment on page 4.

Mr. STEVENSON. Page 2 in your report provides that section 4 shall read that way. Now, on page 5 of the Senate bill in section 4 the conferees provide for levying a charge for administration at a rate not exceeding 1 per cent. As I understand that, that is all stricken out, and the language of page 2 of that report is to take the place of that.

Mr. PLATT. No. The gentleman is mistaken. There was a section in there that referred to a charge, but only gave the board authority to make rules to provide for a charge. The other provides the charge shall not be above 1 per cent.

Mr. STEVENSON. Has this bill been printed with the Senate amendments shown?

Mr. PLATT. Yes.

Mr. STEVENSON. I have not been able to get a copy of that, and therefore I am entirely unprepared to deal with the question.

Mr. CANDLER. Will the gentleman yield?

Mr. PLATT. I will.

Mr. CANDLER. Is this 1 per cent intended to be expended in the inspection of land that is tendered by the borrower for the purpose of securing the loan?

Mr. PLATT. That is the chief expense of it. It provides a fund for the farm-loan association, from which its expenses are paid.

Mr. CANDLER. Heretofore these investigations have been made by three local inspectors appointed by the local board?

Mr. PLATT. The local loan committee; yes.

Mr. CANDLER. And the borrower pays the expenses of those three inspectors when they have to go and examine the land?

Mr. PLATT. They pay whatever expenses they may incur; they might have to hire an automobile; but not exceeding 1 per cent.

Mr. CANDLER. The only suggestion I have had in reference to that is that instead of having three to make these investigations it would be economy to provide one man.

Mr. PLATT. Yes; exactly what we are doing by this bill. We have stricken out the reference to three men to go and view the land, which the law now requires, and we fix it so that they can cause the investigation to be made——

Mr. CANDLER. By one man?

Mr. PLATT. To be made by one man. The present requirement that the members of the loan committee of three should all view the land is a most prolific source of delay. Mr. Lever, whom we all know, long a Member of this House and former chairman of the Committee on Agriculture, told me that it caused a delay of five months in the approval of an application for a loan in his former district—the difficulty of getting the committee together and having all three go and view the land. Now, we provide in this bill that all three must sign the report, but they do not have to go to appraise the land themselves. They can send somebody, or one can go, and that will reduce the expense considerably and reduce the delays greatly.

Mr. CANDLER. That would be paid out of the 1 per cent. Where does that 1 per cent come from now that you have utilized heretofore?

Mr. PLATT. Simply a little commission of 1 per cent, probably less in most cases, charged to the applicant for the loan.

I want to answer a matter propounded by the gentleman from Arkansas [Mr. WINGO] in regard to the purpose of the loans. We have liberalized the law a little bit at the suggestion of the Farm Loan Board.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. STRONG of Kansas. This amendment permitting the issue of 1 per cent was added in the conference committee?

Mr. PLATT. In the Senate.

Mr. STRONG of Kansas. And it was not considered by the Committee on Banking and Currency?

Mr. PLATT. Not by the House committee. It was not brought to our attention until after we had reported the bill out.

Mr. STRONG of Kansas. When did the Farm Loan Board make their recommendation for this 1 per cent?

Mr. PLATT. They made it to the Senate committee just after we had completed the bill.

Mr. STRONG of Kansas. Do you not think those matters ought to be brought before the Committee on Banking and Currency?

Mr. PLATT. The Senate has a Banking Committee just as able, I think, as ours.

Mr. STRONG of Kansas. Do you not think if we are going to pass on it that we ought to have a chance to consider it?

Mr. PLATT. Our conferees considered it, and I consulted with other members of the committee.

Mr. CARTER. Of course, the gentleman knows that you do not get the careful consideration in a conference committee which a committee having more time and which is not under pressure can give it. I think there is much in what the gentleman said. What I want to ask is this: I have never gotten it straight in my head yet, exactly, how this secretary and treasurer's salary and expenses are paid now, and how the expenses of other officers and agents of these farm associations are paid now.

Mr. PLATT. They are charging the applicant for a loan a little commission—half of 1 per cent, or 1 per cent.

Mr. CARTER. With his consent?

Mr. PLATT. With his consent.

Mr. CARTER. Why the necessity of making a mandatory legal provision?

Mr. PLATT. We are not making it mandatory, but are authorizing it. The law does not provide for it now, but they have been making it as a matter of necessity. Recently some have been writing in to the board asking if they can do it. The only thing the board can do is to tell them they can not do it as the law now stands.

Mr. CARTER. Did the gentleman know of these existing conditions when this bill came before the Committee on Banking and Currency?

Mr. PLATT. Not at the time it came before the committee, but just after we reported it, and Commissioner Norris came in to see Mr. Phelan and myself, and we talked this matter over and agreed that an arrangement of this kind ought to be made. My recollection is that I suggested that it be put in as an amendment in the Senate.

Mr. CARTER. I will tell the gentleman what it looks like on the face of it to a man who has not given it any study. It looks like, in authorizing the charge of 1 per cent additional to the farmer, something like the charge in some of the Western States of a commission of 1 or 2 per cent on loans that are made by people who handle the loans for other people.

Mr. PLATT. They charge a great deal larger per cent.

Mr. CARTER. In some instances, and in some instances 1 per cent only.

Mr. PLATT. And the loans are made only for five years or less, and when they expire they have to pay another commission.

Mr. CARTER. They make a loan for 10 years now.

Mr. PLATT. These loans are made for 30 years, and the charge is infinitesimal.

Mr. CARTER. It has to be 1 per cent. That is not infinitesimal.

Mr. PLATT. It does not have to be anything at all, but if made, under the rules and regulations of the Farm Loan Board, can not exceed 1 per cent. And the board says if they stop the secretary-treasurer from doing this the act becomes unworkable.

Mr. CARTER. It is not unreasonable to expect they are going to do that.

Mr. PLATT. They will not assess themselves, as a rule.

Mr. CARTER. In the other way you make it mandatory.

Mr. PLATT. If you vote down this report assessments will become mandatory.

Mr. CANDLER. If it has worked well up to the present time, which it seems to me to have done, why the necessity of making the change now?

Mr. PLATT. Do you not see that the system has worked well because the associations have been acting without authority of law? When they write to the board and ask them about this charge, the board has to tell them they can not do it.

Mr. CANDLER. They have had some funds before, and it has been successful up to the present time.

Mr. PLATT. They have obtained the funds in this way because there was no other workable way to obtain them. Did you ever hear of any kind of an association that assessed members already in to pay the expenses of a new member, letting the new member in free?

Mr. CARTER. Can the gentleman give us any information as to how much profit has been made by the farm loan banks themselves?

Mr. PLATT. The Federal land banks, taken as a whole, have made profits or net earnings up to January 31 last of a couple of million dollars, I think, and have got undivided profits of about $800,000, if I remember, and have paid dividends of about $682,000. Now, some of them are paying dividends to the farm loan associations, and when your association is getting dividends it does not have to charge new members. But as to a new association, without dividends, or an association in a district not yet paying dividends, how is it going to raise money?

Mr. CARTER. What is this money used for?

Mr. PLATT. To pay the expenses of the association, inspecting the land, and paying the secretary-treasurer a salary.

Mr. CARTER. What is the surplus used for?

Mr. PLATT. If the gentleman refers to the surplus of the land banks, for paying dividends to the farm loan associations or for strengthening the security back of the bonds. That is all right. But a new association not receiving dividends has got to get funds somewhere. The Federal board has to make regulations, and it is certainly composed of men who are looking after the interests of the system and are trying to make it grow.

Mr. MORGAN. Will the gentleman give me a little time?

Mr. PLATT. I yield five minutes to the gentleman.

Mr. MORGAN. Mr. Speaker, I think we should be very careful about amending the Federal land bank act, and especially by amendment that will increase the expenses of the farm loan associations.

There were many Members, when this bill passed Congress, who felt that the farm loan associations ought not to be allowed to employ a salaried secretary-treasurer, because it would add that much to the administrative expenses of the borrower. The gentleman from Oklahoma [Mr. CARTER] asked how much profit these Federal land banks had made. Now, the fact is—and I wish every Member of this House would get that in mind—the Federal land banks can not make a profit. They are not profit-sharing institutions. They are allowed not to exceed 1 per cent for administration expenses, but the law assumes that the 1 per cent will not be charged unless it is necessary, and the idea is that when 1 per cent is charged and it is found that it is not needed for the economical administration of the banks, then the surplus shall go back to the borrowers in the form of dividends. Whatever goes back to borrowers in this way represents an overcharge and not a profit. These banks have no money except what the borrowers pay into them. These banks borrow money on the sale of the bonds. The bonds bear 4½ per cent interest. The banks loan this money at 5½ per cent interest. The banks should do business on one-half of 1 per cent, but it matters not how large a surplus one of these banks may have; it does not represent a profit; it indicates that the banks had made excessive interest charges and that they ought to reduce the interest rate. [Applause.]

Now, when you allow these local associations to employ high-salaried secretary-treasurers and authorize them to charge borrowers an additional commission of 1 per cent you have added that much to the cost of their loans, and when you give them authority to levy 1 per cent on the face of a loan, $30 on a $3,000 loan, you are simply adding that much. The future success of these Federal land banks depends on economical administration, and the more you extend this association in its power, in its expense for officers, the more of a burden you are adding to the borrower, because the borrower pays every cent of that cost from that local organization up to the Federal land bank.

Now, the Committee on Banking and Currency ought not to bring in here bills making fundamental changes, increasing the expenses upon the borrower, except in cases where we can have ample opportunity to discuss the question, which we do not have on a conference report.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CANDLER. Under this provision if a man wanted to borrow $1,000 or $2,000 or $3,000 they would employ two or three inspectors at $1.50 or $2.50, which would amount to $4, $5, or $6. This would increase to that extent the cost of making a loan, and all of that expense falls on the borrower. Under this proposed provision if the loan was for $1,000 it would cost $10, and if it were for $2,000 it would cost $20, and if it were $3,000 it would cost $30.

Mr. MORGAN. Yes; and they could use this 1 per cent to pay the expenses of the secretary-treasurer and other expenses of the local association, and it simply gives a few men there a chance to add to their salaries and income.

Mr. CANDLER. And put the expense on the borrower?

Mr. MORGAN. Yes. There has been no trouble in the past in regard to these new associations. They have gotten along all right.

Mr. PLATT. But they have been doing just this.

Mr. MORGAN. Yes. These associations are under the control of the Federal Farm Loan Board. It is asserted that the Farm Loan Board has been permitting the local associations to levy charges on borrowers that are unauthorized under the law. And if that be true, they have failed to do their duty and their advice should not be followed by this House. Why do members of the Farm Loan Board permit associations to go on and violate the law and make assessments that the law does not authorize?

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. PLATT. Mr. Speaker, I want to say just a word in answer to some of these questions. I gave the impression a few moments ago, perhaps, that all the Federal land banks were paying dividends. Of course, that is not true of all of them. The big land banks in Spokane and Omaha and St. Paul and down in Texas are paying dividends, but the eastern banks are not; those in my district are not paying dividends. The only way they can raise funds to pay the secretary-treasurer is by an assessment upon the borrowers or by an assessment on the members, and you know how hard it is to levy an assessment on the members until they get well started. They will not do it. This charge of a small commission has been made since the system started. If somebody can suggest some other way to raise funds, all right. The law allows them to assess themselves, but that is a cumbersome, difficult thing to do. Members of associations naturally do not assess themselves to pay the expenses of taking in new members. The universal rule is to make the new members pay something for their new privileges.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. PLATT. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from New York asks for a division.

The House divided; and there were—ayes 31, noes 56.

Mr. PLATT. Mr. Speaker, I ask for the yeas and nays. I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present. Evidently there is no quorum present. The Clerk will call the roll. Those in favor of the adoption of the conference report will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 104, nays 206, answered "present" 2, not voting 115, as follows:

YEAS—104.

Ackerman	Butler	Dooling	Frear
Andrews, Md.	Carew	Doremus	Freeman
Babka	Coady	Dunbar	Garland
Bacharach	Cooper	Dunn	Goldfogle
Britten	Crago	Dyer	Good
Brooks, Pa.	Crowther	Edmonds	Goodykoontz
Browning	Dale	Elston	Griest
Burdick	Dallinger	Fess	Hardy, Colo.
Burroughs	Darrow	Fordney	Hersey

Hickey	Madden	Paige	Siegel
Hicks	Magee	Pell	Smith, N. Y.
Husted	Mann, Ill.	Peters	Snell
Ireland	Mapes	Phelan	Stephens, Ohio
Jones, Pa.	Merritt	Platt	Stiness
Juul	Michener	Porter	Sullivan
Kelley, Mich.	Minahan, N. J.	Radcliffe	Taylor, Tenn.
Kiess	Mooney	Ramsey	Temple
Kraus	Moores, Ind.	Reber	Tilson
Lehlbach	Mott	Reed, N. Y.	Tinkham
Lonergan	Nelson, Wis.	Reed, W. Va.	Treadway
Longworth	Newton, Minn.	Ricketts	Vaile
Luce	Newton, Mo.	Riordan	Wason
McArthur	Nichols, Mich.	Rogers	Watson
McFadden	Ogden	Rowe	White, Me.
MacCrate	Olney	Sanford	Winslow
MacGregor	Osborne	Sells	Wood, Ind.

NAYS—206.

Almon	Eagan	Kleczka	Sanders, Ind.
Andrews, Nebr.	Elliott	Lampert	Sanders, La.
Anthony	Emerson	Lanham	Sanders, N. Y.
Ashbrook	Esch	Lazaro	Scott
Aswell	Evans, Mont.	Lea, Calif.	Sherwood
Ayres	Evans, Nev.	Lee, Ga.	Sims
Baer	Fairfield	Linthicum	Sinclair
Barbour	Fisher	Little	Sinnott
Barkley	Flood	McClintic	Sisson
Bee	Focht	McGlennon	Smith, Idaho
Benham	Foster	McKenzie	Smith, Mich.
Benson	French	McKeown	Smithwick
Black	Fuller, Ill.	McKinley	Stedman
Bland, Ind.	Gallagher	McLaughlin, Mich.	Stephens, Miss.
Bland, Mo.	Gandy	McLaughlin, Nebr.	Stevenson
Bland, Va.	Garner	Maher	Stoll
Blanton	Garrett	Mansfield	Strong, Kans.
Box	Goodwin, Ark.	Martin	Summers, Wash.
Brand	Graham, Ill.	Mays	Sumners, Tex.
Briggs	Green, Iowa	Mead	Sweet
Brinson	Greene, Mass.	Miller	Tague
Brooks, Ill.	Hadley	Monahan, Wis.	Taylor, Ark.
Buchanan	Hardy, Tex.	Moon	Taylor, Colo.
Byrns, Tenn.	Harrison	Moore, Ohio	Thomas
Caldwell	Hastings	Moore, Va.	Thompson
Campbell, Kans.	Hawley	Morgan	Tillman
Campbell, Pa.	Hayden	Mudd	Tincher
Candler	Hays	Neely	Towner
Cantrill	Heflin	Nelson, Mo.	Upshaw
Carss	Hernandez	Nolan	Vare
Carter	Hersman	O'Connor	Venable
Casey	Hoch	Oldfield	Vestal
Chindblom	Holland	Oliver	Vinson
Christopherson	Hulings	Overstreet	Voigt
Clark, Mo.	Hull, Iowa	Padgett	Volstead
Cleary	Hull, Tenn.	Park	Watkins
Cole	Humphreys	Parrish	Weaver
Collier	Igoe	Pou	Webster
Connally	Jacoway	Quin	Welling
Crisp	James	Rainey, Ala.	Welty
Cullen	Johnson, Ky.	Rainey, H. T.	Wheeler
Davey	Johnson, Miss.	Rainey, J. W.	White, Kans.
Davis, Minn.	Johnson, Wash.	Raker	Wilson, La.
Davis, Tenn.	Johnston, N. Y.	Ramseyer	Wingo
Denison	Jones, Tex.	Randall, Calif.	Wise
Dickinson, Mo.	Kearns	Randall, Wis.	Woods, Va.
Dickinson, Iowa	Keller	Rayburn	Wright
Dominick	Kelly, Pa.	Rhodes	Yates
Donovan	Kendall	Riddick	Young, N. Dak.
Dowell	Kincheloe	Rouse	Young, Tex.
Drane	Kinkaid	Rowan	
Dupré	Kitchin	Rubey	

ANSWERED "PRESENT"—2.

Gard	Knutson

NOT VOTING—115.

Anderson	Ferris	King	Rodenberg
Bankhead	Fields	Kreider	Romjue
Begg	Fuller, Mass.	Langley	Rose
Bell	Gallivan	Lankford	Rucker
Blackmon	Ganly	Larsen	Sabath
Boies	Glynn	Layton	Schall
Booher	Godwin, N. C.	Lesher	Scully
Bowers	Goodall	Lufkin	Sears
Browne	Gould	Luhring	Shreve
Brumbaugh	Graham, Pa.	McAndrews	Slemp
Burke	Greene, Vt.	McCulloch	Small
Byrnes, S. C.	Griffin	McDuffie	Smith, Ill.
Cannon	Hamill	McKiniry	Snyder
Caraway	Hamilton	McLane	Steagall
Clark, Fla.	Harreld	McPherson	Steele
Classon	Haugen	Major	Steenerson
Copley	Hill	Mann, S. C.	Strong, Pa.
Costello	Hoey	Mason	Swope
Cramton	Houghton	Mondell	Timberlake
Currie, Mich.	Howard	Montague	Walsh
Curry, Calif.	Huddleston	Morin	Walters
Dempsey	Hudspeth	Murphy	Ward
Dent	Hutchinson	Nicholls, S. C.	Whaley
Dewalt	Jefferis	O'Connell	Williams
Doughton	Johnson, S. Dak.	Parker	Wilson, Ill.
Eagle	Kahn	Purnell	Wilson, Pa.
Echols	Kennedy, Iowa	Reavis	Woodyard
Ellsworth	Kennedy, R. I.	Robinson, N. C.	Zihlman
Evans, Nebr.	Kettner	Robsion, Ky.	

So the conference report was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. DEMPSEY with Mr. MCANDREWS.

Mr. LUHRING with Mr. BRUMBAUGH.

Mr. LUFKIN with Mr. CARAWAY.

Mr. CRAMTON with Mr. GODWIN of North Carolina.

Mr. KREIDER with Mr. NICHOLLS of South Carolina.

Mr. CANNON with Mr. MONTAGUE.

Mr. CURRIE of Michigan with Mr. GANLY.

Mr. ROSE with Mr. MCDUFFIE.

Mr. WILLIAMS with Mr. GALLIVAN.

Mr. WOODYARD with Mr. HAMILL.

Mr. KENNEDY of Iowa with Mr. LESHER.

Mr. HUTCHINSON with Mr. RUCKER.

Mr. STEENERSON with Mr. MANN of South Carolina.

Mr. WALTERS with Mr. GRIFFIN.

Mr. HOUGHTON with Mr. KETTNER.

Mr. TIMBERLAKE with Mr. HUDSPETH.

Mr. SHREVE with Mr. HUDDLESTON.

Mr. SNYDER with Mr. LANKFORD.

Mr. ZIHLMAN with Mr. LARSEN.

Mr. WARD with Mr. HOEY.

Mr. JOHNSON of South Dakota with Mr. MCLANE.

Mr. KNUTSON with Mr. BELL.

Mr. BOIES with Mr. SEARS.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. KAHN with Mr. DENT.

Mr. MONDELL with Mr. BANKHEAD.

Mr. WALSH with Mr. FERRIS.

Mr. GREENE of Vermont with Mr. HOWARD.

Mr. KENNEDY of Rhode Island with Mr. MAJOR.

Mr. BEGG with Mr. WHALEY.

Mr. HARRELD with Mr. ROMJUE.

Mr. BROWNE with Mr. MCKINIRY.

Mr. HAMILTON with Mr. SCULLY.

Mr. PURNELL with Mr. DOUGHTON.

Mr. REAVIS with Mr. STEELE.

Mr. MORIN with Mr. BLACKMON.

Mr. GOODALL with Mr. FIELDS.

Mr. PARKER with Mr. O'CONNELL.

Mr. GOULD with Mr. BOOHER.

Mr. RODENBERG with Mr. WILSON of Pennsylvania.

Mr. GRAHAM of Pennsylvania with Mr. ROBINSON of North Carolina.

Mr. BURKE with Mr. SABATH.

Mr. MCPHERSON with Mr. SMALL.

Mr. FULLER of Massachusetts with Mr. BYRNES of South Carolina.

Mr. CURRY of California with Mr. STEAGALL.

Mr. STRONG of Pennsylvania with Mr. DEWALT.

Mr. BOWERS with Mr. EAGLE.

The SPEAKER pro tempore (Mr. BACHARACH). On this vote the yeas are 104, the nays are 206. A quorum is present; the conference report is not agreed to. The Doorkeeper will unlock the doors.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that the House further insist on its disagreement to the amendments of the Senate and ask for a further conference.

Mr. WINGO. Mr. Speaker——

Mr. GARRETT. Mr. Speaker, I respectfully submit that the gentleman from Arkansas [Mr. WINGO] is entitled to the floor, the conference report having been rejected.

Mr. WINGO. If the gentleman from New York will ask that the House insist on its disagreement to the Senate amendments and ask for a further conference, I am perfectly willing that he should do that.

Mr. PLATT. I think that is what I did ask.

Mr. CLARK of Missouri. Mr. Speaker, the gentleman from Arkansas has control of this thing now.

Mr. PLATT. Gentlemen on this side of the House seem to like to follow the gentleman from Arkansas on this matter. I am perfectly willing——

Mr. WINGO. Very well, Mr. Speaker. I move, as I have a right to under the rule, that the House further insist on its disagreement to the Senate amendments and ask for a further conference.

Mr. PLATT. That is exactly what my request was.

Mr. CLARK of Missouri. I know, but the gentleman from Arkansas has the right to make the motion and has control of it from now on until he gets beaten on what he suggests. I simply want the precedents of the House preserved.

Mr. PLATT. The gentleman from Arkansas [Mr. WINGO] was not a conferee.

Mr. WINGO. Certainly I was not.

Mr. CLARK of Missouri. The gentleman from Arkansas was the chief opponent of this conference report.

Mr. GOOD. Certainly the gentleman from New York, who is chairman of the committee, is entitled to recognition to make the motion that the House further insist on its disagreement to the Senate amendments and ask for a further conference.

Mr. WINGO. The precedents are against the gentleman from Iowa.

Mr. CLARK of Missouri. I do not know exactly how long the gentleman from Iowa has been here, but I will tell him what happened one day when I was Speaker——

[The SPEAKER resumed the chair.]

The SPEAKER. The Chair recognized the gentleman from New York [Mr. PLATT].

Mr. CLARK of Missouri. What I am insisting on is that the Chair has no right to recognize the gentleman from New York; that the gentleman from Arkansas opposed this thing and led the opposition and came out on top; and that being so, is entitled to control this thing.

The SPEAKER. The authorities are the other way as to conference reports.

Mr. CLARK of Missouri. They are bad authorities, then. [Laughter.]

The SPEAKER. The Chair cites section 6525 of Hinds' Precedents:

The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. * * * The minority have no special privileges as to asking conferences.

Mr. GARRETT. But, Mr. Speaker, this it not the minority. This is the majority asking for recognition—the majority on this vote.

The SPEAKER. In the case cited a conference report was voted down, and Mr. Bland demanded recognition. The Chair refused to recognize him, holding that the rejection of the report left the bill and amendments in the same position as when the conference was asked and ordered, and that the ordinary rule as to control and recognition did not apply to conference reports. The Chair thinks the chairman of the committee [Mr. PLATT] still has the right to recognition.

Mr. PLATT. Mr. Speaker, I renew my request that the House further insist on its disagreement to the amendments of the Senate and ask for a further conference.

The SPEAKER. The gentleman moves that the House further insist on its disagreement to the amendments of the Senate and ask for a further conference.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. PLATT, Mr. MCFADDEN, and Mr. EAGLE.

Mr. WINGO. I suggest that the gentleman from Texas [Mr. EAGLE] is not in the city, and has gone home, and possibly will be delayed.

Mr. PLATT. I think the gentleman from Texas has only gone for a day or two.

Mr. PARRISH. The gentleman from Texas has gone for about 8 or 10 days.

Mr. PLATT. Then, I ask to have Mr. PHELAN named as conferee.

The SPEAKER. Without objection, the gentleman from Massachusetts [Mr. PHELAN] will act as the third conferee on the part of the House.

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. WOOD of Indiana, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, H. R. 12610, with Mr. LONGWORTH in the chair.

The Clerk read as follows:

Bureau of Foreign and Domestic Commerce: Director, $6,000; assistant directors—1 $3,500, 1 $3,000; private secretary, $1,800; 4 chiefs of divisions, at $2,500 each; assistant chief of division, $2,250; chief clerk, $2,250; expert on commerce and finance, $2,000; commercial economist, $2,750; chief of sections—1 $2,500, 1 $2,000; translators—1 $2,000, 1 $1,800, 2 at $1,400 each; editorial assistant, $2,000; clerks—12 of class 4, 6 of class 3, 18 of class 2, 18 of class 1, 20 at $1,000 each, 14 at $900 each; messenger; 4 assistant messengers; laborer; 2 messenger boys, at $420 each; in all, $162,470.

Mr. SISSON. Mr. Chairman, I ask the chairman of the committee [Mr. WOOD of Indiana] to agree that we may pass this item for the present. It will be my purpose to offer to restore the commercial attachés and to restore the number of commercial agents who have been cut out of the bill. When that is done, of course, this item will have to be increased so as to take care of the clerical force in this bureau. In the event that the amendments I offer are voted down, this item ought not to be increased. Of course, if that can not be agreed to, then, in order to save my rights on the bill, I will be compelled to offer an amendment now to restore the current law in this item; but by passing it we can then go to the point where the real controversy hinges, and in the event that we are not successful this item ought to remain at its present figure.

Mr. KELLY of Pennsylvania. Mr. Chairman, reserving the right to object, I will say that I intended to offer the amendment restoring the commercial attachés, as provided in the last appropriation bill.

Mr. SISSON. I suppose, as a member of the committee, I would have the right to recognition to offer that amendment.

Mr. KELLY of Pennsylvania. Why not go ahead with the question right now?

Mr. SISSON. It is my intention to offer an amendment at the proper place; but in view of the fact that if I offer to substitute the current law at this time it will necessarily involve a discussion of amendments not now before the committee, I ask unanimous consent, in order that we may have orderly procedure, that this item be passed over so that I may offer the amendment at the proper place. If this is agreed to I will say that it is my purpose to offer at this section an amendment to restore the commercial attachés.

Mr. WOOD of Indiana. I have no objection whatever to passing this item at the present time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that this paragraph be passed over without prejudice for the present.

Mr. VARE. Reserving the right to object——

Mr. WOOD of Indiana. In consenting to this I wish to reserve all points of order on the amendment.

The CHAIRMAN. That will be understood.

Mr. VARE. I want to say that I have an amendment prepared to increase the employees in this section.

Mr. SISSON. I have the data now, and I expect to offer the amendment. I will state that if this unanimous consent is agreed to I will immediately offer the current law as to commercial attachés.

Mr. WALSH. Will the gentleman permit an inquiry?

Mr. SISSON. Certainly.

Mr. WALSH. What is to be gained by passing this now; we have a very good attendance. Does the gentleman think there will be less discussion later?

Mr. SISSON. No; but if the paragraph with reference to attachés is restored you will have to increase the clerk hire provided for in this paragraph.

Mr. WALSH. Why not determine that now?

Mr. BYRNS of Tennessee. This paragraph relates only to the clerical office force in Washington. The gentleman from Mississippi desires to take up the major question first.

Mr. WOOD of Indiana. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 127, after line 21, insert the following:

"Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each and for necessary traveling and subsistence expenses of officers, rent outside of the District of Columbia, purchase of reports, books of reference, and periodicals, travel to and from the United States, exchange on official checks, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $165,000."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order against the amendment that it is not authorized by law and is legislation on an appropriation bill.

Mr. SISSON. Mr. Chairman, it is our contention that under the act creating the Department of Commerce, these powers were granted the Commerce Department, as such promoting the development of foreign and domestic commerce. Section 670 of that act, under the head of "Powers and duties of the department," reads as follows:

SEC. 3. That is shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

Now, when this bureau was created the Department of Commerce had in it the Department of Labor. The act which separated the Department of Labor from the Department of Commerce left the Department of Commerce with all powers over commerce enumerated in this act.

Under that very broad language—to cause the promotion of commerce—if you take the technical definition of the word "promote," it means "to reach a certain desired end, to contribute to the development, the establishment, the increase or the influence, to foster and further, to forward and encourage or advance or promote business." Under that language it is our contention that Congress has the right, if in its judgment it becomes necessary, to create, as we attempt to do in this case, and as has been carried in the bill for several years, an item in reference to the commercial attachés. The only question is, Does it promote, further, advance, and so forth, commerce? If it does do that, it is our contention that the organic act creating the Department of Commerce vested that department with the authority to do these things necessary to promote commerce with foreign countries and foreign nations.

On that theory, as I understand it, legislation has been carried heretofore. This is the first time that this item has been stricken from the bill by the committee. If our contention is true, this language is broad enough to cover not only the commercial attachés but the commercial agents, and so on. Because if the Chair should hold that this is not in order, the commercial agents are not in order, and you would have a Secretary of Commerce with a lot of clerks in Washington without having anything to do in relation to the real purpose for which the department was created.

Therefore, if in the judgment of Congress it is necessary to promote foreign commerce and foreign trade by commercial attachés, Congress has that right under this legislation.

Mr. WOOD of Indiana. Mr. Chairman, this is not the first time that this question has been raised in reference to foreign attachés. It was attempted in the Sixty-third Congress to make an appropriation for the same purpose. The gentleman from Texas [Mr. GARNER], I think, was in the chair. The point was raised by the gentleman from Illinois [Mr. RAINEY] that there was no law authorizing or warranting these foreign attachés, that it was legislation on an appropriation bill and involved an expenditure. The point of order was conceded at that time.

Now, there is no law creating foreign attachés. The law creating the Department of Commerce was taken from the law creating the Bureau of Manufactures and Statistics in the Department of Labor.

All of the law for the regulation of the Department of Commerce, in so far as its foreign relations are concerned, is embodied in the organic act which previously placed these duties with the Bureau of Manufactures and Statistics in the Labor Department. I call the attention of the Chair to what the law is, which was referred to by the gentleman from Mississippi [Mr. SISSON] in the paragraph he read with reference to the creation of the Bureau of Commerce:

> And all consular officers of the United States, including consuls general, consuls, and commercial agents, are hereby required, and it is made a part of their duty under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section 3 of this act, in the countries and places to which such consular officers are accredited, and to send under the direction of the Secretary of State reports as often as required by the Secretary of Commerce and Labor—

And so forth.

The commercial attaché is a growth. There is not one word in the law giving any recognition to any such office or to any such officers. It is one of the evolutions that have occurred in the expansion of this foreign service in the Department of Commerce. In the first place, they had commercial agents, afterwards commercial commissioners, resident and roaming, and a few years ago they attempted to create this new office and proposed it in the Sixty-third Congress. A point of order was raised against it, and it was conceded that it was out of order. There has been no organic law passed by this Congress since that time. It was out of order at that time, and it is out of order now, because there is absolutely no warrant of law for a commercial attaché.

Mr. BYRNS of Tennessee. Mr. Chairman, it is true, as the gentleman from Indiana [Mr. WOOD] has stated, that the law does not expressly provide for the appointment of commercial attachés, but I insist that the gentleman from Mississippi [Mr. SISSON] is entirely correct in his argument that under the broad powers given to the Department of Commerce, under its organic act, clearly Congress has the authority to provide that department with the machinery necessary to perform the duties set forth in the act. The gentleman from Indiana [Mr. WOOD] has stated that on a previous occasion a point of order was made to this same provision. I do not recall the exact facts connected with the matter at that time. That was back in 1912 or 1913, if I mistake not. A point of order was made. I think the gentleman from Illinois [Mr. HENRY T. RAINEY] was in the chair.

Mr. WOOD of Indiana. Mr. Chairman, the gentleman from Illinois [Mr. HENRY T. RAINEY] raised the point of order. The gentleman from Texas [Mr. GARNER] was in the chair, and the gentleman from Tennessee conceded that it was well taken.

Mr. BYRNS of Tennessee. Which gentleman from Tennessee?

Mr. WOOD of Indiana. The gentleman who is now addressing the Chair.

Mr. BYRNS of Tennessee. Oh, I think the gentleman will find, if he will look into the RECORD, that he is mistaken as to that.

Mr. WOOD of Indiana. Mr. GARNER was in the chair, and the gentleman from Tennessee conceded the point of order.

Mr. BYRNS of Tennessee. I do not clearly recall the matter, but I think the gentleman must be mistaken as to that. My memory, however, may be at fault. The gentleman from South Carolina, Mr. Johnson, was chairman of the legislative, executive, and judicial subcommittee at that time and in charge of the bill on the floor. If any concession was made, it more probably would have been made by the gentleman from South Carolina rather than by me; but, however that may be, the point I am making is this: This matter was not deliberately passed on at that time. I do not know what was in the mind of the gentleman making the concession, whether he was convinced that the point of order was well taken or whether he was anxious to speed his bill, but the matter was not argued at length and not carefully considered by the Chair, since no opinion was rendered. Hence the action of the Chairman at that time constitutes no precedent at this time.

The gentleman from Mississippi [Mr. SISSON] referred to the organic act, section 3, and if the Chair will pardon me I will read it again, because it is broad and, it seems to me, would authorize Congress to make any appropriation or provide for any officials necessary to carry out its purposes. I read:

> That it shall be within the province and duties of said department to foster, promote, and develop foreign and domestic commerce, mining, manufacturing, shipping, the labor interests, and the transportation facilities of the United States—

And so forth.

I submit, if Congress has not the power to provide employees for the Department of Commerce to promote our foreign commerce, to secure necessary information in those countries where our commerce may find a market and where our manufacturers can do business, then that department will be unable to carry out the duties prescribed in this act and intended by the Congress.

The gentleman from Indiana has referred to another provision of this act directing the Consular Service to furnish information through the Secretary of State to the Secretary of Commerce. That section reads:

> A person to be designated by the Secretary of State shall be appointed to formulate under his direction for the instruction of consular officers the requests of the Secretary of Commerce and Labor and to prepare from the dispatches of the consular officers for transmission to the Secretary of Commerce and Labor such information as pertains to the work of the Department of Commerce and Labor.

But, Mr. Chairman, neither by direction nor by implication does that say that Congress shall not have the power to give to the Department of Commerce other avenues of information and other methods of carrying out the work prescribed for it in the organic act. It was simply an additional means and an additional facility given to the Department of Commerce to secure information from consular agents as well as through other machinery provided by Congress. I respectfully submit that under the broad terms of this organic act Congress has the authority to provide proper agents of that department to secure information and to assist in promoting and developing foreign commerce. It does not matter whether you call them commercial attachés or trade commissioners or commercial agents. The name signifies nothing. It is the duty to be performed by these officials, regardless of the name that may be given.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DENISON. As I understand the gentleman's position, it is that the power of this law is unlimited; that the Department of Commerce has the right to do anything which might fairly be construed within this general provision.

Mr. BYRNS of Tennessee. Oh, no; my position is this: That the Congress has the authority to provide the machinery necessary to carry out the terms of that act. Of course the Department of Commerce is limited to such authority as may be given it by the Congress.

Mr. DENISON. Suppose the Committee on Appropriations without any further legislation should bring in a provision here establishing branches of the Department of Commerce in various capitals in Europe and making appropriation for carrying out that work. Would that be in order, if the point of order should be made?

Mr. BYRNS of Tennessee. The gentleman says establish branches of the Department of Commerce?

Mr. DENISON. Yes.

Mr. BYRNS of Tennessee. I do not know that Congress would have the authority under existing legislation to establish a branch of the Department of Commerce in the capitals of Europe in an appropriation act, unless what the gentleman calls branches of the department would be the location of agents there who would be expected to collect information and furnish it to the Department of Commerce. If that is what the gentleman means by branches of the Department of Commerce, I think clearly Congress would have that right.

Mr. DENISON. Without any additional legislation?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. NEWTON of Minnesota. Then, I take it, that it is the position of the gentleman that under this organic act and the power going from it that Congress through an appropriation act has the right to pass any kind of legislation which has for its effect the promotion of the commerce of the United States?

Mr. BYRNS of Tennessee. Absolutely——

Mr. NEWTON of Minnesota. And needs no substantive law aside from the organic act?

Mr. BYRNS of Tennessee. The organic act directly places upon the Department of Commerce the duty of fostering, developing, and promoting our foreign commerce, and the gentleman well knows that unless the Department of Commerce is provided with the proper machinery it can not perform the function which Congress in passing the act expected that it would do.

Mr. NEWTON of Minnesota. Does the gentleman contend this work can only be done through an appointee or agent of the Department of Commerce; that it can not be done through an agent or appointee of the Department of State?

Mr. BYRNS of Tennessee. Oh, for a long time, ever since the establishment of our Consular Service, the consuls have had, among their other duties, that of promoting our commerce, looking after the commercial interest of the United States and its citizens. This act was passed, and I do not mean to intimate that it repeals or undertook to take from the Department of State the right which it heretofore enjoyed in that respect, but what I do insist upon is this: That Congress in creating the Department of Commerce intended that the department should be charged with this responsibility, and in order to perform that responsibility it must necessarily have its agents located in foreign countries.

Mr. NEWTON of Minnesota. So if this appropriation bill came in here it could provide for 10 commercial attachés at $50,000 each?

Mr. BYRNS of Tennessee. I do not think there is the slightest question about that. Of course, it is a question with the Congress, after all, as to the number of agents and what salaries they shall be paid.

Mr. WOOD of Indiana. Mr. Chairman, carrying out the argument of the gentleman from Tennessee [Mr. BYRNS] to its logical conclusion, and I guess he has admitted it, under the organic act creating the Department of Commerce, with reference to its foreign relations, we could establish an ambassador, minister plenipotentiary and extraordinary, and that there would be no possible limit upon the authority of the Department of Commerce under this act. Unfortunately for the gentleman the act does limit its authority. It limits it in its activities, so far as appointments are concerned, to those that are prescribed by law. Do not make any mistake about that. I call the attention of the gentleman to paragraph 856, in which they define the powers and duties of the department, and so forth, and say:

> That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

Now, then, it took from the Bureau of Manufactures and Statistics in the Department of Labor this activity, and it is the only power it has by prescribed law which is referred to in this paragraph to conduct this activity at all. Now, that being true, we must look to the law prescribed for their conduct, as it is here stated it must be prescribed for their conduct, and see what their limitations are and what their privileges are.

Mr. GARRETT. Will the gentleman yield just there?

Mr. WOOD of Indiana. Yes.

Mr. GARRETT. Does the gentleman recall the decisions made when the Agricultural appropriation bill has been before the House construing the language which is very similar to that which the gentleman has just read?

Mr. WOOD of Indiana. No; I do not.

Mr. GARRETT. Well, I will say to the gentleman, if I recall correctly, the uniform construction for many years has been that the expression "as may be prescribed by law," as contained in the organic act creating the Department of Agriculture, has been held to mean that upon an appropriation bill Congress could either make the law—and now I want to be perfectly frank with the gentleman, whether the distinction was made by these rulings—and I would be glad for the Chair to hear me just now upon this—whether the distinction was made by these rulings upon the fact that the Committee on Agriculture was both a legislative and an appropriating committee I am not prepared at this time to state. Certainly it was held uniformly for years when the Agricultural bill was under consideration that the expression, which I remember was in the same terms as used here, namely, "as prescribed by law," authorized the Committee on Agriculture to provide for positions under that department, and naturally rendered it in order for an amendment to be offered from the floor of the House to that effect.

Mr. WOOD of Indiana. I am not familiar with the decisions the gentleman refers to or the rulings, but I apprehend even in that case, if it should prove an exception, it would be primarily for the reason that the Agriculture Committee has original jurisdiction over agricultural affairs and then also has original jurisdiction with reference to appropriations. It has complete jurisdiction of the two and has authority to legislate, which the Appropriations Committee has not.

Mr. DENISON. It has authority to legislate.

Mr. WOOD of Indiana. It is a legislative committee. This is legislation upon an appropriation bill and it was admitted to be legislation. The same amendment that is now proposed reads exactly like that amendment proposed in the Sixty-third Congress, only different as to the amount that is proposed.

I desire to call attention to what was said on that occasion:

> The CHAIRMAN. Does the gentleman from Illinois [Mr. RAINEY] insist upon his point of order?
>
> Mr. RAINEY. Mr. Chairman, this section confers upon the Secretary of Commerce——

The CHAIRMAN. May the Chair ask the gentleman from Indiana what he is reading from?

Mr. WOOD of Indiana. I am reading from the CONGRESSIONAL RECORD, volume 51, Part VII, Sixty-third Congress, second session, of April 14, 1914.

I will read further:

> This section confers upon the Secretary of Commerce the right to appoint an indefinite number of commercial agents or attachés. It also requires that the attachés or agents so appointed shall be accredited by the State Department, and it also provides that they shall report directly to the Secretary of Commerce. Now, this is clearly new legislation.
>
> Mr. BYRNS of Tennessee. We admit that.
>
> Mr. RAINEY. The act creating the Department of Commerce does not authorize the creation of new consular agents in a new manner, but it simply authorizes the Secretary of Commerce to collect commercial data at home and abroad in various ways and through our commercial agents abroad. But our commercial agents and attachés abroad are required by the act to report directly to the Secretary of State, and through the Secretary of State the reports may be transmitted to the Secretary of Commerce. This is clearly new legislation, and it is contrary to the existing law. I am compelled to make the point of order.

I desire to further emphasize the fact that under this new legislation they are proposing to establish a new method whereby the reports of the activities of these agents abroad shall be transmitted to the Government—not to the Secretary of State, as the organic law which provides for all this commercial work requires it shall be done. The only law which gives to this branch of the Government a right to function requires that all these reports shall be submitted to the State Department. But they are seeking now to create a new agency in this case, entirely independent of the law that warrants the activity at all in foreign countries and providing that this new agency shall report, not as the organic law says it shall report, to the State Department, and from the State Department to be transmitted to the Department of Commerce, but provides that the report shall be made first hand to the Department of Commerce. At the time this was submitted, the Chair, after Mr. RAINEY insisted upon his point of order, declared:

> The point of order is sustained, and the Clerk will read.

Now, then, I wish again to call the attention of the Chair to the fact that the only authority under the law which the foreign-relations activities of the Commerce Department have to exist at all is that which was conferred under the Bureau of Manu-

factures and Statistics, and is the law which is referred to as being prescribed. There has been no other law prescribed since that time for their conduct or control beyond that, which distinctly says:

That all cosular officers of the United States, including consuls general, consuls, and commercial agents—

That includes these agents from the Department of Commerce as well as any other kind of agents, for there is no other law creating or authorizing the creation of commercial agents—

are hereby required, and it is made a part of their duty under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send under the direction of the Secretary of Commerce and Labor the information and statistics thus gathered and compiled, with reports to be transmitted through the State Department.

Not through the Department of Commerce but through the State Department to the Department of Commerce, absolutely changing the very fundamentals of this transaction and the manner in which it is conducted.

Now, if this rule is changed there is no limitation to the extent of possibility of the creation of numerous officers, numerous places with numerous functions, and with numerous prescribed duties to perform. It is within the confines of law now and it is very important that it should be kept within the confines of law. For to take and give greater opportunity to the bureaus of this Government—I am not now particularly referring to the Department of Commerce, but to all others—when we all know how prone they are to take an ell when you give them an inch, is but an entering wedge, and I dare say that the framers of this statute had in mind the fact of these abuses when they said that they should conduct their business as prescribed by law; not by the direction of the Secretary of Commerce can they do this or do that, and not in his discretion can they create new places and new responsibilities and provide a new manner whereby and under which their business shall be conducted with reference to reports, and so forth, but that they shall do it as prescribed by law, and they can not do it otherwise. It is prescribed by law that their activities shall be conducted through the State Department.

Now, they are creating an entire new officer here, giving him a new name, giving him new duties and responsibilities, and asking him and directing him to report, not to the Department of State as the law says he shall report, but to report immediately to the Department of Commerce, which would be absolutely unwarranted by law, and seeking, if you please, by this legislation upon an appropriation bill to make it law.

Mr. SISSON. Mr. Chairman, I want to call the Chair's attention to some further language of this act. I think under the general powers which I read to the Chair first this legislation is in order upon the same theory that they declared legislation to be in order on the Agricultural bill.

The CHAIRMAN. Does the gentleman draw any distinction between this case and the case referred to by the gentleman from Indiana [Mr. WOOD]?

Mr. SISSON. I am going to call the Chair's attention to the fact that in addition to the powers I have just read, in this section 671, Bond's Federal Code, in reference to the transfer of officers and bureaus now, all the powers that the Secretary of State has in reference to gathering statistics and information in reference to our business abroad, and down on the next page, 158, it says:

The Bureau of Foreign Commerce, now in the State Department, be, and the same hereby is, transferred to the Department of Commerce and Labor and consolidated with and made a part of the Bureau of Statistics hereinbefore transferred from the Department of the Treasury to the Department of Commerce and Labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of bureau, and that the Secretary of Commerce and Labor shall have control of the work of gathering and distributing statistical information naturally relating to the subject pertaining to his department.

Showing in transferring to this department that which has heretofore been transacted through the State Department in the consular offices has been specifically transferred to the Department of Commerce, thereby specifically directing that this work shall be done under the Department of Commerce. So not only the general power, but the specific power granted to the consuls, is transferred by this act to the Department of Commerce and such agencies as it might direct.

Mr. UPSHAW rose.

The CHAIRMAN. Does the gentleman from Georgia desire to speak to the point of order?

Mr. UPSHAW. To the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. UPSHAW. Mr. Chairman, it seems to me that the germaneness of this amendment is incontestable. It is the province of the State Department to establish comity and promote fellowship between the nations. It is the province of the Department of Commerce to bulid up the commercial prosperity of the Nation, and it is utterly unthinkable that the Department of Commerce can thus function alone, sitting here in Washington. It must have its special representatives far and near. And if that is true, then certainly it is the duty, and clearly it is within the province of this Congress, to furnish the means necessary to carry out the activities of this Department of Commerce, both at home and abroad.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. UPSHAW. Yes.

Mr. NEWTON of Minnesota. Does the gentleman realize that from the time of the formation of the Department of Commerce up until just a matter of four or five years ago there were no such things as commercial attachés? All this foreign trade information, this foreign trade promotion, was conducted by the agents of the Department of State, and the information was transmitted through them to the Department of Commerce here.

Mr. UPSHAW. My answer to that, offhand, is that the world is much bigger now than it was then, and if America keeps abreast of the times and walks full handed into the world opportunity that is now new born, we must help the Department of Commerce to function according to the law, as brought out by the gentleman from Mississippi [Mr. SISSON].

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. UPSHAW. Yes, sir.

Mr. BYRNS of Tennessee. Is the gentleman aware of the fact that one of the main reasons for the creation of these commercial attachés and these agents for the Department of Commerce was the fact that the business men, the manufacturers of this country, realized that they were not getting the information to which they were entitled, and that this was put in largely as the result of the demand of the United States Chamber of Commerce and other chambers of commerce located throughout the country?

Mr. UPSHAW. That fact supports the very point I wanted to stress.

Mr. WOOD of Indiana. Mr. Chairman, I make a point of order that the gentleman is not discussing the point of order.

Mr. ROGERS. Mr. Chairman, I desire to quote a sentence from the organic act of 1903 establishing the Department of Commerce, as follows:

And all consular officers of the United States, including consuls general, consuls, and commercial agents, are hereby directed, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Now, Mr. Chairman, the gentlemen who have discussed this amendment and the point of order have laid great stress upon the circumstance that in order for the Department of Commerce at home efficiently to function abroad it was necessary for the department to have these commercial attachés act as their representatives abroad. Congress, when it created this great department in 1903, foresaw that the Department of Commerce would need to have its tentacles spreading throughout the world and centering in Washington, and it therefore provided in express language that the existing organization of the Department of State should feed to the Department of Commerce such information as the Department of Commerce might from time to time desire.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield there for a question?

Mr. ROGERS. In just one moment. Congress particularly recognized, it seems, that the attempt might be made by the Department of Commerce to extend its activities just in the way it has sought to extend them—by the commercial attachés. It regarded that as unnecessary. It recognized the fact that we had this large and expensive and efficient Consular Service spreading throughout the world. It therefore provided for a liaison between the Department of State on the one side and the Department of Commerce on the other side, and that is the purpose of the law which I have just read. That law specifically protects and cherishes the foreign service of the United States, and makes it clear that under the Department of Commerce, so far as the organic act was concerned, it was not the intent and the desire of Congress to have a new foreign service established and built up.

Mr. HARDY of Texas. Does the gentleman contend that because that law authorizes the Department of Commerce to

gain its ends by utilizing certain officers, including those named, that that phrase excludes other means and facilities?

Mr. ROGERS. The importance of that sentence, as I read it, is that Congress specifically recognized the utility of having the Department of Commerce enabled to get its overseas information conveniently. It was therefore provided that the Department of State, in existence for 125 years, should continue as it had been doing for a century and a quarter the means of collecting abroad that information and providing that the scattering of it, the diffusion of it, in this country should be under the department in this country which was then being created.

Mr. HARDY of Texas. Does not that very use of the word "including" indicate that there may be other means as well as those included?

Mr. ROGERS. No. The language of the statute is "all consular officers of the United States, including consuls general, consuls," and so forth.

The CHAIRMAN. The Chair is ready to rule. The Chair has been impressed with the force of the arguments of the gentleman from Mississippi [Mr. SISSON] and of the gentleman from Tennessee [Mr. BYRNS] that this proposed provision, offered as an amendment by the gentleman from Mississippi, is in order on account of the very broad jurisdiction and discretion granted in the act creating the Department of Commerce. The Chair, if this came to him in the first instance, would hesitate considerably about holding such an amendment to be out of order. However, the Chair is confronted by the precedent referred to by the gentleman from Indiana [Mr. WOOD], which is absolutely in point.

At that time it was offered to insert in this bill a provision precisely similar to that just now offered by the gentleman from Mississippi, excepting only that the amount appropriated was $100,000 instead of $165,000. It was sought to justify it on the ground of the very broad field of the organic law, just as it is here.

But the gentleman from Illinois [Mr. HENRY T. RAINEY], a very excellent parliamentarian, made the point of order, and during the course of his argument laid stress, as the gentleman from Massachusetts [Mr. ROGERS] has, upon the overlapping of this jurisdiction between the State Department and the Department of Commerce. The gentleman from Illinois [Mr. HENRY T. RAINEY] said:

> The act creating the Department of Commerce does not authorize the creation of new consular agents in a new manner, but it simply authorizes the Secretary of Commerce to collect commercial data at home and abroad in various ways and through our commercial agents abroad. But our commercial agents and attachés abroad are required by the act to report directly to the Secretary of State, and through the Secretary of State the reports may be transmitted to the Secretary of Commerce. This is clearly new legislation and it is contrary to the existing law. I am compelled to make the point of order.

The Chair promptly sustained the point of order.

The situation to-day is precisely what it was then, and while the Chair admits that he would be in some doubt if this matter came before him as a new proposition, yet in view of the only precedent directly controlling, namely, that just cited, where the decision was rendered by an extremely competent parliamentarian, the gentleman from Texas [Mr. GARNER], the Chair is compelled to sustain the point of order.

Mr. SISSON. Mr. Chairman, in view of the fact that this decision is so important and in view of the fact that the Chair entertains the doubt he does, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. MANN] to be kind enough to take the chair.

Mr. MANN of Illinois took the chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. SISSON) there were—ayes 50, noes 80.

Mr. WOOD of Indiana. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. WOOD of Indiana and Mr. SISSON.

The committee again divided; and the tellers reported—ayes 63, noes 105.

The CHAIRMAN. The tellers report ayes 63, noes 105. Accordingly, it is decided that the decision of the Chair shall not stand as the judgment of the committee. [Applause.] The question is on the amendment offered by the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Is the gentleman from Indiana [Mr. WOOD] willing to have some agreement as to time?

SEVERAL MEMBERS. Vote! Vote!

Mr. WOOD of Indiana. Mr. Chairman, I feel that it is due to the committee, to the House, and especially to the public that the information in the hands of the Committee on Appropriations be given to the House, and that the public may know what it is, so that the entire country may understand the woeful waste of money that is going on by reason of the overlapping of these various activities, which are admitted by the gentleman who appeared before the committee representing the Department of Commerce as well as by those who appeared representing the Department of State.

I do not believe that we are doing the country any good service by railroading this all-important matter through. I have no more interest in the determination of this question than any other Representative ought to have. I believe that we are all interested, or should be, in seeing that the country gets the best possible service for the money that it is paying, and if these errors exist they should be removed and the information should be brought to the House which will lead the House to remove them, so that hereafter there will not be this waste, this overlapping, this duplication of work which is not only wasteful of money but wasteful of effort, producing constant inefficiency. So I would like to agree upon some time. I want a little time myself, whether any other gentlemen do or not.

Mr. SISSON. I think there ought to be some time for debate, because the issue will be raised as to whether or not this money is wasted, and as to whether or not there should be any disturbance of this particular activity at this time. I am willing, if the committee desire, to agree upon a reasonable time for debate, or I am willing to take the vote now. I presume the opinion of the committee is already determined, but I have no desire to prevent debate.

Mr. WOOD of Indiana. How much time does the gentleman think there should be?

Mr. SISSON. Anything from 5 to 15 minutes on a side.

Mr. WOOD of Indiana. I understand that no matter what may be said in opposition to the present attitude of the House, it will make no difference; but notwithstanding the apparent desire of some gentlemen to vote on this question, I ask unanimous consent that I be given 25 minutes in which to speak on this subject.

Mr. SISSON. Mr. Chairman, I can not agree that the gentleman shall take more time than is to be consumed on this side, because there are many gentlemen on both sides of the House who desire to speak on this question, and I should be glad to accommodate as many as I can.

Mr. WOOD of Indiana. Then I propose an hour on a side.

Mr. ROWE. Mr. Chairman, I want 20 minutes on this.

Mr. MANN of Illinois. I should like to have an hour. I was the author of the bill creating the Department of Commerce and Labor.

SEVERAL MEMBERS. Vote! Vote!

Mr. CALDWELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN (Mr. LONGWORTH). This is proceeding by unanimous consent.

Mr. SISSON. Mr. Chairman, I will say to the gentleman from Indiana——

Mr. CALDWELL. The regular order has been demanded, and under the rule there are five minutes on a side.

The CHAIRMAN. The regular order being demanded, the Chair will recognize the gentleman from Indiana [Mr. WOOD] for five minutes.

Mr. SISSON. If the gentleman from Indiana desires an hour, I have no objection myself. Of course, we will ask that the time be equally divided. I have no objection to an hour on a side if the gentleman desires it.

Mr. BLANTON. I object, Mr. Chairman. We have all got our minds made up. Let us vote.

Mr. WOOD of Indiana. I suggest that we have one hour—30 minutes on a side.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the debate upon this paragraph and all amendments thereto be closed at the end of one hour. Is there objection?

Mr. BLANTON. I object, Mr. Chairman. We have all got our minds made up.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be limited to one hour. Thirty minutes to be controlled by the gentleman from Mississippi and 30 by myself.

The CHAIRMAN. The Chair thinks that that is not in order. It is in order to move to close debate at the expiration of any time, but not in order to divide the time. The time of the gentleman from Indiana has expired.

Mr. SISSON. Mr. Chairman, in order that we may get the matter settled, I ask unanimous consent that the debate be limited to one hour, one half of it to be controlled by the gentleman from Indiana and the other half by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that debate on the paragraph and amendments thereto be limited to one hour, one-half to be controlled by the gentleman from Indiana and one-half by himself. Is there objection?

Mr. BLANTON. I object.

Mr. SISSON. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in one hour.

Mr. CALDWELL. Mr. Chairman, I offer an amendment to that by making it 20 minutes, 10 minutes on a side.

The CHAIRMAN. The gentleman from New York offers an amendment to the motion of the gentleman from Mississippi, which the Clerk will report.

The Clerk read as follows:

Mr. CALDWELL moves to amend the motion by making it 20 minutes instead of one hour.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Mississippi.

The question was taken, and the motion was agreed to.

Mr. SISSON. Now, Mr. Chairman, I ask unanimous consent that half of the time be controlled by the gentleman from Indiana [Mr. WOOD] and the other half by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that one-half the time be controlled by the gentleman from Indiana and one-half by himself. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Chairman, the Department of Commerce when it was organized in 1903 took, as has been stated here to-day, the Bureau of Manufactures and the Bureau of Statistics over from the State Department under that act. In 1912, under Secretary Cortelyou, these two departments were consolidated into the Department of Foreign and Domestic Commerce. Last year we appropriated $910,000 for this service. There are not many men in this department. All told, the personnel is 341. The Appropriations Committee has cut down the appropriation from $910,510 to $487,000, practically reducing it to one-half of that appropriated last year.

When this department was originally organized we had very little foreign trade or commerce carried in American bottoms. To-day we have a large fleet of ships. We are the second largest shipping nation in the world. From less than 2,000,000 dead-weight tons of overseas shipping in 1915 we have grown to over 9,000,000 dead-weight tons. A large part of the tonnage under our flag is owned by the United States. If you cut off our foreign commercial representatives you will destroy the earning power of the Nation's ships.

We have nothing to be very proud of, either, in the last year's foreign commerce, for Great Britain, crippled by four years of war, carried $800,000,000 more of foreign commerce than did the United States.

Now, the question is, Who should do this work? We have a system now of representation in foreign countries consisting of the consular representatives, military attachés, the naval attachés, Shipping Board agents at seaports, and the Department of Commerce attachés and agents. Formerly Great Britain had the same as we have, four or five different sets of agents in every principal city in the world. Three years ago she appointed a commission to make a study of this, and she has cut her attachés and agents down and put them under one head, known as the Foreign Trade Promotion Service. She has centralized all this work under one man in the cabinet and calls it the department of overseas trade. All have to report to him, even the consular agents, in anything affecting commerce.

To-day we are in the position of having all of these five classes of representatives in foreign lands. It is a criminal expenditure of the people's money. For instance, in Brazil we have an ambassador and two secretaries, a military attaché and one assistant military attaché, one naval attaché and three assistant naval attachés, and last of all, one commercial attaché, and all of these departments have numerous clerks and assistants. The fact is all over South America the Navy has from two to five times as many men as the Department of Commerce has. The Army also far exceeds in number the Department of Commerce.

Should we support in South America and in Asia and Europe this great number of military, naval, and consular representatives, and cut in half the paltry sum of $910,000 which we appropriated last year for foreign and domestic commerce? I am in favor of economy and I am in sympathy with the effort for economy shown by this committee, but we must not injure our growing foreign trade. We have a surplus of farm products, a surplus from our mines, and our factories are producing far beyond our needs. This country should make every effort to expand its foreign trade and establish its business in every port of the world. Let me read an extract from a speech of Sir Hamar Greenwood, Member of Parliament, as to the new department established in Great Britain. This address was delivered at the Manchester Chamber of Commerce on November 27, 1919:

Let me come to my own department—the department of overseas trade—the department established during the war to assist overseas trade. I can assure you that from the letters of appreciation we receive in growing numbers that department, I think, is a success. On November 20 last the whole of the consular and commercial secretarial services were handed over to the department of overseas trade, over which I preside. Subject, therefore, to the approval of Lord Curzon, or the secretary of state for foreign affairs, consuls and commercial secretaries are now part of the department of overseas trade. That means that in that department, under that department, and by that department consuls and commercial diplomatic officers are recruited for the services. They are transferred, promoted, and retired, and it is done entirely in the interests of trade.

I ask you gentlemen here to-day to assist in the building up of our foreign commerce. Every commercial organization in this country interested in foreign commerce has been telegraphing to their Congressmen to assist in making this appropriation the same as it was last year, and indeed many of them have asked for a great increase. On Tuesday last I spent all day in New York talking with commercial men. Not a single one of them said he received help from the Department of State or War or Navy, but every man interested in foreign trade said that he got the greatest assistance from the agents and attachés of the Department of Commerce.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. ROWE. Certainly.

Mr. BAER. Is it not a fact that the information that the State Department and the Navy Department gets now is mostly kept secret, and the business men of the country are not able to get that information? I have several cases where I can not get information about foreign trade from those departments.

Mr. ROWE. I think the gentleman is correct, and I call his attention to some information along that line. Nearly all of our reports to the State Department, to the Navy, and to the Army come in 2 to 3, and often 20, days late. Take, for instance, the report on the relaxation of the control over exports and imports in France. It was reported by the commercial attaché on May 14, 1919, and published in the commerce reports on May 16, 1919. The same information was reported by the consul general on May 17, 1919, and was received by the Department of Commerce from the State Department on May 21. In other words, the Commerce Department had the information three days before the State Department and had published it to the commercial interests of this country before the State Department received it.

Another instance: The removal of French import prohibitions, reported by commercial attaché on June 18, 1919; published by Department of Commerce June 21, 1919; reported by consul to State Department June 28, 1919; turned over to Department of Commerce by State Department July 1, 1919.

Our commerce will not admit of delays; we must do business in a business way, and then we can expect results. Let us give this department the same money we gave them last year, and in the near future I shall ask this House to consider a joint resolution for the appointment of a commission to make a careful study of our agents and representatives in foreign lands and see if we can not greatly reduce the expense and largely increase their efficiency.

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I can not fully discuss this subject in three minutes, but I do want to briefly reply to the remarks made by the gentleman from Indiana [Mr. WOOD]. The gentleman stated that this constituted an expense upon the part of the Government and was a waste of public money. This bureau was organized at the instance of the business interests of this country. The United States Chamber of Commerce conducted a referendum over the country, and out of more than 800 chambers of commerce, all of them with the exception of something like 20 asked Congress to establish this bureau and to continue it. The statement was made, I think, by the gentleman from Massachusetts [Mr. ROGERS] that these bureaus ought to be attached to the Department of State. I insist that this is not a diplomatic function, but is a purely commercial affair that should be looked after by the Department of Commerce, which was established for the purpose of looking after our domestic and foreign commerce. I call atten-

tion to the fact that in practically all of the European countries to-day the commercial attachés are not attached to the foreign office. The hearings show that in Great Britain they have an overseas trade department, not attached to the foreign office. The same is true in France, where the attachés are attached to the ministry of commerce and industry. The same is true of Italy, where the attachés are attached to the ministry of agriculture, industry, and commerce. In the Netherlands the attachés are under the ministry of agriculture, industry, and commerce. This was also true of the Russian Empire before the revolution. The only country in Europe where the commercial attachés were attached to the foreign office was in Germany.

That is the practice of the European countries, and I submit that if now, at the close of the war, when everything is chaotic, at a time when every country in the world is reaching out for the trade of the world, attempting to get possession of it, we take the position of reducing those agencies which were established in times of peace for the purpose of developing our foreign commerce we will be taking a backward step. They were established for the purpose of promoting, fostering, and developing our commerce. To take such a step would be resented, and properly so, by the business and manufacturing interests of the country. I am anxious to see this Congress not take a backward step, but to at least continue the current appropriations, not only as to commercial attachés, but also in the interest of promoting our foreign and domestic commerce in Europe and in Central and South America and in the Far East. [Applause.]

If we fail to do so, we will be derelict in our duty and heedless of the opportunities of our country to capture and retain the valuable trade of the world.

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, I would like very much to agree with the distinguished chairman of the committee [Mr. WOOD of Indiana] having the bill in charge, but as I look over the hearings I fail to find any testimony which justifies either the charge of extravagance he has made, or the charge that there is an overlapping of work by representatives of these two great departments, Commerce and State. On page 2429 of the hearings Mr. Kennedy, the Director of Foreign Commerce, in answer to a question in respect to the duty of the consul, said that the consul deals with matters which are more or less local. A little later on, page 2432 of his testimony, Mr. Kennedy said in answer to a question by Mr. SISSON that the commercial attaché gives none of his time or attention to the local work of the consul and that he was not necessarily tied down or bound up to any particular office. In other words, the consuls remained in a permanent office and the commercial attachés operate throughout the entire country, making observations as to all manner of commercial activity and enterprises and keep American manufacturers and American business men in close touch with information as a result of their observations. If there ever was a time in the history of our country when business men and the shippers should be assisted it seems to me that it is now. We are attempting to establish a great merchant marine, and we talk about expanding our commerce and encouraging the upbuilding of our foreign trade relations. To do what the committee wishes would be to take a step looking toward retrenchment in the export business of the country. The passage of their recommendations would be an interference with the opportunities which the American shipper and the American manufacturer ought to have to aid him in entering a foreign field. To say the least, it is an unwise economy, at a time when we are attempting to establish a great American merchant marine. It would be petty economy to handicap the business men of the country, and it seems rather picayune, when we consider the small amount of money this bureau is expending, to attempt to cut in half these appropriations, and at the same time cut the shippers of the country off from information which they ought to have at first hand.

I have telegrams here from agencies in Philadelphia, the chamber of commerce of that city, and one of the largest banks, asking that a proper force be maintained, which I wish to read:

PHILADELPHIA, PA., *February 25, 1920.*

HON. WILLIAM S. VARE,
House of Representatives, Washington, D. C.:

Philadelphia Chamber of Commerce strongly opposes any reduction being made in present commercial attachés service.

ALBA B. JOHNSON,
President.
N. B. KELLEY,
General Secretary.

PHILADELPHIA, PA., *February 24, 1920.*

HON. WILLIAM S. VARE,
House of Representatives, Washington, D. C.:

Urgently hope Commerce Department be allowed ample appropriations for commercial attachés, commercial agents, and district officers, since this department greatly assisted many of your constituents during the past year.

CHAS. S. CALDWELL,
President Corn Exchange National Bank.

In view of the work done by these trade investigators, which, in the eyes of those for whom the work was intended, has been very successful, I hope the House will approve the restoration of the amounts given this bureau last year at least.

Mr. SISSON. Does the gentleman desire to use some time?

Mr. WOOD of Indiana. We have only one more speech on our side.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. I hesitate to take issue with the committee on the position it has taken with reference to reducing the amount heretofore allowed for foreign and domestic commerce.

I believe in real economy, not only at this time but at all times, in connection with the operation of governmental departments. But this effort to economize should not be carried to such an extreme that it will actually militate against the business men and laboring men of this country.

In providing for this service through the Bureau of Foreign and Domestic Commerce Congress virtually said to the business men of this country, "You prepare for foreign trade and your Government will cooperate with you."

After this appropriation was made and attachés were assigned to foreign countries men lectured before commercial clubs, rotary clubs, chambers of commerce, and manufacturers' associations throughout the country urging the business men of the United States to engage in foreign trade. Schools were opened in connection with various industries and organizations to instruct in the matter of foreign service. Pamphlets were issued instructing men how to pack goods for foreign shipment. You will recall that newspapers, magazines, and various prominent publications saw the importance of our country engaging in foreign trade, and urged American business men to study this problem and avail themselves of this Bureau of Foreign and Domestic Commerce.

There is no doubt that many manufacturers reorganized their business or reorganized their industries to enter into this new field, and that they did so because of the assurance of Government cooperation. Many firms have established points of contact through the commercial attachés and now rely on this important service.

Many of these companies that have engaged in foreign trade are not sufficiently established in financial strength and in the magnitude of their business to put their own commercial men into foreign fields. It must be remembered in this connection that in addition to the normal expenses for traveling and entertainment, which are very high in South America, must be added the taxes which are levied by foreign countries on foreign salesmen. This is the case in Sweden, Norway, Denmark, Holland, Switzerland, Portugal, Brazil, Uruguay, Paraguay, Argentina, Bolivia, Mexico, British Columbia, South Africa, and New Zealand. In addition to the State or Federal tax municipal taxes are sometimes found. The State of Buenos Aires charges a traveler's tax of $400 and the city of Buenos Aires an additional $500. This tax may be a monthly charge, as in Sweden, or a yearly payment, as in Switzerland. In France foreign travelers enjoy the same treatment accorded French commercial travelers in the country from which they hail.

With the cooperation of the Government our business men may be able in time to put their own men in foreign countries, but until they have developed the trade to a point that will warrant it, they must rely on the service that the Government is prepared to render.

This service will enable small concerns to build up a clientele in South America and elsewhere, and eventually these new concerns will have enough business to enable them to put their own men in the foreign field.

It is hard to imagine anything that this Government could do that would be more pleasing to our foreign commercial rivals, such as Great Britain, Japan, France, Italy, and even Germany, than to herald the news that the business men of the United States would have no cooperation from the Government in securing foreign trade.

The failure of this Government to furnish the American business men with this service is notice to our business men that they will not have the cooperation of their Government in securing foreign business.

It is notice to the business men in competing countries to organize without delay to go after foreign trade with full assurance that they can do so with the support and cooperation of their own Government and without fear that the United States will assist her business men who wish to compete with them.

For years we have permitted our goods to be carried in ships flying a foreign flag, and now, when the American business man is rejoicing that we have a merchant marine, we propose to destroy the department that is essential to provide the business necessary to keep the flag on our merchant ships. It is difficult to imagine any alleged policy of economy we could adopt to bring greater joy to our commercial rivals than the proposal to withdraw from foreign trade. The American business man is being taxed for every other Government service, and it would seem from the telegrams and letters that are coming in protesting against the failure of Congress to continue this service that he is entitled to consideration, especially when he knows that the burden of footing this bill will largely fall on him.

When making an investiagtion of this service I found in a standard work on foreign commerce that the Bureau of Foreign and Domestic Commerce now maintains offices in the following cities: New York, Chicago, Boston, St. Louis, New Orleans, San Francisco, Seattle, and cooperative offices in connection with the following institutions: The Cleveland Chamber of Commerce, Philadelphia Chamber of Commerce, Cincinnati Chamber of Commerce, Los Angeles Chamber of Commerce, Southern Railway system, Portland Chamber of Commerce, and the Greater Dayton Association.

The same authority has the following to say:

The foreign trade department of the San Francisco Chamber of Commerce has a library on trade subjects and is equipped to answer questions on trade subjects and is equipped to answer questions relating to the harbor problems of the world, the cost of entering and clearing, loading and discharging of vessels, the kind of loading facilities available in each harbor and the best way of routing a shipment.

The Cleveland Chamber of Commerce, like many other chambers, a cooperative branch office of the United States Bureau of Foreign and Domestic Commerce, has a classified record of manufacturers in Cleveland and vicinity interested in foreign trade and how their export business is handled; a library of maps, trade journals, Government publications, cable codes, and commercial directories, a permanent exhibit of documents used in shipping and financing an export order, and a compilation of data respecting goods produced in or near Cleveland.

The same foreign trade department has made investigations regarding the market conditions in various parts of the world in specific lines, such as cutting tools, paper and paper goods, and aluminum cooking utensils. Arrangements have been made with trade-mark attorneys in Argentina, Brazil, Chile, and Cuba to register Cleveland-owned trade-marks at a special rate. Assistance is given in the collecting of accounts in foreign countries.

A translation service is at the disposal of members who do not have the command of the language of their foreign customers. A large number of pamphlets have been published dealing with topics such as "Your trade-mark in Cuba" and "Foreign trade reports."

There is hardly a city of any size that is not interested in this important service. The failure to support this Bureau of Foreign and Domestic Commerce will be a severe blow to the business men of this country and will tend to disorganize and discourage those who have gone to all this expense to engage in foreign trade.

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. WINSLOW]. [Applause.]

Mr. WINSLOW. Mr. Chairman, I desire to yield the last minute of my period to my colleague from Massachusetts [Mr. OLNEY].

Gentlemen, this is a question which could be talked on intelligently for a very long time, but the opportunity is not forthcoming. We are appropriating much money here, and are urged to appropriate a lot more than we know how to get. Naturally and properly we are trying to be economical, and I will join my brethren in that undertaking, but on this particular proposition before us now it is not a question of spending the Government's money. It is a question of putting our people in line to make more in order that we can get profits and thereby the money we need to pay our taxes and carry on our Government. [Applause.] The commercial attachés under discussion are a direct aid to the selling forces of our producers. A few years ago, even with our Consular Service in full force and all the rest of the diplomatic organization in order, we began to realize that we knew but little about foreign trade, hence the development of this particular branch. Since then we have gone ahead, and it should be said to the everlasting credit of Secretary Redfield that he stimulated foreign trade and did more for it, through the agency of our Government, than any other man. [Applause.] I could give you one case after another, illustrated in dollars and cents, to show concerns which before the development of this foreign-trade department with its attachés had never done any foreign business, but which more lately, up to the time war began, had come to do a very profitable business. Only very big, rich concerns can send salesmen and investigators world wide, but by virtue of this organization of commercial attachés thousands of smaller producers have been able to get the benefit of information, initiation, and such helpful assistance as to put us on the map for overseas trade.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. OLNEY] is recognized for one minute.

Mr. OLNEY. Mr. Chairman, while Germany and England are trying to reconstruct and rejuvenate their countries we are trying to tear down and cripple the machinery of government by cutting out these commercial attachés—only 12 of them—whereas England, I understand, for the same purpose has provided 60 commercial attachés to build up its business. It may be that a year from day after to-morrow you may have your Secretary of Commerce on the Republican side inducted into office, and having such a representative in the next Cabinet [applause on the Republican side] you surely would not cripple the machinery of government by the sheerest and falsest kind of economy. I know whereof I speak. I have known many of these commercial attachés who have gone from Government service into industrial life, where they have received double the salaries on account of their capabilities and competency, and while Government servants they have furnished invaluable information to the cotton manufacturers and the cotton growers and to the woolen and cotton manufacturers, leather merchants, and boot and shoe manufacturers the country over. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLNEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, I am in favor of the amendment to restore this appropriation to the figures of last year. From my limited knowledge I believe that this is one of the most important functions that we are performing in foreign countries. I say that because of my intimate acquaintance with one of the commercial attachés. I refer to Prof. Lincoln Hutchinson, the commercial attaché in London. He told me of the special test which these commercial attachés are put to in order to qualify them for their work. They must not only have a thorough grounding in economics and in special commercial training but they must also be qualified from a language standpoint. Prof. Hutchinson for a long time was commercial attaché at Rio de Janeiro. Then he was specially detailed to the Council of National Defense for special economic work. He was then sent to Paris for special work on the question of tin allocation; then he was sent to Czechoslovakia, and after completing his work there he returned to the University of California. Afterwards he was called by the department to go to London. This shows the manner in which the Department of Commerce chooses these experts. I have no doubt they choose the experts in all places as they have chosen this man, who is so well qualified for the work. I am distinctly in favor of this appropriation.

Mr. SISSON. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, during the past six years most of the good will established by the exporting houses of all countries has been lost. The business connections on which this trade rests will have to be built up again from nothing. At present this is a free field, and I think that we should make every effort to establish ourselves in a position which will be easy to attain now and from which it will be difficult to dislodge us in the future. It will be a very hard matter to catch up with England, France, or Japan if we let them get the start.

Every commercial house in the country feels that this amendment will be a good thing for our export trade, and it is to be presumed that they know what is best for their own interests, which are the interests of the country.

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] three minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I have been very much surprised and amazed in examining the report of the hearings held before the subcommittee of the Committee on Appropriations to find how limited was the information which was revealed upon which they proposed to reduce the appropriations for the maintenance of the Department of Commerce for the year ending June 30, 1921. An examination of the report, beginning with page 46 of the detailed statement of the proposed reductions, presented items covering nearly every branch of that important department, which, if carried into effect, would have destroyed its efficiency. And I have had quite a

little experience along business lines. More than 50 years ago I was interested in my own city in the plans devised for the extension of the foreign trade of the United States. On account of the depression of our manufacturing business, an enterprising treasurer was sent from there to go out and endeavor to provide a market for our manufactured products. He went to South America and ascertained that if we were to obtain foreign trade we had endeavored to solve a very difficult problem. Agents of foreign Governments had preceded us and had laid their foundations so securely that it was found that if we desired to extend our foreign trade we must learn how to pack our manufactured materials that we wanted to ship so that we could send the same to the customers who desired to buy and use them, and the effort then was unsuccessful. A little later business became good at home and it was not necessary to extend our foreign commerce in order to sell American goods. But now we are met with the competition of the whole world, and we go out into the world's markets and we find ourselves limited by the recommendations of this subcommittee. In view of the determination of every foreign Government to make liberal appropriations and in every manner to obtain our own home trade and extend their foreign trade, I unhesitatingly declare the report submitted by this committee as the most narrow piece of legislation I have ever known to be presented in this House during my 21 years of membership in this body.

I decline to vote for the acceptance of the report in the name of the people of New England, whom I represent in part, and in the name of the business men throughout the country, who had a right to expect that better legislation would be proposed if it is expected that we shall keep the United States in the forefront in seeking the markets of the world. [Applause.] I tried by what I considered legitimate methods to find out what this bill meant. The Department of State or the Committee on Foreign Affairs are behind this whole proposition. They do not expose themselves. They are hidden in this report. Diplomacy which is evident in every act of that committee is not the usual method adopted by business men when competing for foreign or domestic trade. But whatever condemnation may come to me for the opposition I have taken upon this report presented to-day I am proud of the opportunity I have to maintain the business interests of New England. The city of Boston had but one representative here to-day, Representative TAGUE, but he could obtain no time to speak in opposition to the report because of the limited debate, but by his vote he was recorded in opposition to the report submitted by the subcommittee and in defense of the business interests of Boston. I am proud to represent the interests of New England and represent the interests of my own city of Fall River, Mass., that has 114 cotton mills, and the interests of the cities of Taunton, Attleboro, and the towns of North Attleboro and Mansfield, which, with other manufacturing establishments, have been trying through their chambers of commerce and by their ability and ingenuity to develop their foreign trade.

Early in 1919 I spoke regarding the importance of uniting the work of all the departments of the Government in extending our foreign trade. It had never been suggested to me that it was the intention of the Department of State to absorb the functions of the Department of Commerce until it was revealed by the subcommittee in explaining their intentions to economize as the best method to promote foreign trade.

The Committee on the Merchant Marine and Fisheries, all Members must bear in mind, has no appropriation at its disposal, but it has been devoting its time to building up a merchant marine, and it has presented much legislation which has been considered favorably by the House of Representatives.

The aforesaid committee is obliged to obtain money through the Committee on Appropriations. They have made the appropriations for the maintenance of the Shipping Board ever since the passage of the shipping act. There has been a large number of vessels constructed under their jurisdiction, with the purpose in view of building up the foreign commerce of the United States. If the methods pursued by the subcommittee of the Committee on Appropriations in unreasonably reducing the appropriations for the maintenance of the Department of Commerce is to be their continued purpose, I hope they may be induced to openly declare that purpose in order that the Members of the House of Representatives may be informed of their intentions hereafter.

Mr. SISSON. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. EDMONDS. Mr. Chairman, I am going to take up only a short time in explanation of a personal experience I had in connection with the use of consular agents to build up the trade of the United States. In 1915 I was in the consular office at Kobe, Japan. There was a man who came in there, a Japanese, who wanted to buy some files. He realized that at that time the war was on. England had supplied this market, but most of the factories of England had been taken up in making munitions and could not supply the trade, and this man was hunting for new sources of supply. The consular agent said, "I will take your request down and send it on." I said, "What will happen now?" after the man went out. He said, "I will send it to the State Department, and when they get ready they will send it over to the Department of Commerce, and they will publish in a little paper something like this: '3284. A man in Kobe, Japan, would like to have some files.' In six months from now the man may or may not get an answer. In the meantime he has bought his files. This is the regulation of the State Department in connection with this business. I know file manufacturers in the United States and could give him the names of half a dozen, but it is absolutely impossible for me to say anything to this man or give him any information at all so that he can get his files within any sort of reasonable time."

This is true of all the consular offices. They spoke to me about it in several of them. I sent them a Pennsylvania directory of manufacturers, so that they could get a list of men by reading it. A consular agent can not get along with these other duties without stultifying himself by advocating any particular establishment. The agent from the Department of Commerce can take the names and supply them to the manufacturers. They can get the supplies quickly. If we continue this through the State Department, we will just waste our money.

That is the opinion of everybody who knows anything about the work of the State Department in connection with the building up of trade. We should take it away from the State Department. It should be placed absolutely in the hands of the Department of Commerce.

The State of Pennsylvania and the city of Philadelphia have been spending a quarter of a million dollars annually for the last 20 years on their Commercial Museum in Philadelphia to do a part of what is being accomplished by this department down here. It is only asking of you about a million dollars or so, and certainly the amount of money can not be any object at all compared with the accomplishment that will come from the proper and active use of these men in foreign markets. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN (Mr. WALSH). The gentleman from Pennsylvania yields back half a minute.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Louisiana [Mr. LAZARO].

The CHAIRMAN. The gentleman from Louisiana is recognized for two minutes.

Mr. LAZARO. Mr. Chairman, the total of appropriations for the Bureau of Foreign and Domestic Commerce is reduced from $910,510 to $487,470, or by $423,040.

Mr. Chairman, this is false economy, because such a reduction as this will undoubtedly cripple this important branch of our Government. It will force the abolition of the department's commercial attachés, a reduction in the number of foreign trade commissioners, and an abandonment of the district offices maintained at leading American ports for the service of Americans interested in export and import trade.

Think of it, gentlemen of the House, at the very time when we are building up an American merchant marine to carry the products of our farms, forests, mines, and factories to the markets of the world, this bill proposes to cripple the force that we are depending upon to furnish us with the information which is absolutely necessary as the foundation upon which to build our domestic and foreign business.

The committee, if it believes the American policy in this matter should be reversed, ought to come out in the open and say so and prove itself consistent by cutting out the appropriation altogether instead of giving the department such a pittance. If we are to do away with our national policy, it should be done in the open and not by indirection. If we are to keep it up, we should give it a sufficient amount to make it effective. Unless an amendment is adopted increasing the appropriation in the bill, it will mean that the oak tree of our foreign commerce will be driven back to the acorn. [Applause.]

The CHAIRMAN. The gentleman from Louisiana yields back one minute.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. CHINDBLOM. Mr. Chairman, it is not only the people of the seaboard cities, the large ports of the country on the Atlantic and Pacific coasts and the Gulf, who have an intense interest in this matter. Personally I regret that I can not agree with the subcommittee reporting this appropriation bill. I do not think that any particular criticism should be meted out to them. They are trying to follow out the program of retrenchment and economy to which we are all committed. But, Mr. Chairman, this is a proposition in which we can ill afford at this time to practice any economy which would be harmful to the business interests of this country. The cities of the Middle West, and throughout the country generally, which are interested in manufacturing are also interested in commerce and in finding markets for the products of their factories and their shops, and we from Chicago, Milwaukee, Detroit, and the great manufacturing cities of the West join with the representatives of the seaboard cities in urging that this appropriation should be made as proposed by the amendment.

There never was a time in the history of the country, as has already been said, when it has been so important that we should maintain and enlarge our foreign commerce. Whether or not there is any overlapping of these appropriations may be waived for the present, and if the work has not been properly organized let the proper committees and let the proper departments make suggestions for a reorganization of the work. But let us continue now, under present conditions, the plans and the organizations which we have, in order that we may not lose the present opportunity of keeping and increasing our share of the world's commerce. [Applause.]

The CHAIRMAN. The gentleman from Illinois yields back half a minute.

Mr. SISSON. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. KELLY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman, Edmund Burke once said that false economy is like the brier, which, when it is held directly in front of the eye, shuts out the giant oak a hundred yards away. That is an exact description of the economy practiced by this Committee on Appropriations in reporting this bill, which strikes down entirely the valuable structure reared by the commercial attachés of the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

In order to save the appropriation of $165,000, it is proposed to sacrifice the interests of American commerce to the extent of many millions of dollars. It is a penny-wise and pound-foolish policy. It is the brier which shuts out the oak. It should not be agreed to by this Congress.

Mr. Chairman, in May, 1919, I talked with a representative of the American Tobacco Co. in Athens, capital city of Greece. I remember vividly the incidents he described of large sums of money being lost by American business men simply because they did not have the benefit of exact information as to market conditions and the assistance of an American representative. He stated that he knew personally of losses to the extent of $400,000 since the first of the year which were due to such causes. One incident he related concerned a shipload of codfish sent out from Boston. There should have been a profit made on that shipment, but there was a loss of $50,000 due to the lack of exact knowledge as to how to proceed.

Oh, there was a splendid consul in Athens, one of the ablest I have ever met. He was working long hours on multitudinous duties, and it was a physical impossibility for him to attend to the details necessary for the advancement of American commerce. A live-wire commercial attaché, assigned to Greece and charged solely with duties connected with commerce, would have saved to American business interests in six months twice the amount asked for all these commercial attachés for an entire year.

This is a new day in the world, and America stands preeminent in it. It is no time now to go backward and to attempt to meet 1920 conditions by a return to the policies of 1820. I am in favor of increasing this splendid effort for the promotion of our foreign trade, not destroying it. I believe every business interest in America, every real American, desires that this Nation take the place to which it is entitled in world commerce.

Mr. Chairman, business means much in America. Christopher Columbus was hunting a business route to the East Indies when he discovered it. From the first settlement on this continent it has been the purpose of America to express itself to the world through its industrial achievements, its worthy commerce in those things which are needed for the benefit and comfort of humanity.

I contend that our dreadnoughts and our military power do not express the real spirit of America so much as our mills and mines and factories and our entire commercial structure. We are essentially an industrial, producing Nation none the less surely, though upon occasion we astonish the world by marshaling an army of millions and breaking the back of a Prussian autocracy on bloody battle field. Our mission in the world is not to become a world conqueror by force of arms but to become a world conqueror by force of service.

Real business is but another name for service. It means being of use to the peoples of the world by taking to them at just prices the things we have invented and produced. It means taking to them the cars and rails and telephones and typewriters and air brakes and harvesting machines and tractors and other commodities conceived by American brains and wrought out by American hands. That is the best way in which we can do our share of the teamwork of a world. That is the way in which Americans would express our national character to other nations.

This Congress should recognize the fact that there is a program of preparedness in recognizing the industrial power, the business gifts, the advertising genius of America, and that such recognition may well help defend the American Continent from hostile attack. Instead of destroying this successful method of advancing our interests and our purposes abroad it would be wise statesmanship to increase it manyfold.

Mr. Chairman, four years ago our flag was a curiosity in almost every foreign port. Even our mails moved by alien will and the grace of alien flags. Our consul at Gibraltar told me that for years prior to 1914 scarcely an American vessel had sailed between the Pillars of Hercules.

"But now," he said, "we are again coming into our own. From January to June, 1919, more than 400 vessels flying the American flag have cleared from this port of Gibraltar."

We can not maintain our merchant marine without foreign trade. If we are to make good our traditional claim of freedom of the seas, we must have American ships carrying American goods. We can not have that without a first-hand knowledge of world markets and world needs. There must be representatives of proper caliber in foreign fields, and that has been the exact purpose in sending out these commercial attachés.

They must be specialists in business. They must know the customs and language of the countries to which they are sent. They must remain long enough to know the vastly different conditions which prevail in other lands. It is unthinkable that Congress will now deliberately destroy all that has been done by approving the action of this Appropriation Committee in striking down this appropriation entirely.

I have received many letters protesting against this action on the part of the committee, and in almost every instance they came from the relatively small manufacturers, those who can not possibly maintain a resident agent in foreign lands, but who can add to American prosperity by extending our foreign trade and who can also benefit the lands which receive their products. These business men deserve consideration. They are representative of the constructive business of this country, and they can help to make the world a better and easier place in which to live.

Mr. Chairman, I am confident that Congress will not allow this blow to be struck against honest, constructive American business. Let us adopt this amendment, which restores the appropriation for commercial attachés as carried in the current law. Let us continue this successful work and prove that we stand for increasing the commercial importance of America in this new day, believing that it means benefits to America and to the countries with which we trade. [Applause.]

I distinctly recall one case where $50,000 was lost on a single cargo of codfish from Boston because there was nobody there to represent the commercial interests. Oh, there was a very good consul there and a very good minister, but neither one of them had time to deal with our commercial interests, and as a result of that in one shipload $50,000 of American money was lost, when there should have been a profit, and would have been with the right kind of information. So I say to you that in that one city in three months there was a loss of more than double the expense carried by this amendment of $165,000.

I certainly hope this amendment will be agreed to, and that America, instead of going backward, will go on more and more extending her commerce, with her ships in every sea, with ever-increasing success, extending the commercial supremacy of America in the way it should be extended in this new day of the world. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I hold no brief for the Department of Commerce, and I hold no brief for the Department of State, with reference to this proposition. I feel, however, that it is my duty to bring before this House and the country a condition, not a theory, that exists concerning this matter. Evidence has already been heard here which, if true, should be conclusive to the minds of gentlemen who have heard it that the Consular Service of the State Department in so far as it has to do with our foreign trade should be absolutely abolished. We have to-day in the service of this Government a few more than 400 consuls general. They encircle the globe, and with their supernumeraries and assistants we have upon the pay roll of the Consular Service more than 2,000 names of people supposed to be engaged in looking after and extending the foreign trade relations of the United States. If they are not doing it, they should be relieved from making a further pretense at doing it. We are appropriating, in round numbers, $9,000,000 a year for the support of our embassies and Consular Service. Far more than one-half of that amount of money is expended for the Consular Service alone. I am told by those who have had years of experience that more than three-fourths of the activities of the office of a consul general consist in looking after our foreign trade relations. Last year we appropriated, in round numbers, $900,000 for our foreign trade relations through the Department of Commerce. That, together with the amount that is appropriated for the Department of State for this same service, amounts, in round numbers, to more than $5,000,000. Somebody is spending entirely too much money for the returns we are getting.

There is a great mistake, innocently made, no doubt, with reference to the amount of our foreign trade service that can rightly be credited directly to the Department of Commerce.

More than three-fourths of the information received by the commercial world is gathered not by commercial agents from the Department of Commerce but by the consular agents under the State Department. Under the law all of this information comes first to the State Department, where matters of diplomacy are sifted out, and the commercial information of importance goes to the Department of Commerce, which issues its reports daily or weekly or as called upon, as the case may be. But the people generally have the impression that this is a peculiar activity of the Department of Commerce, when as a matter of fact the information thus gathered, as the evidence discloses, is more than three-fourths information that comes from the Department of State.

That is not all; a very short time ago we passed a law creating 25 more of these experts under the Department of State. We made a great mistake if the statements I have heard here to-day are true. If the men under the Department of State are not representing the interests of the country, then that law should be repealed. They were to be 25 expert economists for the purpose of extending foreign trade, created by the organic law of this body, placed under the Department of State, which was to engage good men who by experience were worthy of their hire.

Now, I have no criticism to make of the gentlemen who have been appointed as efficient commercial attachés. They no doubt are all gentlemen, but they are not all the kind of men that should be selected to extend our foreign trade. More than three-fourths of them are not business men, and never were, but are college professors, who never had a day's business experience in their lives.

What is desired to-day is to bring the attention of this Congress and of the public to the duplication that is going on, the friction that results in consequence of the overlapping of these departments. The Government of the United States should be foremost in regard to foreign trade. She should not be lagging behind by inefficient effort and lack of effort. We are behind every civilized nation on the face of the earth, so far as our organization is concerned, in the extension of trade. Years ago France, England, Italy, all the first-class powers, realizing that this divided responsibility resulted in confusion, inefficiency, and real detriment to business interests, consolidated their activities and placed them under one head, and in most instances under a department of foreign trade relation; all foreign countries have done this except one, which is France.

Now, why should the people of the United States be paying money for this duplication of effort? Why should the trade of the United States be compelled longer to submit to this divided responsibility between two great departments of the Government, each one jealous of the other as to which should be the real department charged with this responsibility? I dare say that the business men who have flooded Members of Congress with telegrams protesting against the action of this committee, and asking that this appropriation be restored—if they were cognizant of the facts, they would be just as insistent that the Congress act at once to remedy this evil as they are to have this provision restored. They are not getting what they are paying for. They are not getting what they are entitled to. I dare say that as far as effective results are concerned the United States is not getting 50 cents on the dollar for the amount of money expended for this service.

Now, I wish to call attention to the evidence in this case. Let it speak as to the existing situation. I am just as much interested in the extension of foreign trade as any Representative here. I would like to see this country occupy the position it should occupy and be the foremost nation on all the earth with reference to foreign trade. I believe that that accomplishment can best be had, and can only be had, by bringing together the divided responsibility that now so glaringly exists, by wiping out the duplication, by wiping out the waste that results in not only money but effort.

Mr. Kennedy, of the Department of Commerce, who is very enthusiastic in his work, testified before the committee—and I will here quote from the hearings his testimony in extenso, wherein he admits that there is duplication, admits that it results in loss of effort. He thinks it is not the fault of the Department of Commerce, but that it is the fault of the Department of State, that his department has tried so far as it can to avoid it, but that it occurs and must occur as long as there is this divided responsibility. This is what Mr. Kennedy says upon the subject:

Mr. WOOD. Do you believe the Chamber of Commerce of the United States would indorse, if they are looking after the economic interests of this country, the duplication now going on between these two departments?

Mr. KENNEDY. They state they will come here and will support the position they have taken in regard to the commercial attachés in the Department of Commerce.

Mr. SWEET. I do not believe, Mr. Wood, they would recommend the duplication, and we do not; and this bears, of course, upon the place where they think the work ought to be done and where it can be done to the best advantage.

Mr. WASON. At the time that vote was taken, and prior thereto, there was quite a country-wide propoganda in favor of it, was there not?

Mr. SWEET. I did not know there was any. We have never taken any active steps in the matter. The Chamber of Commerce of the United States did that entirely, and we had nothing to do with it.

Mr. KENNEDY. With regard to this matter of duplication, some years ago the State Department wished to take over the functions of the Bureau of Manufactures, and Congress considered the matter at that time, and they decided the matter by taking the Bureau of Foreign Commerce out of the State Department and amalgamating it with the Bureau of Manufactures of the Department of Commerce.

Mr. SISSON. Was that done during the Taft administration?

Mr. SWEET. I think so. I think that was in 1912.

Mr. KENNEDY. At that time Congress endeavored to center in one place the control of foreign commerce and the collection of this data.

Mr. SISSON. I remember at the time the question came up, this same question of duplication of service was in the minds of the committee and of Congress, and this action was taken, putting these different bureaus under the Secretary of Commerce. At that time we thought we had segregated the two activities so that there would be no overlapping between the two departments; but we have been somewhat confused here by virtue of the statute, and as we thought the actual performance of duties by the two departments. Of course, as Mr. Sweet has said, you gentlemen do not indorse duplication and do not desire duplication. (Hearings, p. 2423.)

Further along in the hearings this witness testifies:

Mr. KENNEDY. The commercial direction of the Consular Service ought to be under the direction of the Department of Commerce, and the consuls, so far as their commercial work is concerned, should report in each country to the commercial attaché. Now, further, the Department of State within the last month has been holding special examinations in order to appoint some 25 economic consuls, who it is intended shall devote their entire time to making economic investigations. Unless these economic consuls report directly to the commercial attachés and through them to the Department of Commerce there is duplication.

Mr. WOOD. You will admit, then, that there is much duplication now under our system of having our consular agents represent the business interests of this country and the commercial attachés doing the same thing?

Mr. KENNEDY. The difficulty is that the Department of Commerce is not given the power which it ought to be given.

Mr. WOOD. It is either given too much power or not enough power; one or the other. I agree with you on that proposition. (Hearings, pp. 2429–2430.)

Now, listen to what Mr. Kennedy says in reference to cooperation with the State Department:

Mr. WOOD. There is one thing that is occurring, and that is when something comes along that you think had better be left to the exercise of your good judgment, out of deference to the State Department and out of deference to the fact that they are looked upon as being the representatives of the Government more directly than your department, you simply put your ideas under the bushel and they are kept there, which shows there is no cooperation between your department and the State Department.

Mr. KENNEDY. In regard to cooperation, we have made a very sincere effort to knit our service in with the service of the Department of State, so there would be no duplication. We have sent out instructions to this effect to our representatives. When I was stationed in Australia I went over this matter with the consul general in Sydney, and he said, "There are a great many instructions here which say that the commercial attaché shall not conflict with the consul, but there are no in-

structions that the consul shall not conflict with the commercial attaché." On our part we have sent all these instructions and have done it very carefully, and I may say that so far as conferences with the State Department go, looking toward better cooperation, we have held ourselves in readiness at all times. I have talked with Mr. Carr, who is Director of the Consular Service, and told him if there was ever any question of our service not knitting together I should be very glad to talk it over with him. He has never called upon me to talk it over or suggested a conference.

Mr. WOOD. That is just the trouble.

Mr. KENNEDY. The willingness exists on our part. We have been very anxious and very willing to meet them more than halfway, and I think we have. Now, with regard to policy, the commercial attachés, being in the embassy, are very frequently called upon by the ambassador to advise him on questions of commercial policy. That is true at almost all our posts. I have many evidences of it. We could give you letters of that kind. We have a letter from Ambassador Willard complimenting the work of Commercial Attaché Jones, at Madrid. We had a letter from Mr. Garrett, at The Hague, referring to Commercial Attaché Edwards, and we have letters from various people showing that our commercial attachés are giving a good deal of time to commercial policy work. I fear that some consuls as State Department officials do not altogether like the fact that these representatives of the Department of Commerce are in this position of commercial advisers to the ambassador. It is not because these men are commerce representatives particularly, but it is because they are men of such training and experience and have such contact with the business community that they are advisers. Mr. Morgan, the ambassador to Rio, is on his way to the United States. In leaving his post he has requested the commercial attaché to carry on certain important functions of the embassy, and he has used him constantly in dealing with the ministry of commerce. That is true of most of the posts. Apart from our men doing this work in a spirit of helpfulness, at many embassies and legations our men get up the economic review of the week which the State Department cables through about commercial conditions.

We are constantly doing things to help them. We are in the same mood and have the same attitude here in Washington. Very frequently we do get together and consult together on questions of commercial policy, but very often it is a question of courtesy on the part of the State Department. They take it up with us provided they feel they wish to do so, but they are under no obligations to do so. The Secretary of Commerce, the official in the Cabinet who is responsible for the promotion of the foreign commerce of the country, may not necessarily be called upon. It is a question of courtesy whether he is called upon in connection with the important questions of commercial policy which confront this country. Secretary Alexander told me personally that he looked upon this question of promoting our foreign commerce as the most important feature of his work in the Department of Commerce. I am sorry he is away, and I think before you come to any decision you ought to have his personal feelings. He has set his heart on this as an important feature of his work. It is unfortunate that a situation should exist where he does not automatically have the ability to voice his views on certain subjects of commercial policy and then hold himself responsible to the country for those views; just the same way as the Secretary of the Treasury holds himself responsible to the country for his views on foreign finance.

Mr. WOOD. I agree with you exactly with reference to this matter and the Congress of the United States is responsible to the country for curing the ills that you admit exist here. Now, what we want to get at is the best way to do it. There can be no question about the fact that they do exist and that they are inimical to the best interests of the country. There is very much evidence of the very thing you are talking about here, although you are generous enough to shield it, and I admire you for it, but it is perfectly patent and it is the duty of the Congress, knowing these things to be true, to remedy them if a remedy can be found. (Hearings, pp. 2435–2437.)

On the necessity of fixing responsibility and supervision of representatives abroad, Mr. Kennedy has this to say:

Mr. SISSON. I understand the diplomatic side of this question contend that the commercial attaché is seeking some recognition, so that he will be received better when he comes from the Department of State than when he comes from the Department of Commerce. Of course, to the American mind that is the height of silliness and folly, but they say that is not true in European countries, and for that reason that excrescence has to be there in their department.

Mr. SWEET. Mr. Kennedy ought to be able to tell you about that, because he has had personal experience with that.

Mr. KENNEDY. The State Department, of course, accredits commercial attachés, and I think all of our representatives abroad ought to be brought under the responsibility and supervision of the chief of the mission abroad; that is, there ought to be a unity and the ambassador ought not to be afraid some one might make a statement or make a speech or say something that will embarrass him. We have sent out circulars of instruction to our foreign representatives. Our trade commissioners are introduced by the commercial attachés, who have the authority of the ambassador to do that. The State Department accredits the commercial attaché; that is, they inform the foreign Government that he is commercial attaché to the embassy.

Mr. SISSON. That means he is an official of the United States Government?

Mr. KENNEDY. Yes. They do the same thing for the military and naval attachés. The reason they are perhaps reluctant to continue to accredit commercial attachés is because certain people in the State Department have felt the commercial attachés were taking away some of their functions. Now, I think it is a very important thing that this question should be settled definitely. The commercial attachés and other foreign representatives of the Bureau of Foreign and Domestic Commerce wish to cooperate, yet they feel that there is a certain inclination on the part of many officials in the State Department service to feel that they do not really "belong"—that they are intruders. Naturally, there is not quite the spirit of team play and get together that there would be if this question were settled definitely. As long as there is any feeling that the State Department may be able to take away the commercial attachés or perhaps take away the entire Bureau of Foreign and Domestic Commerce and the thing is not decided, the representatives of the Department of Commerce, in a sense, are on the outside. And the commercial problems at the present time abroad are exceedingly difficult. A man who is endeavoring to grasp the commercial situation in any European country to-day is working under a very great strain, and he needs to have all the encouragement, all the friendly cooperation that it is possible to get, and I heartily indorse what you are trying to do here from a standpoint of the spirit and morale of the service. We have to get together, we have to have team play, or the best interests of the country will suffer. We can not have part of the men feeling that the other half, belonging to the other department, are trying to eliminate them. Now, I would like to ask a question here which I think is quite vital. The character of the argument that I wish to present as director of the bureau is affected by the proposition that is up. Is this proposal we are discussing to drop the commercial attaché service entirely or to add it to the State Department?

Mr. WOOD. Of course, that is a matter of detail.

Mr. SISSON. The only thing we could do, Mr. Chairman, would be to drop it entirely here, because we could not legislate in this bill to transfer this service anywhere else. And the only reason we should drop it here is because it would reduce the expenses on the face of this bill.

Mr. WOOD. That would bring to a focus the settlement of the very question you have in mind; and unless something is done it will run along for years, like it has in the past, with this divided responsibility. (Hearings, 2442–2443.)

Mr. Sweet, also from the Department of Commerce, also a partisan in so far as his department is concerned, admitted and emphasized the very fact that was testified to by Mr. Kennedy with reference to the duplication of effort, with reference to this divided responsibility and the ineffectiveness that was produced thereby. Hear what he says in addition to quotation from him heretofore made:

I want to say, also, with regard to duplication that the duplication I referred to was with regard to the control of a business or a bureau or any part of the work of the Government, and such dividing of responsibility and authority I regard as a very great mistake. I think this whole work should be centralized in some one particular department and under one particular man. (Hearings, p. 2435.)

I wish to call attention now to some evidence on the other side of the question. I have this word from a man who served for more than a quarter of a century in the Consular Service. He was interested in the extension of our foreign trade. He is no longer connected with the Government, he has quit his position, and has only the desire that should obtain with all of the rest of us—to have that done which is best for this country of ours, so far as its trade is concerned. This is what he says:

It is reported by newspapers that a protest is being made by business men against the elimination by Congress of commercial attachés from the appropriation estimates. It should not be hard to answer such protests, as the question is not at all one of cutting down foreign-trade appropriations but is one of allotting such appropriatiaons to a single agency rather than largely wasting them, as is the case at the present time, between two services which overlap. It is unfortunate that the trade organizations and business men of the United States have been wholly misled by persistent newspaper campaign and speeches at trade conventions, covering a period of several years, recounting the achievements of the commercial-attaché system, when as a matter of fact persons living abroad have known such achievements to be principally imaginary. The official biographies of the commercial attachés themselves indicate that their entire history has been one of conspicuous commercial inexperience prior to appointment and after brief service such frequent resignations as to render impossible their usefulness. But few, if any, of the original 18 appointees remain in the service. American business men, if they understood the present hopeless duplication of duties, would be the last of all persons to allow a continuation of the expenditure of funds of a Nation which is already overtaxed for the maintenance of two expensive cooperating official agencies abroad for performing a single set of duties. It is therefore vitally important to the future foreign trade of the United States that a permanent decision be made by Congress now as to which of the two services should be done away with as superfluous, and thus releasing appropriations sufficient for the efficient maintenance of the other. The entire unbusinesslike system is well illustrated with a commercial attaché, two trade commissioners, a consulate general, and an embassy at Buenos Aires, Argentina, all of which are at the present time performing the same commercial duties. If but a fraction of the appropriations now estimated for the ever-changing commercial-attaché system would be granted to our permanent Consular Service for the purpose of trade promotion, no fear need be expressed by American business men and our Congress for the welfare of our foreign commerce.

I desire to call attention now to another bit of evidence. These bits of evidence come from men of long years of experience, who, as I say, are no longer interested by reason of their connection with the department, and have but one purpose to serve, and that is to see that we get something for our money.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I would like to get the name of the gentleman who wrote the letter that was just read.

Mr. WOOD of Indiana. His letter was written in a more or less confidential way, and I do not feel at liberty to give his name without his consent.

Mr. MADDEN. Then his evidence is not any good.

Mr. WOOD of Indiana. I am quite sure the gentleman would not say that if the name was disclosed.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BRITTEN. Has the gentleman the indorsement of any association of commerce in the United States in favor of his position?

Mr. WOOD of Indiana. No; I have not; and here is the trouble. The chambers of commerce do not know existing conditions. I do not believe that the chambers of commerce of this country would want this duplication to exist. They are composed largely of business men, and I believe if they knew of this

duplication they would not be in favor of it. If their business was conducted in the same manner as this business is being conducted, if they had this constant friction that comes by reason of divided responsibility, if they found two agents of theirs working at cross purposes in the same field, does anyone think they would permit it to exist for one moment? I have the same abiding confidence in the business men of this country that I have always had, and I believe when the facts become known they will demand that this evil be remedied.

Mr. OLIVER. There are a number of splendid business men in the House who have heard the gentleman's argument.

Does he know of any one of them who will agree with the gentleman after hearing him?

Mr. WOOD of Indiana. I do not know whether any one of them will or not. I am bringing this testimony to you, gentlemen. I do not see why you should shut your eyes and your ears to it. Read the hearings in this matter, coming from both the State Department and the Department of Commerce, of which a great majority here seem to be champions. They admit this thing should be remedied. Mr. Sweet was just as loud in his declaration with reference to the eradication of this evil as he was with reference to this service being entirely in the Department of Commerce, and Mr. Kennedy was likewise emphatic as to the necessity of remedying it.

I wish now to call your attention to another bit of evidence. This is an extract from a letter of a member of the United States Consular Service formerly stationed in Latin America, written to a Member of Congress, on or about July 1, 1919:

All this brings me down to the point of saying that without foreign trade we shall not need any merchant marine, and the further fact that I have no doubt your committee is about to have tons of academic information dumped upon it from various Government agencies. It would appear to me that the Department of Commerce, the Shipping Board, the State Department, and in some ways the Navy Department, are occupied in gathering data, each independent of the other. I do not feel at liberty to go into the detail that I would if I could talk with you, relative to the manner in which much of this data is being gathered, for fear of creating a wrong impression without wishing to do so. The data of these various agencies will be largely overlapping and much of it obtained by snap judgment of people without experience in strange lands. There is other of it that is reliable, and it seems a pity that you must have the task of prying into the methods by which the information is obtained in order to sort the wheat from the tares; but you must if you wish the straight goods—that is flat. It is also a pity that sufficient money can not be given to the Consular Service to let them make the needed investigations, as they are the only foreign service well organized and with sufficient permanency abroad to understand local conditions.

The Consular Service is in daily contact with the principal business of the community where they are and know what they are thinking and doing. People traveling on special commissions for a few days do not know who they are talking with, get only a superficial view of things, and many times their information is the offhand views of the consular representatives without any special study given to the subject.

Mr. BRITTEN. Mr. Chairman, will the gentleman give the name of the person who wrote that letter?

Mr. WOOD of Indiana. I can not do that, because it is a personal letter addressed to another Congressman and myself.

Mr. BRITTEN. Without any desire to be disrespectful, I would say now, without knowing the name of the gentleman, that he is not a business man.

Mr. WOOD of Indiana. I expect that he is just as much a business man as some of these gentlemen who are criticizing him.

Mr. HARDY of Texas. Will the gentleman yield for one question?

Mr. WOOD of Indiana. I will.

Mr. HARDY of Texas. The gentleman has been quoting Mr. Kennedy, of the Commerce Department, several times, leaving the inference that he was in favor of this cut. I would like to state that Mr. Kennedy was summoned before us, and his whole testimony is against the elimination of these commercial attachés.

Mr. WOOD of Indiana. Well, I did not say anything of the kind, and I do not wish the gentleman to misunderstand me. If his ears were as open to the facts that I am trying to bring to the House as they should be he would have understood me and what I said. Mr. Kennedy said that there was this duplication; that there was this overlapping; that it was detrimental to the service, and he said it should be terminated and these activities should be gotten together under one responsible head. But he did not ask that this be reduced, but, on the other hand, he asked that it be increased.

Mr. HARDY of Texas. Did not Mr. Kennedy also say that this service of commercial attachés was not a duplication to any considerable extent?

Mr. WOOD of Indiana. No. He did not, and if you will take and examine his testimony as given to us in the hearing you will know that he did not.

Mr. HARDY of Texas. It was set out the other day.

Mr. WOOD of Indiana. Mr. Chairman, my only purpose, and I think the only purpose of the majority of the committee, not only of the subcommittee but of the whole committee, in bringing this information to this House is that we may provide a remedy for the evils that are so apparent in our foreign trade service. I will feel well repaid for all my efforts because of the resultant good I know will accrue to the business interests of our country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD on this amendment.

Mr. DUPRÉ. Mr. Chairman, I make the same request.

Mr. BRITTEN. Mr. Chairman, I make the same request.

Mr. HUSTED. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks.

Mr. CROWTHER. Mr. Chairman, I make the same request.

Mr. OGDEN. Mr. Chairman, I make the same request.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I make the same request.

Mr. HUSTED. Mr. Chairman, I make the same request.

Mr. BRIGGS. Mr. Chairman, I ask that all Members of the House have three legislative days——

The CHAIRMAN. Is there objection to these several requests? [After a pause.] The Chair hears none.

Mr. WASON. Mr. Chairman, I make the same request.

Mr. KINKAID. Mr. Chairman, I make the same request.

Mr. SIEGEL. I ask to extend my remarks.

Mr. ACKERMAN. Mr. Chairman, I ask to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. MANN of Illinois. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 210, noes 39.

So the amendment was agreed to.

The Clerk read as follows:

For all necessary expenses, including field investigations in the United States and abroad, purchase of documents, plans, specifications, manuscripts, and all other publications for the promotion of the commercial interests of the United States, exchange on official checks, and rent outside the District of Columbia, to further promote and develop the foreign and domestic commerce of the United States, $175,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not more than $63,000 of the foregoing sum shall be used for the expenses of branch offices in the United States.

Mr. SISSON. Mr. Chairman, I offer an amendment in line 3 by striking out the figures "$175,000" and inserting "$325,000," which is now carried in the current law.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SISSON: Page 128, line 3, strike out "$175,000" and insert "$325,000."

Mr. MANN of Illinois. Why is that?

Mr. SISSON. The present law carries $325,000, out of which are paid various services of the commercial agents in connection with commercial attachés. In other words, there are certain men who are skilled, we will say, in the shoe industry or in the textile industry. These men with this special training are in the foreign field developing the foreign trade, and when you cut this $325,000 down to $175,000 you seriously cripple this force in the foreign field.

Mr. MANN of Illinois. Well, this item may have been used for salaries, I do not know; but that was not the purpose of it. It was for certain expenses. The salaries of these commercial agents are carried in the next two items in the bill. Now, I do not know whether they need $175,000 or $325,000 for the purposes named in this paragraph, which includes exchange on official checks. I should not think that they would have much trouble about exchange on foreign checks at this time, when you can buy exchange for much less than its value abroad. But what is this money used for, something that is not denominated in the bond?

Mr. SISSON. No. This money is used for the purpose which I just stated.

Mr. MANN of Illinois. That is, the purchase of documents?

Mr. SISSON. There are some men engaged in getting this information and in giving it to the trade. Now, the Department of Commerce asked for a great deal more money than this amount, but I am only asking for the amount in the current law. I am not trying to increase it, but I do not think we ought to reduce it.

Mr. MANN of Illinois. I do not know what they use the money for. Nobody can tell from an appropriation bill any longer what a department uses money for, but this appropriation is made to pay necessary expenses, including the purchase of documents, plans and specifications, manuscripts, publications for the promotion of commercial interests, exchange on official checks, rent outside of the District of Columbia, and so forth. Now, it never was intended to be used to hire agents abroad. Whether it is used for that purpose or not I do not know. We carry two paragraphs in this bill to employ special agents abroad and one to employ commercial attachés. If we have been worked by the Government, I want to know it; that is all.

Mr. SISSON. I do not think you have.

Mr. MANN of Illinois. How can they use $175,000 for buying plans and specifications and purchasing documents and paying exchange?

Mr. SISSON. They do not do that.

Mr. MANN of Illinois. What do they do with it?

Mr. SISSON. They employ commercial agents, who work up the business and also get information; they have to have the blanks and the necessary money to give this information to the trade; but this is a small item. The hearings were quite extensive on this activity and show the value of the commercial agents employed under this item.

Mr. MANN of Illinois. Well, $175,000 would print a good deal. They have a printing fund besides that.

Mr. SISSON. It is not a question of printing at all.

Mr. MANN of Illinois. The gentleman said blanks, and so forth, for giving information to the trade.

Mr. SISSON. You have got to have some one to get the information before you get to the blank end of it. The blanks are a mere incident.

Mr. MANN of Illinois. This appropriation was not supposed to pay men.

Mr. SISSON. It does pay men, however.

Mr. MANN of Illinois. That is another thing, then. That is what I have been trying to find out.

Mr. SISSON. I said at the very beginning that that was true, and that men were employed and salaries paid out of this fund.

Mr. MANN of Illinois. I did not so understand you. That is not what the item says it is for.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has expired.

Mr. MANN of Illinois. If we may continue this, I want to get the information.

We provide in this bill $100,000 for appointing special agents to South America; $50,000 now—it used to be $100,000—for special agents in the Orient. A few years ago we included an item in this bill for commercial attachés, mainly for the purpose of sending them to Europe. Now, do I understand that the department, having secured an appropriation to pay necessary expenses to buy documents, and so forth, is using that to employ an additional set of commercial agents abroad?

Mr. SISSON. Now, it does not matter what you call them. whether commercial agents——

Mr. MANN of Illinois. I do not care what you call them.

Mr. SISSON. But they are men, simply men, employed in this service.

Mr. MANN of Illinois. If they are not commercial agents, they have no place in this bill at all.

Mr. SISSON. It may be true that they ought not to be here, but, as a matter of fact, this is the fund out of which they pay these men who do this part of the work. If they ought not to be here, the gentleman can make a point of order.

Mr. MANN of Illinois. What do they do?

Mr. SISSON. They do the work of any commercial agent by going directly to the various countries and ascertaining what they need, and giving the information to the various manufacturers throughout the United States. The blanks are used for this. so the blanks do not amount to much.

Mr. MANN of Illinois. Has that anything to do with the tariff provisions?

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. MANN of Illinois. It is information I am trying to get, not a suggestion.

Mr. HARDY of Texas. That is what I hope to give the gentleman.

Mr. MANN of Illinois. If the gentleman has information, I yield to him, but not for a suggestion.

Mr. HARDY of Texas. If I understand the gentleman aright, he is inquiring what the $162,000 is for.

Mr. MANN of Illinois. No; I am not. There is no $162,000 involved in the item at all.

Mr. HARDY of Texas. Then the gentleman will excuse me for interrupting him.

Mr. MANN of Illinois. I am referring to the item at the bottom of the page.

Mr. KITCHIN. Do they not pay those 90 commissioners from that fund? There are about 12 attachés, as I understand, and about 90 or 100 commissioners.

Mr. MANN of Illinois. They are not supposed to be paid out of this fund. The Lord only knows. I am trying to get information, and the committee, it seems, has not got it, and I will abandon the effort. It is easy to increase an appropriation, but it is very difficult at times to get information from one of these departments.

Mr. SISSON. In addition to that, the gentleman will find that all of these field investigators go out and ascertain the proper fields and the proper avenues for business, and after they get this information it is sent back to the Department of Commerce, and the Secretary of Commerce in turn puts it in the hands of the trade. This service is as good as anything in the Department of Commerce.

Mr. MANN of Illinois. If this is to pay field investigators, they ought to say so. It does not say so at all. It says for pay of "all necessary expenses."

Mr. SISSON. It says plainly:

For all necessary expenses, including field investigations in the United States and abroad.

Mr. MANN of Illinois. Certainly to pay expenses, ordinarily, has never been supposed to include salaries of agents or otherwise.

Mr. SISSON. Whatever might have been the original intention under this language, they are now doing exactly that thing, paying the expenses, including field investigations in the United States and abroad, and under that languge they send these men abroad to make the field investigations, and they are men who are paid good salaries.

Mr. MANN of Illinois. What does this mean, besides what the commercial agents and consuls do? As I understand, we have three sets of commercial agents in Europe. One are the consuls, and one are the commercial attachés, and another set are called "field investigators." Is that correct?

Mr. SISSON. That is my understanding. They have the expert attachés, and they have these field investigators, who are called "trade commissioners," I believe; and these are the men that go and get the information, not confined to the town or the immediate locality in which we may have a consular office, where the commercial attaché is, but he goes out to the various cities and business centers.

Mr. MANN of Illinois. That is what the commercial attaché does.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. I yield.

Mr. KITCHIN. Under this Bureau of Foreign and Domestic Commerce they have now 12 commercial attachés to embassies?

Mr. SISSON. Yes; 12.

Mr. KITCHIN. They are in the capitals of 12 different countries.

Mr. MANN of Illinois. At what salaries?

Mr. KITCHIN. As to that I do not know; but under these there are from 90 to 100 men who are called "trade commissioners," and they are practical men, who go through these different countries, looking into the export or import of leather, for example, and they report from the country in which they are located all statistics regarding leather and the leather industry, where an American can import or export leather.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN of Illinois. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KITCHIN. Are these 90 or 100 commissioners paid out of this fund?

Mr. SISSON. Yes.

Mr. KITCHIN. It ought to say so.

Mr. SISSON. They are paid out of this fund.

Mr. MANN of Illinois. Ah, that is what I have been seeking. Why try to hide it?

Mr. SISSON. Instead of leather I used shoes.

Mr. MANN of Illinois. The gentleman did use his shoes, but he did not mention leather.

Mr. SISSON. The gentleman from Illinois was not attentive to what I said. I used the exact expression.

Mr. MANN of Illinois. I always listen to the gentleman, whether he is using his shoes or not. [Laughter.]

Mr. SISSON. I endeavored to make as clear as I could that it was these men who were selected for special fitness. The stenographer's notes will show that in the beginning I told the gentleman that.

Mr. MANN of Illinois. This bill ought not to be drawn in such a way as to hide this information.

Mr. SISSON. I did not draw it.

Mr. MANN of Illinois. The department did.

Mr. SISSON. My understanding is that the gentleman from Illinois drew the bill.

Mr. MANN of Illinois. The department drew this item.

Mr. WOOD of Indiana. Mr. Chairman, if I can have the attention of the committee for just a moment, perhaps I can give a little information on this proposition.

This is just one of many examples of the abuse of lump-sum appropriations to these different bureaus without any specifications in regard to their use. The gentleman from Mississippi [Mr. SISSON] is correct with reference to the use of this. There is not any considerable portion of it used for the purposes enumerated in the item. It is used for the purpose of paying salaries to these so-called experts. They have them under various names. They call some of them trade commissioners resident——

Mr. MADDEN. Is that the appropriation the gentleman is talking about?

Mr. WOOD of Indiana. Yes. Some are called trade commissioners, some are called commodity investigators, and then they have commercial agents and the Lord only knows what all.

Now, I want to call the attention of gentlemen to this proposition: Under this item, before we got into the war, when, I presume, we were doing our very level best to extend our trade, or to look after it in Europe, we were expending $75,000. That was the maximum that was appropriated for this item. During the war, when it was represented to the committee that because of the war we needed more representatives over there because their duties were so hard to perform, this item was increased for the exigencies of the war to $125,000. We had a right to suppose, and many of us did suppose, that with the termination of the war we could at least go back somewhere near where we were before; but lo and behold, instead of that the amount was increased by the last appropriation bill from $125,000 to $325,000, and in this appropriation they ask that the amount be increased to $500,000, or more than six times what it was before the war. To my mind, gentlemen, this appropriation that we have given here of $175,000 is quite sufficient under present conditions in Europe.

Here is one thing that we should take into consideration: Without any desire to cripple any business or industry of this country, we ought to look a little bit to the interests of those at home. We are to-day carrying 90 per cent of the credit load of the world. All of the money that is being paid to American manufacturers or to the sellers of American produce is being paid out of American funds, and the extraordinary exportation that is being made is being made because they are paying us not their money but our money, which is making the cost of living mount higher and higher in this country of ours. The masses of our own people need a little bit of attention, and this department can get along full well with $175,000 during the coming year until there is a more settled condition abroad. There is no money on the face of the earth except the money of the United States that is hardly worth carrying around. The English pound is down to $3.19, the German mark is quoted at a measly cent, and the French franc is worth less than one-half of its face value. So I say we had better look a little bit to the interests of the men who have to feed the hungry mouths of our own country and not be expending too much money in this way, for every dollar's worth of produce that we are now exporting is increasing the cost of living in the United States. I say that the amount appropriated in this bill is amply sufficient. Seventy-five thousand dollars was plenty before we got into the war, when there was peace and when business was running under normal conditions. Now, after the war, when these unsettled conditions are prevailing, with prices uncertain as they are, with the cost of living mounting higher and higher all the while, we should be a little careful before we are so extravagant in making the appropriation asked for by this amendment. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I hope this amendment will be adopted. [Applause.] The amendment carries no more than was provided by Congress for the current fiscal year. It does not represent a single dollar of increase in the appropriation. Now, gentlemen, Great Britain, as I am informed, is spending more than twice as much as was spent before the war for the promotion and development of her foreign commerce.

Mr. HUSTED. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from New York.

Mr. HUSTED. The gentleman realizes, of course, that we have an unparalleled opportunity to capture foreign trade; that if we capture it and take care of it we will be apt to hold it; and that now, instead of retrenching for this purpose, it is the time when we should expand reasonably in order to get the trade of the world. [Applause.]

Mr. BYRNS of Tennessee. The gentleman is entirely correct, and the force of his statement is shown by the fact that every other country that is seeking to capture foreign trade, even though they have an indebtedness larger than our rich country, is greatly increasing its appropriations for this purpose. As I have stated, Great Britain has increased her appropriation, and is now carrying for this purpose $1,450,320, while this bill seeks to reduce our appropriation to $487,670. France, with nowhere near the resources or riches of our country, and which has no such possibilities as our country so far as business and manufactures are concerned, appropriates $852,000.

Since the war France has established 13 new attaché or commercial posts in various parts of the world for the development of her foreign trade. Japan is spending $505,000, and I understand is shortly to have an attaché stationed in New York City.

As the gentleman from New York so forcibly says, if we do not capture this trade now, if we permit other countries to capture it, it will be lost forever to the United States. This is the time of all times when the United States Government should expend a reasonable sum for the advancement of our foreign commerce.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. WOOD of Indiana. The gentleman gave the figures spent in foreign countries as compared with the amount spent here. This is not all the money that is expended for this purpose. You take all the sources expended for the purpose and it amounts to more than $4,000,000.

Mr. BYRNS of Tennessee. We are spending some money for ambassadors and the Consular Service.

Mr. WOOD of Indiana. But I mean outside of that.

Mr. BYRNS of Tennessee. Here is a service designed originally by Congress for the sole purpose of developing the commercial interests of our country——

Mr. BEE. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. BEE. May I suggest to the gentleman from Tennessee that to-day in Mexico the English Government is sending its commercial commissioners in there, and they are extending credits to those merchants from six to nine months to capture trade that properly belongs to the United States if we but had representatives there?

Mr. KITCHIN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KITCHIN. We have just adopted an amendment providing for commercial attachés. What good is that unless we pass this amendment to pay for the 80 or 90 men that work under them?

Mr. BYRNS of Tennessee. Absolutely none, because this money is to be used to employ trade agents and trade commissioners who have no fixed status, who travel from point to point in countries to which they are assigned investigating commercial conditions and opportunities, and as the gentleman from North Carolina says, the attachés are unnecessary unless you make this appropriation, for these agents are, in a sense, under them and supplement their work by specializing in various industries.

Mr. EMERSON. Is this the fund expended by the Department of Commerce? I want to say that the chamber of commerce in my town has unanimously indorsed it.

Mr. BYRNS of Tennessee. It is indorsed by all the chambers of commerce in the country and the entire business interests. This appropriation is in the interest of all classes in this country, for everyone is interested in the development of our resources and the increase of our wealth by the extension of our trade.

Mr. BEE. Mr. Chairman, I will detain the committee but a moment. I am tremendously interested in this question, because I live next to the Mexican border. Let me appeal to you men who represent the great manufacturing interests of this section, whose business may be extended into Mexico if you can separate in that unhappy and distracted country the dealings of American merchants and manufacturers from the dealings of the diplomatic corps.

The diplomatic corps, by reason of the unhappy relations existing between this Republic and that country, is constantly in a position of friction. But if you have these commercial at-

tachés—these commercial missionaries—representing the United States, who will gather statistics and bring the business to the knowledge of the manufacturer and the great commercial interests of this Nation, instead of our business amounting to $217,000,000, as it was last year, we ought to do a business of $1,000,000,000. And let me say to you that nothing will go further to restore the friendly relations of these two peoples than the extension of the commercial relations between them and the knowledge that the people of this country are not seeking to bring peace in Mexico by bullets, but are seeking to bring it by the restoration of commercial relations with the people, bringing those things that they have not and taking from them things that we have not. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. BEE. Certainly.

Mr. FESS. It is rather a striking observation that the work done by the diplomats would be confusing and ought to be done by the business men.

Mr. BEE. Absolutely.

Mr. FESS. I should think it would be right the other way.

Mr. BEE. The gentleman from Ohio misunderstands the situation. When you go into Mexico there is not a bureau of the State Department that is not called upon almost daily to send an ultimatum in reference to an assault on some individual American citizen. That raises a spirit of resentment in that country against the department. That condition will be changed when you put the commercial commissioners there, as England and France have done to take the business away from the United States, while we are quibbling over whether we will pay $100,000 or $116,000 to build up a great trade with this country.

Mr. FESS. Why not abolish diplomatic relations and use the business relations?

Mr. BEE. Oh, the gentleman well knows that we can not abolish the diplomatic relations and maintain a free and independent Government, and such a question from a man of his distinction and ability certainly reflects no credit upon him in the course of this discussion.

Mr. FESS. It certainly does. The diplomatic relations are due to the confusion of the diplomats.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. HUSTED. In connection with what the gentleman has said, I wonder if the gentleman happens to remember that George Washington in his Farewell Address, which was read here a few days ago, warned us that the greatest part of our policy should be that in extending our foreign trade we should keep just as far afield of politics as possible? [Applause.]

Mr. BEE. Yes.

Mr. HUSTED. And George Washington was a very wise man.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEE. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEE. I do not mean to be disrespectful to the gentleman from Ohio [Mr. FESS], but I differ with him on this matter. Let me say again to this House: The great virgin field of Mexico lies at our doors untouched, and this appropriation, carrying out an expansion of this trade, will bring the business and prosperity to those people that they desire and the commercial relations that will enable those who represent the manufacturing districts to assist in building up the country by sending commerce into it and enabling American money to develop its resources. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, the gentleman from Texas has just told us how we can increase American trade in Mexico. He has told us of the deplorable condition of that country and also of the failure of our diplomacy in treating with that country, with its deplorable effects upon our business interests in Mexico. The remedy, however, is not the appointment of 100 or more commercial attachés to represent the Commerce Department in Mexico. The cause is too deep to be corrected by that mild remedy. The remedy is to oust the administration which is responsible for the present chaotic state of affairs with Mexico. That remedy the people will apply next November.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BEE. I hope the gentleman from Minnesota does not deem it necessary, in order to discuss a great commercial question, to run politics into it for the purpose of defeating the passage of these amendments, because, let me say to him, that while he may know all about the Canadian border, he is as far removed from Mexico as I am from the Canadian border. I have spent my life among those people, and when I say to you that we now have the opportunity to open a great commercial field, and when I make this plea I care not who is the President of the United States or who controls Congress. I am speaking as an American and not as a partisan. [Applause.]

Mr. NEWTON of Minnesota. And let me remind the gentleman from Texas that when I interjected my remarks I, too, spoke as an American. The gentleman asks for different commercial relations with Mexico. I ask for different commercial relations with Mexico. As to that we are agreed. But we can not obtain them until we clean out the administration responsible for these relations.

Mr. VARE. Mr. Chairman, I do not desire to take up the time of the House, but do wish to call attention to the fact that this is, of all times, the time when all of these items ought to be maintained and kept up as large as they were last year. The chairman of the committee has called attention to the fact that these appropriations were made larger last year because of war conditions. It seems to me that because of peace conditions they ought to be made even larger. [Applause.] In any event, surely they ought to be maintained to the same standard as they were in last year's bill, and I hope they will be by the adoption of this amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I understood the gentleman from Indiana said he was going to rise.

Mr. WOOD of Indiana. Just as soon as we finish this item. We are nearly through now.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To further promote and develop the commerce of the United States with the Far East, including the employment of experts and special agents in the District of Columbia and elsewhere, purchase of books of reference and periodicals, reports, traveling and subsistence expenses of officers and employees, exchange on official checks, and all other necessary incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $50,000.

Mr. BLANTON. Mr. Chairman, I make the point of order of no quorum.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, had come to no resolution thereon.

TRANSFER OF CERTAIN MOTOR-PROPELLED VEHICLES, ETC.

Mr. KAHN. Mr. Speaker, I desire to present a conference report on the bill S. 3037, and ask to have it printed under the rule.

The SPEAKER. The gentleman from California presents a conference report on a bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, the Post Office Department, the Navy Department, and the Treasury Department, for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

The SPEAKER. Ordered printed under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OLIVER, until Monday, March 10, on account of the funeral of Senator BANKHEAD.

To Mr. BYRNES of South Carolina, indefinitely, on account of illness.

To Mr. TIMBERLAKE, for the day, on account of illness in his family.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Military Academy appropriation bill, to disagree to the Senate amendments, and to agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, to disagree to all Senate amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if the Senate reinserted the provision in reference to the construction of the hotel at West Point?

Mr. KAHN. Yes; they inserted a provision for the hotel.

Mr. WALSH. Well, I object for the present.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with the proceedings under the Calendar Wednesday call for to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with proceedings under the call for Calendar Wednesday to-morrow. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

EXTENSION OF REMARKS.

Mr. WELLING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief statement prepared by Mr. Russell on the decimal system of weights and measures.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing a statement prepared by Mr. Russell on the decimal system. Is there objection? [After a pause.] The Chair hears none.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. GREENE of Massachusetts. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman from Massachusetts withdraws his objection. The gentleman from Wyoming asks unanimous consent that the business of Calendar Wednesday be dispensed with to-morrow. Is there objection? [After a pause.] The Chairs hears none, and it is so ordered.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WALSH. Mr. Speaker, I desire to withdraw my objection to the request of the gentleman from California.

The SPEAKER. The gentleman from California asks unanimous consent to take from the table the Military Academy appropriation bill, to disagree to all Senate amendments, and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. KAHN, Mr. MORIN, and Mr. WISE.

Mr. BLANTON. Mr. Speaker, I make the point of order of no quorum.

ADJOURNMENT.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, March 3, 1920, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12581) granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States, reported the same without amendment, accompanied by a report (No. 696), which said bill and report were referred to the House Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 475) calling for information from the War Department concerning motor trucks, reported the same without amendment, accompanied by a report (No. 700), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MACGREGOR, from the Committee on Claims, to which was referred the bill (H. R. 11154) for the relief of Arthur Frost, reported the same with an amendment, accompanied by a report (No. 699), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 2811) for the relief of the York County Savings Bank, of Biddeford, Me., reported the same without amendment, accompanied by a report (No. 697), which said bill and report were referred to the Private Calendar.

Mr. BEE, from the Committee on Claims, to which was referred the bill (H. R. 9675) to reimburse John Anderson, former postmaster at Sandborn, Knox County, Ind., for stamps and funds stolen from the post office, reported the same with an amendment, accompanied by a report (No. 698), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under House resolution 470, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 274) in the promotion of the general welfare to provide capital for the development by land colonization of the agricultural resources of the Nation, providing certain privileges to soldier settlers, and creating a national colonization board; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 415) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 457) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 479) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes; Committee on Irrigation of Arid Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 492) providing for cooperation between the United States and State governments in the rural settlement of soldiers, sailors, and marines, and to promote the reclamation of lands, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 1254) to provide soldiers, sailors, and marines with capital for agricultural development, and for other purposes; Committee on Banking and Currency discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 3156) to provide employment and rural homes for those who have served with the military and naval forces through the reclamation of lands to be known as the national soldiers' settlement act; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 3274) in the promotion of the general welfare to provide capital for the development by land colonization of the agricultural resources of the Nation, providing certain privileges to soldier settlers, and creating a national colonization board; Committee on Banking and Currency discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 3477) to provide employment and rural homes fo those who have served with the military and naval forces through the reclamation of lands to be known as the national soldiers' settlement act; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 4094) to provide employment and rural homes for those who have served with the military and naval forces through the reclamation of lands, to be known as the national soldier farm act; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5132) authorizing the Secretary of the Interior to make necessary surveys and provide plans for construction and maintenance of an irrigation and colonization system in the States of California and Nevada, to be known as the Tahoe reclamation system, and to provide farms and employment for returned soldiers and sailors and appropriating funds for the same; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5252) to provide soldiers, sailors, and marines with capital for agricultural development, and for other purposes; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5395) to provide soldiers, sailors, and marines with capital for agricultural development, and for other purposes; Committee on Banking and Currency discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5545) to provide homes for soldiers, seamen, and marines, and for other purposes; Committee on Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 6043) to provide homes for soldiers, sailors, and marines, and for other purposes; Committee on Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 6174) for the purpose of providing credits for honorably discharged soldiers, sailors, and marines who are not owners of homes; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 6684) to provide employment and rural homes for those who have served with the military and naval forces and to encourage the development of the agricultural resources of the United States; Committee on Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7004) to provide employment and rural homes for those who have served with the military and naval forces, and others, through the reclamation and redistribution of lands, to be known as the soldiers' land bill, and for other purposes; Committee on Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7026) providing for employment for the returning soldiers and sufferers from the drought by the construction of irrigation projects; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7191) authorizing the issuance of bonds to be furnished soldiers, sailors, and marines of the United States in proportion to the length of service in the war with Germany; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7351) to provide homes for soldiers, seamen, and marines, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7622) providing for cooperation between the United States and State governments in the acquirement of homes for soldiers, sailors, and marines, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7634) to encourage the development of agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment in the establishing of rural homes to those who have served with the military and naval forces; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7710) to provide homes for soldiers, sailors, and marines, and for other purposes; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 8820) to provide members of the military and naval forces with capital for farm settlements; Committee on Banking and Currency discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9027) to create the commission on rural and urban home settlement; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9137) granting to the members of the military and naval forces of the United States the same bonus accorded other Government workers; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9322) to provide educational facilities for persons serving as members of the United States military or naval forces in the war with Germany and honorably discharged from such forces, and for other purposes; Committee on Education discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 10835) to fix compensation of officers of the National Army who incurred disability while in the service; Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 11017) to provide employment for returned soldiers, to open up the unused lands and natural resources of the United States for the use of the returned soldiers and other citizens who may desire access to them, and to promote the general welfare of all the people of the United States, and to establish an executive department of the United States to be known as the department of land and natural resources; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 12488) to provide employment, homes, and additional bonus for those who have served with the military and naval forces of the United States during the war between the United States and Germany and her allies through the reclamation, acquisition, and development of lands and building of homes to be known as the national soldier settlement, home, and bonus act; Committee on the Public Lands discharged, and referred to the Committee on Ways and Means.

A joint resolution (H. J. Res. 187) directing the Secretary of the Treasury to pay each honorably discharged soldier, sailor, and marine the additional sum of $500; Committee on Appropriations discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 12867) amending section 14 of the shipping act of 1916; to the Committee on the Merchant Marine and Fisheries.

By Mr. JAMES: A bill (H. R. 12868) granting pensions to all policemen and firemen of the District of Columbia who were retired previous to the act of December 5, 1919; to the Committee on the District of Columbia.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12869) for the construction of a bridge across the Pentwater River or the outlet of the Pentwater Lake, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY of California: A bill (H. R. 12870) to provide for the administration of national property and interests in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. RADCLIFFE: A bill (H. R. 12871) for an extension to the post-office building at Paterson, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12872) for a post-office building at Passaic, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: Resolution (H. Res. 480) for the immediate consideration of H. R. 12775; to the Committee on Rules.

Also, resolution (H. Res. 481) for the consideration of S. J. Res. 156; to the Committee on Rules.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 482) to print in the CONGRESSIONAL RECORD, in connection with the proceedings of the House, House Report No. 637, from the Select Committee on Expenditures in the War Department, and for the immediate consideration of the same; to the Committee on Rules.

By Mr. JOHNSTON of New York: Joint resolution (H. J. Res. 306) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. TINCHER: Joint resolution (H. J. Res. 307) defining what shall constitute a crop failure under the rules and regulations issued by the departments of the Government in making loans of seed wheat to farmers for crop purposes; to the Committee on Agriculture.

By Mr. WALSH: Joint resolution (H. J. Res. 308) authorizing the President of the United States to manage and operate Cape Cod Canal, in the State of Massachusetts; to the Committee on Interstate and Foreign Commerce.

By Mr. MASON: Concurrent resolution (H. Con. Res. 52) expressing hope for self-determination for India; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12873) granting an increase of pension to Herbert Hill; to the Committee on Pensions.

Also, a bill (H. R. 12874) granting an increase of pension to Lucinda Rickards; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 12875) for the relief of Robert June; to the Committee on Claims.

By Mr. HOCH: A bill (H. R. 12876) granting a pension to Elizabeth Hopper; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12877) granting an increase of pension to John S. Robison; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 12878) granting an increase of pension to Carrie Smart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12879) for the relief of Robert Russell; to the Committee on Claims.

By Mr. KREIDER: A bill (H. R. 12880) for the relief of William Irving; to the Committee on Military Affairs.

By Mr. RADCLIFFE: A bill (H. R. 12881) granting a pension to James Y. Van Blarcom; to the Committee on Pensions.

By Mr. RAMSEY: A bill (H. R. 12882) granting an increase of pension to Charles W. Cole; to the Committee on Invalid Pensions.

By Mr. RANDALL of California: A bill (H. R. 12883) granting an increase of pension to William W. Wild; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2010. By the SPEAKER (by request): Petition of the Lighters Captains Union, Local No. 996, of Brooklyn, opposed to the Sterling-Graham bills; to the Committee on the Judiciary.

2011. By Mr. AYRES: Petition of citizens of the United States, favoring the passage of House bill 1112; to the Committee on the Judiciary.

2012. By Mr. BACHARACH: Petition of the Chamber of Commerce of the city of Atlantic City, N. J., favoring increased appropriations for foreign and domestic commerce; to the Committee on Appropriations.

2013. By Mr. CULLEN: Petition of citizens of New York City, relative to protection from dumping and other unlawful acts in the harbor and adjacent waters of New York City; to the Committee on Rivers and Harbors.

2014. By Mr. FESS: Petition of citizens of Belle Center, Ohio, in favor of the pure-fabric law; to the Committee on Interstate and Foreign Commerce.

2015. By Mr. FULLER of Illinois: Petition of Charles K. Mohler, of Chicago, Ill., protesting against the sedition bill; to the Committee on the Judiciary.

2016. Also, petition of the Cairo (Ill.) Retail Merchants' Association, for 1-cent drop postage; to the Committee on the Post Office and Post Roads.

2017. Also, petition of the Blackhawk Post, No. 107, the American Legion of Illinois, for adjusted compensation for service in the World War of a $50 bond per month of service; to the Committee on Ways and Means.

2018. By Mr. GRIFFIN: Petition of the Jamaica Board of Trade, of Jamaica, N. Y., favoring Senate bill 3572; to the Committee on Roads.

2019. By Mr. KINKAID: Petition of citizens of Ashton, Nebr., opposed to universal military training; to the Committee on Military Affairs.

2020. By Mr. LESHER: Petition of citizens of Danville, Pa., protesting against the Sterling-Graham bill; to the Committee on the Judiciary.

2021. By Mr. O'CONNELL: Petition of the American Federation of Catholic Society, of Brooklyn, N. Y., opposing the federalization of schools, etc.; to the Committee on Education.

2022. By Mr. RIORDAN: Petition of citizens of the city of New York, to prevent the pollution of the waters of New York Harbor, etc.; to the Committee on Appropriations.

2023. By Mr. SCHALL: Petition of the Association of the Mississippi Valley State Highway Department, at Chicago, urging the continuance of the present cooperative plan in the building of roads; to the Committee on Roads.

2024. Also, petition of the Wallace S. Chute Post, American Legion, protesting against the $50 bond a month bonus for the returned soldiers; to the Committee on Ways and Means.

2025. By Mr. TEMPLE: Petition of Sarah R. Shields, of Charleroi, Pa., in favor of House bill 3404; to the Committee on Foreign Affairs.

2026. Also, petition of R. W. Stiffey, of Beaver, Pa., urging Government control of the railroads; to the Committee on Interstate and Foreign Commerce.

2027. Also, petition of the Central Labor Union and Liberty Lodge, No. 87, Amalgamated Association of Iron, Steel, and Tin Workers, of Washington, Pa., protesting against the sedition bill; to the Committee on the Judiciary.

2028. Also, petition of mass meeting held in the New Castle Opera House, New Castle, Pa., protesting against the deferment of the payment of interest on foreign loans, etc.; to the Committee on Ways and Means.

2029. By Mr. WATSON: Petition of mass meeting held at the Academy of Music, Philadelphia, Pa., relative to the situation in the Turkish Empire and in the Caucasian Armenia; to the Committee on Foreign Affairs.

2030. By Mr. WOODYARD: Petition of Parkersburg Lodge, No. 16, Amalgamated Association of Iron, Steel, and Tin Workers, of Parkersburg, W. Va., and Local Union No. 28, Bakery and Confectionery Workers of America, of Huntington, W. Va., protesting against certain antisedition bills; to the Committee on the Judiciary.

2031. By Mr. YOUNG of North Dakota: Petition of N. O. Challberg and 58 other citizens of Marstonmoor, N. Dak., protesting against universal military training, etc.; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March 3, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of our life, and light, and liberty, and from Thee we draw day by day the supply of strength and grace and wisdom for the duties of life. Our burdens are never heavier than we can bear with divine grace nor are our ways ever so dark on which there is no gleam of light upon us if we look to Thy guidance. We come to Thee praying Thee to guide us this day according to Thine own counsel. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gay	Lenroot	Sheppard
Borah	Glass	Lodge	Sherman
Brandegee	Hale	McCormick	Smith, Ga.
Calder	Harris	McLean	Smith, Md.
Capper	Henderson	McNary	Smoot
Chamberlain	Hitchcock	New	Spencer
Colt	Johnson, S. Dak.	Norris	Sterling
Culberson	Jones, N. Mex.	Nugent	Thomas
Cummins	Jones, Wash.	Overman	Townsend
Curtis	Kellogg	Owen	Trammell
Dillingham	Kendrick	Page	Walsh, Mont.
Edge	Kenyon	Phelan	Warren
Elkins	King	Phipps	Watson
Fletcher	Kirby	Pittman	Williams
Frelinghuysen	Knox	Poindexter	Wolcott

Mr. CURTIS. The Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Tennessee [Mr. MCKELLAR], the Senator from South Carolina [Mr. DIAL], the Senator from Mississippi [Mr. HARRISON], and the Senator from Arizona [Mr. ASHURST] are absent attending the funeral of the late Senator BANKHEAD.

Mr. KING. The Senator from Massachusetts [Mr. WALSH] is detained from the Senate by death in his family.

The Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family.

Mr. RANSDELL. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Rhode Island [Mr. GERRY] are absent on official business.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

ANNUAL REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 668).

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1919, which was referred to the Committee on Patents and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 156) authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The message further announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, further insists upon its disagreement to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT, Mr. MCFADDEN, and Mr. PHELAN managers at the further conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12467) making appropriations for the support of the Military Academy for the

fiscal year ending June 30, 1921, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. MORIN, and Mr. WISE managers at the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 292) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Ramon Ricardo Arias, a citizen of Panama, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of Hale Bros. (Inc.), of San Francisco, Calif., remonstrating against the so-called luxury tax, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution adopted by the Mothers' Club of South Glastonbury, Conn., favoring the continuation of the work of the Interdepartmental Board of Social Hygiene, which was referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of Willimantic, Conn., praying for an appropriation of $200,000 to be used by the Department of the Interior for the purpose of investigating and reporting upon a plan of power generation, which was referred to the Committee on Appropriations.

Mr. KNOX presented a petition of Local Union No. 34, United Mine Workers of America, of Houtzdale, Pa., and a petition of sundry citizens of Philadelphia and Allentown, Pa., praying for the parole of Federal prisoners, which were referred to the Committee on Military Affairs.

He also presented petitions of Council No. 549, Knights of Columbus, of Mahanoy City; Lodge No. 167, Fraternal Order of Eagles, of Mahanoy City; and of the Father Mathew Pioneer Corps, of Mahanoy City, all in the State of Pennsylvania, praying for the passage of the so-called Mason resolution providing for the appointment of a minister and consuls to the Irish republic, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Bakers' Local Union No. 118, of Washington, D. C., and a memorial of Steel City Lodge, No. 591, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Pittsburgh, Pa., remonstrating against the passage of the so-called Sterling sedition bill, which were ordered to lie on the table.

He also presented a petition of Capt. Colwell Post, No. 201, Grand Army of the Republic, Department of Pennsylvania, of Carlisle, Pa., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Friends of Irish Freedom, of Lackawanna County, Pa., remonstrating against the adoption of a league of nations and favoring the freedom of Ireland, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Sharon, Pa., praying for the enactment of legislation providing for the retirement of superannuated Government employees, which were ordered to lie on the table.

He also presented a petition of the Bucks County Fish, Game, and Forestry Association, of Doylestown, Pa., praying for the enactment of legislation providing for the purchase of additional land to extend the Winter Elk Range at Jackson Hole, Wyo., which was referred to the Committee on Public Lands.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called Capper bill amending the act to supplement existing laws against unlawful restraints and monopolies, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented memorials of sundry citizens of Lakin, Jewell County, and Linn County, in the State of Kansas, and of sundry citizens of Regan, N. Dak., remonstrating against compulsory military training, which were ordered to lie on the table.

He also presented a memorial of Local Branch, Railway Mail Association, of Kansas City, Kans., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was referred to the Committee on the Judiciary.

POST OFFICE APPROPRIATIONS.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, reported it with amendments, and submitted a report (No. 461) thereon.

RED RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12160) authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex., and I submit a report (No. 460) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That the Nocona Red River Bridge Co., a corporation, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Red River at a point suitable to the interests of navigation on the south bank of Red River at a point a little east of due north of Nocona, in Montague County, Tex., to a point approximately north of said beginning and located in Jefferson County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEE ON FINANCE.

Mr. CURTIS, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5218. An act to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States (Rept. No. 458); and

H. R. 7785. An act to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments (Rept. No. 459).

DAUGHTERS OF JOSEPH SHAW, DECEASED.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 289, submitted by the Senator from Iowa [Mr. KENYON], and I ask unanimous consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay jointly, out of the contingent fund of the Senate, to Cora Shaw, Mabel Shaw Hedekin, and Edna Shaw Hutson, daughters of Joseph Shaw, late an employee in the folding room of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CONNECTICUT RIVER BRIDGE.

Mr. CALDER. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 11756) to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge, authorized by act of Congress approved August 25, 1916, to be built across the Connecticut River between the city of Springfield and the town of West Springfield, in Hampden County, Mass., are hereby extended one and three years, respectively, from the 27th day of February, 1920.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4005) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.; and

A bill (S. 4006) for the relief of certain estates; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 4007) authorizing the Secretary of War to enter into a contract with the Borough of Tenafly, County of Bergen, and

State of New Jersey, to share with that municipality the cost of grading and paving a portion of Hickory Avenue in said borough; to the Committee on Military Affairs.

A bill (S. 4008) for the relief of certain estates; to the Committee on Claims.

By Mr. KELLOGG:

A bill (S. 4009) to incorporate the Roosevelt Memorial Association; to the Committee on the Judiciary.

By Mr. CALDER:

A bill (S. 4010) authorizing the Secretary of the Treasury to increase or decrease the compensation of certain officers and employees in the customs service as he may think advisable; to the Committee on Commerce.

By Mr. TOWNSEND (for Mr. NEWBERRY):

A bill (S. 4011) authorizing the appointment of Paymaster T. De F. Harris as a pay inspector in the Navy; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4012) to provide for the improvement of transportation by water to and from and within the Territory of Alaska, and for other purposes; to the Committee on Commerce.

By Mr. LODGE:

A joint resolution (S. J. Res. 169) authorizing the President of the United States to manage and operate Cape Cod Canal, in the State of Massachusetts; to the Committee on Commerce.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. J. Res. 167) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, was read the first time by its title.

Mr. POINDEXTER. I should like to have the joint resolution read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, that will occur on March 19, 1920, by reason of the expiration of the term of Charles F. Choate, jr., of Massachusetts, be filled by the reappointment of the said Charles F. Choate, jr., for the ensuing term.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN MERCHANT MARINE.

Mr. EDGE. I introduce a joint resolution and ask that it may be read by the Secretary, and that I may have the indulgence of the Senate for a very few moments briefly to explain my reasons for introducing it at this time.

The joint resolution (S. J. Res. 168) to provide for the sale to private interests of ships owned by the Government through the United States Shipping Board, and for the ownership and operation of such ships under the American flag, was read the first time by its title and the second time at length, as follows:

Whereas in the present legislative situation the United States Shipping Board is in an embarrassing uncertainty as to its powers and policies for the sale of merchant-marine shipping to private interests; and

Whereas continuance of the Government in private business enterprise means continuance of a large proportion of the great burden on the taxpayers of the country, without compensating profit; and

Whereas continuance of the Government in possession and control of the American merchant marine beyond a time required for the disposal of such ships to the best advantage would strengthen any tendency to adopt a policy of Government ownership; and

Whereas the ships now owned through the Shipping Board will progressively deteriorate in value, so that possible profit in their sale might be precluded: Therefore be it

Resolved, That the Shipping Board herewith shall take steps to sell to the best possible advantage all vessels now under its ownership; and be it

Resolved further, That the Shipping Board in its efforts to sell such ships shall have the power to reject any or all bids and in other ways to act on its own judgment and discretion; and be it

Resolved further, That in the sale of such ships every possible legal requirement shall be made that the ships shall be owned and operated under the American flag, and the Shipping Board shall recommend to the Congress any legislation that it may deem necessary to assure such American ownership and operation.

Mr. EDGE. Mr. President, I have introduced the joint resolution at this time because I think all will agree that it relates to a subject which should receive very quick consideration by this body and by the other House of Congress. A bill is already pending directing that the seized German ships be reconditioned by the Shipping Board and not sold until further action by Congress. My object in introducing the joint resolution, which plainly takes the other side of the proposition, is to offer it at the proper time, possibly as a substitute for the bill which is now pending.

I have introduced the joint resolution, Mr. President, for the purpose of terminating as rapidly as possible the Government's administration of private business, and in so doing, in my judgment, to lessen the burden of taxation upon the people and to encourage a return of normal conditions.

I fully recognize the significance of the agitation of a few days ago, when it seemed that there was almost a universal demand upon the part of the general public that the ships formerly owned by Germany which we received through the war should not be sold; but I feel positive, in the light of what has since happened and the information we have since received, that that sentiment was based to a large extent on a misconception of the conditions and possibly on false premises.

I hope the Senate will give me its indulgence for about five minutes, in order that I may explain my reasons for the introduction of the joint resolution, because I think those reasons should be presented at the time of its introduction.

The Government can not conduct successfully a business enterprise, in my judgment, unless it adopts business principles. Business success requires that business shall show a profit in its ordinary administration without having an inexhaustible fund like the Treasury of the United States to fall back upon to make up deficits. Therefore if we are to conduct business to great extent in competition with the private business interests of the country already in the shipping business we must conduct it along fair lines of competition. We know perfectly well that in the administering of the shipping business of the country the carrying rates have been raised, as has been brought out here on several occasions, in some cases as high as 1,000 per cent, I am informed.

It is perfectly easy to make a profit where there is absolutely no limit to the amount to be charged, and, of course, we know that the consumer finally pays the bill. The profit is not a real one when the consumer is so overcharged, and without any appeal because the Government has established the rate.

Again, to-day, with the ships already delivered, or soon to be delivered, we occupy an advantageous position, if we are ever going to close out the business of Government ownership. We can, in other words, give spot delivery; and our ships are worth more to-day—common sense must demonstrate that—than they will be six months or a year from now, because practically all the shipyards have received large orders from private interests, and those ships will be delivered from 6 to 12 months hence. Most naturally our ships will depreciate in value, and semi-obsolete ships will bring far less than modern, up-to-date vessels.

Anyone who believes fundamentally in governmental ownership or governmental administration of business would naturally and properly be opposed to this joint resolution, but if he does not believe in that policy, then, it seems to me, it is the duty of Congress, if a majority believe that the Government should get out of business, to delegate the authority to some one to sell the ships in a businesslike manner, including the right to reject all bids and to readvertise in order to get the highest possible prices, a right which all other public bodies have, and to be in a position to dispose of the ships along such lines as will enable us to close out the business, as our continuation in which, in my judgment, will continue to show a deficit to the taxpayers of the country, if a proper system of bookkeeping is maintained.

Three billions of dollars of the people's money is tied up in the merchant marine; estimate that we get as much as one and a half billions out of it, and one easily can figure the great lightening of the taxation burden, the tremendous saving in interest on this sum, and the return of that proportion of the principal, now unprofitably invested. Such departures were necessary in times of war, but now we are facing the problems of returning to the basis of peace.

We can not reduce taxation unless we either reduce expenses or cash in war investments.

Mr. KING. Will the Senator yield for a suggestion?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KING. I wish to make a suggestion in line with the Senator's argument, if he will permit me to do so.

Mr. EDGE. I yield to the Senator from Utah.

Mr. KING. One of the contentions now being made by some of the shipowners is that they would like the Government to continue the operation of the ships for the reason that because of the inefficiency and extravagance of the Government it will be compelled to charge very high prices for freight and pas-

senger service, and therefore it will enable them to maintain higher levels of prices and thus make larger profits.

Mr. EDGE. I thank the Senator from Utah for his suggestion.

Mr. OWEN. Mr. President, I should like to remark, for the RECORD, that I regard the suggestion as disingenuous.

Mr. EDGE. At the present time the bill pending refers primarily or exclusively to the sale of the German passenger ships. We have already sold a number of ex-German cargo ships. I wish to call the attention of the Senate to a communication which was received a few days ago from the President of the United States in which was set forth the fact that he had made a tentative arrangement with the premier of Great Britain, which provided that the United States could only retain an amount from the sale of German ships equal to our losses in the submarine warfare and that all money received in excess of the total of those losses would be paid into the reparation fund, to be distributed among the creditors of Germany. If that arrangement should be acquiesced in by Congress it would simply mean that the money we receive for the German ships over and above our losses by submarines, which were comparatively small, would be turned over to Great Britain, France, and other countries.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. EDGE. I yield.

Mr. JONES of Washington. I desire, with the Senator's permission, to ask him a question. I am inclined to think the Senator is mistaken in the view he has stated; and I wish to ask him if he does not think that the value that we shall have to account for for these ships will be the value of the ships at the time we took them over rather than the value at any future time by reason of any improvements we may make; or, in other words, will we not have to account under the agreement, if we should ratify it, only for the value of the ships at the time we took them over? It seems to me that that is the value we would have to account for, and that we would have to do that whether we improve the ships or whether we do not.

Mr. EDGE. In answer to the Senator from Washington I will say he may be correct, but it does not greatly change the situation. I shall only read the paragraph of the agreement tentatively entered into, the fourth section of which provides:

> That where the valuation of such retained tonnage, specifically in the case of Brazil, China, Cuba, Siam, and the United States, exceeds the value of tonnage lost during the war, a reasonable value for such excess shall be determined and that amount paid by the holder State to the reparations commission "for the credit of Germany toward the sums due from her for reparation in respect to war losses of merchant ships."

I will not attempt to give that language a legal interpretation, although it seems pretty clear to us.

I have only this final observation to make: If we recondition those ships, as provided for in a pending bill, we are told by the chairman of the Shipping Board that it will require $75,000,000 to do so. I do not think those figures are generally disputed. The ships are now from 6 to 12 to 20 years old. Understand, they are passenger ships, not cargo ships, and our merchant-marine necessity was primarily for cargo ships. The only experience we have had operating passenger ships has shown a loss. It will require from 6 to 12 months to recondition those ships. The testimony before the Commerce Committee and that which has generally been adduced throughout the country, I think, clearly proves that we can not receive for those ships 6 or 12 months from now the price which we can get to-day plus the amount we shall spend on their reconditioning. I know nothing as to their present value, although a naval board has stated we have been offered more than their actual worth. It is simply a case, as the business man puts it, of sending good money after bad. If we intend to give up operating a merchant marine and turn it back to the business acumen of the country, under proper Government regulation, we certainly shall not be justified in appropriating $75,000,000 on a chance, possibly, of getting it back 6 or 12 months from to-day.

Personally I feel that this is such an important question, in view of conditions that have arisen since the discussion as to the sale of the German ships and the facts that have been brought out by statements direct from the Shipping Board, that it is our duty to quickly establish a definite policy. The hands of the Shipping Board are tied; they do not know what they can do. Our ships are lessening in value, and we are asked to appropriate more money, with the result that, of course, the taxpayers must eventually pay the bill. Every additional dollar we appropriate is simply that much more encouragement for eventual Government ownership, because of the natural desire to try to get the investment back.

I think it is a question that Congress should take up very soon. I feel that we must delegate to somebody the right to carry out the details of business; Congress can not be a sales agent; and I have absolute confidence that the Shipping Board will conscientiously protect and conserve the best interests of the American people.

Mr. JONES of Washington. Mr. President, I merely wish to say a word, called forth by the last suggestion of the Senator from New Jersey. The Senator suggests that Congress ought to adopt a policy. There can not be any question about that, but the Senator's statement would convey the impression that the Committee on Commerce was neglecting this matter. Mr. President, that committee has been meeting every day, I think, for weeks, hearing testimony, with a view of determining and fixing a policy. It proposes to act just as promptly and just as conscientiously in the matter as it possibly can. The problem is one that can not be passed on overnight; it requires the most careful consideration; but I wish to assure the Senate and the country, so far as that is concerned, that the committee is putting forth its very best efforts toward getting the foundation for determining the proper policy, and that it will act in the matter just as quickly as it possibly can.

Mr. EDGE. I simply wish to add that I had no intention of reflecting——

Mr. WARREN. Mr. President, I shall have to make a point of order. I do not think the introduction of a joint resolution ought to be allowed to lead to debate in the morning hour. We are still in the morning hour, are we not?

The PRESIDENT pro tempore. We are supposed to be receiving bills and joint resolutions.

Mr. FRELINGHUYSEN. Mr. President, as I understand the situation, my colleague asked unanimous consent to submit a statement in regard to the joint resolution, which consent was granted.

Mr. WARREN. And he submitted the statement, and debate ensued, and if it continues it will perhaps occupy all day. I wish the rule observed, so that we may go on with the morning business, and let the matter in which the Senator from New Jersey is interested come up in the regular way.

Mr. FRELINGHUYSEN. I do not believe it will take much more time.

Mr. EDGE. Mr. President, if the Senator will defer calling for the regular order for a moment, I simply want to say, in answer to the chairman of the Committee on Commerce, that I had no intention whatever of reflecting on the activities of that committee. I well know how hard they have been working, but I think it is often helpful to bring the attention of the country to a proposition of this kind, which may accelerate action not only on the part of the committee but on the part of Congress.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Commerce.

RIVER AND HARBOR APPROPRIATIONS.

Mr. LENROOT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. PHELAN submitted an amendment providing for the treatment, restoration, and protection from erosion, wash, or drift, by tree planting or other methods, of deforested, burned-over, or flood-formed lands or sands lands, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 292. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Ramon Ricardo Arias, a citizen of Panama, was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT OF FEDERAL FARM LOAN ACT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, and 21 of the act approved July 17, 1916, known as the Federal farm loan act, further insisting upon its disagreement to the amendments of the Senate to the bill, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McLEAN. I move that the Senate further insist upon its amendments and agree to the further conference asked for by

the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McLEAN, Mr. GRONNA, and Mr. OWEN conferees at the further conference on the part of the Senate.

The PRESIDENT pro tempore (at 12 o'clock and 35 minutes p. m.). Morning business is closed.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I move that the Senate proceed to the consideration of the conference report on House bill 12046, being the deficiency appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I shall not detain the Senate at any length this morning in opposition to the adoption of the report which has been submitted by the senior Senator from Wyoming. I quite agree with the action of the House in refusing to accede to the amendment tendered by the Senate wherein $3,000,000 were added to the bill for the purpose of making repairs upon war vessels. I took the position when that matter was before the Senate that the appropriation of nearly $700,000,000 for the current year for the Navy was an adequate appropriation; that out of that sum nearly $100,000,000 were available for repairs, for use upon docks and yards, and in the maintenance of vessels of the Navy. I think that there has been an improper allocation of a portion of this vast sum, so that some yards have received a larger proportion than that to which they were entitled. As a result it is possible that in some yards there may be an inadequate amount of money available for the repair of ships; but that dilemma is chargeable to the administration of the Navy Department and not to any niggardly policy upon the part of Congress.

I made the observation a few days ago, and I now repeat it, that if we were to make this appropriation asked for in this deficiency bill it would be an approval of the conduct of the department in allocating to some yards more than they were entitled to and in creating a deficit directly in the face of the statute. Therefore I shall be glad to concur in the action of the conferees in receding from the position taken by the Senate and in acceding to the position taken by the House with respect to this item.

The other item, Mr. President, which engaged the attention of the Senate yesterday afternoon was the appropriation of an additional $400,000 for the Speedway Hospital. It seems to me that the statement made by our distinguished colleague, the junior Senator from Virginia [Mr. GLASS], who recently was Secretary of the Treasury, in which he explained the conditions under which this project was taken over and the appropriation obtained, must convince the Members of the Senate and those who are familiar with the transaction that this appropriation ought not to be made; but, in view of the fact that any further delay would embarrass materially some of the agencies of the Government and that a repudiation of the action of the conference committee with respect to this item would mean a reopening of several matters and sending the bill back to conference, I have felt that it was not wise to prolong the discussion or to further interpose obstacles to the adoption of the conference report.

However, I wish to call attention to the fact that the bill which was passed in the Sixty-fifth Congress, under date of March 3, 1919, carried an appropriation of $2,500,000 for the purchase and completion of this enterprise, but after the original estimate and original authorization of $2,500,000, upon representations being made, the amount was increased to $3,000,000, which was to be the total limit of cost. Within a short time after the appropriation of this amount a contract was tendered by the Secretary of the Treasury for the purchase of the hospital and its completion within the limit of the appropriation, to wit, $3,000,000, but those who were the vendors refused to sign the contract, and now we are confronted with a demand for $3,400,000.

The appropriation, as it passed the Senate a few days ago, carried $3,500,000, but it was reduced in conference.

I think, Mr. President, that the record of this transaction is not a very creditable one; and, if it stood alone and were here now for consideration on its merits or demerits, I should insist that the Senate vote upon the matter, and that they consider fully and carefully the entire transaction; but, as I have stated, circumstances and conditions are such as, in my opinion, not to warrant a prolongation of the controversy. I do not approve of the additional appropriation, and believe that the entire enterprise will prove not only disappointing to the Government but will in the end call for severe criticism.

Mr. GAY. Mr. President, I heartily concur in any effort that is made toward economy. There have been a great many speeches delivered in this body on the subject of economy. The country is very tired of the great appropriations that have been made, of the waste of money that we see on every side, and of the great burden of taxation. I would be glad to join in any effort which is made to reduce appropriations, to make the expenditures more wisely, and to live within the revenue of the Government; but I feel, Mr. President, that this effort to deprive the Navy of the necessary money to repair ships is a step in the wrong direction, and that it is false economy.

The Navy has ships in the various yards which are waiting for and in great need of repair. We have a report from the Chief of the Bureau of Steam Engineering which shows that there are great dreadnaughts, that there are cruisers, that there are destroyers, that there are submarines, that there are ships of every type, which are now out of commission for the lack of funds. This is a very small appropriation as compared with what is really required. The estimate of the department calls for $10,314,962. This, if one will carefully study the various items, is a conservative estimate; and the amendment which has been offered by the senior Senator from Massachusetts [Mr. LODGE] proposing that an appropriation of $3,000,000 be made to carry on this work is not at all adequate for the needs of the American Navy.

I have recently had occasion to visit one of these navy yards, and I can say from what I saw there that the conditions are lamentable. We will soon have no organization to continue this work. At the present time we have skilled mechanics of the highest type, and other yard employees, laborers, who can be continued in the service by making this appropriation. The failure to appropriate will lead to serious consequences. The regular appropriation bill for the Navy will not come before Congress in time to give relief.

I sincerely hope that the Senate will refuse to concur in this conference report, and will send the bill back to conference, with instructions that its conferees insist on the amendment that has been adopted by the Senate. It is of great importance, and I feel that the Senate conferees should not yield. Overhaul our ships instead of letting them go to the scrap heap. This is real economy.

Undue postponement of work under peace conditions will throw thousands of workmen out of employment and may add to the discontent which can be seen in so many parts of this country.

The failure to keep our Navy up to the great standard it has attained will mean greater expense in the future and much larger appropriations. The expenditure of the amount now required will be a stitch in time. Let us keep our Navy fit.

Mr. THOMAS. Mr. President, I have no doubt this report will be adopted. Such has been the almost uniform course of procedure on reports from committees of conference since my identification with the Senate. I realize that the Senate members of this conference committee have exerted themselves to the full in the effort to save the Senate amendments to the bill, and that they have yielded because of the impossibility otherwise of coming to an agreement. We must make allowance for these conditions, first, because all conference committees necessarily arrive at compromises, and also because some items of this bill are of great emergent importance, so that my purpose is not to oppose the adoption of the report—although I shall vote against it if a vote is taken—but to emphasize what has been said as to the importance of the item regarding ships and also to express my hearty concurrence in the attitude taken by the Senator from Virginia [Mr. GLASS] with regard to this hospital.

Ever since the bill was enacted into law making an appropriation of $8,000,000—that being the sum, according to my recollection—for the acquisition and completion of additional hospitals for the Public Health Service, the subject has been one of controversy, largely the outgrowth of the competition of the different States of the Union for the expenditure of this $8,000,000, my own State being quite as active in insisting upon its recognition as any of the others. The purpose of the law was obvious, and the method of its administration should have been businesslike and as a matter of course, but it has been interfered with from its inception by rival claimants for recognition in the establishment or purchase of hospitals and hospital sites. I have had a good deal of sympathy with the Sur-

geon General and his various boards in their earnest efforts to reconcile what can not be adjusted. The demands of Colorado, North Carolina, Texas, Illinois, and other States for the distribution of $8,000,000 have completely upset the orderly course of procedure by the authorities having the execution of this law, and I have but little doubt that nothing has been accomplished, although the bill became a law early in the year 1919.

I know but little about the facts connected with the Speedway Hospital controversy. I do know that it has been active ever since the enactment of the law and has produced a good deal of friction between those owning and desiring to dispose of it to the Government and those having the administration of the act. Some features of this controversy were outlined yesterday by the Senator from Virginia [Mr. GLASS], the former Secretary of the Treasury. The disposition made of it by the conference committee, and which we are now considering, is in all probability the best that the circumstances permit; but I have not a particle of doubt that before a year passes efforts will be made to secure additional appropriations for the completion or extension or compensation to the owners of this enterprise, because that is what it seems to be.

Of course, the action of one Congress can not bind its successors, and I greatly fear that once we are committed to the purchase of the Speedway Hospital we will have embarked upon a career of additional expenditure for the purpose of making it habitable for invalids in charge of and under the jurisdiction of the Public Health Service. I shall not, for that reason, attempt in any manner to prevent the early consideration and disposition of the conference report. I merely want to go on record as expressing the conviction that the end is not yet, and that hundreds of thousands of dollars will hereafter be demanded and in all probability given for the completion and consummation of this enterprise, which in my judgment the Government never should have considered at all.

DEVELOPMENT OF AGRICULTURAL RESOURCES.

Mr. PHELAN obtained the floor.

Mr. FLETCHER. Mr. President, will the Senator from California yield to me to make a motion?

Mr. PHELAN. I yield.

Mr. FLETCHER. Out of order I desire to move that the Committee on Banking and Currency be discharged from the further consideration of Senate bill 3942, to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces, and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. McLEAN. Mr. President, as I understand, in the House that bill was referred to the Committee on Ways and Means. In the Senate it was referred to the Committee on Banking and Currency. It would seem to me that it should properly go to the Committee on Irrigation and Reclamation of Arid Lands at some time in its career, although it involves a very important bonding proposition. I shall not oppose the motion of the Senator from Florida, who is the author of the bill and who introduced it, if he desires to have it go to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FLETCHER. I make the motion after conference with the chairman of the committee and after a hearing this morning on the bill, at which sentiment seemed to be that it ought to go to that committee. Therefore I am making the motion in order to save time.

Mr. SMOOT. Mr. President, as I remember, the bill was referred to the Ways and Means Committee of the House, which corresponds with the Finance Committee of the Senate. I have not read the bill, and therefore I can not say whether or not it ought to go to the Committee on Irrigation and Reclamation of Arid Lands, but if it involves the issuing of additional bonds by the Government and it is to be financed, does not the Senator think it ought to go either to the Committee on Banking and Currency or to the Finance Committee of the Senate?

Mr. FLETCHER. It involves that question, and for that reason I asked to have it referred originally to the Committee on Banking and Currency, but that committee this morning seemed to be under the impression that it involved these questions of reclamation, with which the other committee is thoroughly familiar, and the expression of the members of the committee was that the bill ought to go there—I think the chairman will agree with that—and also that that committee could have jurisdiction over the question of making the scheme practical through the issuance of bonds or in some other way that the committee might determine. The primary question, however, is reclamation. The bill involves public lands only to a limited extent, because there are not very many public lands now available for this kind of reclamation, but it is national in its scope. It covers the whole country. It is a scheme for reclamation by irrigation, by drainage, and by any other process, so as to make lands now worthless of value and put them into cultivation, incidentally giving the preference to the soldiers and sailors of the late war.

I am making the motion because I thought that was the sense of the committee, and I thought the chairman agreed with the proposition that it ought to go to this other committee.

Mr. SMOOT. Even if the object of the bill were what the Senator says it is, and it affects the public lands, it certainly ought to go to the Public Lands Committee. Other bills of the same character have always gone to that committee. While I am not at all anxious to take the work, I do believe that that is the proper committee to which the bill should be referred, if it is not to go to the Committee on Banking and Currency.

Mr. FLETCHER. My understanding is that it will perhaps involve some public lands, but only a very small acreage of public lands is now available for this purpose; and as reclamation is the main feature of the bill, it was thought that the Committee on Irrigation and Reclamation of Arid Lands ought to have it.

Mr. SMOOT. Of course, if the bill refers simply to private lands, that is another question.

Mr. FLETCHER. It refers mainly to private lands.

Mr. SMOOT. The Senator says "mainly," but I understand that the bill refers not only to private lands, but also to public lands; and, if that is the case, it seems to me it ought to go to the Committee on Public Lands.

Mr. FLETCHER. I think if the Senator will examine the bill he will be convinced that it ought to go to the Committee on Irrigation and Reclamation of Arid Lands, because irrigation is the fundamental primary thing involved. They are considering all such questions and I do not believe that——

Mr. WARREN. Mr. President, there seems to be a very interesting conversation going on. I would like to know what is before the Senate and what we are doing.

The PRESIDENT pro tempore. Does the Senator make a point of order?

Mr. WARREN. I do not wish to do so, but if the debate is to continue I shall be compelled to make it.

The PRESIDENT pro tempore. The motion made by the Senator from Florida is not debatable.

Mr. SMOOT. In order that I may have time to examine it, I object at the present time, and I will take up the question with the Senator from Florida during the day.

Mr. FLETCHER. Very well.

The PRESIDENT pro tempore. The motion is withdrawn for the present.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

Mr. PHELAN. Mr. President, I have no intention to obstruct nor to delay a vote upon the conference report. I learn from Senators on both sides of the Chamber that, in their opinion, it is futile to send it back to the House, because on a certain day before this discussion was had the House voted 2 to 1 in favor of the conference report. But the motion in the Appropriations Committee of the House to report ten millions favorably was lost by only 1 vote, and the House followed the committee.

The history of this item, however, will give the Senate a hope that in case it is resubmitted it will have a reasonable chance of being reconsidered by the House, for this reason: The department asked for an appropriation of $10,314,000 for repairs last September, and the House approved of it. In the debate in the House I find that strong arguments were made in favor of not only the necessity of creating a fund for repairs but the real economy involved in making the appropriation at that time.

The Appropriations Committee—

I read from the proceedings of the House—

who considered those arguments reported to the House in the first deficiency bill these very items last September, and the chairman of the Appropriations Committee, in an ardent address to the House, advocated their inclusion in the bill four months ago in the interest of economy. He stated at that time that he had consulted with Mr. BUTLER, of the Naval Affairs Committee, that he had consulted with Mr. PADGETT, of the Naval Affairs Committee, and other members of the Naval Affairs Committee, and that those members said it was a necessity, and that they were glad the Appropriations Committee had included them in their bill. This House passed these items four months ago, on the 18th of September, as necessary and urgent deficiency appropriations, and they were defeated in the Senate.

The House has already approved them at a time when they were not so insistent upon false economy and the Senate disapproved. Since then the Secretary of the Navy has made a very strong appeal and the Senate reduced the amount asked for by the Secretary to $3,000,000. Certainly if the House is at all consistent, it will accept the $3,000,000 rather than no appropriation at all, if, indeed, it believes in the true economy of making repairs at this time. Therefore, if the conference report is defeated for these reasons it is not unreasonable to expect that the House will reconsider its action, because it is committed to a greater appropriation for the same purpose.

On January 21 the Secretary of the Navy wrote this letter:

The serious situation with reference to the military efficiency of the Navy impels me to write earnestly inviting the attention of Congress to the necessity of the deficiency appropriation of $10,314,962.19, requested by me in my letter to you of the 18th day of December, 1919, and which passed the House last summer, but which failed of passage in the Senate. The conditions are much more serious now than they were when presented at that time and are set forth fully in the accompanying letters from the chiefs of the Bureaus of Operations, Construction and Repair, Steam Engineering, and Yards and Docks.

In his report Admiral Coontz, Chief of Operations, makes a new point which was not brought out in the discussion. It is this:

The present unsettled conditions—

He writes—

throughout the world demand that the ships of the Navy be kept in efficient condition for action. The number of ships now capable of operating effectively in case of emergency is dangerously small. This condition is a direct result of a lack of funds with which to prosecute vigorously the required repair work on vessels whose material fitness has been lowered through the excessive and continuous demands of war service.

The Senator from Utah [Mr. KING], I may remark at this time, said that $700,000,000 had been appropriated for the Navy, and therefore there would be no trouble in finding in the $700,000,000 the funds necessary for the repair of ships. I read the other day that $75,000,000 was necessary to recondition the merchant passenger fleet. Suffice it to say that although the fund appears large for the maintenance of the Navy those funds are so appropriated that only so much is available for repairs, no matter how large the sum total appropriated is, and the chiefs of the department and the Secretary say that the repair fund is depleted and that they will have to stop work unless this appropriation is made. Admiral Coontz goes on to say:

Although every effort has been made to reduce maintenance charges by disposing as rapidly as practicable of the vast accumulation of shipping that it was imperative to incorporate into the Navy to meet the needs of a wholly unprecedented war, it has not been possible to adjust to the money available the work necessary on the remaining vessels required for service, as might have been done in a period of peace. The situation, therefore, which now confronts the Navy in case additional funds are not made available by February is a reduction of the number of ships which can be made promptly available for operation to a point which will seriously compromise our national security and also a marked reduction of the force of civilian employees now at work in our navy yards.

This is a new point which has just been brought to my attention—the reduction of employees. He says:

An estimate of the number of artisans, mechanics, and other yard employees involved in such a reduction has been made and amounts to 13,900 men.

This situation was clearly foreseen, as is indicated by the steps taken last August to secure an extension of the maintenance appropriations. It has now developed to the point where further delay in securing additional funds will affect disastrously both the material efficiency of the fighting forces of the Navy and also, in so doing, the valuable work organizations of thousands of skilled mechanics now employed in our navy yards.

I assume, on the face of these reports, that the work has to be done. If it is not done now, if the appropriation is denied, it means the disintegration of the organization of mechanics and workers. They will be scattered to the four winds. It will be difficult to regather them. At this time I think it would be unfortunate for the service and the country to permit 13,900 men to be turned out without employment when their work and service are necessary. If they are to be dismissed, let them be dismissed when their work is completed. We not only keep them in employment, we not only maintain the yard organization, but we repair the ships necessary, as the admiral says, for our national security.

Therefore I am of good hope if the report goes back to the House, they having approved it only four months ago in a larger measure, will meet our conferees on a proposition of this kind and permit the great ships of the Navy to be put in a fighting condition. Therefore I do not think it idle to send the report back, and I should like to ask when the question comes before the Senate that there may be a yea-and-nay vote upon it.

Mr. WARREN. Mr. President, I do not wish to enter into a lengthy discussion of this matter. The latest movement of the House of Representatives is the one we have to abide by instead of one in the past. The bill carried $69,500,000 to rehabilitate soldiers and to pay them their dues in the way of pensions, allowances, and so forth; to pay the families of those who have been killed, and to pay those who are disabled, and also to supply the vocational education fund. Out of the total of $89,000,000 there is $69,500,000 for the soldiers alone direct. There is also a provision for hospital use that is immediately needed. The owners of the Drexel Avenue Hospital, with 500 beds, will not renew their lease which expires in September, and we should move at once in hospital matters to provide for these and for others.

This is an urgent deficiency bill. It is not a regular annual appropriation bill for the coming fiscal year, which can as well wait. There is money due that ought to have been paid day before yesterday and since to employees of the Government. The conferees did all they could in the matter, and I consider it perfectly useless to send back the report. If the Senate sees fit to send it back that is the Senate's prerogative. As to the amount of money, it is undisputed that there is money enough for all these Navy purposes, and if it requires a transfer from one to another fund, the war laws now in effect, the authority that we have given the President to remove a man from one place to another and the fund from one fund to another would leave it simply a matter for the Secretary of the Navy and the President to adjust.

So I ask that the report may be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. PHELAN. On that question I call for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. PHIPPS (when his name was called). I have a pair with the Senator from South Carolina [Mr. DIAL]. In his absence I withhold my vote. If privileged to vote, I would vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague [Mr. SIMMONS] is absent on official business. He has a general pair with the Senator from Minnesota [Mr. KELLOGG]. I ask that this announcement may stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from California [Mr. JOHNSON] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. Not knowing how he would vote on this question, I withhold my vote.

Mr. JOHNSON of South Dakota (after having voted in the negative). I voted not knowing that my pair, the Senator from Maine [Mr. FERNALD] is absent. I therefore withdraw my vote. If at liberty to vote, I should vote "nay."

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea." This transfer will stand for the day.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BECKHAM. I have a general pair with the Senator from West Virginia [Mr. SUTHERLAND], and in his absence I withhold my vote.

Mr. JONES of Washington. The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I agreed to pair with him during his absence, and therefore I must withhold my vote.

Mr. EDGE. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Oregon [Mr. MCNARY] and vote "yea."

Mr. HENDERSON (after having voted in the affirmative). Has the junior Senator from Illinois [Mr. MCCORMICK] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK], but I understand that if present he would vote "yea." I will therefore allow my vote to stand.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Illinois [Mr. MCCORMICK] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Missouri [Mr. REED] with the Senator from Michigan [Mr. NEWBERRY]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

Mr. GERRY. I wish to announce the absence of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Mississippi [Mr. HARRISON], and the Senator from South Carolina [Mr. DIAL] in attendance at the funeral of the late Senator BANKHEAD.

The result was announced—yeas 33, nays 27, as follows:

YEAS—33.

Brandegee	France	Lodge	Spencer
Capper	Frelinghuysen	New	Sterling
Chamberlain	Gronna	Norris	Townsend
Colt	Harris	Page	Warren
Cummins	Henderson	Phipps	Watson
Curtis	Kellogg	Sherman	Wolcott
Dillingham	Kendrick	Shields	
Edge	King	Smith, Md.	
Elkins	Lenroot	Smoot	

NAYS—27.

Borah	Hitchcock	Myers	Sheppard
Calder	Jones, N. Mex.	Nugent	Smith, Ga.
Gay	Kenyon	Overman	Smith, S. C.
Gerry	Keyes	Phelan	Trammell
Glass	Kirby	Pittman	Wadsworth
Gore	Knox	Poindexter	Williams
Hale	Moses	Ransdell	

NOT VOTING—35.

Ashurst	Harrison	McNary	Smith, Ariz.
Ball	Johnson, Calif.	Nelson	Stanley
Beckham	Johnson, S. Dak.	Newberry	Sutherland
Culberson	Jones, Wash.	Owen	Swanson
Dial	La Follette	Penrose	Thomas
Fall	McCormick	Pomerene	Underwood
Fernald	McCumber	Reed	Walsh, Mass.
Fletcher	McKellar	Robinson	Walsh, Mont.
Harding	McLean	Simmons	

So the conference report was agreed to.

STATES OF ARMENIA AND ANATOLIA.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

Mr. KING. Will the Senator withhold that motion while I offer a resolution and have it read and referred to the Committee on Foreign Relations?

Mr. LODGE. Certainly.

Mr. KING. I thank the Senator very much. I submit the resolution, which I send to the Secretary's desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 320) was read, as follows:

Whereas the presence of the Government of the Ottoman Turks at Constantinople has for many centuries been a constant cause of disorders, massacres, oppression, poverty, and pestilence among the Christian peoples of both eastern Europe and Asia Minor; and

Whereas the Turks, in league with the Germans, cruelly massacred nearly 1,000,000 noncombatant Armenian and more than 200,000 Greek Christians in Asia Minor during the late war; and

Whereas the Ottoman Turks are wholly disqualified to exercise political authority over Christian peoples and ought not to be permitted to extend their territorial domains by the massacre of the Christian native inhabitants; and

Whereas there can be no peace in eastern Europe and Asia Minor until the political authority of the Turks is eliminated from Europe and also from the ancient and proper territory of Armenia, comprising the six valleyets designated in the armistice with the Turks; and

Whereas the policy of the enlightened Christian powers has for years been directed to the liberation of Constantinople and Armenia from the despotism of the Ottoman Turks and the establishment of a just and stable Government for the Turkish population concentrated in Anatolia, as affording the only permanent basis for justice, liberty, peace, and progress in the Near East; and

Whereas Constantinople is an ancient European Christian metropolis having proper commercial, geographical, and political connections with Europe rather than with Asia; and

Whereas it is necessary for the accomplishment of these objects that all political relations between Constantinople and Asia be terminated and that no political authority in Anatolia or in Armenia be hereafter exercised from Constantinople: Now, therefore, be it

Resolved, That it is the sense of the Senate that the ancient and proper territory of Armenia, comprising the six valleyets designated in the armistice with the Turks, be erected into an independent national State, from which the political authority of the Ottoman Turks shall be excluded; and be it further

Resolved, That Constantinople be separated from all political connections with Asia Minor and be constituted an independent State under the temporary protection and police of the allied powers or the League of Nations, and that hereafter no political authority over Anatolia or any other country of Asia Minor be exercised from Constantinople; and be it further

Resolved, That Anatolia, excluding the six valleyets of Armenia, be recognized as the independent national State of the Ottoman Turks, under the temporary protection and police of the allied powers or of the League of Nations, for the prevention of massacres and disorders, for the administration of justice, and the preservation of peace.

The PRESIDING OFFICER (Mr. EDGE in the chair). The resolution will be referred to the Committee on Foreign Relations.

Mr. WADSWORTH. Mr. President——

Mr. LODGE. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator from Utah [Mr. KING] has just submitted a resolution and asked its reference to the Committee on Foreign Relations. The resolution has to do with the political and other conditions in Asia Minor. I think it well that I call the attention of the Senator from Utah and of the Senate to the fact that on November 18 last the Senate passed a resolution in this language:

Resolved, That the President be, and he is hereby, requested to send to the Senate, if not incompatible with the public interest, a copy of the report on near eastern conditions, made by the mission headed by Maj. Gen. James G. Harbord, and known as the "Harbord mission."

Mr. President, I understand from the office of the Secretary of the Senate that not only has the report referred to in the resolution failed to reach the Senate but that there has been no acknowledgment of the resolution itself. I may say, in passing, that the "Harbord mission" mentioned in this resolution traveled all through Asia Minor and spent many weeks in a very exhaustive investigation of the political, military, economic, and religious conditions there. Not only did it travel through Asia Minor and cover the villayets mentioned in the resolution of the Senator from Utah, but it also traveled through the Caucasus, into Georgia, if I recollect correctly, and a portion of northern Persia, and examined and made a most careful investigation of the whole situation.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. WADSWORTH. I yield.

Mr. POINDEXTER. I should like to ask the Senator from New York if the report to which he refers contained any information as to the number of men that would be required to take over the mandate of Armenia or of Turkey and the expenditures that would be involved thereby?

Mr. WADSWORTH. Mr. President, the report has not been made public. I happen to know, however, that the report does discuss that matter, as it was fully expected to do.

Mr. LODGE. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Massachusetts.

Mr. LODGE. If the Senator will allow me to have the German peace treaty taken up, the subject he is discussing is, I think, entirely relevant to the treaty.

Mr. WADSWORTH. I had no intention of entering into any extended discussion of this matter, and I shall yield the floor in just a moment.

Mr. LODGE. Very well. I did not mean to interfere with the Senator at all, for I think his subject is quite as live a one as is the treaty.

Mr. KING. It could be discussed under the treaty.

Mr. LODGE. It could be discussed under the treaty.

Mr. WADSWORTH. I yield for the purpose of allowing the treaty to be taken up on the motion of the Senator from Massachusetts.

TREATY OF PEACE WITH GERMANY.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is that in open executive session the Senate proceed to the consideration of the treaty with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. POINDEXTER. Mr. President——

Mr. WADSWORTH. I have the floor, Mr. President, but I yield to the Senator from Washington.

Mr. POINDEXTER. I should like to have order, Mr. President.

The PRESIDING OFFICER. The Senator from New York has the floor and he has yielded to the Senator from Washington.

Mr. POINDEXTER. Mr. President, what I was asking for was that the conversation all around be a little subdued, because I regard the question which the Senator from New York is discussing of the utmost importance. If the Senator will allow me just a word——

Mr. WADSWORTH. Certainly.

Mr. POINDEXTER. It seems that in November the Senator from New York offered a resolution of inquiry, which was adopted by the Senate, calling for a report to the Senate and to the public of the result of the Harbord mission, which was undertaken at the expense of and for the purpose of securing information for the people of the United States. That information, Mr. President, bears directly upon one of the obligations which it is proposed that the United States shall assume under the direction and government of the League of Nations, if it is adopted.

Here we are just about to vote on the covenant of the League of Nations and are voting upon reservations that are proposed to it involving the obligations that the United States is to assume. One of the obligations proposed was that we should take over the mandate of Turkey. Here is a report that the Senator from New York says contains information as to the size of the army that would be required to be raised in the United States and transported to Turkey for that purpose and as to the amount of money that would be required to be levied upon the people in the way of taxes, all of which is pertinent to be considered in determining whether or not we shall have any League of Nations and whether or not the United States shall assume the burdens and obligations that will rest upon it under the League of Nations; but it seems that information is denied. If the Senator from New York has the information, I should like very much to have him tell us the views of the State Department upon the report of the Harbord mission.

Mr. WADSWORTH. Mr. President, I am not, of course, authorized to express the official views of the State Department. My interest in this matter has been very intense, and has extended over a considerable period of time, as may be observed by the date borne upon the face of the resolution.

The State Department did me the courtesy of allowing me to examine the report, with some suggestions that here and there a sentence occurred that might well be eliminated before publication was made, in which suggestions, generally speaking, I thought the State Department was correct. With such eliminations, which could be very easily made and which I took it upon myself to say I would defend upon the floor of the Senate if the report was sent here in that shape, the State Department was in favor of making the report public by transmission to the Senate, and informed me so on two or three occasions, not only through a subordinate official but through the Secretary of State himself. Apparently, however, the State Department has been powerless to see that this report be sent to the Senate for its information. The permission of the President has never been obtained. To my mind, this is another indication of the studied indifference of the President to courteous and reasonable requests by the Senate of the United States for information having to do with matters of tremendous importance pending before the Senate.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Sentor from Utah?

Mr. WADSWORTH. I yield to the Senator from Utah.

Mr. KING. I do not think that the President is at all at fault in respect to this matter; it is quite likely that the changes in the State Department have had something to do with the delay. I want to assure the Senator that if he will introduce another resolution calling for a response to his former one, I shall be glad to join with him in securing its passage.

Mr. WADSWORTH. Mr. President, I can not, of course, place my finger exactly where the blame lies. I merely know that the State Department more than seven weeks ago, upon my third visit to the department with respect to this matter, assured me that they thought the publication of the report and its transmission to the Senate was an entirely proper thing. At that time the report was in the White House, and it has been there ever since.

Mr. LODGE. Mr. President, I will say to the Senator from New York that this is habitual. Never before, I believe, in the history of our Government have acknowledgments of Senate resolutions been refused. Sometimes we have been told that it would take time to make the reply; very rarely it has been said that it was incompatible with the public interest; but never until the present time have inquiries been passed over—not one inquiry, but literally hundreds in the Mexican case—without even acknowledging the receipt of the resolutions.

Mr. President, the sixth reservation is now before the Senate, and I move to modify it by striking out the words "between the Republic of China and the Empire of Japan."

The PRESIDING OFFICER. The Senator from Massachusetts offers an amendment to reservation No. 6, which will be stated.

The ASSISTANT SECRETARY. The Senator from Massachusetts proposes to modify or amend reservation No. 6, as reported, by striking out the words "between the Republic of China and the Empire of Japan," so that, if amended, it will read:

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

Mr. LODGE. The only purpose of this reservation, which was suggested by Senators on the other side, is to avoid naming the two countries specifically, and to leave it simply "any controversy which may arise under said articles." It does not change the purpose of the reservation at all.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Massachusetts to reservation No. 6.

Mr. POINDEXTER. Mr. President, there must be some reason, of course, for the failure of the President to respond to the resolution of inquiry of the Senate, and one's mind naturally undertakes to fathom the purpose and reason of the executive branch of the Government in withholding this information.

I am informed—whether accurately or not I do not know; it is mere rumor so far as I am concerned—that the Harbord mission made a recommendation in regard to the proposed mandate of Turkey. If the information which I have is correct, this recommendation would be contained in the report which the Senate called for; and my information is that that report was adverse to the assumption by the United States of responsibility for the Government of Turkey, drawing its conclusions from a mass of information which the mission obtained and which it had collated and presented in its report.

It is further said—and whether or not the saying is true is what we want to find out by having this report submitted—that Gen. Harbord, who was appointed at the head of this mission very largely because of his military knowledge, because it was a report which was to determine the military action of the United States in this matter, has reported that it would require a large army to perform the task which would devolve upon the United States if this covenant of the League of Nations is adopted.

I have heard it suggested that a minimum number of 250,000 men would be required to be raised in the United States, and transported halfway around the world, to carry out, under the direction of a foreign power or combination of powers, sitting as the council or the assembly of the League of Nations, the duties that would devolve upon us as a mandatory—that is, as an agent—to act under the League of Nations, to police Turkey, to protect the Armenians, and to set up an orderly government in Constantinople.

Also, it is said—and, not having the report, we have to rely upon what is said, on dit—that the lowest amount of money that would enable the United States to carry out this expedition would be a billion dollars. We have already obligated ourselves to the extent of $30,000,000,000, including what we have loaned to the Allies, in the German war. We have probably lost the Monroe doctrine, whether we act upon the League of Nations or not, because I notice in the morning papers that numerous South American countries have joined the League of Nations—this League of Nations which has gotten away from us, but which we started, for which the President is chiefly responsible, and which puts the conduct of American affairs, which under the Monroe doctrine was vested in the American Republics, in a combination of Asiatic and European powers. I assume that those Republics to the south will be members of the League of Nations—this Frankenstein monster among the Governments of the world which we have set up in our studio, and which has slipped out of the door which was left unlocked—whether the Senate adopts these reservations to the League of Nations, or ratifies the treaty with or without reservations, or not, or whether the President approves of these reservations or not.

Of course, it is to be remembered that these reservations, if they are approved by the Senate, or if the treaty is ratified by the Senate with the reservations attached to it, must also be approved by the President. It requires the advice and consent of the President, as well as of the Senate, in order to make the

treaty. We call this a treaty. It really is a constitution for a government of the world; and if the Senate ratifies the treaty, which I do not think it will do, it will not go into effect, because the President is not going to ratify it or consent to it or negotiate it or proclaim it, as he must do before it has the effect of law, if the reservations which the Senate is going to attach to it are attached to it. So I say that we have probably lost not only the vast sum of money which we have spent, and which we have loaned, and on which interest is remitted—by the way, without any authority of law for its remission—but we have probably lost the Monroe doctrine by this adventure into world politics, without consultation with his constitutional advisers, by the head of the executive branch of the Government, because the League of Nations goes into effect, and the South American Republics join it, and the United States will be estopped from objecting to the assumption of jurisdiction by European and Asiatic powers over international disputes involving the South American Republics, from which heretofore they have been barred by the wise policy of Mr. Monroe and his successors in the Government of the United States.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. KING. I noticed in the press yesterday, or possibly the day before, the reported reply from the President to interrogations submitted by the minister from San Salvador with respect to the interpretation placed by the administration upon the Monroe doctrine. As I recall that brief reference to the reply of the President, I think I can assure the Senator that the Monroe doctrine is not lost, and that the President of the United States and the present administration will be just as vigorous in asserting the Monroe doctrine as any President or any administration from the time of the promulgation of the doctrine to the present time.

Mr. POINDEXTER. That is quite encouraging, and at the same time it would be quite amusing to suppose that the President of the United States, after having conferred jurisdiction in American affairs upon the League of Nations so far as he was able to confer it, and the republics of the American hemisphere having accepted the opportunity which was given them to join the League of Nations, should now become the champion of the Monroe doctrine again. The trouble about that is that it would be too late. The Senator from Utah knows what the provisions of the League of Nations covenant are with regard to the settlement of disputes between nations, and he knows the authority that is conferred upon the assembly and upon the council of the league to determine these disputes.

But, Mr. President, I only rose to say that one might draw the conclusion that the reason for withholding this report, if it contains any such matter as that to which I have referred, is in order that the recommendation and report as to the expense and as to the size of the Army to be imposed upon the United States as an obligation under this treaty may not have the effect of preventing the ratification of the treaty. It seems to me that is the only purpose of which we can conceive for ignoring the request of the Senate. Whether or not that is a worthy motive, whether that is a proper and frank and sincere way to deal with it and to deal with the American people in a matter which involves their international relations for the future, will have to be determined by the people themselves.

Mr. KING. Mr. President, I can not definitely reply to the suggestions made by the able Senator from New York [Mr. WADSWORTH] as to the reasons why the resolution of inquiry which he introduced has not been responded to. I do, however, want to invite the attention of the Senate to the fact that, so far as my recollection serves me, every resolution which called for information from the President of the United States has been promptly responded to during the time that I have been in this body. The President has been expeditious, prompt, and courteous in transmitting to the Senate information to which it was entitled and which it requested him to submit.

For the past few months, as the Senator knows, the President, by reason of his illness, has not given attention to some of the details of the various executive departments; but he has, notwithstanding his indisposition, carried heavy executive burdens and disposed of a multitude of matters of the highest importance. The gravest international questions have received his attention, and his decisions upon them, as well as upon important domestic problems, have challenged the admiration of his supporters as well as his political opponents.

It would seem from the Senator's statement that the resolution should have been responded to, or at least there should have been an acknowledgment of its receipt and a statement concerning the time of the reply thereto. But I feel sanguine that any delay in supplying the information desired can not be attributed to the President of the United States, and if there is any delinquency it will be found to be with some other branch of the Government.

The Senate will also bear in mind the fact that changes have occurred in the State Department, and that both former Secretary Lansing and Mr. Polk were in Europe for months. Their presence at the peace conference was required as well as that of other officials of the State Department. It is easy to see how a resolution even from the Senate might be overlooked for a time in view of the vast amount of work which the State Department has been compelled to perform during the past 18 months. I feel sure that the resolution will receive attention at an early date; if it does not, I shall be glad to support the Senator in a request for the passage of another resolution which will specifically require that the desired information be furnished to the Senate. I agree with what has been said by the Senator, that we are entitled to that information. It would enable us to act more intelligently upon questions dealing with European matters, and particularly questions which relate to the Balkans and Asia Minor, if we had the information contained in the Harbord report.

The resolution which I just offered calls for an expression by the Senate upon a matter of transcendent importance to the peace of Europe and to the welfare and freedom of millions of people.

Mr. President, a word or two concerning the resolution which I have just offered with respect to Turkey and Armenia. I shall not trespass upon the time of the Senate to discuss this resolution while the treaty is before us. At an early date, however, I hope to have an opportunity to submit some observations concerning this resolution and matters directly related thereto. I feel constrained, however, to express my profound regret at the attitude recently taken by the Government of Great Britain as announced by Premier Lloyd-George in an address delivered by him in the House of Commons. He stated in substance that the plan determined upon was to allow the Government of the Ottoman Turks to remain in Constantinople; and his attitude indicated a perfunctory regret because of the atrocities now being committed by the Turkish troops and the Turkish people upon the Christian peoples in Armenia and within the territorial limits of the Turkish Empire, rather than a determination to prevent their continuance. Even while he was speaking news came to Europe and the United States that more than 16,000 helpless Armenians had been butchered by the Turks within a few days prior to the arrival of the information. The universal sentiment of the Christian peoples of the world calls for the destruction of all Turkish power in Europe and the establishment and protection of the Armenian nation.

The Christian nations everywhere believed that one of the fruits of the Great War would be the overthrow of the Turkish Government and the extermination of its political and governmental power in Europe and the emancipation of Armenia from the tyranny and cruel oppressions of the Turkish Empire. No one doubted but what Greece was to receive Thrace and such other territory as ethnologically and culturally belonged to the Greek nation, and that the Turkish domination and authority and power in Europe would be forever destroyed. The peoples residing in the allied and associated Governments entertained no doubt but what the Armenians would be restored to their ancient possessions and territory and be permitted to establish a Government of their own choice, absolutely free from the control of the Turkish nation.

It would seem that those views were mere dreams and will not be realized. Unfortunately this Nation is not in a position to speak with authority in this important matter or to bring compelling influence to the proper solution of this vital matter. We declined to declare war against Bulgaria and Turkey, though each of these nations was associated with Germany and Austria in the world contest and were making war, indirectly if not directly, upon this Republic. We did not recognize a state of war and refused, as I have said, to declare war against either of these nations. In writing the terms of the peace with Turkey our Nation will have no right technically to have any voice. Our allies who sit at the peace table will prescribe the terms to which the defeated Turkish nation must subscribe.

Our allies are determined, it would seem, that the Ottoman Turk is to be kept in Europe, that the Turkish Government is still to hold sway at Constantinople and exercise power and authority over a vast territory and millions of people, many of whom are not of the Turkish blood.

Armenia seems to have been abandoned and left to the cruel and merciless policy which Turkey in the past has followed, and which her present course indicates she will continue to follow. More than a million Armenians were ruthlessly murdered by

the Turks during the recent war. Hundreds of thousands of Greeks residing within the limits of the Turkish Empire were brutally murdered. Senators will remember that a number of years ago the Turkish Government began a policy looking to the extermination of the Armenian people. The atrocities committed by the Turks were so awful as to arouse the indignation of the civilized world, and not until hundreds of thousands of these poor, defenseless people had been butchered was sufficient pressure brought to bear upon the Ottoman Government to restrain its wicked purpose to absolutely destroy the Armenians and rob them of their lands and possessions. The plan they then conceived, it is clear, will be executed if the allied and associated powers do not stretch forth their hands to prevent it.

Mr. President, there are more Christians in Constantinople than there are Turks. No part of Europe should longer remain under the flag of Turkey or the authority of the Turkish Government. Of course the Turks residing in Europe should not be despoiled of home or property. In peace they should be permitted to remain subject to law and amenable to the government which shall be established.

Within the limits of Anatolia the Turks greatly preponderate. There they should be permitted to establish a Government, but under such restrictions as will protect the hundreds of thousands of Greeks, Armenians, and other Christians who have homes and lands therein.

In the armistice which was declared between the Allies and Turkey it was clearly indicated that Armenia should obtain the six villayets named therein, and that they should have a free and independent Government. I can only repeat there will be profound regret throughout the civilized world if the allied nations perpetuate Turkish rule in any part of Europe and take no steps to protect the Armenians from the cruel oppressors who have for centuries sought their destruction.

Many will regret the situation which seems to silence our Government in dealing in this great crisis with the problems arising in the Balkans and in Asia Minor. There are many who sincerely believe that the voice of this Government should be raised in behalf of the Armenians and for their protection and in their behalf, and that this Nation should exercise a powerful influence in aiding the Armenians to establish a stable and independent government, and to defend their lives and government against the aggressions of the cruel and unspeakable Turk. The peace of Europe is involved in the proper solution of the Balkan, Constantinople, and Armenian problems, and it can not be said that the peace of this Nation and the peace of the world are not related to the peace of Europe.

This is no time for temporizing with the Turkish problem. The day of opportunism is past, and a definite and final settlement of the Turkish question now should be made. This settlement, I repeat, should call for the expulsion of Turkish political power from Europe and the establishment of an independent State at Constantinople under the League of Nations or under the supervision of one or more of the allied powers who would be amenable and subject to the jurisdiction and control of the League of Nations. It should also provide for an independent Armenia, and for a Turkish Government in that part of Asia Minor known as Anatolia, where admittedly the Turks are numerically stronger than all other nationalities combined. I realize that upon this question there will be divergent views, but I submit that the demands of justice and the future peace and welfare of Europe and Asia Minor, if not of the world, call for the protection of Armenia, the restriction of the authority of the Ottoman-Turkish Government, and its loss of political authority and control in any part of Europe.

Mr. KNOX. Mr. President, I fail to see why anybody is mystified or even surprised that we are unable to get the information sought by the resolution offered by the Senator from New York [Mr. WADSWORTH]. It is a part and parcel of the policy that this administration has maintained since 1913 to keep from the Senate of the United States information bearing upon our international relations, which it is not only our right but our duty to have, to read, to digest, to understand, and to apply.

The files of the Committee on Foreign Relations to-day are naked, so far as information bearing upon our international affairs is concerned. We ought not to be driven to the expedient of passing resolutions requesting information. The practice of our Government, from its foundation down to 1913, has been that when great matters affecting the interests of the United States and its relations to foreign Governments have arisen information has been volunteered, not only that the Senate through its Committee on Foreign Relations might be advised but that they might be put in position where they could study and consider what advice they might possibly be called upon to give in respect to such matters.

What is there in the files of the Committee on Foreign Relations that bears upon the negotiation of this peace treaty? Practically nothing. We never got the treaty itself until the enterprise of the Senator from Idaho [Mr. BORAH] dragged it out of a newspaper office and it was put upon the records of the Senate against the protest of the administration.

Mr. President, I was told within the last week by one of the most responsible gentlemen whom I know that he had had occasion to visit a law office in the city of New York upon some professional business, and not being able at once to see the gentleman upon whom he called, he busied himself looking about the office. He saw 10 volumes as large as the bound volumes of the CONGRESSIONAL RECORD which were each label "Treaty of Peace with Germany." He had time enough to take them down. He found propositions, counter propositions, protocols, original drafts, modifications of drafts—apparently every detail connected with the treaty with Germany; and alongside of them he said there were at least six other volumes, equally specific in detail, relating to the treaty with Austria. There is not one-tenth of one volume of such information upon the files of the Senate, either in the Committee on Foreign Relations or elsewhere.

So I say, Mr. President, there is no occasion for Senators to express surprise that the information contained in the report which the Senator from New York has asked has not been given, but it would have been rather a matter of surprise if it had been forthcoming.

Mr. LENROOT. Mr. President, I wish to say a word regarding the present reservation, which is the one by which we would refuse our assent to the provisions in the peace treaty conceding Germany's interest in Shantung to Japan.

The amendment that is pending merely strikes out the words "between the Republic of China and the Empire of Japan," the amendment having been suggested by Senators across the aisle in the bipartisan peace conference.

Mr. President there is nothing I can say that would affect the vote of any Senator upon this proposition. It has been debated at great length. But I do wish to quote the statement of one whose opinion should have great weight upon the other side of the aisle as bearing directly upon this question. I quote:

> But if substantial agreement on what is just and reasonable is not to determine international issues; if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers; if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions.

The statement that I have quoted is from President Wilson's note of February 10 upon the Adriatic situation, every sentence of which condemns this provision in the treaty relating to Shantung. No one upon this floor or elsewhere, not even the President of the United States, has undertaken to defend this provision of the treaty except upon one ground, and that was that because there was a secret treaty between Japan, Great Britain, and France, whereby they agreed to do this thing, the United States was helpless and necessity compelled the President to accept and accede to this great wrong. In confirmation of that statement I desire to quote a paragraph from President Wilson's speech at Indianapolis made September 4 last. He said:

> When we came to the settlement of the Shantung matter with regard to China we found that Great Britain and France were under explicit treaty obligations to Japan that she should get exactly what she got in the treaty with Germany, and the most that the United States could do was to urge upon Japan the promise, which she gave, that she would not take advantage of those portions of the treaty but would return to the Republic of China, without qualification, the sovereignty which Germany had enjoyed in Shantung Province.

Then a little later on he said:

> My present point is that there stood at the very gate of that settlement a secret treaty between Japan and two of the great powers engaged in this war on our side. We could not ask them to disregard those promises.

That is the President's defense on Shantung. But let me now quote another sentence from the President's Adriatic note of February 10. He said:

> It—
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> The United States—
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> is unwilling to recognize either an unjust settlement based on a secret treaty the terms of which are inconsistent with the new world conditions, or an unjust settlement arrived at by employing that secret treaty as an instrument of coercion.

The President takes the position that when he deals with the Adriatic situation he is not bound to a settlement and will not recognize a settlement based upon a secret treaty. In fact, he goes so far as to say that if that be insisted upon he must seriously consider withdrawing the treaty from the Senate and withdrawing the United States from any intervention in European affairs. And yet his defense of this wrong to Shantung is based upon exactly the same kind of a secret treaty.

Mr. President, I had supposed that principles of right and justice did not depend upon geography for their application, but evidently President Wilson's position is that a course of conduct based upon a treaty is right in Asia, but exactly the same course of conduct based upon a treaty affecting European affairs is absolutely wrong.

Mr. McCORMICK. Surely the Senator does not assume that it is geography which guides the President in the abandonment of a principle in one instance and its assertion in another. "Enlightened expediency" was the phrase which he used when he presented the instrument to the Senate—"expediency."

Mr. LENROOT. If the President has the power, and he has it, to compel a settlement of the Adriatic situation under the threat of withdrawing the treaty from the Senate and withdrawing from European affairs, he had the same power at the time he agreed to the Shantung provision in the treaty. So, granting that what the Senator from Illinois says is true, it is not a matter of geography, but a matter of expediency.

Mr. McCORMICK. Enlightened expediency.

Mr. LENROOT. Of enlightened expediency; and we are still as much mystified as ever to understand why the President should assent to these provisions in the treaty regarding Shantung, which he and every Senator condemned, and justified only upon the ground that because of the existence of the secret treaty the United States was helpless and was compelled to assent to it.

Mr. President, that is all I have to say except to add this one word. Senators upon the other side of the aisle profess that they are anxious for a ratification of the treaty. They deny charges made upon this side of the aisle that they are not in good faith in saying that they desire to come to some compromise which would secure the ratification of the treaty. Not one of them will defend this Shantung provision. This amendment was suggested by them. They indicated their willingness to vote for the reservation if this amendment was accepted by us. We will shortly have an opportunity of learning the good faith of these Senators when the vote comes upon the final reservation. We will then have an opportunity of ascertaining how many Democrats there are upon the other side of the aisle who wish to ratify the treaty, because they know that the treaty never can be ratified unless this reservation, withholding our assent from the Shantung provision, is adopted.

Mr. BORAH. Mr. President, before I sit down I shall have something to say relative to the reservation which is now before the Senate, but I desire to go back and approach it through the discussion of some other matters of equal importance with the reservation.

The President in his Adriatic note used this language:

> If substantial agreement on what is just and reasonable is not to determine international issues * * * then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order.

I take this as a text to justify a review of some of the history of Europe since the signing of the armistice, in order that we may arrive at a conclusion as to whether there is a new Europe, as to whether a condition of affairs obtains there which it was believed prerequisite to the successful organization of a League of Nations.

The League of Nations was based upon the theory that after the war we were to experience a new conception of public affairs; that Europe in particular should have undergone such scourge and such punishment that she would awaken to a new life and accept the principles of a new political existence. The President says practically in so many words in his Adriatic note that it was upon this theory that the League of Nations was sought to be organized, and if, indeed, it should appear there is now no new Europe, that there is not a new condition of affairs throughout the world, if, indeed, it should appear that the war has not wrought a change in the public standards and public ideals of Europe, then it is essential that we no longer undertake to act with Europe under a League of Nations or an organization which might be called a concert of powers for the purpose of inaugurating a new political era.

There was upon every hand, long prior to the Adriatic affair, the most conclusive proof that that which was supposed would exist and which was prerequisite to the organization of the League of Nations does not exist. The Adriatic affair, as the President has said, is the final proof of the fact that Europe does not propose to abandon her old precedents, policies, and standards, and it is for this reason, in my judgment, that the President wisely makes it conclusive, so far as his action and judgment are concerned.

It has been said here in debate that it is most extraordinary that the President would wreck the machinery which he sought to establish for the preservation of world peace on account of a few people inhabiting one or the other portions of territory along the Adriatic Sea. I do not view the President's action in that light. I think he must be conscious of the fact, as we are all conscious of the fact, that this is only one of many of the incidents which prove beyond controversy that Europe does not propose to accept the standards which it was believed it was necessary for her to accept in order to organize a League of Nations. Allow me to read that sentence again:

> But if substantial agreement on what is just and reasonable is not to determine international issues * * * then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order.

Have we, Mr. President, a "new spirit" and a "new order" in Europe, in Asia, or anywhere else in the Old World?

Mr. THOMAS. Or in this country?

Mr. BORAH. Or in this country, as the Senator from Colorado properly asks, which is declared to be prerequisite to the organization of this league?

I am going, Mr. President, to review some of the things which were promised, some of the things which have happened, and some of the incontrovertible facts of history since the days of the armistice to demonstrate that, according to the President's standard, it is not only wise and expedient that he should withdraw this treaty and the league but that it is supremely incumbent upon the Senate which has not yet committed itself that it take no step further toward entering into that concert of powers, which is the old concert of Europe with the United States added. Let the people of the United States and the people generally understand that, whatever we may have dreamed in the past and however much we may have hoped we were to enter a new world and a new condition of affairs, the facts are massed upon every hand, with history buttressing the contention, that that new condition of affairs does not exist, and, in addition, that Europe does not propose it shall exist. If it be conceded that a league with old Europe would be intolerable, in order to know our plain duty here, it is only necessary to address ourselves to the unmistakable facts, for it is old Europe with every prejudice, every custom, and every practice intact.

One of the prerequisites to a new era in the estimation of the President was the freedom of the seas. That was declared to be the sine qua non of a peaceful world; without it there could be no world peace and no successful League of Nations. I invite attention to the President's language delivered before Congress upon the 21st of January, 1917, in which he said:

> The freedom of the seas is the sine qua non of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them. The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas.
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> Difficult and delicate as these questions are, they must be faced with the utmost candor and decided in a spirit of real accommodation if peace is to come with healing in its wings, and come to stay. Peace can not be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained.

I do not read this, Mr. President, for the purpose of implying any contradiction between past views and present ones on the part of the President, but for the purpose of invoking your attention to the fact that while the President states that the freedom of the seas is prerequisite to peace and to world settlement, such prerequisite was promptly refused by those writing the covenant. It is utterly useless to talk of peace with any one or two nations armed for the complete dominancy of all the high seas. That which took place between Germany and England for years and which finally led, in my judgment, more than anything else, to the recent war is now being initiated between England and the United States—competition in the building of vast armaments to float upon the seas. And this must go on even with the league, because that is one matter which England would not submit to common action.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I know the Senator wants to discuss and will discuss this very important phase of the subject in the light of all the facts. I trust, therefore, he will pardon me for reminding him that in the note of November 5, which formed the basis of the armistice of that month, the President in his letter to the German Government called attention to the reservation on the subject of freedom of the seas from the agreement upon which the armistice was based, in these words:

> They must point out, however, that clause 2, relating to what is usually described as the freedom of the seas, is open to various interpretations, some of which they could not accept. They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

My purpose in calling the attention of the Senator to that note is not in any way to impair or seek to impair the force of his argument, for I am in full accord with the proposition that until such a question shall be determined permanent peace is at least questionable; but I think that the consideration of the treaty which has been made should always contemplate the fact that this was one of the subjects concerning which the Allies reserved to themselves complete freedom of action, and which was excepted by the German Government.

Mr. BORAH. The Senator from Colorado is entirely correct, and I should have, unless it slipped my mind, called attention to that, for the reason that that which the President declared to be a prerequisite for peace was arbitrarily and imperiously withdrawn from the consideration of the conference which was to initiate the world peace; in other words, what I am seeking to do, if the Senator from Colorado will follow me, is to show that there is no new Europe; that she relies upon the same principles and standards and policies upon which she relied prior to the war. The first act of Europe was to withdraw from the consideration of the peace conference that which the President believed, and which, in my judgment, the best-informed minds of the world believed, to be a prerequisite to peace. They were not even willing that it should be considered by the peace conference; they were not willing that counsel should be taken upon the matter; and, mind you, when Great Britain withdrew that prerequisite from the consideration of the peace conference every associate of ours in Europe stood beside Great Britain in her demand. In other words, it was a European demand that the first great factor of war, and in modern warfare the dominating power in war, should not be considered by the peace conference at all.

Mr. NORRIS. Mr. President, I think the Senator from Idaho should also state that when Europe, through England, withdrew that element from consideration, the President acquiesced in it at once and made no objection whatever to its withdrawal.

Mr. BORAH. I do not know that the President made no objection. I know he acquiesced in the withdrawal.

Mr. NORRIS. There is no record of any objection having been made, and we have the entire correspondence.

Mr. BORAH. In order that there may be no misunderstanding about that, I will say that the President acquiesced in all the demands which Europe made, as I shall disclose as I proceed. In my judgment it does not make any difference what idea the President carried with him to Versailles; when he reached Versailles he found that he could not move Europe from her determination to stand by the policies and the standards which she had always maintained. He had to accept European standards or take the *Washington* and come home, which, we are informed, he seriously contemplated doing. I am not here to fix personal blame; I am here to state results, and the result was that Europe, old Europe, prevailed in all matters.

Mr. NORRIS. Mr. President, will the Senator yield further?

Mr. BORAH. I yield.

Mr. NORRIS. This particular thing, the freedom of the seas, that the President had officially said must be one of the things to be considered and settled at the peace table, he gave up before he went to Europe. He gave that up at the time he sent the official messages through Switzerland to Germany, so that it was given up before the armistice was agreed to.

Mr. BORAH. I did not so understand. I know that the President recounted in his subsequent notes the demand of England that it should be left out; but my understanding was that the President never yielded upon the question of the freedom of the seas until after he reached Versailles. In conversation with Mr. Clemenceau, after the President reached Versailles, Clemenceau notified him that he would stand with Lloyd-George upon the question of the freedom of the seas, and the President acquiesced in it.

Mr. NORRIS. If the Senator will permit me to interrupt him further, I desire to say that the official correspondence, which was put into the RECORD by the Senator from Colorado [Mr. THOMAS] and also by myself some time ago, by which the armistice was brought about, specifically removed from consideration the question of the freedom of the seas.

Mr. BORAH. I understand that Great Britain removed it.

Mr. NORRIS. It came about in this way: Germany communicated with the President in regard to an armistice. The two Governments operated through the ambassador of Switzerland here in Washington. The President communicated to the Allies, and Great Britain responded, making this reservation and one other. The President agreed to the reservation, and then submitted it, as the unanimous opinion of all of the Allies, to Germany through the ambassador of Switzerland.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I think the position just stated by the Senator from Idaho is the correct one, because the language of the note of November 5 concludes with the statement:

> They must, therefore, reserve to themselves complete freedom on this subject when they enter the peace conference.

Mr. BORAH. That is the inference I drew from the correspondence; but, Mr. President, I do not want to wander from my theme, because, whether or not the President objected so long as there was any opportunity to object, or whether he yielded readily, the thing which I desire to present to the Senate and particularly to the country—because, I presume, the opinion of the Senate is already made up—is the fact that every single standard which the United States set up as a prerequisite to a world peace and to a League of Nations was rejected by Europe; and while I stand here upon the floor of the Senate and state that, I ask any Senator to name a single instance in which that is not true?

Every single policy or principle that was announced as representing America's conception of peace was buried beneath the débris of the Versailles conference. Therefore, when the President, in his note on the Adriatic question says that, if it is apparent that a new condition of affairs does not exist, he will be under obligations to go no further in this concert of powers with Europe, every dominant historic fact from the time of the armistice until now proves beyond question that no new condition of affairs does exist. Whether he yielded at once or whether he yielded reluctantly and through force of circumstances, the fact remains that Europe had her way in regard to it, as she had her way in regard to everything else.

Having disposed of the control of the seas—I must be brief upon these questions—there was another prerequisite to world peace, which was stated not only by the President but was agreed to by Lloyd-George, by Gen. Smuts, and other distinguished advisers or members of the conference. They not only said that there must be disarmament on the seas, but that it must be made impossible to raise by conscript power vast armies; that the two things essential to world peace were, first, to disarm on the seas, and, secondly, to take away the power to call men into action by the power of conscription. Mr. George, in his campaign in 1918, made this declaration:

> On the eve of this important election, which means so much to the country, I wish to make it clear beyond all doubt that I stand for the abolition of conscript armies in all lands. Without that—

Observe the language—

> Without that the peace conference would be a failure and a sham. These great military machines are responsible for the agony the world has passed through, and it would be a poor ending to any peace conference that allowed them to continue.

That declaration was made while Mr. Lloyd-George was seeking authority from the electorate of England for the peace conference. It was made after the war had closed and when the dawn of a new day seemed to be breaking and when he was seeking a special authority from the people of his country for the purpose of inaugurating a new world condition of affairs. He made this statement and this pledge to the voters of England that he would see that this element of warfare was prohibited through the treaties of Paris in all lands and in all countries.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. POINDEXTER. That statement of Mr. Lloyd-George was just a typical bit of British diplomacy and statesmanship. He did not say anything in his statement about reducing the sea power of Great Britain, and Great Britain has never maintained a large standing army. He was advocating the reduction of the military machines of other countries, while Great Britain maintained hers.

Mr. BORAH. The Senator calls it statesmanship. I will also call it that out of courtesy.

Gen. Smuts says:

> I would go so far as to say that while the great powers are allowed to raise conscript armies without hindrance or limit it would be vain to expect the lasting preservation of world peace. If the instrument is ready for use the occasion will arrive and the men will arise to use it. I look upon conscription as the taproot of militarism; unless that is cut, all our labors will eventually be in vain. * * * People simply will not stand it, and the menace of the great anti-State movement now finding expression in bolshevism will become as great a danger as war itself.
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> In view of this double danger I would plead most earnestly for the abolition of conscription at the peace conference. Let the drunkard sign the pledge, even if we have to look round for some other less dangerous narcotic to soothe him in his troubles.

I might quote others, but I will not trespass upon the time of the Senate.

Mr. President, here are these statements concerning two elemental principles of world peace, made by men who were in a position to know, whose experience justified them in making them, and who were in a position to carry them out. They went so far as to declare that without their being incorporated in the treaty of peace or in the covenant of a new world all the work for peace would be in vain. Who shall deny their statements, who shall refute their conclusions? Yet the freedom of the seas remains precisely where it was before the war, and conscription is a thing not only unchallenged by the treaty, but made absolutely necessary if the league is sustained, for it is a league based upon the combined military force of four or five great powers. I invoke no other witnesses against this league and its utter futility for peace than the words of Mr. Wilson on the freedom of the seas, and Lloyd-George and Gen. Smuts on conscription. I sincerely hope the good people of this country will ponder for a time upon the promises as to what the league should be and what it is.

They disarmed Germany. They disarmed the enemy. They reduced them to absolute helplessness. They took away their navy. They reduced their army. They stood in a position, if they ever intended to initiate this movement, to initiate it at Versailles. I need not stop to remind the Senate that there is no intimation of any such program in the treaty or in the covenant of the League of Nations.

So much for the first test, which discloses early in the controversy that Europe does not propose to yield any of her policies or her principles. Indeed, Mr. President, let me be fair and say that I do not know that Europe can yield. I do not know that it is possible for her to yield. All I know is that if her standards are to be the standards of the past, if she is indeed in that condition where she can not change, let us not close our eyes to the fact that when we enter this League of Nations and this concert of powers we are entering upon conditions which have obtained in Europe for the last 300 years. Let us dispel once and for all the dream that we are entering a new world. If the people of the United States, looking over the history of Europe for the last 300 years, and recognizing the standards and policies and principles which have obtained on that Continent during that time, want nevertheless to risk this old Republic in that condition of affairs, with her one vote, that is the business of the people of the United States; but it is our business, as their representatives, to see that they do not go in blindfolded or with the facts denied them. Ah, more it is our business to see that we do not enter until the people have by their votes determined the question. Take the third test, Mr. President. During the war a great many secret treaties were made. I shall not stop to discuss their being necessary for the purpose of carrying on the war. I know that some of them were not; some of them may have been; but that is not the question to-day. These secret treaties were made and based upon the principle of the secret treaties which have tormented Europe for the last 300 years. The basis of the secret treaties was land grabbing—imperialism—the handing about of peoples without their consent, the trading them around as if they were chattels. Those were the principles upon which the secret treaties were made; and not only were the secret treaties made, but I want all to remember that Europe practiced her old system to the extent of refusing the United States an opportunity to know their contents. After we entered the war, under every principle of right and justice we were entitled to know the contents of those secret treaties. They should have been communicated to us through the proper official channels. They should have been called to the attention of the new associate. But, true to European traditions, according to the statement of the President, never until he sat down to the peace table at Versailles were these treaties opened before him.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BRANDEGEE. Did not the terms of some of these secret treaties go directly in the face of the 14 points, which they had accepted without saying that they had already made contracts which violated the 14 points?

Mr. BORAH. Precisely; thereby adding duplicity to secrecy, in contravention of the things which were being announced as the principles upon which the war was being fought. But when the peace conference assembled, not only were the treaties for the first time placed before the conference, so far as the United States was concerned, but they were insisted upon to the letter; and the Adriatic trouble now is an attempt, by circuitous means, to carry out the secret treaty of London, which was made in 1915. The other secret treaties, to which I will refer incidentally as I go along, have been practically carried into fruition. There are two that I call to mind just now which perhaps are not yet fully executed. One is the treaty with reference to Adriatic affairs, and the other is the treaty with reference to Russia having control of Constantinople. But in so far as they have been dealt with, Mr. President, these secret treaties, which were based upon the old principles of European diplomacy and European policy, were made, secreted, and held until the time when they could be executed with proper effect. I venture to assert that the making of the secret treaties, the principles of selfishness and imperialism upon which they were based, the manner of their execution in disregard of the rights of subject peoples, will be found to differ in no respect from the practices, principles, and policies which have obtained in Europe during all these decades and which the President correctly declared were in eternal war with all schemes of justice and peace.

Has Europe yielded in any respect in regard to these things? On the other hand, has not the United States, in so far as she has gone, accepted the policy of Europe? Have we not accepted the policy of Europe with reference to freedom of the seas, with reference to conscription, with reference to secret treaties and their execution? Thus far we see, Mr. President, that Europe has had her way.

Now, we come to a third proposition, which to my mind is stupendous and overwhelming when considered in its moral aspect or the standpoint of national honor.

When Germany notified the United States that she was willing to enter upon the consideration of terms of peace, the President communicated to the Allies the terms upon which, in his judgment, peace could be had. The Allies accepted the terms of the President with two exceptions—one, the freedom of the seas, which they held for consideration at Versailles, and the other, a question of construction with reference to the matter of reparations.

Outside of those two propositions, the Allies accepted the proposition that peace should be made upon the terms announced by the President in his speech announcing the 14 points and the subsequent speeches delivered in reference to the question of peace. It is true, as has been said, that some of these speeches or messages perhaps are not concrete in their statement; but there is ample in these statements made by the President before the Congress, and the speeches which followed, to show that it was his contemplation and America's contemplation that peace should be formulated upon a new theory entirely. When the President communicated these statements to the Allies, and the Allies accepted them, it became a binding contract, certainly binding as a moral obligation.

The United States and the Allies, in other words, agreed among themselves and before the entire world as to the terms upon which peace should be executed, and the only terms, in the language of the President, upon which it could be executed if we were to have a permanent peace. What became of that contract when the Versailles conference was convened? Who will arise here and point out a single fundamental principle involved in it that was not disregarded, aye, discarded at Versailles?

I repeat, Europe perhaps was not able to accept them. The fact remains that she did not accept them, that the peace was made in contravention to them, and that the United States for the first time in its history was placed in the attitude before the world of going contrary to a solemn pledge which it had made to a fallen foe. If some one replies Germany was our enemy and we were at liberty to disregard the terms of the armistice, my answer is twofold. First, our honor and our agreements were involved, and we should have considered our duty from that viewpoint. Secondly, to disregard the terms of the armistice was to plant the seeds of war in the very soil of

the new world which we were to build. If we owed nothing to Germany, which I deny, for having made the pledge it should have been kept, yet we owed everything to ourselves and the future peace of the world. In every instance in which these matters arose, in every instance in which these principles thus announced came in conflict with the secret treaties or came in conflict with the aspirations of particular powers in Europe, such as Shantung and other instances, the principles gave way to the secret treaties and to the imperialistic policies of Europe.

We are not underwriting therefore by this League of Nations the things which we went to Versailles to underwrite. We are not going behind the policies which we announced. Let the mothers and the fathers of this country whose boys are coming near to the time of service understand that we are underwriting no new Europe; we are underwriting an old Europe, according to all the old standards of Europe.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. The Senator has made very definite assertions. Will he give some instances in proof of his assertions?

Mr. BORAH. I will give one that is before the Senate now, and that is Shantung; but I will give others in a few minutes.

The distinguishing feature of European diplomacy for the last 200 years has been its secrecy. Long before this war came upon us the liberal minds of Europe were denouncing secret diplomacy. It was, they asserted, more than any other one thing, the cause of suspicion and of jealousy, and finally of conflict, between the different powers of Europe. Secret diplomacy was denounced openly time and time again during the war, not only through the newspapers of the respective countries but certainly by our own President and also by leading men both of England and of France. It was claimed that the peace conference should sit in the open, that secret diplomacy for once and for all should depart. It was well said no treaty written in secrecy would have the respect or the moral support of the people of the world.

Who won in that contest? What nation gave way in that intellectual battle? Scarcely had they convened at Versailles until the doors were closed, and closed well against all the world. Not only, sir, were the doors closed, but there were guards, as it were, standing near for the purpose of preventing any news that might leak out going into the American press or into the European press. Not only was secrecy imposed upon the members while they were sitting, but every effort was made to keep the facts from the people. The discussions, the exchange of views, the proceedings, the reason for this or for that no one save the big four were or are now permited to know. How this principle of the armistice was argued away, how this principle of the President as announced was thrown into the discard, how Shantung was traded to Japan for the league, and how the whole scheme was consummated the world is not to know. Sitting behind closed doors they handed people about, divided nations, and remapped the world and then said, "Take or leave it."

Mr. HITCHCOCK. Mr. President, the Senator is now referring to the council between the nations as to the terms to be imposed upon Germany.

Mr. BORAH. I am referring to all the proceedings of the peace conference.

Mr. HITCHCOCK. The Senator does not call that a covenant, does he?

Mr. BORAH. The covenant is in the peace treaty, unfortunately.

Mr. HITCHCOCK. That is a part of it, and that was made public before it was finally incorporated. The President brought it over to the United States, and it was published all over the world.

Mr. BORAH. It was made public after they had completed it.

Mr. HITCHCOCK. No; the Senator is mistaken. It was made public before it was completed, because it was revised after the President's return to France.

Mr. BORAH. Oh, yes; it was made public in that way. There was a revision that took place after he visited this country.

Mr. HITCHCOCK. In other words, after it had been subjected to the criticism of the world, it was again revised to meet that criticism as nearly as might be.

Mr. McCORMICK. Varnished, not revised.

Mr. HITCHCOCK. The Senator is referring now to the council held by the Allies as to the terms that they were to impose upon Germany. That was not a covenant with Germany. That was a council as to the terms which were to be imposed by the victors upon Germany.

Mr. BORAH. Exactly; and not in accordance with the terms of the armistice.

Mr. HITCHCOCK. The League of Nations is the only other part of that treaty, and the League of Nations was published for weeks before it was finally framed. It was brought over to this country by the President, and it was discussed between him and the Committee on Foreign Relations and published in every newspaper of the land, and published all over the world, and then he took it back to France, and, accepting some of the criticisms that had been made, he secured changes in it to meet those criticisms. The Senator knows that.

Mr. BORAH. Yes; I know it. But it was given complete examination and announced not only as complete but perfect.

Mr. HITCHCOCK. Well, that is the covenant, is it not? That is the only covenant in the treaty.

Mr. BORAH. If the Senator is through, I will continue.

Mr. President, taking the covenant alone, no man knows and no man can know what took place in the forming of that covenant. We know that a certain covenant, complete within itself, was first announced, because the President stated in his message to the gentlemen whom he invited to the dinner that every word had been considered and there was a reason for every word that was in the covenant.

Will the Senator tell me whether there is any information to be had anywhere as to the interchange of views or as to the reason why this particular portion of the covenant was put in or why it was not, or as to what particular drafts were before the council, or as to the views with reference to racial equality, or any of those things? Will the Senator tell us how the Monroe doctrine came to be written in the covenant as a regional understanding? It would be interesting to know. No, Mr. President, it was made in secret. After it was made in secret it was published to the world, and we were told that there were to be no changes in it whatever, that there was a reason for everything that was in it, and that before anybody thought about it, before you were permitted yourself to form an opinion about it, you must have instructions as to the reasons why this particular word was in it, the reasons for which arose and died in secret. This covenant was made just as every other alliance, concert of powers, or league has been made. They have all been published at some time—published and announced to be complete.

Mr. HITCHCOCK. Mr. President, I am sure the Senator wants to be fair. Can he instance a case in history in which a covenant, before it was finally adopted and signed, was ever published to the world?

Mr. BORAH. Suppose I can not; but we were told by the President that the instances of history were no longer to be precedents; that this was to be a new condition of affairs. But I can instance other cases. The Holy Alliance, the treaty of Westphalia, the treaty of Utrecht—all made in secret, just as this one was made, and in no different way.

Mr. HITCHCOCK. This covenant was not arrived at until it was officially signed and it was not officially signed until the President brought it to the United States, and when it was brought to the United States it was subjected to criticism, and then it was taken back to Paris and it was amended. I say that constitutes a covenant openly arrived at. [Laughter.] The hilarity of Senators presents no very serious answer to that proposition. Cite another case where a great covenant was framed by a large number of participants and then published to the world, subjected to the criticism of the world, and changed to meet that criticism.

Mr. BORAH. Dr. Dillon says in his book, and so have others, that the secrecy which surrounded this scheme for world peace was greater than the secrecy which surrounded the Vienna congress. He was there, and he is a great student of European history.

Mr. HITCHCOCK. Dr. Dillon may say it, but the Senator is not able to point to another case in history where such an enormous stride was made in the direction of a covenant subjected to the criticism of the world before it was finally arrived at. It was not arrived at until the President had taken it back to Paris and it had been amended.

Mr. BORAH. I am deeply thankful it has not been arrived at yet. [Laughter.]

Mr. HITCHCOCK. I do not know about that. We have heard from the Senator from Washington [Mr. POINDEXTER] to-day the declaration that it had been arrived at and that we are outside of it. I think as a matter of fact it has been arrived at. It has gone into effect, and it is just simply a question whether we shall be inside of it or outside of it.

Mr. BORAH. Mr. President, let us go back over this matter a little and see whether or not this is open diplomacy, whether it

is an open covenant openly arrived at. I will not stop to read at length Dr. Dillon, but I will call the Senator's attention to his book on the peace conference from page 99 on. I want to read just one paragraph:

> It was characteristic of the system that two American citizens were employed to read the cablegrams arriving from the United States to French newspapers. The object was the suppression of such messages as tended to throw doubt on the useful belief that the people of the great American Republic were solid behind their President, ready to approve his decisions and acts, and that his cherished covenant, sure of ratification, would serve as a safe guaranty to all the States which the application of his various principles might leave strategically exposed. * * * If the falsehoods circulated and the true facts suppressed were to be collected and published in a volume one would realize that depth to which the standard of intellectual and moral integrity was lowered—

At Versailles.

Dr. Dillon is a responsible man and he was there. He states clearly in his book that it was impossible to arrive at anything which transpired between the ten, or the four, after they were reduced to four, with reference to what took place in the forming of the covenant; and he further states that the secrecy which surrounded it and its publication was greater than that which took place about 100 years before when they formed the other Holy Alliance for the purpose of maintaining a world peace.

We have been striving here for the last several months to get the facts as they occurred in the peace conference with reference to the treaty and with reference to the league. Can anyone point to any thread of facts or testimony or any record of what transpired in the forming of this covenant? While they were considering it and making it and writing it and agreeing upon it the world never saw it until it was what they called completed, and the world has seen every completed document in Europe after those who wrought it thought it was safe to let them see it. That is precisely what happened at Versailles. So secretive were they that in many of their meetings no minutes of the meeting were kept.

Mr. HITCHCOCK and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from Nebraska and will yield later to the Senator from Connecticut.

Mr. HITCHCOCK. The Senator has betrayed from time to time a great desire to get information about what occurred in Paris, and so have some of his colleagues, but there is not a Senator in the Chamber who has made any effort to secure such information for the purpose of throwing light on the subject. Every Senator who has sought such information was a Senator who had made up his mind in advance exactly how he was going to vote. He did not want any light on the subject for the purpose of enabling him to decide how he would vote, because he knew how he was going to vote. Every resolution of inquiry, every effort that has been made by Senators to secure such information has been made simply for the purpose of defeating the treaty and not for the purpose of enlightening him as to how he wanted to vote; in other words, it was not sought for a legitimate purpose.

Mr. BORAH. A legitimate purpose! Is disagreement with the President of the United States and a matter of honest conviction illegitimate? When did that happen?

Mr. HITCHCOCK. That is legitimate; but I say it was not for the purpose of seeking information. If a Senator seeks information in order to enable him to know how to vote, that is legitimate; but there has not been a Senator who sought any information for any such purpose, because every Senator who has made any effort to pry into the affairs of the President at Paris has done it simply for partisan purposes, for the purpose of defeating the treaty.

Mr. BORAH. Of course, that is the opinion of the Senator from Nebraska. I can put myself in the clear in a very few moments. I did not need facts which happened in that secret conclave to guide me. I knew the nature of the instrument as soon as I read it. It was, from my viewpoint, a betrayal of American independence and American sovereignty, and I did not need any other facts. But there is a vast number of people in the United States upon whom this burden will fall and who will have to bear its burdens—if there are burdens—who were entitled to the facts, and I was entitled to the facts in order to convey them to the people if I saw fit to do so. It matters very little so far as I am individually concerned, but it is a matter of infinite importance to the people of the country generally, and the people of the country generally are as ignorant of the facts as the Senator from Nebraska and myself. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Have not Senators who did not want any information on the thing made up their minds how they are going to vote?

In regard to the openness in which this covenant was openly arrived at, I wish to recall to the Senator's attention the fact that before the President brought it over here as a completed thing to submit to us and requested by a wireless message that we should not discuss it until he got here, the entire conference had accepted it in toto, and the committee which prepared it and had reported it to the conference had been discharged. The President stated to us when we suggested that it would have to be modified that it would be exceedingly difficult to procure any modifications at all because the committee that had reported it had been discharged, and if we asked any changes other nations would also ask changes; that he considered it a completed thing and disliked to make any suggestions. It was complete to that extent.

Mr. BORAH. Certainly it was complete, and if it had not been for some Members of the United States Senate, it would have been ratified and nothing else would ever have been done about it. The instrument as it came in the first instance from that Versailles conference would never have been contested by the Senator from Nebraska.

Mr. HITCHCOCK. The Senator is entirely correct, because I was willing to accept it; but the Senator from Idaho was not ready to accept it, and he, with others, suggested changes, and changes were made. So I say the whole world participated in the making of this covenant. It criticized it before it was arrived at, and it was not arrived at until it had been subjected to that world-wide criticism.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. Simply to make the record correct, I will state that we did not, as I remember, propose any changes in the paper we signed. We simply said we would not vote for it, and that led to changes which made it worse than it was before.

Mr. HITCHCOCK. I was not referring to that; I was referring to constructive suggestions which were made by some of the public men of the United States, who were more interested in public affairs than they were in politics.

Mr. BORAH. Politics is getting to be rather a public affair in these days. It will be more so when this league gets out among the people. If you want any evidence of the fact that it is becoming a matter of public concern, watch the votes fall away over on the other side. If you want complete evidence of the fact that the people are taking hold of it and that they are getting on to the facts after 13 months of hard effort, and that the returns are coming in, look at the vote as it comes in from the Democratic side. Six months ago they stood a solid phalanx, and now falling away and deserting their former position, even leaving the President without a following; and I do not know, when the time comes, whether any of you will stand out against the proposition or not. That which you denounced six months ago as treason upon the part of some others you are now coming to indorse and accept, and, in my judgment, when the treaty is finally put up to you for ratification, after all the expressions which have been made, you will fall into line and ratify it as the Senator from Massachusetts [Mr. LODGE] has rewritten it. That is sufficient evidence, to my mind, that the people are getting hold of the facts. There will be another return on the ides of November, and there will be another readjustment of views on both sides of the Chamber after that return comes in.

Mr. President, let us take another one of the European policies; that is, imperialism. There has never been such land grabbing in the history of Europe as has taken place since the armistice was signed. There has never been such an exhibition of imperialism in the history of Europe as we now propose to underwrite by this treaty and this League of Nations. I call attention, first, to what Lloyd-George said during the days of the war. He said:

> As the Lord liveth, England does not want a yard of territory. We are in this war from motives of purest chivalry to defend the weak.

That is a quotation from Lloyd-George. Now, what did England get?

Leaving out Persia, England has received as a result of the war at least 1,607,053 square miles of territory and dominancy over 35,000,000 people. If you will take Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, and Kansas and add them together you will have within a few hundred square miles precisely what England has secured out of the war.

Mr. KNOX. Is that inconsistent with the statement of Lloyd-George? He said he did not want a yard. [Laughter.]

Mr. BORAH. There never was such land-grabbing in the history of Europe as we are proposing to underwrite. It is

larger than the original thirteen Colonies, larger than the Louisiana Purchase, larger than that vast territory which I have named lying west of the great Mississippi River.

Senators, when you have ratified the treaty and proceeded to your homes you will be called upon to explain to the people of the United States whether you are willing for your boys and their boys to underwrite this unconscionable and indefensible seizure of territory. You will be called upon to say to them, "We propose that you shall hold Egypt in subjection, that you shall hold Mesopotamia in subjection, that you shall hold Persia in subjection. Bear in mind to-day, my friends, that there is not a foot of this 1,607,000 square miles of territory but what is in open objection to the reign of the British Empire. Persia is objecting, Egypt is objecting, even old India is in insurrection, and from one end of this vast empire to the other this new territory is now in open protest against the land-grabbing which has been going on.

Take Persia, which has an area of 607,200 square miles. I did not include that in the other estimate. If you include Persia you have got something like 2,000,000 square miles of territory which you have turned over to the British Empire as a result of the peace conference at Versailles. Not strange that Lord Curzon should say:

> Great Britain has gained in this war all and indeed more than she set out to win. Our navy remains at the end of the war intact and unassailed. The principle of the freedom of the seas, which is the basis of our national existence, stands unimpaired and unimpugned. The British protectorate over Egypt is provided for in one of the clauses of the treaty, and our new possessions are made safe under our command.

Col. Hilder in the House of Commons said:

> The outstanding feature of the peace treaty is that it puts the British Empire at the highest point that it has ever reached in regard to territorial and world influence. Largely by force of circumstances and the leading part which our navy and army took in either the breaking down or destroying of the enemy we have been left with far greater territory and power than at any other period in the history of our race.

So far as I am individually concerned I do not care—except for the people who are held in subjection—anything about the possessions of the British Empire. I am not complaining if she can take these subject peoples and satisfy them and make them believe that they are better off under her rule and reign than they are without it; I do not care to what extent the British Empire legitimately spreads its influence over the world. I am not envious of her power nor jealous of her extended holdings. What I object to, my friends, is that we are becoming responsible for this condition of affairs; that we are proposing to underwrite and guarantee it; and we shall be under just the same obligation to see that Egypt remains a part of the British Empire as we shall be to see that Canada remains a part of the British Empire. When you say that Europe has changed, that there are different standards and different principles and different policies, consider the question of the freedom of the seas, of the conscription of armies, of secret diplomacy, of broken pledges, of land grabbing, and that is what we are asked to enter into and become a part of.

Now, let me read again what the President said the other day:

> But if substantial agreement on what is just and reasonable is not to determine international issues, * * * then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order of affairs.

But Great Britain is not the only nation which has been grabbing land and whose activities we propose to underwrite. France has taken possession of Syria in contravention of every principle upon which we went into the conference at Versailles, and in opposition to the wishes of the people and inhabitants of the territory. France is holding Syria to-day by force of arms. Blood is being shed there over the title which France claims, and it is one of the things which is stirring the very soul of the great Moslem peoples, the most deadly when aroused to war that have ever inhabited the face of the earth. Countless millions of Mussulmans from India and Egypt and China and all parts of the earth where they inhabit are now stirred to their depths by reason of the action of Great Britain in Egypt and in Persia and of France in Syria. It is this condition of affairs, this "new spirit" and "new order," into which we are asked to enter. Has Europe changed? Where is the "new spirit"? Where is the "new order"?

I read briefly a paragraph from Mr. Henesy W. Jessup, published in the Monitor, of Boston. It gives us an insight into the situation in Syria and to the question of the title which we are to underwrite:

> The French are engaged in a protectorate of an alien and hostile population. Naturally they are feeding out the offices to those whom they think they can trust and excluding from positions of trust and confidence any belonging to the elements or parties which voted for Great Britain or America. This policy can never unite the Syrians under their rule.
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> Several conflicts have taken place between the natives and the French. The French sent a regiment and bombarded a part of Baalbek and they also had a clash with the Nasariyeh, northeast of Tripoli, at a place called Tel-Kalach. I am credibly informed that one of the American commissioners has a photograph of a French detachment with a machine gun holding back a deputation who were seeking to meet the American commissioner for the purpose of casting their vote against the French at Tripoli.
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> Before the English evacuation Feisul and his army were subsidized by the English and paid in gold. Upon the evacuation England announced she could no longer continue this support, but it is believed it is being secretly done, because Feisul's army is still mobilized, and it is not known from whence he would derive revenue sufficient to keep it in commission unless he were being subsidized this way. Thus we have a condition in Syria where the principle of self-determination has been ignored, where the unanimous will of the people for a united Syria has been brushed aside, and where French, Arab, and English intrigue is keeping everything on the boil.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. Just a minute. I want to finish the subject.

Now we come to another piece of land grabbing, that of Shantung, the matter which is covered by the reservation now before us. The Senator from Wisconsin [Mr. LENROOT] criticized rather severely the President for his "enlightened expediency" in giving way on the Shantung matter. I do not disagree with the Senator from Wisconsin at all upon that proposition. Everybody knows that Shantung is the price which we paid for the covenant of the league.

Amid what I conceive to be the great wrongs incorporated in this treaty, Shantung, of all, needs the least argument to prove it intolerable. Yet what legal or moral principle announced during the war as the basis for the maintenance of war and its sacrifices that is not violated by the Shantung settlement? It involves the betrayal of a friendly nation. It challenges our own national honor and at the bottom of it lies one of those great moral issues never settled until settled right. But I need not here go into details. If it were to be discussed, it would need to be discussed as a subject by itself. Everyone concedes that it enjoys a distinction in wrongdoing peculiarly its own. The only question seems to be how shall we successfully get by without actually righting the wrong?

Everyone understands, as I have said, that without Shantung having been transferred to Japan the League of Nations would have failed; and, if this covenant goes into existence, it is one of the things which will brand it for all time with dishonor. Here, however, is where I differ from my friend from Wisconsin, not in criticizing what the President did in giving way, but I differ from him when he thinks the Senate of the United States has fulfilled its complete duty when it merely expresses its disapproval of the transaction. We say by our reservation that the United States is free in the future to take what part she may in regard to this matter. So far, so good; but does it go far enough? Does it right the wrong? Does it stop the outrage?

What has been taking place in Shantung since we voted on the 19th of November? On the 19th of November we passed this reservation as it is now written and as it will again be passed. I want my friend from Wisconsin to review the record, if he has not already done so, to find out what has taken place since the 19th of November. The Japanese have been since the 19th of November dealing with Shantung as they have been dealing with the Koreans for the last 10 years. Every form of persecution and outrage by which to dislodge Chinese from their possessions and drive them from their homes, to degrade them with opium, to imbrute them, and to disorganize them has been going on since we disapproved of the disposition of Shantung upon the 19th of November.

When we pass the reservation again it will have no more effect upon the actual happenings in Shantung than if we had approved of its transfer to Japan.

There was only one remedy for this wrong; there was only one way to right this outrage. That was for the great Republic of the United States to say that she will never set her approval or her confirmation to a treaty thus impeached by the betrayal of a friendly nation. This treaty should have gone back to Versailles. What we, sitting here in the Senate to-day refuse to do to right this wrong our successors will not be able to do, because the wrong will have been consummated.

Mr. LENROOT. Will the Senator yield to me?

Mr. BORAH. I yield.

Mr. LENROOT. I should like to ask the Senator whether his reasoning would not carry him to a point where we would refuse to have any friendly relations of any kind with any nation that participated in this outrage, and where would that lead us?

Mr. BORAH. I do not know that that would occur; but we are now as a Nation about 150 years old; so far we have refused at any time in our history, from our first days on, ever to ratify a treaty which the world could point to as a betrayal upon the

part of the United States of a solemn pledge which she had made to the world or to another people.

Mr. LENROOT. If the Senator will yield, I desire to say that, of course, he understands that if this reservation is adopted we do not ratify that portion of the treaty with Germany?

Mr. BORAH. Oh, Mr. President, there is where the Senator and I differ. We simply say that the United States reserves the right to take what action she chooses in regard to it; but the wrong has the protection of a treaty which is ratified by the United States.

Mr. LENROOT. If the Senator will yield further, I desire to say, of course, that he knows we do more than that in the reservation. We not only reserve liberty of action but we withhold our assent. The reservation expressly says that we withhold our assent to the Shantung provisions of the treaty.

Mr. BORAH. We withhold our assent to them, but the Senator knows when we withhold our assent the treaty goes into force and that Japan has the full protection of the treaty. The only way that we could have stopped it was to refuse to sign the treaty until the Shantung provisions were eliminated.

Mr. LENROOT. Will the Senator yield to me?

Mr. BORAH. I yield.

Mr. LENROOT. The treaty is in force now. Any action the United States might take would not affect the matter.

Mr. BORAH. Yes, Mr. President; if the United States had sent the treaty back to Versailles saying that the Shantung provisions should not be in it when the people of the United States ratified it, those provisions would have gone out of it.

Mr. LENROOT. I was discussing the reservation that is now before us and the situation that now confronts us.

Mr. BORAH. Precisely, and what I say is that we do not by our reservation prevent the consummation of the wrong. We can prevent the consummation of the wrong; it is within our power to prevent it, because if we refuse to sign this treaty and send it back to Versailles with the understanding that Shantung shall not be in it when we sign it, Shantung will go out of it. If we will take the stand with reference to Shantung that the President of the United States did, we will see Mr. Lloyd-George and Mr. Millerand and Baron Makino readjusting the condition of affairs. We now occupy a position with reference to Europe where we may sit here in our place of authority upon the Western Continent and save the wreck. If we have a mind to say we will not deal with a treaty which has these conditions in it, one of two things will happen; either they will go out of the treaty, or the United States will have discharged the last ounce of obligation and the last particle of duty that rests upon her as an honorable nation. No taint of dishonor will attach to her.

The trouble is, Mr. President, that when we write this reservation we know precisely what is going on and we know what will continue to go on. We know that the Chinamen are being driven out of Shantung; that ton after ton of opium is being shipped into Shantung; that it is being used for the purpose of drugging the Chinese people, of debauching and degrading them, and we, as a Christian Nation, hope to save our conscience from its everlasting searing by saying "We do not approve of it."

Mr. President, there is one other piece of history since the signing of the armistice which shows how Europe clings to her old principles and policies, and that is in regard to maintaining the Turk in Europe. Is there a man alive who would have supposed, after all the pledges which were made to the Christian world, that France and England would join hands with the bloody power which has been in control of Constantinople for 500 years? It will be remembered that when the Allies replied to President Wilson prior to our entering the war as to the terms upon which they would be willing to make peace, they stated with unity that one of the prerequisites of peace was that the Ottoman Government should be eliminated from Europe. For 500 years the Turks have murdered and massacred the Christian peoples with whom they have come in contact in Europe. Back in 1876, forty-odd years ago, the great Gladstone, in speaking upon this subject, used the following language:

They were, upon the whole—

Speaking of the Turks—

from the black day when they first entered Europe, the one great antihuman specimen of humanity. Wherever they went a broad line of blood marked the track behind them, and as far as their dominion reached civilization disappeared from view. They represented everywhere government by force, as opposed to government by law. For the guide of this life they had a relentless fatalism; for its reward hereafter a sensual paradise.

In closing this wonderful speech Mr. Gladstone said:

But I return to, and I end with, that which is the omega as well as the alpha of this great and most mournful case. An old servant of the Crown and State, I entreat my countrymen, upon whom far more than perhaps any other people of Europe it depends, to require, and to insist, that our Government, which has been working in one direction, shall work in the other, and shall apply all its vigor to concur with the other States of Europe in obtaining the extinction of the Turkish executive power in Bulgaria. Let the Turks now carry away their abuses in the only possible manner, namely, by carrying off themselves. Their Zaptiehs and their Mudirs, their Bimbashis and their Yuzbachis, their Kaimakams and their pashas, one and all, bag and baggage, shall, I hope, clear out from the province they have desolated and profaned. This thorough riddance, this most blessed deliverance, is the only reparation we can make to the memory of those heaps on heaps of dead; to the violated purity alike of matron, of maiden, and of child; to the civilization which has been affronted and shamed; to the laws of God, or, if you like, of Allah; to the moral sense of mankind at large. There is not a criminal in an European gaol, there is not a cannibal in the South Sea Islands, whose indignation would not rise and overboil at the recital of that which has been done, which has too late been examined, but which remains unavenged; which has left behind all the foul and all the fierce passions that produced it, and which may again spring up, in another murderous harvest, from the soil soaked and reeking with blood, and in the air tainted with every imaginable deed of crime and shame. That such things should be done once is a damning disgrace to the portion of our race which did them; that a door should be left open for their ever-so-barely possible repetition would spread that shame over the whole. Better, we may justly tell the Sultan, almost any inconvenience, difficulty, or loss associated with Bulgaria,

"Than thou reseated in thy place of light,
The mockery of thy people, and their bane."

Here I call attention to the words of another Englishman, forty-odd years after the speech of Gladstone, the statement of Viscount Bryce, with reference to Turkish atrocities, which statement was made I think in the year 1915:

The massacres are the result of a policy which, as far as can be ascertained, has been entertained for some considerable time by the gang of unscrupulous adventurers who are now in possession of the Government of the Turkish Empire. They hesitated to put it in practice until they thought the favorable moment had come, and that moment seems to have arrived about the month of April. That was the time when these orders were issued, orders which came down in every case from Constantinople, and which the officials found themselves obliged to carry out on pain of dismissal.

There was no Moslem passion against the Armenian Christians. All was done by the will of the Government, and done not from any religious fanaticism, but simply because they wished, for reasons purely political, to get rid of a non-Moslem element.

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As I have said, the procedure was exceedingly systematic. The whole Armenian population of each town or village was cleared out, by a house-to-house search. Every inmate was driven into the street. Some of the men were thrown into prison, where they were put to death, sometimes with torture; the rest of the men, with the women and children, were marched out of the town. When they had got some little distance they were separated, the men being taken to some place among the hills where the soldiers, or the Kurdish tribes who were called in to help in the work of slaughter, dispatched them by shooting or bayonetting. The women and children and old men were sent off under convoy of the lowest kind of soldiers—many of them just drawn from gaols—to their distant destination, which was sometimes one of the unhealthy districts in the center of Asia Minor, but more frequently the large desert in the province of Der el Zor, which lies east of Aleppo, in the direction of the Euphrates. They were driven along by the soldiers day after day, all on foot, beaten or left behind to perish if they could not keep up with the caravan; many fell by the way, and many died of hunger. No provisions were given them by the Turkish Government, and they had already been robbed of everything they possessed. Not a few of the women were stripped naked and made to travel in that condition beneath a burning sun. Some of the mothers went mad and threw away their children, being unable to carry them farther. The caravan route was marked by a line of corpses, and comparatively few seem to have arrived at the destinations which had been prescribed for them.

Mr. President, forty-odd years ago that excoriation was pronounced by the then leader of the English thought. Four years ago it was repeated by another distinguished English statesman whom all Americans know and whose views upon such a subject all must respect. These same things were said in a different way, but no less effectively, by the Senator from Massachusetts [Mr. LODGE] since the beginning of this war. Yet Europe consents that the Ottoman Government shall continue to have its seat of power in Europe and hold as its capital the city of Constantinople, and to pursue, we must assume, her unbroken and unflagging decimations of all Christian peoples whom she is permitted to reach. The same jealousies between the different powers upon which the Turk has played with such signal success for five centuries, the same willingness to protect the presence of the Turk in Europe for material advantage keeps him in Europe, and if we are to enter the league and become a member of this concert of powers we are to do so with this scourge a part of Europe. A few days ago, even while Lloyd-George was stating in the House of Commons to a shuddering Christian world how this fearful menace was to be revived and protected, even while he spoke, I say, there came over the same wire that carried his speech the account, the shocking, hideous account of another of these indescribable massacres, and we noted among the dead and outraged it was said there were 85 American girls. Words, words, words. Promises, promises, promises. And yet Europe sinks back to her accustomed practices and policies and takes to her bosom the most hideous monster in all the history of mankind. Are we going to join in such a combination? Are we going to sit in a council in

which we have but one vote in the hope that that one vote may cleanse the whole situation? Are we going to pledge against these things the sons and daughters of America? Have we not seen enough? Is it not clear now that what they expect of us is that we shall join the league, and thus underwrite not a new Europe, not a "new spirit," not a "new order," but old Europe, with her old order, with her old spirit, with every practice, every policy, and every precept observed and maintained.

Mr. President, to recapitulate, Europe is still Europe, with all her racial antipathies and imperialistic appetites, with the same standards of government, whatever name the Government may bear, and the same strange conceptions of right and justice, in whatever terms she may clothe her schemes of ambition. She is unchanged, and if we assume the task of effectuating a change, save as in the past by whatever power precept and example may exert, we will end by becoming Europeanized in our standards and in our conceptions of civilization or we will fall into disintegration and as a Republic die. If we give up our independence and enter her councils with our one vote, if we surrender our seat of authority here upon the Western Continent, this place of command to which the living God directed our fathers that they, free from all foreign entanglements, might work out a new scheme of government, if we quit our own to stand upon foreign soil, we shall return as our President returned from Versailles, stripped of our principles and shorn of our ideals. Look upon his experience. The thoughtful will gather from it a lesson of deep and lasting significance.

Prior to the ending of the war, as I have indicated, the President had announced the principles upon which world peace could be built, and had solemnly reiterated that upon no others could we hope to compose the world's strife. They were the principles of a just settlement. They met a hearty response among all peoples, but not throughout the courts and chancelleries. He went to Europe to engage face to face those whom he knew would oppose his policies and fight hand to hand against the ancient customs and prejudices of the Old World. He evidently believed he could Americanize European diplomacy, that he could give it a conscience and make it do service for democracy. But the step by which he descended from the most exalted position ever given to man, the freely chosen executive of a hundred and ten million free people, to take his place at the council board of a conclave of European diplomats—the act by which he quit his seat of authority here to enter the stifling, intrigue-ridden atmosphere of Europe were fatal to the most stupendous enterprise that ever rested upon the shoulders of one man. In his place here he was independent, subject not to be outvoted nor misled, master of the situation, and whose views no nation of Europe would have dared disregard. In his place here Europe would have had to come to him, accept his views and conform to his principles, but in Europe he was compelled to accept Europe's views and in the end to adopt Europe's standards and systems. There is no use to deny it, the whole world knows it now—this treaty is not the treaty which the President intended to give the world, neither is it the treaty which will bring peace to the world.

The processes by which all this was accomplished are familiar to students of European affairs—they have not even the quality of newness. They are hoary with the accustomed and accursed practice of centuries. Let those who think it wise to put this Republic into the heart of European intrigue and enmesh and entangle our people in her schemes take time to trace the steps by which that change was brought about. First, the President was hailed on every hand as the deliverer of Europe. Peoples and kings paid homage to the man from whose lips fell, with a new and rare charm, the old gospel of peace on earth and good will to men. But while the reception was in progress, even before the guest had put off his traveling garb, the hosts were framing and maturing their plans and casting lots for the great division. Nay, even before, in anticipation of what would happen after the war, the secret treaties had been written and signed and were concealed to await the propitious hour. The opening act was a bold one—the freedom of the seas, without which the President had said there could be no permanent peace, was arbitrarily and imperiously withdrawn from the consideration of the peace council. All our European associates combined to accomplish this result. The next step was to close the doors upon the conference; it was breaking faith with the whole world, but it was European. From the hour the doors were closed the reins of power passed to other hands than those of the President. His power was that of public opinion, the directing influence of popular judgment. The power of European diplomacy, resting in intrigue, could not succeed without secrecy and could not fail with it. Next, it was found that even a council of 10 was too many—it gave some chance to the President and left some chance for the outside world to get information of what was going on—so the council was reduced to four; in fact, to three. Thus it came about that the President of this Republic, leaving his place of unchallenged power, was found sitting with three European diplomats behind closed doors hermetically sealed in the poisoned and treacherous air of European intrigue divorced from the public and separated from his own people, just as the delegates of this Republic will be every time they trek their way across the Atlantic to the barred doors of Geneva. He is a madman who would transfer the seat of power of this Republic from Washington, upon the Western Continent, to Geneva, in the heart of intriguing Europe. How the whole thing was accomplished, how this world disaster, the peace treaty, as it now appears, was finally brought to its present terms is slowly reaching the world. In any event here it is with our principles announced by the President eliminated and with the seeds of contention and war deftly planted throughout its sinister and imperialistic provisions.

Instead of a treaty of justice and conscience looking to the future peace and tranquillity of the world it is a well-studied and well-executed scheme to destroy an entire people, dedicating the entire continent to famine and hunger and insuring endless turmoil and war. Instead of a treaty upon the humane principles of an American President it is a treaty preserving every vicious principle of European statecraft and through whose every page and paragraph, every open provision, and every covert phrase, vengeance crawls and writhes and hisses. A treaty which puts beneath the brutal feet of power millions of subject peoples and denies liberty and independence to countless millions yet unborn. This is the treaty which Europe exchanged for the treaty which America promised and for which all the world waited. This is the treaty which signifies profoundly what will become of American principles and American policies after a quarter of a century of entangling alliances with the same sinister powers.

Oh, as we love this country of ours, as we would contribute our little in our brief hour of service to the happiness not only of our own people but to liberty-loving people everywhere, as we would do our part to further augment the glory and power of the Government for which Washington fought and Lincoln died, let us stand invincible and forever against the scheme which would plunge us into this maelstrom of European life; not because we would refuse to help Europe but rather because we would serve her and serve all mankind by keeping safe and dominant and independent and free the one great preserving, guiding, moral force of the world in this dark hour—this blessed old Republic.

Mr. HITCHCOCK. Mr. President, I am sorry the Senator from Idaho would not permit me to interrupt him at the time he was referring to one matter, but I want to take it up now.

He has practically asserted here that Great Britain had annexed Mesopotamia, or had taken over Mesopotamia. I am not exactly certain of the expression which he used; but he has sought to convey to the Senate and to the people of the United States, apparently for the purpose of prejudicing them against this peace settlement, if not against Great Britain, the idea that Great Britain has taken over Mesopotamia, and that the President of the United States, representing the United States in Europe, had become a party to it.

The Senator ought to know, and I can hardly see how he can escape knowing, that the people of Mesopotamia were a race subject to Turkey; that Great Britain was at war with Turkey during the late hostilities; that British armies fought the Turks through Mesopotamia and occupied the country, just as they fought the Turks through Palestine and occupied that country and just as the French fought their way through Syria and occupied that territory; and that those nations—France and Great Britain—merely hold military control over Palestine and Syria and Mesopotamia under the armistice signed in November, 1918, and only until the treaty of peace is finally signed with Turkey. Now, when that treaty of peace is signed with Turkey, if it shall incorporate the League of Nations, as it ought to and as it certainly will if the United States is consulted, Mesopotamia, Syria, and Palestine will all fall under one of the provisions of the League of Nations which Great Britain and France have both accepted. I refer to article 22:

> To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.
>
> The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations, who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.

Mr. President, we may not be a party to that treaty; we had no war with Turkey; but the United States was invited to participate in the discussion of the treaty of peace with Bulgaria, and may ultimately be invited to give its assistance in the treaty of peace with Turkey. The Senator can not doubt that if the United States is brought into that every subject people now under the yoke of Turkey will be taken from out that yoke and will be placed under the control of the League of Nations and under mandatories selected under the provisions of the league covenant. The Senator knows that the President of the United States was the author of the mandatory idea. He knows that the President of the United States made a struggle there in Paris for the purpose of establishing the principle that instead of people being held as subject to a conquering nation they should be brought under the trusteeship of the League of Nations; and yet in his speech the Senator from Idaho has sought to heap upon the President of the United States the responsibility for the condition of Mesopotamia, which he says is one of annexation to the British Empire at this time.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. Of course I wholly differ with the Senator as to who has Mesopotamia and Persia and all that territory, and the Senator is now advocating a doctrine which is advocated by no prominent Englishmen. They do not make any concealment of the fact that those countries have passed under the domination of the British Empire, and will stay there; but that is aside. I am willing for anyone who is interested in the proposition to look up the facts. I did not heap any responsibility upon the President for that. I know what the President was up against. He was up against European diplomacy.

Mr. HITCHCOCK. I shall come to that.

The Senator has stated that the President returned from Paris shorn of his ideals and his principles.

It is lamentable if there is any truth in the Senator's statement; but, if it is true, any failure that came to the President over there came to him by reason of the fact that an organized effort was made in the Senate of the United States by the political opponents of the President to discredit him there, and to tear down the strength with which he ought to have been backed by the people of the United States.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Very briefly.

Mr. REED. I challenge the Senator to prove the statement he has just made.

Mr. HITCHCOCK. Mr. President, the existence of the League of Nations is such a showing. There is an organization for the purpose of preserving the peace of the world. There is an organization providing that subject peoples shall not become the victims of colonization and exploitation, but that subject peoples shall be held under mandatories of the league. That is a new ideal in the history of the world; and, Mr. President, I challenge most emphatically the statement by the Senator from Idaho that the Europe of to-day is the Europe of former days. The Europe of to-day is not the Europe of former days.

Mr. BORAH. It is a little worse.

Mr. HITCHCOCK. The Europe to-day is in the hands of the people of Europe. The Europe of the days of George Washington was an entirely different Europe from the Europe of the present day.

Since the days of George Washington, Great Britain has been practically converted into a democracy. Great Britain now no longer attempts to enforce government upon her colonies as in the days of George Washington she attempted to enforce her dominion upon the colonies that are now the United States. The Great Britain of the present day no longer attempts to tax people without representation, and to-day Great Britain is as much under the control of the public opinion of Great Britain as the United States is under the control of the public opinion of the United States, and more. Her Government responds more quickly to the change of public opinion in Great Britain than the Government of the United States responds to the change of public opinion in the United States.

France has enormously changed since the days when George Washington wrote his Farewell Address. The conquering hero who grew out of the French Revolution was even then, in the full strength of his growing powers, bent upon the conquest of Europe. France has now become a Republic, and in France the opinion of the French people rules the Republic as completely as the opinion of the American people rules the Republic of the United States. They make and change their laws at will, and they topple over their cabinets whenever they do not respond to public opinion in France.

Italy has become a constitutional monarchy, with very limited powers; and so has Spain, and so has Holland, and so has Belgium, and so have the Scandinavian countries. All of the countries of Europe have practically become democracies, and the kings in those countries are mere figureheads. As I have said before, they have no more real power than the painted kings upon a deck of cards. Germany, the conquering empire, lies crushed in the dust, and the German people have control of their Government to-day. The Austrian Empire has also been crushed and her subject peoples relieved. Ancient Poland has been reconstituted into a republic, and so, also, ancient Bohemia. Self-government for those countries has come as the result of this war. The Czar of Russia, autocratic and powerful in the days of Napoleon, has gone, and autocracy has gone, and slowly Russia is emerging, through the throes of a terrible revolution, into the status of a self-governing republic.

Europe is not the same as it once was. The people of Europe have gained the control over their governments. Conquest is no longer the dream of the governments in Europe as it once was. They are now striving to please their people. They are compelled to do so or they will be toppled from power. So I resent the statement of the Senator from Idaho that Europe now is the same as the Europe of former days.

What has become of all the petty monarchies and tyrants that existed through central Europe in those days? What has become of the Austrian Empire that waged so many wars of conquest? What has become of Spain, which, even in Washington's day, was trying to hold her possessions in the western world? They have all been compelled to abandon those policies, and to-day Europe is in the control of democracies, just as the Western Hemisphere is in the control of democracies.

So, I say to the Senator from Idaho, we can very well, as the great, dominant democracy of the western world, enter into a contract with these democracies to preserve the peace of the world. We can bring to them our altruism and our idealism. If we become a member of this league, our influence will be the dominant influence in it.

We have brought about the league; American sentiment behind the President of the United States has made the league possible; and nothing but political jealousies and antagonisms and personal bitterness and animosity can prevent the United States from entering the league. When the United States enters it it will be the paramount and powerful influence in it, because the United States is the natural leader of the world in these great moral affairs.

Mr. President, the example of the United States is one which has aided in redeeming Europe from the tyrannies of the past and the period of conquest of the past, and the United States must go into this league and bear its great share in introducing this new era into the history of the world.

The Senator from Idaho [Mr. BORAH] is looking to the past instead of the future. He does not realize the mighty change that has come to Europe. His assertion that Europe to-day is what it was in former times proves that he does not appreciate the tremendous changes over there. Does he not know that the people of those European countries are just as determined to dictate to their Governments what they shall do as are the people of the United States? Does he not know that those people are just as much injured by militarism as we would be, that they have the same desire to get away from militarism that our people have, that they have the same desire to escape from the taxes which come with war that we have? Does he not know that the interests of the people of those European countries are the same as the interests of the people of the United States?

Peace, prosperity, production—those are the things the people of Europe long for, and as they control their Governments just as the people of the United States control our Government, there is no reason why we can not enter into a compact with them, as set forth in this covenant, for the purpose of preserving the peace of the world and introducing the new era of peace and good will among men.

Mr. REED. Mr. President, when I see an American Senator stand on the floor of this Chamber and hear him declare that Great Britain has a freer government than ours, I wonder why he does not leave the United States and live under the Union Jack. If I believed that, I would advocate the crowning of an American king, and the establishment of a hereditary House of Lords, and a hereditary titled and landed aristocracy. I would take from the walls of my home the pictures of George Washington and Jefferson and Lincoln and Jackson. I would haul down the American flag, get a passport to England, and embark for "dear old Lunnon, don'cha know," where I would feel at home. I am utterly sick and disgusted with this talk of

Great Britain having a better government and a more democratic government than the United States.

Mr. HITCHCOCK. Mr. President, of course, the Senator does not quote me correctly. I said they respond more quickly to public opinion. We elect our public officers for a certain number of years, and they occupy their places for a term of years; no matter how much public opinion changes, they are still in office. But the British cabinet, which is the power in Great Britain, depends simply upon the British House of Commons, and the British House of Commons can only exist as long as it is in harmony with public opinion. It has no office for any definite number of years.

Mr. REED. Oh, no; it does not——

Mr. HITCHCOCK. I do not want the Senator from Missouri to misrepresent me. What I say is that public opinion rules Great Britain, and her Government necessarily is more quickly responsive to changes of public opinion, because her officers hold their offices for no definite number of years.

Mr. REED. Does not the Senator, then, prefer the "more responsive Government" of Great Britain to the Government of the United States? If not, what do his words mean? But let the Senator's words which he uttered a while ago and those he uttered this moment stand, and let my criticism stand, and let the public judge between us.

You can turn out the British Government sooner than you can the American Government, can you?

Mr. HITCHCOCK. Very much.

Mr. REED. How soon can they turn out the House of Lords?

Mr. HITCHCOCK. The Senator forgets that the House of Lords has ceased to be a power in Great Britain.

Mr. REED. I do not forget anything of the kind, because the fact never existed to be forgotten.

Mr. HITCHCOCK. It has. The House of Lords has only a very limited veto power as to legislation which passes through the House of Commons, and which the House of Lords is compelled to bow to. The House of Lords ceased to be a power five years ago.

Mr. REED. The Senator from Nebraska has become so infatuated with the League of Nations that I have not the slightest doubt but that he would change the very structure of the Government of the Republic to set up the supergovernment of the league.

What an idle statement it is to say that the British House of Lords has ceased to be of any importance. Does the Senator presume on the ignorance of everybody but his own self? The House of Lords has been shorn of its authority to just this extent: The right it had sought to usurp over money bills was yielded and it was provided that if the Commons in three successive sessions passes a bill, the House of Lords can not defeat it after it has been passed the third time, provided two years have elapsed since its first passage. Outside of that the ancient and tremendous authority of the House of Lords stands unimpaired. The men who occupy the seats there are born to their places of power. They are there not because they represent the public opinion of Great Britain, but because they were born of a particular father and mother. That particular variety of father and mother have always taught their offspring to believe they are of clay superior to that of which God created ordinary mortals. That doctrine they sucked from the bosoms of their mothers. That doctrine is a fundamental of the British system of government.

The Senator says that a body of men whose concurrence in every important act of legislation must be secured save in the instances I have spoken of are more responsive to public opinion than are the Members of the American Congress. Does the Senator think that the King of England, Ireland, Scotland, and Wales, Emperor of India, and so forth, born to his position, is more responsive to public opinion than is the President of the United States, who must be elected by the people, and who always keeps one and sometimes both ears to the ground in a painful attempt to learn just what the people are thinking about on all important questions? Try to get in to see his majesty the King, born to the purple, asserting the divine right to rule, even yet proclaiming the infamous and profane doctrine that God Almighty selected him and his breed as the special favorites of heaven, and thereupon poured upon his head the "divine petroleum of authority," thereby giving him the right to lord it over millions of men better than him or any of his ancestors, including the late lamented George III.

It is astonishing to hear it declared in this Chamber that such a government is superior to that established by Washington.

Ah, but they say, Mr. President, that the King has not much power; as in the past, that he must act through his minister. That statement is largely true; nevertheless he has yet a tremendous power. Indeed, his power is so great over the minds of the British people that when he changes the color of his gloves all of the dandies of the British Empire rush to the nearest haberdasher for gloves of similar color. Just as he affects by his example, just as he affects by his prestige and power the fashions of the land, he affects to a large extent the thought of that country.

The Senator from Nebraska refers to the House of Commons. True, the House of Commons is elected, but for a term of five years. It is also true that a new election can be forced if the Government is defeated. But what does history show? They have had Parliaments there and Governments that have stood year in and year out that have successfully resisted great popular demands. The very ministry is often for all practical purposes handed down through families. Lord Salisbury, three times prime minister, was succeeded by his nephew, Balfour. It is generally only after great effort that the British people are able to effect any real reform. It required almost a century of bitter struggle to accomplish the great reforms of recent times, although during all of that time the majority of the people cried out for relief. They would have been effected in the United States in one single congressional election; at the longest in one presidential campaign.

Let the pro-Britishers who teach the infamous doctrine that monarchial government is better than republican government leave the United States. Let them go now whether they are Members of the Senate or not. Perhaps they can get raised to the peerage and become eligible to the House of Lords.

I remember a speech made by the Senator from Nebraska a number of years ago in which he placed in the CONGRESSIONAL RECORD a series of magazine articles written by Andrew Carnegie advocating the return of America to the mother country, Great Britain. The Senator warned us against agreeing to a treaty that had been negotiated with Great Britain. He warned that the treaty was a step in the scheme of Andrew Carnegie and men of his type to place this country back again under the British flag. He denounced the articles and denounced the treaty. He warned us against entering into the treaty because he saw in it a menace to American independence.

He sounded the doctrine of nationalism and poured forth the vials of anathema upon Andrew Carnegie and men who treasonably taught the unspeakable doctrine that we should return to the British flag. His voice was then the voice in clarion tones of an American patriot. It has become the miserable, puling, whining whisper of a British sycophant, praising the Government of Great Britain as better than the Government of that country whose flag has protected him from birth and whose people have honored him with a great office of influence and power.

Says the distinguished Senator from Nebraska, who has been prophesying now for eight months about this treaty—and who has never yet had a prophecy come true—the nations of Europe will in the future be governed by disinterested and enlightened policies; that "their hearts have changed." When did they change? Whence does the Senator from Nebraska get his evidence of change? Here is what the President said on the 10th day of February, speaking of and concerning these particular Britishers whose flag has now, according to the Senator, become a better emblem of liberty than the old Stars and Stripes. To such a degree has the deadly doctrine of internationalism poisoned the pure fountains of patriotism from which Nebraska's senior Senator was wont to drink. The President says that the old order of things in Europe which brought so many evils on the world has not changed. What says the President in regard to this change of the European heart? I put him on the witness stand; I call him to the tribunal; I confound the statement we have just been hearing by the statement of the President:

> It is time to speak with the utmost frankness. The Adriatic issue as it now presents itself raises the fundamental question as to whether the American Government can on any terms cooperate with its European associates in the great work of maintaining the peace of the world or removing the primary causes of war. * * * If substantial agreement on what is just and reasonable is not to determine international issues, if the country possessing the most endurance in pressing its demands rather than the country armed with a just cause is to gain the support of the powers, if forcible seizure of coveted areas is to be permitted and condoned and is to receive ultimate justification by creating a situation so difficult that decision favorable to the aggressor is deemed a practical necessity; if deliberately incited ambition is, under the name of national sentiment, to be rewarded at the expense of the small and the weak; if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order.
>
> The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions. *To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.*

Thus the President indicts the present ruling powers of Europe for a deliberate act of injustice and wrong and infamy so grave as to prove that they still cling to the old order of affairs.

Thus he warns them that unless they immediately recede and reform America can not enter their councils or undertake in the future to cooperate with them. And yet, with a bland assurance that would do credit to the proverbial brass monkey, the Senator from Nebraska stands here and tells us that the old order has passed away and the hearts of Europe's kings have been changed. With the President now threatening to withdraw this treaty because the old order yet obtains, and because the old Adam of European diplomacy is still an active and controlling influence, the Senator from Nebraska talks about the high ideals of Europe; the championship by Europe of the principles of democracy, equality, and justice.

I observe that as usual the Senator from Nebraska has left the forum. [Laughter.]

What is a democracy? It is a country where all the people who are under the Government are permitted to participate in the Government equally, fairly, impartially.

Where the citizens do not possess that right there is no democracy, there is no republicanism; there is some other kind of government. It may be a despotism; it may be an autocracy; it may be a qualified despotism; but it is not a democracy. The moment a government denies to the people the right to set up and participate in the government it ceases to be democratic. The people are reduced to the condition of slaves.

Let us apply that to this loudly proclaimed democracy of Great Britain. There are in England and in Scotland and Wales a total of 42,000,000 Britishers. There is in all the British Empire, including Australia, Canada, and New Zealand, a total of approximately 65,000,000.

Australia, however, does not completely rule herself; Canada does not completely rule herself; New Zealand does not completely rule herself. In every instance the King or the Government of the British Isles holds a dominating control, so that the 42,000,000 Britishers in England and Scotland and Wales really are supreme over the Empire. How many people are held as conquered subjects by this British democracy that so suits the views and jumps with the opinions of the Senator from Nebraska? Great Britain holds in thralldom 387,000,000 human beings who have no voice in the Government that rules over them; 387,000,000 people who are forced to obey the will and are subject to the command of 42,000,000 Britishers who live from three to nine thousand miles away from their lands. Their cities were seized at the point of the sword; their lands were conquered by the trained soldiers of Great Britain, just as Rome's invincible legions swept over the face of the earth; even their local government has been torn from their hands; they are British serfs.

Why, sir, 1,100 Britishers, resident in India, control over 290,000,000 protesting people.

This is what talking for a League of Nations and talking for internationalism, as opposed to nationalism, does. Such has been the corrupting result upon the mind of the Senator from Nebraska. If we had a few more weeks of discussion on this question, the Senator from Nebraska would probably conclude that the Emperor of Japan is a better democrat than was George Washington.

Has England changed? Turn your eyes to Persia. Within the last six months Great Britain has laid her hand upon the throat of Persia, and that ancient people is brought beneath her flag. Has England changed and become a democracy in spirit? Behold they are arresting the representatives of 11,000,000 Egyptians because, forsooth, they come to the doors where sit the arbiters of the world's fate to ask that they be given the liberty Great Britain swore she would never take from them. With a mockery of facts, with an utter contempt for history, does the Senator from Nebraska stand upon this floor and tell us that Great Britain is as much of a democracy as is the United States.

When the United States shall send her conquering armies over the earth; when with fire and sword she shall devastate the cities and the fields of other peoples; when she shall rivet the steel manacles of her power upon the wrists of subjects and of slaves; when she shall send her flag forth, not as a banner of liberty, but as the ensign of human slavery; when she shall create vast fleets of war to threaten every weak nation and to thunder with her guns against the unprotected cities of defenseless people; when she shall pursue that cruel and imperialistic thing, then you may compare her with Great Britain. But while she is sending her sons forth to die for the liberty of others, while she is proclaiming to all the world that she desires no foot of territory and is willing to spend her blood and her treasure to aid the cause of weakness and despair, let no man dare compare the United States with the modern Rome.

There is as much difference between the fundamental thought of the United States with reference to other peoples, and her beneficent and protecting policy, and that spirit of aggression and conquest which inspires the heart of Great Britain, as there is between the shepherd dog that guards the sheep at night and dies in their defense and the grey wolf that comes to tear their throats and suck their blood.

Look at Ireland: Are her protesting people granted their liberty? Are they accorded self-determination? Is not the century-old struggle of the Irish for freedom being to-day met by the old argument of the bayonet; the logic of force; the persuasion of prison cells? Is she to-day not confronted by the worst of all despotisms—the despotism of martial law?

When did Great Britain change? Certainly, if she has changed at all it must have been since the 10th day of February, when the President wrote the letter I have just read. Either the President of the United States when he wrote that letter indicting the Government of Great Britain for being controlled by the old principles of selfishness and greed penned a thing that was infamously false or else the Senator from Nebraska has not a leg of logic or of fact upon which to stand.

"England's Government as good as that of the United States!" Well, go there, ye who love that Government. If I believed there was a better government in the world than mine, I would stay here and try to make mine like it, or else I would go to that other government. American Senators are now found decrying their own Government and declaring that a government by kings and a titled aristocracy is better than this Government by and for the people. Thus early do we pluck bitter fruit from the poison tree of internationalism. That Great Britain will be a great controlling force in the league every man knows who has any sense at all. She has by this war added 3,000,000 square miles of territory to her dominion and brought more than 50,000,000 more subjects under her iron sway.

Now, let me introduce you to another modern democracy—Japan. I want to present a picture to the country: The distinguished Senator from Nebraska, his gray hair fanned by the breezes of his native State, is walking down the streets of the beautiful city of Omaha, leading by the hand the Mikado of all Japan; a band is playing the Japanese national air, while small boys proudly bear banners emblazoned "HITCHCOCK and the Mikado, the Siamese twins of democracy." Japan has become a democracy since when? I do not know how long the present ruling house of Japan has held dominion in that country. Can the Senator from Massachusetts inform me?

Mr. LODGE. I can not give the Senator the exact date, but the present dynasty dates back to about the time of the beginning of the Christian era, I think.

Mr. REED. Yes; ever since Christ was crucified the same family has held undisputed the scepter of despotism over Japan and her people; the power of life and of death; the power over the souls and consciences of that people, for the Mikado of Japan has been worshiped as much as a Jap is capable of worshiping anything.

He was and is the terrestrial god of the Japanese people, standing as the vice-regent of those spirits or powers or forces which the Japanese religion teaches rule the universe. I suppose the Senator from Nebraska imagines the Japanese change their officers more readily than we can. A man has to have an imagination of that kind who can see a reason for pulling down the American flag and running up the treasonable banner of internationalism.

Mr. LODGE. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield.

Mr. LODGE. The Senator asked me a question a while ago, but at that time I could not give him the exact date he was desirous of knowing.

Mr. REED. I knew the Senator could find it.

Mr. LODGE. I now discover that the Japanese claim that their Empire was founded by the first Emperor, Jimmu Tennō, 660 B. C., and that the dynasty founded by him still reigns. That is sufficiently old for the Senator's purposes, I presume. [Laughter.]

Mr. REED. Yes; we observe that it is a democracy; that the will of the people easily control and change.

Mr. LODGE. Yes; a democracy.

Mr. REED. That is quite an old democracy; I did not know there was so old a one in all the world.

Mr. LODGE. It is a very old one.

Mr. REED. Let me read what has been taught. Just a short excerpt from Keane:

> In Japan Shintoism, as reformed in recent times and almost merged in the Bushidoism, now affected by the educated classes, has become much more a political institution than a religious system. The Kami-No-Michi, or "The Way of the Gods" or "Spirits," is inseparably bound

up with the political interests of the reigning dynasty, sprung from the sun goddess; hence its three cardinal virtues are:

1. Honor the Kami (spirits), of whom the Emperor is the chief representative on earth.
2. Revere him as thy sovereign.
3. Obey his will, and that is the only duty of man.

That is a good creed for a Democrat. [Laughter.] Vox populi, vox dei!

There is no moral code, and loyal expositors have declared that the Mikado's will is the supreme or only test of right and wrong.

This is the modern democracy!

But the Senator will say they have changed. When? When did they change?

Here is an article from the Associated Press of last Sunday, February 29:

The fight in Japan for universal suffrage resulted in the dissolution of the Japanese Diet last Thursday by Imperial decree. The Emperor's action was taken at the request of Premier Hara.

* * * * * * *

The Government last month brought forward a measure extending the right of franchise to Japanese males whose direct tax exceeded 3 yen. Although excluding the entire body of labor, this measure was described as a considerable enlargement of the old and restricted suffrage list. * * *

That was the Government's proposition—that those who paid taxes amounting to 3 yen could vote, provided they did not do honest labor, but any man who worked with his hands and who did honest toil could not vote in this oriental "democracy" which the Senator from Nebraska states ought to be our partner.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. Let me finish reading this dispatch, and then I will yield.

So that over there in this "republic" of Japan, this "democracy" of the Orient, the most advanced reformers do not dare, apparently, to ask for anybody the privilege of voting unless he can pay taxes and unless he does not labor.

I now yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, I was going to ask the Senator from Missouri to give thanks that even under the new dispensation the military have not been invoked for the control of recalcitrant Senators; otherwise the Senator might be in jeopardy.

Mr. REED. Not yet; although I heard a suggestion of "gibbets built as high as heaven, but pointed in another direction," on which Senators were to be hung, apparently upside down, because that would be the direction in which they would be pointing. [Laughter.]

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. GORE. I think a fact ought to go into the RECORD at this place, which I do not think the Senator has stated, that in Japan to-day, under the existing laws and constitution, only one and a half million men are permitted to vote out of a total of 20,000,000 having the qualification of age.

Mr. REED. I thank the Senator.

But that is not all there is to this Japanese "democracy." Japan had a total population prior to the war of 60,000,000.

She had subject peoples—that is, political slaves, if not actual slaves—to the number of 46,000,000. She has acquired under this treaty 36,603,000 subjects. And that as a democracy, "her spirit has been changed and regenerated," "the new day has come," and yet at this moment the listening ear can catch the sound of the hammers riveting the shackles upon Shantung and upon Korea! A few weeks ago, according to the report of the Foreign Missionary Society and according to the report of the Federal Association of Christian Churches, this reformed and regenerated people were stripping native Christian girls naked and lashing them with bamboo rods until the flesh fell from their bones because they worshipped that Christ who was born 600 years after this dynasty was planted to curse the earth! They were, according to these missionary reports, forcing iron rings down upon the arms of native Christian men until the blood was forced back into the surcharged heart, producing a death agony equal to crucifixion!

That is a democracy, according to the Nebraska Senator. That is the new spirit and the new order. Behold, the herald of the new day comes in the form of a Jap, bearing in one hand bamboo rods wet with the blood of Christian girls and in the other the sword of the executioner!

The Senator tells us that Italy has been reformed, that it is "in favor of the new day," and "that a new spirit thrills that people"; and yet the President of the United States declares that he is about to withdraw this treaty because of the sordid, cruel Old World appetite and demand of Italy, manifested in Italy's demand for Fiume and other territory. With the President so certifying, the distinguished Senator from Nebraska pronounces a eulogy upon the new Italian democracy.

The Senator tells us that Russia is imbued with the new spirit. Now, I grant you that Russia is imbued with a new spirit, and that the Romanoffs no longer occupy the throne of that vast country; but if Russia is imbued with the new spirit, and if the light that shines from the cross of Jesus Christ now is the guide of Russia—if she has been regenerated and changed—I want to know why our Government sent troops into Russia, not all of them yet withdrawn, to attack a government which, according to the Senator from Nebraska, represents the new and glorious era of brotherly love. Why did the British Empire, which he says is now the chief evangel of the doctrine of international good will and equity, send its serried columns into Russia? Why did our brother, Japan—equally now, according to the Senator from Nebraska, the John the Baptist of the new reform—why did these three nations, from three separate sides, attack Russia, if Russia be the pure, the tender, the sweet abiding place of love and progress?

Mr. President, I hope that out of the struggle and the war and the bitterness Russia will emerge. I hope that as she comes forth from the troubled waters she will be regenerated. But surely it does not lie in the mouth of any defender of the President to say that the government that is now in Russia is an enlightened and glorious and splendid government, representing the new day, and to so say before our invading troops are yet withdrawn from her soil.

Mr. President, I think that is all I want to say about these new democracies. We have set up some experiments in government. Some of them may succeed. They may all succeed. I hope they will succeed; but every man understands what their influence will be in the League of Nations. They are not in the League of Nations as controlling forces. They are there as wards requiring protection. They will have no more to say in the League of Nations than they have had to say outside of it. They will have but little more to say for many years than an infant waif has to say about the treatment it will be accorded by the household at whose door it has been abandoned. They will be told then, as the President now tells Italy, that they must obey the will of the great powers. They will be told then, as the President recently told Roumania and Serbia, that they must submit to having their internal policies determined, because the great powers had to furnish the men to defend them. So I do not count them as much of an accession to the League of Nations.

It is perfectly fair to say—and I want to be fair—that the reduction of the power of Germany and Austria has been that much of an advance; but that is not an argument in favor of the creation of a great world international government. It is an argument against it, for we remove any necessity for a great combination of powers. If Germany in fact lies stricken, or if Germany in fact has been regenerated and washed in the holy waters of absolution and of repentance, if she is what the Senator from Nebraska declares her to be now—a Republic of the people, inspired by the ideals of love for all the people of the world—then she is no longer a menace to the world, and there is no need of leagues of nations or armaments to defend the world against her.

It is only because it is claimed that she has not been reformed, that she has not been changed, that she is still inspired by the ideals of her military masters of the past and therefore may spring again into the arena full armed and terrible, that there is any argument that can be made for the League of Nations. But the Senator destroys all that, cuts all that ground from under his own feet, and removes the last argument there is in favor of this thing called the League of Nations by declaring that Germany is no longer a menace to the world because she, too, is a sister democracy.

What utter rot is all this, what kind of argument is it? You contend for a little while that the world is menaced by Germany and therefore we must have a League of Nations, and in the next breath argue that the world is regenerated and democratized because Germany has been transformed into a democracy of equality and love.

The Senators arguing for a League of Nations remind me, every time one of them gets on his feet, of Æsop's fable of an ancient animal that had a set of legs on his back and a set of legs on his belly. When pursued, it ran upon the legs on its belly; when they grew tired, it flopped over on its back and ran on the other set of legs; when they grew weary, over it went again to its belly legs. Accordingly, it could never be caught.

When it suits these gentlemen to say that Germany is a democracy, they so declare without a blush; when it suits them to say Germany is a great menace to the world, inspired by the

military ideals of her masters of the past and devoted to the doctrine of destroying the world with fire and with steel, they say that with a brazen effrontery so natural as to resemble modesty.

Mr. President, again we hear the cry that was first started here, I think, by the junior Senator from Tennessee [Mr. McKELLAR], that those of us who oppose the League of Nations are looking toward the past while they, bright angels and heralds of the new and glorious day, turn their faces to the sunrise. In truth, they turn their faces to what a British statesman said was admittedly a leap in the dark. They turn their faces to what a British statesman said was admittedly a reversal of the policies of the fathers of the Republic. They turn their faces toward a capital of the world established at Geneva, over which will fly an international flag and beneath which will be assembled the political representatives of the monarchies, the republics, the Bolshevists of the world. They turn their faces to a tribunal that will govern in European affairs and in American affairs, that will sit in secret, and from its closets of secrecy issue its decrees of power. They turn their faces toward a tribunal that is already gathering in its hands powers almost of omnipotence over nations of the world. They turn their faces to a closet where a majority of five men out of a council of nine can control the destinies of these peoples.

Austria's treaty provides for the internal government of Austria, and that a failure to comply with the demands of that instrument shall constitute an international question justiciable by the council of the League of Nations and determinable by a majority of that council. A similar treaty has been forced upon Hungary, a like treaty has been forced upon Poland and upon Jugo-Slavia.

Similar treaties have been exacted from Roumania and Serbia. Both of them were our associates in this war. Thus the internal affairs of these six several countries are declared to constitute international questions and to be justiciable by five men meeting in the capital of a league of the world over which will float a flag that will soon assert over the world a primacy such as is now asserted over these six several countries. If the League of Nations is to have jurisdiction of Turkey with its hordes, of Palestine, of Armenia, of other countries, now too weak to resist, then indeed these five men sitting in Europe in secret will control a population probably greater than that of the United States. When five men picked by five foreign Governments, constituting a majority of the council, can control the fate of millions of people, that is a democracy according to the Senator from Nebraska [Mr. HITCHCOCK].

O you Senators of Texas, whose soil was baptized by the bravest blood ever drawn from human veins, whose men preferred to die in the Alamo rather than to surrender the liberties they had gained, to what a pass have we come when we propose to help set up a superworld government that is growing in power more rapidly than has any government in all the history of the world.

Senators of America, are you willing it shall dominate the foreign policies of your land? Are you willing to surrender to it the sovereignty your fathers established? That, sir, is the way the new reformers are turning their faces. They say we look backward. Yes, Mr. President, we look backward. We look back to the days when men said that rather than be even taxed by Great Britain they would die the death.

We look back to the glorious fields of the Revolution. We look back to the hours when American women stood in their cabin doors and beat back the native savage and kept the homes while the fathers stood with Washington upon the battle front. We look back to those birth hours of liberty, when from the womb of holy patriotism there sprang the infant giant America. We look back to forests that were conquered, to mountains that were leveled, to streams that were bridged, to a continent conquered, to vast cities raised by the magic of genius, to churches and schoolhouses that crown the hills of a vast land. We look to homes where men and women have lived in equality and in liberty. We look to all the world and see the oppressed of every land turning their eyes to us, gaining inspiration from our example and strength to break their masters' chains. This is the past to which we look, and standing towering above the picture is the majestic form of George Washington, father of this Republic, the greatest of the dead, incomparably the superior of any of the living.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business, with closed doors. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate, as in open executive session, take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Thursday, March 4, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1920.

UNITED STATES SHIPPING BOARD.

Admiral William S. Benson, retired, to be a member of the United States Shipping Board, vice John Barton Payne, resigned.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. John H. Rice, Ordnance Department, to be colonel from February 22, 1920.

CAVALRY ARM.

Lieut. Col. Edwin B. Winans, Cavalry, to be colonel from February 23, 1920.

Lieut. Col. William T. Johnston, Cavalry, to be colonel from February 26, 1920.

Maj. Le Roy Eltinge, Cavalry, to be lieutenant colonel from February 26, 1920.

Second Lieut. Gibbes Lykes, Cavalry, to be first lieutenant from September 20, 1919.

FIELD ARTILLERY ARM.

Lieut. Col. Ernest D. Scott, Field Artillery (Inspector General's Department), to be colonel from February 24, 1920.

Lieut. Col. Lucius R. Holbrook, Field Artillery, to be colonel from February 24, 1920.

Maj. James P. Robinson, Field Artillery, to be lieutenant colonel from February 24, 1920.

Capt. Harold W. Huntley, Field Artillery, to be major from February 13, 1920.

Capt. Ralph McT. Pennell, Field Artillery, to be major from February 24, 1920.

COAST ARTILLERY CORPS.

Lieut. Col. Joseph L. Knowlton, Coast Artillery Corps, to be colonel from February 22, 1920.

Maj. Thomas F. Dwyer, Coast Artillery Corps, to be lieutenant colonel from February 22, 1920.

INFANTRY.

Maj. George H. Shelton, Infantry, to be lieutenant colonel from January 13, 1920.

Maj. Isaac Newell, Infantry, to be lieutenant colonel from January 15, 1920.

Capt. Frank C. Burnett, Infantry, to be major from January 13, 1920.

PORTO RICO REGIMENT OF INFANTRY.

Second Lieut. Victor E. Domenech, Porto Rico Regiment of Infantry, to be first lieutenant from December 21, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1920.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

William Phillips to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg.

COAST AND GEODETIC SURVEY.

Robert Francis Anthony Studds to be junior hydrographic and geodetic engineer.

POSTMASTERS.

ARIZONA.

Mattie J. Howell, Wickenburg.

CALIFORNIA.

Alice T. Scanlon, Colfax.
William Gilford, Oilfields.
Catherine E. Ortega, Sonora.

FLORIDA.

Sallie Grace, Graceville.

MICHIGAN.

Estella R. Newcomb, Le Roy.
Edward F. Eversole, Redford.

NEW YORK.

Horace G. Stillman, Almond.
George A. Ross, Chautauqua.
Charles S. Stanton, Clymer.

Robert D. Morgan, Cuba.
Simon J. Karin, Dunkirk.
Henry Guenther, Jamestown.
Mildred R. Crandall, Kennedy.
Herbert D. Sibley, Olean.
Edward N. Skinner, Westfield.

OREGON.

Margaret C. Jones, Ione.
Robert Urquhart, Moro.

TENNESSEE.

William R. Williams, Bells.
Pleas P. Campbell, Calderwood.
Thomas M. Huddleston, Centerville.
Alice L. Needham, Trimble.
Davy Crockett, Troy.

TEXAS.

Arthur E. Davis, Blue Ridge.
Edgar Lewis, Mesquite.
Duane B. Scarborough, Oakwood.
Edmond L. Wheeler, Paducah.

VERMONT.

James S. Brownell, Woodstock.

WASHINGTON.

Mae Hamilton, Fort Flagler.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 3, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw near to us as we draw near to Thee, that we may drink deep of the fountain of life; be purified, ennobled, strengthened for the arduous duties Thou hast laid upon us, with greater faith in Thee, less doubt; greater hope, less despair; greater love for mankind, less hate; more generosity, less selfishness; more charity, less spite; more good, less bad; that we may push on toward the goal of perfection, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the American Legion Post at Miami, Tex., with reference to return of the bodies of the soldiers killed in France.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting the resolution referred to. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, a great many of these petitions are presented. I get them, and a great many other Members of the House get them, and if we are going to print them in the RECORD we will have nothing but these petitions in there. The matter is being considered now by the Ways and Means Committee, and hearings will be had, and these petitions should go to that committee.

Mr. JONES of Texas. It is not with reference to the bonus, but with reference to the return of the bodies of the soldiers. It is a short resolution opposing the return of the bodies.

Mr. DYER. I think on these matters, Mr. Speaker, I shall be forced to object.

CORRECTION.

Mr. DUPRÉ. Mr. Speaker, the RECORD, on page 3782, would indicate that the consideration of the item for the Bureau of Foreign and Domestic Commerce had been concluded on yesterday. For instance, it says:

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:
"Steamboat inspectors: For 11 supervising inspectors, at $3,450 each, $37,950."

My recollection of the situation is that when the House adjourned that we were still considering the item of the Bureau of Foreign and Domestic Commerce, and the gentleman from Mississippi [Mr. SISSON] had some additional amendments to offer.

The SPEAKER. That will come up in the committee.

Mr. DUPRÉ. Ought we not to ascertain the status of the correctness of the RECORD at this time in that regard? It is a matter that can be very easily verified and disposed of, I should think.

The SPEAKER. The only way of correcting it would be by the reporter's notes, in the opinion of the Chair. I think when the House goes into committee that can be settled.

Mr. DUPRÉ. If the gentleman from Mississippi [Mr. SISSON] will give heed, I was directing the attention of the Chair to the fact that the RECORD seems to indicate that we had concluded consideration of the item of the Bureau of Foreign and Domestic Commerce when we adjourned on yesterday.

Mr. SISSON. That is not true.

Mr. DUPRÉ. The gentleman from Mississippi confirms my statement as to the inaccuracy of the RECORD.

Mr. SISSON. I had not looked at the RECORD, but here is what occurred.

The SPEAKER. The only question is the correction of the RECORD.

Mr. SISSON. But in order that we may have the RECORD corrected, here is exactly what happened: I was on my feet offering an amendment to increase the item from $50,000 to $100,000, and at that point the gentleman from Texas [Mr. BLANTON] made the point of no quorum; then the gentleman from Indiana [Mr. WOOD] moved that the committee rise, and I was on my feet at the time the gentleman from Texas [Mr. BLANTON] made the point of no quorum.

The SPEAKER. That can be corrected when we go into committee. The Chairman of the committee will recognize the fact.

Mr. DUPRÉ. The RECORD should be corrected in this respect. It says:

The Clerk read as follows:
"Steamboat inspectors: For 11 supervising inspectors, at $3,450 each, $37,950."

If that were stricken from the RECORD it would be perfectly clear.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to correct the RECORD by striking out the words suggested. Is there objection?

Mr. MONDELL. Mr. Speaker, the question is, What are the facts? The RECORD indicates that the Clerk proceeded to read. Now, is that fact denied?

Mr. SISSON. No; it is not. I was standing down in front of this table and was offering the amendment to increase the amount from $50,000 to $100,000, and the gentleman from Texas [Mr. BLANTON] made the point of no quorum, and when he made the point of no quorum the gentleman from Indiana [Mr. WOOD] moved that the committee rise.

Mr. BLANTON. Mr. Speaker, I made the point immediately after the conclusion of the reading of the paragraph as indicated by the gentleman from Louisiana [Mr. DUPRÉ], and the Clerk, if he attempted to read, had no right to read after the point of order was made that there was no quorum present.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. WOOD of Indiana. Mr. Speaker, reserving the right to object, the fact is that after this item was completed and the Clerk had started to read the gentleman from Texas [Mr. BLANTON] raised the point of no quorum. In the first place, he said something across the aisle to me in reference to the committee rising, and the question was raised, and I asked that the committee rise.

Mr. SISSON. I was on my feet offering the amendment at that moment, and the Clerk had not read a line, because I was watching very carefully, and immediately upon concluding the words "$50,000" I addressed the Chair, when Mr. BLANTON instantly made the point of no quorum. There was some little confusion, but I insist I was offering the amendment at that time. Several gentlemen said, "You will not lose your rights." And at that moment the point of no quorum was made and the committee rose; and they said, "You will be recognized when the committee meets again."

Mr. BYRNS of Tennessee. Mr. Speaker, I suggest that the whole matter could be cleared up if the gentleman from Indiana would indicate to the gentleman from Mississippi that he would have no objection to an amendment being offered to the paragraph in question.

Mr. WOOD of Indiana. I will say that my memory of the transaction is just exactly as the RECORD discloses. The Clerk proceeded to read. I do not want to take any advantage in the matter, and I have no objection to the RECORD being corrected.

The SPEAKER. Is there objection to the correction asked for? [After a pause.] The Chair hears none.

TRANSFER OF MOTOR-PROPELLED VEHICLES—CONFERENCE REPORT.

Mr. KAHN. Mr. Speaker, I call up the conference report on the bill S. 3037.

The SPEAKER. The gentleman calls up a conference report on a bill the title of which the Clerk will report.

The Clerk read as follows:

Conference report on the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from California asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question.

Mr. KAHN. Yes.

Mr. CLARK of Missouri. Do the minority members of the committee know that the gentleman was going to call this matter up this morning?

Mr. KAHN. The gentleman from Alabama [Mr. DENT] is the minority member on the conference, and he signed the report.

The SPEAKER. Is there objection to the reading of the statement instead of the report?

There was no objection.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: At the end of section 5 of the House amendment add the following: "*Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment"; and the House agree to the same.

JULIUS KAHN,
JOHN C. MCKENZIE,
S. H. DENT, Jr.,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives at a conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3037, An act to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The Senate accepted the House amendment to the title of the bill and also agreed to the amendment of the House with a proviso at the end of section 5 of the House amendment, as follows:

"*Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment."

Your conferees agreed to the proviso. This was the only change to the language of the bill as it left the House.

JULIUS KAHN,
JOHN C. MCKENZIE,
S. H. DENT, Jr.,
Managers on the Part of the House.

Mr. KAHN. Mr. Speaker, I move the adoption of the report.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARD. Will the gentleman explain to the House just what are the points in disagreement, and how they were adjusted?

Mr. KAHN. There were quite a number of points of difference upon which the House managers refused to yield and which the Senate conferees ultimately dropped. But this provision upon which we yielded allows the State highway commissions to rent some of the machinery, the motor vehicles, to some of the municipal corporations for road-building purposes, and also allows them to use some of the motor vehicles for road building in the States on conditions fixed by the highway commissions of those States.

Mr. GARD. Does that include all the different classes of municipal corporations in the United States?

Mr. KAHN. Yes.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. Does it permit the renting of them to those road-building concerns generally, or is it confined to municipal corporations?

Mr. KAHN. It is confined entirely to municipal corporations.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield again?

Mr. KAHN. Yes.

Mr. MANN of Illinois. Has the gentleman yet received any information as to what surplus stock of this character the War Department has that can be turned over?

Mr. KAHN. I have been informed that there is very little that is left; and yet I have been informed by Members of the House who have been to Camp Holabird and other places where this material is stored that there is seemingly a large amount of material.

Mr. MANN of Illinois. The statement was made in the House recently by some Member—I do not recollect who—which apparently gave the information that there was practically nothing now left in the War Department. I think the statement was read by my colleague from Illinois [Mr. GRAHAM].

Mr. KAHN. That is my information.

Mr. MANN of Illinois. I asked the question because I just wondered what the effect of this kind of legislation will be. The States generally throughout the country, I think, have deferred purchasing equipment, thinking that they might obtain it under the provisions of this law when enacted. Now, if we pass the law and there is no equipment, it would look to me as though we were acting very foolishly.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Certainly there are some motor vehicles left, and probably there is a good quantity of road-building material that is on hand.

Mr. SNELL. Does the gentleman mean equipment to build roads with?

Mr. KAHN. I mean machines for mixing concrete and material of that kind.

Mr. WOOD of Indiana. Mr. Speaker, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. I will ask the gentleman if this is not the situation, that the War Department has declared these trucks, as they have declared their typewriters and furniture, and so forth, surplus for the War Department, but not surplus for sale? It is a fact that there are thousands and thousands of trucks at Indianapolis, and yet when you ask for a report

from the War Department they tell you there is no surplus at Indianapolis.

It seems they have not enough surplus for the War Department. During this year they have purchased 75 new trucks, paying as high as $8,000 apiece for those trucks, notwithstanding the fact that they have all these thousands and thousands of trucks at these different store places.

Mr. KAHN. I understand that such a condition exists, and the Committee on Military Affairs yesterday agreed to report out a resolution calling for the information that the gentleman refers to.

Mr. WOOD of Indiana. This is the information we gather, that they are declaring all this property surplus for the War Department and intended to hold it as surplus for the War Department until it is determined what the size of the new Army is to be; that they are holding in store surplus for an Army of 575,000 men. That is as we get it.

Mr. KAHN. The War Department for the last year has sent in estimates for such an Army, but no member of the committee has ever agreed to such a large standing army in peace times.

Mr. WOOD of Indiana. What excuse have they given for purchasing these 75 new-fangled trucks this year in view of the fact that they already have so many surplus trucks on hand?

Mr. KAHN. I say the Committee on Military Affairs yesterday agreed to report a resolution to the House calling for the information desired. The chairman of the Committee on Military Affairs has no information on the subject.

Mr. WOOD of Indiana. Can not the chairman of the committee summon these gentleman before the committee and have them make a statement with reference to why they are doing these things?

Mr. MANN of Illinois. They would not have the information.

Mr. KAHN. I say that the committee has sent to the War Department for the very information that the gentleman speaks of, but has not received a reply as yet.

Mr. BEE. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. BEE. I notice that in this amendment this language is used, that they shall have the right to arrange for the use of such vehicles with any State agency or municipal corporation at a fair rental. This rental will only be the amount of the cost of maintenance and repair, and otherwise it is submitted to them free?

Mr. KAHN. The State board of highway commissioners are permitted to charge a rental for this material if it is to be used by a municipal corporation or a State agency, and the rental shall be at least as much as will be required to keep the equipment in repair.

Mr. BEE. Is it the gentleman's construction that the language "State agency or municipal corporation" would include a county?

Mr. KAHN. I think it will; yes.

Mr. BEE. I wondered whether there would not be an uncertainty in the use of the language "any State agency or municipal corporation," because the great bulk of these trucks will be used by counties, and I do not know that a county is a State agency. In a great many States in this Union the county is an independent subdivision, like a municipal corporation.

Mr. KAHN. I assume that the counties would be taken care of under this language, because, as I am informed, the language was drawn by the gentleman in the Department of Agriculture who has charge of the good roads division.

Mr. BEE. Then there is no doubt in the gentleman's mind that the State agency would include a county?

Mr. KAHN. Quite so.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. CHINDBLOM. Did the committee consider the question whether the State in using this equipment might rent it to a corporation with which the State had a contract for the doing of work?

Mr. KAHN. Under the language used it can not lend the material to such a corporation. It can only lend it to a municipal corporation or State agency.

Mr. CHINDBLOM. Could they make a contract with a contractor for doing road work and include in the price to be paid by the State the use of this equipment?

Mr. KAHN. I do not think they could make a contract with a private contractor for the use of such equipment.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. WOOD of Indiana, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, H. R. 12610, with Mr. LONGWORTH in the chair.

Mr. SISSON. Mr. Chairman, when the committee rose last evening I was on my feet to offer an amendment, on page 128, line 25, to strike out the figures "$50,000" and insert the figures "$100,000."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 128, line 25, strike out the figures "$50,000" and insert in lieu thereof the figures "$100,000."

Mr. SISSON. Mr. Chairman and gentlemen of the committee, this item in the current law is $100,000. They asked for $150,000. I am simply endeavoring to restore the $100,000 carried by the current law, so that the work in the Far East may not be reduced. In my judgment the trade in the Far East, including the Pacific Ocean, means a great deal to the manufacturing interests of America. When we were discussing the question of the commercial attachés I did not take any time, because the demand for time was so great that I yielded all of my time to others, but I desire to say now, as has been repeatedly said during this debate, that this is not the time for America to take any backward step in securing foreign trade. After the close of the war England came to this country for the purpose of ascertaining exactly the organization which we have here under the Department of Commerce, and she became so thoroughly satisfied of the efficiency of that organization that she carried back the information to what they call the board of trade, the president of which is a member of the cabinet, and they adopted the system which America had adopted. In fact, this service was so efficient that England at once saw the benefits of the service to her people and adopted it. The South sends abroad about two-thirds of her raw cotton, and our southern cotton mills are largely dependent upon our foreign trade for the sale of their product. So if we want the full benefit of the cotton we produce, we should find a market for all our manufactured products and sell the finished product and not the raw cotton. England desires to sell all these people the product of her cotton mills, and yet she must depend upon us for raw cotton. So if England finds our system so perfect, why should we now abandon it, when this, of all times, is the time to press it? The world's trade is being reconstructed, and we should not neglect to get our full share.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. SISSON. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. Was that an official inquiry by the British Government?

Mr. SISSON. It was an official inquiry by the British Government. My information is that the British Empire is spending more than twice as much for this service as we are expending. That was her initial appropriation in carrying out the system which had been devised under our Department of Commerce.

In my judgment there is nothing that stands so much for the peace of the world as for people to trade with one another. I would rather have America known by the kind and character of goods that she manufactures and by the efficiency of her manufacturing enterprises than to have her known by the power and force of her armies. I would rather we would carry our flag into all the ports of the world at the mastheads of merchant vessels than to carry it on great naval vessels and powerful armaments. I would rather have a great commercial victory throughout the world, based upon agriculture and manufacturing, so that all the raw material in America may be converted into manufactured products, furnishing labor to American workingmen and sending its finished products throughout the world, than to attain the greatest military victory. In order that we may have prosperous manufacturing and prosperous agriculture it is necessary that we should have a permanent market and widening market. These commercial agents that go abroad are carrying peace and good will in one hand and the establishment of good business relations in the other, and in broadening our trade relations we extend the influences for peace throughout the world. If we are to have rest instead of unrest, contentment instead of discontent, if we are to have happy homes and a prosperous America, we must do it by finding markets for the products of American labor in the factory and on the farm. France and England are now reaching out to get the trade of the world, realizing the importance at this time of securing mar-

kets, for once gotten they will be hard to dislocate. I want this country not only to manufacture the goods, but to find markets throughout the world in which to sell these goods and have the ships in which to carry them. I want America to be great in peace and fulfill her destiny by furnishing clothing and food to the world, thereby making happier and better the peoples of the earth and in return making our own people the most prosperous and happy people of the world.

In other words, the whole aim and service of good government, in establishing proper international relations, is to build up trade and friendship with all peoples and to let the nations of the world trade with each other, to their mutual advantage and to the uplift of the whole human race.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask, Mr. Chairman, for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi.

There was no objection.

Mr. SISSON. I hope that ere long the American flag will be in every port of the world, and American goods will be there sold on their merits in greater quantities than those of any other nation in the world. In order to do this, I think it is wise economy to let the world know what we possess and find out what the world needs that we have to sell.

To accomplish this you must have men of skill and ability, men who are trained along commercial and not diplomatic lines, who can find out and tell you the financial troubles in every country, and how to establish banking facilities and facilities of exchange so that our commodities may be sold at least on equal terms with any other nation of the world. This is what we purpose to do here. The commercial agents become ministers of peace, because when people trade with you their interest and yours become interlocked. It brings the people of these two nations closer to each other, and the more business they do the less liability there will be that they will ever engage in warfare.

I believe that we should continue this service that has proved so efficient; and if we do we will not only be able to get vastly more business, but the good will in which we are held by the people of the other nations will greatly increase. I would rather send to the nations of the world our traveling salesmen than our armies and navies, because they are bearers of peace, the bearers of prosperity. I repeat, I would rather send them to the nations of the world than to send battleships and mighty guns. They are less expensive. Nobody raises any objection to the vast amount—the huge sums—that we spend for the Navy, but there comes a cry for economy when we offer to spend a small sum for the development of business along peaceful lines. Then comes the cry of extravagance. I do not believe it is extravagant; I believe it is economy.

Mr. HUSTED. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. HUSTED. When the American manufacturers are being urged on every hand to increase production in order to reduce the high cost of living, is it not inconsistent to cripple the service which finds a market for those goods?

Mr. SISSON. I think the gentleman from New York is right. I think it is unfortunate at this particular time, when we are reconstructing along business lines throughout the world, for America not to be there on equal terms. I rather think we should get there a little before the other fellow and get the advantage.

Mr. WASON. Will the gentleman yield?

Mr. SISSON. I will.

Mr. WASON. Did I understand the gentleman from Mississippi to say that while we were urging American manufacturers to increase their products in order to reduce the high cost of living——

Mr. SISSON. That was the remark of the gentleman from New York, to which I agreed.

Mr. WASON. Does the gentleman advocate an extension of our foreign trade—our business with foreign countries—as a method of reducing the high cost of living?

Mr. SISSON. I feel that the prosperity of the country would be absolutely destroyed if you take from American labor its markets. I think the way to increase the wealth of the country, the wealth of the people, is to increase its commerce, and you can not increase the commerce unless you increase the field of the markets.

Mr. WINSLOW. Will the gentleman yield?

Mr. SISSON. I will gladly yield to the gentleman from Massachusetts.

Mr. WINSLOW. Has the gentleman in the course of his inquiries into this matter come to realize the fact that it takes about two years for the wheels to turn over, and if we are ever to get back to normal times we must begin to prepare the ground to raise the crop several years ahead?

Mr. SISSON. I am glad that the gentleman from Massachusetts has made that statement, because he is a business man and knows what he is talking about. In other words, if we expect to secure the foreign trade of the world, we will not only have to have things to sell but we must have people to buy them. If England finds that it is so important that she should adopt our system, why should we turn back at this time. Therefore, Mr. Chairman, I advocate this appropriation. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I do not care to enter into any academic discussion as to whether it is wise or unwise to push our foreign trade at this time. I conceive that a great deal could be said on either side. We are certainly not doing any good for our own people in pushing it at this time. The gentleman from New York recited the fact that we are being asked to produce more all the while, but if the production that we are making is going out of this country in such large quantities as it seems to go out and not enough of it being used for the purpose of satisfying our own people, and consequently the high cost of living is going up all the while, I expect that the consensus of the people of the United States would be that we had better check up a little on foreign exportations. [Applause.]

I desire to call the attention of the committee to this particular item and show you how needless it is to increase it at this particular time. The appropriation for 1919 under this item was $50,000. In 1920 it was $100,000. We appropriate, or the committee recommends in this bill, $50,000 on the assumption that if we could get along with $50,000 in 1919 we can get along with $50,000 this next year, and that during this unsettled condition we can at least hold our own until a more settled basis of trade relations is established which will warrant our increased activities.

I desire to call the attention of the committee to what this money is expended for. They have in Japan trade commissioners, two at Tokyo, and at Peking there are six trade commissioners—six at one place. It seems to me that we could get along with less than six commissioners at Peking. The total salaries for those trade commissioners and the investigators in the Far East aggregate $50,000. I imagine that there would be plenty of United States representation so far as our trade relations are concerned if there were half the number of trade commissioners at Peking; $50,000 would cover the expense and more that they had there in 1919 and pay all of the other incidental expenses, so that if we are honestly endeavoring as representatives of the people to save some money where it can be advantageously saved without any detriment to any activity, this surely is one of those items. There is no more reason for an appropriation of $100,000 in this item this year than there was in 1919. I believe we should have some consideration with respect to consistency in these appropriations, that they should have some correlation to each other. Here is another beautiful example of what is going on in every one of these bureaus. In 1919, $50,000; in 1920, $100,000; and in 1921 they are estimating for $150,000; and, mark my words, they will be here next year asking for $300,000 for this item. That has been the ratio of increase in every one of the items of this department. There is no limit to it if we will but yield each increasing request coming from this department.

Mr. MANN of Illinois. Mr. Chairman, I am in favor of the strictest economy in the Government service and a return to normal conditions. I believe we would much better expend $100,000 on commercial agents in the Orient than a half billion dollars for an Army at home and another half billion dollars or more for a Navy. [Applause.] A Navy to protect our commerce! In my judgment it is better to spend a little money to get the commerce than an immense amount of money to protect it before we have gotten it.

The gentleman from Indiana [Mr. WOOD] says that there are six of these agents at Peking. Very well. Peking is the capital of the Chinese Empire, with 400,000,000 inhabitants, at least, and how many more no one knows. The men are not all stationed at Peking. They do not all live at Peking. That is the headquarters. If I had my way about it, I would have a commercial salesman in every locality of China, teaching and showing the Chinese how to use the things which we can make and sell to them at high prices, and which they need now but do not know it. A live American salesman, if he understood the Chinese language, could be of great value there. They have sent their boys and men over here by the hundreds to learn American civilization. We have not had sense enough to really try to learn the Chinese civilization or to teach them to profit by what we can sell to them. I do not think the fact that the

cost of living here is high is any reason why we should not continue to extend our commerce abroad. If the high cost of living is to continue, the high prices that we will get for our products will remunerate us. We hope that the high cost of living will not continue; that we will be able to produce more than we need; but if we have reached the point where the great American people, with all of their ingenuity and machinery, are unable to produce more than they need for home consumption then we are on a rapid decline toward general degeneration. [Applause.]

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes, to some extent out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes, slightly out of order. Is there objection?

Mr. BLANTON. Upon what subject?

Mr. MADDEN. It is on this bill, but it may not be directly upon the amendment.

The CHAIRMAN. Is there objection?

Mr. BLANTON. It is not on the League of Nations?

Mr. MADDEN. No.

The CHAIRMAN. The Chair hears no objection.

Mr. MADDEN. Mr. Chairman, I concur largely in what my colleague has said. If there is any place where we can afford to invest money for commercial agencies, I think it is in the Orient, because there the balance of trade is against the United States and we are compelled every day to send gold to pay out adverse balances. On the other hand, the balance of trade is largely in our favor toward Europe and we are not receiving any gold in payment for the balances which are in our favor. Therefore, I think we can well afford to undertake the development of trade in Central and South America, in China, and Japan.

What I want particularly to call the attention of the committee to this morning is this: I have been receiving a good many letters to the effect that the writers have been given to understand that I personally am opposed to a 10 per cent increase in the pay of the Army and the Army officers. I wish to call attention to the question in this public way by saying that I know of no such proposition pending before the Congress. I do know of proposals to increase the pay of the Army officers all the way from 31 per cent to 50 per cent, and I am opposed to that. This is not a time for extravagant expenditures, for increased compensation to those who are in the public service. The time has come to begin to realize that the taxpayer in the country should have some consideration. We find ourselves faced with a propaganda advocating increased compensation to the Army officers, the amount of which will be $80,000,000 a year.

Mr. OLNEY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I do not want to yield just now. Later on I may. Before we went into the war we had less than a billion dollars bonded debt. The cost of maintaining the Government annually was not much over a billion dollars. The annual interest charge amounted to $22,000,000. We came out of the war with a bonded debt of $26,000,000,000, with an annual interest charge of $1,017,000,000. We came out of the war also with a deficit, which is existing to-day, of $3,050,000,000. The estimated expenses for the fiscal year ending 1921, as submitted by the Secretary of the Treasury, amount to $4,865,000,000. They have underestimated about a billion dollars. As a matter of fact, therefore, we are facing obligations for 1921 of $9,000,000,000. The estimated receipts for 1921 are $6,000,000,000. It is said on good authority that $700,000,000 of this will not go into the Treasury, so that we find ourselves with $5,300,000,000 of receipts with which to pay $9,000,000,000.

The people all over the United States are demanding a reduction in taxation, and everybody on the pay roll is demanding an increase in compensation. And how you can reconcile the two propositions I do not know. From the day the Declaration of Independence was declared until the day the war was declared it cost the people of the United States twenty-five and a half billion dollars to run this Government, and during the war it cost them $51,500,000,000. The bonds of the United States have fallen to 89, and may fall still further. We have this balance of trade in our favor toward Europe, and we are receiving nothing in compensation for the goods we sell but acceptances from those to whom we sell the goods. We have, I am credibly told, more than $12,000,000,000 of those acceptances in American banks discounted, many of them not being paid when they fall due.

The European countries owe us $10,000,000,000, on which they are not paying the interest. We find ourselves in a situation where we must, if we are loyal to our own country, curtail expenses. In addition to the figures I have given, we have proposals for a large expenditure for Civil War veterans' pensions and additional proposals for large expenditures for Spanish-American War veterans' pensions. We have proposals now before the Committee on Ways and Means to legislate for the men who were in the World War, and these proposals range all the way from $2,000,000,000 to $20,000,000,000. If we by any chance are called upon to issue bonds for two or more billion dollars, we will have to put them on a 6 per cent basis, and I doubt even then if we will be able to sell them to the American people.

Mr. GARNER. If we had to issue $2,000,000,000 on a 6 per cent basis, what will the bonds now outstanding be worth on the market?

Mr. MADDEN. In that case, I predict not above 75 cents on the dollar, and I would not be much surprised if they would sell lower than that.

Mr. BLANTON. Will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. BLANTON. Is it not a fact that every single bond issue that the American people have put on the market yet has been oversubscribed almost double? And I think it is an aspersion upon the patriotism of the American people to intimate that their bonds will go without buyers.

Mr. MADDEN. It is not true that each bond issue found subscribers for more than double the amount of the issue. But the bonds are down to 89 cents to-day. No one will deny that.

Mr. BLANTON. But they will be bought to-morrow if an issue is put on the market.

Mr. MADDEN. The bonds sold during the war were sold because of the patriotic fervor of the American people, because they wanted to win the war, and they were willing to make any sacrifice to that end.

Mr. OLNEY. Will the gentleman yield?

Mr. MADDEN. Not just now. We had approximately 2,000,000 people organized for the purpose of soliciting the sale of bonds, and we succeeded in inducing 20,000,000 of the American people to buy them. Before the war there were only 300,000 bondholders in the United States, and I venture to say without fear of successful contradiction that not more than a million of the American people are able to buy bonds and hold them. And what is the result? The result is the other 19,000,000 people as fast as they can are disposing of their bonds, and that is why they are falling. They did not buy them with any money they had; they bought them on the credit the banks extended, and with a patriotic fervor which induced them to do everything, to make every sacrifice that was within their power to win the war. But we are not in war any longer. We are in a position where we must rehabilitate, rehabilitate and maintain the equilibrium and preserve the financial integrity of the Nation. We must reduce expenses. We had 450,000 people on the civil pay rolls of the United States before the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for five minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLNEY. Will the gentleman yield?

Mr. MADDEN. I will in a minute. During the war we had 2,000,000 people on the civil pay roll of the Government. To-day we have 350,000 people more than we have use for, and yet we can not pry them loose from the pay roll. Those who are on the pay roll are demanding increased compensation. Those who are on the tax roll are demanding reduced taxation. Who are you going to favor? Shall we favor those who pay the bills or those who consume the taxes? Shall we try to preserve the financial equilibrium of the United States or shall we bankrupt the Treasury? That is the question which we are facing. [Applause.] If Europe fails to meet the obligations which our banks are carrying and we are no longer in a position to float American issues and get the people of the United States to buy them, what is to become of America's integrity? Is it not infinitely more important that these people who are demanding increased compensation should aid in preserving the integrity of the country and its finances? [Applause.] They will suffer less by undergoing the hardships they are now undergoing with the present compensation than they will suffer if bankruptcy faces the Nation. That is when real sacrifices will be necessary and patriotism more in demand than ever before. Now I will yield.

Mr. OLNEY. May I remind the gentleman from Illinois that the largest increase in pay for officers in the Army and Navy is provided for in the so-called Wadsworth-Crago bill, which increases it on the basis of 10 per cent on base pay and a ration increase, which all together is a promotion in pay of about 31 per cent? These officers are resigning every day literally because they can not live on the present salaries.

Mr. MADDEN. I realize that, but men in all other lines are changing their field of activities from time to time, but others come forward to take their places.

Mr. OLNEY. The gentleman realizes that, and as a consistent, firm friend of the Federal employees of the Post Office Department he can not fail to support the additional pay for the Army and the Navy.

Mr. MADDEN. The men in the military service are wonderful, and no one has more admiration for them than I have. But we have educated many of these men at Government expense, every one of the West Point men at a cost of $20,000 each. They owe the country some cooperation in the present emergency. They are paid three-fourths of their active pay when they retire.

There are millions of men throughout the Nation who are not on the Government pay roll. They are in no position to demand increased compensation at the expense of the tax-paying public. They receive no retired pay when they are no longer able to function. The time has come when they, as all others, must join in a unified movement to put the Nation on a financial basis that will enable this country to weather any storm that may come as the result of failure abroad. [Applause.]

Gentlemen, this is not a pleasant speech to make, but it is one of the speeches that ought to be made, because we are having propaganda in every mail urging and demanding to know why it is that we are so unpatriotic as to refuse increased compensation to those who are already well compensated. For one, I want to serve notice to those who are writing me that I am for the Public Treasury. I am for the Nation. If there is any man on the pay roll who can not join in a movement to preserve the honor of the Nation and its financial integrity, let him leave the Government service. [Applause.]

Mr. DYER. Mr. Chairman, we need something more than increased appropriations to aid the United States in its campaign for foreign trade. Before we can compete with other nations and secure our fair portion, legislation must be enacted. We need a law to permit the United States Government to authorize the incorporation of certain companies to engage in foreign trade. I desire to speak specially with reference to China, a country in which there is vast opportunity for American trade, due, in part, to the fact that China is very friendly to the United States and wants to do business with us. Great Britain, however, and other countries have an advantage, in that we of the United States do not authorize the chartering of companies to do foreign trade. There is pending in the Committee on the Judiciary a bill that I introduced some time ago. It is known as H. R. 7204, and has for its purpose the placing of the United States upon an equal footing with Great Britain. We ought to secure immediate action upon this bill, as the conditions in China at this time demand the earliest possible relief. To give some idea of this situation I beg to call attention to a letter recently written to Representatives BRITTEN and EDMONDS by Mr. F. W. Sutterle, of the American Chinese Co. at Shanghai. This letter is as follows:

MY DEAR EDMONDS AND BRITTEN: I am writing you jointly for fear one or the other may be away, believing it will be of interest to you both, and is something that if any action can or is to be taken will receive your joint support. Until quite recently the only means of incorporating and working companies in the East, especially in China, were "the Hongkong ordinances," enacted by the British Government. Under these facilities a great many companies known as British companies representing capitalization of several hundred millions have come into existence; it is a well recognized fact that the greater part of this capital comes from the Chinese, but the prestige goes to the credit of British commerce. In a number of the enterprises in which we are interested, two of which we own entire (American capital), we went like others as a matter of convenience and organized under the British ordinances in Hongkong. During the war an order was issued that the majority of the directors in these companies should be British, which was very easily complied with, as there was no difficulty in obtaining Britishers as directors in return for the fees who would be willing to cooperate with the management, especially in a sound business way, where everything was conducted properly, but they have now issued an order that in British companies the managing director or anyone having control or management must be British.

Without going into the question as to whether this is right or wrong—the procedure is certainly wrong, has damaged British interests and makes the opening for American, which is the object in writing to you—this order provides that the changes must be made within 60 days and it ought to be recognized that it is a physical impossibility to go out and find a man to whom you can turn over the management of your business and feel safe in 60 days. China in the near future is going to make very rapid progress and companies will be required to operate all kinds of business; the Chinese are very anxious to cooperate with foreigners, having millions to invest and anxious to join with foreigners in whom they have confidence as to their manner in doing business and their experience, but it is to be recognized now that if the British Government can and has taken such a drastic action there will be few if any that will avail themselves of the Hongkong ordinances if there are any other ways and means of incorporating, and no matter where and from whom the capital comes, the business credit and prestige will go to the nationality under whom the charter has been obtained. I understand that Congressman DYER interested himself and I have been told that a bill has been prepared if it is not already before Congress. Charles Denby, Esq. (formerly U. S. consul, Shanghai), when out here consulted with some Americans and took back with him some data which was the basis of the bill and I am also informed that this bill contains the proviso that American companies formed under this act, operating in China, will be subject to the income taxes and capital must be 51 per cent American. Now, if this is the case such an act would be entirely useless or valueless; it must be recognized as stated that the bulk of the capital must be found locally and will come from Chinese; they will not go for British charters under this new order in council, but they certainly would not go for an American charter if the American company would be handicapped by heavier charges compared with the British, and as of the lesser of the two evils they would take the British. The British Government exempts these companies formed under British law and operating in the East and the object is to obtain for British prestige the commercial advantage of having these companies British in the eyes of the Chinese. Under this precedent if Americans, officials and business men, want to keep pace with the British we must have the same advantages. Give to the American court in China the authority to grant charters to companies formed to do business in the East, particularly in China and exempt from taxes collected at home and capital subscribed without restrictions. As a business man of many years experience here in the East I recognize that this is one of the opportunities for the American Government and business men to greatly increase their prestige and standing with the Chinese and I recommend this to your serious consideration.

With kinds regards to you both, I remain,

Yours, sincerely, F. W. SUTTERLE.

The Committee on the Judiciary recently had some hearings upon this bill, the last ones are of date January 27, 1920, and I would be glad if the membership of this House would read the bill that I have introduced and the hearings referred to, so that they may plainly see the great need of immediate action. I wish to call attention here to a portion of the testimony of two of the witnesses who appeared before the committee. One was Mr. Charles Denby, who has had wide experience in China. He said in part:

Mr. DENBY. I would like to say, Mr. Chairman, that the issue has become very much more urgent than it was when I was here before. We American business men have been under the British law which has been very liberal, indeed. The Hongkong Government has now made some restrictions regarding its corporations that are going to practically deprive the Americans of the control of their business in China, and it is up to you gentlemen to take care of us. That is all there is to it.

There are two things we want in this law. We want tax-free corporations and we want companies in which we can have a majority of non-American capital. If we can not get those two things, there is no good of you enacting this law, because we can go to any one of 48 States now and get everything else; we can go to any one of 48 States and get a charter to form a company in which the majority of the capital is owned in central Africa, if we want to. But a State corporation is not what we want for doing business abroad; they are not made for business abroad and they are not adapted for doing business abroad. As a matter of fact, an individual goes out as a citizen of the United States and not as a citizen of Connecticut, New Jersey, Delaware, etc. Also American corporations abroad are not dependent upon our States in any respect. The States do not follow them to supervise them or regulate them and the States do not protect them. American corporations abroad, in China that I am speaking of, are under the protection of the American Government; they report to the United States Government; they appeal to the United States Government for assistance. They are not protected by the States, and there is no more reason why they should go abroad as corporations of a State than an individual should go abroad as a citizen of the State.

Mr. DYER. Mr. Denby, take those two points you refer to as being the most important. Suppose you make it plain to the membership of the committee why they must be permitted to have a majority of the stock controlled by foreigners and, second, why corporations should be tax free. Those are two things that ought to be brought out.

Mr. DENBY. American corporations abroad should be free from American corporate taxes, because we raise our capital abroad, in China particularly, from an international community; English, French, Chinese, Japanese, etc. The amount of American money is not great in volume. The Chinese money is great. The Chinese are perfectly willing to put their money into a company organized under an American charter. They have done it in a great number of cases.

If you Representatives in Congress are going to build up American trade you should be broadminded, and you should give American commerce the same opportunity that Great Britain has given her commerce for 40 years.

Mr. DYER. Now, does Great Britain provide that a majority of the stock of a corporation can be controlled by the Chinese; and how about taxation?

Mr. DENBY. Great Britain absolutely allows the capital to be raised without restriction. There are no restrictions whatever by Great Britain as to that. I have myself formed four public-utilities corporations under the laws of Great Britain which are now in operation. They are not financed necessarily by British capital. In every one of them the majority of the stock is owned by Chinese capital. In the Tientsin City Waterworks Co., for example, they have more than $1,300,000 capital fully paid, and 80 per cent of that is Chinese capital. Two of the directors are Chinese. As a matter of fact, the directors of a lot of those British companies up to the time of the war were Chinese until Great Britain began to tighten control over their corporations' activities. Great Britain has had a great deal of commercial sense, for when you start a British company with Chinese money you will enlist that Chinese money in British trade. It is evident if you start an English waterworks company in China with Chinese money that that company is going to regard with favor English machinery for the plant.

I also want to call attention in part to the testimony of Mr. Paul S. Reinsch, who served as United minister to China from 1913 to 1919. His testimony in part was as follows:

Mr. REINSCH. I certainly believe very strongly in the need of such legislation, and have in my reports to the Department of State strongly recommended legislation of this kind.

The reasons have been quite fully stated by Mr. Denby in his remarks. I look upon the measure as necessary to give us our proper share in the development of the commerce and the natural resources in China. Now, this bill provides for the formation of corporations to engage in lawful enterprises in foreign countries or noncontiguous territories of the United States of America, or in localities in which the United States exercises extraterritorial jurisdiction, but I shall refer more particularly to China. There are a great many enterprises that Chinese would undertake in connection with corporations of Americans, such as, for instance, local power plants and waterworks, irrigation and drainage enterprises, mining and also manufacturing. There are already established in China factories for the manufacturing of electrical materials, which are managed by Americans, controlled by American capital. With regard to commercial corporations, the discussions that have been going on here have brought out quite clearly the point that a manufacturing concern might organize a trading subsidiary; but I would query how could the profits of the subsidiary be transferred to the main corporation without becoming taxable.

Sir, the situation could not be more favorable. In the first place we enjoy the good will of the Chinese and their confidence in a very high measure. They really feel this friendliness. It is not merely for State occasions. It exists broadly among the people. Therefore that makes it very easy for our merchants to establish good and mutually helpful relations with the Chinese. In the second place, China is just on the threshold of a great development of her resources. The Chinese are ready for it. They have capital to put into it. They are, however, still weak on the side of organization, and that is where our people can help by furnishing experience in modern business organization. By investing some capital they may thereby associate with their capital a large amount of Chinese money and carry through the whole enterprise according to modern business methods.

Mr. WALSH. What competition is there in China? You have spoken of these British corporations. Do the other Governments give the same privileges?

Mr. REINSCH. Before the war the Germans gave the same liberal taxation arrangements to their own corporations, although it was perhaps inherently impossible for the Germans to be administratively as liberal as the British, so that a great deal of German capital organized under the Hongkong laws. The British work in every way to protect the interests of corporations doing business abroad. In China they are in every way favored more by their own Government than are our representatives. The Japanese enterprises are also specially favored by their Government in many ways.

Another witness who appeared before the committee on the date mentioned was Mr. Francis P. Eldridge, Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce. He presented a letter from Mr. Julian Arnold, American commercial attaché at Shanghai, addressed to Mr. J. Harold Dollar, president of the American Chamber of Commerce of Shanghai, which I think of interest and which I insert. It is as follows:

SHANGHAI, *September 13, 1918.*

Mr. J. HAROLD DOLLAR,
President American Chamber of Commerce of China, Shanghai.

SIR: At the general meeting of the chamber of commerce on Tuesday, the 10th instant, the question of the proposed act for the incorporation of companies for carrying on foreign business exclusively was touched upon by Mr. Sprague in response to a criticism made by me to the effect that the proposed act as now drawn up failed to provide that at least 51 per cent of the capital stock of such corporation shall be held by American citizens.

I mentioned this matter to both Mr. Denby and Maj. Holcomb, who were members of the committee which reported on this proposed act. Mr. Denby appeared to be adverse to the idea of including such a proviso, as he contended that the act should encourage in as large a way as possible the incorporation of companies in China under the American flag.

Although Mr. Sprague stated at the meeting of the chamber of commerce that the omission of this proviso was an oversight on the part of the committee and that before the final draft it will be included, yet I feel that I should like to place on record with the chamber my reasons for suggesting the necessity of the inclusion of stipulation providing that at least 51 per cent of the capital stock must be held by bona fide American citizens. As the chamber is undoubtedly aware, there are many Chinese who would be glad to avail themselves of an opportunity to secure American incorporation for interests which they represent in China, as they could thereby evade the jurisdiction of their own laws for the payment of certain taxes which might be imposed upon a Chinese company and secure American protection in the event of disturbances, riots, or rebellions. Many Chinese would welcome an opportunity of displaying a signboard in front of their establishments, especially in the interior treaty ports, claiming American incorporation for their firms, and consequently American protection. Our consuls would find themselves called upon to secure for these firms protection to which they rightfully should not be entitled.

Furthermore, certain Japanese individuals would undoubtedly welcome opportunities to secure American incorporation for activities in China, as they realize that the American good name carries with it a valuable good will. Here, again, we find ourselves confronted with embarrassment in connection with the use of our flag, our name, and our protection.

It is surprising to know that this very important question seems to have escaped the attention of the committee, as in my estimation it is the most important detail in connection with the drafting of the act, so far as the protection of our interests in China are concerned, and the prevention of the abuse of the American good name and the flag.

I do not see that legitimate American interests will in any way suffer by the inclusion of such a proviso as I propose in this act; in fact, would benefit thereby, as they will be protected, so far as legitimate enactment can protect them, against "shady interests" using the proposed enactment to further their wily schemes. The fact that the proposed act carries with it a provision requiring a majority of American citizens on the board of directors will not be ample protection, as it is not difficult to secure dummy directors and defeat any virtues which this requirement by itself might possess.

I shall appreciate a statement from the chamber as to the nature of the proviso which it intends to include in the proposed act to cover the point which I raised. I wish also to be informed as to whether or not the special committee has already forwarded to Washington any recommendation in connection with the passage of this act.

Very truly, yours,

JULIAN ARNOLD,
American Commercial Attaché.

Mr. Eldridge also presented a cablegram, which I insert:

SHANGHAI, *January 1.*

UNITED STATES CHAMBER COMMERCE,
Washington:

British Government enacts legislation eliminating American executives from staff of companies organized in China under Hongkong ordinance. Local American companies use British Hongkong incorporation law owing to lack of national American incorporation law for China. British act detrimental.

American interests in Orient affecting shipping, manufacturing, insurance, lumber, real estate, hotel companies. Urge State Department and Senate Foreign Relations Committee intercede British Government; also urge immediate enactment Federal incorporation law to preserve American interests in China.

AM. CHAM. COM.

He also presented an item appearing in the Financial News of January 3, 1920, which is as follows:

CHINA COMPANIES—AMERICANS AND THE ORDER THAT MANAGERS MUST BE BRITISH.

SHANGHAI, *December 29* (delayed).

The publication of the order in council which was gazetted on October 10 providing that managing directors of "China companies" must be of British nationality has created a very delicate situation, as a number of most important British companies are at present managed by Americans, who under the provisions of the order must vacate their positions at 60 days' notice.

The American Chamber of Commerce and the American Association of China have written to the British Chamber of Commerce and the British China Association pointing out that Anglo-American relations in the Far East will be imperiled if the order is enforced.

It is understood that the British Chamber and the China Association replied stating that the Americans had failed to appreciate the British standpoint, which was that British companies must be British managed; otherwise one law would be applicable to a company and another to its manager. The chamber and association added that they did not believe that Anglo-American relations could be imperiled by reasonable British action.

The feeling of Americans against the British procedure is running high, and it is stated that a protest to the United States State Department has been drafted but not yet dispatched. (Reuter.)

The text of the order in council reads:

"(1) No person, other than a British subject resident within the limits of this order, shall act as managing director or in any position similar to that of managing director, or shall otherwise exercise general or substantial control of the business of a China company.

"(2) If default is made in compliance with this article the company shall be liable to a fine not exceeding $50 for every day during which the default continues, and every director and every manager of the company who knowingly authorizes or permits the default shall be liable to the like penalty.

"(3) Failure to comply with the provisions of this article shall be a ground upon which an order for winding up the company may be made by the court.

"(4) This article shall come into force 60 days after the publication of this order."

There was inserted in the hearings upon this bill at this time a statement made by Hon. J. W. Alexander, Secretary of Commerce, and which is as follows:

This bill is identical with S. 5194 and H. R. 15499, which were introduced into the Senate and House of the Sixty-fifth Congress. These bills were drawn up by the American Chamber of Commerce at Shanghai in response to a need for an incorporation law for American companies doing business exclusively in foreign countries and those countries in which the United States exercises extraterritorial jurisdiction, namely, China, Siam, and Turkey. The importance of some legislation which will place American companies in such countries on an equality with British and other companies is readily apparent. The statement of Secretary of Commerce Redfield before the subcommittee of the Judiciary Committee of the Senate on January 31, 1919, summarizes in a way, which will bear repetition, the present situation:

"At present no company formed by Americans and with American capital trading exclusively abroad can be incorporated except under the laws of one of our 48 States. These laws are unlike one another; they are constantly changing; they differ very considerably in powers, in restrictions, in opportunities; but perhaps one of the chiefest difficulties in foreign markets—and it should be borne in mind that I am speaking now exclusively of foreign markets and of companies which trade only in them and which do not do business in the United States—is that the individual States are not known and understood as distinct from, separate from, the Government of the United States itself.

"In the Far East, for example, a company organized under the laws of any specific State has always a question concerning its origin. The State is not known or, if it is known, not understood. The foreign merchant may not always know why instead of a charter being given from the National Government it is given from a State, which forms but a portion of that Government. He is accustomed in his foreign transactions to dealing with nations and not with subdivisions of nations. He would, in many instances, wonder whether a charter from one of our States was not akin in character to a charter from a subdivision of France or from a subdivision of Great Britain or a subdivision of some other country. The independent sovereignty of our States within their own concerns is something that he often does not comprehend. He realizes very well that the company having this State charter has not the official parentage of the National Government. It leads to doubt.

"To meet this proposition Great Britain has, for instance, in her colony of Hongkong, which is widely known, granted charters of that colony; and American concerns desiring to incorporate have, as a matter of fact, because of that fact, because the Hongkong charter was understood and its laws were clear, incorporated their companies under the Hongkong laws. In that respect American citizens have thus become, in their corporate relations, subjects of the British Empire, subject certainly to its laws and its regulations, because it was on the whole more advantageous to them to thus, in a measure, expatriate themselves

in their corporate relations than it was to attempt to make plain to people who did not understand the peculiar construction of our Government why one of the separate entities which form our Republic acts in the matter instead of the Republic itself.

"It is a matter of prestige very largely. It is a matter of doing away with the necessity of making explanations. It is a matter of establishing credit on a broad scale; or, perhaps, it may be summed up in this respect, that it is a matter of establishing confidence.

"In the foreign trade nothing is more important than confidence. On it all transactions are based; and perhaps the greatest single step of the kind that would be possible for us to take now would be thus to throw the mantle of Federal authority and the prestige of the Federal name over corporate activities who function wholly abroad and who come into conflict in no way with any State laws by any of their operations, and who would thus get the benefit of the national power and the national prestige, for it alone is fully comprehended and understood.

"I think I ought to say also that this in no way involves the question, to my mind, of the Federal law for domestic corporations. This is a foreign matter and has no relation that I can see to domestic matters. I think that the two should not be now confused, and to bring up this as forming an entering wedge for domestic corporations is a mistake. It has no relation, as I can see, to that matter of domestic Federal charters. Conditions are different. Here we are functioning in a field where it has been shown by experience that the local or the State charter can not and does not meet the situation. Men will go elsewhere, our loyal citizens will incorporate under foreign laws, because, in substance, the situation requires them to do so. And the acts performed under these foreign charters by Americans thus incorporated are acts which have no relation to the territorial jurisdiction or the domestic commerce of the United States, except so far as every foreign transaction, in its final reaction, comes back through other sources to this country, as they of course all do. But the operations of these companies are carried on wholly abroad, and they can not, as experience shows, be carried on now successfully under charters which, to the foreign mind, may be under a limitation of that kind, and, it is a fact, are local charters.

"The foreign merchant seeking to invest, as Chinese willingly do, in foreign companies, would look in vain in his country for the representative of a State from whom he could ascertain facts, from whom he could learn the scope of their laws and their nature; but he does know the United States of America, and it has representatives there. So, in like manner, he knows the independent, self-governing colony of Hongkong, and he can determine what its laws are. I think we might get, perhaps, a view at this situation if we remove it for the moment from our own country and look at it as if we were orientals ourselves, willing to invest in a company operating in our country under a charter which was, say, from some South American Republic. I think we should all understand what a charter from Argentina or from Brazil meant. We should be able to go to the embassies or the legations of those countries and determine what their corporate laws were. We would recognize them as responsible authoritative powers. But I question if we would know the names of the States which compose those Federal Republics; and I think if we were offered a charter from one of the States composing the Republic of Brazil we would say, 'Why not from Brazil itself? Why should we deal with an individual State?' The laws of that State are not the same as the laws of Brazil; they are not the same as the laws of other States that form Brazil. We are ready to put our money into a scheme to operate in our own country if it has an ascertained law behind it, but we can not do so if it has one of what seems a subordinate, even though a self-governing, portion of a republic concerning which we have not readily available means of information, and concerning which we can not, through authoritative sources, directly inquire.

"That is, to my mind, a thing which is hampering the development of American commerce, particularly in the Far East—this necessary uncertainty. It goes without saying that this does not imply any reflection upon the character or credit of any State. On the contrary, it is because the State is sovereign in its domestic affairs and may and does constantly develop its corporate laws that the changes occur which make it utterly impossible for you and me, let us say as Chinese merchants having money to invest in a corporation which is to function in our own country, to do so on a basis which is known to be constantly evolving; whereas a Federal charter, which would be understood to be the net result of the best experience, and concerning which its development would be ascertainable at any time, would be a much more clear matter."

Until very recently the need for early action on this bill was necessary in order to maintain American prestige and foster American-Chinese industrial undertakings. But on December 29, the publication of the following British Hongkong Government order in council rendered some immediate action necessary if many American companies were not to lose what prestige of American nationality they were able to retain as incorporations under the Hongkong ordinances.

The text of the order in council reads:

"(1) No person, other than a British subject resident within the limits of this order, shall act as managing director, or in any position similar to that of managing director, or shall otherwise exercise general or substantial control of the business of a China company.

"(2) If default is made in compliance with this article the company shall be liable to a fine not exceeding $50 for every day during which the default continues, and director and every manager of the company who knowingly authorizes or permits the default shall be liable to the like penalty.

"(3) Failure to comply with the provisions of this article shall be a ground upon which an order for winding up the company may be made by the court.

"(4) This article shall come into force 60 days after the publication of this order."

In view of this immediate urgency, it is hoped that Congress may enact legislation providing a suitable incorporation law under which American companies, now under Hongkong and State laws, may properly incorporate in China.

J. W. ALEXANDER,
Secretary of Commerce.

Mr. Chairman, I go to the length I do in presenting these matters because many Members of Congress are not familiar with the situation and the needs of legislation along the lines indicated. Some action must be had without delay unless we are to sacrifice our great opportunity for foreign trade with China. China is the greatest field open to-day to the American people. We will be neglectful if we do not act.

Let me add that the present American consul general at Shanghai, Mr. Edwin T. Cunningham, has recently called attention to the need of immediate legislation in this respect. In an official report to the Secretary of Commerce just received, Mr. Cunningham stated that the order in council issued recently by Great Britain eliminating American executives from companies organized under the Hongkong ordinance was "detrimental to American interests and affected shipping, manufacturing, insurance, lumber, real estate, and hotel companies." "In no other way than by the enactment of the Federal incorporation law," he said, "can American capital be placed on an equal footing with that of other nations, particularly the British."

Mr. WOOD of Indiana. Mr. Chairman, this debate must close some time. Let us see if we can not agree on a time for closing.

Mr. HARDY of Texas. Mr. Chairman, I want to offer an amendment, and I might want 10 minutes, but 5 minutes will do on the bill and the amendment pending.

Mr. KNUTSON. I would like five minutes.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this section and amendments thereto close in 15 minutes.

Mr. HARDY of Texas. Of which I ask for seven minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Texas. Mr. Chairman, the position apparently assumed by the two gentlemen who have spoken in defense of the committee action in cutting down the item for the promotion of commerce in the Far East below last year's appropriation is a strange one to me. The gentleman from New Hampshire and the gentleman from Indiana seem to contend that it would be a wise policy for this Government to draw in its activities and cease to try to export and import, in order that by confining our market to our shores we might have a surfeit of our home products and thereby reduce the price of our products to our own people. Of all the anomalous positions ever announced on the floor of Congress, I think that is the most remarkable, for, if we do draw in and live to ourselves commercially, I think we might live to ourselves socially, and we might die the death of the unworthy nation that would be so richly our desert. That a Republican committee should frame a bill on such a policy seems incredible. A wayfaring man, though a fool, could read our future should we adopt such a policy.

But, Mr. Chairman, I wish to be particular. The volume of our trade with the world, whatever the disposition of the gentleman may be, for last year was something like $15,000,000,000—some six or eight billions export and a less quantity of imports. In this whole measure for the Foreign and Domestic Commerce Bureau the department had appropriated last year about $1,000,000; they asked this year for $1,500,000. The committee cut them to less than $500,000. The amendments under this head offered by the gentleman from Mississippi will restore the appropriations of last year, aggregating about $1,000,000. Now, for the purpose of advancing and promoting a trade that involves $15,000,000,000 the department asked for $1,500,000. I congratulate the House that every one of the amendments offered by the gentleman from Mississippi so far has been adopted, and something like a million dollars has been appropriated, or inserted in the bill, instead of less than half a million. If we had asked for the full amount asked for by the department, I take it, from the temper of the House, that it would have been granted; but we only asked for last year's appropriations. It is too small. Now is the time when we should increase our efforts to build up our foreign trade. But the department will live under the bill as amended, and when saner councils prevail Congress will do its full duty in this matter. As I have said, our foreign trade was last year $15,000,000,000. We are proposing to spend in cultivating that trade $1,000,000, which is about one-fifteenth of one-tenth of 1 per cent of the trade we seek to foster.

But, Mr. Chairman, in order that the matter may be placed more concisely before the committee, I ask that the statement of the Secretary of Commerce be read in my time. It states the whole situation.

The CHAIRMAN. Without objection, the Clerk will read the statement.

The Clerk read as follows:

STATEMENT AUTHORIZED BY THE SECRETARY OF COMMERCE.

I do not believe the members of the subcommittee which decided to cut our appropriations for promoting foreign trade had any intention of crippling American commerce. The explanation of their action, I feel sure, is that they did not fully realize the part the Bureau of Foreign and Domestic Commerce has come to play in promoting trade. Our

manufacturers and exporters take this help from the department almost as a matter of course. It has never occurred to them that Members of Congress might not be as well informed on the subject as they are. Had the committee known the attitude of the business community it would have looked upon the matter in an entirely different light. Even the feeling that the work now carried on so efficiently by the commercial attachés could be taken over by the Consular Service of the State Department, would not have prevailed. I am sure the committee did not know that the business men, by means of a referendum by the Chamber of Commerce of the United States, decided by an overwhelming majority that a commercial attaché service should be established in the Department of Commerce to carry on trade-promotion work that the Consular Service could not handle. The members of the committee, if fully informed, would undoubtedly defer to the judgment of the manufacturer and exporter in this matter, for the service is conducted solely for their benefit.

As it is, the cutting by nearly half of the existing appropriations for the Bureau of Foreign and Domestic Commerce threatens a body blow at American export trade development. It will mean the dismantling of the most essential part of our foreign trade promotion machinery at the very moment when England, Japan, Germany, and France are leaving no stone unturned to increase the volume of their export business. Both England and France have just reorganized their foreign commercial service on a larger scale than ever before. Other countries are planning to do likewise. This is no time for the United States to throw into the discard the entire commercial attaché service, almost all of the trade commissioners abroad, and the existing district and cooperatives offices of the Bureau of Foreign and Domestic Commerce in 15 American cities. It has taken years to develop these services to the point of efficiency which they now possess. The expenditure of money necessary to build up and maintain the field work of the Department of Commerce abroad and at home has been amply justified, as I am confident thousands of American business firms, large and small, will gladly testify.

Consider what this drastic cut in appropriations will mean. Twelve commercial attachés—men trained and experienced in commercial and economic matters—who are at present attached to embassies and legations in a dozen important foreign capitals, where they are charged specifically and wholly with the promotion of American business interests at this critical period in the world's history, will be withdrawn peremptorily within three months' time. At least 15 trade commissioners who are reporting on rapidly changing commercial conditions in European countries from Denmark to Austria will have to be recalled by the 1st of May.

A deliberate sacrificing of the finest foreign-trade promotion machine any country has ever built up—one which half a dozen of our keenest competitors have sought to use as a model. The spending of several hundred thousand dollars a year on constructive export-trade promotion work, such as this bureau is accomplishing can not be considered as an outright expenditure in any sense of the word. It should be regarded as an investment, based on the same common-sense principles which govern every individual business firm in the United States. It is so regarded by the Chamber of Commerce of the United States, by the National Foreign Trade Council, by the American Manufacturers' Export Association, and by hundreds of national and local associations of business men.

In the same way the threatened abolishment of the bureau's 15 district and cooperative offices in New York, Chicago, Boston, New Orleans, San Francisco, St. Louis, Seattle, Cleveland, Philadelphia, and six other cities will mean the elimination of a service which has demonstrated its usefulness in manifold ways. Each of these offices fills a genuine need in its particular district. Each office forms an important contact between the business public and the Washington headquarters of the bureau for the dissemination of information on foreign trade subjects. What will take their place?

The Bureau of Foreign and Domestic Commerce is not a bureau created by the war emergency. Its appropriations were not increased to take care of war activity, and its personnel was not added to for the sake of carrying on the war-time work which is now no longer necessary. The bureau has had a consistent growth over a period of eight years, and there is every bit as much justification for the Government to aid and encourage by expert technical advice the American firms engaged in foreign trade as there is for the Government through the Department of Agriculture to aid and encourage the farmers of the country. Foreign trade is essential to preserve the economic stability of the United States. Cutting by nearly half the existing appropriations of the bureau means simply that the clock has been put back by over four years. If the Department of Commerce, in effect as well as in name, is to be a department of commerce it should be possible to increase the essential work of the Bureau of Foreign and Domestic Commerce rather than to have its activities lopped off to a point where it will be no longer possible to function properly.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. Mr. Chairman, I will ask unanimous consent to include the remainder of it in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KNUTSON. Mr. Chairman, I think that the talk made by the gentleman from Illinois [Mr. MADDEN] was most timely. It is high time this Congress commenced to take cognizance of the financial condition of the National Treasury. It is a significant fact that each time this bill has been changed by the Committee of the Whole the appropriation has been increased, and already the increases made by the Committee of the Whole aggregate three-quarters of a million dollars. The bill as reported out by the committee carries $103,000,000, as compared with a similar bill reported out and passed by the Sixty-fifth Congress, which totaled $127,000,000. Some two months ago this House passed a river and harbor bill, which has justly been dubbed by a leading Democrat as a "razorback bill," because it was utterly devoid of pork. The Republicans of this House are desirous of practicing rigid economy, but when the Democrats stand almost as one man for raids upon the Treasury and they can secure enough recruits on this side, then, of course, it is not possible to follow out the promise which we made to the people and which the majority of us are desirous of making good.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

Mr. KNUTSON. I regret I have not the time. I have only five minutes.

The committee having this bill in charge held hearings for two and one-half months, and the hearings consist of 2,600 pages. I want to ask this House in all seriousness who is better able to pass upon the merits of these questions, the committee which considered all these items in detail, or we who are obliged to take popgun consideration of the items as they come up? There is not a Member outside of the committee who is thoroughly familiar with these items. I want to say that it is the duty of the House to take the word of the majority of the committee on these items, especially when the items have been cut down. If the committee came in here with greatly increased appropriations, then the House should question such increases. But when the committee has taken into consideration the condition of the Federal Treasury and has shown a disposition to pare all appropriations to the bone, the House in all decency should stand by the committee as one man. [Applause.]

Mr. VARE. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Mississippi [Mr. SISSON], much as I regret to disagree with the distinguished chairman of the subcommittee [Mr. WOOD]. This amendment is intended to increase the amount in this bill from $50,000 to $100,000, thereby placing the figures the same as they are under existing law.

Now, I believe every Member of this House intends to be for economy; but there is a vast difference between economy which means to serve the public and economy which means to injure the foreign trade of our country.

It seems to me that if there is one item in this bill which means to encourage not only exportation but importation as well, thereby increasing the revenues of our Government, this is the very item that should be increased, and I hope this amendment will be agreed to and the amount allowed. [Applause and cries of "Vote!"]

Mr. SIEGEL. Mr. Chairman, I heard with keen attention the remarks of the gentleman from Minnesota [Mr. KNUTSON] in reference to economy. What is meant by economy in Government operations? It means the getting of 100 cents' worth of return for the Government from an expenditure of $1. To follow his suggestion, we might as well proceed and say we will not have any heat in an office, in our homes, or here in the House, for example, and not run the elevators in the House Office Building, simply because having heat and running elevators will cost money.

Now, the committee may have heard a large number of gentlemen, and certainly did hear some; but when the gentleman from Minnesota [Mr. KNUTSON] claims that the committee is more familiar with all the items that appear in this bill than anyone else, he is very greatly in error. I doubt if the committee has kept in close touch with the work that these commercial attachés have been doing either in Siberia, Japan, or China. It is to the disgrace of America that at this very moment at Vladivostok, Chiatas, Tokyo, Mukden, and numerous other places, where millions of trade is to be obtained by America, we have no representatives or too few. If we had representatives over there, we would be able to get answers to cable dispatches in less than 14 days, which it is taking at the present time, and millions of dollars of furs would now be on their way here.

Great Britain throughout Japan and China and Siberia during the entire war period made its most thorough preparations for pushing its commercial trade and had its men over there, not one man at each place but at least half a dozen at each place; and if my friends on the committee had consulted this bureau they would have learned the urgent necessity of inserting far more than the gentleman from Mississippi [Mr. SISSON] has asked for. We can not get business without seeking it at the place where it is to be had.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. BEE. Do I gather from the remarks of my friend from New York that the Republican whip has not popped over the gentleman's head?

Mr. SIEGEL. The whip has not popped over the gentleman's head, and I think my votes since I have been here will show

an independence of spirit on my part all the time when the good of the country is involved, and therefore I am in favor of this amendment. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The amendment was agreed to.

The CHAIRMAN. The question now rises on the motion of the gentleman from Texas [Mr. HARDY] to strike out the paragraph.

The question was taken, and the motion was rejected.

Mr. VARE. Mr. Chairman, in the consideration of this bill we passed over page 126, which has to do with regulating the number of employees. In order to perfect the bill in accordance with the amendments which have been adopted, I offer the following amendment.

Mr. WASON. Mr. Chairman, that motion is not in order at the present time. We have not agreed to return to that.

The CHAIRMAN. The Chair understands that that paragraph was passed over without prejudice. The Chair thinks the gentleman from Pennsylvania should move to return to that paragraph.

Mr. WASON. That was my point.

Mr. VARE. Mr. Chairman, I make that motion.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. VARE].

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. VARE: Amend, on page 127, line 12, by striking out the word "four" and insert in lieu thereof the word "ten."

Amend, on page 127, line 17, by striking out the word "twelve" and insert in lieu thereof the word "fourteen."

Amend, on page 127, line 18, by striking out the word "six" and insert in lieu thereof the word "twelve."

Amend, on page 127, line 18, by striking out the first word "eighteen" and insert in lieu thereof the word "twenty-two."

Amend, on page 127, line 18, by striking out the second word "eighteen" and insert in lieu thereof the word "thirty-five."

Amend, on page 127, line 19, by striking out "messenger" and insert in lieu thereof "two messengers."

Amend, on page 127, line 21, by striking out "$162,470" and insert in lieu thereof "$220,510."

Mr. SISSON. Mr. Chairman, as a substitute for that, in order that it may all be voted upon at the same time, I move as a substitute for the amendment offered by the gentleman from Pennsylvania that on page 127 we strike out all of that paragraph and insert the following.

The CHAIRMAN. The gentleman from Mississippi offers an amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. SISSON: On page 127 strike out the paragraph beginning on line 10 and ending on line 21 and insert in lieu thereof the following:

"Bureau of Foreign and Domestic Commerce: Director, $6,000; assistant directors—1 $3,500, 1 $3,000; private secretary, $1,800; 10 chiefs of divisions, at $2,500 each; assistant chief of division, $2,250; chief clerk, $2,250; expert on commerce and finance, $2,000; commercial economist, $2,750; chiefs of sections—1 $2,500, 1 $2,000; translators—1 $2,000, 1 $1,800, 2 at $1,400 each; editorial assistant, $2,000; clerks—14 of class 4, 12 of class 3, 2 at $1,500 each, 22 of class 2, 35 of class 1, 20 at $1,000 each, 14 at $900 each; two messengers; 4 assistant messengers; laborer; two messenger boys, at $420 each; in all, $220,510.

Mr. SISSON. Mr. Chairman, I think that substitute is practically the same as the various amendments offered by the gentleman from Pennsylvania [Mr. VARE]. It is exactly the current law. When you restore all of these other activities which we have voted to restore it will be necessary that the Washington force be retained at what it now is as provided in the current law. By adopting this substitute we will have only one vote, whereas if we adopted the various amendments of the gentleman from Pennsylvania it might mean several votes.

Mr. VARE. Mr. Chairman, I am in full accord with the statement made by the gentleman from Mississippi, and with the permission of the committee I will withdraw the amendment I offered and ask that the gentleman's substitute be agreed to.

The CHAIRMAN. Without objection, the gentleman will be permitted to withdraw his amendment. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The amendment of Mr. SISSON was agreed to.

The Clerk read as follows:

Inspectors of hulls and inspectors of boilers, as authorized by law, $225,900.

Mr. MILLER. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a couple of questions concerning this paragraph.

Beginning on line 8, providing for the inspectors of hulls and inspectors of boilers, I see that the gross amount allowed is $225,900. According to the statements in the hearings I think there are 48 inspectors of hulls and 48 inspectors of boilers, making 96 inspectors of hulls and boilers. That amount, according to my figuring, would give $2,253.12 each, which is a less amount than the assistant inspectors of hulls and boilers at the city of New York receive, and only $3 more than the assistant inspectors all along the Atlantic seaboard and Gulf receive. I will ask the chairman if my figures are correct, and if there are 96 inspectors of hulls and boilers in the 48 districts?

Mr. WOOD of Indiana. Yes; there are 48 inspectors of hulls and 48 inspectors of boilers.

Mr. MILLER. That would make 96, and they would receive, according to my figures, $2,253 each. I am asking how the committee arrived at the figures giving the assistant inspectors at New York more than the inspector at New York receives?

Mr. WOOD of Indiana. The pay of these inspectors and assistant inspectors is fixed by law, and this diversity of pay arises from different laws passed at different times fixing these different salaries. No doubt there should be some provision for an equalization of these salaries.

Mr. MILLER. I should like to ask the gentleman what law he refers to that fixes the pay of these inspectors?

Mr. WOOD of Indiana. I will refer the gentleman to the law in a moment. We can not equalize these salaries in this bill. It would be an interminable job.

Mr. MILLER. They can be equalized in such a way that the assistant will not receive more than the inspector receives.

Mr. WOOD of Indiana. There may be occasion for the assistant inspectors at some places receiving more than the inspectors receive at some other places.

Mr. MILLER. No; in the city of New York the assistant inspectors receive $2,500, and provision is made in this bill for that amount, while the inspector receives $2,253.12.

Mr. WOOD of Indiana. It may be that the assistant inspector is the man who really does the work and that the inspector is a mere supernumerary.

Mr. MILLER. Then, I will call the attention of the gentleman to the fact that there are 40 of them in the city of New York, and they receive $2,500 each.

Mr. WOOD of Indiana. I call the attention of the gentleman to the statute. It is quite a long one. It is Public Act 183 of the Sixty-fifth Congress.

Mr. MILLER. What does this purport to do?

Mr. WOOD of Indiana. I will ask the gentleman to take it and read it.

Mr. MILLER. Does it purport to fix the salaries in the amounts carried in the bill?

Mr. WOOD of Indiana. Yes; it fixes the salaries by districts.

Mr. MILLER. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Assistant inspectors, as authorized by law, for the following ports: New York, 40, at $2,500 each; New Orleans, 6 at $2,350 each; Baltimore, 10 at $2,350 each; Providence, 4 at $2,350 each; Boston 10 at $2,350 each; Philadelphia, 16 at $2,350 each; San Francisco, 16 at $2,350 each; Buffalo, 8 at $2,100 each; Cleveland, 10 at $2,100 each; Milwaukee, 4 at $2,100 each; Chicago, 5 at $2,100 each; Grand Haven, 4 at $2,100 each; Detroit, 4 at $2,100 each; Norfolk, 10 at $2,100 each; Seattle, 16 at $2,100 each; Portland (Oreg.), 6 at $2,100 each; Albany (N. Y.), 2 at $2,100 each; Duluth, 2 at $2,100 each; Portland (Me.), 2 at $2,100 each; New London, 2 at $2,100 each; Los Angeles, 2 at $2,100 each; New Haven, 2 at $2,100 each; Jacksonville, 2 at $2,100 each; Pittsburgh, 1 at $2,100; Toledo, 2 at $2,100 each; 4 traveling inspectors, at $3,000 each; $434,100.

Mr. MILLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER: Page 129, line 11, strike out the figures "$2,500" and insert in lieu thereof "$2,269," and in lines 12, 13, 14, and 15, page 129, wherever the figures "$2,350" appear, strike out the same and insert the figures "$2,269," and in lines 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, page 129, wherever the figures "$2,100" appear, strike out the same and insert the figures "$2,269," and on page 130, line 1, strike out the figures "$2,100" and insert the figures "$2,269."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order that the amendment is new legislation, and that it changes the salaries of officers fixed by law.

The CHAIRMAN. Does the gentleman from Washington [Mr. MILLER] desire to be heard on the point of order?

Mr. MILLER. Mr. Chairman, will the chairman of the Committee on Appropriations point out to me the statute fixing the salaries of these assistant inspectors of hulls and boilers? I call the attention of the chairman of the committee to the fact that the enumeration of the number of assistant inspectors of hulls and boilers, on pages 129 and 130, amounts to 186, while the hearings give 165.

Mr. WOOD of Indiana. That has nothing to do with the point of order.

Mr. MILLER. No. We will discuss the point of order first. I am interested in the legislation that fixes the amount of the salaries of these inspectors of hulls and boilers.

Mr. WOOD of Indiana. If the gentleman will read the act to which I called his attention a moment ago he will find that the inspectors of hulls and boilers in the districts and ports enumerated in the preceding paragraph, in which they are all enumerated, shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce, namely:

And in addition the Secretary of Commerce may appoint, in districts or ports where the volume of work requires them, assistant inspectors, at a salary, for the port of New York of $2,500 a year each; for the port of New Orleans, La.; the districts of Philadelphia, Pa.; Baltimore, Md.; the ports of Boston, Mass.; Providence, R. I.; and the district of San Francisco, Calif., at $2,350 per year each, and for all other districts and ports at a salary of $2,100 a year each.

Mr. MILLER. That is the law that I have been searching for.

Mr. WOOD of Indiana. I will say that this is one of the few acts passed during the war for the purpose of increasing the salaries of these gentlemen because their work was increased largely during the war.

Mr. MILLER. The bill changes somewhat this schedule.

Mr. WOOD of Indiana. Not in the least.

Mr. MILLER. The bill provides that in the district of Detroit they shall have $2,300, I think.

Mr. WOOD of Indiana. No; $2,100. It is $2,100 in the bill and $2,100 in the law.

Mr. MILLER. On the bottom of page 673 of this law it provides that the district of Oswego; Detroit, Mich.; Mobile, Ala.; the port of St. Louis; the port of Huron, in Michigan, it shall be $2,350 for each local inspector.

Mr. WOOD of Indiana. For the inspector. I thought the gentleman was talking about the assistant inspectors.

Mr. MILLER. Does the chairman of the committee mean to say that the appropriation contained in the paragraph, commencing on line 8, page 129, will provide a salary in that sum?

Mr. WOOD of Indiana. If you take line 9, page 129, providing for a lump-sum appropriation of $225,900, that will pay for the inspectors, and there is designated assistant inspectors for the several amounts which will pay for all those assistant inspectors in accordance with the law.

Mr. MILLER. Does the gentleman mean to say that 186 assistant inspectors mentioned in the bill, with a gross appropriation of $225,900, would supply the assistant inspectors at the rate of $2,350 each?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. I want to call the attention of the chairman to the fact that by my figures it will not do so.

The CHAIRMAN. The gentlemen are traveling outside of the point of order. Does the gentleman from Washington wish to discuss the point of order?

Mr. MILLER. Mr. Chairman, the point of order seems to be well taken.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BLANTON moves to strike out the paragraph beginning on line 10, page 129, and ending on line 2, page 130.

Mr. BLANTON. Mr. Chairman, I call the attention of the chairman of this committee [Mr. WOOD] and also the attention of the majority leader [Mr. MONDELL] to the fact that this paragraph appropriates $434,100 to provide for 190 assistant inspectors at 25 ports in the United States. In the preceding paragraph of this bill there is appropriated $22,940 for Steamboat-Inspection Service, including the supervising inspector general and various other officers.

In the next paragraph there is appropriated $37,950 for steamboat inspectors covering 11 supervising inspectors. In the next paragraph there is appropriated $225,900 for the inspectors of hulls and boilers. And then, in this paragraph which I have made a motion to strike out, it provides an appropriation of $434,100 for 190 additional assistant inspectors. I want to say that it is more inspectors than is authorized by law. It is more inspectors than are necessary to perform the service at these 25 ports. And the next paragraph provides $115,000 for clerical expenses, and the next paragraph provides $160,000 for contingent expenses of this Steamboat-Inspection Service.

Now, after all this talk that we have heard here favoring economy and the economy speech just made by the Republican whip, Mr. KNUTSON, of Minnesota, against certain new appropriations, when you go to vote on the appropriation the only votes you could get on this side in support of that line of argument, besides the chairman of the committee and his secretary sitting beside him, were so few that the gentleman from Minnesota [Mr. KNUTSON] did not even ask for a division.

I want to say that if we do not begin real economy by acts and not words there is not going to be any retrenchment. It is futile to talk about economy unless we vote for it when the time comes to vote. I again call the attention of the chairman to the fact that in this bill there are 1,076 messengers provided; that in this bill there are 515 watchmen provided; patronage positions, most of them; patronage positions, if you please, and you know it as well as I do. The fellows filling these places perform very little service to the Government of any value. How long are you going to keep them on the pay roll when they are not necessary?

Mr. JUUL. Will the gentleman yield?

Mr. BLANTON. In a minute; I want to get a few facts before the committee. Now, take the passenger ships, for instance. The chairman of this committee knows that the law and regulations require the inspection of passenger-carrying ships only every three months, or four times a year. The chairman of this committee also knows that the freight-carrying ships are not required to be inspected but once a year. That being the case, why is it necessary in this bill to provide for 190 assistant inspectors at a cost of $434,100, in addition to the other inspector forces allowed in this bill? I was greatly amused the other day at a little episode——

The CHAIRMAN (Mr. TILSON). The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for five minutes more in order that I may yield to gentlemen.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. BURKE. Reserving the right to object, I want the gentleman to confine himself to his amendment.

Mr. BLANTON. I will not go outside the bill.

Mr. BURKE. Nor outside the paragraph which the gentleman moved to strike out.

Mr. BLANTON. If the gentleman from Pennsylvania wants to object, he can; I am not going outside the bill.

Mr. BURKE. Mr. Chairman, I reserve the right to object unless the gentleman confines himself to the section that he moves to strike out.

The CHAIRMAN. No objection is heard to the request of the gentleman.

Mr. BLANTON. Mr. Chairman, I just want to say that I am with every man in this House who really wants to get back to prewar, normal conditions. I want to be of assistance, if I can, to the gentleman from Iowa, the great chairman of the Committee on Appropriations [Mr. GOOD], in eliminating all waste and extravagance. I want to be of real assistance to the majority leader of this House, if I can, in bringing about real economy; but when the majority leader blows first hot and then cold, as he did when he went before this committee and said, "Gentlemen, I want you to use the snickersnee"—and that is what the distinguished gentleman from Mississippi [Mr. SISSON] said he said—"I want you to use the snickersnee in cutting down these appropriations," and the committee replied, "Will the gentleman stand behind us if we use the snickersnee?"——

Mr. WASON. Mr. Chairman, I rise to a point of order. That has nothing to do with the gentleman's motion. We want to get this bill passed.

Mr. BLANTON. The gentleman does not want to get my ire roiled up, because if he does, he will be two or three weeks in getting this bill through. If you can not give me five minutes to talk about the gentleman from Wyoming and his snickersnee, it will take three weeks to get the bill through.

Mr. WASON. Mr. Chairman, in view of the statement of the gentleman from Texas, I insist upon my point of order. I will call the gentleman's snickersnee.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. BLANTON. I am glad that we have a distinguished parliamentarian in the chair [Mr. TILSON]—one of the best parliamentarians in the House—to decide on this question, because he knows there is some latitude allowed in debate. I am discussing the question of striking $434,000 out of this bill, contained in this paragraph. I shall confine myself to the question, but when the distinguished gentleman from Wyoming admonished this committee to use the snickersnee, and the committee used it, and they struck out of this bill the unnecessary 13 surveyors general and their incident expenses of $181,315 per year, that were not needed——

Mr. WASON. Mr. Chairman, I rise to a point of order. The surveyors general are not being considered now, and it is not germane to the steamboat-inspection item.

The CHAIRMAN. The gentleman will confine himself to the rules.

Mr. BLANTON. I am well acquainted with the rules, and I am not going to get outside of them. It is the ignorance of the gentleman from New Hampshire of the rules that prompts him to make the point of order.

Mr. JUUL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois to propound a parliamentary inquiry?

Mr. BLANTON. Do not take this out of my time.

The CHAIRMAN. The gentleman from Illinois can not make a parliamentary inquiry without the permission of the gentleman who has the floor.

Mr. BLANTON. I will show you where the steamboat part of it came in. After the committee had used the snickersnee and cut out these 13 surveyors general, one of which was in Wyoming, and their incident expenses of $181,315 per year, we found the distinguished gentleman from Wyoming [Mr. MONDELL], the majority leader, who by lip service says he is in favor of economy, coming onto the floor of the House and whipping the boys into line and putting those 13 surveyors general back into the bill, and he thus added to this bill thereby $187,315.

Mr. WASON. Mr. Chairman, a point of order.

Mr. BLANTON. Mr. Chairman, do not take this out of my time. I know the gentleman from New Hampshire does not like this.

The CHAIRMAN. The gentleman from Texas will suspend until the gentleman from New Hampshire states his point of order.

Mr. WASON. Mr. Chairman, the point of order is that reference to the General Land Office appropriation is not germane to this paragraph, which relates to the inspection of boats, hulls, and boilers. I have made the point two or three times, and I now insist upon it.

The CHAIRMAN. The gentleman from Texas knows the rules of the House, and the Chair will admonish him to observe them.

Mr. BLANTON. There is no difference between the Chairman and myself, because both of us know the rules. The gentleman from New Hampshire ought not to be wasting the time of the committee in this way. When the snickersnee was used by the committee their effort was thwarted by the action of the gentleman from Wyoming [Mr. MONDELL], and when the distinguished gentleman from Mississippi [Mr. SISSON] called the attention of the House to that fact, then we found our distinguished majority leader going around to him before the RECORD was printed and keeping him from putting his speech in the RECORD.

Mr. WASON rose.

Mr. GARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. BLANTON. I do not want all of my time taken up by these interruptions.

The CHAIRMAN. Does the gentleman yield?

Mr. BLANTON. I am sorry that I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. WASON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WASON. Mr. Chairman, the majority leader is not a member of this committee and had nothing to do with writing the bill. All of these remarks relating to the conduct or the attitude of the majority leader are not germane to this section, which the gentleman from Texas has moved to strike out. I ask the Chair to enforce the rule.

Mr. BLANTON. Mr. Chairman, if you will take the CONGRESSIONAL RECORD for January 27, 1920——

The CHAIRMAN. The gentleman from Texas will suspend.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be allowed to proceed for the remainder of his time as he pleases.

Mr. BLANTON. Mr. Chairman, since they have used up all of my time I ask for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the gentleman from Texas be allowed to consume the remainder of his time without interruption. Is there objection?

There was no objection.

Mr. BLANTON. And since I have been interrupted so much, I ask that I have three minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for three additional minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I am glad that the gentleman's case of itch has been cured and that I can proceed without interruption. What I am trying to get at is that when it comes to spending money in some other districts of the United States that do not affect Wyoming the distinguished majority leader on the other side is in favor of applying the snickersnee, but when you eliminate an item that prevents money spending in the State of Wyoming the distinguished gentleman from Wyoming forgets all about his snickersnee and his economy, and he then steamboats back into the bill appropriations which the distinguished economy committee has cut out.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Mr. Chairman, I decline to yield, as I have not the time. You take the CONGRESSIONAL RECORD for January 27, and you will see where the distingushed gentleman from Wyoming was instrumental in putting back into this bill $187,315, which my distinguished friend from Indiana [Mr. WOOD] had faithfully and carefully cut out of this bill under the direction and the recommendation of the Land Commissioner. Let me read what the Land Commissioner says. Now, speaking of these 13 surveyors general, I read from page 1151 of the record of the hearings, where Hon. Clay Tallman, Land Commissioner, said:

> We could handle that work in a consolidated office, without any doubt, for much less than we are handling it now and much better.

He said further:

> The way to handle that business is to consolidate the offices into one big organization with a somewhat reduced force; instead of 13 heads, 1 head, and instead 13 chief clerks, 1 chief clerk.

And following his recommendation, the recommendation of Hon. Clay Tallman, the Land Commissioner of the United States, and also following the admonition of the distinguished Republican leader, the gentleman from Wyoming, that the committee should economize and use the snickersnee this committee cut out of this bill the 13 surveyors general and this appropriation of $187,315, and then the gentleman from Wyoming comes back here and has it put back into the bill. Is that economy? I want to say that this committee bill has been amended so many times and in so many instances and with such various and sundry added large appropriations that the committee itself would not know it if it were to go back into the committee room and they should reconsider it. It has been changed——

Mr. KNUTSON. By Democratic votes.

Mr. BLANTON. Oh, the distinguished gentleman from Minnesota ought to know that without Republican votes no change could have been made.

Mr. KNUTSON. Mr. Chairman——

The CHAIRMAN. The Chair rose to protect the gentleman. The gentleman will not interrupt a gentleman without rising.

Mr. BLANTON. Mr. Chairman, I do not need protection. I can protect myself if the Chair will not rule me out of order. Now, what are you gentlemen going to do? You are either in favor of economy or you are not. You are either going to retrench or you are not. What are you going to do? I want to say that if you will follow the advice of the gentleman from Wyoming and really apply the snickersnee, which is a cutting instrument that cuts to the bone, to these appropriation bills and cut right down to the bone, then we will perform our duty and nothing less than that will be our duty. Facing a deficit of over $3,000,000,000, with talk such as the gentleman from Illinois [Mr. MADDEN] made this morning when he indicated that another bond issue would place our bonds down to such an extent that our people hardly would buy them, what are you going to do, you business men of this House? Are you business men?, Why, what do you do when you personally get embarrassed financially? Do not you draw in and stop all waste and extravagance? Do not you retrench, do not you stop needless expenditures, and do not you economize? Let us get down to it in the real sense and in dead earnest.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WOOD of Indiana. Mr. Chairman, I desire to say a word in reference to the paragraph concerning which this motion was made.

Mr. BLANTON. It is a pro forma amendment, and I desire to withdraw it.

Mr. WOOD of Indiana. I have the floor to speak in reference to this paragraph. The paragraph involves the payment of salaries of 385 servants of the Government. In the city of Washington there are very few, and a large majority of these inspectors are around at the different ports throughout the country. We gave the current law. That current law, if you please, was passed by a Democratic Congress, and these salaries were fixed by that act. The representatives of this bureau came before the

committee asking for a largely increased appropriation, which was denied them. I wish to say, however, in justification of the action of the committee in making this appropriation that the business of this department has increased more than one hundredfold since the passage of the law itself, and will increase for some considerable time at least, and if the program in reference to our shipping is to be carried out it will constantly increase. These inspectors have not only to inspect the hulls of all passenger-going vessels of this country but they have to inspect the hulls of every vessel that carries 25 passengers, whether they be employees upon the ship or passengers traveling as such. In addition to that, they have to inspect all the boilers and all the machinery pertaining to the operation of all these vessels where they carry 25 passengers. No matter where they are, whether connected with the passenger shipping of this country or whether it is part of the merchant marine, that comes under the supervision of this department. To my mind it is one of the most important functions of our Government that safety may be had in regard to the cargoes that are plying the deep, and especially the lives of the people who entrust themselves upon those vessels with the assurance of safety given them by reason of the investigation and inspection made by these Government officers. To my mind the appropriation which has been made is justified by the action of the Congress that created these officers and fixed their salaries and justified certainly by the increasing demand for their services and justified by every act of common humanity.

Mr. SISSON. Mr. Chairman, just a moment. I understood the gentleman has withdrawn his motion to strike out the paragraph, and I move to strike out the last word. I simply want to say, in addition to what the chairman of this committee has said, that prior to the inspection provided for in the law many very disastrous accidents happened. There were a great many lives lost, and I agree with the chairman of the subcommittee that this money is well spent, not only because of the fact that inspection does great good but the fact that the owners of the vessels know that the inspection is going to be made accomplishes a great deal of good. It is true, as the gentleman from Indiana stated, that there was a considerable demand for increase of salaries; but within the year the Interstate Commerce Committee reported a bill reorganizing this service, making districts throughout the United States and fixing the salaries which they thought were proper.

That being such recent action, the committee did not feel justified in increasing any of the salaries; but we did not reduce any salaries. Certainly it would be a great mistake for the Congress to decrease the service, for thousands of lives might be lost on some vessel because not inspected; and this service not only inspects our own vessels but it inspects foreign vessels coming into our ports, and the captains of the vessels are required to keep certificates that show that their vessels have been inspected, and when. My recollection of the law is that they must be inspected every six months or as often as the officials controlling this service deem fit and proper. This is for the purpose of preserving and protecting human life, and we do not feel that the service is too expensive when that is taken into consideration.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Shipping service: For shipping commissioners in amounts not exceeding the following: Baltimore, $2,000; Boston, $3,000; New Bedford, $1,200; New Orleans, $2,500; Newport News, $1,500; New York, $5,000; Norfolk, $1,800; Philadelphia, $2,400; Portland, Me., $1,300; Seattle, $3,500; Providence, $1,800; Galveston, $1,500; San Francisco, $3,000; in all, $30,500.

Mr. BLAND of Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Virginia: Page 131, line 4, after the words "Newport News," strike out "$1,500" and insert "$1,800."

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order on that.

Mr. DUPRÉ. The item is not subject to a point of order. There is no basic law fixing these salaries.

Mr. WOOD of Indiana. It is new legislation, though, increasing the salary.

Mr. DUPRÉ. There is no law that limits it and no legislation that fixes these items. They are fixed from year to year by the Congress. The only limitation is that the pay shall not exceed $5,000.

The CHAIRMAN. Does the gentleman from Indiana [Mr. WOOD] make the point of order?

Mr. WOOD of Indiana. I withdraw the point of order.

Mr. BLAND of Virginia. Mr. Chairman, it will be noticed in this paragraph that there have been three increases over the appropriations of last year. Baltimore has been increased from $1,200 to $2,000; New Orleans has been increased from $1,500 to $2,500; and Norfolk, which is 14 miles away from Newport News, with comparatively the same volume of business, has been increased from $1,500 to $1,800. I notice in the hearings that the recommendation which was made by the commissioner was for an increase for Baltimore from $1,200 to $2,000, which has been granted; Boston, from $3,000 to $3,500; New Orleans, $1,500 to $2,400, which has been granted, and an increase of $100 additional; Newport News, from $1,500 to $2,000; Norfolk, from $1,500 to $2,000; Philadelphia, from $2,400 to $3,000; Portland, Me., $1,300 to $1,800; and Galveston, from $1,500 to $1,800.

Now, I do not know upon what theory the committee has justified the increase from $1,500 to $1,800 for Norfolk, which is 14 miles away and doing comparatively the same volume of foreign business, and has failed to grant an increase for Newport News. So far as the report of the commissioner is concerned, it shows that both ports would be entitled to an increase. I submit that each port is entitled to the $1,800, and not alone because of local reasons, since it costs just as much to live in one place as the other, but also for the protection of the public, as there should be in these ports competent officials.

I find on page 1481 of the hearings that these officers exercise quasi judicial functions in the settlement of disputes as to wages, overtime, breaches of discipline, and similar matters. If that be true, and if it is the purpose of the Congress to try to develop the maritime business of the United States and to preserve and protect the interests of the crews of the vessels, I submit it is our duty to provide competent men to discharge these services. And $1,800 having been fixed as the proper sum for the city of Norfolk, I ask for another city, doing comparatively the same business, 14 miles away, that the same increase be allowed.

Mr. WOOD of Indiana. I will state that these salaries have been fixed from time to time based on the amount of work done at the respective places. The committee did raise the salaries of some of these places simply because of the increase of the amount of business and also lowered some because of the decreased amount of business, notably San Francisco, which was lowered $1,000. Now, the amount of business at Newport News is reflected by the number of discharges, which for a year, in round numbers, were 3,000, while at Norfolk, with which the gentleman from Virginia makes comparison, there were practically 15,000 discharges. So that, according to the basis of work performed, the Norfolk port is five times more important than the one at Newport News.

Mr. BLAND of Virginia. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BLAND of Virginia. What report is that?

Mr. WOOD of Indiana. This is the annual report of the Commissioner of Navigation for 1919, which is the latest report we have on this proposition.

Mr. BLAND of Virginia. Supposed to be given for each particular place?

Mr. WOOD of Indiana. It is given for Newport News and all the rest of them. So the committee in its action as to Newport News has been liberal as compared with even Norfolk. If we followed out the basis of fixing these salaries, we should have raised considerably more than we did raise this office at Norfolk and should have reduced the one at Newport News.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia [Mr. BLAND].

Mr. SISSON. Mr. Chairman, I want to state that I think the subcommittee were absolutely fair in fixing these salaries, because we took the amount of business transacted, and after we had agreed on the amount of business we determined the salaries. The committee were controlled exactly by that. Now, Newport News happened to fall below that level and Norfolk happened to go above it. We treated every city exactly alike, and we exercised all the care we could to see that no city was discriminated against in the least.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia [Mr. BLAND].

The question was taken, and the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12610)

making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, had come to no resolution thereon.

RETURN OF RESIDENTS OF POLISH ORIGIN.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 156, being a resolution authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers. That there shall be not to exceed one hour of general debate, one-half to be controlled by Mr. KAHN and one-half by Mr. ———. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule; whereupon the resolution shall be reported to the House with the amendments, if any, and the previous question shall be considered as ordered on the resolution and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this resolution is to bring immediately before the House for consideration Senate joint resolution No. 156, enabling the War Department to bring back to the United States between 8,000 and 10,000 Polish citizens who, previous to our entrance into the war, joined the Allies and were taken over at the expense of the French and British Governments. They served with the Polish contingent of the army. They are over there without any means of returning to their homes. Their families are here. A transport will be leaving Danzig on Saturday. Many of these people can take passage on that transport if this resolution passes.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. SISSON. I was wondering if the committee understood that the resolution was to be called up at once. I do not see any Democratic members of the Committee on Rules here.

Mr. CAMPBELL of Kansas. This is a unanimous report of the committee, and I stated to the gentleman from Tennessee [Mr. GARRETT] that I would call it up at this time.

Mr. SISSON. Then it was understood that it was to be called up at this time?

Mr. CAMPBELL of Kansas. Yes.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. JOHNSON of South Dakota. Does the gentleman know that the Secretary of War is now bringing back 36,000 Czecho-Slovaks on transports which have been remodeled and equipped with refrigerating apparatus, so that they can bring them back through the Suez Canal without any authority of law? Why has not the War Department authority to bring these Poles back?

Mr. CAMPBELL of Kansas. I do not know as to that. All I know is that the Secretary desires this authority. He called me up by telephone yesterday and emphasized the importance of having this resolution passed at as early a day as possible. The Senate passed the joint resolution with a preamble. The House committee changed the joint resolution by striking out the preamble, so that it will be necessary to send the resolution back to the Senate for concurrence in the amendment.

I see no reason for further discussion of the matter at this time. So I move the previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. JAMES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union on Senate joint resolution 156.

Mr. GARRETT. Why does not the gentleman ask unanimous consent that the resolution be considered in the House as in Committee of the Whole?

Mr. MANN of Illinois. That is provided for in the rule.

Mr. GARRETT. The gentleman can ask for unanimous consent.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be considered in the House as in Committee on the Whole. Is there objection?

Mr. WALSH. I do not think that ought to be done if the rule provides for it. I object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. JAMES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the resolution.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MANN] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 156, authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who served in the war on the side of the allied and associated powers, with Mr. MANN of Illinois in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 156, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 156) authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers.

Whereas there are now in concentration camps at or near Warsaw, Poland, and have been since November, 1919, upward of 12,000 residents of the United States of Polish origin who were equipped and transported at the expense of Great Britain and France from the United States to Poland, and who were engaged in active service in behalf of the allied cause during the war; and

Whereas they are desirous of returning to their homes in this country and are without means to accomplish such repatriation: Therefore be it

Resolved, etc., That authority be, and hereby is, given to the Secretary of War to use such Army transports as may be available to bring back to the United States from Danzig, Poland, such residents of the United States of Polish origin as were engaged in the war on the side of the allied and associated powers.

Mr. JAMES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Yes.

Mr. CAMPBELL of Kansas. The time was to be equally divided between the gentleman from Michigan and some other one—15 minutes.

The CHAIRMAN. The gentleman from Michigan was recognized for 15 minutes.

Mr. CAMPBELL of Kansas. The general debate is confined to 15 minutes, and that time is to be divided.

The CHAIRMAN. The Chair misunderstood. The gentleman from Michigan [Mr. JAMES] is recognized for seven and a half minutes.

Mr. QUIN. I would like to have the other seven and a half minutes.

[Mr. JAMES addressed the committee. See Appendix.]

Mr. QUIN. Mr. Chairman, I will ask the Chair to notify me when I have used four minutes.

This matter does not involve a great many people, but it involves justice to the few who are concerned. My understanding is that these poor fellows can not get back to their wives and children in this country unless the United States Government brings them on transports, just as it brought back our own soldiers. The Committee on Military Affairs see no reason on earth why the Government should not bring them back, and it is manifestly the duty of this Government to bring these Poles back free of charge, because they voluntarily went to fight in the interests of the allied Governments against the Germans and Austrians and the Turks. The evidence is that these 26,000 men could not be inducted into the United States Army under the draft law, and would not have been in the Army at all, and could have been here holding their jobs in this country and staying with their families. I knew nothing about this matter until it came before the committee. This proposition is favored by the War Department, by the State Department, and by the Chief Executive. I certainly trust that every man on this floor will agree to the passage of this resolution, so that it will go to the Senate this afternoon and become a law, in order that these people can get on the transport Saturday and start for the United States. We need their labor here and they ought to be allowed to come back at the expense of our Government.

Mr. JAMES. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three and one-half minutes.

Mr. JAMES. I yield one and one-half minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, the adoption of the pending resolution will authorize the Secretary of War to bring back on our Army transports from Danzig, Poland, residents of the United States of Polish origin who enlisted in the Polish Army and who were engaged in the World War on the side of America and the allied powers.

The formal recognition of the Polish Army by the War Department on behalf of the United States Government was given by a formal pronunciamento of the War Department issued on October 6, 1917.

The Polish Army in America has been created in an atmosphere of lofty patriotism which bordered on the sublime. Its recruiting meetings were almost religious festivals; the farewells of the Polish boys were soul stirring, and the sacrifices and hardships endured have been heroic.

It was a momentous occasion when Mr. Paderewski made his first appeal in the city of Chicago for volunteers for this Polish Army. Men and boys rose from their seats in the great hall and stood before the platform from which he was speaking and solemnly took the volunteer's oath. Laborers, college professors, lawyers, doctors, chemists, and journalists enthusiastically responded to the call. The sacrifice which they were prepared to make was an extraordinary one, for it meant leaving America; it meant service in France without compensation and without any provision either for the support of their families while absent or for payment of insurance in case of death. Yet Polish mothers willingly gave their sons, and wives their husbands, for the cause of universal liberty and world democracy. During the trying period of the war their dominant note of action was one of service and sacrifice, and their ruling passion was to offer all they had and all they were in order that despotic militarism and autocratic rule might be destroyed from the earth. Their enthusiasm was one born not alone of a Polish or national but also of a world-wide impulse to advance the rights of humanity and the cause of civilization and democracy against the most unrelenting foes.

It was this spirit which aroused the admiration of our Secretary of War, who, writing to the Polish National Committee, said:

> Now that the Polish National Committee and its coordinate national department in this country have actually succeeded in organizing and dispatching to Europe a large body of troops for the Polish Army, which is to cooperate on the western front with the allied armies there defending the principles of liberty and justice, I take this occasion to congratulate you upon the achievement.
>
> This American contingent of the Polish Army is made up of volunteers who are not covered by American draft regulations. The men in it are, therefore, moved by the inspiration of the principles involved on the allied side in this conflict, and their presence on the western front, representing both their adherence to America, as the country of their adoption, and Poland, free and self-governing, as the country of their extraction, will be a stimulating and inspiring sight. In the meantime it will be wholesome to have the people of the United States realize the circumstances under which the Polish contingent is formed in order that they may more widely understand and appreciate the high motives which have animated these fellow citizens of Polish extraction who up to this time have formed a part of the population of the United States.

The Polish Army in France was recognized as a cobelligerent and allied force by the Governments of the Entente. This Army, under the command of Gen. Joseph Haller, was like the other armies, the mighty forces of America included, subject to the direction of Gen. Foch. The American Government also recognized this army as autonomous, allied, and cobelligerent. In a communication to the National Polish Committee, whose headquarters were at Paris, France, Secretary of State, Mr. Robert Lansing, declared:

> I beg to inform you that the Government of the United States has not been unmindful of the zeal and tenacity with which the Polish National Committee has prosecuted the task of marshaling its fellow countrymen in a supreme military effort to free Poland from its present oppressors.
>
> This Government's position with respect to the Polish cause and the Polish people could hardly be more clearly defined than was outlined by the President in his address before the Congress of January 8, 1918. Therefore, feeling, as it does, a deep sympathy for the Polish people and viewing with gratification the progress of the Polish cause, this Government experiences a feeling of genuine satisfaction in being able to comply with your request by recognizing the Polish Army, under the supreme political authority of the Polish National Committee, as autonomous and cobelligerent.

During the campaign of recruiting for this Army many efforts were made by hostile and inimical forces to discourage enlistments. But the Poles were immune to the poisonous bite of the serpent of sedition. No propaganda could stifle their ardor and enthusiasm in the days of lofty resolution and unflinching determination. No ingenuity could devise the means that would destroy the Poles' faith in America's noble purpose. Twenty-four thousand six hundred men from this country joined the Polish Army. Of this number about 15 per cent were American citizens, who, because of over age or physical disqualifications, were ineligible to join the American forces. About 20 per cent of that number were Polish aliens, who made their declaration of intention to become American citizens, but who were not subject to the draft and were ineligible to join our Army. The remaining 65 per cent were Polish aliens, who because of the accident of birth on German or Austrian soil were unable under the war regulations to join the forces of this country. This indeed furnishes an inspiring spectacle. We were told that the period of the World War was "time that tried men's souls." There were many slackers who because of cowardice and disloyalty offered the sickening excuse that they would not engage in a fratricidal war. What a comfort and inspiration did the Poles afford in striking contrast. There were very many Poles compelled by force to serve in the German and the Austrian armies. Did this deter the Poles in America from answering humanity's call? Did they cringe and shrink and falter? Emphatically no! They understood full well the uncontrollable decrees of cruel fate. They heard the summons of duty and heedless of home and family ties, and grief and heartaches, they answered mankind's prayer.

The Poles did not hesitate one moment to respond when the battle cry was sounded to make the world safe for democracy. [Applause.]

Recognizing in America's cause the cause of a common humanity, the just and glorious cause of the most sacred and inalienable birthrights and privileges of free men, they rallied to the support and defense of this grand Republic of ours with every ounce of their strength and with all the ardor of their souls. [Applause.]

The cost of transportation of these Polish volunteers from America to France was borne by the French Government. While serving in the Polish Army under Gen. Haller they were given an allowance by the French Government of 25 centimes per day, which, according to normal exchange, was the equivalent to 5 cents in American money. The benefits of the war-risk insurance and the compensation act which were accorded to the American soldier were not available to these men. Inspired by the glorious, unselfish, and heroic mission of America, their adopted land, they would not allow these hardships to keep them back, for their hearts were aflame with zeal for the cause they approved. The most highly prized and cherished emblem by the Polish mother was the service flag. Freely and cheerfully she offered her stalwart son in order that free governments might be preserved and perpetuated. In a great number of cases these volunteers had families and others dependent upon them for support and maintenance. Great hardships and sufferings as the result of these enlistments were cheerfully endured, and all burdens borne patriotically and courageously. Many families and dependents of these men were assisted and cared for by the Polish National Committee of America and by the American Red Cross.

There were in all 108,000 Polish emigrants, recruited from every corner of the habitable globe, fighting in France on the western front in the ranks of the Polish Army under Gen. Haller's command. They contributed in a large measure to the glorious victory won. [Applause.]

After the signing of the armistice they were transferred from France to the eastern front of Poland, where they were engaged in successfully resisting the invading forces of the Bolsheviki. Several months ago a large contingent of these men recruited from this country were released from service and have since lived in a demobilization camp near Warsaw, Poland. The latest advices are that about 12,000 of these men are in this concentration camp awaiting transportation back to America.

It is the intention of the War Department to have the American transports which go to Antwerp, carrying supplies to the Coblenz occupation army, proceed from Antwerp to Dantzig and bring on their return journey these demobilized soldiers of the Polish Army. They desire to speedily return to this country. Their return to America will mark the close of one of the most inspiring chapters of the history of the World War. They have proven themselves most worthy to become a part of this great and glorious Nation of ours.

Mr. Chairman, I hope the pending resolution will pass unanimously. [Applause.]

Mr. JAMES. Mr. Chairman, I yield to the gentleman from New York [Mr. MACCRATE].

Mr. MACCRATE. Mr. Chairman, in the district which I represent one of the local boards, of which I was a member, had 3,710 men between the ages of 21 and 31. Of that number nearly 2,000 were foreign born, and the rest were to a great extent sons of immigrants. Among them were many men of Polish birth. We sent for 100 of these young men who were not obliged to go into our Army and asked them if they desired to enter the service of this Nation or enlist in the Polish Army for France. Eighty of them went into the American Army and the balance chose the

Polish Army in France. Some of these latter men are now in Poland without means to return to their families. They want to return to America, some to their parents and others to wives and children. On Saturday next a transport will sail from Danzig, Poland, and thousands of these soldiers who bore arms against terrific odds can be brought back here if we immediately pass this resolution. They carried to Poland the spirit of Pulaski and Kosciusko. They now desire to return and be part and parcel of our national life. They have demonstrated that their wish and hope is to live among us and be counted with us. Again and again we hear the charge that the foreigner comes here only to gain wealth and gold and return to spend his declining days in the land of his birth. Surely that charge can not be laid against these men, for they have their choice and they have decided they desire America first. Hundreds of their comrades would gladly make that same choice, but they are laid away, part of the great toll which this terrible war has demanded. These men would gladly pay their own way, but Poland paid only 5 cents a day to her soldiers. But on the field of battle these men paid their passage back to us, for their service was given in the fight against our enemy as well as theirs. Let us speed the transport to Poland, knowing well that she will return laden with men who forever will declare there is no other land like this land.

Mr. QUIN. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. LONERGAN].

Mr. LONERGAN. Mr. Chairman, as several hundred of these boys came from the district I have the honor to represent, I ask unanimous consent to extend my remarks in the RECORD on the pending resolution.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. BABKA and Mr. GOLDFOGLE were given leave to extend their remarks in the RECORD on the resolution.

The CHAIRMAN. Under the order of the House the Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That authority be, and hereby is, given to the Secretary of War to use such Army transports as may be available to bring back to the United States from Danzig, Poland, such residents of the United States of Polish origin as were engaged in the war on the side of the allied and associated powers.

The CHAIRMAN. The Clerk will report the preamble.

The Clerk reported the preamble, as follows:

Whereas there are now in concentration camps at or near Warsaw, Poland, and have been since November, 1919, upward of 12,000 residents of the United States of Polish origin who were equipped and transported at the expense of Great Britain and France from the United States to Poland and who were engaged in active service in behalf of the allied cause during the war; and

Whereas they are desirous of returning to their homes in this country and are without means to accomplish such repatriation: Therefore be it

The committee amendment was read, as follows:

Strike out the preamble.

Mr. GARRETT. Mr. Chairman, may I ask the gentleman in charge of the bill a question? The bill as it passed the Senate carried the preamble. In other words, the amendment striking out the preamble is a House amendment?

Mr. JAMES. Yes.

Mr. GARRETT. Of course, the preamble ought to be struck out. It looks as if the Senate would learn better than to put in preambles. Will it not delay the matter if the preamble is stricken out, and would it not be better as a practical proposition to pass it without the amendment?

Mr. JAMES. I think it would be better to strike it out, but I think it would save time to let it remain in.

Mr. GARRETT. The preamble ought to go out; but if it is going to cause delay in the matter, it had better remain in.

The CHAIRMAN. The question is on agreeing to the committee amendment striking out the preamble.

The question was taken, and the committee amendment was rejected.

In pursuance of the order of the House, the committee rose; and the Speaker having resumed the chair, Mr. MANN of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate joint resolution 156, and had instructed him to report the same back with the preamble, with the recommendation that the resolution and preamble be passed.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

On motion of Mr. JAMES, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Chairman, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12610, the legislative, executive, and judicial appropriation bill, and the Clerk will read.

The Clerk read as follows:

To provide by cooperation of the Bureau of Standards, the War Department, and the Navy Department, for the standardization and testing of the standard gauges, screw threads, and standards requiring in manufacturing throughout the United States, and to calibrate and test such standard gauges, screw threads, and standards, including necessary equipment, and personal services in the District of Columbia and in the field, $40,000.

Mr. WOOD of Indiana. Mr. Chairman, I move to amend, line 19, page 138, by striking out the word "requiring" and inserting the word "required."

The amendment was agreed to.

The Clerk read the paragraph under "Department of Labor," on page 143.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to correct a typographical error on line 6 by transposing the dollar sign and placing it before the figure 2.

The CHAIRMAN. Without objection, the Clerk will make the correction.

There was no objection.

The Clerk read as follows:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor, and to appoint commissioners of conciliation, for per diem in lieu of subsistence at not exceeding $4, traveling expenses, and not to exceed $12,000 for personal services in the District of Columbia, $100,000.

Mr. NOLAN. Mr. Chairman, I move to strike out the last word. It is not my purpose to offer any amendment at this time increasing the amount for the Division of Conciliation of the Department of Labor. If I read the report of the committee correctly, the Department of Labor is the one executive department here in the District of Columbia which has less employees on the roll now than it had in 1917. Notwithstanding that fact, probably the most important division, at least the division that is doing a very important work in connection with the Department of Labor, has had its appropriations slashed in two from the amount of money it had with which to do business during the fiscal year 1919–20. The Division of Conciliation in the Department of Labor has probably been engaged in its most important work. The growth of that department is a natural growth, and not the result of any particular war activity. Practically all of the large labor controversies were handled during the war by the War Labor Board. The Division of Conciliation was relieved to a large extent, due to the activities of the War Labor Board. Here is a division, the sole purpose of which is to mediate and conciliate in industrial disputes, to anticipate industrial disputes, and offer its services for the purpose of preventing strife, doing something to alleviate industrial controversies. Notwithstanding that fact, the committee saw fit to cut this appropriation to $100,000, whereas I believe the appropriation for the fiscal year 1919–20 was approximately $200,000. I have some figures with reference to the number of cases handled by these conciliators, who, by the way, are composed of employers of labor and also men who are skilled in conciliation work and the settlement of industrial disputes, some former executives of labor organizations, some large employers of labor. This department has been successful, and instead of crippling it I think we ought to encourage it. I think we ought to build up in this country some great governmental agency that will be able to step in where controversy threatens or where controversy or industrial conflict is already under way, and offer its services for the purpose of bringing employees and employer together, so that the conflict may be averted, and so that disputes may be mutually settled by both sides. I am sorry that the committee did not see its way clear to give the amount that this department has had for the past two years, to encourage it to go ahead and do its work.

At the present time in railroad legislation we are attempting in a somewhat similar way to bring together the contending forces. It is true that the workers have not taken very kindly to it, but they have agreed to give it a fair test under protest, and it seems to me that when we have one agency in connection

with a department of labor that has been able to do good work in avoiding conflicts in industry, that instead of cutting the appropriations and retarding the work of that particular bureau we ought to encourage it, and it would appear to me that this agency should not be crippled by cutting the appropriation by 50 per cent at this time, but that the Department of Labor should be granted $200,000, the amount given during the last two fiscal years.

In relation to the amount recommended by the committee, $100,000, for the Division of Conciliation of the Department of Labor, which is a cut of $100,000 from the amounts granted by Congress for this service for each of the last two preceding fiscal years, I feel that the importance and value of this particular agency of the Government is not appreciated by many of the Members of this House, and I therefore desire to submit a few brief references from the Secretary of Labor's report and from the hearings before the Senate committee which have to do with the important work of this service. I may say in passing that I personally know of the valuable assistance rendered to employers and employees by the Division of Conciliation of the Department of Labor in my own State of California and on the Pacific coast generally.

This service was inaugurated when the Department of Labor came into existence in March, 1913, and there has been an increase in the number of cases handled by it annually year by year. In 1913–14 the number of cases handled was 33; in 1915, 42 cases; 1916, 227 cases; 1917, 378 cases; 1918, 1,217 cases; 1919, 1,780 cases, and I have ascertained from the records on file that since the date of the signing of the armistice, November 11, 1918, up to February 1 of the present year, the commissioners of conciliation of the Department of Labor have handled over 1,250 cases.

So that while it may be said that an abnormal increase in the number of cases presented occurred during the nearly two years that we were actually engaged in the war, yet it is clearly established that this division will be called upon now to handle in the neighborhood of 1,000 cases annually. Take the last fiscal year, with its 1,780 cases, and the fact that 1,011,000 persons were directly affected and 1,300,000 indirectly affected in the cases presented, and the further fact that these commissioners of conciliation, with an appropriation granted them of only $200,000, succeeded in adjusting all of the cases brought to their attention with the exception of 111 it would appear to me that this agency should not be crippled by cutting the appropriation 50 per cent at this time, but that the Department of Labor should be granted the $200,000, the amount given to it during the last two fiscal years.

I have actual knowledge of the fact that this branch of the service has worked out an agreement which makes for continued peace in the oil industry of the entire State of California, and that both the employers and the employees have a written agreement by which all questions that can not be adjusted by their grievance committees are submitted to a commissioner of conciliation appointed by the Secretary of Labor, whose decision is final and binding in all matters presented, and which means steady production and no cessation of work on the part of nearly 20,000 workers engaged in the oil industry of California.

I know also that this division has worked out a plan which made for uninterrupted production in the copper industry of Arizona, Nevada, Montana, New Mexico, and other copper-producing States, and that a commissioner of conciliation named by the Secretary of Labor has been accepted and has been acting for over two years as an administrator, and that his decision is final and binding on both the employers and the employees, and that not a single industrial dispute of more than minor importance did or will occur in that great industry so long as this arrangement continues in effect.

A similar arrangement has been worked out by the Department of Labor and its commissioners of conciliation between the employers and the employees of the five great meat-packing companies of Chicago, by which an administrator has been selected and agreed upon, whose decision is final and binding upon both parties, and there has been little or no trouble so far as working relations between the employer and the employees is concerned in that industry either during the war or since the signing of the armistice. I might say, further, that this arrangement has worked out so satisfactorily that the Department of Labor has received voluntarily acceptance of the same plan of adjustment that is in vogue for the big packing establishsments from nearly 30 of the independent meat-packing establishments in and about Chicago, and from other places throughout the country the packing houses are voluntarily coming in under the plan inaugurated and put into effect by the Division of Conciliation of the Department of Labor.

As to the practicality and the efficiency of this agency in these industries, and the fact that it is acceptable not only to the employers but also to the employees, can be readily ascertained by communicating with any one of the big oil companies of California, any one of the big copper mining operators in Arizona, Montana, Nevada, New Mexico, or any other copper-producing State, or as to the successful working out of the plan in the meat-packing industry by communicating with any one of the five big packers of Chicago.

As to the present need of this service, I am informed only this morning, in answer to an inquiry made by me, of a report of the settlement of a grave dispute which did not result in a strike but which was adjusted while the men remained at work, involving muckers, miners, carpenters, and electricians, affecting various mining companies in Idaho. In another instance this morning a telegram reports the settlement secured by a commissioner of conciliation of a controversy at the Fort Smith Smelter Co., of the International Mine, Mill, and Smelters plant at Fort Smith, Ark. Another, the adjustment of a strike at the Pollak Steel Co., at Cincinnati, Ohio. And I also find that only this morning, in answer to my inquiry, four telegrams have been received from different sections of the United States asking for the good offices of the conciliation service in handling industrial disputes.

Another point I would like to impress upon you at this time is the fact that I find from the records that while these commissioners of conciliation do not generally intervene in a controversy unless requested to do so by one of three parties—the employer, the employees, or the public directly affected—that early in the life of this conciliation service 68 per cent of the cases presented were strikes, while now less than 20 per cent of the cases presented are strikes, and that of 80 cases being handled to-day not 20 of them have reached the strike stage; in the others being handled the employees are remaining at work and the commissioners of conciliation are working out an adjustment in each case without loss of production to the employers and without loss of wages to the workers.

These are a few brief facts that I would like to impress upon you in connection with this valuable service, and I feel that it is shortsighted policy for Congress at this time to cripple an agency which is contributing so much to industrial stabilization during this particular period. If you refuse to appropriate sufficient funds to continue this service as at present constituted, what will become of the industrial situation in the copper States, the oil situation in California, the packing industry, and the hundred and one other industrial situations less important but, in their aggregate, as important in this period of readjustment and reconstruction. Of all services in the Government this is one which I believe merits from this Congress every careful consideration.

It seems to me that this House in making its appropriations ought to take into consideration this question of stabilizing industry, and that we ought to try and encourage as much as we possibly can the bringing about of harmonious relations between employer and employee without interrupting the service. This is one agency of the Government that has gotten by with very little criticism. It is true that in one or two instances there has been some criticism of one or two of its agents in respect to political activity during the last congressional campaign, and also some criticism with respect to their actions in industrial disputes.

But, taking the entire record of this division, the thousands of cases they have handled, the millions of men who have become involved, I contend that this House ought to encourage the work of that division and ought to give it what it has asked for, so long as it is in reason, and increase the amount, increase the efficiency of that service, and I trust if the Senate sees fit to increase this amount that the members of this committee will agree to it in conference. [Applause.]

Mr. BLANTON. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from California. I call the attention of the committee, Mr. Chairman, to the fact that this particular branch of our Department of Labor ought to recognize what is known in the United States as the principle of the open shop. As against what has been said in favor of this department, I might add that within my office files I have several hundred complaints from leading business institutions of this Nation which have come to me within the last 12 months complaining about the utter futility of this department to properly function, making the absolute assertion that instead of sending out an unbiased conciliator this department has been sending men who were in favor of only one side of the contention. For instance, a short time ago I put in the RECORD here a statement from the Public Ledger giving a concrete case that illustrates these various complaints, where in a tailors'

strike a man was sent there by this department from Washington who had just a few days before sent an item for publication in the official organ of the strikers telling them that he was with them, sending a contribution of money out of his own pocket to help them make the fight a success, and telling them that they should carry the strike and the principles of that strike from one side of the United States to the other, and saying that he would send them shortly another contribution. And that kind of a man was sent up there to conciliate with employers who had granted every single demand of the strikers except one. And what was that demand? The thing that the employers would not grant was that they reserved the right to carry on what is known as the open shop, while the strikers demanded a closed shop and that no nonunion men be employed. What is the open shop? What does an open-shop establishment mean? It means merely that a man reserves the right in transacting his own business to employ men whether they belong to a union or not. In other words, that they will not be unfair to a man who belongs to organized labor, but that they will be fair alike to every laborer in the land; that the man who labors to earn his bread through the sweat of his brow, whether he belongs to a union or not, has a right to labor in their institutions. Up until about a year ago in the State of Texas, which in part I have the honor to represent, there was not an open-shop city in the State. The business men had been intimidated to such an extent that they were afraid to say a word against the demands and clamors of organized labor for closed shops. But the people of my State, thank God, have waked up, and now in every big city in my State to-day the principle of the open shop applies, through direct action of their chambers of commerce and open-shop associations. The cities of Texas are sending abroad throughout the land the invitation to all labor, "Come to our State; we need you; we will give you a square deal; we will protect you; we will give you a living wage." The State of Texas says to the laborers of the United States, "We do not care whether you are organized or not, come to the State of Texas and you can make a living here, be treated justly, receive a fair, square deal, and you can succeed."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask for two more minutes.

The CHAIRMAN. Is there objection?

Mr. KNUTSON. I object.

The CHAIRMAN. Objection is heard.

Mr. BLANTON. Mr. Chairman, I moved to strike out the last word. I have changed my mind, and I would like to strike out the entire paragraph.

The CHAIRMAN. The gentleman can not do that.

Mr. MANN of Illinois. Mr. Chairman——

Mr. BLANTON. Did the Chair rule that I can not strike out the paragraph?

The CHAIRMAN. The gentleman can only withdraw his amendment by unanimous consent.

Mr. MANN of Illinois. The gentleman can not offer two amendments in succession.

Mr. BLANTON. But one was merely a pro forma amendment.

Mr. MANN of Illinois. Both are pro forma, but I have no objection to the gentleman proceeding as far as I am concerned.

Mr. BLANTON. Mr. Chairman, I ask permission to withdraw the amendment I offered.

Mr. KNUTSON. I have no objection to that.

The CHAIRMAN. Is there objection?

Mr. NOLAN. It was my amendment, and the gentleman rose in opposition to my amendment. [Laughter.]

Mr. BLANTON. Mr. Chairman, I now make the motion to strike out the paragraph if the gentleman from Illinois will kindly yield for that purpose.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN of Illinois. If I have the floor, but I do not want to lose my right.

Mr. BLANTON. I just want to finish my remarks.

Mr. MANN of Illinois. I have no objection to yielding the floor.

Mr. CALDWELL. Regular order, Mr. Chairman.

Mr. BLANTON. I now move to strike out the paragraph, with the kind permission of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. With the permission of the gentleman from Illinois, the gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, I am in favor of a proper board of conciliation——

Mr. BURKE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BURKE. A point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE. Has not the gentleman from Illinois the floor?

The CHAIRMAN. The gentleman from Illinois yielded.

Mr. BLANTON. The gentleman from Illinois [Mr. MANN] has been here a long time and he knows how to assert his rights; he runs the Republican Party here and he does not need the gentleman from Pennsylvania to help him out.

Mr. BURKE. The gentleman has already talked five minutes on the question.

Mr. BLANTON. I am talking upon a new subject now. The gentleman from Pennsylvania [Mr. BURKE] just left the Senate restaurant a few minutes ago, where he promised Mr. CARSS that he would be back and relieve him. They are taking shifts now, and one of them is supposed to watch the gentleman from Texas at all times to prevent him from discussing railroad matters.

Mr. BURKE. Mr. Chairman, I will do my country a good service, and I want to tell you the country is sick and tired of it. It is not to the best interest of the country for the gentleman to go along and arraign capital against labor, and there ought to be some stop put to it.

Mr. BLANTON. They may find a good job for the gentleman in Pittsburgh before long, where he will not have to watch the "gentleman from Texas" so assiduously.

As I was about to say when interrupted——

Mr. BURKE. A point of order——

Mr. BLANTON (continuing). I am in favor of a proper board of conciliation.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. BURKE. He has again drawn me into this controversy, but I failed to hear——

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. BURKE. Will the gentleman from Texas state it again?

Mr. BLANTON. I decline to yield. Now, I am recognized for five minutes, am I not, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. BLANTON. I am in favor of a proper board of conciliation. If you will put in the Department of Labor a board of conciliation that will not discriminate against the laborer who does not belong to a trade organization, I will vote to increase this appropriation from $100,000 to $1,000,000, if necessary. I will do it because it would be the best million dollars that was ever spent by a Congress of the United States. But as long as you have a board of conciliation which does as the several hundred complaints which are in my office files say they do—discriminate against the unorganized laborers of this land—I am not in favor of voting a cent for it.

One hundred thousand dollars here will be thrown away, provided they do discriminate. And I want to say that the evidence that I put in the CONGRESSIONAL RECORD some time ago from the Philadelphia Public Ledger proved that conclusively. How long are you going to let this last? There are about 5,000,000 organized laborers in the United States, all told; there are about 30,000,000 laborers who are unorganized. Do you represent the 5,000,000 or the 30,000,000? I will tell you whom I represent. I represent not only the 30,000,000 who are unorganized but I also represent the 5,000,000 who are organized. Do you know I honestly believe that I am a better friend, a truer friend, of organized labor than the men who get up here and represent their special-class interests, because I am fighting here day after day to protect them against their own worst enemies—their radical leaders—who would lead them astray and who bring their organizations into disrepute and cause resentment from the public?

What is the chairman of this committee going to do about this? I am going to vote for this $100,000, although I moved to strike out the paragraph in the hope that the President has so shaken up this department down here by action taken recently, indicating that they must not do things without coming to him and first finding out what is the policy of this country. I am so in hopes that he will require this board of conciliation to represent the entire 35,000,000 laborers of this land alike, without discrimination, that I am going to vote for the $100,000.

But I want to call the attention of the chairman to the fact that we need legislation here now to protect all the laborers of the land from discrimination, and he ought to give it to us. Some committee, at least, ought to give it to us. We have got to get back to production. You can talk about the high cost of living, but, as was so well said not long ago, it is not so much the "high cost of living," but it is the "cost of high living"

that we have got to deal with, and is causing so much trouble. Four dollars per diem here in lieu of subsistence and $12,000 to be spent in the District of this $100,000 appropriation, and a lot of that is the cost of high living and not the high cost of living. How much has the chairman considered that in making this appropriation? I know he has cut $100,000, but he has cut $100,000 off the war appropriation and not the peace-time appropriation. You have got to get back to normal conditions.

Mr. MANN of Illinois. Mr. Chairman, I do not know how serious the gentleman from Texas is in offering his motion to strike out the paragraph, but I assume that it is pro forma. I have learned through observation that legislation is a peculiar and odd thing. The other day we passed the railroad bill, providing, I believe, nine labor conciliators at a salary of $10,000 each. That is correct, is it not?

Mr. BLANTON. Yes.

Mr. MANN of Illinois. That is $90,000 in salaries to the commission, and there will be undoubtedly $90,000 or more necessary to pay the expenses of clerical help, and rent, and so forth, of the commission. And all they deal with is the railway labor, and in most cases that will be settled in large groups, and when settled will not be immediately open for reconsideration. Here is a proposition carrying only $100,000 to provide conciliators for all the rest of the business of the United States, intricate, involved, hundreds of thousands of different organizations on the one side and on the other side. And it seems to me that it would have been wiser—though I have no desire to criticize the Committee on Appropriations in their effort to reduce the expenditures of the Government, as I quite agree with them in general—it seems to me it would have been wiser instead of reducing this appropriation to have increased it.

Oh, gentlemen say the conciliators are not always of the right character. Very likely. I have seen Members of Congress elected by a constituency, and doubted whether they were of any value to the country. I have seen many Government employees who were not just the thing that I would select if I had the selection; but, after all, in this country of ours we have either got to come to one of two things—we are either going to try to bring harmony in labor disputes by conciliation between employer and employee, or perhaps some day we shall require compulsory arbitration, which I doubt. For myself I never have believed in compulsory arbitration as being beneficial either to capital or to labor. I think that it is wise for the Government to seek through a third person to bring together those who are disputing, labor on the one side and the employer on the other, and see if they will not agree. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] is recognized.

Mr. BURKE. Mr. Chairman, in reply to what has been said by the Representative from Texas [Mr. BLANTON]—namely, that Congressman CARSS and myself have worked together and blocked him from the floor and from having his remarks extended in the RECORD—I want to say that in having done so I consider that we rendered a public service to the country. The people of the country have had a few days' rest, and I have had the pleasure and comfort of sitting here in peace for at least a few days free from the usual procedure of listening to his abusive and incorrect statements. I believe a good many of the Members of this Congress have also enjoyed the same feeling of peace and comfort.

I have stated before on this floor that this is not the place to air hostility and hatred to the working classes; it is not the place to array capital against labor or labor against capital. I have always been fair toward capital, and I want to be fair to everybody, but it is very unfair to me to have to sit here every day and listen to exaggerated and incorrect statements.

I have become disgusted with what goes on here in this respect, and so has the country. Day after day the Representative from Texas [Mr. BLANTON] prances up and down in front of us, shaking his fist in our faces, making incorrect statements to Congress, and villifying labor.

Mr. BLANTON just got through telling this Congress that organized labor meant the closed shop. There never was a more incorrect statement. For 32 years I have been connected with the Order of Railway Conductors, one of the best labor organizations in the United States, and the members of this organization and the members of the other railroad organizations do not discriminate against the men who do not belong to the organizations. The nonmembers receive all the benefits that the organizations' members receive in the way of wages and working conditions, although it is the organizations that make the contracts and agreements and establish better conditions for the men. Only this morning I came in on a train with a man who has been a Baltimore & Ohio conductor for 35 years. He is not a member of the Order of Railway Conductors, yet he enjoys the friendship and the liking of all his fellow workers. He receives the same benefits his fellow conductors receive through a conductors' wage schedule. He does not belong to the conductors' organization; he is not forced to belong to it. He is liked by his fellow conductors, and they work in peace and harmony. There are countless numbers of men who do not belong to organized labor who derive all the advantages and benefits of the organized workers' contract, which refutes the statement of the Representative from Texas—that men must belong, and if they do not they are discriminated against.

It is time these misstatements and this abuse was put a stop to. We can not have content in this country, we can not have stability in this country, as long as men stand up here day after day blackguarding and vilifying labor.

I want to say to my side of the House, too, that I have sat here watching some of you applauding Mr. BLANTON'S remarks, and possibly if he had not received encouragement the rest of us would not have had to constantly suffer listening to his abusive talk.

The working people read of what transpires here, the attacks that are made upon them, and the heart and the energy is taken out of them by the unfairness and the injustice of it. It is time that it was put a stop to. Labor does not have to take the abuse.

Members here will talk about a $60 a month salary for some poor laborer; will vote against a few dollars' increase for the poorly paid Government employees; burn up hour after hour in talking about it for two and three days at a time; but when it comes to a bill appropriating $300,000,000 of the people's money to finance the railroads, it goes through with only a five-hour debate allowed.

According to the press reports of the country, 17,000 millionaires were created during the period of war, which means $17,000,000,000 of private wealth garnered out of a nation's woe and a people's misery. Under the Lever Act, I am advised, Attorney General Palmer has full power to have the books of these newly made millionaire concerns audited and let the people of the country find out just how and in what manner they made the millions. As long as I have been in Congress, I have never once heard Mr. BLANTON raise his voice against the "big interests" of the country or say one word about bringing the profiteers to justice, but he spends his time talking against labor and abusing Mr. Gompers, whose life has been dedicated to the uplift of his fellow man and the cause of humanity. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. BLANTON. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CASEY rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GARLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CASEY] has been recognized.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The Chair did not recognize the gentleman.

Mr. BLANTON. I rise to a point of order, that the debate has been exhausted on the pro forma amendment offered by myself, and I ask leave to withdraw it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his pro forma amendment. Is there objection?

There was no objection.

Mr. CASEY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

[Mr. CASEY addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DONOVAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

Mr. WOOD of Indiana. I object. I move, Mr. Chairman, that all debate on this paragraph and amendments thereto be now closed.

Mr. CASEY. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks. Is there objection?

Mr. BLANTON. I did not understand the request of the gentleman from Pennsylvania [Mr. CASEY].

The CHAIRMAN. He asks unanimous consent to extend his remarks in the RECORD.

Mr. BLANTON. I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Mr. Chairman, I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Chairman, I move to strike out the last two words.

Mr. WOOD of Indiana. I move that all debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto be now closed.

The question being taken, the motion was rejected.

Mr. GARLAND. Mr. Chairman, I wish to refer for a few moments to the statements made by the gentleman from Texas [Mr. BLANTON] with reference to this being a proposition for a closed shop. That is a mistake. There is no reference at all to a closed shop.

Mr. BLANTON. I made no such inference. The gentleman misunderstood me.

Mr. GARLAND. The gentleman's whole speech was on the closed shop.

Mr. BLANTON. No; I said the department should recognize the principle of the open shop.

Mr. GARLAND. But that meant, of course, that the shops were closed under this provision.

Mr. BLANTON. That meant that the Department of Labor——

Mr. GARLAND. I refuse to yield any further. This proposition means to apply to an open or closed shop. It means that anywhere, where differences arise between employers and employees, no matter where it is, differences which threaten the industry of the community, differences which threaten trouble, the Secretary of Labor may send this conciliation board, so that they may go there and try to find out the true status of affairs, and let it be known, and to advise against strikes. As many differences arise where there is no labor organization as anywhere else, differences between employer and employee. That frequently happens and will always be so. It does not encourage a closed shop at all, and it does not make any more open shops. It simply provides a plan of conciliation, and the Lord knows that they need something down in Texas in the gentleman's district. He stood up here one day and submitted a list of the wages paid in his district, which I would have been ashamed to show; a list of the wages paid clerks, bookkeepers, and others, running from $50 to $60 and $70 a month, to clerks in banks, doing the hardest kind of work, and the most scientific work that can be accomplished in that particular line, and they married men trying to support families. He named them all over his district, and said those men were satisfied. Now, everybody knows that men can not live honestly and decently on the wages that the gentleman said were proper wages to be paid. Why should they not have the right to complain? Why should there not be a conciliation board come in and state what is paid elsewhere for this same kind of work where the living costs are the same? I am in favor of returning the same appropriation for conciliation boards as last year.

Mr. WOOD of Indiana. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

Bureau of Labor Statistics: Commissioner, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; statistician, $3,000; 6 statistical experts, at $2,000 each; employees—2 at $2,760 each, 1, $2,520, 5 at $2,280 each, 1, $1,800, 6 at $1,600 each, 7 at $1,400 each, 2 at $1,200 each; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; clerks—8 of class 4, 7 of class 3, 10 of class 2, 17 of class 1, 8 at $1,000 each; 2 copyists; messenger; 3 assistant messengers; 2 laborers; in all, $172,960.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, I want to say, first of all, that I am in entire sympathy with the efforts being made here for economy, and therefore I undergo the embarrassment that every Member must suffer when he asks for consideration of any particular item in the bill.

This Bureau of Labor Statistics is under a very capable commissioner, who in the last year has been doing a very remarkable piece of work, I think, in gathering the data upon which to make certain recommendations, or to supply information to operate as a basis for the payment of the salaries and wages in various businesses.

I have a list of 30 different institutions employing labor that have in the last two months applied to this department for information on the cost of living, to serve as a basis for these different industries, as to whether they should increase the wages of their men or not. I asked the Commissioner of Labor Statistics if he would not cull out for me some of the letters received in January and February, and he kindly sent me some of the letters and copies of others. Let me run over some of them. Mark you, this is information sought as a basis for determining the cost of living in order to justify either the increasing or the withholding of increases of wages.

As a study from the standpoint of a university, there came a letter from the School of Commerce of the University of Michigan. There was a letter from the Manufacturers' Association of Connecticut; a letter from the committee on economic research of Harvard University; a letter from the Republican national committee to get at the facts as to the cost of living; a letter from the W. H. McElwain Co., makers of shoes, Manchester, N. H.; a letter from the United Typothetæ of America; a letter from the Northwestern University, which is making an extended research study of this question; a letter from the Scovill Manufacturing Co., of Waterbury, Conn.; a letter from the Survey Magazine; a letter from the North Dakota Agricultural College and Government Experiment Station at Fargo, N. Dak.; a letter from the Eagle-Pitcher Lead Co., of Chicago; a letter from Frederick J. Bliss, insurance appraiser, of Hartford, Conn.; a letter from Wills MacLachlan, electrical engineer, of Toronto, Canada; a letter from the Department of Labor and Industries of the Commonwealth of Massachusetts; a letter from Hobbs & Sulphen, of Chicago; a letter from the Central Pennsylvania Lumber Co., of Williamsport, Pa.; a letter from the Vick Chemical Co., of Greensboro, N. C.; a letter from the Knickerbocker Press; a letter from the Procter & Gamble Co., of Cincinnati.

These are just a few of the great list that was sent to me at my request, in order that I might have specific information as to the interests making inquiries in the Department of Labor Statistics. And when we realize that this is to get information upon which you can base action with reference to meeting the high cost of living, it becomes immediately of supreme importance.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. FESS. I yield to my friend from Pennsylvania.

Mr. KELLY of Pennsylvania. What was the purpose of these letters and what was the request that the writers made?

Mr. FESS. The request was as to the cost of articles of necessity in order to make a survey of the cost of living.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FESS. Mr. Chairman, I do not want to take the time of the committee unduly. The appropriation carried in the paragraph reduces heavily what was asked, and even reduces what we had last year. I have asked for the minimum requirement and it has been stated to me that 22 clerks will be cut off, including 2 statisticians at $3,000 each, 1 employee at $2,520, 2 at $2,280 each, 4 at $2,000 each, a special agent, and so on to the number of 22, a reduction of $44,180. I am told that these must be dropped and that this service can not be continued. I think it is rather unfortunate that it becomes necessary to do that. I say it understandingly, with a very kind appreciation of the desire to economize, and I am going to vote for every economy I think we can stand. I am a little distressed about this. In other words, I think it is not a good step to reduce our ability to get information that we ought to have to meet problems that are facing us.

Mr. CASEY. Will the gentleman yield?

Mr. FESS. I will.

Mr. CASEY. I am curious to know in the event that we may not get this valuable information from the Bureau of Statistics where are employers to get it?

Mr. FESS. They can not get it unless they find some other source, and I know of no other available source from which they could make such a survey.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks by printing a memorandum of the survey in the cost of living made by this bureau.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington.

MEMORANDUM.

The information on prices, both wholesale and retail, and cost of living gathered by the United States Bureau of Labor Statistics is being used in the adjustment of labor disputes and in wage agreements throughout the whole country. Unfortunately, I have kept no record of the number of individual firms which have written in to the bureau stating that they had established or wished to establish a sliding scale wage payment in conformity with the changes in the cost of living or changes as shown by our retail food price index number. It would mean a very laborious search in our files to find any considerable percentage of the large number of employers and organizations which are making use regularly of these figures. I inclose a partial list of those making use of our price or cost of living indexes.

I have no means of guessing how many employees these firms have, and it would be of very little value if I could supply that number, because it does not at all indicate the extent to which our monthly retail price statistics are being used in wage adjustments.

Of much greater importance in settling wage disputes than either the wholesale or retail price statistics issued monthly by the Bureau of Labor Statistics have been the periodical cost of living compilations which have been put out at irregular intervals during the last year and a half. It has been my intention to establish on a permanent basis the index number of changes in the cost of living, showing such indexes regularly twice a year for the months of November–December and June–July. This would give invaluable information to employers and employees everywhere. It would be especially unfortunate if the appropriations of the Bureau of Labor Statistics are cut so as to make it impossible to continue the regular publication of the cost of living index. Even for the short period during which I have published cost of living indexes they have been used in arriving at wage adjustments in practically all important labor disputes in the country. Beginning with the Shipbuilding Wage Adjustment Board of the Emergency Fleet Corporation, United States Shipping Board, wage agreements were made in all shipyards of the country based upon the data furnished by this bureau. The number of workers involved would be several hundred thousand, although I can not give the numbers accurately. The National War Labor Board made its wage adjustments on the basis of the same figures. Again the number of workers involved can not be given accurately, but the principle of adjusting wages in this way has been recognized in the street railway industry, in machine shops and factories, in pulp and paper manufacture, and in practically all other industries over which the National War Labor Board exercised any jurisdiction.

The Federal Railway Administration at first made a special investigation of its own into the cost of living. In this investigation, however, it made use of the wholesale and retail price statistics compiled by the Bureau of Labor Statistics. Later on the railway wage-adjustment boards used both the wholesale and retail prices and the cost of living indexes compiled by this bureau in making wage adjustments. The number of men affected by these wage adjustments would be in the neighborhood of 1,000,000.

When the Fuel Administration was confronted by the necessity of reopening the wage question in the anthracite mining industry, Fuel Administrator Garfield called upon the Bureau of Labor Statistics to make a hurried investigation into wages, hours, and earnings in anthracite mines and cost of living in anthracite mining centers. The data collected in this investigation were used in arriving at a new wage agreement. The bituminous miners next claimed an advance in wages, and the Bureau of Labor Statistics was called upon to make a similar investigation into wages, hours, earnings, and cost of living in the bituminous mining industry. As a result of the findings of the bureau no wage increase was granted to the bituminous miners by the Fuel Administrator at that time.

In the present controversy over miners' wages the Bureau of Labor Statistics has again been called upon to furnish all available information as to wages, hours, and earnings, and has been requested to make another study of cost of living in bituminous mining centers. This study has just been completed in 8 of the more important bituminous mining towns. The number of employees in both anthracite and bituminous mining affected by the wage agreements based upon wage and cost of living data furnished by the Bureau of Labor Statistics is not far from 800,000.

Other governmental wage adjustment boards and industrial relations services have made use of the statistics on wages, prices, and cost of living issued by the bureau either as a part of its regular work or as the result of special studies made at the behest of the President or some governmental agency.

While, of course, it can not be maintained that cost of living studies are the be-all and end-all for the solution of industrial unrest, it must be acknowledged that such studies are absolutely indispensable, especially in these times of readjustment and reconstruction of the industrial fabric. I do not hold that the principle of wage adjustment upon the basis of changes in the cost of living is the sole principle which should be taken into account in making wage agreements. I think, however, it must be acknowledged by all that it is a highly important element which can not be ignored if amicable relations are to be restored and maintained in industry. The Bureau of Labor Statistics is the agency which is best fitted to make such studies, because it has already made such studies which are accepted without question by practically all employers and employees. These studies should be regularized so that industry could look forward with certainty to the regular appearance of the cost of living index for the winter season, November–December, and the summer season, June–July.

Of course, it is utterly impossible for the Federal Government to make special investigations and furnish special statistics as to changes in cost of living for each particular industry for special localities over any period of time that may happen to be selected by the employers or employees. All that can be expected of the Federal Government is to furnish cost of living data at regular intervals, say, twice a year, for the more important industrial centers. Cost of living varies but little from industry to industry. Changes in cost of living vary but little from community to community, although the level of the cost of living is quite different in a large city as compared with a small town. Special industries and particular localities will necessarily have to make special investigations to adapt the figures furnished by the Federal Government to their particular circumstances. I can comply with only a small fractional part of the demands from individual industries, employers, and localities to make cost of living surveys applying to their particular problems.

If Congress reduces the appropriation of the Bureau of Labor Statistics as is proposed, cutting off $78,430 from the amount on which the bureau operated in the fiscal year 1920, which is a cut of $54,180 from the regular appropriation of this current fiscal year, it will be impossible for the Bureau of Labor Statistics to continue the cost of living surveys, much less to expand this work, as is so insistently demanded by employers throughout the country.

ROYAL MEEKER,
Commissioner of Labor Statistics.

FEBRUARY 28, 1920.

The Clerk read as follows:

For per diem in lieu of subsistence of special agents, and employees, and for their transportation; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day; temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers and to be paid at the rate of not exceeding $100 per month, the same person to be employed for not more than six consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed $6,000; traveling expenses of officers and employees, purchase of reports and materials for reports and bulletins of the Bureau of Labor Statistics, and for subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein, $70,000.

Mr. LUCE. Mr. Chairman, I move to strike out, on page 145, line 4, the figures "$70,000" and insert the figures "$80,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 145, line 4, strike out the figures "$70,000" and insert "$80,000."

Mr. LUCE. Mr. Chairman, like the gentleman from Ohio [Mr. FESS], with the general purpose of the subcommittee I am in complete sympathy. I venture to suggest this change solely because of the fact that the war brought one new requirement to meet which the Bureau of Statistics is the only bureau of the Government available. I refer to the new necessity of having at command regular computations of the cost of living as a basis for wage determination. For example, in the railroad bill just passed there is a requirement that the cost of living shall be taken into account in the fixing of wages.

A very interesting experiment is being tried by not a few employers who are automatically adjusting the wage scale to the fluctuations in the index numbers as they are reported from time to time by this bureau. While the cost of living should not be the only element in determining wages, it is at the present time a most vital element. The possibility of the extension of this system, by which wages shall not only go up but when the impending drop comes, if they have risen, shall go down in exact correspondence with prices, may not have been brought emphatically to the attention of the committee. While I wish it had been possible in the paragraph discussed by the gentleman from Ohio [Mr. FESS] to have retained the number of employees who were at work during the last year, I would not press that point. But I hope the committee may be willing that the figure for this lump-sum expenditure shall remain as it was last year, without the dropping of $10,000, a cut that will seriously hamper the bureau in making these regular reports, month by month, of the change in the index numbers.

Mr. WOOD of Indiana. Mr. Chairman, I wish to say that every gentleman who speaks in opposition to any reduction made by this committee says that he himself is in entire accord with the desire of the committee to retrench expenditures, but finds a very convenient reason why that particular item should be raised. That same excuse has been offered every time an attempt of that character has been made, and it could with equal consistency be made with reference to every item in the bill.

Now, when are we to get away from these exorbitant expenditures to defray the expenses of the Government? We will not do it if we are going to yield to individual requests. It was by the reduction of individual items that we were enabled to cut out $18,000,000, and we are constantly meeting individual attempts on the floor of the House to put it all back again. We might with equal consistency offer for every item that has been reduced an argument looking to an increase of every one of the items without exception.

I wish again to call the attention of the committee to the fact that these bureaus, many of them created during the war, for war emergency purposes, are now not only trying to make themselves permanent but are endeavoring to convince Congress that they should have an increase in force compared with what they had during the war.

If we proceed in this manner we are going to take from the field and the farm the men who should be there engaged in production, and find them employment in this constantly increasing army of the civil service in Washington, already increased from 37,000 before the war to 102,000 to-day. If these excuses continue to come, this army of civil employees that we now have will increase rather than diminish. I do not think there is any reason why this or any other item should be raised.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. GOODYKOONTZ. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MASON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the general question of economy, and especially in the matter of compulsory military training.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on economy in connection with compulsory military training. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, will this be in favor of compulsory military training?

Mr. MASON. No.

Mr. BLANTON. I do not object.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

The requirement in section 4 of the act of June 29, 1906 (34 Stat., p. 596), for filing a certificate from the Department of Labor with the clerk of the court at the time of filing a petition for naturalization is hereby repealed.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order against the words in line 26, page 145, and lines 1, 2, 3, and 4, on page 146.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman reserve the point of order?

Mr. JOHNSON of Washington. I reserve the point of order for the present.

Mr. WOOD of Indiana. Mr. Chairman, I call the attention of the gentleman and of the committee to this language. It was inserted at the request of the chief of the bureau, who presented facts to the committee which were convincing that it not only would save time but would save money and would prove efficient. I understand that the objection to it upon the part of the gentleman from Washington [Mr. JOHNSON] is that it is one of the checks they have upon the admission of undesirables to the United States. It is not the desire of this committee or anyone in the Congress, I understand, to take away any possible check upon that proposition, and I do not believe that this has anything to do with that. For instance, if an immigrant comes to this country under some assumed name and then applies for citizenship papers and an investigation is had through the port where he lands and they never find any such person as that there, this requirement sought to be eliminated would be of no use so far as identity is concerned.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. This is clearly new legislation.

Mr. WOOD of Indiana. It is. There is no question but that is subject to the point of order. It is a question of whether it is a well-raised point or not. In my opinion, under the process now of taking out citizenship papers it does not add to or detract from the desirability of the applicant. It makes a little bit more work for those engaged in the naturalization work and subjects a number of our citizens to a great deal of inconvenience and is no check so far as desirability or undesirability is concerned. This amendment is for the purpose of expediting the work of the department, saving expense there, and also the work of those in charge of the naturalization bureau.

Mr. JOHNSON of Washington. Mr. Chairman, this paragraph in my opinion shows the danger of putting legislation on appropriation bills. It happens that the Committee on Naturalization and Immigration has a bill on the calendar, H. R. 10404, and the very first paragraph of that bill is a provision canceling this steamship certificate. This committee put that paragraph into its omnibus naturalization bill upon the statements exactly the same as those made to the Committee on Appropriations, by the same gentleman, as plausible as you please. I am not prepared to say at this moment that this change should not be done, but after the bill was placed on the calendar the Committee on Immigration and Naturalization was given authority to make some investigations. On returning from a minor inquiry we reopened our bill and the first flaw we found in it was with regard to these steamship certificates, and thereupon the Committee on Naturalization and Immigration appointed a special committee to make a special inquiry, and that subcommittee is now at work. We went into this same question and have testimony in our hearings, four or five or six pages, advocating this change, the testimony all being from one man. Then a little later on we obtained supplemental evidence from the same gentleman. The question is now an open one in the committee and the committee is now considering it. Of course a Committee on Appropriations can "short-shoot the turn" and do the work of all the other committees of the House. I wish to quote from the testimony before our committee:

Mr. JOHNSON. In case you can not prove arrival on shipboard, how do you get around it and give the man his citizenship?

Mr. CRIST. In those cases we send him to the immigration authorities and they examine him and from this record show a nunc pro tunc certificate of arrival.

Mr. JOHNSON. Is that in violation of the law?

Mr. CRIST. No; it is not in violation of law, for court decisions sanction it.

Mr. JOHNSON. Is it an evasion of the law?

Mr. CRIST. It is substituting a paper record upon which to issue the form which will allow the alien to admission to citizenship.

A little further on I quote some further testimony:

Mr. JOHNSON. What do you mean by paper record?

Mr. CRIST. A man comes in by way of New York and is examined 10 years later in Omaha; on the record of the immigration authorities the certificate of arrival is issued.

Mr. JOHNSON. On guess?

Mr. CRIST. On his own statement.

Mr. JOHNSON. If he says he came on the *Cambria* and the records fail to prove that he did, you finally take his word for it?

Mr. CRIST. We must take his word in any event.

It will therefore be seen that in spite of the law they have developed a plan by which the man's word is taken. He may have come across the border——

Mr. WOOD of Indiana. That is the fault of the enforcement of the law. They are doing that in violation of the law, because under the law, when challenged, he must make proof of his identity by substantial evidence.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RAKER. Mr. Chairman, I reserve the right also to object.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. A further question was asked by the chairman of the committee:

I want to know how many cases you can pick up to be naturalized if you are relieved of the record of the steamship arrival.

Mr. Crist replies to that:

Every alien who came into the United States after June 29, 1906, must give their evidence, and if this law is repealed not one will have to get a certificate of arrival.

The reason that I shall make the point is that your Committee on Naturalization and Immigration thinks that the steamship certificate is of some value and has been quite a decided check, and before striking it out of the law we want to put something into the law in its place that is better, if possible. The point of order, of course, is that this paragraph is new legislation, and, further, that it does not come under the provisions of the Holman rule.

Mr. WOOD of Indiana. I will state to the committee that the only purpose that we had in taking the action that we did was for the purpose of saving some money, and upon the assurance that this present requirement was no check and that the steamship certificate was worthless so far as identity was concerned. It was of no value in the matter of establishing citizenship; in other words, that it retarded the expedition of the proceedings.

Mr. RAKER. Will the gentleman yield?

Mr. WOOD of Indiana. I will yield.

Mr. RAKER. In addition to the statement made, the law requires each one of these parties to have a certificate when they enter the United States whether on steamship or on land from the Canadian or the Mexican side.

Mr. WOOD of Indiana. That certificate does not prove anything.

Mr. RAKER. It proves this: It proves that he entered a port and is legally in the United States. Without the certificate he is illegally here and should be deported, and the certificate has

that value for three years and it establishes the fact that he retained the certificate and never abandoned it.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order against the provision.

The CHAIRMAN. The gentleman from Washington makes the point of order against the paragraph, and the Chair sustains the point of order.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last two words.

Mr. MANN of Illinois. There are no last words.

The CHAIRMAN. The paragraph has gone out.

Mr. SIEGEL. But the Bureau of Naturalization, providing for a commissioner at $4,000——

The CHAIRMAN. That has been passed. The Clerk will read and the Chair will recognize the gentleman.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PLATT having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Richmond, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona in Montague County, Tex.; and

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 9065) to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm-loan act, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. MCLEAN, Mr. GRONNA, and Mr. OWEN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Children's Bureau: Chief, $5,000; assistant chief, $2,400; experts—one on sanitation $2,800, industrial $2,000, social service $2,000, statistical $2,000; administrative clerk, $2,000; editor, $2,000; special agents—1 $1,800, 4 at $1,600 each, 10 at $1,400 each, 12 at $1,200 each; private secretary to chief of bureau, $1,500; clerks—2 of class 4, 4 of class 3, 4 of class 2, 17 of class 1, 10 at $1,000 each; copyist; messenger; in all, $106,040.

Mr. SIEGEL. Mr. Chairman, there seems to be so much confusion in regard to the process of naturalization and the requirements of section 4 of the naturalization law, to which reference was made a moment ago, that I thought I might explain the procedure. When an alien arrives in America, within 30 days thereafter he may make application for what is known as a declaration of intention to become a citizen. When he has been here five years, and at least 90 days before his petition for final citizenship can be heard, he must file his petition. He goes to the clerk of the court with two witnesses, and they must testify to the fact that they have known him during the entire five-year period of time. Then the papers are sent over to the bureau of examiners of the Naturalization Bureau. There the examiners question the witnesses and examine the applicant again. At the Department of Justice and the Office of Military Intelligence there is a record of cases which may have arisen as a result of the draft, and so forth, showing the loyalty of the witnesses or the general actions of the applicant. When that has been disposed of and the naturalization examiners are thoroughly satisfied that the man is fit to become an American citizen, he and his two witnesses must appear before the court. Now, it is true that appearance before the court on the final proof is a formal affair. It is assumed if the naturalization examiners have O. K'd these papers for the applicant, then the applicant is admitted. It is true the witnesses and the applicant are sworn in the court, but that is about all it consists of. In regard to the certificate of arrival, as to which reference was made a few moments ago, it is a well-known fact that thousands of men in the United States will never be able to obtain that certificate of arrival, as the records at Ellis Island were burned some time ago. In addition to that, it is a well-known fact that the steamship companies in filing their manifest, where the name might be "Wack," show it probably as "Vack," and so on. In numerous cases it is impossible to obtain from the manifest list the name of the individual who arrived here For years the courts have held that where such certificates can not be obtained, evidence furnished by the man himself that he has been in the country five years, together with that of his witnesses, was competent and sufficient. Now, as a matter of fact, years ago there used to be handed out to the immigrant when he arrived here a certificate or a slip from the steamship company showing that he had arrived by steamer so-and-so.

When we were on board the *Adriatic*—when I say "we" I mean members of the Immigration Committee—we found first and second class passengers who received cards of landing and pitched them away. This certificate of arrival does not add a single iota of measure of safety in permitting any man to be admitted to citizenship. It does result in this, however, that over 22,000 applications for certificates are unattended to at Ellis Island at the present time.

Mr. JOHNSON of Washington. But 20,000 of those have been cleaned up during the month of February, showing the bureau can get busy if it tried to do so.

Mr. SIEGEL. The Naturalization Bureau does not have to do that particular work. It is supposed to be done by the Immigration Service. It is separate and distinct from the Naturalization Bureau. The naturalization work is held back, impeded, and retarded by the failure of the inspectors and others in the Immigration Service at Ellis Island doing this work. That work at Ellis Island is never done, except when they have leisure time to do it. We all know who have given any attention to the proposition that the Immigration Service has its own method of handling its own business and the Naturalization Bureau has its own method.

And if it is necessary to continue this certificate-of-arrival proposition, the Naturalization Bureau should have their own inspectors in order to do it. It is useless to constantly cry that aliens do not desire to become citizens, when instead of providing sufficient machinery for that purpose you are placing cogs in the wheel. It is about time that the country learned the facts and placed the responsibility where it properly belongs. Provide the courts and examiners and your problem of Americanization will be quickly solved and help make America really American.

The Clerk read as follows:

To investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality, including personal services in the District of Columbia and elsewhere, $80,000: *Provided*, That not exceeding eight persons shall be employed hereunder at a rate of compensation of $2,000 each per annum and above that sum.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman if this does not involve a duplication of some of the work of the Public Health Service, this investigation of infant mortality and conditions of that kind? Does not that properly belong to the Public Health Department?

Mr. WOOD of Indiana. It does perhaps result in some little duplication, but it is a work the prime purpose of which is distinctly pertaining to the investigation that has been made through the Department of Labor. And we asked those who are interested in this service with reference to the amount of duplication, and they said there was very little of it.

Mr. JONES of Texas. Is this confined to children of the immigrants and of the people who have recently come to this country, or is it a general proposition?

Mr. WOOD of Indiana. It is a general proposition. They send their agents into the homes, and they ascertain the conditions by visitation, and then they try to do the work through other kinds of influences, such as the school-teacher or some other friend. There is nothing compulsory about the acts of this department. They gather the information through visitation, and sometimes by suggestions to the mother with reference to the care of her children conditions are bettered, and I think it a very good work.

Mr. JONES of Texas. Has it been conducted some time by the bureau or is it a recent line of work?

Mr. WOOD of Indiana. It has been conducted for some time, and it has been very satisfactory.

Mr. JONES of Texas. I withdraw the amendment.

The Clerk read as follows:

Rent: For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Labor, $24,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question as to this rent item. Is there not room for this department in some of the buildings owned by the Government?

Mr. WOOD of Indiana. This is a leased building. It was a building that was erected for the Department of Labor, and a very peculiar question arose concerning it. It seems that

through the mistake of the architect they built one story more onto this building than was required by that department of the Government. They had a lease upon the whole building, and now that we are occupying the whole building under the lease they are insisting we shall pay them for the extra story. We have not seen our way clear to do it. But this is a building that was erected especially for this department, and it is on a long-term lease. I do not know whether there is a place to house them outside of that building or not.

Mr. TILSON. I withdraw the pro forma amendment.

The Clerk read as follows:

JUDICIAL.

Supreme Court: Chief Justice, $15,000; 8 associate justices, at $14,500 each; marshal, $4,500; 9 stenographic clerks, 1 for the Chief Justice and 1 for each associate justice, at not exceeding $2,000 each; 9 law clerks, 1 for the Chief Justice and 1 for each associate justice, at not exceeding $3,600 each; in all, $185,900.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph for the purpose of making a point of order on the language beginning with the last word on line 21, as follows:

Nine law clerks, 1 for the Chief Justice and 1 for each associate justice, at not exceeding $3,600 each.

The CHAIRMAN. Does the chairman concede that it is subject to a point of order?

Mr. WOOD of Indiana. Yes; I concede that it is subject to a point of order.

Mr. MANN of Illinois. We do not know whether it is or not.

Mr. WOOD of Indiana. I think it is.

Mr. SISSON. There is no authority of law. I am not making it on the whole paragraph. I am simply confining it to the law clerks.

Mr. MANN of Illinois. Mr. Chairman, there are a great many places in this bill providing for law clerks for which there never was any authorization of law except the appropriation act of the current year. There are a great many places in this bill providing for all character of clerks in the departments that never were authorized by law except as provided in the current appropriation bill.

The CHAIRMAN. The Chair is informed that this is not carried in the current law.

Mr. MANN of Illinois. I understand, and if it were it probably would not make any difference. There was an act some years ago, but I do not know whether it covers the current appropriation act or not, that provided that where an item was carried in an appropriation bill for a position it should be considered that that position as a matter of law existed and the salary existed. But we make constant provision in every department for more clerks than there were before. I do not know, but it may be that this is subject to a point of order. It seems to me where the Constitution creates a Supreme Court it is in order to provide money for its maintenance and support, more than merely the salary of the judges or the officers named by the court. Of course, if the Chair has looked up this matter——

The CHAIRMAN. The Chair has not. He has been simply informed by the gentleman from Indiana [Mr. WOOD] that he conceded the point of order.

Mr. MANN of Illinois. The gentleman from Indiana is an able parliamentarian, an able legislator, and an able appropriation man, but what any man in charge of a bill does not know about points of order would fill many volumes compared with what he does know. That was exemplified by what took place here yesterday, where the gentleman in charge of the bill, the gentleman from Tennessee [Mr. BYRNS], a few years ago readily conceded a point of order and the Chair naturally and properly followed him and sustained the point of order, and the Chair yesterday sustained the point of order following the decision of the Chair before, based upon the concession of a man in charge of the bill who did not know anything about the point of order and admitted yesterday that he was mistaken before, which frequently happens.

Mr. WOOD of Indiana. Of course, I will accede to the superiority of the gentleman from Illinois on all parliamentary information. Has he any authority that he can offer to show that this is in order?

Mr. MANN of Illinois. The gentleman did not listen to what I said.

Mr. SISSON. Mr. Chairman, there is absolutely no question about there being no law to provide for it in this bill. It is in another bill and not this one. It is on a deficiency bill and not on this legislative bill, because this committee has for a number of years decided this. There is no question about its not being authorized by law.

The CHAIRMAN. The Chair does not think, in the absence of a specific law on this subject, that these clerks are authorized, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Books and judicial officers: For purchase and rebinding of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States," $16,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, I do so in order that I may ask the chairman of the subcommittee if, in his judgment, this paragraph puts enough information at the command of the Attorney General and the district attorneys?

I find that on the 23d of February the Attorney General, speaking at Topeka, Kans., according to the Topeka Capital, discussed the cost of living and devoted nearly one-half of his speech to an attack on Congress because "its mind, like Secretary Lansing's, had not gone willingly along with mine." [Laughter.]

I also find that in his annual report, when we had put at his command the additional money and the additional law he wanted with which to proceed against profiteering and hoarding, he stated: "It is now possible to deal vigorously with all classes of profiteering." We gave him all the money he wanted, and we gave him all the law he wanted, and he now castigates Congress. So, I wondered if we would not wisely help the district attorneys throughout the country if we bought twice as many books, and then if we might not double the appropriation for the detection and prosecution of crime, adding another million to the extra million we gave Mr. Palmer, in order that he may produce some still more tangible effect in reducing the cost of living. And I would like to call to his attention what Bradstreet's for February 14 said about the index numbers that mark the fluctuations in prices:

The February 1 number, it might be noted, marks a gain of 18.3 per cent over February 1 a year ago, when the reaction following the armistice was in full swing, and is 4.3 per cent above the high point touched on August 1, 1919, which saw the beginning of the acute anti-high-price agitation and the going to work of much noisy official machinery for the discouragement of high prices set up at Washington.

I fear, perhaps, that this reference to "much noisy official machinery" may be deemed an instance of lese majeste.

May I inquire if, with the scanty funds and the few books at the command of the Department of Justice, its officials were able to raise the cost of living 4 per cent and more in six months and 2.4 per cent in the month of January alone, how much more castigation Congress needs in order to put at the command of the Attorney General additional resources with which still further to raise the level of prices? [Laughter.]

Mr. WOOD of Indiana. I will say in answer to the inquiry of the gentleman that the attention of each head of bureau was called to the proclamation issued by the Attorney General of the United States for the purpose of reducing the cost of living, and invariably the answer came from these bureaus that they did not think that Mr. Palmer could reduce the high cost of living by proclamation. He has taken no other steps for the purpose of reducing it, according to the knowledge of the committee; but for fear he may not have the full means with which to pursue the profiteers and reduce the cost of living, as he promised to do, we thought we had better not diminish the appropriation for the present session at least. [Laughter.]

Mr. LUCE. If the committee is not disposed to recommend more funds to assist the Attorney General in further elevating the cost of living, I will withdraw my amendment. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

All purchases of typewriting machines during the fiscal year 1921 by the various branches of the Government of the United States for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the general supply committee. The War Department shall furnish the general supply committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the general supply committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the general supply committee is unable to furnish serviceable machines to any branch of the Government, it shall furnish unserviceable machines at current exchange prices and such machines shall then be applied by the branch of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. No new typewriting machine, however, shall be so purchased if it is of a different make than the machine given in exchange.

Mr. MANN of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN of Illinois. I notice this paragraph provides that if the general supply committee can not furnish serviceable machines, they shall furnish old machines to be used in exchange for the purchase of new machines, and then this provision is inserted:

No new typewriting machine, however, shall be so purchased if it is of a different make than the machine given in exchange.

Mr. WOOD of Indiana. If the point of order is not raised, it is the purpose of the committee to move to strike out the language that the gentleman has just called attention to.

Mr. MANN of Illinois. That is satisfactory. I think that language would hold the Government up.

Mr. WOOD of Indiana. It would prevent competition.

Mr. MANN of Illinois. I withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 154, strike out the remainder of the section after the word "paragraph," in line 14, and insert in lieu thereof the following:

"After the approval of this act and until June 30, 1921, the War Department shall not dispose of any typewriting machines except to the general supply committee authorized herein."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of $2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1921, additional compensation at the rate of $240 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,500 and less than $2,740 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 60 per cent of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of $240 per annum for the fiscal year ending June 30, 1920, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1919, has received during the fiscal year 1920, or shall receive during the fiscal year 1921, an increase of salary at a rate in excess of $200 per annum, or where an employee, whether previously in the service or not, has entered the service since June 30, 1919, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation: *Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees.

Mr. SISSON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. BLANTON. I make the point of order against this paragraph that it is new legislation, unauthorized by law, on an appropriation bill. I will state that this is the bonus section which was provided for temporarily during the war. The law providing for this bonus first of $120, then of $240, was passed merely as an emergency. to assist our employees during the war. It was understood then that when the war was over and we got back to normal conditions this should be taken off of their pay. If proper consideration——

Mr. BAER. Will the gentleman yield?

Mr. BLANTON. Just a moment. If proper consideration had been given our soldier and sailor boys who fought and served in the war, with reference to a proper bonus, I would not have made this point of order; but until we do justice to the soldier and sailor boys of this country who won the war in France, I do not think civilian employees should draw a war bonus.

Mr. WOOD of Indiana. Mr. Chairman, I make the point of order that the gentleman is not speaking to his point of order.

Mr. BAER. I agree with the gentleman as to the soldiers, but the gentleman said "when we get back to normal conditions." Does the gentleman consider that we have got back to normal conditions yet?

Mr. BLANTON. Well, we are certainly at peace. We are not at war.

Mr. BAER. Oh, yes; we are at war.

Mr. WALSH. I make the point of order that the gentleman is not confining himself to his point of order.

Mr. BLANTON. I am confining myself to the point of order, Mr. Chairman. I am trying to answer the question propounded to me by the gentleman from North Dakota.

Mr. WALSH. That has nothing to do with the point of order.

The CHAIRMAN. Does any gentleman desire to be heard on the point of order?

Mr. WOOD of Indiana. Mr. Chairman, I desire to say that this legislation, or legislation like it, has been carried in the bill for the last three sessions of Congress. I will not contend that it is not subject to a point of order, but I had hoped that there might be some agreement or understanding here with reference to this bonus and that the point of order would not be made.

Mr. BLANTON. I think we can get some working agreement, if the gentleman will permit me to make a statement. I understand that there is to be an effort made here to increase this bonus from $240 to $480, which would be unconscionable. That is why I have raised this point of order.

Mr. WOOD of Indiana. I do not know whether there is any such arrangement.

Mr. BLANTON. If I did not make this point of order at this time, it would make this paragraph subject to that amendment, and certainly the chairman does not want a $480 bonus put in this bill.

Mr. MANN of Illinois. I suggest to the gentleman that he reserve his point of order, so as to allow the matter to be debated.

Mr. WOOD of Indiana. Why does not the gentleman reserve the point of order until we can arrive at some understanding?

Mr. BLANTON. I make the point of order.

The CHAIRMAN. Does any gentleman desire to be heard on the point of order? If not, the Chair is compelled to sustain the point of order. The Clerk will read.

The Clerk read as follows:

The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues.

Mr. BLANTON. Mr. Chairman, a point of order. It will save the reading——

The CHAIRMAN. The Clerk has not completed the reading of the paragraph.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. Nothing is in order until the reading of the paragraph is concluded.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The Chair declines to recognize the gentleman. The Clerk will conclude the reading.

The Clerk read as follows:

Employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; officers and members of the Metropolitan police of the District of Columbia and the United States Park police who receive the compensation fixed by the act approved December 5, 1919.

Mr. BLANTON. I appeal from the decision of the Chair.

The Clerk read as follows:

Officers and members of the fire department of the District of Columbia who receive the compensation fixed by the act approved January 24, 1920; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916——

Mr. BLANTON. Mr. Chairman, a point of order. We have not got a quorum here. I presume the Chair will conduct this body according to the law and the regulations.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present.

Mr. BLANTON. I am forced to do so in order to get some action by the Chair.

The CHAIRMAN. The gentleman from Texas is out of order. The Chair will count.

Mr. MANN of Illinois. The gentleman from Texas is liable to get censured by the House for such remarks. [Applause.]

Mr. BLANTON. I presume I have the right to make the point of no quorum.

The CHAIRMAN. The gentleman from Texas will be in order. The Chair will count.

Mr. BLANTON (during the count). I withdraw the point.

The CHAIRMAN (after completing the count). One hundred and twenty-seven Members present, a quorum.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to strike out the remainder of section 6.

Mr. MANN of Illinois. Without reading it.

Mr. WOOD of Indiana. I ask unanimous consent to strike out the remainder of section 6 without reading it. It all relates to this same bonus proposition.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to strike out, without completing the reading of

the paragraph, all the remainder of section 6, down to section 7. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 7. That hereafter the statement of buildings rented within the District of Columbia for the use of the Government, required by the act of July 16, 1892, shall indicate, in addition to the data required by section 2 of the act of May 1, 1913, the cost of the care, maintenance, and operation of each building per square foot of floor space of the building or portion of building rented.

Mr. GARRETT. Mr. Chairman, I reserve a point of order to the section. Will the gentleman be good enough to explain what the necessity is for this additional legislation?

Mr. WOOD of Indiana. What we are endeavoring to do is to find out what it is costing the Government for the buildings now rented by the Government. We felt that there ought to be some way whereby Congress can find out how much we are paying for rented buildings and for what purpose they are being used. It became very evident during the course of the investigation that with a little bit of care a great many of the Government activities now in rented quarters could be housed in the Government-owned buildings. We are getting this information now to some extent in the appendix of the estimates for appropriations.

Mr. GARRETT. I notice that it is provided that there shall be a report as to the maintenance and operation of each building and the number of square feet of floor space. Is that a fair test—to take it by the square foot?

Mr. WOOD of Indiana. That is one of the tests; it is the basis on which they fix the rent.

Mr. GARRETT. Mr. Chairman, I withdraw the point of order.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 159, line 25, strike out the figure "2" and insert the figure "3."

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, does not the chairman think it possible before the bill is disposed of that an application can be made to the Rules Committee for a rule making section 6 in order so that the matter can be properly disposed of? These employees can not go through the whole year without the necessary money for them to live on.

Mr. WOOD of Indiana. I will say that the committee does not think it advisable to ask for a rule. The committee is of the opinion that this should have been continued at $240, and that it would be unfair to continue it at a higher rate. I think that at some time between now and the time the bill becomes a law we can come to some conclusion with reference to it.

Mr. MANN of Illinois. There is another body where they are not quite so technical in the construction of the rules.

Mr. CALDWELL. The chairman of the committee and the boss of the Republican side think that the other body can safely be trusted to put this provision back into the bill?

Mr. MANN of Illinois. I think so, although I am not the boss of the Republican side of the House.

Mr. CALDWELL. The gentleman disclaims being the boss, but we all know who is the boss.

Mr. NOLAN. When the Democrats were in control of the House this went out on a point of order, and the Democrats brought in a rule protecting it.

Mr. MANN of Illinois. And I forced them to do it.

Mr. CALDWELL. That is all right; why do you not force the Republicans? You boss them.

Mr. MANN of Illinois. I think we will have the Republicans do it in another body.

Mr. CALDWELL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SISSON. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to insert in the RECORD an article headed "Clerks index Congressmen." It is a statement in reference to the question of voting. I want to show the attitude the clerks occupy toward gentlemen who do not agree to the increase of wages.

Mr. WALSH. By whom is the statement made?

Mr. SISSON. It appears in one of the Washington papers and is credited to the National Federation of Employees. I do not, of course, know that it is authentic, but it has not been denied and purports to be a statement from the Federation of Employees. I think it ought to go into the RECORD.

Mr. WALSH. Does it appear in the hearings?

Mr. SISSON. No; it does not.

Mr. WALSH. Why should it appear in the RECORD since the section has gone out on a point of order?

Mr. SISSON. It came out on February 19, and I think the RECORD ought to show it.

Mr. WALSH. Very well.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing the article referred to. Is there objection?

Mr. BLANTON. I object.

The Clerk read as follows:

SEC. 8. That after June 30, 1920, unless otherwise expressly provided by law, no allowance or reimbursement for subsistence other than expenses actually incurred for meals and lodgings while traveling on duty or actually engaged in the discharge of official duties away from his regular post of duty shall be paid to any officer or employee in any branch of the public service of the United States nor shall any sum be allowed or paid for such expenses actually incurred for meals and lodgings in excess of $5 per day and the expenses, for which payment or reimbursement is authorized herein, shall not be construed to include any gratuity or tip: *Provided*, That a per diem in lieu of subsistence may be allowed as heretofore when authorized by or pursuant to law.

Mr. NOLAN. Mr. Chairman, I make the point of order on the section.

Mr. SISSON. Mr. Chairman, I move to strike out the last word.

Mr. NOLAN. Mr. Chairman, I make the point of order on the section.

The CHAIRMAN. The gentleman from California makes the point of order. Does the gentleman from Indiana desire to cite any law authorizing this paragraph?

Mr. WOOD of Indiana. Mr. Chairman, I will state to the Chair that the purpose of this section is to retrench expenditures. Its purpose is to prevent abuses and a wasteful expenditure of the public money, as evidenced by testimony appearing before the committee, from a detailed statement of reports made by different gentlemen who were traveling at the expense of the Government. This is inserted at the suggestion of the comptroller, who brought to the attention of the committee that there are a half dozen different ways whereby they arrive at different expenses in the various departments, and that there was necessity for some uniform rule whereby a limitation can be put upon these expenditures. That is the purpose of the legislation. There is a law authorizing subsistence, and there is also a law authorizing a per diem charge, $4, and $5 where receipts are taken and statements made of the expenditures.

For the purpose of curtailing expenses this provision, in the opinion of the comptroller, is necessary. I think it comes within the rule and is a limitation on expenditures.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I desire to read in my time the article which I endeavored to have inserted a few moments ago. It is as follows:

CLERKS INDEX CONGRESSMEN—TABULATE SENTIMENT OF LAWMAKERS ON QUESTIONS AFFECTING SALARY.

All employees in the Government service, whether they live in Washington or San Francisco, will soon know just who are their friends or enemies in Congress, and they will be strongly urged to vote accordingly at the coming elections.

The National Federation of Federal Employees, in its headquarters at 1423 New York Avenue, is busily engaged at present card indexing every Representative in the Capitol as an important part of the voters' information bureau which has been established by the federation.

The sentiment of Congressmen on the legislative program of the Federal Employees' Union has been carefully followed, and every vote cast for or against measures of concern to Federal employees has been tabulated.

SIMILAR TO AMERICAN FEDERATION OF LABOR PLAN.

The union legislative program, including such issues as minimum wage, retirement, and numerous other measures, together with the attitude of each Congressman toward the program, is being prepared to send broadcast to the headquarters of the locals throughout the United States.

The system being followed by the national federation is similar to that of the American Federation of Labor in keeping tab on officials' attitude toward labor.

The employees' union will not only keep its membership of nearly 100,000 informed, but will disseminate as well its voting information to every employee in the Government service.

WATCH NEW CANDIDATES.

While present Congressmen will be the principal subject of such a list, new candidates for the office will not be overlooked. It is planned to sound out thoroughly each new aspirant to Congress as to his attitude toward the Government employee.

The National Federation of Federal Employees is massing its full strength to procure a friendly Congress. Not only will it blacklist certain Members of Congress, but every effort will be made to have every employee in the Government service exercise his full voting right.

To encourage voting among nonresident employees in Washington, the federation is completing data on election laws, election dates, and other information relative to every State in the Union, which can be handily gotten by calling at the headquarters of the federation.

I simply wanted to read that to the committee, so that Members would know just exactly the attitude they are occupying in reference to this legislation.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. KING. What document is the gentleman reading from?

Mr. SISSON. This is a news item appearing in one of the Washington papers.

Mr. KING. What paper?

Mr. SISSON. The Washington Times.

Mr. KING. Is there any proof that this comes from the employees?

Mr. SISSON. Absolutely none, as I stated before; but if that is not true, it ought to be denied. I do not believe that the employees of the Federal Government should in this manner endeavor to hold up Congress.

Mr. WALSH. What does the gentleman expect to accomplish by throwing such a scare into the membership here?

Mr. SISSON. I apologize to my friend for thus throwing Congress into a panic.

Mr. WALSH. Is not the passage of this bill endangered by any such assertion?

Mr. SISSON. I waited till the bill passed before calling attention to this threat upon our political lives. I did think that the attitude of the employees should be known in Congress, however, and throughout the country, so that we could arrange all the affairs of the Nation for the benefit of these employees. I presume most of the Members of Congress desire that the Federal employees shall receive fair treatment, and I am sure that our committee has endeavored to give them fair treatment, but the mental attitude of these people ought to be known. These people propose to defeat every Member of Congress who does not agree to take from the taxpayers of America every cent that they demand. In other words, they propose, if this article tells the truth, to take charge of the next election and defeat every man who refuses to yield to their mandates. Every voter and taxpayer in America should understand this matter and be informed as to what their servants, the Federal employees, are demanding. I trust that only a few employees feel this way about it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to address the House for three minutes.

Mr. WOOD of Indiana. Mr. Chairman, I suggest that the gentleman wait until we get through with this measure.

Mr. UPSHAW. But this relates to this very matter.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to address the committee for three minutes. Is there objection?

Mr. MADDEN. I object.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to return to page 65 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 65 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out all of lines 22, 23, 24, and 25, on page 65.

The CHAIRMAN. The gentelman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 65, strike out all of lines 22, 23, 24, and 25, as follows:
"For salaries of the officers and employees in the various Subtreasuries from July 1 to December 31, 1920, inclusive, or to such earlier date as the Secretary of the Treasury may determine, at annual rates of compensation, as follows."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I am utterly unwilling for this hour to pass without going on record concerning this matter. I want to say to you I am in favor of the bonus for Federal employees brought forth in the report of the committee, and I am in favor of more than that bonus and would be glad to see it increased—listen—not because I am afraid of any threat that has been published or not published——

Mr. BLANTON. Mr. Chairman, a point of order.

Mr. UPSHAW (continuing). But because I am in favor of doing the right thing for these Government employees. [Applause.] And I want to say this——

Mr. BLANTON. A point of order, Mr. Chairman. I make the point of order that the distinguished gentleman from Georgia is not discussing anything that is now before the committee, and he is talking out of order, in that this matter has been passed, and I ask for a ruling.

The CHAIRMAN. The gentleman from Georgia will proceed in order.

Mr. UPSHAW. I say to the gentlemen of this House that we men who are drawing $7,500 a year for the service we are rendering, faithful as it is, hard as it is, ought not to try to stop any kind of legislation that will give men of families who are working just as hard as we are a pittance of $1,500 or $1,600 a year. [Applause.]

Mr. BLANTON. Mr. Chairman, a point of order.

Mr. UPSHAW. I know many men——

Mr. BLANTON. A point of order, Mr. Chairman.

Mr. UPSHAW (continuing). Who can not support their families on what they are getting.

Mr. BLANTON. I make the point of order, Mr. Chairman.

Mr. UPSHAW. I have many letters, sir——

Mr. BLANTON. A point of order, Mr. Chairman.

Mr. UPSHAW. From many men who declare that they will have to quit work for the Government and that their families are suffering because they are not getting enough to live on in these trying times.

Mr. BLANTON. Mr. Chairman, a point of order.

Mr. WALSH. The gentleman can not proceed when a point of order is raised.

The CHAIRMAN. Will the gentleman from Texas state his point of order?

Mr. BLANTON. I am sure the distinguished gentleman from Georgia ought to obey the rules when his colleague makes a point of order. Mr. Chairman, I make the point of order that the gentleman from Georgia is proceeding out of order in disobedience to the Chair's ruling.

The CHAIRMAN. The Chair will inform the gentleman that the item to which the amendment to strike out was offered is relative to the salaries of officers and employees of the bureaus of the Subtreasuries. The gentleman will confine his remarks to that subject.

Mr. UPSHAW. Mr. Chairman, I remind the House I have on my desk many letters from noble patriotic men whose lives I have touched for years who declare that they love their Government and its work, but who tell me they will be compelled to leave the service soon if their salaries are not increased——

Mr. BLANTON. Mr. Chairman, a point of order.

Mr. UPSHAW. They are connected with the Subtreasury or the main Treasury. [Laughter and applause.]

Mr. BLANTON. Mr. Chairman, I submit that the distinguished gentleman from Georgia should keep within the rule.

The CHAIRMAN. The Chair will admonish the gentleman from Georgia to obey the rule.

Mr. UPSHAW. The gentleman from Georgia accepts the admonition from the Chair and would emphasize the assertion now that the thing I am trying to do is to connect these faithful servants of the Government, not so much with the Subtreasury but with the main Treasury of the American people. [Great applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. WOOD of Indiana. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. Will the gentleman withhold his motion? The Chair is informed by the Clerk——

Mr. WOOD of Indiana. I do. My attention is called to the fact that these subsequent paragraphs have not been read.

The CHAIRMAN. The Chair is informed that certain paragraphs in reference to the subtreasuries have not been read.

Mr. WOOD of Indiana. That is what I wished to call attention to.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Baltimore, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; clerks—2 at $1,600 each, 3 at $1,400 each, 3 at $1,200 each, 3 at $1,000 each; messenger, $840; 3 watchmen, at $720 each; in all, $15,750.

The CHAIRMAN. Does the gentleman from Indiana desire to strike out?

Mr. WOOD of Indiana. No; it should not be stricken out, as I understand it, for the reason that the Platt amendment provides for the continuance of these offices for a year, and these salaries ought to remain the way they are in order that the gentlemen interested may get their salaries.

Mr. IGOE. Will the gentleman yield for a question?

Mr. WOOD of Indiana. The provision which was struck out was because of the fact that we limited the salaries to six months. Now, all that is necessary is for the totals to be corrected.

Mr. IGOE. The total given to this Subtreasury, as I understand, provided in the bill for only six months?

Mr. WOOD of Indiana. We instructed the Clerk some time ago to correct the totals.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking if it is understood that the Clerk is authorized to increase the totals of these items to cover the entire year?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. When was it that consent was given? Does that follow by striking out the paragraph at the bottom of the previous page?

Mr. WOOD of Indiana. Yes.

Mr. BAER. Mr. Chairman, I move to strike out the last two words in order to ask the chairman of the committee if the bonus applies to these salaries?

Mr. WOOD of Indiana. There is not any bonus.

Mr. BAER. It would have been provided if it had been carried in the bill?

Mr. WOOD of Indiana. Yes.

Mr. BAER. I think it ought to be carried in the bill. Is not there some way to amend this bill so that it can carry the bonus?

The Clerk read the remainder of the items.

Mr. WOOD of Indiana. Now, Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

Mr. EAGAN. A parliamentary inquiry, Mr. Speaker. I have a motion to recommit.

The SPEAKER. That will come in due time.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BLANTON. Mr. Speaker, I ask for a separate vote on the Green amendment, providing for $40,000 for the legislative-drafting bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, strike out lines 15 and 16 and in lieu thereof insert the following:

"The salaries and expenses of maintenance of legislative drafting service as authorized by section 1343 of the revenue act of 1918, $40,000, one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives."

Mr. BLANTON. I also ask for a separate vote on the amendment placing back in the bill the surveyors-general legislation.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 113, line 13, strike out line 13 and the remainder of page 113 and all of page 114, down to and including line 18, and insert in lieu thereof the following:

"For salaries of surveyors general, clerks in their offices, and contingent expenses, including office rent, pay of messengers, stationery, printing, binding, drafting instruments, typewriters, furniture, fuel, lights, books of reference for office use, post-office box rent, and other incidental expenses, including the exchange of typewriters, as follows:

"Alaska: Surveyor general and ex officio secretary of the Territory, $4,000; clerks, $11,220; contingent expenses, $3,600; in all, $18,820.

"Arizona: Surveyor general, $3,000; clerks, $18,400; contingent expenses, $600; in all, $22,000.

"California: Surveyor general, $3,000; clerks, $14,100; contingent expenses, $650; in all, $17,750.

"Colorado: Surveyor general, $3,000; clerks, $18,650; contingent expenses, $750; in all, $22,400.

"Idaho: Surveyor general, $3,000; clerks, $12,600; contingent expenses, $750; in all, $16,350.

"Montana: Surveyor general, $3,000; clerks, $16,980; contingent expenses, $600; in all, $20,580.

"Nevada: Surveyor general, $3,000; clerks, $12,060; contingent expenses, $500; in all, $15,560.

"New Mexico: Surveyor general, $3,000; clerks, $18,900; contingent expenses, $900; in all, $22,800.

"Oregon: Surveyor general, $3,000; clerks, $9,510; contingent expenses, $600; in all $13,110.

"South Dakota: Surveyor general, $2,000; clerks, $3,100; contingent expenses, $200; in all, $5,300.

"Utah: Surveyor general, $3,000; clerks, $14,020; contingent expenses, $725; in all, $17,745.

"Washington: Surveyor general, $3,000; clerks, $11,260; contingent expenses, $750; in all, $15,010.

"Wyoming: Surveyor general, $3,000; clerks, $10,540; contingent expenses, $500; in all, $14,040.

"Expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses in the offices of the surveyors general shall not be incurred by the respective surveyors general in the conduct of said offices except upon previous specific authorization by the Commissioner of the General Land Office.

"The Secretary of the Interior is authorized to detail temporarily clerks from the office of one surveyor general to another as the necessities of the service may require and to pay their actual necessary traveling expenses in going to and returning from such office out of the appropriation for surveying the public lands. A detailed statement of traveling expenses incurred hereunder shall be made to Congress at the beginning of each regular session thereof.

"The use of the fund created by the act of March 2, 1895 (28 Stats., p. 937), for office work in the surveyor general's offices is extended for one year from June 30, 1920: *Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated."

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The question now recurs on the amendment relating to the legislative drafting service.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair thinks there is no quorum present.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. CALDWELL. Let us stay. The gentleman from Texas [Mr. BLANTON] can get his dinner to-morrow.

Mr. BLANTON. The gentleman from New York need not have any dinner.

The SPEAKER. The gentleman from Indiana [Mr. WOOD] moves that the House adjourn.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CALDWELL. Division, Mr. Speaker.

The House divided; and there were—ayes 122, noes 41.

Mr. CALDWELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. CALDWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. If I make the point of order that no quorum is present, will that require a roll call?

The SPEAKER. It will not.

ADJOURNMENT.

So the motion to adjourn was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until Thursday, March 4, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the United States Patent Office, transmitting report of the Commissioner of Patents to Congress for the year ended December 31, 1919 (H. Doc. No. 668); to the Committee on Patents and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a letter from the Surgeon General of the Public Health Service submitting provision for the payment of commutation of rations for patients, nurses, and other employees entitled to subsistence in Public Health Service hospitals (H. Doc. No. 667); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MACCRATE, from the Committee on Claims, to which was referred the bill (H. R. 8560) for the relief of Lena Schmieder, reported the same with amendments, accompanied by a report (No. 703), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5744) for the relief of Emma H. Ridley, reported the same without amendment, accompanied by a report (No. 704), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5859) for the relief of J. P. Littell, reported the same without amendment, accompanied by a report (No. 705), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under House resolution 470, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 393) granting to all members of the military or naval service in the present war six months' pay, subject to deduction for bonuses heretofore received; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 1143) granting a gratuity to members of the United States Army, Navy, and Marine Corps, Army Nurse Corps, Army field clerks, and naval reservists; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 4298) granting additional compensation according to length of service to the officers and enlisted personnel of the Army, Navy, and Marine Corps; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5647) granting additional pay to officers, enlisted men, and others who served in the armed forces of the United States in the War with Germany; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 7875) to grant one year's extra pay to members of the military and naval forces of the United States as partial compensation for their sacrifices and to assist them during the period of readjustment; Committee on Military Affairs discharged, and referred to the Commitee on Ways and Means.

A bill (H. R. 7844) granting one year's pay to all members of the military and naval forces of the United States who served during the present war; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 8719) providing for the payment to legal heirs of deceased honorably discharged soldiers, sailors, and marines the $60 bonus due at date of death of the soldiers, sailors, and marines; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 8484) granting to certain members of the military or naval service in the war with the Central European Powers additional pay; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 8943) granting a Victory bond bonus to the members of the military and naval forces of the United States who brought about the victory; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9067) granting additional pay to all enlisted men of the military and naval forces of the United States who served during the war against Germany; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9321) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9355) granting one year's pay to all members of the military and naval forces of the United States who served during the present war; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9628) granting additional compensation to members of the military and naval forces who served in the war against Germany; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9982) to provide extra compensation to the soldiers, sailors, and marines of the war with Germany, to issue bonds therefor, and for other purposes; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 11116) granting additional compensation to the officers and enlisted personnel of the Army, Navy, and Marine Corps, including nurses (female); Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 11847) creating a commission to award equitable compensation to honorably discharged soldiers, sailors, marines, and nurses who served in the war against Germany; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 12419) granting additional compensation to the officers and enlisted personnel of the Army, Navy, and Marine Corps, including nurses; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

Joint resolution (H. J. Res. 23) directing the Secretary of the Treasury to pay to each honorably discharged soldier, sailor, and marine the additional sum of $300; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

Joint resolution (H. J. Res. 274) to provide for rewarding soldiers, sailors, marines, and nurses for faithful service; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

Joint resolution (H. J. Res. 278) to provide for rewarding soldiers, sailors, marines, and nurses for faithful service; Committee on Military Affairs discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 12884) relating to neutral and American women intermarried with aliens; to the Committee on Interstate and Foreign Commerce.

By Mr. LUHRING: A bill (H. R. 12885) to provide for the control of the floods of the Wabash River, in the State of Indiana, and for other purposes; to the Committee on Flood Control.

By Mr. HOWARD: A bill (H. R. 12886) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

By Mr. BURDICK: A bill (H. R. 12887) establishing the liability of hotel proprietors and innkeepers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WEAVER: A bill (H. R. 12888) for the purchase of a site and the erection of a post-office building at Canton, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. COOPER: A bill (H. R. 12889) granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near Division Street, in the city of Youngstown, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 12890) referring the claim of the State of Rhode Island for expenses during the War with Spain to the Court of Claims for adjudication; to the Committee on War Claims.

By Mr. ANTHONY: A bill (H. R. 12891) to authorize the construction of a bridge across the Missouri River near Kansas City, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 12892) to provide for the reimbursement of actual expenses to officers of the Army, contract surgeons, and dental surgeons when traveling on duty without troops within the Territory of Alaska; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 483) for the consideration of House Report No. 637; to the Committee on Rules.

By Mr. WEAVER: Joint resolution (H. J. Res. 309) authorizing the printing of 200,000 copies of the special report on the diseases of the horse; to the Committee on Printing.

Also, joint resolution (H. J. Res. 310) authorizing the printing of 200,000 copies of the special report on the diseases of cattle; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 12893) granting a pension to James E. Davis; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 12894) granting a pension to Albert M. Gordon; to the Committee on Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 12895) for the relief of the owner of Old Dominion Pier A; to the Committee on Claims.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 12896) granting a pension to Adam Keesey; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 12897) granting a pension to John Noble, jr.; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 12898) granting an increase of pension to Watson S. Tilton; to the Committee on Invalid Pensions.

By Mr. HERSMAN: A bill (H. R. 12899) granting an increase of pension to Thomas E. Cruess; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12900) granting an increase of pension to Adron Duff; to the Committee on Pensions.

By Mr. JOHN W. RAINEY: A bill (H. R. 12901) granting a pension to Michael Quinlan; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 12902) granting a pension to George S. Nevils; to the Committee on Pensions.

Also, a bill (H. R. 12903) granting a pension to Thomas M. Jenkins; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 12904) granting a pension to William M. Bradley; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2032. By the SPEAKER: Petition of Hon. D. F. Houston, Secretary of the Treasury, relative to the appropriation for the Bureau of Naturalization, etc.; to the Committee on Appropriations.

2033. By Mr. CAREW: Petition of the Jamaica Board of Trade, relative to the national highway act, Senate bill 3572; to the Committee on Roads.

2034. By Mr. DICKINSON of Missouri: Petition of 54 citizens of St. Clair County, Mo., protesting against universal military training; to the Committee on Military Affairs.

2035. By Mr. FULLER of Illinois: Petition of the Barber-Colman Co., of Rockford, Ill., favoring House bill 11984; to the Committee on Patents.

2036. Also, petition of the St. Louis Millers' Club, favoring relief for the starving people of Poland and other European countries, etc.; to the Committee on Ways and Means.

2037. By Mr. GREEN of Iowa: Petition of Mrs. G. W. Moreland and 29 others, favoring House bill 10925, providing for maternal and infant welfare work; to the Committee on Interstate and Foreign Commerce.

2038. By Mr. KAHN: Petition of the San Francisco (Calif.) District Federation of Women's Clubs, favoring House bill 10925; to the Committee on Interstate and Foreign Commerce.

2039. By Mr. LONERGAN: Petition of members of the Methodist Episcopal Church of Unionville, Conn., for the enactment of House bill 262; to the Committee on Interstate and Foreign Commerce.

2040. By Mr. LUFKIN: Petition of the Beverly (Mass.) Lodge, No. 103, Knights of Pythias, reaffirming its loyalty to the Constitution and the Government of the United States; to the Committee on the Judiciary.

2041. By Mr. MacGREGOR: Petition of the Erie County Pharmaceutical Association, of Buffalo, N. Y., requesting Congress to amend certain provisions in the Volstead Act, etc.; to the Committee on the Judiciary.

2042. Also, petition of the Federal Employees' Union No. 19, of Buffalo, N. Y., relative to the salary of the steamboat inspectors; to the Committee on Appropriations.

2043. By Mr. O'CONNELL: Petition of citizens of Brooklyn, N. Y., relative to the schools in the United States, etc.; to the Committee on Education.

2044. Also, petition of Mrs. William Church Osborn, president board of managers of the Bellevue Hospital, New York City, relative to the Army reorganization bill; to the Committee on Military Affairs.

2045. Also, petition of the National Foreign Trade Council of San Francisco, Calif., relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2046. Also, petition of citizens of the United States, urging the passage of House bill 1112; to the Committee on the Judiciary.

2047. Also, petition of the National Federation of Federal Employees of Washington, D. C., relative to the appropriation bill, etc.; to the Committee on Appropriations.

2048. Also, petition of the Hagemeyer Trading Co., of New York City, relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2049. By Mr. RAKER: Petition of the California Redwood Association, of San Francisco, Calif., in favor of Senate bill 3741; to the Committee on Agriculture.

2050. Also, petition of the sailmakers of Mare Island Navy Yard, relative to the bonus for the employees of the Government; to the Committee on Appropriations.

2051. Also, petition of D. C. Brackett, manager of the Pacific Coast Branch of the Air Reduction Co., in favor of House bill 11984; to the Committee on Patents.

2052. Also, petition of the H. N. Cook Belting Co., of San Francisco, Calif., urging that the Bureau of Foreign and Domestic Commerce be continued, etc.; to the Committee on Appropriations.

2053. By Mr. ROUSE: Petition of the American Legion, Department of Kentucky, relative to the treatment and care of certain cases of ex-service men; to the Committee on Military Affairs.

2054. By Mr. ROWAN: Petition of the Hagemeyer Trading Co. and the Republic Bag & Paper Co., of New York City, relative to the foreign and domestic commerce; to the Committee on Appropriations.

2055. Also, petition of H. D. Roosen & Co., of New York City, relative to the curtailment of the expenses of the Government, etc.; to the Committee on Ways and Means.

2056. Also, petition of E. R. Hummenwell and H. C. Hequenburg, of the city of New York, in favor of universal military training; to the Committee on Military Affairs.

2057. Also, petition of Mrs. William Church Osborn, president of the board of managers of the Bellevue Hospital, New York City, and Carolina A. Cummings, of the nineteenth district of New York, relative to the Army reorganization bill; to the Committee on Military Affairs.

2058. Also, petition of the Federal Employees' Union No. 126, of Albany, N. Y., relative to the bonus for Government employees; to the Committee on Appropriations.

2059. Also, petition of the National Reclamation Association, of Washington, D. C., for the expansion of internal trade and the creation of larger home markets; to the Committee on Interstate and Foreign Commerce.

2060. By Mr. SANDERS of New York: Petition of 5,000 citizens of Rochester, N. Y., urging the recognition of Irish independence and the passage of the so-called Mason bill making an appropriation for diplomatic and consular services to Ireland; to the Committee on Foreign Affairs.

2061. Also, petition of 36 residents of Avon, N. Y., urging a favorable report and passage of House bill 10925, offering Federal aid to the various States in maternal and infant welfare work; to the Committee on Interstate and Foreign Commerce.

2062. By Mr. SCHALL: Petition of C. E. Fisher and others, of Minneapolis, Minn., urging the passage of House bill 1112; to the Committee on the Judiciary.

2063. By Mr. SIEGEL: Petition of the Assembly of the State of New York, asking for sufficient appropriation for the enforcement of the act of June 29, 1888, to prevent deposits within the harbor of New York; to the Committee on Appropriations.

2064. By Mr. TAGUE: Petition of the National Reclamation Association, of Washington, D. C., for the expansion of internal trade and the creation of larger home markets, etc.; to the Committee on Interstate and Foreign Commerce.

2065. Also, petition of the Commission on Foreign and Domestic Commerce and N. J. Reilly & Co., of Boston, Mass., relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2066. By Mr. WATSON: Petition of the Bucks County Fish, Game, and Forestry Association, indorsing the bill providing for the purchase of certain lands to extend along Yellowstone River, etc.; to the Committee on the Public Lands.

2067. Also, petition of the Rev. R. J. Gottschall, pastor Norristown Schwenkfelder Church, Norristown, Pa., expressing sympathy of the congregation present for the Koreans in their struggle for independence, etc.; to the Committee on Foreign Affairs.

2068. Also, petition of citizens of Bucks and Montgomery Counties, Pa., favoring House bill 3149; to the Committee on Reform in the Civil Service.

SENATE.

THURSDAY, *March 4, 1920.*

(Legislative day of Wednesday, March 3, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Colt	Fletcher	Harris
Borah	Culberson	France	Henderson
Brandegee	Cummins	Frelinghuysen	Hitchcock
Calder	Curtis	Gay	Johnson, S. Dak.
Capper	Dillingham	Gronna	Jones, N. Mex.
Chamberlain	Edge	Hale	Jones, Wash.

Kellogg	McLean	Poindexter	Sterling
Kendrick	McNary	Ransdell	Sutherland
Kenyon	New	Reed	Thomas
Keyes	Norris	Sheppard	Townsend
King	Nugent	Sherman	Trammell
Kirby	Overman	Smith, Ga.	Wadsworth
Knox	Page	Smith, S. C.	Watson
Lodge	Phipps	Smoot	Williams
McCormick	Pittman	Spencer	Wolcott

Mr. KING. The Senator from California [Mr. PHELAN], the junior Senator from Virginia [Mr. GLASS], the Senator from Maryland [Mr. SMITH], and the Senator from Montana [Mr. WALSH] are absent on official business.

The senior Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is absent on account of the death of a member of his family.

Mr. CURTIS. I wish to announce the absence of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], and the Senator from Tennessee [Mr. MCKELLAR] in attendance at the funeral of the late Senator BANKHEAD.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present. The Senate is in open executive session, and the question is upon the amendment proposed to the sixth reservation by the Senator from Massachusetts [Mr. LODGE].

Mr. JONES of Washington. Let us have a roll call on the question.

The yeas and nays were ordered.

Mr. CURTIS. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. The Senator from Massachusetts [Mr. LODGE] proposes the following amendment to reported reservation No. 6:

On lines 11 and 12 strike out the words "between the Republic of China and the Empire of Japan."

Mr. HITCHCOCK. Mr. President, I wish to say a word about the amendment presented by the Senator from Massachusetts. It seems to me that there has been so little said about it that it is not very well understood, to judge from the remarks I have heard here. If the pending reservation were amended as proposed by the Senator from Massachusetts it would read as follows:

The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

And there it stops. When formerly considered by the Senate the reservation included the words "between the Republic of China and the Empire of Japan."

Mr. LODGE. Mr. President, I have moved to strike out those last words.

Mr. HITCHCOCK. Yes, I understand; that is what I am trying to say. The amendment proposed by the Senator from Massachusetts is to strike out those words.

Mr. LODGE. I misunderstood the Senator.

Mr. HITCHCOCK. So the reservation would withhold the assent of the United States to the three sections named and reserve to the United States full liberty of action.

Mr. President, I should like to know what possible good can arise as a result of the United States withholding its assent to these three articles? The three articles simply contain an agreement by Germany that she turns over to Japan what she has heretofore held in the Shantung Peninsula as the result of a lease from the Republic of China. Japan has conquered that leasehold and holds possession of it to-day, probably to a greater extent than Germany ever held. What good do we do for China by refusing our assent to the articles by which Germany relinquishes her claim?

Mr. TOWNSEND. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. TOWNSEND. I understand the amendment before the Senate now is to strike out the few last words. It does not change the reservation except in that respect, and we are not now about to vote on the reservation itself but simply on the amendment. Does the Senator object to striking those words from the reservation?

Mr. HITCHCOCK. No, I do not; I should like to strike more words from the reservation; but I am trying to point out the folly of the reservation. I suppose there is some purpose in putting it in there. What possible purpose is it? What benefit does China derive out of it if Germany is prevented from turning over the rights which she has heretofore held there? As a matter of fact, it is an idle proceeding. The treaty has already been ratified by Great Britain, France, Italy, and Japan. The Japanese title derived as the result of the war has already been indorsed and approved by those countries. Japan has possession, and our withholding our assent to Germany's assignment makes no change in the situation. It does China no good.

What possible motive can there be for a reservation which effects nothing? Is there any doubt that Japan has possession? Is there any doubt that the other nations which are parties to this treaty have assented to it? Is there any claim that our refusal to give our assent to Germany's transfer is to be of any value to China? If we were to attempt to benefit China, the proper stand for us to take would be a declaration that we propose to hold Japan to the promises which she has made by her representatives, first in Paris and later from a number of other sources, that it was her intention to turn this property over to China at some time in the future. The exact time has not been named, but I believe the Senator from North Dakota [Mr. MCCUMBER] has demonstrated pretty well in his remarks made in the Senate heretofore that if we accepted the restrictive provisions of the Japanese promises we would have a hold upon Japan that would enable us in the future to bring pressure to bear on Japan to compel her to carry out her promises. If we, however, refuse assent to this assignment, we have no hold on Japan; there would then be no consideration for the promises which Japan made to the United States to secure our assent.

In my opinion, in making this reservation we not only do an idle thing which can be of no possible benefit to China or any other country, but we relinquish whatever hold we had on Japan as the result of the promises which were wrung from her in consideration of having that section put into the treaty.

I merely want to have the situation understood. I propose to vote for the amendment and then against the reservation.

Mr. LODGE. Mr. President, I will tell the Senator from Nebraska what this reservation does. I regard it as doing something of very great importance. It relieves the United States from being an active and assenting participant in that which a majority of the Senate and a vast majority of the American people consider an infamy and a crime. That is what this reservation that the Senate agreed to by a large majority means.

I am not going to go back and argue the whole Shantung question. I argued it in the summer to the best of my ability, and it was most thoroughly discussed by the senior Senator from Nebraska, and has been dealt with as fully as possible. I do not want to delay a decision by debate. The change that was made was the modification suggested in the bipartisan conference, and I understood it, and we all understood it, as the desire of the Democrats who took part in that conference.

Mr. REED. Before the Senator takes his seat let me ask what is the object in striking out those words?

Mr. LODGE. The object is simply because it was thought to be more civil not to mention Japan by name.

Mr. REED. It does not change the meaning?

Mr. LODGE. Not one iota.

Mr. REED. I am led to this thought by the remarks of the Senator from Nebraska. He stated that Japan has promised or has given a qualified promise to turn this property back; and he also indicated, if I understood him correctly, that he thought if we took the proper position we might have some influence in bringing about that very much-to-be-desired result. Would the Senator from Nebraska support an amendment to the Lodge reservation stating, in substance, this: "The United States understands that the Government of Japan has agreed to and will transfer these properties to China"?

Mr. HITCHCOCK. Yes, Mr. President; I should be glad to support such a suggestion, and I believe it would yield a great deal more protection to China than the pending reservation, which does nothing at all of benefit to China.

Mr. REED. Mr. President, I am encouraged. I wish the Senator would offer such a reservation; but if he will not offer it, I shall myself be obliged to do so.

Mr. KING. Mr. President, I did not hear all of the interrogation of the Senator from Missouri; but permit me to ask whether the reservation which I have offered—I do not read it textually—does not meet the suggestion which he made:

The United States understands that the German rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty are to be returned by Japan to China within a reasonable time after the adoption of said treaty, as provided in the exchanged notes between the Japanese and Chinese Governments under date of May 25, 1915.

Mr. LODGE. Mr. President, if the Senator from Missouri will allow me just a moment, the Senator from Utah misapprehends the purpose of this reservation. As originally adopted

by the Senate it was not to express any understandings about what Japan meant or what anybody else meant; but it was to put on record the refusal of the United States to assent to the deal by which Shantung was going to be handed over to Japan.

Mr. KING. I think I understood the purpose of it; but it seemed to me that the Senator from Missouri, if I understood him aright, was willing to approve of a reservation which expressed the view that in assenting to the treaty with respect to this matter it was with the understanding that these possessions were to be transferred, or retransferred, to use his expression, by Japan to China.

Mr. REED. I am not sure, Mr. President, that I understand the Senator from Utah or that he quite understands me. The proposition I make is that we allow the Lodge reservation to stand as it is, the United States refusing to become a party to the transaction, but adding to the Lodge reservation language similar to that read by the Senator from Utah.

Mr. HITCHCOCK. Mr. President, I wish to call the Senator's attention to the defect of such a proposition. We can not at the same time hold Japan to a promise given in consideration of these articles and refuse to assent to the articles.

Mr. REED. Oh, yes.

Mr. HITCHCOCK. We assent to the articles in consideration of the promise, and then we shall have a hold on Japan. The reason that Japan was willing to give us the promise was in order to secure the assent of the United States to the articles. Now, if we refuse the assent we can not hold her to the promise.

Mr. REED. The Senator from Nebraska says the reason Japan was willing to give the promise was in order to gain our assent. Where is the evidence of that? Where has Japan evidenced that?

Mr. HITCHCOCK. I have it not at hand, but the Senator from North Dakota [Mr. MCCUMBER] has repeatedly put it into the RECORD in speeches made by him. I think he demonstrated beyond a doubt that the representatives of Japan in Paris offered the President of the United States, as an inducement to agree to these articles, that they would promptly turn over the property to China after the ratification of the treaty.

Mr. REED. No, Mr. President, I do not know of any such evidence as that. I heard some of the speeches of the Senator from North Dakota, and I do not think he arrived at that point, except by a very strong draft on the imagination as to what Japan might or might not do. Now, I put it to the Senator from Nebraska—and it is possible that his mind and mine might come to an agreement on one thing——

Mr. HITCHCOCK. If the Senator will permit an interruption here, I should like to read him the reservation which the Senator from North Dakota presented. It read as follows:

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

Mr. President, there is some objection—and I explained that to the Senator from North Dakota—to mentioning the notes exchanged between the Chinese and the Japanese Governments, for this reason: Those notes are claimed by Japan to constitute a treaty, and the State Department of the United States has served notice upon Japan that it would not recognize that treaty. So I doubt whether it would be wise for the Senate of the United States in this formal way to recognize it. It seems to me it would be much better for the reservation to read something like this:

5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty, as repeatedly represented and promised by the representatives of Japan in China and elsewhere.

Mr. BORAH. Why not stop with the words "are to be returned by Japan to China"? That makes a complete statement. The moment you go into the question of the exchange of notes, and so forth, you get into the modifications and differences of understanding, not only between Japan and China but even between the President of the United States and the representatives of Japan.

Mr. HITCHCOCK. I should not have any objection to that; that would be something substantial for the benefit of China; but, Mr. President, the pending reservation is of no benefit to China. Japan is in possession; Germany has no title. We are here protesting against something that has already occurred; it is an accomplished fact. It is of no benefit to China unless we are going to back up our protestations by active means.

Mr. REED. Mr. President, the difference between the Senator from Nebraska and myself is this: He proposes first to ratify, confirm, and assent to the transfer of Shantung to Japan, and thus drive the United States actively to participate in that transfer. He then proposes to rely upon a statement by the United States that it understands that Japan will return these properties. I am not willing that the United States shall assent to, ratify, and confirm this ravishment of China. I am unwilling that we shall do that even for a moment.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. I should like to finish the statement, and then I will yield. But what we can do, if we wish to do it, is to say, as the Lodge reservation says, that the United States withholds its assent to that transfer, and, in addition, that it understands Japan has agreed to turn this property back, and that the United States proposes, so far as it can by a mere reservation of this kind, to indicate that understanding of the United States and place it solemnly of record. There is nothing inconsistent about that, and that is the course I hope the Senator from Nebraska will consent to follow; that is, to allow the Lodge reservation to stand, by which we wash our hands of any complicity in this crime, at the same time expressing our judgment and insistence that this alleged contract shall be carried out.

Now, just one word further: The Senator has referred to statements made by the Japanese representatives at the peace conference and elsewhere; but the trouble is that Japan has never officially made a binding representation upon this question—never in the world. Certain Japanese statesmen are now alleged to have said certain things, to have given certain interviews, but that does not bind Japan. It would be quite a different question if the Japanese Government bound itself to return this property by a solemn engagement, and the only way that could properly be done would have been for them to have added to articles 156, 157, and 158 some such words as these: "Japan hereby solemnly pledges herself to return these properties to China, and to do so within a fixed period or a reasonable period of time." I now yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, I should like to call the attention of the Senator to the fact that if the resolution now proposed by the Senator from Nebraska should be adopted it would be based upon something that is not true, because it is not claimed that any Japanese statesman at the peace conference ever made a promise that all of the property and all of the rights in Shantung obtained from Germany would be turned over to China. It was only the sovereignty that was in question; the economic rights, President Wilson understood as a part of the agreement, would be retained by Japan.

Mr. REED. Just at this point—and when I have made this observation I shall take my seat—I recently heard an address by a gentleman who had been sent by trade organizations, entirely nonpolitical in their character, to investigate conditions in Shantung. He asserted that the Japanese were practically excluding from the trade of Shantung the business of all other countries except Japan; that while upon the face of affairs it appeared that all nationals had equal rights, the Japanese, being in control of the instrumentalities of commerce and in general control of the country, were able to place the nationals of other countries at such disadvantage that their trade was being taken away from them. He illustrated the condition by a statement of fact, which was that when a Chinese merchant ordered goods, if he ordered them from a Japanese citizen he could get an immediate delivery over the railroad, but if he ordered from an American or an Englishman, for some reason or other cars could not be obtained or cars were delayed and the deliveries were held up. He earnestly insisted that unless we did something at once the trade of that country would be lost. So we have a very serious interest in this matter aside from any idealistic interest or concern. I take it, however, that the Senator from Nebraska and I can not agree, because he is not willing to have the Lodge reservation stand and add as an amendment the proposition made by me.

Mr. HITCHCOCK. Mr. President, I wish to call the attention of the Senator from Missouri to what the Senator from North Dakota [Mr. MCCUMBER] said regarding this particular reservation. I have quoted the Senator from North Dakota as being opposed to that particular reservation, and he states his reasons here in an address delivered in the Senate on August 26, in which he said:

Mr. President, on last Saturday, three days ago, the Committee on Foreign Relations, by a majority of one, voted an amendment to articles 156—

That was regarding an amendment. I am mistaken. The speech did not refer to the reservation; it refers to the amendment.

Mr. REED. Of course, the speech of the Senator from North Dakota might be illuminating, but I want some documentary proof that Japan had agreed to turn this property back to China.

Mr. KELLOGG. Mr. President, all I desire to say about this amendment is this: The Democratic members of the bipartisan conference proposed an amendment to the Shantung reservation striking out the words "between the Republic of China and the Empire of Japan." All of the Republican members assented to it, and agreed to recommend it to their associates in the Senate. Now, if Senators on the other side wish to carry that understanding out and to have the reservation amended as the bipartisan conference agreed, well and good. I am willing to vote for every single amendment that was agreed to in that conference; but if, after voting this amendment in, they undertake then to defeat the reservation entirely, I shall certainly reserve to myself what action I will take on the remainder of them. I want the Senate to understand the situation and the country to understand it. If they wish to carry out in absolute good faith the understanding in regard to amendments, well and good; I am willing to vote for every one of them.

I shall not go into the Shantung question again. The reservation on that subject was adopted because, as I remember, not a single Senator stood upon this floor and defended the Shantung deal, and I believe that scarcely anyone in the country defended it, if anyone. The President himself did not defend it; and I, for one, shall refuse to vote to place the stamp of approval of the United States Senate upon it.

Mr. THOMAS. Mr. President, the subject matter of this reservation originally crystallized itself into an amendment proposed by the Committee on Foreign Relations which substituted "the Republic of China" for "the Empire of Japan" wherever the name of the latter occurred in articles 156, 157, and 158. That amendment was rejected, and I think properly so, by the Senate. I voted against its acceptance because I regarded the subject matter as beyond our power to dispose of. Japan's possession of Shantung was obtained by force of arms prior to our entry into the war; and some time afterward, by secret treaties between herself and the Allies, she was guaranteed possession and title to all that Germany had in that Province in the event the Allies were successful in the then existing war, and articles 156, 157, and 158 are the embodiment of those secret treaties in the treaty now under consideration.

As the Senator from Minnesota [Mr. KELLOGG] has well said, nobody has defended this part of the treaty. It has been condoned, it has been explained, it has been palliated, but in America it has not been justified or championed by anyone. Hence, for the United States to attempt to amend the treaty by assuming to dispose of Shantung, not to Japan but to China, was to identify ourselves with the controversy in a manner that in my judgment was not warranted by our position.

The reservation avoids that objection completely, and merely declares that we withhold our assent to these articles, which, of course, means that we wash our hands entirely of the controversy. If Great Britain, France, and Italy, bound by their secret treaties with Japan with which we had not identification, feel obligated to stand by and carry out their provisions, they have a perfect right to do so. To ask us to take sides in any way is, in my judgment, premature.

So this reservation addressed itself with peculiar force to my judgment. I think it is the proper method of disposition of the matter, so far as we are concerned, and I can not but regard the motion to strike out all after the word "articles," in the eleventh line of page 3, as an improvement upon the reservation as it was originally adopted.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I do.

Mr. KELLOGG. Did I understand the Senator to say that he thinks the proposed amendment of the reservation is an improvement?

Mr. THOMAS. Yes; I think it is an improvement. As stated by the Senator from Massachusetts [Mr. LODGE], it eliminates all mention of Japan, and I am glad to see that; but it also gives us full liberty of action with reference to any controversy which may arise under the articles, although other powers than China and Japan might become involved. In other words, it gives us full liberty, not only as regards the Republic of China and the Empire of Japan, but as regards all aspects of controversy which may be developed in the course of time regarding this important question.

I shall, therefore, support the motion to strike out, and I shall also support the reservation.

Mr. BORAH. Mr. President, as I understand the Senator, so far as the amendment now before the Senate is concerned, he feels that it constitutes an improvement. The improvement consists merely of the manner of expressing the same thing?

Mr. THOMAS. Yes; but I think it goes a little further. As the reservation was originally framed, we reserved full liberty of action with respect to any controversy that might arise between those two countries. That probably is broad enough to refer to all controversies, but there may be controversies regarding it growing out of the treaty relations between the Allies and Japan or between them and China. Hence, I think it is an improvement not only with regard to the elimination of all reference to Japan and China, but also as to the elimination of any possible restriction upon our liberty of action in the future.

Mr. LENROOT. Mr. President, just a word regarding the tentative agreement that was reached.

While it is true that such an agreement was reached, it is only fair to say that all of those agreements were considered as tentative only, and not binding upon any of the parties. It is true that the Senator from Nebraska [Mr. HITCHCOCK] then was entirely willing to accept this reservation if the modification that is now pending was adopted; but it must be remembered that at that time the Senator from Nebraska was engaged, with others, in an endeavor to come to some agreement for the ratification of the treaty, and his changed attitude is very easily explained when we realize that now the Senator from Nebraska is making no effort to secure a ratification of the treaty, but his efforts are altogether along the line, in conjunction with the irreconcilables, of defeating it. So now the Senator from Nebraska says that although this amendment be adopted he will vote against the reservation, and he gives as his reason that the adoption of the reservation could do no possible good to China, or in any wise affect the situation.

Mr. President, I hold in my hand an article written by Prof. John Dewey, of Columbia University, who is now in China, and whose article entitled "Shantung, as seen from within," appears in the current number of the New Republic. I wish to quote one paragraph from that article in reply to the Senator from Nebraska. He says:

> Whatever the motives of the American Senators in completely dissociating the United States from the peace settlement as regards China, their action is a permanent asset to China, not only in respect to Japan, but with respect to all Chinese foreign relations. Just before our visit to Tsinan, the Shantung provincial assembly had passed a resolution of thanks to the American Senate. More significant is the fact that they passed another resolution to be cabled to the English Parliament, calling attention to the action of the American Senate and inviting similar action. China in general, and Shantung in particular, feels the reenforcement of an external approval. With this duplication, its national consciousness has, as it were, solidified. Japan is simply the first object to be affected.

It seems to me that is a complete answer to the statement of the Senator from Nebraska [Mr. HITCHCOCK]; and because this article is so full of information in regard to the Shantung situation down to the present date, I ask unanimous consent that it may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New Republic, Mar. 3, 1920.]

SHANTUNG, AS SEEN FROM WITHIN.

I.

"American apologists for that part of the peace treaty which relates to China have the advantage of the illusions of distance. Most of the arguments seem strange to anyone who lives in China even for a few months. He finds the Japanese on the spot using the old saying about territory consecrated by treasure spent and blood shed. He reads in Japanese papers and hears from moderately liberal Japanese that Japan must protect China as well as Japan against herself, against her own weak or corrupt Government, by keeping control of Shantung to prevent China from again alienating that territory to some other power.

"The history of European aggression in China gives this argument great force among the Japanese, who for the most part know nothing more about what actually goes on in China than they used to know about Korean conditions. These considerations, together with the immense expectations raised among the Japanese during the war concerning their coming domination of the Far East and the unswerving demand of excited public opinion in Japan during the Versailles conference for the settlement that actually resulted, give an ironic turn to the statement so often made that Japan may be trusted

to carry out her promises. Yes; one is often tempted to say that is precisely what China fears, that Japan will carry out her promises, for then China is doomed. To one who knows the history of foreign aggression in China, especially the technique of conquest by railway and finance, the irony of promising to keep economic rights while returning sovereignty lies so on the surface that it is hardly irony. China might as well be offered Kant's Critique of Pure Reason on a silver platter as sovereignty under such conditions. The latter is equally metaphysical.

"A visit to Shantung and a short residence in its capital city, Tsinan, made the conclusions which, so far as I know, every foreigner in China has arrived at, a living thing. It gave a vivid picture of the many and intimate ways in which economic and political rights are inextricably entangled together. It made one realize afresh that only a President who kept himself innocent of any knowledge of secret treaties during the war could be naïve enough to believe that the promise to return complete sovereignty, retaining only economic rights, is a satisfactory solution. It threw fresh light upon the contention that at most and at worst Japan had only taken over German rights, and that since we had acquiesced in the latter's arrogations we had no call to make a fuss about Japan. It revealed the hollowness of the claim that pro-Chinese propaganda had willfully misled Americans into confusing the few hundred square miles around the port of Tsingtau with the Province of Shantung with its 30,000,000 of Chinese population.

"As for the comparison of Germany and Japan, one might suppose that the objects for which America nominally entered the war had made, in any case, a difference. But, aside from this consideration, the Germans exclusively employed Chinese in the railway shops and for all minor positions on the railway itself. The railway guards (the difference between police and soldiers is nominal in China) were all Chinese, the Germans merely training them. As soon as Japan invaded Shantung and took over the railway, Chinese workmen and Chinese military guards were at once dismissed and Japanese imported to take their places. Tsinan, the inland terminus of the ex-German railway, is over 200 miles from Tsingtau. When the Japanese took over the German railway business office they at once built barracks, and to-day there are several hundred soldiers still there, where Germany kept none. Since the armistice, even, Japan has erected a powerful military wireless within the grounds of the garrison, against, of course, the unavailing protest of Chinese authorities. No foreigner can be found who will state that Germany used her ownership of port and railway to discriminate against other nations. No Chinese can be found who will claim that this ownership was used to force the Chinese out of business or to extend German economic rights beyond those definitely assigned her by treaty. Common sense should also teach even the highest-paid propagandist in America that there is, from the standpoint of China, an immense distinction between a national menace located halfway around the globe and one within two days' sail over an inland sea absolutely controlled by a foreign navy, especially as the remote Nation has no other foothold and the near-by one already dominates additional territory of enormous strategic and economic value, namely, Manchuria.

"These facts bear upon the shadowy distinction between the Tsingtau and the Shantung claim, as well as upon the solid distinction between German and Japanese occupancy. If there still seemed to be a thin wall between Japanese possession of the port of Tsingtau and usurpation of Shantung, it was enough to stop off the train in Tsinan to see the wall crumble, for the Japanese wireless and the barracks of the army of occupation are the first things that greet your eyes.

"Within a few hundred feet of the railway that connects Shanghai, via the important center of Tientsin, with the capital Peking, you see Japanese soldiers on the nominally Chinese street, guarding their barracks. Then you learn that if you travel upon the ex-German railway toward Tsingtau, you are ordered to show your passport as if you were entering a foreign country. And as you travel along the road (remembering that you are over 200 miles from Tsingtau) you find Japanese soldiers at every station, and several garrisons and barracks at important towns on the line. Then you realize that at the shortest possible notice, Japan could cut all communications between southern China (together with the rich Yangtz region) and the capital, and with the aid of the Southern Manchurian Railway at the north of the capital, hold the entire coast and descend at its good pleasure upon Peking.

"You are then prepared to learn from eyewitnesses that when Japan made its 21 demands upon China, machine guns were actually in position at strategic points throughout Shantung, with trenches dug and sandbags placed. You know that the Japanese liberal spoke the truth, who told you, after a visit to China and return to protest against the action of his Government, that the Japanese already had such a military hold upon China that they could control the country within a week, after a minimum of fighting, if war should arise. You also realize the efficiency of official control of information and domestic propaganda as you recall that he also told you that these things were true at the time of his visit, under the Terauchi cabinet, but had been completely reversed by the present Hara ministry. For I have yet to find a single foreigner or Chinese who is conscious of any difference of policy, save as the end of the war has forced the necessity of more caution, since other nations can now look Chinaward as they could not during the war.

"An American can get an idea of the realities of the present situation if he imagines a foreign garrison and military wireless in Wilmington, with a railway from that point to a fortified seaport controlled by the foreign power, at which the foreign nation can land, without resistance, troops as fast as they can be transported, and with bases of supply, munitions, food, uniforms, etc., already located at Wilmington, at the seaport, and several places along the line. Reverse the directions from south to north, and Wilmington will stand for Tsinan, Shanghai for New York, Nanking for Philadelphia with Peking standing for the seat of government at Washington, and Tientsin for Baltimore.

"Suppose in addition that the Pennsylvania Road is the sole means of communication between Washington and the chief commercial and industrial centers, and you have the framework of the Shantung picture as it presents itself daily to the inhabitants of China. Upon second thought, however, the parallel is not quite accurate. You have to add that the same foreign nation controls also all coast communications from, say, Raleigh southwards, with railway lines both to the near-by coast and to New Orleans. For—still reversing directions—this corresponds to the position of Imperial Japan in Manchuria with its railways to Dairen and through Korea to a port 12 hours' sail from a great military center in Japan proper. These are not remote possibilities nor vague prognostications. They are accomplished facts.

"Yet the facts give only the framework of the picture. What is actually going on with Shantung? One of the demands of the 'postponed' group of the 21 demands was that Japan should supply military and police advisers to China. They are not so much postponed but that Japan enforced specific concessions from China during the war by diplomatic threats to reintroduce their discussion, or so postponed that Japanese advisers are not already installed in the police headquarters of the city of Tsinan, the capital city of Shantung of 300,000 population, where the provincial assembly meets and all the provincial officials reside. Within recent months the Japanese consul has taken a company of armed soldiers with him when he visited the provincial governor to make certain demands upon him, the visit being punctuated by an ostentatious surrounding of the governor's yamen by these troops. Within the past few weeks 200 cavalry came to Tsinan and remained there while Japanese officials demanded of the governor drastic measures to suppress the boycott, while it was threatened to send Japanese troops to police the foreign settlement if the demand was not heeded.

"A former consul was indiscreet enough to put into writing that if the Chinese governor did not stop the boycott and the students' movement by force, if need be, he would take matters into his own hands. The chief tangible charge he brought against the Chinese as a basis of his demand for 'protection' was that Chinese storekeepers actually refused to accept Japanese money in payment for goods, not ordinary Japanese money at that, but the military notes with which, so as to save drain upon the bullion reserves, the army of occupation is paid. And all this, be it remembered, is more than 200 miles from Tsingtau and from eight to twelve months after the armistice. To-day's paper reports a visit of Japanese to the governor to inform him that unless he should prevent a private theatrical performance from being given in Tsinan by the students, they would send their own forces into the settlement to protect themselves. And the utmost they might need protection from was that the students were to give some plays designed to foster the boycott.

"Japanese troops overran the province before they made any serious attempt to capture Tsingtau. It is only a slight exaggeration to say that they 'took' the Chinese Tsinan before they took the German Tsingtau. Propaganda in America has justified this act on the ground that a German railway to the rear of Japanese forces would have been a menace. As there were no

troops, but only legal and diplomatic papers with which to attack the Japanese, it is a fair inference that the 'menace' was located in Versailles rather than in Shantung, and concerned the danger of Chinese control of their own territory. Chinese have been arrested by Japanese gendarmes in Tsinan and subjected to a torturing third degree of the kind that Korea has made sickeningly familiar. The Japanese claim that the injuries were received while the men were resisting arrest. Considering that there was no more legal ground for arrest than there would be if Japanese police arrested Americans in New York, almost anybody but the pacifist Chinese certainly would have resisted. But official hospital reports testify to bayonet wounds and the marks of flogging. In the interior where the Japanese had been disconcerted by the student propaganda they raided a high school, seized a schoolboy at random, and took him to a distant point and kept him locked up several days. When the Japanese consul at Tsinan was visited by Chinese officials in protest against these illegal arrests, the consul disclaimed all jurisdiction. The matter, he said, was wholly in the hands of the military authorities in Tsingtau. His disclaimer was emphasized by the fact that some of the kidnaped Chinese were taken to Tsingtau for 'trial.'

"The matter of economic rights in relation to political domination will be discussed in part 2 of this article. It is no pleasure for one with many warm friends in Japan, who has a great admiration for the Japanese people as distinct from the ruling military and bureaucratic class, to report such facts as have been stated. One might almost say, one might positively say from the standpoint of Japan itself, that the worst thing that can be charged against the policy of Japan in China for the last six years is its immeasurable stupidity.

"No nation has ever misjudged the national psychology of another people as Japan has that of China. The alienation of China is widespread, deep, bitter. Even the most pessimistic of the Chinese who think that China is to undergo a complete economic and political domination by Japan do not think it can possibly last, even without outside intervention, more than half a century at most.

"To-day, at the beginning of a new year, the boycott is much more complete and efficient than in the most tense days of last summer. Unfortunately, the Japanese policy seems to be under a truly Greek fate which drives it on. Concessions that would have produced a revulsion of feeling in favor of Japan a year ago will now merely salve the surface of the wound. What would have been welcomed even eight months ago would now be received with contempt. There is but one way in which Japan can now restore herself. It is nothing less than complete withdrawal from Shantung, with possibly a strictly commercial concession at Tsingtau and a real, not a Manchurian, open door.

"According to the Japanese-owned newspapers published in Tsinan, the Japanese military commander in Tsingtau recently made a speech to visiting journalists from Tokyo in which he said: 'The suspicions of China can not now be allayed merely by repeating that we have no territorial ambitions in China. We must attain complete economic domination of the Far East. But if Sino-Japanese relations do not improve, some third party will reap the benefit. Japanese residing in China incur the hatred of the Chinese. For they regard themselves as the proud citizens of a conquering country. When the Japanese go into partnership with the Chinese they manage in the greater number of cases to have the profits accrue to themselves. If friendship between China and Japan is to depend wholly upon the Government it will come to nothing. Diplomatists, soldiers, merchants, journalists should repent the past. The change must be complete.' But it will not be complete until the Japanese withdraw from Shantung leaving their nationals there upon the footing of other foreigners in China.

II.

"In discussing the return to China by Japan of a metaphysical sovereignty while economic rights are retained, I shall not repeat the details of German treaty rights as to the railway and the mines. The reader is assumed to be familiar with those facts. The German seizure was outrageous. It was a flagrant case of might making right. As Von Buelow cynically but frankly told the Reichstag, while Germany did not intend to partition China she also did not intend to be the passenger left behind in the station when the train started.

"Germany had the excuse of prior European aggressions, and in turn her usurpation was the precedent for further foreign rape. If judgments are made on a comparative basis, Japan is entitled to all of the whitewashing that can be derived from the provocations of European imperialistic powers, including those that in domestic policy are democratic. And every fair-minded person will recognize that, leaving China out of the reckoning, Japan's proximity to China gives her aggressions the color of self-defense in a way that can not be urged in behalf of any European power.

"It is possible to look at European aggressions in, say, Africa as incidents of a colonization movement. But no foreign policy in Asia can shelter itself behind any colonization plea. For continental Asia is, for practical purposes, India and China, representing two of the oldest civilizations of the globe and presenting two of its densest populations. If there is any such thing in truth as a philosophy of history, with its own inner and inevitable logic, one may well shudder to think of what the closing acts of the drama of the intercourse of the West and East are to be. In any case, and with whatever comfort may be derived from the fact that the American continents have not taken part in the aggression, and hence may act as a mediator to avert the final tragedy, residence in China forces upon one the realization that Asia is after all a large figure in the future reckoning of history. Asia is really here after all. It is not simply a symbol in western algebraic balances of trade. And in the future, so to speak, it is going to be even more here, with its awakened national consciousness of about half the population of the whole globe.

"Let the agreements of France and Great Britain made with Japan during the war stand for the measure of western consciousness of the reality of a small part of Asia, a consciousness generated by the patriotism of Japan backed by its powerful army and navy. The same agreement measures western unconsciousness of the reality of that part of Asia which lies within the confines of China. An even better measure of western unconsciousness may be found perhaps in such a trifling incident as this: An English friend long resident in Shantung told me of writing indignantly home concerning the British part in the Shantung settlement. The reply came, complacently stating that Japanese ships did so much in the war that the Allies could not properly refuse to recognize Japan's claims.

"The secret agreements themselves hardly speak as eloquently for the absence of China from the average western consciousness. In saying that China and Asia are to be enormously significant figures in future reckonings, the specter of a military yellow peril is not meant nor even the more credible specter of an industrial yellow peril. But Asia has come to consciousness, and her consciousness of herself will soon be such a massive and persistent thing that it will force itself upon the reluctant consciousness of the west and lie heavily upon its conscience. And for this fact China and the western world are indebted to Japan.

"These remarks are more relevant to a consideration of the relationship of economic and political rights in Shantung than they perhaps seem. For a moment's reflection will call to mind that all political foreign aggression in China has been carried out for commercial and financial ends and usually upon some economic pretext. As to the immediate part played by Japan in bringing about a consciousness which will from the present time completely change the relations of the western powers to China, let one little story testify. Some representatives of an English missionary board were making a tour of inspection through China. They went into an interior town in Shantung. They were received with extraordinary cordiality by the entire population. Some time afterwards some of their accompanying friends returned to the village and were received with equally surprising coldness. It came out upon inquiry that the inhabitants had first been moved by the rumor that these people were sent by the British Government to secure the removal of the Japanese. Later they were moved by indignation that they had been disappointed.

"It takes no forcing to see a symbol in this incident. Part of it stands for the almost incredible ignorance which has rendered China so impotent, nationally speaking. The other part of it stands for the new spirit which has been aroused even among the common people in remote districts. Those who fear, or who pretend to fear, a new Boxer movement, or a definite general antiforeign movement are, I think, mistaken. The new consciousness goes much deeper. Foreign policies that fail to take it into account and that think that relations with China can be conducted upon the old basis will find this new consciousness obtruding in the most unexpected and perplexing ways.

"One might fairly say, still speaking comparatively, that it is part of the bad luck of Japan that her proximity to China, and the opportunity the war gave her to outdo the aggressions of European powers, have made her the first victim of this disconcerting change. Whatever the motives of the American Senators in completely disassociating the United States from the peace settlement as regards China, their action is a permanent asset to China, not only in respect to Japan but with respect to all Chinese foreign relations. Just before our visit to Tsinan the Shantung Provincial Assembly had passed a resolution of thanks to the American Senate. More significant is the fact that they

passed another resolution to be cabled to the English Parliament, calling attention to the action of the American Senate and inviting similar action. China in general and Shantung in particular feels the reenforcement of an external approval. With this duplication, its national consciousness has, as it were, solidified. Japan is simply the first object to be affected.

"The concrete working out of economic rights in Shantung will be illustrated by a single case which will have to stand as typical. Po-shan is an interior mining village. The mines were not part of the German booty; they were Chinese owned. The Germans, whatever their ulterior aims, had made no attempt at dispossessing the Chinese. The mines, however, are at the end of a branch line of the new Japanese-owned railway—owned by the Government, not by a private corporation, and guarded by Japanese soldiers. Of the 40 mines the Japanese have worked their way, in only four years, into all but 4. Different methods are used. The simplest is, of course, discrimination in the use of the railway for shipping. Downright refusal to furnish cars while competitors, who accepted Japanese partners, got them, is one method. Another more elaborate method is to send but one car when a large number is asked for, and then when it is too late to use cars, send the whole number asked for or even more, and then charge a large sum for demurrage in spite of the fact the mine no longer wants them or has canceled the order. Redress there is none.

"Tsinan has no special foreign concessions. It is, however, a 'treaty port' where nationals of all friendly powers can do business. But Po-shan is not even a treaty port. Legally speaking, no foreigner can lease land or carry on any business there. Yet the Japanese have forced a settlement as large in area as the entire foreign settlement in the much larger town in Tsinan. A Chinese refused to lease land where the Japanese wished to relocate their railway station. Nothing happened to him directly. But merchants could not get shipping space or receive goods by rail. Some of them were beaten up by thugs. After a time they used their influence with their compatriot to lease his land.

Immediately the persecutions ceased. Not all the land has been secured by threats or coercion; some has been leased directly by Chinese moved by high prices in spite of the absence of any legal sanction. In addition, the Japanese have obtained control of the electric-light works and some pottery factories, etc.

"Now, even admitting that this is typical of the methods by which the Japanese plant themselves, a natural American reaction would be to say that after all the country is built up industrially by these enterprises, and that though the rights of some individuals may have been violated there is nothing to make a national, much less an international, fuss about. More or less unconsciously we translate foreign incidents into terms of our own experience and environment, and thus miss the entire point. Since America was largely developed by foreign capital, to our own economic benefit and without political encroachments, we lazily suppose some such separation of the economic and political to be possible in China. But it must be remembered that China is not an open country. Foreigners can lease land, carry on business, and manufacture only in accord with express treaty agreements. There are no such agreements in the cases typified by the Po-shan incident. We may profoundly disagree with the closed economic policy of China, or we may believe that under existing circumstances it represents the part of prudence for her. That makes no difference. Given the frequent occurrence of such economic invasions, with the backing of soldiers of the imperial army, with the overt aid of the imperial railway, and with the refusal of imperial officials to intervene, there is clear evidence of the attitude and intention of the Japanese Government in Shantung.

"Because the population of Shantung is directly confronted with an immense amount of just such evidence it can not take seriously the professions of vague diplomatic utterances. What foreign nation is going to intervene to enforce Chinese rights in such a case as Po-shan? Which one is going effectively to call the attention of Japan to such evidences of its failure to carry out its promise? Yet the accumulation of precisely such seemingly petty incidents, and not any single dramatic great wrong, will secure Japan's economic and political domination of Shantung. It is for this reason that foreigners resident in Shantung, no matter in what part, say that they see no sign whatever that Japan is going to get out; that, on the contrary, everything points to a determination to consolidate her position. How long ago was the Portsmouth treaty signed and what were its nominal pledges about evacuation of Manchurian territory?

"Not a month will pass without something happening which will give a pretext for delay and for making the surrender of Shantung conditional upon this, that, and the other thing. Meantime the penetration of Shantung by means of railway discrimination, railway military guards, continual nibblings here and there will be going on. It would make the chapter too long to speak of the part played by manipulation of finance in achieving this process of attrition of sovereignty. Two incidents must suffice. During the war Japanese traders with the connivance of their Government gathered up immense amounts of copper cash from Shantung and shipped it to Japan against the protests of the Chinese Government. What does sovereignty amount to when a country can not control even its own currency system? In Manchuria the Japanese have forced the introduction of several hundred million dollars of paper currency, nominally, of course, based on a gold reserve. These notes are redeemable, however, only in Japan proper. And there is a law in Japan forbidding the exportation of gold. And there you are.

"Japan itself has recently afforded an object lesson in the actual connection of economic and political rights in China. It is so beautifully complete a demonstration that it was surely unconscious. Within the last two weeks Mr. Obata, the Japanese minister in Peking, has waited upon the Government with a memorandum saying that the Foochow incident was the culminating result of the boycott; that if the boycott continues a series of such incidents is to be apprehended, saying that the situation has become 'intolerable' for Japan and disavowing all responsibility for further consequences unless the Government makes a serious effort to stop the boycott. Japan then immediately makes certain specific demands. China must stop the circulation of handbills, the holding of meetings to urge the boycott, the destruction of Japanese goods that have become Chinese property—none have been destroyed that are Japanese owned. Volumes could not say more as to the real conception of Japan of the connection between the economic and the political relations of the two countries. Surely the pale ghost of 'sovereignty' smiled ironically as he read this official note. President Wilson, after having made in the case of Shantung a sharp and complete separation of economic and political rights, also said that a nation boycotted is within sight of surrender. Disassociation of words from acts has gone so far in his case that he will hardly be able to see the meaning of Mr. Obata's communication. The American sense of humor and fair play may, however, be counted upon to get its point.

"JOHN DEWEY.

"PEKING, *January 5, 1920.*"

Mr. NORRIS. Mr. President, I have so often and at such length addressed the Senate on the subject that is now before it that it would be cruel for me to impose myself further upon the Senate on this subject. I had not intended to say anything; but since there has been so much discussion upon it, I can not leave the subject without making just a few further remarks.

It seems that some Senators on this side and some Senators on the other side, including my colleague [Mr. HITCHCOCK], the leader on the other side, have been having various conferences—I presume, like the Versailles conference, they were secret conferences; they could not well be otherwise, having such a noble example just before them—with a view of reaching an agreement on some of these reservations. It appears now, from what Senators say on the floor of the Senate, that the leader on the other side has lost his spirit, and is not carrying out in good faith some of these secret agreements. I can only say to the Senators on this side that they ought to reread the story of "Old Dog Tray."

It is now contended that while the pending amendment, striking out a few words, ought to be adopted, the reservation itself ought to be rejected; and the reason given by my colleague, the leader on the administration side of this contest, is that it ought to be rejected because it does not help China.

China has a new recruit, a new friend coming to her defense. Nobody knows better than China that she is praying her god that she will not have many such friends. A great many things have been done in the history of the world against China, but certainly I hope that after she has been so many times afflicted she will not be persecuted by having added to her torments much of that kind of friendship.

Personally, I do not care very much whether the pending amendment is agreed to or not. It will not change the reservation. I believe the reservation has considerable merit in it and will do considerable good of a moral nature. It does not satisfy me. This new friendship for China, if it had existed when we had the treaty under consideration before, would perhaps have gotten some votes for the amendment that struck out of the treaty these most disreputable and, in my judgment, dishonorable articles.

I am going to vote for this reservation, as I did before, Mr. President, not because I am satisfied with it, not because I think it does what we ought to do, but because I would rather have half a loaf than no bread.

China was one of our allies. Her loyalty has never been questioned. You can not say that of another ally that is getting the major portion of the graft in this treaty. You can not say that, in other words, of the Empire of Japan. She fought valiantly until she got what she wanted, and that was about the end of her sacrifices. But, be that as it may, no one has questioned the loyalty of China. No one has questioned the fact that China went into the war mainly because the American Government went into the war. She was our friend; she was one of the Allies; she did everything that was asked of her. She lost more than 100,000 of her citizens on the battle field. She was practically denied admission to the peace conference, where her own throat was cut and where by these articles in the treaty everything that was sacred and dear to her was taken away from her and given to her worst enemy. In all the history of the world there is not, in my judgment, a more shameful treatment of a friend and ally than is this instance of China as she is treated in this treaty. We ought, it seems to me, to reject the treaty until all the possessions of the former German Empire in China are restored to China.

It is said here this morning that Japan already has possession. That is true. We have possession of some of the German Empire now. Our soldiers are encamped along the Rhine. We took on the battle field parts of Alsace and Lorraine at the sacrifice of American lives and American blood. Did anybody ever say in behalf of America that we would retain possession of what we had gained on the battle field against the common enemy until we were ready to turn it over to somebody else?

Mr. President, we are saying by these reservations that whilst our ally and our friend and the ally and friend of the balance of the Allies, our brethren in this war, are mistreated, their territory and their nationality and millions of their people in effect taken away and turned over to their ancient and present enemy, we wash our hands of it. I concede that that is better than to affirmatively participate in it, but that is what we are saying by this reservation. I think we are going back on our own ally, and doing it when, in my judgment—and I think the evidence before the Foreign Relations Committee disclosed it—it is absolutely unnecessary for us to do it. We could just as well have protected the rights of China at the Versailles conference, or even here, if we had taken the right step, as we could pass the reservation which I presume we are going to adopt.

Something was said yesterday about what Japan is doing now. Something was said to-day about her promise to return Shantung and the balance of this property to China. She has never officially promised to return it, and everybody knows that she will not return it except on conditions that she fixes and that are satisfactory to her. If she wants to return it in good faith, she ought to have been out of it long ago. If she was acting in good faith in her promise to return it made at Versailles and that incidentally and unofficially has been made since by some of her statesmen, why does she not pack up again and go home? That is all she has to do. Everybody is willing that she should go. No one is holding her back.

But, Mr. President, referring to what the Senator from Idaho [Mr. BORAH] said as to what is going on there now since the armistice, it is the same as is going on in Korea, and she has pursued absolutely the same course in China that she has in Korea. Some of the evidence that I gave to the Senate at the time the treaty was up before I secured in person from a missionary who had come over here from that country. After he had given me this information, after I had presented it to the Senate, he returned to China and Korea and a week or two ago came back to this country again and he is in the city of Washington now. He told me when he came back that this profession that a change was taking place was without any truth. He told me in person that he had talked with the representative of the Japanese Government who has charge now of Korea. It has been stated and published to the world that floggings were going to cease over there. He told me there was nothing in it. He had just come from there, where he had seen the victims of the floggings that were going on now. He talked with this Japanese official and asked him why it was that they were still flogging people and the Japanese official gave him this reason for it: He said, "We are going to cease punishment of the people after a while, but we can not do it now, because all the prisons are full, and when we arrest people or they are charged with a crime we have no place to put them, and hence we flog them and let them go, if they are able to go." He said, "Just as soon as the Japanese Government can take the necessary action we are going to build a lot more prisons and then we will put people in prison instead of flogging them."

Think of it, Mr. President, every prison filled with people; not people who have been guilty of a crime, thousands of cases where no charge has ever been lodged against them of crime, incarcerated now, as he says, in prisons overflowing and crowded with men, women, and children, without any provision for sanitation or any other civilized method of caring for them.

I presume this reservation will be agreed to. I hope it will; but, Mr. President, it only partially meets the situation. The time will come, in my judgment, when the future historian writes the history of this country and of the action taken here that those who have favored striking this provision out of the treaty entirely, those who have favored rejecting it unless it is rectified, will be wholly vindicated.

We, with a great many other nations, went into the war, and when the war was over by these reservations, as I look at them, we are saying to the other Allies you can rape China, you can rob her, you can persecute her as much as you want to do, but we will take no hand in it. We ought to say, Mr. President, that this treaty shall never be approved by us until this and a good many other things like it are taken out of it and it is made into a modern, righteous document.

Mr. BORAH. Mr. President, I am not going to reargue the Shantung matter, and I do not propose to detain the Senate longer than a very few moments. I rise principally to put into the RECORD some material which I have relating to this matter and of recent history, all of which relates to incidents and to matters transpiring since the 19th of last November.

I call particular attention, in the first instance, to an article written by ex-Senator Theodore E. Burton, who has just returned from the Orient and is now contributing some articles to the New York Times upon oriental questions. We all know how careful and how conservative the ex-Senator is in making statements. His article is interesting for rather what it suggests than for what it actually states. I read a paragraph or two from it to show the trend of his mind. The heading is "Shantung, a grave threat of China's dismemberment." I do not know of any student of oriental affairs—and when I say student of oriental affairs I mean those who are permitted to study that question upon the ground rather than those of us who are compelled to study it at a distance—who does not now regard Shantung as a first step in the dismemberment of China. That is practically the universal judgment of those who have studied the situation since the Versailles conference put out this treaty. That is evidently the conclusion at which ex-Senator Burton arrives. He says:

> If there is an ardent affection in the breast of a Chinaman for any part of his country it is for Shantung.

Then he gives the reasons, reasons with which we are very generally familiar. Further on the ex-Senator says:

> Japan has made various promises to surrender the territory involved, but the date and extent of the surrender are pending. * * * Tsingtau is certainly destined to become one of the most important maritime centers in the Far East. In addition to its commercial use it is becoming the most popular seashore resort in China.
>
> * * * * * * *
>
> The central portion of Shantung Province is so important and its population and resources so considerable that the dominant position of any foreign power here would seriously threaten the dismemberment of China.
>
> It is the practically universal opinion that the control exercised by Japan since the expulsion of the Germans in the autumn of 1914 has been more severe and much more extensive than that of its predecessors.

I will not read the entire article, but simply paragraphs. He says, further:

> Last October all conductors, officials at stations, and most of the trainmen were Japanese. In addition, at each of the numerous stations, at average intervals of not more than 2 or 3 miles, there was a guard of Japanese soldiers, fully armed, who stood at attention while the train was at the station platform. The spacious barracks for soldiers which have been constructed or are under construction at many stations certainly look like permanent occupation.

There are only two classes of people in the world who believe that this is not permanent occupation. One of them I will not designate and the others are those who are not familiar with the facts. I read further:

> It is impossible to believe that in the face of repeated protestations and promises Japan will seek annexations of territory there; such a course would cause universal disapprobation and might be more injurious to Japan than to China herself.
>
> But will not the jurisdiction left to the Chinese be an empty shell? To use a comparison which was made at home in June: "What would be left of the State of Pennsylvania if a foreign country should be planted in Philadelphia and own the Pennsylvania Railway and the coal mines of the State?"

It is fair to say of Japan that Japan has never promised to return anything but the shell. She has never made any engagement to return the economic rights and interests which she received from Germany. Anyone who will study the assertions attributed to Japan and those which are known to have been made by Japan will conclude that Japan has always protected herself in the fact that she has made no promise of a return which would be anything but a return of an empty shell. When we take into consideration that for the last 15 years Japan has

pursued an intelligent and most adroit and most persistent and most consistent course to the accomplishment of one great end, and now that she has realized it and that she is in possession of that which will dismember China and in possession of it by virtue of a treaty signed and ratified by the great powers of the earth, who supposes for a moment that China will ever receive anything from Shantung which will be of any possible benefit to her whatever?

She will have a political sovereignty which she can not exercise, which will not even be sufficient to enable her to protect her people.

I have an article here from George E. Sokolsky, manager of the China Bureau of Publicity, Shanghai, China, dated October 20. I read a single paragraph:

Japan, as Germany did not do, has been purchasing land in Shantung, although under the Chinese law foreigners may not hold land except in the treaty ports.

Japan, as Germany never did, has been charging a fee to the natives of Shantung for crossing the tracks of the Tsingtau-Tsinan Railroad, which has the practical effect of preventing peasants from farming on their own land in many instances where the tracks run through their land. The economic rights which Japan claims to inherit from Germany in Shantung practically amount to political rights, and because of the loan which the corrupt Peking Government has made of Japan, the latter has practically appointed its own government in the Province of Shantung.

I have an editorial from the Christian Science Monitor, Boston, entitled "What Japan is doing in Shantung." I will not read the entire editorial. It is worth while, however, to read it if anyone is interested in knowing how Japan is redelivering Shantung to China.

After stating that Japan is seizing more firmly her hold upon Shantung, the editorial says:

She is doing it by intrenching herself not only in the German concession but everywhere throughout the peninsula; by securing control of vital railways and mineral rights; by pouring Japanese immigrants into the country; and by carrying on a campaign of dispossession which has never been paralleled, not even by the Germans in Poland or the Hungarians in Transylvania. Lands, stores, garden plots, fisheries, salt works, orchards, to mention only a few instances at random, business of all sorts everywhere have suddenly become Japanese. This has not been done by the crude method of open deprivation. The means adopted are "perfectly legal." A new regulation is introduced. A license is required to carry on business. The cost of the license is fixed at a quite unbearable sum, and, in the event of nonpayment, the property is seized at a nominal figure. "Chinese peasants," declared a citizen of the United States now residing in Shantung in a recent communication to this paper, "who for ages immemorial have made their living from coastal fisheries, have been charged $200 for these licenses, of course putting them out of business, their places on the fishing grounds being at once usurped by Japanese squatters.

So it goes on, and all the time in every conceivable way, whilst Japan is ostensibly quite scrupulous in her observance of the "open door," all foreign trade in the peninsula is being steadily frozen out.

That is under date of December 22, 1919. "And again Shantung," an editorial January 26, 1920, from the same paper, states that—

There is much more involved in this issue than Shantung, much more, even, than the future of China or of the Far East. It is this that places the Shantung question almost, if not entirely, in a class by itself, and renders any compromise upon it which would involve a betrayal of China really unthinkable. Practically all the other questions before the Senate arising out of the treaty are questions of policy. The Shantung question, whilst it is a question of policy, and of very high policy, is also a question of principle, and upon such a question there can be no compromise.

* * * * * * *

"The Japanese Government," he says—

Quoting Mr. Hodges, an American citizen—

"has broken faith in practically every political pact she has made with the powers and China and Korea since the Chino-Japanese war of 1894, generally violating the spirit, and frequently the letter, of her international obligations where it was necessary to carry out her aggressions against her eastern neighbors."

Again:

For some time past the Japanese authorities in Shantung have been engaged in a systematic exportation of the Chinese coinage from the peninsula, melting it down, sending it to Japan or elsewhere as bullion, and replacing it by paper money. The result of this manipulation is just what it was intended to be. The tremendous flood of paper money, without the backing of any metal currency, has effectively broken the exchange. The value of the Shantung coinage has dropped to a level where trade with any other country, with the single exception of Japan, is practically impossible. In Japan alone has the Shantung currency its full purchasing power.

Mr. President, it is difficult to discuss questions of this kind without making statements which ought not to be made against a great power like Japan. For myself, I have never entertained any feeling against Japan because of her nationality. The Japanese are a great people, a marvellous people; their progress during the last 50 years, indeed, marks them as one of the greatest peoples that have ever occupied a place in the history of the world; but they are a different people, they have a different civilization, they have a different conception and standard of conduct from ours. Their standard I have no desire to criticize, but from our standpoint we must view the matter as it presents itself to us.

Here is the situation: China has been a friendly nation throughout these years; she has followed with rare confidence and unmistakable fidelity the Government of the United States in practically all its leadership. The American Government has manifested its friendship for China; China has appreciated that friendship; she practically followed us into the recent war; and, in my judgment, there is no fidelity more true, peculiar as the Chinese people are in some respects, than the fidelity of the Chinaman. We are losing the friendship of China to-day for this reason: It does not make any difference how Senators may console themselves with the hope—and I doubt not they entertain that hope with all sincerity—that Shantung will be restored to China, it will be found when the books are finally made up that what we do here to-day is a mere mental reservation against a physical fact, and the physical fact will prevail. While we mentally reserve any approval of this transaction, nevertheless our President signed the treaty at Versailles and we ratify it with nothing in it save a mental reservation, as it were, as to Shantung. In the meantime we, as a people, know what is going on in Shantung. We know that China is being dispossessed; we know that her people are being driven out; that they are being denied their rights, in the face of the reservation which we adopted upon the 19th of November. What need we more in the way of proof to satisfy us that what we are to do to-day will not at all meet the supreme obligations which rest upon us toward a friendly nation?

Mr. KING. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. KING. There may be very much in what the Senator says, and the conduct of Japan may call for the strictures and the condemnation which have been uttered here in the Senate; as to that I am now expressing no opinion; but what course does the Senator suggest should be pursued by the Senate of the United States in dealing with this treaty with respect to the Shantung provision? Assuming that there is no emendation of the treaty, what course shall the Senate pursue that will ameliorate the condition or will be of any advantage to China?

If I may further trespass upon the time of the Senator, the suggestion has frequently been made upon the floor of the Senate that with the League of Nations organized and the United States being one of the constituents of the organization, China's position would be far better than it would be if we were not within the league; that, with the traditional friendship which the United States has exhibited toward China, she would be in a position in the league to exert her powerful influence in behalf of China; that she could urge, and urge with great power, that Japan should redeem the promises which she has repeatedly made that Shantung—not only the shell, as the Senator from Idaho has used the expression, but the kernel and the substance—should be returned to China. I ask the Senator now if those statements are not accurate and if China's position will not be benefited if the United States is in the league? I ask the Senator the further question, what may we now do that would be of advantage to China in dealing with the question of reservations?

Mr. BORAH. Mr. President, as to the Senator's first question as to what we may now do which will be of benefit to China, if I must answer that question as a practical proposition, I may say that we can do nothing more than adopt this reservation; but the Senator knows that there are those of us who have felt from the beginning and who still feel that the Shantung provisions ought to have been entirely stricken out of the treaty. I was not wholly satisfied with the proposition of an amendment which would restore Shantung to China, but I was thoroughly in favor of striking out the provision in the treaty, so that the matter would stand upon the relationship which existed between China and Japan, for I was of the opinion that the Versailles conference had nothing over which to assume jurisdiction in regard to the matter. I was of the opinion that when China entered the war all the rights of Germany were forfeited and went back to China and still belonged to China when the peace conference met at Versailles. At this time, of course, I know that we can do nothing but accept this reservation. The course we should have pursued, however, in the first instance, was to reject the proposition at Versailles, and, in the second instance, the Senate ought to have stricken it out of the treaty, if we ratified the treaty, and then permitted the matter to be settled according to the rights which existed under international law and under treaties which might have been in existence.

As to the second proposition, whether it is not better for us to go into the league, and that we might possibly be of some service to China in the league, first permit me to say that, while I am very anxious to render any possible service I can to China, going into the league is too high a price for me to be willing to pay

even for that. I am not willing to take the chances that I think as a people we should take by going into the league.

Suppose, however, we should go into the league; suppose that the Senator who is now, as I am reliably informed, at the White House, finally satisfies the President with reference to the new reservations to article 10 and that we shall go into the league; suppose that the advocates of the reservation consent to the dotting of the "i" but refuse the crossing of the "t," and thereby compromise the differences, and we then go into the league; let us assume that that is true. When we get into the league Japan has absolute control of the situation. It can not be settled without Japan's consent; it would require unanimous consent of the council in order to readjust it. That is the complete answer to that, if I am correct in my construction of Japan's attitude. When we take into consideration that Japan refused to go into the league without——

Mr. FLETCHER. Mr. President——

Mr. BORAH. Just a moment—without the Shantung provisions in the treaty, how shall we assume that when she is in the league she will of her own motion consent to waive them? Now I yield to the Senator from Florida.

Mr. FLETCHER. I was going to ask the Senator if it was not true that under the terms of the league itself Japan could not be a party to and could not participate in the decision of that question? So the provision requiring unanimous consent would not avail.

Mr. BORAH. Oh, yes; in this particular matter Japan would be a party, but not so as to exclude her participation.

Mr. FLETCHER. She would be a party, but for that very reason could not participate in the settlement of the question.

Mr. BORAH. I do not know under what clause she would be excluded from being a party to it, because this is not——

Mr. FLETCHER. I say she would be a party, but for that very reason she could not participate in the decision of the question before the council or before the assembly of the league.

Mr. BORAH. I do not think this question would come under the clause of the covenant to which the Senator has reference—I am quite sure it would not—but let us take another view of it——

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. POINDEXTER. Mr. President, I should like to suggest to the Senator from Florida that under the treaty certain portions of Shantung have been delivered to Japan. Should any question in regard to the matter come before the council of the League of Nations, Japan would be in a position to claim that, by the terms of the treaty, those portions of Shantung are a part of Japanese territory, and under article 10 of the covenant of the League of Nations every member of the league has bound itself to protect and defend the sovereignty of Japan in that territory.

Mr. FLETCHER. But there would still remain the question of what rights Japan had conceded in consideration of the agreement reached on that subject in the treaty; in other words, the question would be raised about her consent eventually to transfer this territory to China.

Mr. BORAH. There is another answer to the Senator from Florida, and that is that this is a territory which has been guaranteed under the treaty, and under all the rules of which I can conceive, it would be a domestic question for Japan, and Japan would not permit it to come before the league for settlement. But, back of all that, as the Senator from Florida will realize if he will reflect upon the situation, is the fact that if Japan should not actually participate at the time the question were determined, her influence would certainly be quite equal to that which enabled the Shantung provision to be inserted in the treaty. Japan secured Shantung because of her tremendous power, because of her great prestige, because neither Great Britain nor France nor the United States were willing to go into the league or to form it without Japan. The President has told us in unmistakable terms—and, considering everything, with remarkable candor—that the price of the league was Shantung; that it could not have been formed without it. It could not be maintained without it. If they were willing to wreck the league rather than not to have the Shantung provision put in the treaty, shall we assume that they are willing to stay in the league if we take Shantung from them? If not, the same argument precisely which put Shantung under her control will keep it there. I think I know how China is going to get Shantung back, but that is prophecy, and there is no need to indulge in it.

Mr. FLETCHER. Mr. President, may I interrupt the Senator further?

Mr. BORAH. In just a moment. One of two things, it seems to me, is inevitable—and I do not speak of my own knowledge so much as the knowledge of those who have studied the question—either the Shantung affair will result in the dismemberment of China and the absorption of the Chinese people or their control and dominancy by Japan, as in the case of Korea; or the other thing will happen; and that is, that the young Chinamen, the students who are thoroughly aroused as they never have been before aroused, will take possession of the situation in China, and the result will be an oriental conflict compared with which, in my judgment, it could no longer be said that the German war was the great war of history.

Mr. FLETCHER. Will the Senator yield to me further?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I do not wish to prolong the discussion at all; but the Senator has alluded to what was claimed to be an agreement between China and Japan upon which the final arrangement was based. The Senator may not attach much importance to that agreement, but my understanding is that there was some such agreement.

Mr. BORAH. That agreement has been discussed. Of course, China always claimed that that agreement was obtained by duress, and I think the facts are conclusive upon that point. Furthermore, as I remember the President's statement, following the statement of a distinguished Japanese as to the conditions upon which Shantung was to be returned to China, the President's statement repudiated the proposition that that agreement had anything at all to do with the understanding as to the return of Shantung to China. The Senator will recall that when the statement referred to was made by the distinguished Japanese statesman the President felt under the necessity the next morning of stating that that was not his understanding, and that the agreement or treaty of 1915 had nothing to do with it.

I believe, Mr. President, I shall not further trespass upon the time of the Senate.

Mr. LODGE. Mr. President, I hope we can now have a vote on the pending question. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Massachusetts to the sixth reservation.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum is demanded. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Glass	Knox	Poindexter
Borah	Gronna	Lenroot	Ransdell
Brandegee	Hale	Lodge	Sheppard
Capper	Harris	McCormick	Shields
Chamberlain	Henderson	McLean	Smith, Ga.
Colt	Hitchcock	McNary	Smith, S. C.
Culberson	Johnson, S. Dak.	Moses	Smoot
Curtis	Jones, N. Mex.	New	Spencer
Dillingham	Jones, Wash.	Norris	Sutherland
Edge	Kellogg	Nugent	Townsend
Fletcher	Kendrick	Overman	Trammell
France	Kenyon	Page	Warren
Frelinghuysen	Keyes	Phelan	Wolcott
Gay	King	Phipps	
Gerry	Kirby	Pittman	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDING OFFICER. Fifty-eight Senators having answered to the roll call, a quorum is present. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to reservation No. 6, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I have agreed to take care of him with a pair during that absence. I find, however, that I can transfer my pair to the junior Senator from California [Mr. JOHNSON], and I do so and will vote. I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. On this question he is paired with the Senator from Ohio [Mr. POMERENE].

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

The PRESIDING OFFICER (when Mr. TOWNSEND's name was called). The occupant of the chair has a general pair with the senior Senator from Arkansas [Mr. ROBINSON], but is at liberty to vote on this question. He votes "yea."

The roll call was concluded.

Mr. WILLIAMS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. PHIPPS. I am paired with the junior Senator from South Carolina [Mr. DIAL]. I understand, however, that if present he would vote as I shall vote on this question, and I am therefore at liberty to vote. I vote "yea."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I have been informed that he would vote the same way that I shall vote on this question, and therefore I am at liberty to vote. I vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent; but I am informed that if he were present, he would cast his vote in the affirmative on this question. I therefore feel at liberty to vote, and vote "yea."

Mr. JOHNSON of South Dakota. I have a pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the Senator from Montana [Mr. WALSH] and vote "yea."

Mr. KENDRICK. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea." I ask that this announcement as to my pair and its transfer may stand for the day.

Mr. FLETCHER (after having voted in the affirmative). I announce my pair with the Senator from Delaware [Mr. BALL]. It is my understanding that if present he would vote as I have voted on this question, and I will therefore allow my vote to stand.

Mr. WILLIAMS (after having voted in the negative). I voted a moment ago under a misapprehension. I thought the vote was on the main proposition. Anything is better than the main proposition as an amendment, and I desire to change my vote from "nay" to "yea."

Mr. DILLINGHAM (after having voted in the affirmative). Observing that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, is absent, I transfer the pair to the junior Senator from Michigan [Mr. NEWBERRY] and will allow my vote to stand.

Mr. EDGE (after having voted in the affirmative). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I understand, however, that if he were present he would likewise vote in the affirmative, so I will let my vote stand.

Mr. HALE. My colleague, the senior Senator from Maine [Mr. FERNALD], is absent on official business of the Senate. If present, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD], and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

Mr. GERRY. I wish to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], and the Senator from South Carolina [Mr. DIAL], if present, would vote "yea" on this question.

The Senator from Montana [Mr. WALSH], the Senator from Oklahoma [Mr. OWEN], and the Senator from Arizona [Mr. SMITH] are absent on official business.

The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is absent on account of the death of a member of his family.

The Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Maine [Mr. FERNALD], the Senator from Delaware [Mr. BALL], the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from South Carolina [Mr. DIAL], and the Senator from Tennessee [Mr. MCKELLAR] are absent in attendance at the funeral of the late Senator BANKHEAD.

The result was announced—yeas 69, nays 2, as follows:

YEAS—69.

Beckham	Glass	Lodge	Shields
Borah	Gore	McCormick	Simmons
Brandegee	Gronna	McLean	Smith, Ga.
Calder	Hale	McNary	Smith, S. C.
Capper	Harris	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Hitchcock	New	Sterling
Culberson	Johnson, S. Dak.	Norris	Thomas
Cummins	Jones, N. Mex.	Nugent	Townsend
Curtis	Jones, Wash.	Overman	Trammell
Dillingham	Kellogg	Page	Wadsworth
Edge	Kendrick	Phelan	Warren
Elkins	Kenyon	Phipps	Watson
Fletcher	Keyes	Pittman	Williams
France	King	Poindexter	Wolcott
Frelinghuysen	Kirby	Ransdell	
Gay	Knox	Sheppard	
Gerry	Lenroot	Sherman	

NAYS—2.

Reed Sutherland

NOT VOTING—24.

Ashurst	Harrison	Newberry	Smith, Md.
Ball	Johnson, Calif.	Owen	Stanley
Dial	La Follette	Penrose	Swanson
Fall	McCumber	Pomerene	Underwood
Fernald	McKellar	Robinson	Walsh, Mass.
Harding	Nelson	Smith, Ariz.	Walsh, Mont.

So Mr. LODGE's amendment to reservation No. 6 was agreed to.

Mr. HITCHCOCK. Mr. President, I offer the substitute which I send to the desk.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The READING CLERK. It is proposed to substitute for reservation No. 6 the following:

That in advising and consenting to the ratification of said treaty, the United States understands that the German rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. HITCHCOCK. Mr. President, a question has arisen here as to whether or not the representatives of Japan, as an inducement to secure the assent of the President to these three articles of the treaty, promised the return of these German rights to China. I was surprised when any question was made as to that fact; and I desire to read an extract from a speech delivered by the President of the United States, in which he refers to this promise which the Japanese Government has made. I want to say, in addition, that these promises to which the President refers as having been made in Paris are by no means the only promises. Other definite promises made in Tokyo by the Japanese Government, and other public statements made by Japanese representatives in this country, were to the same effect as referred to by the President in this speech in St. Louis.

The President said:

Great Britain, and subsequently France, as everybody now knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan. There was no qualification in the promise. She was to get exactly what Germany had, and so the only thing that was possible was to induce Japan to promise—and I want to say in fairness, for it would not be fair if I did not say it, that Japan did very handsomely make the promise which was requested of her—that she would retain in Shantung none of the sovereign rights which Germany had enjoyed there, but would return the sovereignty without qualification to China and retain in Shantung Province only what other nationalities had already had elsewhere, economic rights with regard to the development and administration of the railway and of certain mines which had become attached to the railway. That is her promise, and personally I have not the slightest doubt that she will fulfill that promise. She can not fulfill it right now, because the thing does not go into operation until three months after the treaty is ratified, so that we must not be too impatient about it. But she will fulfill that promise.

Suppose that we said that we would not assent—

And that is exactly what is proposed by the Lodge reservation—

Suppose we said that we would not assent. England and France must assent, and if we are going to get Shantung Province back for China and these gentlemen do not want to engage in foreign wars, how are they going to get it back? Their idea of not getting into trouble seems to be to stand for the largest possible number of unworkable propositions.

It is all very well to talk about standing by China, but how are you standing by China when you withdraw from the only arrangement by which China can be assisted? If you are China's friend, then do not go into the council where you can act as China's friend! If you are China's friend, then put her in a position where even the concessions which have been made need not be carried out! If you are China's friend, scuttle and run! That is not the kind of American I am.

Now, there is a statement by the President of the United States that he holds a promise made by Japan to return the sovereignty rights of Germany in the Shantung Province after the conclusion of peace.

Mr. WILLIAMS and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and if so to whom?

Mr. HITCHCOCK. I yield to the Senator from Mississippi, who first rose.

Mr. WILLIAMS. The Senator in his concluding sentence has virtually answered what I was about to ask. I would like to ask him, however, if he has not noticed in the public prints that Japan has already made a proposition to China to open negotiations for the purpose of returning the Shantung-German rights to China, and that China, under some influence or other—I do not know what, but probably proceeding directly in accordance with the views of the United States Senate—refuses to negotiate at all?

Mr. HITCHCOCK. That is true. Japan initiated at once negotiations with China for the return of the rights of sovereignty which it has been complained Japan is exercising in the Shantung Province. As yet China has not even assented to

the negotiations. Possibly it desired in some way to keep this issue alive.

But one thing is certain: If we want to aid China to secure back the rights of sovereignty in the Shantung Province, the thing to do is to put ourselves in a position to hold Japan to the promises made to the President as an inducement to get him to assent. We can not withdraw our assent and at the same time hold Japan to her promises. Those promises were given for the purpose of securing our assent, and if we refuse our assent, we are in no position to hold Japan to her promises; and we are not in a very good position to hold Japan to her promises unless we go into the League of Nations, which will be the tribunal where the rights of China can be asserted and protected.

Mr. President, I have seen a good many crocodile tears shed here in behalf of China, but some of the very Senators who shed those tears were in public life at the time Germany, in 1898, secured these rights in the Shantung Province, and no American voice was raised in protest against Germany securing those rights from China at that time. Our then existing Government assented to it, and I have already read into the RECORD the official communications from the State Department assenting to the change that was made when Germany secured her 99 years' lease in the Shantung Province.

Mr. President, what Germany secured in 1898 she held for 20 years, and there was no protest from the United States. All this treaty does is to transfer from Germany to Japan the rights which Germany had secured with the assent of the whole world; and what the President of the United States did was to secure from Japan the very definite and positive promise that Japan would turn those rights of sovereignty back to the Chinese Government after the conclusion of the war and the signing of a treaty of peace.

Mr. WILLIAMS. Mr. President——

Mr. LENROOT. Will the Senator yield to me now?

Mr. HITCHCOCK. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. I understood the Senator to say that he had previously mentioned the fact that our State Department—and, of course, that carries with it the presidential administration at that time—assented to Germany taking charge of Shantung under the German-Chinese treaty of 1898. I do not think the Senator has fully enough expressed that. We not only assented, but our Department of State congratulated the Kaiser upon it.

Mr. HITCHCOCK. That is absolutely true. I have read that communication into the RECORD. There are the very Senators now in public life who were in public life then, and there was no word of protest. Germany took that from China by force, practically. It had the dignity of a treaty, but it was practically exacted as an unjust penalty from China by force, and Germany held it for 20 years, and you did not begin to shed your crocodile tears until 20 years had elapsed.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HITCHCOCK. Yes; I yield.

Mr. LENROOT. Does the Senator from Nebraska mean to say that our State Department congratulated Germany upon obtaining the lease from China?

Mr. HITCHCOCK. I read into the RECORD a statement from Mr. Secretary Hay to the secretary of state for foreign affairs in Germany congratulating Germany upon the policy she had adopted in her newly acquired Shantung Province.

Mr. LENROOT. Ah! The Senator well knows that the congratulation was upon making an open port, a free port, within that territory and had nothing to do with the lease itself.

Mr. HITCHCOCK. I am asserting that the United States practically assented to the transfer, and so did every nation in the world. It was Germany's for 20 years, and Japan did not take it from China. Japan took it from Germany and holds it by right of conquest, and yet Senators stand here and prate about the President of the United States having assented to the rape of China by Japan. Mr. President, I do become indignant when I hear statements of that sort.

China has not had it for 20 years and more, and the only hope that China has of getting it again is the promise the President of the United States exacted from Japan. You propose to do nothing toward restoring it to China except to make political capital out of it here in the Senate against the President of the United States, who really made an effort. You know just as well as I know that Japan seized this property in the war before we got into it. Japan had possession of it long before we even declared war against Germany, when we were in the attitude of a neutral, and Japan has held it ever since, and will continue to hold it; and you who shed your crocodile tears will not even go into a League of Nations, where it might be possible to try the claims of China, backed by the promise which the President wrung from Japan as a condition of giving his assent to what had already happened.

Oh, you will withhold your assent, will you? What good will that do China when Japan is in possession? Japan is in possession with the assent of Great Britain, with the assent of France, with the assent of Italy, with the assent of every other nation in the world, and you do not propose to do anything for China. All you propose to do is to endeavor to make a little capital and injure the President of the United States, who did what he could by exacting this promise from Japan.

So I propose, as a substitute for this empty, meaningless thing, a declaration that the Senate agrees to the ratification of the treaty with the understanding and upon the condition that Japan is to return to China the rights of sovereignty in the Shantung Province in accordance with the promises that the President exacted from her.

Mr. LENROOT. Mr. President, just a word. The Senator from Nebraska says that the President did what he could in this Shantung matter. The President had the same opportunity to do in the Shantung matter what he has now done in the Adriatic matter, but in the Shantung matter, for some reason, he did not avail himself of the opportunity.

Mr. WILLIAMS. Mr. President——

Mr. LENROOT. I do not yield.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. LENROOT. Before the Senator from Nebraska leaves the Chamber I should like to ask him whether he bases his reservation upon the President's statement which the Senator has read to the Senate?

Mr. HITCHCOCK. Yes; in part. The President made a public statement more definite and more elaborate than this one, but I have not been able to place my hand upon it. The testimony before the Committee on Foreign Relations also was to the same effect.

Mr. LENROOT. I want to ask the Senator whether President Wilson ever anywhere has stated that the representatives of the Japanese Government have made any promise other than that to restore the sovereign rights in Shantung?

Mr. HITCHCOCK. Not that I know of.

Mr. LENROOT. No; but the Senator's reservation would imply an understanding that all rights are to be restored.

Mr. HITCHCOCK. Whatever rights the promise covers.

Mr. LENROOT. Then, where does the Senator get that understanding, when the President makes no claim that there was any such understanding?

Mr. HITCHCOCK. There have been other statements made—statements made, as I said, in Tokyo; statements made by distinguished statesmen of Japan on many occasions—and actually at the present time Japan has endeavored to negotiate proceedings with China for the return of the sovereign rights. I have not any doubt that Japan, if she is not kept to her promise, is going to hold all she can get in Shantung. I do not disparage the statement that Japan still has the idea of gaining a hold or increasing her hold on the Asiatic coast, and I say the only hope of China is in the promises which have been exacted, and it is no use for Senators to say that those promises amount to nothing. They are all you have, and they are a great deal more than this hollow mockery of a reservation that does not do China any good.

Mr. LENROOT. I ask the Senator if Japan does carry out the promise that President Wilson says was made at Paris, will she not then have fully fulfilled her undertaking as a condition of the peace treaty?

Mr. HITCHCOCK. Yes; and, moreover, she will have done the thing that you most complain against. You have been talking about her exercise of sovereign rights. You have not been complaining about her use of the economic opportunities that other nations enjoy in China, as in the operation of railroads. You have been complaining that she was endeavoring to make a political annexation of Shantung and subject the Chinese people of the Shantung Province to her domination and control. Those powers she has promised to abdicate in favor of China, and they are the important thing.

Mr. LENROOT. My point is that the Senator presents to the Senate a reservation expressing an understanding that he knows was never made. No promise was made at Paris; and he now admits that there is no expectation that Japan will do what the Senator's reservation says we understand Japan will do. That is the trouble. His reservation is not fair; it expresses something that he knows it is not intended, and President Wilson does not expect Japan to keep.

Mr. HITCHCOCK. I have never been able to draw a reservation or anything else that suited the Senator from Wisconsin.

Mr. WILLIAMS. Mr. President, a moment ago the Senator from Wisconsin [Mr. LENROOT] stated that he did not understand why the President of the United States had not done in connection with the Shantung-Japanese provision precisely what he did in connection with Fiume. Of course the Senator from Wisconsin knows better than that. He knows that the two cases are not analogous. He knows, or ought to know, that the conditions which existed at the time Great Britain, France, Italy, and Japan entered into the Shantung arrangement were never later changed. He also knows, or ought to know, on what the provisions of the secret treaty of London affecting the Adriatic coast and the town of Fiume were based. By the way, it did not affect the town of Fiume at all; it was not even included in it; and that was an afterthought of Italy; Italy claimed it later on. He, of course, knows that that treay was based upon the then existing power of the autocracy of Austria-Hungary, and he knows that when Austria-Hungary was dismembered and divided and Jugo-Slavia and Czechoslovakia and Poland taken away from it the danger against which Italy was providing in the secret treaty of London ceased to exist.

Now, that is not all. Senators come here and they raise their voices most stentoriously against the recognition of a secret treaty between certain powers in Europe with regard to Shantung, and so far as these Senators are concerned, if they follow their leader, they are nevertheless attempting to execute another secret treaty, to wit, that of London, and are advocating turning over Fiume to Italy even outside of the treaty and beyond it.

Of course, the Senator knows, he must know, that conditions in the east remained exactly as they were when the secret treaty was entered into, and that conditions along the Adriatic changed completely. The President had no right to say to three or four sovereign powers, equally sovereign with us, that they must absolutely set aside a treaty, especially is this true when we remember we entered into the war for the maintenance of treaties and against the idea that they could be scraps of paper.

But the President had a right when he came to the Adriatic question to say "those conditions have totally changed; the safeguard from military menace that Italy wanted on the Adriatic has ceased to be necessary, because the great autocratic Empire of Austria-Hungary has been dissolved and has ceased to exist; the very conditions intended to be safeguarded have become revolutionized; they have become the very opposite of what they were. Now, the important question is to give entrance to the Adriatic to Jugo-Slavia, and moreover Italy is safe from the Austro-Hungarian Empire because by the fortunes of war we have absolutely dismembered and destroyed it."

Now, Mr. President, one more little thing. It seems to me that the Senators who have been bewailing about China most are the men who hitherto have not been the friends of Chinamen in the United States. It seems to me, moreover, that Senators forget the condition of the Orient when they are trying to bring about a condition of things which will insure everlasting peace and harmony of purpose and accord of action between Japan and China. That is the last thing in the world the white race wants. If ever there is complete accord between Japan and China and between the Japanese intellect and trained Chinese man power, the white race might just as well retire voluntarily from the theater of the world's action. Four hundred millions of Chinese, as brave as you or I, more contemptuous of death than you or I, needing only military discipline, of which they are capable, as Chinese Gordon proved; Japan is anxious to give it. The future peace of the world is threatened by a possible alliance between Japan, Germany, and Russia, the three together controlling and exploiting China—that is what is before you. Let sleeping dogs sleep; do not wake them up.

There is a long horoscope that I am afraid a lot of you do not catch. There is a great danger to the future peace and civilization of the world from an alliance between Germany, Russia, and Japan, controlling China, and the three together would necessarily control China, because you yourself would not vote to-morrow for an appropriation to send an American army there to prevent the result of that sort of an alliance, if it ever existed, from controlling China. That is one of the great dangers to the future peace of the world that somehow must be met, either by rehabilitating Germany and giving her a chance to pay her debts so that the balance of the world may pay its debts, or else by rehabilitating Russia so as to make her independent of the possible economic interpenetration of Germany. One of those two things must take place, and if one does not take place, the other becomes a necessity of history in the future, and you and I will have to face it.

One of the luckiest things that ever happened in the world was that the czardom went to pieces and that Russia was not present around the council board in Paris when conditions of peace had to be agreed to. If the old Empire of Russia, with all its power and pride as represented by the czardom had been there, the President not only would not have been able to do anything with regard to Shantung or the Adriatic, but he would not have been able to do anything with regard to anything else at all. Russian autocratic barbarism would have dominated the council at Versailles just as, after the Napoleonic wars, under Alexander it dominated the council at Vienna.

Luckily for the world Russia went to pieces. Luckily she could not be represented at the peace conference at Versailles. Luckily autocratic, semibarbaric ideas could not be presented. Luckily Constantinople was not handed over to Russia to give Russia an open path into the Mediterranean and thence into the Atlantic in order that her hordes might at some time in the future overpower Aryan civilization with pan-Slavonic semibarbarism. Man proposes and God disposes. I think in this case God did a great deal of the disposing.

But there remains Russia, with over a hundred million people; there remain the Teutonic stock of Germans, whom you can not destroy from the face of the earth—70,000,000 of them. All that you can say and all that you can do will not remove these stumblingblocks in the way of the world's peace and its civilization. Now, you want to go out and make an enemy of the chief oriental power, as well as of Russia and of Germany, so that at some time there may be possibly, if not probably, an alliance between your present arch enemy, Germany, and the Russians, who at this moment hate you more than they hate anybody else, and the Japanese, whom you are every morning and every evening and every hour between the morning and the evening insulting to the best of your senatorial ability of expression. Now, why do you want to do it?

Japan has positively promised that she will assert no right of sovereignty in Shantung. She has demanded four things, at least three of which all of us want—an open door to foreign trade, a place for foreigners, a free port for all foreigners—and then she has demanded something else for herself in the shape of a Japanese entrepôt in the harbor of the bay at Shantung. Is that more than England has in Hongkong? Is it more than France has in Indo-China? Is that more than we have at Shanghai? Is that less than we want? I thought we were all seeking an "open door" in China for the trade of the white race with the oriental population. If that has not been our chief object, then I have been deceived about what our chief object has been.

Oh, such friends to China as a great many people are, some of them men who, upon my word of honor, I would bet a hundred dollars to one dollar did not know that Shantung was in existence, unless they happened to remember it from their school days, until this war took place. The Senator from Nebraska [Mr. HITCHCOCK] is exactly right. If you want to help China against Japan, say so. How shall you say so? By saying that we understand that Japan has made certain promises, and that we hold her to them. Can you help China by simply "standing out from under"? You know you can not. If Japan raised an army of a million men to-morrow to make war upon China, you know that not one of you would vote for an appropriation of even $1,000,000 to withstand or resist her. I dare one of you to say you would. You know you would not. So you want to "thunder in the index," making much noise, with little intent of action. If you mean anything, say what the Senator from Nebraska says, which is virtually that Japan has made certain promises, and in agreeing to this particular provision of the treaty we want it understood that we hold her to those promises.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from Nebraska to the sixth reservation reported by the committee.

Mr. LENROOT and Mr. CURTIS called for the yeas and nays.

Mr. HITCHCOCK. Before the yeas and nays are taken, I ask leave to modify my substitute in the hope that I may possibly get the vote of the Senator from Wisconsin. On what appears to be line 22 of the particular print I hold in my hand, I desire to change the word "German" to "sovereign," and on line 24, after the word "treaty," to insert "or now exercised by Japan," so that it will read:

That in advising and consenting to the ratification of said treaty the United States understands that the sovereign rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

The PRESIDING OFFICER. The Senator from Nebraska has the right to modify his amendment.

Mr. BORAH. Mr. President, I wish to call the Senator's attention to the fact that as modified the amendment means absolutely nothing. Germany never claimed any sovereign rights in Shantung.

Mr. McCORMICK. Mr. President, that would be the virtue of the reservation, a virtue which so many of them have.

Mr. BORAH. Germany had a leasehold of Shantung, but never claimed sovereign rights.

Mr. HITCHCOCK. Mr. President, the Senator from Idaho and others upon the other side of the aisle have certainly sought to make a great deal of political thunder out of the fact that Japan is now exercising sovereign rights in Shantung, and it has been claimed that one of the vices of this transfer is that it puts Japan in a position where she can exercise sovereign rights. Now, I have so modified the amendment at least that until Japan relinquishes those sovereign rights to China our adherence to the treaty——

Mr. BORAH. Mr. President, if I may ask to have the Senator's amendment read from the desk as modified, I think he himself will see that he does not provide for anything, if I understood the reading correctly.

The PRESIDING OFFICER. The Secretary will read the substitute proposed by the Senator from Nebraska as modified.

The reading clerk read as follows:

That in advising and consenting to the ratification of the said treaty the United States understands that the sovereign rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. BORAH. All that that provides is that the sovereign rights claimed by Germany shall be transferred to China.

Mr. HITCHCOCK. No; Mr. President, that is not all.

Mr. NORRIS. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. Yes; I yield.

Mr. NORRIS. The amendment not only does not mean anything but it ratifies the treaty with a certain understanding. Suppose that understanding is not carried out, the ratification will not be affected. If the senior Senator from Nebraska desires to accomplish what I take it he wants us to believe he is trying to accomplish he will modify the amendment so that it will provide that we withhold our ratification of the treaty until Japan complies with her agreement; but, even if all he claims is true, it does not affect the ratification and it does not require anything from Japan.

Mr. BORAH. Mr. President, I think I was correct in my construction of the amendment. It provides:

That in advising and consenting to the ratification of said treaty, the United States understands that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, and now exercised——

Mr. HITCHCOCK. Oh, no; Mr. President, not "and" but "or"—

sovereign rights and interests renounced by Germany in favor of Japan * * * or now exercised by Japan.

Any sovereign rights which Japan is exercising. There is all the difference in the world between "and" and "or."

Mr. BORAH. When we get through with the first part we will take the second part.

Mr. HITCHCOCK. That is where the "snapper" comes in.

Mr. BORAH. Very well; we will take the "snapper."

Mr. HITCHCOCK. Yes; take the snapper. The language is "or exercised by Japan," meaning any sovereign rights now exercised by Japan.

Mr. BORAH. Exactly. Japan has always been ready, as I understand, to return what she calls the sovereign rights, but the economic rights, the railroad franchises, the mines and mining interests, and the things which enable her to absolutely control the destiny of Shantung, Japan has never promised to return.

Mr. HITCHCOCK. Mr. President, is it possible that the Senator from Idaho now abandons the very strong ground that he and others have been taking, that Japan was proposing to annex Shantung; in fact, had annexed Shantung, and was exercising sovereign powers of government in Shantung? Is it possible that he now forgets that the very gravamen of the charge against Japan has been the exercise of sovereign rights, rights of government?

Mr. BORAH. No. That is not quite correct.

Mr. HITCHCOCK. The charge has not been that she is running a railroad or operating mines.

Mr. BORAH. Oh, yes.

Mr. HITCHCOCK. No, sir. The charge has been that she is oppressing the people by the exercise of political power. That has been the gravamen of the charge always. It is political domination that has been complained of.

Mr. BORAH. The Senator from Idaho is entirely familiar with the charges which he has made, and he is not digressing from those charges. I know, as ex-Senator Burton so well says, that so long as the economic rights which Japan claims and which she proposes at no time to return are permitted to remain in her possession and under her management the sovereign rights which are spoken of are a mere shell; they amount to nothing. For instance, when Japan takes possession of the mines and is working the mines, while the political sovereignty over that particular region of country may be nominally in China, Japan is really in possession of the country and is in control of it in every way.

If the Senator from Nebraska will do one of two things, I will be glad to support his proposal. If the Senator, first, will make it not a substitute but an amendment, so as to provide that we withhold our assent to article 157 and also construe our understanding of what is to be done by Japan, I will be very glad to support it; I do not care whether it says as much as I want it to say or not. Certainly, if the Senator does not wish to do that, but wishes to have a substitute adopted, if he will provide that we withhold our assent to the treaty until Japan does retransfer her alleged sovereign rights and her economic rights, I will vote for it.

Mr. HITCHCOCK. I have no doubt that would be very satisfactory to a "bitter-ender," but I am not a "bitter-ender."

Mr. BORAH. I am sorry to hear that. [Laughter.]

Mr. HITCHCOCK. Mr. President, the Senator is evidently very anxious to help China. He is not even satisfied with having China get back her political sovereignty.

Mr. BORAH. Oh, no; because it is a shell.

Mr. HITCHCOCK. He wants her also to get back the rights to the mines and the privilege of operating the railroads which many foreign nations have. Will he point out somewhere in the reservation which he is supporting any step taken to recover those rights for China?

Mr. BORAH. Mr. President, if the Senator had listened to the remarks which I made about an hour ago, he would have heard me say that the reservation proposed by the Senator from Massachusetts does not accomplish all the Senator from Idaho desires. What the Senator from Idaho desired in the beginning was to eliminate from the treaty entirely the Shantung provision and complete the task which is undoubtedly resting upon us in a way that we would be proud of.

Mr. HITCHCOCK. The Senator would like to eliminate the rest of the treaty also.

Mr. BORAH. Yes; I have not conceded that fact.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Idaho a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. Yes; I yield.

Mr. WILLIAMS. The Senator from Idaho seems to wish that Japan should surrender the railroad and mining rights under the concession which were granted by the Chinese Government to the Germans and afterwards, as the result of this treaty, were transferred to Japan. The Senator has insisted upon a surrender by Japan of all railroad and mining concessions in China; but would he at the same time insist that all other nations shall surrender their concessions of like character?

Mr. BORAH. Mr. President, if the question should come here so that the Senate would be called to act upon it as a treaty, involving a confirmation of the rights of Great Britain and France in China, I would never vote to ratify it.

Mr. WILLIAMS. And America; do not forget we have some concessions.

Mr. BORAH. America stands upon an entirely different footing. But I would never in the world vote to ratify such a treaty. Now, let me say to the Senator that I think Japan is perfectly justified in what she did with reference to Shantung by the precedents which had been set by Great Britain and by France.

Mr. WILLIAMS. And by Italy.

Mr. BORAH. Well, Italy did not do so well.

Mr. WILLIAMS. Like in kind, though different in degree.

Mr. BORAH. Italy started in, but Great Britain and France were not sure that they had all they wanted, and they objected. The manner in which France secured her rights and the manner in which Great Britain secured her rights are perfectly parallel, to the manner in which Japan secured hers.

Mr. WILLIAMS. And to the manner in which Germany secured hers before they were transferred to Japan.

Mr. BORAH. Germany secured a leasehold, which was less of a right than that which Great Britain and France secured. There is no justification for the manner in which France and Great Britain or Japan or Germany secured their rights in China.

Mr. WILLIAMS. In that I agree absolutely with the Senator.

Mr. BORAH. If the Senator will bring that question before the Senate in such a way that the Senator from Idaho can act upon it, I will do the same with reference to those two countries that I am seeking to do with reference to Japan. I want China let alone. She is a great nation; I want her to work out her own destiny; I want to take the grip of France, Great Britain, and Japan off the throat of China, and I am perfectly willing to vote along those lines any time I have an opportunity to do so.

Mr. WILLIAMS. But, Mr. President, the fact remains that the Senator can not take off the grip of the other nations of the the civilized world from China, and now he is trying to take off the *grip of* only one of the great nations, and confesses that he is powerless to take off the grip of the others. I agree with the Senator that there has been by nearly every great nation in the world some degree of coercion upon China under the guise of treaties. Some of the treaties with China remind me of treaties that the United States Government used to make with the Indians, when it would call them up, lay the treaty before them, and tell them to sign it. That is about what has been done with China for a long time.

Mr. BORAH. That is what we are about doing to-day.

Mr. WILLIAMS. We first started the game in Japan by forcing Japan to open her ports to American commerce under the guns of our Navy. Now, the Senator says he would like to see China left alone. I do not know that I can go that far. I am rather inclined to think that the interpenetration of the civilized white races of the world has done China no harm, and will do her a great deal of good; but I have the same opinion that he has as to the manner in which the interpenetration has taken place; it has too frequently been at the mouth of a pistol under the guise of the words of the Prince of Peace, and very frequently it has followed up missionaries who were carrying the gospel of the Prince of Peace to the heathen. I agree with the Senator about that; but the point still remains that when the Senator insists upon what he is doing here he is insisting upon a discrimination against Japan in her dealings with China as compared with the dealings of all the other chief races of the world with China. That is the effect, whether or not that is his intent.

Mr. BORAH. The Senator from Idaho is confronted with the proposition of the Japanese; he is not confronted with the proposition of Great Britain or France. I do not hesitate to express my opinion of the activities of those two Governments in China, but I can only vote on the question which is before me, and that is the Japanese proposition. I would gladly express myself through the treaty-making power if I could with reference to the activities of France and Great Britain in China, but I can not do so. The other question is before us, and must I connive at the program, proceed with it to a further consummation than it has already proceeded, and become a party to it myself? That I do not propose to do.

Mr. WILLIAMS. I see the Senator's point, but the point does not go very well when one remembers that under the League of Nations all this matter may be brought in. The Senator might also insist that France and Great Britain and Italy and the United States—not as a government, but as a great many of our people have concessions there, mines, and so forth, and we are standing behind them—ought also to retire from China. Now, while I do not want us to retire from China, because I do not think it would be in the interest of the Chinese people that we should, I should like to see every foot of Chinese territory that has been taken by force or under a bludgeon or in front of a pistol restored to China; but the Senator can not do it, and I can not do it. Now, when he is faced with that status, why he should insist upon making an exception of Japan I can not understand.

Mr. BORAH. Japan makes the exception by coming here and asking the United States to do what Great Britain and France never asked her to do, and that is to ratify her wrong.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. In the reservation which the Senator is supporting nothing is done to assist China in getting back either her sovereign rights in Shantung or her economic interests. Am I right there?

Mr. BORAH. I think the only thing that is done is to exert a mere moral influence.

Mr. HITCHCOCK. Yes; but in this reservation which I have presented as a substitute, the Senator certainly will admit that if we adhere to it upon this condition, our adherence would only be made good in case Japan abdicates in favor of China all of the sovereign powers which she is now exercising. Am I not right?

Mr. BORAH. I am not so sure about that. I should like to look at it.

Mr. HITCHCOCK. I want to make that point clear—that in the one case we do absolutely nothing for China, either in the direction of securing back her economic rights or her sovereign rights; and while the reservation which I present may be criticized for not insisting that the economic rights shall be returned, it certainly goes to the extent of stating, as a condition upon which the United States ratifies this treaty, that Japan shall return the sovereign rights.

Mr. BORAH. No; that is the difficulty with the Senator's amendment. The Senator's amendment simply says—

That in advising and consenting to the ratification of said treaty the United States understands——

Mr. HITCHCOCK. Yes.

Mr. BORAH. That is all. We simply understand it in a certain way. Japan may understand it differently.

Mr. HITCHCOCK. Will the Senator please read the rest of it?

Mr. BORAH. Yes; I will:

The United States understands that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions—

And so forth, naming them—

of said treaty are to be returned.

We understand that.

Mr. HITCHCOCK. We understand that. Now, suppose Japan accepts our ratification with that understanding. We have her promise, and we have the League of Nations in which to maintain it.

Mr. BORAH. Please leave out the last.

Mr. HITCHCOCK. Out of deference to the Senator, I will forget the League of Nations.

Mr. BORAH. All right; I wish the Senator would.

Mr. HITCHCOCK. But we will be in the position of having laid it down as a condition that Japan shall abdicate her sovereign rights in favor of China, and Japan accepts our understanding of the treaty when she permits us to ratify it with that understanding, and that becomes a contract between the United States and Japan. Now, has not China gained something by that, and what does China gain by the reservation the Senator is supporting?

Mr. BORAH. Mr. President, I do not think China gains anything by this unless Japan is of a mind to go ahead upon her own motion and carry it out. There is no condition. In other words, if Japan fails to carry it out, there is no provision in the amendment to the effect that we shall be considered as being released from the treaty.

Mr. HITCHCOCK. No; but, Mr. President, I repeat the question to the Senator: We make a reservation to the treaty. We deposit that reservation, and by its terms provide that Japan assents to it by failing to make a refusal to do so.

Mr. BORAH. Yes.

Mr. HITCHCOCK. Now, assuming that Japan has assented to our reservation, she has accepted our understanding; she has approved the interpretation which we have placed on the understanding. Is not Japan bound, as by a treaty, to do the thing which she accepts us as having stipulated?

Mr. BORAH. Let me ask the Senator a question. He says Japan assents to it. If the Senator from Idaho should conclude to vote for this amendment—and in choosing between two matters, both of which are unsatisfactory, I might very easily choose either—if the Senator from Idaho should choose to support this amendment, would the Senator from Nebraska support a resolution of ratification which would impose upon Japan the necessity of affirmatively accepting the terms of these reservations?

Mr. HITCHCOCK. Mr. President, in one respect the Senator from Nebraska is like the Senator from Idaho. He does not expect to vote for the resolution of ratification unless it contains some other things and unless some other things are eliminated from it.

Mr. BORAH. The Senator has said that Japan consents to this matter by remaining silent. Let me say here, Mr. President, that I do not accept that as of any worth whatever. To me it is utterly idle to talk about one nation invoking the law of estoppel against another nation. If we say to Japan, "We have put certain reservations in here, and if you remain silent

when the President deposits them we will consider you to have accepted them," to my mind it is an utter nullity.

Mr. HITCHCOCK. Mr. President, of course there is no tribunal, no court, that could enforce that upon Japan; but, taken in connection with the fact that Japan has made the promise stated by the President and that we have recited the condition in our ratification, if Japan permits the ratification to go into effect by her silence, does not the Senator think Japan would be in a position before all the world of having consented to that condition which we have imposed?

Mr. BORAH. No; I do not think she would be in any different position than she is now, because she has already given her word, according to the Senator. I think the Senator is mistaken as to what she has said, but if the Senator is correct as to her promise she would not be in any different position under this amendment.

Mr. HITCHCOCK. I think she would not only have made the original promise, but she would be in the attitude of seeing that we had accepted it, and of having assented to our acceptance of it.

Mr. BORAH. Why is not the Senator willing that this shall be attached to the reservation as an amendment?

Mr. HITCHCOCK. I am not willing to do so because I think Japan can not be held unless we put it in some form like this. I think that where Japan has made a statement we have the right to accept that statement, and tell her that we have accepted it, and put it in the document of ratification, and I believe then that Japan will make good on her promise; and I ask the Senator again, What is there in the reservation proposed by the Senator from Massachusetts that exacts anything of Japan, that does anything toward China recovering her sovereignty or anything else in the Shantung Province? Nothing at all.

Mr. BORAH. The United States withholds her assent to these particular sections and disapproves them. The moral influence of that, Chinamen think, will be very great. I think it will be very little.

Mr. HITCHCOCK. I agree with the Senator that it will be very little. In other words, it amounts to just this: We behold Great Britain and France and Italy and the other nations assenting to the transfer of Germany's interest in Shantung to Japan, and those countries have no promises from Japan, and we stand back and wash our hands of the matter and say that we will have nothing to do with the transaction. We are submitting to the rape of China; we are making no effort to protect China; whereas my reservation accepts the promises that Japan has made, and proposes to hold her to them. I think that is something substantial, Mr. President.

Mr. BORAH. If I thought this accomplished anything like what the Senator seems to think it accomplishes, I might view the matter in a different light than I do; but when you simply say that the United States understands that these sovereign rights are to be returned you express what the United States understands, and it does not bind Japan at all unless Japan affirmatively accepts it as her understanding of the treaty. The Senator is not willing to have that affirmative acceptance expressed through the usual diplomatic channels by Japan. He wants Japan to be bound merely by her silence, which, in my judgment, amounts to nothing. It does not change it at all.

If the Senator, in writing this understanding into the treaty, will then follow it by a reservation which will make it necessary for Japan affirmatively to accept and declare this to be also her understanding, then we will have arrived somewhere; but that is not the program now. The program now is to have the ratification based upon silence, simply if the other nations do not object within a certain time. To my mind that is utterly worthless. I regard that as of no moment whatever. You can not invoke the law of silence as a principle of estoppel against a sovereignty, and that is what they are attempting to do by this and the amendment to the preamble; and if this should go into the treaty, and the preamble as it is proposed to be changed should be changed, this would not amount to anything. In my judgment, it would be simply our understanding, and Japan does not consent to it at all.

Mr. LENROOT. Mr. President, will the Senator from Idaho yield for a question?

Mr. BORAH. Yes.

Mr. LENROOT. I should like to ask the Senator if it is not true that this alleged understanding does not and can not arise out of any of the terms of the treaty?

Mr. BORAH. Precisely. It arises out of a mere voluntary declaration upon our part, without any assent upon the part of Japan that it is her understanding also.

Mr. NORRIS. Mr. President, if my colleague [Mr. HITCHCOCK] is as anxious to help Japan as he would have us believe he is, I think I can suggest a change in his substitute that will do some good. As it is, I believe it is a sham. It gives less to China than the pending reservation, and that means mighty little. He has now branched out as a friend of China, and the crocodile tears are not coming from this side. In order that the crocodile tears that he is shedding so profusely may have some effect and do some good, I should like to have him modify his substitute so as to make the ratification of the treaty on our part depend upon Japan turning over to China the sovereign and economic rights which she possesses there, and which she obtained by driving Germany out; and if he will do that, I shall be delighted to support the proposition.

My colleague's substitute simply says:

That in advising and consenting to the ratification of said treaty the United States understands that the sovereign rights and interests—

Now, that means the sovereign rights and the sovereign interests—

renounced by Germany—

I want to pause there to let the Senate understand just what that means—

the sovereign rights and interests—

The word "sovereign" modifies "interests" as well as it does "rights," so that there is nothing there except what is sovereign—

the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty.

Mr. President, this illustration was given a while ago: Suppose that in this treaty we still retained the sovereign rights over Pennsylvania, but we had given to England or Japan the Pennsylvania Railroad and all the mines in Pennsylvania, and with them, of course, the right to protect the mines, to operate them, and to operate the railroad. Would there be very much left?

Take it in connection with Japan's history, as she has grasped little by little, year after year, the nation of Korea. The first thing that would happen would be that she would send there an army to protect the railroad and an army to protect the mines. She would pronounce laws and edicts that would make it impossible for a Chinaman to live there. Already in Shantung she is charging Chinamen a toll for crossing the railroad—a railroad built by the toil of Chinese. In order to go from one side to the other, on Chinese soil, they pay a toll. She is not claiming the sovereignty!

Mr. President, she will claim and she will obtain the sovereignty and everything else, as everybody knows, before she gets through. It is the history of those things. There is not an exception in the history of the world. It makes it impossible for the Chinese to resist any further encroachments that may be made.

Instead of saying "in advising and consenting," if my colleague will say "the United States withholds its ratification of the treaty until Japan turns over to China all rights of every kind that she obtained through her conquest and through her driving Germany out of China," then we will have a reservation that will amount to something. Then my colleague will be repaid for the bitter crocodile tears that he is shedding in behalf of poor China. It will accomplish something if we can get that.

Mr. President, we hear Senators even defending a crime on the part of Japan because in the years that have passed a crime has been committed by Great Britain and France. Is it any defense that because England has some concessions in China that she obtained wrongfully therefore we must give Japan some concessions that she obtained wrongfully? If the Senator from Washington [Mr. POINDEXTER] is charged with stealing my horse, it on that theory would be a good defense for him to prove that the Senator from Indiana [Mr. WATSON] had the day before stolen another one of my horses.

Mr. REED. May I inquire if the Senator from Nebraska has two horses?

Mr. MYERS. May I ask the Senator, if he has two horses, does he ever ride them both at the same time going in opposite directions? [Laughter.]

Mr. NORRIS. No; I am not a Democrat. [Laughter.]

The PRESIDENT pro tempore. The Chair desires to announce to occupants of the galleries that it is a violation of the rule of the Senate to manifest approval or disapproval of any remarks made on the floor of the Senate, and the Chair will enforce that rule.

Mr. NORRIS. Mr. President, I was asked whether I had two horses. Since the stealing of horses has been mentioned, I do not think I had better state in this company how many horses I have or where they are. [Laughter.] So I decline to answer.

Mr. MYERS. The Senator said he is not a Democrat, but I believe he will not deny that he is an irreconcilable, and they have pursued more different courses in relation to this treaty than anybody else I know of.

Mr. NORRIS. I think it is an honor on the matter of this treaty to be an irreconcilable. It is a badge of honor, as I look at it.

Mr. WATSON. May I ask the Senator a question?

Mr. NORRIS. Yes; if it is not about a horse.

Mr. WATSON. No. What will be the relationship existing between Japan and Shantung on the League of Nations; that is to say, in what respect will that relationship be changed from what it is now?

Mr. NORRIS. I am glad the Senator asked me that question. Those who are in favor of the treaty always come back and say, "Let us get the League of Nations, and then we will settle these matters." Mr. President, several of the great powers before the League of Nations agreed to divide up the world. England, France, and Japan reach out to get everything that is loose and has not been nailed down and that belongs to a weak country; and then they want to get the League of Nations. They do that in advance of the League of Nations, because they know that under this treaty and under the league that is in the treaty we guarantee their title. To my mind it is perfectly foolish to say that we will sign an agreement that, for instance, gives the world acknowledgment of the right of Japan to rule forever over Korea, and then after we have signed it expect Japan to give it up. There is no means provided, and you could not provide for a provision, by which anyone could initiate an action, for instance, to take Ireland away from England after we agree to this treaty. Is there any place where Ireland could go in this league and set up a plea that she ought to be freed from the control of Great Britain? Is there any machinery provided in the league by which Korea or Shantung could do that in reference to Japan? No, Mr. President, the reverse is true. The approval of this treaty puts the nail into every one of these coffins and drives it down and clinches it.

Mr. WATSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON. President Wilson said that during the progress of the council at Versailles whenever the question was approached touching the relationship of Japan to Shantung immediately Lloyd-George and Clemenceau withdrew to the other end of the room and permitted him to fight it out alone with the Japanese representatives. Of course, the reason for that is manifest. It was because they had a secret treaty and had had for many months with Japan by which Japan was to retain her hold on Shantung and by which England was to have all the islands in the Pacific Ocean south of the Equator, and other great territorial possessions were conceded to France and some to Italy. While they had their share of the swag it was very natural that they could not very well object to another nation holding her share of the swag, and therefore they declined to have anything to do with the conference touching Shantung. How will that relationship be changed after the League of Nations is formed?

Mr. NORRIS. It will not be changed.

Mr. WATSON. England still has what she got under the terms of that treaty; France still has what she got under the terms of the treaty; and very naturally they can not object to Japan holding what she got under the terms of the treaty while they themselves are holding stolen property.

Mr. NORRIS. In addition to what the Senator has said, when that time comes, if we approve this treaty as it stands now, we will do the same as England and the same as Japan. We will have approved it. When we approve the treaty we approve all those steals, we approve officially all those outrages. We will be estopped as well as those who have the swag and have a double interest in preventing any weak nation from getting its rights or its freedom after it has been taken over and the seal of approval placed upon the transaction by this treaty and this league.

Mr. WATSON. If this covenant were adopted as the President brought it back, we would not only approve it, but we would pledge to the world that we will furnish men and money to see that the status is maintained for all time to come.

Mr. NORRIS. Of course, it is our contract as well as everybody's else, and we are in honor bound to stand by it. Now, it is said that because somebody else robbed Shantung everybody else has a right to rob her. Mr. President, I presume you will admit that no protest was made and we did not go to war when England took over a part of China and France took over a part of China and got rights that they never ought to have had; got them in reality by force in the same way that Japan got them. Some of the most disgraceful pages of history, it seems to me, are connected with the way England got her rights in China. We did not protest, we did not go to war, that is true; we did not shed any crocodile tears, but it never was before us for action. It may not be to our credit, but there is some difference in knowing that your neighbor has been robbed and not taking any steps to arrest the criminal, and a condition where you go in with the criminal and help to do the robbing. There is a difference in degree.

We are going to help commit the sin when we approve this document. We are not an innocent bystander now in this matter. It is up to us, and we must vote officially. We must act as a part of the great Government of the United States, and give our official approval to this instrument before it is binding as against the United States. That is vastly different from a case that may be outrageous and may be wrong, but with which we have had no connection. It does not follow that because you refuse to commit a wrong against your neighbor you will always go out of your way when your neighbor has a quarrel with somebody else and you are not in it or a part of it. It may be your duty as a high-class citizen to go to his help when your rights or your liberty are not interfered with. It may be to your dishonor and your disgrace if you do not, but we are not confronted now with that kind of a proposition. We are a part of the necessary operating machinery, and we are asked now to give our official approval to this infamy.

Mr. GRONNA. Mr. President——

Mr. NORRIS. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator has several times said that we are approving of this action if we agree to the treaty. I know that he means, if he understands the treaty and the covenant the same as I do, that we are not only approving it but we are binding ourselves to defend it; we are pledging our fortunes, our lives, and our sacred honor to defend whatever may come up in all the steals which the Senator has enumerated.

The Senator from Mississippi [Mr. WILLIAMS], if the Senator from Nebraska will pardon me, was twitting Members on this side of the aisle for not shedding crocodile tears and calling attention to the wrongful acts at the time Germany wrongfully took these possessions in China. I assume that every Senator here will admit that whatever was done at that time was a diplomatic transaction. The Senate did not have that proposition under consideration. I take it that the people of the United States were as ready and willing to condemn the wrongful action of Germany at that time as they are willing now to condemn the action of Japan in not only taking the property of the people of China, as the Senator has so well said, but placing herself in a position where ultimately she will be in possession of the sovereignty of that nation.

Mr. NORRIS. Mr. President, the Senator from North Dakota has well said that Germany acquired her rights there by means that were not honorable. She secured a treaty, it is true, like the other countries did, but she did it at the point of cannon. Nobody defends it. Nobody stands now in the civilized world anywhere and says that it was right; and yet the Senators who are behind this treaty give that very crime as a reason why we ought to commit another one.

Then there is another thing that they ought to remember. We supposed that we had reached a new day. I supposed, and I think the people of the United States did, that we had reached a time when we were going to turn over a new leaf, as it were, when civilization was going to do what was right, open and aboveboard, "open covenants openly arrived at," the abolishment of secret compacts, the nonrecognition of secret treaties, a pledge that we would not take possession of another country and annex it without the consent of the people of that country. These other things happened in the old days, before the days of Woodrow Wilson and his 14 points. Now we are living in a new age, and yet you are going to commit crimes and permit crimes and condone crimes based on the precedents established in the old days of barbarism before we turned over the new leaf.

Mr. President, personally I care very little about this reservation. In my judgment the so-called Lodge reservation will have nothing but a moral effect and I support it on that ground. It may do a great deal more good than I think it will. Sometimes a step taken like that by a great nation does have a great effect upon history. It may be a shining light along the pathway of nations by which they will point to the proposition that the great American Government refused to put its official stamp on such a damnable and accursed international crime as was committed on China. In that way it may do some good; I hope it will. At least it is better than nothing. In my judgment we are doing far from our duty. We ought to throw this treaty out of the window until all such things as this are eliminated.

I would be glad to support the substitute if its author would provide that we shall withhold our consent to the treaty until the things that belong to China are returned to China.

Mr. SHERMAN. Mr. President, the only right under the treaty of 1898 is a leasehold right for 99 years. That would give, under the peculiar status that a tenant government has, a mere right to occupy and to possess such property as may be attached to the territory covered by the lease. Ordinarily a government does not exercise sovereign powers over leasehold property acquired by treaty or negotiation similar to that of 1898. However, Japan, entering under the treaty of 1898, which is in one sense interpreted by those who favor these articles in the treaty as a mere lease, attempts to exercise, and does exercise in fact, all the attributes of sovereignty. The railroad property, the port property, wharves, warehouses, forts, barracks, public buildings designed for the storage of provisions and ammunition, were all erected by Germany following their entry into that territory in 1898 or 1899.

There are vast improvements that returning travelers of recent date speak of in very emphatic terms in Shantung. They were erected by Germany following her acquisition under this so-called lease. On the shore there are forts builded of stone quarried and built into shot-proof walls. They are pierced for heavy ordnance to defend the point against attack from the seaward side. There are forts built inland capable of defense against the heaviest artillery that has ever seen the soil of China. Nothing short of modern German ordnance would pierce their defenses. The railroads, together with the initial point on tidewater and their terminals in the far interior of this peninsula, builded by Germany, with warehouses, depots, and other railway buildings, are erected with a view of permanent occupation.

The police that patrol the railways and public property claimed by Germany in the peninsula are men belonging to the Japanese Reserve Army. They are no more police than a Regular Army soldier is who would be detailed for police service in the city of Washington. It is in pursuance of a preconceived and well-determined plan by Japan that the police, under the guise of protecting their property covered by this lease, shall be drawn from regular army soldiers, and they are governing the property under the guise of protecting it. Ordinarily a government exercises no sovereign power in a mere leasehold, but Japan to-day is exercising all the rights of a sovereign government over Shantung.

Mr. HITCHCOCK. Mr. President——

Mr. SHERMAN. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I think the Senator has correctly stated the situation as it is. I think, however, he did not go far enough with regard to the German occupation, for while there is some doubt as to the phraseology of the original German lease as to the exercise of sovereign powers by Germany, there is no doubt that it excluded the exercise of sovereign powers by China over a part of the leasehold estate.

Now, I ask the Senator, believing as he does, and as I do, that Japan is exercising sovereign powers in the Shantung Province, is it not wise for us in preparing this reservation to take her at her word and accept her agreement to abandon the exercise of those sovereign powers and turn them back to China?

Mr. SHERMAN. Neither the lease nor the treaty, if I were to treat them as synonymous, gives to Japan the right to exercise the sovereign powers I have described. The right is given in the treaty of 1898 or 1899 to exercise only such powers as are necessary to preserve and police the property acquired under the treaty. That treaty does not undertake in terms, nor can such authority be necessarily implied from a reading of it, to confer upon Japan the power of general sovereignty and to govern 38,000,000 of people who reside in that peninsula; and that is the power that can not be covered by such an amendment as that offered by the Senator from Nebraska.

Mr. HITCHCOCK. I think the Senator from Illinois has not heard my amendment or he would not speak along the line that he is speaking. Allow me to read the amendment as I have perfected it.

Mr. SHERMAN. I have heard the amendment read twice, but I am willing to hear it a third time.

Mr. HITCHCOCK. My amendment now reads:

> That in advising and consenting to the ratification of said treaty the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned to China.

Does not that cover the sovereign powers which Japan is exercising, and does not the Senator favor that proposition?

Mr. SHERMAN. The Senator is specious without covering the point that is in controversy. According to the reading of the amendment it is intended to cover the powers—taking them in their reverse order—exercised by Japan or acquired through the renunciation by Germany of her rights in the peninsula. Those are the two points covered, if I have heard, on the third reading, this amendment correctly. The one is the renunciation of the power or the sovereignty conferred by treaty on Germany and conveyed or released by Germany to Japan under this treaty; the other is the power or sovereignty exercised by Japan at this time.

The exercise of the power of sovereignty by Japan is something that is entirely apart from the granted powers in the original treaty of 1898 or the renunciation of those powers by Germany. It is a usurped power, and the Senator seeks to cover that usurped power under this amendment by providing that the power exercised shall not be included within the terms of the three articles, 156, 157, and 158.

Mr. President, there are involved in this question not merely the powers exercised by Japan at this time but the property they own. It does not make any difference what the language of the amendment may be, Japan has succeeded to the property rights. The Senator only anticipated what I wish in a moment to say on that subject. The property rights of Japan have been acquired by succession to the property rights of Germany in the peninsula. It makes no difference what kind of power individually as a tenant or as a sovereignty they exercise over the property; so long as they retain the property they will exercise the power regardless of anything that may be done in treaties or reservations or amendments that we may make, because of the language—and I call particularly the Senator's attention to this language in article 157:

> The movable and immovable property owned by the German State in the territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made or of the expenses incurred by her, directly or indirectly, in connection with this territory, are and remain acquired by Japan.

Whatever powers she exercises, whether as a mere leasehold tenant or as a sovereign, inhere in this property; and so long as she retains the property and polices it, the amendment offered by the Senator from Nebraska avails nothing. Follow that up by article 158, which provides:

> Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds, and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial, or other, of the territory of Kiaochow.

So long as Japan holds the title deeds and public archives and other documents relating to this property, so long as she owns the property and polices it, and puts her soldiers in the forts and warehouses and the ports, and sends her navy into the waters adjacent to those shores to hold it, how is the power she is exercising now to be released by such an amendment? It is wholly futile.

The junior Senator from Nebraska [Mr. NORRIS] reached the substantial part of this controversy when he stated the result of our approving the treaty with articles 156, 157, and 158 in it. There is a marked difference between neutral inaction and active approval. By voting to ratify the treaty with these articles in it we approve the wrong. The wrong perpetrated in 1898—if it be one, as some of us urge—we did not then condemn, because we were not called upon to break the neutrality in Asia and did not do so. There is so marked a distinction between neutrality or the lack of action and active approval expressed in ratifying a treaty in which the action of 1898 is confirmed as to require no argument more than the statement of the conditions.

It is urged here, Mr. President, with considerable pertinacity that because in 1898 we did not protest we are now estopped. I never heard it urged before any tribunal from the time of the congress of Vienna up to the Paris conference, including all of our many disputes upon both shores—the Bering Sea controversy of some years ago, the Geneva arbitration, or at any gathering where international law was discussed—that a nation could be bound in any such way. The doctrine of equitable estoppel never applies to a nation and can not bind a sovereignty. That is all the proposed amendment would do, the idea apparently being that the transaction occurred in 1898 or 1899; we did not protest; and standing by and saying nothing, that thereby we are now bound and must actively and affirmatively approve something that happened then merely because we did not object to it.

Many things have happened in the world's history in comparatively recent years that we have not approved actively nor disapproved actively but in connection with which we have remained simply neutral, with the inaction that follows such a course. The Franco-Prussian War, beginning in 1871, was fought; Alsace and Lorraine were detached from French territory and held by the Kaiser's father until restored to France under the pending treaty, and the Crimean War was

fought in 1853. We protested in none of those instances; we said nothing when Alsace and Lorraine were taken by Bismarck under the Paris treaty of 1871; we said nothing as to what occurred in the Crimean War; no protest issued from us. At no time, in South Africa, when Great Britain was prosecuting war against the people of the Transvaal and the interior, did we raise any protest against the extinguishing of the hopes of that population for independence; neither did we complain nor was anything heard from us in 1913, the year before the World War began, when Albania was divided, when the greater part of her territory and her population, of alien religion and of an entirely different faith, were put under the care of Serbia, Greece, and Montenegro. In 1913 that whole country was detached and put under a hostile government, but we never said anything; yet we are not bound by that action to-day. If we are bound by it, the fate of Albania is sealed, and there is nothing more to be said upon that subject.

In 1917, Mr. President, there was matured and established by the British Government a protectorate over Persia. It is well understood that they are making it a defensive border State against the northern boundary of British East India. We have not protested against the Persian protectorate; we have not protested in the case of South Africa; we have protested against none of the world-wide changes which have taken place before or since 1870. Such changes can literally be numbered by the hundreds; but at no place along the line have we protested by any act of ours, through any diplomatic representative, through any resolution of either House. Through no effort of ours have we ever by any means bound ourselves or sought to interfere or to be bound by our mere neutral inaction. This is the first time that I have heard that we can be bound in that way. I attach no importance to that except as a matter of argument; but morally, so far as there is an argument in it, it can not be urged here against the rejection of these three articles.

We are told by eminent authority that the only binding efficacy there is in the League of Nations is a moral obligation.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes.

Mr. GORE. The Senator might add to the great array of precedents the invasion of Belgium by Germany in 1914. No one in America approved of that, but there was no formal protest on the part of our Government.

Mr. SHERMAN. Not in the least, although it violated The Hague convention of 1907, and although in August, 1914, when the invasion of Belgium was begun, we were at least morally bound, if bound in no other way, to preserve Belgium as a neutral State. However, we not only did not protest, but we maintained in respect of that violation the same neutral inaction we have maintained as to many other world events, and because the League of Nations is a mere moral obligation, if it has any efficacy whatever, we had as well say that morally we can not be bound by neutral inaction.

Therefore I shall vote against the amendment of the Senator from Nebraska and shall vote for the original reservation.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from Nebraska for reservation No. 6 proposed by the committee.

Mr. KING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gerry	Knox	Ransdell
Borah	Glass	Lenroot	Reed
Brandegee	Gore	Lodge	Sheppard
Calder	Gronna	McCormick	Sherman
Capper	Hale	McLean	Shields
Chamberlain	Harris	McNary	Simmons
Colt	Henderson	Moses	Smith, S. C.
Culberson	Hitchcock	Myers	Spencer
Cummins	Johnson, S. Dak.	New	Sterling
Curtis	Jones, N. Mex.	Norris	Sutherland
Dillingham	Jones, Wash.	Nugent	Thomas
Edge	Kellogg	Overman	Townsend
Elkins	Kendrick	Phelan	Trammell
Fletcher	Keyes	Phipps	Warren
Frelinghuysen	King	Pittman	Watson
Gay	Kirby	Poindexter	Wolcott

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. SHERMAN. Mr. President, I wish to have read, as one of the reasons why probably we have not interfered in some of these world-wide matters, copies of two telegrams, one in 1916 and the other in 1917, remembering that we declared war in April, 1917.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Reading Clerk read as follows:

THE WHITE HOUSE, *January 27, 1916.*

His imperial majesty the EMPEROR OF GERMANY,
Berlin:

I take pleasure in extending to your majesty cordial greetings on this birthday anniversary, with assurances of my own high regard and good will.

WOODROW WILSON.

THE WHITE HOUSE, *January 27, 1917.*

His imperial majesty WILLIAM II,
German Emperor, Berlin:

Permit me to extend to your majesty the cordial felicitations of the Government of the United States and my own personal greetings on this anniversary.

WOODROW WILSON.

The PRESIDENT pro tempore. The question is on the amendment, in the nature of a substitute, offered by the Senator from Nebraska [Mr. HITCHCOCK] to reservation No. 6, as amended.

Mr. HITCHCOCK. Mr. President, before the substitute is voted upon I desire to strike out the word "understands" and insert "with the understanding."

The PRESIDENT pro tempore. The Secretary will state the substitute as it will read with the modification just made.

The Assistant Secretary read as follows:

That in advising and consenting to the ratification of said treaty, the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, or now exercised by Japan, are to be returned by Japan to China at the termination of the present war by the ratification of this treaty.

The PRESIDENT pro tempore. The question is on the amendment, in the nature of a substitute, as modified, offered by the Senator from Nebraska to reservation No. 6, as amended.

Mr. LODGE. On the substitute I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Having a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, I am compelled to withhold my vote.

Mr. EDGE (when his name was called). In the absence of my pair I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], who appears to be absent, and I am unable to obtain a transfer. If at liberty to vote, I should vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. As he is absent on official business, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JONES of Washington (when his name was called). Referring to the previous announcement of my pair, I transfer it to the Senator from California [Mr. JOHNSON] and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE'S name was called). I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "nay." On this question he is paired with the Senator from Ohio [Mr. POMERENE].

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. THOMAS (when his name was called). I am informed that my pair, the senior Senator from North Dakota [Mr. MCCUMBER], if present would vote as I intend to vote upon this substitute. I therefore feel at liberty to vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to my colleague, the junior Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE], who is detained from the Senate by illness. I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 27, nays 41—as follows:

YEAS—27.

Beckham	Henderson	Nugent	Smith, Ga.
Chamberlain	Hitchcock	Overman	Smith, S. C.
Culberson	Jones, N. Mex.	Phelan	Trammell
Gay	Kendrick	Pittman	Walsh, Mont.
Gerry	King	Ransdell	Williams
Glass	Kirby	Sheppard	Wolcott
Harris	Myers	Simmons	

NAYS—41.

Borah	Gore	McLean	Spencer
Brandegee	Gronna	McNary	Sterling
Calder	Hale	Moses	Sutherland
Capper	Jones, Wash.	New	Thomas
Colt	Kellogg	Norris	Townsend
Cummins	Kenyon	Page	Wadsworth
Curtis	Keyes	Poindexter	Warren
Dillingham	Knox	Reed	Watson
Elkins	Lenroot	Sherman	
France	Lodge	Shields	
Frelinghuysen	McCormick	Smoot	

NOT VOTING—27.

Ashurst	Harding	Nelson	Smith, Ariz.
Ball	Harrison	Newberry	Smith, Md.
Dial	Johnson, Calif.	Owen	Stanley
Edge	Johnson, S. Dak.	Penrose	Swanson
Fall	La Follette	Phipps	Underwood
Fernald	McCumber	Pomerene	Walsh, Mass.
Fletcher	McKellar	Robinson	

So Mr. HITCHCOCK's amendment as modified, in the nature of a substitute for reservation No. 6 as amended, was rejected.

The PRESIDENT pro tempore. The question now recurs on reservation No. 6, as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. I am informed that if present he would vote on this question the same way that I shall vote, so I feel at liberty to vote. I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair as before, and being unable to obtain a transfer, I withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement that I made before, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. JONES of Washington (when his name was called). Again announcing the transfer of my pair to the Senator from California [Mr. JOHNSON], I vote "yea."

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Arizona [Mr. SMITH], and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). As I have heretofore announced, the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present and at liberty to vote, he would vote "yea." He is paired with the senior Senator from Ohio [Mr. POMERENE].

Mr. SPENCER (when his name was called). Making the same announcement as on the previous roll call, I vote "yea."

Mr. THOMAS (when his name was called). I am informed that my pair, if present, would vote in the affirmative upon this reservation, and I therefore feel at liberty to vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I repeat the announcement of my pair and its transfer, and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote with regard to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the Senator from North Dakota [Mr. MCCUMBER] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL].

The result was announced—yeas 48, nays 21, as follows:

YEAS—48.

Borah	Frelinghuysen	McCormick	Sherman
Brandegee	Gore	McLean	Shields
Calder	Gronna	McNary	Smith, Ga.
Capper	Hale	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Jones, Wash.	New	Sterling
Cummins	Kellogg	Norris	Sutherland
Curtis	Kenyon	Nugent	Thomas
Dillingham	Keyes	Page	Townsend
Edge	Knox	Pittman	Wadsworth
Elkins	Lenroot	Poindexter	Warren
France	Lodge	Reed	Watson

NAYS—21.

Beckham	Hitchcock	Phelan	Walsh, Mont.
Culberson	Jones, N. Mex.	Ransdell	Williams
Gay	Kendrick	Sheppard	Wolcott
Gerry	King	Simmons	
Glass	Kirby	Smith, S. C.	
Harris	Overman	Trammell	

NOT VOTING—26.

Ashurst	Harrison	Newberry	Smith, Md.
Ball	Johnson, Calif.	Owen	Stanley
Dial	Johnson, S. Dak.	Penrose	Swanson
Fall	La Follette	Phipps	Underwood
Fernald	McCumber	Pomerene	Walsh, Mass.
Fletcher	McKellar	Robinson	
Harding	Nelson	Smith, Ariz.	

So reservation No. 6 as amended was agreed to, as follows:

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

Mr. LODGE. Mr. President, I now move to substitute for reservation No. 7 as it passed the Senate, the language printed on the second page of the reservation, which I will ask the Secretary to read. I move to strike out all the reservation as originally offered and to insert the words on page 2.

The PRESIDENT pro tempore. The Secretary will report the proposed substitute for reservation No. 7.

The Assistant Secretary read as follows:

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. LODGE. Mr. President, the amendment proposed in the nature of a substitute has precisely the same effect as the original reservation. It is merely stated in a briefer and more condensed form, but is equally effective.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Massachusetts a question. It seems to me that there is a defect in the substitute as presented by the Senator, and that there is a decided difference in one respect between the original reservation and the proposed substitute.

Mr. LODGE. If the Senator will point out to me any defect or weakness in the substitute, I will withdraw it.

Mr. HITCHCOCK. I call the Senator's attention to the fact that in the opening sentence of the original reservation it was stated that—

The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the League of Nations.

Mr. LODGE. Yes; that is the way my reservation had it.

Mr. HITCHCOCK. In the substitute presented here there is no provision of that sort.

Mr. LODGE. There is not. It was drafted, as the Senator knows, by the Senator from Montana [Mr. WALSH].

Mr. HITCHCOCK. It seems to me that there ought to be assurance given that the Congress will provide by law for such representatives.

Mr. LENROOT. Mr. President——

Mr. LODGE. I yield to the Senator from Wisconsin.

Mr. LENROOT. It was, as the Senator from Massachusetts states, not only drafted by the Senator from Montana [Mr. WALSH] but urged by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I object to having Senators represent what I did or what I said. I did not say and do that thing.

Mr. LODGE. I do not wonder that the Senator objects.

Mr. HITCHCOCK. I object very seriously to misrepresentation of my action upon this floor.

Mr. KNOX and Mr. LENROOT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. To whom does he yield?

Mr. LODGE. I yield to the Senator from Pennsylvania.

Mr. KNOX. I merely wanted to observe, without any reference to the controversy as to what transpired between Senators with relation to the formation of this substitute, that I think there is great merit in the position taken by the Senator from

Nebraska [Mr. HITCHCOCK]. I think it ought distinctly to provide that the Congress of the United States shall by law determine its representatives.

Mr. LENROOT and Mr. HITCHCOCK addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I yield first to the Senator from Wisconsin.

Mr. LENROOT. I want to ask the Senator from Nebraska whether he questions my statement that this proposed substitute was drawn by the Senator from Montana [Mr. WALSH] and presented to the bipartisan conference as the proposal of the Democratic members of that conference, including the Senator from Nebraska, and accepted by the Republicans?

Mr. HITCHCOCK. Mr. President, I want to say once for all time that I did not accept or bind myself to abide by anything done in that bipartisan conference. I want to say now once for all, and I hope it will not be necessary to say it again, that we all agreed that everything presented and everything passed was to be considered as merely tentative and not to go into effect until everything had been covered, and that when we reached some of the reservations we found an utter inability to come to any agreement.

To this extent, what the Senator from Wisconsin says is true. I did approve of the idea of abbreviating this particular reservation. It seemed to me that in the interest of good English it should be abbreviated. But I do not stand in opposition to the idea that the Congress should by law provide for the duties and powers of the representatives of the United States. I merely asked the Senator from Massachusetts why that should not be included. He stated that it was intended to include in this brief paragraph everything that was in the paragraph above, only in a briefer form. Now, why, if we are in good faith, should it not be stated that the Congress of the United States will provide by law for the representatives upon the various boards and commissions under the treaty? I am not seeking a controversy over this matter. I assumed that the Senator from Massachusetts would like to have this brief compendium of the reservation include anything of material interest which was in the original reservation.

Mr. LODGE. Mr. President, I think those first lines were very proper. In fact, I think our original reservation was very good, though no doubt abbreviating it may have improved it. But I took what the Senator from Montana [Mr. WALSH], for whose legal ability I have great respect, had drawn, and what the Democrats in the conference, who were not bound at all, asked for. I observed what they had left out, but our object was to please them, and so we took what they had prepared. I think my original provision was much better.

Mr. LENROOT. Will the Senator yield?

Mr. LODGE. Certainly; I yield the floor.

Mr. LENROOT. I have never said that, in my opinion, the Senator from Nebraska [Mr. HITCHCOCK] or any member of the bipartisan conference was bound; indeed, I stated this morning on the floor of the Senate expressly to the contrary, but I do say that the Senator from Nebraska and his colleagues did object to the original reservation and they were invited to present to that conference an alternative. The Senator from Montana did present the reservation that the Senator from Massachusetts now offers, and the Senator from Nebraska asked the Republican Members to tentatively accept it, which we did, exactly in the words in which it is now presented.

Mr. BORAH. Mr. President, do I understand that the Senator from Massachusetts is going to amend or withdraw?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. LODGE. As objection has been made on the other side by those who desired it and accepted it, and who now prefer the original wording, I think I might as well withdraw every attempt to improve it and to take it as it stands.

Mr. BORAH. Very well.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw the proposed substitute?

Mr. LODGE. I withdraw the modification or substitute and ask for a vote on the original reservation.

The PRESIDENT pro tempore. The question is on reservation No. 7, as reported by the committee.

Mr. WALSH of Montana. Mr. President, if I am in order for the purpose of saying something upon the matter, I renew the offer of the amendment tendered by the Senator from Massachusetts.

I merely desire to say that everybody did agree substantially upon the matter to which the Senator from Nebraska [Mr. HITCHCOCK] has now called attention, and the amendment is in effect exactly the same as that for which it is offered as a substitute. That was the purpose. It was not the intention to change the meaning of the reservation in any particular at all, but there was a view entertained, I think, perhaps quite generally in the bipartisan conference that the reservation as originally reported was unnecessarily prolix, and that the ideas could perhaps be adequately expressed by the use of less language. I did undertake, not to change it in any particular, but to reduce it in extent by using fewer words.

It is not expressly provided in the proposed substitute that Congress will provide the necessary legislation, and that is recited in the original reservation. But, Mr. President, with all deference to the opinion of the Senator from Nebraska [Mr. HITCHCOCK] with reference to that matter, I do not think it is necessary at all, because whenever we enter into a treaty with a foreign power that the Government of the United States will do certain things and legislation by the Congress is necessary to accomplish it, we necessarily enter into an agreement that Congress will enact the necessary legislation. Take the seal-fisheries treaty, for instance. The Government of the United States agreed to divide the pelts that are annually killed with the other nations subscribing to the treaty in a certain proportion, but in order to carry out that agreement legislation by Congress is necessary. We must appoint a commission to make the division, and in the legislation we must direct how the division shall be made.

So when we agreed with other powers for the creation of a certain commission upon which the United States is entitled to representation, and we also provide that no one can sit as a representative of the United States until he is authorized to do so by an act of Congress, we necessarily agree that Congress will provide the necessary legislation. I do not think that the effect is changed in the slightest degree nor that there is anything of substance in the original draft which is omitted from the new draft. In my own judgment, the amendment tendered by the Senator from Nebraska does not add in any degree whatever to the obligation.

Mr. HITCHCOCK. Mr. President, I have not tendered any amendment. I merely called attention to the fact that the Senator from Massachusetts [Mr. LODGE] stated that this proposed substitute included everything that was in the original reservation. I called his attention to the fact that this matter was omitted. It is rather binding to say that—

> No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States, providing for his appointment and defining his powers and duties.

It seems to me that that alone, without the statement that the United States will act indicates a purpose not to act and to nullify the ratification of the treaty. Inasmuch as the language was in the original reservation containing a promise that Congress would act, it seemed to me it would be proper to put it in the pending substitute. Do I understand that the Senator from Montana would not accept such an amendment?

Mr. WALSH of Montana. I have not the slightest objection to it. My own idea about it is that it does not add anything to it. I pause to say that I have exactly the same view about the original reservation. It provides that no one will be entitled to represent the United States upon any of these commissions until Congress by appropriate legislation provides for the appointment of the member and tells how he is to be appointed. That would be the operation without the reservation at all. In the first place, the reservation as it originally stood is entirely meaningless. You do not add to nor subtract anything from the treaty, as it would be the same as if you never adopted a reservation on that subject. I have exactly the same view with respect to the suggestion now made by the Senator from Nebraska. You do not either add to or subtract anything from it. So it is a matter of indifference to me whether the express provision is put in the substitute or not.

Mr. SMITH of Georgia. Mr. President, I hope we will adopt the substitute offered by the Senator from Montana [Mr. WALSH] without any change. Our conferees got together upon it. If we are really serious in desiring to reach a place where we can ratify the treaty, here is the place to show it. I think that the substitute offered by the Senator from Massachusetts ought to have been accepted, and now that it is offered by the Senator from Montana I hope we will all vote for it.

Mr. NORRIS. Mr. President, I think it would throw a great deal of light on the situation if we could have before the Senate the official report of the Versailles conference No. 2, at which this open covenant was openly arrived at. The substitute contains two propositions, as I understand it. It seems to me that they are contradictory. The first one is that—

> No person is or shall be authorized to represent the United States—

That contradicts the next one, or it leaves us without representation forever. It goes on then and gives the other clause—

nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of Congress—

And so forth.

It begins with the assertion that no person shall represent the United States, and then it provides that no citizen shall represent the United States unless it is provided for by law. It leaves out of what is in the original proposition, in addition to that difficulty, that whoever is selected or appointed to represent the United States on any of these boards must be confirmed by the Senate.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. I wondered if we could not have a caucus to determine what we are going to do upon this matter.

Mr. NORRIS. Would the Senator have it open, openly arrived at?

The original reservation provides that not only shall Congress provide by law—and it is made the duty of Congress so to do—for representation, but it provides, to a certain extent, that one of the provisions that must be in that law is that the appointments must have the confirmation of the Senate. Under the substitute, a law can be passed that will provide for the appointment of representatives on any of these boards without such confirmation; the power of appointment can be given to the President absolutely or it can be given to somebody else absolutely. It seems to me that if we must have these boards, we ought to surround them with all the proper safeguards that will give us the right kind of national representation. Senators in the past have been jealous of their rights to have a part in the appointment of officials to represent the United States, but if this substitute is adopted we make it possible for that right to be taken away.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. LENROOT. If the original reservation were adopted providing for confirmation, and a law should be subsequently passed providing for appointment without confirmation, which does the Senator think would control?

Mr. NORRIS. I can not conceive of Congress passing a law that will be on its face a plain violation of a solemn treaty. This becomes a part of the treaty, and it states that these appointments must be confirmed by the Senate.

Mr. LENROOT. I should like to ask the Senator whether he thinks the Senate would ever pass a law which did not provide for confirmation?

Mr. NORRIS. I can see a condition that might arise where the Senate would be driven into that very position exactly. We might get into a deadlock where we should have to recede from such a proposition in the enactment of a law or not have any law, and we might be in a position where Congress would be, as it has, to a greater or lesser extent, been in the past, a rubber stamp of an Executive, who might demand a certain kind of a law. When such a law is once upon the statute books, in order to change it, it would require the consent not only of the Senate, but of the House of Representatives and of the President as well.

The PRESIDENT pro tempore. Did the Senator from Montana propose the reservation which was withdrawn by the Senator from Massachusetts [Mr. LODGE]?

Mr. WALSH of Montana. I did.

The PRESIDENT pro tempore. The question is upon the substitute offered by the Senator from Montana for the reservation reported by the Committee on Foreign Relations.

Mr. WALSH of Montana. If the Senator from Massachusetts desires to renew his motion, I shall be glad to withdraw mine.

Mr. LODGE. Mr. President, as the substitute which I offered has been objected to by those who proposed it, I think it is safer to hold to the original reservation, because it says "Congress will provide by law," which I think is proper. It also makes it clear—and in this respect I think the substitute is somewhat doubtful—that by the treaty these officials must all be subject to the approval of the Senate. I think the reservation as originally drawn is better in that regard. I agreed to the substitute, as I did to others, because I thought it would advance agreement in the Senate; but as those who offered it do not agree about it I think it is safer to adhere to the original reservation.

Mr. REED. I move to amend the substitute by adding at the end thereof the following words:

And no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

The PRESIDENT pro tempore. The question is upon the amendment to the substitute which is proposed by the Senator from Missouri.

Mr. LODGE. One moment, Mr. President. That brings it back substantially to the form of the original reservation, except that it leaves out the provision that Congress shall provide by law for the appointment.

Mr. REED. Yes; and it makes perfectly plain—and that is what I desire to emphasize—that the substitute does entirely omit to express the determination that the Senate must advise and consent.

Mr. LODGE. Mr. President, I have no objection to the substitute with the amendment of the Senator from Missouri added, because then it certainly covers all that we desire to cover. There is no difference in the purpose of the two reservations, and I do think the provision in regard to the approval of the Senate is very important.

Mr. TOWNSEND. Mr. President, I hope that the substitute offered by the Senator from Montana [Mr. WALSH] will be adopted. Who constituted the conference I do not know, but I understand it was the desire of the Senators who attended it to arrive at some kind of compromise, without sacrificing any principle that has been advocated by Senators on either side of the Chamber. One Senator on the other side has risen and objected; but I do not take it that that means that the other members of that conference have objected. I agree with the Senator from Montana that this condensed substitute covers all that we desire.

We are to enact a law providing for the appointment of the men who are to serve on these various commissions and on the council. It is unreasonable for me to believe that that law would not provide what is usually provided in such cases. I do not think we have to go into the A B C class in order to state what is intended by the Senate. It is clear to me—and I am of very ordinary intelligence—and I think it is clear to other Senators. I should like to see this proposition which has been put forward on the other side receive a vote in the Senate at least, and I hope the Senator from Montana will not withdraw it, but will give us an opportunity, at any rate, to vote on the proposition.

Mr. LODGE. Does the Senator from Michigan object to inserting a provision providing for the approval of the appointments of these officials by the Senate? Such a provision is usually embodied in our legislation.

Mr. TOWNSEND. I should not object to that; but I do not think it makes any difference whether or not such a provision is inserted. If, however, there has been an agreement on this proposition, with the exception of one Senator, I should like to have the proposition submitted to the Senate, because I am inclined to believe that that is exactly what would have to be done; that there would have to be action by the Senate in confirmation of such appointments.

Mr. LODGE. If the Senator will allow me, what the Senator from Nebraska said was perfectly correct. There were no binding agreements made in the conference; we did not undertake to bind anybody, either the Senate or ourselves. The Senator from Nebraska is right about that.

Mr. TOWNSEND. I do not want to be understood as implying that it was binding; I understand it as does the Senator from Massachusetts; but it was attempted to agree on this proposition, and I should like to see that attempt put to a test, especially as I can see no radical difference between the two propositions.

Mr. LODGE. I should like to see the amendment proposed by the Senator from Missouri [Mr. REED] added.

Mr. HITCHCOCK. Will the Senator yield to me?

Mr. TOWNSEND. I yield.

Mr. HITCHCOCK. I think the Senator from Michigan should refer to me as criticizing rather than objecting to this particular amendment. What I objected to was the statement of the Senator from Wisconsin [Mr. LENROOT] putting me in a position as though I had agreed to the amendment. I am perfectly free to do as I please about all of the amendments which were discussed and formulated by the bipartisan conference.

Mr. TOWNSEND. To be perfectly frank with the Senator from Nebraska, I think he did not himself understand what he was doing when he was criticizing the amendment.

Mr. HITCHCOCK. I certainly was criticizing it; I was not stating that I should oppose it. I stated that I thought it did not contain all that it was intended to contain, and the Senator from Massachusetts has stated that it was intended to be an abbreviation of what was in the original reservation.

Mr. TOWNSEND. And I think it is.

Mr. HITCHCOCK. And I pointed out one thing which it failed to include, and suggested that it ought to be made to include it. I did not intend to go so far as the Senator indicates in the matter, for I feel free to do as I please.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Missouri [Mr. REED] to the substitute of the Senator from Montana [Mr. WALSH], which the Secretary will now state.

The ASSISTANT SECRETARY. At the end of the proposed substitute of Mr. WALSH, after the word "duties," it is proposed to add a comma and the following words:

And no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

Mr. REED. Mr. President, I desire to withdraw that amendment to the amendment and to offer in lieu of it another, which accomplishes the same purpose but follows the language of the proposed substitute. This is my proposal, to add:

And no citizen of the United States shall be selected or appointed as a member of any such body or agency except with the approval of the Senate of the United States.

The language of the amendment I first offered was taken from the Lodge reservation, which varies in its description of the tribunals and agencies from that which is employed in the substitute. The amendment I am now offering is merely intended to conform to the language of the substitute, so that instead of repeating the words "member of said commissions, committees, tribunals, courts, councils, or conferences," I simply adopt the language of the substitute, which is "appointed as a member of any such body or agency, except with the approval of the Senate of the United States."

Mr. SMOOT. Would it not be better to say "confirmation by the Senate"?

Mr. REED. I think they mean the same. We might say "except with the advice and consent of the Senate," but "with the approval" means the same, and I offer the amendment in that form.

Mr. LODGE. Mr. President, as I understand, the amendment of the Senator from Missouri would be added to the draft of the amendment of the Senator from Montana. In that event I shall very cheerfully accept it and shall make no opposition to it.

Mr. WALSH of Montana. I ask for the reading of the draft of the amendment as it would read if amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The ASSISTANT SECRETARY. At the end of the proposed substitute of Mr. WALSH of Montana, after the word "duties," it is proposed to add a comma and the words "and no citizen of the United States shall be selected or appointed as a member of any such body or agency, except with the approval of the Senate of the United States," so that it will read:

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties, and no citizen of the United States shall be selected or appointed as a member of any such body or agency, except with the approval of the Senate of the United States.

Mr. REED. Mr. President, it is rather embarrassing——

The PRESIDENT pro tempore. The Chair has recognized the Senator from Montana.

Mr. REED. I merely wish to make a correction.

Mr. WALSH of Montana. I yield to the Senator from Missouri.

Mr. REED. It is rather embarrassing, but I hastily prepared the amendment on the floor, and in its reading I detect what I think is a mistake. The language, instead of being "and no citizen of the United States shall be appointed," should be "and no person shall be appointed." I ask to make that change.

The PRESIDENT pro tempore. The change will be made according to the request of the Senator from Missouri.

Mr. WALSH of Montana. Mr. President, I should not like to have my position about this matter misunderstood in the slightest degree. The amendment, in my opinion, offered by the Senator from Missouri is entirely unnecessary; the subject matter is already covered by the language of the proposed substitute.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator if Congress legislated and provided for the appointment in a different way, would not that control instead of the amendment of the Senator from Missouri?

Mr. WALSH of Montana. I think so; but however that may be, Mr. President, the amendment as it is proposed is to the effect that no one whomsoever shall represent the United States, nor shall any citizen of the United States be eligible to sit as a member, by whomsoever he is appointed, except pursuant to an act of Congress. A law of Congress accordingly will be passed, and that law will provide by whom this representative may be appointed. If the Senate does not want to have the man appointed without its approval, of course it will not give its approval to any law that provides otherwise. The Senate has an opportunity to have its say when the law is being enacted, and if it does not want it, it does not have to have it. It can reject any proposal that does not contemplate the appointment in exactly the manner provided.

But, Mr. President, to go further than that, so far as any representative of the United States is concerned, it is taken care of by the Constitution of the United States, which provides that the President of the United States, "by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, * * * and all other officers of the United States," except those whose appointment is otherwise provided for by law. So it is there, and we do not need to put it in the reservation; the Constitution has already taken care of it.

Bear in mind that I undertook to act only in the capacity of a parliamentary draftsman. I was not expressing my ideas about what the reservation ought to be; I was simply undertaking to put the meaning of the reservation as it stood in less language. It is a matter of entire indifference to me whether my draft is accepted or the draft as it was originally prepared. In my judgment, both of them are entirely needless, or either of them is so. So if my substitute shall be adopted—and it is a matter of entire indifference to me whether it is or not—I shall vote against it anyway because I do not think that any reservation on the subject is necessary, and I believe that the treaty will have exactly the same effect whether there is a reservation or not.

Mr. BORAH. Mr. President, I am not, perhaps, justified in discussing the reservation, but it is perfectly apparent that we are drifting away from reservations and coming to the question either of sustaining or defeating the bipartisan committee. It seems to me that, after having adopted these reservations upon the 19th of November, if we are going to adopt reservations at all, in view of the fact that Senators on the other side are very frank in saying that whatever we write they do not propose to vote for, I do not see why our time is occupied in this way. I think that their position is a perfectly logical one; I do not understand that they are binding themselves to vote for the reservations, but if they are not going to vote for them, why should we redraft the reservations in order that we may vote for them? It really occurs to me, Mr. President, that instead of the bipartisan committee acting as leader upon the floor the Senator from Massachusetts ought to act as leader.

Mr. BRANDEGEE. Mr. President, of course I assume that it would have great weight with the Senator if the self-constituted bipartisan committee had agreed upon anything; everybody else ought to change his opinion forthwith, I assume; but, as nearly as I can get at it, if anybody has the temerity to intimate that they ever agreed on anything he is immediately called a prevaricator, and every member of the conference appears to feel insulted that he is accused of having agreed with his colleagues upon anything. Not only do they get up and openly repudiate it, but it is all we can do to conduct the debate here in parliamentary terms. There is more feeling engendered in the "harmony" produced by this conference committee than there was in the composition of the original reservation.

Now, look what happens here. The Senator from Massachusetts [Mr. LODGE], who is acting in good faith in the interest of harmony and cordial rapprochement between the two sides of the Chamber, gets up and sacrifices his original reservation, and accepts that of the conference committee, although he does not believe in it, he says, and thinks his own is the better. He meets the Senator from Nebraska in going more than halfway. He abandons his own reservation and accepts in toto the product of the conference committee.

That seems to throw the other members of the conference committee into a state of high dudgeon, and they immediately repudiate any such unauthorized and presumptuous concession on the part of the Senator from Massachusetts, and up rises the Senator from Nebraska [Mr. HITCHCOCK] and promptly says it is defective unless he can put on a finishing touch as an amendment to perfect it, whereupon up gets the Senator from Wisconsin [Mr. LENROOT], another member of the harmony committee, and states that the Senator from Nebraska, having agreed to it in conference, has no business to be amending it here in the open; whereupon the Senator from Nebraska throws the "allegator" at the Senator from Wisconsin, saying that he never agreed to anything, although in the previous sentences he had said that it was all passed upon in the committee. Then, not to be outdone in the exchange of drolleries and royal politeness, the Senator from Montana [Mr. WALSH] gets up and says he is against it all—it is all unnecessary, not to say impertinent and irrelevant—and he was only a legislative reference

bureau in the matter, anyway—he had no responsibility for it; he hated the idea of it, but he was the only mind and hand really competent, in this self-selected committee of perfectionists, to place before this body in its high deliberations something that as a sine qua non he would never vote for himself, anyway.

So, Mr. President, I state again that we are progressing rapidly. We are now "perfecting" the amendments which the Senate, in a sane moment last November, placed upon this treaty. It more or less makes me feel that I have wandered into an assembly where I can not contribute anything toward the consummation of the proceeding in which they are engaged. If, however, the Senator from Massachusetts thinks the reservation he voted for on November 19 is the best one, I hope he will stand by his convictions and vote for it; and if the Senator from Montana thinks none of them is useful, I hope he will vote against them all. As for me, I think just as I did on November 19, and I shall vote for the same reservation that I voted for then.

Mr. LENROOT. Mr. President, I take it that the only purpose and object of offering these modifications that were tentatively agreed to in the conference was upon the theory that it would help the two sides to get together upon a ratification of the treaty, and unless that purpose is to be served there can be no possible object in adopting these modifications.

Inasmuch as the Senator from Montana [Mr. WALSH] has frankly stated that if this amendment is adopted he proposes to vote against the reservation as amended, I can see no possible good to come through the adoption of the amendment. Therefore I hope it will be defeated and the original reservation adopted.

Mr. McCORMICK. Mr. President, before the Senate abandons this metaphysical exercise, this engagement in verbal contortion, this oratorical perambulation in which it has been occupied during the greater part of the afternoon, it may be permissible for a mere novice to ask, To what purpose are we addressing ourselves day after day?

It is asserted—without any great show of conviction, to be sure—by the Senator from Wisconsin [Mr. LENROOT] that the substitute reservations are offered in an endeavor to effect an agreement. God save the mark! They are offered in an endeavor to convey to one element in the country one meaning and to another element another meaning. They are offered to convey one meaning to America and another to Europe. If they are not offered to that end, why should they be offered at all? We sit here spinning phrases hour after hour.

SEVERAL SENATORS. What is the Senator doing?

Mr. McCORMICK. Oh, I am spinning a little lace to adorn the fabric woven by the master hands.

There are some of us who have considerable correspondence to answer. A great flood of protests has come into my office in the last few days against the horrors perpetrated in Korea. We have a great correspondence, in the mere answering of which we might be occupied if we were not sitting here debating like medieval theologians as to how many angels may dance on the point of a needle.

Mr. WALSH of Montana. Mr. President, I desire to say just an additional word, in view of some comments made by Senators upon the other side of the Chamber.

I accepted the invitation to act on the so-called bipartisan conference committee—the harmony committee, as it is now being called, perhaps appropriately—in the hope that we would be able to agree upon some modification of these reservations through which all of those favoring ratification of the treaty would be enabled to vote for a resolution of ratification. I had a very earnest hope that we should be able thus to agree, but we were not; and the committee, after it had proceeded with its work for some time, and had proposed tentative changes in some of these reservations, passed to the consideration of the reservation in relation to article 10, and it broke up under circumstances to which I have heretofore adverted, and of which I do not care now to speak again.

If we had concluded, I should very cheerfully have come to the Senate and voted in favor of every one of those reservations, and voted for the resolution of ratification with them as a part of it; but, as I say, we did not. We broke up without agreeing, and the work that we did with respect to the reservations, including article 10, has not been accepted upon the other side of the Chamber. No one upon the other side of the Chamber has tendered a reservation in relation to article 10 expressing the views of the conference committee so far as they had reached any agreement with respect to the matter; and, of course, under those circumstances I do not feel under any obligation whatever to vote for any of the reservations, even though they are amended as was suggested or tentatively agreed upon in the committee; and, without any regard to whether the agreement in the committee was tentative or otherwise, it was not carried out.

I do not, therefore, feel under any kind of obligation to vote for these amendments, and we have recurred to the original proposition. I shall be very glad to help to put these reservations, so far as I can, in a form that is acceptable to the Senate, but I do not intend to vote for them.

Mr. REED. Mr. President, in view of the debate of the last few minutes, which demonstrates pretty conclusively that the substitute which has been offered, and to which I have offered an amendment, is merely a legislative waif that nobody really cares to father, I think I shall withdraw from any share of the responsibility by withdrawing the amendment.

The PRESIDENT pro tempore. The Senator from Missouri withdraws the proposed amendment. The question now is upon the substitute of the Senator from Montana [Mr. WALSH] for reservation No. 7.

Mr. LODGE. Mr. President, I am as sensible of the humorous side of the efforts of the bipartisan conference as the Senator from Connecticut [Mr. BRANDEGEE], and I entirely appreciate what he has said about it; but I want to say to the Senator from Illinois [Mr. McCORMICK] that when it comes to telling the world what other people's motives are it is well to tread carefully, because I have not yet met anybody in my pilgrimage who was able to read the human heart or to tell what the motives of other people were. It is often attempted, but I do not think anyone knows.

Mr. President, there is this, and perhaps only this, to be said for the bipartisan conference: It was an honest effort to bring about some agreement which would enable us to ratify the treaty with the reservations. We came to no agreement. I joined in that effort because I have tried to secure the ratification of the treaty, during the months that I have been concerned with it, with reservations which I thought would protect the safety and the independence and the sovereignty of the United States, and I will not vote to ratify the treaty unless there are reservations which effect those things; but I was not willing to say that I would listen to no modifications; that I would shut the door on any further attempts to reach a ratification. That I decline to do.

Whatever was done there, there was no attempt to deceive anybody. I have stated these modifications that were proposed and tentatively agreed to; I have stated them here fairly, as I understood them, and I had hoped that those that had been tentatively agreed to would be accepted here. I had no other purpose. I can not imagine who can be deceived.

As for time being wasted, I know, of course, that the Senator from Illinois and other Senators are greatly oppressed with correspondence. I have had some letters myself; but it seemed to me that the most important thing was to try to dispose of the treaty, to try to settle it. If we can not ratify it, let us show it to the country and send it back where it came from. If we can get an agreement by which we can ratify it, let us get it; and I thought the second attempt was worth making.

I am not much of a medieval theologian, although I have heard of the familiar illustration of the angels dancing on a needle point; but I do not think time is wasted if we can bring about the ratification of the treaty and its final disposition, and take it away as an obstruction to the public business. I hope we shall do it as rapidly as possible, and whatever disposition the Senate makes of these reservations will be acceptable to me.

I offered this particular one in good faith. It had been prepared by a distinguished Democrat on the conference committee. It was supported by them all. It never occurred to me that they would stand here and oppose it; but apparently the plan is to oppose and try to change every modification, and, after the modifications are put on, if they get on, then, on the other side, to vote against the reservation.

No agreement, no arrangement, can be possible under such terms as those. After the performance we have had here this afternoon, when we come forward and take in the very words in which it was drawn and offered the amendment prepared by the Senator from Montana, and he then gets up here and says he does not believe any amendment is necessary, that he is going to vote against the reservation anyway, I can only say that, so far as I am concerned, I am through with it, and I shall offer no more modifications to attempt anything on that line. I am coming back to the reservation we adopted on the 19th of November, and which had the support of a decided majority of the Senate; and if the Senator from Montana wants a vote on his reservation as he now has it, I shall be glad, for one, to vote against it.

Mr. BORAH. As I understand the Senator from Massachusetts, it is his purpose to offer the reservations as they were voted upon on the 19th of November?

Mr. LODGE. I was referring to those that came out of the conference. I shall not offer those. There are two changes which personally I think ought to be made for the improvement of the reservations, and those I shall offer upon my own account for the Senate to dispose of as it may please.

Mr. BORAH. I understand that, so far as the reservations which came out of the conference are concerned, they are to be offered by some one else?

Mr. LODGE. I shall offer no more of them.

Mr. BORAH. We can make some progress if that is the program.

Mr. KELLOGG. I want it to be understood, Mr. President, that I do not agree that I shall not offer any further changes.

Mr. LODGE. Oh, certainly not.

Mr. BORAH. No one had any such understanding, of course.

Mr. LODGE. Of course, the reservations are open to all the changes that may be desired to be offered by any Senator.

Mr. BORAH. I understand the Senator from Minnesota has several reservations in his pocket. He might exhibit them and give us an opportunity to see them.

Mr. KELLOGG. The Senator does not understand that.

Mr. BORAH. I do understand exactly that thing.

Mr. KELLOGG. It is not true.

Mr. BORAH. They may not be in the Senator's pocket, but he has been writing them.

Mr. WALSH of Montana. Mr. President, I desire to say in behalf of this side of the Chamber that there is no expectation that any of the reservations agreed upon by the bipartisan conference as are going to be offered on the other side, nor do we understand that any member of that conference is under any kind of an obligation to offer them unless he cares to do so.

Mr. LODGE. They are not. I have said that again and again. There was no obligation, and we did not attempt to bind anybody. We made an attempt in good faith, all of us I think on both sides, to try to get an agreement.

Mr. WILLIAMS. May I ask the Senator a question? What was the object of this so-called bipartisan conference, if they did not intend to bind even themselves to anything?

Mr. LODGE. They did not.

Mr. WILLIAMS. Then they were just holding a conference for fun?

Mr. LODGE. Senators from your side came to me and asked for it, and I agreed to it.

Mr. WILLIAMS. And you appointed certain conferees on your side?

Mr. LODGE. Yes.

Mr. WILLIAMS. And some one appointed certain conferees upon our side, and they met and conferred without any intention of agreeing to anything.

Mr. LODGE. That is not true.

Mr. WILLIAMS. Ah, then, the Senator——

Mr. LODGE. We did have the intention of agreeing, and we tried on both sides.

Mr. WILLIAMS. They did intend to do that?

Mr. LODGE. They did.

Mr. WILLIAMS. And now the Senator tells us that they were tentative agreements which meant nothing, that they merely agreed to them in fun, and would see about them later on.

Mr. LODGE. They were tentative, with the view of an understanding, if we could get a complete agreement on all. There was no complete agreement, and therefore they fell.

Mr. WILLIAMS. They fell by the wayside?

Mr. LODGE. They did. They fell where your treaty has fallen.

Mr. WILLIAMS. And nobody cares for them now?

Mr. LODGE. I certainly do not care about them.

Mr. WILLIAMS. I thought not. I had that idea all the time.

Mr. LENROOT. Will the Senator yield?

Mr. LODGE. Certainly.

Mr. LENROOT. I should like to ask the Senator whether it is not true that every Member on this side who was a member of that conference is ready to keep those tentative agreements that were made and vote for them if the other side will do so?

Mr. LODGE. Absolutely; every one of us, and we have been all along.

Mr. SMITH of Georgia. Mr. President, I had supposed when we took up the treaty again that we understood, at least as to a number of the reservations, that certain modifications would be made. As to this particular reservation, the substitute was prepared by a distinguished Senator on this side of the Chamber, and I think it most unfortunate that we did not promptly accept that substitute when it was presented by the Senator from Massachusetts. I think it is admirably phrased and covers everything that is necessary and is a substantial improvement upon the original reservation on the same subject. I still hope that we may be able to accept it. I think it is a reservation that should satisfy every Senator, and I hope that others, with the Senator from Wisconsin [Mr. LENROOT], will join in supporting it as reoffered by the Senator from Montana [Mr. WALSH].

I am glad the Senator from Missouri [Mr. REED] withdrew his amendment, because it was entirely unnecessary. I should have voted against his amendment. The Congress, when it passes legislation upon this subject, will prescribe the manner of selection and appointment. It will have the right to determine which of the places require confirmation and which do not. Even if we added a provision similar to that suggested by the Senator from Missouri, Congress when passing the legislation could direct otherwise, and Congress would not be bound by the amendment suggested by the Senator from Missouri, that none of these representatives should act unless appointed by the President by and with the advice and consent of the Senate. Such a provision in this reservation would not be binding upon Congress. Congress may change it and control the subject when the legislation is passed.

If we are really to do anything toward ratifying the treaty, here is a reservation which we all agree is proper, and to which, as I understand, nobody objects. I earnestly hope that the substitute offered by the Senator from Montana may still be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the substitute proposed by the Senator from Montana [Mr. WALSH].

Mr. NORRIS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). In the absence of my pair I withhold my vote, as I do not know how he would vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement as heretofore with reference to my pair, I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE'S name was called). I repeat the announcement heretofore made that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "nay" on this question. He is paired with the Senator from Ohio [Mr. POMERENE].

Mr. PHIPPS (when his name was called). Making the same announcement as before regarding my pair, I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR], and in his absence withhold my vote. If at liberty to vote, I would vote "nay."

Mr. THOMAS (when his name was called). I am informed that my pair, if present, would support the substitute. I therefore vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but I feel at liberty to vote on this question. I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement previously made concerning the illness of my pair and his absence, and the transfer of that pair, I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate. If present, my colleague would vote "yea."

Mr. JONES of Washington. Announcing my pair as heretofore and its transfer to the Senator from California [Mr. JOHNSON], I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. FLETCHER. Announcing my pair as before and the transfer of my pair with the Senator from Delaware [Mr. BALL] to the Senator from North Carolina [Mr. SIMMONS], I vote "yea."

Mr. JOHNSON of South Dakota. I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. EDGE. I am informed that my pair, the junior Senator from Oklahoma [Mr. OWEN], if present, would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 37, nays 32, as follows:

YEAS—37.

Beckham	Harris	McNary	Smith, S. C.
Chamberlain	Henderson	Myers	Thomas
Culberson	Hitchcock	New	Townsend
Cummins	Johnson, S. Dak.	Nugent	Trammell
Edge	Jones, N. Mex.	Overman	Walsh, Mont.
Fletcher	Kellogg	Phelan	Williams
Gay	Kendrick	Pittman	Wolcott
Gerry	Keyes	Ransdell	
Glass	King	Sheppard	
Hale	Kirby	Smith, Ga.	

NAYS—32.

Borah	France	Lodge	Sherman
Brandegee	Frelinghuysen	McCormick	Shields
Calder	Gore	McLean	Smoot
Capper	Gronna	Moses	Sterling
Colt	Jones, Wash.	Norris	Sutherland
Curtis	Kenyon	Page	Wadsworth
Dillingham	Knox	Poindexter	Warren
Elkins	Lenroot	Reed	Watson

NOT VOTING—26.

Ashurst	Johnson, Calif.	Penrose	Spencer
Ball	La Follette	Phipps	Stanley
Dial	McCumber	Pomerene	Swanson
Fall	McKellar	Robinson	Underwood
Fernald	Nelson	Simmons	Walsh, Mass.
Harding	Newberry	Smith, Ariz.	
Harrison	Owen	Smith, Md.	

So the substitute of Mr. WALSH of Montana for reservation No. 7 was agreed to, as follows:

No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

The PRESIDENT pro tempore. The question is upon agreeing to reservation No. 7 as amended.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. SMITH of Georgia. Have we not adopted a substitute?

Mr. LODGE. We have adopted a substitute and a vote is now required on the reservation as amended.

Mr. SMITH of Georgia. Was it not an entire substitute?

Mr. LODGE. It was; but it was an amendment, of course, and the reservation as amended has to be voted upon.

Mr. WILLIAMS. Upon that I ask for the yeas and nays.

Mr. LODGE. They have already been asked for.

Mr. SMITH of Georgia. It was an amendment in the nature of a substitute?

Mr. LODGE. It was a substitute in the nature of an amendment. Of course, it requires a vote on the reservation. I ask for the regular order and call for the yeas and nays.

Mr. REED. Mr. President——

Mr. WALSH of Montana. I understood I was recognized.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Montana.

Mr. REED. A parliamentary inquiry, Mr. President. Is the proposition which we have just substituted for the reservation now open to amendment?

The PRESIDENT pro tempore. No; not in Committee of the Whole.

Mr. LODGE. It is not open to amendment, because the Senate adopted it.

The PRESIDENT pro tempore. The Chair is of the opinion it is not open to amendment in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, I desire simply to repeat what I have said before. While my position with respect to this matter may seem to some people to be inconsistent, it is not so at all.

I have heretofore declared that I simply endeavored to put the reservation in what I believed to be better language. I do not by that act nor by anything done heretofore desire to indicate that I think such a reservation is at all necessary. I do not think so. As I said before, if we had been able to agree upon these matters, I would very cheerfully have voted for every one of the reservations and for the resolution of ratification with the reservations on; but, as the proceedings came to naught, I do not feel under any obligation whatever to carry out that purpose, and I shall accordingly vote against the adoption of this reservation.

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. I desire to renew my point of order——

The PRESIDENT pro tempore. The Senator from Massachusetts has been recognized by the Chair.

Mr. LODGE. I was simply going to ask for a vote.

The PRESIDENT pro tempore. The Chair is quite willing to be advised in the matter, but is of the opinion that the reservation has been adopted.

Mr. SMITH of Georgia. That is the point of order I desired to make.

The PRESIDENT pro tempore. If that be not true, the Chair will be very glad to be advised in regard to it.

Mr. LODGE. I may be all wrong, but it is a matter which has been very much fixed in my mind for a great many years that when a motion is carried to strike out and insert, the language inserted is not open to amendment, but the motion prevails because the body has adopted that precise language. But we have then to vote on the original proposition as amended. The fact that a substitute has been adopted does not pass the original proposition.

Mr. SMITH of Georgia. This in no sense was an amendment. It was a complete substitute.

Mr. LODGE. Of course, it was.

Mr. SMITH of Georgia. We were at liberty to perfect the original proposition by amendment. We were at liberty to perfect the substitute by amendment. We adopted the substitute, and that ended it. That is the procedure by which we have conducted business here time and again, and the vote for the substitute was the adoption of it.

Mr. GORE. Mr. President, I think the Senator from Georgia is entirely incorrect in the statement of the parliamentary status. It is easily illustrated by the attitude of the Senator from Montana [Mr. WALSH], the author of the substitute. This amendment in the form of a substitute was agreed to as a substitute for the pending reservation. The substitute is now pending in exactly the same parliamentary status as the original reservation.

The Senator from Montana has already declared that he intended to vote against his substitute if it was agreed to. There may have been a number of Senators who voted for the substitute, hoping that when the final question recurred on the substitute it might then be defeated entirely. Nobody can conclude that a majority of the Senate favors the substitute until the final action of the Senate.

Mr. FLETCHER. May I suggest that there is absolutely nothing of the original proposition left? There is nothing left now but the substitute.

Mr. GORE. Certainly not.

Mr. FLETCHER. It takes the place of the original proposition, and we do not have to vote on it again because we have voted on it once.

Mr. GORE. It took the place of the original proposition pending before the Senate.

Mr. REED. Mr. President, may I suggest in a word this thought? The Senate had before it a reservation. It had before it a substitute for that reservation. We did not vote to pass the substitute. We voted to substitute the substitute for the other proposition. That is the question we voted on. Anyone might have voted to place that substitute in the place of the reservation, but he still has the right to vote on whether he wants that substitute adopted as a reservation. That is all the argument I want to make.

The PRESIDENT pro tempore. The Chair may observe that there must be many precedents upon this question, and the Chair would be very glad if some one of the Senators who understands parliamentary law, as the Chair does not, would state some of the precedents, so that we may be advised.

Mr. LENROOT. Mr. President, I have examined Gilfry's Precedents in the Senate, and I do not find any precedent for this question. If I may be permitted the suggestion, it is so elementary that an amendment must be again voted on that a precedent would not be found, although I may state that there are very many of them in Hinds' Precedents in the House.

May I recall to the Chair the situation? The adoption of a substitute is nothing but an amendment. The Senate has the right at all times to perfect the amendment in any way it chooses. If the substitute is adopted the Senate has the right to say that as between the original proposition and the substitute proposition they prefer the substitute, but then they must have the right to vote against the substitute on the original proposition as amended.

I assure the Chair that there can be and will be found no precedent to the contrary, but I am very sure that in the House many precedents can be found, and the practice has always been, I may say without exception, that where an amendment is adopted in the form of a substitute there must be a vote upon the question as amended by the substitute.

The PRESIDENT pro tempore. The Chair will accept that view of the matter.

Mr. LODGE. Mr. President, if I may make a suggestion, I think I am right in saying that the Senate railroad bill was substituted for the House railroad bill. That was done, I think, at the beginning of the consideration of the bill here. Does anyone suggest that the substitution of the Senate bill for the House bill made it needless to have a vote in order to pass the bill?

The PRESIDENT pro tempore. Does the Senator from Massachusetts ask the Chair the question?

Mr. LODGE. I merely make the suggestion.

The PRESIDENT pro tempore. The Chair will again announce that he accepts that view of the matter.

Mr. LODGE. I did not hear the statement of the Chair. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Senator from Massachusetts requests the yeas and nays. Is the request seconded?

The yeas and nays were ordered.

Mr. WILLIAMS. Mr. President, has the Chair ruled?

The PRESIDENT pro tempore. The Chair has ruled.

Mr. WILLIAMS. What was the effect of the ruling of the Chair?

The PRESIDENT pro tempore. The Chair ruled that the adoption of the substitute is not an adoption of the reservation.

Mr. WILLIAMS. Then, I do not want to be recognized. I think the Chair is right.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

Mr. EDGE (when his name was called). Making the same announcement as previously in reference to my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. PHIPPS (when his name was called). Repeating my announcement regarding my pair, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I again announce the unavoidable absence of my colleague [Mr. SIMMONS]. If he were present, my colleague would vote "yea."

Mr. SPENCER (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Massachusetts [Mr. WALSH]. I vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I do not know that I shall have an opportunity to transfer that pair, and I therefore withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). The senior Senator from Pennsylvania [Mr. PENROSE], with whom I am paired, is unfortunately ill and absent. I transfer my pair with him to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. THOMAS. I am informed that my pair, the Senator from North Dakota [Mr. MCCUMBER], if present would vote in the affirmative upon the pending question. I therefore feel at liberty to vote, and vote "yea."

Mr. PHIPPS. I transfer my pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. JONES of Washington. Again announcing the transfer of my pair to the Senator from California [Mr. JOHNSON], I vote "yea."

Mr. TOWNSEND. I find I can transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from North Dakota [Mr. MCCUMBER]. I do so, and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 55, nays 14, as follows:

YEAS—55.

Beckham	Frelinghuysen	McCormick	Sherman
Borah	Gore	McLean	Shields
Brandegee	Gronna	McNary	Smith, Ga.
Calder	Hale	Moses	Smoot
Capper	Henderson	Myers	Spencer
Chamberlain	Jones, Wash.	New	Sterling
Colt	Kellogg	Norris	Sutherland
Cummins	Kendrick	Nugent	Thomas
Curtis	Kenyon	Overman	Townsend
Dillingham	Keyes	Phelan	Trammell
Edge	Kirby	Phipps	Wadsworth
Elkins	Knox	Pittman	Warren
Fletcher	Lenroot	Poindexter	Watson
France	Lodge	Reed	

NAYS—14.

Gay	Hitchcock	Ransdell	Williams
Gerry	Johnson, S. Dak.	Sheppard	Wolcott
Glass	Jones, N. Mex.	Smith, S. C.	
Harris	King	Walsh, Mont.	

NOT VOTING—26.

Ashurst	Harrison	Owen	Smith, Md.
Ball	Johnson, Calif.	Page	Stanley
Culberson	La Follette	Penrose	Swanson
Dial	McCumber	Pomerene	Underwood
Fall	McKellar	Robinson	Walsh, Mass.
Fernald	Nelson	Simmons	
Harding	Newberry	Smith, Ariz.	

So the reservation reported from the Committee on Foreign Relations as amended was agreed to, as follows:

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

Mr. REED subsequently said: Mr. President, the time has really passed for making the observation I now desire to make, but at the conclusion of the vote I rose to call attention to the importance of the ruling the Chair made on the point of order. It will be observed that, as a result of the ruling upon the point of order, which was correct, another vote was taken in the Senate, which gave the author of the substitute which had just been accepted by the Senate, and for which its author voted as a substitute, the opportunity to cast his vote against his own substitute, which also affords an illustration of how easy it is to be sometimes jockeyed into a position where you lose a race with the best horse.

MESSAGE FROM THE HOUSE.

As in legislative session,

A message from the House of Representatives, by Mr. Overhue, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3076. An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes; and

H. R. 12046. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented memorials of sundry citizens of Albuquerque, N. Mex., and of sundry citizens of Loyalty, Holden, and Lincoln, all in the State of Missouri, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. JONES of Washington presented a petition of the Pioneers of Alaska, Igloo No. 7, of Valdez, Wash., praying for the enactment of legislation making an appropriation for the repair of the Government Military Highway in Keystone Canyon, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a petition of sundry citizens of Vermont, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on Military Affairs.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of Leighr A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for compulsory military training, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of Leighr A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for the enactment of legislation providing for a bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Drummond, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Ann Arbor, Mich., praying for the fulfillment of treaty obligations with Korea, which was referred to the Committee on Foreign Relations.

He also (for Mr. NEWBERRY) presented a memorial of Local Lodge No. 7, Metal Polishers' International Union, of Grand Rapids, Mich., remonstrating against the passage of the so-called Sterling sedition bill, which was ordered to lie on the table.

MARKING OF WOOL.

Mr. CAPPER. I presented a petition from the Utah State Wool Growers' Association and the American National Live

Stock Association on the 26th of February last, and it was referred to the Committee on Finance. I ask that the Committee on Finance be discharged from the further consideration of the petition and that it be referred to the Committee on Interstate Commerce, that committee having charge of the bill under consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 4013) to amend the land-leasing act of February 25, 1920; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 4014) authorizing the adjustment of the boundaries of the Olympic National Forest, in the State of Washington, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4015) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms and conditions with respect to improvements to be made on the present target range as may be prescribed by the Secretary of War, or, in lieu of such improvements to be made on the present target range, the Secretary of War may accept a conveyance to the United States of such other lands, to be designated by the Secretary of War, as may be deemed suitable for a target range in exchange for such overflow lands; that to facilitate the acquisition of the necessary additional lands the Secretary of War is authorized to condemn land necessary and suitable for target-range purposes, such condemnation to be at the expense of said Lloyd E. Gandy, grantee, his heirs and assigns; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 4016) to establish a stationery office in the Department of the Treasury; to the Committee on Appropriations.

A bill (S. 4017) to extend the powers of the Comptroller of the Treasury to create the office of accounts in the Department of the Treasury and to provide for an annual budget of estimates and report of the fiscal operations of the Treasury; to the Special Committee to Devise a Plan for a Budget System.

NAVAL RADIO SYSTEM.

Mr. POINDEXTER. I ask unanimous consent to introduce a joint resolution to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, which I ask to have referred to the Committee on Naval Affairs.

The joint resolution (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public was read twice by its title and referred to the Committee on Naval Affairs.

Mr. PHELAN. I present a letter from the Secretary of the Navy on the subject of the use of the naval radio system for commercial and press purposes. The letter is explanatory of the joint resolution just introduced by the Senator from Washington [Mr. POINDEXTER], and I ask unanimous consent that it may be printed in the RECORD.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, I understood the Senator from California to ask that something be printed in the RECORD.

Mr. PHELAN. The Senator from Washington [Mr. POINDEXTER] introduced a joint resolution relative to the use of the Navy's radio system. When transmitted by the Secretary of the Navy it was accompanied by a letter, and I asked unanimous consent that the letter be printed in the RECORD, because it explains the joint resolution.

Mr. SMOOT. The letter can be referred to the committee just as well, for that is where it will be considered, and there is no need of encumbering the RECORD with it.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. PHELAN. Mr. President, the letter is a matter of information for the Senate, and the Chair had already ruled that the request to print it in the RECORD was approved when the Senator from Utah made his objection.

Mr. SMOOT. I was trying to get recognition of the Chair.

The PRESIDENT pro tempore. The Chair had not finally ruled on the request. The Senator from Utah objects.

DEVELOPMENT OF AGRICULTURAL RESOURCES.

Mr. FLETCHER. I move that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 3942) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces, and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. I should like to ask the Senator whether the objection of the Senator from Connecticut [Mr. MCLEAN], chairman of the Committee on Banking and Currency, has been removed?

Mr. FLETCHER. The chairman of the Committee on Banking and Currency has no objection, and the Committee on Public Lands, I understand, consent to the reference I have asked.

Mr. HITCHCOCK. To which committee does the Senator ask that the bill be referred?

Mr. FLETCHER. To the Committee on Irrigation and Reclamation of Arid Lands. The bill pertains largely to their jurisdiction.

Mr. SMOOT. Mr. President, in order that there may be no misunderstanding as to the RECORD, I wish to say that I still believe that the bill ought to go to the Committee on Public Lands, but so long as the Senator introducing the bill desires it to be referred to the Committee on Irrigation and Reclamation of Arid Lands, I am not going to make objection.

Mr. FLETCHER. May I ask if my motion has been disposed of?

The PRESIDENT pro tempore. Is there objection to the request for the order asked for by the Senator from Florida?

Mr. HITCHCOCK. I only made the inquiry because the chairman of the Committee on Banking and Currency solicited me to oppose the proposed change of reference, and I am now asking the Senator from Florida the question whether that Senator has withdrawn his opposition?

Mr. FLETCHER. I have stated that the chairman of that committee has agreed to the change of reference.

Mr. SMOOT. I will say to the Senator from Nebraska that the Senator from Connecticut has withdrawn his opposition to the change of reference.

Mr. FLETCHER. Perhaps the Senator from Nebraska will accept the word of the Senator from Utah on that subject; and I hope that is satisfactory.

Mr. GRONNA. Until I can get some information about this bill, being a member of the Committee on Banking and Currency, I shall object to the change of reference for the present.

Mr. FLETCHER. Mr. President, I am going to move to have the Committee on Banking and Currency discharged from the further consideration of the bill and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands, because the Committee on Banking and Currency refuses to go on with it, and I do not propose to have the bill hung in the air.

RECESS.

Mr. LODGE. Mr. President, I call attention to the fact that we are in open executive session, and everything is being done by unanimous consent. Under those circumstances I move that the Senate as in open executive session take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 5, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 4, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, Author of the universe, Father of all souls, we stand before Thee in awe and reverence and pray that Thou wilt sway our minds, direct our ways, by the holy spirit of truth, that they may conform to Thy purposes. In the spirit of the Lord Jesus Christ. Amen.

NO QUORUM—CALL OF THE HOUSE.

Mr. MILLER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Washington makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Elliott	Kennedy, R. I.	Robsion, Ky.
Bankhead	Ellsworth	Kreider	Rodenberg
Bell	Ferris	Langley	Rose
Blackmon	Fields	Larsen	Rucker
Boies	Flood	Lesher	Sabath
Booher	Gallivan	Lufkin	Sanders, Ind.
Britten	Godwin, N. C.	Luhring	Sanford
Brooks, Pa.	Good	McAndrews	Schall
Browne	Goodall	McClintic	Scully
Byrnes, S. C.	Gould	McCulloch	Sells
Campbell, Pa.	Graham, Pa.	McDuffie	Slemp
Candler	Greene, Mass.	McFadden	Smith, Ill.
Cantrill	Greene, Vt.	McKenzie	Snell
Caraway	Hamill	McLane	Snyder
Clark, Fla.	Hamilton	McPherson	Steagall
Classon	Haugen	Major	Swope
Copley	Heflin	Mann, S. C.	Taylor, Tenn.
Costello	Hill	Murphy	Thompson
Cramton	Huddleston	Nicholls, S. C.	Weaver
Currie, Mich.	Hudspeth	O'Connell	Whaley
Curry, Calif.	Hull, Iowa	O'Connor	Wilson, Pa.
Dempsey	Humphreys	Oliver	Wingo
Dent	Johnston, N. Y.	Purnell	Winslow
Dewalt	Jones, Pa.	Rainey, Ala.	Wise
Doughton	Kahn	Reber	
Eagle	Kendall	Riddick	
Edmonds	Kennedy, Iowa	Robinson, N. C.	

The SPEAKER. Three hundred and twenty-one Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The Clerk will read the Journal of yesterday's proceedings.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSTON of New York, for three days, on account of important business.

To Mr. WINGO, for five days, on account of attendance on the funeral of the late Senator BANKHEAD.

To Mr. GREENE of Massachusetts, 11 days, on account of important business.

To Mr. TIMBERLAKE, at the request of Mr. VAILE, for the day, on account of illness in his family.

To Mr. O'CONNELL, continued leave of absence, on account of the illness of his wife.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. When the House adjourned yesterday the previous question had been ordered on the legislative, executive, and judicial appropriation bill and all amendments had been agreed to except two, upon which a separate vote was demanded. The question will now come on those amendments. The Clerk, without objection, will report the first amendment on which a separate vote was demanded.

The Clerk read as follows:

Page 9, strike out lines 15 and 16 and in lieu thereof insert the following:

"The salaries and expenses of maintenance of legislative drafting service as authorized by section 1343 of the revenue act of 1918, $40,000, one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The next amendment as reported last night is a very long amendment about inserting the provision for the surveyors general.

Mr. BLANTON. Mr. Speaker, in view of the fact that there were few Members present, comparatively, last evening, and there is a large attendance now, I ask that the amendment be again read.

Mr. CALDWELL. I object.

The SPEAKER. Objection is made. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WOOD of Indiana. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 133, noes 113.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as favor taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifty-three gentlemen have arisen, a sufficient number, and the yeas and nays are ordered. As many as favor the amendment will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 177, nays 154, answered "present" 1, not voting 94, as follows:

YEAS—177.

Aswell	Emerson	Lee, Ga.	Romjue
Ayres	Evans, Mont.	Lesher	Rouse
Babka	Evans, Nev.	Linthicum	Rubey
Baer	Fisher	Lonergan	Sanders, La.
Barbour	Focht	McArthur	Sears
Barkley	Frear	McGlennon	Sherwood
Bee	French	McKeown	Siegel
Bell	Gallagher	McKiniry	Sims
Benham	Gandy	McLaughlin, Nebr.	Sinclair
Benson	Ganly	MacCrate	Sinnott
Bland, Mo.	Gard	Maher	Small
Bland, Va.	Glynn	Mansfield	Smith, Idaho
Box	Goldfogle	Mapes	Smith, N. Y.
Brand	Goodwin, Ark.	Martin	Smithwick
Briggs	Griest	Mays	Stedman
Brinson	Griffin	Mead	Steele
Brumbaugh	Hadley	Merritt	Stephens, Miss.
Burke	Hardy, Colo.	Miller	Stevenson
Caldwell	Hardy, Tex.	Minahan, N. J.	Stoll
Cantrill	Harrison	Mondell	Sullivan
Carew	Hastings	Moon	Summers, Wash.
Carss	Hawley	Mooney	Sumners, Tex.
Carter	Hayden	Moore, Va.	Tague
Casey	Hernandez	Morin	Taylor, Ark.
Christopherson	Hersman	Mudd	Taylor, Colo.
Clark, Mo.	Hoey	Neely	Thomas
Cleary	Holland	Nelson, Mo.	Tillman
Coady	Howard	Nolan	Timberlake
Collier	Hull, Tenn.	Oldfield	Upshaw
Connally	Igoe	Olney	Vaile
Crisp	Jacoway	Osborne	Vinson
Crowther	Jefferis	Overstreet	Watkins
Cullen	Johnson, Ky.	Padgett	Weaver
Dale	Johnson, Miss.	Park	Webster
Darrow	Johnson, S. Dak.	Parrish	Welling
Davey	Johnson, Wash.	Pell	Welty
Davis, Tenn.	Keller	Phelan	Wilson, La.
Dickinson, Mo.	Kettner	Pou	Wise
Dominick	Kincheloe	Quin	Woods, Va.
Donovan	Kitchin	Rainey, H. T.	Wright
Dooling	Kleczka	Rainey, J. W.	Young, N. Dak.
Drane	Lanham	Raker	Young, Tex.
Dunbar	Lankford	Randall, Calif.	
Eagan	Lazaro	Rayburn	
Elston	Lea, Calif.	Riddick	

NAYS—154.

Ackerman	Fess	Longworth	Rowan
Anderson	Fordney	Luce	Rowe
Andrews, Md.	Foster	McCulloch	Sanders, N. Y.
Andrews, Nebr.	Freeman	McFadden	Sanford
Anthony	Fuller, Ill.	McKinley	Scott
Ashbrook	Fuller, Mass.	McLaughlin, Mich.	Shreve
Bacharach	Garland	MacGregor	Sisson
Begg	Garner	Madden	Smith, Mich.
Black	Garrett	Magee	Stephens, Ohio
Bland, Ind.	Goodykoontz	Mann, Ill.	Stiness
Blanton	Graham, Ill.	Michener	Strong, Kans.
Bowers	Green, Iowa.	Monahan, Wis.	Strong, Pa.
Britten	Greene, Vt.	Montague	Sweet
Brooks, Ill.	Harreld	Moore, Ohio.	Taylor, Tenn.
Brooks, Pa.	Hays	Moores, Ind.	Temple
Browning	Hersey	Morgan	Tilson
Buchanan	Hickey	Mott	Tincher
Burdick	Hicks	Nelson, Wis.	Tinkham
Burroughs	Hoch	Newton, Minn.	Treadway
Butler	Houghton	Newton, Mo.	Vare
Byrns, Tenn.	Hulings	Nichols, Mich.	Venable
Campbell, Kans.	Hull, Iowa.	Ogden	Vestal
Cannon	Husted	Paige	Volgt
Chindblom	Hutchinson	Parker	Volstead
Cole	Ireland	Peters	Walsh
Cooper	James	Platt	Walters
Crago	Jones, Tex.	Porter	Ward
Dallinger	Juul	Radcliffe	Wason
Davis, Minn.	Kearns	Ramsey	Watson
Denison	Kelley, Mich.	Ramseyer	Wheeler
Dickinson, Iowa	Kelly, Pa.	Randall, Wis.	White, Kans.
Dowell	Kiess	Reavis	White, Me.
Dunn	King	Reed, N. Y.	Williams
Dupré	Kinkaid	Reed, W. Va.	Wilson, Ill.
Dyer	Knutson	Rhodes	Wood, Ind.
Echols	Kraus	Ricketts	Woodyard
Esch	Lampert	Riordan	Yates
Evans, Nebr.	Layton	Rogers	Zihlman
Fairfield	Lehlbach	Rose	

ANSWERED "PRESENT"—1.

Little

NOT VOTING—94.

Almon	Byrnes, S. C.	Copley	Dent
Bankhead	Campbell, Pa.	Costello	Dewalt
Blackmon	Candler	Cramton	Doremus
Boies	Caraway	Currie, Mich.	Doughton
Booher	Clark, Fla.	Curry, Calif.	Eagle
Browne	Classon	Dempsey	Edmonds

Elliott	Hudspeth	McPherson	Schall
Ellsworth	Humphreys	Major	Scully
Ferris	Johnston, N. Y.	Mann, S. C.	Sells
Fields	Jones, Pa.	Mason	Slemp
Flood	Kahn	Murphy	Smith, Ill.
Gallivan	Kendall	Nicholls, S. C.	Snell
Godwin, N. C.	Kennedy, Iowa	O'Connell	Snyder
Good	Kennedy, R. I.	O'Connor	Steagall
Goodall	Kreider	Oliver	Steenerson
Gould	Langley	Purnell	Swope
Graham, Pa.	Larsen	Rainey, Ala.	Thompson
Greene, Mass.	Lufkin	Reber	Towner
Hamill	Luhring	Robinson, N. C.	Whaley
Hamilton	McAndrews	Robsion, Ky.	Wilson, Pa
Haugen	McClintic	Rodenberg	Wingo
Heflin	McDuffie	Rucker	Winslow
Hill	McKenzie	Sabath	
Huddleston	McLane	Sanders, Ind.	

So the amendment of Mr. FRENCH was agreed to.

The Clerk announced the following pairs:

Until further notice.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BOIES with Mr. WINGO.

Mr. CLASSON with Mr. STEAGALL.

Mr. DEMPSEY with Mr. RUCKER.

Mr. ELLSWORTH with Mr. OLIVER.

Mr. GREENE of Massachusetts with Mr. NICHOLLS of South Carolina.

Mr. HILL with Mr. LARSEN.

Mr. KAHN with Mr. DENT.

Mr. LUHRING with Mr. JONES of Pennsylvania.

Mr. SLEMP with Mr. O'CONNELL.

Mr. MURPHY with Mr. McLANE.

Mr. PURNELL with Mr. RAINEY of Alabama.

Mr. GOODALL with Mr. EAGLE.

Mr. SNYDER with Mr. BLACKMON.

Mr. CRAMTON with Mr. McANDREWS.

Mr. ROBSION of Kentucky with Mr. GODWIN of North Carolina.

Mr. WINSLOW with Mr. CAMPBELL of Pennsylvania.

Mr. BROWNE with Mr. WILSON of Pennsylvania.

Mr. KENNEDY of Iowa with Mr. MANN of South Carolina.

Mr. RODENBERG with Mr. FERRIS.

Mr. McPHERSON with Mr. SCULLY.

Mr. GOOD with Mr. DEWALT.

Mr. SNELL with Mr. FIELDS.

Mr. HAUGEN with Mr. FLOOD.

Mr. ELLIOTT with Mr. BANKHEAD.

Mr. SANDERS of Indiana with Mr. MAJOR.

Mr. TOWNER with Mr. HEFLIN.

Mr. CURRIE of Michigan with Mr. HAMILL.

Mr. SELLS with Mr. McCLINTIC.

Mr. COSTELLO with Mr. ALMON.

Mr. KENNEDY of Rhode Island with Mr. McDUFFIE.

Mr. LUFKIN with Mr. O'CONNOR.

Mr. STEENERSON with Mr. CANDLER.

Mr. GOULD with Mr. HUMPHREYS.

Mr. HAMILTON with Mr. DOUGHTON.

Mr. CURRY of California with Mr. BOOHER.

Mr. McKENZIE with Mr. SABATH.

Mr. GRAHAM of Pennsylvania with Mr. GALLIVAN.

Mr. EDMONDS with Mr. HUDSPETH.

Mr. THOMPSON with Mr. HUDDLESTON.

Mr. SMITH of Illinois with Mr. ROBINSON of North Carolina.

Mr. MASON with Mr. WHALEY.

Mr. REBER with Mr. DOREMUS.

Mr. KREIDER with Mr. JOHNSTON of New York.

Mr. COPLEY with Mr. CARAWAY.

Mr. KENDALL with Mr. BYRNES of South Carolina.

Mr. REBER. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. REBER. I was here, but I was listening to a gentleman who was explaining the amendment, and when my name was called it slipped by without my answering.

The SPEAKER. If the gentleman will say he was present and listening, he can qualify.

Mr. REBER. I was present, but I was listening to the gentleman who was explaining the amendment.

The SPEAKER. The Chair thinks the gentleman does not qualify.

Mr. REBER. Very well. Let it go, then.

Mr. MASON. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MASON. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. TAYLOR of Tennessee. I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. TAYLOR of Tennessee. I have just come in.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. EAGAN. Mr. Speaker, I offer the following motion to recommit.

Mr. WOOD of Indiana. Mr. Speaker, I raise a point of order. Is the gentleman from New Jersey qualified to make the motion to recommit?

The SPEAKER. Is the gentleman from New Jersey opposed to the bill?

Mr. EAGAN. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. EAGAN moves to recommit the bill H. R. 12610 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

"Strike out the paragraph beginning on page 63, line 24, and ending on page 64, line 20, and insert in lieu thereof the following: 'The national prohibition act, being public No. 66, Sixty-sixth Congress, is hereby repealed on and after July 1, 1920.'"

Mr. GARRETT, Mr. BARKLEY, and Mr. BLANTON made a point of order.

Mr. GARRETT. Mr. Speaker, I make the point of order upon so much of the motion to recommit as provides for a change in existing law.

Mr. BLANTON. I make a point of order against the motion to recommit because it is new legislation unauthorized by law.

The SPEAKER. The gentleman from Tennessee has the floor at present.

Mr. BLANTON. I reserve a point of order.

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT. Mr. Speaker, I have no objection to the House being permitted to vote on this question. The point of order is not raised in any effort to prevent a vote, but is raised in all sincerity because I think a very important parliamentary question is involved here which ought to be passed upon by the Speaker of the House.

I assume that this amendment must rest upon the Holman rule. Under no other rule of the House, so far as I know, could it possibly be thought to be in order.

The SPEAKER. The Chair will assume that it must be held in order under the Holman rule.

Mr. GARRETT. That being the case, I venture at this time to read the language of the Holman rule.

Nor shall any provision in any such bill—

That is, an appropriation bill—

or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

May I suggest here that that was the original Holman rule, substantially as it was first adopted. In subsequent Congresses this was added:

Provided, That it shall be in order to amend such bill upon the report of the committee or any joint commission authorized by law, or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

Mr. Speaker, it would be useless to deny that the Holman rule, as in years past, has received many constructions, some of which are not consistent with others. So far as my investigations have extended, I do not believe it can be reasonably argued that any precedent of the past has gone to the extent that the House will go if the present proposition offered by the gentleman from New Jersey shall be held to be in order. The matter turns, I think, Mr. Speaker, upon the question of germaneness. Let us analyze the rule. The proviso upon the rule must mean something. It must have been adopted to meet some condition. Admittedly the proviso is not applicable here, because this proposition does not come from a committee which would have charge of legislation if it was introduced as an original proposition in the House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARRETT. Permit me a moment. Therefore the proviso does not apply, and yet the proviso must mean something. Now, if this legislation is in order, as offered by the gentleman from New Jersey, then the proviso of the Holman rule is absolutely useless and meaningless and may as well be repealed. Now I will yield to the gentleman from Ohio.

Mr. LONGWORTH. If the gentleman says the proviso of the Holman rule is intended to qualify the first part of the Holman rule, why does it specifically say that it shall be in order further to amend the bill? Why does it not go back to the original items in the bill, to amendments offered from the floor, instead of specifically providing for further amendment?

Mr. GARRETT. Mr. Speaker, there are certain appropriating committees of the House that also have legislative jurisdiction. The Committee on the Post Office and Post Roads has jurisdiction over legislation as well as over appropriations. So of the Committee on Military Affairs. So of the Committee on Agriculture, and so of the Committee on Foreign Affairs. They might bring in a proposition as an integral part of one of their appropriation bills which would be in order with or without the proviso, especially with the proviso, because then it has legislative jurisdiction, but the Committee on Appropriations has not legislative jurisdiction.

Mr. LONGWORTH. Do I understand the gentleman concedes that this motion would be in order were it not for the proviso?

Mr. GARRETT. I do not; but I insist that if it be in order then the proviso is useless. I am insisting that it is not in order without the proviso.

Mr. LONGWORTH. Does the gentleman claim that under the first provision of the Holman rule, without the proviso there is any question of the jurisdiction of the committee?

Mr. GARRETT. I do. The Committee on Appropriations has no legislative jurisdiction.

Mr. LONGWORTH. Does the gentleman contend that it would rule out any motion made by an individual from the floor?

Mr. GARRETT. Or reported from the Committee on Appropriations unless that legislation were germane to the bill to which it is offered. This being an appropriation bill, legislation repealing existing law is not germane to any such bill.

The SPEAKER. Would the gentleman permit the Chair to ask him a question?

Mr. GARRETT. Certainly.

The SPEAKER. There is the same provision about germaneness in the early part of the rule, is there not?

Mr. GARRETT. In the early part of the rule; yes. It is in both. It must be germane, and I am insisting that this turns upon the question of germaneness. Let me make myself clear, in answer to the gentleman from Ohio [Mr. LONGWORTH]. It is not in order either under the proviso or under the principal part of the rule. Of course it is not in order under the proviso, because it does not come from a committee or a joint commission; but if it should be held to be in order under the principal part of the rule, then there is no use for that proviso, because any Member of the House can rise in his place, as has the gentleman from New Jersey [Mr. EAGAN], and offer any amendment, without reference to the jurisdiction that would apply under the rules of the House to the legislation if proposed as an original proposition.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. IGOE. The second part of the rule—that is, the proviso—might provide and could provide for cases which are not covered by the specific matters mentioned in the first part. That is, the first part provides for the reduction in the number and salaries, and so forth. There might be a proposition under the proviso which was reported from a committee which did not meet any of the specific points in the first part and yet which would retrench expenditures.

Mr. GARRETT. I trust I make myself clear. If the legislation now offered by the gentleman from New Jersey be held to be in order, I can not conceive of any case in which it would be necessary to have any report from any commission, and it would destroy the meaning of the rule.

Mr. ROWAN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. ROWAN. Is not the proviso an extension rather than a limitation on the power of amendment under this section?

Mr. GARRETT. I am inclined to think it is.

Mr. ROWAN. Then, if it is an extension of the power of amendment, how does the gentleman construe these words?—

except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States * * * or by the reduction of amounts of money covered by the bill.

Will not this amendment reduce the amount of money covered by the bill?

Mr. GARRETT. It will; but let me say to the gentleman that my point of order is not leveled to that part of the motion to recommit which strikes out the appropriation. I am not making any point about that. That is in order. I am making the point of order to that portion of the motion to recommit which proposes to repeal an existing law.

Mr. ROWAN. May I ask this further question? Does the rule not provide that existing law can be repealed if it will reduce the amount of money appropriated?

Mr. GARRETT. That depends, of course, upon the circumstances, and that is what I am trying to argue right now. If it be germane to the legislation to which it is proposed, yes.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield further?

Mr. GARRETT. Yes.

Mr. LONGWORTH. The gentleman speaks of conflicting precedents.

Mr. GARRETT. Yes.

Mr. LONGWORTH. Is the gentleman prepared to say that the rulings of the very distinguished parliamentarian now sitting at his left, the gentleman from Georgia, Mr. CRISP, and of the gentleman from Virginia, Mr. SAUNDERS, in this bill upon the question of the abolition of Subtreasuries were wrong?

Mr. GARRETT. I am not familiar with the rulings of those gentlemen on that question.

Mr. LONGWORTH. Precisely the same question is here involved.

Mr. GARRETT. Of course, I am stating my position. Mr. Speaker, I think it is legitimate to do here what was done in Committee of the Whole, when practically this same question was before the committee, at least as a matter of justification for consuming this much time in pressing the point of order; that is, there is a reason for the rules of the House. There is a principle lying back of every rule. These rules have been evolved out of the wisdom and experience of long years, and the wisdom and experience of these years have taught all that it is not desirable to have legislation upon appropriation bills. It is the philosophy of the House of Representatives, a wise philosophy, that legislation before being brought to the House shall receive the careful consideration of some committee of the House, and therefore under the rules of the House we have created 50 or more committees, defining as clearly as is possible the jurisdiction of each. It is right that the committees of the House should be jealous of their jurisdiction and it is right that the membership of the House should carefully guard the jurisdiction of its committees—not because of the personnel of any particular committee, of course, but because of the necessity for maintaining the integrity of the great legislative system which has been built up here through a century of experience. If this rule, called the Holman rule, can be given the latitudinarian construction that admits such legislation as is proposed in the amendment offered by the gentleman from New Jersey, then at any time any gentleman can rise in his place and propose an amendment repealing any legislation which carries a charge upon the Treasury of the United States and thrust that legislation before the House to be considered in Committee of the Whole under the five-minute rule, with five minutes of debate on either side, with no consideration from a committee whatever. That does not make for sound legislation.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LONGWORTH. I shall be delighted to join with the gentleman in amending the Holman rule to prevent just the thing that it now allows, of which the gentleman complains.

Mr. GARRETT. Of course, the gentleman and I differ as to what the Holman rule allows. I think the Holman rule serves some good purposes. I think it has served a good purpose. I do not mean that the rule ought to be strictly construed, nor do I mean that it ought to be liberally construed. I suppose those expressions, strict construction and liberal construction, have a very well-defined meaning in legal nomenclature, but, after all, all that this rule needs is just a simple construction saying what the rule says. I think that is all I care to say.

Mr. WOOD of Indiana. Mr. Speaker——

The SPEAKER. The gentleman from Indiana is entitled to recognition. Does the gentleman favor the point of order raised by the gentleman from Tennessee, or is he opposed to it?

Mr. WOOD of Indiana. I favor the point of order raised by the gentleman from Tennessee, but upon a different ground, however, from that raised by the gentleman from Tennessee. In determining whether or not an amendment is germane under the Holman rule, I take it that the Speaker will look to the existing law for the purpose of determining whether or not it retrenches the net expenditures of the Government of the United States; therefore, in determining this question as to whether or not it does reduce expenditures, he will examine what is known as the Volstead Act. The Volstead Act not only provides

affirmative legislation for the purpose of enforcing the prohibition amendment but it also provides the machinery whereby taxes are to be collected that will run into the thousands, hundreds of thousands, and millions, no doubt. How is the Speaker going to determine upon the face of this amendment that is proposed whether or not it comes within the purview of the Holman rule? It is not the duty—in fact, it is held in many rulings under the Holman rule that it is not within the province of the presiding officer to conjecture or to speculate as to whether it will reduce expenditures. It must be patent upon its face, when taken into consideration with the law that it attempts to repeal or modify, that the net result will be a saving to the Treasury of the United States. Now, then, as I say, the Volstead Act provides for raising money, provides the manner in which certain taxes in large amounts shall be paid; therefore is it not conjectural to the Chair whether this will retrench expenditures, whether it is not a mere speculation? If it is a speculation or a matter of conjecture, under the Holman rule it can not be sustained. I wish to raise the further point: Under the amendment, if I have read it correctly, it not only seeks to strike out certain portions of this measure but it also seeks to repeal the prohibition act. Now, if the Chair should take the amendment and the language which is sought to be stricken out of this measure, he will find that the appropriation carried is not only made for the enforcement of the prohibition law, but the appropriation is made likewise in the same item for the prosecution and enforcement of the narcotic and drugs act; therefore the proposal is not only attempting to repeal the law with reference to prohibition but the effect would be, if this point of order is sustained, that it would likewise repeal the narcotic and drugs act.

Mr. DYER. Will the gentleman yield?

The SPEAKER. Does not that apply to the merits rather than to the point of order?

Mr. WOOD of Indiana. I think not; this whole language must be taken together. It involves not only the repeal of the prohibition act but likewise involves the repeal of other affirmative legislation. New legislation is attempted to be forced into this bill for the purpose of repealing other affirmative legislation. But I am insistent on this proposition that the point of order must be overruled for the reason that the amendment is speculative. It does not conclusively show upon its face that it will retrench in the net one single dollar or one single cent of the expenditures of the Government of the United States.

Mr. DYER. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. DYER. Will the gentleman state, if he can, as a member of the Committee on Appropriations, how many millions of dollars or hundreds of millions of dollars the Volstead Act is costing the taxpayers to enforce a very unpopular law——

Mr. WOOD of Indiana. Well, that is aside from the question; that is entirely aside from the question.

Mr. DYER. It is a retrenchment, if we will repeal the law and get rid of the expenditure of all these thousands and hundreds of thousands of dollars in money and get rid of a lot of these thousands of men running all over the country, hounding people——

Mr. WOOD of Indiana. I will not submit longer to interruption of the gentleman, because he is entirely out of order and is not speaking to the point of order at all, but the merits of this proposition.

Mr. DYER. I challenge the gentleman himself is not speaking to the point of order.

Mr. WOOD of Indiana. This amendment proposes to strike a certain portion from this bill, and the only rule upon which they could rely for its being sustained is the provision of the Holman rule that it will retrench the expenditures of the United States. Now, before the Speaker can say that it will do that thing he must look to the law as it stands, the law that is attempted to be repealed by this proposed amendment, and determine conclusively that it will result in the saving of money to the Treasury of the United States. I submit it is entirely speculative and purely a matter of conjecture. [Cries of "Vote"!]

Mr. DYER. The same kind of tactics used to enforce the Volstead law are being used now.

Mr. LONGWORTH. Mr. Speaker, does the Chair desire to hear any argument in support of the validity of the amendment?

The SPEAKER. The only point the Chair cares to hear argument about is the suggestion of the gentleman from Indiana as to whether the repeal of the Volstead law will retrench expenditures, and the Chair thinks the burden is on the proponent of the amendment to show that.

Mr. LONGWORTH. Of course, if the Chair is in some doubt as to the decision of the occupant of the chair in the Committee of the Whole House on the state of the Union, why, then, I would be glad to be heard upon it.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] very forcefully stated the objections and the disadvantages that might arise from the application of this rule, but that goes chiefly to the wisdom of the rule, it seems to the Chair, and not to the application of it. The Chair has read the decisions made in the Committee of the Whole House on the state of the Union, and while not being bound by decisions in the committee, the Chair would always desire, because it is important that decisions be uniform, to follow the rulings made before.

And the Chair thinks, as decided in the committee, that if the repeal of a law reduces expenditures, that law being germane, an amendment providing for a repeal would be in order. But the gentleman from Indiana [Mr. WOOD] suggests that the repeal of the Volstead law would not retrench expenditures. As to that, the Chair thinks the burden is on the gentleman from New Jersey [Mr. EAGAN] to show that it would retrench expenditures, and the Chair would be glad to hear from the gentleman on that point.

Mr. IGOE. Mr. Speaker, may I say just a word on that point? I think it is the first time it has ever been seriously suggested in this House or to the country that the Volstead Act was a bill for raising revenue. The gentleman from Indiana [Mr. WOOD] has the distinction of seriously proposing that. If it was a bill for raising revenue it would not have come from the Committee on the Judiciary, but from the Committee on Ways and Means. Now, the Speaker may read the Volstead Act, and he will find that there are no taxes assessed; there is no revenue unless certain things are done by those who wish to engage in business authorized under certain licenses, and permits. It is possible that no one may make such application, but the Volstead Act does specifically authorize appropriations for the enforcement of that act, and it provides for the appointment of agents, and it provides that certain expenses may be incurred. Now, this provision of the appropriation bill is for the enforcement of the national prohibition act and carries an appropriation of $4,500,000, and under the amendment of the gentleman from New Jersey [Mr. EAGAN] striking out that appropriation——

The SPEAKER. There is no question about that portion.

Mr. IGOE (continuing). And repealing the act, it repeals an authorization for expenditures, and for the next fiscal year, if this act is repealed, according to the estimates of the committee, it will undoubtedly effect a saving of $4,500,000.

The SPEAKER. The Chair thinks the gentleman from Missouri is confusing the two branches of the gentleman's motion.

There is no question, as the Chair understands, made by anybody that the portion of his motion striking out the appropriation is not in order. The only question is as to the repeal of the Volstead Act. The Chair understood the gentleman from Tennessee [Mr. GARRETT] to make the point of order, not against striking out the appropriation, but simply against the repeal of the act.

Mr. GARRETT. I think the striking out of the appropriation would be in order.

The SPEAKER. That is what the Chair understood.

Mr. IGOE. But the Volstead Act, Mr. Speaker, authorizes an appropriation, and, on its face, if that act is repealed the authorization for appropriations is gone. There is then no authority, and by reason of that fact it effects a saving.

The SPEAKER. The Chair will call the attention of the gentleman to the wording of the rule:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

Mr. IGOE. The bill itself provides for the appointment of the necessary officers, agents, and attorneys to enforce it; provides for the purchase of supplies, the payment of office rent, and innumerable things that are necessary in the enforcement of the act. It is a very broad provision authorizing those appropriations for certain departments of this Government.

The SPEAKER. The Chair thinks the statement of the gentleman answers the objection of the gentleman from Indiana [Mr. WOOD], and that the Volstead Act does make provision for officers, which are a burden on the United States Treasury, and that therefore a repeal of that act would comply with the wording of the rule. And the Chair also thinks that, while he would be disposed to agree with the gentleman from Tennessee in the objections he made to the rule, yet, inasmuch as the amendment does on its face retrench expenditures, the Chair, following precedents, overrules the point of order. [Applause.] The ques-

tion is on the motion to recommit, offered by the gentleman from New Jersey [Mr. EAGAN].

Mr. CALDWELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 254, not voting 89, as follows:

YEAS—84.

Babka	Eagan	MacCrate	Ramsey
Bacharach	Gallagher	MacGregor	Reber
Bee	Ganly	Madden	Riordan
Benson	Garland	Maher	Rodenberg
Britten	Goldfogle	Mansfield	Rouse
Brooks, Pa.	Griffin	Mead	Rowan
Buchanan	Hull, Iowa	Merritt	Sanford
Burdick	Igoe	Minahan, N. J.	Sherwood
Burke	Jefferis	Mooney	Siegel
Caldwell	Juul	Morin	Smith, N. Y.
Carew	Kahn	Mudd	Steele
Casey	Kleczka	Newton, Mo.	Stephens, Ohio
Cleary	Lampert	Nichols, Mich.	Sullivan
Coady	Lea, Calif.	Nolan	Tague
Crago	Lehlbach	O'Connor	Tilson
Cullen	Lesher	Ogden	Tinkham
Dewalt	Linthicum	Pell	Vare
Donovan	Lonergan	Phelan	Voigt
Dooling	Longworth	Porter	Walsh
Dupré	McGlennon	Radcliffe	Ward
Dyer	McKiniry	Rainey, J. W.	Watson

NAYS—254.

Ackerman	Fairfield	Lankford	Rubey
Anderson	Fess	Layton	Sanders, La.
Andrews, Md.	Fisher	Lazaro	Sanders, N. Y.
Andrews, Nebr.	Focht	Lee, Ga.	Scott
Anthony	Fordney	Little	Sears
Ashbrook	Foster	Luce	Shreve
Aswell	Frear	McArthur	Sims
Ayres	Freeman	McCulloch	Sinclair
Baer	French	McFadden	Sinnott
Barbour	Fuller, Ill.	McKenzie	Sisson
Barkley	Fuller, Mass.	McKeown	Small
Begg	Gandy	McKinley	Smith, Idaho
Bell	Gard	McLaughlin, Mich.	Smith, Mich.
Benham	Garner	McLaughlin, Nebr.	Smithwick
Black	Garrett	McPherson	Stedman
Bland, Ind.	Goodwin, Ark.	Magee	Steenerson
Bland, Mo.	Goodykoontz	Mann, Ill.	Stephens, Miss.
Bland, Va.	Graham, Ill.	Mapes	Stevenson
Blanton	Green, Iowa	Martin	Stiness
Bowers	Greene, Vt.	Mays	Stoll
Box	Griest	Michener	Strong, Kans.
Brand	Hadley	Miller	Strong, Pa.
Briggs	Hardy, Colo.	Monahan, Wis.	Summers, Wash.
Brinson	Hardy, Tex.	Mondell	Sumners, Tex.
Brooks, Ill.	Harreld	Montague	Sweet
Browning	Hastings	Moon	Taylor, Ark.
Brumbaugh	Haugen	Moore, Ohio	Taylor, Colo.
Burroughs	Hawley	Moore, Va.	Taylor, Tenn.
Butler	Hayden	Moores, Ind.	Temple
Byrns, Tenn.	Hays	Morgan	Thomas
Campbell, Kans.	Hernandez	Mott	Tillman
Cannon	Hersey	Neely	Timberlake
Cantrill	Hersman	Nelson, Mo.	Tincher
Carss	Hickey	Nelson, Wis.	Treadway
Carter	Hicks	Newton, Minn.	Upshaw
Chindblom	Hoch	Oldfield	Vaile
Christopherson	Hoey	Olney	Venable
Clark, Mo.	Holland	Osborne	Vestal
Cole	Houghton	Overstreet	Vinson
Collier	Howard	Padgett	Volstead
Connally	Hulings	Paige	Walters
Cooper	Hull, Tenn.	Park	Wason
Crisp	Husted	Parker	Watkins
Crowther	Hutchinson	Parrish	Weaver
Dale	Ireland	Peters	Webster
Dallinger	Jacoway	Platt	Welling
Darrow	James	Pou	Welty
Davey	Johnson, Ky.	Quin	Wheeler
Davis, Minn.	Johnson, Miss.	Rainey, H. T.	White, Kans.
Davis, Tenn.	Johnson, S. Dak.	Raker	White, Me.
Denison	Johnson, Wash.	Ramseyer	Williams
Dickinson, Mo.	Jones, Tex.	Randall, Calif.	Wilson, Ill.
Dickinson, Iowa	Kearns	Randall, Wis.	Wilson, La.
Dominick	Keller	Rayburn	Wise
Dowell	Kelley, Mich.	Reavis	Wood, Ind.
Drane	Kelly, Pa.	Reed, N. Y.	Woods, Va.
Dunbar	Kiess	Reed, W. Va.	Woodyard
Dunn	Kincheloe	Rhodes	Wright
Echols	King	Ricketts	Yates
Elston	Kinkaid	Riddick	Young, N. Dak.
Emerson	Kitchin	Rogers	Young, Tex.
Esch	Knutson	Romjue	Zihlman
Evans, Mont.	Kraus	Rose	
Evans, Nebr.	Lanham	Rowe	

NOT VOTING—89.

Almon	Curry, Calif.	Good	Kennedy, Iowa
Bankhead	Dempsey	Goodall	Kennedy, R. I.
Blackmon	Dent	Gould	Kettner
Boies	Doremus	Graham, Pa.	Kreider
Booher	Doughton	Greene, Mass.	Langley
Browne	Eagle	Hamill	Larsen
Byrnes, S. C.	Edmonds	Hamilton	Lufkin
Campbell, Pa.	Elliott	Harrison	Luhring
Candler	Ellsworth	Heflin	McAndrews
Caraway	Evans, Nev.	Hill	McClintic
Clark, Fla.	Ferris	Huddleston	McDuffie
Classon	Fields	Hudspeth	McLane
Copley	Flood	Humphreys	Major
Costello	Gallivan	Johnston, N. Y.	Mann, S. C.
Cramton	Glynn	Jones, Pa.	Mason
Currie, Mich.	Godwin, N. C.	Kendall	Murphy
Nicholls, S. C.	Rucker	Smith, Ill.	Whaley
O'Connell	Sabath	Snell	Wilson, Pa.
Oliver	Sanders, Ind.	Snyder	Wingo
Purnell	Schall	Steagall	Winslow
Rainey, Ala.	Scully	Swope	
Robinson, N. C.	Sells	Thompson	
Robsion, Ky.	Slemp	Towner	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KENDALL with Mr. WILSON of Pennsylvania.

Mr. WINSLOW with Mr. CANDLER.

Mr. COPLEY with Mr. DENT.

Mr. GRAHAM of Pennsylvania with Mr. DOREMUS.

Mr. GOOD with Mr. EVANS of Nevada.

Mr. KREIDER with Mr. FLOOD.

Mr. LUFKIN with Mr. HARRISON.

Mr. MURPHY with Mr. MCDUFFIE.

Mr. SLEMP with Mr. KETTNER.

Mr. SANDERS of Indiana with Mr. ROBINSON of North Carolina.

Mr. SWOPE with Mr. BLACKMON.

Mr. BOIES with Mr. WILSON of Pennsylvania.

On the vote on motion to recommit:

Mr. O'CONNELL (for) with Mr. LARSEN (against).

Mr. JOHNSTON of New York (for) with Mr. FIELDS (against).

Mr. SCULLY (for) with Mr. BYRNES of South Carolina (against).

Mr. HAMILL (for) with Mr. CARAWAY (against).

Mr. GALLIVAN (for) with Mr. FERRIS (against).

Mr. MCANDREWS (for) with Mr. CURRIE of Michigan (against).

Mr. SABATH (for) with Mr. MCCLINTIC (against).

Mr. CAMPBELL of Pennsylvania (for) with Mr. SMITH of Illinois (against).

Mr. MCLANE (for) with Mr. BROWNE (against).

Mr. KENNEDY of Rhode Island (for) with Mr. GLYNN (against).

Mr. SNYDER (for) with Mr. WINGO (against).

Mr. JOHN W. RAINEY. Mr. Speaker, I desire to announce for my colleagues, Mr. MCANDREWS and Mr. SABATH, that if they were here, they would vote "aye."

Mr. CULLEN. Mr. Speaker, I want to make the same announcement as to Congressman O'CONNELL, of Brooklyn, and Congressman JOHNSTON, of Brooklyn. If they were here, they would vote "aye." Congressman O'CONNELL is excused from attendance on the House on account of the illness of his wife, and Congressman JOHNSTON is unable to be present on account of important business.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WOOD of Indiana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by my colleague, Mr. MCCULLOCH, in Ohio on Lincoln's birthday.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by his colleague, Mr. MCCULLOCH, on Lincoln's birthday. Is there objection?

There was no objection.

INVESTIGATION REGARDING THE PRICE OF SUGAR.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 469.

Resolved, That the Committee on the Judiciary or any subcommittee thereof is hereby authorized and empowered to investigate in relation—

First. To the admitted concurrence of the Attorney General in a maximum, agreed, or fixed price of 17 cents for Louisiana clarified sugar at the plantation and of 18 cents for Louisiana clear granulated sugar at the plantation made in a telegram dated November 8 last to the United States attorney at New Orleans, La., or otherwise.

Second. Whether directly or indirectly immunity from prosecutions under the statutes against profiteering in any way was given to Louisiana sugar growers or others in the sugar traffic in Louisiana.

Third. The facts and the authority of law, if any, upon which the Attorney General or his representatives or agents fixed, agreed, or concurred in the price of 17 cents for Louisiana clarified sugar at the plantation and of 18 cents for Louisiana clear granulated sugar at the plantation and how such facts were obtained.

Said committee shall report its conclusions to the House at the earliest possible date, together with such recommendations as it may deem proper and desirable to submit.

And said committee shall have power to send for persons and papers, and administer oaths, and shall have the right to report at any time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I would like to arrange with the gentleman from Tennessee [Mr. GARRETT] with respect to the time for debate on this resolution.

Mr. GARRETT. Has the gentleman any suggestion?

Mr. CAMPBELL of Kansas. I would be glad to have a suggestion from the gentleman from Tennessee.

Mr. GARRETT. I have requests for time amounting to about 45 minutes.

Mr. CAMPBELL of Kansas. Well, I think we can get along with 45 minutes on this side.

I ask unanimous consent, Mr. Speaker, that the time of debate on the resolution be fixed at 1 hour and 30 minutes, and that I have 45 minutes of that and the gentleman from Tennessee [Mr. GARRETT] 45 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the debate on this resolution be fixed at not to exceeed one hour and a half, of which time 45 minutes shall be controlled by the gentleman from Kansas and 45 minutes by the gentleman from Tennessee.

Mr. DEWALT. Reserving the right to object, Mr. Speaker, it seems to me, from the tenor of this privileged resolution, that it is either a direct or an indirect attempt to investigate the official conduct of a member of the President's Cabinet. Primarily, of course, that is a laudable object, but the highest law officer of the land other than the court itself is the Attorney General, and while I do not have the pleasure of an intimate relation with the Attorney General, he does come from the State of Pennsylvania and is a member of the President's Cabinet, and therefore I would object to the limitation of debate to an hour and a half upon an important subject of this kind.

Mr. CAMPBELL of Kansas. The gentleman from Pennsylvania, of course, understands that unless an agreement is reached there will be but one hour of debate upon the question.

Mr. DEWALT. Well, there may be one hour of debate. I have no further remark to make, except what I have made, but I object to limiting the debate to one hour and a half and suggest that it be instead at least two hours, one hour on each side.

Mr. CANNON. Let it go under the 30-minute rule.

Mr. GARRETT. Mr. Speaker, if the gentleman from Kansas will indulge me a moment, I would say to the gentleman from Pennsylvania [Mr. DEWALT] that I entertain very strongly the feelings which he has just voiced touching this remarkable resolution. The gentleman from Kansas discussed with me, before this matter was called up, the question of time. I knew, of course, that it lies within the power of the gentleman from Kansas to take one of three courses. He could debate the matter three minutes himself—long enough for it to be called "debate"—and then move the previous question, whereupon the minority, of course, would have no chance to present anything whatever; or he could move the previous question without debate, and there would be 20 minutes on a side; or he could himself take the floor and occupy it for an hour, yielding to whomsoever he might please, and at the end of that hour move the previous question.

I arranged with the gentleman for this 45 minutes as the best that I thought could be obtained, in order to give us the best opportunity we might have to express what we feel about this resolution. I shall be glad to yield a portion of that time to the gentleman from Pennsylvania [Mr. DEWALT], if he desires it, but I wish the gentleman to understand my own attitude.

Mr. DEWALT. Mr. Speaker, will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. I will yield to the gentleman for a question.

Mr. DEWALT. Well, the direct question is whether the gentleman will consent to an extension of debate for an hour on each side instead of 45 minutes on each side?

Mr. CAMPBELL of Kansas. I think we can get on with the time agreed upon between the gentleman from Tennessee and myself.

Mr. DEWALT. Well, considering the fact that there may be a divergence of opinion on that subject, is not the gentleman willing to yield at least 15 minutes more on this side and take only 30 minutes for himself, if he thinks he can get along with that?

Mr. CAMPBELL of Kansas. No. We have an hour and 30 minutes altogether, to be equally divided between the gentleman from Tennessee and myself.

Mr. DEWALT. But taking as my premise what the gentleman has already said, that he thinks his side can get through in 45 minutes, and that possibly we can not get through in less than an hour, will he not make it an hour and 45 minutes, giving us an hour and taking 45 minutes himself?

Mr. CAMPBELL of Kansas. I see no reason for doing that.

Mr. GARRETT. Let us have an hour on a side.

Mr. DEWALT. Why the necessity for so great expedition in this matter? Why the rush to have this debate close in an hour and a half?

Mr. CAMPBELL of Kansas. Oh, we are wasting half an hour now.

Mr. GARRETT. I trust the gentleman will give us an hour on a side.

Mr. CAMPBELL of Kansas. I have no disposition to suppress debate on this resolution. I ask unanimous consent that there be an hour on a side.

The SPEAKER. The gentleman asks unanimous consent that the debate be limited to two hours, one hour to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and one hour by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution brings before the House a question that has been agitating the country for 10 years—a reduction in the cost of living. Ten years ago the control of this House was turned over to the Democratic Party. During the campaign in 1910 Democrats insinuated that if they could get control of the House they would reduce the cost of living, which was not then anything like so high as it is now.

In 1912 the issue was made squarely before the people that if the Democratic Party was given full control of the Congress and the Presidency they would reduce the cost of living. The issue was made in every section of the country. The high cost of living was pointed out in every village and hamlet of the country, and it was charged that the Republican Party was responsible for the high price of every necessity of life, and, last but not least, the price of sugar. It was stated that if the Democratic Party could get control of the country all this iniquity that they said the Republicans had perpetrated upon the people would be removed.

The Democratic Party won in 1912. That party obtained the Presidency and both branches of Congress. They repealed some of the laws of which they complained, notably the tariff law, which they said was responsible for the high cost of living. Instead of reducing the cost of living they reduced the number of jobs in the United States, but the cost of living continued to mount, and it kept going higher and higher through the weeks and the months. Everybody familiar with the economic principles involved in the legislation that was attacked and in the remedies that the Democratic Party proposed in the campaign knew that the cost of living would not be reduced as the result of the enactment of such legislation as your party proposed, but I believe the people generally thought that if any Democrat had an opportunity at any time to reduce the cost of living or to keep the cost of living down he would embrace that opportunity. It was thought, of course, that if the President by any action of his could specifically save $700,000,000 to $900,000,000 a year to the American people on the one item of sugar, a daily necessity in every household, he would avail himself of that opportunity.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not just now. Everybody believed that he would select members of his Cabinet who would carry out his ideas of reducing the cost of living or of keeping the cost of living from mounting skyward.

But, contrary to the just expectations of the American people, the President totally ignored an opportunity to save them from seven to nine hundred millions of dollars a year on the cost of sugar. He had an opportunity in August, 1919, to purchase the entire sugar crop of Cuba for 6½ cents a pound. He neglected to make that purchase, though the recommendation was made by the Sugar Equalization Board which he had created. Seven members of that commission recommended and urged upon the President the purchase of Cuban sugar at 6½ cents a pound. In connection with the recommendation it was pointed out to the President that except in Cuba alone there was a shortage in the sugar crop of the world, and that if the President did not take advantage of his opportunity to purchase the Cuban sugar crop offered at that time the price would necessarily mount to a very high point. Still the President did not act, and again in September, 1919, the opportunity was once more offered to the President to purchase the Cuban sugar crop at 6½ cents a pound, and again the President refused to take advantage of his opportunity.

The next official action came apparently as a sequence of the refusal of the President to purchase the sugar crop of Cuba at 6½ cents a pound, when the Attorney General of the United States, an appointee of the President, agreed with the sugar planters of Louisiana upon 17 cents a pound for one grade of sugar and 18 cents a pound for another grade. Was there an

understanding between the President and the Attorney General that the President would not purchase the sugar crop of Cuba at 6½ cents a pound so that subsequently the Attorney General could enter into an agreement with the sugar planters of Louisiana to pay 17 and 18 cents? It appears so. One action follows the other in natural sequence, and the result to-day is that the American people are paying from 18 to 22 cents a pound for sugar, instead of 10 and 11 cents a pound.

Mr. KNUTSON. May I suggest that in my district they are paying 25 cents.

Mr. CAMPBELL of Kansas. They are paying 25 cents in many parts of the country. This is an anomalous situation. The Democratic Party is in power to-day as the result of promises to the American people to reduce or keep down the cost of living, but it has acted directly against the public welfare and has increased the cost of living almost a billion dollars a year by increasing the price of sugar.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. GOODWIN of Arkansas. The cost of living has almost doubled, and even in the nonbelligerent countries of Norway, Denmark, Sweden, and Switzerland——

Mr. CAMPBELL of Kansas. It has more than doubled on sugar in the United States in less than three months, owing to the inaction of the President and the action of the Attorney General.

Mr. GOODWIN of Arkansas. I understood the gentleman to yield to me.

Mr. CAMPBELL of Kansas. I yielded for a question, but the gentleman was making a speech.

Mr. GOODWIN of Arkansas. Does the gentleman contend that the ascendency of the Democratic Party to power tended in any degree to cause the world-wide disturbance——

Mr. CAMPBELL of Kansas. The action of the President of the United States, or rather his inaction, in August and September last, and the action of the Attorney General on the 8th of November, 1919, are directly responsible for the increase in the cost of sugar from 10 and 11 cents a pound to 18 and 25 cents a pound.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. CAMPBELL of Kansas. For a question.

Mr. MOORE of Virginia. What about the inaction of Congress on the 15th of September, when it was urged to take action on the Tinkham proposition? And if it had taken action at that time the Cuban sugar could have been purchased when the price was low. Why endeavor to throw the entire responsibility on the Executive?

Mr. CAMPBELL of Kansas. Because the President had the sole responsibility under the law. He purchased the crop of sugar in 1918 from Cuba at 5½ cents a pound.

Mr. MOORE of Virginia. The sole responsibility was not on the President in 1919.

Mr. CAMPBELL of Kansas. But it was. The purchase of sugar is an Executive function.

Mr. MOORE of Virginia. Unless Congress confesses its inability.

Mr. CAMPBELL of Kansas. Congress did not have the responsibility to act on an Executive duty. The law had given him the authority and he had appointed the Sugar Equalization Board.

Mr. MOORE of Virginia. The gentleman is mistaken when he says that the law provided for the Sugar Equalization Board. It was done, but there is no act authorizing it.

Mr. CAMPBELL of Kansas. I admit that there were many unauthorized acts undertaken by the President of the United States. There was a wide scope of authority given to the President in the Lever food act, and it was under the provisions of that act, we assume, that the President appointed the Sugar Equalization Board.

Mr. LAYTON. Is it not a fact, without any elaborate discussion, that the President had the power under the law to do what he did do?

Mr. MOORE of Virginia. Let us be a little——

Mr. CAMPBELL of Kansas. Oh, Mr. Speaker, I refuse to yield further. I want to show what raised the price of sugar. On November 8, 1919, the Attorney General sent a telegram to Mr. Mooney, the United States attorney at New Orleans, La., in which he said:

MOONEY,
United States Attorney, New Orleans, La.:

Your wire of the 8th, detailing results of conference. Consider agreed price rather high, but hereby concur in maximum fixed price of 17 cents for Louisiana plantation clarifieds, 18 cents for Louisiana clear granulated. Understanding that all contracts for a higher to be abrogated. Further suggest, if possible, you secure an agreement in writing by authorized committee of Louisiana producers and refiners, to be used as prima facie evidence where prices are charged in excess of agreement. You are hereby instructed to immediately prosecute any violator of this agreed price.

The Attorney General fixed the price of sugar upon the American people at 17 and 18 cents a pound. Did he do this with or without authority? Whether he had authority or not—and I contend that he had no such authority—the fact is that the price of sugar to-day to the consumer is 10 or 11 cents a pound higher than it would have been if the President of the United States had done what his own Board of Sugar Equalization directed him to do in August or September of last year.

This is what Mr. Zabriskie states about the action of the Attorney General:

The sugar situation is now hopeless for the reason that it has got into politics.

Can it be that the Attorney General at that time, November 8, was so anxious for the delegation from Louisiana that he entered into the agreement that I have just read in his telegram to the United States district attorney in New Orleans? Zabriskie, the head of the Sugar Equalization Board, charges the whole thing to the fact that the sugar situation has got into politics. And he says:

The ridiculous price of 17 and 18 cents wholesale for the raw sugar now charged by the Louisiana planters is an outrage.

So says Mr. Zabriskie. He continues:

I can not say that Attorney General Palmer fixed the price, but it was known in Louisiana that he would stand for it.

The head of the Sugar Equalization Board proceeds, then, further to say:

It was known, furthermore, that he approved it. It was this folly that inspired the Cubans to make their gouge.

Why not? They had offered their sugar to us in August and September for 6½ cents a pound. When they found that the Attorney General was willing to pay the Louisiana planters 17 and 18 cents a pound, they made their gouge, very naturally.

When they saw American sugar planters getting away with 17 cents they decided it was perfectly legitimate for them to get some of the plunder, and to-day the people are paying the price for the Attorney General's mistake. Had the Sugar Equalization Board been permitted to exercise its own judgment, instead of the country facing a famine, as it now does, we would have had the largest crop of sugar in history at 6½ cents a pound.

I quote in full the statement of Mr. Zabriskie, chairman of the Sugar Equalization Board, an appointee of Woodrow Wilson, the President of the United States. Here it is:

The sugar situation is now hopeless, for the reason that it has got into politics, and the sooner it gets out the better. The ridiculous price of 17 cents wholesale for the raw sugar now charged by the Louisiana planters is an outrage. I can't say that Attorney General Palmer fixed the price, but it was known in Louisiana that he would stand for it.

It was known, furthermore, that he approved it. It was this folly that inspired the Cubans to make their gouge. When they saw American sugar planters getting away with 17 cents they decided it was perfectly legitimate for them to get some of the plunder, and to-day the people are paying the price for the Attorney General's mistake.

Had the Sugar Equalization Board been permitted to exercise its own judgment, instead of the country facing a famine, as it now does, we would have had the largest crop of sugar in history at 6½ cents per pound.

Mr. Speaker, there may be some way of getting the Attorney General out of this dilemma. I can not conceive of a method by which it can be done. I have practiced criminal law some, and I have gotten a good many fellows out of pretty tight places, but if I were asked to get the Attorney General out of this dilemma I would not know just how to proceed, unless I could get the indictment quashed. It would have to be done on a technicality, and not on the merits of the case. [Applause on the Republican side.]

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. JUUL. The gentleman states that there may be a way of getting the Attorney General out of this dilemma. Is there any way of getting the American people out of the dilemma and getting cheaper sugar for them?

Mr. KNUTSON. Next November.

Mr. CAMPBELL of Kansas. The gentleman from Minnesota is quick on the trigger. Mr. Speaker, I have no disposition to bring before the House or the country a situation of this kind, but we owe something to the American people, and when a situation confronts us as squarely as this does, when executive action of the character to which I have called attention imposes a charge of 10 to 15 cents a pound for every pound of sugar consumed by the American people, it seems to me that we would be guilty of a failure to perform our duty if we did not take some action with respect to the matter. The only action that can be taken at this time is to hale the Attorney General before the Committee on the Judiciary and let him explain to them his action, and then let that committee make

such report to the Congress as the circumstances require or justify. Nothing short of this would be a fulfillment of the duty of the representatives of the American people.

I reserve the remainder of my time.

EXTENSION OF REMARKS.

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate joint resolution 156, with respect to bringing back the Polish soldiers to this country.

The SPEAKER pro tempore (Mr. HUSTED). The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on Senate joint resolution 156. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Minnesota makes the same request. Is there objection?

There was no objection.

INVESTIGATION REGARDING THE PRICE OF SUGAR.

Mr. GARRETT. Mr. Speaker, I yield 20 minutes to the gentleman from Louisiana [Mr. MARTIN].

Mr. CONNALLY. Mr. Speaker, I think we ought to have a quorum present to hear this very important matter discussed. Therefore I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. Evidently no quorum is present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Ferris	Kreider	Sabath
Bankhead	Fields	Langley	Sanders, Ind.
Bell	Flood	Larsen	Sanders, N. Y.
Blackmon	Focht	Lazaro	Schall
Bland, Mo.	Gallivan	Lea, Calif.	Scully
Boies	Godwin, N. C.	Lufkin	Sells
Booher	Good	Luhring	Sims
Browne	Goodall	McAndrews	Slemp
Browning	Gould	McArthur	Smith, Idaho
Brumbaugh	Graham, Pa.	McClintic	Smith, Ill.
Butler	Greene, Mass.	McDuffie	Snell
Byrnes, S. C.	Hamill	McLane	Snyder
Candler	Hamilton	Major	Steagall
Caraway	Haugen	Mann, S. C.	Steele
Carter	Hawley	Mason	Stephens, Miss.
Clark, Fla.	Heflin	Mott	Stevenson
Classon	Hill	Murphy	Swope
Copley	Hoey	Nicholls, S. C.	Taylor, Ark.
Costello	Huddleston	O'Connell	Taylor, Tenn.
Cramton	Hudspeth	Oliver	Timberlake
Currie, Mich.	Humphreys	Parker	Towner
Curry, Calif.	Johnson, S. Dak.	Porter	Venable
Dempsey	Johnston, N. Y.	Purnell	Ward
Dent	Jones, Pa.	Rainey, Ala.	Whaley
Doremus	Kelley, Mich.	Reavis	Williams
Doughton	Kendall	Riordan	Wilson, Ill.
Eagle	Kennedy, Iowa.	Robinson, N. C.	Wilson, Pa.
Edmonds	Kennedy, R. I.	Robsion, Ky.	Wingo
Elliott	Kettner	Rubey	Winslow
Ellsworth	Kraus	Rucker	

The SPEAKER pro tempore (Mr. HUSTED). On this roll call 310 gentlemen have responded to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will unlock the doors. The gentleman from Louisiana is recognized for 20 minutes.

Mr. MARTIN. Mr. Speaker, on February 14, while I was confined to my apartments with a case of the prevailing "flu," the distinguished gentleman from Massachusetts [Mr. TINKHAM], the first American to fire a shot at the Austrians after the declaration of war by this country, took occasion to train his trusty gun on the Attorney General, but in so doing he violated the rules of civilized warfare. He did not use as his weapon a regulation fieldpiece, but took in its stead a blunderbus, loaded with charges of every kind and description, with the hope that he might strike the Attorney General in some vital spot.

But, Mr. Speaker, if the first shot which the gentleman fired at the Austrians was no more effective than the one which he fired at the Attorney General, I feel sure that the Austrians hold nothing against him. [Applause on the Democratic side.]

The fact that I am cognizant of all the facts in connection with the action taken by the office of the Attorney General with reference to the Louisiana sugar crop makes me feel that in justice to the Attorney General, as well as to the sugar producers, most of whom are in my district, I should reply to the charges made by the gentleman from Massachusetts, which have no foundation either in law or in fact.

I hold no brief for the Attorney General. Personally I would have much preferred that the sugar farmers of Louisiana had been permitted to market their crop without interference on the part of the Department of Justice. Without action on the part of the Department of Justice the Louisiana producers would have received from 25 to 27 cents for every pound of sugar produced by them instead of 17 and 18 cents, and many of them would have been saved from great loss and disaster.

I have on several occasions pointed out to this House that the Louisiana sugar producers suffered one of the most disastrous years in the history of the industry; that, owing to weather conditions, only one-third of a crop was made, and that many of our factories did not turn a wheel.

I have shown that with only one-third of a crop, which cost them more to produce than a normal crop, that the Louisiana producers could not have been convicted of profiteering even though they sold their sugars for much more than 17 or 18 cents per pound.

I have shown further that at the time that the Louisiana crop began to come upon the market in November last there was a sugar famine, and that people from all over this country were willing to give the Louisiana producers fancy prices for their sugars and offered them from 25 to 27 cents per pound for their output.

And yet, Mr. Speaker, in the face of these facts, which are not denied by the gentleman from Massachusetts and which he knows to be true, he makes this statement and charge in his speech delivered on February 14, in support of this resolution of investigation:

> Sugar was sold uniformly at retail during most of 1919 at the price of 10 cents and 11 cents per pound. It is now being sold at retail at from 18 to 22 cents per pound and some in excess of this figure. As every 2 cents increase per pound is an increase in cost to the American people of $180,000,000 per annum, an increase of 10 cents is an increase in price of $900,000,000 per annum. Most of this increase in the price of this necessity, and the resulting increase in the cost of living to the American people, is chargeable entirely to the President of the United States and to his agent, the Attorney General.
>
> * * * * * * *
>
> The Attorney General on November 8 last, when sugar was selling at between 11 cents and 12 cents per pound at retail, by his own admission agreed with the Louisiana sugar producers to allow them to charge 17 and 18 cents for their sugar at the plantation. The Attorney General, if he had made no agreement with the Louisiana sugar producers, would have kept the price of the Cuban crop at a reasonable figure, whereas by his action, which I shall prove was entirely illegal from his own admissions, the Cuban crop has advanced to unheard of prices, from 6½ cents per pound to 11½ cents and 12½ cents per pound at the plantation.

Oh, Mr. Speaker, the gentleman from Massachusetts has forgotten both his logic and his arithmetic.

If it be true that the Attorney General in fixing the price of Louisiana sugars at 17 and 18 cents per pound thereby influenced the Cubans to increase their price from 6½ cents to 11½ and 12½ cents per pound, then what would the Cubans have gotten for their sugars if the sugar producers of Louisiana had been permitted to sell at from 25 to 27 cents per pound, and this is the price they would have received if the Attorney General had taken no action.

If the Cubans raised their price from 6½ cents to 12½ cents because Louisiana was getting 17 and 18 cents per pound, then it must follow that they would have raised their price still higher and in the same proportion, if Louisiana sold at 25 to 27 cents per pound, so that instead of the American people paying $900,000,000 more for their sugars they would have paid—according to the calculation of the gentleman from Massachusetts—$1,800,000,000 more for their sugars if the Attorney General had taken no action at all; or, in other words, accepting the statement of the gentleman as true, the Attorney General saved to the American consumers of sugar $900,000,000.

But think of the absurdity of the statement that the Louisiana crop of only 100,000 tons influenced and fixed the price of the Cuban crop amounting to over 4,000,000 tons.

The consumption of sugar in this country now amounts to 4,500,000 tons annually, and the 100,000 tons produced in Louisiana is only 2.2 per cent of the sugar consumed, or just enough to supply the people of this country eight days, and yet the gentleman from Massachusetts would lead you to believe that this mere drop in the bucket produced in Louisiana fixed and determined the price of the Cuban crop. This would clearly be a case of the tail wagging the dog.

But the distinguished marksman from Massachusetts, after clearly demonstrating that the action of the Attorney General had saved to the American people some $900,000,000, then undertakes to tell that official how he should have handled the situation.

In telling the Attorney General how he "had left undone those things which he ought to have done, and had done those things which he ought not to have done," he uses this language:

Under the law his right is restricted to confidential advice to his agent, the United States attorney, and prosecutions before a judge or jury. For the Attorney General to fix or concur in a maximum price and use this price as prima facie evidence where prices are charged in excess of that price would give him the power of saying before a trial that the defendant was guilty, and then compel the defendant to go into court and prove his innocence, which is unthinkable under our present system of government and law.

That he acted illegally in agreeing to or concurring in a maximum price for Louisiana sugar without having taken any case before a judge or jury or even started prosecutions and having consulted as to price with the very parties in interest—the Louisiana sugar producers—is shown by the following facts—

And so forth.

According, therefore, to the gentleman from Massachusetts, it was not the duty of the Attorney General to first ascertain whether or not any profiteering in sugar existed before instituting criminal proceedings, but it was his duty to arrest the sugar producers of Louisiana, bring them before a court, and have a jury determine whether or not they were profiteers.

In other words, the Attorney General should have proceeded on the assumption that the several hundred sugar producers in the State of Louisiana were guilty of profiteering, and, guilty or innocent, should have been tried by a jury.

This is a drastic remedy, indeed, and one which I am sure the gentleman from Massachusetts would not recommend in the case of the shoe manufacturers in his own district, who are now selling shoes for four times as high as they did before the war.

To charge a man with the violation of the laws of his country is, to my mind, a very serious thing, and it is not my conception of the duties of a prosecuting officer that he should institute criminal proceedings unless there exist a strong presumption of guilt.

Unlike the gentleman from Massachusetts, I conceive and believe it to be the duty of a prosecuting officer to first make a careful investigation in all cases, and if from this investigation he becomes convinced that there has been no violation of the law, it is not his duty to prosecute.

But suppose the Attorney General had taken the advice of my friend, what would have been the result?

The sugar crop in Louisiana was only one-third of a crop and was by no means uniform. In some sections of my district there was only 10 per cent of a crop, while in other sections there was 50 per cent of a crop, so that one producer could have made no profit if he sold his sugar at 30 cents per pound, while another would have made some profit by selling at the same figure.

As a result, the only method of determining the guilty, other than that followed by the Attorney General, would have been to follow the advice of the gentleman from Massachusetts; that is to say, arrest and try them all, which would have resulted in acquitting one man and sending his neighbor to jail for having sold sugar at one and the same figure.

Under these circumstances, what was the Attorney General to do? Personally I do not believe that he had the legal right to in any way interfere with the sale of sugar, as all agricultural products are exempted under the provisions of the Lever Act, and sugar, in my opinion, is an agricultural product.

But in this the Attorney General did not agree with me, he having taken the position that sugar was a manufactured product.

Entertaining this opinion, I repeat, what was he to do under existing circumstances and conditions?

He did what any other sensible Attorney General would have done. He ordered the United States district attorney for the eastern district of Louisiana to institute an investigation for the purpose of ascertaining whether any profiteering in sugar was in contemplation, and to prevent it, if possible, even though it became necessary to institute criminal proceedings.

Acting upon the advice of his superior, the United States district attorney called into conference two ex-United States Senators from Louisiana, neither one of whom were interested in the production of sugar, and the integrity of whom has never been questioned. Ex-Senators Murphy J. Foster and Walter Guion advised and conferred with the district attorney, and they in turn conferred with the producers.

The producers insisted upon an open market, as they were being offered fancy prices for their sugars, but finding that the Department of Justice would not agree to this, they then consented to lay facts and figures before the district attorney and his advisers for the purpose of seeing whether or not a price could be agreed upon which would clearly acquit the producers of any profiteering and beyond which the producers would not sell.

Mr. LAYTON. Will the gentleman allow me to ask him a question?

Mr. MARTIN. Just a brief one, as I desire to get through in the time allotted to me if possible.

Mr. LAYTON. It seems to me that the whole question is evaded. It is not a question of how much shoes cost in Massachusetts; it is not a question at all of that sort. I could raise the same question for Delaware tomatoes, where there was a failure in my State last year, but there is no law on the statute books that enables the President of the United States to compensate the tomato grower of Delaware or to regulate the price of shoes in Massachusetts, but there was a law on the statute books——

Mr. MARTIN. I can not yield to the gentleman for a speech.

Mr. LAYTON. I know the gentleman can not——

Mr. MARTIN. But I want to say this to the gentleman, that the Louisiana sugar producers were not compensated. If the Louisiana producers had been let alone they would have gotten from 25 cents to 27 cents a pound for their sugar——

Mr. LAYTON. Not if the President had bought the Cuban crop.

Mr. MARTIN. This resolution is not directed against the President; it is a charge against the Attorney General.

Mr. LAYTON. Where the President and the Attorney General must act together under that law.

The SPEAKER pro tempore. The gentleman from Louisiana.

Mr. MARTIN. After several days the price of 17 cents for clarified and 18 cents for plantation granulated sugars was agreed upon, and the United States district attorney having notified the Attorney General of the result of this conference, the latter official thereupon sent the district attorney the following wire:

MOONEY,

United States Attorney, New Orleans, La.:

Your wire of the 8th, detailing results of conference, consider agreed price rather high, but hereby concur in maximum fixed price of 17 cents for Louisiana plantation clarifieds, 18 cents for Louisiana clear granulated. Understanding that all contracts for a higher figure to be abrogated. Further suggest, if possible, you secure an agreement in writing by authorized committee of Louisiana producers and refiners to be used as prima facie evidence where prices are charged in excess of agreement. You are hereby instructed to immediately prosecute any violator of this agreed price.

PALMER.

This telegram was sent by the Attorney General only after he had been convinced from the investigation made by the United States district attorney that no producer in Louisiana could be convicted of profiteering who sold under these figures.

As a result of this agreement many of the producers abrogated and canceled contracts by which they would have secured a much higher price for their sugars. They conformed in every way with the promise made the United States district attorney, and many of them lost considerable money by so doing.

These are the facts in connection with the sale of Louisiana sugars during the past season, facts which the Attorney General admits and sets forth in answer to House resolution No. 394, facts which are shown by the RECORD, and facts with which the gentleman from Massachusetts is entirely familiar, and facts which make this proposed investigation unnecessary and a waste of time and money.

If the Attorney General acted illegally in failing to arrest and imprison several hundred sugar producers who were guilty of violating no law and who voluntarily agreed to sell their sugars at much less than the market price, and if he acted illegally in saving the consumer from paying from 25 to 30 cents a pound for his sugar, then, of course, he merits the attack that has been made upon him by the gentleman from Massachusetts; but whether he be entitled to praise or censure, the record has been made up, and nothing can be gained by instituting this investigation save and except to give the gentleman from Massachusetts the publicity and notoriety that he has been seeking in this matter.

The gentleman from Massachusetts belongs to a great party, but until a vote is taken on this resolution I can not be convinced that the Republican Members of this House will vote to pass a resolution that is unnecessary, uncalled for, and is prompted by a spirit of political enmity, coupled with the desire of the gentleman from Massachusetts to see his name on the front pages of some of our great metropolitan newspapers.

Mr. GARRETT. I yield 15 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. CAMPBELL of Kansas. I would just as soon use some time, but I thought possibly the gentleman had a short speech.

Mr. GARRETT. Certainly, if the gentleman desires to proceed.

Mr. CAMPBELL of Kansas. I will use some time. I yield 15 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. TINKHAM. Mr. Speaker, at the end of my remarks I shall reply to the dignified and genial Representative from Louisiana.

The resolution before the House calls for an inquiry and investigation before the Committee on the Judiciary.

The subject matter to be investigated is the admitted concurrence of the Attorney General in a maximum, agreed, or fixed price of 17 cents for Louisiana clarified sugar at the plantation, and of 18 cents for Louisiana clear granulated sugar at the plantation, made in a telegram dated November 8 last and sent to the United States attorney at New Orleans, La.

Also whether directly or indirectly immunity from prosecutions under the statutes against profiteering in any way was given by the Attorney General to Louisiana sugar growers or others in the sugar traffic in Louisiana by this action.

The committee is directed to report its conclusions, together with such recommendations as it may deem proper and desirable to submit.

There is no question, as subsequently will be proved, that the Attorney General had no legal authority to fix, agree to, assent, or concur in a fixed price for Louisiana sugar, nor had he legal authority to concur in a fixed price for sugar and use that fixed price as prima facie evidence in a criminal prosecution for profiteering.

Under this investigation and what may flow from it is involved one of the great fundamental principles of American government, namely, the principle which asserts that "the legislative department shall never exercise executive or judicial powers or either of them, the executive shall never exercise legislative or judicial powers or either of them; the judicial shall never exercise legislative or executive powers or either of them, to the end that it may be a government of laws and not of men."

The decision made by the Committee on the Judiciary under this order of investigation will determine the question of whether our Government is a government of laws and not of men.

The passage of this resolution will serve notice upon the Department of Justice that law and order can not be sunk without a trace.

The Attorney General has recently stated that the increased cost of living, in part, has been chargeable to lack of cooperation between the legislative and executive departments.

The passage of this resolution will serve notice to the American people that not only is there no cooperation between the legislative and executive departments in relation to illegal executive price fixing which has led to increased cost of living through the increased price of sugar of hundreds of millions of dollars but that there is complete antagonism between the two departments.

Certain interrogatories were submitted to the Department of Justice under a resolution of the House of Representatives dated December 18, 1918.

Interrogatory 1 asked categorically whether the Attorney General had made, assented to, or approved in any way of the price of 17 cents for Louisiana clarified sugar at the plantation and 18 cents for Louisiana clear granulated sugar at the plantation. The answer of the Attorney General to that was evasive, equivocal, and irresponsive, for he said:

> As to paragraph 1, I beg to state I neither made, assented to, nor approved the price of Louisiana sugar on the plantation of 17 cents and 18 cents.

But he left out the important words "in any way." In reply to the second interrogatory, which was the gist, which was the gravamen of these interrogatories, namely, upon what authority of law he had so acted, his reply was:

> As to paragraph 2, in view of my answer to paragraph 1, I deem no further answer necessary.

If that is not equivocation and evasion, not only equivocation and evasion but confession, because had he authority he would have disclosed it, then I do not know the character, the substance, nor the spirit of equivocation or evasion or confession. At the end of the interrogatories the Attorney General says:

> These telegrams do not at all mean that we fixed the price, but do mean that under all the special circumstances existing as to the Louisiana crop this department was willing to concede the prosecution would be ineffectual and unsuccessful if based upon a contention that any price less than 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated was an "excessive price" under the Lever law.

But this statement is thoroughly disingenuous, as the Attorney General had no right to concede that prosecutions would be ineffectual and unsuccessful and announce that decision to the parties in interest, the Louisiana sugar producers, who had been a party to the price set, agreed upon, or concurred in, and against no one of whom any legal proceedings had been taken.

If the Attorney General had power without legal proceedings of any character and without making an appeal to a judge or jury to fix a price for any commodity bought or sold in these broad United States, he could at the Department of Justice by executive action alone control the entire commerce, the trade, and the property in these broad United States. Congress never has and never will give such power to any man or set of men.

Whether he has authority or not, and whether he had authority to do this thing which is challenged, will be disclosed by any authoritative statement of the law by the investigating committee, and is disclosed in part by a statement made by him which was printed in the CONGRESSIONAL RECORD of December 5, page 213, in relation to the powers of his office; also by a statement made before the subcommittee of the Agricultural Committee of the Senate by special Assistant Attorney General Figg, October 3 last, page 72, when a statement was made by his assistant that there was no such power, and finally his own statements made before the Agricultural Committee of the House, August 20, pages 78 to 85, when the law under which he is supposed to have acted was being framed. At that time, at great length, he stated he did not want the executive power of fixing the price nor should that be an executive function; that for the Government to make a prima facie case would be contrary to our laws and contrary to justice, because a prosecuting officer having fixed what was guilt by a prima facie case put the defendant on the proof of his innocence.

Mr. HARDY of Texas. Will the gentleman yield for a brief question?

Mr. TINKHAM. I will.

Mr. HARDY of Texas. Is there any single point you can find out under this resolution that you do not know already?

Mr. TINKHAM. I want what are to-day mere assertions of mine to become proved, exact, and convincing facts. Perhaps the Attorney General may prove that I am wrong, and he surely should be given the opportunity. I know well and pleasantly the Attorney General, and I want to give him every courtesy, but we are dealing in this matter entirely with public acts and public affairs. I want to be fair, and if I may be permitted, with due modesty, say that my natural inclination is to be far from censorious and always tolerant.

Mr. HARDY of Texas. Can you conceive of anything that you do not already know that you want to find out?

Mr. TINKHAM. Far be it from me to maintain or pretend to have complete knowledge of any subject, nor should I think of possessing entire knowledge of this subject, although I have studied it closely.

In relation to the remarks of the honorable Representative from Louisiana [Mr. MARTIN], I think I should make some observations. Before making these observations, however, I want again to point out that the question involved in the resolution of investigation is the legality of the action of the Attorney General. That is the principal point around which relevant debate should alone circle.

The honorable Representative from Louisiana stated that Louisiana sugar producers could have sold their sugar in November at 26 cents. I will assume that they could have sold at this price and without profiteering. I will assume that these facts are true, and I will say that when the Attorney General sent the message to Louisiana which said that they could sell their sugar at only 17 or 18 cents he was exercising tyrannous control, and I believe illegal control, over them. If without profiteering they could have sold at this price, they never should have been intimidated by the Attorney General nor should the honorable Representative from Louisiana have ever agreed to any law which would have prevented their obtaining a fair return upon their commodity or agreed to any action of the Attorney General which would have prevented them from receiving an honest profit.

Mr. MARTIN. Admitting that your statement is true, did the action of the Attorney General save money to the American people or lose money for them?

Mr. TINKHAM. In my opinion, the action of the Attorney General cost or lost, as you want to put it, hundreds of millions of dollars to the American people, as the following figures will prove:

The total sugar consumption of the United States for 1919 was 4,555,792 short tons. Of this amount 2,315,097 short tons came from Cuba. The latest estimate of the Department of Agriculture for the 1920 Louisiana crop is 115,585 short tons, or about 2½ per cent of the total consumption of sugar in the United States for 1919, and about 5½ per cent of the total amount of Cuban sugar consumed in the United States based upon the amount of sugar consumed last year.

The value of the Cuban crop on the 1919 figures would be at 18 cents, $833,634,920. The value of the Louisiana crop, at 18 cents, would be on the 1920 estimated production $41,612,242.

Every 2-cent increase per pound in the cost of Cuban sugar would make an additional cost of the American consumer per annum of $92,603,880 in this actual Cuban sugar, but as the price of Cuban sugar sets the price of the American sugar market every 2-cent increase in the cost of all sugar used in the United States would be an additional cost to the American consumer of over $180,000,000 per annum.

Every 2-cent increase in the cost of Louisiana sugar would make an additional cost to the American consumer of $4,623,580, so that if the Louisiana crop was sold at 18 cents instead of 26 cents per pound at the plantation there would be a saving of $18,494,320, but if the Cuban crop advanced 2 cents it would make an additional cost of sugar per annum to the American consumer of over $180,000,000, and if the increased cost was 10 cents it would make an additional cost of sugar to the American consumer of over $900,000,000.

And when the Attorney General fixed the price on that 2½ per cent or 5½ per cent of sugar, although the effect might have been to save the difference in cost of this small amount to the American people, the Cuban producers immediately accepted the price as an official American price, and they attempted to put their price on a par. This is what the Attorney General accomplished. Any reasonable man must assume that this would have been the effect upon the Cuban market; that it must have stimulated to an unusual degree the Cuban producers; and that this was the effect, we have a statement from the highest authority in America, George Zabriskie, head of the Sugar Equalization Board, the Government controller of sugar during 1919. He has said:

> The sugar situation is now hopeless, for the reason that it has got into politics, and the sooner it gets out the better. The ridiculous price of 17 cents wholesale for the raw sugar now charged by the Louisiana planters is an outrage. I can't say that Attorney General Palmer fixed the price, but it was known in Louisiana that he would stand for it.
>
> It was known, furthermore, that he approved it. It was this folly that inspired the Cubans to make their gouge. When they saw American sugar planters getting away with 17 cents they decided it was perfectly legitimate for them to get some of the plunder, and to-day the people are paying the price for the Attorney General's mistake.
>
> Had the Sugar Equalization Board been permitted to exercise its own judgment, instead of the country facing a famine, as it now does, we would have had the largest crop of sugar in history at 6½ cents per pound.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TINKHAM. May I have two more minutes?

Mr. CAMPBELL of Kansas. I yield to the gentleman two minutes more.

Mr. TINKHAM. So by the action of the Attorney General there was no saving, but a tremendous increased cost placed upon America and the cost of living to the American people.

Mr. MARTIN. Will the gentleman yield?

Mr. TINKHAM. For a very short question.

Mr. MARTIN. I will make it short. If the sale of Louisiana sugar at 17 and 18 cents influenced the Cuban market to such an extent, what would it have been if Louisiana sugar had sold at 26 or 27 cents?

Mr. TINKHAM. Without Government approval and action, probably no effect. The small supply in Louisiana would have been undoubtedly absorbed unnoticed, but with Government approval and action to which wide publicity was given there was and must have been tremendous effect in Cuba and elsewhere.

Mr. MARTIN. Why?

Mr. TINKHAM. Because the Government had said what the price of sugar was in the United States by the action of the Attorney General. [Applause.] The honorable Representative from Louisiana stated that I desire to have people prosecuted; that I did not want them or their case given a fair hearing. That does not fairly represent my views. The Louisiana producers should have had their case fully investigated, and if they were not profiteering by selling sugar at 26 cents, then they should have been allowed to have sold it at that price. I understand that is the claim of the honorable Representative from Louisiana, and, as I have stated before, I do not think he protected the interests of his constituents when he allowed the Attorney General to exercise what I have denominated as tyranny.

The Attorney General should only have done in this case, as in all cases, what was legal, and his only legal right is to prosecute those who in all fairness he can say after an investigation are making an unfair profit.

I am sorry that the honorable Representative from Louisiana has charged me with either cheap or sordid motives. He has said that in presenting this resolution I was merely looking for notoriety and publicity. I think when it is brought to his attention that June 30 last I introduced in this House a resolution of investigation in relation to the sugar problem and the then promised scarcity and high price, and have systematically since been pursuing the subject, that he should withdraw his remarks.

This resolution should be passed, in order that we may assert again that this is a Government of laws and not of men, that some of the responsibility for the increased cost of living in the United States may be judicially determined, and that the laws as passed by the representatives of the people shall remain supreme in their dignity and in their application. [Applause.]

Mr. GARRETT. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Speaker and gentlemen of the House, I suppose it is scarcely necessary for me to assert that I hold no brief for the Attorney General of the United States, and to some it may be surprising that I, in any way, attempt to speak in his behalf. In fact, it might be, by some, expected that I would take a different course upon this floor. But I hope to be now, and I desire always to be, broad enough to forget the personality of the individual, and to regard the individual simply as a public officer. Therefore, when the honor and the integrity, the good faith and the honesty, of the legal adviser of the President of the United States is attacked in the outrageous manner that this resolution makes it, and in the maner that was exhibited by the gentleman from Kansas [Mr. CAMPBELL], I, as a Representative in this Congress, and particularly as a Representative from Pennsylvnia, from which State the Attorney General hails, deem it my duty to enter a word of protest. I would not attempt either to condone or excuse the conduct of any official in the Government, if I believed that that conduct was worthy of condemnation. And if the proof in this case, or if even the prima facie allegations in this case were such as to establish a case upon the merits thereof, demanding an investigation of this kind as set forth in the resolution, I would be the first party, regardless of the fact that the Attorney General comes from Pennsylvania, to forward such a movement and to vote for such a resolution.

I heard the remarkable statement made here by the gentleman from Kansas [Mr. CAMPBELL] that the Attorney General should be haled to the criminal bar, and that if he were haled to the criminal bar he did not see, as a criminal attorney with a very large practice heretofore, how the Attorney General could escape punishment except by a quashing of the indictment or perhaps by a plea of non vult contendere. Now, right there I beg to differ from the gentleman from Kansas. It reminds me of a case I had in my county at one time, where a criminal had no one to represent him, and the court assigned a young attorney to act for him, and the prisoner at the bar looked at the court and said, "Is that my lawyer?" The judge said, "Yes; he will represent you in this case." And the prisoner said, "Then I had better plead guilty at once." [Laughter.]

Of course, if the gentleman from Kansas was the attorney defending the Attorney General of the United States, his political prejudice, and possibly his desire to do damage to the administration and to the Attorney General himself, would almost compel the defendant, the Attorney General, either to plead guilty or else to plead non vult on the ground that his attorney was incapable of defending him or would not give him a fair chance. The truth of this matter is just here: This is not only an attack upon the Attorney General; it is an attack upon the administraion.

Now, what is the phrasing of this resolution? Let us get down to it. First, it charges "the admitted concurrence of the Attorney General in a maximum, agreed, or fixed price of 17 cents for Louisiana clarified sugar." The Attorney General does not in substance deny that. The Attorney General says he never agreed to such price, but he did say and does say, and I suppose holds the position now, that after consultation with his law officer in the district in which these gentlemen live who manufacture this sugar, he became convinced, under all the circumstances, that 17 and 18 cents was a fair price for sugar, and therefore he conceded that if no more than that price was charged, then what followed? That the charge of profiteering could not be made out, and that prosecutions would not be warranted under the act.

Now, that is all he says. Did he exceed his authority in so doing? The gentleman from Massachusetts [Mr. TINKHAM] says he did. Right there I beg leave to differ with him. I happened to be at one time district attorney of the county in which I live. It was my privilege under the law—it was not only my privilege under the law it was by duty as prosecuting attorney—to represent not only the Commonwealth of Pennsylvania, but to represent as well the defendant, because that is the business of the prosecuting attorney. He represents

in fairness and justice not only the Commonwealth, but he represents also the defendant, in so far as he must see to it that the defendant has a fair trial. Therefore as the attorney representing the Commonwealth of Pennsylvania, as district attorney in Lehigh County, it was my duty often to say to the grand jury, "There is not sufficient evidence here to warrant the finding of a bill."

Mr. TINKHAM. Mr. Speaker, will the honorable Representative from Pennsylvania yield for a question?

Mr. DEWALT. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. DEWALT. And it was my duty oftentimes before a jury, after all the evidence was in, to say to that jury, "Gentlemen of the jury, there is not sufficient evidence here to warrant my asking you for a conviction."

Now, what the Attorney General did say was this:

> Under the circumstances now existing, with a short sugar crop, only 40 per cent of the usual crop; with the demand for sugar ever incessant and ever increasing, with the fact that there has been a loss in Louisiana to these producers heretofore, with the fact that sugar is now commanding from 20 to 27 cents a pound, I concede under the law and the fact existing that the price of 17 or 18 cents can be legally obtained by these people, and if prosecuted the prosecutions will in all probability be fruitless.

That is in substance what he said.

Now I yield to the gentleman from Massachusetts.

Mr. TINKHAM. Is the honorable Representative from Pennsylvania aware of the fact that there were no court proceedings, no grand jury proceedings, no action taken by the Attorney General in any way before this agreement was made and a prima facie case set up?

Mr. DEWALT. All the better. Then he saved the expense of fruitless trial by notifying the people at once that they had not the right but they had the privilege of charging a fair price and a maximum price.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. HARDY of Texas. This was after a fair investigation?

Mr. DEWALT. Yes; after a fair investigation.

Mr. TINKHAM. Mr. Speaker, will the honorable Representative from Pennsylvania yield?

Mr. DEWALT. Not now; but I will yield to the gentleman in just a moment. I am always glad to hear from the gentleman from Massachusetts.

Now, another matter is referred to in the resolution:

> Whether directly or indirectly, immunity from prosecution under the statutes against profiteering in any way was given to Louisiana sugar growers or others in the sugar traffic in Louisiana.

That is answered in the same way. He did not grant immunity to them because he could not grant immunity. As the gentleman from Massachusetts says, there were no prosecutions pending. If there were no prosecutions pending, then there was no immunity to be granted. If no oaths or affirmations were made by which people were to be haled into court, then immunity was fruitless, because there was no necessity for it; and, secondly, immunity goes so far, if you please, as this, that if the price of 17 or 18 cents, under the circumstances, was a fair and legitimate price for them to charge, profiteering being a matter of fact and not a matter of law, and to be proved by the weight of the evidence—if 17 or 18 cents was a fair price under the circumstances, immunity was not necessary at all.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. KEARNS. Did these same people ever charge 17 or 18 cents before for sugar?

Mr. DEWALT. I can not answer that.

Mr. KEARNS. Has there ever been a shortage of sugar before?

Mr. DEWALT. I am only relying on the statement of the gentleman from Louisiana, who said that there is at the present time and was at the time when this order was made.

Mr. KEARNS. There has been very often in the last 25 years a sugar shortage, has there not?

Mr. DEWALT. I understand so.

Mr. KEARNS. And in those years of shortage these same men had never charged 17 or 18 cents a pound for sugar. Why charge it now?

Mr. DEWALT. I can not answer that question, for the simple reason that I do not know the circumstances of the case.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. HARDY of Texas. As I understood the gentleman from Louisiana, he said that at the very time this was done many sugar planters had sugar sold at 20 to 25 cents.

Mr. DEWALT. From 20 to 27 cents; yes; and that was at the time when the order was made.

Then they ask in this resolution:

> Third. The facts and the authority of law, if any, upon which the Attorney General or his representatives or agents fixed, agreed, or concurred in the price of 17 cents for Louisiana clarified sugar at the plantation and of 18 cents for Louisiana clear granulated sugar at the plantation, and how such facts were obtained.

If the gentleman from Massachusetts [Mr. TINKHAM] and the proponents of this resolution did not have the facts at this time, then why this long tirade that we had here the other day and this vituperation that we have heard here of the Attorney General from the gentleman from Massachusetts? Why this array of figures? Why this condensation, if you please, of a mass of facts presented in the RECORD? Is this mere hearsay, or is it what the gentleman alleges it to be, the truth? If it is the truth, then he has all the facts; and if he desires to know the law, let him observe this one thing: That all men are presumed to know the law. It may be a violent presumption in regard to some, but if the gentleman desires to know by what law he proceeded, the statute books are open to him.

The Attorney General is not called upon at any time to present to the House of Representatives his legal authority to do a certain thing. I grant you that the facts might be a subject for investigation. I grant you that if there had been an unlawful violation of his power, then he would be subject to criticism and possibly to punishment. But where lies the remedy? Does it lie in one of these investigations of which we have heard so much, one of these long continued and ever drawn-out investigations, made and instigated by the majority party here, and which up to this time have been entirely fruitless except in the expenditure of thousands and thousands of dollars? Is this, in brief, just another exhibition of the continued attempt to do harm to the administration of President Wilson, with the Attorney General singled out at this time as the particular victim, or is it an honest attempt to obtain information in an honest way? If it be the latter, then I refer these gentlemen first to the statutes defining the law as it is; second, to the facts as they have them now; and third and more particularly, to the facts as presented by the gentleman from Louisiana in regard to sugar production at this time.

Now, that is the gist of this resolution. I have tried to discuss its features seriatim. What would be the effect of this? The effect would be to hale the Attorney General before the Committee on the Judiciary or a subcommittee thereof, and then they would report back upon what? Upon the price of sugar, I suppose, as then existing, and upon the necessity for that price, and secondly as to whether or not the Attorney General concurred in a fair price. He certainly had the right to say under the law that if they charged no more than a reasonable price he would not prosecute them. There is no doubt about that in any legal mind. Third, the investigation is to cover the question, By what authority of law did he do this? For that I beg leave to refer the gentleman, as I have said before, to the statutes.

Mr. TINKHAM. Will the honorable Representative from Pennsylvania yield?

Mr. DEWALT. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. If the Attorney General agreed on a maximum price for Louisiana sugar as he did in his telegram of November 8, and that was published in Louisiana, could he in fairness or in honor prosecute anyone who sold at that figure or below it? I ask the question because the honorable Representative from Pennsylvania said that the Attorney General by his action did not give immunity.

Mr. DEWALT. There is a difference between giving immunity——

The SPEAKER pro tempore (Mr. HUSTED). The time of the gentleman has expired.

Mr. DEWALT. May I be permitted one minute to answer the question?

Mr. GARRETT. I am exceedingly sorry, but all the time is promised.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the time for debate be extended 10 minutes, half the time to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and half by myself.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the time be extended 10 minutes, one-half to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER]. [Applause.]

Mr. TINCHER. Mr. Speaker, there does not seem to be any misunderstanding of the proposition that every home in America to-day is paying about 11 cents a pound more for sugar than it ought to be paying. Now, in this contest between the President and the Attorney General as to who is to blame for that condition I have no preference. I am not prejudiced in favor of either. [Laughter.] There are some facts connected with the matter which lead me to say that I think either of them might legitimately claim credit for being responsible for the extortionate price; but I think it is fair to the minority side of this House in particular, who claim to know so little about this proposition, that a full investigation be had, so that responsibility may be finally fixed.

Last August seven directors of a corporation of which the President of the United States was the sole owner of the stock—seven out of the eight directors—recommended to him that he buy the Cuban sugar crop for a little over 6 cents a pound. One man, who by reason of being a professor, evidently had considerable hearing at the White House, recommended that the Cuban sugar crop be not purchased.

There was no answer to these recommendations that anyone knows of for something like 90 days from the time they were submitted. Some one has said here—and I anticipate he will say it again—that Congress is to blame for this condition. I deny it. This corporation was created by law and had a legal status. The President of the United States was the only stockholder. Seven of his directors made certain recommendations and one of them recommended otherwise. Now you say, Does the failure to purchase that Cuban sugar fully account for the present price of sugar? I think not. I agreed at the time with the distinguished gentleman from the sugar district who spoke here this morning, who said that the fact that there was no answer to these recommendations left the sugar situation up in the air. The fact that the President would not answer one way or the other, that the American sugar refiners could not find out what the Government was going to do, left them all in a condition where they did not know what to do, and neither the independent refiners nor the trust purchased the Cuban sugar, so it was on the market. Why? Because they could not find out what the Government was going to do, what this sugar corporation was going to do, and it hung that way. The Attorney General of the United States did have by law the responsibility for prosecuting profiteers. I am not criticizing him for not prosecuting the men in Louisiana, but he had to have somebody to talk about so that he could get some publicity. He had to pick out somebody and talk about them and get some publicity, and so I suppose he talked about the Louisiana people.

But it would take a blind man not to be able to understand that what he said to the Louisiana sugar producers was fixing the price of sugar and that that was the cause of the Cuban sugar people raising their price. They would have been foolish if they had not. Here was this great country of ours ready to consume their entire product for this year, and the head of the Department of Justice was close to the Chief Executive. There, again, I have no preference between them. I do not care which one of them is nominated. It makes no difference. I do not think it will make any difference, and I do not care a thing about this politically.

SEVERAL MEMBERS. Oh, no!

Mr. TINCHER. It does not make any difference to me which of these two is held responsible for this, but one of them or the two together are by their conduct responsible for every householder in America having to pay 11 cents a pound more for sugar to-day than he would have had to pay if we had had an economical, fair, honest, business administration of our affairs. [Applause.] You can not lay that onto Congress. We came here in December and at the request of the administration we extended the powers of this corporation for another year. That was in December, after they had waited 90 days for an answer to the recommendations of the seven directors of this corporation. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. GARRETT. I yield 10 minutes to the gentleman from Louisiana [Mr. SANDERS]. [Applause.]

Mr. SANDERS of Louisiana. Mr. Speaker, it is just as apparent as anything in the world that there is no politics whatever in this resolution. [Laughter.] And if anyone had a suspicion that there was any politics in it, that suspicion would have been dissipated when he listened to the gentleman from Kansas who has just taken his seat and the gentleman from Kansas [Mr. CAMPBELL] who opened the debate.

The gentleman from Kansas who has just taken his seat made a speech which had absolutely nothing to do with the resolution before the House. He spoke of the failure to buy the Cuban crop last August and September, and yet a reading of the resolution before us fails to show any section relative to the failure to buy the Cuban sugar crop last August or September.

The resolution that is now before us is to investigate the Attorney General because the sugar planters of Louisiana obtained 17 cents for their plantation yellow clarified and 18 cents for their plantation granulated. That is all that is in the resolution.

Mr. Speaker, there is not a single fact in connection with the sale of the sugar crop of Louisiana but what is perfectly well known to the introducer of this resolution and to every Member of the House. In answer to the gentleman from Texas [Mr. HARDY], the gentleman from Massachusetts [Mr. TINKHAM] admitted that he knew nothing that could be brought out by this investigation. It looks to me as if they are shooting in the dark, hoping and trusting to luck.

Mr. Speaker, what can be gained by this investigation? What addition to the sum of human knowledge does the gentleman from Massachusetts expect to get? The sugar planters of Louisiana have sold their crop. They perhaps raised enough this year to last the American people one week. There is no doubt in any man's mind but what 17 and 18 cents a pound, under the conditions that prevailed, was a low price. There is no question but what many of the Louisiana planters had contracted to sell their crop for more than this price, and yet when the price was agreed on they patriotically gave up the surplus and sold the crop at the price of 17 and 18 cents.

This investigation is asked for by the gentleman from Massachusetts. Well, if we are going to investigate the high cost of things, perchance the very first investigation might take us to New England. Unfortunately, I not only consume a certain amount of sugar but I have to wear a certain number of pairs of shoes at the same time. The price of sugar has not made the same advance in the market as has the price of shoes. I am also compelled, like all the rest of the people in the United States, to wear cotton goods, and yet the other day, before a committee, a gentleman from New England—from Connecticut, Mr. TILSON—stated that cotton textiles had gone up 600 per cent since the war, and that such a price was absolutely unjustifiable, considering the price paid for raw cotton and considering the increase paid to labor.

Mr. Speaker, it looks to me as if two prevailing factors have influenced the gentleman who introduced the resolution and the gentlemen who have spoken therefor. One is that this sugar is grown way down South in Louisiana. I was born and raised in that sugar belt, Mr. Speaker, and I distinctly remember how every four years prominent Republicans came down there and how they told the people of that section that they were the only friends that the Louisiana sugar planters had in American politics; and yet that side of the House, having as much time as this side of the House, has not said a word in defense of the sugar industry of Louisiana, that they are so prone to come down and defend in political years before the people who grow the cane. [Applause on the Democratic side.]

Perchance another reason why this investigation is asked for is the personality of the Attorney General himself. Everyone in this Chamber knows that the Sugar Equalization Board has asked this Congress since early in the session for additional powers to handle the sugar situation of America, and that side of the aisle has been in control of this Congress, and nothing has been done. But the Attorney General is looming somewhat prominently in the public eye. Perchance they think by this investigation, being absolutely nonpolitical, that they may lessen his popularity.

Mr. TINKHAM. Will the honorable Representative from Louisiana yield for a question?

Mr. SANDERS of Louisiana. I decline to yield, because it is a dangerous thing, I would remind the gentleman from Massachusetts—it is a dangerous thing for a man to get a hobby. I have noticed in the last several months that the hobby of the gentleman from Massachusetts is sugar. There is not a pound of it raised in the gentleman's section, but I have listened with ear intent for the gentleman from Massachusetts to raise his voice on this floor denouncing some of the alleged profiteering that is being indulged in by the manufacturers of New England, and yet not a word have we heard coming from him on shoes or clothing. [Applause on the Democratic side.] Not a word do I expect to hear from him. Denounce the sugar people, denounce them because they raise a crop which goes to the very life of our people; denounce them, if you please, because they have got 17 and 18 cents for a crop which it is admitted cost them that much to make, but not a word of condemnation for the people in his own section who have profiteered not 100, 200, 300, 400, or 500, but according to the statement of the gentleman from Connecticut

[Mr. TILSON], even 600 per cent upon all the people of America in textile goods which they manufacture. [Applause on the Democratic side.] Oh, there is nothing sectional in this investigation; there is nothing political in this investigation; there is nothing against the Attorney General! It is purely in the interest of the public!

Mr. Speaker, I want to close with this statement: This is an investigation uncalled for, unwarranted, and, with the great problems pressing this Congress, it is a shame and a disgrace to take up the time of the Congress over such a matter. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I was very much impressed by the remarks of the distinguished gentleman from Louisiana [Mr. SANDERS], who just preceded me, when he made the assertion that the manufacturers in New England had profiteered 100, 200, and even 300 per cent in the past. I believe he even said as high as 600 per cent. I want to ask the gentlemen on the Democratic side of the House, if that is true, what has your Attorney General been doing with the million dollars that we gave him last year? Why has not he prosecuted some of these men whom you say have profiteered? [Applause on Republican side.] He has not sent one single man to the penitentiary. He has not made a single investigation that ever resulted in prosecution, unless it was some little innocent retailer in some little country village. His investigations have produced nothing but unrest and discontent among the public. He either does not want to go after this proposition fairly and squarely or else he is not sincere when he says that he is going after it to see if they are profiteering, and to cut the cost of living. Every single heralded investigation has ended in a farce and fiasco. The Attorney General has always preceded said investigations by announcements in the papers, accompanied by his photograph, as to how he was intending to investigate such a concern and thereby lower the cost of living. Such a grandstand entrance was made in Chicago a few weeks ago. Results? If the newspaper accounts are to be believed, the exit out of that great city was not of the brass-band variety, but rather a hurried exit quietly several hours ahead of time. These same newspaper accounts recite how the distinguished Attorney General was furnished by the good men and women of Chicago with hundreds of cases of profiteering, but his reply was, "We can not handle every little complaint; that must be taken up with your local officials." The main object of this much advertised effort of the administration to lower living costs seems to me to be a surreptitious effort of certain men to get a bit of advertising at Government expense. In that—and that only—have they succeeded, so it appears to us. How much good that advertising will do them remains to be seen, but I, for one, am tired of appropriating money to further an individual's campaign.

Some good will come out of this investigation, if it is nothing else than to centralize and focus the attention of the public upon the fact that the President of the United States with his chief law officer, the Attorney General, in all of their statements, which they have been publishing in the newspapers from time to time, about the steps they were going to take to lower the cost of living have not been able to accomplish anything. It will focus the attention of the public upon the fact that they can not or else will not, one of the two. So far as the matter of sugar in Louisiana is concerned, or in any other State where it is produced, I do not know whether 17 cents is too much or too little, nor do I care, but I do know that whenever the Government has undertaken to control the price, whether sugar, coal, or any other necessity, two things happen; one is, the price to the consumer goes up and dissatisfaction and unrest have followed. Business has been disrupted and uncertainty always present. This uncertainty of what the Government would do has compelled the producers to add an extra charge to the product in order to protect themselves from some freak move of the administration.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. GOODWIN of Arkansas. Then the wheat farmer, when he gets $2.26, gets $1 more than he is entitled to?

Mr. BEGG. The gentleman well knows the farmer did not get $1 per bushel more than he should, but, on the contrary, received much less than he would have if the Government had not interfered. Can the gentleman from Arkansas [Mr. GOODWIN] say as much for the farmers in his section of the United States? Your arguments for the sugar producers if applied to the farmers would give them $4 per bushel. Why not be fair and let the law of supply and demand control the prices of commodities of life? Wyoming had a failure of the wheat crop this year. Did the Attorney General say that a fair price would be $4 a bushel for Wyoming wheat because Wyoming had this failure? He did not. Is it possible that presidential ambitions had anything to do with it? It seems to me that it is about time for the Government of the United States to withdraw from the field of private business.

This Congress can do nothing better than to let the public know that we are going to stop making laws for the regulation of people's private industry; then industry will flourish and the confidence of the people will again be restored; and if we do this, you will find that you can buy the commodities that you wish cheaper and that I can buy the commodities that I wish cheaper than we can buy them under this Government interference in private affairs.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. BEE. Then, under the gentleman's theory, if the Attorney General undertook to investigate the New England profiteers, he would encounter the opposition of the gentleman from Ohio, because he would be digging into private business.

Mr. BEGG. The gentleman is entirely wrong, and he knows he is wrong when he makes that kind of a statement.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, I have no wish to review the conduct of the Attorney General and would say nothing except for the attack upon the President by the gentleman from Kansas [Mr. CAMPBELL]. The gentleman has seen proper to go back of any of the activities of the Attorney General and to arraign the President. Now, these are the facts, which I wish to state, subject to correction by the gentleman from Massachusetts [Mr. TINKHAM], who has made a long study of the subject that we are considering:

First. The President was never by any specific legislation commanded or advised to purchase sugar anywhere or to any extent. His power to do anything of that kind was and could only be inferred from a general appropriation provision placing a large fund under his control for emergency purposes. Exercising that power, he organized the Sugar Equalization Board, his own agency, through which he purchased the Cuban crop in 1918 before the armistice was signed, when there was confessedly an emergency.

Second. Early in 1919 there were those who became anxious lest there should be a shortage of sugar and a sharp advance in price. It was this anxiety that led to the gentleman from Massachusetts [Mr. TINKHAM] introducing a resolution of inquiry on June 30, 1919, which was reported to the House August 5; but when the resolution came to be considered on September 15, and the gentleman from Massachusetts tried to secure its approval, there was objection raised to it by the gentleman from Wyoming [Mr. MONDELL], who assisted in a successful effort to block its passage. Alarmed by the information I was then receiving from various sources, I cooperated with the gentleman from Massachusetts in his effort, hoping that action might be taken which would guard the supply of sugar and limit the prices.

Third. It is true that the Equalization Board, in the summer of 1919, with the exception of Mr. Taussig, recommended to the President the purchase of the Cuban crop. It is also true that, following that recommendation, there was no statement or intimation that the President, the general emergency having then passed, would undertake the purchase of the Cuban crop. There was no one in Congress who could assume or who was entitled to assume that he would do so. There was no one in Congress or elsewhere who could not have ascertained that he would not, or in all probability would not, do so.

Fourth. The Cuban crop could have been bought at a low price in the summer and early fall of 1919 when the matter was talked about in this House and when there was a hearing before a Senate committee. At any time Congress, possessing unlimited power, could have acted and brought about the purchase, but it failed to act, and the theory now is that the President must alone have the responsibility. That theory can not be justified unless it is taken for granted that this Congress was sent here to occupy a purely inactive attitude and not deal in a comprehensive manner with this or any great problem until after the acute political condition has ceased and the presidential election has been held. By assuming that position it is impossible that Congress can escape responsibility for the enormous burden that the increased price of sugar has placed upon the consumers. This proposition we will submit to the public without misgiving as to what the decision will be.

Mr. TINKHAM. May I ask the honorable Representative a question?

Mr. MOORE of Virginia. Yes, sir.

Mr. TINKHAM. Does the honorable Representative from Virginia think it is quite fair for me to be charged with either political motives or publicity motives in relation to this special resolution before the House when I started the wheels of legislation with my feeble efforts June 30 in relation to this subject?

Mr. MOORE of Virginia. I am making no charge of that character; but if the gentleman's leader had not blocked him, as I have stated, we would perhaps not face the prospect of a burden of a billion dollars being placed upon the sugar consumers of this country. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Speaker, we have just been advised through the animated and agitated discourses of the two gentlemen from Kansas of the correct answer to the old, oft-repeated query, "What is the matter with Kansas?" We have also had the fourth, fifth, or sixth prepared statement of the honorable Representative from Massachusetts. [Laughter.] The honorable Representative began his crusade on sugar as early as last October, I believe.

Mr. TINKHAM. June.

Mr. GARD. Well, some time ago. At any rate, some eight months ago. He secured the submission of his favorite topic of sugar for publicity purposes to the Federal Trade Commission for investigation. He has not advised us of the proceedings there or of any report. At the same time there was mysteriously wafted to the press, the gentleman of the great fourth estate, specified charges and reasons, as made by the honorable Representative from Massachusetts, carefully prepared and ready for publication, before his charges were made upon this floor. Now he is pursuing this same thing, which has gotten to be an obsession with my friend until now we have this very remarkable resolution; and I have to say that, as a member of the Committee on the Judiciary, I know that the committee has much more important business before it, unreported and unconsidered, than this resolution. He states that he is interested in knowing whether this is a government of laws or a government of men, and that this is the real purpose of the resolution. Now, that is so entirely academic I do not suppose we should sacrifice the time of the committee and the House to determine it, for he must know that laws are administered by men, and have no power of automatic administration. I call the attention of the gentleman from Massachusetts, the term-long proponent of this series of resolutions, the implacable enemy of the Attorney General, to a little debate between himself and the gentleman from Illinois [Mr. MANN], wherein is stated in a few very succinct paragraphs the entire truth concerning the gentleman's persistent attacks, through resolution and otherwise.

The first inquiry by the gentleman from Illinois was:

Does the gentleman contend that the Attorney General, who has direction of prosecution under the statutes, is not permitted to say to the district attorneys and others when he will or when he will not prosecute under a certain state of facts?

The honorable Representative from Massachusetts answered:

I do not.

Then the gentleman from Illinois asked:

Does the gentleman consider it to be entirely improper for the Attorney General, having charge of prosecutions, to inform the public when he will not prosecute, thinking there is no violation of the law, and when he will prosecute, thinking there is a violation of the law, in order that the public may know probably whether they are violating or not violating a law by doing a certain thing?

Now, there is the gist of the whole business. It is useless to proceed in an investigation upon theories and unfounded accusations. The Attorney General is an executive officer. It is not alone his power, but it is his duty, to have such control, to have such direction of his district attorneys as is necessary to determine whether under a given proven state of facts his administration will authorize a prosecution or not. I think this resolution is entirely unnecessary, unwarranted, and futile, and should be defeated. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Speaker, whatever may be the outcome of the investigation that is proposed, neither during that investigation or at any other time will a more sweeping and damaging indictment be made against the Attorney General of the United States than was made a moment ago by the gentleman from Louisiana [Mr. SANDERS] who, in attempting to defend the Attorney General, declared that it was notorious that there had been profiteering in certain parts of the country to the extent of 100, 200, 300 per cent and more. This declaration is made in the face of the fact that it is the sworn duty of the Attorney General, under a law passed by Congress and amended by adding a heavy penalty in the first session of this Congress at his suggestion, to prosecute all profiteers. If, as a matter of fact, the situation is as the gentleman from Louisiana has stated it, the Attorney General of the United States has woefully failed in the performance of his duty and is responsible for the continuation of exorbitant prices. Mr. Speaker, the fact is that nothing that has occurred under this administration more strikingly illustrates the failure of the administration to guard the interests of the American people than this sugar situation. Under the law a corporation known as the Sugar Equalization Board was organized, the capital of which was in the name of the President of the United States, and under their authority that board, in the summer of 1918, bought and controlled the Cuban sugar crop, established and fixed prices, and during that year fairly well controlled the situation. In the early summer of 1919 the question arose as to whether the administration under that corporation should continue to control the situation. What was the result? A divided opinion among the officers of the corporation charged with responsibility and the matter placed before the President of the United States, and no action taken by him. He neither followed the advice of the majority of the board that desired to purchase the Cuban crop and control the situation nor did he follow the advice of the single member of the board who advised against buying the Cuban crop. He did nothing. One of two things should have been done. The administration failed to do either. If the Cuban crop was not to be bought in the summer of 1919, then early in that season the board should have abandoned its control of the sugar situation, in the face of a large supply of sugar, in which event the law of supply and demand would have kept the price of sugar reasonably low. But the President failed to advise the control of the situation in the purchase of the Cuban crop and he failed to advise that price fixing be abandoned and the law of supply and demand be allowed to operate for the reduction of the price.

The Attorney General in that situation did the one thing that was certain to increase the price of sugar. He let it be known that there would be no prosecutions for profiteering if a wholesale price of 17½ cents a pound were charged for the unrefined Louisiana sugar crop. The inevitable result of that was to advance the price of sugar far beyond what it would have been if the administration had had no control of the situation whatever and made no pretense at fixing the price. The western beet-sugar growers were perfectly content with a wholesale price of 12½ cents a pound for refined granulated sugar. If, following Prof. Taussig, the administration had declined to buy the Cuban crop last summer and at the same time had gotten out of the sugar situation and left prices to adjust themselves, as Prof. Taussig suggested, prices would not have advanced greatly if at all. But by his act the Attorney General did as a matter of fact virtually fix the price of sugar at upward of 17½ cents per pound. But for this action affecting the price of Louisiana sugar the wholesale price to-day would probably be less than 12½ cents a pound, which the western beet-sugar producer has been glad to take for his sugar crop.

Mr. HARDY of Texas. Will the gentleman yield right there?

Mr. MONDELL. I have only a moment.

The administration, by the action of the Attorney General's office, did the very thing that was certain to advance the price of sugar 6 or 8 cents a pound above what it probably would have been under the operation of the laws of supply and demand, and by so doing laid upon the American people a burden running into the billions of dollars. [Applause on the Republican side.]

I challenge anyone to find a parallel to this record.

If the Cuban crop had been purchased and the trade regulated, the price of sugar would have been lower than last year.

If it had been announced that the Cuban crop was not to be bought and the trade allowed to operate under natural laws, the result would probably have been the same, but the Cuban crop was not purchased and notice was given that unrefined Louisiana sugar could be sold wholesale at 17½ cents. Result, sugar prices of from 18 to 25 cents retail.

Mr. HARDY of Texas. Will the gentleman yield for just one question?

The SPEAKER. The gentleman's time has expired.

Mr. GARRETT. Mr. Speaker, when my eye fell upon this remarkable resolution and I had absorbed its contents, I confess the thought never entered my mind that it would be taken with any degree of seriousness whatsoever. I had supposed that it was one of those innumerable resolutions that flutter in and flutter out and are gone and forgotten.

But I guess I ought to have known better.

Our early impressions are strong. I came to the Congress many years ago when the Republican Party was in power and when it was the custom to do things, when it followed a magnificent leadership that dealt with serious things in a serious way. And I thought, too, of its conduct while it was in the minority and under the control of a leadership that dealt with serious things in a serious way and threw the trivial aside. Thinking of that, and forgetting the present condition for the moment, I assumed that surely this resolution with its sinister suggestion, with its cowardice partly dissembled but not wholly concealed, this useless thing, this covert attack upon the integrity of the highest law officer of this Government, would not in a serious body of statesmen receive serious consideration. [Applause on the Democratic side.]

I should have remembered the present, and then I would not have been so grievously disappointed when on yesterday the Committee on Rules reported out this resolution. I ought to have remembered that the leadership on the Republican side has reached that point where in order to divert attention from its hopeless incapacity and its legislative idiocy it greedily seizes upon anything, however silly it may be. [Applause on the Democratic side.]

And so we have this resolution. What does it mean and what is it for? For legislative purposes? Admittedly no. For what purpose? To impeach the Attorney General of the United States? If that is the purpose, the brave way to do it, the right way to do it, is for a gentleman to arise and upon his responsibility as a Member of the House of Representatives impeach the Attorney General. I challenge any man of you to take that brave course and put it to the test. [Applause on the Democratic side.] The brilliant Attorney General of the United States, in a long and busy political career, has accumulated a number of enemies, political enemies, when he was a Member of Congress; enemies as Attorney General; enemies while he was the Alien Property Custodian, and these last-mentioned enemies of the Attorney General were also the enemies of his country. [Applause on the Democratic side.] Oh, the facts are known here. There is nothing to conceal; nothing has been concealed. The price of sugar, in fact, was reduced from 25 to 40 cents a pound down to 17 or 18 cents by reason of action perfectly legal and wholly proper, taken by the Department of Justice after full and free consultation.

Here in this hour, when the gentleman from Kansas [Mr. CAMPBELL] has in his pocket a rule unanimously reported from the Committee on Rules touching a bill unanimously reported from the Committee on Patents, to take up legislation urged by the business men of this country, with this side ready to take it up and legislate, ready to do something—in this hour, with that legislation waiting, we pause in the midst of doing nothing to do something worse. [Laughter and applause on the Democratic side.]

Gentlemen, there is an intelligence on the Republican side of the House to which I would venture to make an appeal if I could know that the hand that reaches out from that mysterious room labeled "steering committee" could be lifted for a moment from the heads of those on that side and permit them to act upon their own judgment and upon their own intelligence and upon their own conscience in this matter. There is a sense of shame that I could appeal to if the steering committee did not get in the way. [Applause on the Democratic side.] But I suppose the edict has gone forth; that is my information. You must line up and do this silly thing, which not a school child in America who understood the facts and had a proper sense of proportion would think of giving consideration to.

Gentlemen, the power is yours. We shall not upon this side sit quietly by and acquiesce in this ridiculous performance. We can not prevent its passage, but we can at least maintain, so far as we are concerned, that decency of conduct, that order of procedure which, let us hope, will continue to give to the people of the United States some reason to have at least a little respect for the House of Representatives. [Prolonged applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I?

The SPEAKER. Eight minutes.

Mr. CAMPBELL of Kansas. I yield seven minutes to the gentleman from Ohio [Mr. FESS].

The SPEAKER. The gentleman from Ohio is recognized for seven minutes.

Mr. FESS. Mr. Speaker, I have had some correspondence on the sugar question with the Department of Justice. Having received several complaints on the sugar situation, some of them very serious, and having also received some letters sent out by mercantile houses stating the Government-regulation prices, I thought that it was the proper thing for me to convey to the Department of Justice this correspondence. I did it after consultation with one of the leading Members on the Democratic side, the former chairman of the Committee on Ways and Means, in the belief that this was a question that was sufficiently important to be considered without a political bias, and therefore I sent the correspondence to the Department of Justice and asked the Attorney General to give me the information, that I might give it to the people appealing to me for relief.

I have that correspondence—a letter from the department, not signed by the Attorney General but by one of the men in the Department of Justice who knows most about the sugar situation. My intention was to try to get at, if possible, the real situation in the upward scale of prices, and to do that I went to the source. When unsatisfactory information comes in response to such effort, and a resolution is presented to the Committee on Rules looking to a better and more definite method to get the information, since we are not able to get it directly, we have an arraignment in the form of an assault upon the Congress—that part of it that is controlling Congress to-day—on the basis that we are not doing important things but that we are frittering our time away on unimportant matters. I would rather take the view of the gentleman who is now at the Reporter's desk, Mr. MOORE of Virginia, a distinguished Democrat, who, quite unlike others who have spoken, does see some importance in finding the facts about which many people are suffering.

I now want to say to my Democratic friends that our concern is not so much an attack or an offense on the Attorney General; his reputation is not the only thing nor the most important that is to-day at stake. That is not our purpose, so far as I am concerned; and when any Representative, any responsible Member of the Democratic minority, asserts that the people who buy sugar have no rights in this House to be demanded, but that the man who must be held responsible for the protection of those rights under the laws of their own making must not be criticized because he happens to be unable to secure results, whether from oversight or because he does not exercise his authority, then you and I differ. [Applause on the Republican side.]

The people who use sugar, which comprehends our entire population, have the right to be concerned about an ever-scaling price, still going on up; and when I have a letter like this, which I hold in my hand, showing the quotations for sugar are, "Pure cane, powdered, 21 cents per pound; and 4–X, 21¼; granulated, 20½; clarified, 20; light brown, 18¼," quoted by a wholesale dealer to the retailer, given with this instruction:

These prices are in conformity with the Government regulations and are all net f. o. b. Cincinnati sight-draft bill of lading attached.

It is not frittering time to get at the source.

A Democratic Member who read this statement said to me, "It is an outrage." He urged me to send it at once to the Department of Justice and ask them for an explanation of it.

I did so, and I have here the letter of the Department of Justice, which, as usual, leaves you where it found you.

The Department of Justice has established no fixed prices on sugar.

That probably is an effort to state that the wholesale dealer was not authorized to make the statement that these rates are in conformity to governmental regulations.

Under the food-control act, it is unlawful to make an unreasonable rate or charge in the handling of this necessary. The planter is exempted from the operation of this act, and dealers in Cuba are not under the jurisdiction of the law.

What is in this response not known before, and what relief does it hold out?

The Department of Justice knew that when it was recommended that the Government purchase the Cuban sugar. If the Government has the ability to regulate prices, as would be suggested by the creation of the Sugar Equalization Board, whose recommendation it is taking, then the Government had the right to use common sense to control the price of sugar in the interest of the consumer, instead of allowing the Government's machinery to be used to prevent the operation of the law of supply and demand. [Applause.] Why, gentlemen on the Democratic side of the House will agree; I know that there would be no question about their agreeing that when the Government interferes with natural laws the people invariably suffer, if there had not been injected here some personality. Gentlemen on the other side of the aisle resist, because it is thought that there is an effort to attack an individual, especially prominent in the public eye, which is not my purpose, for, personally, I think too well of the individual whom you are mentioning to make an attack. If I attack any particular conduct of his, that is a different thing, it is not personal, for that is a matter of the public service. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

Mr. STEENERSON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Does that cut off any opportunity for amendment?

Mr. CAMPBELL of Kansas. Yes.

Mr. STEENERSON. I have an amendment I would like to offer.

Mr. HASTINGS. Vote down the previous question then.

Mr. CAMPBELL of Kansas. I move the previous question.

The SPEAKER. The gentleman from Kansas moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT. On that I ask for the years and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 124, answered "present" 3, not voting 131, as follows:

YEAS—169.

Ackerman	Garland	McKenzie	Shreve
Andrews, Md.	Glynn	McKinley	Siegel
Andrews, Nebr.	Graham, Ill.	McLaughlin, Mich.	Sinclair
Anthony	Green, Iowa	McLaughlin, Nebr.	Sinnott
Ashbrook	Greene, Vt.	MacCrate	Smith, Idaho
Baer	Griest	MacGregor	Smith, Mich.
Barbour	Hadley	Madden	Steenerson
Begg	Hardy, Colo.	Magee	Stephens, Ohio
Bland, Ind.	Harreld	Mapes	Strong, Kans.
Britten	Hawley	Merritt	Strong, Pa.
Brooks, Ill.	Hays	Michener	Summers, Wash.
Brooks, Pa.	Hernandez	Miller	Sweet
Browning	Hersey	Monahan, Wis.	Taylor, Tenn.
Burdick	Hickey	Mondell	Temple
Burke	Hicks	Moore, Ohio	Thompson
Burroughs	Hoch	Moores, Ind.	Tilson
Campbell, Kans.	Houghton	Morgan	Timberlake
Cannon	Hulings	Mott	Tincher
Chindblom	Hull, Iowa	Nelson, Wis.	Tinkham
Christopherson	Husted	Newton, Minn.	Towner
Cole	Hutchinson	Newton, Mo.	Treadway
Cooper	Ireland	Nichols, Mich.	Vaile
Crago	James	Nolan	Vare
Dale	Jefferis	Ogden	Vestal
Dallinger	Johnson, Wash.	Osborne	Voigt
Darrow	Juul	Parker	Volstead
Davis, Minn.	Kearns	Peters	Walsh
Denison	Keller	Platt	Walters
Dickinson, Iowa	Kelly, Pa.	Radcliffe	Ward
Dowell	Kiess	Ramsey	Wason
Dunbar	King	Ramseyer	Watson
Dunn	Kleczka	Randall, Calif.	Webster
Echols	Knutson	Randall, Wis.	Wheeler
Emerson	Kraus	Reber	White, Kans.
Esch	Lampert	Reed, W. Va.	White, Me.
Evans, Nebr.	Layton	Rhodes	Wilson, Ill.
Fairfield	Lehlbach	Ricketts	Wood, Ind.
Fess	Little	Rogers	Woodyard
Focht	Longworth	Rose	Young, N. Dak.
Foster	Luce	Rowe	Zihlman
Freeman	McArthur	Sanders, N. Y.	
French	McCulloch	Sanford	
Fuller, Ill.	McFadden	Scott	

NAYS—124.

Aswell	Dickinson, Mo.	Lankford	Raker
Babka	Dominick	Lazaro	Rayburn
Barkley	Donovan	Lea, Calif.	Riordan
Bee	Drane	Lee, Ga.	Romjue
Bell	Dupré	Lesher	Rouse
Black	Eagan	Linthicum	Rubey
Bland, Mo.	Evans, Mont.	Lonergan	Sanders, La.
Bland, Va.	Evans, Nev.	McGlennon	Sears
Blanton	Fisher	McKeown	Sherwood
Box	Gallagher	McKiniry	Sims
Brand	Gandy	Martin	Sisson
Briggs	Ganly	Mays	Small
Brinson	Gard	Mead	Smithwick
Buchanan	Garner	Minahan, N. J.	Stedman
Byrns, Tenn.	Garrett	Montague	Stevenson
Caldwell	Goldfogle	Moon	Stoll
Campbell, Pa.	Goodwin, Ark.	Mooney	Sumners, Tex.
Cantrill	Hardy, Tex.	Moore, Va.	Taylor, Ark.
Carew	Harrison	Neely	Taylor, Colo.
Carss	Hastings	Nelson, Mo.	Thomas
Casey	Hayden	O'Connor	Tillman
Clark, Mo.	Holland	Oldfield	Upshaw
Cleary	Hull, Tenn.	Overstreet	Vinson
Condy	Igoe	Padgett	Watkins
Collier	Jacoway	Park	Weaver
Connally	Johnson, Ky.	Parrish	Welling
Crisp	Johnson, Miss.	Pell	Welty
Cullen	Jones, Tex.	Phelan	Wilson, La.
Davey	Kincheloe	Pou	Woods, Va.
Davis, Tenn.	Kitchin	Quin	Wright
Dewalt	Lanham	Rainey, H. T.	Young, Tex.

ANSWERED "PRESENT"—3.

Kinkaid	Paige	Tague

NOT VOTING—131.

Almon	Benham	Bowers	Candler
Anderson	Benson	Browne	Caraway
Ayres	Blackmon	Brumbaugh	Carter
Bacharach	Boies	Butler	Clark, Fla.
Bankhead	Booher	Byrnes, S. C.	Classon
Copley	Gould	Luhring	Rodenberg
Costello	Graham, Pa.	McAndrews	Rowan
Cramton	Greene, Mass.	McClintic	Rucker
Crowther	Griffin	McDuffie	Sabath
Currie, Mich.	Hamill	McLane	Sanders, Ind.
Curry, Calif.	Hamilton	McPherson	Schall
Dempsey	Haugen	Maher	Scully
Dent	Heflin	Major	Sells
Dooling	Hersman	Mann, Ill.	Slemp
Doremus	Hill	Mann, S. C.	Smith, Ill.
Doughton	Hoey	Mansfield	Smith, N. Y.
Dyer	Howard	Mason	Snell
Eagle	Huddleston	Morin	Snyder
Edmonds	Hudspeth	Mudd	Steagall
Elliott	Humphreys	Murphy	Steele
Ellsworth	Johnson, S. Dak.	Nicholls, S. C.	Stephens, Miss.
Elston	Johnston, N. Y.	O'Connell	Stiness
Ferris	Jones, Pa.	Oliver	Sullivan
Fields	Kahn	Olney	Swope
Flood	Kelley, Mich.	Porter	Venable
Fordney	Kendall	Purnell	Whaley
Frear	Kennedy, Iowa	Rainey, Ala.	Williams
Fuller, Mass.	Kennedy, R. I.	Rainey, J. W.	Wilson, Pa.
Gallivan	Kettner	Reavis	Wingo
Godwin, N. C.	Kreider	Reed, N. Y.	Winslow
Good	Langley	Riddick	Wise
Goodall	Larsen	Robinson, N. C.	Yates
Goodykoontz	Lufkin	Robsion, Ky.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. REAVIS with Mr. HOWARD.

Mr. RODENBERG with Mr. HERSMAN.

Mr. WILLIAMS with Mr. MANSFIELD.

Mr. KENNEDY of Rhode Island with Mr. TAGUE.

Mr. BUTLER with Mr. STEELE.

Mr. KAHN with Mr. DENT.

Mr. YATES with Mr. AYRES.

Mr. CROWTHER with Mr. JOHN W. RAINEY.

Mr. FULLER of Massachusetts with Mr. STEPHENS of Mississippi.

Mr. PORTER with Mr. HOEY.

Mr. JONES of Pennsylvania with Mr. WISE.

Mr. MUDD with Mr. VENABLE.

Mr. MANN of Illinois with Mr. SULLIVAN.

Mr. JOHNSON of South Dakota with Mr. MAHER.

Mr. FORDNEY with Mr. OLNEY.

Mr. GOODYKOONTZ with Mr. SMITH of New York.

Mr. FREAR with Mr. ROWAN.

Mr. ELSTON with Mr. GRIFFIN.

Mr. DYER with Mr. CARTER.

Mr. BOWERS with Mr. DOOLING.

Mr. BACHARACH with Mr. BENSON.

Mr. MORIN with Mr. BRUMBAUGH.

Mr. TAGUE. Mr. Speaker, I am paired with the gentleman from Rhode Island, Mr. KENNEDY. If he were here, he would vote "aye" and I vote "no." I wish to withdraw my vote of "no" and answer "present.'

Mr. DONOVAN. Mr. Speaker, the gentleman from Illinois, Mr. JOHN W. RAINEY, is engaged in an important meeting of the Agricultural Committee. If present, he would vote "no."

Mr. CARTER. Mr. Speaker, I did not hear my name called.

The result of the vote was announced as above recorded.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on agricultural production.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JUUL. Mr. Speaker, I ask unanimous consent to extend my remarks on Senate joint resolution No. 156, the Polish resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS, for to-morrow, on account of official business.

To Mr. MASON, indefinitely, on account of important business.

POINT OF NO QUORUM.

Mr. BLANTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. The Chair thinks that there is not a quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House; the gentleman from Texas is not going to adjourn the House every day. I think a quorum is present.

Mr. VARE. Mr. Speaker, the roll was called only a short time ago, and a quorum was present.

The SPEAKER. Some business has intervened in the meantime. The gentleman from Kansas moves a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Edmonds	Kahn	Rainey, Ala.
Anderson	Elliott	Kelley, Mich.	Rainey, J. W.
Anthony	Ellsworth	Kelly, Pa.	Randall, Calif.
Ashbrook	Elston	Kendall	Rayburn
Ayres	Esch	Kennedy, Iowa	Robinson, N. C.
Bacharach	Ferris	Kennedy, R. I.	Robsion, Ky.
Bankhead	Fields	Kettner	Rowan
Benson	Fisher	Kreider	Rubey
Blackmon	Flood	Langley	Rucker
Boies	Frear	Larsen	Sabath
Booher	Freeman	Layton	Sanders, Ind.
Bowers	Fuller, Mass.	Lufkin	Sanders, La.
Browne	Gallivan	Luhring	Schall
Browning	Gard	McAndrews	Scott
Brumbaugh	Godwin, N. C.	McArthur	Scully
Buchanan	Good	McClintic	Sells
Burroughs	Goodall	McDuffie	Sims
Butler	Gould	McKinley, Ill.	Slemp
Byrnes, S. C.	Graham, Pa.	McLane	Small
Caldwell	Greene, Mass.	McPherson	Smith, Ill.
Candler	Griffin	Maher	Smith, N. Y.
Cantrill	Hamill	Major	Snell
Caraway	Hamilton	Mann, Ill.	Snyder
Clark, Fla.	Hardy, Tex.	Mann, S. C.	Steagall
Classon	Haugen	Mason	Steele
Copley	Heflin	Mays	Stephens, Miss.
Costello	Hersey	Montague	Stiness
Cramton	Hersman	Morin	Sullivan
Crowther	Hill	Mott	Swope
Currie, Mich.	Hoey	Mudd	Taylor, Colo.
Curry, Calif.	Huddleston	Murphy	Taylor, Tenn.
Davis, Tenn.	Hudspeth	Newton, Minn.	Towner
Dempsey	Hulings	Nicholls, S. C.	Venable
Dent	Humphreys	O'Connell, N. Y.	Whaley
Dewalt	James	Oliver	Wingo
Dooling	Jefferis	Olney	Winslow
Doremus	Johnson, S. Dak.	Padgett	Wise
Doughton	Johnson, Wash.	Parker	Woodyard
Dunn	Johnston, N. Y.	Pou	Wright
Eagle	Jones, Pa.	Purnell	Yates

The SPEAKER. Two hundred and sixty-seven Members have answered to their names, a quorum.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

INCREASING FORCE AND SALARIES IN PATENT OFFICE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 457.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11984, being a bill to increase the force and salaries in the Patent Office, and for other purposes. That there shall be not to exceed two hours' general debate, one-half to be controlled by the chairman of the Committee on Patents and one-half by the ranking member of the minority of said committee. At the conclusion of the general debate the bill shall be read for amendment under the five-minute rule; whereupon the bill shall be reported to the House with the amendments, if any, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, this rule brings before the House for consideration a bill unanimously reported from the Committee on Patents, and I may say that the resolution itself was unanimously reported from the Committee on Rules. Does the gentleman from Tennessee desire to discuss the resolution?

Mr. GARRETT. I do not want any time, though I desire to ask the gentleman from Kansas a question. What is the program for to-morrow? Is the purpose to go on with this bill or to take up the Private Calendar?

Mr. CAMPBELL of Kansas. The purpose is to take up this bill to-morrow.

Mr. GARRETT. And to set aside the regular business?

Mr. CAMPBELL of Kansas. We will take up the Private Calendar after this bill is disposed of. It is not probable that this bill will take all day.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12046. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3076. An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KRAUS, for to-morrow, on account of official business.

GRANTING CERTAIN LANDS TO SANDPOINT, IDAHO.

The SPEAKER. The bill (H. R. 9702) granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water supply system of that city has been improperly referred to the Private Calendar. It should be properly on the Union Calendar, and the Chair directs such transfer to be made.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Friday, March 5, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Labor, submitting a proposed change in wording of the appropriation for "Miscellaneous expenses, Bureau of Naturalization, 1921" (H. Doc. No. 669); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill for the relief of Capt. D. H. Tribou; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 11004) to grant certain lands to the village of Downey, State of Idaho, for the protection of its water supply, reported the same with amendments, accompanied by a report (No. 707), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 12905) transferring the tract of land known as Chapman field from the jurisdiction of the War Department to the jurisdiction of the Navy Department; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12906) providing additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria, and to provide revenue therefor; to the Committee on Ways and Means.

By Mr. LUFKIN: A bill (H. R. 12907) to enable vessels, wherever built, purchased from the United States Navy, to be documented as vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. WHITE of Maine: A bill (H. R. 12908) to incorporate the Roosevelt Memorial Association; to the Committee on the District of Columbia.

By Mr. GRIGSBY: A bill (H. R. 12909) to provide for the improvement of transportation by water to and from and within the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. JOHNSON of Washington: A bill (H. R. 12910) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WOODS of Virginia: A bill (H. R. 12911) to provide for an investigation and report upon the condition of the Chain Bridge, across the Potomac River, and the preparation of plans for a bridge to take the place thereof should it be deemed necessary; to the Committee on the District of Columbia.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 484) requesting the Secretary of War to furnish certain information to the Committee on Ways and Means of the House of Representatives; to the Committee on Ways and Means.

By Mr. WALSH: Joint resolution (H. J. Res. 311) authorizing the President of the United States to manage and operate the Cape Cod Canal, in the State of Massachusetts; to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: Concurrent resolution (H. Con. Res. 53) to print 10,000 copies of Senate Document No. 219, Fifty-sixth Congress, second session; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS of Illinois: A bill (H. R. 12912) granting a pension to Garrett Williamson; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 12913) granting an increase of pension to William B. Carr; to the Committee on Invalid Pensions.

By Mr. DAVEY: A bill (H. R. 12914) granting an increase of pension to Charles P. Streator; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting an increase of pension to Rachel Sethman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) granting an increase of pension to Salonas Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting an increase of pension to Oscar Brewster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12918) granting a pension to George H. Nighman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12919) granting a pension to Clara C. Biernbaumer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12920) granting a pension to Mary L. Brown Point; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12921) granting a pension to William B. Spencer; to the Committee on Pensions.

Also, a bill (H. R. 12922) for the relief of Edward Carter; to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 12923) for the relief of C. P. McManus; to the Committee on Claims.

By Mr. LAYTON: A bill (H. R. 12924) granting an increase of pension to Thomas Clark; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 12925) granting an increase of pension to Frederick A. Reen; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 12926) granting a pension to Maggie Crouch; to the Committee on Pensions.

Also, a bill (H. R. 12927) for the relief of J. W. Glidden and E. F. Hobbs; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 12928) for the relief of Abram H. Johnson; to the Committee on Military Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 12929) granting an increase of pension to George D. Appel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) granting a pension to Cornelia K. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12931) granting an increase of pension to James K. Johnson; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 12932) for the relief of William V. Nolan; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 12933) granting an increase of pension to Samuel Cobb; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12934) for the relief of the owners of the dredge *Maryland*; to the Committee on Claims.

By Mr. SINNOTT: A bill (H. R. 12935) for the relief of Fred Emberger; to the Committee on Claims.

By Mr. STOLL: A bill (H. R. 12936) for the relief of Robert J. Kirk; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 12937) granting a pension to Mary C. Brandyberry; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 12938) granting an increase of pension to William Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12939) granting a pension to Sarah R. Gibson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2069. By the SPEAKER (by request): Petition of citizens of the State of Delaware, relative to the United States policy of noninterference in foreign affairs; to the Committee on Foreign Affairs.

2070. By Mr. CAREW: Petition of the Assembly of the National and State Bankers at New Orleans, La., relative to the Federal reserve act; to the Committee on Banking and Currency.

2071. By Mr. DICKINSON of Iowa: Petition of American Legion Post No. 121, Forest City, Iowa, for deferred compensation of not less than $50 per month for each month of military service; to the Committee on Ways and Means.

2072. Also, petition of David Alonzo Paul Post of the American Legion, Gilman, Iowa, for Federal bonus of $50 per month for military service; to the Committee on Ways and Means.

2073. By Mr. EDMONDS: Petition of the Philadelphia Board of Trade, opposing the passage of H. R. 10738; to the Committee on the Judiciary.

2074. By Mr. EMERSON: Petition of the Marcellus Tenney Post, No. 71, of the American Legion, in favor of adjusted compensation for the ex-service men and women; to the Committee on Ways and Means.

2075. By Mr. KELLY of Pennsylvania: Petition of the Chamber of Commerce of Pittsburgh, Pa., favoring the budget system; to the Committee on Budget.

2076. By Mr. LUCE: Petition of 2,023 citizens of the State of Massachusetts, favoring daylight saying in the eastern-time belt; to the Committee on Interstate and Foreign Commerce.

2077. By Mr. MAHER: Petition of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., urging the passage of the Lehlbach bill; to the Committee on Reform in the Civil Service.

2078. By Mr. O'CONNELL: Petition of the Merchants' Association of New York City, relative to certain provisions in the Army reorganization bill; also of the St. Luke's Alumnæ Hospital Association, of New York, relative to section 10 of the reorganization bill; to the Committee on Military Affairs.

2079. Also, petition of the Dried Fruit Association of the City of New York, indorsing the Calder bill; to the Committee on Interstate and Foreign Commerce.

2080. Also, petition of Gifford Pinchot, president of the National Conservation Association, Washington, D. C., relative to the water-power bill, H. R. 3184; to the Committee on Water Power.

2081. Also, petition of E. H. Hooker, of New York City, urging the restoration of the commercial attachés' service; to the Committee on Appropriations.

2082. By Mr. RAKER: Petition of Charles P. Jones, of Melvyn Smith Post, No. 58, American Legion, urging the passage of legislation giving extra compensation to ex-service men; to the Committee on Ways and Means.

2083. Also, petition of the Foreign Trade Club of San Francisco, Calif., urging that the appropriation for the Bureau of Foreign and Domestic Commerce should not be cut; to the Committee on Interstate and Foreign Commerce.

2084. By Mr. ROSE: Petition of citizens of Altoona, Pa., and vicinity, desiring the passage of House bill 1112, providing for the parole of Federal prisoners; to the Committee on the Judiciary.

2085. Also, petition of citizens of New Enterprise, Pa., against a compulsory military training bill and favoring a physical training law; to the Committee on Military Affairs.

2086. By Mr. SMITH of Idaho: Petition of Boise Trades and Labor Council, of Boise, Idaho, and Central Labor Union of St. Maries, Idaho, opposing the enactment of the antisedition laws; to the Committee on the Judiciary.

2087. Also, petition of the Board of Highway Commissioners of Shoshone highway district No. 2, of Shoshone, Idaho, and commissioners of Twin Falls highway district, Twin Falls, Idaho, urging Federal aid appropriation for road construction; to the Committee on Roads.

2088. By Mr. STEENERSON: Petition of William J. Tiedemann, John A. Groberg, and E. Erickson, of the ninth congressional district of the State of Minnesota, against universal military training; to the Committee on Military Affairs.

2089. Also, petition of members of the Barnesville (Minn.) Cooperative Creamery Association, against universal military training; to the Committee on Military Affairs.

SENATE.

FRIDAY, *March 5, 1920.*

(Legislative day of Wednesday, March 3, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Glass	Knox	Sheppard
Borah	Gronna	Lenroot	Smith, Ga.
Brandegee	Hale	Lodge	Smith, Md.
Calder	Harris	McCormick	Smith, S. C.
Capper	Henderson	McLean	Smoot
Chamberlain	Hitchcock	McNary	Spencer
Colt	Johnson, S. Dak.	New	Sterling
Culberson	Jones, N. Mex.	Norris	Sutherland
Cummins	Jones, Wash.	Nugent	Townsend
Curtis	Kellogg	Overman	Trammell
Dillingham	Kendrick	Phipps	Wadsworth
Edge	Kenyon	Pittman	Watson
France	Keyes	Poindexter	Williams
Frelinghuysen	King	Ransdell	
Gay	Kirby	Reed	

Mr. KING. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Massachusetts [Mr. WALSH] is absent on account of the death of a member of his family.

The Senator from California [Mr. PHELAN], the Senator from Rhode Island [Mr. GERRY], the Senator from Montana [Mr. WALSH], the Senator from Tennessee [Mr. SHIELDS], and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

I wish to announce the absence of the Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], the Senator from Delaware [Mr. BALL], the Senator from Maine [Mr. FERNALD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. ASHURST], and the Senator from South Carolina [Mr. DIAL] in attendance at the funeral of the late Senator BANKHEAD.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

ANNIE E. CARSON.

Mr. OVERMAN. Mr. President, as in legislative session, I ask unanimous consent to submit a resolution to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution (S. Res. 321) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Annie E. Carson, widow of Robert Carson, late an employee on the maintenance roll of the Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

MISS JULIA LATHROP'S TRIP TO EUROPE.

Mr. SMOOT. Mr. President, I have a letter from an American mother who had two sons in the World War, calling attention to a clipping in the Washington Post of March 3, 1920. The clipping is as follows:

MISS LATHROP GOING ABROAD—WILL STUDY CONDITIONS OF CHILDREN IN CZECHOSLOVAKIA.

Miss Julia Lathrop, Chief of the Child Welfare Bureau, Department of Labor, on Saturday will sail from New York, aboard the *Imperator*, for Czechoslovakia, where she will study the conditions confronting the children of the new Republic.

While in Prague, Miss Lathrop will be the guest of President Masaryk and his daughter, Dr. Alice Masaryk, at the castle of Hradcany, the White House of Czechoslovakia.

The writer of the letter says, among other things:

I want to call your attention to the above clipping.

It seems strange to a taxpayer that this woman has to go so many thousand miles to study.

It is about time that such junkets were halted.

Mr. President, I simply call attention to this because I believe that all such junketing trips should cease. I think there is plenty to do here in America, studying the conditions of children and child labor, without going abroad. I have been trying to find out from what appropriation moneys are spent for this purpose, but so far I am uninformed.

Mr. OVERMAN. She is the head of the Children's Bureau?

Mr. SMOOT. Yes; the head of it.

Mr. OVERMAN. That is the bureau which was to cost but $25,000 per annum.

Mr. SMOOT. Yes; that was the promise made when the bureau was created.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, in which it requested the concurrence of the Senate.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. KNOX. Mr. President, I send to the desk a reservation which I propose to offer to the resolution of ratification of the treaty with Germany. I ask that it may be printed and lie on the table.

The PRESIDENT pro tempore. It will be so ordered.

Mr. LODGE. I should like to have it read.

The PRESIDENT pro tempore. The Secretary will read the proposed reservation.

The reading clerk read as follows:

The credit of the United States shall not be pledged by or through any action of any representative of the United States or by any of the organs of government of the League of Nations without the prior affirmative authority of Congress.

The PRESIDENT pro tempore. The question is upon reservation No. 8, reported from the Committee on Foreign Relations.

Mr. LODGE. To that I offer no modification, and I ask that we may have a vote upon it.

Mr. KING. Let it be read.

The PRESIDENT pro tempore. The reservation will be read.

The Assistant Secretary read as follows:

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

Mr. REED. I do not desire to interfere with the Senator from Massachusetts if he has the floor.

Mr. LODGE. I have the floor only to ask for a vote; that is all.

Mr. REED. Mr. President, I desire to make a correction.

I notice in two of the Washington papers the statement is rather broadly made that I voted against the Shantung amendment on yesterday. I know that the statement was merely the result of inadvertence. I voted against an amendment the Senator from Massachusetts offered to his reservation, because I thought it did not add anything to the strength of his reservation, but I voted for the reservation.

I hope if the press report has carried the story to the country that I voted against the Shantung reservation the press will be kind enough to correct it.

The PRESIDENT pro tempore. The question is on agreeing to reservation No. 8.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, I suppose nothing that can be said is liable to make any change in the vote on this reservation, but I still shall venture to call attention to the impossibility of such a reservation as is proposed.

The treaty constitutes the reparation commission, and the reparation committee is placed in control practically of the economic resources of Germany, and to a large extent it is placed in control of the amount of reparation which Germany must pay. The United States has, if it enters into this treaty, a member on that reparation commission. If so represented by a member of the commission, the United States will have a large voice in the orders of the commission. It will have a disinterested voice to a large extent, for the reason that the United States has little or no interest in the amount of reparation which Germany shall pay.

But when you stipulate in this reservation that it is a condition of our adherence to the treaty that the reparation commission shall make no order interfering with the exports from Germany to the United States or the exports from the United States to Germany you make it impossible for the reparation commission to function. If the United States, through its Congress, can control the reparation commission, any nation whose representative sits on the reparation commission can do the same thing. Our influence on the reparation commission must necessarily be through the action of our member on the commission, and that influence will be large, and, as I said, disinterested. To stipulate that we will not ratify the treaty except upon the condition that Congress shall control the reparation commission in its control of German commerce is to take an impossible position.

Mr. KING. Will the Senator permit an inquiry?

Mr. HITCHCOCK. Certanly.

Mr. KING. As I understand, the contention of those who support this reservation is that unless there is a reservation of this character the reparation commission might abrogate the tariff laws which might be enacted by Congress and permit the products of Germany to come into the United States under entirely different terms from those imposed upon the products of other countries; in other words, that they would have the power under the treaty to supersede the laws of Congress, and to repeal any enactment of Congress relative to our trade and commerce with Germany. What does the Senator say with respect to that broad contention, which I understand is made?

Mr. HITCHCOCK. I think such a contention has no foundation in fact. The powers of the reparation commission do not extend to the matter of tariffs at all. The chief control which the reparation commission is to exercise over German imports is its control over the gold of Germany. For a certain length of time the reparation commission has the power to say to what extent Germany shall be allowed to export her gold.

It might be said that if the reparation commission prohibits Germany from exporting any gold it might make it difficult for Germany to have any imports on the theory that only by gold could Germany pay for them. It is true also that if Germany should go into foreign countries, including the United States, and there borrow money and establish credits the reparation commission would at once have a mortgage upon the money or credit so secured. It is very probable, however, that the reparation commission, inspired with the idea of aiding Germany to get upon her feet and pay her debts, will relieve Germany from that mortgage upon money that she borrows in foreign countries.

Mr. GRONNA. Mr. President, will the Senator from Nebraska yield merely for a brief question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I yield.

Mr. GRONNA. The Senator has just stated that the reparation commission would not have anything to do with the tariff. That may or may not be so; but is it not possible that the reparation commission might, in an indirect way, have something to do with the tariff? For instance, would the reparation commission have power to place an embargo on either imports or exports? If it would have that power, would it not really have something to do with the tariff? Of course, there could be no goods imported and no goods exported under those circumstances. It would be a case of absolute prohibition.

Mr. HITCHCOCK. The reparation commission, probably, in its control of the German economic resources, has some power to compel Germany to levy certain taxes; it has the power to see that Germany does not shirk its obligations to the nations represented on the reparation commission by failing to levy sufficient taxes to meet those obligations; it has the power to enforce against Germany the obligation which Germany has assumed in the treaty to tax its people to an extent equal at least to the taxes levied by the people of other countries that have been engaged in the war. To that extent it might compel Germany to raise a certain amount of money by taxation; but that levy of taxes would not apply to one country any more than to another. It would not necessarily apply to a tariff tax in Germany at all. It might be directed toward internal taxes, directing Germany to levy a larger income tax or a larger inheritance tax or simply a demand that Germany shall increase its revenues for the purpose of paying its debts. There is, however, a provision that there shall be equality between the nations, and that the United States shall have all the privileges in the ports of Germany, in the commerce of Germany, that any other nation represented on the commission shall have; and it is only by adhering to the treaty and becoming a member of the reparation commission that the United States secures such equality. We can not expect to have it if we remain outside of the treaty.

Mr. REED. The Senator says we can not expect to have equality if we remain outside of the treaty, and that the only way the United States can protect itself in its trade with Germany is through the reparation commission.

Mr. HITCHCOCK. I am inclined to think that we might negotiate a treaty with Germany, if we are put to that recourse, and the treaty might provide that we should have equal facilities with other countries in the ports and in the commerce of Germany and under the tariffs of Germany.

Mr. REED. But suppose we did not negotiate any treaty at all, does the Senator think the United States could not go right on and trade? In other words, does the Senator think we have already got to the point where the only way we can trade with a country is by and through an agency of the league?

Mr. HITCHCOCK. What I have said is this: We are as yet technically at war with Germany.

Mr. REED. But we are not going to be so very long.

Mr. HITCHCOCK. We are only temporarily under an armistice; we can not renew our peaceful relations with Germany, which were provided for in formerly existing treaties of trade and commerce and amity until Germany gets ready to admit us to that relationship. It is possible that Germany is so bound up in the treaty which she has already negotiated with other nations that she would not be free to make any such arrangement with us without their consent.

Mr. REED. Mr. President, if that is true—and, of course, the Senator from Nebraska must think it is true or he would not make the suggestion—then, already, the United States has been deprived of freedom of action in dealing with a great nation, in dealing with one of her great markets and one of her great sources of supply. I hope that is not true. I want to know if the Senator from Nebraska really contends, this treaty now being in force, although we have not signed it, that the United States can not go on and merely declare a condition of peace with Germany by any sort of means that is open to us, and then be perfectly free to deal with Germany if we stay outside of the league?

Mr. HITCHCOCK. The Senator misunderstands me. I have not said anything about the league. The reparation commission is not the organ of the league; it has nothing to do with the league. We are now discussing something which is entirely outside of the league.

Mr. REED. It is in the German treaty.

Mr. HITCHCOCK. But it is not in the league. The Senator mentions the league. When we went to war with Germany we not only destroyed all our intercourse with Germany and entered into a great controversy which ultimately involves the settlement of thousands of millions of dollars, but we destroyed all of the existing treaties that we had with Germany.

Mr. REED. I understand that.

Mr. HITCHCOCK. We can not restore those treaties for commerce by simply saying that we have quit fighting or by adopting a resolution that we are at peace with Germany. We can only do it by means of a treaty.

Mr. REED. By this reparation commission?

Mr. HITCHCOCK. I have not said that. I say we can only do it by means of a treaty with Germany.

Mr. WILLIAMS. Unless we enter this treaty.

Mr. HITCHCOCK. Unless we enter this treaty.

Mr. REED. The way is open, however, if we do not enter this treaty, for the United States to make any treaty it sees fit with Germany as a sovereign power.

Mr. HITCHCOCK. Mr. President, the question the Senator raises is a very difficult question. We can, if we refuse to ratify this treaty, open negotiations with Germany to secure a treaty with her. Germany, however, is no longer a free agent to make a treaty with us; Germany has tied her hands and feet in the treaty which she has already made with the other nations of the world. Her powers of sovereignty are limited; her economic resources are tied up; and there may be things which Germany will not be able to do in a contract with us which she would like to do to put us upon an equality with the other nations.

Mr. REED. Then we have arrived at this situation, that Germany has entered into a treaty which not only deprives her of the power to make treaties of trade, commerce, and amity with the United States but deprives us of the opportunity to make such treaties; that is to say, this German treaty is so drawn as to deprive the United States of freedom of action. If so, it ought to be rejected by the Senate instanter—every line of it.

Mr. HITCHCOCK. Mr. President, what I have said is that Germany has already signed and ratified a treaty with her enemies in Europe, and with Japan also, which treaty has gone into effect, and that the powers of Germany to make a separate treaty with the United States are to a certain extent limited. We do not know—nobody knows—the extent to which Germany would be free, even if she desired, in a separate treaty with the United States to put us upon an equality with the other nations. The only way in which we are sure to be placed upon an equality with the other nations in our relations with Germany is to go into the treaty as they have gone into the treaty, which is still open for us to enter.

Mr. REED. And then——

Mr. WILLIAMS. Mr. President, will the Senator permit an interruption for a moment?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Mississippi.

Mr. WILLIAMS. In other words, I take it that what the Senator means is that Germany, having entered into one treaty, can not be expected to enter into another which would violate the terms of the first.

Mr. HITCHCOCK. Certainly not.

Mr. WILLIAMS. And to that extent her liberty of action is limited.

Mr. HITCHCOCK. Yes; her liberty of action is limited.

Mr. WILLIAMS. Our liberty of action to negotiate is not limited at all; but we have to have her consent and she can not, of course, consent to a treaty with us which would violate the provisions of another treaty which she has already ratified.

Mr. REED. Mr. President, let me state the trouble with that contention. Germany has entered into a treaty with France and Italy and Japan and Great Britain by which she has given them a superior jurisdiction over her commerce and, perhaps, certain other things. If we ratify this treaty, we agree to those limitations; we are in no position to protest or in any way to protect ourselves, and we must secure the national right of this country to deal with another country through a reparation commission nominated and controlled by European and Asiatic countries; that is to say, we already, as a first step in this proceeding, place ourselves under the control of an agency of these powers, which, whether we call it an agency of the League of Nations or not, is, nevertheless, the agency of foreign powers, and we are asked when we ratify this treaty to agree to that limitation upon the rights of this country. For what purpose? For the purpose of having anything paid to us, of gaining any benefits to ourselves? Not at all; but for the purpose of enabling certain foreign Governments to collect their debts from Germany. It strikes me that it is a very serious piece of business for the United States to agree to a thing of that kind.

I wish now to call the Senator back to the question. The question that is presented by this reservation is this:

> The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States only when the United States by act or joint resolution of Congress approves such regulation or interference.

Now, what is the converse of that? The converse is that the United States understands that the reparation commission may regulate and may interfere with exports from the United States to Germany and imports from Germany to the United States. When a man opposes this reservation he takes the position that he wants the reparation commission to have the right to regulate commerce between Germany and the United States; he takes the position that he prefers to have the reparation commission regulate commerce between the United States and Germany rather than have the Congress of the United States determine that question. That is the question we are discussing, and we need not get outside of it at all, for that is all that is presented by the pending reservation.

Mr. HITCHCOCK. Mr. President, the Senator has a misconception of this situation. The United States is not denied by the treaty any right or opportunity that is enjoyed by any other one of the nations that have been at war with Germany. On the other hand, if we ratify the treaty, we receive as a result of that treaty, through the administration of the reparation commission and otherwise, all of the benefits and all of the privileges which accrue to any other nation.

Mr. REED. Mr. President——

Mr. HITCHCOCK. I ask the Senator to let me proceed. I am willing to be interrupted, but I should like to finish the sentence.

Mr. REED. I do not want the Senator to get out of patience.

Mr. HITCHCOCK. The Senator interrupts not only me but everybody else and takes the floor, but I ask him now to wait until I finish or until I have proceeded a little further.

Mr. REED. I will be glad to wait until the Senator finishes.

Mr. HITCHCOCK. The Senator proceeds upon the theory that by keeping out of this treaty the United States will be in a position to assert its rights against Germany; that it will be in a position where it can go to Germany, of course, and seek to negotiate a new treaty; but when we reach Germany what will we find? We will find Germany has already entered into a treaty with Great Britain and France and Italy and the other nations of the world and has accorded to them privileges and immunities and benefits which she can not accord to the United States; she has bound herself by this treaty to give them opportunities and control over her economic resources which she can not give to a nation not protected by the treaty. If, however, we ratify the treaty and become represented upon the reparation commission the United States is in a position there not only to enjoy every benefit that Great Britain enjoys with the trade of Germany, every benefit which France enjoys with the trade of Germany, every benefit which Italy enjoys with the trade of Germany, every benefit which the most favored nation in the world enjoys with the trade of Germany, but she secures a voice in the control over the economic resources of Germany. I say that the United States can ask no more than that. The United States is not justified in saying that she will only enter this treaty in case Congress is given the power to dictate to the reparation commission. No other nation claims that power. Great Britain does not claim it. France does not claim it. Italy does not claim it. The exercise of those powers over the economic resources of Germany is not only for the purpose of providing that Germany shall pay what she must pay in the way of reparations, but it is for the purpose of rehabilitating Germany, of seeing that Germany is placed in a position where she can most fully meet the great obligations which have fallen upon her as the result of this war.

It is idle to say that the United States can refuse to participate in this opportunity by rejecting the treaty, and nevertheless claim the right to go to Germany and require Germany to violate the treaty that she has entered into.

If the House of Commons were asserting the right to control the reparation commission we might assert that right; or if France or Italy or any other nation were asserting that right we might assert that right. But the reparation commission is a composite body on which are represented the great nations that fought the war, and if we ratify the treaty we become one of those great nations, and we get our proper share in the control of German affairs temporarily while the reparations are being worked out. We can not get it in any other way. In my opinion, we have no right, and it is perfectly absurd and impossible for us to assert that Congress should have the right, to dictate to this reparation commission.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. HITCHCOCK. I yield to the Senator.

Mr. GRONNA. The Senator has just stated that we will get our proportionate share. Does he mean with reference to commerce or with reference to the claims against Germany?

Mr. HITCHCOCK. There is very little difficulty in the matter of the claims that we make to reparations if we join the treaty; we will be paid in full, and we are the only nation that will be paid in full, for the damages we have suffered. I am speaking now of the individual damages. We make no claim for reparation such as the French and British Governments have made against Germany, as to the payment of pensions and otherwise; but we do secure in this treaty the right to use the funds which have come into our hands through the administrator of alien property in this country, and from that source alone we shall easily be able to compensate all of our nationals for any losses they have incurred.

Mr. GRONNA. I agree with the Senator on that. He and I are in perfect accord with reference to that; but what I am mostly interested in is this: Will or will not this reparation commission have the control, as the Senator from Missouri [Mr. REED] so well illustrated, of the commerce between the United States and Germany? Will our exports, whether of manufactured articles or of cereals, depend upon the action of this reparation commission? That, really, is what I am chiefly interested in.

Mr. HITCHCOCK. No, Mr. President; it will not. The powers of the reparation commission over the commerce of Germany are indirect. They have a power over the gold of redemption which is in Germany, and of course they are not going to permit that gold to go out of Germany to an extent which will render her financial operations impossible. They are undoubtedly going to require Germany to keep enough of her gold to act as a cover for her currency, because to allow Germany to go bankrupt in that respect would place Germany in a position where she could not function in the payment of her reparations; and the control of the German gold supply will in a way affect the power of Germany to import goods.

Mr. GRONNA. That, of course, would be a direct limitation upon the commerce of Germany.

Mr. HITCHCOCK. That, of course, would apply to one country no more than to another. It would be a limitation on the power of Germany to export more than a certain quantity of gold; and my idea is that if overanxious and nervous Senators want to impose any condition on the reparation commission, it ought to be in the shape of a provision that we ratify

this treaty with the understanding and upon the condition that the reparation commission shall at no time discriminate against the commerce of the United States, if it has any such powers to control the commerce at all.

Mr. GRONNA. Then the Senator admits that as the provision now stands the reparation commission could discriminate?

Mr. HITCHCOCK. I think not. I think they could not; but I say that if it is desired to prevent that thing, which is discrimination, then a provision against discrimination would be sufficient; but to assert the right of the Congress of the United States to control an international body is a manifest absurdity as well as a wrong.

Mr. GRONNA. May I ask the Senator, then, whether he would be opposed to a provision to the effect that no discrimination should be made between the so-called favored nations?

Mr. HITCHCOCK. No; I would not. I have not any idea that such a discrimination would be attempted.

Mr. GRONNA. So that in reality an amendment would be necessary in order to assure the American people that there would be no such discrimination by the reparation commission?

Mr. HITCHCOCK. No; on the other hand, I do not think it is necessary, but I say I would have no objection to it. A great many of these proposed amendments are not objectionable in themselves. They are unnecessary. For instance, the reservation to the effect that the United States will not assume any mandate without the consent of Congress is a manifest absurdity. That already exists. We could not assume a mandate over any country without the consent of Congress, but I have not any objection to putting it in. I am perfectly content to let it go in. I consented to its going in; and it is very much the same way with this.

I have not any idea that the reparation commission either has the power or would undertake to discriminate against the commerce of any nation represented on the reparation commission; and therefore I would have no objection at all, and I do not see how anyone could have any objection to a reservation providing that there should be no discrimination by the reparation commission against the commerce of the United States. I do not think it has the power or would have the intention or could have any possible purpose in discriminating, but there would be no objection to putting that in. That, however, is quite a different thing from putting in a statement that the Congress of the United States must be consulted by the reparation commission before it takes any action.

Much of the action of the reparation commission will have to be taken quickly. Much of its action will have to be changed. Many of its policies from time to time will have to be changed to suit the needs of the hour, and to say that every time a change occurs the reparation commission must consult the Congress of the United States is a manifestly impossible position in which to put the reparation commission.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. HITCHCOCK. I yield to the Senator.

Mr. JONES of New Mexico. I should like to inquire of the Senator if it would not have been possible for the other powers, in entering into a treaty with Germany to which we were in no wise a party, to provide that the entire commerce of Germany should be under the control of a commission to be appointed in pursuance of such treaty? Would not those nations have had power to do that thing had they seen fit so to do?

Mr. HITCHCOCK. Of course, Mr. President, the powers of nations which have conquered another nation are almost absolute, and if the conquering nations desire to bind hand and foot the vanquished nation they can do so, and they can compel the payment of an indemnity over an enormous period of years. One of the dangers in the present case is that if this reparation commission is composed only of those nations in Europe which are bent upon collecting an indemnity from Germany, and which have a military fear of Germany, they may proceed to cripple Germany, even to an unwise extent, for many years to come; and it is in the interest of the German people that the United States should be represented upon that commission. It is in the interest of the German people that the disinterested influence of the United States upon that commission should be exerted, in order to soften the exactions which might otherwise be made against Germany through the enormous powers of this reparation commission. I have no doubt that ultimately, if not now, the people of Germany will be aroused to the fact that American participation in the reparation commission will be very beneficial to the German people.

Mr. REED. Mr. President, I am sorry that the Senator from Nebraska got out of patience because I rose to ask him a question. I addressed the Chair, and meant to address a question to the distinguished and somewhat irritable Senator from Nebraska. I wanted to ask the question then, because it was in point then; and I shall now have to recall some matters myself.

The Senator from Nebraska accuses me—to use the classical expression—of "butting in," and interrupting Senators. I think if the RECORD is examined, and the recollection of Senators is employed, they will know that for days the Senator from Nebraska has been in the habit, when any Senator was speaking, of rising and interjecting his remarks. It has all been accepted in perfect good part. Nobody has complained. I have permitted him to make a number of speeches in the middle of the speech I was making, and have done so without objection. I hope he will just keep good-natured, if he can, while we discuss this question.

There are one or two things to which I want to call attention, and I shall be very brief about it.

The Senator speaks of the benefits we are to receive through the reparation commission, the benefits we are to receive through this treaty, and at one time he employed the expression "our proper share"; that is, that we were to receive our proper share.

Let us get this question down to the fact. The fact is that under the treaty of peace with Germany, Germany yields all her foreign possessions. She yields Alsace and Lorraine forever. She yields, for a period of 15 years, a large part of her continental territory. She agrees to furnish enormous quantities of coal and iron, and agrees to pay an unascertained indemnity, to be fixed by her enemies.

Now, where does all that go? Does it come to the United States? Not one dollar of it; not one dollar of it. The solitary thing that the United States obtains by the treaty she already had, and that has been in part taken away from her by the treaty. She had possession of certain German boats which she had a right to keep, and which, if we had been represented as I think we ought to have been represented, we would have kept. But what did we do? We agreed to subtract from the tonnage of the vessels we had in our possession the total amount of American tonnage destroyed—which was all private tonnage, I believe; there may have been one little war craft that went down—and then the United States is to pay for the surplus of the tonnage she obtains into a fund that goes to France and Great Britain and Japan.

Those are the glorious benefits that we receive! Perhaps it was all right not to ask for any indemnity, but I am tired of hearing about the benefits the United States gets. That sort of talk ought not to be longer indulged in. The Senator used the expression, "We get back all we lost." That sort of statement ought not to be made. We are $25,000,000,000 poorer because of this war, directly, and how much we have lost in an economic sense no human being can estimate.

Now, this reparation commission is a thing that is functioning solely for the benefit of our associates in the war. It is functioning for the purpose of collecting indemnities not for our benefit but for the benefit of others, and the question is, What power shall be conferred upon it? The Senator states that the treaty of peace has already been signed and is already effective. It has already been signed by a part of those nations concerned in the war, but it has not been signed by the United States. Until the United States signs the treaty she has a right to insist upon any change which she thinks is proper. She has a right, of course, to reject it entirely, and the President is now threatening to withdraw it entirely, over Fiume, which, as said the other day, in comparison with the rest of the world, is a mere flyspeck in size and in importance. I do not, in saying that, say anything unkind of that city or its people. It is a little city of about 200,000 inhabitants, I think.

Mr. KING. Less than that.

Mr. REED. I have not looked up the figures. If the President of the United States can justly threaten to withdraw the treaty altogether because of a dispute over Fiume, how ridiculous it is to say that the treaty is already a fixed fact, that we can not change it, and that we must go into it with its reparation commission without a reservation or without an amendment, because it is already fastened upon the world. I wish that we could have a little consistency in the Senate for just a few hours by the great leader upon our side, to interrupt whom is a species not only of impudence but almost of sacrilege.

I want to bring the mind of the Senate for just a moment back to the question. We have not yet signed the treaty. When we do sign it—if we do—with the reparation commission in it, whatever the powers of that body are we have assented to them. Unless we now put the limitation upon those powers, we can not hereafter do it, save with the consent of other nations. We are now free to protect ourselves. When we have signed the treaty we are bound by its terms and our hands are tied.

The proposition is a very, very simple one. We do not undertake to say to the reparation commission that it can not func-

tion. Perhaps we ought to say so, but we do not. We do not undertake to say to the nations who were our associates in the war, "You shall not tie the hands of Germany or control the commerce of Germany." Perhaps we ought to say so, but I do not argue that. All that we say, in substance, is that the United States does not concede to the reparation commission the right to control commerce between Germany and the United States unless Congress shall hereafter grant that authority. If we do not say that, then we say the converse, which is that we do concede the right of the reparation commission to control the commerce between Germany and the United States without and in defiance of the action and will of Congress.

The Senator from Nebraska prefers, naturally prefers, to turn this right to control American commerce over to the international reparation commission, because he is an internationalist, because he believes in transferring the seat of control of the international affairs of the United States to the representatives of foreign governments sitting on foreign soil. He has become just that kind of an American.

Mr. GRONNA. Will it disturb the Senator if I interrupt him?

Mr. REED. Not a bit.

Mr. GRONNA. Can the Senator imagine a more drastic restriction upon the commerce of any country than to allow a commission to put an embargo on her gold, which I understand is the power this commission would have?

Mr. REED. I can not imagine one that some of our associates in the war would know how better to employ for their benefit. Let us see. Suppose we refused our assent altogether to the reparation commission and said that we ratified the treaty but we did not ratify it as to any of its provisions creating the reparation commission. Suppose thereafter that our associates in the war would say to Germany, "You can not ship dyestuffs to the United States," what would the United States be doing? Is it a powerless nation? Must it run under the petticoats of the League of Nations for its protection? Must it come whining like a coward and prostrate itself at the feet of some international tribunal to get its rights? I imagine what we would say in a case of that kind, assuming now that we have a National President with the national pride and national spirit that our Presidents have always had. In diplomatic language we would say, "We can not permit this. You are interfering with the trade and commerce of the United States. We must insist that all restrictions be removed." If there should be a refusal we would find a means to protect ourselves. It might not be war. It might be, if they embargoed our grains to Germany, we might embargo our grains to Great Britain. If they embargoed our steel to Germany, it might be that we would have to embargo their shipments here. But there is no danger of that. The European nations would not put the United States in a position where she must resort to those extreme measures.

But if they are made of that kind of stuff, which would permit them to think of such a thing seriously, then I do not want them as our partners. If it be true that Great Britain, France, and Italy, because we have not agreed to their reparation commission having a power greater than that exercised by Congress over our own trade, will do acts of injustice to the United States through the reparation commission, then I want them not as our partners but outside our household.

It will hardly be denied that we have rendered them some service in this war. It is not denied by any sensible man that if it had not been for the troops of the United States Germany would have captured the capital of France. It is not denied that at the present time we are taxing our own people to raise the money to pay the interest upon the bonds, the proceeds of which were loaned to Great Britain, France, Italy, and other countries; and that it may be many years before they will be able to meet their obligations. There is in the Senate and in this country a disposition to extend to them every generosity that it is possible for us to do, with justice to our own people. For the Senator from Nebraska to stand here in one moment and say they are most desirable partners with whom we should link our fortunes for all time, and in the next breath to say that if we do not sign this treaty just as it is written they will immediately become our enemies and conspire against us, seeking to destroy our trade and our commerce, is for the Senator from Nebraska to take two positions that are absolutely and diametrically opposite each to the other.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on agreeing to reservation No. 8, on which the yeas and nays have been ordered.

Mr. TOWNSEND. Mr. President, I shall occupy only a little time of the Senate, but I desire to express my understanding of the pending reservation and some of the incidents which have been connected with its preparation and presentation.

The reparation commission is not provided for in the league covenant. It is a part of the treaty. A majority vote of that commission, as I understand it, decides all questions brought before it.

Mr. THOMAS. I think not all questions. There is one article of the treaty which requires unanimity in regard to certain matters concerning the debts and securities.

Mr. TOWNSEND. The Senator is correct about that. There is an exception, but so far as the——

Mr. SMITH of Georgia. I did not hear the Senator from Colorado. Will the Senator state again what he said?

Mr. THOMAS. There is an article of the treaty—I will find it for the Senator—which imposes unanimity of action upon the reparation commission in regard to certain subjects, that principally affecting the postponement of the time of the maturity of the obligations.

Mr. TOWNSEND. But the subject now under discussion—commerce—is the one to which I am directing my remarks, and it is controlled by the statement I made, namely, that a majority vote of the reparation commission decides. It has been truthfully stated I think by both the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Missouri [Mr. REED], and conceded by all, that the United States has less interest in the reparations which will be made as a result of the war than any other nation; and yet reparations may be made under orders, as has been conceded here, which will vitally affect the commerce of this Republic. The Senator from Nebraska thinks the reparation commission can not affect our commerce with Germany, and that is the sole matter now before the Senate. Enough has been said already to disclose much doubt in the matter. Why not dispel that doubt? I believe that the commission will have power to affect seriously the commerce between the United States and Germany. Does any Senator want that done? Is it not wise to guard against such a possibility now?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. I do.

Mr. KING. My recollection of the powers and functions of the reparations commission leads me to the conclusion that its activities might restrict exports and direct the lines of exports; but I do not think they would have the power to interfere with imports unless it was with respect to payment. I have no doubt that they will treat Germany as if she were in the hands of a receiver, and they are the receivers, so to speak, appointed by the court, the court being the allied and associated nations. They take charge of the bankrupt and the estate of the bankrupt and control very largely, of course, for a number of years the disposition of the assets of the bankrupt. In the disposition of those assets they would allocate the gold which Germany has, determine where the payments shall go, determine where certain assets of Germany shall be distributed, and make allocation of her dyestuffs and other products, and in a way, of course, could interfere with the exports of Germany. But the way I read the treaty I doubt whether they would have the power to interfere with the exports from the United States to Germany, provided we can find any Germans who have money or credit or goods with which to pay for the goods which we ship to them.

Mr. TOWNSEND. All of which goes to prove my statement that there is doubt in the minds of Senators as to how far this reparation commission may go in affecting our commerce.

I am not now discussing the question as to whether we ought to go into the treaty and have a reparation commission or not. I am favorable to it myself, and I have proceeded on the assumption that we are going to become a party to the treaty, and that we will therefore probably have a representative on the reparation commission. This reservation assumes that as a fact, otherwise it would be idle to discuss the matter at all. But inasmuch, I repeat, as that commission in commerce conditions acts by a majority, and inasmuch as what we are doing is not so much for ourselves as for the benefit of others, it occurs to me that it is the part of justice and wisdom for us to safeguard our generosity, for an occasion might arise when it would be exceedingly desirable for the United States Congress to protect itself against injury. I am going further to assume that the United States Congress would act by a majority. Such a majority can safely be relied upon to do its duty, the right thing under all circumstances, as the particular occasion requires. Do Senators prefer to trust an interested foreign commission to their own Congress?

Furthermore, Mr. President, I understood—and Senators are present who can correct me if I am mistaken—that an honest, sincere effort was made on the part of the friends of ratification of the treaty and the covenant under proper reservations to compose their differences. I heard, however, many things said yesterday about it that have discouraged me somewhat in this belief, especially when it was declared positively that most of this was done simply for the purpose of talking the matter over and nobody was to be bound by it, and probably nobody was to recommend any suggestion or agreement that would look to harmony. We could as well believe now that the whole thing was largely a bluff.

I make the further statement, which I hope will be corrected if it is wrong, that the members of this bipartisan conference representing both sides of the Senate agreed upon section 8, which is the matter before us.

Mr. SMITH of Georgia. If the Senator will allow me, I call his attention to the joint report on the subject by the Senator from Massachusetts [Mr. LODGE] and the Senator from Nebraska [Mr. HITCHCOCK], in which it is stated that—

Reservations 3, 8, 12, and 13 were tentatively accepted by all without change.

Mr. TOWNSEND. That has been my understanding, and I am curious to know if the arguments which the Senator from Nebraska has made to-day against this provision were made by him to that joint committee of the two sides of the Senate when they met at the conference.

Mr. HITCHCOCK. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from Georgia is mistaken. What he has just read is not a statement by the Senator from Massachusetts [Mr. LODGE] and myself, an agreement by us, but a statement made by the Senator from Massachusetts.

Mr. TOWNSEND. May I ask the Senator then this question? Was the Senator from Nebraska present at the conference and did he tentatively agree to it without change?

Mr. HITCHCOCK. No; I did not. This is one of the original reservations that was not changed and was not agreed upon any more than the fourteenth reservation or the reservation relating to article 10.

Mr. TOWNSEND. Was it discussed?

Mr. HITCHCOCK. Yes. I have always objected to it and always denounced it.

Mr. TOWNSEND. Did the Senator object to it then with the argument that he has now presented?

Mr. HITCHCOCK. I did, very emphatically.

Mr. TOWNSEND. I have been informed to the contrary, and that there was practically a unanimous tentative agreement as to this particular provision of the reservation. Of course, I understood from what the Senator said yesterday that he did not feel himself bound and would not be bound unless everything that was agreed to met his approval; but I am wondering if the Senator would have felt bound if the reservation to article 10 had been modified as he suggested.

Mr. HITCHCOCK. The Senator takes up a matter of which I am perfectly free to speak. It often happens that when two parties sit down to a table to compose differences over a document there will be giving and taking and finally a compromise. In this case we considered one thing and we considered another, and discussed them for our own benefit, and it is quite likely that compromises would have been reached if they could have covered everything, but all compromise was destroyed when upon the vital points we were told that no yielding would be had at all.

Mr. TOWNSEND. Mr. President, that to me is a very discouraging thing in the consideration of the treaty. It appears that we have two classes of irreconcilables, so called, one composed mostly of Republicans, 12 to 14 of them, who openly admit that they want no treaty, no league covenant, the other, 15 to 20 Democrats, who insist that they must have what they want or no treaty. Those two classes of Senators added together will constitute probably more than one-third of the Senate.

Mr. HITCHCOCK. Does the Senator from Michigan place me in either one of those classes?

Mr. TOWNSEND. I do.

Mr. HITCHCOCK. Mr. President, let me vindicate the position that I hold. The Senator must be aware that when we reached the reservation on article 10 we proposed several different compromises, and we finally got to a point where almost every one around the table had agreed on the so-called composite bipartisan compromise on article 10. At the last minute the Senator from Massachusetts [Mr. LODGE] was called from the room, and took with him the Republican members of the conference. After waiting 15 or 20 minutes I went to the door of the adjoining room, where those Senators were in conference, and said that in view of their being detained so long it might be wise for us to adjourn until the next day, when we would be able to settle the matter. That was agreed to. We came back the next day at the appointed hour, expecting to proceed with the conference. We then found that the Senator from Massachusetts was not present; he was detained in another conference, it was stated; and it turned out to be a conference with the irreconcilable Republican Senators. We again adjourned on that account. When we again reconvened the Senator from Massachusetts told us he could yield nothing at all upon the reservation to article 10.

We then formally proposed to the Senator from Massachusetts that we would accept the draft which was upon the table, which we had been considering. He stated that that was impossible. We then asked if he would propose some change in article 10, but he replied that he had nothing whatever to propose. We then formally tendered as another proposition the reservation on article 10 which had been drawn by former President Taft and said we would accept that if he were willing to do so, but the Senator from Massachusetts said he could not do it. I then announced if Senators on the other side would consent to no compromise at all on this vital article the only thing to do was to take the controversy to the floor of the Senate. It has been brought here as the result of that failure. Now, how can the Senator from Michigan say that I am an irreconcilable, when I have tendered two propositions on this vitally important article, one drawn by ex-President Taft and one framed by the bipartisan conference?

Mr. TOWNSEND. Let me ask the Senator from Nebraska another question: Suppose the conference had adopted one of those reservations, would the Senator then have voted to ratify the treaty with the other Senate reservations?

Mr. HITCHCOCK. I think there would have been no difficulty in reaching a conclusion on everything else.

Mr. TOWNSEND. Mr. President, I have been watching as carefully and in as unbiased a manner as possible——

Mr. LODGE. Mr. President——

Mr. TOWNSEND. In just a moment—the discussion that has been going on in the Senate on this subject. I have not participated largely in it, although I have been deeply interested. I have been trying to discover if I could the motives which actuated Senators who are opposing the ratification of the treaty unless it can be ratified exactly as they suggest; and I have drawn my conclusions from observation and from what the Senator from Nebraska himself has said on the floor that there is very little disposition on his part or theirs to compromise in favor of what is the repeatedly recorded majority sentiment of the Senate. We have been voting on the reservations. Possibly the vote on the first reservation which occurred while I was necessarily absent does not bear out the following, but every other reservation has carried by a safe majority, and would have done so if every one of the irreconcilables on this side of the Chamber had not voted; and yet if we shall go through and adopt the reservations by a substantial majority of the Senate, then I am prepared to state what I believe, namely, that the Senator from Nebraska will still oppose the final ratification of the treaty after it has been perfected by that kind of a vote in the Senate. Am I correct about that?

Mr. HITCHCOCK. The Senator is correct in saying that I will not accept the Lodge reservations; but I will accept a compromise. I tendered a compromise; I have been anxious to go nine-tenths of the way in the direction of a compromise. That is not the attitude of an irreconcilable.

Mr. TOWNSEND. In the last two or three days reservations have been presented which the Senator from Nebraska and some of his colleagues who were opposed to them stated were the same in meaning as those proposed by these objectors, and yet without reason, certainly without the slightest spirit of compromise, they voted against such reservations.

I am not a stickler for phraseology. I voted on yesterday for a proposition which the bipartisan conference adopted, and which was framed and offered by the Senator from Montana [Mr. WALSH] and it was agreed to. It differed in language from the one which had been previously presented, known as the Lodge reservation, but I thought it meant the same thing as the original, and, for the sake of compromise, I was willing to vote for it. Not so, however, the Senator from Nebraska, who opposed it, even though it was admitted that it meant practically the same thing. Now I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I think it is a very profitless business to go over the misunderstandings between the different members of the bipartisan conference. We broke up on the proposition that we would not submit to any change of prin-

ciple in article 10. We did not say that we would not modify it. On the contrary there was a draft made—not by me, but by other members of the conference—to this effect:

The United States assumes no obligation to preserve by the use of its military or naval forces or by the economic boycott or by any other means the territorial integrity—

And so forth.

Taking the wording of the reservation presented by the Senator from Nebraska. The Senator from Nebraska stated in a newspaper—I do not know how correctly he was reported, of course—that that was worse than the original, but it was a change which I think our members of the conference were entirely ready for. We did not refuse any change at all; we simply said we could not submit to a change of principle; and the Senator from Nebraska offered nothing which was not a very great change of principle in the amendment. I do not regard such a suggestion as a compromise.

Mr. TOWNSEND. Mr. President, the proceedings of the bipartisan commission are more and more confusing to me. As I said, to begin with, I had hoped for beneficial results. Then I felt that if article 10 was the rock upon which the Senate was to split, that question ought to be first settled. Otherwise, we are simply wasting time. If 20 or 25 Senators on the other side and 13 Senators on this side are determined that the treaty shall not be ratified, those on this side maintaining that they will vote against it whether the reservation is adopted or not, and those on the other side maintaining that they will vote against it unless all reservations are either rejected or changed to suit them in every particular, what is the sense of taking the time of the Senate in thrashing over old straw, day after day, when we know that at the end of it all the treaty will fail? So far as I am concerned, Mr. President, I am ready to have the question settled now by a vote on article 10 and be done with it.

I am willing to yield on matters of phraseology, but I am not willing to yield, and I do not think the majority of the Senate are willing to yield, on the principles involved in the reservation to article 10. I agree that that is the vital part of this whole business. If that could be determined upon and we could settle whether we could pass it or not, and if the conclusion is to pass it, I would be perfectly willing as I am now, in fact, to arrange in a satisfactory manner some of the other reservations which Senators are now opposing so bitterly, and to me so unreasonably.

Mr. HITCHCOCK. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I think there is much in what the Senator says. It was not my proposition to pass over article 10 and take up the other reservations first. It was the suggestion of the Senator from Massachusetts; it was his motion to that effect. It was generally supported on the Republican side of the Chamber, and there was no opposition to it on our side of the Chamber. We simply assented to it. We are perfectly willing on our side of the Chamber to go now to the vital question involved in article 10 in order to see if an adjustment can be reached.

Mr. TOWNSEND. The Senator from Massachusetts can speak for himself, but I had understood that the postponement was made practically by unanimous consent.

Mr. HITCHCOCK. No; it was made as the result of a motion. A few of us voted against it. I should have preferred to go directly to article 10, but I did not care to make a controversy over it.

Mr. LODGE. There was no roll call.

Mr. HITCHCOCK. There was merely a viva voce vote. However, I think the Senator from Michigan is correct. I believe it would save time if we dropped these minor matters which are of less importance and come to a consideration of the vital principle contained in article 10, where we differ radically on principle. There may be a chance to compromise the differences. We have tendered two opportunities to compromise. Certainly former President Taft, who is a Republican, with a great Republican following in the United States to-day, can not be charged with having put forward a proposition which is Democratic. He has put forward a compromise proposition which we are ready to accept.

Mr. TOWNSEND. I have never considered this question from a partisan standpoint, and I have regretted exceedingly that partisanship has been injected into it time and time again. Because Mr. Taft suggests a proposition does not necessitate my indorsement, although I have a great respect for his ability as a lawyer and as a statesman; but this is a question of such vital importance that I must decide my own action. Neither Mr. Taft nor Mr. Wilson ought to control the action of Senators against their reason and judgment. Quite as wise and patriotic men support the Senate reservations. Senators should act under their solemn oaths and not on the threats or dictum of Presidents or ex-Presidents. Their advice should be, and has been, considered; but the Senate must decide.

Mr. HITCHCOCK. Mr. President, if the Senator considers that I was trying to drag politics into this matter, he is entirely mistaken. I merely cited the fact that there are 40 Democratic Senators who have offered to accept either the bipartisan compromise or the compromise presented by the former Republican President of the United States. Certainly that is not a Democratic compromise; that is not a Democratic proposition. We are offering to accept what one of your great leaders in this country, a prominent man in many affairs, particularly in connection with the question of the League of Nations, has presented to the country; and can it be said that we are not ready to compromise when we make you that offer?

Mr. LODGE. Mr. President, will the Senator from Michigan yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. TOWNSEND. I yield.

Mr. LODGE. The Senator from Nebraska continues to refer to the bipartisan compromise. There was no bipartisan compromise on article 10. The conference was broken off entirely on that question. There was discussion about it; but what the Senator calls a bipartisan compromise was something that was offered there to which I never agreed and to which the others never agreed. I do not regard it as a compromise, because it sacrifices principles in the reservation to article 10 which I am not willing to sacrifice.

As to President Taft's proposition, it opens an entirely new field of obligation, and, Mr. President, with all respect to ex-President Taft, I do not take my opinions from him any more than I do from the existing President. It does not seem to me that the ex-President has any more right to attempt to control the Senate than the President has. It is for the Senators to determine for themselves.

I will say just a word in conclusion. I did ask, as of course everyone knows, to have article 10 passed over, because I wanted to complete the changes that had been proposed in the bipartisan conference, and also I wanted to bring forward two very important changes which I think constitute great improvements in the reservations. I wanted to get all the reservations completed, so that the country could see just what had been offered by us, and then decide upon article 10.

Mr. TOWNSEND. Mr. President, in conclusion I wish again to refer to the matter directly before the Senate, which is the question of the adoption of reservation No. 8. I am assuming, as does the reservation, that the United States is going to become a party to the treaty, and when it does become a party the situation will be peculiar. The United States is granting much and asking for and getting nothing. Therefore, I believe it is the part of wisdom and of patriotism for the Senate to insist that, if selfishness or greed or anything else may actuate the foreign majority of the reparation commission in determining upon regulations or rules which may result detrimentally to the United States, the Congress of the United States should pass upon that subject. It seems to me, if there had been no excitement over this matter, if the lines had not been so sharply drawn and passion had not run quite so high, there would be no possible objection to this reservation, and that the Senate, with practical unanimity, would have adopted it. Therefore, believing as I do that the reservation may be vitally essential to the interests of the United States and that under no circumstances can it be injurious to the proper and legitimate interests of any other nation, I shall support it.

The PRESIDING OFFICER. The question is on agreeing to reservation No. 8.

Mr. SMITH of Georgia. Mr. President, the Senator from Nebraska presented strong reasons why we should ratify the treaty when he pointed to the fact that Germany could not now enter into a treaty in disregard of the treaty which she has made with the other nations that have been at war with her, and that it was extremely important that we should ratify the treaty in order that we might participate in the administration of the terms of the treaty applicable to ourselves. I believe thoroughly in that view, and it is for that among other reasons that I have been seeking reservations with which two-thirds of the Senate would ratify the treaty.

But the Senator from Nebraska has, by the course he has pursued, thrown obstacles in the way of ratifying the treaty, and done so time and again. I think he is doing it in his criticism of the pending reservation. We ought to have adopted this reservation without discussion and without hesitation.

Now, let us see what has happened with reference to it: It was before a bipartisan conference, and it was passed, at least tentatively, as not objectionable. A printed pamphlet has been published giving the history of that conference, and in that we find the statement of the senior Senator from Massachusetts that—

reservations 3, 8, 12, and 13 were tentatively accepted by all without change.

At the close of this pamphlet is an interview with the Senator from Nebraska, in which he called attention to the different views entertained as to the Monroe doctrine and article 10, but he did not suggest differences as to other reservations beyond those where modifications were agreed upon in the conference. I think we had a right to conclude that reservation No. 8 was passed as not objectionable. I do not mean that all of the Senators thought this reservation necessary, but a Senator could accept a reservation that he did not think was necessary if other Senators believed it necessary.

Now, let us come to this reservation. If we turn to the treaty we will find that it provides that the reparation commission shall be unanimous in its action upon only a certain number of subjects, and those questions which may involve exports from our country to Germany or imports from Germany to our country do not fall within the number of those that require a unanimous vote, so they are left to be disposed of by a majority vote. The treaty states that the majority vote in other matters may control; so that as to the powers given by the treaty that this reservation seeks to guard against a majority can control.

Those countries are all purchasers of raw material, and the United States is the great seller of raw material. We ship our copper and our iron and our coal and our wheat and our tobacco and our cotton to these countries. They buy them. They are interested in getting them as cheaply as possible, and Germany is a buyer of all. Now, I do not believe that under a fair construction of their powers the reparation commission would have the right seriously to interfere with our exports or imports; but the language is doubtful, and the powers are quite broad. If I am right that they would not have the power, then this reservation does not encroach upon their power. If they should take the view that they do have the power, then this reservation will guard the United States and her interests.

This is one reservation that I thought would please the Senator from Nebraska [Mr. HITCHCOCK], because it is an interpretive reservation. It declares that the United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States, by act or joint resolution of Congress, approves such regulation or interference. Action by Congress would not be required for each act of the commission. A general act could fix the extent of interference to which we would consent. It simply says that we understand that by entering into this treaty we have not transferred to the reparation commission power to interfere with our commerce where Congress ordinarily would regulate our action. That is all it does. It is a declaration of our view of the meaning, and if we ratify this treaty it will reach on through the operation of the reparation commission as a direction to our representative upon it and as a declaration of our construction which will go far toward guarding against interferences which might seriously disturb our exports or our imports.

The Senator from Nebraska said that he voted against many of these reservations because they were unnecessary. If they were unnecessary, and did nothing, they certainly did not nullify the treaty.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I do.

Mr. WALSH of Montana. Before the Senator passes from the discussion of the particular reservation now under consideration, I should like to ask him if he will have the kindness to give us a concrete case of injury to the United States which would be averted or guarded against by this reservation? What is the danger at which this reservation is aimed?

Mr. SMITH of Georgia. If there is no harm in it, what objection is there to it?

Mr. WALSH of Montana. Of course, that is another question.

Mr. SMITH of Georgia. But it is quite an important question.

Mr. WALSH of Montana. Perhaps it is, but it is not my question.

Mr. SMITH of Georgia. But it is my answer.

Mr. WALSH of Montana. Very well. Then I take it that the answer of the Senator is that he does not know; he can not think of any such concrete case as that of which I speak, but all that he can say for it is that it can do no harm.

Mr. SMITH of Georgia. I will answer the Senator somewhat further, then. The power that this commission has is very extensive. It can be used with a view of checking imports. It can be used for that purpose; it might be used for that purpose; and this reservation declares our construction of the commission's power to the effect that it is not to be used for that purpose.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I yield.

Mr. KING. I have a great deal of sympathy with this reservation; but as I recall that I voted against it before and I am inclined to vote against it now, because I do not see that the reservation—and I shall be glad to hear the Senator further in regard to it—will in any way whatever affect the powers of our Government in dealing with Germany. Moreover, there is some question as to whether it would be proper, in view of the terms of the treaty, to obtain the change which the reservation would imply was desired.

Conceding that the reparation commission have the great powers attributed to them, powers which may be abused, powers which, if arbitrarily exercised, might subject Germany to humiliation and economic servitude, still it would seem that there must be a commission charged with the duty of carrying into effect certain provisions of the treaty, of making distribution of the assets of Germany, of allocating the cattle and horses and other things to the various nations entitled thereto because of the wanton destruction by Germany of similar property in Belgium and France and other places. There must be a commission charged with the duty of seeing that certain terms of the treaty of an economic character are carried into effect. Now, this reparation commission has been charged with this responsibility. Suppose we should now declare that we construe the treaty as giving no authority to the reparation commission to interfere with our tariff laws; what good would it do? Any promulgation of the commission would not interfere with our tariff laws. It is possible that the commission might interdict the importation into Germany of certain foods and products from the United States; but does this reservation affect their power to do that?

Mr. SMITH of Georgia. It is a declaration upon our part that we do not concede that they have the power, and that we construe the treaty as not giving them the power.

Mr. KING. Let me ask the Senator if he does not think that in the proper administration of their duties, taking into account the purpose for which the reparation commission was created, they must have some power to determine to whom exports shall go, and of course that would affect the question of imports, and therefore determine, in part at least, from whom imports shall come. Have they not the power, and ought they not to have the power, in order to carry out the work which would devolve upon them, to determine how and when payments shall be made?

There must be obtained from Germany so much in gold, so much to meet the various monetary obligations which were imposed upon her. She will be squeezed to meet her war indemnities. Now, this commission is charged with the duty of enforcing certain terms of the treaty. If Germany may trade indiscriminately, may export indiscriminately, may pay in gold, if she pleases, for the cotton from the South, or the cattle from the plains of the West, or the copper from the mines of the West, she may by those transactions interfere materially with the discharge of her obligations in cash to Belgium, to England, to France, and to other nations.

It seems to me that the duties resting upon the reparation commission, in view of the theory upon which the treaty is drawn, must grant them some power to interfere with German exports, and to some extent with imports, and that this reservation would be a mere idle fulmination or an idle declaration upon our part.

Mr. SMITH of Georgia. I do not agree with the view of the Senator. Broad powers are given to this commission, but I do not agree that they have a right to put a stop to our exports to Germany in any particular line, nor do I believe that they have a right to prevent exports from Germany to the United States; but the Senator's line of argument indicates that a different view might be taken, and this reservation is a declaration of interpretation to guard the interests of the United States.

Mr. President, I think it was wise to postpone action upon article 10 until we have disposed of the other reservations. I think the best time to take up article 10 is when we have gotten rid of the other reservations, and have them substantially before the country, and they are understood; after we have shown unquestionably that they do not nullify the treaty; that they guard

American interests only, that they wisely, either by interpretation or by reservation, preserve to this country certain rights that we all hold dear. Take, for instance, the matter of mandates referred to by the Senator from Nebraska. He declares that no reservation on that subject was necessary; that it did not change the covenant. He differs from the view of the President, for the President in his conference with the Foreign Relations Committee practically conceded that our representative in Switzerland, acting under the direction of the Government here—that is to say, the President himself—could make the preliminary agreement to put a mandatory upon the United States.

The subsequent execution of that mandatory would be with Congress; but if our representative in Switzerland accepted it, under the direction of the President, and the President approved it, what an embarrassing thing it would be for the United States thereafter!

Of course, if there was the freest conference in advance between the Senate and the administration, and the administration acted only after satisfactory assurance was given by the Senate, which in foreign relations is made the constitutional adviser of the President, there might not be any serious trouble; but not only in this administration but in prior administrations there has been an assumption of authority entirely independent of the Senate, without the advice of the Senate, to negotiate and to act in foreign matters. I regard the reservation as to mandatories as most important and valuable. It does not, however, nullify the treaty.

Again, take the reservation with reference to our domestic affairs. The league covenant gave to the council the right to determine whether a particular dispute was solely domestic under rules of international law or whether it was mixed international and domestic. The council was to decide what questions are solely domestic and whether it would proceed to investigate them. Our reservation provides that the United States will alone decide whether a question is domestic; and if we decide that it is domestic, we give no authority whatever to the council to investigate it. The reservation does not nullify the treaty. It simply takes out from under it our domestic questions.

Is there any American citizen who wishes some foreign power to determine whether our problems are solely domestic, or mixed domestic and international, and take charge of them?

There has not been a reservation adopted here that nullifies the treaty, but they are reservations that clarify it and take us out from under certain provisions that no American citizen, or very few American citizens, would wish placed upon us.

I again say with reference to this reservation that I believe it a fair construction of the terms of the treaty, and the reparation commission could not interfere with our commerce, our exports to or our imports from Germany under the terms of the treaty as I construe it; but I rest with more confidence in their noninterference when we declare this interpretation as a part of the ratification of the treaty.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The Clerk will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Borah	Glass	Knox	Shields
Brandegee	Gore	Lenroot	Smith, Ga.
Calder	Gronna	Lodge	Smith, Md.
Capper	Hale	McLean	Smith, S. C.
Chamberlain	Harris	McNary	Smoot
Colt	Henderson	New	Spencer
Culberson	Hitchcock	Norris	Sterling
Cummins	Johnson, S. Dak.	Nugent	Sutherland
Curtis	Jones, N. Mex.	Overman	Townsend
Dillingham	Jones, Wash.	Phelan	Trammell
Edge	Kellogg	Phipps	Wadsworth
Elkins	Kendrick	Pittman	Warren
Fletcher	Kenyon	Poindexter	
Gay	Keyes	Ransdell	
Gerry	King	Sheppard	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I hope we may now vote on reservation No. 8.

Mr. HITCHCOCK. I offer the following substitute for the reservation.

The PRESIDING OFFICER. The proposed substitute will be stated.

The Reading Clerk read as follows:

The United States understands that the reparation commission will in its control over German economic resources in no respect so exert its powers as to discriminate against the commerce of the United States with Germany.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota (when his name was called). I have a pair with the Senator from Maine [Mr. FERNALD]. Not being able to get a transfer, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is absent on account of illness in his family. I promised to take care of him by a pair during his absence. I find, however, that I can transfer my pair with that Senator to the Senator from California [Mr. JOHNSON]. I do so and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. On this matter he is paired with the Senator from Ohio [Mr. POMERENE].

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL], which I transfer to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I am paired with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to my colleague [Mr. NEWBERRY] and vote "nay."

Mr. WILLIAMS (when his name was called). The senior Senator from Pennsylvania [Mr. PENROSE], with whom I have a standing pair, is absent on account of illness. I transfer that pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

The roll call was concluded.

Mr. GAY. I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. In his absence I withhold my vote.

Mr. KENDRICK. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH], and vote "yea." I ask that the announcement as to my pair and its transfer may stand for the day.

Mr. HENDERSON. May I inquire whether the junior Senator from Illinois [Mr. MCCORMICK] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois [Mr. MCCORMICK] and in his absence I withhold my vote.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. BALL], and in his absence I withhold my vote.

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. WATSON (after having voted in the negative). In the absence of my pair, the Senator from Delaware [Mr. WOLCOTT], I withdraw my vote.

Mr. GAY. I transfer my pair with the senior Senator from New Hampshire [Mr. MOSES] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

I wish also to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Ohio [Mr. POMERENE], the Senator from Minnesota [Mr. NELSON], the Senator from Delaware [Mr. BALL], the Senator from Maine [Mr. FERNALD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. ASHURST], and the Senator from South Carolina [Mr. DIAL] are absent in attendance at the funeral of the late Senator BANKHEAD.

Mr. GERRY. The Senator from Delaware [Mr. WOLCOTT] is absent on public business.

I have been requested to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], and the Senator from South Carolina [Mr. DIAL], if present, would vote "yea" on this proposition.

The result was announced—yeas 23, nays 37, as follows:

YEAS—23.

Beckham	Harris	Overman	Smith, Md.
Chamberlain	Hitchcock	Phelan	Smith, S. C.
Culberson	Jones, N. Mex.	Pittman	Trammell
Gay	Kendrick	Ransdell	Walsh, Mont.
Gerry	King	Sheppard	Williams
Glass	Nugent	Simmons	

NAYS—37.

Borah	Frelinghuysen	McLean	Smoot
Brandegee	Gore	McNary	Spencer
Calder	Gronna	New	Sterling
Capper	Hale	Norris	Sutherland
Colt	Jones, Wash.	Phipps	Townsend
Cummins	Kellogg	Poindexter	Wadsworth
Curtis	Kenyon	Reed	Warren
Dillingham	Keyes	Sherman	
Elkins	Lenroot	Shields	
France	Lodge	Smith, Ga.	

NOT VOTING—35.

Ashurst	Henderson	Moses	Smith, Ariz.
Ball	Johnson, Calif.	Myers	Stanley
Dial	Johnson, S. Dak.	Nelson	Swanson
Edge	Kirby	Newberry	Thomas
Fall	Knox	Owen	Underwood
Fernald	La Follette	Page	Walsh, Mass.
Fletcher	McCormick	Penrose	Watson
Harding	McCumber	Pomerene	Wolcott
Harrison	McKellar	Robinson	

So Mr. HITCHCOCK's substitute for reservation No. 8 was rejected.

The PRESIDENT pro tempore. The question is now upon agreeing to reservation No. 8. The yeas and nays have been ordered, and the Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I am informed that my general pair, the junior Senator from Oklahoma [Mr. OWEN], if present would vote in the affirmative, so I feel that I am at liberty to vote on this question. I vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as to my general pair as before, I am obliged to withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement of my pair that I made a moment ago, I withhold my vote.

Mr. JONES of Washington (when his name was called). Making the same announcement of my pair and its transfer that I made a while ago, I vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. SPENCER (when his name was called). Making the same announcement regarding my pair and its transfer that I made a few moments ago, I vote "yea."

Mr. THOMAS (when his name was called). Owing to the absence of my pair, the Senator from North Dakota [Mr. MCCUMBER], I am unable to vote. If at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to my colleague [Mr. NEWBERRY], and I vote "yea."

Mr. WATSON (when his name was called). In the absence of my pair, the Senator from Delaware [Mr. WOLCOTT], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the previous vote concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. GAY. Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. HENDERSON. In the absence of my pair, the junior Senator from Illinois [Mr. MCCORMICK], I withhold my vote.

Mr. THOMAS. I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the senior Senator from Montana [Mr. MYERS] and vote "nay."

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. If present, he would vote "yea." He is paired on this question with the senior Senator from Ohio [Mr. POMERENE].

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Mississippi [Mr. HARRISON].

I wish also to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Ohio [Mr. POMERENE], the Senator from Minnesota [Mr. NELSON], the Senator from Delaware [Mr. BALL], the Senator from Maine [Mr. FERNALD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. ASHURST], and the Senator from South Carolina [Mr. DIAL] are absent in attendance at the funeral of the late Senator BANKHEAD.

Mr. GERRY. The Senator from Delaware [Mr. WOLCOTT] is absent on public business.

I have been requested to announce that the Senator from Alabama [Mr. UNDERWOOD], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], and the Senator from South Carolina [Mr. DIAL], if present, would vote "nay" on this proposition.

The result was announced—yeas 41, nays 22, as follows:

YEAS—41.

Borah	France	Lodge	Smith, Ga.
Brandegee	Frelinghuysen	McLean	Smoot
Calder	Gore	McNary	Spencer
Capper	Gronna	New	Sterling
Chamberlain	Hale	Norris	Sutherland
Colt	Jones, Wash.	Nugent	Townsend
Cummins	Kellogg	Phipps	Wadsworth
Curtis	Kenyon	Poindexter	Warren
Dillingham	Keyes	Reed	
Edge	Knox	Sherman	
Elkins	Lenroot	Shields	

NAYS—22.

Beckham	Hitchcock	Pittman	Thomas
Culberson	Jones, N. Mex.	Ransdell	Trammell
Gay	Kendrick	Sheppard	Walsh, Mont.
Gerry	King	Simmons	Williams
Glass	Overman	Smith, Md.	
Harris	Phelan	Smith, S. C.	

NOT VOTING—32.

Ashurst	Henderson	Moses	Robinson
Ball	Johnson, Calif.	Myers	Smith, Ariz.
Dial	Johnson, S. Dak.	Nelson	Stanley
Fall	Kirby	Newberry	Swanson
Fernald	La Follette	Owen	Underwood
Fletcher	McCormick	Page	Walsh, Mass.
Harding	McCumber	Penrose	Watson
Harrison	McKellar	Pomerene	Wolcott

So reservation No. 8 as reported by the Committee on Foreign Relations was agreed to, as follows:

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

TRANSFER OF MOTOR-PROPELLED VEHICLES—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, as in legislative session, I submit the report of the committee of conference on Senate bill 3037, for the transfer of surplus motor-propelled vehicles, which I ask may be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: At the end of section 5 of the House amendment add the following: "*Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment"; and the House agree to the same.

JAMES W. WADSWORTH, Jr.,
HOWARD SUTHERLAND,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.
JULIUS KAHN,
JOHN C. MCKENZIE,
Managers on the part of the House.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the conference report.

The PRESIDENT pro tempore. Is there objection to the consideration, as in legislative session, of the conference report which has just been read? The Chair hears none.

Mr. TOWNSEND. I desire to ask the Senator from New York whether the report includes any provision for the transfer of airplanes to the Post Office Department?

Mr. WADSWORTH. No; Mr. President, this bill covers only motor vehicles and road-making machinery.

Mr. TOWNSEND. I did not distinctly hear all of the reading of the report, but I understand from some remarks made to me that it does. We have a provision in the Post Office appropriation bill on the subject, and I do not want any conflict to occur in the matter.

Mr. WADSWORTH. For the transfer of airplanes?

Mr. TOWNSEND. I had so understood. The vehicles mentioned in the bill are referred to as motor-propelled vehicles and airplanes, also construed to be motor-propelled vehicles. I merely wanted to know if this legislation covered that class of machines, because, as I have said, we have provided for them in the Post Office appropriation bill, and I did not want any conflict to occur. I did not believe the language did include them, but my attention was called to it, and I therefore desired to ask the opinion of the chairman of the Committee on Military Affairs.

Mr. WADSWORTH. The term "motor-propelled vehicles" is used in this bill, it is true, but neither the House committee nor the Senate committee ever had any idea that that was meant to include airplanes.

Mr. OVERMAN. I desire to ask the Senator from New York if this is the bill transferring to the States for road-making purposes certain surplus material of the War Department?

Mr. WADSWORTH. It is.

Mr. KING. I should like to ask the Senator from New York whether or not there is a transfer of motors in addition to those—about 15,000 in number—which were turned over to the department some six or eight months or possibly a year ago?

Mr. WADSWORTH. Turned over to which department?

Mr. KING. To the Public Roads Division of the Agricultural Department. As I recall, by a former bill there were turned over to the Agricultural Department for road-making purposes in the neighborhood of 25,000 vehicles. Fifteen thousand were actually delivered, as I understand, but it was claimed by the Agricultural Department that they would get in the neighborhood of 25,000. What I am inquiring about is, Does this bill transfer more than the original number which was authorized?

Mr. WADSWORTH. This bill directs the Secretary of War to transfer to the Agricultural Department for road-making purposes, for use upon the highways in the building of roads, all motor-propelled vehicles and road-making machinery, a list of which is included in the bill itself, which are declared surplus and not needed by the War Department.

The situation is somewhat as follows: Under the terms of a previously passed bill a great proportion of the surplus motor trucks have been distributed. There was no authority under previous legislation for the distribution of other kinds of road-making machinery. If this bill should pass, through the adoption of the conference report, there will be a few more motor trucks, but not many, to be distributed, and a considerable quantity of road-making machinery for which the War Department has no use under the sun and which has been declared to be surplus.

I may say to the Senator from Utah that a total of something like 37,000 motor vehicles have been disposed of, in one way or another, by the War Department since the armistice. Some have been sold outright; some have been transferred to the Post Office Department; some have been transferred to the Department of Agriculture; and there may be some other places to which they have been transferred. This cleans it up.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

REMOVAL OF SOLDIER DEAD FROM FRANCE.

Mr. FRELINGHUYSEN. Mr. President, on December 10 last I introduced a joint resolution, which was referred to the Committee on Military Affairs, providing for the appointment of a commission to investigate the situation regarding graves of the soldiers who lost their lives in France. That joint resolution was submitted to the War Department, with the request that they inform the Senate Military Affairs Committee as to their opinion of the advisability of creating such a commission. A reply was sent to the committee by the Secretary of War, and I am going to ask unanimous consent that it be read for the information of the Senate.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New Jersey if he is making a report on the joint resolution?

Mr. FRELINGHUYSEN. I am not.

Mr. SMOOT. Then, Mr. President, why not leave the reading of the letter until the report is made from the committee and have it read at that time?

Mr. FRELINGHUYSEN. Because I believe that the resolution at the present time is not appropriate, and that another resolution should be offered asking for further information, which I intend to submit at once.

Mr. SMOOT. It seems to me that it is merely encumbering the RECORD to read the letter now, particularly if another resolution is to be offered.

Mr. FRELINGHUYSEN. I will read the letter myself.

Mr. SMOOT. That is all right. The Senator can do that.

Mr. FRELINGHUYSEN. Mr. President, I wish to say in this connection that I believe that this is a question in which all of the parents of those who lost their lives on the other side are deeply interested; and if the experience of other Members of the Senate is the same as mine, I know they are continually being appealed to in order to ascertain definitely what the policy of the War Department is in regard to the disposal of these bodies.

This letter reads as follows:

WAR DEPARTMENT,
Washington, January 14, 1920.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

SIR: I have the honor to refer to S. J. Res. 133, creating a commission to report on the practicability of bringing to the United States the remains of American soldiers buried in France, and to mark and care for the graves of those whose remains it is not practicable to remove, and to express the hope that the same be not favorably considered inasmuch as the creation of such a commission as therein proposed is duplicating definite activities already undertaken by the War Department and now in process of actual operation.

The Adjutant General's Office has for a considerable length of time been collating expressions from relatives of the dead concerning the final disposition of their remains.

The Quartermaster Corps, through its graves registration service, has been busily engaged in locating and marking graves of American dead overseas and definite steps have already been taken to obtain the advice of the National Fine Arts Commission to determine upon an acceptable design for permanent headstones which are to be utilized in the marking of such graves as may remain in France after the removal project shall have been completed.

Section 4 of the proposed joint resolution runs counter to the French law of December 29, 1915, and its supplemental regulations, in which the method of procuring cemetery space for allied armies is prescribed. The necessary machinery for acquiring lands for commercial purposes has already been set up under the direction of the Quartermaster General, and that organization is in close liaison with the French ministry of war in relation to all cemeterial affairs.

The employment of caretakers and all arrangements for cemeterial maintenance are now in the hands of the graves registration service under adequate regulations to provide proper marking and care of cemeteries remaining in France. It is therefore believed that the best interests of the United States will be subserved if the question of the care of American dead in France be left in the hands of the War Department, as already contemplated.

Very truly, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. President, I now submit the resolution which I send to the desk and ask that it be printed and lie on the table.

The resolution (S. Res. 322) was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what steps have been taken to effect a settled policy in regard to disposal and protection of the remains of American soldiers who have died in France, and what amount or amounts of money have been estimated to be necessary in the accomplishment of that result.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I ask that the next reservation be laid before the Senate.

The PRESIDENT pro tempore. The question now is upon reservation No. 9, which will be read.

The ninth reservation reported from the Committee on Foreign Relations was read, as follows:

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

Mr. SPENCER. Mr. President, the result of eight months' consideration and debate on the treaty of peace with Germany, including the proposed League of Nations, has clearly demonstrated three things.

First. That the treaty as originally presented to the Senate by the President is impossible of ratification; that many of its provisions endanger the vital rights of the United States, which never can be and never ought to be surrendered; that the obligations which it contains to other nations surrender on the part of our own country that independence of action in the

future which is quite as essential for the welfare of the world as it is necessary for our own protection and development.

Second. That it is absolutely essential to interweave with provisions of any possible ratification such American safeguarding reservations as will entirely protect the rights of our own country.

Third. That the judgment and conscience of more than two-thirds of the Senate of the United States is in full accord with the principle of such American safeguarding reservations, and that the differences which interfere with the expression of the required two-thirds majority of the Senate are differences which are in no sense fundamental.

The 14 reservations which have already been approved by a majority of the Senate do protect every essential interest of our own country, and the mere fact that some of them may, in the judgment of some Senators, protect our own country more than is necessary is no reason for their rejection. It is far safer and wiser to safeguard the essential rights of the United States more than is necessary than to fail in any degree in providing adequate protection, and differences of opinion in regard to the matter ought to yield in favor of our own country.

More than this, when a series of reservations, after months of consideration and debate, have finally been accepted by a majority of the Senate, nothing less than some vital principle which is dangerous to the Republic and obnoxious to conscience or judgment is sufficient warrant for the rejection of a treaty that is so intimately related not only to the future of our own Nation but to the welfare of the world.

So far as I have heard or read what has been spoken upon the floor of this Chamber, I find no serious contention that any one of the reservations is dangerous to the United States or repugnant to the conscience or judgment of the American people. The most that has been said against any of them, or all of them, is that they are either unnecessary, or that they are poorly expressed, or that they go further in their effect than is wise; and I venture to suggest that no one of these reasons is an adequate reason at this time and in a matter of such vast importance for the rejection of the treaty.

It is not now the hour for either side to speak of "surrender," which, in any event, is not the term to apply to differences in phraseology or in regard to principles which are not vital. It is a time for cooperation and for recognition of that rule which is fundamental in the history of the Republic, that what a majority has agreed upon ought to be acquiesced in by the minority even though it may not be in entire accord with their judgment or entirely expressive of their desire. I do not intend even to imply that anyone who, under his oath of office, believes that any one of the reservations threatens or destroys the interests of our own country ought in any sense to support or approve it, nor do I mean that those Senators, whose judgment and conscience lead them to believe that the whole treaty is a dangerous menace to the Republic and ought in its entirety to be rejected, ought to yield their judgment to the mere wish of a majority.

Neither of these positions is true with regard to more than two-thirds of the Senate, who are in their hearts united upon the general proposition that in the interest of business and of peace and of our own country and of the world the treaty, including the League of Nations, ought to be speedily ratified, but that it never ought to be ratified, and that it never can be ratified, without such American safeguarding reservations as absolutely protect our country from the menace to the United States which exists in the treaty as it was originally presented to the Senate. There is nothing sacred in the verbiage of the reservations, but the principle of them is essential.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. SPENCER. Certainly.

Mr. McCORMICK. Will the Senator from Missouri explain how business will be helped by the ratification of the treaty?

Mr. SPENCER. It will be a delight to me to have the constant presence of the distinguished Senator from Illinois, and, if he will remain until my address is over, which will not be more than an hour or two, perhaps his question will be fully answered. May I ask him to wait until I reach the question in its natural order?

Mr. McCORMICK. Let me ask the Senator will it take an hour to explain how business will be aided by the ratification of the treaty?

Mr. SPENCER. Not at all, but at this time it will interfere with the order in which I have arranged the discussion, and if it does not inconvenience the Senator, I would prefer to wait until I reach it in due course, when I will be glad to answer any question of the Senator, so far as I am able to make answer.

Mr. McCORMICK. Very well.

THE ATTITUDE OF THE PRESIDENT.

Mr. SPENCER. I can well understand how my colleagues upon the other side of the Chamber may hesitate to act in violation of the expressed will of the President of the United States or in contradiction of what they believe to be his position in regard to the matter.

If the President would but consider how difficult he has made it to ratify the treaty, it would seem that some cooperation and help might now be expected by the country from his hands. Any intimation on the part of the President to the Senate that he would not oppose the exercise on its part of its own judgment in the matter, but would leave it free to act as it thought best for the interest of the country, would instantly clarify the situation.

Look at the facts and let the undisputed record speak.

In the first place, the treaty is a one-man treaty. It is the first time this has ever happened in any matter of such importance in the history of our country. Always before this time a treaty was first negotiated either by our ambassador or commissioner, who exercised his best judgment in the matter, and the treaty was then returned to the State Department, who, in the second place, gave it careful consideration. It was then presented to the President, who, in matters of importance, went over the matter himself. There were three independent and careful examinations, which were conducive to safety, and after these three examinations the treaty was then presented to the Senate and was naturally received with all the more confidence because of the careful method pursued in its negotiation.

In the present treaty it is not unfair to say that the President alone dominated the matter from the beginning. He left this country and went across the sea to conduct the negotiations himself. He took with him four estimable gentlemen, but their judgment had no weight whatever. In the question in regard to Shantung at least three if not four of the American commissioners were conscientiously opposed to it, but the President determined upon the transfer of the rights of Germany to Japan and trampled upon the rights of 40,000,000 citizens of our sister Republic of China, and the will of the President controlled, and on the record the United States approved the infamous bargain.

The President was the only representative at the peace conference who did not have back of him some legislative sanction and cooperation. The representatives of England and France and Italy and Japan and every other great nation were in constant touch with their respective Governments, both in conference and in the giving of information. The President alone pursued his own course, without any conference with the country be represented and with special disregard of the Senate, which, by the Constitution of the United States is made his legal adviser, particularly in connection with treaties.

More than this, the treaty of peace with Germany was signed on June 28, 1919. It was immediately transmitted to the Governments of England and of France, and was well known in many circles in those countries who were interested in its terms. The President of the United States gave the Senate no information whatever concerning its terms. Copies of the treaty could be purchased on the streets of London for a small sum of money because of its public nature, and yet the Senate of the United States was kept in absolute ignorance of its terms. By some chance a copy of the treaty was secured from private hands, to whom it had been sent by friends on the other side, and it was read in the Senate for information days before the President condescended to give the Senate any official information on the matter. It was not until July 10, 1919, that the treaty was finally sent to the Senate by the President.

This does not give, by any means, a complete picture of the situation, for the special treaty with France whereby the United States bound itself to come immediately to the assistance of France "in the event of any unprovoked movement of aggression against her being made by Germany" was signed at Versailles on the same date on which the German treaty was signed—June 28, 1919.

The two treaties were not only contemporaneous in time but were intimately connected in relationship, and the President in the French treaty expressly agreed that he would submit the French treaty "to the Senate of the United States at the same time as the treaty of Versailles is submitted to the Senate for its advice and consent to ratification."

Not only was this express promise of the President, as contained in the treaty itself, disregarded by him, but no information whatever was officially given to the Senate of either the existence or terms of such treaty. Its provisions were common knowledge upon the streets of Paris and London; and the Senate, through the instrumentality of individuals who had themselves secured from Europe copies of the treaty, was given its first view of the document, for the President did not present to the Senate the French treaty until July 29, 19 days after he

had presented the German treaty and more than a month after the French treaty had been agreed to.

Important as these facts are because of the light which they throw upon the attitude of the President with regard to the Senate, they do not and must not in any sense influence our action in regard to the treaty.

The questions raised by the treaty are as far removed from any feeling of personal indignation as they are removed from the field of partisan politics. At most these incidents indicate merely the need of particular care in the consideration of the treaty in order that the rights of our own country may be entirely safeguarded, because manifestly American interests were far in the background in the negotiation of the treaty of Paris.

STATEMENTS BEFORE MISSOURI LEGISLATURE.

I said before the Legislature of Missouri almost a year ago, on March 25, 1919, with regard particularly to the Monroe doctrine but applicable to our domestic questions, that before the treaty ever could be ratified or ever ought to be ratified—

> It must be written in any constitution of the League of Nations to which this Nation is a party, so clear that the wayfaring man may read and understand, that nothing contained therein shall be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

At the same time, regarding the danger to our own independence of action in the future, which threatens this country in the original terms of the treaty, I said that there—

> must be incorporated in any constitution of a League of Nations to which we are a party the recognition, not by inference or by interlineary interpretation but by clear, ringing, positive declaration, that in all our relations in the affairs of the world the Constitution of the United States is absolutely supreme in regard to all our obligations and in reference to any act of our conduct. No American soldier or sailor can ever be sent to any place in the world at the dictate of any executive council or any international league without the consent of the American people as expressed by representatives in Congress of the United States.

These fundamental principles, which I have on more than one occasion emphasized on the floor of the Senate, are recognized in the 14 reservations which have already been adopted by a majority of the Senate. They are as vitally essential to-day as they were when the treaty was first presented to the Senate, on July 10, 1919. It is to me inconceivable that any American should hesitate about thus safeguarding the vital interests of our own country.

We are the great stabilizing factor in the world. We have neither in our hearts nor in our history any desire for the territory or possessions of other powers. We possess, perhaps for this very reason, the confidence of the world. In the providence of God we are the richest and strongest Nation on the earth. It is from no lack of sympathy with the problems and difficulties of other nations that we adhere to the fundamental policy of our country to keep free from European entanglements. We are in a far better position in the future to act quickly and impartially in the interest of justice and humanity anywhere if we are not fettered by treaty obligations which may compel us by their very terms to act at variance with our judgment and confidence at the time when action becomes necessary.

All that these reservations, which I like to call American safeguarding reservations, do is to guarantee the independence of action in the future of the United States. We do not decline to help at any time in the future. We do not refuse to bear any burden that may in justice be required of us, but we do say in language that can admit of no misconstruction that we will not at this time obligate ourselves to interfere or to intervene in the disputes and quarrels and difficulties overseas, unless at the time such interference or intervention meets with the approval of the American people. No man can foresee what the history of the world during the next years will be. We look as through a mist and can not discern clearly. No one but God has a vision of what is in store for the world. In that uncertainty of the future how recklessly foolish it is for the United States to tie its hands, as they have never done before in our established international polity of over 100 years, and obligate ourselves to act or not to act in matters which are far remote from us geographically, and which are all the more apt to give us difficulty and trouble if we have thus bound ourselves in advance.

Let us look at the reservations which have been adopted by a majority of the Senate.

As I said in the Senate on September 9, 1919:

"the treaty of peace, as it is now written, will never be ratified by the Senate of the United States, and before it ever receives the sanction of representatives of the people here assembled, reservations similar in effect to those which the Committee on Foreign Relations has already reported must be interwoven with the treaty itself."

RESERVATION NO. 1.

This reservation has to do with the right of the United States to withdraw from the covenant of the League of Nations. It is provided in the covenant itself that on two years' notice any member of the league may withdraw from the league—

"Provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal."

The reservation does not in any sense deprive the President of the United States of the right which he possesses, by virtue of his office, to himself give notice of withdrawal at any time he so elects to do, because the language of the treaty expressly provides that "any member of the league may give notice of withdrawal."

If the United States becomes a member of the league, the one officer, under our Constitution, who represents the United States in international relations is the President. He alone speaks to other nations in the name of this country, and, therefore, notice of withdrawal of the United States may be given by the Chief Executive, and he can give that notice any time he may think best and his act is unimpaired by the reservation as it reads.

The reservation, in addition and not in deprivation of the power of the President, adds to the President's unquestioned power the additional right by concurrent resolution of Congress to give the same notice. Without this reservation it would follow that the President alone could give notice of withdrawal, and it is this situation which the reservation seeks to correct. It is quite within the power of any nation negotiating a treaty to provide in the treaty for any method by which any member may withdraw therefrom, so that if the reservation is adopted it creates a definite method of giving notice of withdrawal by concurrent resolution of Congress, and this concurrent resolution of Congress, because of its being included as a provision of the treaty, would be just as effective without the signature of the President as the power of the President is unquestioned to himself give a notice of withdrawal.

The reservation therefore affords two methods of giving notice of withdrawal, and is a desirable safeguard of the future interests of our country.

If the time ever comes when this country desires to withdraw from the League of Nations, either the President, by virtue of his high office, can himself give the notice of withdrawal or in the event of his failing or refusing so to do Congress is empowered by this reservation to give with equal authority the same notice of withdrawal.

The reservation also provides that if at any time the United States feels constrained to give notice of its withdrawal from the league it shall be entirely free to withdraw at the end of two years after the notice of withdrawal has been given, and that it alone shall be the judge as to whether its international obligations and all its obligations under the covenant have been fulfilled.

It is inconceivable that the right of the United States to withdraw from the covenant should in any event be made dependent upon the judgment of other nations whose interest in keeping the United States in the league, even as against the express desire of this country, might easily be so great as to advance fictitious and unwarranted claims of broken obligation on the part of the United States for the very purpose of preventing withdrawal. Just as every great nation is entirely free to enter into an agreement of this kind, so every great nation, after giving the prescribed notice of its intention to withdraw, must be entirely free to withdraw from its identification with the league.

This is in accord with the provisions which are generally inserted in every treaty, which uniformly contains a provision for withdrawal after a prescribed notice.

The reservation simply announces in clear language what Democratic leaders vigorously proclaimed was the intent of the article as it was originally drawn, and it is therefore difficult to understand why there should be any objection to it.

RESERVATION NO. 2.

Reservation No. 2 refers to article 10 of the covenant of the League of Nations, which, in many particulars, is the very heart of the league. As the President originally presented to the Senate article 10, it provides that—

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

It will be noticed at a glance that there is no qualification whatever in the absolute obligation of the United States as a

member of the league to itself respect the territorial integrity and existing political independence of every other nation. If this were all, the article in its original form would not be so dangerously objectionable. We always have and we always will respect the territorial integrity and existing political independence of every other nation.

The obligation, however, reaches far beyond the mere respect of ourselves for the territory or independence of other nations and binds us without qualification to *preserve* as against external aggression the territorial integrity and existing political independence of all members of the league.

In honor this binds the United States to do precisely what the obligation declares, and that is to preserve the territorial integrity of every nation on earth that is a member of the league in case its territory is attacked by any other power. In other words, we are the guarantors of the territorial lines of Egypt, of India, of Bulgaria, of Czechoslovakia, of Greece, of Poland, and of every other Government who either is or who may become a member of the league.

It is quite true that in the latter part of the article it provides that the council "shall advise upon the means by which this obligation shall be fulfilled," but this is merely a method by which the unqualified obligation itself may be fulfilled and adds to the difficulty rather than subtracts from it, for if the council did not advise any means there would still remain upon the United States the unqualified obligation which it had assumed to preserve the territorial integrity of other nations, and with this obligation once assumed, when the territorial integrity of any other nation was attacked by external aggression, it at once becomes the sacred duty of the United States to carry out its agreement and to preserve that territory which it has obligated itself to preserve, and this is equally true whether the council advises any particular means by which the obligation is to be carried out or not.

If, on the other hand, the council should advise particularly the means by which the obligation is to be fulfilled—as, for example, to declare the number of troops or method of attack or number of ships which the United States should send, pursue, or transport—we are confronted with a double obligation, first, by our unqualified agreement to act in the matter, and, second—at least morally—by the obligation to follow the advice of the council and to follow it even before any aggression has actually taken place, so that we would be required to send American soldiers or sailors, in accordance with the express terms of the article, at the mere threat of danger of some aggression upon the territory of any Government whose name is or may be signed to the covenant of the League of Nations.

This is not only a clear departure from the uniform, established international policy of this country, but it is as dangerous to-day as it was when George Washington counseled so strongly against precisely such a course of action.

It may be that the time will come when the United States in the cause of justice or humanity may feel called upon to send its Army or its Navy across the sea. If that time comes, the American people will not be found wanting. They never have been found wanting at any call of humanity or of right from wherever it came, but it is the height of folly to bind our hands for the future and at this time to obligate ourselves as a Nation to intermeddle in the future in every territorial dispute that may arise, practically anywhere in the world, whenever any people may seek by external aggression to change or destroy the territorial lines that divide them from another.

It is quite true that the Constitution of the United States provides that Congress alone shall have power to declare war and that the sending of an American Army or American Navy is the equivalent of an act of war, so that the express action of Congress would be necessary before the Army or Navy could be sent. This fact does not by any means answer the objection to article 10 as it is originally written, for candor to the other nations requires us to let them clearly understand not only the mere legal provision behind which we might hide in case they ever called upon us to fulfill the obligations which we would assume if we signed this article as it is written, but as well to let them know that the United States does not intend to hide behind any mere technical defense, but announces in no uncertain language at this time that we will not bind ourselves, either legally or morally, to send our sons to fight in the difficulties and quarrels of Europe at any time or under any circumstances unless, when the occasion arises, the American people through their representatives in Congress believe it is the right thing to do.

It is precisely this principle of American independence of action for the future that is safeguarded by reservation No. 2. This reservation does not change a single word of article 10. It leaves it intact as it was originally written, but it does announce to the world that—

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Under the terms of the reservation there can be no uncertainty in the mind of any nation in the future. No one in the future can point the finger of scorn at this country and accuse us of having obligated ourselves to preserve the territorial integrity and political independence of other nations and then, when the necessity for fulfilling that obligation arose, of hiding behind our constitutional bulwark and of failing to stand by the agreement which we had made. It must be clearly written that so far as this country is concerned there is no unqualified agreement or obligation to preserve the territorial integrity or political independence of any country, and it is this declaration, alike necessary for our own protection and fair to the world that they may know precisely where we stand, that reservation No. 2 is essential.

RESERVATION NO. 3.

The third reservation, like each of the other 14 reservations, does not change a single word of the existing treaty but does safeguard the application of certain provisions of the treaty so far as they relate to the United States. Article 22 of the League of Nations provides that—

> Colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by people not yet able to stand by themselves under the strenuous conditions of the modern world, shall become "a sacred trust of civilization"—

and further provides that the tutelage of such colonies and territories shall be—

> entrusted to advanced nations who, by reason of their resources, their experience, or their geographical position can best undertake this responsibility.

This third reservation provides with regard to such mandatories that—

> No mandate shall be accepted by the United States except by action of the Congress of the United States—

and thus secures for the American people the judgment of their representatives in Congress upon the question as to whether now or in the future this country shall become responsible for the management and development of distant lands. Such tutelage would require the presence of American troops to keep order and American administrators to at least supervise the government and the imposition and the collection of taxes, and would place upon this country in the first instance the responsibility for the government of the people over whom we accepted such guardianship.

It may be that some such mandatory in the interests of humanity will appeal to the United States, but certainly such a departure from our established international policy must not be entered upon without the careful consideration and definite approval of the American people through their representatives in Congress—and that is precisely what this reservation secures.

RESERVATION NO. 4.

Every great power has always reserved for itself the final determination upon matters which are purely domestic. It is inconceivable, for example, that any other country in the world should be allowed any determining voice in regard to the methods of taxation which are to be enforced in the United States, or as to the question of tariff, or with respect to the settlement of conditions with regard to labor, or in respect to any number of other matters which have essentially to do alone with the people of this country.

There are some domestic matters, such as immigration, which are clearly national in their nature, but which may have an international relationship. This principle regarding any domestic questions was clearly recognized in the covenant of the League of Nations, but there was a lamentable failure in the provisions adopted by the conference at Paris to adequately protect it.

The League of Nations provides in article 15 that if any dispute between any nations "is claimed by one of them *and is found by the council* to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement."

It will be seen, even from a casual examination of this language, that whether a question is domestic or not is, under the provisions of this article, not determined by the nation itself, but by the council of the League of Nations, so that if

there should arise a dispute between the United States and Japan with regard to some question of immigration, and the United States should declare, as it undoubtedly would, that the matter was a domestic matter relating entirely to what people this country desired to admit and incorporate in its citizenship and upon what conditions, and that therefore it was a matter which the United States alone must determine, we would find Japan, under the provisions of the League of Nations as it is written, appealing from the opinion of this country to the council of the League of Nations, and it would become a question not for the United States but for the council to adjudge whether or not such dispute had to do with a domestic question, and in this dispute the United States would have no voice whatever, because, being one of the disputants, it is precluded from voting upon the question to which it is a party.

It is inconceivable that any great nation should consent to refer its own domestic questions to the judgment of any other nation or league of nations. These questions are family matters, to be determined alone in the councils of the national family, and it is difficult to understand how any American alive to the interests and rights of his own country could ever have allowed a provision, such as I have quoted, by which the council of the league is given power to determine what are domestic questions, to be written into the covenant.

The reservation safeguards the rights of the United States in this matter. It provides that—

> The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its international affairs, including immigration, labor, coastwise traffic, tariff, commerce, suppression of traffic in women and children and in opium and other drugs and all other domestic questions are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other power.

The importance of some reservation like this is all the more imperative so far as our own country is concerned because of the uncertainty that exists in the interpretation of other sections of the covenant of the League of Nations.

In paragraph (e) of article 23 of the covenant there is a provision by which all the signatory nations agree "to maintain freedom of transit for the commerce of all members of the league."

Does this mean that the commerce of Germany and England shall have free access to the United States? Does it mean that the principle of protective tariff, which has become incorporated in the economic life of this country and upon the safety of which the wages of American labor and the investment of American money in American industry depends, is in any sense to be surrendered or endangered? Is it possible that when the next tariff law is enacted any of the signatory nations to the covenant will be in a position to say to this country:

> You have agreed to give free transit to our commerce and you can not therefore in honor impose any tariff upon our commerce which may interfere with such free transit unless the tariff which you impose is absolutely necessary for revenue.

I do not think this will be the interpretation of this section of the covenant, but no man can say that such an interpretation is impossible or even improbable, and it is to put the matter entirely beyond doubt that the reservation is necessary.

The same necessity for a reservation exists with regard to the subject of immigration. The entire western portion of the United States would rise in arms against any general agreement to admit Japanese or Chinese to this country on terms of equality with other nations and allow them the same rights of naturalization and citizenship which the citizens of other nations enjoy.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. SPENCER. Certainly.

Mr. BRANDEGEE. On the question of traffic, which the Senator has just finished, has any information whatever been given to the world so far as the Senator knows as to what the authors of that provision of the league intend by it or what it does mean in their opinion?

Mr. SPENCER. So far as I am informed, I know of none. The thought came to me when I studied the article, as it doubtless came to the Senator from Connecticut, as being a possible interpretation, though I am free to say it may not be a probable interpretation.

Mr. BRANDEGEE. If the Senator will allow me, no one knows what is possible or probable that is to be interpreted by the league itself. From the beginning I have regarded that as one of the most dangerous provisions in the covenant, because, as the Senator knows, the great commercial transactions and the rivalries of different nations in trade in the marts of the world form one of the most prolific causes of dispute, and to have this language agreed upon so that the league could interpret it would be most perilous, in my opinion.

Mr. SPENCER. Mr. President, it is not a question whether this feeling in the western part of our country concerning immigration is either right or fair. There is much that can be said against such a discrimination, but it is folly not to recognize the fact that in our national life such a feeling does exist, and it emphasizes the necessity of the recognized principle that immigration is a matter which every nation must settle entirely for itself.

If Japan were to assert that our immigration policy was not by any means a mere domestic question but that it affected the honor of the Japanese nation, and became, therefore, an international question, she would have strong ground upon which to stand in urging the council of the League of Nations to consider and pass upon the matter. This is all the more true because, under article 4 of the covenant of the League of Nations, the council is expressly authorized to deal with any matter of whatever character that may affect the peace of the world; and, if the insistence of Japan upon her point was vehement, there would arise at once a threatening danger to the peace of the world.

If the council were, because of this fact, to attempt to decide whether the immigration laws of the United States should be sustained or not, it would consider the matter at sessions in which neither Japan nor the United States would have a vote, and if the council, with the United States and Japan both eliminated, should find that our immigration laws were not a matter of domestic jurisdiction, we would be forced into the humiliating position of having our own laws, which we firmly believe are entirely internal in their character, passed upon and either enforced or rejected by the representatives of other nations sitting in a council in which we, because we were parties to the dispute, would have no voice.

Such a position is inconceivable alike to our honor as a nation and to our own safety as a people, and reservation No. 4 absolutely safeguards in this matter the interests of the United States.

RESERVATION NO. 5.

This reservation has to do with the Monroe doctrine of the United States.

The Monroe doctrine of the United States was announced December 2, 1823, nearly 100 years ago, in a message of President Monroe to Congress. It proclaimed to the world the general principle that the United States did not intend to interfere with the problems of Europe, and, on the other hand, that the United States would not look with favor upon any interference by Europe with problems that had to do particularly with the Western Hemisphere. The principle has been somewhat extended, and, with nearly 100 years of acquiescence on the part of the world, it has become established that the United States will not permit any autocracy or monarchy to secure for any reason a foothold upon this hemisphere. North and Central and South America are essentially a territory of Republics. The United States is the greatest Republic of them all. We believe in a form of government by which the people rule, and we do not propose to allow the contagion of monarchies and autocracies to be brought to our very threshold.

No power has ever definiely assented to the principle of the Monroe doctrine. At least twice the principle has been directly involved in international negotiations—once with Great Britain and once with Germany; once under a Democratic President, Mr. Cleveland, and once under a Republican President, Mr. Roosevelt—and each case had to do with Venezuela. In the German case, as I remember, there were certain obligations probably justly due to Germans which rose in Venezuela, and the German Government indicated its intention of seizing some port in Venezuela or taking other steps to enforce the demand, which was believed by them to be the righteous demand of their nationals. The United States interfered and announced that under the Monroe doctrine, while Germany could exert any economic pressure to enforce her claims that she liked, we would not allow her to occupy for a single hour a single foot of Venezuelan territory, because such occupancy would be in violation of our established Monroe doctrine. After diplomatic negotiations, which approached the danger point, and when Germany found that the United States was unchangeable in its determination to defend the Monroe doctrine, she gave a shrug of her diplomatic shoulders and, in effect, said, "Well, if you feel that way about it, let us talk about something else"; and the incident was closed. She had acquiesced in the Monroe doctrine. Great Britain did precisely the same thing when the question arose between the United States and that great country.

The first edition of the League of Nations contained no reference whatever to the Monroe doctrine. American protest in this matter was prompt and general, and the second edition had a grudging reference to the Monroe doctrine, in the following language:

ART. 21. Nothing in this covenant shall be deemed to effect the validity of international engagement, such as treaties of arbitration or regional understandings, like the Monroe doctrine, for securing the maintenance of peace.

No sooner had this provision been made public than the English press and English statesmen gave clear expression to their interpretation of the matter, and it was all to the effect that under this provision the United States had surrendered its Monroe doctrine as a great national policy and that whether or not any matter in the future involved the Monroe doctrine would be a question not for the United States to determine, but for the council of the League of Nations to pass judgment upon. The Yorkshire Post, in its issue of February 1, 1919, clearly stated:

It is admitted that unless the Monroe doctrine is definitely abandoned by the United States the formation of a League of Nations is impossible. It would be ridiculous to attempt it.

If no other greater reason compels us, we should in fairness to other nations announce without equivocation and by a declaration, clear and positive and unmistakable, that the United States does not relinquish or diminish its traditional attitude toward purely American questions in the least, and that the Monroe doctrine in all its integrity is to be preserved in the future as it has been in the past.

The Monroe doctrine is essentially an American principle. It can have to do with no other nation. It is peculiar to ourselves. It results from our geographical situation and our political form of government. It is applicable to no other people as it is to the people of these United States. It is as ridiculous to speak of making the Monroe doctrine a principle of universal application as it is to declare that the American method by which party conventions select their respective candidates for President should generally be adopted in the world. Each represents a peculiar American matter and is not capable of being applied to all parts of the world.

The cause for it rests fundamentally in the need for our own protection against the encroachment of foreign methods of government inconsistent with our own governmental ideals.

Mr. President, I call attention to a single illustration of the need of the doctrine in our own interests, which is along a line evidently not contemplated by the conference at Paris. It seems as if those who wrote article 10 of the League of Nations had in mind, and wisely had in mind, the prevention of external aggression upon the territorial integrity of any other nation, because such external aggression breeded war, and war was the thing which the League of Nations wanted to make impossible. They failed, however, to recognize that there may be external aggression upon the territorial integrity of another nation which is an absolutely essential aggression on the part of the invading government, and in no case is that more clear than with the United States.

If we had a map of the United States upon the wall, we could refresh our memory by looking at the State of California. At the south of the State of California there extends southward that long peninsula which is called Lower California. It has little agricultural value. The cost of irrigation that would make it agriculturally available is prohibitive. But it has upon its western border the Bay of Magdalena, the most wonderful assembling ground for a navy upon the whole Pacific coast, except perhaps the port of San Francisco, and it has great fields that lend themselves to the mobilization of an army.

Lower California belongs to Mexico. Mexico has long wanted to sell. The distinguished Senator from Arizona [Mr. ASHURST] has upon more than one occasion advocated the acquisition of Lower California upon the part of this Government by purchase. Mexico has been seeking a purchaser. Japan has wanted to buy. I do not know, nor does any other Senator upon the floor of the Senate know, that Japan has not already bought Lower California. When there is an article in commerce and he who has it is keen to sell and is met by some one eager to buy and unmindful of the price, the consummated sale is apt to follow. If Japan has bought it, or if Japan should buy it, it immediately has become or would become the territorial integrity of Japan. They have as much right to buy Lower California as we had to buy the Virgin Islands from Denmark not long ago. If that sale has been completed, or should be completed in the future, what stands in the way of the transaction? Nothing in the world except the announcement and the enforcement of our own Monroe doctrine. If we could imagine the Japanese ambassador sitting upon one side of the table and the Mexican ambassador sitting upon the other side of the table negotiating about Lower California, and could witness the conclusion when the Japanese ambassador said, "There is your money," and the Mexican ambassador replied, "There is your deed," the transaction would be complete. If either one of them had lifted his eyes ever so little, he would have seen the strong uplifted arm of the manhood of the United States declaring to the ambassador of Japan, "You dare not buy," and to the ambassador of Mexico, "You dare not sell property that shall come under the domination of Japan and that lies upon the threshold of the American Republic."

Yet, with that sale consummated, or to be consummated, and with Lower California a part of the territorial integrity of Japan, there is not a man in the Senate who does not know that the news of that transaction would not be 24 hours old before an American Army would be marching to Lower California, and the Japanese outposts upon the point of Magdalena Bay would see the smoke of American men-of-war advancing to drive out the Japanese fleet from its assembly grounds. When the American troops came on their way, and the American fleet proceeded toward the bay, under this treaty what would Japan do? She would say to England and to France and to Italy, the nations whose sons have mingled their blood with the blood of our own, "Come; the United States by external aggression is invading my territorial integrity, and I demand of France and England and Belgium and Italy that you rally around me and fight with me to offset the American Army that I see advancing and the American Navy that is steaming toward my shores." If France and England and Italy and Belgium kept their word as it is written in this treaty, they would be bound to come to the assistance of Japan as against the United States.

The only ground we have upon which to stand in a case like this is the Monroe doctrine itself, for with that doctrine clearly established we could incontrovertibly assert, not alone to Japan but to every other nation, that such acquisition of territory was in violation of the established and recognized and proclaimed right of the United States, as set forth in the Monroe doctrine.

The fifth reservation which protects this matter is brief and clear and unanswerable. It reads as follows:

The United States will not submit to arbitration or to inquiry by the assembly or by the council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone, and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

Mr. COLT. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. SPENCER. Certainly.

Mr. COLT. I was much interested in the illustration which the Senator gave in regard to the Monroe doctrine, and I should like to ask the Senator this question: Supposing that the Central and South American Republics join the League of Nations and the United States does not join, then, in the case which the Senator mentions of Mexico deeding Lower California to Japan, how could we defend the Monroe doctrine? Could not Mexico say in that case: "We have formed a new world alliance under the league, and therefore the Monroe doctrine is no longer in force; we do not recognize it; we stand upon our sovereign rights secured to us under the League of Nations." Therefore, in the illustration which the Senator drew, if the United States kept out of the league, would she not stand alone, with the nations of the world against her, and would not the Monroe doctrine then fall to the ground?

Mr. SPENCER. I thank the Senator for the interruption and for the helpful statement which he has made. Undoubtedly it is true that in the case which the Senator announces we would have to depend for the enforcement of the Monroe doctrine upon our own national strength, together with the help of any nations that might agree with us. If the reservation to which I have referred is adopted and under it we enter the League of Nations, we then have the Monroe doctrine clearly proclaimed as an American doctrine, and back of our enforcement of the Monroe doctrine we have not only our own strength but the protecting power of the covenant of the League of Nations itself.

Mr. COLT. Mr. President, may I not ask the Senator whether, in case we join the league, the other nations, as well as ourselves, are not bound to uphold the Monroe doctrine?

Mr. SPENCER. There is no doubt of that.

Mr. COLT. And, further, if we enter the league, are not the nations of the world also bound by the Monroe doctrine as a doctrine of international law?

Mr. SPENCER. I think the Senator is quite right, provided this reservation is written into the treaty, in his conclusion that with the Monroe doctrine clearly proclaimed as an American policy it would have an international standing far more secure than it now has.

Mr. KING. Mr. President, will the Senator permit me to trespass upon his time?

Mr. SPENCER. I will, with pleasure.

Mr. KING. If I understood the position of the Senator from Rhode Island, it was that if the United States failed to sign the treaty and become a party to the league, the Monroe doctrine, so far as the South American Republics were concerned, would fall to the ground and be inoperative.

If I understand the position of the Senator correctly, I do not think that position is tenable, and yet I would defer very much to the superior knowledge of the learned Senator from Rhode Island. The treaty itself, without our being a signatory to it, contains a recognition of the Monroe doctrine. I concede, of course, that the interpretation placed upon it by many, wherein the language is used that it is a regional understanding, leads them to give a different exposition to the treaty and to the meaning of the treaty than that for which I contend. But, assuming that those words do imply a recognition of the Monroe doctrine, whether you call it a regional understanding or a rule of international law, it is named there as a fact; it is recognized as an understanding; and if it is only a regional understanding rather than an international understanding, I insist, nevertheless, that the Monroe doctrine would be preserved and is recognized in the treaty whether we become signatories to the treaty or not; and therefore the South American Republics could rely upon the Monroe doctrine if they desired; or, rather, say that it was in force, even though the United States did not join the League of Nations.

Mr. BRANDEGEE. Mr. President, if the Senator will permit me, I should like to ask him, if I understood him correctly: Does he claim that if we enter the league under the reservation in relation to the Monroe doctrine already adopted by the Senate, the other members of the league have thereby recognized the Monroe doctrine as binding upon them as a doctrine of international law, as stated by the Senator from Rhode Island?

Mr. SPENCER. I wish that were true, but it is not true.

Mr. BRANDEGEE. I misunderstood the Senator, then. As I understand, all they would agree to, if they accepted this reservation as required by the preamble, is that we shall be the sole interpreters of our Monroe doctrine; but they do not bind themselves to recognize it as we may interpret it.

Mr. SPENCER. No; and there is no definition of the Monroe doctrine, either in the covenant or in the reservation.

Mr. BRANDEGEE. No.

Mr. SPENCER. But, undoubtedly, if we entered into the league with the reservation concerning the Monroe doctrine also incorporated in the covenant, we would then have an international recognition of our right alone to interpret the Monroe doctrine, which we have not to-day; and if we do not go into the League of Nations, then we would have our right to alone interpret the Monroe doctrine, backed by ourselves and backed by any other nation that might acquiesce or agree with our view, but not necessarily backed by all the nations signatory to the covenant, as it would be if we went into the League of Nations and the reservation were made a part of the covenant.

Mr. BRANDEGEE. Provided the other members of the league accept the reservation.

Mr. SPENCER. Quite true.

Mr. COLT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri further yield to the Senator from Rhode Island?

Mr. SPENCER. I do.

Mr. COLT. If the Senator from Missouri will pardon me, I beg to say a word in reply to the Senator from Utah.

The Monroe doctrine is essentially a doctrine of the United States of America. The Central and South American Republics view it with some apprehension. They do not like, in a way, the overlordship. Now, if the Central and South American States join this new alliance of the league, they will regard themselves as outside of the protecting power of the Monroe doctrine. Hence, if we do not join the League of Nations, and they form a new alliance, notwithstanding the indefinite language that there is in the covenant, I maintain that the Monroe doctrine as an American doctrine falls to the ground.

Mr. KING. Mr. President——

Mr. SPENCER. I yield to the Senator from Utah.

Mr. KING. I thank the Senator from Missouri for his courtesy.

Mr. President, if the Senator from Rhode Island will pardon me, I desire again to express my dissent from the position which he has taken and the very clear exposition which he has given of the Monroe doctrine. I do not wish to assent to his proposition, nor do I wish to dissent from it, that by the affirmation of the Monroe doctrine we have infringed upon the sovereignty of the Republics to the south of us. That is a question that is rather delicate to discuss. But, Mr. President, I do deny the proposition that if we fail to join the League of Nations and the Republics to the south of us do become members of the League of Nations the Monroe doctrine is overthrown and, to use the language of the Senator, those Republics would take refuge under this new alliance.

Will the Senator permit me just to invite attention to article 21?

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine.

Those Republics to the south of us, if they join the League of Nations and we do not give approval to that section to which I have just called attention, recognize the Monroe doctrine as a valid and subsisting regional or international obligation or understanding. I do not care whether you call it an international or whether you call it a regional understanding. They would recognize it as a living, vital force or power, moral or legal, I do not care how you designate it, existing in the world, and they would be subject to it, and they would express their approval of it by becoming members of the League of Nations.

Mr. COLT. Does the Senator believe that Mexico would recognize it?

Mr. KING. Mr. President, the Senator has just assumed, in the position he has taken, that they do join the League of Nations, and the only reply I am making is based upon the assumption in which the Senator indulged. The Senator said in his very first sentence that if these Republics to the south of us join the League of Nations and we do not, then the Monroe doctrine is overthrown, because they will take refuge in this new alliance; and, predicating the remarks which I have made upon the supposition which he has given, I am assuming that they have joined the League of Nations; and if they join the League of Nations, then they approve of the Monroe doctrine, and they will call it into recognition or may call it into recognition, so far as they have the power to do so, whether they are in the League of Nations or not. Of course, I admit that it is unilateral that we alone could enforce the Monroe doctrine; but, at any rate, there is no repudiation of the Monroe doctrine by them if they join the League of Nations and we do not, but, upon the contrary, so far as they can they approve of the Monroe doctrine and give it the same sanctity and the same solemnity and the same international obligation as if we became a member of the League of Nations.

I thank the Senator from Missouri for his very great courtesy.

Mr. SPENCER. Mr. President, reservation No. 6 has nothing to do with the League of Nations, but relates to one of the shameful provisions of the treaty of peace itself. It withholds the sanction of the United States from those infamous proposed sections—156, 157, and 158—of the treaty by which all the rights which Germany claimed in China are turned over to Japan. These provisions are the culmination of a long series of unjust and regrettable international arrangements, every one of which is repugnant to that sense of justice which fortunately pervades the United States and which, please God, may in this country never be diminished or destroyed. In brief, the history of it is as follows:

In 1896 and 1897 Germany indicated clearly her determined policy to acquire for herself territory in China.

In 1898 when two Christian ministers of German citizenship had been killed by a mob, Germany promptly seized the opportunity of making this unfortunate incident a basis for the peremptory demand of the desired rights in Shantung. It had no more foundation in justice than, as has been well said, would exist if as a result of mob violence in the city of Baltimore a citizen of Great Britain should be killed and the unfortunate incident should be made the demand for the cession to England of the Chesapeake Bay and its adjacent territory.

Soon after the war broke out in 1914 the Chinese Government was anxious to expel the German forces from Chinese territory, and under the circumstances was able to do so. This would have brought China directly into the war, but Japan with great vigor insisted that China should not act in the matter and prevented her entrance into the war upon the side of the Allies, while Japan herself, at an almost negligible cost of men or material resources, dispossessed Germany from her Chinese possessions. It is significant that Japan in thus dispossessing Germany did not content herself alone with the acquisition of the terri-

tory which Germany had acquired but landed her troops a hundred and fifty miles in the interior and took military control of a far greater extent of territory than Germany had ever possessed.

In 1915 Japan, by the threat of force and by dominating diplomatic insistence, compelled an unwilling China to agree that the rights of Germany should on the termination of the war be transferred to Japan. Japan with great cunning secured, owing to the stress of world conditions, a secret agreement from England and France and Italy that they would consent in the final treaty with Germany to such acquisition by Japan of all Germany's rights.

It is, as I have said before, inconceivable that the representatives of the United States at the peace table who have asserted that the first knowledge they ever had of any such agreement between England, France, Italy, and Japan regarding Shantung came to them at Paris should ever have consented to proceed with the negotiations until these secret arrangements of such vital importance to the future welfare of the world were by the consent of all parties thereto entirely abrogated, so that the conference at Paris might begin their negotiations unencumbered by secret arrangements of which the United States had no prior information. One would have thought that the President—who has himself asserted that he had never before heard of this agreement between England and Italy and France and Japan, by which Japan was to receive the territory which Germany held in China, and that he first learned of it in Paris—would promptly have said to his associates something like this:

"Gentleman, I learn for the first time of the secret treaty which you have made between yourselves. I do not impugn the motive or the necessity which may have been the cause of its original creation, but as we now come together to consider the welfare of the world, and to consider it alone upon the principles of honor and of justice, I say to you in the name of the United States that before we enter upon this conference that secret treaty, by the consent of every one of you who formed it, must now be laid upon the table and canceled, in order that we may proceed, unfettered by secrecy, to do now what is right in the matter. I will not enter into a conference with my hands tied by a secret arrangement concerning which I had no information whatever."

But such action was not taken at Paris. The treaty of peace was negotiated with provisions which did give to Japan the very territory in China which England and France and Italy had secretly agreed with Japan should be given to her, and that treaty is now an accomplished fact and in practical operation. Germany has already ceded her rights in Shantung to Japan. Japan is in actual possession of this part of the Shantung Peninsula, and nothing that we can do will dispossess her unless, indeed, by very force we eject her from the peninsula.

If we adopt amendments, as some have urged, which expressly cede Shantung to China and take Shantung away from Japan, we ought to make it effective.

If the United States in its wisdom actually transfers territory from Japan to China, we ought to see to it that such transfer on our part is accomplished, otherwise it is nothing but a verbal bubble that by its very lack of substance suggests its insincerity.

Is it not also apparent that by amendments to the treaty, whether we proceed to enforce them by war or not, we are intermeddling in the most aggravating manner in the quarrels and disputes of the Far East? We seek to change an existing condition of territory of which we disapprove, and not only express our disapproval but actually take the disputed territory and give it to another. There could be no greater intermeddling in the affairs of the Far East than this.

If we adopt amendments we are not helping China in the least. We do not change by a hair's breadth the existing condition of Japan's possession of the Shantung Peninsula. We do nothing more than create a diplomatic situation which renders real help to China more difficult in the future.

Amendments to the treaty in this matter would be as unwise as they would be ineffective.

The reservation does not change the provision of the treaty, infamous though it is, because such a change is impossible in the situation in which we now find Japan and China; but it does provide that—

The United States withholds its consent to articles 156, 157, and 158 and reserves full liberty of action with respect to any controversy which may arise under such articles.

We place upon that Shantung provision of the treaty the stamp of our disapproval, and we absolutely refuse to sanction it or to become a party to it, and we practically give notice to the world that at the first opportunity we will in every way in our power attempt to correct that great iniquity.

Consistent with the purpose that runs through every reservation, we leave the future action of this country in this matter unfettered, and refusing the consent of the United States to the iniquitous surrender of Shantung to Japan, we hold ourselves free in the future to act in the matter as opportunity may permit and justice may require.

RESERVATION NO. 7.

This reservation has nothing to do with the League of Nations, but does refer to the many provisions of the treaty itself which provide for a large number of necessary commissions, committees, and other tribunals to consider and adjust questions of reparation and boundaries and values growing out of the complicated details of the treaty itself.

In many of these commissions it is provided in the treaty that the United States shall have a representative. In very few of them is it either wise or necessary that the United States should take any part. They have mostly to do with matters that affect the nations involved and only the nations involved. Our country neither sought nor is it now claiming any of the territory of the enemy. We never have had and do not now advance any desire for the land of other nations, nor do we seek indemnity for the enormous cost in which the war involved us. Therefore, the necessity of our participation in these essentially European matters is not apparent.

Wherever the interests of the United States can be at all affected by the action of any commission, tribunal, or committee, we must, of course, have a representative. But where the interest of the United States is not at all concerned there can be no need for any American representative, unless, in a comparatively few cases, our connection with such a tribunal might be desirable as an act of courtesy to our allies and of help in the difficult problems of adjustment.

The reservation itself does not change the composition of a single committee or commission or tribunal, but it does provide that there shall be no American representatives appointed except in accordance with such provision therefor as may be made by the Congress of the United States.

In other words, the reservation declares the principle that the American people, through their representatives in Congress, must first determine whether the United States ought to have representation on these European commissions, and when it has been so determined to provide for their appointment and powers and duties.

RESERVATION NO. 8.

This reservation, like its predecessor, has nothing to do with the League of Nations itself, but deals entirely with a provision of the treaty.

In the treaty the provision in regard to a reparation commission gives to that commission large powers which are so broad in their language as to warrant the fear that in carrying out their plans they may establish regulations or rules which shall vitally interfere with exports of the United States into Germany or with imports into the United States from Germany, and the reservation safeguards the rights of our own country only to the extent of providing that so far as this country is concerned it must be understood that no decision of the reparation commission can effect American exports or imports without the approval of the Congress of the United States.

It may be that there is no necessity for this reservation and that the reparation commission will not in any event interfere with American exports or American imports. If such is the final interpretation of the treaty, then, at most, this reservation would be mere surplusage and can not in any event work any injustice to any nation. On the other hand, if the reparation commission should attempt to interfere with American exports or American imports, the necessity of some such American safeguarding reservation as the one now being considered is most manifest.

The reservation is brief, and reads as follows:

The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

RESERVATION NO. 9.

No one knows what will be the expense of the League of Nations, or of the secretariat provided by its terms, or of the commissions, committees, or other agencies which are set up by the treaty. An estimate has already been made by an intelligent and experienced accountant, who is himself familiar with international matters and a lawyer of standing, and who asserts that the annual cost of carrying out the League of Nations and the accompanying treaty provisions will amount to over $1,000,000,000.

In my own judgment this amount is tremendously in excess of any possible cost that may accrue, but in any event there will

be a substantial amount of money which it will be necessary to provide, and the treaty requires that all the costs incident to the carrying out of these provisions shall be borne by the respective nations in the same proportion in which these nations bear the expense of the International Bureau of the Universal Postal Union.

The reservation does not change the liability of the United States to provide its full share of any necessary expense, but it does clearly announce to the other nations that before the United States can be called upon for money for these purposes there must be an actual appropriation of funds for that purpose by the Congress of the United States. The reservation carries out a wise business rule that there must be an estimated budget of required expense and provision made for payment before definite obligations are created.

The reservation reads as follows:

The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

RESERVATION NO. 10.

Article 8 of the covenant of the League of Nations very wisely recognizes—

that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

In effectuating this principle the same article provides that the council of the League of Nations, after an examination of the military and naval strength of each nation, and with due consideration to its geographical situation and circumstances, shall formulate a suggested plan for the reduction of national armament by each nation and shall submit that plan to the nation concerned.

It is further provided that if such nation, on consideration of the proposed plan for the reduction of its armament, shall consent thereto, that in such event such consenting nation shall not in any event subsequently increase its armament as thus agreed upon without the consent of the council.

It is a provision that has much merit and is well worth a trial. The Senate, however, quickly realized that even though the United States might agree to such a reduction of its Army and its Navy, nevertheless that there might come an occasion when, in the event of an attack upon the United States by a foreign foe, there would be an immediate necessity of increasing its Army or its Navy, and that there would be no time to secure the consent of the council, especially because, under the provisions of the covenant of the League of Nations, to obtain such consent it would require a unanimous vote of the council, so that any objecting nation might prevent the United States from thus protecting itself against invasion.

The reservation safeguards this situation and provides that this country reserves to itself the right "to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war." It is difficult to understand how any American can have the slightest objection to such a reservation which so clearly stands for the protection of his own country.

RESERVATION NO. 11.

Under article 16 of the covenant of the League of Nations it is provided that in case any member of the league shall "resort to war in disregard of its covenants" that it shall "ipso facto be deemed to have committed an act of war against all the other members of the league," and that every member of the league shall thereupon immediately subject the offending nation to "severance of all trade or financial relations, prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not."

In other words, this section of the covenant of the League of Nations, with a great deal of wisdom, provides a certain economic punishment to be meted out to any nation who violates the agreement it has made in becoming a member of the League of Nations, and, in carrying out of this economic punishment, it requires every nation to at once enforce a suspension of all business relations between those people who are under its control—its nationals—and the people of the covenant-breaking State.

If, for example, Greece or Italy should violate the covenant which it had assumed, it would be the duty of the United States as well as of the other nations who were members of the league to promptly impose upon Greece and Italy the economic pressure which would follow from at once terminating all business relationship between the citizens of the United States or others under its control with the citizens of Greece or Italy.

The provision of this article of the covenant of the League of Nations is so broadly drawn that in the illustration which I have just given it would require the United States to cease all business connection with any citizens of Greece or of Italy who might be living within the borders of our own country at the time. In other words, if it became necessary for this country to carry out this provision of the covenant of the League of Nations as against Italy or Greece, it would follow that no American could have his shoes shined in a place where Greek boys were doing the work, because that would be the transaction of business between nationals of the United States and nationals of Greece.

It would prevent any citizen of the United States from buying any fruit from an Italian fruit vender for precisely the same reason. It would absolutely terminate any business relation of any kind, however insignificant, which any citizens of this country might desire to have with any citizens of Italy or Greece wherever it was intended to carry on that business.

All that the reservation does is to limit the provision of this economic pressure by providing that in our discretion we may permit our nationals to deal with the nationals of the covenant-breaking States who reside in this country or who are living outside of the territory of the covenant-breaking country, so that in case we were required to discontinue all business relations with Italy or with Greece, we would not be put in the absurd and difficult position of breaking our own solemn obligation if we had dealings at home with such citizens of Greece or of Italy as might at the time be residing in the United States or in Canada or in any other place outside of Greece or Italy while it would leave the entire article in full force with regard to all commercial relationships between this country and the nations of Greece or Italy.

RESERVATION NO. 12.

This reservation also has nothing to do with the League of Nations, but relates mainly to sections 296, 297, and annexes thereto, of the treaty itself. These two articles of the treaty have to do with the settlement of the debts and property rights and interests which were interfered with by the war and which were due when war was declared or became due while the war was in progress between the nationals of the United States and its associates on the one side and the opposing nations upon the other side.

There is a large amount of property belonging to citizens of Germany which was taken possession of by this country because it was in this country at the time of the war, and there is a certain amount of property belonging to the citizens of the United States which was taken possession of by Germany because it was in Germany at the time of the war. There is a vast amount of property interests of one kind and another belonging to citizens of the respective nations which must be adjusted now that the war is over, and in these two sections of the treaty, and also in other parts of the treaty, there are provisions made for adjustment of these debts and property rights and interests.

The reservation provides that in the settlement of these matters it must be clearly understood that the United States, if it signs the treaty, does not confirm nor ratify nor approve any act in connection with such adjustment that is in contravention of rights of citizens of the United States or is in violation of law. It is another one of those protective reservations which safeguard the property and rights of American citizens and leaves our own country with its hands unbound so that it is free at any time to assert and secure the rights of our own citizens if they have been in any sense violated in the carrying out of the treaty provisions. In other words, the United States announces to all the other nations that it regards itself as entirely free at any time to protect the property rights of Americans if in any event they have been illegally violated.

RESERVATION NO. 13.

Reservation No. 13 relates to part 13 of the treaty of peace, which is composed of articles 387 to 427, inclusive and has to do with labor and has for its wise purpose the promotion of social justice and provides for a permanent organization with representatives from all contracting nations.

There is much that might be said in connection with this exceedingly important part of the treaty. Injustice and hardship to the labor of a country is not only an unwarranted burden upon those who are directly affected, but is a menace to the safety of the nation itself. This is true anywhere in the world, but it is essentially true in our own country, where the distinction of class or birth does not exist; where every citizen is upon an absolute equality with every other citizen; where the unknown

stranger who may be laboring with his hands to-day becomes a leader of the people, with tremendous power in his hand, to-morrow. As the Supreme Court of the United States once put it, in this country "every citizen is a constituent part of the sovereignty itself."

I remember upon one occasion when President Garfield visited the city of St. Louis it was related that a dirty, barefooted boy upon the street, in the excess of his enthusiasm, waved his ragged hat and shouted, "Hurrah for Garfield!"

The President from his carriage noticed the boy and lifted his high hat in a return of the salutation. Some representative of a foreign power, who was seated with the President, with manifest interest inquired: "May I ask, Mr. President, why you took off your hat to that dirty ragamuffin?" The President instantly replied: "Because that American boy, like Abraham Lincoln before him, may himself become the President of this Republic."

It is illustrative of the unlimited opportunity before every American boy and emphasizes the peculiar necessity in these United States that absolute justice should be meted out to all citizens alike, irrespective of their birth or creed or occupation.

When it comes, however, to the actual operation of the provisions of this portion of the treaty which has to do with labor, it may well be asked whether in the interest of American labor, which is the most intelligent, most efficient, best paid, best living labor in all the world, we ought to place the American workingman even in conference on a par with the workingman of other nations whose working conditions and mode of living and amount of compensation are so greatly inferior because there is a certain amount of leveling downward in such conferences as is so well established with regard to currency.

We know that if gold and paper money come in conflict the gold is at once driven out of circulation and the inferior currency predominates. If American labor is in any sense bound in its relationship with the inferior labor of other parts of the world it is well worth considering as to whether the result of such obligation may not lessen in some degree the position of advantage which American labor now has and so richly deserves. In any event what the reservation provides is that in case the United States does participate in such an international labor organization and does involve American labor with the labor of the world it shall be only under such conditions and with such protection as the American people may, through Congress, provide for the safety of American citizens.

The reservation reads:

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

RESERVATION NO. 14.

The last reservation has to do with equality of representation in the assembly and, as I shall expect to show, in the council of the League of Nations.

Under the provisions of the covenant of the League of Nations each member of the league, irrespective of its size, shall have one vote in the assembly, which is made up of representatives of all the members of the league. Each member may have three representatives therein, but in no event can any member have more than one vote. This enables the United States to have one vote in the assembly. The British Empire, as such, is a member of the league and is entitled to one vote in the assembly, and in addition it is expressly provided that Canada, Australia, South Africa, New Zealand, and India shall each be members of the league, and shall therefore each have a vote in the assembly, so that Great Britain has in the assembly six votes and the United States has but one.

This inequality of representation is not pleasant for an American to approve, even though it is true that under article 5 of the covenant of the League of Nations all decisions of the assembly, except where otherwise expressly provided, require an agreement of "all the members of the league represented at the meeting."

There is much safety in this provision of unanimity, but it is not at all adequate in remedying the inequality of representation, as I shall endeavor to demonstrate. In the first place, the assembly may, by a mere majority vote, pass upon all matters with regard to procedure and to the appointment of committees, and this power has far-reaching effect. More than this, the very fact that Great Britain has in the assembly six votes upon every question gives to her an undue influence not only because of her six votes in any particular matter under discussion but because of her sixfold power in the assembly, for no nation can fail to recognize that Great Britain is in possession of six votes and the United States is entitled to but one. There are, however, far more serious objections to this inequality of representation than those I have already mentioned, because the composition of the council itself may be at stake.

The council is the executive agent of the League of Nations. It has power as great as the assembly itself. It deals with every question in the world that may threaten the peace of the world. It is composed of nine representatives from nine nations. Five of them are permanent and consist of the representatives of the United States, the British Empire, France, Italy, and Japan, and four members of the council are to be selected by the assembly—and I call particular attention to the use of the word "selected"—from time to time as in its discretion it may care to act. For the present the representatives of Belgium, Brazil, Spain, and Greece constitute the other four members of the council. It is expressly provided that the assembly may at any time "select" the representatives of any other member of the league to take the place of these four temporary members.

The President, in connection with representatives of France and Great Britain, officially announced—and, in my judgment, correctly so—that under the provisions of the League of Nations Canada, Australia, New Zealand, South Africa, and India were eligible to membership in the council.

It is perfectly manifest that if in any event four of the British colonies should be selected as members of the council it would give to Great Britain in the council not only the vote of the British Empire, which is already represented on the council, but as well the vote of her four colonies, which would constitute a majority of the entire council. The answer is made at once by those who do not believe that this reservation is necessary that in no event could there be any election to the council without the consent of the United States, and that therefore the United States is entirely safe in the matter. It is not by any means clear that this answer is either well founded in law or in any sense sufficient to meet the difficulty, for it will be remembered that the assembly "selects four members of the council," and by every rule of legal nomenclature "selection" is not a decision.

Under article 5 of the covenant of the League of Nations all decisions of the assembly, except where otherwise expressly provided in the covenant, require a unanimous vote.

A decision is an act of settling or terminating a controversy by giving judgment on the matter at issue.

A decision is not a selection. A court gives a decision when it passes judgment upon the matters which are in dispute and which have been submitted to the court for its decision. The court does not in any legal sense render a decision when it acts in its administrative capacity and appoints some man as clerk or official reporter.

In a general sense undoubtedly the selection of a member of the council may be called a decision, but it must be remembered that the language of the covenant of the League of Nations was drawn by those who were skilled in the use of terms in their legal and diplomatic meaning, and under a familiar rule language thus used is to be interpreted in accordance with such legal or diplomatic meaning.

If therefore the mere selection of a member of the council is not regarded as technically a "decision" of the assembly, it follows inevitably that in the selection of members of the council only a majority of the assembly is necessary to make a selection, and if this is true it would be quite within the power of Great Britain, having 6 votes in the assembly with all the attendant influences which such a preponderance of voting power naturally gives, to secure the support of a majority of the assembly and elect as representative in the council four members of her own self-governing colonies, with the result that Great Britain would have five out of nine members of the council.

I do not believe that Great Britain has now or ever did have any such intention, nor do I say that the interpretation which I have outlined is beyond any doubt a correct interpretation to be given to the provisions of the covenant as they are written; but no man can say that such an interpretation is impossible, and it involves a matter of such great and grave importance to the United States that every instinct of self-preservation would lead us to guard against even the possibility of such vital danger.

The most ardent advocate of the treaty in its original form would not for a moment contend that Great Britain ought in any event to have five votes in the council of nine as against one vote of the United States, and every advocate of the treaty in its original form would undoubtedly admit that, other things being equal, it is desirable that in the assembly, even bearing in mind the rule of unanimity which the covenant prescribes, the United States should have a representation as large as any other nation.

The language of the reservation makes safe for the United States both the existing inequality of representation in the assembly and the possible inequality of representation in the council. It does not diminish in the least the right of the self-governing colonies of Great Britain to have representation in the assembly. Their participation in the war and their economic and political strength in the world may well entitle them to such recognition, but it must be clearly understood that in any decision or finding or election or report of either the assembly or the council the United States is not forced to abide by such result in the event that any nation, including its self-governing colonies, casts more than one vote in the decision, and this is precisely what the reservation provides.

There is another feature in connection with this inequality of representation which can not in the interests of the United States be overlooked, and that has to do with the possible disputes or differences that may arise in the future between our country and the British Empire or any of its colonies or with any other nation.

If there should arise any matter of dispute between the United States and England which it was impossible to satisfactorily settle by diplomacy, then, under article 15 of the covenant of the League of Nations, such dispute would, in case either side was of the opinion that it was not a matter which ought to be judicially submitted to a board of arbitration, be automatically submitted to the council with the right in either party to transfer the consideration of the question from the council, with its nine members, to the assembly, with its representatives from all the members of the league.

In the consideration of the dispute by the assembly neither the United States nor England, who are themselves parties to the dispute, would be allowed a voice in the decision, but there is nothing whatever in the covenant of the League of Nations that would prevent the five self-governing colonies of Great Britain from participating in the decision of the dispute between the British Empire and the United States. It is only fair to say that in all probability the sense of fairness which so essentially characterizes the Anglo-Saxon race would keep the British Empire or any of its colonies from voting upon any question in which any one of them was interested, and in any event it is well understood, both from the letter of Lord Grey and from the general expressions of the English press and English statesmen, that there is no objection whatever on the part of Great Britain to any American safeguarding reservation in this particular; but even if there were objection the very possibility of five British colonies voting upon any dispute between the United States and England is inconceivable, and the United States must, precisely as it does by this reservation, safeguard its own interests in this particular.

The need of the reservation is equally clear if we consider the possibility of a dispute between the United States and Japan. In such an event when the question at issue came before the assembly neither the United States nor Japan would have any participation in its decision, because both of them are parties to the dispute, but the British Empire and its five self-governing colonies would together have six members of the tribunal, and this preeminence of membership, with its corresponding predominance of influence, would place in one nation a power which, in the interests of fairness and equality, never ought to exist.

It may well be true that in a majority of disputes between the United States and any other nation the judgment of Great Britain and her colonies would be apt to coincide with the position taken by this country, and to that extent a predominance of her power would be an advantage to the United States; but an advantage which rests upon a manifest inequality and upon an unfair preponderance of power is neither desirable from the standpoint of honor nor, in the long run, is it advantageous from the standpoint of expediency.

There is still a third possibility in which this inequality of representation would work to the disadvantage of our country, and it rises in case of a dispute between two nations other than the United States or British Empire, including its colonies. If we imagine a dispute between Japan and China which, in the natural order of procedure, as I have indicated, comes to the assembly for consideration and judgment—and it may be a matter in which the United States is vitally interested—we find that in that tribunal the United States has but a single vote, while England and her colonies have six votes, and it requires no stretch of the imagination to picture the preponderating influence of a nation that can itself command six votes in the court as against any other nation who can command but one vote. This preponderance of power is not only present in the instant case which may at the moment be before the court for consideration, but it is a continuing demonstration to every nation in the world that the one government which has the controlling influence in the assembly is the nation having at its disposal six times as many judges as any other nation, and the effect of it is with magnetic force to attach to those six votes of the British Empire an increasing number of votes from smaller nations, who naturally are inclined to adhere to that country which is in a position to be of such tremendous advantage to themselves in case of need.

Here is what the reservation actually provides. It does not change in the least the representation of Great Britain or of her colonies or dominions. It does not even enlarge the representation of the United States, but it does absolutely safeguard our country against any possible harm that might result from such inequality, for in unmistakable language it reads:

> The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

DO THE RESERVATIONS DESTROY THE LEAGUE OF NATIONS?

The query naturally arises in the mind of everyone interested in the treaty and League of Nations as to whether or not the provisions of the treaty and of the league, which are manifestly worth a trial and which may be of tremendous force in safeguarding the future peace of the world, are in any sense destroyed or rendered incapable of efficient operation by any or all of the 14 reservations which are proposed.

It may be said in passing that the reservations do not in any sense require any reassembling of the peace conference. The treaty of peace, including the League of Nations, is already in operation. Nothing that we can do or fail to do can change this actual fact. Germany has agreed to the provisions of the treaty, and all the burdens which are imposed upon her by its terms are now in actual process of execution. The League of Nations itself is already created; and from every expression of opinion, official or diplomatic, from the press, and from every other available source, we learn that there is no substantial objection anywhere in the world to American safeguarding reservations such as have already been adopted by a majority of the Senate.

Strange as it may seem, these reservations, whose provisions tend to safeguard the interests of the United States, are criticized and opposed solely in the very country whose independence of action in the future they seek to maintain and whose vital rights they protect.

The treaty of peace, with many additional annexes, comprises 440 articles. Of these 440 articles, the first 26 articles constitute the covenant of the League of Nations. The reservations do not affect in the least the first seven articles of the covenant, except in regard to the provision of withdrawal and in connection with inequality of representation, which has been discussed.

The eighth article of the league, which provides for a suggested plan of disarmament, is continued unchanged, except with reservation applicable only to an actual invasion of the United States or an actual state of war in which this country is engaged.

Article 9 is entirely unaffected.

Article 10, which I have discussed at some length, is safeguarded only so far as to make it clear that the people of this country, through their Representatives in Congress, must determine whether or not the United States will interfere or intervene in the quarrels or difficulties of foreign nations at the time when the question actually arises.

Article 11, of which the President said in his speech on the 4th of September as follows:

> I want to call your attention to article 11 of the covenant of the League of Nations. That article, let me say, is the favorite article in the league, so far as I am concerned.

This article is entirely unaffected by any reservation and remains precisely as it was presented to the Senate by the President.

Articles 12, 13, 14, 15, and 16, which have to do with the general subject of arbitration and settlement of disputes, are left precisely as they were originally submitted by the President, except that the United States reserves to itself the right to determine domestic questions and the right to allow innocent citizens of foreign powers who happen to be resident in the United States and doing business here to continue their usual occupation.

Of these articles, 13 to 16 inclusive, of the covenant, the President said, in speaking in Indianapolis:

The heart of the league is that the nations solemnly covenant not to go to war for nine months after a controversy becomes acute.

This heart of the league is left, as I have indicated, without the slightest change.

Articles 17, 18, 19, and 20 are entirely unaffected by any of the reservations. They remain intact as they were originally written, and their provisions for settlement of disputes between members of the League of Nations and those who are not members of the league, and the provision for publicity of all treaties and international engagements and for the elimination of secrecy in regard to international understandings, are entirely unchanged.

Article 21, with its reference to "regional understandings, like the Monroe doctrine," is safeguarded, so far as the United States is concerned, in the manner which I have heretofore indicated.

Article 22, which has to do with mandatories over the former German colonies or territories, is unchanged, except for the provision requiring consent of the Congress of the United States before this country shall assume any such tutelary power.

Articles 24, 25, and 26, which conclude the covenant of the League of Nations and which provide for matters of procedure and for the encouragement of the Red Cross organization and for amendment, are entirely unchanged by any reservation.

So far as the treaty itself is concerned, exclusive of the League of Nations, there are only five reservations which in any real sense affect the treaty of peace. These five relate—

A. Reservation No. 6: To the Shantung provision.

B. Reservation No. 7: To our participation in reparation commissions or other committees and tribunals established by the treaty.

C. Reservation No. 8: To protection of American exports and imports in connection with Germany.

D. Reservation No. 12: Safeguarding the rights of citizens in connection with the settlement of debts and property rights and interests existing at the time of the war or incurred during the war.

E. Reservation No. 13: Which has to do with part 13 of the treaty relating to labor.

It may be said generally that every provision of the covenant of the League of Nations remains intact and capable of an entirely fair and efficient trial. What the reservations do provide is that when definite obligations are sought to be placed upon the United States, it is clearly provided in the reservations that before any such obligations can be either legally or morally binding upon this country they must be approved by the representatives of the American people in Congress at the time when the necessity arises.

It may be that the United States will of necessity be obliged to enter again in the settlement of European difficulties, but whether we do or not is not a question to be definitely determined at this time of uncertainty and doubt.

It would be folly intensified to bind the hands of our country to-day by obligations reaching out far in the future when no man can determine what the situation may be at the time we are called upon to fulfill these obligations. We have never yet failed to answer every call that rightly appealed to the judgment or conscience of the American people. In all the years to come let that call sound from whatever part of the globe it may, if it is right for the United States to respond, the response will be, as it always has been, immediate, sufficient, and effective. Whether or not we do respond in the future must depend entirely upon the will of the American people at the time. We are stronger both for ourselves and for the welfare of the world if we keep this Nation of ours so far as possible unentangled in international affairs—ready to act at any moment if the occasion appeals to the conscience of the American people, but entirely free from prior complicating and entangling agreements.

With every reservation—which, as I have said, I like to call and think of as American safeguarding reservations—inseparably interwoven in the ratification of the treaty itself, the covenant of the League of Nations still remains an instrument unhampered in its power to accomplish every purpose for which it was created, and with the interests of our own country thus protected it should be given a fair trial.

PETITIONS AND MEMORIALS.

As in legislative session,

Mr. TOWNSEND presented a petition of Leighr A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for compulsory military training, which was ordered to lie on the table.

He also presented a petition of Leighr A. Wright Post, No. 53, American Legion, of Hillsdale, Mich., praying for the enactment of legislation providing for a bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Federation of Labor, of Detroit, Mich., remonstrating against the reduction of drop-letter postage from 2 cents to 1 cent, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 46, American Association of Masters, Mates, and Pilots, of Port Huron, Mich., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was ordered to lie on the table.

Mr. CAPPER presented memorials of sundry citizens of Elkhart and Ottawa, in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. PHELAN presented a petition of Antelope Valley Post, No. 171, American Legion, of Palmdale, Calif., praying for the passage of the so-called Davey sedition bill, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from Sampson Richards Post, No. 180, American Legion, of Maricopa, Calif., praying for the enactment of legislation providing a bonus for ex-service men, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the joint resolution (H. J. Res. 194) amending joint resolution extending the time for payment of purchase money on homestead entries in the former Colville Indian Reservation, Wash., reported it without amendment and submitted a report (No. 462) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 124) granting a bonus to enlisted men of the Philippine Scouts who have accepted or may accept their discharge in order to reenlist in said Philippine Scouts, reported it without amendment and submitted a report (No. 463) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GAY:

A bill (S. 4018) for the relief of Joseph P. Groux; to the Committee on Commerce.

By Mr. WADSWORTH:

A bill (S. 4019) for the relief of certain estates; to the Committee on Claims.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CALDER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

COMMITTEE ON PUBLIC INFORMATION.

Mr. SMOOT. Mr. President, I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration. It calls for certain information.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 323) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Director of the Council of National Defense is hereby directed to report to the Senate as soon as practicable:

First. A statement showing all the expenditures of the Committee on Public Information by principal classes, such as salaries; traveling; printing done at the Government Printing Office; printing done elsewhere than at the Government Printing Office; advertisements, photographs, and films; telephone, telegraph, and cable; office furniture; rents; and automobiles. In this statement set forth in detail the name, address, position, business, or occupation of each payee, together with an explanation of the purpose for which such expenditures were made. If the expenditures were for traveling, including subsistence, state fully the purpose of such traveling, whether the expenditure therefor included persons other than the payee; if so, the names and addresses of such person, together with a general statement as to the extent and purpose of the traveling.

Second. A statement of the unpaid accounts of the Committee on Public Information in the same form as the foregoing statement.

Third. A statement of the funds and property in the possession of the Committee on Public Information, its employees, agents, or representatives, and the location of the same at the time the Council of National Defense was placed in charge of its affairs.

Fourth. A statement of the funds and property recovered from various sources since the Director of the Council of National Defense began the auditing and closing of the accounts of said committee and the condition thereof.

Fifth. A statement of the records, files, and other property turned over to the Council of National Defense by the Committee on Public Information, and the condition thereof, showing also whether such records, files, and property included any of the records and files of the chairman of the Committee on Public Information, the editor of the Official United States Bulletin, the Service Bureau, and other divisions and bureaus of said committee, or any of the mailing lists of said committee, or whether the Director of the Council of National Defense and those employed by him have any information as to what was done with such lists, or any of them, or any other records, files, and

property shown to have been in the possession of the Committee on Public Information but not turned over to the Council of National Defense or otherwise accounted for.

Sixth. All other pertinent facts in connection with the auditing and closing of the accounts and affairs of said committee.

Seventh. If the foregoing statements are not available at this time, a preliminary statement covering any or all of the data called for is directed to be transmitted in addition thereto.

HOUSE BILL REFERRED.

H. R. 12610. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AFFAIRS IN ARMENIA.

Mr. KING. Mr. President, before the Senate takes a recess, I desire to call its attention to the following telegram:

NEW YORK, *March 4, 1920.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.:

The American Committee for the Independence of Armenia received following official cablegram yesterday from Constantinople:

"French troops suddenly withdrew from Marash. Of the 4,500 Armenians who attempted to follow them, 3,000 were massacred and majority of remaining frozen. Also, 16,000 out of the 20,000 civilians remaining in the city have been massacred."

HENRY W. JESSUP,
Secretary, 1 Madison Avenue.

Mr. President, it would seem that those having charge of the treaty of peace with Turkey are sitting supinely by while the unspeakable Turks continue the atrocities which have characterized their course in the past, and are executing their purpose to destroy the Armenian people.

It is a pitiful thing to see an entire people destroyed by a cruel and merciless foe. It was thought that with the defeat of Germany and her allies that there would be no further persecution of the Armenian race. The view prevailed throughout the allied nations that Turkey would no longer be a terror to the Christian peoples of Europe or Asia, and that an independent nation would be erected by the remnants of the Armenian people, and that a day of peace and liberty would dawn for them. The centuries of sufferings and afflictions through which they have passed, it was believed, had ended, and ended forever, and that a new and regenerated Armenia would arise to take her place among the free peoples and nations of the earth.

More than a year has passed since the defeat of Turkey and the signing of the armistice. Yet during that period Armenia has been under the heel of the murderous Turks. Even now the innocent blood of thousands of men, women, and children is crimsoning the soil of Armenia, and the hands of the Ottoman Turks are red with the blood of the Armenian people.

What are the allied nations doing to prevent this martyrdom? What are the Christian nations doing to preserve a heroic and suffering people from destruction? The blood of millions of Armenians cries aloud for vengeance; the starving, afflicted, and terrorized people who survive piteously cry out for protection. We are deaf. Europe is deaf. The tragedy continues, and with tearless eyes we behold its consummation.

RECESS.

Mr. LODGE. Mr. President, I move that the Senate, as in open executive session, take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 6, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 5, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, Thou hast taught us in Holy Writ and by experience, that life is a tangled web which each man must unravel for himself and weave into a fabric, fair to look upon, after the pattern set by the Master of all good workmen—a character which may be woven into the delicate tissues of the soul, well pleasing in Thy sight and in accordance with our own conscience; and we look forward to the day—

When only the Master shall praise us,
And only the Master shall blame;
And no one shall work for money,
And no one shall work for fame;
But each for the joy of the working
And each, in his separate star,
Shall draw the thing as he sees it,
For the God of Things as they are!

Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.; and

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 156. Joint resolution authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers.

CORRECTING ERROR IN INDIAN APPROPRIATION BILL.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 305, and I may say that it is only for the purpose of correcting an error in a date in the Indian appropriation bill that has already been signed by the President.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of the joint resolution which the Clerk will report by title.

The Clerk read as follows:

House joint resolution 305.

To amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the fifth paragraph of section 18 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920, which reads as follows: "The sum of $200,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1920: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat., p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood," be, and the same is hereby, amended so as to read:

"The sum of $200,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1921: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat., p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood."

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman from Oklahoma if he will be kind enough to tell in what respect this changes the Indian appropriation bill?

Mr. HASTINGS. There is an error in the date. The only change that is provided in this resolution is to change the date to the fiscal year ending June 30, 1921, whereas in the bill as it was passed it was June 30, 1920. That is the only change.

Mr. MADDEN. I see.

The joint resolution was ordered to be engrossed and read the third time; was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 45, noes 0.

So the joint resolution was agreed to.

On motion of Mr. HASTINGS, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

INCREASE OF FORCE AND SALARIES IN PATENT OFFICE.

Mr. NOLAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11984.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11984, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11984, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes.

Mr. NOLAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, the bill H. R. 11984 is the committee substitute for three bills introduced early in this Congress by myself, as chairman of the Committee on Patents—H. R. 5011, 5012, and 7010. These bills were prepared by the patent committee of the National Research Council, consisting of a number of gentlemen connected with the arts, sciences, and industries of the country. They made an extensive investigation of the conditions in the Patent Office with regard to the Patent Office force and salaries. The Committee on Patents devoted considerable time during the month of July, 1919, to hearings on these bills, the hearings consisting of 320 pages. Appearing in favor of the measures was the patent committee of the National Research Council—I will not weary the House with the reading of the names, as you will find them in the report—the former Commissioner of Patents, Hon. Thomas Ewing; the present Commissioner of Patents, Hon. James T. Newton; a number of prominent inventors and scientists, as well as representatives of a large number of big manufacturers' associations of the country. The trouble in the Patent Office has been that during the war and since the signing of the armistice probably no other bureau of the Government has suffered from raids, or the taking away of its employees, both by other Government agencies and by the big industrial concerns of the country, as the Patent Office. The testimony that was presented to this committee was to the effect that the men would sooner retain their positions with the Government than go to outside institutions if there were any inducements in the way of salary or promotion. The statement was made and figures produced to show a large number of men, especially in the examining corps, had left the Patent Office during the war and since the signing of the armistice. The statement was made that at times we had as high as 80 temporary examiners on the roll. At the present time they have approximately 40 temporary examiners on the roll. It seems impossible to get the right caliber of men, or men with the necessary foundation in the way of technical education, to take the examination for examiners in the Patent Office or any of the other technical positions in that department. The committee gave careful consideration to the bills presented by the patent committee of the National Research Council, one of which was for the purpose of establishing a patent court of appeals. The subcommittee of the Patent Committee, headed by the gentleman from New York [Mr. MACCRATE], gave this measure careful consideration, and decided, after giving the matter all of the consideration that it needed, that no practical proposition had been set forth as to the way in which this patent court of appeals should be constituted, and for the time being the committee decided not to go ahead with that measure.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. CLARK of Missouri. What is the matter with the Patent Office force?

Mr. NOLAN. I just stated that the Patent Office force, especially the examining corps, have left the Patent Office to a greater degree than any other Government agency, due to the lack of opportunity in the way of promotion and the increased salaries and excellent opportunities offered to men of their technical knowledge on the outside, going with patent lawyers, going with the patent departments of the big industrial institutions of the country, going with engineering organizations and chemical organizations, as well as all kinds of positions where men of high technical training are needed. All industrial organizations in the country that have any considerable amount of patent business or business with the Patent Office have a patent department, and they have made a systematic raid on the Patent Office for their best men.

Mr. CLARK of Missouri. How much do these examiners get now?

Mr. NOLAN. The primary examiners now get $2,700. It is proposed in this bill to raise them to $3,900. There are 45 primary examiners. And there are 90 first assistant examiners, whose salaries are fixed at $2,400. This bill proposes to grade them into four classes, starting at $2,900 and gradually increasing the salary to $3,300. Like provision is made for second, third, and fourth assistants, with a lower salary rating.

Mr. CLARK of Missouri. Do these men get this celebrated bonus?

Mr. NOLAN. They do now—that is, anyone up to $2,500. Those that receive an excess of $2,500 can not, with the bonus added, receive in excess of $2,740. That is, providing Congress reestablishes the bonus.

Mr. CLARK of Missouri. If you have the $480 bonus, it would raise it up a good deal.

Mr. NOLAN. Two hundred and forty dollars is the bonus, unless it can be raised to $480.

Mr. CLARK of Missouri. In trying to grab off the $480 bonus, you knocked off the $240 bonus.

Mr. NOLAN. It is a question whether we did or not. We had no opportunity to decide that question.

Mr. CLARK of Missouri. Do these private institutions pay larger wages than the Government?

Mr. NOLAN. I will give you what we have in reference to the experience of 60 examiners. There were 60 examiners who resigned from the Patent Office during the nine-month period running from May 1, 1919, to January 31, 1920—that is, the last nine months of last year. There were three principal examiners who resigned who were receiving $2,740. Two of them reported that they were receiving $4,500 in their new positions, two out of the three.

Twelve first assistant examiners resigned who were receiving $2,640. Seven of them reported that they were receiving an average salary of $3,670. It is proposed to raise their salaries to $3,300, which is less than they now receive in outside employment. The second assistant examiners, 22, were receiving $2,340, and their average salary in private employment is $3,011. Eighteen of them reported. It is proposed to give them $2,800. Fourteen third assistant examiners who resigned from the service received $2,040, and report that they are now receiving $2,818; that is, 10 of the 14. And it is proposed to give them $2,700. Of the fourth assistant examiners, a total of nine resigned. They were receiving an office salary of $1,740, and they are receiving on the outside an average salary of $2,230. It is proposed to give them $1,800. In the rearrangement of things, instead of having a fixed salary for these assistants, it is proposed in each one of these four grades to have a division, so that they can gradually receive promotion.

Mr. CLARK of Missouri. Now, the Patent Office is the only part of the United States Government that brings in a net revenue?

Mr. NOLAN. The statement was made by the Patent Commissioner, both the present and the former, the Hon. Thomas Ewing, that the Patent Office up to date has produced a surplus to the Treasury of the United States in excess of $8,000,000.

Mr. CLARK of Missouri. Year by year it brings in a net revenue, does it not?

Mr. NOLAN. Yes; a surplus. And it is proposed in this bill, I will state, Mr. Chairman, to so rearrange the fees—that is, the filing and final fees—so that additional revenue will be produced. In addition, the deficiency bill that became a law last November raised the price of copies of patents from 5 to 10 cents. This will produce an amount in excess of $156,000 additional revenue.

Mr. CLARK of Missouri. You are just fixing to absorb the surplus?

Mr. NOLAN. No, I will say to the gentleman from Missouri. And I want to impress this upon him, namely, that we are attempting in this bill to not alone increase the salaries, but increase the revenue, so that this measure will take care of any increases in salaries or increase of force.

Let me show you how it is being done. Prior to November 4, 1919, the cost of a copy of a patent was 5 cents. The chairman of the Committee on Appropriations, in providing additional help for the Patent Office, called me into conference and took the propositions that were advanced during the hearings on this bill for raising the cost of copies from 5 to 10 cents for the purpose of producing additional revenue. Now, that deficiency bill raised the cost of copies from 5 to 10 cents. It was part of the program of the Patent Committee to raise this additional revenue, and the chairman of the Committee on Appropriations wanted to know if we had any objections to including it in that bill. There is in this bill a method of making the fellow that gets the work done on the patent pay for it when it is rejected.

In the present law the filing fee is $15 and the final fee is $20. Just about one-half of the patents applied for are granted, and most of the work is done on those patent applications which in the end are turned down. Let me give you some idea of that and the way it is going to increase the revenue. The gentleman from Missouri is of the opinion that this is a raid on the Patent Office for the purpose of absorbing the surplus. I want to show you that we are providing in this bill for additional

revenue to take care of the increased force and increased compensation. The number of patent applications received in 1918 were 57,180. The final fees paid on that number were 38,006. Copies of the patents sold were 2,857,515. I want to call your attention to the increased work of the Patent Office after the war, which is a natural increase due to a stimulus in industry and manufactures.

During the year 1919 they received 76,484 applications for patents. The final fees, however, were paid on only 36,680. In other words, you collected the $20 for the final fee only on about 40 per cent of the applications. It is proposed in this bill to make the filing fee $20 and the final fee $15, so that the cost of a patent to the inventor has not been changed or increased, but the revenue to the Government has been increased, because at least 50 per cent of the patent applications are turned down.

Mr. CLARK of Missouri. But you make the poor devil who does not get his patent pay $5 extra for not getting it.

Mr. NOLAN. Whether he is a "poor devil" or not, the work is done on the application for patent, and ought to be paid for. It is easy enough for a man who has any sort of a patent or a chance of getting a patent to raise both the initial and final fee.

Mr. CLARK of Missouri. What I am concerned about is this: Is there concealed anywhere in this bill authority to anyone to grant a half patent, beyond what has been in the law for years past?

Mr. NOLAN. No. There is nothing of that kind in it, beyond the reclassifications here. The gentleman from New York [Mr. MACCRATE] and the gentleman from Tennessee [Mr. DAVIS] will cover those sections of the bill, and I think they will convince the House that this is constructive legislation, with nothing concealed. In other words, it is a forward step to give the inventor something more than a lawsuit.

Mr. CLARK of Missouri. I fought that half-patent proposition here for three months, and finally by a bare majority knocked it out. I hope they will not reinstate it.

Mr. NOLAN. I think you will not find it here.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. WALSH. The gentleman spoke of reclassifying these examiners and assistant examiners, so that although their salary will be less than is afforded to those who have resigned to enter private employment, they will have increased opportunities for increase by way of promotion. How will there be opportunity for promotion unless some of those at the top resign or leave the service?

Mr. NOLAN. I will say to the gentleman from Massachusetts that there have always been resignations from the service. In fact the greater number of patent attorneys throughout the country and those in charge of the patent departments of great industrial combinations have at one time or another been employed in the Patent Office as examiners. I do not think we ought to stifle ambition by fixing high salaries and attempting to keep them there, but I think we ought at least to leave open some little loophole for a man to leave the service in a natural way, and let him get out of what is termed "the rut" of the Government service. In the original bill, you will notice, if you will run through it, the salaries were fixed considerably higher than they are fixed in this bill, and they were also fixed for these different grades at one particular stated amount. We graded them as well as cut them down. You will never lose the number of men you have been losing since the armistice. You will probably lose the average number that you always lost each year prior to the war. I do not think we should do anything to enter into competition with outside parties who can afford to pay more than the Government pays, but we should try to fix this thing in an equitable way.

Mr. WALSH. The point I was endeavoring to get information about was that these opportunities for promotion will come through a separation from the service, and not from the creation of a number of places at the top which are not now filled?

Mr. NOLAN. That is true. There will always be a certain percentage of those men, probably the best fitted men and the most ambitious men, who will leave the service, and it will give opportunity for promotion for the men down below to go up, and their opportunity will come when they come to the top where a man gets one of the chances outside.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. RAMSEYER. To what extent do the revenues of the Patent Office take care of the expenditures of this office?

Mr. NOLAN. As I said to the gentleman from Missouri [Mr. CLARK], up to the present time the revenues of the Patent Office have exceeded the disbursements by about $8,000,000. They ran a little behind during the year 1917, due to the low number of applications filed.

Mr. RAMSEYER. That is, the revenues of the office or of the bureau paid for all the salaries and everything connected with the office, and you have that much in excess? Is that correct?

Mr. NOLAN. Yes. The statement was made and not contradicted that there had been a surplus turned into the United States Treasury of about $8,000,000 in excess of expenditures.

Mr. RAMSEYER. Now, another question. On page 4, lines 10 and 11, of the bill, reference is made to the international bureau at Berne. What is that?

Mr. NOLAN. I will ask the gentleman to reserve that question until the gentleman who has that particular part of the bill in charge takes the floor.

Mr. RAMSEYER. And on page 5, line 18, as to the Official Gazette of the United States Patent Office, will the gentleman state briefly in what way that changes existing law?

Mr. NOLAN. I will say that I have got a rather hazy idea on that, and I would rather other gentlemen would speak of it.

Mr. HARRELD. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. HARRELD. Some constituents of mine in my district have complained about the congested conditions in this department. One constituent had an application pending for over two years and died before he got it. Can the gentleman explain why this congested condition exists there? Is it because of this lack of trained examiners and employees, or what is it?

Mr. NOLAN. In recent years the most competent men in the Patent Office have resigned for lack of adequate salaries.

Mr. HARRELD. Do you remedy that in this bill?

Mr. NOLAN. We provide an inducement for men to enter the Patent Office and take these examinations for examiners, and there is a chance for promotion to the top. Under the present conditions they can not even get anybody to take the civil-service examination. That has resulted in the situation that the gentleman complains of. They have not had a sufficient permanent force to do the work of the office. They have not had enough employees in the Patent Office to do the work ordinarily, even if they were efficient.

Mr. HARRELD. Does not the gentleman think that is false economy? You say this is a self-supporting institution and pays a revenue. I think it would produce more revenue if better service were given.

Mr. NOLAN. Yes. That is what we are trying to do with this bill. We have received every assistance, and the situation in Congress can readily be understood when it is stated that the Committee on Rules unanimously reported this rule making this bill in order.

Mr. HARRELD. I have had more complaints about the congestion in this department than in any other department of the Government.

Mr. BARBOUR. Would it inconvenience the gentleman if I referred to page 8?

Mr. NOLAN. Judge DAVIS will explain that when he takes the floor.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. NOLAN. I will.

Mr. EVANS of Nebraska. What amount does the committee estimate will be the revenue under this law in excess of what is now received under existing law?

Mr. NOLAN. Has the gentleman a copy of the report?

Mr. EVANS of Nebraska. Yes; I have a copy of the report.

Mr. NOLAN. On page 4 of the report you will notice the following language:

> If the total expenditures should remain the same for the year ending December 31, 1920, and the receipts be increased as shown by the above table, the net surplus over all expenditures for the calendar year ending December 31, 1920, should be $721,650.45. If the force and salaries be increased as supposed by the bill, it would amount to $511,840, so that the net surplus would be $209,810.45.
>
> The increase of receipts for the year 1919 over the year 1918 was $438,367.45. The increase due to doubling the cost of copies was $156,432.35. That shows even in the latter part of the year the increase in the cost of copies would, if it had extended over the entire period, have increased the revenue $156,432.35. The increase due to the raising of the filing fee from $15 to $20, leaving the final fee at $20, would amount to $382,420.

Mr. EVANS of Nebraska. I think I catch the point; the increase from the fees under the record made for the year 1919——

Mr. NOLAN. And the increase of the cost of copies.

Mr. EVANS of Nebraska. Would be $156,000, in round numbers.

Mr. NOLAN. Yes. I want to say to the gentleman that we have also to take into consideration the tremendous increase of the business of the Patent Office that is a great revenue producer.

Mr. EVANS of Nebraska. Yes; does the gentleman have the information as to how many resigned for the year prior to the time covered by the report which he has made?

Mr. NOLAN. It is contained in the hearings year by year, and shows the comparison. I can not give it offhand now, but about three times as many, I think.

Mr. EVANS of Nebraska. Twenty as against sixty.

Mr. NOLAN. That was for six months.

Mr. ELSTON. Will the gentleman yield?

Mr. NOLAN. Certainly.

Mr. ELSTON. In regard to the provisions of the bill as to the increase of compensation, did the committee have the assistance of experts in the matter of drafting the bill?

Mr. NOLAN. The bill was originally drafted by the patent committee of the National Research Council, and they had the assistance of the best patent lawyers in the country—Frederick P. Fish, of Boston, and the secretary of the patent committee of the National Research Council, E. J. Prindle, and Thomas Ewing, the former Commissioner of Patents—as well as a large number of eminent men prominent in the arts, sciences, and industries of the country.

Mr. ELSTON. That is what I wanted to get at.

Mr. NOLAN. Nearly all the patent attorneys in the country had an opportunity to go over the bill and offer suggestions. The gentleman from Tennessee, who was responsible for the draft of the damage clause, will state how much thought and consideration was given to that.

Mr. ELSTON. Does the gentleman feel that the representatives of the council and all interested that might be affected by the patent law have been represented and given their approval of the bill?

Mr. NOLAN. I do not think there is a branch of industry—there was not a society concerned with invention, art, science, chemistry, engineering, that was not represented at the hearings last July and the hearings that took place a week ago Tuesday before the Rules Committee. The chairman of the Rules Committee, the gentleman from Kansas [Mr. CAMPBELL], made the statement there that it was the most representative gathering that had appeared before the Rules Committee during the 10 years in which he had been a member.

Mr. ELSTON. Was there any particular opposition brought out at the hearings?

Mr. NOLAN. Not after the committee's bill had been drafted. There was some opposition to some of the provisions in the original bill, but the committee gave careful consideration to the criticisms, and when the bill was finally reported there was very little opposition.

Mr. ELSTON. Has the gentleman made any estimate as to how far this bill would expedite the business of the Patent Office, clearing up congestion and finishing up the work in that office?

Mr. NOLAN. The Commissioner of Patents and all those who have had any considerable amount of business or experience with the Patent Office are of the opinion that this is a step forward in the right direction. It may not meet all of the difficulties there, but it is a step in the right direction and they feel with the provisions of this measure and the increase of salary, the opportunity for promotion, will tend to greatly increase the efficiency of the Patent Office and get away from the terrible congestion and result in sending out of that office more valid patents and less invalid patents than we have at the present time with the force there, the best we could get under the present conditions. We are opening up a way for young men of the right sort to enter the Patent Office and become competent men for examiners in the Patent Office.

Mr. SEARS. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. SEARS. I notice that the net increase of salaries is $511,840.

Mr. NOLAN. Yes.

Mr. SEARS. The chairman of the committee states that that does not mean anything, because the people will be charged an additional fee and you take it out of the people.

Mr. NOLAN. I do not know that I said exactly that. I said that in drafting this bill the committee had in mind the present state of the Treasury, the need of economy, and we did not want to materially increase the expenses of the Patent Office without in some way producing the revenue necessary to meet them. It is accomplished in three ways. Under the present law the filing fee is $15 and the final fee $20. The gentleman will find on page 4 of the report, at the top of the page, that the applications for inventions during 1919 amounted to 76,484, an increase over the applications in 1918 of 19,304. During the year 1919, out of the 76,484, 36,680 patents were finally granted. That means that about 40,000 were never adjudicated. Under the new system we will receive the additional $5 on the 40,000, or over $200,000 additional, due to the changing of the law. In addition to that it is estimated, and undoubtedly it will prove to be so, that there will be just as great a demand for copies of patents in 1920 as in 1919. In fact, the office is months behind, and is behind in hundreds of thousands of applications for copies. We have increased the cost of the copies from 5 cents to 10 cents in the deficiency bill, and that will produce considerably over $200,000. Even on the estimate of 1919 it will produce $156,000. The third proposition is the tremendous increase in the business of the Patent Office, which will greatly increase the revenue.

Mr. SEARS. Take 1919. There was a wonderful increase in business, amounting to $438,367 over that of 1918. I am simply asking these questions because I have listened to so many speeches on economy.

Mr. NOLAN. We are using that as an illustration of what we are trying to do to increase the revenue. If we were not increasing it a penny, the situation in the Patent Office is so important to industry in this country that we ought to immediately correct it. This is one office that needs the highest type of skilled technical men.

Mr. SEARS. They are not all skilled, technical men. Of course, the gentleman understands that.

Mr. NOLAN. I would say to the gentleman from Florida that all of the examiners——

Mr. SEARS. Oh, yes.

Mr. NOLAN. Both in the trade-mark and patent divisions are skilled men and must necessarily be.

Mr. SEARS. I agree to that; but they are not all skilled men in the Patent Office. The messengers are not.

Mr. NOLAN. Let me say to the gentleman from Florida that we have included in this bill the principle of the minimum wage bill. Let me say something about the messengers. There has been a hue and cry about messengers. The fact of the matter is that in the Patent Office they have three messengers.

Mr. SEARS. And 33 assistants.

Mr. NOLAN. And we asked the commissioner why they wanted 33 assistants and 3 messengers. He said that those men outside of three are doing clerical work and not doing messenger work.

Mr. SEARS. I would like to go down with the gentleman and have him show me the messengers who are doing clerical work.

Mr. NOLAN. If he will go to the Patent Office the gentleman would see a different situation from what he sees in other departments, where there are a lot of door openers.

Mr. SEARS. I notice that the increase will amount to $1,994,740. That does not include the bonus?

Mr. NOLAN. No; we are fixing the basic salaries.

Mr. SEARS. So that it would go much over two millions of dollars with the bonus.

Mr. NOLAN. Yes; but the $240 is being paid now, and they are basing the estimate of cost on that proposition.

Mr. SEARS. I am trying to get at the net—whether there would be an increase or a deficiency. The report does not include that.

Mr. NOLAN. With the opportunities for increased revenue in this bill there would be an increased surplus in that office; and if there was not, it is the duty of this House and the duty of Congress to take care of the deplorable situation that has existed in the Patent Office for the past three or four years. You can not get men to stay there. I have received a number of letters, and they are not inspired, and the gentleman's colleague, Mr. DRANE, submitted several to me for inventors, men interested in industry in the State of Florida. It is not a question of only 1 State; it is 48 States. We have to do something if we want to stop the granting of patents by the Patent Office that merely means more lawsuits. That is exactly the situation. It has been bad enough under our patent laws at any time. A man generally got a certificate which on the face of it said he had a monopoly for 17 years upon some article of utility, and the net result in many cases, if he interfered with some one else, especially in the big world of industry, was that he found himself with a certificate that entitled him to go into court. We are going to try to get the kind of men who will give careful search to these things, who will go into the Patent Office and stay there long enough to make up a good organization, so that this sort of thing will stop.

Mr. SEARS. I was surprised to find that they were so far behind, because I would say this for the Patent Office: I never found a department in Washington so prompt or efficient whenever I had any correspondence with them.

Mr. NOLAN. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 40 minutes. The gentleman from Pennsylvania is recognized for one hour.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, this proposed legislation grew out of the fact that there were very general complaints from business interests and inventors to the effect that they were unable to procure speedy and efficient service in the Patent Office. Finally, with the consent of the Commissioner of Patents at that time, Mr. Thomas Ewing, and with the consent of the Secretary of the Interior, a request was made of the National Research Council to investigate the conditions in the Patent Office and make recommendations looking to remedying the unsatisfactory situation.

This National Research Council is composed of eminent scientists, patent attorneys, and others, who have no selfish interest, no ax to grind, in regard to the Patent Office. They appointed a subcommittee composed of three very eminent patent attorneys, Mr. Thomas Ewing, who at one time was, as I have said, Commissioner of Patents; Mr. Frederick P. Fish, of Boston, who is an eminent patent attorney, and who is sometimes called the dean of the American patent bar; and Mr. Edwin J. Prindle, together with some scientists. They conducted an exhaustive investigation, and made a report in which they made four specific recommendations. Two of their recommendations were embodied in separate bills, which are not now before the Congress and which may not be reported. However, two recommendations which they made are embodied in the bill under consideration, to wit, the recommendation of an increase in the force of the Patent Office and also an increase in their salaries, and the recommendation that provision be made for greater ease and certainty in obtaining money compensation for the infringement of a valid patent. This subcommittee prepared and submitted to the Patent Committee bills embodying their recommendations. Those bills were introduced. The Committee on Patents conducted extensive hearings, and heard not only those who had manifested an interest in this legislation, but all others who indicated a desire to be heard. There was practical unanimity on the part of these various witnesses in approving this proposed legislation. After these hearings the Committee on Patents unanimously reported out and recommended for passage the bill now under consideration. After hearings on the bill and a request for a special rule, the Rules Committee unanimously adopted a rule for its immediate consideration.

The chairman of our committee has already made a lucid explanation of the bill as to certain features, and particularly the increase in force and salaries of the Patent Office. I only wish to deal with that feature of it very briefly. In the first place, I want to state that I am very much in favor of economy, and I think that my position upon various measures during the short time I have been a Member of the House will bear testimony to that fact, but there is such a thing as false economy, and a continuation of the conditions now existing in the Patent Office would be false economy not only for the Government but also the industrial interests of the Nation. I am not one of those who subscribe to the doctrine that our Government is run in the interest of the officeholders. I think that the officeholders are incidental, and that they should not be paid salaries merely as a favor to them, but I do think that this Government ought to pay salaries that will reasonably compensate its employees, and which will also result in procuring efficient service. Any other course is far from being economical. There is a different situation in the Patent Office from that which obtains in any other department of this Government. The salaries of the employees of the Patent Office have only been increased 10 per cent since 1848. Think of it! Only 10 per cent increase since 1848, when their salaries were originally fixed. At that time Congress considered these examiners to be of such a character and of such importance that their salaries were fixed at just about what the salaries of Congressmen were at that time. These examiners are required to have practically a university education. They are then required to undergo a very rigid civil-service examination.

Then they do not really become very efficient until they have served their apprenticeship in this work, and the result has been that after a few years there, and when they have reached the point where they are rendering real efficient service to the Government and to the various interests involved, private interests come along and offer them larger salaries than they are now receiving and they are taken from the Patent Office. They have been drawn from the Patent Office in large and increasing numbers. It is getting worse and worse all the time as the cost of living advances. This situation operates in two ways. In the first place, it makes it impossible to retain a full corps of employees all the time, and, in the second place, it deprives the Government of the services of employees when they become efficient. The result of this lack of a sufficient number of employees and lack of compensation, which would warrant them in continuing in the service, has brought about a condition which has produced complaints from one end of this country to the other. Manufacturing enterprises, inventors, patent attorneys, and other people who have an interest in inventions have been making complaints, particularly to the Committee on Patents. The National Research Council reported, in substance, that the whole trouble was the failure on the part of Congress to enact appropriate and needed legislation, and in no part of their investigation or report does this council criticize the Patent Office or any of the employees thereof. They commend them and state, in substance, that they have done remarkably well under the circumstances, and they attribute the trouble solely to the reasons stated. They report that the conditions in the Patent Office about which complaint is so frequently made are due to the fact that the force in the Patent Office is insufficient and underpaid. As has already been explained by the chairman, it is estimated that this increase in salaries will be more than made up by the increase in the business which will be dispatched, because the Patent Office is far behind in its work, and this will enable them to render the service which the inventors are demanding, to which they are entitled and for which they stand ready and willing to pay, together with the small increases made in the fees. The Patent Office has always been more than self-sustaining, and, in fact, the receipts of the office have exceeded the disbursements by about $8,000,000, so that this legislation will not result ultimately in any appropriation out of the Public Treasury.

Mr. BARBOUR. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. BARBOUR. Will the gentleman be willing at this point in his remarks to consider the provision on page 8 relative to the fixing of damages in cases of infringement?

Mr. DAVIS of Tennessee. I will state to the gentleman from California [Mr. BARBOUR] that I had concluded all I care to say with regard to the force and salaries in the Patent Office, and shall devote the balance of my time to a discussion of the legal aspects of this bill, including the one referred to.

Mr. BARBOUR. I notice that it is provided on page 8 that if the exact determination and calculation of the amount of the damage can not be arrived at by the court, then the court shall receive expert testimony as to what the damage may be. Now, as I understand it—and I base my statement upon experience—it is practically impossible to arrive at an exact calculation and determination of damages in any case of this kind. Furthermore, it is rather unusual to base damages solely upon expert testimony. Would it not be possible in cases of this kind to require the person who is charged with infringing the patent and against whom the judgment might be rendered to submit his books or accounts in order to determine what his profits might be and the amount of the damage?

Mr. DAVIS of Tennessee. I will state in reply to the gentleman that the policy suggested would not meet the situation which this amendment is intended to meet; and if the gentleman will just wait until I reach that in logical sequence, I will undertake to explain the matter fully.

Gentlemen of the committee, beginning on page 4 of the bill, you will note that sections 3, 4, 5, 6, 7, 8, and 9 change the existing statutes.

Mr. RAMSEYER. Will the gentleman, in that connection, explain the item just before section 3, relating to the international bureau? What is that?

Mr. DAVIS of Tennessee. That is simply a bureau maintained at Berne, Switzerland, for the convenience of all patentees. In other words, it directly aids the American inventors and those of all other countries who become members of this international bureau in obtaining the protection for their inventions and patents in European countries.

Mr. RAMSEYER. That is, if an American inventor takes out a patent here and wants to take it out in other countries, he takes it out through the Berne office?

Mr. DAVIS of Tennessee. Yes; he takes it out through this international bureau at Berne, and by filing it there——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CAMPBELL of Pennsylvania. I yield five minutes more to the gentleman.

Mr. DAVIS of Tennessee. By taking it out there he automatically obtains protection in all of those European countries that are members of this international bureau. It is a very beneficial provision.

Mr. RAMSEYER. And all the countries that are members of this bureau contribute to the maintenance of the bureau the same as the United States?

Mr. DAVIS of Tennessee. Yes. This simply provides for the contribution of our pro rata part, and there is no change of existing law in that respect. This provision is already the law.

Now, the most of these sections comprise only minor changes in the existing law upon the subject and I shall not take up the time of the committee in explaining any of those changes unless some Member desires.

Mr. RAMSEYER. Does section 4 change existing law in any respect; and if so, in what way?

Mr. DAVIS of Tennessee. Well, that is simply an amplification and a more detailed provision with regard to the admission of patent attorneys and their exclusion for misconduct.

Mr. RAMSEYER. Section 3 refers to the Official Gazette, on page 5, line 5, beginning with line 18.

Mr. DAVIS of Tennessee. The only change in existing law made by that section occurs on page 6, line 3, where the word "weekly" is inserted so as to provide for weekly as well as monthly and annual indexes.

Now, coming to the change embodied in section 7, beginning on line 7, after the word "direction," the bill as originally drafted by this subcommittee of the National Research Council employed this language:

If proof is not offered, or in the absence of adequate proof of the amount that shall be awarded as damages or profits, the court, on due proceedings had, may adjudge and decree to the owner payment of a reasonable royalty or other form of general damages.

The members of the Committee on Patents did not think that that was in the proper phraseology, and, if you will pardon a personal reference, the committee requested me to draft what I thought would meet the views of the committee in that regard. Realizing the importance of the subject, I took the matter up with Messrs. Edwin J. Prindle, Frederick P. Fish, and Thomas Ewing, the three patent lawyers on the subcommittee of the National Research Council, which had originally drafted this bill, and who had manifested so much interest in it. In addition to that, at the suggestion of Mr. Prindle, who took the lead before our committee in presenting these matters for the National Research Council, I likewise submitted my draft to Judge Julius M. Thayer and Judge Learned Hand and also to Judge Martin I. Manton, three members of the Federal judiciary, who had had very considerable experience in patent litigation. I likewise submitted same to Mr. Milton Tibbets, chairman of the patents committee of the National Association of Manufacturers, and others. After full discussion and some minor changes, the committee amendment as reported was adopted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CAMPBELL of Pennsylvania. I yield five additional minutes to the gentleman from Tennessee.

Mr. DAVIS of Tennessee. I thank the gentleman from Pennsylvania. The amendment, which you will find in italics on page 8, meets the approval of all these learned and expert men to whom the provision was submitted.

Mr. Prindle, the authorized representative of the National Research Council before our committee, in his last communication upon the subject, approved the committee amendment in the following letter:

NEW YORK, *February 27, 1920.*

Hon. EDWIN L. DAVIS,
House of Representatives, Washington, D. C.

DEAR JUDGE DAVIS: I wish to say that I think your wording of the amendment to the patent statute providing for the awarding of general damages for infringement of patents is much better than that which was in our original bill. The amendment does not go as far as I would like to have it, as you know, but it probably goes as far as can be enacted. I therefore wish to express my appreciation of what you have done in the matter, and the hope that your wording of the amendment will go through, as there is apparently no doubt it will.

Yours, sincerely,

EDWIN J. PRINDLE.

This proposed amendment reads as follows:

If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages and profits are not susceptible of exact calculation and determination, the court may, on evidence tending to establish the same, in its discretion receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as a royalty or general damages for the infringement.

Mr. BARBOUR. Is it not an unusual thing, in arriving at damages in any case, to determine the amount of the damages by expert testimony as to the amount thereof?

Mr. DAVIS of Tennessee. That is true. But I want to explain to the gentleman from California and the members of the committee the reason which prompted the desire for this sort of a provision.

To state a specific case, which I think was stated by one of the witnesses: An inventor takes out a patent upon a certain feature of a piano. It is patented and some manufacturer infringes upon that patent; in other words, uses this patent upon his pianos and proceeds with the sale of his pianos. Now, as a matter of course, it is impossible to ascertain with any exact calculation just how much that one piece of the piano bears toward the selling price or the profits made by the manufacturer upon that entire piano. Unless some such provision as this is adopted, although he has a good right of action—although he shows that there has been an infringement upon a valid patent of his—yet the owner of the infringed patent can not recover actual damages or profits for the reason that there is no way of definitely determining what proportion the value or profit of his patent bears toward the entire article.

Mr. BARBOUR. Right there, if the gentleman will yield further. Would any expert, no matter how well qualified, be able to testify with any degree of definiteness as to what the damage in a case of that kind might be?

Mr. DAVIS of Tennessee. No. It is as impossible to estimate or give an exact opinion as to same as it is impossible in personal injury cases to estimate the actual damages resulting from a death or the loss of an arm or of a foot.

Mr. BARBOUR. Absolutely.

Mr. DAVIS of Tennessee. But should litigants be deprived of their rights because they are not susceptible of exact mathematical calculation?

Mr. BARBOUR. Not by any means; but it seems to me that the language which was originally incorporated in the bill and then stricken out, from line 7 to line 11, which permits the judge to fix or decree a reasonable royalty or other form of general damages, is really to be preferred to the committee amendment.

Mr. DAVIS of Tennessee. In the absence of any proof?

Mr. BARBOUR. Oh, there must be proof.

Mr. DAVIS of Tennessee. The provision for which the committee amendment is offered to be substituted reads, "if proof is not offered, or in the absence of adequate proof."

Mr. BARBOUR. Yes; adequate proof. I would not consider that expert testimony as to the amount of damages sustained in the case suggested, and as the gentleman just described, would be adequate proof. Therefore I would rather leave the amount of damages to be fixed by the judge, to be based on whatever proof is properly submitted to him, than to let some expert come into court and testify as to the amount of damages.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. NOLAN. Mr. Chairman, I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes more.

Mr. DAVIS of Tennessee. I thank the chairman for the additional time.

Replying to the last observation by the gentleman from California [Mr. BARBOUR], I wish to state that the proposed committee amendment expressly provides that the amount of recovery shall be fixed and decreed by the court—not by the expert witnesses—but it provides that such decree shall be based upon proof. It does not change the existing measure of damages or procedure other than to provide that in the instance specifically described the court may receive and consider expert testimony in arriving at the proper amount of damages or profits to be decreed. In order that such evidence shall not be accorded more weight than is accorded same in other proceedings, this proposed amendment expressly provides that such testimony shall be "subject to the general rules of evidence applicable to this character of testimony."

The trouble is that there has been a long line of decisions holding that unless a patentee can show exactly how much profits or damages he is entitled to because of an infringement upon his patent, he can not recover anything. Of late years some of the courts have recognized the injustice of this and have shown a tendency to afford relief. However, there is always a strong disinclination on the part of the judiciary to depart from well-established legal principles. This question was considered and discussed by the United States Supreme Court in the case of the Westinghouse Electric & Manufacturing Co. *v.* Wagner Electric & Manufacturing Co. (225 U. S., 604, decided June 7, 1912). In that case the court held that where the infringer has sold or used a single or specific patented article the patentee is entitled to recover all of the profits, and that the same rule obtains where it is shown that the patent represents all of the value or profits of the article sold. However, the court further held, as stated in the syllabi, as follows:

Where the patent admittedly creates only a part of the profits, the patentee is only entitled to that part, and he must apportion the infringer's profits and show by reliable and satisfactory evidence either what part of the profits are attributable to his patent or that the entire value of the infringing article is attributable to his patent. (Garretson *v.* Clark, 111 U. S., 120.)

Congress has legislated, Revised Statutes, 4921, with a view to affording the patentee ample redress against the infringer, but the general rule of law that the burden is on the one suing for profits to show that they had been made applies.

The patent itself is evidence of the utility of the claim, and an infringer is estopped from denying that it is of value.

Where the plaintiff patentee shows that profits have been made by the use of his patent, but defendant proves that there were other elements contributing to the profits, it then devolves upon the plaintiff to apportion the amount of profits attributable to the use of his patent.

In other words, the Supreme Court recognized the validity of the rights of the patentee, but also recognized the situation in which he was placed. The court modified the rules stated to the extent that where the infringer, by commingling the elements, renders it impossible for the patentee to meet the requirement of apportionment the entire inseparable profit must be given to the patentee, the burden shifting to the defendant in such instance.

In the case of the United States Frumentum Co. against Lauhoff et al., 216 Federal Reporter, page 610, the court, as stated in the syllabus, held as follows:

In a case where willful infringement is shown, with sales of the patented product by defendant so extensive as to leave no doubt that complainant sustained substantial damages, he will not be denied relief because of his inability to prove an established royalty or to make definite proof of sales lost, but general evidence to prove his damages or a reasonable royalty may be considered, as in other cases of tort, and from that a finding may be made as to what would be fair compensation for his injury.

"General damages" are damages not resting on any of the applicable, exact methods of computation, but upon facts and circumstances which permit the jury or the court to estimate in a general but in a sufficiently accurate way the injury to plaintiff.

The court uses the exact words which the gentleman from California [Mr. BARBOUR] has criticized. As just shown, some of the courts have liberalized their decisions in an effort to recognize and remedy the situation which this amendment is intended to remedy. But there is a wide variety of decisions, and there is uncertainty and indefiniteness, and this provision is simply intended to crystallize into statute law a proper rule of guidance for all the courts of the country in such cases. It has the approval of the patent lawyers and the manufacturers and inventors and the people interested; and the committee and others who have studied the question, with perhaps very few exceptions, feel that this amendment will meet the situation and will result in the awarding of profits or damages to which the owners of patents are clearly entitled in case of infringement, but of which they have heretofore been deprived because of the unfortunate situation in which they were placed and their inability to calculate with any exactness the damages which they sustained or the royalties which the infringer had made. [Applause.]

Mr. NOLAN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. VARE. Mr. Chairman, the Philadelphia Public Ledger, under date of February 29, prints the speech of a prominent gentleman from Tennessee, acting in a representative capacity in the legislative body at the other end of the Capitol, in which he is quoted as asking if the benefits of the League of Nations are to be thrown away "because they affect a few 'dagoes' on the Adriatic coast."

I find in the CONGRESSIONAL RECORD that the verbiage of this statement has been changed to remove the slur which was cast on a nation, and a nation's people, which did her great part to insure victory for us and our other European allies in the World War.

To refer to these great people as "dagoes" not only should be resented by the Americans of Italian descent in this country but should be resented by every thinking American who has associated with these peace-loving, God-fearing people.

On this question I feel I am able to talk with intimate knowledge. In Philadelphia I am constantly in close association with the Italian people, and many of them are learned in law, medicine, art, finance, and general business. In addition to that association I have been in close touch with those who have employed them in business for more than a quarter century. They are one of the greatest forces of production we have in this country. Since the first great influx of Italian immigrants to our shores I have seen them speedily acquire American ideals and American citizenship. I have found them to be citizens of the highest order and law-abiding in every respect.

As Americans they are loyal. They demonstrated this in the Great War, when the country called to every able-bodied man to respond to the draft. Those who had acquired citizenship responded without question, and in no case brought to my attention did an Italian who had not acquired citizenship claim exemption because of his foreign nationality. In the district I represent there are large numbers of these fine, patriotic people.

When Russia deserted the cause of the Allies it was the Italian Army, and the Italian Army alone, which prevented the full Austrian forces from being thrown against the American, English, and French troops on the western front. Stunned by numerous reverses, the Italians at the crucial moment engaged the enemy and under the leadership of Gen. Diaz regained all the territory they had lost and chased the foe across the low Venetian plains, over mountains, and through mountain passes from the Piave far into the enemy's territory.

I can remember the celebration held in Philadelphia and here in Washington at that time. It was a glorious victory, and did much to strengthen the morale of the other Allies. I can remember the acclaim of the American press on this accomplishment.

Is there one man in this House who did not cheer our friend and former colleague, Fiorello H. LaGuardia, when he returned from the Italian front? He was a courageous young man. He only typified the spirit of his kinsfolk in what he did, however.

I would like to more emphatically express my disapproval of the utterance of the gentleman in question if the rules of the House would permit; but, to say the least, it is to be regretted that any man acting in a representative capacity in the United States would so far forget himself as to use language causing insult to any great people. When we consider that men of all nationalities, birth, and color stood side by side in the trenches fighting for the liberty of the world, it seems to me that prejudices of all kinds might well be cast aside, for after all we are all Americans, striving for the good of our country.

I wish to read a telegram I have received from C. C. A. Baldi, of Philadelphia, head of the Italian Federation, which demonstrates the grief and remorse these people feel as a result of the unwarranted attack upon them and theirs on the floor of the legislative chambers of this Government. It is as follows:

PHILADELPHIA, PA., *March 3, 1920.*

Hon. W. S. VARE,
House of Representatives, Washington, D. C.:

The membership of the Italian Federation, for themselves and in behalf of thousands of Italians of Philadelphia who were companions in arms with the American doughboys, resent the reference of the gentleman from Tennessee to Italians as "Dagoes." We earnestly ask that you protest against his discourtesy and place your protest in the RECORD in answer to this un-American utterance.

C. C. A. BALDI.
President Italian Federation.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. NOLAN. Mr. Chairman, will the gentleman from Pennsylvania [Mr. CAMPBELL] yield me some time?

Mr. CAMPBELL of Pennsylvania. Yes; I yield to the gentleman 15 minutes.

Mr. NOLAN. I want to yield to the gentleman from Connecticut [Mr. MERRITT] 10 minutes.

The CHAIRMAN. The gentleman from Connecticut is recognized for 10 minutes. The gentleman from California [Mr. NOLAN] has 10 minutes of his own left.

Mr. MERRITT. Mr. Chairman, I call the attention of the committee to the somewhat unusual origin of this bill, in that the request for a reorganization and adjustment of the salaries in the Patent Office does not primarily originate with the employees themselves. This demand originates from the great manufacturing industries and other industries of this country. I think that any one who attended the meeting of the Committee on Rules, as I did, would have been impressed, as the Committee on Rules was impressed, by the widely representative character of those who appeared before it.

In the report of the Committee on Patents it will be found that gentlemen who have assisted in this legislation were representatives of the great electrical industry, the rubber industry, the inventor of the gyroscope and other inventions, which have made possible the great work of the Navy; representatives of wireless telegraphy, of the trolley; representatives of Mr. Edison who has contributed to the whole world inventions without which modern civilization would not be what it is; in addition to which there were representatives of the automobile industry which has revolutionized life, particularly country life. Although it is a commonplace it is not without interest for Members to recall to their minds some of the great basic industries of this country and of the whole world which are dependent upon inventions that have gone through the United States Patent Office. Speaking offhand and without investigation, perhaps the first in point of time and possibly in importance was the cotton gin; then the patent on which the whole rubber industry of the United States is founded; then steamships, telegraphs, telephones, agricultural machinery without which the farms of this country could not now be conducted; the typewriter and

calculating machines, which have revolutionized the work in offices and banks; all the patents relating to electric-generating machinery, to patents on shoe machinery, without which the people of the world could not be shod; all the branches of the chemical industry. And when you come to war, America, although a Nation of peace, has really led in inventions in that direction. It was through the Patent Office of this country that the first repeating pistol, the Colt revolver, was patented, and during the Civil War the first repeating rifle. I need not go further in enumerating the endless list. It is worth while occasionally to remember what everyone, whether he is engaged in mechanical industry or not, owes to inventors and to the patent system of this country, which I believe was really the parent of the great patent systems of the world, and which in many respects leads them to-day.

One of the fundamental ideas in our patent system is that when a man gets a patent he shall have at least a prima facie case in favor of the proposition that he has a new and useful invention. That is different from the patent laws of some other countries. It means that an invention must be examined in the Patent Office, both with reference to whether it is a practical invention in itself and also whether somebody else has invented something similar before. It is perfectly evident that that means that the examiners must not only be able men, well trained in mechanics, but they must have experience and knowledge of the arts. They must know by investigation of drawings, books, or other historical records whether somebody else has invented the same thing before, so as to determine whether a man who now applies is entitled to a patent. It is on that point that this bill really centers, for when a man has been in the Patent Office only two or three months he is almost useless, because he must work so slowly. Every month of his service makes him more valuable, as he grows in knowledge of devices and patents relating to the classes he examines. As the chairman of the committee has said, we can not offer sufficient salaries to hold men there indefinitely, because when a man gets to be noted as an expert in the Patent Office he is sure to be taken out, either to go into private practice or into the employ of some great manufacturing concern.

Mr. BLANTON. Will the gentleman yield there?

Mr. MERRITT. I will.

Mr. BLANTON. That being the case, if service in the Patent Office for a while places him in the position of being an expert, commanding a big salary from private institutions, ought not the prospective employee to pay the Government a bonus to allow him to get in there, in order that he may be eligible for these big private salaries afterwards?

Mr. MERRITT. No.

Mr. GARD. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GARD. On the contrary, is it not to the credit of the men who are employed there that they perfect themselves and so are able to obtain outside employment?

Mr. MERRITT. Yes. Also I will say in reply to the gentleman from Texas that we ought to pay these men enough so that we can hold them for a while after they become expert and useful. The object of this bill is to make it possible to hold men at least until they are largely perfected. As it is now, with the very small salaries paid, the tendency is to get out before they are half trained, and consequently the office has no fully trained men. I heard the Commissioner of Patents state that with the force they now have it takes nearly three times as long as it used to take to do the same amount of work.

I want to call the attention of the committee to just what that means to the inventors. That is the reason why inventors and manufacturers are so anxious for this legislation. Nothing is so expensive to them as delay and inaccuracy in the examination of their inventions. I myself have had some little experience as a manufacturer. When an inventor comes to a manufacturer with a patent, he looks it over and says, "I think that is a fine thing. I will take it, and we will agree on the royalty which I shall pay for the manufacture of your article; but, of course, I can not actually sign a contract until I know that the invention is new." The only way the inventor can find that out is by having the application put into the Patent Office and see what sort of a patent the inventor gets. Therefore they make what is called an "if and when" contract, which means that if you get a patent and when you get a patent then certain things shall be done. Now, it is evident that it makes a great deal of difference to that man whether he can get his patent through in 60 days or whether he has got to wait a year or a year and a half. The testimony is that now in some classes it is eight or nine months before they begin to examine the application.

What we are doing in this bill is this: We are not asking the people of the United States to appropriate more money. We are simply taking the inventors at their word. They as a class come to us and say that the most expensive thing they can have is poor service in the Patent Office. They say, "We want you to arrange it so as to give us good service, and we will pay the extra money. It is a bagatelle whether we pay $5 or $10 more for a patent which when obtained may be worth $5,000 or $100,000, or whatever it may be."

Mr. NOLAN. The fact is that we are simply reversing the filing fee and the final fee, and the total cost of obtaining the patent is no more.

Mr. MERRITT. That is correct. I am glad the gentleman called attention to that. The final cost of a patent under this bill is no more. It simply transfers $5 from the final fee to the initial fee, and the fact of the matter is that absolutely all the work is done before the final fee is paid, so that it is an entirely just provision. I think if the House will bear in mind the fundamental basis of this bill, which is that inventors and manufacturers are simply asking for better service in their interest and for the economy and efficiency of the whole business structure of the United States, they will not hesitate to support this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, because on Wednesday I made a point of order against the provision in the legislative appropriation bill granting a bonus of $240 during the next fiscal year to our 200,000 civilian Government employees the Post denominates me as "the enemy of organized labor." These civilian employees of the Government first received a war bonus of $120, and then a war bonus of $240, and for the current fiscal year ending June 30, 1920, they are still drawing a bonus of $240, and although the war is over they not only want to continue drawing this war bonus of $240 during 1921 but they are demanding of Congress that it be raised to $480, and when I made the point of order it prevented raising this bonus to $480.

The Chair sustained my point of order and struck this bonus provision from the bill. If it had not been an unauthorized provision, he would not have sustained me.

I deny that I am an enemy of organized labor. I am an enemy of radical union leaders who would ruin legitimate labor organizations to carry out their own selfish ends, and I have fought their unlawful plans, the selfish, unreasonable demands, acts, and purposes. I am a truer friend to honest, law-abiding laborers, organized and unorganized, than their radical leaders who have been exploiting laborers out of millions of dollars for years.

Mr. MACCRATE. Will the gentleman speak louder, so that we can hear him?

Mr. BLANTON. Let the gentleman from New York come down in front.

Mr. MACCRATE. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I can talk low or loud, as I please.

The CHAIRMAN. The Chair thinks the gentleman from Texas is in order, and he will proceed.

Mr. BLANTON. To the brave soldiers, sailors, and marines who won a world war and faced the hell of "No man's land" this Congress has paid them a measly, miserly, insignificent little bonus of $60—not enough to buy a good suit of civilian clothes. These battle-scarred soldiers faced death while being paid only $33 per month, while our maximum war-time force of 240,000 civilian employees, who drew first a bonus of $120 and then a bonus of $240, drew maximum compensation from this Government as high as $2,740 per annum while working only seven hours per day in safe, comfortable, enjoyable surroundings.

When making this point of order I stated that I would stand for this injustice no longer; that these civilian employees of the Government were "hoggish" in now demanding $480 bonus when the war is over, and that I would not vote to give them another bonus until justice had been done the worthy, needy soldiers who made the United States safe for these organized civilians.

UNREASONABLE HOGGISHNESS.

From the editorial page, page 4, of the Federal Employee, the Government workers' magazine and the official organ of the National Federation of Federal Employees, issue of February 28, 1920, I quote the following:

As we go to press the House of Representatives is considering the legislative, executive, and judicial appropriation bill, and is expected to reach section 6, which contains the salary-bonus provisions, very soon. As reported by the Committee on Appropriations, the bonus

remains as during the present fiscal year. Our national federation, with the active assistance of the locals, is making every effort to induce members of the House to support the temporary salary-increase schedule approved by our San Francisco convention—$480 for those receiving up to and including $2,500; $360 for those receiving between $2,500 and $3,500; and $240 to those whose salaries run from $3,500 to and including $4,500.

The above comes from the Government employees themselves through their official mouthpiece, the Federal Employee.

Digest the above schedule. This is what Government employees demand:

To civilian employees, $480 bonus to the $2,500 clerks, $360 bonus to the $3,500 clerks, $240 bonus to the $4,500 clerks.

Now compare the above to the schedule fixed by Congress for our death-facing, Yankee, fighting, victory-making saviors of civilization—$60 bonus to the $33 soldier.

And the soldier's bonus was paid only once, when he was finally discharged from the pay roll. Many service men do not need a bonus and do not want a bonus, but there are many highly deserving, needy service men who are absolutely in want and who do need help.

AN $870 PER MONTH WASHINGTON FAMILY PLUS BONUS.

The report made by the Interstate Commerce Commission (H. Doc. No. 190, 66th Cong., 1st sess.), made in compliance with resolution introduced by me and passed by House, shows one family of Grahams in the Government service here in Washington, drawing salaries, exclusive of any bonus, as follows: George F. Graham, jr., $325 per month; his brother, William S. Graham, $250 per month; his father, George F. Graham, sr., $100 per month; his mother, Mattie M. Graham, $95 per month; his sister, Nettie F. Graham, $100 per month. And then add the $240 bonuses allowed by Congress.

The above makes such speeches as the distinguished gentleman from Georgia [Mr. UPSHAW] persisted in making, out of order, in violation of the Chair's ruling, sound like monkey chatter. He not only wanted to pay the 200,000 Government employees the $240 bonus but indicated a willingness to increase their bonus to $480. But let me again call your attention to the vicious threat of these Government employees, published in the press:

CLERKS INDEX CONGRESSMEN—TABULATE SENTIMENT OF LAWMAKERS ON QUESTIONS AFFECTING SALARY.

All employees in the Government service, whether they live in Washington or San Francisco, will soon know just who are their friends or enemies in Congress, and they will be strongly urged to vote accordingly at the coming elections.

The National Federation of Federal Employees, in its headquarters at 1423 New York Avenue, is busily engaged at present card indexing every Representative in the Capitol as an important part of the voters' information bureau which has been established by the federation.

The sentiment of Congressmen on the legislative program of the Federal Employees' Union has been carefully followed, and every vote cast for or against measures of concern to Federal employees has been tabulated.

SIMILAR TO AMERICAN FEDERATION OF LABOR PLAN.

The union legislative program, including such issues as minimum wage, retirement, and numerous other measures, together with the attitude of each Congressman toward the program, is being prepared to send broadcast to the headquarters of the locals throughout the United States.

The system being followed by the national federation is similar to that of the American Federation of Labor in keeping tab on officials' attitude toward labor.

The employees' union will not only keep its membership of nearly 100,000 informed but will disseminate as well its voting information to every employee in the Government service.

WATCH NEW CANDIDATES.

While present Congressmen will be the principal subject of such a list, new candidates for the office will not be overlooked. It is planned to sound out thoroughly each new aspirant to Congress as to his attitude toward the Government employee.

The National Federation of Federal Employees is massing its full strength to procure a friendly Congress. Not only will it blacklist certain Members of Congress but every effort will be made to have every employee in the Government service exercise his full voting right.

To encourage voting among nonresident employees in Washington, the federation is completing data on election laws, election dates, and other information relative to every State in the Union, which can be handily gotten by calling at the headquarters of the federation.

FORTY THOUSAND IDLE, UNNECESSARY EMPLOYEES.

Now, the gentleman from Illinois [Mr. MADDEN], who has an intimate knowledge of departmental affairs, has agreed with me that we have on the Government pay rolls now here in Washington 40,000 useless, idle, unnecessary clerks, who ought to be sent home instead of being paid a big salary and a bonus.

Let me read you the pertinent parts of a letter which yesterday I received from Hon. Herbert D. Brown, Chief of the United States Bureau of Efficiency, replying to specific questions I had propounded to him:

UNITED STATES BUREAU OF EFFICIENCY,
Washington, D. C., March 3, 1920.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I have just received your letter of March 2, in which you make certain inquiries concerning personnel conditions in the executive departments in Washington. I will quote your questions and undertake to answer them in the order in which they appear in your letter:

"(1) Both Congressman MADDEN and myself estimate that there are now in Washington 40,000 idle, unnecessary clerks still on the pay roll, whose services could be dispensed with without crippling the service. Is this true or not?"

I do not know whether your figures are correct or not, because I have not had the opportunity to find out. I know that there are a great many unnecessary clerks in Washington (literally thousands), but whether the number of them is 20,000, 40,000, or some other figure, I can not say. I know that there are very many superfluous clerks in Washington, because investigations made by the Bureau of Efficiency in certain offices have disclosed that fact. Whether this condition is general throughout the departments I am not prepared to say without making a comprehensive survey of the whole service. With the limited force of investigators at my disposal, I am unable to make such a survey at the present time.

There is no doubt in my mind but that it would be possible for administrative supervisors to reduce the number of their clerical assistants very greatly: (1) Because the volume of work in the departments to which they are attached is considerably less than it was during the period of the war when many of these clerks entered the service, and (2) because, now that the war strain is over, time can be found in the departments for improvement of methods. Whether the resulting reduction in the force would amount to 40,000 workers, which would be approximately 40 per cent of the total number now engaged, I am not prepared to say.

It is only fair to the administrative officers to say that present conditions have grown out of unusual circumstances. The war emergency made it necessary to organize many new offices and to expand practically every existing governmental agency overnight. The times were abnormal and heads of departments and independent establishments were placed at an enormous disadvantage in handling organization problems. Ordinary principles of efficiency could not always be applied under these circumstances. The departments have, however, now passed the peak of the war load. It should, in my opinion, be possible at this time to institute a program of strict economy.

"(2) May we expect efficient service generally from our employees as long as they are affiliated with the American Federation of Labor?"

I believe that the affiliation of Government employees with labor organizations must, of necessity, result in a reduction of efficiency in the departments. I am of the opinion that such affiliation has an unfortunate effect on the morale of the service. The employee comes to feel that his success depends not so much on his individual effort as on the political strength of the organization to which he belongs.

"(3) Is there not fully as much reason for separating our Government employees from strike organizations as there was for separating the police and firemen from such organizations?"

Yes, quite as much reason, and even more. In the event of police strikes or strikes involving a fire department it will always be possible, because of the relatively small number of people involved, for residents of the community to assume the burdens laid down by the striking policemen or firemen, and while it is true that inexperienced persons would not be able to safeguard the public interests to the same extent as could regular policemen or firemen, yet the danger to the community could be kept within reasonable bounds and situations of this sort could be taken care of with a relatively small loss to the public. In the case of a strike of Government workers, which might involve not merely a few employees, but practically the entire force in the Government service, the damage to the public interest would be far greater. Such a strike would practically result in the suspension of all the functions of the Federal Government. It would affect not merely a few people, or a few thousand people, but, practically speaking, the entire population of the country.

"(4) I call your attention to the attack made upon you in the Federal Employee, the official magazine of the National Federation of Federal Employees, for February 28, 1920, page 3 thereof, suggesting your demise, by reason of your late activities for efficiency. Is this veiled threat of the official organ of Government employees going to stop your activities and cause you to 'lay down?'"

My answer to this inquiry is, "No." I shall continue to work for economy and efficiency in the Government service without regard to threats that may be made by any person or organization.

Very sincerely, yours,

HERBERT D. BROWN,
Chief Bureau of Efficiency.

Mr. Chairman, is this Congress going to act on the advice thus given by the Chief of the United States Bureau of Efficiency? Or, are we, as usual, going to let this recommendation for real efficiency and economy pass from us like "water off of a duck's back" and profit in no way by it?

The said Federal Employee for February 28, 1920, devoted pages 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13 to this unwarranted and vicious attack upon Chief Brown, of this Bureau of Efficiency, because of his late efforts for efficiency, and winds up with the following:

The union label stands primarily for union industry. As such it is an indispensable complement of "home industry," or other shibboleth of business, in the mind of the purchaser who holds principle above local pride.

These 100,000 Government employees in Washington will not let any clerk stay in the Government employ long unless he or she joins the union. They are organized to the teeth. And these $2,500, $3,500, and $4,500 Government clerks who are now demanding bonuses of $480, $360, and $240, respectively, work 7 hours per day, in comfortable buildings, under pleasant surroundings, are given 30 days' vacation each year on full pay, 30 days' additional sick leave on full pay upon doctor's certificate, have all of their 52 Sundays, all regular holidays, half of every Saturday during the three summer months, and holiday on every special occasion numerously occurring in Washington. Many of the lady clerks wear expensive furs in July and décolletté in December. Are they going to drive Congress with threats? If they do, the people will likely get them a new Congress.

In to-day's Washington Post, page 2, appears the following:

The National Federation of Federal Employees last night opened fire upon the Republican Party, and in an official statement charged that it is Republican leaders of the House who are responsible for reducing the salaries of about 200,000 Government employees by eliminating the $240 bonus. * * * Congressman WOOD said: "If we could have reached an agreement with Representative JOHN R. NOLAN, of California, not to introduce an amendment to increase the bonus to $480, as representative of the National Federation of Federal Employees, we could have put through the bill carrying the $240 bonus." * * * The Federation claimed: "Our canvass showed a very general sentiment in favor of the increased bonus."

If there were such a very general sentiment in favor of an increase of the bonus to $480 for these 200,000 civilian employees, may I ask whether any of it was produced by these vicious threats of this Federal employees' organization?

Doubtless among some of these 200,000 employees there are some who deserve promotions and raises in salary. But as one of the chiefs in the Department of Agriculture asserted to the Committee on Agriculture, as detailed the other day by the gentleman from Michigan [Mr. MCLAUGHLIN], there are some incompetent, inefficient employees whom the department will not discharge because they belong to the union and the union would not let them. I am in favor of discharging every incompetent, inefficient employee on the Government pay roll and then increasing the pay of the efficient clerks. But their organization does not deserve any consideration when it attempts to pass legislation through browbeating and threats.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, is Mr. CARSS or Mr. BURKE present? I ask unanimous consent to extend my remarks in the RECORD.

Mr. BURKE. Reserving the right to object, and I will not object if the gentleman confines his extension of remarks to this question.

Mr. BLANTON. I will confine them to the question I am discussing.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NOLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman, a great economic mistake will be made, in my opinion, if the action taken by the House in reducing the appropriations providing for the activities of the Federal Government in cooperating with the farmers toward increasing production is sustained by the Senate and the regular appropriations for the control of hog-cholera work, the tubercular testing of cattle, the investigation of range conditions in the national forests, and similar appropriations are denied. The organizations which have been built up under these appropriations will be so reduced that the decrease in food production and the loss to the farmers will be enormous.

The events of the past five years have clearly established two facts which are of vital importance to us at this time. The first, that a well-organized agriculture, intelligently conducted, is the best security that any nation can have against unemployment, a financial panic, or bolshevism. The second, that our modern industrialism, which tends to separate more and more people from the soil and draw them together in great cities, is a house built upon sand. This foundation is now failing and the nations are being destroyed.

As a Nation we are now facing a situation which calls for the most serious consideration of these two great interests. The further promotion of our own industrialism to the neglect of our agriculture and rural home building involves lines of policy as divergent as the two poles. It should be clear to all that the time is at hand when we must dig beneath the surface and strengthen the foundation of the industrial system which during the past few years we have erected at such cost and which to-day is causing us such anxiety. The strengthening of this base involves the question of agriculture, more particularly in its relation to the building of rural homes.

We have become a great Nation because we have always had an abundance of land—free, or practically so, for the asking—with ready markets in the Old World for all that this land could produce beyond our own needs. For more than 50 years past our improved farm area has been increased at an average rate of about 7,000,000 acres each year. Our Nation is now so big and its development is so rapid that to check its growth along the lines which have been followed ever since colonial days would be fatal. We must continue to make the utilization of land the basis of our growth and prosperity as long as we have any land remaining fit for settlement, especially in view of the crisis which the world is now facing.

Eighty years ago to-day's industrial system was undreamed of. Nearly 70 per cent of the people of this and of all other countries lived upon the land. To-day nearly 70 per cent of the people of the so-called "industrial world" are engaged in trade and the industries. These hundreds of millions have become completely separated from the soil, most of them crowded together in towns and great cities, the sole dependence of a majority being a weekly pay check. Never before, under such circumstances, has civilization faced a crisis like the present one. At this moment more than half of this industrial world is in ruin because this pay check has been cut off. The other half—our half—is threatened.

WHY OUR AGRICULTURE IS DECLINING.

Our agriculture is great only in the aggregate of its 7,000,000 unorganized units. It is unable to compete with the industrial system which we have developed for the man power that is required for its own expansion merely to keep pace with the needs of our increasing population. To enter the industries and establish economic independence the young man or woman from the country needs only brains and energy. But to establish a home upon the land and engage in farming the settler must be a capitalist of no mean degree. Is it any wonder, therefore, that many of the young men and women, born and raised on the farm, go to the towns and great cities? Where else would they go to make a living? Is it surprising that, under these conditions, our agriculture is declining?

For these reasons the drift of population is cityward. If we stand still, if we make no effort, rest assured it will continue to drift in that direction, for back of it is a great unsolved economic cause which will not "settle itself," and what is more, we know full well it will not do so.

The further expansion of our industries is safe only as we reestablish and extend its base. This can be done only by placing as many millions as possible in possession of natural agents of production, so their economic independence will be assured. The needs of these millions always will be the best market for the products of our modern industries.

But for years we have been exactly reversing this principle. As a Nation we have been exerting every effort to extend our trade in other lands, while offering every inducement to our best blood, whose business is agriculture, to leave the soil so the ranks of industry might be kept full, forgetting that within our own borders were sources of untold wealth only awaiting the touch of labor to quicken them into productive life.

THE GOVERNMENT MUST ASSIST IN PLACING PEOPLE UPON THE LAND.

To stand still is to see our population continue to drift cityward. To correct this tendency requires effort. The Government must again become active in a field in which it has lost practically all interest since the passing of the free agricultural lands of the public domain. The soundness of the policy of our Government in allotting an empire of rich lands to its citizens, free and ready to plow, is best evidenced by the millions of farm homes that have been established. In order to meet the normal demand of our increasing population we must continue somehow to establish these farm homes at the rate of more than 100,000 each year.

Such homes must be established upon the land or the population of our cities will be further increased without a corresponding development of our agriculture.

But all of the best and most available free agricultural lands of the public domain have been appropriated. In fact, about the only available lands for the further expansion of our agriculture and rural home building are the idle or "waste" lands of the country. These lands must first be cleared, drained, or irrigated before crops can be grown. This involves an average cost of probably $75 per acre. The settler can not live upon such land until it has been made ready for cultivation. He can not finance an irrigation or drainage project costing millions of dollars, nor does this obligation necessarily devolve upon private capital. With the assistance of the Government such work can successfully be done and the settler placed upon the land under conditions which will insure his success.

WE MUST NOW DEVELOP AND SETTLE OUR WASTE LANDS.

Our agriculture has entered upon a stage where to insure its proper expansion the cooperation of the Government is imperative. This cooperation must provide for the gradual development and use of our waste lands.

The early settlers of the West were the pioneers in land reclamation. This was because the rainfall over the western one-third of the United States was not sufficient for crops during the growing season. So most of the agriculture throughout that section is based upon irrigation. Out of the needs of the early settlers of the irrigation States there has been developed a system of irrigation, with its magnificent engineering works, its laws and decrees, the greatest and most perfect in the world.

About 20 years ago this development entered upon the stage which demanded the use of resources that were beyond the

command of the individual or community, and Congress finally authorized the Government to lend its cooperation in the reclamation of its own and other lands through the construction of irrigation works. For this purpose there were placed at the disposal of the Government the receipts from the sale of public lands; later on these funds were augmented by a loan of $20,000,000. To date about $120,000,000 has been expended for this purpose. It is estimated that more than $100,000,000 is needed to complete existing projects, which contain a total area of about 3,000,000 acres, less than 2,000,000 of which are now under irrigation. The productive wealth that has been created through the expenditures of this amount fully justifies the policy of the Government.

However, the reclamation act has now been in operation nearly 18 years. With adequate funds available, at least five years would be required for the completion of these projects, making a total of 23 years for the addition by such means of only 3,000,000 acres to the improved farm area of the country, less than 2 per cent of the total increase during that time.

But western irrigation is now entering upon another stage in its development. Projects must now be constructed which involve the expenditure of many times the cost of any existing undertaking.

The means for continuing such work are therefore totally inadequate to meet the demand of that great and growing section of the country. But this is not all. The reclamation of land is now necessary in other parts of the country, for, as stated, we have arrived at the point in the expansion of our agriculture where the waste land is most available for such purpose.

DEMAND FOR GOVERNMENT COOPERATION GENERAL THROUGHOUT COUNTRY.

Most of this waste land is in the West and South, and the people of those sections are now making common cause in support of a plan which provides for the cooperation of the United States in the reclamation and settlement of land of this character. The demand in the West is by the governors of the arid States, State irrigation associations, and commercial bodies acting in concert through the Western States Reclamation Association, and in the South by the concerted action of its governors through the Southern Commercial Congress. The plan is also supported by the National Reclamation Association, the Mississippi Valley Association, and numerous other organizations in affiliation with these bodies.

DESCRIPTION OF PROPOSED FEDERAL AND STATE COOPERATIVE ACT.

The plan, briefly described, is predicated upon the fact that for the past 17 years the Congress of the United States has been committed to the policy of land reclamation and dedicated certain public revenues for that purpose. The oil-land leasing act contains a provision for augmenting these revenues. Under the provisions of the reclamation act of June 17, 1902, and acts amendatory thereof and supplementary thereto these revenues for the prosecution of such work, although totally inadequate, are assured.

Under the plan proposed in the bill which I have introduced (H. R. 12649) "to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces," it is provided that such work shall be extended more rapidly by increasing the fund available for construction purposes. This is to be done by issuing United States bonds in amounts not exceeding $20,000,000 the first year, $30,000,000 the second, $40,000,000 the third, and $50,000,000 the fourth and succeeding years, the total of such issues not to exceed $350,000,000. No issues are to be made after the tenth year. These bonds are to bear interest at 4½ per cent and are to be payable in not to exceed 50 years.

It is proposed that such portion of the revenues from public lands as may be needed, which now are being used as a constructive fund for reclamation, shall be available for the payment of the interest and principal on these bonds. It is also proposed that all new projects shall be placed upon an interest-paying basis, and that they shall be organized into irrigation or drainage districts with taxing powers, and that such projects shall issue bonds equal to the estimated cost of reclamation. These district bonds are to be deposited with the Federal Farm Loan Board, to be used as collateral security for issues of United States collateral bonds. But such collateral bonds will not be issued and sold until the land is developed and settled and has a value equal to twice the face value of the district bonds. The proceeds from the sale of the collateral bonds will be placed to the credit of the reclamation fund to be available for the reclamation of other lands.

The system of financing which the bill provides is similar to the Federal farm-loan system, and assuming that it is the intention of Congress to continue the present reclamation policy at least until a better one is devised, and to use the public revenues referred to for that purpose, no part of the money that will be used for construction under the provisions of this bill will have to be furnished by the taxpayer. It will all be subscribed by the investing public.

No issues of United States bonds will have to be made after the tenth year. By that time the early projects will be going concerns, and the assets that will have been created will be liquid and available for further financing. This plan will provide a construction fund fully six times as great as the present one, while it will apply to all parts of the country and will lend itself to all forms of land reclamation. This fund will amount to $440,000,000 by the end of the tenth year and nearly $1,000,000,000 by the twentieth year.

OPPORTUNITIES FOR FORMER SERVICE MEN AND WOMEN IN THE SETTLEMENT OF LAND.

For the protection of those who must settle these lands the bill provides that all tracts in single ownership in excess of limits finally to be established by the Secretary of the Interior shall be sold at prices and on terms to be fixed by agreement with him before approval of the project may be given. In the sale or entry of all lands that may have to be settled preference is given to service men and women who have served in the military and naval forces of the United States in the war with Germany. This provision will be of great advantage to such class and may be enjoyed at any time in the future.

Under the plan proposed the cost of reclamation will be a tax against the land. This leaves the loan value of the land practically unimpaired. Should any State desire to make advances to settlers for improvements or for the purchase of live stock, such advances could be secured by a first mortgage on the land. The same advantage would hold should Congress make provision for the settlement of soldiers, for Congress would only have to provide such amounts as might be required for loans for making improvements, and so forth, and these loans could be secured by mortgage on the land, or such loans could be made by the Federal land banks. No direct appropriation would have to be made by Congress for the reclamation of the land.

A SOUND BASIS FOR COOPERATION.

The plan admits of the closest cooperation between the community, the State, and the Government. The community must initiate the undertaking and provide the proper organization for the purpose. Most of the States already have enacted district laws which will meet the requirements of this measure. They will be free to cooperate by assisting the settler, and many of the States will avail themselves of this opportunity. The United States, through its trained engineers and executives, who have had many years of experience in this field, will have the last word in the selecting of projects for construction; while the Federal farm-loan board will satisfy itself as to the value of the land that will have been reclaimed and settled before the investing public is invited to purchase the securities that will be offered.

The plan of reclamation proposed will be self-continuing, and through its application all of the waste lands of the United States ultimately can be reclaimed and be made sources of great wealth. This can be done without placing a burden of any kind upon the taxpayers of the country.

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, I yield 15 minutes to the gentleman from California.

Mr. NOLAN. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, during the past few weeks, and again last Saturday, there has been shown a disposition in another body to attack one of the leading countries and its citizens who have come here. I refer particularly to Italy.

Some gentlemen first obtain knowledge and then forget to retain it and recollect it when speaking in Congress. In 1915 when the Allies were struggling as never before Italy came to their help and rescue. As one of those who went over in 1918 to Italy, I saw where the Italian forces had to go in order to fight the Austrians and the Germans—12,000 feet high, making their own way up there not by wagon, not by other mechanical aid, but by foot, dragging cannon and the military supplies up in that manner. They got their water dragged up by ropes and cables. I then realized how the battles had been fought and how they had been won against odds which appeared insurmountable. At that time, if Italy had not responded, Germany and Austria would have won the war.

It ill becomes anybody at this or any other time to refer disparagingly to one particular country at one time and then to another brave race—the Irish—at another time. Why denounce any country and any race who have sacrificed what these people have for the Allies?

I turn to the CONGRESSIONAL RECORD and see how this House and the other body received the Italian Commission when it came here. We find it full of praises extended to these men. When they denounce them, they are assailing such men as Marconi, Cardoni, Dias, and Nitti. Why hold up unjustly the men who come to this country to do our rough work and try in every way to become real American citizens? I say that there were more men of that particular race under the age of 18 who went into the American Army when war was declared than of any other race in the United States, and it is about time we commence to recognize that fact and give them the credit they deserve.

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. SIEGEL. Certainly.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIEGEL. Will the gentleman from California yield me one *minute* more?

Mr. NOLAN. I yield one minute more to the gentleman from New York.

Mr. HERSEY. I wish to know for information to whom the gentleman alludes when he speaks of the attack on the Italian people.

Mr. SIEGEL. It was made in another body.

Mr. BLANTON. The gentleman is a parliamentarian, and he will not disobey the rules of the House.

Mr. SIEGEL. And I will say for the information of the gentleman from Texas [Mr. BLANTON] that I hope he will find time to read the RECORD and give us his views on the subject, in view of the fact that he speaks daily here.

Mr. BLANTON. I agree with the gentleman as to the valiant fight that many of Italy's citizens conducted over there.

Mr. SIEGEL. I sincerely hope that the American people will realize once for all that all nationalities, all creeds, and all races help to make America what it is, and that we will continue to be Americans in the fullest sense of the word and appreciating what each and every one is trying to do to make this country grander and greater and better. [Applause.]

Mr. Chairman, for the information of the House I insert what I have previously said:

"Mr. Speaker, the South has been welcoming the Italian war mission, which arrived here on May 23, and wherever its members have come they have been acclaimed by all of our citizens. It has, indeed, been a triumphal progress which has been awaiting them wherever they have journeyed throughout the United States, and within a few days the people of New York City will extend to them a reception which will equal that which has been bestowed unto Gen. Joffre and Mr. Balfour. It is, indeed, a remarkable change that has occurred in the state of mind of many of our people. Newspapers and others that had in the past plastered the Italian immigrant that has come here with charges and insinuations which those who have come in contact with the Italian people have known to be untrue are now engaged in singing their praises. It has taken this war to awaken many of our people to the realization that the men who have come from Italy have worked here by the sweat of their brow, performing the most arduous kind of labor in all kinds of weather, and many times for small wages. They are commencing now to recognize the fact that whatever may have been said against the Italian immigrant was not expressed after careful thought or deep study. It was the off-handed expression of men who had reached hasty conclusions without thorough investigation. Many things may be said against the city of New York by those who do not know its fullness of heart and its depth of soul. Nowhere in this country is merit more quickly appreciated, regardless of race, creed, or color.

"Many people have said of New York that it was a self-satisfied municipality, devoid of real patriotism, and given over to gross materiality. Others have said that it was not an American community, and yet during the past week it has not only subscribed but more than subscribed the amount of Liberty loan bonds that it was expected that its people would take. It presents a lesson to be emulated by all other cities throughout the country, and it points with pride that within its gates are to be found men, women, and children who have come from all over the world and from every part of the United States, proud and happy to be a part of it, ready to do their duty to the country, and amongst these is the greatest Italian population to be found in any city of the world.

"They are making good progress in every line of endeavor, whether in education, art, or music. They are taking an active interest in civic matters in the city of New York, and the boys of Italian descent can be found in our Army and Navy equal in proportion to the ratio of their population to that of the rest of the country.

"The coming of the Italian mission to the United States is bound to increase our respect for the men who have come from Italy, and when people commence to read, to study, and learn more about those who are in their midst and the country from whence they have come the usual result of knowledge follows, namely, greater respect for neighbors and a feeling of gratitude as well as appreciation for their coming. No words of mine can give adequate praise to the invention of the wireless by one of the members of this mission, Senator William Marconi, and if Italy was only entitled to the admiration of the world for giving to it Marconi and his invention, then posterity would gladly bestow it, but Italy has done more in this war than is generally known.

"Italy entered the conflict with the idea of having paid back to her the Provinces along the Trentino and Trieste fronts, and has spent about $400,000,000 each year since. It is a remarkable fact that in 20 years' time Italy had so reduced her national debt that at the time when it became one of the belligerents it had only 5 per cent of it due and owing to foreign nations, or, in other words, in a score of years Italy had been able to redeem 45 per cent of its national debt.

"The following editorial from the New York Times of May 24, 1917, has this to say about Italy:

"ITALY.

"It is of good augury that the Italian war mission arrived in Washington yesterday. On May 23, 1915, the Italian Government informed Baron Burian, the Austro-Hungarian foreign minister, that Italy would regard herself as at war the next day; and the first blood in the war between the two nations was shed on May 24. Memorable and splendid were those days and nights of popular emotion in May. At last the great net of German intrigue was torn apart by an angry democracy. From the Villa Malta, on the Pincian Hill, Prince Von Buelow, the some time chancellor, cleverest of German diplomatists and men of the world, married to a patrician Italian woman, familiar with the Italian language and Italian politics, German special ambassador since the preceding December, had brought to bear all the arts of persuasion, intimidation, corruption.

"The great Roman families, the plutocrats, the industrialists, the Vatican, and the 'blacks'—every class was wheedled; and every class had seemed content with neutrality. Socialists and the bourgeoisie, the army to a considerable extent, the docile, obedient politicians of the Italian Chamber, experts in the gospel of the spoils and machine politics, practiced to perfection for years by the great boss, in or out of office, Giovanni Giolitti; finance, a host of intellectuals, had sworn by Germany. Bismarck had driven Italy into the triple alliance, sowed hatred between her and France by encouraging the latter to take Tunis, 'an Italian colony guarded by French soldiers,' as some Italian statesman has called it, just as Italy was reaching for it. Bismarck, too, had played the Vatican against the Quirinal. Italy had nowhere else to go. If Austria was her old foe and oppressor, to Prussia she owed the recovery of Venetia; to the outbreak of the Franco-Prussian War, Rome.

"Germany had 'penetrated' the peninsula. The country was prosperous, but the Banca Commerciale, a German institution with an Italian name, had come in 20 years largely to control industry, finance, business. It had money and jobs, a manifold clientage, retainers of all sorts, a powerful press, strong, numerous friends in city and national government. It was the boss behind the boss. It was the director and intimate of Giolitti.

"Let us remember these things. Let us remember the high, generous passion that swept all the Germanophile obstructions away. Belgium and the *Lusitania*, Ypres and Rheims had stirred the multitudes, though the sleek parliamentarians did not know it. There had been riots in the cities in the early spring, demonstrations at the embassies of the Allies. Giolittists had been attacked in the streets. The King had shown his wish, as far as he could. On May 5, 1860, Garibaldi and The Thousand left Quarto, near Genoa, on that strange, romantic expedition to free Sicily. There was to be a celebration on May 5, 1915. The King—King 'by the grace of God and the will of the people'—wrote of Garibaldi's setting forth 'with an immortal daring toward an immortal goal.'

"How d'Annunzio, no longer an Apuleian or a Petronian novelist, but a patriot-poet, wearing the laurel of Carducci, spoke nobly for 'Greater Italy' at Genoa and Rome, spoke in the Forum to multitudes, denouncing Giolitti as a criminal and a traitor, denouncing 'the lackeys of the Villa Malta'; how in all the cities there were great popular proally demonstrations; how Giolitti's parliamentary majority melted away, the Salandra-Sonnino ministry was sustained, and war was voted by both chambers, only a few Socialists and bitter clericals opposing; how the Romans, 200,000 strong, a Colonna, Syndic of Rome, at the head, marched in torchlight procession to the Quirinal; how Giolitti fled to Piedmont—if we have forgotten these things, it is right now to recall them.

"It is right to recall that in the spring of 1915 every omen pointed to German victory. Since the Marne and the Aisne the British and French had done nothing. The Russian armies had begun their long retreat with incredible loss and slaughter. A Teutonic movement on Kieff or Odessa was looked for by many. Separate peace offers to Russia by Austria and Germany were reported to the Italian foreign office. In dark days, to be followed by dark days, the Italian democracy came into the war for democracy. And after Montenegro and Serbia fell, after the Gallipoli fiasco, while the ferocious German assault was thundering against Verdun and Russia was rebuilding her shattered military machine, what would have happened if Austria could have thrown her whole strength on the eastern front?

"For 400 to 450 miles, from the rock of the Carso, past the Carnia and the strange, monstrous, red-stained Dolomites, past the Trentino to the Tonale Pass and Stelvio, the eternal snows of the Ortler and

Adamello, everywhere Austria is ramparted by ranges, everywhere Italy has to fight uphill. Wonderfully, with surpassing skill and courage, have her troops under her great chief of staff, Cadorna, fought their difficult fight.

"The Italian war mission is headed by a member of the House of Savoy. One of its members is a king of science. We salute in them and that mission the gifted, strong, and generous democratic nation whose name is dear to the civilized world.

"TOPICS OF THE TIMES.

"SERVICES NOT TO BE FORGOTTEN.

"Italy as a country is as well known to Americans as any in Europe because of the great number of them that have visited it, and its history, up to recent years, forms no small part of our textbooks for secondary and advanced education. We are, however, strangely and, considering the size of our Italian population, rather mysteriously out of touch with modern Italy, and concerning its living men of eminence not many of us know more than a few of their names. So, too, the part which Italy has played in the war is not generally understood and appreciated here, though in proportion to her resources she has probably done at least as much for the good cause as any of its other supporters, and her accomplishments have been neither small nor unimportant.

"To the military achievements of Italy, Il Cittadino, of this city, calls deserved attention, its motive being, of course, to gain for the members of the Italian mission, who have just arrived, recognition in some degree comparable to that which has made so notable the welcome accorded to the representatives of Great Britain and France.

"Even at the beginning of the war, it reminds us, Italy's carefully reasoned and fully justified abandonment of the Central Empires, with which she had been in alliance, was of enormous service, in that it relieved France from what otherwise would have been the task of guarding her Italian frontier. After some months of comprehensible delay Italy entered actively into the war on the side of the Allies, timing her declaration of belligerency so that it stopped the German rush into Russia and compelled Germany and Austria to use against Italy great numbers of troops drawn from the eastern and western fronts. At Durazzo Italy saved the remnant of the Serbian Army—the men now fighting in Macedonia—and she captured Monastir, the only allied victory in that sector.

"And Italy can claim the credit of being the only one of the Allies to carry the war into enemy territory on a really large scale, and thereby she has given anxious occupation to large forces of both Germans and Austrians—forces which, but for her courage and efficiency, would have been available for employment elsewhere and might have affected seriously the course of events.

"Mr. Speaker, Friday, May 24, will be the third anniversary of Italy's entry into the war.

"All over America large mass meetings will be held to commemorate the event. In Washington a notable address is to be delivered by Secretary of State Lansing. In New York at a meeting to be held at the Metropolitan Opera House Secretary of War Baker is to be the principal speaker. Everywhere from coast to coast the flag of Italy will fly side by side with the flag of the United States in recognition of her brave fight for the world's freedom from autocracy and militarism.

"Italy has twice saved the war for the Allies. The first time was when she declared her neutrality at the outbreak of the war. In this manner France was enabled to take the troops which had to be maintained along her boundaries adjacent and adjoining Italy.

"Events are moving so rapidly from day to day during the past few years that each day's doings are quickly forgotten.

"It was in May, 1915, that the battle of Verdun was reaching its greatest intensity and Russia's forces were going to pieces in hasty retreat. The moment Italy declared war she relieved both fronts by the action.

"Many have been the great and heroic deeds of this war, but the world will never forgot the extraordinary deeds of valor performed in the defense of Italy's lines along the Piave River.

"Italy has raised millions of men; and had we listened to the request made by Signor Marconi, the great inventor, when he headed the mission here last year, this war would have been lessened by many months.

"The men who came here from Italy have helped in every way to build up America and have demonstrated their real love and devotion to America by doing their bit in every possible way.

"On April 6 last, the anniversary of America's entry into the conflict, monster demonstrations were held throughout Italy. The Monitor describes it in the following account:

"WAR ANNIVERSARY MARKED IN ITALY.

"ROME, ITALY.

"The Coliseum was chosen as the scene of the public celebration of America's entrance into the war. The arcades were hung with the flags of the allied nations, and in the gallery above the second arcade were the children from the communal schools, wounded soldiers, and representatives of various regiments. A stand had been erected, covered with a great tricolor banner, on which a number of distinguished persons, including ambassadors, ministers, deputies, and representatives of the allied armies had their places. The arrival of Prince Arthur of Connaught was the occasion of an outburst of applause.

"Speaking in the name of the city of Rome, the mayor, Prince Colonna, rendered a tribute of gratitude and admiration to the great American Nation. He was followed by Signor Berenini, minister for public instruction, who made a short speech in honor of the intervention of America, and of the Italian troops fighting on the Piave, as well as of those of France and England. At its conclusion he presented a reproduction of the statue of the Victory of Brescia to the American ambassador.

"In the course of his reply Ambassador Thomas Nelson Page said the issue of the present struggle did not concern merely certain countries or peoples or nations, but the whole human race. What had to be decided was whether men should be free or slaves; free to enjoy the fruits of civilization won by many years of struggle and sacrifice or the slaves of those whose names would remain synonymous for broken faith, brutal force, and ruffianly aggression. After a brief review of the policy followed by Metternich, the speaker described Germany's 40 years of preparation for a war of aggression, and declared that to-day there was no possibility of choice; it was a case of either conquering or being conquered, and let the conquered beware! He spoke of recent events and of the need for the utmost resistance on the part of the Allies. He told his hearers, if the war seemed long and tedious to them, to think what it must be to their enemies. They were a united people, but Austria consisted of a group of a dozen nationalities, in some cases hating their allies more than they hated the enemy and forced to fight for the perpetuation of their own slavery. Germany and Austria stood together as one in this war, and they were bound to become weaker as the Allies became stronger. It was only a question of time, firmness, and resistance.

"Speeches followed from Henry P. Davidson, of the American Red Cross, who expressed his admiration for the efforts Italy had made during the war, and declared that all the resources of the United States would be at the service of the struggle for liberty; from two American deputies, LAGUARDIA and Lenz, and from M. Franklin Bouillon. A message to President Wilson, in honor of the occasion was then read by Guglielmo Marconi and dispatched from the Coliseum straight to Washington.

"In Milan the day was celebrated by a procession through the streets; the flags of the allied nations were displayed and large crowds assembled at the Porta Venezia, the Cathedral Square, and at other places on the route. Speeches were made by the American consul and by Benito Mussolini. The last named said that the people of Milan had wished to meet in order to show the warmth of their feelings toward American democracy. These were not due merely to the help America could give in the way of war matériel and of men but because she had recognized the justice of their cause and had made it her own.

"Signor Mussolini paid a tribute to England, standing firm through the vicissitudes of the struggle, and to the heroism of France. No one, he said, could any longer, in good faith, 'put credence in Germany's lies.' She alone was responsible for the war. They might still have to pass through sad experiences, but just as the men who accompanied Christopher Columbus in his search for America reached land when they thought they had been deceived, 'so we,' declared Mussolini, 'shall undoubtedly obtain the victory if we resist.'

"Prolonged applause followed, and shouts of 'Viva America!' 'Viva Italia!' while the bands played patriotic airs.

"Let us, then, show our appreciation of the great sacrifice being made by Italy by cementing the ties of friendship existing between the two nations. Let us, then, send to Italy a few regiments of our troops, to show her we are with her to the end, and that the Stars and Stripes, now flying over camps at Foggia, Italy, are the symbol of America's guaranty that when peace comes America will never forget Italy's great achievements when the fate of liberty was in the balance."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NOLAN. Mr. Chairman, the gentleman from Connecticut [Mr. TILSON] has evidenced a keen interest in the passage of this bill. He introduced a resolution sometime ago to investigate the cause of conditions of the Patent Office. He is unavoidably absent to-day, making a speech to his college alumni, and he asked me to state that if he were here he would support the bill.

I yield the remainder of my time to the gentleman from New York [Mr. MACCRATE].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. MACCRATE. Mr. Chairman, the remarks of my colleague [Mr. SIEGEL], who just preceded me, suggest something that perhaps has been in all your minds, and that is that Americanism has a body to it and lives on earth and not up in the air. We hear a great deal of discussion of this topic these days, and some men when discussing it seem to rise and keep up in the clouds, but Americanism is something of this life and something that must be with us day in and day out.

I believe that the insinuation of the gentleman from Texas in his concluding remarks does as much to undermine real Americanism as anything that can be said by the wildest blatherskite on a soap box. When you suggest continuously that Members of Congress are yielding their support to a measure because of threats on the outside you are sowing the seed of discontent, which the agitator cunningly cultivates throughout the land, and I believe I speak for you when I say that none of us is subjected to threats which persuade us into doing what we believe should not be done in this body. But, nevertheless, men are making reputations daily and adding to those reputations outside of this body by assaults on the membership of it, and they are gaining the front page of the papers by insinuating that we here are docile followers of organized groups. I believe that we as a body honestly seek to represent what we find to be the total opinion of all of the groups in America, and not any particular group in America.

Mr. Chairman and gentlemen, one of the gravest problems we face is to retain the respect of our citizenship for our representative form of government, for if that form is overthrown we may be forced to accept the soviet form. Those men who daily use Congress as a subject of attack, gaining thereby

a moment's fleeting popularity, may by indiscriminate attack do lasting wrong to representative government. We expect, indeed we ask for, just criticism, but we earnestly hope that the criticism shall be wisely directed against the membership rather than against the system of government.

Let us, however, not be unmindful of the fact that our own actions may bring our professions of faith in American institutions and ideals into contempt. A little while ago the feelings of a great number of our people were grievously injured because a public official referred to them in language that did not suggest the fellowship that should exist among Americans. We can not hope by such terms as "dago," "wop," and "sheeny" to make men of foreign birth who are now in our midst feel that they are part and parcel of the only group we represent, the entire American people. [Applause.] These men have thrown off forever allegiance to foreign powers. They till our soil, enter into our mines, build our highways, join us in the Nation's struggles, and contribute to the common welfare. If the process of Americanization shall go on unimpededly, the common speech of Americans must lose the contemptuous terms which cut to the quick those we seek to Americanize. My colleague from New York [Mr. SIEGEL] has paid eloquent tribute to those whose native land was sunny Italy. He has not been extravagant in his praise. The Italian contribution to American life has been too great for any American, especially a member of a legislative body, to hurl harsh epithets against American citizens of Italian ancestry or birth.

This bill as originally contemplated had within its purview the establishment of a separate court of patent appeals. There has been a wide demand for such a court, because of the diversity of the decisions in the courts of the country. There is no finality of decision by one circuit court of appeals, and a great many men have insisted that there should be located in Washington a court of appeals to be known as the court of patent appeals. Men are now denouncing Congress because we spend money and appropriate sums which we must in honor appropriate. The debt of the war must be paid. There are established charges of Government that must be met, but none of these men who, apparently, obtain public applause by their denunciation of the extravagance of Congress ever tell the people of the millions and the billions of dollars that Congress stands in the way of by refusing to accede to every scheme that somebody has in his mind. [Applause.] I dare say there is not a committee of Congress that does not at some time in a session consider some proposition of some large group, an organized group of our citizenship, that contemplates the establishment of a division of Government or a department of Government or a new Cabinet official. Yet men will seek to gain the handclaps of their own constituency, and of a larger constituency, by saying that we are yielding prodigal sums to demands of organized groups and will refuse to tell their constituencies that the money saved by Congress exceeds by billions the money spent by Congress.

This court of patent appeals I hope some day may be a reality, but the suggested system of calling one man from each of the circuits in this country and putting them in Washington did not seem practical to the committee, and I must at this point compliment Judge DAVIS, of Tennessee, a member of our subcommittee, for the laborious work that he put upon this problem of establishing a court. We thought carefully over that proposal of taking a circuit judge from every court of appeals and putting them in Washington, but determined that that would interfere with the proper conduct of the judicial business in the respective circuits. We considered also the taking of the members of some of the present courts, the Commerce Court and like bodies here in Washington, and giving them such jurisdiction, but after going thoroughly into the problem we believed that to designate them would not satisfy the patent bar of America. I suppose no one will herald the fact to the country, however, that the Patent Committee by refusing to establish an independent court or recommend an independent court of patent appeals has saved money to the country. Had we suggested such a court it would have been easy on the floor of Congress or in the public press to say that Congress had found a new way to spend the money of the American people. We have decided to continue a study of the problem and appeal for suggestions to the American bar.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. MACCRATE. Certainly.

Mr. NOLAN. Will the gentleman also call the attention of the House to the fact that we refused to establish the Patent Office as an independent bureau?

Mr. MACCRATE. Yes. Likewise the same argument and the same remarks could be directed to that subject. There are a great many men well-intentioned and of good purpose who believe the Patent Office should be a separate department of government. They believe it should be removed from the Department of the Interior. On investigation the committee believed that that was not practicable, and was not in this emergency of our Government an economical proposition, and by refusing to accede to that group, well organized, well directed, of good brains, we have saved the expenditure of thousands of dollars. [Applause.] I sincerely trust that in considering the question as to what you shall do with our governmental employees you will not forget that the Patent Office employees must meet the best patent brains of the country, and when you expect a $3,000 clerk to successfully contend with a $25,000 patent attorney for one of the great industrial interests of the country you are expecting an absolutely impossible thing. We can not expect in the Patent Office to match the brains of Americans in industry with men who only receive $2,500 or $3,000 per annum. That department is for a public purpose, not only for manufacturers, not only for inventors, but for the public, and we should have men there wise enough and able enough to protect all of the American people against any one individual who desires his patent. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read.

The Clerk read the first clause of the bill.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information.

Mr. MANN of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. This being a legislative bill, is it being read by sections?

The CHAIRMAN. By sections.

Mr. MANN of Illinois. Or by paragraphs?

The CHAIRMAN. By sections. The gentleman from Texas will be in order at the end of the reading of this section.

Mr. BLANTON. I will withdraw the motion for the present.

The Clerk read as follows:

Be it enacted, etc., That section 477 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $6,000 a year.

"The First Assistant Commissioner of Patents, $5,500 a year.

"The Assistant Commissioner of Patents, $4,500 a year.

"Five examiners in chief, $5,000 a year each."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 10, strike out the figures "$4,500" and insert in lieu thereof the figures "$5,000."

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I notice that the salary of the Commissioner of Patents has been raised $1,000, I believe. The First Assistant Commissioner of Patents is raised $1,000, and the five examiners in chief have had their salaries raised $1,000, or how much?

Mr. NOLAN. The Assistant Commissioner of Patents at the present time receives $3,500. By the adoption of the amendment his salary is now increased $1,500 a year. The five examiners in chief receive $3,500, and the increase for them in this bill makes an increase of $1,500 a year.

Mr. BLANTON. Then beginning with the chief clerk under the next section on down the raises have been relatively how much?

Mr. NOLAN. The chief clerk at the present time gets $3,000 and he is raised $1,000 to $4,000. The law examiners get $2,700 and they are raised to $4,000 each, or $1,250. The classification examiner receives at the present time $3,600 and he is raised to $4,200. The examiners in chief, $3,500, and are raised to $5,000. Those are the five examiners in chief provided in section 1. The interference examiner gets $2,700 and he is raised to $2,900.

Mr. BLANTON. So they approximate from $1,000 to $1,500 raise?

Mr. NOLAN. Yes. In some cases $600. I will state to the gentleman from Texas that the original bill provided more of an increase. The commissioner was placed at $7,500, the first assistant at $6,000, the assistant commissioner at $5,000, and so on down the line—chief clerk, $4,200; law examiners, $4,200; and so forth.

Mr. BLANTON. Mr. Chairman, I would like to know if the chairman of this committee can give me information whether or not the distinguished chairman of the Appropriations Committee indorses these raises?

Mr. NOLAN. I do not know.

Mr. BLANTON. The matter has not been submitted to him? Has not the steering committee had the matter presented to them?

Mr. NOLAN. Well, the Rules Committee has. I do not know if they took it up with the steering committee or not.

Mr. BLANTON. I was just wondering, Mr. Chairman, under the program of economy concerning which we hear so much daily from the majority leader, the distinguished gentleman from Wyoming, and others, how are we going to save this billion dollars that is being heralded to the country as to be saved if we are going to raise all of these salaries? We have passed through the war and now that the war is over and we are in the days of reconstruction and economy and retrenchment with a deficit of $3,000,000,000 staring us in the face, how are we going to meet that emergency when in this bill we raise war-time salaries now during days of peace and when we are increasing them from $1,000 to $1,500 apiece at one clatter, right out of the box?

I do not see how in the world we can get up on the floor and talk about economy and then——

Mr. CAMPBELL of Pennsylvania. The gentleman is making statements that the facts do not warrant.

Mr. BLANTON. I am taking what the chairman of the committee said.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 167. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3037) to authorize the Secretary of War to transfer, free of charge, certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes.

INCREASE OF FORCE AND SALARIES IN PATENT OFFICE.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That as much of section 440 of the Revised Statutes as follows the words "in the Patent Office" and refers to said office only be, and the same is hereby, amended to read as follows:

"Chief clerk (who shall be qualified to act as principal examiner), $4,000; 6 law examiners, at $4,000 each; examiner of classification, $4,200; 2 examiners of interference, at $3,900 each; examiner of trade-marks and designs, $3,900; first assistant examiner of trade-marks and designs, $3,000; 1 second assistant examiner of trade-marks and designs, at $2,700, and 1 at $2,500; 1 third assistant examiner of trade-marks and designs at $2,200, and 1 at $2,050; 6 fourth assistant examiners of trade-marks and designs—2 at $1,800 each, 2 at $1,650 each, and 2 at $1,500 each; examiners—47 principals, at $3,900 each; 100 first assistants—40 at $3,300 each, 30 at $3,100 each, and 30 at $2,900 each; 100 second assistants—40 at $2,700 each, 30 at $2,500 each, and 30 at $2,350 each; 100 third assistants—40 at $2,200 each, 30 at $2,050 each, and 30 at $1,925 each; 100 fourth assistants—40 at $1,800 each, 30 at $1,650 each, and 30 at $1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, $2,500; librarian, who shall be qualified to act as assistant examiner, $2,700; 8 chiefs of nonexamining divisions, at $2,500 each; 8 assistant chiefs of nonexamining divisions, at $2,100 each; private secretary, to be selected and appointed by the commissioner, $2,000; translator of languages, $2,400; assistant translator of languages, $2,000; clerks—22 of class 4, at $1,800 each; 33 of class 3, at $1,600 each; 100 of class 2, at $1,400 each; 125 of class 1, at $1,200 each; 100 at $1,000 each; skilled draftsmen, 1 at $1,800 and 3 at $1,600 each; 3 draftsmen, at $1,400 each; 40 copyists, at $1,100 each; 36 messengers, at $1,080 each; 13 laborers, at $1,080 each; 50 examiners' aids and 24 copy pullers, who shall be selected without regard to apportionment, $720 each; in all, $1,885,500.

"For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at $3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $7,500.

"For purchase of law, professional, and other reference books and publications and scientific books, and expense of transporting publications of patents issued by the Patent Office to foreign Governments, $10,000.

"For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents, and expense attending defense of suits instituted against the Commissioner of Patents, $2,500.

"For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, $750."

Also the following committee amendment was read:

Page 2, line 20, strike out the figures "$2,700" and insert in lieu thereof "$2,800."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Chairman, I desire to be heard on the amendment. I realize that it would be a waste of the time of the committee and of the few Members present—some 25 or 30 of us, who stay here and work and attend to the people's business—it would be a waste of our time to try to change any of these numerous large raises which the Committee on Patents has brought about in this bill. I was in hopes that the steering committee on the other side of the House, which has indicated its lip desire for economy, would step into the breach now before the House and have protected the people of the country against these unreasonable raises.

Now, I am in favor, if there are employees here who are not getting sufficient salary, if they earn by their industry and thrift and efficiency a raise, to give it to them. But to make a blanket raise of from $1,000 to $1,500 for a great many of these employees I think is out of all reason. I realize I would be wasting time by offering the numerous amendments here necessary to change these numerous raises, and I am not going to attempt it, but I want to put this Committee on Patents on notice, and I want to put the Appropriations Committee on notice, and I want to put the steering committee on notice, and I want to put the majority leader, the gentleman from Wyoming [Mr. MONDELL] on notice, that when this bill is finished in the Committee of the Whole, I intend to offer a motion to recommit and have all these salaries changed back to amounts at least approximating their present status. And then I hope that the steering committee will come in here and force a roll call and let the Members of Congress go on record on this question of whether they are going to stand for economy and efficiency in this Government, or whether they are going to blindly follow this committee and make a blanket raise in such large amounts for clerks and employees whether they deserve it or not. I do think that the time has come, or it is coming soon, when we are going to be put on notice. The matter I put in the RECORD a while ago contains threats of employees as to what they and their organizations are going to do to Congressmen if they do not support their demands. The gentleman from New York [Mr. MACCRATE] says it does not affect us. I wish to God it did not affect us, but if you let water run over a rock, and keep running over it, after a while it wears a groove. And they are continually coming to us with their threats and these demands.

Mr. MACCRATE. Will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield, because this is an important subject I am discussing, and it is more important than the interruption by the gentleman from New York.

I want to say this: They say that we are going to hear from them and their organizations in the elections and on the hustings. Our Government clerks say so. They and their affiliated associate, the American Federation of Labor, have placed the distinguished Speaker and "Uncle Joe" CANNON and myself and others on the black list. God knows I am glad to be on their black list with such men as the distinguished Speaker of this House and "Uncle Joe" CANNON, who has faithfully served his country for 44 years in this body. I want to tell you whom else you are going to hear from besides the organized clerks of this country and the organized unions of this country when election time comes; you are going to hear from the people of the country. They are going to ask you whether you voted for this economy motion of this man BLANTON, of Texas, to recommit this bill and get back to economy. They are going to ask you how you stood on some of these many economy and good-government questions that BLANTON has proposed here. They are going to pin you down as to whether or not you have stood for these things that BLANTON has proposed here in behalf of the people, or whether you have voted for these threats and demands. I am getting many letters from your districts now asking me how you stand and whether you are safe to be returned here. Of course, I answer them to the effect that you are my colleagues and that I like you, and that they will have to get your record from your votes. I am not giving you fellows away, but the people of this country are going to examine your records, as well as the organized Government clerks and the unions of this country.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the committee amendment.

Mr. MANN of Illinois. Mr. Chairman, as I understand this bill, it provides for some increases in force in the Patent Office in numbers and increases in the pay of the experts in the Patent

Office, and provides for an increase in the cost of obtaining a patent, sufficient to make up the extra cost provided by the bill, both for increase in numbers and increase in pay. I ask the gentleman from California if that is correct?

Mr. NOLAN. The shifting of the fees, the filing and final fees, the legislation that was included in the deficiency bill increasing the cost of patents, practically takes care of the increase in the force and increase in the salaries of the force at the Patent Office.

Mr. MANN of Illinois. The report states that there is an increase, due to doubling the cost of copies, estimated at $156,432; increase, estimated, due to raising the filing fee, $382,420, which is quite a bit over $500,000. Do I understand that that statement is correct?

Mr. NOLAN. The increase due to the changing of the filing and final fees would, on last year's estimate, bring in a little over $200,000.

Mr. MANN of Illinois. I am reading this statement from the schedule filed with the report made by the Commissioner of Patents.

Mr. NOLAN. Page 4 gives you the comparative statement of business from January 1 to December 31.

Mr. MANN of Illinois. I am not wanting the comparative statement. That is, with respect to the growth of the Patent Office.

Mr. NOLAN. In addition to that, the increased business of the Patent Office is given.

Mr. MANN of Illinois. The statement here is that the increase in the cost of the copies in the filing of patents will bring in a revenue of more than $500,000 over that which would now be brought in on the same business.

Mr. NOLAN. The increase in cost of copies will bring in approximately $156,000, and in addition to that the increase in the filing fee will bring in $200,000.

Mr. MANN of Illinois. It is stated here that that will be $382,000.

Mr. NOLAN. The difference there, if the gentleman will notice, is the final fee at $20 instead of reducing the final fee to $15, as is proposed in this bill. That is the estimated revenue. If the cost of a patent were made $40 instead of $35, if the gentleman will carefully read that statement——

Mr. MANN of Illinois. I have carefully read it.

Mr. NOLAN. That is based on the $20 final fee. This is based on the $15 final fee. That was given some thought by the committee, but they did not see their way clear to making the final fee $20. We did not leave the final fee at $20.

Mr. MANN of Illinois. What I wanted to know was how much increase is estimated to come to the Government by the raises that are made in this bill in the costs?

Mr. NOLAN. The increase that would result under the present bill in the change of the filing and final fee on last year's business is estimated at $200,270, and on the increase in cost of copies $156,432.

Mr. ROSE. Mr. Chairman, will the gentleman permit me to ask him a short question?

Mr. MANN of Illinois. Yes.

Mr. ROSE. I would like to know if the Patent Office at present is self-sustaining?

Mr. MANN of Illinois. It has always been more than self-sustaining, in that the revenue received is more than the appropriations made for its maintenance, although I do not think that is especially important. The fact is this, that the Patent Office now——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN of Illinois. I will ask for an extension of five minutes. I want to say a word or two.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. MANN of Illinois. The Patent Office as now constituted, with the force that it has, is unable to keep up with the current work, and that situation has been made a little worse owing to the conditions of the war and resignations of men in the Patent Office who receive much higher compensation by going into private life. In my judgment, if we will pass this bill into law and increase the compensation of various of the employees and officers of the Patent Office, and increase the charge which is made for patents and copies, and increase the number of experts in the Patent Office, we will not lose money by it, but we will have a greater surplus turned into the Treasury from the Patent Office than would be turned in under present conditions, and instead of being an item of extravagance it is distinctly a bill for economy. It saves money to the Government. It does not lose money for the Government.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Very briefly.

Mr. BLANTON. When coal companies increase the price of the mining of coal they add the increase to the selling price, and the people pay it. The people are paying this increase, are they not?

Mr. MANN of Illinois. Wait a minute. That is just what I wanted to get at. The people who want this increase are the men interested in patents, who pay the fees. It is not the general public that is paying the bills. The man who is an applicant for a patent wants to have the privilege of paying more money on his application in order that he may have more experts in the department and better qualified experts in the department to pass upon his application. A man who files an application for a patent may lose much by not having it promptly acted upon. He would much prefer to pay $5 more on his application and have it disposed of within a reasonable time, than to pay $5 less and not know whether he is going to get a patent for a year or more. It is purely a matter of business, common sense, and economy. [Applause.] It is to the interest of the Government, to the interest of the patent applicant, of the man who wants to obtain a patent on the invention which he has made. It is to his interest to have this bill passed, and it is to our interest to make him pay for it, and he is willing to pay for it. Why should we object?

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. McKEOWN. Is it not a fact that now complaints come in from all over the country because they can not get attention at the department?

Mr. MANN of Illinois. Undoubtedly; and that is the situation, and it is not the fault of the Patent Office. They have lost a large share of their experts. They always will lose them, no matter what salary we pay them. Men in private life will frequently take from the Patent Office some of their best experts and pay them more than the Government is paying them, no matter what we pay them. But they have had great losses in their experts during and since the war, and as a matter of business sense, as a matter of economy, it is to the interest of the Government to increase the force in order to get a sufficient number of men in the Patent Office, to increase the pay in order to obtain more efficient men and retain them in the Patent Office. It is to the interest of the people who seek patents, because it enables them to have their applications acted upon more promptly and efficiently, and it will not cost the Government one cent. You can not make the plea of economy by refusing to pass this bill, because in the end the Government will profit more by the increase in costs than it will spend by the increase in number or salaries of the employees. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 11, strike out the figures "$1,000" and insert in lieu thereof the figures "$1,100."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, strike out "fifty" and insert in lieu thereof "forty-seven."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, strike out the words "twenty-four" and insert in lieu thereof the words "thirty-nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 17, strike out "$1,885,500" and insert in lieu thereof "$1,944,740."

Mr. BLACK. Mr. Chairman, I want to call the attention of the chairman of the committee, who has this bill in charge, to the fact that this is not an appropriation bill, and it occurs to me that the insertion of the total named on line 17 would be unusual in a legislative provision. I suggest that it would be better to strike out beginning with the words "in all," because this is an authorization for a certain number of employees, and to amend section 440 of the Revised Statutes, and is in no sense an appropriation bill.

While I am on my feet I would like to ask the chairman of the committee another question. On page 4, in this same section, is a paragraph providing for investigating the question of public use or sale of inventions for two years or more, and so on, $2,500. Is it the intention of the chairman to make that $2,500 a limitation on the amount that can be expended in the future for this purpose? That language would effect a limitation, and if in the future it should become necessary to spend more money for that purpose it could not be appropriated by the Committee on Appropriations if a point of order was made, because the limitation would be in the law.

Mr. NOLAN. The language carried is to provide for that particular amount, the same as in the preceding section.

Mr. BLACK. Of course, if the Committee on Patents have considered the question and want to put into the law a limitation that in the future you can not appropriate more for that purpose——

Mr. MANN of Illinois. But it is an authorization which permits an appropriation of that much, which probably would be subject to a point of order on an appropriation bill without the authorization.

Mr. BLACK. Very true, but the point I am making is that if it should become necessary to appropriate $4,000 for this particular purpose at some time in the future, it would be without authorization of law.

Mr. MANN of Illinois. Yes; but without this language it might be without authorization of law to appropriate one dollar.

Mr. BLACK. That is very true, and I am not complaining of that. I am simply asking if it is intended to limit the authorization to $2,500? If it is not intended to limit it to that amount, the figures "$2,500" ought to go out, because in the future if the Patent Office needed $4,000 for that purpose and the Committee on Appropriations attempted to give it, it would be subject to a point of order.

Mr. NOLAN. We feel that the authorization is all that is necessary for the present, and it is as much as the Patent Office feel at this time that they may need.

Mr. BLACK. Very true; but suppose two years from now they need more money? You will have to change the law.

Mr. MANN of Illinois. You would hardly want to put in here an unlimited authorization. That is not customary.

Mr. BLACK. Probably this authorization is far enough ahead of the actual expenditure so that it will meet practical requirements. That is the point I wanted to bring out. In view of the explanations made by the chairman of the committee and the gentleman from Illinois [Mr. MANN], it is quite clear that no amendment is needed to that provision.

I move to strike out, on page 17, line 3——

Mr. NOLAN. I accept the suggestion of the gentleman to strike out, in line 17, on page 3, the semicolon and insert a period and strike out the remainder of the line beginning with the words "in all."

The CHAIRMAN. The question will first be upon the committee amendment.

Mr. BLACK. I offer mine as a substitute for the committee amendment.

The CHAIRMAN. If the committee amendment is rejected, then the amendment of the gentleman from Texas can be voted on.

The committee amendment was rejected.

Mr. BLACK. On page 3, line 17, after the word "each," I move to strike out the semicolon and insert a period, and strike out the remainder of the line.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 3, line 17, after the word "each," strike out the semicolon, insert a period, and strike out the remainder of the line.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That section 4921 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby and the court shall assess the same or cause the same to be assessed under its direction. If proof is not offered or, in the absence of adequate proof of the amount that shall be awarded as damages or profits, the court, on due proceedings had, may adjudge and decree to the owner payment of a reasonable royalty or other form of general damages. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing cause of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit."

With the following committee amendment:

Page 8, line 7, after the word "direction," strike out:

If proof is not offered or, in the absence of adequate proof of the amount that shall be awarded as damages or profits, the court, on due proceedings had, may adjudge and decree to the owner payment of a reasonable royalty or other form of general damages.

And in lieu thereof insert:

If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages and profits are not susceptible of exact calculation and determination, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as a royalty or general damages for the infringement.

Mr. GARD. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. Probably my question should be directed to the gentleman from Tennessee [Mr. DAVIS]. I was not here at the time he made his statement, and it may be that I should have been here in order to be advised. I have been looking over the old section as it appears in Barnes' Code, and I note that all this part, from line 11, on page 8, down to line 23, is new, as is also the previous language from line 7 to line 11, which is stricken out, and the other language offered by way of committee amendment. Now, I take it that it is the purpose of those who have framed this amendment to supplement evidence of damage by expert testimony.

Mr. DAVIS of Tennessee. Yes. To cite a concrete example, suppose a patent is granted on an invention on the stem of a watch, and then some manufacturing concern infringes upon that patent in the manufacture of its watches and sells those watches. Of course, it is impossible to determine just what part of the profit the patent on the stem bears to the entire watch. The result has been that a great many owners of patents have absolutely been deprived of a recovery of damages or royalties for an infringement, because it was impossible to determine the exact amount to which they were entitled.

Mr. GARD. Will the gentleman pardon me there?

Mr. DAVIS of Tennessee. Yes.

Mr. GARD. How would expert testimony be sufficient to enlighten the court to determine a reasonable sum of damages in the case cited by the gentleman?

Mr. DAVIS of Tennessee. What is meant is to have expert watch manufacturers and dealers testify and give their opinion as to what proportion of the profit this particular item bears toward the whole. It is the only way to reach a decision. The courts at first held that that was not admissible. Some of the courts have begun to grow more liberal in that respect, but there is a very great diversity of opinion, and some of them do not allow it at all. This provision is intended really to crystallize some decisions that have been rendered, particularly one in the case of U. S. Frumentum Co. *v.* Lauhoff, in Two hundred and sixteen Federal Reporter, 610. It is intended to crystallize and define and render uniform some rule by which the owners of patents may recover for infringements where it is impossible to define the exact amount of damages which they have suffered.

Mr. GARD. I take it that in line 16 and the following lines there are two classes of evidence. Line 16 provides that the courts may on evidence tending to establish the same.

I presume that means other than what is called opinion or expert witnesses?

Mr. DAVIS of Tennessee. Yes.

Mr. GARD. This follows the first expression on evidence which had before been given?

Mr. DAVIS of Tennessee. Yes.

Mr. GARD. Then, in line 20, it provides—

and upon such evidence the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as a royalty or general damages for the infringement.

Is the word "such" limited to the so-called opinion or testimony or does it mean all the testimony in the case?

Mr. DAVIS of Tennessee. It means all the testimony, because the gentleman will note that the amendment follows the general provision which provides that the decree may be rendered in any such case—

In case of infringement complainant shall be entitled to recover in addition to the profits to be accounted for by the defendant the damages the complainant had sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction.

Then follows this provision, that provides that the court may, within its discretion, permit opinion or expert testimony, and in order that it may not be abused the gentleman will note that such testimony is subject to the general rules of evidence applicable to this character of testimony.

Mr. GARD. Then how does the gentleman reconcile this statement in line 16:

The court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible.

If it is declared to be competent and admissible, what discretion is there vested in the court not to receive it?

Mr. DAVIS of Tennessee. Whenever there is a case, in the opinion of the court, where it should be admitted it becomes admissible. In other words, it is inadmissible unless the situation arises where it is evident to the court that the complainant has a good cause of action and is unable to establish his damages by the ordinary method of proof.

Mr. GARD. Would it not be better to say the court may on evidence tending to establish the same receive opinion or expert testimony which is declared to be competent and admissible, leaving out the words "in his discretion," because that might be to limit the phrase hereby declared to be competent and admissible.

Mr. MACCRATE. Will the gentleman yield?

Mr. GARD. Yes.

Mr. MACCRATE. Was not the very purpose of the language of the bill to limit opinion evidence only to such cases as the court felt he desired it?

Mr. GARD. It says:

The court may on evidence tending to establish the same receive opinion or expert evidence.

And so forth.

Mr. MACCRATE. That is, heretofore the opinions of the expert have not been admissible. Now the court may say I want it or I do not want it. The difficulty has been heretofore that many a man attempted to prove his case by legal evidence, by the ordinary method of producing witnesses, and failed at a certain point, and the court would have to say the proof is insufficient, and although he believed damage had been suffered and there had been an infringement could give no relief. Under this bill he can say I desire you to submit opinion or expert evidence. I would suggest to the gentleman from Ohio that the gentleman from Tennessee took this up with a great number of distinguished judges and has the opinion of all these men that this language meets the situation.

Mr. GARD. That is what I was inquiring about.

Mr. DAVIS of Tennessee. Mr. Chairman, if the gentleman will allow, I would like to read a letter from Frederick P. Fish, who is an eminent patent attorney, the dean of the patent lawyers. I submitted this for his opinion, he being one of those who drafted the bill in its original form.

FISH, RICHARDSON & NEAVE,
Boston, August 15, 1919.

Hon. EWIN L. DAVIS,
Committee on Patents, House of Representatives,
Washington, D. C.

MY DEAR MR. DAVIS: May I suggest a form of amendment that seems to me to meet your view and perhaps to be in some respects more satisfactory in phraseology than the amendment that you prepared?

"If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom, to which the complainant is justly entitled, but that such damages and profits are not susceptible of exact calculation and determination, the court may on evidence tending to establish the same adjudge and decree the payment by the defendant to the complainant of a reasonable sum as a royalty or general damages for the infringement."

In equity cases there always has to be an accounting, and it can be made as expensive or as cheap as the parties please subject to the control of the court. I do not think that the statutes should contemplate awarding damages arbitrarily without adequate proofs taken in the accounting.

It seems to me that all that is necessary is for the accounting to proceed, the parties making an effort to prove what damages or profits there were, if any, which the defendant should pay. If when they have done the best they can it appears that the plaintiff has suffered damages or that the defendant has made profits to which the plaintiff is entitled but that the amount can not be calculated, then the court should, I think, have the right on proper evidence to award general damages.

The suggestion that I have made assumes proof. I think that there should be proofs, and that they should be directed to the determination of the exact amount that ought to be paid. It also assumes that if exact damages and profits can not be calculated the court may, but only "on evidence tending to establish the same," decree a payment in the nature of a royalty or of general damages.

If the matter is dealt with, as I have suggested, the parties would put in such proofs as they desired, both as to the exact damages or profits which should be recovered, or as to what would be fair to award if an exact compensation could not be determined. It seems to me that this leaves the matter exactly as it should be left. I am certain that no power should be given the courts to order a payment without proofs and that should not be troubled with the question whether an accounting was worth while.

I should be glad to know how this form that I have suggested appeals to you.

Very truly, yours, F. P. FISH.

Mr. GARD. I think that is all right. The only question I had was the use of the words "in his discretion" as qualifying the admissibility of the testimony.

Mr. DAVIS of Tennessee. I do not think those words have any special force; I think when its says the court may it leaves it in his discretion. I do not think it is vitally important.

Mr. GARD. Will the gentleman advise me if the language on page 9, lines 7 to 24, is new language?

Mr. DAVIS of Tennessee. It is new language beginning with the word "and," on page 9, line 7.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I want to call the attention of the chairman of the Patents Committee to the fact that, on page 9, line 7, the word "cause" should be "causes." This is simply a recitation of the statute in which the word "causes" is used and should be used. I move to amend by striking out the word "cause," in line 7, page 9, and inserting the word "causes" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 7, strike out the word "cause" and insert in lieu thereof the word "causes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Chairman, I move to amend, on page 9, line 11, by inserting after the word "order" the words "so far as known."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 11, after the word "order," insert the words "so far as known."

Mr. MANN of Illinois. Mr. Chairman, it seems to me that we ought not to require the clerk to do something which possibly he can not do. He may not know the addresses of all the defendants.

Mr. DAVIS of Tennessee. Mr. Chairman, I think the suggestion is proper.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That section 4934 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, $20.

"On issuing each original patent, except in design cases, $15.

"In design cases: For 3 years and 6 months, $10; for 7 years, $15; for 14 years, $30.

"On every application for the reissue of a patent, $30.

"On filing each disclaimer, $10.

"On an appeal for the first time from the primary examiners to the examiners in chief, $10.

"On every appeal from the examiners in chief to the commissioner, $20.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 25 cents.

"For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1; for each additional patent or application included in one writing, where more than one is so included, 25 cents additional.

"For copies of drawings, the reasonable cost of making them."

Mr. MANN of Illinois. Mr. Chairman, I move to amend, on page 10, line 4, by striking out the figures "15" and inserting in lieu thereof the figures "20."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 4, strike out the figures "15" and insert in lieu thereof the figures "20."

Mr. MANN of Illinois. Mr. Chairman, as I understand it, the present law requires a fee of $15 on each original application for a patent. This bill proposes to increase that sum to $20. The present law requires a fee of $20 on the issuance of an original patent. This bill proposes to decrease that amount to $15. I do not think there is any demand for that decrease, and if we make the fee $20 in each case, it will more than pay all of the extra employees and compensation provided for in the bill. Unless gentlemen have some very strong argument for a reduction of this fee, I think we ought to keep the fee where it is now, having by the bill increased the fee for filing from $15 to $20. I can see no special reason for increasing one and decreasing the other.

Mr. NOLAN. Mr. Chairman, the committee had in mind in considering this bill the raising of additional revenue so that the increased cost of running the Patent Office might be met by a rearrangement of the fees and an increase of certain fees. It was pointed out to us that by changing the filing fee from $15 to $20 and the final fee from $20 to $15, approximately $200,000 would be secured in additional revenue. We had in mind only keeping the Patent Office about in the same relative position it is in today—that is, so far as its surplus is concerned—and not creating any considerable addition in the way of surplus. In the year 1919 there were 76,484 applications for patent. There were final fees paid during that year on 36,680, so that a little less than 40,000 of those 76,000 patents were finally adjudicated. That is about the percentage it runs in the Patent Office. In changing the fees, as we propose, it increases the revenue approximately $200,000 from the fees in connection with the cost of a patent. If the amendment of the gentleman from Illinois be adopted—and I do not know that there is any serious objection to increasing the cost of a patent from $35 to $40—it would mean about $383,000 increase to the Patent Office from fees, both final and filing.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. NOLAN. Yes.

Mr. BRIGGS. What assurance has the gentleman that the large excess of fees in 1919 over those in 1918 will increase? Is is not true that in 1918 there was a deficit of $73,419.35 in the Patent Office, while there was an excess in 1919?

Mr. NOLAN. Yes.

Mr. BRIGGS. What assurance has the gentleman that this excess will continue?

Mr. NOLAN. The fact of the matter is that during 1918, due to the fact that men were limited in their opportunity to exploit patents, the number of applications in the Patent Office decreased. The number of applications in the Patent Office during the year 1919, due to the natural increase and the stimulus of invention, very much increased. It is expected that that ratio will go on—seventy thousand and odd applications each year—and that it will possibly increase, because the work of the Patent Office year by year has steadily increased, and the only trouble about it was that there was a falling off in 1917 as against 1916, due to the fact that only essential industries were allowed to operate in this country.

Mr. BRIGGS. What has been the percentage of increase in the application for patent up until 1918?

Mr. NOLAN. That information is in the hearings, but I could not give it to the gentleman offhand.

Mr. BRIGGS. Is not the increase in 1919 due in large measure to the fact that during the war they fell off, and that in 1919, the war having terminated for practical purposes, a flood of new applications came on, and it might not be reasonable to expect the same ratio would continue for 1920?

Mr. NOLAN. I do not think there is any doubt of it. I think if there is any chance of getting prompt action in the Patent Office, the number of applications will increase. A lot of men in this country will not apply for a patent, due to that fact.

Mr. MacCRATE. Mr. Chairman, I would suggest to the committee that the reason for increasing the application fee to $20 and reducing the final fee to $15 was not only to provide additional revenue but to adjust the fees to the work done by the department. The suggestion was made to the committee that $20 was a fairer fee for application than $20 for final issuance. The work of the Patent Office in the preliminaries of the application deserves $20, while the final fee of $15 would be more nearly adequate for the service rendered there. The Patent Office has heretofore made money; and while it may be true, as suggested, that the increase for 1919 is to a large extent due to the fact that patent applications were withheld during the war, nevertheless the natural growth of the Patent Office justifies the conclusion that there will be about $200,000 of increased revenue as a result of this transfer of $20 to the application and $15 to the final issuance.

May I suggest, in answer to what was said by the gentleman from Texas [Mr. BLANTON], that when a governmental department is able to increase salaries for services rendered without any appropriation from the Federal Treasury, and when the people who receive the service are satisfied with the charge, Congress certainly ought not to be blamed for its action in raising salaries. A man who will promise to recommit a bill before the bill is argued or heard or discussed certainly can not expect to take much credit from this House, in view of the fact that under this bill $200,000 of money comes into the Treasury that otherwise would not come. I hope, in the interest of the inventor, that we will not saddle this extra $5, because the Government is making and has heretofore made money from the Patent Office. I do not believe the American people expect us to require the department to earn a great surplus every year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. MANN of Illinois. Mr. Chairman, I did not know whether this would be opposed by the committee or not. I would like to have the attention of Members for a moment. I have been told repeatedly, and I have no doubt that similar information has come to many Members of Congress from men interested in obtaining patents, that they want more efficient help; that they want more help; that they were willing to pay for it; and I supposed when this bill was reported it was the intention to increase the number and pay of employees, which means increase their efficiency and increase the fees to be receivd by the Government sufficiently to pay for the increase in the numbers and pay of the employees. The present law provides for a filing fee on the original application of $15. The committee proposes to raise that to $20. That will raise $200,000. The present law provides for a $20 fee when the patent is issued. The committee proposes to reduce that to $15. That will cost the Government $182,000. Outside of the increase in the cost of copies of patent proposed by this bill, very largely not obtained by inventors at all, the total cost of increasing the pay and the number of employees will come out of the Federal Treasury. If we keep the fee for obtaining the patent at $20, where it now is, we will obtain $182,000 more than we will if we reduce it.

Mr. NOLAN. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. NOLAN. I am sure the gentleman does not want to make a statement that is not entirely accurate——

Mr. MANN of Illinois. I have not made any such statement, unless the gentleman's report is wrong.

Mr. NOLAN. Take the report; for instance, I have no objection, I will say, to the increase proposed by the gentleman from Illinois.

Mr. MANN of Illinois. I think I understand the gentleman's position——

Mr. NOLAN. In reference to reducing the final fee we had certain things in mind. Take the figures for last year. There were 36,000 final——

Mr. MANN of Illinois. And the gentleman wants somebody to multiply. I will give the figures for last year. The estimate, based on the figures of last year, is: Increase due to doubling cost of copies, $156,432; increase that would result if filing fee of applications for inventions be raised from $15 to $20 and final fees be reduced from $30 to $15, $200,000. The increase, if final fees are not reduced, $382,000. There is a loss of $182,000, which the gentleman will admit——

Mr. NOLAN. I mean if we adopt the gentleman's amendment, it will provide additional revenue of $182,000. The bill provides for an additional amount of $200,000, and if the gentleman's amendment is adopted, it will make it $382,000.

Mr. MANN of Illinois. The gentleman is right. If my amendment is adopted, it will raise an additional revenue of $182,000, and raise enough to equal $511,000 in increase of salaries and increase in numbers of employees. In other words, we will do what we have been besieged to do by the inventors and patent attorneys. We will give them more help and better, for which they pay. Now, they have talked about paying for a long time, and I think they are willing to pay for it, and I think they ought to be required to pay for it when they are willing to pay for it. [Applause.]

Mr. ROSE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am deeply interested in the passage of the pending measure. During the early discussion of the bill the distinguished gentleman from Texas [Mr. BLANTON] made mention of the dire threats hurled against the Members of this House from labor and other unions throughout the United

States, lodged complaints against them, rejoiced because of the splendid company in which he finds himself, and yet in the same breath hurls threats at those of us who are not in sympathy with his proposition to work for economy with a big "E." Let me say that the Republicans of this House desire to economize in every possible manner, but it will hardly be said that every reduction in appropriations results in economy. I am in receipt of numerous requests for the passage of the bill now under consideration, one being from a gentleman in whom I have great confidence, one who holds his position by reason of his acknowledged ability, and upon whose judgment great dependence can safely be placed. I make bold to say that lawyers in general are not capable of preparing proper specifications necessary to support an application for a patent, and therefore it is that inventors are required to enlist the services of experts in that line of work, and hence it is that the department should have in its employ men who are equally skilled in order that full justice may be done. Under the present rate of salaries capable men can not be retained in the service of the Government, but the passage of the pending measure will go very far toward securing the class of employees so urgently needed. I ask to read in my time a letter received from Mr. George E. Thackray, special engineer, in the employ of the Midvale Steel Co. at Johnstown, Pa. It is as follows:

CAMBRIA STEEL CO.,
Johnstown, Pa., July 29, 1919.

Hon. JOHN M. ROSE, M. C.,
Washington, D. C.

DEAR SIR: Permit me to call your respectful attention to House of Representatives bill No. 5011, to establish a patent and trade-mark office independent of any other department, etc., and Senate bill No. 818, to establish a United States court of patent appeals, etc., and to supplementary bill, the number of which I do not have, which has been introduced for the purpose of increasing the salaries in the Patent Office and adding to the forces thereof, all of which, in my opinion, are needed.

Under present conditions it is practically impossible to do business with the Patent Office owing to the fact that they are short of help because the pay is too small and the technical assistants will not stay with them, besides which the appropriations for printing copies of patents have been exhausted and no copies can be had, resulting in interminable delays and expense in our investigations and studies.

You can see from the reports of the Commissioner of Patents that they have almost invariably produced a surplus for the Government from the year 1837 to the present time and for the last few years this has been over $200,000 a year and in certain prior exceptional years the surplus was as large as $471,000.

A large part of the business and industrial development of this country is based upon patents under constitutional provision and amendments and most of the countries of the world have adopted a patent system similar to that of the United States, as they fully appreciate the advantages of same.

Under these conditions this branch of the Government should have full support, and anything that you can do toward this end will be appreciated.

Yours, very truly,
GEO. E. THACKRAY,
Special Engineer.

Now, in my opinion, the foregoing comments, coming from a highly skilled and technical engineer, should have more than ordinary weight in this body, especially with those of us who are not familiar with the work of the Patent Office, and bring us to the conclusion that it is our duty to stand by the committee having this legislation in charge and provide the Patent Office with the class of employees of which it stands in need.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. NOLAN. Mr. Chairman, so far as I know, there is no objection on the part of the committee.

Mr. GARD. Mr. Chairman, I ask that the amendment be read.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move a pro forma amendment.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. CANNON. Mr. Chairman, I do not know much about the patent laws. Does anybody know how many patents are applied for each year?

Mr. NOLAN. If the gentleman wants the exact figures of last year, I will give them to him. During the year 1919 there were 76,484 applications, and there were 36,680 patents granted. During the year 1918 there were 57,180 applications and 38,000 patents granted.

Mr. CANNON. And what is the fee that is paid if the patent is finally granted? Fifteen dollars?

Mr. NOLAN. The final fee under the present law is $20. The filing fee is $15, but under this bill it is increased to $20, and the final fee remains at $20.

Mr. CANNON. What is the fee of the patent attorney?

Mr. NOLAN. We make no attempt to regulate the fees of the patent attorneys. We do make some attempt in this bill to put them under the control of the Commissioner of Patents, so that he can stop any improper practices.

Mr. CANNON. The bill is a good one, and I hope it may protect people scattered all over the country who are ignorant of the patent laws and who have not the money to employ a patent lawyer, but who finally get the money together to employ one, friends frequently assisting them in trying to obtain a patent.

I just want to tell an incident that happened when I was a boy. In the year 1855 there was a long, gangling fellow, as tall as the gentleman from Massachusetts [Mr. OLNEY] but not so heavy, who learned the carpenter's trade. He was a wonderful young fellow, and he finally took contracts to build houses himself, at which he was fairly successful after he got started. But before that he had been working at a dollar a day. He invented an adding machine. I was a boy of all work in a little country shop, before the day of railroads, out in that country. I said, "John, bring the machine to me. I want to see if it can add. I gave him a list of figures, and it added them all right. The machine was that high [indicating]. It had been constructed by him, and no other adding machine existed up to that time. I said, "That ought to make you a fortune." He said that he had had some correspondence about it, but that he had to get $25 saved up before he could make his application. It ran along and ran along, and finally the war broke out, and he went into the Army and became a lieutenant colonel before he was discharged. After he had gotten out and could have employed an attorney, he found that somebody else, some smart young fellow or old fellow, had gotten a patent on the device.

I am under the impression from the number of letters that I get from old men, middle-aged men, and young men, that if there was some way to have patent attorneys who would be fair and square, much money might be saved to people who are not able to afford the expense. I do not know that the gentleman has any suggestion to make along that line, and I do not know that my suggestion is worth anything. You say that the Commissioner of Patents is to watch the attorneys who merely want to get the money without regard to whether the patent is worth a snap or not?

Mr. NOLAN. We are giving greater power to the Commissioner of Patents to admit men who are all right or disbar men who are guilty of improper practices.

Mr. CANNON. In order to become a patent attorney does a man have to go through an examination? Does he have to establish good character and all that kind of thing? Attorneys who practice law have to do that.

Mr. NOLAN. To the satisfaction of the Patent Commissioner.

Mr. CHINDBLOM. I rise in opposition to the pro forma amendment for the purpose of asking a question. I observe that the fee for copies of record made by the Patent Office is 10 cents per hundred words, excluding printed copies. Is there any fee fixed by statute for printed copies?

Mr. NOLAN. Ten cents a copy. It was formerly 5 cents, but the deficiency bill made it 10 cents, which brings an additional revenue of $150,000 a year.

Mr. CHINDBLOM. I have had complaint that that fee was excessive. Has the committee considered that in connection with the bill?

Mr. NOLAN. We did; and there was not any complaint from any one of the scores of people who appeared before our committee against the 10-cent fee.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question. Is this the measure that has been denominated by some of the various patent attorneys in large industries of the country as the "Nolan life-saving Patent Office bill"?

Mr. NOLAN. I will say to the gentleman, it is, but he will have to go to those gentlemen to find out why they so named it. I do not know, except it will save the life of the Patent Office.

Mr. WALSH. I was wondering if this was the measure, because I have received several hundred communications from a great many different people, and they have all referred to this measure as the "Nolan life-saving Patent Office bill." Now, I think it may be very well named. The gentleman says he did not give it that name. I will further state that all these communications were in favor of the measure, and a great many of them pointed out that, while it might increase the cost of doing business with the Patent Office, these people who evinced their approval raised no objection to that. Can the gentleman explain to me how this measure came to receive that appellation?

Mr. NOLAN. I can not, I will say to the gentleman.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman, this is just one more instance of passing the increase in salaries "on to the Joneses." We have in this bill raised the present salaries in the Patent Office alone $511,000, and the distinguished gentleman from New York [Mr. MACCRATE] and my distinguished friend from Pennsylvania [Mr. ROSE] seem to think it is all right, because they say it does not come out of anybody but the people who get patents; and they say that these people want to pay these extra fees—this extra $511,000. It is all paid by the people of the United States after all. Have these gentlemen not lived long enough and had business experience enough to know that there is not a family in the whole United States that does not every day pay the expense in some way of patents that have been issued?

Why, the most insignificant article of household use in the gentleman's State of New York, in the rural districts, and in the other gentleman's State of Pennsylvania, has added to its price, which the people pay, the expense, all the expense, of getting the patent as well as the expense of manufacturing it. It is just another case of passing the increased expense on to the people. The coal-mine operators increase the wages of their miners and add that increase to the price of coal and thus pass it on to the people. Railroad expenses are increased in raised salaries and passed on in higher railroad rates to the people. The wages in shoe, hat, and clothing factories are increased and passed on to the people in the articles they buy. Farm utensils and household furnishings come higher because wages are raised. It is another case of passing it on to the 110,000,000 people of this country.

Gentlemen talk about it being impossible to get patents. I had one of my constituents come up here not so very long ago, and I referred him to a patent attorney, and he promptly got a patent on a farm tractor, and his farm tractor is on the farms to-day, helping to plow up the lands in Texas. Not so very long ago one of my constituents came up here and wanted to get a patent on a portable hotel. I referred him to a patent attorney, and he went down here to the Patent Office and got his patent, and he is now building his portable hotels all over the country. This is all poppy-cock, this talk about it taking years and years to get a patent.

God knows what is to become of us; I do not know what will become of us if we do not turn around and go back the other way some time. What is it that is going to cause the great steering committee of this House to stop the extravagance of our Nation? What is going to stop it? I do not know. Sometimes I wish I had here, just for a short time, an old negro parson down South, who once prayed for Sam Jones when he once preached to a negro congregation down there at a negro meeting. Just before Rev. Jones got up the old negro parson said, "Brother Jones, before you begins this discourse, there are some powerful bad negroes in this here congregation, and I wants to pray for you." Rev. Jones said, "Go ahead." And this is what the old negro parson prayed:

"O Lord, give Brother Jones the eye of the eagle, that he may see sin from afar. Glue his ear to the gospel telephone, and connect him with the central skies. Illuminate his brow with a brightness that will make the fires of hell look like a tallow candle. Nail his hands to the gospel plow, and bow his head in some lonesome valley where prayer is much wanted to be said, and anoint him all over with the kerosene oil of Thy salvation and sot him afire."

It will take a negro prayer like that to wake up this Republican steering committee on the question of economy. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CANNON. Mr. Chairman, I took five minutes a little while ago, and I guess I had better not have taken it. Sometimes real inventors lose money that they are not able to lose, and I confess I do not know how that is to be avoided.

I listened with great interest to the gentleman from Texas [Mr. BLANTON]. He is always interesting; sometimes uncomfortably. I date back to the sickle that you cut wheat with. Fancy everybody cutting wheat with a sickle. I date back when the wheat was thrown on the ground or on the wood floor and the horses were turned in to trample it out. It was a winter's job for the men who labored on wages. I recollect very well when the cradle came. It was a great improvement. Some fool got a patent on that. [Laughter.] Then I recollect when the McCormick reaper came, and the ground thrasher. It was an awfully dirty job—and I generally had that job to do—sitting right down in front of the thrasher, the machine that did the work, raking away the wheat and the chaff. Then came the improvements one after the other. I recollect very well when the farm hands in Penn Township got together and went to Sam Smith's blacksmith shop and got two sledges and in the nighttime broke the machinery of that ground thrasher. There have been patents and patents and patents. We have had all kinds of experiences.

Now, I am not going to wish anything bad to the gentleman from Texas, but human effort and intelligence have done great things, and have been stimulated, of course, from the selfish standpoint, as they investigated and got the patents. I suspect that has been the case down in the gentleman's country, where the oil is stored and where, from the advertisements that I get, there are more fortunes than you can shake a stick at to be got from that great natural wealth. Well, old, wicked John D. Rockefeller started. I saw a kerosene lamp when I was a boy, at law school in Cincinnati. It made a wonderful light. It was a great improvement on the tallow dip, with the little strip of cotton, and the lard-oil lamp. Rockefeller went on. We are all cussing him from having too much money, notwithstanding he is giving a great deal of it away. But he was the pioneer. He set hundreds and thousands of chemists at work. And, bless my soul, gasoline would not have been in existence if it had not been for scientific investigation and all the machinery that has been invented to use the various kinds of by-products of oil, which, as well as the cattle and hogs, renders the gentleman's State of Texas a great State. It is one of the great industries. Oh, well, if the gentleman had had my experience he would not have made that speech. [Laughter.]

Mr. GOODYKOONTZ. Mr. Chairman and gentlemen of the committee, in order to further develop this subject along the line brought out by the gentleman from Illinois [Mr. CANNON]—the friend of Lincoln and the grand old man of the House—as to the service that is rendered by this Patent Office in aid or assistance of the man who has an idea and wants to carry his invention to fruition, I want to crave your indulgence just for a little while. As a practicing lawyer I have never specialized in patent law, and whenever I had a client to come to me with a scheme for a revolving coal dump or an iceless refrigerator or a rotary engine I would usually refer him to some patent lawyer at Washington.

In order to develop this matter and put it into the CONGRESSIONAL RECORD so that the people of this country may know something about the workings of this department, I want to ask two or three questions.

Mr. Chairman, can you tell us whether or not it is necessary to employ a patent lawyer in order to patent an idea?

Mr. NOLAN. It is not necessary at all. Does that answer the gentleman's question?

Mr. GOODYKOONTZ. You have answered my question.

Mr. NOLAN. The fact of the matter is that there is no standard of requirement for a man to be admitted to practice in the Patent Office, except the permission of the commissioner.

Mr. GOODYKOONTZ. Does the Patent Office provide technical experts, or men who are capable of putting down in correct words a statement of the essential facts upon which a patent may be predicated, without any special fee being paid by the applicant?

Mr. NOLAN. No; but they furnish blanks that any intelligent man can fill out and forward to the Patent Office, and if amendments are needed, these blanks are sent back, with certain specifications, to be amended. A general practice has grown up, however, in this as in all other lines where specialists are needed, of employing patent lawyers, who are in most instances men skilled in a technical way as well as in patent law.

Mr. GOODYKOONTZ. My judgment is that the Patent Office should have a force sufficient in numbers and intelligence to handle all applications for patents without the necessity of paid lawyers or counselors.

I want this great department of a great Government to reach out a friendly hand and say a kind word of greeting and encouragement to every inventor. Let the department do the work without the intervention of lawyers.

Mr. NEWTON of Minnesota. Is it not a fact, however, as a practical matter, that it is almost necessary to retain a patent lawyer in order to obtain a patent or a copyright?

Mr. NOLAN. In order to get action, yes; so that it is really in the interest of the inventor to retain a patent lawyer who will give him proper attention.

Mr. NEWTON of Minnesota. And get it immediately when he wants it.

Mr. NOLAN. Exactly, and we are trying in this bill to give more power to the Commissioner of Patents, so that he can better control those who are attempting to exploit inventors.

Mr. GOODYKOONTZ. Mr. Chairman, the gentleman has used the words "in order to get action." Why will not this Patent Office force do the work without the necessity of compensating a lawyer to ding-dong them into action? The Patent Office deals with all sorts of people. It deals with men who have curious

ideas, and with freaks, and all that, but it also deals with men who have judgment and who work persistently, continuously, everlastingly, and eternally upon an idea, and whenever such men bring forward the results of their mental operations and lay it before the Patent Office they are entitled to prompt action without having to employ a lawyer to be dinning into the ears of the proper officials the necessity of action. I have a constituent down in my country, a coal operator of many years' experience, who came there from the Pennsylvania fields years ago, who has gone through all of the vicissitudes that coal operators encounter. Through no fault of his own, he has been bankrupted—his business has collapsed, broken down, and failed, but he is still active and energetic. A few days ago he wrote me a four-page letter setting forth that he has invented a new plan—an idea for mining coal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODYKOONTZ. I ask unanimous consent to proceed for three minutes additional.

Mr. NOLAN. Will the gentleman allow me to try to get a unanimous-consent agreement regarding time?

Mr. GOODYKOONTZ. Certainly.

Mr. NOLAN. Does the gentleman want three minutes?

Mr. GOODYKOONTZ. Yes.

Mr. NOLAN. I ask unanimous consent that debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that debate on this section and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. I forwarded to the Patent Office this four-page letter—I received it from my friend, Mr. J. A. Williams, of Matewan, W. Va.—and I am wondering whether it will be necessary for Mr. Williams to employ a lawyer in order to find out whether his idea is patentable or whether the considerable fees and emoluments that come to this department—the Patent Office—are sufficient to pay men to read that letter and to write Mr. Williams if he is entitled to a patent.

Mr. CARAWAY. Will the gentleman yield?

Mr. GOODYKOONTZ. I yield to the gentleman from Arkansas.

Mr. CARAWAY. Has not the gentleman very frequently had to advise his constituent to employ another patent lawyer to find out what the first patent lawyer did? Has not that been the case with some of his constituents?

Mr. GOODYKOONTZ. My experience with the Patent Office as a practicing lawyer is very limited.

Mr. CARAWAY. I am speaking about these so-called patent lawyers. Of course, it is a fiction to talk about them as lawyers, but when you hire one, then you have to hire another one to find out what the first one did. That has been my experience. If this law will do anything to suppress the great horde of so-called patent lawyers who live off the people who think they have ideas, I am certainly for it, and I am for a commissioner with backbone enough to shut them out.

Mr. NOLAN. The trouble is that the gentleman does not distinguish between fakers and the reputable attorneys.

Mr. GOODYKOONTZ. The gentleman from Arkansas has been in Congress for many years, and his experience is worthy of all consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARAWAY. I beg my friend's pardon for taking up his time.

Mr. VAILE. Mr. Chairman, I wish to call attention to a remarkable feature of the argument of the gentleman from Texas [Mr. BLANTON]. I am wondering whether he would really like to have circulated in his district in juxtaposition the two speeches which he made on this floor to-day. First he most eloquently denounced the Republican side for trying to raise salaries. Then he got up and denounced us for trying to raise receipts in an amount more than sufficient to cover the increased salaries, and he says that the people will not stand for either one. Of course, we Republicans can hardly expect to please the gentleman from Texas, and we make no attempt to do so. Now, I made a rapid mental calculation about the effect on 110,000,000 people of raising the fee $5 for the issuance of a patent—raising it from $15 to $20. The chairman of the committee tells us that this will return to the Treasury of the United States $180,000. Divided among 110,000,000 people it would amount to about 1.6 mills per individual in this country, and I really do not think the people in my district are going to telegraph the gentleman from Texas protesting about my having helped to levy an assessment on them of less than 2 mills per individual.

Mr. CROWTHER. Mr. Chairman, this patent bill reminds me that one of the most useful inventions we have had during the last few years, particularly in case of motor cars, has been a self-starter, and when I hear the gentleman from Texas day after day in the House shouting that our economy is mere lip economy I wish to God, as he does so often, that somebody would invent and present to him a self-stopper. [Laughter.]

He seeks publicity, and no doubt he gets it. He is constantly reiterating his attitude on economy, and he makes me think of the old man up in my country who hung out a sign as a physician. Somebody inquired as to his qualifications. He did not have any diploma, but he said he was down in the Indian country and some Indian gave him some medicine that would throw a man into fits, and an old medicine man gave him something that would cure fits, and so he said "When I am called to see a sick man I give him some medicine that will throw him into fits, and then I am all hell on curing fits." [Laughter.]

Now, I would take more stock in the gentleman from Texas if I thought he was sincere, and while there is evidence here——

Mr. BLANTON. Mr. Chairman, a point of order. I make the point of order against the gentleman questioning my sincerity.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. CROWTHER. I understood by the press the other day that the statement——

Mr. BLANTON. Mr. Chairman, did the Chair rule on my point of order?

The CHAIRMAN. The Chair has ruled that the gentleman from New York must proceed in order.

Mr. CROWTHER. Mr. Chairman, I notice that a good deal of money he has been crying about has leaked into his office. He has received his pay, and he did not find any great fault about it. It reminds me of a story of a fellow up my way——

Mr. BLANTON. What does the gentleman mean by leaked?

Mr. CROWTHER. In the natural course as salary checks, and so forth.

Mr. BLANTON. What money?

Mr. CROWTHER. Money from the United States Treasury that the gentleman claims is wasted; he has got his share of it in his office in expenses, salaries, and so forth. Mr. Chairman, I hope these interruptions will not be taken out of my time.

The CHAIRMAN. The time of the gentleman from New York has expired. [Laughter.]

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The time has been fixed by the committee. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN of Illinois. Mr. Chairman, the genius of an inventive character is not always rewarded by a patent. During the war our Navy laid a mine barrage across the North Sea. After the war they were directed to remove it. They found that they could pick up the mines which were sunk deep in the water if they had proper vessels and tools with which to handle them. But they knew that if they used steel vessels under the ordinary conditions and that steel vessel came in contact with a mine it would be the vessel that would be destroyed as well as the mine. A wooden vessel would be comparatively safe, and when the Navy first commenced its work it started in with some small wooden fishing vessels connected so that the two vessels could move ahead, at some distance apart, with a wire cable between, which would pick up the mine. But it would have been impossible in a long period of time to have removed this mine barrage by the aid of these small wooden vessels. We did not have a sufficient number of wooden vessels to handle the situation. The Navy Department and the commander in chief of the Navy over there were up against it. They did not know what to do. They were afraid to use the steel vessels.

One day a little ensign, new in the Navy, knocked timidly on the door of the admiral, commander in chief, and was admitted by his secretary or aid and asked what he wanted. He said, after saluting, "Sir, I think I have a suggestion which may be of service to you." Then he made a simple suggestion which gave to the Navy, it having followed his proposition and plan, the ability to use the big steel vessels of the Navy in removing this mine barrage and accomplished the purpose which could not have been accomplished without it. A brighter suggestion was never made. I do not know the name of the ensign, but no man who ever received a patent conferred a greater benefit on his country, temporarily at least, than this little, modest ensign who made the suggestion that enabled those steel vessels to be used under the theory of electric contact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, that was a pro forma amendment, and I ask to withdraw it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I think the Committee on Patents should be commended for the consideration that they have given to this piece of legislation. From such correspondence as I have had with various parties interested in my city, the opinion seems to be practically unanimous in favor of the legislation.

I desire at this time, however, to call the attention of the Members to something somewhat aside from the legislation we have been considering. We have in this city the headquarters of an organization called the National Popular Government League. They have an executive secretary named Judson King. Last summer and fall, when the Committee on Interstate and Foreign Commerce was working night and day endeavoring to perfect adequate legislation to take care of the transportation question, this organization, with Judson King as secretary, sent out circular mail to various constituents of mine soliciting funds for its support and making false statements in reference to the committee and its members. They impugned the honesty of the members of the committee in conducting their hearings, and falsely stated the position of the committee and the evidence that was being considered by it. This morning as I was in my office the regular House employee who delivers the mail brought to me in a tied package the mail of the hour, and in the package was a letter marked from the National Popular Government League, Munsey Building, Washington, D. C. It bore no stamp whatever, and no postage had ever been paid upon it. I wondered at it. I called up the House Postmaster and was informed by him that it was the custom to distribute letters left at the post office there, even though no postage had been paid thereon, providing the request to distribute was made by a Member of the House, and that such a request had been made in this instance. I can see the reason for a custom permitting a Member, with respect to nonfrankable matters, signed or marked by himself, which he desires sent to his colleagues, to have it brought to the House post office and there distributed in accordance with the custom, but I can conceive of no reason why outside matter, coming from an entirely outside source, should be brought to the House post office and there distributed without the customary 1-cent postage, simply because some Member of the House who does not sign his name to it requests that it be done. Why should they not pay postage? It seems to me that above everything else it should be denied to an organization that has made it its business during the past three or four months, while the members of the Committee on Interstate and Foreign Commerce have been working night and day upon the railroad legislation, to send throughout the length and breadth of the land false statements in reference to that committee and to impugn its motives. I hope never again to have delivered in my mail in that manner any message whatever from any such organization as that.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. MANN of Illinois. Does the gentleman consider that the House post office is a post office which cancels stamps?

Mr. NEWTON of Minnesota. I do not know.

Mr. MANN of Illinois. It does not. It is not a post office, and it does not cancel stamps, and as a matter of courtesy, if the gentleman deposits mail in the post office for me it will be delivered to me. That is what it is for. If mail is deposited there by anybody, and a Member of Congress requests that it be distributed by the postmaster, it is distributed and delivered. Whether that ought to have been done in this instance is another thing, but the House postmaster can not determine the character of the mail which he handles.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. I admit all of that, but the point is that when a Member requests any literature of that kind distributed, before the courtesy is extended to that literature, the signature of some Member or some mark of the Member should be attached to it.

Mr. MANN of Illinois. Well, I do not think so, if the gentleman will permit. For instance, we send invitations frequently through the House post office to Members of Congress, and no name is attached to those upon the outside, and I can see no reason why there should be.

Mr. NEWTON of Minnesota. I submit that to an organization which makes false statements about a committee of Congress and impugns the motives of its Members the courtesy should be denied.

Mr. MANN of Illinois. Whether the Member ought to do it is, of course, another thing.

Mr. DAVIS of Tennessee. Mr. Chairman, I ask unanimous consent to return to page 8, line 21, for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 8, line 21, after the word "evidence," insert "and all other evidence in the record."

Mr. DAVIS of Tennessee. Mr. Chairman, it was suggested that the court might, in his consideration, restrict the evidence immediately referred to, which was not intended, and in order to obviate any possibility of that kind through an abundance of caution this amendment is offered with the approval of all of the members of the committee.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from California a question. I observe in the report that this legislation is the committee substitute for the bills H. R. 5011, 5012, and 7010. May we consider now that the Committee on Patents has concluded its consideration of those respective bills, and that for present purposes, at least, the work of the committee has been completed upon this legislation?

Mr. NOLAN. I would not say that it is completed, but, as a matter of expediency, on account of the importance of this reorganization and of other legislation, the committee decided to set aside for the present the matter of a court of patent appeals. That is all that has been set aside, outside of making the Patent Office an independent department of the Government, which the committee does not consider we ought to do at any time.

Mr. CHINDBLOM. Well, those are the two bills—5011 and 5012—so that this matter of a court of patent appeals may have further consideration?

Mr. NOLAN. It may. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time.

Mr. BLANTON. Mr. Speaker, I make a motion to recommit.

The SPEAKER. The gentleman from Texas makes a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit this bill to the Committee on Patents, with instructions to report the same back to the House forthwith with the following amendments, to wit: On page 1, line 7, strike out "$6,000" and insert "$5,500"; in line 8, strike out "$5,500" and insert "$4,800"; in line 11, strike out "$5,000" and insert "$4,000"; and on page 2, in line 1, strike out "$5,000" and insert "$4,000"; in line 7, strike out the two sums of "$4,000" and insert in lieu of each thereof "$3,500"; in line 8, strike out "$4,200" and insert "$3,700"; in line 9, strike out "$3,900" and insert "$3,300"; in line 10, strike out "$3,900" and insert "$3,300"; in line 11, strike out "$3,000" and insert "$2,600"; in line 12, strike out "$2,700" and insert "$2,300"; in line 12, strike out "$2,500" and insert "$2,000"; in line 13, strike out "$2,200" and insert "$1,800"; in line 14, strike out "$2,050" and insert "$1,850"; in line 15, strike out "$1,800" and insert "$1,600"; in line 15, strike out "$1,650" and insert "$1,500"; in line 16, strike out "$1,500" and insert "$1,400"; in line 17, strike out "$3,900" and insert "$3,300"; in line 18, strike out "$3,300" and insert "$2,800"; in line 18, strike out "$3,100" and insert "$2,600"; in line 19, strike out "$2,900" and insert "$2,500"; in line 20, strike out "$2,800" and insert "$2,250"; in line 20, strike out "$2,500" and insert "$2,000"; in line 21, strike out "$2,350" and insert "$1,800"; in line 21, strike out "$2,200" and insert "$1,600"; in line 22, strike out "$2,050" and insert "$1,500"; in line 22, strike out "$1,925" and insert "$1,400"; in

line 23, strike out "$1,800" and insert "$1,400"; in line 24, strike out "$1,650" and insert "$1,350"; in line 24, strike out "$1,500" and insert "$1,300"; and on page 3, in line 2, strike out "$2,700" and insert "$2,500"; in line 3, strike out "$2,500" and insert "$2,200"; in line 4, strike out "$2,100" and insert "$1,750"; in line 6, strike out "$2,400" and insert "$2,250"; in line 8, strike out "$1,800" and insert "$1,600"; in line 9, strike out "$1,600" and insert "$1,500"; in line 9, strike out "$1,400" and insert "$1,300"; in line 11, strike out "$1,100" and insert "$1,000"; in line 13, strike out "$1,100" and insert "$1,000"; in line 13, strike out "thirty-six" and insert "six"; and in line 14, strike out the two sums of "$1,080" and insert in lieu of each of such sums "$800."

Mr. NOLAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. BLANTON. Mr. Speaker, I make the point of order of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 6, nays 272, not voting 149, as follows:

YEAS—6.

Blanton	Jones, Tex.	Quin	Thomas
Garner	Porter		

NAYS—272.

Andrews, Nebr.	Evans, Nebr.	Little	Rhodes
Anthony	Fairfield	Lonergan	Ricketts
Ashbrook	Fess	Luce	Rodenberg
Aswell	Fisher	McArthur	Romjue
Ayres	Flood	McCulloch	Rose
Babka	Focht	McFadden	Rouse
Baer	Foster	McGlennon	Rubey
Barbour	Frear	McKenzie	Sanders, N. Y.
Barkley	Freeman	McKeown	Sanford
Bee	French	McKiniry	Scott
Begg	Fuller, Ill.	McKinley	Sears
Bell	Gallagher	McLaughlin, Mich.	Sherwood
Benham	Gandy	McLaughlin, Nebr.	Shreve
Black	Ganly	MacCrate	Siegel
Bland, Ind.	Gard	MacGregor	Sims
Bland, Mo.	Garrett	Madden	Sinclair
Box	Glynn	Magee	Sinnott
Brand	Goodwin, Ark.	Mann, Ill.	Sisson
Briggs	Goodykoontz	Mansfield	Small
Britten	Graham, Ill.	Mapes	Smith, Idaho
Brooks, Ill.	Green, Iowa	Martin	Smith, Mich.
Brooks, Pa.	Greene, Vt.	Mays	Smithwick
Browning	Griest	Mead	Snyder
Buchanan	Griffin	Merritt	Stedman
Burdick	Hadley	Michener	Steenerson
Burke	Hardy, Colo.	Miller	Stephens, Miss.
Byrns, Tenn.	Hardy, Tex.	Minahan, N. J.	Stevenson
Campbell, Kans.	Harrison	Monahan, Wis.	Stiness
Campbell, Pa.	Hastings	Mondell	Stoll
Cannon	Haugen	Montague	Strong, Kans.
Caraway	Hayden	Moon	Strong, Pa.
Carss	Hays	Moore, Va.	Summers, Wash.
Chindblom	Hernandez	Moores, Ind.	Sumners, Tex.
Christopherson	Hersey	Morgan	Sweet
Cleary	Hersman	Morin	Taylor, Ark.
Coady	Hickey	Mott	Taylor, Colo.
Cole	Hoch	Mudd	Taylor, Tenn.
Collier	Hoey	Murphy	Temple
Connally	Holland	Neely	Thompson
Cooper	Houghton	Nelson, Mo.	Tillman
Crago	Howard	Nelson, Wis.	Timberlake
Crisp	Hull, Iowa	Newton, Minn.	Tincher
Crowther	Igoe	Newton, Mo.	Tinkham
Cullen	Ireland	Nichols, Mich.	Treadway
Dale	Jacoway	Nolan	Upshaw
Dallinger	James	O'Connor	Vaile
Davey	Jefferis	Ogden	Vestal
Davis, Minn.	Johnson, Ky.	Oldfield	Vinson
Davis, Tenn.	Johnson, Miss.	Osborne	Voigt
Denison	Kearns	Overstreet	Volstead
Dewalt	Keller	Paige	Walsh
Dickinson, Mo.	Kelly, Pa.	Park	Wason
Dickinson, Iowa	Kendall	Parker	Watkins
Dominick	Kiess	Parrish	Weaver
Donovan	Kincheloe	Phelan	Welling
Doremus	King	Platt	Welty
Doughton	Kinkaid	Pou	Whaley
Dowell	Knutson	Radcliffe	White, Kans.
Drane	Kreider	Rainey, J. W.	White, Me.
Dunbar	Lampert	Raker	Wilson, Ill.
Dunn	Lanham	Ramsey	Wilson, Pa.
Dupré	Lankford	Ramseyer	Wise
Eagan	Layton	Randall, Calif.	Wood, Ind.
Echols	Lazaro	Randall, Wis.	Woods, Va.
Elston	Lea, Calif.	Rayburn	Woodyard
Emerson	Lee, Ga.	Reavis	Wright
Esch	Lehlbach	Reber	Young, N. Dak.
Evans, Mont.	Lesher	Reed, N. Y.	Zihlman

NOT VOTING—149.

Ackerman	Bankhead	Booher	Burroughs
Almon	Benson	Bowers	Butler
Anderson	Blackmon	Brinson	Byrnes, S. C.
Andrews, Md.	Bland, Va.	Browne	Caldwell
Bacharach	Boies	Brumbaugh	Candler
Cantrill	Graham, Pa.	Lufkin	Sanders, Ind.
Carew	Greene, Mass.	Luhring	Sanders, La.
Carter	Hamill	McAndrews	Schall
Casey	Hamilton	McClintic	Scully
Clark, Fla.	Harreld	McDuffie	Sells
Clark, Mo.	Hawley	McLane	Slemp
Classon	Heflin	McPherson	Smith, Ill.
Copley	Hicks	Maher	Smith, N. Y.
Costello	Hill	Major	Snell
Cramton	Huddleston	Mann, S. C.	Steagall
Currie, Mich.	Hudspeth	Mason	Steele
Curry, Calif.	Hulings	Mooney	Stephens, Ohio
Darrow	Hull, Tenn.	Moore, Ohio	Sullivan
Dempsey	Humphreys	Nicholls, S. C.	Swope
Dent	Husted	O'Connell	Tague
Dooling	Hutchinson	Oliver	Tilson
Dyer	Johnson, S. Dak.	Olney	Towner
Eagle	Johnson, Wash.	Padgett	Vare
Edmonds	Johnston, N. Y.	Pell	Venable
Elliott	Jones, Pa.	Peters	Walters
Ellsworth	Juul	Purnell	Ward
Evans, Nev.	Kahn	Rainey, Ala.	Watson
Ferris	Kelley, Mich.	Rainey, H. T.	Webster
Fields	Kennedy, Iowa	Reed, W. Va.	Wheeler
Fordney	Kennedy, R. I.	Riddick	Williams
Fuller, Mass.	Kettner	Riordan	Wilson, La.
Gallivan	Kitchin	Robinson, N. C.	Wingo
Garland	Kleczka	Robsion, Ky.	Winslow
Godwin, N. C.	Kraus	Rogers	Yates
Goldfogle	Langley	Rowan	Young, Tex.
Good	Larsen	Rowe	
Goodall	Linthicum	Rucker	
Gould	Longworth	Sabath	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDERSON with Mr. YOUNG of Texas.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. BUTLER with Mr. STEELE.

Mr. KAHN with Mr. DENT.

Mr. LONGWORTH with Mr. CLARK of Missouri.

Mr. FORDNEY with Mr. KITCHIN.

Mr. BOISE with Mr. O'CONNELL.

Mr. KENNEDY of Rhode Island with Mr. TAGUE.

Mr. STEPHENS of Ohio with Mr. RUCKER.

Mr. FULLER of Massachusetts with Mr. MAJOR.

Mr. BACHARACH with Mr. FERRIS.

Mr. KLECZKA with Mr. GALLIVAN.

Mr. LUHRING with Mr. PELL.

Mr. ROWE with Mr. SCULLY.

Mr. ELLIOTT with Mr. WINGO.

Mr. CURRY of California with Mr. HUDDLESTON.

Mr. COPLEY with Mr. HUDSPETH.

Mr. BROWNE with Mr. MCANDREWS.

Mr. TOWNER with Mr. VENABLE.

Mr. SLEMP with Mr. LINTHICUM.

Mr. HUSTED with Mr. KETTNER.

Mr. WINSLOW with Mr. SABATH.

Mr. MOORE of Ohio with Mr. MAHER.

Mr. SELLS with Mr. LARSEN.

Mr. KELLEY of Michigan with Mr. MCLANE.

Mr. SANDERS of Indiana with Mr. OLNEY.

Mr. JOHNSON of South Dakota with Mr. MCCLINTIC.

Mr. GOOD with Mr. HEFLIN.

Mr. JONES of Pennsylvania with Mr. CASEY.

Mr. DARROW with Mr. STEAGALL.

Mr. WARD with Mr. ROBINSON of North Carolina.

Mr. LUFKIN with Mr. ROWAN.

Mr. HARRELD with Mr. CARTER.

Mr. BOWERS with Mr. EAGLE.

Mr. DYER with Mr. SANDERS of Louisiana.

Mr. KENNEDY of Iowa with Mr. OLIVER.

Mr. GOODALL with Mr. BYRNES of South Carolina.

Mr. CURRIE of Michigan with Mr. ALMON.

Mr. GRAHAM of Pennsylvania with Mr. BLACKMON.

Mr. COSTELLO with Mr. FIELDS.

Mr. GOULD with Mr. BRINSON.

Mr. JOHNSON of Washington with Mr. HUMPHREYS.

Mr. RIDDICK with Mr. SMITH of New York.

Mr. HULINGS with Mr. SULLIVAN.

Mr. ROGERS with Mr. MOONEY.

Mr. VARE with Mr. MCDUFFIE.

Mr. ACKERMAN with Mr. BANKHEAD.

Mr. DEMPSEY with Mr. JOHNSTON of New York.

Mr. EDMONDS with Mr. BLAND of Virginia.

Mr. HUTCHINSON with Mr. MANN of South Carolina.

Mr. MCPHERSON with Mr. CAREW.

Mr. GARLAND with Mr. CANDLER.

Mr. HICKS with Mr. NICHOLLS of South Carolina.

Mr. ELLSWORTH with Mr. WILSON of Louisiana.

Mr. PETERS with Mr. GODWIN of North Carolina.

Mr. SNELL with Mr. PADGETT.

Mr. GREENE of Massachusetts with Mr. RAINEY of Alabama.

Mr. WALTERS with Mr. BENSON.
Mr. YATES with Mr. HENRY T. RAINEY.
Mr. BURROUGHS with Mr. RIORDAN.
Mr. HAMILTON with Mr DOOLING.
Mr. WHEELER with Mr. GOLDFOGLE.
Mr. PURNELL with Mr. HAMILL.
Mr. WATSON with Mr. BOOHER.
Mr. TILSON with Mr. CANTRILL.
Mr. WILLIAMS with Mr. EVANS of Nevada.
Mr. WEBSTER with Mr. CALDWELL.
Mr. SMITH of Illinois with Mr. BRUMBAUGH.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question is on the passage of the bill.

The bill was passed.

On motion of Mr. NOLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXPENDITURES IN THE WAR DEPARTMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The gentleman from Kansas offers a privileged resolution, which the Clerk will read.

The Clerk read as follows:

House resolution 483.

Resolved, That on Saturday, the 6th day of March, 1920, the House shall meet at 11 o'clock a. m. That immediately after the reading of the Journal and the disposition of business upon the Speaker's table the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Report No. 637, from the Committee on Expenditures in the War Department. That there shall be four hours allowed for debate upon said report, one-half to be controlled by the chairman of said committee and one-half by the gentleman from California, Mr. LEA. That the following members of said committee, Mr. FREAR, of Wisconsin, Mr. MAGEE, of New York, and Mr. LEA of California, shall have leave to extend and revise such remarks as they may, respectively, make upon said report in the CONGRESSIONAL RECORD without further leave of the House. That upon the conclusion of said debate the Committee of the Whole House on the state of the Union shall automatically rise.

Mr. CAMPBELL of Kansas. Mr. Speaker, I think the resolution clearly states its purpose.

Mr. POU. Mr. Speaker, can we not have an agreement as to the time?

Mr. CAMPBELL of Kansas. I was going to yield half an hour to the gentleman.

Mr. POU. Can we not under unanimous consent have an agreement that half of the time shall be controlled by the gentleman and one-half by myself?

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the hour be divided equally between the gentleman from North Carolina and myself?

The SPEAKER. The gentleman can yield such time as he pleases.

Mr. CAMPBELL of Kansas. I yield 30 minutes to the gentleman.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question before the gentlemen begin.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Whoever suggested to the Rules Committee, a great, dignified committee, to undertake to fix the privilege of a Member as to extending his remarks in the RECORD?

Mr. MANN of Illinois. Many times the Rules Committee has done that.

Mr. CLARK of Missouri. It has never been done.

Mr. MANN of Illinois. During the administration of Speaker CLARK many times the committee gave everybody the right to extend.

Mr. CLARK of Missouri. Whenever has it selected some particular Members?

Mr. MANN of Illinois. The general thing includes the other. This is a right to the gentlemen who speak to extend their remarks.

Mr. CAMPBELL of Kansas. We were specific in this case not to give the right to extend remarks in the RECORD to those who had not spoken on the subject on the floor. In this case the gentlemen are to have the privilege of extending their remarks in the RECORD who make addresses on the floor during the day.

Mr. CLARK of Missouri. I would like to ask if this is intended to be a future as well as a present rule? It never has been done before, and it never ought to be done now.

Mr. CAMPBELL of Kansas. The Committee on Rules usually does what it thinks expedient at the moment. [Applause on the Republican side.]

Mr. CLARK of Missouri. Does this rule mean that nobody else shall speak except these three men and nobody else extend their remarks?

Mr. CAMPBELL of Kansas. The reading of the rule, I think, is very clear.

Mr. CLARK of Missouri. That is the way the rule reads, I think.

Mr. CAMPBELL of Kansas. I think the chairman will construe the rule fairly.

Mr. Speaker, I reserve the remainder of my time, and ask the gentleman from North Carolina [Mr. POU] to use his time.

Mr. DONOVAN. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. DONOVAN. Do I understand now that this rule in substance does this, that Messrs. LEA, MAGEE, and FREAR are to talk a certain given time, and have only the right to extend their remarks, and that gentlemen on both sides of the House can talk under permission from these gentlemen but can not extend their remarks, though they do talk?

Mr. CAMPBELL of Kansas. I am not sure that these gentlemen would yield their time, but it is always possible for the House, by unanimous consent, to do what it desires.

Mr. DONOVAN. They will control the four hours?

Mr. CAMPBELL of Kansas. These gentleman will control the four hours.

Mr. DONOVAN. And if they do not see fit to yield any time, nobody will have an opportunity to speak, because there will be no extension of remarks.

Mr. CAMPBELL of Kansas. That is true.

Mr. DONOVAN. People only have the right to extend their remarks in case they do yield to them?

Mr. CAMPBELL of Kansas. Not in case they do yield.

Mr. DONOVAN. Then, they have the usual right under unanimous consent?

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. DENISON. Under this rule, as I understand it, no single Member can, by interposing an objection, prevent the three men whose names are mentioned in the rule from correcting and extending their remarks?

Mr. CAMPBELL of Kansas. That is true.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. The gentleman from Michigan [Mr. SMITH] was on his feet.

Mr. SMITH of Michigan. I would like to ask unanimous consent, Mr. Speaker, to extend my remarks on the Spanish-American War pension bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. I ask the gentleman if these great speeches have already been handed to the press?

Mr. CAMPBELL of Kansas. The gentleman will have to ask the gentlemen themselves. I have no doubt the gentleman from Texas will be able to get the information from them.

Mr. KINCHELOE. There is no inhibition in the rule against Members being allowed to vote on this eventually? [Laughter.]

Mr. CAMPBELL of Kansas. No.

Mr. KINCHELOE. I am asking the gentleman from Kansas whether we shall have the right to vote on this eventually under the rule?

Mr. CAMPBELL of Kansas. Oh, yes; in a very short time I shall move the previous question.

SEVERAL MEMBERS. Do it now.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield half a minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I renew my request to extend my remarks on the Spanish War pension act.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks on the Spanish War pension act. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I ask to be notified at the end of 12 minutes.

The SPEAKER. Very well.

Mr. POU. Mr. Speaker, for the present I shall not yield to any interruptions or questions.

It is not surprising that the House received this resolution with a titter of ridicule when it was read. That same titter of ridicule was apparent when the Committee on Rules, in responding, evidently to orders from higher up, did what they knew to be a silly thing in reporting to the House of Representatives the resolution now under consideration. [Applause on the Democratic side.]

Now, Mr. Speaker, the responsibility might as well be fixed. I absolve the majority of the members of the Committee on Rules from ever doing voluntarily a silly thing. The steering committee—the Republican steering committee of the House—is responsible for this asinine performance. [Applause on the Democratic side.] You might as well call a spade "a spade," and that is what I am going to do for a few minutes. There is nothing personal in this. I have served here too long to entertain any personal feeling about anything. But, gentlemen, as long as the House of Representatives does such idiotic things as this you need not be surprised if the man on the street laughs when you mention the American House of Representatives.

I have wondered why it was that the people of America will not take the House of Representatives seriously. I have wondered why it is so many of the people who send us here throw off the House of Representatives when we go back home. Such things as this are largely responsible for the unenviable opinion of the House entertained by so many men.

Here is this great body of representative men, 435 men, absolutely dominated by seven men. I am going to put the roll of honor in the RECORD. These compose the Republican steering committee: The chairman of the steering committee, the gentleman from Wyoming, Mr. MONDELL; Mr. LONGWORTH; Mr. MADDEN; Mr. DUNN, of New York; Mr. WINSLOW, of Massachusetts; Mr. DARROW; and, ex officio, our genial friend, the Speaker. If I have made a mistake as to the membership of the committee I am very willing to be corrected. Four of these men constitute a majority; therefore, the result is that four men are running this House. The three States of Massachusetts, New York, and Pennsylvania absolutely control the great Republican majority here, and therefore the fate of all legislation. Let us fix the responsibility. Surely no one will object.

Now, you have some big men on your side. You have a number of high-minded, clean-cut statesmen. Do not you men feel a little bit cheap to find yourselves in this position? You must take orders from these four men. That is what the Rules Committee is doing right now. And to think about the way they framed this steering committee! See whom they left off. There is a gentleman on the Republican side of the House who has an international reputation as parliamentarian. I do not believe there is a better parliamentarian in the world than JAMES R. MANN or a more conscientious legislator. [Applause.] He was not put on this Republican steering committee. Why? Was it because he would not agree to play the game as the bosses demanded? You have that noblest old Roman of them all, the ex-Speaker of this House, Mr. JOSEPH G. CANNON, who during more than a generation has made an honorable career here, vigorous, broad, clean, big-minded. He also must be left off. You could not make up a steering committee certainly without thinking of him as a logical member.

But he was left off. Was that because you were afraid you could not use him? He is still vigorous and attends to his duties as faithfully as the youngest Member. I wish he were present. I am sure I echo the sincere wish of every Member of this House when I say of him as Webster said of Lafayette:

> Illustrious as your virtues are, honorable as your long career has been, far, oh, very far distant be the day when any monument shall bear your inscription or tongue pronounce your eulogy.

[Applause.]

Now, Mr. Speaker, must we do this thing? Must we spend the whole of to-morrow in discussing a report of this committee intended solely for campaign consumption? That is the whole purpose of this performance. There will be nothing before the House. No vote will be taken on anything. There will be talk and talk, and the House will automatically rise after four hours of talk. Do you imagine the people who sent you here will approve? These several political investigating subcommittees have traveled in two hemispheres trying to dig up something discreditable to Woodrow Wilson's administration and up to this good hour you have not put your finger on any scandal. If so, point it out. Tell us where it is. Why, you can hardly get the newspapers of the country to pay any attention to your activities for a single issue. You sent a committee to France. One gentleman sent a telegram from Paris that the war had not been fought exactly right. We expected he would tell all about it when he got back. Then when the committee got back to New York another gentleman gave out an interview, indicating the country would hear something later on. You sent another committee into the Northwest. You have had them digging night and day all over this country, and as I said right here when you created these committees, the result of it all is the full and complete vindication of this administration and the men who had control of the conduct of the war. I challenge you here and now to put your finger on any scandal that touches Mr. Wilson's administration. We have heard more than once that you were just on the eve of discovering something. More than once the intimation has been thrown out that you have discovered a lead and that the country may expect something within the next few days.

Barring the necessary extravagance in a great undertaking like the World War, there never has been since the dawn of time a war conducted where those in power and charged with the responsibility were so free from scandal as the men under Woodrow Wilson who have conducted this Great War. [Applause.] It would seem you would be willing to stop in attempting to discover something that would help the Republican Party politically, but oh, no; you do not stop there. Mr. Speaker, I have been amazed at the venom, the spleen, and the hate displayed toward this great man in the White House, whose name will be a household word when all who are trying to discredit him will have sunk forever into oblivion. [Applause.] A thousand years after the man who laughed at that remark is forgotten the name of Woodrow Wilson will be mentioned in every civilized home as the man who in his generation did most for mankind.

I say, Mr. Speaker, that it would seem that men go far enough when they attack merely from a political purpose, but the hate of some men is so great they appear to be willing to injure character in order to bring the Republican Party back into power. There appears to be somebody always ready to do what is necessary to ruin the character of any man who has risen to prominence under Wilson's administration. Thank God, every such effort has failed, as all such efforts will continue to fail. We had the evidence of it here yesterday when you pulled off another fool performance in a puny, sickly effort to damage the character of the Attorney General. I do not believe there are five men in this House who will say upon their honor that they believe the Attorney General has done anything discreditable. I for one did not believe the Rules Committee considered the resolution seriously. The Attorney General merely said men would not be prosecuted for profiteering if they held down the price of sugar to a certain point. Every intelligent man knew that was and is all he has done, but a resolution intended to injure him must be passed, anyway.

Now, Mr. Speaker, let me say in conclusion that the people of America love fair play. No political party is going to ride into power by pursuing a policy of unfair treatment to the other party. [Applause.] I appeal to that spirit of fairness, of generosity, of chivalric consideration for a political opponent that I know exists in the hearts and minds of so many men on the Republican side of this Chamber when I say we have had enough of this fool performance. For God's sake, let us stop here and now. [Applause.]

I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Will the gentleman from North Carolina use the remainder of his time? There will be only one more speech on this side.

Mr. POU. I yield to the gentleman from Tennessee [Mr. GARRETT] the remainder of my time.

Mr. GARRETT. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has 19 minutes.

Mr. GARRETT. Mr. Speaker, I think this rule needs some explanation in addition to that which has been given by the gentleman from Kansas [Mr. CAMPBELL], and even in addition to that given by the gentleman from North Carolina [Mr. POU].

This is a rule to provide that the House do nothing to-morrow and meet at 11 o'clock to begin it. [Laughter.]

The reason for its passage this afternoon is that for some reason it became necessary a few days ago for the "powers that be" in the House to make public the statement that to-morrow this report of the War Expenditures Committee would be turned loose upon the House for discussion, and it was known that if they should wait for to-morrow to present the rule, the Members being forewarned, there would not probably be a quorum here to pass it.

It is an excellent rule!

It provides that the House shall resolve itself into the Committee of the Whole House on the state of the Union. For what? There is no bill to be considered. The report in itself does not carry any charge on the Treasury, though the Lord knows getting it up has carried enough. It is to be considered, not in the House but in the Committee of the Whole House on the state of the Union. Of course, it takes only 100 to make a quorum in Committee of the Whole House on the state of the Union.

However, it has one good provision. It says that upon the conclusion of the debate the Committee of the Whole House on the state of the Union shall automatically rise! When the debate is ended, in other words, you will not have to sit here, but the committee can rise, and the House can adjourn, and gentlemen can go their way.

If it had not been for that provision, God knows what a condition we might have been in at the conclusion of this general debate! [Laughter.]

I am very much pleased that my distinguished colleague from North Carolina [Mr. POU] has acquitted my associates of the majority on the Rules Committee from all responsibility for the form and even the passage of this rule, save only as they were willing to act as the vicarious atonement for the folly of the steering committee.

Mr. Speaker, of course we understand what the purpose of the discussion to-morrow is. The gentleman from Wisconsin [Mr. FREAR], after many months of travail, has prepared a report upon aviation.

While the war was in progress, when the unsatisfactory conditions with regard to the aviation situation arose, the President of the United States called upon a distinguished gentleman, a former justice of the Supreme Court of the United States, the Republican Party's nominee for the Presidency in 1916, and asked him to investigate the aviation situation. He did it; and there is not a man, woman, or child in America or in the world, who knows aught of Mr. Hughes, who does not know that he absolutely exhausted that subject, and that every fact touching that program was disclosed to the public of the country and of the world. This Committee on Expenditures was organized. The gentleman from Wisconsin [Mr. FREAR] was appointed as a member of it, and was made the chairman of the subcommittee on aviation. One of his first demands, under a threat to resign if it was not granted, was that he be permitted to employ a lawyer to review the findings and decisions of Mr. Justice Hughes, formerly of the Supreme Court of the United States. That consent was given. These many months have been spent in this investigation, and absolutely nothing is presented here that was not presented by Mr. Justice Hughes, save such things, of course, as have occurred since the time Mr. Justice Hughes concluded his investigation. But the purpose of this rule is to enable gentlemen to once again attack the Secretary of War and the President of the United States. Periodically we must have that, it appears.

Somehow, some way, the Republican Party seems unwilling to forgive a Democratic administration for conducting the most successful war in the history of the world [applause on the Democratic side], and persists in attempting to talk about the inefficiency of the Secretary of War.

If the Secretary of War had been one-half as inefficient in making war as the Republican Party has been in making peace, the boys of America would still be dying on the fields of France. [Applause on the Democratic side.]

But the spirit of vengeance must be served and the opportunity must be given, and therefore we are to have it for four hours to-morrow. It has been passed down from the steering committee out of the mystic room. When one considers the intelligence that is possessed by the individual members of the Republican steering committee, successful business men in the main, men of large experience in public affairs—when one thinks of the ability of these individuals, it is a puzzle, a marvel, a wonder as to the amount of idiocy which collectively they can thrust on this House of Representatives. [Applause and laughter on the Democratic side.] So far as my observation extends, I freely declare the ability of every one of these gentlemen; but in all the experience and all the history of the country, for sheer ridiculousness in collective action, I am committed to the steering committee. And the peculiar part about it is that this committee makes every man on the Republican side dance. I am wondering how long they are to continue to dance to the music made by these gentlemen.

Having explained this rule [laughter], having given you to understand thoroughly what it is to provide for, viz, an opportunity for attacking the Secretary of War and the President of the United States, I have little else to say. Just why these two men should be attacked we do not know. There is no Republican who has ever told us. I suppose if one attempts to do so he can only say with Shylock:

> As there is no firm reason to be rendered,
> So can I give no reason, nor will I not,
> More than a lodged hate and a certain loathing
> I bear Antonio, that I follow thus
> A losing suit against him.

Now that the House understands the rule, now that it has been explained, I trust that it may meet with that solemn consideration and that serious disposition which its unintelligence demands. [Applause and laughter on the Democratic side.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I would take the remainder of my time in answering the gentleman from North Carolina [Mr. POU] and the gentleman from Tennessee [Mr. GARRETT] if I were a humorist; but I am not. I have never attempted humor that I did not become ridiculous. My personal attachment to both of the gentlemen, however, leads me to wish for each of them that they may make their constituents laugh and applaud as they have made the Democratic side laugh and applaud when they speak of the blunders of the administration in connection with aviation. [Applause on the Republican side.] It is not my purpose to discuss the merits of the proposition. However, the House is entitled and the country is entitled to know from this committee that has been making the investigation of the matter what their conclusions are.

And it is for the purpose of enabling this committee that has seriously investigated the questions raised before the House and before the country that to-morrow is set aside for the discussion of that report.

Mr. Speaker, in order to get the matter immediately settled, I move he previous question on the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. POU. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 116, not voting 164, as follows:

YEAS—147.

Andrews, Nebr.	Foster	McArthur	Rhodes
Anthony	Frear	McCulloch	Ricketts
Baer	Freeman	McFadden	Rodenberg
Barbour	French	McKenzie	Rose
Begg	Glynn	McKinley	Sanders, N. Y.
Benham	Graham, Ill.	McLaughlin, Mich.	Sanford
Bland, Ind.	Green, Iowa	McLaughlin, Nebr.	Scott
Britten	Greene, Vt.	MacCrate	Shreve
Brooks, Ill.	Griest	MacGregor	Siegel
Brooks, Pa.	Hadley	Madden	Sinclair
Browning	Hardy, Colo.	Magee	Sinnott
Burdick	Haugen	Mann, Ill.	Smith, Idaho
Burke	Hawley	Mapes	Smith, Mich.
Campbell, Kans.	Hernandez	Merritt	Snyder
Chindblom	Hickey	Miller	Steenerson
Christopherson	Hoch	Monahan, Wis.	Strong, Kans.
Cole	Houghton	Mondell	Strong, Pa.
Cooper	Hull, Iowa	Moores, Ind.	Summers, Wash.
Crago	Ireland	Morgan	Sweet
Crowther	James	Mott	Taylor, Tenn.
Dale	Jefferis	Mudd	Temple
Dallinger	Johnson, S. Dak.	Murphy	Tincher
Davis, Minn.	Keller	Nelson, Wis.	Treadway
Denison	Kelly, Pa.	Newton, Minn.	Vaile
Dickinson, Iowa	Kendall	Newton, Mo.	Vestal
Dowell	Kiess	Nichols, Mich.	Walsh
Dunbar	King	Nolan	Wason
Dunn	Kinkaid	Ogden	Watson
Echols	Knutson	Osborne	White, Kans.
Elston	Kreider	Parker	White, Me.
Emerson	Lampert	Porter	Williams
Esch	Layton	Ramsey	Wilson, Ill.
Evans, Nebr.	Lea, Calif.	Ramseyer	Wood, Ind.
Fairfield	Lehlbach	Randall, Wis.	Woodyard
Fess	Little	Reber	Young, N. Dak.
Focht	Longworth	Reed, N. Y.	Zihlman
Fordney	Luce	Reed, W. Va.	

NAYS—116.

Ashbrook	Dominick	Kitchin	Rainey, H. T.
Ayres	Donovan	Lanham	Rainey, J. W.
Babka	Doughton	Lankford	Raker
Barkley	Drane	Lazaro	Rayburn
Bee	Dupré	Lee, Ga.	Romjue
Bell	Eagan	Lesher	Rouse
Black	Evans, Mont.	Linthicum	Rubey
Bland, Mo.	Evans, Nev.	Lonergan	Sears
Blanton	Fisher	McKeown	Sherwood
Box	Gallagher	McKiniry	Sisson
Brand	Gandy	Mansfield	Smithwick
Briggs	Ganly	Martin	Stevenson
Buchanan	Gard	Mead	Stoll
Byrns, Tenn.	Garner	Michener	Sumners, Tex.
Campbell, Pa.	Garrett	Minahan, N. J.	Taylor, Ark.
Cantrill	Goodwin, Ark.	Montague	Taylor, Colo.
Caraway	Griffin	Moon	Tillman
Carss	Hardy, Tex.	Moore, Va.	Upshaw
Carter	Harrison	Neely	Vinson
Clark, Mo.	Hastings	Nelson, Mo.	Watkins
Cleary	Hayden	O'Connor	Weaver
Coady	Hoey	Oldfield	Welling
Collier	Howard	Overstreet	Welty
Connally	Hull, Tenn.	Park	Whaley
Crisp	Igoe	Parrish	Wilson, La.
Cullen	Jacoway	Phelan	Wilson, Pa.
Davey	Johnson, Ky.	Platt	Wise
Davis, Tenn.	Johnson, Miss.	Pou	Woods, Va.
Dewalt	Kincheloe	Quin	Wright

NOT VOTING—164.

Ackerman	Blackmon	Burroughs	Clark, Fla.
Almon	Bland, Va.	Butler	Classon
Anderson	Boies	Byrnes, S. C.	Copley
Andrews, Md.	Booher	Caldwell	Costello
Aswell	Bowers	Candler	Cramton
Bacharach	Brinson	Cannon	Currie, Mich.
Bankhead	Browne	Carew	Curry, Calif.
Benson	Brumbaugh	Casey	Darrow

Dempsey	Hill	Mann, S. C.	Sims
Dent	Holland	Mason	Slemp
Dickinson, Mo.	Huddleston	Mays	Small
Dooling	Hudspeth	Mooney	Smith, Ill.
Doremus	Hulings	Moore, Ohio	Smith, N. Y.
Dyer	Humphreys	Morin	Snell
Eagle	Husted	Nicholls, S. C.	Steagall
Edmonds	Hutchinson	O'Connell	Stedman
Elliott	Johnson, Wash.	Oliver	Steele
Ellsworth	Johnston, N. Y.	Olney	Stephens, Miss.
Ferris	Jones, Pa.	Padgett	Stephens, Ohio
Fields	Jones, Tex.	Paige	Stiness
Flood	Juul	Pell	Sullivan
Fuller, Ill.	Kahn	Peters	Swope
Fuller, Mass.	Kearns	Purnell	Tague
Gallivan	Kelley, Mich.	Radcliffe	Thomas
Garland	Kennedy, Iowa	Rainey, Ala.	Thompson
Godwin, N. C.	Kennedy, R. I.	Randall, Calif.	Tilson
Goldfogle	Kettner	Reavis	Timberlake
Good	Kleczka	Riddick	Tinkham
Goodall	Kraus	Riordan	Towner
Goodykoontz	Langley	Robinson, N. C.	Vare
Gould	Larsen	Robsion, Ky.	Venable
Graham, Pa.	Lufkin	Rogers	Voigt
Greene, Mass.	Luhring	Rowan	Volstead
Hamill	McAndrews	Rowe	Walters
Hamilton	McClintic	Rucker	Ward
Harreld	McDuffie	Sabath	Webster
Hays	McGlennon	Sanders, Ind.	Wheeler
Heflin	McLane	Sanders, La.	Wingo
Hersey	McPherson	Schall	Winslow
Hersman	Maher	Scully	Yates
Hicks	Major	Sells	Young, Tex.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. HERSMAN.

Mr. ELLSWORTH with Mr. BLAND of Virginia.

Mr. FULLER of Illinois with Mr. DICKINSON of Missouri.

Mr. CANNON with Mr. SIMS.

Mr. CLASSON with Mr. ASWELL.

Mr. CRAMTON with Mr. BOOHER.

Mr. EDMONDS with Mr. DOREMUS.

Mr. GOODYKOONTZ with Mr. FLOOD.

Mr. HILL with Mr. JONES of Texas.

Mr. KEARNS with Mr. HOLLAND.

Mr. MORIN with Mr. RANDALL of California.

Mr. PAGE with Mr. MCCLINTIC.

Mr. RADCLIFFE with Mr. SMALL.

Mr. REAVIS with Mr. STEPHENS of Mississippi.

Mr. THOMPSON with Mr. MCGLENNON.

Mr. STINESS with Mr. STEDMAN.

Mr. TILSON with Mr. THOMAS.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GOLDFOGLE, until further notice, on account of sickness.

To Mr. SMITH of Michigan, for 10 days, on account of important business.

To Mr. CALDWELL, until further notice, on account of sickness.

To Mr. KLECZKA, at the request of Mr. RANDALL of Wisconsin, for one week, on account of illness in family.

EXTENSION OF REMARKS.

Mr. MACCRATE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I made to-day on the patent bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DEATH OF FORMER REPRESENTATIVE J. M. GUDGER, JR.

Mr. WEAVER. Mr. Speaker, it is with a very deep feeling of regret that I announce the death of Hon. James M. Gudger at his home in Asheville, N. C. Mr. Gudger rendered most distinguished services as a Member of this House in the Fifty-eighth, Fifty-ninth, Sixty-second, and Sixty-third Congresses. There are many here now who served with him and know his splendid character and ability. He was for many years one of the distinctive leaders in North Carolina. Due to his ability as a lawyer and splendid character as a man, he served his State in the senate of North Carolina and as a prosecuting officer in the courts. This led to his selection as the Representative from the tenth congressional district of North Carolina for four terms, and in that position his services were most conspicuous.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until Saturday, March 6, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for relocating the fence on the Fourteenth Street side of Auditors' Building (H. Doc. No. 671); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture, submitting a supplemental estimate of appropriation required by the Bureau of Biological Survey to reimburse the appropriation, "General expenses, Bureau of Biological Survey, 1920," for expenses on account of shortage of elk feed on the winter elk refuge at Jackson Hole, Wyo. (H. Doc. No. 672); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a letter calling the attention of Congress to serious congested conditions existing in various public buildings throughout the country (H. Doc. No. 673); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill extending authority to order boards of medical examiners, and for other purposes; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WOODS of Virginia, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11981) to provide for the admission, free of charge, to the public schools of the District of Columbia of children of parents employed at the Arlington National Cemetery and the agricultural experiment farm, located in Alexandria County, Va., reported the same with an amendment, accompanied by a report (No. 716), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KINKAID, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 12537) to provide for an examination and report on the condition and possible irrigation development of the Imperial Valley in California, reported the same with amendments, accompanied by a report (No. 717), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 1787) for the relief of Kentuck Corbett, reported the same adversely, accompanied by a report (No. 710), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 1003) for the relief of Jose Lopez y Castelo, reported the same adversely, accompanied by a report (No. 711), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 6721) for the relief of Revilow N. Spohn, reported the same adversely, accompanied by a report (No. 712), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 539) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of estate of Samuel N. White, deceased, reported the same adversely, accompanied by a report (No. 713), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (S. 767) for the relief of the heirs of W. H. Sneed, deceased, reported the same adversely, accompanied by a report (No. 714), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 11170) for the relief of Elizabeth R. Nicholls and Joanna L. Nicholls, heirs of Joshua Nicholls, reported the same adversely, accompanied by a report (No. 715), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 10373) to amend section 1406 of the revenue act of 1918, approved February 24, 1919, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRAHAM of Illinois: A bill (H. R. 12940) to amend section 4 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919; to the Committee on the Post Office and Post Roads.

By Mr. THOMPSON: A bill (H. R. 12941) to provide for the erection of a monument to Gen. Anthony Wayne and legion, at Defiance, Ohio, and markers for fort site, and retaining walls to prevent erosion at confluence of the Maumee and Auglaize Rivers; to the Committee on the Library.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12942) authorizing the Secretary of War to donate to the city of Independence, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. EVANS of Nevada: A bill (H. R. 12943) authorizing the Secretary of War to donate to each of the 17 counties in the State of Nevada two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

By Mr. NELSON of Wisconsin: Resolution (H. Res. 485) to print the "Use of T. N. T., a war-salvaged explosive, for peacetime purposes"; to the Committee on Printing.

By Mr. HUTCHINSON: Resolution (H. Res. 486) directing the Committee on Agriculture to inquire into the reported wheat pool and investigate the alleged dealings, operations, speculations, and manipulations of the United States Grain Corporation; to the Committee on Rules.

By Mr. TINKHAM: Resolution (H. Res. 487) providing for a chief clerk in the office of the superintendent of the folding room in lieu of a messenger; to the Committee on Accounts.

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, relative to the establishment by the United States Department of Agriculture of a forest experiment station in the White Mountain National Forest; to the Committee on Agriculture.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts, relative to the continuance of work at the Watertown Arsenal; to the Committee on Military Affairs.

By Mr. O'CONNELL: Memorial of the Senate of the State of New York, regarding the unlawful discharge of oil and other matters by vessels in the harbor of New York; to the Committee on Rivers and Harbors.

By Mr. CULLEN: Memorial of the New York State Senate, regarding the unlawful discharge of oil and other matters by vessels in the harbor of New York; to the Committee on Rivers and Harbors.

By Mr. MAHER: Memorial of the New York State Senate, regarding the discharge of oil and other matters by vessels in the harbor of New York; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12944) granting an increase of pension to Martha A. Burdick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting a pension to John Hayes; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 12946) granting a pension to George Sparks; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12947) granting an increase of pension to Ada Johnston Cowles; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12948) granting a pension to W. R. Shubert; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 12949) granting a pension to George H. Swigart; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2090. By the SPEAKER (by request): Petition of the City Council of Philadelphia, "for the restoration of mail-tube service"; to the Committee on the Post Office and Post Roads.

2091. By Mr. BABKA: Petition of the Marcellus (Tenney) Post, No. 71, of the American Legion, Cleveland, Ohio, relative to the adjusted compensation for the ex-service men and women; to the Committee on Ways and Means.

2092. By Mr. BARBOUR: Petition of the Sampson Richards Post, No. 180, of the American Legion, urging support of bonus for service men; to the Committee on Ways and Means.

2093. Also, petition of certain residents of Tulare County, Calif., against universal military training, etc.; to the Committee on Military Affairs.

2094. By Mr. BEGG: Resolutions of Laurence E. Broome Post, No. 292, American Legion, at New London, Ohio, urging action on soldiers' bonus legislation granting a $50 bond for every month of service; to the Committee on Ways and Means.

2095. By Mr. BYRNS of Tennessee: Evidence in support of House bill 12913, granting an increase pension to William B. Carr; to the Committee on Invalid Pensions.

2096. By Mr. CAREW: Petition of the Merchants' Association of New York, favoring the present separate finance service of the War Department; to the Committee on Military Affairs.

2097. Also, petition of Lylic Post, American Legion, New York, indorsing the resolution of the national convention of the American Legion at Minneapolis regarding the soldiers' bonus; to the Committee on Ways and Means.

2098. By Mr. FOCHT: Evidence in support of House bill 12473, granting an increase of pension to Jessie Wiggins Conn; to the Committee on Pensions.

2099. By Mr. FULLER of Illinois: Petition of the National Foreign Trade Council, relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2100. Also, petition of the Merchants' Association of New York, favoring certain provisions in the Army reorganization bill, etc.; to the Committee on Military Affairs.

2101. Also, petition of Berbert W. West, commander, and 69 members of the Sycamore Post, No. 99, of the American Legion, department of Illinois, favoring the $50 per month plan for the ex-service men and women; to the Committee on Ways and Means.

2102. By Mr. GALLIVAN: Petition of the Commission on Foreign and Domestic Commerce, the Boston Chamber of Commerce, and Harry F. Olson, editor, of Boston, Mass., relative to the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2103. Also, petition of Henry Jacobson and five other citizens of Boston, Mass., opposed to the sale of the former German ships; to the Committee on the Merchant Marine and Fisheries.

2104. Also, petition of citizens of Boston, Mass., urging the $480 bonus for Federal employees; to the Committee on Appropriations.

2105. By Mr. KIESS: Evidence in support of House bill 12638, granting a pension to Cyrus J. Wilsey; to the Committee on Invalid Pensions.

2106. By Mr. LINTHICUM: Petition of John J. Darg, field agent, Bryantown, Md., favoring increased appropriation for Bureau of Crop Estimates; to the Committee on Agriculture.

2107. Also, petition of Willoughby M. McCormick, Baltimore, Md., opposing the return home of the bodies of American soldiers who died in France; to the Committee on Military Affairs.

2108. Also, petition of J. A. Bokel Co., Baltimore, Md., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

2109. Also, petition of Potomac Lodge, No. 3, Amalgamated Association of Iron, Steel, and Tin Workers of North America, Cumberland, Md., protesting against the Graham bill; to the Committee on the Judiciary.

2110. Also, petition of members of the Women's Civic League, of Baltimore, Md., indorsing the Fess bill, House bill 12078; to the Committee on Education.

2111. Also, petition of the American Legion Headquarters Post, No. 8 (Maryland Branch), of the city of Baltimore, Md., relative to "adjusted compensation"; to the Committee on Ways and Means.

2112. Also, petition of the Blue Ribbon Candy Co., of Baltimore, Md., relative to the excise tax; to the Committee on Ways and Means.

2113. Also, petition of the Gathmann Engineering Co. of Baltimore, Md., favoring House bill 11984; to the Committee on Patents.

2114. Also, petition of the Baltimore Federation of Labor, indorsing House bill 12123; to the Committee on Appropriations.

2115. Also, petition of citizens of Washington, D. C., and Baltimore, Md., relative to the bonus for Federal employees, etc.; to the Committee on Appropriations.

2116. By Mr. NELSON of Wisconsin: Petition of Phillips Commercial Club, of Phillips, Wis., urging defeat of Senate bill 3792, known as the Army reorganization bill; to the Committee on Military Affairs.

2117. By Mr. NEWTON of Minnesota: Petition of the Wallace S. Chute Post of the American Legion, opposed to soldiers' bonus being brought up this year, etc.; to the Committee on Ways and Means.

2118. By Mr. O'CONNELL: Petition of the National Industrial Conference Board of Boston, Mass., asking for the Federal tax commission to examine the present internal-revenue laws, etc.; to the Committee on Ways and Means.

2119. Also, petition of the Grasselli Chemical Co., of New York, urging the adoption of measures to help the country's foreign commerce; to the Committee on Interstate and Foreign Commerce.

2120. Also, petition of the National Organization for Public Health Nursing of New York City, relative to certain provisions in the Army reorganization bill; to the Committee on Military Affairs.

2121. By Mr. ROWAN: Petition of citizens of the city of New York, urging the passage of the bill to give relief to the starving people of Europe, etc.; to the Committee on Foreign Affairs.

2122. Also, petition of the board of directors of the Dried Fruit Association of New York, indorsing the Calder bill regarding the national food and drug act; to the Committee on Interstate and Foreign Commerce.

2123. Also, petition of the Merchants' Association of New York City, relative to certain provisions in the Army reorganization bill, etc.; to the Committee on Military Affairs.

2124. Also, petition of the H. H. Jennings Co., of New York City, relative to the channel at Absecon Inlet, etc.; to the Committee on Rivers and Harbors.

2125. Also, petition of the National Jewelers' Board of Trade, of New York City, urging the passage of House bill 11980; to the Committee on Ways and Means.

2126. Also, petition of the National Conservation Association, of Washington, D. C., relative to the water-power bill, House bill 3184; to the Committee on Water Power.

2127. Also, petition of Joseph B. Thomas, treasurer of the Cornucopia Mines Co., of Oregon, regarding the gold in the United States; to the Committee on Mines and Mining.

2128. By Mr. SINCLAIR: Petition of Newburg Branch Club, No. 63, Women's Auxuliary, Newburg, N. Dak., protesting against universal military training; to the Committee on Military Affairs.

2129. Also, petition of Newburg Branch Club, No. 63, Women's Auxiliary, Newburg, N. Dak., opposing passage of the sedition bills; to the Committee on the Judiciary.

2130. By Mr. STEENERSON: Petition of citizens and ex-soldiers of Shelly, Norman County, Minn., favoring a bonus of $50 for each month of service rendered; to the Committee on Ways and Means.

2131. By Mr. TINKHAM: Petition of the George S. Shepherd Post, No. 7, Department of Massachusetts, relative to the bonus for ex-service men and women; to the Committee on Ways and Means.

2132. By Mr. WARD: Resolution adopted by the Board of Aldermen of Kingston, N. Y., favoring continuance of Lever food and fuel control act; to the Committee on Agriculture.

SENATE.

SATURDAY, *March 6, 1920.*

(Legislative day of Wednesday, March 3, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Glass	Lenroot	Smith, Ga.
Borah	Gore	Lodge	Smith, Md.
Brandegee	Gronna	McLean	Smith, S. C.
Calder	Hale	McNary	Smoot
Capper	Harris	Moses	Spencer
Chamberlain	Henderson	Myers	Sterling
Colt	Hitchcock	Nelson	Sutherland
Culberson	Johnson, S. Dak.	New	Thomas
Cummins	Jones, N. Mex.	Norris	Townsend
Curtis	Jones, Wash.	Nugent	Trammell
Dial	Kellogg	Overman	Wadsworth
Dillingham	Kendrick	Phipps	Walsh, Mont.
Fletcher	Kenyon	Pittman	Warren
France	Keyes	Poindexter	Watson
Frelinghuysen	King	Ransdell	Williams
Gay	Kirby	Sheppard	
Gerry	Knox	Sherman	

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Massachusetts [Mr. WALSH] and the Senator from Delaware [Mr. WOLCOTT] are absent on public business.

The Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Mississippi [Mr. HARRISON], the Senator from North Carolina [Mr. SIMMONS], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from California [Mr. PHELAN] are detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

ADDITIONAL PATENT OFFICE EMPLOYEES (S. DOC. NO. 245).

The PRESIDENT pro tempore, as in legislative session, laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting a supplemental estimate of appropriation in the sum of $39,700 required by the Patent Office for additional employees for the fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TRAINING OF FEDERAL EMPLOYEES (S. DOC. NO. 246).

The PRESIDENT pro tempore laid before the Senate a communication from the Chief of the United States Bureau of Efficiency, transmitting, in response to a resolution of January 7, 1920, a report on the advisability of establishing a training school for Federal employees in the District of Columbia, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11984. An act to increase the force and salaries in the Patent Office, and for other purposes; and

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.;

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.; and

S. J. Res. 156. A joint resolution authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers.

PETITIONS AND MEMORIALS.

Mr. KNOX. As in legislative session, I present a resolution adopted by the City Council of Philadelphia, Pa., which I ask to have inserted in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD and to lie on the table, as follows:

CLERK'S OFFICE, CITY COUNCIL,
Philadelphia, March 3, 1920.

Hon. PHILANDER C. KNOX,
United States Senator.

SIR: This is to certify that the following is a true and correct copy of the original resolution passed by the city council on the 2d day of March, 1920:

Resolution for the restoration of mail-tube service.

"Whereas the pneumatic tube service, which represents the beginning of this real practical reform, had its origin in this city under the inspiration of our first citizen, John Wanamaker, and has demonstrated its usefulness by more than 20 years' actual daily service to the satisfaction of its patrons and the public in general; and

"Whereas its arbitrary, indefensible abolition last year caused great hardship and inconvenience to all elements of our population, arousing a spirit of indignant protest, particularly throughout the business community, where the loss entailed is very severe: Therefore be it

"*Resolved*, That the council of the city of Philadelphia, reiterating the position on this subject expressed again and again heretofore by our municipal government, requests the immediate restoration of the pneumatic mail tubes, as set forth in House bill No. 11634; and be it

"*Resolved*, That this body go on record as indorsing most emphatically House concurrent resolution No. 44, now before the Senate Post Office Committee, for the preservation of this property pending further congressional action in the matter; and be it also

"*Resolved*, That council favors the creation by Congress of a competent commission for the investigation of the whole question of mail transportation, especially in great cities, and of the Post Office Department as well."

Attest:

WM. H. FELTON,
Clerk of City Council.

Mr. CAPPER presented a resolution adopted at a convention of veterans of the World War, held at Columbus, Kans., favoring legislation providing for a bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Photo-Engravers' Union No. 41, of Topeka, Kans., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Overbrook, Elkhart, Beloit, Hardner, Little River, Abbeyville, and Oakhill, all in the State of Kansas, and of sundry citizens of Elk City, Okla.; Granger, Mo.; and Guide Rock, Nebr., remonstrating against compulsory military training, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4020) granting an increase of pension to Susan W. Allison; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 4021) to provide for the acquisition of a site and the erection thereon of a public building at Cordell, Okla.;

A bill (S. 4022) to provide for the acquisition of a site and the erection thereon of a public building at Elk City, Okla.; and

A bill (S. 4023) to provide for the acquisition of a site and the erection thereon of a public building at Clinton, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH:

A bill (S. 4024) to provide for the reimbursement of actual expenses to officers of the Army, contract surgeons, and dental surgeons when traveling on duty without troops within the Territory of Alaska; and

A bill (S. 4025) for the relief of disbursing officers of the United States Army; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 4026) granting an increase of pension to James M. Millirons (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA (for Mr. MCCUMBER):

A bill (S. 4027) to enable the Commissioner of Internal Revenue to simplify the regulations under which exported property is exempt from the transportation tax, and to prevent discrimination against agricultural and other commodities transported to a port or place of export to supply foreign requirements; to the Committee on Finance.

SHORT-TIME RURAL CREDITS.

Mr. GORE. Mr. President, as in legislative session, I give notice of an amendment which I intend to offer to the regular Agricultural appropriation bill. I ask that it be printed and referred to the Committee on Agriculture and Forestry.

There being no objection, the amendment was ordered to be printed and referred to the Committee on Agriculture and Forestry and to be printed in the RECORD, as follows:

SEC. —. That there is hereby constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to investigate and report at as early a date as may be as to the practicability of establishing a system of short-time rural credits in the United States and to recommend such legislation as may be deemed practicable and desirable to that end. The said committee is hereby authorized to hold meetings either during or between sessions.

The sum of $15,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, who shall be selected by the committee.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CUMMINS (Mr. GRONNA in the chair) submitted an amendment proposing to appropriate $1,800 for salary to Alanson D. Gaston, a Senate messenger, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to appropriate $102,300 for investigations of the best methods of road making, especially ordinary sand-clay, clay, and dirt roads, and the best kind of road-making materials, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CALDER submitted an amendment providing that hereafter every day set aside by a State to be observed as a holiday therein in addition to the holidays now prescribed by law for the Postal Service shall be a holiday within the provisions of law for the employees of the Postal Service within such States, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for the repeal of the requirement in section 4 of the act of June 29, 1906, relative to the filing of a certificate of arrival from the Department of Labor with the clerk of the court at the time of the filing of petition for naturalization, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CALDER submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

POSSESSIONS OF GREECE.

Mr. LODGE submitted the following resolution (S. Res. 324), which was referred to the Committee on Foreign Relations:

Resolved, That it is the sense of the Senate that Northern Epirus (including Corytza), the Twelve Islands of the Ægean, and the western coast of Asia Minor, where a strong Greek population predominates, should be awarded by the peace conference to Greece and become incorporated in the Kingdom of Greece.

DEVELOPMENT OF AGRICULTURAL RESOURCES.

Mr. FLETCHER. Mr. President, I now renew the request I made the other day for unanimous consent, and I am sure it will cause no discussion whatever. All the parties who are interested in the matter have agreed to it. I move that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 3942) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces, and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MCLEAN. Mr. President, I wish to say that the Committee on Banking and Currency has no disposition to escape any responsibility which properly belongs to it, neither has it any disposition to encroach upon the jurisdiction of other committees. This bill was referred to our committee and we began hearings upon it. It was soon suggested that the bill ought not to be considered by our committee, because it had nothing to do with banking and currency, and that a similar bill which was introduced in the House had been referred to the Committee on Ways and Means. The bill does involve a large issue of Government nontaxable bonds, and it was my view that it ought to go to the Committee on Finance of the Senate. The author of the bill is anxious to have it referred to the Committee on Irrigation and Reclamation of Arid Lands, and if it is believed that it should go there, it is immaterial to me, and I have no objection to the reference suggested by the Senator from Florida.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent to move, as in legislative session, that the Committee on Banking and Currency be discharged from the further consideration of Senate bill 3942 and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands. Is there objection to the request of the Senator from Florida?

Mr. SMOOT. Mr. President, I simply wish to make a short reply. I am not going to object to the request of the Senator from Florida. As I stated before, I think the bill should go either to the Committee on Finance or to the Committee on Public Lands. The proper committee, in my opinion, is the Committee on Public Lands; but the chairman of the Committee on Irrigation and Reclamation of Arid Lands claims that similar bills have been referred to the Irrigation and Reclamation Committee, and he desires to have this bill go to that committee. I have no objection to it whatever, but I think I ought to take this occasion to say that, as far as I am personally concerned, I can not support any kind of a proposition to exempt bonds for irrigation purposes or any other purpose from Federal taxation, and this bill involves that question.

Mr. FLETCHER. That is a matter for the committee and for the Senate to determine.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none.

The Senator from Florida moves that the Committee on Banking and Currency be discharged from the further consideration of Senate bill 3942 and that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The motion was agreed to.

MISS JULIA LATHROP'S TRIP TO EUROPE.

Mr. KENYON. Mr. President, I think it does not require very much courage on the part of Members of the Senate to attack on the floor people upon the outside, even when they attack men. I think it requires a less degree of courage when they attack women.

On yesterday the Senator from Utah [Mr. SMOOT], who heretofore has been very careful about putting into the RECORD letters from people, placed in the RECORD a letter which was a covert attack, if not an open one, upon the head of the Children's Bureau, who is doing such good work for humanity. The Senator from Utah said:

I call attention to this—

That is, her trip to Czechoslovakia—

because I believe that all such junketing trips should cease.

Further he said:

I have been trying to find out from what appropriation the moneys are spent for this purpose, but so far I am uninformed.

It would have been better if the Senator had informed himself before making the attack on this lady. The facts should go in the RECORD. If there is no one else to speak for her, I will.

The Czecho-Slovak Republic asked the State Department to permit Miss Lathrop to come to that country and assist them in the problems affecting the children of that struggling new nation. She has done a great work in this country in the Children's Bureau, and instead of the Government paying any part of this expense she pays it out of her own pocket. The Acting Secretary of State requested the Secretary of Labor to excuse her from her work for a brief period, not exceeding, I think, 90 days.

Mr. President, I notice that the Senator from North Carolina [Mr. OVERMAN] also referred to the matter, and referred to this bureau as one which was to cost but $25,000 per annum. I have observed that generally when the Children's Bureau is here for appropriations there are certain Senators who have endeavored to cripple its work, though I do not find when they come to voting on questions of eradicating the boll weevil or studying the diseases of plants or eradicating the cattle tick that there is much said against such bureaus or such appropriations. I can not understand it. I know we are living in a reactionary age. I know that when some candidates for the Presidency now are asked to give their political views on questions they point with pride to the platforms of 1861 and 1865 and 1869 for their views, and I know among that kind of politicians there is a tendency to regard such institutions as the Children's Bureau as a joke and work for humanity as a farce. I suppose that opposition to the bureau is the reason for this attack upon Miss Lathrop.

I join with those who are against junketing trips, but when a woman, devoted to the cause of humanity, who is giving her life to help little struggling children, is called upon to go to another country for the benefit of their poor, little, starving, underfed children, at the request of that nation, and to try to help build them up and help that nation in the problem of caring for its children, I think it is beyond the proprieties that such a woman should be attacked on this floor, even covertly.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Iowa that I have made no attack upon Miss Lathrop.

Mr. KENYON. What was the letter put in the RECORD for?

Mr. SMOOT. If the Senator will wait a moment, I will tell him.

Mr. KENYON. I will wait.

Mr. SMOOT. I received a letter from a Government employee and I quoted from that letter. The Senator will find it in the RECORD. Among other things stated in the letter, the writer said:

It is about time that such junkets were halted.

I also read into the RECORD the announcement made in the Washington Post of March 3.

I wish to say to the Senator that from the information I have the trip of Miss Lathrop is a junketing trip, and I thought it was nothing more than right to express my disapproval of junkets in general, and that they should cease. The Senator from Iowa knows that the Government of the United States has been paying money time and time again for junketing trips to Europe, and will continue to do so unless a stop is put to it by Congress; and I care not what may be said of me because of my opposition to all of them.

If Miss Lathrop is paying her own expenses and the writer was mistaken, well and good; I have not a word to say if she can be spared from her work in this country. If I can do anything in the future to stop this practice by calling the attention of the Senate and of the country to junketing trips, I am going to do it, irrespective of whether it pleases any Senator or whether it pleases any favored employee of the Government.

I am greatly delighted to hear the Senator make the explanation that Miss Lathrop is not going abroad at the expense of the Government. My information was otherwise. If the Senator desires to see the letter from which I quoted, I am perfectly willing to show it to him. Miss Lathrop is employed to look after the welfare of American children, and I am in favor of such work.

Mr. OVERMAN. Mr. President, the Senator from Iowa has referred to a question which I asked the Senator from Utah when he was making his statement on yesterday. I think I have been for 18 years consistently opposed to the establishment of new bureaus and new departments. I have taken that position in the interest of the economical administration of the affairs of the Government. I have contended that the Children's Bureau might be carried on and that its good work might be conducted without the establishment of a new bureau. It was originally stated on the floor here that the establishment of this bureau would not cost to exceed $25,000 per annum. I then contended that it would cost much more, and it is now costing the Government over $400,000 a year, taking the course of all other similar bureaus after their establishment. The Senator from Iowa has always stood here with me in the interest of economy.

In asking the question of the Senator from Utah I merely desired to illustrate my idea, that when such bureaus are established, although it is stated upon the floor of the Senate that they will cost but little money, they invariably cost about one hundred times more than it is contended in the first instance that they will cost. I repeat it was stated on the floor that the Children's Bureau would not cost to exceed $25,000 per annum, and yet we are now appropriating nearly $400,000 annually for its expenses. I merely wished to show that I was right in my contention that it would cost over $25,000.

Mr. KENYON. I do not think the Senator means to state that I stood with him in his fight against the appropriation for the Children's Bureau.

Mr. OVERMAN. No.

Mr. KENYON. I never thought it was proper economy to economize on little children.

Mr. OVERMAN. The Senator from Iowa, I am aware, is very much interested in this matter, but I contended that the work could be done in the department then existing rather than establishing a new bureau; that was my idea in the first instance, and I believe now it is correct. I believe that if we had carried on this work originally through Miss Lathrop or some other good woman, without the establishment of a new division or a new bureau, we would have saved the Government three hundred or four hundred thousand dollars.

Mr. SHERMAN. Mr. President, I will ask the Senator from Massachusetts [Mr. LODGE] to indulge me for just a moment on this matter. I have been for two or three years connected with the appropriations for this bureau. The Senator from North Carolina [Mr. OVERMAN] states substantially what has occurred. The bureau is headed by Miss Lathrop. I do not take it that the Senator from Utah [Mr. SMOOT] meant his remarks as an attack upon Miss Lathrop, but only to remind her that the proposed trip abroad was not strictly within the line of her official duty; that it would necessarily result in the expenditure of public funds for this service outside of the United States. I supported upon two occasions in the committee and once upon the floor of this Chamber an appropriation for the Bureau of Child Welfare since Miss Lathrop has been put at the head of the bureau. I was associated with her for some years in the western section of the country, especially in Illinois. She came from Rockford originally, where she had charge of a great deal of charitable work, which she performed in a very creditable manner, working out of Chicago, not only in Illinois but in many of the Western States tributary to Chicago.

The Children's Bureau was created for the purpose of taking care, within the limits of the Federal Government appropriations, of children and their welfare within the United States. As the Senator from North Carolina says, it was originally a small appropriation, limited to $25,000; but it has increased, as all such appropriations do. I am not saying that the appropriation of $400,000 is not justified; I will meet that question when it comes up in a proper way in connection with the appropriation bill; but I agree with the Senator from Utah that an official appointed and paid under the appropriation for the Children's Bureau is appointed and paid to attend to the welfare of children

in the United States. I can find children in Washington needing the research work of this department and its civilizing influences as much as do the children in Czechoslovakia or in the interior of Poland.

Yesterday I talked with a newspaper man just returned from Warsaw, Poland. More than a million children require help in Poland if they are to be restored to health or to a reasonable prospect of reaching years of maturity.

The effort to improve their condition is to be made as a separate matter; it has no connection with the child-welfare work of the Children's Bureau of the United States, for which Miss Lathrop has been appointed, and out of the appropriation for which she is paid. I regard expenditures outside of the United States as a perversion of the appropriation. I do not think Miss Lathrop on her own motion has taken this step. I think authority has been given her on a suggestion coming from some other quarter, probably from a higher source.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. I yield.

Mr. KENYON. Was the Senator from Illinois present when I stated that the State Department had requested this of the Secretary of Labor? The request came from the Czechoslovakian Government to the State Department.

Mr. SHERMAN. I was not present when the Senator from Iowa made that statement.

Mr. KENYON. And the State Department, in turn, requested the Secretary of Labor to allow Miss Lathrop to go to that country.

Mr. SHERMAN. I regard that as aggravating the offense, because I regard it as an offense against the appropriating power of Congress and as a departure from the purposes expressed by Congress in creating this bureau. I do not criticize the motive, but I do criticize the action taken on the ground that, under the power given Congress, the appropriation was limited to the welfare of children in the United States and was not to be expended for the purpose of trips abroad.

Mr. KENYON. Does the Senator object to that because he thinks Miss Lathrop will be drawing her salary during the time she is absent?

Mr. SHERMAN. Not necessarily.

Mr. KENYON. She pays her own expenses. She will be absent from the country, that is true; but the President of the United States was absent from the country. Did the Senator from Illinois ever object to that?

Mr. SHERMAN. That is what I understood; and from the unfriendly comments from the various Democratic and independent editors of the country, I understood they objected to the comments I made upon that question. So I regard myself as peculiarly fitted for criticism of this kind.

Mr. KENYON. I was simply trying to divert the Senator's mind from this particular subject.

Mr. SHERMAN. I do not want to take further time; but I repeat it is a perversion of the appropriation. It ought not to be tolerated. It is another instance of bureaucratic perversion of power, as frequently happens when once an appropriation is given to a department under a blanket item.

Mr. KENYON. Mr. President, if Miss Lathrop receives no salary and pays her own expenses, then, it will not be a perversion of the funds.

Mr. SHERMAN. She was not appointed for that purpose, to abdicate her functions and go abroad. If she wants to resign and get off the pay roll and go over to serve the children in Czechoslovakia or any other European country, I have no objection to that.

Mr. KENYON. If she is receiving no salary during this time, the Senator would have no objection to that, would he?

Mr. SHERMAN. I would. She is either a Federal officeholder or she is not. If she is a Federal officeholder and appointed as the head of this bureau, then she ought to stay here. I repeat that I can find more children in Washington needing her help than she can find in Czechoslovakia. I know about what will happen to her. She will go over there, and as the head of the Childs' Welfare Bureau she will carry with her credentials from the Department of State and from the Secretary of Labor. She will be received and feted and banquetted and received in all the governmental circles. President Masaryk and his family will spend a great deal of time in showing her about, and will give her enough advantageous slum work to satisfy even a professional of her ability; and she does have great ability in that direction. However, she was not appointed for that purpose. I say it with the greatest respect for Miss Lathrop, and I have boundless respect for her ability in work of this kind, but she was employed for the very purpose of rescuing children from the slums of the United States. I am adhering to my original idea when I say that there is a great deal of work of this character to be performed here at home. She was appointed for that purpose, not to resign or cease to draw her salary and go abroad to take care of the children of other countries, but for the express purpose of taking care of the children in this country. So I think that the criticism of the Senator from Utah—not making any objection to the defense, if any defense is necessary, by the junior Senator from Iowa—is properly offered, not as directed against Miss Lathrop but as against her superior officers who called upon her to go abroad.

INDIAN APPROPRIATIONS.

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920, was read twice by its title.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the joint resolution. It simply changes the figure "20" to "21," in the Indian appropriation bill, for one item in regard to Oklahoma.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of House joint resolution 305, which will be read.

The joint resolution was read, as follows:

Resolved, etc., That the fifth paragraph of section 18 of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920, which reads as follows: "The sum of $200,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1920: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat., p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood," be, and the same is hereby, amended so as to read:

"The sum of $200,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1921: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (40 Stat., p. 564), limiting the expenditure of money to educate children of less than one-fourth Indian blood."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

H. R. 11984. An act to increase the force and salaries in the Patent Office, and for other purposes, was read twice by its title and referred to the Committee on Patents.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The Secretary will state the pending reservation, which is reservation No. 9.

The Reading Clerk read as follows:

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

The PRESIDENT pro tempore. The question is upon agreeing to the reservation just read.

Mr. HITCHCOCK. Mr. President, so far as I know, this is the first time in the history of the United States when in entering into a treaty with a number of other nations for the doing of something jointly the United States has stipulated, or attempted to stipulate, that it will not pay or obligate itself to pay its just share of the expenses of the necessary organization. We have entered into treaties with other countries constituting commissions; we have made our contribution year after year to the expenses of those commissions, and I think there never has been a case when in the treaty itself in which we bind ourselves to the constitution of the commissions we specify that we refuse to bind ourselves to the payment of our share of the expenses

until or unless the Congress shall in due time make the appropriation.

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I yield.

Mr. KELLOGG. As I recollect, all the expenses of the labor conference and of the international bureaus are to be paid as expenses of the office of the secretariat, and, if I remember correctly, the Senator from Colorado [Mr. THOMAS] estimated that the labor commission alone would cost many million dollars. For that reason, it seems quite proper that Congress should make the appropriation before we are bound.

Mr. HITCHCOCK. Mr. President, there is a separate reservation, which I presume will be adopted, which refuses to incur any obligation on our part under the labor clauses, even if what the Senator says is correct, that they will involve large expenditures of money.

Mr. KELLOGG. Mr. President, just a moment, if the Senator will pardon me——

Mr. HITCHCOCK. But this reservation is so sweeping that not a dollar of the necessary expenses of the League of Nations will be paid by the United States as a definite obligation; we assume not a dollar of obligation for necessary expenses under this reservation.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield.

Mr. BORAH. As a mere matter of domestic legislation and government, I do not presume that in any event we could pay a dollar of the expenses referred to until Congress acted, could we?

Mr. HITCHCOCK. I think not; but the reservation wipes out the obligation.

Mr. BORAH. No. I think it is a superfluity, if I may use the term. The obligation is there, but we simply write what is thoroughly understood already; we rewrite what everyone knows to be true, and that is that we can not get the money out of the Treasury until Congress acts. We could not, if we tried, by treaty change that law; that is the Constitution of the United States. This is another one of those reservations which, in my opinion, does not change anything at all.

Mr. LODGE. Mr. President, if the Senator from Nebraska will allow me——

Mr. BORAH. I am going to vote for the reservation.

Mr. LODGE. I desire to point out to the Senator from Idaho what the trouble is. If we do not add this reservation money will be spent, as it was spent at the peace conference, without any restriction whatever, and if we do not adopt the reservation we shall be told that we are in honor and morally bound to pay, and, of course, will have to make the appropriation. It will be held up to us that we are morally bound to make the appropriation, and I want Congress to have some control over these expenditures.

Mr. BORAH. I agree with the Senator from Massachusetts that Congress ought to have control, but I go further and say that Congress has control, and that control can not be taken away from Congress.

Mr. LODGE. I agree to that, but I do not want Congress to be met with the proposition when the appropriations come along that we are morally bound to make them, whatever they may be. Turn these gentlemen loose, as they were at Paris, with their hands in the United States Treasury, and if we are morally bound to make the appropriations which we are asked to make we can not tell what they will spend.

Mr. BORAH. No; and that would be true, I presume, whoever was there; but, as I remember, those who went to Paris had their appropriations before they went. However, Mr. President, I simply rose to say that, in my opinion, this resolution does not change anything at all.

Mr. HITCHCOCK. Mr. President, as the Senator from Massachusetts knows very well, a reservation can be drawn so as to limit the obligation of the United States to certain expenditures which are absolutely necessary and legitimate; but, it seems to me, it comes with bad grace from the Senate of the United States to insert a repudiation of a legitimate obligation as to necessary expenses, when the whole country knows that the Senate year after year has voted, and will vote again this year, in favor of maintaining internationl commissions which do no work and render no service. In the Consular and Diplomatic bill which comes here every year we appropriate for the salaries of "lame ducks," former Senators of the United States, sitting upon those commissions and rendering no service whatever.

Mr. KING. We ought to abolish them.

Mr. HITCHCOCK. We will vote for them again this year.

Mr. CURTIS. Mr. President, I wish the Senator would name some of those commissions. I recall, as a member of the committee at the last session of Congress having charge of the bill, that we eliminated the commissions not authorized by treaty and one or two which were authorized by treaties. Two or three were restored because the conferees upon the part of the House insisted upon these going back, but we were able to keep some of them out, and I should like to know those which are now in existence, if the Senator will name them.

Mr. HITCHCOCK. I wish to ask the Senator from Kansas if he knows anything about the Canadian Waterways Commission, and what services those commissioners rendered last year?

Mr. CURTIS. Personally I know nothing about the services they rendered last year.

Mr. HITCHCOCK. The Senator knows that there are a number of ex-Senators upon that commission.

Mr. CURTIS. No; I do not. I know there is one ex-Senator upon it.

Mr. HITCHCOCK. There are a number.

Mr. LODGE. There are two, to be exact.

Mr. HITCHCOCK. And the Senator ought to know that, practically speaking, that commission rendered no service whatever last year.

Mr. CURTIS. I know that at the last session of Congress the committee attempted to eliminate that commission, but after a full and complete hearing they concluded that the commission were rendering some service. I can not speak for it since that time.

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

Mr. HITCHCOCK. I yield to the Senator from Utah.

Mr. SMOOT. The Senator is right in relation to the appropriations made for these commissions; but I want to say that the reason why the appropriations have been made in the past, and up to the present time, is because the treaties that we have made require the appropriations. If those treaties can be set aside I assure the Senator that no appropriations will be made for those commissions.

Mr. HITCHCOCK. Mr. President, those treaties in most cases require only six months' notice to set them aside.

Mr. SMOOT. Then that notice ought to be given.

Mr. HITCHCOCK. In one case that I have in mind a year's notice is required; but it is not possible to get through the Senate of the United States a resolution giving that notice or to insert in the appropriation bill a provision for giving that notice. We are appropriating here, year after year, tens of thousands of dollars in the payment of salaries for what are practically sinecures, and now the same Senators that are doing that are putting in a provision as a reservation to this treaty by which it is proposed that we shall not assume any obligation even for the necessary and legitimate expenses of this great international organization.

Mr. CURTIS, Mr. LODGE, and Mr. LENROOT addressed the Chair.

The PRESIDENT pro tempore, Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Kansas.

Mr. CURTIS. I should like to say to the Senator that, as I stated a moment ago, the subcommittee and the full committee and the Senate at the last session of Congress eliminated all of those commissions that were not provided for by treaty. I understood that the committee requested the Secretary of State to give the proper notice to end the treaty obligations so as to eliminate some of the commissions that were provided for under treaties.

Mr. HITCHCOCK. Mr. President, the House at the other end of the Capitol sent us the Diplomatic and Consular appropriation bill without provision for the Canadian Waterways Commission.

Mr. CURTIS. Not at the last session of Congress.

Mr. HITCHCOCK. Well, this year.

Mr. LODGE. Mr. President, the Senator is mistaken. I know he wants to be correct. The Canadian Waterways Commission and the Mexican Commission have to be provided for under the treaties, as the Senator knows. There is a moral obligation which we have to fulfill.

The House cut down the appropriation for the Mexican Commission to $5,000. That, of course, would have put the commissioner and the secretary at once out of existence, because it would not have paid their salaries, but it would have kept the commission alive.

The other commission is the Canadian Waterways Commission, which has done, I think, work of a great deal of value. There are not a number of ex-Senators on it. There are

two ex-Senators on it. One is ex-Senator Obadiah Gardner, a Democrat, from Maine. The other is former Senator Clark, of Wyoming, a Republican. The third is ex-Gov. Glenn, of North Carolina. If they are "lame ducks," two of them are Democrats and one is a Republican.

Mr. HITCHCOCK. That does not make any difference.

Mr. LODGE. Mr. President, one word more.

I think those are the only commissions. The others are small sums of money to which the United States is bound under treaties—small and fixed sums for measuring the earth, and things of that kind, to which we have agreed. They are small sums, but we have agreed to them by treaty, and they create a moral obligation which I have always sustained because it was a treaty obligation.

Here we are dealing with something which will cost millions, a permanent charge on the Treasury reaching to millions. Why, the secretary general alone receives a salary of $50,000. There, I think, we should not be under the moral obligation, and that is the purpose of this reservation.

Mr. HITCHCOCK. Mr. President that is what I am calling attention to. This body has repeatedly and recently appropriated, and will again appropriate, money unnecessarily for the payment of commissioners who practically render no service—$7,500 a year salary for a commission holding only one meeting in a year!

Mr. LODGE. They have had three meetings this year.

Mr. HITCHCOCK. I say that such a Senate has a conscience that is not so tender as it would seem to be when it proposes to insert here a reservation repudiating even the legitimate office expenses of the secretariat.

I have not any more to say. I just want to expose the fact that this reservation has for its purpose the repudiation of every legitimate expense of this international commission, and that we are not in a frame of mind or of morals to do it. We have never done it before, we are not doing it now, and we are not going to do it next week when we vote on these commissions.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. SMOOT. I want to ask the Senator if he believes that Congress could give notice, without action on the part of the President, terminating these treaties?

Mr. HITCHCOCK. Mr. President, I will answer that question.

Mr. SMOOT. I want to say, further, that if it can be done, I think it ought to be done.

Mr. HITCHCOCK. I will say to the Senator that in the forthcoming Consular and Diplomatic bill I proposed and secured the insertion of a statement that this was the last appropriation which Congress would make for the Mexican Waterways Commission, and that the Congress thereby requested the State Department to give the necessary six months' notice for the termination of our obligations under it. I believe that these sinecures ought to be abolished, and I say that the Senate, which has tolerated them, and which will continue to tolerate them in spite of protests, is in no condition to make a reservation of this sort, repudiating perfectly legitimate obligations.

Undoubtedly it would be possible to frame a reservation to limit our obligations so as to provide against extravagance; but to say that we will not be obligated for anything, when we know that the ratification of the treaty calls for the constitution of the commission and other bodies, is a perfectly ridiculous and disgraceful attitude for the Senate to assume.

That is all I have to say.

Mr. THOMAS. Mr. President, the commission known as the Commission on the International Boundary Between the United States and Mexico is a joint commission composed of representatives of the two nations lying on each side of the Rio Grande River. That commission was created by a treaty or series of treaties between the United States and Mexico designed to settle the question of shifting boundaries and also to dispose of controversies between Mexicans and Americans over conflicting appropriations of water for irrigation purposes from the Rio Grande River.

I never have been able to discover why the treaties were ever negotiated. By the opinion of the then Attorney General of the United States it was declared, and I think unanswerably, in 1896, that no obligation rested upon the United States to recognize the property of an alien in any appropriation of water in that part of a stream which was not international but wholly confined within the boundaries of the United States. The treaties, however, were negotiated, and this commission was created, and appointments were made by both Republics of their respective members.

If the commission could discharge the obligations resting upon them in view of this treaty, which, in my judgment, should be abrogated as soon as possible, at least so far as concerns the distribution of water from the Rio Grande River to Mexican claimants, they would be constantly engaged in defining and stabilizing as far as possible the shifting boundary between the two Republics. I call it "shifting," because it is subject to the fugitive action of the Rio Grande River, which frequently makes for itself a new channel in its course to the Gulf, and thereby creates a situation which, owing to the uncertainty regarding the boundary, makes these new places favorite localities for thieves and outlaws of every description. We did manage, however, to get along in some way before that treaty was negotiated. The difficulty with that and with these other commissions which do not function is that they are the outgrowth of covenants between independent nations, and if we had not those covenants there would be no necessity for the commissions. I think many of the commissions provided for by this treaty will prove to be equally useless and expensive.

I do not like to differ with my very dear friend from Nebraska upon any subject, and especially any subject of legislation; but I am convinced that the proposed reservation is essential to the protection of the Treasury of the United States, which otherwise will be called upon to guarantee the performance of many moral obligations created because of the assumption, there being nothing said in the reservation, that these expenses would be recognized and provided against; and, indeed, I do not see how we could avoid the meeting of any expenses incurred by any of the commissions to be created by this treaty unless we are forehanded enough to provide that no expenses will be recognized until authorized by congressional appropriation. It will have a restrictive effect, and particularly in the development and execution of part 13, under whose provisions, if carried out literally, as they probably will be, the mind of man can hardly conceive of the imposition of any limitation on the demands that may be made upon the Treasury of the United States.

If we had not these covenants in previous treaties, unprotected by reservations of this kind, we would not have commissions that do nothing except exist, and the places upon which are regarded merely as sinecures for the favorite appointments of both the great political parties.

The lesson which I draw from that situation is that having made two mistakes—first, with reference to the treaty affecting our Canadian boundary; and, second, with regard to the treaty affecting our Rio Grande boundary—we had better safeguard ourselves as to this greater treaty by announcing to the world, in a reservation, that expenditures shall be limited to the amounts which, in the discretion of Congress, are desirable. Otherwise, we may be face to face with bond issues to meet obligations which we can not very well avoid because of the conditions for which we are responsible through the covenants of the treaty.

Mr. SMITH of Georgia. Mr. President, there has been suggested a slight amendment to this reservation, which I hope some Senator on the other side of the Chamber will present. It is that in line 2 we strike out the word "or" and add "except the office force and expenses of the secretariat."

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. KELLOGG. The bipartisan conference that has been talked about so much had that subject under consideration. I hesitate somewhat to state anything that the bipartisan conference did, because nobody seems to agree——

Mr. SMITH of Georgia. Mr. President, I shall be glad to yield to the Senator from Minnesota. I thought he was going to take the floor, and I did not address the Senate a little while ago for that reason. If he will proceed, I will follow him.

Mr. KELLOGG. I want to explain what that is.

Mr. SMITH of Georgia. I will take the floor as soon as the Senator has concluded. I shall be glad to do so. I want him to take the floor. I do not mean to object.

Mr. KELLOGG. I will explain it, then, if the Senator wishes.

Mr. SMITH of Georgia. I shall be glad to have the Senator explain that first.

Mr. KELLOGG. As I understood, it was the intention to except the office force and the salary of the secretary general. That was my understanding; but the way it is put here it excepts everything following the words—

except the office force and expenses of the secretariat, or of any commission, or committee of conference, or other agency—

And so forth.

Now, as a matter of fact, the expenses of the secretariat's office do not simply include the salaries of the secretary general and his office force and office expenses, but under the treaty they include all international bureaus, the labor conference and everything else, which are called the expenses of the secre-

tariat. So if the Senator from Georgia wishes to offer that amendment I suggest that it be in this form:

Provided, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the secretary general.

Those expenses under the treaty are divided on the same basis as the International Postal Agreement expenses, and so far as I am concerned I have no objection to the amendment.

Mr. SMITH of Georgia. I will say to the Senator that I did not desire to offer it, but I was under the impression that the Senator would. I hope he will offer it, and I will support it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. KELLOGG. Certainly.

Mr. BORAH. I do not yet see the force of this proposition. I do not know how you would get money to pay it without having an appropriation by Congress for the office of the secretariat.

Mr. KELLOGG. I do not either.

Mr. BORAH. Then what is the necessity of the reservation at all?

Mr. KELLOGG. As the Senator from Massachusetts [Mr. LODGE] said, we do not wish the secretary general to be authorized to bind the United States to pay all the expenses of all the bureaus, including the labor bureau and everything else, until Congress shall authorize it. That was the object of it. Otherwise we would be bound to pay all these expenses, and unless Congress did authorize it we would be violating the treaty; that is all.

Mr. NELSON. May I ask the Senator from Idaho one question? Assuming that we become a member of the League of Nations and ratify the treaty, and become a member of it to any extent, subject to these reservations, as long as we are a member, even to that extent, is there not a moral obligation to pay our share of the expenses?

Mr. BORAH. Yes; regardless of the reservation.

Mr. NELSON. Regardless of the reservation and regardless of putting it in.

Mr. BORAH. Exactly.

Mr. NELSON. So there can be no harm in making such a reservation?

Mr. BORAH. No; no harm.

Mr. NELSON. It is based upon the moral obligation that underlies it.

Mr. BORAH. It is no harm and no benefit. In view of the possible amendment which is to be offered, may I call attention to a dispatch which appeared in the New York Sun a few days ago? It says:

The annual sum of $1,194,591,000 is estimated as necessary at the beginning to finance the League of Nations, according to the report of an accountant employed by the American Agricultural Association. It is figured that this enormous aggregate may be increased 100 or 200 per cent because of red tape, etc.

It is computed by this accountant that 185,167 persons will be given office under the League of Nations during the first year of its existence.

Mr. SMITH of Georgia. I did not catch the number.

Mr. BORAH. One hundred and eighty-five thousand one hundred and sixty-seven persons.

Mr. SMITH of Georgia. From the United States alone?

Mr. BORAH. No; under the League of Nations.

Mr. SMITH of Georgia. From all countries?

Mr. BORAH. Yes; from all countries; 185,167 persons.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. If this is put in for the purpose of covering the moral obligation, we do not want the moral obligation to pay an unlimited number of employees until Congress shall have passed upon it. I think it applies, in other words, to one just the same as the other.

Mr. HITCHCOCK. Will the Senator state what gentleman made that close calculation?

Mr. BORAH. I do not think it is close. I think it is underestimated.

Mr. HITCHCOCK. Does not the Senator think about 5,000,000 people will be employed? I think it ought to have been 5,000,000 so as to make really a striking figure. Round figures would be much more effective.

Mr. BORAH. No; I think the gentleman has been overmodest, as all these advocates of the league are.

Mr. HITCHCOCK. I do not think he is an advocate of the league.

Mr. BORAH. Oh, yes; he is. This is an accountant employed by the American Agricultural Association.

Mr. HITCHCOCK. He is not an advocate of the league.

Mr. BORAH. But the association is.

Mr. HITCHCOCK. No; the Sun is not an advocate of the league. That is an enemy of the league the Senator is reading from.

Mr. BORAH. This is published as a news item; and the New York papers, whether for the league or not, publish the news. We all admit that.

Mr. HITCHCOCK. It would be a much better news item if they would say there would be 10,000,000 employed, just at a rough guess.

Mr. BORAH. Yes; it would be much better, but that would be made to appear untrue if it were not printed by a league paper.

Mr. HITCHCOCK. I think if the Senator really wants to make a deep impression he should tell the Senate on the reliability or on the faith of some obscure John Smith that he understood a little bird told him that 10,000,000 people were going to be employed by the league. That would really be something striking.

Mr. BORAH. A bluebird?

Mr. HITCHCOCK. Yes; a bluebird.

Mr. NELSON. I think the Senator from Nebraska misunderstood the Senator from Idaho. As I understood him, it was $85,000 of appropriation and 165 people only. Is not that correct?

Mr. BORAH. I think that might likely turn out to be true, but I have stated what appears here. I give this as a news item, which I realize is altogether likely——

Mr. HITCHCOCK. I think the Senator ought to put it in under the heading of a fairy tale. That would be much more appropriate.

Mr. BORAH. No; I am stating it as an antileaguer, and we do not indulge in such things.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. On the 10th of November the distinguished Senator from Missouri [Mr. SPENCER] offered, and there was incorporated in the RECORD, to be found on pages 8190, 8191, and 8192, a statement purporting to be an audit of the probable annual expenses of the League of Nations. It was prepared by Mr. Fred A. Dolph, of this city, a lawyer and an accountant of standing, who was employed to prepare an estimate of the annual budget of the League of Nations in operation.

Mr. Dolph has complied with that—

The Senator from Missouri said—

and at the request of the American Agricultural Association—

And so on. In that statement will be found corroboration of what the Senator has stated. In my opinion, if the Senator from Nebraska will permit me to differ from him, if they put into operation the labor provisions of the League of Nations, there is no question but that there will be 185,000 employees and more.

Mr. BORAH. They are in operation now.

Mr. KELLOGG. Mr. President——

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. KELLOGG. If the Senator from Georgia is not going to offer it, I will offer this amendment as a proviso to the reservation.

Mr. BORAH. I will let the Senator offer it, and then I will take the floor.

The PRESIDENT pro tempore. The Senator from Minnesota offers the following amendment to the reservation.

The ASSISTANT SECRETARY. At the end of the proposed reservation No. 9 add the following:

Provided, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the secretary general.

Mr. BORAH. Let us see how it will read.

Mr. NELSON. There is a mistake. This is an amendment to the amendment and not to the reservation.

Mr. BORAH. No; there is no amendment pending.

Mr. NELSON. The words "shall not apply to the United States' proportionate share" mean nothing.

Mr. HITCHCOCK. Let the amendment be stated, Mr. President.

The PRESIDENT pro tempore. The Assistant Secretary just stated it, but he will state it again.

Mr. SMITH of Georgia. The Senator from Idaho, I believe, has the floor.

The PRESIDENT pro tempore. No; the Senator from Idaho has not the floor. The Chair recognized the Senator from Minnesota to offer the amendment.

Mr. BORAH. I yielded to the Senator for the purpose of offering it, but if the Senator wishes the floor I will yield.

Mr. SMITH of Georgia. I did not understand that the floor was yielded for the purpose of voting on it.

Mr. BORAH. No.

Mr. SMITH of Georgia. If so, I yield the floor entirely.

Mr. BORAH. The reservation as it will read if amended provides as follows:

The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States proportionate share of the expenses of the office force and salary of the secretary general.

In other words, then, we are going to create the moral obligation, we will say, of paying our proportion of all expenses, which the secretary general, who starts out with a salary of $50,000 a year and all of his office force, regardless of any action upon the part of Congress with reference to what they shall be. We are placing in their hands the power to impose any indebtedness upon us they see fit or any charge or any sum, and it becomes a moral obligation which Congress must pay regardless of whether Congress would be satisfied that it ought to have been incurred or not.

Mr. TOWNSEND. Mr. President——

Mr. BORAH. I yield to the Senator from Michigan.

Mr. TOWNSEND. This proviso or amendment practically assumes, it seems to me, that no appropriation will be necessary by Congress for the office force and the salary of the secretariat. Does it not?

Mr. BORAH. It seems to me so.

Mr. TOWNSEND. I agree with the Senator from Idaho that it is necessary for Congress to make an appropriation before the expenses can be paid, but this exception it seems negatives that idea, at least it makes it definite that an appropriation will have to be made for all other purposes except this one.

Mr. BORAH. Exactly. Of course, they could not actually do that thing, because they could not get into the Treasury until we act, but the moral obligation is there, according to the amendment, which Congress could not repudiate without violating its moral obligation, and which Congress, of course, would not do, because the most difficult thing Congress has to do is to refuse an appropriation when there is even no moral obligation to make it.

Mr. OVERMAN. Suppose they fix the salary at $100,000, would there be a moral obligation on the part of Congress to pay it?

Mr. BORAH. It would under this amendment, undoubtedly.

Mr. OVERMAN. To pay exactly what the league would fix as the salary?

Mr. BORAH. Exactly; under this amendment.

Mr. LENROOT. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator if it is not true that under the treaty as it stands the moral obligation is created not only for these expenses but all others in connection with the secretariat? The amendment does not create any moral obligation; it merely leaves the moral obligation created by the treaty in so far as the salary and office expenses of the secretary general are concerned.

Mr. BORAH. I think the Senator is entirely correct. Therefore I come to the conclusion that either one or both is of no necessity. If we leave the moral obligation here to pay the office expenses and all the salaries attached, of course it is the same thing as saying that they shall create as many offices and pay as much salary as they want to do, and we have to meet it.

Mr. OVERMAN. I do not think we would be morally bound to contribute an unreasonable sum. I think it must be reasonable.

Mr. BORAH. Then we ought to leave this amendment out and leave it to the judgment of Congress; but here is a man starting out now with $50,000 a year, and we will say with 150 officials assisting him. This accountant estimated 185,000 persons. Suppose we cut it down about ten times. He is starting out with $50,000 a year, and Congress will be called upon to pay that salary, regardless of whether Congress thinks it is right or not, because we will have the contract here, and as a moral obligation we will do so. I concede that they actually can not get it without the action of Congress, but to put a moral obligation upon Congress is the same as to nullify its power, because Congress will perform its moral obligations. I think the Senator from Minnesota ought not to insist upon the amendment.

Mr. KELLOGG. Mr. President, all I have to say about it is this: The expenses of the secretariat under the treaty include under article 24 all the international bureaus which now exist, and we do not know how much that cost would be. It was not the intention by this amendment to bind the United States as to those expenses at all, morally or otherwise. Also under the labor clause all the expenses of the labor commission will be treated as expenses of the secretariat. The Senator from Massachusetts [Mr. LODGE], the Senator from Indiana [Mr. NEW], and the Senator from Wisconsin [Mr. LENROOT] and myself, in connection with the other Senators in talking it over, agreed that we would recommend to the Senate that so far as the salary of the secretary general and his office force are concerned, there should be a moral obligation, if we go into the league, to pay them, because those would have to continue.

Mr. BORAH. If the Senator will permit me to interrupt him, let us assume that, of course, when we are in the league the moral obligation is there, but, as a mere matter of domestic legislation, does not the Senator think we ought to hold the right to control the question of salaries? We shall have to do it. The people of the country will demand that we shall do it. They will not permit us to pay exorbitant salaries without a revision of them upon our part. Why not, therefore, remove the moral obligation and place it upon a level with the other obligations? If Congress goes into the league, it will do what is right and reasonable, of course, by it. It is in the league, and after you turn them loose, to say that they shall create whatever offices they choose and pay whatever salaries they see fit and that Congress will pay, it is, in my judgment, an unwise thing to do.

Mr. KELLOGG. It certainly would be unwise if it included all the expenses of the secretariat, but it could not possibly amount to a large sum if divided upon the basis of the postal agreement and only included the salary of the secretary general and his office force. It was thought best that there should be a moral obligation to pay that, the same as we have moral obligations under many treaties to pay our share of certain international bureaus. We have entered into a great many treaties without any reservation to pay our share of expenses of international bureaus. I only speak for myself, and I do not care what the Senate thinks about it, but we did not think it wise to bind the United States by a moral obligation to pay the expenses of all these international bureaus or any other expenses which the league might undertake to put upon the people, except the salary of the secretary general, his clerks, or his office force. That, we thought, was not unreasonable, but, of course, the Senate can do as it sees fit. The Senator from Massachusetts [Mr. LODGE] agreed to it, but if he does not wish to have this amendment made I will withdraw it.

Mr. LODGE. I do not object to the modification. It was offered by the other side, and I am perfectly willing to have it adopted.

Mr. WATSON. Does the Senator say that they offered it on the other side?

Mr. KELLOGG. The Senator from Georgia [Mr. SMITH] said that he would like to have it offered, and I said I did not think the original covered it.

Mr. LODGE. It does not.

Mr. KELLOGG. And that I would offer this amendment, and I did offer it.

Mr. SMITH of Georgia. Mr. President, several Senators from each side conferred about a number of the reservations and sought to get together. As one who really desires ratification and does not desire to obstruct ratification, I have been very anxious to vote for whatever measures they agreed upon, because I have looked them over and while they might not entirely coincide with my wishes they are sufficiently near so that I can reconcile my own views, adopting some qualifications, yielding to the views of others, and this is the only way we are really to get together on the reservations and ratify the treaty.

I will not say that the attitude of a Senator who continues to object and object is disgraceful. The Senator from Nebraska [Mr. HITCHCOCK] said that the support of this reservation was disgraceful. I do not agree with him at all about that. I think it is a helpful reservation. I am glad to support it.

The argument he makes about the waste of money on certain commissions is an argument in favor of this reservation. If we are so prone to create commissions for retired Senators and retired governors, and having once created them, their influence is so great that we can not afterwards repeal the legislation, then at each step we may well guard against wastefulness. It would be embarrassing if a President, without waiting for legislation, should put in office quite a large number of our friends abroad in connection with this service. We would then dislike not to pass the legislation that would furnish the appropriation to provide for their expenses and salaries.

I am glad to put our friends on notice that they can not expect any salaries or any expenses or have any office under this treaty until Congress has prescribed and provided the pay. This

reservation helps to accomplish the bulk of that which the Senator from Nebraska advocated when he criticized existing useless commissions. I will not say that the attitude of the Senator is disgraceful; I will not attribute such an attitude to any Senator; but I may say, and say truthfully, that I have no hope that the Senator from Nebraska will ever vote for a resolution that ratifies this treaty.

Mr. BORAH. That is not the only hope that seems to be hoped.

Mr. SMITH of Georgia. Does the Senator desire me to yield to him a moment? For a question, I will yield, though I have not finished.

Mr. BORAH. Very well.

Mr. SMITH of Georgia. I have no more hope that the Senator from Nebraska will vote for a resolution that ratifies the treaty than I have that the three distinguished Senators who are now just across the aisle, the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Idaho [Mr. BORAH], and the Senator from Missouri [Mr. REED] will vote for a resolution that ratifies the treaty.

Mr. BORAH. Mr. President——

Mr. SMITH of Georgia. Now I yield to the Senator from Idaho for a question.

Mr. BORAH. I observe the Senator from North Carolina [Mr. SIMMONS] just stepped in and made a statement to the Senator from Georgia. Will the Senator from Georgia tell us as to what the report is from the President?

Mr. SMITH of Georgia. The Senator has no report from the President.

Mr. BORAH. That is what I thought.

Mr. SMITH of Georgia. He has no report of any kind, and made no reference to any report or any inquiry of any kind from the President.

Mr. WATSON. Mr. President, will the Senator from Georgia permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. SMITH of Georgia. I yield.

Mr. WATSON. Is it not a fact that the President and the Senator from Nebraska occupy the same position with reference to the ratification of the treaty? Is it not a further fact that the Senator from Nebraska occupies that relationship because of the fact that the President assumes that attitude?

Mr. SMITH of Georgia. I do not know. I should be compelled to refer the Senator from Indiana to the Senator from Nebraska to answer that question.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I yield to the Senator from Minnesota.

Mr. NELSON. There is one thing which occurs to me in reference to the pending reservation which is a little singular and which, it seems to me, would put our country in a contemptible position if the reservation were adopted. Provided we ratify the treaty and become a member of the league, we say we will be participants in—and we are members, if you please, of a sort of partnership which is engaged in stabilizing the peace of the world; but, while we enter into the league and agree to participate in it, we now propose to say by the reservation that we will do all that is provided, but we will not bear any part of the expense. Would it not be putting our country in a contemptible position, first, to join in the league and then say we shall not share any of the expenses?

Mr. SMITH of Georgia. Not at all, I will answer the Senator from Minnesota. What we say is that we are going to share the expenses as Congress determines and provides the method of doing so. We do not intend to let one man put the expenses on us. We intend to preserve to Congress some of its constitutional responsibility.

Mr. NELSON. Mr. President——

Mr. SMITH of Georgia. One moment. We do not desire liabilities put upon us at the instance of even the President, unless we have approved them in advance.

Answering the Senator further, we, of course, shall proceed by legislation to provide the places and to bear our full part of the expenses. We shall fix the salaries and the compensation, but we shall do it ourselves. I mean by voting for the reservation to indicate not that we are not going to bear our full part of the expenses, but that we are not willing for the expense to be fixed by the administrative branch of the Government until Congress has approved it.

Mr. NELSON. Mr. President, I desire to say to the Senator, if he will permit me, that if we become a member of the league, conditionally, I will say, as we propose to do by adopting the treaty with these reservations, why should we come in and say we will bear none of the expense?

Mr. SMITH of Georgia. We do not say that.

Mr. NELSON. And more than that, Mr. President, if we are silent on the subject, if we say nothing at all in the shape of a reservation, does not the power still remain in Congress, as it remains in all cases where appropriations of money are concerned? There are many claims pending against the United States in connection with moral obligations, but the claimants never get their money until Congress appropriates it. So it will be in this case; the moral obligation, to say nothing about the reservation, still subsists; but it is like all the other moral obligations of the Government, there is nothing to them until they are followed with an appropriation, as has been done in the case of the humblest claimant against the Government of the United States.

Mr. SMITH of Georgia. Mr. President, I am glad to answer the Senator from Minnesota, and the answer is easy. By this reservation we in no way say we shall fail to pay any part of the expense which is properly placed upon us, but we give notice that Congress must approve the salaries and the number of office-holders, and that no obligation is to be placed upon us except in pursuance of action by Congress.

Mr. REED rose.

Mr. SMITH of Georgia. Let me finish, if the Senator from Missouri pleases.

I am thoroughly in favor of not permitting a crowd of people to be carried to Paris or anywhere else at the expense of the Government and in utter disregard of the constitutional responsibility of the two Houses of Congress.

Now I yield to the Senator from Missouri.

Mr. REED. Mr. President, I agree with the position which the Senator from Georgia takes, that it is unconstitutional to involve the Government for the payment of money until Congress has authorized the expenditure, and that the creation of a moral obligation, say, is a deprivation of Congress or the taking away from Congress of the right to exercise its constitutional prerogative. I think that is the Senator's position. If that is the Senator's position, how does he differentiate between a reservation as to the whole and a reservation as to a part? Without the reservation a moral obligation might be created which would offend against the spirit of the Constitution for the payment of money to support the labor bureau; or, second, for the payment of money to support numerous boards; or, third, for the payment of money to support the office force and to pay the expenses of the secretariat. The Senator admits that the first two propositions would be violative of the spirit of the Constitution because creating a moral obligation to pay when Congress has not appropriated the money nor authorized the expenditure. Why is not that true of the third equally as well as of the first two?

Mr. SMITH of Georgia. I will answer the Senator's question as best I can. I think we may with perfect propriety adopt the amendment of the Senator from Minnesota [Mr. KELLOGG], which is intended to commit us through the treaty to the expenses of a specific office, which will place a moral obligation upon Congress to appropriate money for the expenses of the office named, while we at the same time decline to assume moral liability for much more numerous and indefinite expenses.

Mr. KELLOGG. Will the Senator yield?

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. I do not think the Senator from Missouri understood the position I took when I explained the amendment. The Supreme Court of the United States has held, and it has been the practice, that the Senate and the President may create a moral obligation or a treaty obligation—whatever it may be called—to pay money, although the Congress may have to make the appropriation. Over and over again it has been held that we have a right by treaty to impose an obligation on the Government to make payment or to do things which would require the action of Congress to carry out. There is not any such thing as a legal obligation or a moral obligation to a treaty—and there is no difference between the two—but there is a treaty obligation, and that obligation may have to be carried out by Congress; yet it does not detract from the right to enter into the obligation. That is the position I took, but I do not think the Senator from Missouri understood me.

Mr. REED. Mr. President——

Mr. SMITH of Georgia. I can not yield to the Senator from Missouri for a moment, because I wish to go on with the answer to his question.

Mr. KELLOGG. I beg the Senator's pardon.

Mr. SMITH of Georgia. Well, I will yield and answer the two together.

Mr. REED. Then the Senator from Minnesota and the Senator from Georgia take different positions?

Mr. SMITH of Georgia. We do not.

Mr. REED. The Senator from Minnesota takes the position that the Senate has a right to enter into a treaty which imposes a moral obligation upon Congress to pay all of the expenses of all of these boards, tribunals, and so forth, if it wants to. The Senator from Georgia says, as I understand him, that that is, in fact, a violation of the spirit of the Constitution.

Mr. SMITH of Georgia. Oh, no.

Mr. REED. If it is a violation of the spirit of the Constitution to agree to pay the expense of the labor tribunal provided by Part XIII, why is it not equally a violation—and that is the point I am discussing—to pay the expenses of the treaty generally?

Mr. SMITH of Georgia. The Senator from Missouri misunderstood me. The violation of the spirit of the Constitution to which I referred would be for a President to create places and put men in them before the Congress authorized the expenditure.

I recognize the fact that a treaty can create a moral obligation upon the part of Congress to appropriate money. The object of this reservation is to prevent that moral obligation, and to limit the creation of places or the placing of men in offices until after, by legislation, we have approved the expenditure; but the proviso of the Senator from Minnesota makes an exception of a limited number of places in the secretariat's office—and, so far as we are concerned, we will vote for that; we are willing to accept that now—as an office that must exist, and accept the moral obligation attendant upon the office. We desire to avoid, however, the obligation in connection with the remainder of these places which might be put on us and which are not yet designated and in connection with which serious embarrassment might be created if we failed to provide the money to pay for them. That is the object I have in voting for this reservation.

Mr. REED. Mr. President, I think I understand the difference.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from Georgia yield further to the Senator from Missouri?

Mr. SMITH of Georgia. Yes.

Mr. REED. As I understand, the difference in this constitutional question is this: If we are opposed to Part XIII, then the appropriation for——

Mr. SMITH of Georgia. I am practically through, and yield the floor to the Senator.

Mr. REED. If we are opposed to Part XIII, then for the Government to obligate us in any way to pay the expenses incurred under Part XIII is violative of the Constitution. If we are in favor of the secretariat and of going into the league, then to do exactly the same thing—that is, to obligate ourselves to pay the money to support the secretariat—is entirely constitutional, the construction of the Constitution turning wholly upon the question as to what we want done or do not want done. That, it seems to me, has been the attitude all the way through in this battle.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. In just a moment I will yield. When Senators want to accomplish a certain purpose the Constitution is easily brushed aside; when they think that the purpose that is about to be accomplished is bad, they run to the cover of the Constitution. But if it be unconstitutional, as I certainly thought the Senator from Georgia said several times, to create a moral obligation upon this Government to pay money——

Mr. SMITH of Georgia. Oh, no.

Mr. REED. Prior to the action of Congress authorizing the expenditure of that money, then that rule applies equally to the secretariat and to the labor tribunal, because in each instance a moral obligation is created to pay money without the express authority of Congress, and thus there is imposed upon Congress a condition which practically forces it, in redemption of the national honor, to make an appropriation which it otherwise would not make. I think the Constitution is equally prohibitive in all of these cases or else it is inapplicable to any of them. I now yield to the Senator from Minnesota.

Mr. KELLOGG. The Senator, I hope, does not state that as my position.

Mr. REED. I was speaking of the Senator from Georgia. I understand the Senator from Minnesota takes the position that the Senate can by ratifying the treaty place us in a position where all of these financial obligations can be created by the League of Nations and its machinery, and that it will become our moral duty, our duty as a decent Nation, to redeem them all; but as to all of them except as to the expenses of the secretariat he wants to relieve us from the moral obligation by now saying that we refuse to incur any kind of obligation.

Mr. KELLOGG. That is in substance my position in connection with the expenses of the secretariat. I am not willing that the league shall bind this country to pay all the expenses of the bureaus of secretariat, which include all the bureaus of the labor conference and everything else. The amendment which I offered—perhaps the Senator has not seen it—is not the one in printed form; but it limits the exception simply to the salary of the secretary general and his office force, and does not permit the council of the League of Nations to obligate this country to pay any expenses of the secretariat, which include all of the bureaus and commissions created under the treaty.

Mr. SMITH of Georgia. Mr. President——

Mr. REED. I will yield to the Senator in a moment. I am glad the Senator has made that change in his amendment, because I was about to say that under the language employed in the printed copy I think the expenses of the secretariat could be very broad.

Mr. KELLOGG. Quite so.

Mr. REED. I yield to the Senator from Georgia; in fact, I yield the floor to him.

Mr. SMITH of Georgia. Mr. President——

Mr. KELLOGG. If the Senator from Georgia will permit me to finish my observation, I quite agree with the Senator from Missouri that the amendment as it is printed does not express generally, so far as I am concerned, the views which we agreed to recommend. We did think, however, as to the salary of the secretary general and his office force that we could afford to have an obligation rest upon us to pay our proportionate share, as under the postal arrangement—and I do not know exactly what that is—but we were not willing to take in the much larger field of all the bureaus and other expenses of the secretariat.

Mr. WALSH of Montana. Mr. President, I really desire to inquire of the Senator from Georgia [Mr. SMITH] how he figures that it is possible for the Congress of the United States under any circumstances to prescribe the salaries of these officers or the expenses that are to be incurred?

The secretary of the league is appointed by the council of the league. The council, of course, consists of representatives of nine different States. Now, the Congress of the United States could not possibly fix the salary of the secretary. They must act in some way or other in conjunction with the other eight members of the council in fixing the salaries, and so likewise with all subordinates, all the office force.

Mr. SMITH of Georgia. Mr. President, quite a large number of these people will be directly representing the United States.

Mr. WALSH of Montana. Of course, so far as those directly representing the United States are concerned, the obligation of the United States is direct, and we fix their salaries beyond doubt and beyond controversy or question.

Mr. SMITH of Georgia. We can undoubtedly limit the number of those, and limit our representatives——

Mr. WALSH of Montana. Undoubtedly we can, but this provision has nothing whatever to do with them.

Mr. SMITH of Georgia. Oh, yes; it has. I do not agree with the Senator.

Mr. WALSH of Montana. But the Senator would be obliged to agree with me, because we have already adopted a reservation to the effect that no one shall have any authority whatever to represent the United States upon any of these commissions until his appointment is provided for by an act of Congress. I refer the Senator to the reservation adopted a few days ago, and numbered 7, that takes care of the appointment of any officers who represent this Government. Nothing can be done and no one can represent this Government under that reservation until his appointment is provided for by an act of Congress, and of course that act of Congress will fix his compensation and will fix the number that will represent us; but the other article has not any reference to that. The other article has reference to the salaries of those officers who are not appointed by the United States at all, but are appointed by the council of the League of Nations. It refers not to the activities of our individual members upon any commission but to the expenses of the commissions as a whole. Now, how can the Government of the United States regulate those salaries or those expenses except by simply refusing to make appropriations?

Mr. SMITH of Georgia. It goes to the extent of declaring that we will not participate in commissions or committees or agencies, and assume liability for them, unless Congress has first approved.

Mr. WALSH of Montana. That is not the point I was talking about. The Senator said that he wanted to have this thing in

such shape as that the Congress of the United States could prescribe the salaries of these people.

Mr. SMITH of Georgia. Yes.

Mr. WALSH of Montana. May I inquire of the Senator how that can be done?

Mr. SMITH of Georgia. It may be that the individual representatives of the United States would be covered by the other provision; but I still think that this provision is most important, even though the individual representatives of the United States were covered by reservation No. 7.

Mr. WALSH of Montana. Mr. President, I do not desire to controvert with the Senator the question as to whether it is or is not important. I am merely directing his attention to that portion of the section under which he said he desired that the Congress of the United States might have control of the salaries to be paid these officers.

Mr. President, I want to invite the attention of the Senator from Georgia to another matter which I am sure is of very great interest to him, by reason of the great attention he has given to the subject of agriculture in general.

In the year 1905 we entered into an agreement much in line with this, with all the leading nations of the earth, to establish an international institute of agriculture with its seat at the city of Rome, in the Kingdom of Italy. That institute has the power under the provisions of article 9 to do the following things:

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets.

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to.

(c) Indicate the wages paid for farm work.

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them.

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit.

(f) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural socities, academies, learned bodies—

And so forth.

I have no doubt in the world that that method of getting the scientists of the world together for the purpose of carrying on these investigations and gathering this information, so as to promote the interests of agriculture throughout the world, meets the entire approval of the Senator from Georgia, as it does mine. It involves, as a matter of course, a large amount of expense; but we go right in and obligate ourselves—I wish the Senator from Missouri [Mr. REED] was here—morally, at least, to bear our proportionate share of all that expense, whatever it may be, limited as it is by the treaty. We did not think it necessary by any means to say to the other nations of the earth: "Now, that is all right; we will go in with you and gather up all this information for the benefit of our people as well as of yours, but we will not bear our share of any expenses incurred unless Congress shall, in its wisdom, conclude that it ought to do so."

Mr. President, the treaty to which I have just made reference is succeeded by the international sanitary convention. The nations of the earth thought it wise to get together for the purpose of establishing some kind of an organization for the purpose of combating deadly diseases that spread from one country to another. Whatever sanitary precautions may be taken by one nation can hardly be effective unless like precautions are taken by the other nations of the earth; and the administration of that treaty necessarily involves no inconsiderable expense, and we are obliged to bear our share. We have obligated ourselves by entering into that treaty to bear our share.

I am surprised that so good a lawyer as the Senator from Missouri [Mr. REED]—I am very glad he is here now—should take the position that it is beyond the treaty-making power of the Government of the United States to bind the United States to the payment of money by the treaty, and thus impose upon Congress a moral obligation to make the necessary appropriation.

Mr. REED. Mr. President——

Mr. WALSH of Montana. Let me conclude.

Mr. REED. Let me correct the Senator; that is all I wish to do. The Senator is arguing the matter from a wrong basis. I did not make any such statement.

Mr. WALSH of Montana. I certainly misunderstood the Senator, then.

Mr. REED. I took the position which I understood the Senator from Georgia was taking, and I argued that, if his position was correct, then it applied to all of the items of expense the same as it would to two of them. I did not take the position for myself that we could not enter into a treaty which would impose upon us a moral obligation to pay money.

Mr. WALSH of Montana. I am very glad to hear the Senator say so, because we have done it.

Mr. SMITH of Georgia. Mr. President, I wish also to say to the Senator that I did not do so. He entirely misunderstood me.

Mr. WALSH of Montana. We certainly obligated ourselves by the treaty with Russia in 1867 to pay the Government of that country $7,500,000 for Alaska; we certainly obligated ourselves to the Government of France in 1803 to pay $15,000,000 for Louisiana; and the Congress, recognizing the obligation—moral or otherwise; whatever you may call it—proceeded to make the necessary appropriation.

Mr. REED. I have not any doubt about that proposition, and never have had. We can create a moral obligation. We can create by treaty a great many obligations morally binding this country. Some of them my be of such a nature as to so involve the country's honor as to practically compel Congress to appropriate the money. The question of the wisdom or unwisdom of the proposition, therefore, is one which is always open for discussion. I have not, however, taken the position as a lawyer that we can not create that sort of a moral obligation.

Mr. WALSH of Montana. I felt sure that the Senator would not, upon reflection at least, and I am very glad that he corrected me in respect to his position with regard to that matter. But, Mr. President, I merely desired to call attention to these specific treaties for the purpose of indicating that this is not the first time that we have entered into treaties with the leading nations of the world, involving the incurring of expenditures of no inconsiderable amount. I am calling specific attention to these matters for the purpose of enforcing the position taken by the Senator from Nebraska [Mr. HITCHCOCK] that this is the first time we have felt called upon to say to the nations of the earth, with whom we are thus going to be associated, as expressed by the Senator from Minnesota [Mr. KELLOGG], "While we are willing to go into this thing with you, you can have no kind of assurance whatever that we will bear our share of the burden of the cost of the operations."

AFFAIRS IN ASIA MINOR.

Mr. KING. Mr. President, as in legislative session, I offer the resolution which I send to the desk and ask to have read; and, upon submitting a few remarks in regard to it, I shall move its reference to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, the resolution will be read.

The resolution (S. Res. 325) was read, as follows:

Whereas the recent outrages perpetrated by the Turks in the Marash region of Cilicia, by which 16,000 Armenians were massacred or perished from exposure after being forced from their homes, afford one more example of the inveterate malice of the Turks against the native Christian inhabitants of Armenia; and

Whereas by the terms of the armistice with the Turks, concluded on October 31, 1918, it was expressly stipulated that "In case of disorder in the six Armenian vilayettes, the Allies reserve to themselves the right to occupy any part of them"; and

Whereas it has been fully demonstrated that there can be no relief from these intolerable and ever-recurring outrages except by the utter exclusion of Turkish military forces and irregular armed bands of Turks and Kurds from the proper territories of Armenia, extending from Ararat and Trebizond to Alexandretta, and comprising the six vilayettes designated in the armistice with the Turks; and

Whereas it is within the power of the allied Governments to summarily terminate these outrages and to redeem the pledges given for the complete territorial rehabilitation of Armenia and the restoration of the national life of the Armenian people; and

Whereas the victory of the allied and associated powers over the Germans and their Turkish allies will have been in vain for the rectification of conditions in the Near East unless the territorial and political rights of the Armenians be vindicated and restored; and

Whereas any further temporizing with or toleration of these outrageous conditions or arrangements which recognize Turkish sovereignty in Armenia will be pregnant with future disorders, wars, massacres, and would constitute a cowardly default of duty on the part of the Christian powers: Now therefore be it

Resolved, That the Senate of the United States does hereby express its profound sympathy for the Armenian people in their present distress, separation, and suffering; and

Resolved further, That it is the sense of the Senate that the allied powers which accepted the capitulation of the Turks in the late war should now impose terms upon the Turks for the complete liberation of the Armenian people, and the vindication and restoration of their territorial rights and political independence, and that adequate military measures be forthwith taken, in conformity to the terms of the armistice with the Turks, to occupy Armenia, to expel all armed Turks and Kurds from the said six vilayettes, to protect the inhabitants against a recurrence of these disorders and outrages, and make them secure in their persons and property.

The PRESIDING OFFICER. The resolution offered by the Senator from Utah will be referred to the Committee on Foreign Relations.

Mr. WADSWORTH. Mr. President, apropos of the resolution submitted by the Senator from Utah [Mr. KING] and the discussion in which he has indulged concerning the conditions in the Near East, I ask unanimous consent, as in legislative session, to offer the resolution which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Secretary will read the resolution.

The resolution (S. Res. 326) was read, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate, if not incompatible with the public interest, a copy of the report on conditions in Asia Minor and the Caucasus made by the mission headed by Maj. Gen. James C. Harbord, and known as the "Harbord mission."

The PRESIDING OFFICER. The question is on the request to proceed to the consideration of the resolution.

Mr. HITCHCOCK. Mr. President, is the request contained in the resolution in the usual form?

Mr. WADSWORTH. Yes; the resolution contains the usual phrase, "if not incompatible with the public interest."

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator from New York?

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. I thought the request contained in the resolution of the Senator from New York which has just been submitted had been made quite a while ago and had not been complied with?

Mr. WADSWORTH. The Senator is correct; but I thought perhaps, upon a second trial, we should get a reply.

Mr. CHAMBERLAIN. I think it would be well when the resolution is taken up for action if the Senator will add to it some reference to the former resolution which was passed.

Mr. WADSWORTH. I thought in submitting this resolution that such a reference might be regarded as a discourtesy, and I merely desire to bring the request again to the attention of the President of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution submitted by the Senator from New York?

There being no objection, the resolution was considered and agreed to.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. McCORMICK. Mr. President, while the Senate still holds in lively recollection the remarks of the Senator from Utah [Mr. KING] regarding the horrors of Turkish misrule, its long continuance, and the natural demand among Christian peoples for the expulsion of the Turk from Europe and his confinement to the frontiers of Anatolia, where numerically he is preponderant, it may be worth while for a moment to consider the circumstances which make the fulfillment of the policy so ably advocated by my friend almost impossible for the great powers of Europe.

We think of the British Empire as Christian. The constitutional head of the Empire is the head of the established church in Great Britain. The Christian population of the British Isles and the self-governing dominions number perhaps some 60,000,000. But in India alone there are more Mohammedan subjects of George V than there are Christians in all the British Empire. The assumption of government in Mesopotamia, the declaration of a protectorate de jure in Egypt, the establishment of a protectorate de facto in Persia have added well-nigh 30,000,000 to the number of Mohammedan subjects under the Government if not under the sovereignty of the constitutional head of the British Empire. I think I shall not exaggerate if I say that in Africa, in the Levant, in India, and Malaysia there are well-nigh twice as many Mohammedans who owe allegiance in law or in substance to George V as there are Christians in the whole Britannic Empire.

The circumstances which determine the foreign policy of France in the Levant are not different in kind, even though they differ in degree, from those which determine the Asiatic and Turkish policy of the British foreign office. In Algiers, in Tunis, and in Morocco and in Syria there are great Mohammedan populations—old and new subjects of the French Republic, all of them brought under that subjection by the sword. In Morocco even now the forces of the French occupation and those of the rebel tribes are engaged in sanguinary encounter. Doubtless the Senator from Utah, who has studied this problem, can not escape the conclusion that the most recent outrages at Marash were brought on at this moment in the course of the rising of the Mohammedan population against the inadequate military force which represented the new and unwelcome dominion of France.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. McCORMICK. Certainly.

Mr. KING. The Senator has referred to the "new and unwelcome" force of France. That force was there, however, pursuant to the armistice, which provided that in any of the territories of that region the allied Governments, for the purpose of keeping peace, might maintain troops until after the treaty of peace was signed. So that troops were there in virtue of the armistice.

Mr. McCORMICK. Precisely.

Mr. KING. And were rightfully there.

Mr. McCORMICK. But the Senator doubtless has followed the discussion of the relations between the Emir Feisal, speaking for the King of Hejaz, and the French and the British Governments, acting under the Sykes-Picot agreement. Not only were the French forces in Marash in pursuance of the armistice agreement, but I am disposed to believe that unless they may be replaced by forces representing the Hejaz they ought to return. Sir, that is not the issue which I am raising here; but I do wish to make it clear that it is the annexation of Syria to the French dominion under form of mandate which has vastly complicated the problem of the expulsion of the Turks from Constantinople and of their control within Anatolia.

If I had known that this issue was to be raised in the Senate to-day, I should have brought with me the text of the protest of the Mohammedan population of India against the expulsion of the Turks from Constantinople. Their protest was indorsed by the British undersecretary for India, Lord Sinha, and, as I recall, by the Maharajah of Bikanir, both of them Indians and neither of them a Mohammedan by profession.

During the last century the Mohammedan population of India, since it is in the minority, has been the one which has most consistently supported the British rule. Mr. Lloyd-George, in the House of Commons, defended, or at least palliated, the agreement to permit the Sultan to remain in Constantinople, because of the demand of the great Mohammedan populations of the British Empire.

Not in our time, Mr. President, will it be possible for any British foreign secretary to determine upon a foreign policy in the Levant or in Central Asia, except after full consideration of the demands and the opinions of the Mohammedan populations of the Empire, unless, indeed, British dominion over those populations shall fall.

It must be so. The prejudices, if you please, of a polygamous potentate may be more important in determining the final decisions of British foreign secretaries than the views of a majority of a Christian House of Commons. The Mohammedan populations are to be represented in the assembly of the League of Nation by the member for India. We pledge ourselves, if we assent to the treaty on the terms submitted to us, to guaranties which are likely to lead us to the support of that very policy which Lord Bryce and which the Senator from Utah [Mr. KING] join in condemning.

Lord Robert Cecil has raised his voice against the continuance of the Turk in Constantinople, but none of us here imagines that it will have any ultimate influence in the determination of the fate of the Dardanelles. Constantinople will remain Mohammedan unless the Governments at Paris and at Westminster are able to induce the leaders of Mohammedan opinion to acquiesce in the expulsion of the Sultan from his capital. Nothing that we can do, nothing that we can say, will have any influence on the determination of what may be done there. Asiatic forces so strong that they can not be utterly controlled in Europe are at work determining that policy. It is the price which the Christian peoples of France and of Britain must pay for their dominion over Asiatic populations. The conquest of Mohammedan peoples inevitably has placed certain bonds upon their masters, who can not travel in a direction entirely opposite from that of their bondsmen. It seems to me futile for the Senate to consider expressing any judgment upon a policy which can not even be determined by the conscience of the foreign ministers of France and Britain.

Mr. KENYON. Mr. President, a few days ago I offered a resolution looking to the opening of diplomatic negotiations for the acquisition of the Bermuda Islands. That resolution was referred to the Foreign Relations Committee. Since that time the editors of some newspapers in the country seem to have

worked out the idea, through a fermented brain of some character, that this was a move to extend prohibition and secure more "dry" country, or so-called "dry" country. There was no such intention whatever in my mind in introducing the resolution. Apparently, we have as much "dry" territory now as we shall be able to hold for some time.

I did offer the resolution for a very serious purpose. It may not have been the proper diplomatic way to do, but, as I am in favor of "open covenants, openly arrived at," I thought we might as well go to it openly and squarely. Since that time, however, very valuable evidence in the way of opinion has been presented.

The former Secretary of the Treasury, Mr. McAdoo, in an interview which has been published in several of the papers, has not indorsed particularly the proposition which I presented, but has indorsed the general proposition of the United States acquiring some of these islands. The interview is very short, and I ask to have it published in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York World of Mar. 3, 1920.]

WANTS UNITED STATES TO BUY BRITAIN'S ISLANDS—M'ADOO WOULD HELP HER PAY WAR DEBT BY PURCHASING JAMAICA, BERMUDA, ETC.

The Evening World published a dispatch yesterday from David Lawrence, its Washington correspondent, saying William G. McAdoo, former Secretary of the Treasury, is putting forward a suggestion that the United States buy some of the British islands off the Atlantic coast in order to reduce the British war debt to us and to reduce taxation in this country.

Mr. McAdoo says in part:

"It is highly desirable, both on our own account and that of our allies, that the settlement of our loans to our allies be rendered as quick and as easy as possible. Our chief debtor is, of course, Great Britain, and this arises naturally out of the fact that Great Britain has liberally pledged her credit to sustain that of her allies.

"Now, for the last 100 years Great Britain has held certain islands in and near our shores—Jamaica, the Bahamas, Barbados, Nassau, and the Bermudas—off our south Atlantic coast, as well as British Honduras.

"These British possessions, so long held by a friendly maritime power, do not jeopardize the security of the Atlantic and Gulf coast of the United States. With the process of time we have now become the leading economic power in the world and have developed the Panama Canal and a Navy and merchant marine which make these islands more than ever important to us.

"Might it not be possible to work out a plan by which England's debt to us could be reduced by the transfer to us of certain British possessions in the Western Hemisphere to the extent of their value?

"I see nothing in such a proposal to offend the just pride of a great people, whereas such a liquidation of a portion of the British debt might be a happy solution of a part of Great Britain's immediate financial problem."

At his home last night, following his return from Washington, Mr. McAdoo told a reporter for the World his suggestion had been correctly presented. He said he was putting it forward merely as a suggestion for a means of relieving the situation.

Mr. KENYON. Mr. Edwin E. Slosson, who is the literary editor of the Independent, some time ago in the New York Tribune, in an article submitted in their contest for planks for the Republican national convention, where prizes are to be awarded for the best plank, suggested substantially this same idea. I ask to have that published in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Tribune of Feb. 10, 1920.]

TO-DAY'S PRIZE LETTER.

To the EDITOR OF THE TRIBUNE.

SIR: It seems to me that one of the needs of the hour is an open, well-defined, and far-looking policy toward the European dependencies south of us. The Republican Party, by its principles and traditions, should take the lead in this. It was Lincoln and Grant who proposed that the Virgin Islands and San Domingo should be taken under our wing, but the honor of carrying out this Republican policy was left to Wilson. The Republican platform, therefore, should have some such plank as the following:

The Secretary of State should immediately open negotiations with British, Dutch, and French Governments for the purchase of any or all of their possessions in South and Central America and the West Indies and their annexation to the United States with the approval of their inhabitants.

SOME ESSENTIAL POINTS.

In support of this a few points may be mentioned:

1. The annexation of the European possessions in the Tropics would be carrying out the Monroe doctrine to its logical conclusion.

2. It is in line with the Lodge resolution passed by the Senate in 1912 to protect the approaches to the Panama Canal.

3. These territories could be accepted in part payment for the $4,277,000,000 which we have loaned to Great Britain and the $3,048,000,000 that we have loaned to France. This is our only chance of recovering this money in the near future, for we can not even collect interest on it now without embarrassing and alienating all our European friends.

4. The three Guianas—British, Dutch, and French—are the only tropical territories that we can obtain without offending the Latin-American republics. Less than 1 per cent of the land is under cultivation, and the interior is mostly uninhabited. Their mineral and forest wealth is known to be great, and their agriculture is susceptible of unlimited expansion. They could supply us with immense amounts of sugar, rice, rubber, coffee, cocoa, alcohol for motor fuel, beef, hides, hemp, and coconut oil.

WOULD REDUCE TAXATION.

5. If any one of the Guianas were acquired, a railroad could be run from the north coast to the southern boundary, where it would connect with the Amazon system of Brazil, thus bringing us into contact with the southern republic most friendly to us.

6. Notwithstanding the high price of sugar, the commerce of the Guianas declined during the war on account of their unnatural political connection with Europe. Not a single Dutch ship visited Dutch Guiana in 1918.

7. Many of the people of the Caribbean region are as eager to come under the Stars and Stripes as the Virgin Islanders. This is proved by the fact that they are now flocking to the United States in thousands.

8. The acquisition of such territory would serve two purposes: (a) It would reduce Federal taxation by turning our European loans from a loss to a profit; (b) it would reduce the high cost of living by giving us easy access to new sources of food and fuel.

EDWIN E. SLOSSON.

Mr. KENYON. In 1886 there was published in Harper's Magazine an article by Maj. Gen. George B. McClellan dealing with this subject, and pointing out the dangers to the American Nation of any foreign nation controlling islands such as the Bermudas and the Bahamas, so near to our shores. I ask to have that inserted as a part of the RECORD. It is very short or I would not do so.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Excerpt from Maj. Gen. George B. McClellan's article, "The Militia and the Army," published in Harper's Magazine of January, 1886.]

First let us glance hastily at some of the possible and probable sources of difficulty from abroad. This is a Nation of more than 50,000,000 of people, proud, self-reliant, enterprising, and courageous. Well within the memories of a large part of our population we possessed a vast mercantile marine, whose flag was seen in every port of the known world. One of our greatest needs is an outlet in foreign markets for the immense products of our soil and of our manufactories. It is certain as fate that under the pressure of necessity, and with wise legislation, our commercial marine will soon revive and ere long resume its old position before the world.

One effect of this change will be to throw us into still closer relations with the other nations—relations in the main very beneficial to all, but at the same time rendering us more liable to be affected by their difficulties, and necessarily giving rise to causes of friction from which we are now free.

For example, when the western Atlantic is once more crowded with our ships engaged in commerce with all parts of the world, we will begin to ask ourselves by what right a foreign nation holds a cordon of fortified naval stations commanding so many avenues of approach to our shores and enabling it to cut off our vessels in the event of war. Halifax, the Bermudas, Nassau, and Jamaica are important to England not so much for purposes of self-protection, not so much for her own commerce, as they are for bases of operation against us.

In the late war if Bermuda and Nassau had been in our possession, the contest would have been shortened some two years, for blockade running would have been well-nigh impossible.

This is one cause of friction which must inevitably arise with our growth, and one reason why we should be prepared to defend our sea coast.

Mr. KENYON. Mr. President, I have seen in some of the English journals the intimation that this attempt was very ill-advised and showed a lamentable ignorance as to the indivisibility of British territory. There may be something in that. If that is so, it is well that India and Egypt should become acquainted with the fact, as they will have no opportunity, if that is Britain's position, ever to obtain independence.

The Bermuda Islands are, I think, less than 800 miles from New York, and about the same distance from Charleston. The Bahamas are even closer to our coast. I regret that in these peace negotiations there was not some effort made, when it probably could have been done, to acquire some of these islands. The United States was asking for nothing, and, of course, got nothing; but it would have been a very proper thing to work out in the most friendly spirit with Great Britain the accession of some of these islands.

I am sorry I have not a map here, so that I could point out to this large audience of Senators the strategic value of what is known as Viequez Sound, both in connection with this question and likewise in connection with the acquisition of the Bahama Islands. To the east of Porto Rico, bounded on the south by Viequez Island, on the east by St. Thomas and St. Croix and St. John, and on the north by Culebra Island, is what naval officers say is one of the three greatest naval maneuvering grounds in the world. That accounts, I think, for our acquisition of the Virgin Islands. It was purely strategic. If for any other purpose, the purchase was a gold brick. From that strategic naval point there is control of the Mona Passage, control of the Windward Passage, and protection of the Panama Canal. It commands our shores from New York to the Orinoco; but when you come to draw a line from this wonderful naval maneuvering ground and strategic standpoint to New York City your line will go squarely through the Bermuda Islands, or if you should draw the line to about

Jacksonville, in Florida, it would go through the Bahama Islands.

This question involves the protection of the United States in the future—a long way ahead, possibly, to be sure. It is to be hoped that we will always have friendly relations with Britain. Nothing could be more unfortunate than trouble between the two great English-speaking nations, because civilization depends upon these nations standing together; but at the same time we ought, in a perfectly friendly way, to take up this question of securing some of these islands, for the Bermuda Islands might become to us what Heligoland was to Britain. Now, with a condition of affairs where we can not look for the payment at present of the interest on the debt which Britain owes to us, certainly Britain should not be offended by suggestions that in a perfectly amicable and friendly way the question be taken up diplomatically of the acquisition of these lands, and the price credited upon the debt which Britain owes to us.

The Foreign Relations Committee could secure very valuable evidence upon this question by calling before them the officers of our Navy. I trust they will do so.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gronna	McNary	Simmons
Borah	Hale	Moses	Smith, Ga.
Brandagee	Harris	Myers	Smith, Md.
Calder	Henderson	Nelson	Smith, S. C.
Capper	Hitchcock	New	Smoot
Chamberlain	Johnson, S. Dak.	Norris	Spencer
Colt	Jones, N. Mex.	Nugent	Sterling
Culberson	Jones, Wash.	Overman	Sutherland
Cummins	Kellogg	Phelan	Thomas
Curtis	Kendrick	Phipps	Townsend
Dial	Kenyon	Pittman	Trammell
Dillingham	Keyes	Poindexter	Wadsworth
Elkins	King	Pomerene	Walsh, Mont.
Fletcher	Kirby	Ransdell	Warren
France	Knox	Reed	Watson
Frelinghuysen	Lenroot	Sheppard	Williams
Gay	Lodge	Sherman	
Gerry	McCormick	Shields	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

The PRESIDENT pro tempore. Seventy Senators have answered to their names. There is a quorum present. The question is upon the amendment proposed by the Senator from Minnesota [Mr. KELLOGG] to reservation No. 9.

Mr. HITCHCOCK. Let us have the yeas and nays on that.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family, and I promised to pair with him during his absence. I find, however, that I can transfer my pair to the Senator from California [Mr. JOHNSON], and I therefore do so. I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "nay" on this question. He is paired with the Senator from Delaware [Mr. WOLCOTT].

Mr. SPENCER (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and vote "yea."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent, and in his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Michigan [Mr. NEWBERRY] and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I inquire if the Senator from Delaware [Mr. BALL] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. FLETCHER. I have a general pair with that Senator and therefore withhold my vote. If I were privileged to vote, I would vote "yea."

Mr. JOHNSON of South Dakota. Has the Senator from Maine [Mr. FERNALD] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. JOHNSON of South Dakota. I have a general pair with that Senator, and in his absence I withhold my vote.

Mr. KENDRICK. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH] and vote "yea." I ask that this announcement of the transfer of my pair may stand for the day.

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. WOLCOTT] to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and permit my vote to stand.

Mr. FLETCHER. I am advised that the Senator from Delaware [Mr. BALL] if present, would vote "yea," and therefore I feel privileged to vote. I vote "yea."

Mr. JOHNSON of South Dakota. I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. SHERMAN. I am paired with the junior Senator from Virginia [Mr. GLASS]. If I were at liberty to vote, I would vote "nay."

Mr. GERRY. The Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Virginia [Mr. GLASS] are detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Vermont [Mr. PAGE] with the Senator from Mississippi [Mr. HARRISON]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 55, nays 12, as follows:

YEAS—55.

Beckham	Hale	Lodge	Smith, Ga.
Calder	Harris	McNary	Smith, Md.
Capper	Henderson	Myers	Smith, S. C.
Chamberlain	Hitchcock	Nelson	Smoot
Colt	Johnson, S. Dak.	New	Spencer
Culberson	Jones, N. Mex.	Nugent	Sterling
Cummins	Jones, Wash.	Overman	Sutherland
Curtis	Kellogg	Phelan	Townsend
Dial	Kendrick	Phipps	Trammell
Dillingham	Kenyon	Pittman	Wadsworth
Elkins	Keyes	Pomerene	Walsh, Mont.
Fletcher	King	Ransdell	Warren
Gay	Kirby	Sheppard	Watson
Gerry	Lenroot	Simmons	

NAYS—12.

Borah	Frelinghuysen	McCormick	Poindexter
Brandegee	Gronna	Moses	Reed
France	Knox	Norris	Shields

NOT VOTING—28.

Ashurst	Harding	Newberry	Stanley
Ball	Harrison	Owen	Swanson
Edge	Johnson, Calif.	Page	Thomas
Fall	La Follette	Penrose	Underwood
Fernald	McCumber	Robinson	Walsh, Mass.
Glass	McKellar	Sherman	Williams
Gore	McLean	Smith, Ariz.	Wolcott

So Mr. KELLOGG's amendment to reservation No. 9 was agreed to.

The PRESIDENT pro tempore. The question is now upon reservation No. 9 as amended.

Mr. HITCHCOCK. Mr. President, the amendment proposed by the Senator from Minnesota [Mr. KELLOGG] and agreed to has undoubtedly improved this reservation somewhat; but before Senators vote upon the reservation as it has been amended I want to call their attention to the comparatively insignificant proportion of the expenses of the league which are involved as an obligation of the United States.

Article 6 of the league provides that—

> The expenses of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

It was asserted in the statement prepared by some alleged auditor, referred to by the Senator from Idaho [Mr. BORAH] a little while ago, that the United States would be called upon to bear the chief expenses of the league. The Senator from Idaho did not read it, but this distinguished auditor declared that "the United States having a larger amount of taxable wealth than any other nation will be called upon to pay the bulk or at least a very large percentage of such annual expenses." That statement by this distinguished auditor was about as reliable as his preposterous figures estimating the number of employees of the league.

The United States will not be called upon to pay the bulk of the expenses. It will not be called upon to pay expenses larger than any other country, because the treaty that we have establishing the Universal Postal Union provides that the expenses shall be borne by seven classes of nations; that the first class shall bear 25 per cent of the expenses; that is to say, one-quarter of all the expenses shall be borne by nations that are in the first

class, and that they shall equally bear them. What are those nations? In the first class are Germany, Austria—we will eliminate Austria, the war probably having made Austria unable to bear her share—but there still remain Germany, the United States, France, Great Britain, British India, the Commonwealth of Australia, Canada, the British Colonies and Protectorates of South Africa, the whole of the other British Colonies and Protectorates, Italy, Japan, and possibly Russia.

Now, the United States bears no more than France; it bears no more than Great Britain; it bears no more than the other nations named and classified in the first class. The smaller nations are put in the six other classifications and they bear still smaller proportions. But, as a matter of fact, out of the total expenses of the Postal Union last year, which amounted to 160,000 francs, the portion of the United States was 6,280 francs, thus bearing out the statement I have made that the proportion of expenses which the United States will bear in the Leauge of Nations is insignificant. It is no more than many of the other nations. It is no more than Canada, that your Senators on the other side of the aisle are trying to disfranchise and deprive even of a vote in the assembly. So it is preposterous to say that the United States may be burdened with an untold expense unless the Senate provides a reservation.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. HITCHCOCK. I yield.

Mr. SHERMAN. Will the Senator give an estimate of the working expenses of the league, if it should be operating as contemplated by the Paris conference?

Mr. HITCHCOCK. I am not in a position to give the working expenses of the league, as the Senator can very well imagine, and no one here is in position to give it, but we know that all those countries are interested just as much as we are in having the expenses reasonable and moderate. What I am standing for here is to repudiate and deny the assertion which has been made that the United States is going to be burdened with the great bulk of the expenses when there are many smaller nations than the United States that have just as large a portion to bear as we have.

Mr. SHERMAN. Mr. President, a respectable British authority has estimated that the League of Nations, if it is operated as framed by the Paris conference, would cost $1,000,000,000 annually. I have the estimate, and I consider him a respectable authority. It is only an estimate of course, but 25 per cent of that would be $250,000,000, of which our proportional share, I anticipate, would be appropriated out of the Treasury. However, even if the amendment should prevail ultimately and the treaty be ratified, will Congress have a right still to appropriate or can we exercise the power? Does the right or the duty exist upon Congress to appropriate the money yet, or can it be taken without tax levy in the manner of many European kings in days past? Will it still require an appropriation from Congress?

Mr. HITCHCOCK. The Senator does well to say in the manner of many European kings in days past. Those days are past, and they are gone forever. You can not take money out of the treasury of European nations without the authority of their legislative bodies any more than you can take it out of the Treasury of the United States without the authority of its legislative bodies. What I am standing here to do is to repudiate the idea that the United States is to be burdened with an undue portion of these expenses and to repudiate the idea that these preposterous estimates, of which the Senator now brings in another, are worthy of any consideration whatever.

The League of Nations is a comparatively small and simple organization. It could not possibly be made simpler and smaller and perform its functions. The work that is done by the League of Nations under the German treaty will be largely paid for by Germany where commissions are established especially for Germany's benefit.

Germany is compelled to bear all those expenses, and the idea of representing to intelligent people that somebody says, that some little bird whispers that there are 85,000 people to be employed by the League of Nations is simply ridiculous, in view of the fact that the United States, represented as Great Britain is represented and France is represented, and other nations are represented, they would all be equally interested in keeping the expenses within reasonable bounds. Senators can talk it, but it is not possible that Senators can seriously believe such matters.

Mr. SHERMAN. Mr. President, the authority I referred to was an eminent authority connected with the British Board of Trade. I can not now recall his name, but he is far from being an English sparrow, as the Senator would intimate. He is accepted usually as a competent authority upon that question.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. SHERMAN. I yield.

Mr. HITCHCOCK. I will say that most of such estimates that have been made have been made by gentlemen whose names have been forgotten.

Mr. SHERMAN. I can produce it for the Senator, and I shall put it in the CONGRESSIONAL RECORD in due time to refresh the Senator's memory. Many of the British names are not as familiar to me, not being in constant communication with London, as they are to the Senator. I am United States and can not speak their language as well; I have not the Cockney accent.

The Senator says the days in which kings could levy taxes are over. They are over in Russia. They are over in Moscow and in Petrograd. They are over in Germany. Germany now has a very healthy party in Berlin engaged in the resurrection of the monarchy. Of course, if it came back in its pristine power, it would not quite have the power to levy taxes. There would be the Reichstag that would be resurrected; there would be the Prussian House of Lords or its equivalent representatives from the various German States; but, nevertheless, the Kaiser would control that German Senate, and practically he would have the power. Germany's Government is yet unknown. It may be a contribution to the free democracies of the world—nobody knows. It may be that it will lapse back into the hands of the Prussians and the Kaiser—nobody knows; but who will levy taxes hereafter in Europe is an unknown problem. So far as the functions exercised by Congress are concerned, they retain the power of tax levies, and I assume will continue to do so; but I remind the Senator that as to this document which came to us by way of London it took 1,300 retainers seven months even to frame it. It takes a good many more men to work a harvesting machine or a thrasher permanently than it does to ship it. This document was shipped back here—first being shipped over in embryo with the army of the 1,300 retainers.

There has been no civil list presented here indicating how much it cost to take the 1,300 to Europe and keep them there. It is well known that more than 600 automobiles were parked daily in front of the Hotel Crillon; that the bills which have been sent in for the damage to the property because of the occupancy of the American delegation are staggering, even to the imagination of hotel keepers in Washington. When they look at those bills they think they have neglected something and ought to take lessons from abroad. I am not prepared to say, even on the basis of the International Postal Union, that the expenses incurred by us may not aggregate millions of dollars.

I remember a year ago, Mr. President, that when I ventured an humble prediction that the expenses of the league—not only its peace expenses but its war expenses—if we carried out articles 10 and 11, would be distributed among nations in proportion to their private taxable wealth—that that would be the basis of the charge—I was ridiculed, not only by distinguished statesmen here but by still more distinguished editors and essayists, who appear weekly or monthly, at the utmost degree of self-restraint, in the magazines of this country; they stated that that would never be the basis. Now, it is, in fact, the basis, and the Senator from Nebraska knows that it will be the basis of assessments when the bills are presented to this body and the other House.

The truth is, Mr. President, that a billion dollar estimate for the working expense of the league is a conservative estimate. Nobody will work on the prewar prices; everybody will be on a European basis, under the present inflated volume of the circulating medium; and we shall do well if they do not proceed on the basis of charges in this country when they commence to operate the league.

A billion dollars is not much money, Mr. President, under the present standards of currency. The minting value of an ounce of gold is $20.67. If you take an ounce of gold over to the mint and have it turned into coin it is worth $20.67, although it costs a good deal more than that to secure the gold from the various forms of mining, especially from refractory ores; but the purchasing power of an ounce of gold worth $20.67 is $9 when you go on the market to buy with it and convert it into merchandise. So on that basis the cost of administering the League of Nations will be something like two or two and a quarter times as much as has been stated.

Of course, if it starts on an inflated basis we shall be the ones who pay the larger part of the cost. Money is supposed here to spring out of the soil spontaneously and to drop down as the manna did on the children of Israel when there was a food famine during their peregrinations. It is supposed here that we do not work for money. If anybody in Europe has shown any disposition to reduce the amount of anything which we may contribute I have not ascertained it. Therefore we shall be in-

volved in great expense, whether the obligations are based on the scheme of the Postal Union or any other arrangement.

Mr. BORAH. Mr. President, the Senator from Idaho read the news item at which the Senator from Nebraska took offense, supposing, it seems, that it was with intent to exaggerate the proposition. I did not suppose that it would be questioned. I read it from one of the New York papers, and I find upon examination that it was published in several of them, and no comment has ever been made upon it adverse to the inferences to be drawn from it.

I repeat that the sum which it is estimated will be necessary to start the league after the first year is $1,194,591,000, and that the number of individuals to be employed will be 185,167. It is said that the figures may be increased by either 100 or 200 per cent. I wish to say, however—and this is what I rose to say—that the accountant allowed $550,000 for the trial of the Kaiser. That ought to be eliminated.

Mr. SHERMAN. We get a rebate on that.

Mr. BORAH. As the premier of England has changed his mind as to that question, and the Kaiser is not to be tried, or, if tried, is to be tried by the German authorities, it is fair to say that the $550,000 should be eliminated.

Mr. President, it seems that we have arrived at the time when we ought to come to "close grips" upon this question of what we are going to do. We have been spending all day now upon the question of whether we shall have a reservation upon the question of the expenditures of the league. Everyone knows, of course, that if we go into the league, it does not make any difference what the reservations are, we shall pay our proportion so long as we stay in; there is no possible chance of anything else. If we do not go into the league, of course, the reservation is wholly immaterial. So why not get rid of the reservations about which there is no controversy, except for the mere purpose of delay, and come to the real question of whether or not we are going to agree to the reservation concerning which the real fight is organized?

We postponed the reservation on article 10 a few days ago to see if there could not be reached some compromise, something which would be satisfactory to those who are in favor of ratifying the treaty. I made no objection to the postponement, for I realized that those who are in favor of the ratification of the treaty had a difficult situation with which to deal. In the first place, they had difficulty in agreeing among themselves; and, in the second place, they had still greater difficulty in knowing the views of the gentleman without whose indorsement the ratification of the treaty would be utterly worthless. The situation is such now that I understand they know the views of the President, and knowing the views of the President, it seems to me, there is no justification for our delaying this thing longer.

If the President is satisfied with the Lodge reservations, undoubtedly the treaty will be ratified, and those of us who are opposed to it will have to content ourselves with simply recording our votes against it. If the President is not satisfied with the Lodge reservations, then the Democratic Senators know by this time whether or not they are going to break with the President. If they do not know it to-day, they will know it by Monday morning. Sunday can be utilized for the purpose of taking counsel of themselves and with themselves as to whether they are going to venture upon an open sea without rudder or compass, politically speaking, indicating where in the future they are going to land.

Now, I am speaking in all sincerity. If some other Senator does not move to take up the reservation to article 10 on Monday morning, I shall myself undertake to bring it to a conclusion in the Senate.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. BORAH. I do.

Mr. GORE. I am glad to hear the Senator from Idaho say that he is speaking in all sincerity, because he is speaking in riddles to me. The Senator seems to forget that the Senate is an independent branch of the treaty-making power and in the premises must act upon its own responsibility.

Mr. BORAH. No; "the Senator" did not forget it, but he did not mention it. The newspaper report of the present situation I find in a dispatch sent out by the United Press. After the visit of the Senator from North Carolina [Mr. SIMMONS] to the President, being the second visit, the first visit being made by the distinguished Senator from Virginia——

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. GLASS. I should like to inquire upon what authority the Senator from Idaho made the statement on day before yesterday that "the Senator from Virginia" was commissioned to go to the White House and did go to the White House to see the President?

Mr. BORAH. I did not say the day before yesterday; I do not know just when the Senator went. I do not know of my own knowledge that he did go; I know that several gentlemen who claim to have seen the Senator at the White House have stated that he was there to see the President; that the Senator did not succeed in seeing the President, but that he did see Mr. Tumulty.

Mr. GLASS. Mr. President, to me it is most extraordinary that a Senator should be put under espionage and his goings and comings reported from the floor of the Senate. I sat here in plain sight of the Senator from Idaho on day before yesterday when he made the statement that a certain Senator, as he was reliably informed, was at the White House with some form of compromise to article 10 which had been drafted by the Senator from Minnesota [Mr. KELLOGG]. I could not infer that the Senator from Idaho had reference to me, for I sat here when he made the statement; but I was told—and afterwards ascertained that it was true—that the newspapers subsequently had said that I had been selected by the Senator from Minnesota, or by somebody else, to take this reservation to the White House. There is not a word of truth in it, and the "reliable" information that the Senator assumed to give the Senate was totally unreliable; it was an invention from beginning to end.

I did not go to the White House and seek to see the President; I was not denied any audience with the President. I have not seen the President for about three weeks; but if I had gone, I take leave to say that I regard it as a breach of propriety for a Senator to stand here and assume to say what is the mission of another Senator at the White House.

Mr. BORAH. Mr. President, I trust the Senator will not feel offended. I have never understood that it was improper to discuss the relationship of the Members of the Senate to the President.

Mr. SHERMAN. Mr. President——

Mr. BORAH. Just a moment. If the Senator tells me that he did not seek to have any communication with the President in regard to this matter, I accept the Senator's statement as absolutely correct. I do not understand, however, that the Senator says that; I understand that the Senator says he did not see the President, which I at all times understood.

Mr. GLASS. Had the Senator listened to what I said he would have heard me say that I did not seek to see the President; I did not go to the White House on any peace mission. I went there on an entirely different mission and while there made no reference whatsoever to article 10 or any other article of the treaty or to the treaty in any sense of the word.

Mr. BORAH. Very well; that settles that proposition. Now, if the Senator from North Carolina [Mr. SIMMONS] is present we may find out if he has any communication that is of interest to the Senate.

Mr. GLASS. I suggest to the Senator that hereafter he would better find out what are the facts before he states to the Senate that he is "reliably" informed that such and such is a fact concerning the movements of a colleague.

Mr. BORAH. Mr. President, I had perfectly reliable information with regard to it from gentlemen whose reputation for truth and veracity I do not even now question.

Mr. GLASS. I do; that is where the Senator and I differ.

Mr. BORAH. I am not saying that the Senator is not stating the fact; I am not questioning the Senator's veracity; he knows better than anybody else what he went for; but I say that the gentlemen who told me what I have stated are men whose reputation for truth can not be questioned. Those gentlemen saw the Senator go to the White House, and, of course, they drew their inference from that; but that they would mistake the facts is, in my judgment, impossible.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. SHERMAN. I suggest that there be a general amnesty and that the Senator's alibi be accepted. [Laughter in the galleries.]

The PRESIDENT pro tempore. The Chair desires to announce now that under the rules of the Senate there must be no expression of approval or disapproval from the galleries, and it will be the duty of the Chair to enforce those rules.

Mr. GLASS. Mr. President, I merely desire to add that the Senator from Virginia is not undertaking to establish an alibi; it is his privilege to go to the White House when he pleases. The Senator from Virginia was simply questioning the propriety of having it announced from the floor of the Senate when he goes to the White House and utterly inaccurate conjectures advanced as to why.

Mr. BORAH. Half the news in the newspapers is about visits to the White House. It is a very rare thing and a still rarer thing that the visitor sees the President when he does go there.

Mr. President, the information which the Senator from Idaho had was published all over the country, and the Senator from Virginia knows that fact. It not only went into the responsible papers but it went through a responsible news organization and association.

Mr. GLASS. It was a totally conjectural statement, nevertheless, and entirely without foundation in truth.

Mr. BORAH. The publication in the newspapers did not come from the Senator from Idaho; the publication came from other sources; and the Senator from Idaho got his information in the only way that he can get information at all in regard to this matter. The Senator from Virginia realizes the embarassing situation of the irreconcilables; they have no friends anywhere, neither in the President nor anyone else; so they must gather their information, as the ordinary citizen gathers his, from the news bureaus and from the goings and comings. Everybody understands, of course, the close relationship of the distinguished Senator from Virginia to the President; and the supposition was that when he went there he went there as a confidential agent. I am glad to find the exact facts about it. Now we can clear up the second proposition. My only desire is to get the real facts before the country. I am perfectly willing to accept the statement of the Senator from Virginia just as he makes it and with its entire implication except as to the question possibly of "decency."

The United Press dispatch reads:

WASHINGTON, *March 6.*

President Wilson sees little need of conferring with an administration Senator on a possible modification of his determination in regard to reservations on article 10 and other controversial points, it became known to-day.

An official close to the White House declared:

"The President told Senator GLASS what he thought about the treaty two weeks ago. Must he reiterate every day?"

That the President maintains an adamantine attitude toward what he terms "nullifying reservations" is indicated by another official comment concerning the proposed call of Senator SIMMONS at the White House to ascertain whether the President will modify his stand:

"If persuading is to be done," he said, "let them persuade Senator LODGE to change his program. Let it be remembered that it was the President who submitted the treaty."

I do not know whether that is true or not; but it comes from a reliable source of information, namely, the United Press; and the press organizations are represented by very active and capable men and have opportunities of finding out what, of course, a Senator can not find out. The result is that the Senate must rely upon that information, and I do not consider it improper for a Senator upon the floor of the Senate to discuss those things which appear in the public press. I am sure the Senator from Virginia will concede that proposition, and I am now discussing this which appears in this public press.

If it is true, Mr. President, that the President does not propose to yield, then why not bring the matter to a vote and get this thing out of the way, and get ready for the great presidential campaign? If it is true that the President does propose to modify his position, then why not get ready to vote? It all turns upon that proposition. It does not make any difference what the Senator from Virginia says or what any other Senator says. We all know that, whether it can be stated as an actual fact or not, the thing is waiting upon what the final view of the President shall be. If that is known now, let us act. If it can not be known, we must act without it; and why not act now?

What I rose to ask was that we proceed to article 10 and settle this controversy. This other course is mere wasting of time in considering such immaterial matters as to whether or not Congress will pay under a moral obligation or a legal obligation, because we will pay just the same under either. The great controversy arises over article 10, which the President says is the heart of the covenant, and to remove it is to destroy the covenant. It is a simple question of whether he proposes to modify his position or not. If that can be known, or if it is known, there is no possible reason for delaying this matter another 48 hours after Sunday.

Mr. SIMMONS. Mr. President——

Mr. BORAH. I yield.

Mr. SIMMONS. I am advised that while I was absent from the Chamber the Senator from Idaho made the statement that I had been in conference with the President.

Mr. BORAH. I have just read it, since the Senator came into the Chamber.

Mr. SIMMONS. There is no statement there that I have held any conference with the President.

Mr. BORAH. I do not know that the Senator got to see the President. I do not know about that.

Mr. SIMMONS. I understood that the Senator had stated before I came into the Chamber that I had had a conference.

Mr. BORAH. I have understood so; yes.

Mr. SIMMONS. The Senator is mistaken.

Mr. BORAH. The Senator from North Carolina has not had any conference with the President?

Mr. SIMMONS. I have not.

Mr. BORAH. And the Senator does not know the President's views upon this question?

Mr. SIMMONS. Not from him.

Mr. BORAH. I did not suppose the Senator did from the President direct.

Mr. SIMMONS. I do not know the President's views upon this question further than I have heard them discussed here in the Senate; but I want to say one thing further to the Senator before I sit down, in reference to a part of this interview.

Mr. BORAH. All right.

Mr. SIMMONS. I think it is said in that interview that the President said that if the Senate could persuade anybody to change, it had better persuade Senator LODGE instead of him. I want to state that if I had seen the President I should not have attempted to persuade him to support the Lodge reservation or amendment.

Mr. BORAH. Mr. President, after all this giving of views and after these statements, I am now convinced that there is no possible reason for delaying action upon article 10. It has been postponed for a purpose. That purpose was to see whether or not there could be an agreement which would be satisfactory to the ratifiers and satisfactory to the President. You either know whether that agreement can be had, or you do not know. There is no occasion for delaying this matter any longer. We are willing to come to a vote upon that proposition.

Mr. HITCHCOCK. Mr. President, will the Senator state whom he represents when he says "we"?

Mr. BORAH. "We" represent those men who stand for Americanism and for American institutions—the irreconcilables.

Mr. HITCHCOCK. How many can you count on that side?

Mr. BORAH. If you have as many as you had the other day, we have enough to defeat the treaty.

Mr. HITCHCOCK. I should like to know whom the Senator represents when he says "we," because we are following a program that was laid down by the majority on the other side of the Chamber. Does he represent that Republican majority on the other side of the Chamber when he states that he is ready to take up article 10?

Mr. BORAH. No; I represent, in making this statement, those known as the irreconcilables.

Mr. HITCHCOCK. I thought so.

Mr. BORAH. Whom does the Senator from Nebraska represent?

Mr. HITCHCOCK. Mr. President, I have not made any statement as to what I desire. On different contingencies I represent different Members on this side of the Chamber; but I will state that I do not sympathize with the statement made by the Senator from Idaho that it is rather a waste of time for us to consider these unimportant modifications that have been discussed here, and I can see that it might be possible to shorten the discussion by coming immediately, or the first thing next week, say, to article 10. I desire to say to the Senator, however, that not only were we not responsible for the delay in coming to article 10, but, if we had been responsible, it would not be because of any desire on our part to find out what the President's attitude is upon that article. We are ready on this side to vote on article 10 at an early date, and it will not be necessary to find out what are the President's views. It will be sufficient to find out what are the views of Democrats on this side of the aisle.

Mr. BORAH. Mr. President, if it is not necessary to find out what are the views of the President, how much longer will it take the Senator to find out what are the views of those on that side of the Chamber?

Mr. HITCHCOCK. Mr. President, I have presented the offer of 40 Democratic Senators with regard to article 10. Those 40 Senators—and I think there are others—will accept either one of two compromises on article 10 which have been printed and laid before the Senate. If neither one of those is accepted, and no other compromise is offered which is satisfactory, there will be sufficient Senators on this side of the aisle to refuse a ratification of the treaty with the present Lodge reservation on article 10.

Mr. SMITH of Georgia. With the aid of the irreconcilables.

Mr. BORAH. You need not worry about the irreconcilables. Nobody wanders around to find out what they are going to do. They are against this on the ground of principle, and therefore,

of course, they will remain against it. I do not say that in disparagement of the Senators who are for ratification. You are just as irreconcilable as we are.

You are irreconcilable unless you can have your particular kind of a reservation. We are irreconcilable unless we can have our particular kind of a treaty, which is no treaty at all; but you will not yield an inch farther, as I understand. If you can not get the two reservations which you have offered—what is known as the Taft reservation, which has been adopted by our friends over there, or the other reservation—then you say that there are sufficient votes upon the other side of the Chamber, together with the Senators upon this side who are opposed to it, to kill the treaty.

Mr. President, if that is true, why need we spend another hour here in delaying business which ought to be transacted? And that is the reason why, apparently, this time for the last two weeks has been utterly wasted. If it has not been for the purpose of ascertaining whether or not this treaty would be deposited if ratified, then that time has been wasted upon the other side just as much as it has been wasted upon this side. I had supposed that it was for that purpose; but, if it is not for that purpose, then there has been no purpose at all behind it.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield.

Mr. HITCHCOCK. The Senator refers to us as irreconcilables. An irreconcilable is one who will not compromise at all. We have offered two compromises upon this vital article. Does the Senator think that we should offer more than two at the same time? We have not even said that those were the only two that we would accept. We are willing to consider any compromise that may be offered from the other side on that article, but those two we are agreed upon among ourselves, if offered from the other side.

Mr. BORAH. You are willing to consider any reservation which may be offered except the reservation which has been adopted?

Mr. HITCHCOCK. We are willing to consider, as I have stated, any compromise of a radical difference on a vital matter for the purpose of meeting the popular demand for a ratification.

Mr. BORAH. Is the Senator willing to vote for a reservation which destroys the obligation covered by article 10 and make it depend entirely upon the action of Congress?

Mr. HITCHCOCK. No.

Mr. BORAH. Well, then, that is the proposition.

Mr. HITCHCOCK. That is one proposition. That is the irreconcilable proposition.

Mr. BORAH. No; that is not the irreconcilable proposition. These Senators over here say that they are opposed to article 10 so long as any part of the obligation is permitted to stand; that the execution of article 10 must be determined alone by Congress, but if there is an obligation left in it they are opposed to it; and they are just as much opposed to that as we are opposed to the treaty, according to their statement. Now, therefore, if you can not offer any reservation which maintains the obligation, you can not make any reservation which does not, and why continue this delay?

Mr. HITCHCOCK. Is the Senator from Idaho, an irreconcilable, authorized to speak for the mild reservationists?

Mr. BORAH. No; I am "an onlooker in Vienna."

Mr. HITCHCOCK. I hope, then, that the Senator will not undertake to state anything except his construction of their position.

Mr. BORAH. I am taking it from what is found in the CONGRESSIONAL RECORD and what they have stated over and over again. The able Senator from Wisconsin [Mr. LENROOT] stated just a few days ago that if there was any change in the substance of the reservation the treaty could not be ratified. If we are not fighting over substance, what are we fighting over? If there can be no change in substance, why delay voting upon the proposition? I am not undertaking to speak for these gentlemen. I am simply repeating what they have said many times here upon the floor, and I accept their statements.

Mr. LODGE. Mr. President, I think there is no one in the Senate who is personally more anxious than I am to bring this matter to a conclusion, for I have been occupied with it now for nearly a year.

Mr. President, we can hardly change now the course we have adopted, whether for good or for ill. I made a motion, to which the Senate agreed, to take up the reservation dealing with article 10 after the other 13 reservations had been disposed of. No motion to reconsider has been entered within the time stated by the rule, and I do not see how that order can be set aside except by unanimous consent. The quickest way to get to article 10 is to go straight on as we are going now.

I think the Senate will bear me witness that I have occupied, since this treaty has been up, very little time. I do not believe I have occupied an hour altogether. I have made no speeches. The Senator from Nebraska [Mr. HITCHCOCK] has started a debate on every single reservation which has come up, on every point, no matter how trivial. If he wants to expedite matters, why should he not allow us to go to a vote, without starting a debate as each one comes along? I am willing to vote on these reservations, one after another, just as rapidly as we can do it.

One word as to the differences.

Mr. President, there are some Senators on this side who, as a matter of profound conviction, are not willing to vote for this treaty in any form. There are others here, a majority of the Senators on this side, who would be glad to ratify the treaty if the principles of the Lodge reservations are preserved, and who would not stand out on a mere question of phraseology. But on the principle involved in article 10—I think I am expressing the views of all of my colleagues—we do not propose to yield. We mean to get rid of any obligation under the second reservation, which covers article 10. We have not stood out against changes of phraseology, and do not now; but on the principle involved in article 10 we shall not yield, in my judgment, and I think I represent them all.

The Senator from Nebraska has never offered a compromise. He has offered two forms of reservation, which both yield and change the principle involved in the second reservation.

As to what the President may think, I do not know, and I do not think anybody else knows, and I have no means of informing myself; but that is our position here. If I could have my way I would vote on these reservations just as rapidly as possible. I think the quickest way is to finish those that remain, and, if the Senate wants to get quickly to the end and reach article 10, to stop debate on these unimportant reservations, and get there.

Mr. REED. Mr. President, just to finish one topic that has been discussed, and do it in a moment, I want to call attention to the statements that have been made that the expenses of the League of Nations are going to be very small.

I think a man who will undertake to prophesy what these expenses may be has a great deal of temerity. I find, in reading the proceedings of the council of the League of Nations, some information which I think throws a little light on that question, and which indicates how far the council of the League of Nations is now proposing to go.

Señor Leon submitted to the executive council of the League of Nations the following conclusions:

"(a) To submit to the council proposals for the formation of a permanent organization, as part of the organization of the League of Nations, concerning communications and transits.

"(b) To prepare, for the submission to this organization, drafts of general international conventions with regard to transit, waterways, ports, and railways, if possible.

"(c) Provisionally, and until the organization has been formed, to advise on questions which the council may think fit to submit to it, and which fall within the jurisdiction of the League of Nations under the terms of article 23 of the covenant of the league, and of the articles in the various peace treaties relating to ports, waterways, and railways."

* * * * * * *

Señor Da Cunha submitted the following resolution:

"That in view of the duties imposed upon the league by article 23 (f) and article 25 the council invites the health commission, which has already met informally on the initiative of the British Government, to constitute a conference by adding to its members a small number of international health experts with an official of the league as secretary. The conference will prepare for submission to the council proposals concerning the institution of a permanent body, to whom the council can refer for advice and, if necessary, for action all questions connected with the execution of the above-mentioned articles."

Again it is recited that the following propositions are under consideration, and Mr. Balfour, in this connection, speaks:

The council of the League of Nations shall convene an international conference, with a view to studying the financial crisis and to look for the means of remedying it and of litigating the dangerous consequences arising from it.

A commission composed of members of the council nominated by the President is instructed to summon the States chiefly concerned to this conference to convene it at the earliest possible date.

In addition to that, Mr. President, it is recited that they have under consideration the Danzig question; the organization of a permanent court of international justice. They have a committee on transportation, ports, waterways, railways, and duties of the league in connection therewith. They also have one on health, international health, and one on the Polish minority treaty.

So we find already the council of the League of Nations taking up questions that are world-wide that do not relate to the settlement of war controversies or to the making for general conditions of peace, but are of that character of duty which is assumed alone by governments. That body, operating without any constitution or any restraining power, within the first two

or three of its meetings, is undertaking questions which involve a control, for instance, of international sanitation and health. If you ever started a movemet of that kind, there is no telling how many billions of dollars it would cost.

Moreover, it has been suggested time and again that the League of Nations shall itself become the mandatory in Turkey. It has been suggested that it become the mandatory in Armenia. It has been suggested that there shall be placed under the League of Nations Fiume and other countries. Mr. President, when we embark upon this field we may as well prepare for the expenditure of sums of money which are now incalculable. That this will be the course of the League of Nations no man who has studied its proceedings from day to day can possibly doubt.

The Senator from Colorado [Mr. THOMAS] has just called my attention to article 399 of the treaty, which expressly provides that—

All the other expenses—

A few having been omitted—

of the international labor office and of the meetings of the conference or governing body shall be paid to the director by the secretary general of the League of Nations out of the general funds of the league.

How many men will constitute that organization, an organization that is authorized to inquire into labor conditions in all countries of the world? Our Labor Department here, operating under the immediate surveillance of Congress, has to-day a swarm of agents that cover this land, and you can find some of them in almost every hamlet and village of the country.

I venture the prediction—and with this I shall conclude what I have to say—that it will not be six months after the League of Nations is fully formed, if they get us in, before they will be calling for an international police force, which means an international army and an international navy, and that they will be udertaking the government of large sections of the world. Let us see if I am not warranted in making that statement.

The Austrian treaty, which is now before the Senate, expressly provides that Austria shall grant and maintain civil and religious liberty to all the people within her borders; that she shall grant equality of opportunity to all nationals within her borders; that she shall grant equal school facilities, and that certain nationals shall be entitled to conduct schools in their own language. It may be that every one of those suggestions is a good one if carried out, but the carrying out of them constitutes all there is of civil government. All there is to the Government of the United States is the guaranty of civil and religious liberty and of equal opportunity before the law and the protection of life and liberty and the pursuit of happiness. All that is guaranteed now or written into the Austrian treaty, and then it is provided that any violation by Austria or any failure on the part of Austria to strictly comply with those conditions shall be an international question. Thus the internal government of Austria is made an international question.

Then it is further provided that a majority of the council of the League of Nations shall determine these questions. The unanimous vote has disappeared; the majority vote takes its place. Now, what have you done? To all intents and purposes you have placed the complete supervision of the Government of Austria under the League of Nations, and every failure of the Government of Austria to provide equality of right and opportunity and to provide for the civil and religious liberty of her people is at once justiciable by the League of Nations. In other words, it becomes the supreme governing body of Austria. Thus there is brought within the direct supervision and control of the council of the League of Nations a supergovernment over all the internal affairs of what is left of Austria.

But in addition to that the treaty with Jugo-Slavia contains similar provisions, the treaty with Poland contains similar provisions, the treaty with Roumania contains similar provisions, and the treaty with Serbia contains similar provisions. I do not know yet, and I question whether anybody else knows, exactly how many people are in those several countries, but, as I understand it, there will be in the aggregate in all the countries not less than 40,000,000 to 50,000,000 people.

Thus the government of over forty or fifty million people is, in the last analysis, placed within the control of the council of the League of Nations, and in order to carry on that supergovernment it will be necessary to have machinery, it will be necessary to have an enormous force, and it will probably be very necessary in the immediate future to have, subject to the jurisdiction of the council of the League of Nations, a military force sufficient to maintain order and peace and to enforce the mandates of the league council.

As I have stated, it has also been proposed and discussed to put Turkey under a mandate of the league. Whether it is being carried out we can not tell, for we do not know what is in the minds of the four or five men who are now running the world, just as much as the Roman triumvirate ran the world, except America, and they are too influential here. We do not know what they may do with Turkey, but it is seriously proposed to put Turkey under a mandate of the League of Nations. If that is done, if the morning papers are to be credited, it will not be long before there will have to be an international force in Turkey. Indeed, Mr. Balfour, I believe it was, a few days ago, in speaking of the budget submitted to the British Parliament, stated that one item was for the policing and the control of Turkey, and he said that burden would rest upon the British Government until such time as it might be taken over by the League of Nations, clearly showing what was in the mind of that great British statesman; and Mr. Balfour will have his way in the end.

So when anyone gets up here and talks about it as being ridiculous and absurd to say that we are involving ourselves morally under this treaty for enormous expenditures, I think he is the one who is engaging in the very doubtful work of speculating as to the future. To talk about an organization that is great enough in its strength and might to control the majority of the human family, and to do it without the expenditure of money, seems to me to be the last word in absurdity.

The majority of the human family, and a vast majority of the human family, are to be held under a state of tutelage and control after the league is formed, just as a majority of them are now held to a greater or less extent under the control of other powers. The serfs of India will still be serfs, controlled it is true directly by Great Britain, but all the vast territory that has been gathered in will either go under the direct control of some government or it will be brought under the control of the league. If the league carries out the functions it professes that it will carry out, of producing equality and justice and right in the world, then the league must undertake to break the chains of all those countries, whether they are riveted on by Great Britain, by France, or by whatsoever country which may have been engaged in that kind of business.

So you have here a question not of peccadillos and of a few dollars, but you have a question that may involve this country in billions of expense. Nobody can tell; power grows and feeds upon itself; and already the League of Nations council has embarked on seas that we were told would never be entered.

Mr. President, I think, therefore, that this is not a small question.

The PRESIDENT pro tempore. The question is on agreeing to the ninth reservation as amended.

Mr. CURTIS. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. Mr. President, I offer a substitute for the pending reservation, which I ask to have read.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Reading Clerk read as follows:

The United States shall not be obligated to contribute to the expenses of the League of Nations or of any official thereof or of any organization or commission thereunder unless and until Congress shall have by appropriate legislation provided therefor.

Mr. KING. Mr. President, the important difference, if there is any, between the reservation offered by the Senator from Massachusetts [Mr. LODGE] and the substitute which I have just offered grows out of this language. The reservation offered by the Senator from Massachusetts provides:

That the United States shall not be obligated to contribute to any expenses of the League of Nations—

And so forth—

unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

That would imply, as I read it, that if officials were functioning under authorizations theretofore given, as soon as the appropriations ceased or had been expended then they would have to cease that function; they could no longer discharge their duties.

My substitute provides that if a law shall be enacted creating these organizations, and which authorizes, of course, the expenditure of money, they may proceed regardless of the fact that the appropriation has not been made. Senators can easily conjecture that commissions and individuals may rightfully be performing duties enjoined by the league and the appropriation may be limited, and yet it be understood and desired that their functions and labors shall continue beyond the period of the appropriations. It seems to me that if by law we provide for organizations and for individuals to discharge duties the law itself would impose the obligation of providing for the appropriation, and they could continue to function, notwithstanding the appropriation had been exhausted.

So it appears to me that the limitation expressed in the reservation offered by the Senator from Massachusetts is too severe and is improper and that a reservation which merely provides that these functions shall be continued and these duties performed under general law is all that we should impose in a reservation.

Mr. LODGE. The Senator is quite right in his interpretation. The precise object of the reservation is to prevent officers of the United States from incurring deficits. I ask for a vote on the substitute.

The PRESIDENT pro tempore. The question is on the substitute offered by the Senator from Utah [Mr. KING] to reservation No. 9.

The substitute was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to reservation No. 9 as amended, on which the yeas and nays have been ordered, and the Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. OVERMAN (when his name was called). In the absence of my pair, the Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SPENCER (when his name was called). Making the same announcement as heretofore regarding my pair and its transfer, I vote "yea."

Mr. THOMAS (when his name was called). I am informed that if my pair, the Senator from North Dakota [Mr. MCCUMBER], were present he would support this reservation. I therefore feel at liberty to vote. I vote "yea."

Mr. TOWNSEND (when his name was called). Again announcing my pair with the senior Senator from Arkansas [Mr. ROBINSON] and its transfer to my colleague [Mr. NEWBERRY], I vote "yea."

The roll call was concluded.

Mr. GRONNA. I desire to anounce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. If present, he would vote "yea." He is paired by transfer with the Senator from Delaware [Mr. WOLCOTT].

Mr. JONES of Washington. Announcing my pair and its transfer as heretofore, I vote "yea."

Mr. FLETCHER. I announce my general pair with the Senator from Delaware [Mr. BALL]. Being unable to secure a transfer of the pair, I withhold my vote.

Mr. WATSON (after having voted in the affirmative). I transfer my general pair with the senior Senator from Delaware [Mr. WOLCOTT] to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and will let my vote stand.

Mr. GERRY. The Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Delaware [Mr. WOLCOTT] are absent on public business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. PAGE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 46, nays 25, as follows:

YEAS—46.

Borah	Frelinghuysen	McNary	Smith, Ga.
Brandegee	Gore	Moses	Smoot
Calder	Gronna	Myers	Spencer
Capper	Hale	Nelson	Sterling
Chamberlain	Jones, Wash.	New	Sutherland
Colt	Kellogg	Norris	Thomas
Cummins	Kenyon	Phipps	Townsend
Curtis	Keyes	Poindexter	Wadsworth
Dillingham	Knox	Pomerene	Warren
Elkins	Lenroot	Reed	Watson
Fernald	Lodge	Sherman	
France	McCormick	Shields	

NAYS—25.

Beckham	Henderson	Nugent	Smith, Md.
Culberson	Hitchcock	Overman	Smith, S. C.
Dial	Johnson, S. Dak.	Phelan	Trammell
Gay	Jones, N. Mex.	Pittman	Walsh, Mont.
Gerry	Kendrick	Ransdell	
Glass	King	Sheppard	
Harris	Kirby	Simmons	

NOT VOTING—24.

Ashurst	Harrison	Newberry	Stanley
Ball	Johnson, Calif.	Owen	Swanson
Edge	La Follette	Page	Underwood
Fall	McCumber	Penrose	Walsh, Mass.
Fletcher	McKellar	Robinson	Williams
Harding	McLean	Smith, Ariz.	Wolcott

So reservation No. 9, reported by the Committee on Foreign Relations, as amended was agreed to, as follows:

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the secretary general.

The PRESIDENT pro tempore. The question now is upon reservation No. 10, which the Secretary will read.

The Reading Clerk read reservation No. 10, reported by the Committee on Foreign Relations, as follows:

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Mr. WALSH of Montana. Mr. President, I merely desire to say a word in explanation of my vote on the reservation. Like a great many others, I can see no reason whatever for the reservation. Under the plan proposed by the covenant, if the council proposes a plan of disarmament it must be approved by the various nations; and, if it is approved, thereafter armaments can not be increased by the nations without the consent of the council. So, whatever plan is proposed by the council, it does not become binding upon the United States until that plan is accepted by the United States; and it can be accepted by the United States only by virtue of an act of Congress. When the question comes up upon the acceptance of the plan proposed, if it does not provide that the United States may increase its armament in case it shall be at war, and the policy of the United States is against that at that time, of course they will reject the plan of disarmament proposed. So the whole matter remains in the hands of Congress, regardless of this reservation.

Mr. NEW. Mr. President, I offer the amendment, which I send to the desk, as a substitute for the reservation just read.

The PRESIDENT pro tempore. The Secretary will read the amendment, in the nature of a substitute, offered by the Senator from Indiana.

The Reading Clerk read as follows:

No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress.

Mr. NEW. Mr. President, the substitute I have offered emanates from that much-discussed and frequently criticized gathering known as the bipartisan committee, of which I happened to be a member. It has several times been referred to as a self-constituted committee. So far as I am concerned—and I think the same thing can be said of all others who served on that committee, at least from this side of the Chamber—there was nothing self-constituted about it. I was invited to act as a member of that committee by the leader of the Republican side and was assured that my membership on it had been submitted to and discussd by at least several Senators on this side of the Chamber, including some of the so-called irreconcilable group. With much reluctance I accepted and agreed to serve. I say with reluctance, because I had previously conceived and previously announced convictions concerning the essential features of this pact which were of such a character as led me to doubt very gravely whether I could ever reach an agreement with others whom I understood were to constitute the personnel of the committee. Some of them—in fact, all of them—had expressed their views, and they were in some instances so diametrically opposed to my own that I very gravely doubted whether we could reach any agreement whatever. But, Mr. President, having agreed to serve on that committee, I went into it in good faith. As to the essential features of the reservations, I am of the opinion now that I was several months ago when I announced my convictions on the floor of the Senate. To any alteration of them I do not, did not, and can not agree; but, Mr. President, there were some changes to which I did agree, and to the things to which I agreed I will adhere. I shall have no apology to offer for bad faith on my part, and I shall accept none from others who participated with me at any time in any conference.

The purpose of the substitute is so obvious that I myself do not care to say anything about it. It speaks for itself. If anyone else has views to express concerning it, he is at liberty so to do, but I shall not take up the time of the Senate with a discussion or an explanation of anything which upon its face is so plain as I think the proposed substitute is.

Mr. McCORMICK. Mr. President, before the Senator takes his seat I should like to ask him for a word of explanation of his substitute. It appears to me that it might serve as a preface to the reservation as it originally stood, or as a supplement to it, but as a substitute therefor it certainly does not cover the ground covered by original reservation No. 10. If the Congress of the United States accepts a limitation of armaments as proposed by the council of the league, and thereafter the United States shall be threatened by war, it will be bound by the limitations proposed by the council and theretofore accepted, will it not?

Mr. NEW. I think so; but, Mr. President, if the substitute is unsatisfactory to the Senator from Illinois, I am perfectly willing that he shall offer an amendment to it. It is a matter of indifference to me under the circumstances whether or not it is adopted. I agreed to it in the conference, and, having agreed to it, I offer it.

Mr. McCORMICK. I think the Senator ought to explain whether he thinks it falls short of original reservation No. 10 in providing for freedom of action by the Congress to arm the country in the event of future danger; and if it does not fall short, I think he ought to explain why he thinks it does not.

Mr. NEW. I do not think it falls materially short of the original reservation. I am ready and willing to vote for it.

Mr. BRANDEGEE. Mr. President, the Senator from Indiana, if I understood him correctly, stated that the proposed substitute offered by him was agreed to in the conference. Is he able to state whether or not it was unanimously agreed to?

Mr. NEW. I think I can; I remember that no objection was expressed at the time. When I say "agreed to," Mr. President, if the Senator will permit me, I should like to make clear exactly what I mean by that. It was distinctly understood among those who participated in the conference that their agreement bound nobody else to anything; that an agreement amongst themselves meant simply this, and nothing more: That they would recommend to their colleagues on this floor that the substitutions for the reservations presented from the Foreign Relations Committee should be accepted. That was as far as they were to go. They assumed no authority whatever; they recognized that they had none. It was merely, as I have said, so far as I was concerned—and I think I can say as much, in fact, I know I can, for those who served on that committee at least from this side of the Chamber—it was a good-faith effort to reach an agreement.

Mr. BRANDEGEE. Mr. President, I was moved to ask the question by the fact that the Senator had used the language that it was the agreement of the compromise conference committee, and I thought it was pertinent to ascertain exactly what that meant, because, as I had understood from some statements made, I think, by the Senator from Nebraska [Mr. HITCHCOCK] the other day, the word "agreement" should be taken in a special sense; that such understandings or agreements as were arrived at by the members of that conference were only tentative, and only in the event that they made an agreement and dissolved peacefully, so to speak, were they to be bound by the agreement, and then only to the extent of recommending; but that inasmuch as they had broken up by a failure to agree upon article 10 and the Monroe doctrine, therefore he did not consider that there was even a tentative agreement amongst them, and, as the Senator from Massachusetts [Mr. LODGE] stated, the whole thing fell by the wayside. So that whatever the intention of the members of this conference may have been if they had ultimately gotten together and agreed to go out and recommend to their respective factions in the Chamber here the adoption of their views, there was in fact no agreement to recommend anything. That is as I understand it. I do not know whether that is the way the Senator from Indiana [Mr. NEW] understands it or not.

So much for that, Mr. President. Coming now to the original reservation, it has already been stated by the Secretary; but, inasmuch as I desire to contrast it with the modification presented by the Senator from Indiana, I will take the liberty of reading it again. It reads as follows:

> If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Now, if I may be pardoned for saying so, the substitute or modification offered by the Senator from Indiana does not seem to me to be germane to that reservation at all. The substitute provides as follows:

> No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress.

There is nothing whatever there about the right of this country to increase its armaments in case of invasion or in case of threatened war. In fact, the language offered by the Senator from Indiana, if I am able to get the right idea of it, is, in effect, exactly the terms of the present treaty, unmodified.

The treaty provides, in article 8, as follows:

> The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.
>
> Such plans shall be subject to reconsideration and revision at least every 10 years.
>
> After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

It was to the latter paragraph that the original Lodge reservation was germane, and the purpose of that reservation was to take us out of the provision of the treaty which provided that when we had accepted the plan of the council for a reduction, the limit so fixed should not be exceeded without the concurrence of the council.

Mr. President, the Senator from Montana [Mr. WALSH] states that in his opinion this reservation is entirely unnecessary, because when the council suggests a plan for disarmament, if Congress does not like the provision in the plan, it need not accept it. But the plan which may be suggested by the council may contain no provisions at all as to exceeding the limits fixed by the council, or anything else of that kind. The plan presented by the council may not treat at all of the questions which the treaty itself discusses. The word "plan" is a very vague word. They may say in their plan that it is recommended that each nation reduce its Navy by 10 per cent as measured in tonnage, or its troops by a certain number, measured in numbers, or its artillery, its guns, by such a number, or measured in any other way, and say nothing more, in which case the treaty provision applies. So it seems to me that if this country wants to preserve the right to increase its fleet or its Army in view of war or invasion to arise in the future, without going to the council as a suppliant for permission so to do, now is the time to say so; but, as I say, the substitute proposed by the Senator from Indiana is simply a return to the treaty without any reservation whatever.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. BRANDEGEE. Certainly.

Mr. TOWNSEND. I do not understand the substitute offered by the Senator from Indiana as does the Senator from Connecticut. I take it that the object of any reservation on this subject is to give the United States some controlling voice in reference to its own armaments. I also take it that one of the most essential things to be done in the world looking to peace is the control of armaments. Now, if this provision is to the effect that no limitation of armaments that may be adopted shall be binding upon the United States unless and until it is approved by the Congress, why have we not obtained all that we are seeking to obtain in having any reservation at all on this subject, finally giving the United States Congress the right to approve or disapprove before it is bound by the action of the council?

Mr. BRANDEGEE. For the reason that a certain pacifist Congress, if you please—if we shall ever be cursed with one again—might adopt some plan proposed by a pacifist council of the League of Nations, and then we might regret it at the next session of Congress, and the country might be confronted with an entirely different situation than it was confronted with when the previous Congress had accepted the plan recommended by the council, in which case this great, sovereign Nation would have lost its ability to defend itself, and would have to go hat in hand to Geneva to get the permission of 8 or 10 foreign Governments—our rivals, and possibly our secret enemies—before we could build another battleship or add a regiment of troops to our Army. Those who drew the original reservation, seeing that danger, put in the reservation so that if we were threatened with invasion or in time of war we need not humiliate ourselves by going to this international concern and getting their permission to increase our defense.

Mr. KELLOGG. Mr. President, I think there is some misunderstanding about this reservation.

In the first place, ordinarily the President and the Senate may enter into a treaty limiting armaments. To be sure, Congress can violate the treaty and increase the armaments at any time it sees fit, as it can violate or abrogate any treaty; but, ordinarily, if we were going to enter into an agreement limiting armaments, it would be done by a treaty. It must be done by a treaty between nations.

A hundred years ago we entered into an agreement with Great Britain limiting armaments upon the Great Lakes. To be sure, the treaty took the form of an exchange of notes, but those notes were ratified by the Senate of the United States and that treaty has been lived up to, and I have no doubt whatever that under the treaty-making power the President and the Senate may enter into such a treaty.

Mr. LODGE. But in the case of such a treaty, of course, we could put in any conditions we chose.

Mr. KELLOGG. Any conditions we chose. Now, if an agreement should be reached in the league, and it should be proposed to the several Governments for ratification, this Government could attach any conditions or reservations it saw fit, just exactly as we are attaching conditions and reservations to this treaty.

There was some doubt in the minds of some Senators as to whether the several Governments ratifying the proposal of the league would act through the treaty-making power or act through their legislative bodies. I think, ordinarily, the Governments would act through the treaty-making power; but to remove that doubt this reservation was proposed and has been submitted by the Senator from Indiana [Mr. NEW], making it clear that the representative of this Government must be the Congress of the United States instead of the treaty-making power, to wit, the President and the Senate.

If the President and the Senate, when they accepted such a treaty, could amend it or place a reservation upon it which provided that we could increase our armaments at any time during hostilities or under the threat of invasion, the Congress can do it when it ratifies the agreement, or the Congress can say, "The United States will not reduce its armaments to the extent that the League of Nations has recommended; it will reduce the Army but not the Navy." It is entirely, then, I believe, in the hands of the Congress of the United States.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield for a question.

Mr. REED. I regard this as a vitally important question, and I am anxious to get the Senator's view. Will he allow me to state my case just in a word?

Mr. KELLOGG. I will.

Mr. REED. Article 8 reads in part as follows:

> After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

If these plans can be adopted by the President without the concurrence of Congress, then the moment he would accept the obligation of article 8 would attach, of course. If the plans can be adopted by the President and the Senate conjointly, the moment they agree the article becomes binding. If the plans are accepted by the council, the moment they agree the article becomes binding and it is a completed contract. Would not that be the case?

Mr. KELLOGG. Yes.

Mr. REED. Now, if the Senator will allow me to proceed to the next proposition, we then have a binding contract. Whether it is made by the President, or by the President and the Senate, or by the President and the Congress, we have agreed to this treaty proposition, and the treaty proposition is that having been adopted the limit of armament can not be exceeded thereafter without concurrence of the council.

Is it not plain to the Senator as a lawyer that if we want to reserve our right to increase armament without the consent of the council under particular conditions, we must write it into the act of acceptance or we must write it into this treaty, reserving to ourselves the right to attach conditions in the acceptance?

Mr. KELLOGG. We can either put that condition on now or we can put it on when we accept the treaty which limits the armament.

Mr. WADSWORTH. May I ask the Senator why we should not do it now?

Mr. KELLOGG. Because it seems wise, and I think it is wise, to leave it to Congress to decide that question at the time when the armament agreement comes up.

Mr. REED. Now——

Mr. KELLOGG. Let me proceed. I want to answer the Senator completely. I will assume that the league proposes a limitation of armaments, providing that the United States shall have a certain army and a certain navy, and saying nothing about increasing it. Assuming, for the purpose of the argument, that that restriction applies—and I am speaking of the restriction in article 8—after war is declared or we get into war or are threatened with invasion, if the council proposed a treaty limiting our armament, and we accepted it, of course article 8 of the treaty would apply; but when that is proposed to us the President and the Senate or the Congress, whichever acts, can say, "We accept the treaty on the condition that our armament shall remain in time of peace as suggested by the council, but in case of threatened invasion or war we reserve the right to increase our armament as we please." We can either do it now, or Congress can do it then.

Mr. REED. I put this to the Senator as a lawyer, and he has a very distinguished and merited reputation as a lawyer. We are now making a primary contract. We are now making a treaty. In this treaty we agree to the policy of disarmament. In this treaty we agree that the council shall prepare a plan of disarmament. Suppose the council does prepare the plans and fixes the size of the Army of the United States at 100,000.

We come now to the third step. We are to agree to that recommendation. Is it certain that at that time we have any option left, under this treaty which is already made, except either to accept or reject? The treaty is a concluded thing. Let us assume that there might be a doubt about it and that there might be a question raised. If the Senator were drawing this contract for one of his own clients, would he not put in at this time some appropriate language to show that he reserved to his client at the time of acceptance the right to attach conditions?

Mr. KELLOGG. I think that we have the perfect right, when this proposed treaty limiting armament is sent to the Congress, to ratify it or refuse to ratify it except with amendments and conditions, and if I were to be one of the Congress at that time I should want other conditions than are proposed by the first reservation.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. KELLOGG. In just a moment I will yield to the Senator.

This reservation as it was proposed simply provides that in the case of threatened invasion or when we are engaged in war we reserve the right to increase our armament. I think there is another reservation that Congress would want to put on at the time. Suppose we agreed with the great powers of Europe—England, France, and Italy—limiting armaments, and the South American countries were not parties to it or Japan was not a party to it; although none of those countries were engaged in war with us or threatened invasion of our territory, we might write a reservation that if other countries increased their armament we should have a right to do it, notwithstanding the agreement of the league. So if you are seeking complete protection, we are not getting it by the first reservation any more than we are by the one proposed by the Senator from Indiana [Mr. NEW], for I believe that the Congress may impose any conditions it sees fit or refuse to ratify the agreement.

Mr. McCORMICK. Mr. President——

Mr. KELLOGG. If the Senator from Montana will pardon me, I will yield to the Senator from Illinois for just a moment.

Mr. McCORMICK. I asked some time ago permission of the Senator from Minnesota to interject, merely in order that I might have an amendment read, because I think it bears upon his very illuminating argument. It is an amendment which I propose to add to the substitute offered by the Senator from Indiana.

Mr. KELLOGG. If the Senator from Montana will bear with me while it is read, I will then yield to him.

Mr. LODGE. I ask that it may be printed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Illinois will be printed and lie on the table.

SEVERAL SENATORS. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The ASSISTANT SECRETARY. The Senator from Illinois proposes to add at the end of the proposed substitute of the Senator from Indiana the following words:

> And the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Mr. KELLOGG. I now yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to say in connection with the inquiry addressed by the Senator from Missouri [Mr. REED] to the Senator from Minnesota [Mr. KELLOGG], there can be no question at all, when the plan is proposed by the council, that it may be either adopted or rejected by the Government of the United States, and if it may be rejected absolutely by the Government of the United States, of course it may be accepted conditionally; that is to say, under the settled rule of contracts

an acceptance with conditions amounts to a rejection. That is to say, we say to the council that we reject the plan, but if they will modify it so that it shall provide that the Government of the United States may increase its armament in time of war or whenever it is threatened with invasion, we will then accept and adopt the plan. So when the right is reserved to reject absolutely, as a matter of course that includes the right to accept upon conditions, and if the conditions are acceded to, then there is an acceptance; otherwise there is a rejection.

Mr. REED. Will the Senator from Minnesota indulge me to ask the Senator from Montana a question on what he has just been saying?

Mr. KELLOGG. I yield to the Senator from Missouri for that purpose.

Mr. REED. That is the view of the Senator from Montana, and it might be accepted as correct, but in view of the fact that it is his view, considering the importance of this contract would he not be willing to have this provision modified by adding appropriate words, making it plain that we reserve that right?

Mr. WALSH of Montana. I will say to the Senator from Missouri that I object to this reservation, because the one thing that I hope for out of this covenant for a League of Nations is that it may result in the reduction of armament, so that our Nation, as well as all the sovereign nations of the world, will be relieved from the awful burden that military armament after this time will impose upon those who are obliged to maintain it; and I fear that any reservation of this character will be an obstacle in the way of securing even the proposal of a plan of disarmament or of the reduction of armament.

Why should this Government be endeavoring to throw obstacles in the way by saying that we are going to impose conditions in advance? Let us get the proposal for disarmament, invite it in any form, and then let us act on it when it comes.

Mr. REED. But the Senator states——

Mr. KELLOGG. Mr. President, I wish to take only a moment further, and then I shall be through.

Mr. REED. Very well.

Mr. KELLOGG. As I said, if we must adopt now all the conditions that we wish to attach to a treaty limiting armaments or all the amendments that we would place on such a treaty, we have not succeeded in doing it in this reservation to article 10, because countries not parties to the treaty might be so increasing their armaments as to make it necessary for the United States to increase its armament, although nations parties to the League of Nations or parties to the agreement limiting armaments might not be increasing theirs.

Mr. President, all I wish is to have it provided that any agreement which comes to this Government to be ratified shall be passed on by the Congress, and then attach such conditions as we may believe at the time to be necessary to protect this country. I realize that a world agreement limiting armaments is probably far off. I remember only a few months ago one of the principal English statesmen in the House of Lords said that it was a dream which would not be realized in many years. But is it possible that all the great nations must go on competing with each other in the increase of the burdens of armament? If it is true, then there is no limit to the expenditures of this Government or the other Governments of the world. I hope that the time will come when there may be some reasonable agreement limiting the armaments of the principal nations of the world.

Mr. REED. Mr. President, just one word. The sole difference between the reservation offered by the Senator from Indiana [Mr. NEW] and the treaty itself is that under the provision offered by the Senator from Indiana it is made plain that the acceptance by the American Government can not be made by the President alone or by the President and the Senate alone, but it must be made by the Congress of the United States. Outside of that difference, none other can be discovered. That does not reach the heart of the Lodge reservation, but cuts that out. The heart of the Lodge reservation is to be found in the words that the United States "reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war."

If those words are left out of the amendment to the Lodge reservation, then you are back exactly where you started, except that you have made it clear that the act of acceptance must be by the Congress instead of by the Executive. If those words were necessary in the first instance, they are just as necessary now, because even if the President were to possess the power to agree to disarmament and fix the size of our Army, he could attach conditions in his agreement, just as the Congress, according to the argument which has been made, can attach conditions when it agrees.

The whole question is, Are we going to sign an agreement providing that the council of the League of Nations shall present a plan, and that when we once agree to that plan we can not thereafter increase our Army, even though our coast is invaded, our cities attacked, and our people murdered, until we first go and get the unanimous consent of eight foreign gentlemen in Geneva?

If this reservation is to be adopted at all, it ought to mean something. If it be true, as argued by the Senator from Montana [Mr. WALSH], who frankly says he is against any reservation, that we will possess the right at the time we agree to the plan of disarmament to then write in a provision reserving to ourselves the right to increase the size of our Army, non obstante the express words of the treaty, then let us say so now.

Mr. WALSH of Montana. But, Mr. President——

Mr. REED. So that when we come to deliver the treaty we give notice that any acceptance made is subject to conditions.

Mr. WALSH of Montana. Let me remind the Senator that we do not even attach a reservation. We can reject the plan unless the plan provides just exactly what the Senator wants.

Mr. REED. That is true. The Senator, however, agrees that the only way we can get a reservation of power to ourselves after having signed the treaty is by exercising the power of absolute rejection and then saying we will accept upon certain specified conditions.

Mr. WALSH of Montana. The Senator will remember, in the first place, that we are represented upon the council which prepares the plan. If the Government of the United States want to reserve that right, of course their representative will see that that goes into the plan; but if he does not wish that it shall go into the plan, it comes before the Congress of the United States for adoption or rejection, and if it is not in the plan the Congress will reject it, or it will say, "We will approve it simply on condition that it is changed."

Mr. REED. Why not say so now? Why this temerity about asserting the right now in unequivocal terms before we make the contract?

Mr. WALSH of Montana. We shall have the right then.

Mr. REED. Well, we do not know whether we shall have it or not. The Senator says that the United States will be represented on the council. I do not want to prolong the debate now, but I shall have something to say about this question in future. The United States will have one man on the council to speak for the whole 110,000,000 people of the United States. He may be as utterly incompetent to protect this people as some other men have been incompetent to protect us in the past. One of the eternal and fundamental vices of this document is that it places practically all of the foreign relations and business of the United States in the hands of one man. That is contrary to the spirit of our Government; it is contrary to every idea of democracy; it is contrary to the principles of free government to place the fate of a nation in the hands of one man. All we need to do to suffer under this arrangement is to have one man there who is incompetent properly to protect us. The question does come back to Congress; that is true; but I am discussing the statement that we shall be protected because there is one individual—John Jones or John House or somebody else—sitting over there. When we come to the action of Congress to protect us, I do not want Congress to be placed in a position where it is not clear it has a right to attach any condition that it sees fit. That is one of the great questions in this league. The man who can for a moment cavil about the United States reserving the right to raise an army at any time it sees fit to defend its coast is not an American citizen.

The PRESIDENT pro tempore. The question is upon the substitute proposed by the Senator from Indiana [Mr. NEW] for the pending reservation.

MEMORIAL ADDRESS ON THE LATE REPRESENTATIVE ESTOPINAL.

Mr. LODGE. Mr. President, as in legislative session, at the request of the senior Senator from Louisiana [Mr. RANSDELL], I ask unanimous consent that the arrangement for memorial addresses in the Senate Chamber for to-morrow upon the late Representative ESTOPINAL, of Louisiana, may be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, March 8, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 6, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father, humbly and reverently we bow in Thy presence and acknowledge with gratitude our indebtedness to Thee for all that we are and all that we hope to be. Pour down upon us, we beseech Thee, Thy spiritual gifts, and grant us every blessing which purifies, ennobles, exalts, that we may fulfill our duty to Thee and to our fellow men. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

NO QUORUM—CALL OF THE HOUSE.

The SPEAKER. Under the special order——

Mr. MONDELL. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. There seems to be some hesitation on the part of gentlemen in control.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Dooling	Kennedy, R. I.	Rainey, Ala.
Almon	Dunbar	Kettner	Randall, Calif.
Anderson	Eagan	Kleczka	Reber
Andrews, Md.	Eagle	Kraus	Reed, W. Va.
Bacharach	Edmonds	Langley	Riddick
Baer	Elliott	Lee, Ga.	Riordan
Bankhead	Ellsworth	Lehlbach	Robinson, N. C.
Barkley	Esch	Longworth	Rogers
Bell	Evans, Nebr.	Lufkin	Rowan
Benson	Ferris	Luhring	Rowe
Black	Fields	McAndrews	Rucker
Blackmon	Fuller, Mass.	McArthur	Sabath
Bland, Va.	Gallagher	McClintic	Sanders, Ind.
Boies	Gallivan	McCulloch	Sanders, N. Y.
Booher	Garland	McDuffie	Schall
Bowers	Godwin, N. C.	McFadden	Scott
Brinson	Goldfogle	McGlennon	Scully
Britten	Good	McKinley	Sells
Brooks, Pa.	Goodall	McLane	Sims
Browne	Gould	Maher	Sinnott
Browning	Graham, Pa.	Major	Slemp
Burke	Greene, Mass.	Mann, S. C.	Smith, Ill.
Burroughs	Hamill	Mason	Smith, Mich.
Butler	Hamilton	Montague	Smith, N. Y.
Byrnes, S. C.	Hastings	Moon	Snell
Caldwell	Haugen	Mooney	Steagall
Campbell, Pa.	Heflin	Moore, Ohio	Steele
Candler	Hill	Moore, Va.	Steenerson
Carew	Hoch	Morin	Stephens, Ohio
Carss	Hoey	Mudd	Sullivan
Casey	Holland	Newton, Minn.	Tague
Clark, Fla.	Houghton	Newton, Mo.	Taylor, Colo.
Classon	Huddleston	Nicholls, S. C.	Taylor, Tenn.
Cooper	Hudspeth	Nichols, Mich.	Tilson
Copley	Humphreys	Nolan	Tinkham
Costello	Husted	O'Connell	Towner
Cramton	Hutchinson	O'Connor	Vare
Crowther	Johnson, S. Dak.	Oliver	Venable
Cullen	Johnston, N. Y.	Overstreet	Voigt
Currie, Mich.	Jones, Pa.	Padgett	Webster
Curry, Calif.	Kahn	Paige	Wilson, La.
Davey	Kearns	Parker	Wingo
Dempsey	Kelley, Mich.	Pell	Winslow
Denison	Kelly, Pa.	Peters	Yates
Dent	Kendall	Platt	Young, Tex.
Donovan	Kennedy, Iowa	Purnell	

The SPEAKER. On this call 244 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wyoming moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

EXPENDITURES IN THE WAR DEPARTMENT.

The SPEAKER. The Doorkeeper will open the doors. Under the rule adopted yesterday the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of House Report No. 637. The gentleman from New York [Mr. HICKS] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House Report No. 637, with Mr. HICKS in the chair.

The CHAIRMAN. The House having resolved itself into Committee of the Whole House on the state of the Union for the consideration of Report No. 637, under the rule the Chair recognizes for two hours the gentleman from Illinois [Mr. GRAHAM].

Mr. BEE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEE. Was the gentleman selected to preside over the Committee of the Whole because it is his birthday on the 6th day of March? [Applause.]

The CHAIRMAN. I thank the gentlemen for their courtesy. The gentleman from Illinois [Mr. GRAHAM] is recognized.

Mr. GRAHAM of Illinois. Mr. Chairman, there will be but two speeches on this side under the two hours allowed me; and I might suggest to my colleague from California [Mr. LEA] that I will yield first to the gentleman from New York [Mr. MAGEE], and then I would like to have the gentleman from California yield all of his time, because there will be only one speech following, by the gentleman from Wisconsin [Mr. FREAR], if that is satisfactory. I yield, Mr. Chairman, 30 minutes to the gentleman from New York [Mr. MAGEE].

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. MAGEE. Mr. Chairman, the subcommittee on aviation has taken a large amount of testimony during its investigations. We have briefly reviewed the same in our report submitted to the House. The hearings should be referred to for detailed information. In my limited time I can only comment upon some of the material facts testified to by witnesses who appeared before the committee. I have no intention of injecting into my remarks any personalities, nor any personal views. What I say will be based upon the record submitted to you as a result of our work. You can draw your own conclusions from the facts presented. I have no personal feeling in the matter and no desire to injure any person, but I refuse to be a party to any whitewash [applause], and in the public interest and for our future national welfare and security take the position that the House and the country are entitled to have the facts. [Applause on the Republican side.]

I am sure that the distinguished chairman of the committee, Mr. FREAR, of Wisconsin, concurs with me in this view. In the investigation he has been an indefatigable worker in ascertaining what the expenditures of the Government were in the Aircraft Service during the war and for what purposes they were made, and he is entitled to general commendation for the great public service which he has rendered. [Applause on the Republican side.] I desire to give him as much of the time allotted under the rule as possible, because it is his due. Therefore in my brief remarks I would respectfully ask that Members refrain from interrupting me with requests to yield.

Prior to our entry into the World War no preparations had been made for an efficient air service. The subject was new to America. Those placed in authority were wholly without experience in aeronautics, and stumbled along, committing one blunder after another, until the country became aroused and demanded investigations. One of these inquiries was conducted by the Department of Justice, under the able direction of Judge Hughes. An exhaustive report was submitted showing conclusively that large appropriations made by the Congress had been expended under a régime of inefficiency, waste, extravagance, and fraud.

An additional inquiry was made by the Senate under the Thomas committee, which submitted a report showing how utterly helpless the Government had been in the production of aircraft. These two comprehensive, nonpartisan reports are a matter of history and show how approximately a billion of dollars was expended without commendable results.

The total amount expended by the United States in our aircraft program from April, 1917, to the date of the armistice was, in round figures, $1,051,000,000. We did not produce a fighting plane; we did not produce a purely bombing plane; we produced and sent to the front in France for operation, beginning in early August, 1918, and continuing to November 11, 1918, 213 De Haviland 4's, which were observation planes and might be used for light day bombing. The De Haviland 4 was an awkward and dangerous machine of English pattern, which we copied and to which we fitted the Liberty motor, the only achievement of merit of the American Air Service in the United States.

During the war the British produced 27 types of one-seat fighting planes, 5 types of two seaters, 20 types of observation

planes, 10 types of day bombers, and 10 types of night bombers; the French 31 types of one-seat fighting planes, 10 types of two seaters, 22 types of observation planes, 7 types of day bombers, and 4 types of night bombers; the Italians 13 types of one-seat fighting planes, 1 type of two seater, 11 types of observation planes, 4 types of day bombers, and 7 types of night bombers; the Germans 12 types of one-seat fighting planes, 3 types of two seaters, 10 types of observation planes—I have no figures on day bombers—and 6 types of night bombers. The United States during the war did not produce a single type of any kind of airplane, unless we call the production of the copy of the De Haviland 4 a type.

However, with this indisputable record before them, those who were responsible for our failure and national humiliation and their partisan apologists and defenders insist upon asserting to the American people and hypocritically attempting to prove to them that the Aircraft Service in the United States during the war was efficient, successful, and worthy of public commendation. I make no comment, except to urge that we who know the facts should take immediate steps to put aeronautics in this country upon a sound and healthful foundation for such growth and progress as shall be deemed sufficient to protect fully the property and lives of the American people.

There was an additional investigation demanded by the loggers and lumbermen of the Northwest. This demand arose out of the incorporation and operation of the Siems-Carey-H. S. Kerbaugh Corporation, which had offices at No. 50 Church Street, New York City, and was incorporated under the laws of the State of Maine. In the spring of 1918 this corporation received from the War Department two important contracts—one a purely cost-plus contract to build a railroad from some point on the Chicago, Milwaukee & St. Paul Railroad in the State of Washington to the Olympic timber tract in the vicinity of Lake Pleasant, and the other, a most liberal contract that became a cost-plus contract upon the signing of the armistice, to get spruce flitches from such timber tract and involving an estimated expenditure of $23,000,000. These two contracts were twin sisters, interdependent, and one wholly useless without the other.

On April 24, 1918, the appointment of Mr. John D. Ryan as chairman of the Aircraft Board was announced. This appointment was confirmed May 10, 1918. On May 21 the Bureau of Aircraft Production was created, and Mr. Ryan, who had served as chairman of the Aircraft Board from the date of such confirmation, became director of the Bureau of Aircraft Production. Mr. Ryan, in reference to his appointment, testified:

I did not actually take charge until April 26. As I stated on yesterday, I did not sit on the Aircraft Board except as a spectator, or as an auditor, rather, until I was confirmed, which was some time early in May. And I did not take office as director of aircraft production until the office was created on May 21. So that I was without authority until the early part of May.

He declined to sign the railroad contract upon the ground that it would be improper for him to do so by reason of his connections with the Milwaukee Railroad. Thereupon the Secretary of War directed Assistant Secretary of War Stettinius to sign this contract, which he did on May 18, 1918.

The spruce contract Mr. Ryan approved on May 28, 1918. Mr. Ryan carried on the execution of both contracts until they were terminated soon after the signing of the armistice. It is difficult to see how Mr. Ryan could properly supervise the execution of a railroad contract that he could not sign without committing an improper act; and it is clearly apparent that, if it was improper for him to sign the railroad contract, it was equally improper for him to sign the spruce contract, involving an estimated expenditure of nearly six times as much money as the cost of executing the railroad contract, and from the operations under which in the transporting of lumber the Milwaukee would be a direct beneficiary.

At this time the western terminus of the Milwaukee Railroad in the State of Washington was about 30 miles west from Port Angeles at Deep Creek, a point approximately 25 miles from Lake Pleasant to the southwest. A reference to the map will make the location of the different points entirely clear. In order to get spruce from the Olympic tract about Lake Pleasant, Col. Disque, who was in charge of operations for the War Department in the Northwest, had in the spring of 1918 recommended to the Secretary of War the extension of the Milwaukee Railroad from Deep Creek.

On March 20, 1918, he sent to the Secretary of War this telegram:

Distance necessary to open this line, Lake Crescent route, to reach large spruce tracts double that necessary by the Milwaukee Deep Creek route. Will not go through railway facilities beyond Port Angeles. This line seems an unnecessary expenditure, and everybody interested in it wishes Government to bear proportion of expense considerably greater than Government would have to bear in extending Milwaukee. Milwaukee has been driving their road west slowly to meet development of country and are now within 30 miles west of Port Angeles. Milwaukee being common carrier equipped to advance their own line over their surveyed road unquestionably best means of entering Clallam spruce. In this opinion I have support of most experienced operators in this section.

By Clallam spruce is meant spruce in the Olympic tract in Clallam County.

On April 8, 1918, Col. Disque sent a communication to the Secretary of War, which contained this statement:

It will be noted that the Milwaukee extension Deep Creek route will immediately tap large stands of spruce timber between Deep Creek and Pysht River, whereas the proposed Crescent Lake Railroad must be extended its full length before any spruce will be available. Furthermore, it is regarded by many excellent engineers as a very difficult problem to lay rail along either the north or south bank of Crescent Lake, and those best equipped to discuss the problem state that the only practicable means of using this line would be to ferry cars or product across Lake Crescent and connect with the Milwaukee near Port Angeles.

On April 24, 1918, the Secretary of War sent a communication to Mr. McAdoo, Director General of the United States Railroad Administration, in which he states:

A virgin stand has been located in the northwestern part of the State of Washington sufficient to meet the necessities of the next two or three years. The nearest railroad is the branch of the Chicago, Milwaukee & St. Paul running west from Port Angeles. This branch now terminates at Deep Creek. The question of a railroad to reach this timber has been carefully considered, and it is the unanimous opinion of the Pacific coast committee of the Aircraft Board that the best solution of the question is the extension of the Chicago, Milwaukee & St. Paul Railway from Deep Creek to Forks. This extension is included in the plans for the future development of the Milwaukee, and the route has all been surveyed. It is the opinion of the War Department that this railroad should be built.

On the evening of June 3, 1918, Col. Disque, after wabbling and wasting 40 days, the most suitable period of the year for construction work in the State of Washington, reversed the decision of the Secretary of War and determined that the railroad should be built from Joyce Junction, on the Milwaukee Railroad, 15 miles west of Port Angeles, to Crescent Lake, then on the north side of the lake along the side of the Olympic Mountain Range and on to Lake Pleasant, a distance of 36 miles, and reaching no spruce for 30 miles.

In this connection the important question is, Who caused Col. Disque to change his mind? He testified that Mr. Byram, president of the Milwaukee Railroad, resolved the doubt in his mind in favor of the Lake Crescent route. After Mr. Byram, upon the witness stand in New York City, vigorously stated that he had always been in favor of the extension of the Milwaukee road from Deep Creek, as approved by the Secretary of War, Col. Disque, in his later testimony in the city of Washington, relieved Mr. Byram from all responsibility in the determination of the route.

A review of the evidence discloses that the Siems-Carey-Kerbaugh Corporation was determined from the start that the railroad should be built as finally located by Col. Disque. Messrs. Carey and Kerbaugh visited the State of Washington early in April, 1918, and while there went to Port Angeles, and then by automobile to Lake Crescent and crossed Lake Crescent on a small steamer. Mr. Kerbaugh testified that within about two hours after leaving Port Angeles, and while riding in the steamer on Lake Crescent, he located the route of the railroad where it was finally built. This is remarkable testimony, in view of the fact that he had never been in this locality before. Mr. Carey was as firmly determined as Mr. Kerbaugh that the railroad should be built via Crescent Lake.

Mr. Kerbaugh further testified that on April 12, 1918, at Portland, Oreg., when Mr. Carey and himself indicated to Col. Disque that they favored the Lake Crescent route, Col. Disque stated to them that it would be ninety-nine chances out of one hundred that it would be the Deep Creek route. He further testified that Col. Disque continued to be of that opinion until about the time of the signing of the railroad contract.

Messrs. Carey and Kerbaugh returned to the East in April, 1918, and were followed shortly afterwards by Col. Disque. On May 18, 1918, when the three were in the city of Washington, the railroad contract was executed. The most amazing thing in this contract is that it is silent as to the railroad route. While Col. Disque assumed to locate the route and testified that he did locate it on June 3, 1918, he had no authority under the contract to do so. The contract provides:

ARTICLE 1. The contractor, if requested in writing within 20 days from the date hereof by the officer in charge of the Spruce Production Division of the Signal Corps of the Army, hereinafter referred to as the officer in charge, shall survey and construct or cause to be surveyed and constructed for the Government, within six months after receipt of such request, a standard gauge railroad from a point on the line of the Chicago, Milwaukee & St. Paul Railway Co.'s railroad in the State of Washington, to be determined by agreement between the parties, to the contractor's mill site to be constructed at or near Lake Pleasant in said State.

The parties to this contract are mentioned in the first paragraph thereof, to wit:

This agreement entered into this 18th day of May, 1918, by and between the Siems-Carey-H. S. Kerbaugh Corporation, * * * party of the first part, * * * and the United States of America, * * *

represented by J. Van D. Crisp, captain, Signal Corps, United States Army, * * * acting by authority and under the direction of the Secretary of War, party of the second part.

The evidence discloses that powerful influences were at work upon Col. Disque—first to have him get a contract executed which did not contain a designation of the route; second, after the execution thereof to get him, through an assumption of authority, to reverse the decision of the Secretary of War and locate the railroad where these powerful financial interests wanted it located. Under the contract only the parties thereto could determine the route, and no evidence was presented to the committee to show that Col. Disque had such authority.

The leading spirit in the Siems-Carey-Kerbaugh Corporation was Mr. Carey. He was also the leading spirit in the Siems-Carey Railway & Canal Co., that prior to 1918 had large contracts with the Chinese Government for the construction of railroads in China, involving an expenditure of approximately $150,000,000. This company was financed by the American International Corporation of New York City, of which Mr. John D. Ryan was a director. The American International Corporation was given 51 per cent of the stock of the Siems-Carey Railway & Canal Co., but the profits were divided equally between the two corporations. Thus it appears that Mr. Carey and Mr. Ryan were business associates. Mr. Ryan testified in the highest terms as to the business ability of Mr. Carey. Mr. Ryan was the direct superior of Col. Disque, who finally located the railroad where Mr. Carey and Mr. Kerbaugh from early April, 1918, had insisted that it should and would be located.

The railroad as constructed extended from Joyce Junction through Lyre Canyon, where the contractor cleared a route over 20 feet in width through solid granite rock about 150 feet in depth for a distance of about three-fourths of a mile, then along the side of the Olympic Mountain range where the contractor cut through dense forests and, excavating the earth from the side of the mountain, created a table land upon which the railroad was built, and then on through Muller Pass to Lake Pleasant. The work included the construction of tunnels, trestles, and bridges. The road cost in round figures $4,000,000 or approximately $110,000 per mile. The road is of the most substantial construction and permanent in character. The Spruce Production Corporation in February, 1919, gave it a salvage value of less than 8 per cent of its cost.

In connection with the spruce contract the Siems-Carey-Kerbaugh Corporation began the construction of sawmills at Lake Pleasant and at Port Angeles, on the Strait of Juan de Fuca, involving an estimated expenditure of nearly two and one-half millions of dollars. The sawmill under construction at Port Angeles was of the most permanent character. There on 1 acre of ground some 2,700 piles were driven. In all the governmental operations carried on by this corporation under the foregoing contracts, at governmental expense and without financial risk, the work was of a remarkably permanent character. The Government was paying the cost, and it was the intention of the Siems-Carey-Kerbaugh Corporation to continue in the lumber business in the Northwest after the war.

Mr. Kerbaugh testified that one of the factors that induced them to accept the spruce contract was that they could continue in lumber operations after the war was over, and that they expected to use the two mills being built at Port Angeles and at Lake Pleasant, together with the railroad, after the war.

On December 3, 1918, Mr. Ryan sent a communication to the Secretary of War in reference to charges made by a representative of the Military Intelligence Bureau in relation to the construction of mills by the Siems-Carey-Kerbaugh Corporation at Lake Pleasant and at Port Angeles, in which he stated under allegation No. 8:

> These two mills were built on cost-plus contracts, as stated. As to their location so that "these men will be afile to control the lumber industry and that Carey contends that they are in the game to stay," I have to say that any one or two mills would have great difficulty in controlling the lumber industry of the Pacific Northwest, and I do not see where they would have the advantage over anyone else in the district. Carey stated at the beginning of the negotiations, in which I had part, that they did not expect to ever secure any profit from the contract, except to the extent that they were able to amortize and reduce the cost of the plant to the Government and take it over on an appraisal that would enable them to engage in the lumber business. That was, I believe, the chief incentive in their making the contract, and never disguised as far as I know.

When Mr. Kerbaugh was asked how he regarded the Lake Crescent Railroad, he testified:

> As a trunk-line railroad, entering into a magnificent district for timber that would last for many, many years, and that you were justified in spending any amount of money necessary to get the minimum grades.

He further testified in reference to the Olympic timber tract:

> It is the last big body of timber I know of in the United States.

Mr. Franklin Helm, a prospective associate of Mr. Carey in this enterprise, but finally frozen out, in reference to this immense timber tract, testified:

> Well, we have had experts up there, and we have had the British Government send some experts up there, and others, and they all came to the same conclusion as ourselves, and that was that about one-eighth of the standing timber in the United States is on that peninsula.

Mr. Calkins, vice president of the Milwaukee road, in reference to a conversation had with Mr. Byram, president of the road, about March, 1918, testified:

> Now, I think I said to Mr. Byram at that time, "If they want spruce, why don't they, in the railroad parlance, tie onto the end of our line and go to the spruce district?" * * * There was more or less spruce available on this line from Deep Creek extension, a greater portion of the way to what would be known as the Pysht Summit, and over the Lake Crescent line there was no spruce available at all until you reached the Lake Pleasant district; that is, practically none.

Mr. Erling, general manager of the lines of the Milwaukee Railroad west of the Missouri River, testified that he recommended the line extending from Deep Creek to Pleasant Lake all the time; that the proposed extension from Deep Creek was the shorter and required less railroad construction to reach a common point at Lake Pleasant than the Lake Crescent route; that it was an easier class of work, cheaper and in more timber; that the allegation that the Deep Creek route had some very hard grades was not correct; that the grades as projected on that line were 2 per cent westbound and 1½ per cent eastbound; and that the Deep Creek extension was the most feasible one and the proper one to make.

He further testified that the Milwaukee road could have been extended from Deep Creek into the Olympic timber tract at a moderate cost, ranging under normal conditions from $35,000 to perhaps $50,000 per mile, and that such road when completed would have been reasonably worth in time of peace approximately $40,000 a mile.

President Bryam testified that after Mr. Carey had called upon him on April 17, 1918, he made a memorandum which contained the following:

> 1. That the Milwaukee thought the development of that country ought to be made by the extension of our line from Deep Creek.
> 2. That the Government should furnish the money for building the road, the Milwaukee to take charge of it for the Government.
> 3. That the question of the ultimate ownership or the price to be paid the Government for the road should be determined either by negotiation or at some future time, but should not be allowed to interfere with the building of the line without delay.

It will be apparent that if the Deep Creek route had been extended the Milwaukee Railroad and not the Siems-Carey-Kerbaugh Corporation would have controlled the timber on the Olympic tract.

The first spruce contract was made with the Siems-Carey-Kerbaugh Corporation at Portland, Oreg., about April 12, 1918. This contract was discarded and a new contract entered into bearing date May 12, 1918, and approved by Mr. Ryan on May 28, 1918, which contained a significant option not found in the first contract. That option reads:

> In lieu of transferring to the Government the aforesaid property and property rights, real and personal, the seller may at its option retain the same, in which event there shall be deducted from the amount due from the Government to the seller under this article a sum equal to the value of all such property and property rights, real and personal, as fixed and determined by a board of three persons, one to be chosen by the Government, one by the seller, and the third by two so chosen.

The loggers and lumbermen of the Northwest, realizing that their vast business interests were threatened by this favored eastern corporation, demanded an investigation which was finally undertaken by the War Department. Maj. Ray conducted the investigation of his superiors and rendered a whitewash report. Maj. Gen. McIntyre, then executive assistant to the Chief of Staff, in a memorandum for the Director of Air Service, dated March 5, 1919, in commenting upon this report, says in part:

> The point in question is, What caused a reversal of the decision to build the Deep Creek route and by whose authority was the action of the Secretary of War of April 24, 1918, reversed?

He further says:

> There can be no question but that some of the logging interests in the Northwest deeply resented a "foreign" concern coming into their territory with the largest contract that the Government had let and then subletting part of the work to local operators. The Siems-Carey-Kerbaugh contract was a most profitable one for the corporation and guaranteed a minimum profit of 7 per cent to the contractor on all expenditures except the overhead cost of the New York office. This clause is unusually liberal, inasmuch as the corporation was being financed by the Government, and had the contract been carried to completion it would have meant a profit of about $1,400,000 on a project which involved no financial risk on the part of the Siems-Carey-Kerbaugh Co. and covered a period of 18 months.
>
> There is nothing in these papers to show that any of the principal members of this firm had previous experience in this line of work, but that contract was negotiated and obtained through the efforts of Mr. Pliny Fisk, of Harvey Fisk & Sons.

He further says:

In view of the positive recommendations of the Aircraft Board, the commanding officer of the Spruce Production Division, and the Chief Signal Officer that the Crescent Lake route be not built, further detailed explanation should be made covering the reason for the reversal of this opinion. It is not intended to cast any reflection upon Gen. Disque and the other officers concerned, but "to protect the reputations" of these men and "to protect the War Department." A possible congressional investigation with reference to the location of this railroad might prove embarrassing to the War Department, as the plain insinuation would be made that the decision was influenced by the large financial interests concerned. The War Department should therefore gather together all available data covering this question and file it for future use in case such an investigation is had.

So far as we know no explanation was ever made and no data covering the question ever gathered together and filed in the War Department.

Mr. Ryan took good care of Col. Disque. After Col. Disque had succeeded in getting a division of soldiers in the Northwest, Mr. Ryan recommended that he be given a general's star, and Col. Disque got the star. After the armistice was signed, through the influence of Mr. Ryan, Gen. Disque was made president of G. Amsinck & Co., an importing and exporting corporation having offices at No. 90 Wall Street, New York City, at the princely salary of $30,000 per year, which job Gen. Disque still holds down. All the stock of G. Amsinck & Co. is owned by the American International Corporation, of which Mr. Ryan is a director. Prior to such appointment Gen. Disque had no knowledge of the importing and exporting business, and why Mr. Ryan selected him for this position has not been made clear to the committee.

Mr. Steinbrink, the able counsel for the committee, after calling the attention of Mr. Ryan, when upon the witness stand in New York City, to some of the material facts proved, said:

Now, those are the facts, Mr. Ryan, with which I was confronted, and, it seems to me, that with those facts standing out there was an explanation necessary. Whether or not you have made the explanation is not for me to say.

At the hearings of the committee in New York City Mr. Ryan, after being sworn, made a vicious attack upon the majority members of the committee. As the committee had been sent out by the House under a resolution unanimously adopted, this attack appeared to me to be an attack upon the House, and as neither the distinguished chairman of the committee nor the counsel for the committee called Mr. Ryan to account, I assumed that responsibility and demanded that he prove his accusations. This he utterly failed to do. Afterwards he filed a long, wearisome, pusillanimous statement with the committee that does not explain, but does state that he had no intention of attacking the House. I am pleased that he has made an apology even to that extent. As for his personal attack upon me I care nothing, but I will tell you how I feel about the House. If anyone should attack the House in my presence I would defend the House, as I would my country, to the last breath, right or wrong. [Applause.]

I have only the kindliest feeling toward Mr. Ryan. In fact, he possesses several characteristics that excite my admiration. I admire his nerve, his audacity, his dash. I like his style. If his great financial genius and remarkable ability could be directed along the lines of rectitude, equity, and justice in matters affecting the public interest he would be a material asset to this country.

I say now, as I stated to Mr. Ryan in New York City, that if it was improper for him to sign the railroad contract by reason of his connections with the Milwaukee Railroad—and he has sworn that he refused to sign such contract by reason of such connections—then it was equally improper for him to sign the spruce contract, involving an estimated expenditure of nearly six times the cost of the construction of the Lake Crescent Railroad. Under both contracts, if carried to completion, the Milwaukee Railroad would be a beneficiary. The spruce contract would be worthless without a railroad to transport the timber and the railroad contract would be worthless without timber to transport.

The evidence shows that Mr. Ryan executed the railroad contract with the same force and effect as if he had signed it. In his trip to the Northwest in July, 1918, he made a particular inspection of the construction work under the Lake Crescent Railroad contract, but he neglected to inspect the construction work of the two wasteful railroad contracts being carried out in the forests of Oregon. If it was improper for Mr. Ryan to sign the railroad contract then, it seems to me, it was equally improper for him to execute it. [Applause.] He started for the Northwest about July 20, 1918, and returned East about August 10, 1918. With headquarters at Portland, the governmental railroad operations in the forests of Oregon were within easy reach, while it was a long trip to get to the Lake Crescent Railroad operations in the State of Washington. He testified that he hurried back East in response to a telegram from the Secretary of War, whom he had agreed to accompany to Europe. However, they did not start on their European trip until about two weeks after Mr. Ryan's return to the city of Washington. The committee has endeavored to get a detailed explanation from Mr. Ryan of all the material facts connected with governmental operations in the Northwest while he was Director of Aircraft, but he does not explain.

Abuse of the majority members of the committee and the assertion that their action is based upon bias, prejudice, and partisanship do not explain. We are acting under our oath of office and feel that it is our duty to present to you the facts disclosed by the evidence. If the House did not want the facts, then a mistake was made in placing us upon the committee. We must perform our duty without fear or favor from any person or from any quarter. We refuse to play favorites.

The material facts presented are undisputed in the evidence. It is possible that different conclusions may be drawn by different persons. I do not present any conclusions and do not desire to influence you in the premises. I do not present my personal views but merely call your attention to material facts proved at the hearings of the committee and you can draw your own conclusions. I appreciate that it takes some degree of courage to give to the country the facts, and that any Member of the House in doing so makes himself a target for abuse from those influenced by self-interest or partisanship, but I feel that I would be an arrant coward and unfit to sit in the House if I shirked a public duty by reason of lack of courage. [Applause.]

The amount of airplane lumber produced in the Northwest was approximately 80,000,000 feet of spruce, 60,000,000 of fir, and 3,000,000 of cedar, in all 143,000,000 feet. The total amount expended in getting this lumber from the best forests in this country was $48,762,826. The four cost-plus contractors received from the Government $19,015,368, of which amount the Siems-Carey-Kerbaugh Corporation was paid $8,329,652. Of the 143,000,000 feet of lumber, 7.4 per cent came from logs furnished by these four cost-plus contractors and the rest, 92.6 per cent, from logs furnished by the independent loggers of the Northwest, disorganized as they were. There were more than 400 sawmills functioning in the States of Washington and Oregon, owned and operated by as patriotic men as can be found in this country. If they had been organized and their energies concentrated under the direction of an experienced lumberman they would have produced at moderate cost within a reasonable time all the aircraft lumber required by our allies and ourselves.

Those placed in authority in the Northwest by the War Department not only had no experience in the lumber business, but they were arrogant, autocratic, and operated wholly regardless of law and authority. Those that had no power to do so ordered the construction of railroads in Oregon through cost-plus contractors at large governmental expense and not in the public interest.

On the plea that labor was scarce Col. Disque accumulated there 28,000 soldiers and 1,200 officers. These men were lawyers, doctors, dentists, clerks, and almost wholly citizens who knew nothing about logging and lumbering. They did the best they could while longing all the while to be with their comrades in France. These soldiers were paid prevailing civilian wages by the War Department, ranging from $3.50 to as high as $8 per day each, in defiant violation of law.

The excess in the civilian pay above the compensation fixed by the Congress is estimated at more than $4,000,000. The sole power to fix the compensation of men in the service is in the Congress of the United States. Mr. Ryan testified that he heartily approved of these payments, regardless of the fact that our soldiers were fighting and dying in France at the compensation of $1 per day, as fixed by law. Mr. Kerbaugh testified that his corporation did not need soldier labor at all but was able to get all of the labor needed. The reason he gave for using soldier labor was:

Because the Government insisted on giving it to us.

Those who were responsible for this unlawful expenditure of public funds should be held strictly accountable therefor. [Applause.] The Siems-Carey-Kerbaugh Corporation was actually paid by the War Department a 7 per cent commission on civilian wages paid to soldiers working for subcontractors in the construction of the Lake Crescent Railroad in excess of the compensation fixed by the Congress of the United States.

Some people say, "Well, the water has gone over the wheel; let the dead past bury its dead." I would be willing to do that if there did not exist in this country an organized, unpatriotic propaganda to discredit the work of this committee and to make the American people believe that those who were responsible for the Aircraft Service in the United States during the war were a great success; that they deserve public commenda-

tion; and that the United States has made material progress in aviation.

We take the ground that aviation is of tremendous importance to the security of this country and that the people should be made to understand that the United States to-day, as compared with the strength of any other great world power in aviation, is like a new born babe. We feel that if the people realize this fact they will demand and insist that Congress perform its full duty to the country and to posterity in the matter of aviation.

In all the long, tedious months of arduous work and investigation, while I had to live in the past I have been thinking of the future. We can judge the future only by the past, and we must judge the past in preparation for the future. Hostile bombing planes carrying tons of high explosives must not be permitted to fly unchallenged over our country. [Applause.] The Navy can protect us on the sea, the Army on the land, but who except American birdmen can protect our property and our women and children from bombs dropped high in the air? We must not forget that in case of attack supremacy in the air must be quickly determined. There is no place to dig in and no place for our air-men to hide except above or behind the clouds. They must either stand and fight or turn tail and fly away. They can not fight to win unless they have efficient machines, guns, bombs, and protective apparatus and equipment.

We must make sufficient appropriations for the development and growth of aviation in the Army, in the Navy, and in the Post Office and Interior Departments. In addition, we must make provision for the development and growth of civil and commercial aviation. We must get the public interested and make of the public a great reserve reservoir in time of need. We have the wealth, the resources, and the men of genius who, if given the opportunity, can and will put America where she belongs—in the front rank of the nations in aviation. [Applause.]

The CHAIRMAN. The gentleman from California [Mr. LEA] is recognized for two hours. [Applause.]

Mr. GARD. What length of time was occupied by the gentleman from New York [Mr. MAGEE]?

The CHAIRMAN. The gentleman from New York [Mr. MAGEE] occupied 50 minutes.

Mr. LEA of California. Mr. Chairman, a candid reading of the two reports on aviation filed in the House will disclose beyond question that one or the other, or both, are largely dictated by bias and overzeal. Bias is a quality of which its possessor is unaware. I am subject to the same influence of bias as the gentlemen on the other side. I have no power to present the facts in this matter except as they appear to me. If through bias or prejudice or overzeal I misstate the facts or draw conclusions unwarranted, I hope the judgment of my colleagues in this House will to that extent discount my statements.

THE MAJORITY REPORT.

As I view the work of the majority of this committee, this investigation has been conducted with a bias and overzeal that has precluded a proper and proportionate consideration of the facts and has resulted in a report that fails to accurately present the matters with which it deals.

In the very early part of this report statements are made which illustrate its methods of presenting the facts. In a word, these statements to which I will call your attention may be taken as the text upon which the majority report is founded. The report states:

The expenditure of over $1,000,000,000 produced the following machines used by American aviators on the French front:

American-built bombing planes	None.
American-built observation planes	213
Machines bought from our allies	527
Total planes on French front Nov. 11, 1918	740

It is true that over $1,000,000,000 was spent. It is true that at the hour of the armistice there were 213 American-built planes on the front. It is true that the Americans had 740 planes on the front that day. But this totally fails to give the facts. Further the report says:

That in brief is the story of American aircraft-production failure.

In substance this statement asserts these things: First, that over $1,000,000,000 produced 740 airplanes. But the 740 airplanes which the Americans had on the front on the day of the armistice represented less than one dollar out of sixty spent by America for aviation purposes.

PLANES ON THE FRONT.

This statement charges that no "American-built bombing planes" were on the front. As a matter of fact, on the day of the armistice 93 of the 117 bombing planes under American command on the front were American-built bombing planes. There is no dispute in the evidence about that fact. Innumerable witnesses have declared it. Judge Hughes in his report found that the American-built machines were being "successfully used as observation and bombing planes." There is no foundation in fact in the world for this declaration of the report. Yet in the very opening page of this report it is declared that America had no bombing planes upon the front. Then the report, in substance, states and repeatedly reiterates that only 213 American-built machines were used on the front. As a matter of fact, according to the testimony of Gen. Pershing, 417 American-built machines were used on the front and took part in the war in an active way over the battle lines. On the day of the armistice 528 American-built machines were immediately available for the front and within telephone call of the front lines. The 213 machines referred to as the only American-built planes used on the fighting front represent less than one fifty-fifth part of the planes built by America during this war. It is a perversion of fact to say American aircraft production failure is established by presenting one fifty-fifth part of its planes as the total production. During the war America built 11,760 planes.

America sent to Europe 1,213 American-built service planes. With the addition of those purchased from the Allies the Americans had over 3,300 service planes in Europe during the war.

The statement that 527 is the number of planes bought of the Allies, or bought of them and used on the front, is equally unsupported by facts. The evidence without contradiction is that the Allies furnished to America 5,071 planes, and of those planes 2,375 were service planes. On the day of the armistice the American forces had 1,620 service planes immediately available for use on the western front.

EXPENDITURES.

The sum of over $1,000,000,000 expended and allotted for aircraft purposes, not including some funds for the Signal Corps, from the beginning of the war up to the 30th of June, 1919, includes the following items:

Airplanes and spare parts, instruments and accessories	$209, 265, 464. 18
Engines and spare parts, instruments and accessories	293, 651, 525. 70
Balloons and spare parts, instruments and accessories	14, 452, 941. 38
Transportation equipment	49, 292, 474. 18
General equipment, including ordnance and special clothing	69, 940, 985. 97
Maintenance and operation of squadrons	30, 237, 462. 20
Purchase and lease of land, construction, maintenance, etc	106, 803, 633. 93
Pay of Reserve Corps, travel expenses, etc	24, 658, 836. 13
Pay of civilian employees	16, 686, 690. 28
Experimentation, research, and development	11, 302, 266. 76
Maintenance and operation of schools	7, 257, 874. 20
Materials for resale	21, 349, 204. 10
Miscellaneous, including capital stock of Spruce Production Corporation	31, 776, 360. 09
Reserve for foreign expenditures	160, 431, 739. 73
Total	1, 047, 107, 458. 83

From this it will be seen that the total amount for airplanes and engines, including spare parts, instruments, and accessories, cost this country $503,000,000.

During the war America acquired 16,831 airplanes, or more than twenty-two times the number of planes which the report says we produced by the expenditure of over a billion dollars. The total of these planes, including 37,335 engines, cost America only one-half of the billion dollars that the report says produced 740 planes. In other words, what the report declares was produced by $1,000,000,000 is in fact less than 3 per cent of what was procured by the expenditure of that sum.

Thus this "story of aircraft production" is as follows: Over $1,000,000,000 produced, according to report, planes, 740. In fact, planes, 16,831; engines, 37,335; other property costing $500,000,000.

AIRCRAFT ACCOMPLISHMENTS.

It would be utterly absurd for me to stand here and tell you that everything in the aircraft effort of this country was efficiently and economically conducted. Never since this world began could a mushroom organization be created overnight, as we had to create it in this war, and get the highest degree of efficiency and results. So it is true we did not get that in our aircraft program. But we did accomplish important results. I want briefly to call your attention to some of them.

In the first place, when we entered upon the war program it was absolutely necessary to train our men, to have flying fields for that purpose, and to provide for the manufacture of training and other planes and transport them to Europe. We established 41 flying fields here and in Europe that cost over $100,000,000. We had 28 mechanical schools to teach the boys of

this country to make and maintain airplanes and engines. Twenty-two thousand boys of America received instruction in our ground schools. Our personnel increased from 1,300 to 170,000 men, of whom 78,000 were sent overseas.

America acquired 16,831 airplanes during the war. Of these, 6,287 went to the forces in Europe. She manufactured 11,760. She purchased 5,071 from the Allies. She sent overseas 1,213 of American manufacture. She had over 3,300 service planes used by our forces in Europe.

In addition to that America acquired 37,335 engines. She made 30,630.

Three years of the European war failed to solve the engine problem so far as a powerful engine for heavy planes that could be put in quantity production was concerned. While the Allies developed some good engines they never secured a powerful engine for large production. America, in a joint agreement with the Allies, assumed responsibility for developing such an engine. The result was the Liberty engine, which was one of the greatest accomplishments we attained during the war.

For months during the war this country was surfeited with criticisms and denunciations of the Liberty engine effort.

In a shortness of time that has perhaps never been surpassed it was successfully placed in quantity production. When it took a 28,000-pound seaplane across the Atlantic without missing a shot, it silenced the denunciation of its last sincere detractor.

Practically every Navy plane used in the war was equipped with the Liberty engine, of which 3,482 were supplied the Navy before the armistice. Admiral Taylor, of the Navy, testified it solved their engine problem.

The Allies helped bear the expense of the Liberty engine, and their approval of it is demonstrated by the fact that at the close of the war they had ordered 16,000 Liberty engines to be delivered by the United States.

At the time of the armistice the Liberty engine was being produced at the rate of 46,000 per year.

The airplane engines made by America during this war of 19 months in horsepower nearly equaled one-eighth of the horsepower of all the locomotives in the United States. They had a power sufficient to draw a train of cars 5,000 miles long. In addition to that our effort is not measured by the number of planes we had on the front.

Mr. HARDY of Texas. I dislike to interrupt the gentleman, but I would like to ask him if all this was accomplished for this expenditure of $1,050,000,000.

Mr. LEA of California. It was. We placed 15,000 men in the English factories to do aircraft work on the other side. We placed 4,000 men to relieve Frenchmen from other duties so they could go into their airplane factories. We furnished France materials for 9,000 engines and 1,800 airplanes. We sent 90,000,000 feet of spruce to the Allies and 1,385 engines. We sent them about 20,000 tons of spare parts and mechanical tools for the manufacture of aircraft, and great quantities of cotton fabric. We sent them 30,000 tons of wood chemicals. Finally, it was by American effort and American materials that allied air forces were maintained on the front. [Applause.]

AT THE FRONT.

What did the boys of America do at the front? In battle they flew over 35,000 hours and traveled over 3,500,000 miles. The boys of America, in machines owned by America, conducted 150 separate bombing raids. They threw 275,000 pounds of explosives on the German operations. Seventy-five per cent of the bombing planes used by Americans at the close of the war were those manufactured in America. They destroyed ammunition dumps, railroad stations, and centers of supplies behind the German lines. The observation planes of America were the eyes of our Army, without which no modern warfare can be successfully conducted.

The report speaks in derogation of the observation planes. The most important work performed in war by airplanes up to this day has been by the observation plane. The pursuit plane is valuable and the bombing plane is valuable, but the one absolutely essential machine is the observation plane. That was the greatest use to which the American-made machine was applied.

Here is this final result: For every airplane that went down in combat carrying an American boy 2.69 enemy planes fell. [Applause.] You can try to belittle everything done by your country, berate the French or the machines in which American boys fought, but such attacks will dash themselves to shame against the fact that while America lost 290 planes carrying down her precious boys, 776 of the Germans went down before their skill and courage. [Applause.]

When the history of this war is written it will be freely conceded that it was the effort of America in this mutual effort to overcome the enemy that made possible at the close of the war the aircraft predominance of the allied forces by over 100 per cent. [Applause.] It was not a question of how many planes we had there; it was a question of how many planes the Allies had there. The war was a joint and mutual operation to which we all contributed, and in the end America achieved that for which she poured out her billions—victory. [Applause.] She achieved that victory so certainly and so surprisingly prompt that all the world knows and will never forget.

DH–4.

The DH–4 was the only Army service plane made in America and used at the front. America made 3,431. Nearly all of the balance of the 11,760 planes made by America other than experimental were of the training type. The DH–4 has been the subject of much criticism. The DH–4 was an English machine manufactured by America on the joint recommendation of the Allies. American experts and those of Europe in conference agreed that it was one of the planes that America should make. It did not reach quantity production until May, 1918. Some machines were immediately sent to the other side. There it was discovered that it was not really fit for practical use. What was done? They put it into the shops and corrected the principal defects and cabled the American factories to make like corrections before future shipments. That was done. But it caused a let-up in the shipment of planes for August.

The most urgently essential of these defects to be remedied were not fundamental but important, though comparatively trivial in mechanical character, being mostly due to structural defects. After these machines were overhauled in France, a board of fliers was appointed by Gen. Patrick to test and investigate the machine before it was permitted to be used over the German lines. This board of fliers reported favorably upon the machine. The designer of the English machine, from which the American was copied, after inspecting it declared that in many respects it was superior to the English machine which had been successfully used on the front. The American machine as it thus went into the service, on account of the superior horsepower over the English machine, could fly away from it at will.

As it was the evolution of a new machine by America, the defects were not surprising. Wide circulation of reports of these early defects of the American-made machine tended to discredit it. Reports of these early defects have been used to discredit this machine up to this time. In fact, the majority report before us quotes from the Thomas hearings relating to the De Havilands before its defects were thus corrected in criticism of the machine as finally used. As shown by the Thomas report, the Senate committee had no evidence before it as to the operation of the De Havilands as corrected at the time the report was filed.

The first squadron of American-built machines went over the German lines on the 7th of August, 1918. A great many opinions have been expressed in regard to that machine, but I believe that a careful consideration of the evidence will justify the statement that substantially the DH–4 was as good a machine as there was of its type at the front.

The plane in itself was not as good as some of the foreign-built planes on the front before the end of the war. But the Liberty engine in it was so much superior in power to the foreign engines that the two, the plane and the engine together, were on the whole as good as any machine of that type that was at the front up to the fall of 1918.

I shall not take up in detail the adverse comment that has been made of the DH–4. Capt. Kindley, a witness before this committee, was an expert flier in the Aviation Service. He had some experience with the DH–4 and also a number of pursuit planes. He has a record of 12 victories in fights with the enemy. He recognized practical defects in the DH–4. But he regarded it as "a wonderful production."

Each squadron of the war has written its own history. The fliers of the Fiftieth Aero Squadron, who used this American-built machine at the front, in the history of their squadron refer to the defects of the De Havilands, particularly to their objection to the location of the gas tank and the separation of the observer and pilot. Nevertheless, they summarize their opinion of the DH–4 as follows:

> Altogether the Liberty plane was considered the best on the front, and its excellent speed and climbing power were well demonstrated in actual combat with enemy planes.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. TILLMAN. I would like to get into the RECORD the fact that Mr. Kindley was born and reared in my district, and was only 24 years of age, and died a short time ago, serving his country. [Applause.]

Mr. LEA of California. I was not aware of that fact. His death is to be regretted. Capt. Kindley left a record of which his kinsmen and friends may be proud. Not only did he have

12 victories to his credit, but his squadron had 66 victories to its credit to 7 losses.

The quotation attributed to the testimony of Richenbacker in criticising the DH–4 illustrates the unusual methods of investigation pursued by this committee. Prior to the time Richenbacker was a witness before this committee, excerpts were read into the record from a more or less sensational book, of which he was the author. Richenbacker was subsequently called as a witness and testified at length. In his testimony he admitted his inexperience with the DH–4. His sworn testimony given by questions and answers made no such references to the DH–4 as were contained in the quotations from his book. In quoting Richenbacker the majority report is confined entirely to quotations from the sensational book and entirely omits references to the testimony given by questions and answers, which modified the inferences of the book quotations.

It is at once apparent that if facts in important investigations can be established by reading into the record selections from sensational books, any vagary ever conceived by the human mind can be asserted in congressional "evidence" as solemn facts.

Lieut. Maynard was a test pilot at the greatest plane assembling place in France. During the war he was tester for 17 different makes of machines. He delivered planes from the assembling point to nearly every front-line station. He has flown the DH–4 perhaps more than any other man. He testified that the principal criticism of the DH–4 came from those who had little familiarity with its practical operation, and that he regarded it as good as other machines of similar type at the front during the war.

CASUALTIES.

This report emphasizes what is called the "utterly unsafe" DH–4. The report says:

Sending American aviators into action with these DH–4's was more wasteful of human life, even in the hands of the best trained aviators, than it would have been to equip shock troops with wooden guns.

What are the facts? As I told you before, for every American machine that went down 2.69 of the enemy machines fell.

It would be wonderful shock troops that with wooden guns could secure equal accomplishments against the skill, preparation, and bravery of the German soldiers. [Applause.] That would be the greatest wooden-gun operation that ever occurred in the history of the world.

The fatalities with the DH–4, as compared with pursuit planes made in Europe, were a minimum. It is only fair to say there is no fair basis of comparison between observation and bombing plane fatalities as compared with pursuit planes. The pursuit-plane risk is greater. Four hundred and seventeen of these American-built planes were used over the battle lines. The total loss was 33 out of the 417. Two hundred and thirty-six men were killed in the Aviation Service in battle. Of those 38 were in DH–4's. Of the 236 men killed in battle, only 16 went down with the American-built machines in flames. So 7 per cent of the total death loss on the front were those who perished by going down in flames in American-made machines. That was the common danger of every flier on the front. The use of the incendiary bullet was a common method of attack in battle. Of the total casualties from all causes, a little less than 15 per cent, or 76 out of 516, were in American planes. Gen. Mitchell, in describing the losses over the lines, says that the American losses in bombardment, for which purpose the DH–4 was largely used, "were very small."

In this criticism of the DH–4 a reference is made to the transcontinental race. In the transcontinental race seven men in the race proper were killed as a result of five accidents. There were two accidents by prospective entrants before the race began. Of those nine men who perished, not in a single instance was the plane forced to leave the air on account of any defect in the plane. There were three instances in which men were killed under circumstances which may justify a contention that the construction of the plane was a factor in the accident. Those three instances were where the man in the front seat between the engine and the gas tank was killed, while the man behind was not killed. In one case the aeroplane went directly into a tree at a rate of 100 miles on hour. The man in the front seat was killed, while the man in the rear was not. It would require rather a stretch of the imagination to say without doubt that the plane was to blame for the death of the man in the front seat. In another case two men going west on the transcontinental race, traveling in a snowstorm, were suddenly confronted by a mountain looming up before them. They collided. The man in the front seat perished, while the one in the rear survived. In the third case a machine was in New York on its way to enter the race. The pilot lost his bearings in the haze. He left the air to learn his location. He landed on rough ground. The ship crashed, and the man in the front seat was killed, while the one in the rear was not.

Out of those nine deaths these are the only three that can be said in any degree to be due to the construction of this machine. Of the three lives lost, probably the last, but neither of the other two, would have been saved had the front seat been located behind the gas tank.

SERVICE OF DH–4.

The DH–4 is declared time and again to be useless, or nearly so, in this report. Listen to this testimony of Gen. Mitchell before this committee describing the bombardment work on the front, and then answer the question whether or not its work was useless:

In addition to that, we organized our bombardment and the pursuit aviation not used in this barrage work to act independently, to hit their important centers upon their lines and force them to protect them. Now, in that way you would cause a great deal of havoc and trouble on the ground, and in the meantime you could call back the ships used at the other places to finish those places if they were important enough. * * * The way we did that was to send our bombardment to a certain point over here and have the pursuit meet them at that place. * * * So the enemy would find them always on their trail. That worked admirably. * * * The losses from bombardment were very small. * * * We had them going in the air.

Three-fourths of the machines used for that bombardment at the close of the war were American squadrons. In the Battle of the Argonne 11 squadrons were American-built machines, numbering about 220. In that battle, one of the greatest battles that ever occurred in the history of the world, the American-built machine was the eyes of the American Army, and in addition to that took part in the bombardment operations such as Gen. Mitchell has described.

"213" PLANES.

In this report and throughout the investigation of this committee we have heard a great deal about America having only 213 planes, as if that was all we had in Europe. This contention is asserted and reasserted, notwithstanding the evidence is clear and uncontradicted that 1,213 DH–4's were received in Europe before the armistice.

This report says:

Col. Patrick stated that the only machines in use at the front by Americans were 527 foreign bought or borrowed planes, supplemented by 213 observation De Haviland 4's.

Neither Patrick nor anybody else ever said that outside of members of this committee. That contention is utterly absurd. It is just as reasonable, just as logical, to contend that because on a certain day America had only 500,000 men at the front that those were all the soldiers that she had in Europe, although there were 1,500,000 men immediately behind the lines. With over 3,300 service planes owned by America in France, this report in substance tries to convince somebody that the only planes we had there were 740, and that of those only 213 were American built. At another place the report says:

The failure of Gen. Pershing to receive more than 213 of these De Haviland 4's with which to face the enemy—

And so forth. Then later on the report says:

Good judgment was displayed when over 1,000 De Haviland 4's were scrapped and burned in France after the armistice.

Six hundred and twelve American planes were returned to this country after the war. According to the report Gen. Pershing burned up 1,000. And yet, according to this report, he received only 213. That is a greater miracle than the miracle of the loaves and fishes. [Applause.] The report further says:

Apart from the 213 used at the front, the remainder of the De Haviland 4's were put to better use by being kept boxed and stored in this country as coffin-shaped monuments to official stupidity and criminal stubbornness.

Only 213, and all the rest boxed and stored in this country! There were 1,213 delivered in France and every one of them was uncrated except 4 that had arrived just before the armistice. If anywhere there were any De Haviland 4's crated and boxed it was only because they were waiting transportation under crowded transportation conditions to go where they could be useful.

Mr. HARDY of Texas. Will the gentleman yield for a brief question?

Mr. LEA of California. I will, briefly.

Mr. HARDY of Texas. I would like to ask if the minority report which the gentleman has made is in harmony with the report of Justice Hughes in reference to the same investigation?

Mr. LEA of California. The answer to that, to be accurate, would require a greater comparison of details than I have attempted to make. But I will say this: There have been a number of reports on aviation. The report of the majority is the first report that has ever been made after an investigation of aircraft matters in which the report has found nothing good in

the production effort. Justice Hughes, in his report, declared that the De Haviland 4 was being "successfully used as an observation and bombing plane" at the front. The majority report in this case declares we had no American-made bombing planes at the front, and that the De Haviland 4 was useless. In a number of instances the report of Justice Hughes and the report of the Senate committee found things to commend. For instance, the Senate committee commended the work of John D. Ryan, while this report finds nothing commendable in it.

DANGER FROM FIRE.

Now, going back to the question about the De Haviland 4's being "flaming coffins," I have heard that so often that finally I endeavored to find out the facts from the records of the Aircraft Division. This is the way the matter came up before the committee: One day in the early stages of the hearings the chairman read into the record an excerpt from a rather sensational book in which it was stated that the De Haviland 4's on the other side were known as "flaming coffins." After that the excerpt from the sensational book became "evidence." When we once got that "flaming coffin" into the record I heard many "flaming-coffin" speeches.

I heard "flaming-coffin" speeches in Chicago and repeated again at Seattle and Portland. In fact, you could go back and look up the newspaper files and trace the trail of this committee across the continent by "flaming-coffin" speeches left behind. So in order to get the facts, I learned how many planes went down in flames. I found that out of 290 American planes that fell in combat 33 went down in flames. Of those 33, only 8 were DH–4's—just a little over 25 per cent of the total losses in flames. Seven American Spads went down in flames, six of the Salmson, and five Breguet.

Complaint is made that this loss in flames was due to the fact that America failed to cover her gasoline tanks with what is called protective covers. Those covers were a sort of mushy rubberoid substance intended to protect the tank from the incendiary bullets and for preventing a leak of gasoline on hot portions of the engine and thus igniting.

The Salmson and Breguet operated by the American forces had covers. Eleven Salmon-Breguets went down in flames, while only eight DH–4's went down in flames. There were five squadrons of those machines, and there were four squadrons of the DH–4's from which these numbers went down in flames.

In other words, the Salmson and Breguet machines had a flame loss, notwithstanding their covers, of 33 per cent of the total loss in flames. Most of the machines on the front were without covers. Only late in the ar were they used. The cover was practically unused by the British and Germans. It was used on only part of the French machines and not on the American-built machines. The Americans had 12 of these 27 squadrons at the front equipped with covers. The cover helped only to a degree. The fire risk was a common danger in war. We regret that even one perished. A man who goes to maintain his flag on the battle lines, unfortunately, must be willing to accept the danger of war. The man who is not willing to accept the risk of war can never honorably carry the American flag to where it will achieve victory. [Applause.]

But here is the absurdity of the contention: Out of this aircraft investigation we find the principal topics for discussion are 213 planes out of 16,000 and 8 planes causing the death of 16 men of the 7,000,000 men who perished in the war.

After a war because of which more than 100,000 of the boys of America to-day sleep in their graves in France, where they heroically perished for their country, it is utterly absurd, so nonsensical as to be almost unbelievable, that men who, after investigating the expenditure of a billion dollars, can find nothing more sensible to talk about than that 8 planes went down in flames, in which 16 boys of 7,000,000 perished. [Applause.]

The other day a speech was made in Congress in which a letter was presented in the RECORD purporting to be from a man, I believe in Tennessee, who withheld his name, saying that he belonged to the Twentieth American Aero Squadron, and among other things he made this statement:

I personally saw five go down in one fight in flames. * * * The criminals that sent that machine with an unprotected gasoline tank to be used on the front—

And so forth.

Now, what is the fact? On that day that squadron entered a terrific fight. The American squadron was in charge of a man by the name of Cooper. Cooper's report is on file in the War Department. The early report from that battle was that of the planes that went down one was in flames, and that was the plane in control of Cooper. Cooper was captured by the Germans and finally returned to the American line. His report is on file in the War Department. That report shows that not a single one of those planes went down in flames. Cooper's plane went down and he was captured by the Germans. He tried to burn it in order to prevent their capturing it, but failed to do so. We have in the RECORD the statement of the man who refused to let his name be used, and yet is willing to charge men with being criminals. One thing is plain to me, that a man who willfully assaults the good name and the reputations of others, without permitting the use of his own name, does a deed unworthy of a soldier of the Republic. [Applause.] A man that wants to ruin another's reputation and is not willing to put his own prestige at stake is like a man who stands in the dark and hurls a brick at a man in the light. So if this man wants to make his evidence a part of the record, he ought to come forward like other men, take an oath, give his testimony, and take responsibility like other witnesses.

ALLEGED OBSOLETE PLANES.

A great deal is said about obsolete planes. It is charged that France refused to give to America the same grade of machines she furnished to her own soldiers, and for that reason the Americans were compelled to fight in inferior French machines. The report says in reference to this that the machines furnished by the Allies to America included over "2,000 obsolete Nieuports and Sopwiths." Now, what is the fact? The only plane used in Europe that could be called obsolete was the service plane. When the service planes became obsolete they were transferred to training forces, when they were taken off the lines. America received from France 1,430 Nieuports for training purposes. She received 504 Sopwiths for training purposes. The total number of Sopwiths and Nieuports that America received from the Allies for service purposes was only 334. So this talk of 2,000 obsolete Sopwiths and Nieuports, when the total number of service planes received was only 334, is absolutely at variance with the facts and unsupported by any testimony.

On account of the rapid development of new types of planes there were always many obsolete planes on the fronts of all belligerents. The pilots of America and the pilots of all the belligerents used obsolete planes, or what were classified as such. In February, 1918, 63 per cent of the planes in use by the French were declared obsolete or obsolescent planes. The Thomas committee took testimony upon this subject. When the Thomas report was written it made this declaration:

Many of the machines our men are now forced to use in France are unsatisfactory, but not more so than those used by the French themselves.

In the face of the finding of the Thomas committee that the Americans were furnished the same class of machines at the same time the Frenchmen were furnished with them, we have the declaration of this committee that we had to use inferior machines. Gen. Patrick, when a witness before this committee—and Gen. Patrick, by his valor in Europe, is entitled to the respect of the American people—declared that the machines that were used by all the American Air Service were practically the same as were used by their allies, and were the equal of those used by their allies.

The Nieuport 28 is the particular service plane against which this complaint was made. Nineteen Nieuports piloted by Americans were destroyed in the war, 12 men killed, and 7 taken prisoners. The Nieuport was commonly used until it became antiquated and retired from the front about the 15th of July, 1918. After that it was used for training purposes.

PURCHASE OF FOREIGN PLANES.

This report states:

Bleeding France and exhausted England, with their backs against a wall, * * * were called on to furnish planes to the opulent and prosperous United States.

"Bleeding France, with her back against the wall!" Was she the victim of America? No. America went to "bleeding France" and gave her a transfusion of blood; revived her; and saved her. [Applause.] When America went to Europe, France urged the Americans to buy her planes. She urged America to buy two or three times as many planes as the Americans finally contracted to buy. Why? She argued that was the correct way to manage the war. About the 1st of December, 1917, an allied council was held in Paris. It was agreed at that council America should not attempt to build a single pursuit plane, but that we should build other kinds of planes. The talk of our imposing on bleeding France is utter nonsense. When we entered the war the effort to win became a mutual one between the Allies and ourselves. It was a mutual effort to overcome the effort of the enemy. We took some assistance from France and she took much more from us. To complain of taking a plane from France with which to defend her, when we paid her for that plane and manned it for her defense, is on a par with complaining because you used the pocketknife of a man you find—fallen, bleeding, wounded, and bound—in the street to release him from his predicament. [Applause.]

The report further says:

Apart from training planes, practically nothing but a handful of De Haviland 4s, "flaming coffins," was produced. The sorely pressed Allies were persuaded to sell us a "few" largely obsolescent planes.

"A handful" of De Haviland 4's was 3,431, and "a few" foreign planes were 5,071. That is the mathematical accuracy of the report of the majority.

Mr. HARDY of Texas. That is a manifestation of their "impartiality."

Mr. TILLMAN. Still "nonpartisan."

Mr. LEA of California. While we were out on the Pacific coast an attempt was made to discredit the effectiveness of the American aviators.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. KEARNS. Did the testimony before your committee ever show that we ever had any fighting American-made planes in France?

Mr. LEA of California. Not what is technically known as fighting planes. We made no pursuit planes.

I am glad the gentleman mentioned that.

Mr. KEARNS. Gen. Pershing said we had none.

Mr. LEA of California. The fact that a machine is not a "fighting" plane does not mean that the machine does not have to fight. Every service plane that goes over the fighting lines is called upon to fight. The chief object of a so-called "fighting" machine, which is more correctly described as a pursuit plane, is to go in search of a fight, to destroy the enemy or drive him away. The mission of that plane is offensive fighting. The object of a bombing plane is primarily to deliver explosives on the operations of the enemy. If attacked it is prepared for defensive warfare. It is technically not a "fighting" machine, but nevertheless it may do effective fighting by bomb throwing and destroying men and property of the enemy. The mission of an observation plane is to inform the infantry and artillery of the position and activities of the enemy. To do that work is its primary mission. In order to accomplish its mission, however, it is frequently called upon to perform defensive fighting. Nevertheless, it is not a "fighting" machine. During the war bombing planes were used that cost as much as $50,000 apiece, yet technically they were not "fighting" planes. In that technical sense America made no fighting planes during the war. A Handley-Page or a Caproni might go 75 miles behind the German lines and kill 1,000 men, have a fight with a flock of pursuit planes on the way home, and still it was not called a "fighting" plane. In the same way the American-made DH-4 was called upon to fight and operated over the battle lines and used mounted guns, but technically it was not a "fighting" machine.

Mr. KEARNS. What do you call a combat plane?

Mr. LEA of California. It is also called a fighting plane, or a pursuit plane. The two terms are used for the same machine.

Mr. KEARNS. Gen. Pershing said we had no fighting planes.

Mr. LEA of California. That is, combat planes. That is correct in the technical sense. America did not build a single pursuit plane that was used on the western front, and it was agreed in France in 1917 that she should not.

Mr. KEARNS. Gen. Pershing said he never had enough fighting planes of any character to train the men over there, whether of foreign or American make.

Mr. LEA of California. It is true that we never had as many planes of any kind as we would liked to have had. That is why we were justified in spending this big sum of money, to try to get them there.

A witness was called to the stand out in Seattle or Portland who testified that he was in the battle of the Argonne. He said, "I never saw an American plane go after the Germans." This witness declared he saw planes every day, but did not know to what nation they belonged. Another flier at Everett, Wash., by the name of Summers, replied to that, not before our committee, however, but in the Everett Tribune, and in his reply he made this statement:

I want to refute that statement. * * * I was on the front from July 2 to November 11 along with the other members of our squadron, and we never lacked planes. We had from 26 to 32 all the time ready for duty. And I know it was the same with the Ninety-fourth, of which Capt. Eddie Rickenbacker was commander, and alongside whom we were working in the Argonne; and there were the Ninety-ninth, One hundred and twenty-second, Twenty-fourth, and Fiftieth squadrons that I know were as well equipped as we were. * * * Every day during that battle our squadrons sent out five planes every hour.

Prior to that time Gen. Mitchell had testified before this committee:

I was in charge of the entire forces at the Argonne, * * * and had 1,100 or 1,200 ships at Argonne.

AIR FATALITIES.

Another insistent criticism is as to the fatalities. The report calls attention to the fact, which I take to be a fact, that three times as many Americans in the Air Service perished as those of our allies according to the hours flown. Now, a simple statement of that fact might cause us to conclude that either the Americans were inferior aviators, or else they had inferior machines, or both. Now, what is the fact? The basis of comparison of effectiveness is not with somebody who did not fight, or who was not in the same contest. The basis is not a comparison with a bystander. The correct basis of comparison is with the enemy. When we compare the result of the contest of the American machines with the enemy's, we find that over two and one-half enemy machines went down for every American machine that fell in combat. [Applause.]

So what is the explanation? You have neither shown that the Americans had inferior foreign-made machines or inferior American-made machines. Neither have you shown that the Americans were cowards or inefficient. The facts on the basis of comparison show that they achieved a brilliant and overwhelming success. [Applause.]

Mr. HARDY of Texas. Does it not show that they simply fought harder?

Mr. LEA of California. Yes. That is the point. The American boys were absolutely reckless in their daring. There was not a waking hour in which the American boys were not trying to get over the line to get an enemy. Every American boy who had none to his credit could hardly sleep at night until he went out and got one. When they entered a fight they stayed to the finish. [Applause.]

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. SUMMERS of Washington. The gentleman spoke about two and a half German machines going down to one American machine. Do I understand that was in combat with the American machines, or in contest with the Allies combined?

Mr. LEA of California. With the Americans.

Mr. SUMMERS of Washington. With the Americans?

Mr. LEA of California. Yes.

Now, a little of the testimony taken out West has crept into this record that I think ought not to be there. It ought not to be in a solemn report made to Congress. A man by the name of Sweeney took the stand. Sweeney was manifestly full of bitterness. He had tried to get a contract with the Government, which was refused. However, Sweeney clearly betrayed he was not a reliable witness, in my judgment. Sweeney told about a circumstance in which he was over in France at Clermont-Ferrand and 16 American planes, according to this story, were going to the front.

The fliers were telling everybody good-bye. Sweeney says those young fellows did not seem to care. "They were laughing and kidding and shaking hands with everybody." He said he asked Williams, who he said was the man in charge, "Why all this gloom?" And then, according to his story, Williams said in substance, "As soon as these American machines go over the front the Germans shoot at them and they immediately take fire and go down, and the American machines that were purchased from the Allies, that these boys have, are so slow and inferior that when they go over the front the Germans run right up onto them and shoot them and they go down." Sweeney said that a month after that time he came back and asked Williams if any of those 16 aviators ever returned; that Williams said he had not heard anything of them, and every one of them must have gone over there and gone down and been captured or killed behind the German lines. According to his story all those machines did was to rise up, fly over the German lines, be shot down, and the aviators captured or killed. That was all there was to it. I looked up the record to find out how much truth there was in Sweeney's testimony. From information furnished I learned Williams was never in charge at Clermont-Ferrand. Clermont-Ferrand was not a place from which battle machines went to the front. It was a training station. On the day that this incident occurred there was not a single casualty in the American aviation list. This miserable hoax, perpetrated upon this committee, is also perpetrated upon Congress in this report. [Applause.]

DEEDS.

The majority report refers to Col. Deeds, and criticizes the Secretary of War and Col. Deeds because Col. Deeds was not court-martialed. I paid no particular attention to that charge, for this reason—the facts were, in substance, these: When Justice Hughes investigated aircraft matters he recommended that Col. Deeds be court-martialed, not because of any crime he had committed against the statutes of the country but for matters I will not take time to mention.

After that recommendation was made the matter was referred to the War Department, and Secretary Baker requested that a

board of review make a full investigation of the facts before proceeding with a court-martial. Other matters, not presented to Judge Hughes, were taken before the board of review, and Gen. Ansell, then Acting Judge Advocate General, signed a report asserting in substance that the full facts did not sustain the charge and recommending that Deeds be not prosecuted. Now, on account of that determination, Deeds and Baker are assailed in this report. This committee took no testimony whatever as to the merits of that charge. I thought it was a legitimate and proper course to pursue for the Secretary of War to say, "Allow a full investigation of the facts and find out whether there is anything in this charge or not before you authorize a prosecution." [Applause.]

The majority report says:

Secretary Baker's activity in protecting Deeds against Judge Hughes's finding is at once astonishing and significant. Col. Deeds was thereafter banqueted in Washington and praised by Gen. Squier for his record in aircraft production.

Months ago Gen. Ansell retired from the War Department and is now the attorney of a subcommittee of the War Expenditures Committee engaged in investigating activities of the department of which he was formerly a part.

On the 20th day of January, 1920, Judge Ansell, whose opinion was that Deeds should not be prosecuted, made a speech at Toledo, Ohio, in which he said—I read from a newspaper report:

Gen. Ansell during the course of his address paid a high tribute to Col. E. A. Deeds, of this city, former head of the aviation section of the United States Army. "In my opinion," said the general, "Col. Deeds contributed more favorably to the winning of the war than any other individual in America."

If members of this committee want to be astonished, let them not be astonished at Squier because he gave Deeds a banquet, but rather let them be astonished at the attorney now employed by the subcommittee at $10,000 or $20,000 a year to investigate the War Department. [Applause.]

Mr. GARD. Will the gentleman yield right there?

Mr. LEA of California. I yield to the gentleman from Ohio.

Mr. GARD. Is that the same Gen. Ansell who is under employment by Representative JOHNSON'S subcommittee now at $20,000 a year?

Mr. LEA of California. I do not know the exact amount of the salary, but that is the same man. That is what I say. Now, understand me, I do not purport to pass judgment on the facts concerning Col. Deeds, because this committee took no evidence upon which to base a judgment.

INEXPERIENCE.

The report makes what I believe to be a fundamental error in its conclusions, one that should not be made. It says that responsibility for the failure of our aircraft program rested upon those in authority. The report of the majority is based upon that ground. "Baker was at the head of the War Department, therefore blame him." "Disque was at the head of Spruce Production, therefore blame him." "Ryan was at the head of aircraft matters, therefore blame him." Now, gentlemen, that reasoning absolutely misses the mark. The reason for the disappointments in our aircraft matters, the reason for the failures that we made, are not individual. The reasons are just as plain as the sun in the sky, if you will just carefully review the evidence. To summarize it in a word, the reason we suffered these disappointments was because of our lack of experience and preparation. When the war in Europe began, the United States was fourteenth among the nations of this world in the amount that it had contributed to aviation. We were below China; we were below Bulgaria; we were below Spain. When the war started in Europe the development of the airplane followed under the intense conditions of war. The result was that when we entered this war we were without the experience, we were not even novices in building battle planes. When the war in Europe started America in all her history had never built one battle plane. There was not a factory in America, there was not a designer in America who had made real battle planes. We were not even novices in the game of real battle-machine production. We had made some small types of engines, we had made some training planes, we had made a few machines for the Navy, but no battle planes for the Army, as they were known at that time.

Now, what did we do? We tried to do the only thing we could do. By frantic effort, by the expenditure of vast sums of money, and by the creation of great mushroom organizations, we attempted to meet the giant task thrust upon us. But all the gold of America could not buy time or experience. We could not buy the time or experience necessary to get the most effective results. That is the reason for what failures we made. It was not a failure of individuals, it was the failure of this Nation.

If from our experience we have learned nothing more than to deceive ourselves by venting our wrath upon the heads of a few individuals, we are simply wasting time and have learned nothing by the war. The real fault is the Nation's fault. It is not the fault of any party or of any individual. Before the war America pursued that course that was approved of by the people of America. Our Nation made a mistake. The conservative, intelligent judgment of America ought to recognize it and learn a lesson of value from it.

Criticisms are made of men appointed as heads of aircraft activities on the ground that they were not experienced in the technical side of the operations over which they had control. The big thing in the heads of these various departments was not that they should have the technical knowledge of the details of production. The requirement for heads of these big operations was for men of vision to see, comprehend, and plan; with the practical experience to adopt the means best calculated to produce results; with force enough to execute and bring plans to results. The fundamental requirement was for the executive function and not for the ministerial function of technical operations.

The strong, successful head of English aircraft was a shipbuilder; the equally strong head of the French aircraft program was a business man.

Personal animus, vituperation, or partisan strife solve the problems of no nation. Rather let us learn the lesson that would teach us to avoid repeating in the future the error of yesterday. [Applause.]

SPRUCE PRODUCTION.

There are many matters that can not be discussed in the time here to-day. But hurriedly I want to go over this spruce-production effort made upon the Pacific coast. What was the spruce-production problem? It was to furnish the lumber to maintain the allied planes on the front. There are very few kinds of lumber suitable for aircraft purposes. It had to be light; it had to be strong; it had to stand the test of being pierced by a bullet with little shattering; it had to be procured in large quantities; it had to be straight-grained and not too coarse-grained. It was the judgment of the experts that spruce, of all the lumber available, was the lumber that could be adopted. Oregon and Washington were the sections where that spruce could be procured. An agreement was entered into by the Allies under which America undertook to conduct the spruce operations for the joint benefit and at the joint expense of the Allies. About $49,000,000 was expended, and one-third of that was the burden of the United States. So the financial importance of it to the United States is sixteen or seventeen million dollars, less the salvage value.

Spruce is located in about half the timber of the Northwest Pacific coast. Roughly speaking, 5 per cent of the timber is spruce. In the section where spruce is found about 10 per cent of it on an average exists. Of the 10 per cent in the forests not over 15 per cent of it, as the operations were conducted, was actually usable for airplane purposes. So the problem of spruce production was this: To go into the forests of the West, where the rainfall is 100 inches per annum, and get out of that forest 1½ per cent of actually usable timber for airplane purposes.

In 1917 we were failing in the aircraft program and the Allies were threatened with absolute failure because of the lack of aircraft lumber. The I. W. W.'s were rampant in the West. The worst conditions that we had during the war were there. In addition, a strike in the lumber industry was declared which ran for six weeks. After that the I. W. W.'s were committing sabotage by putting emery in the bearings of engines, driving nails into the logs that were to be sawed, blowing up engines, and setting fire to the forests. That was the condition that confronted America when the Government stepped in and tried to save the aircraft program by producing spruce.

At the close of 1917 this condition confronted the Allies. The demand for spruce for the last five months was 10,000,000 feet a month. In these five months 12,500,000 feet had been produced by the industry. That was only half of what it ought to have been, on account of the labor troubles and the I. W. W.'s. It was demonstrated that the coast would furnish about 5,000,000 feet a month on the average. But what was the situation? The immediately available spruce had been drawn upon because the high price during the year had brought out all of it where it could be had in convenient places. Winter was facing us. The normal production of lumber in the winter falls about 40 per cent, on an average, below the production of the rest of the year.

Up to 1918 the Government did not engage directly in the production of spruce. Then the Government contracted for riving operations; that is, splitting the tree, taking out the portion that was fit for aircraft purposes, and leaving the rest in the forest. That was found to be extravagant, but the necessity for production was so great that it justified any method

that would produce spruce and justified the expenditure of every dollar that was necessary to get it at any price. So $1,700,000 for rived spruce under those conditions was paid.

But that operation was practically abandoned with the winter. Early in the year of 1918 the Allies adopted a spruce program in which they demanded that America should furnish 20,000,000 feet a month. When you realize the conditions under which it must be produced you will see that it was a giant task.

PROGRAM OF EXPANSION.

Finally, in the spring the Allies and the United States demanded 30,000,000 feet a month, 23,000,000 for actual needs and 25 per cent to cover submarine losses and other failures of the program. So then the decision was made that has caused most of the criticism that has been made. A plan of expansion was adopted which resulted in an expenditure of probably more than $12,000,000, which produced no lumber before the armistice. That was part of the preparation for 1919.

What were the conditions under which the program was adopted? It was when Great Britain did not know whether they could keep airplanes at the front or not. From the 21st of March, 1918, when the Germans began that successful drive, until the 18th of July it looked like a drive to victory for the Germans. That is when the program was adopted. About the time the drive started Great Britain cabled they must have a million feet of spruce delivered at Galveston in 20 days.

They consulted with the American authorities and it was determined if necessary that they would go into every American aeroplane factory and take every foot of lumber the American factories had and send that lumber across to make allied planes. Then is when it was that this program was adopted, a program of expansion, that involved the construction of 139 miles of railroad, great lines of spur tracks, three sawmills, and two cut-up plants. It was then that the railroad construction began. That is what the criticism is about. The main criticism is about that preparation that never produced results. I say, however, it was a patriotic duty, it was good business judgment that those responsible for spruce production should spend every dollar that was necessary to insure that it would go to the front. [Applause.] If those men had been men of narrow vision, who had their eyes on the American dollar rather than on victory and the American boys at the front, they might have adopted some picayune course. They could have said, "Let the loggers do it," "Let George do it." They could have frittered along with the methods that had prevailed and had failed before. But Gen. Disque in charge, under John D. Ryan, had the foresight, had the courage, and the business judgment to adopt a program that, if carried out, would have absolutely assured the spruce for 1919.

SOLDIER LABOR.

Mr. HARDY of Texas. When was it that they put the soldiers out there?

Mr. LEA of California. The early part of 1918. Here is the situation that was presented at the beginning of 1918: The lumber industry had produced only one-fourth of the 10,000,000 feet a month wanted. A review of the situation clearly demonstrated that a radical change was necessary if we were going to get the lumber. One of the basic evils was the lack of labor. Industry was far below normal as far as the labor supply was concerned. Engineering regiments had been collected from the lumbermen of the Northwest and sent to France. Others had been drafted or volunteered and went away.

Others had gone to machine shops and more remunerative employment. There was a very great shortage of labor. In order to supply that shortage of labor a plan was adopted of taking soldiers there to work in the logging camps and mills. Few of these soldiers worked directly for the Government. They were distributed among the lumbering and the logging companies. Two hundred and thirty-four soldier camps were established on the Pacific coast. These men were paid civilian wages, and they worked side by side with civilians. Their work was not solely to produce aeroplane lumber, but it was also to keep the industry going, so as to furnish lumber for the cantonments, lumber for the ships, the quantity of which demand was vastly greater than for aeroplanes, and also lumber for aeroplanes. They labored beside and were paid civilian wages.

Now, it is suggested that the Secretary of War should be held responsible for the money paid to those soldiers for getting out lumber to carry on the war. Gen. Ansell, by a written opinion, decided the payment of the civilian wages to the soldiers was legal. His ability has not been questioned. If competent to earn the salary paid him by the investigating committee, he must have been qualified to make that decision.

Those soldiers made a great addition to the labor supply. Eventually something like 28,000 soldiers were used in that operation. It has been suggested to this committee that those soldiers so working for our country were peons. The chairman of this committee out at Seattle, in the hotbed of I. W. W.ism and sovietism and Bolshevism, declared that these American soldiers were in peonage. It is an injustice to the soldiers of this Republic for a man to go from the Dome of this Capitol out into the center of I. W .W.ism clothed with the authority of this Government, and declare that the American soldiers were in peonage. I say that it is the duty of the American soldier, wherever he may be in the Army of the United States, to serve his country where the needs of his country require. [Applause.]

DEVELOPMENT ACTIVITIES.

Another thing was perfectly apparent. If this lumber was to be secured in 1918 and 1919 large undeveloped stands of spruce must be developed. Mr. Hawkins, who I think we will all agree was a man of large and successful experience in the logging and lumber business, was the first man to recommend the program of expansion which was finally adopted. While I mention the name of Mr. Hawkins I want to call attention to the fact that Mr. Hawkins was the first man who recommended a connection with Milwaukee for this Clallam County spruce. In order to tap the spruce forests 13 railroads were built. The two largest operations were planned principally to supply the 1919 demand. Four of those railroads, at least, did not haul a log, because they were not completed at the time of the armistice. Nine of those railroads did haul logs that contributed to the lumber supply before the armistice.

A plan of selective logging was adopted. This meant men would go into these forests and instead of logging them clean they would take out only the spruce logs suitable for aeroplane lumber and transport them to the mills without taking the remainder of the forest trees.

Another part of the plan was to build a cut-up plant for the refined sawing of lumber. It was a process of individualization of the sawing of each log to produce the best quality and greatest quantity of usable lumber therefrom. Col. Breece had charge of lumber production. There is probably no man more competent in the United States. The success of the effort was beyond question. The production of usable spruce lumber from the log increased from 50 to 100 per cent.

This plan of expansion also involved the construction of two sawmills in connection with the Clallam County operations, Washington, and one sawmill at Toledo, in the Yaquina district, Oregon. Why were these mills erected when there were 400 or more sawmills in the West? The reason was plain. This sawmill at Toledo was 150 miles from other mills that could handle the logs. The freight was $3.17 a thousand. These other mills charged $12 a thousand for sawing. Col. Breece said that in the mills established by the Government he could saw the lumber for $5 a thousand. He said in the operation of this mill he could save the Government $1,800 a day.

In addition to that, Toledo had transcontinental terminal freight rates. The lumber could be shipped from the mill at Toledo to the Atlantic seaboard just as cheaply as from Portland, and thus eliminate all of the useless freight from Toledo to the mills. So there was a perfectly good reason, a good business reason. Col. Breece, one of the best business men in the sawmill business in the United States, was responsible for the location and construction of that mill.

YAQUINA RAILROAD.

While mentioning that territory I want to refer to the location of the railroad built north from Yaquina Bay. Toledo and Siletz Basin promoters condemned the route selected and insisted it should have been built directly north from Toledo into Siletz Basin. The railroad constructed by the Government paralleled the shore of the Pacific and tapped the west slope watershed timber with a practical route for its extension into the northerly part of the Siletz Basin to reach its principal spruce stands should later demands so require.

How was the route of that road determined? Why, it was selected as any business man would want it selected. When the controversy arose Gen. Disque had the location of the spruce stands and routes thereto investigated by two very experienced and practical men, acting independently of each other. Each recommended the course that was then followed by the Government. Mr. Benson, whose name is a synonym for integrity in Oregon, and whose experience in the lumber business is lifelong, and who is now out of the business and unselfishly interested, spent two months in making a careful investigation, reported there was no doubt about where the railroad ought to be; that it ought to be where the Government did build it.

Mr. HULINGS. Will the gentleman yield?

Mr. LEA of California. I will.

Mr. HULINGS. I understood the gentleman justified the payment of civilian wages to those soldiers up there?

Mr. LEA of California. I did.

Mr. HULINGS. Now, in that case would the gentleman think that it would be out of the way to pay civilian wages to the men who were on the front in France in the way of compensation?

Mr. LEA of California. I am with the gentleman on the bonus, if that is what you mean. Now, going to this railroad question—Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 1 hour and 25 minutes.

LUMBER PRODUCTION.

Mr. LEA of California. Several places in the report charge a failure of production under Gen. Disque's management on the Pacific coast. Only a misunderstanding of the record could justify such a contention. The spruce airplane production for the last five months of 1917 was 12,500,000 feet. From an average of two and one-half million feet per month produced by the industry in 1917 under Disque's management, spruce production reached 11,000,000 feet per month in October, 1918, with a total airplane production, including fir, of over 20,000,000 per month. Fir was a substitute used for spruce. Inasmuch as it weighed 25 per cent more and consequently lessened the climbing power and speed of airplanes and had less bullet-resisting power, it was not the most desirable. The desire of the aircraft authorities was to eventually secure more spruce and use less of fir, particularly in fighting machines.

The Canadian production, with which it is sought to discredit American production, consisted of 26,500,000 feet, produced as a result of over 10 months' effort, only 18,000,000 feet of which was produced before the armistice. Under Canadian specifications, their lumber represented only 50 per cent of usable material as contrasted with American. Their proportion of wing-beam stock, the most important quality required, equaled probably not more than one-fifth of the proportionate American product from the log.

While the general lumber industry increased 7 per cent in 1918 over 1917, spruce production increased 50 per cent in that period. Through the spruce production effort under Disque, 50 to 100 per cent more usable aircraft lumber was secured from the log. Through his management 17,000 soldiers, located on 200 different operations, contributed to the lumber supply of 1918. Nine of the 13 logging railroads built were operated and contributed to the production of 1918. The riving operations in spruce produced 7 per cent of the total spruce production of 1918. The cost-plus loggers had 104,000,000 feet of spruce logs on hand at the armistice. Under Disque's management the loggers in the industry were encouraged to develop new stands of spruce and financial support was given them for that purpose. Although the cut-up plant did not get into quantity operation until March, 79,000,000 feet of the total aircraft lumber produced came from the saws of the Government cut-up plant. At the time of the armistice the spruce loggers were producing 33 per cent of all the spruce logs being produced in the Northwest. This contention in the report is doubtless made without careful consideration. For instance, the statement that no logs were produced under the Poulson operation, under which $1,600,000 settlement was made, is not accurate in that over 13,000,000 feet of selected spruce logs were delivered from that operation.

There are probably not two consecutive pages in the report of the majority that do not contain inaccuracies and statements from which the reader may draw wrong conclusions, such as I have in some instances pointed out. The number of such cases precludes a detailed discussion of them. If the reader of the report will bear in mind that the man at the head of the spruce production effort had business intelligence, was patriotic, and of good intentions; that he was surrounded by men of like qualities and of long business experience and judgment in the lumber and logging industries, and as disinterested as men could be in the Northwest; that Gen. Disque acted in harmony with them in carrying out the operations of the Government and with their cooperation and advice, he will be protected against many of the inferences that otherwise he might draw.

CLALLAM SPRUCE CONTRACT.

A contract was made with the Siems-Carey Kerbaugh Co. to log the spruce in the Clallam County operations and to saw it into flitches. Their contract called for the delivery of at least 250,000,000 feet within one year from the beginning of operations, not less than 10,000,000 feet to be delivered in December, with larger amounts required in later months.

Mr. Ryan is criticized for changing the terms of the contract originally proposed, providing for the delivery of 300,000,000 feet within the year, but requiring only 500,000 feet per month for many months after operations began. Under the originally proposed contract the contractor was responsible for the delivery of only a trivial amount of spruce within any practical period.

The contract as reformed required the delivery of a minimum of 10,000,000 feet per month, thus assuring definite results.

The contract permitted the Government to change sawing specifications at its discretion. Under this provision the Government had power to make changes that would greatly affect the cost of the operation. Very properly it contained a provision that if the contractor could, after investigation by the Government, show that he was making a profit of less than 7 per cent, the contract could be terminated at the option of either party or the contractor be required to continue the contract on a profit basis of 7 per cent.

Operations under the contract were never converted to a cost-plus basis and it was never operated as a cost-plus contract. On account of the termination of the contract by the conclusion of the war, settlement was made with the contractor on a basis of 7 per cent profit.

Under the terms of the contract the contractor was entitled to no profit unless he performed his agreement. In other words, the Government was to get what spruce it contracted for or the contractor received no profits. In that respect this contract was one of the most drastic and effective contracts made during the war. In view of the failures of spruce production before the Government's operations, no one earnestly interested in spruce production would have complained of a 7 per cent or greater profit if results were obtained as agreed.

The contention that the contractor assumed no financial responsibility in view of the fact that he was entitled to no profit unless he delivered the spruce is manifestly groundless. A number of men associated with the logging industry testified that performance of the contract on account of its magnitude was impossible. Doubtless it was impossible to men not used to large contracting operations. The contractor in this case, however, had an experience in the contracting business and employed assistants experienced in the logging business which gave an assurance that the performance would be accomplished. Without performance the contract was not especially profitable. Even if converted to a 7 per cent basis, in view of the 80 per cent income-tax law, with success, even if they did make a liberal profit, none would have rejoiced more than those most earnestly interested in the success of the American cause.

A suggestion is made that Siems-Carey-Kerbaugh Co. had designs on monopolizing the lumber industry in the Northwest. The suggestion emanates from a small coterie in the industry who have themselves been accused of the same design. They opposed anybody else working on the same side of the street.

The substantial fact is that the contractors had a right to exercise their option under the contract to purchase certain Government properties at the conclusion of the war if they saw fit to do so, but did not exercise that option, although it was desirable from the Government standpoint that they should do so.

CLALLAM RAILROAD.

Complaint is made of the cost of the Crescent Railroad. The cost of this railroad was not at all out of line with war prices. The road was designed to carry over one million and a half feet of logs per day, beginning with winter operation. That would have required over 200 loaded cars one way per day. Logs are among the severest traffic hauled on railroads. The traffic in weight would have more than equaled that of most transcontinental railroads. The war purpose for which the material was required demanded continuous operation, certainty, and speed.

Those responsible for the building of this railroad and conducting the war-supply operations were required to subordinate economy to the demands for speed and quantity production. If in a spirit of parsimony dollars had been balanced against possible defeat and additional loss of lives at the front, it would have been an unpardonable offense against patriotic citizenship of America and our boys at the front. Those who would have deliberately pursued such a course would not have been forgiven as long as their names were remembered in America.

During the war the spirit of America demanded speed and results and not parsimony.

Additional construction costs, with the decreased efficiency of labor, during the war averaged from 100 to 200 per cent.

Considering the mountainous character of the country traversed, the grading, and the dense timber to be uprooted and cleared away, $45,000 or $50,000 per mile would probably have been a minimum cost of constructing this road under the slower and more economical methods of peace-time operations before the war. The work on this road is admittedly well done. The job was accomplished with a speed perhaps seldom equaled

in the history of railroad construction. The price was high, but not higher than competent management and speedy, substantial construction, and high labor and material costs required.

SELECTION OF ROUTE.

Just a brief reference to the selection of the route of this railroad in Clallam County. This is a question that has caused criticism, particularly in reference to Mr. Ryan [illustrating on map]. Here is Port Angeles on the south side of the Straits of northwestern Washington. This is the route of the Milwaukee Railroad that has terminal connections and runs westerly across here to a place called Deep Creek. Here in northwest Washington is the area that the Government selected for the purpose of getting spruce for the 1919 program. Lake Pleasant was adopted as the center of forest operations. It was selected for a sawmill site and was to be used for log storage and booming. At Port Angeles the Government built another mill, which, with the Lake Pleasant mill, was designed when in full operation to handle the lumber that came from this section.

The question, so far as a railroad was concerned, was how to reach the center of this spruce area to carry out the timber. Four routes were proposed. One was this route by Clallam Bay, which required both rail and water transportation. That required an average of about 26 miles of rail haul and 46 miles of towing. [Illustrating.] The other route was the proposed road from Port Angeles by the south side of Lake Crescent to Lake Pleasant. An extension to Lake Pleasant from the end of the Milwaukee at Deep Creek was the principal suggestion. This route [pointing to map] connecting operations at Lake Pleasant with the Milwaukee at Joyce was selected. The route selected required 8 or 10 miles more construction than the extension from the end of the Milwaukee would have required.

How was that route selected? By looking at the map as if the country was a flat table anybody would say that the practical route was to extend the Milwaukee. Now, Col. Disque, and the Secretary of War following his recommendation, Col. Disque not having been there, but basing his action on reports, recommended the extension of the Milwaukee.

Finally Col. Disque came to Washington and took the matter up. Mr. Cary, the prospecting contractor, after examining the surveyed profiles for the Milwaukee extension and viewing the two routes, concluded that on account of the physical conditions involved the extension could not be completed before the winter rains. Mr. Cary was a member of one of the strongest contracting firms in the United States. They had a contract for $150,000,000 of construction work in China. The road, when completed, would be required to handle an immense heavy traffic from the beginning in winter. The Milwaukee extension had to be built for miles along the side of steep clay mountains. Cary declared such a road, if completed, could not be kept open and carry such heavy traffic during the first winter. One of these mountains through which this route goes has a name that indicates a sliding character. One of the witnesses before this committee testified that the mountain was sliding for 2 miles. I think that is an exaggeration. But the fact is that this Milwaukee extension was through a clay soil in a steep mountain country.

Anybody who knows anything about railroads knows you can not build a railroad and finish it at the beginning of winter and operate heavy trains over it in the winter with clay fills. There were places where its construction would require cuts on the mountain side 150 feet deep. The route selected, called the "Crescent route," had rocky or gravelly soil nearly its whole length.

The question of finally selecting the route was referred to Gen. Disque. He did not decide overnight or without a careful effort to act intelligently. He secured a disinterested engineer from the Union Pacific, who went over these routes and examined the surveyors' notes and profiles. He reported in favor of the Crescent route. The fact that it was the best route is demonstrated by the fact that in the winter following the construction of this road it had comparatively trifling interference from slides, although at one place it did slide for 200 feet.

RELATION TO MILWAUKEE.

The suggestion is made that this route was selected for the convenience of the Milwaukee. Now, you must credit the Milwaukee with brains if not virtue. The Milwaukee owns over 65,000 acres of timber in this territory. Eighteen large tracts of that timber were along the route of the Milwaukee if extended. Only six tracts of minor importance had timber contributory to the Crescent route as selected. All of these were reasonably accessible to the Milwaukee extension. The Milwaukee purchased all its vast holdings of timber before it extended a mile of its road westerly from Port Angeles. Its road, so far as constructed, as well as the proposed Deep Creek extension to Lake Pleasant, were selected by it as the route best calculated to serve its interests. Any contention that the Milwaukee preferred the Crescent route not only ignores the fact that the Milwaukee opposed that route but must also be based upon a conclusion, unsupported by the evidence, that the Milwaukee had changed its mind as to the best route for serving its own interests. In buying its timber along the Deep Creek extension, in surveying therefrom to Lake Pleasant, and in building its road to Deep Creek, the Milwaukee had demonstrated beyond question the route it preferred.

Only by unhampered use of the imagination can one support the conclusion that the Milwaukee's interest was to be served by the Crescent Lake route over the Deep Creek extension.

The determination of Disque to connect Lake Pleasant with the Milwaukee was made weeks before Ryan was in the Aircraft Service. The fact is, of the four routes proposed to connect with this spruce, every one of them was supported by selfish interests but one. That one was the route selected. I do not say that in any discreditable sense. So far as I know each of the interests concerned advocated the route in which it was interested honorably.

The Clallam route was favored by a timber company whose interests would have been favored by the Government construction of a railroad that after the war would in effect have been their property to serve their timber interests. The Port Angeles road was favored by those who for some time had been interested in promoting an independent road from that city through the timber section at Lake Pleasant and southerly therefrom. The extension of the Milwaukee was favored by that company because it was on the route selected by them along the line of their timber and a desired development of their enterprise. The sponsors for the Crescent route, the one selected, so far as disclosed had no motive other than to serve the Government's interests by getting out spruce certainly and in adequate quantities.

In a report sent the Secretary of War from Portland the majority of this committee suggested that "further investigation may disclose conditions of which a recovery can be had against John D. Ryan and others" for several million dollars spent in building this railroad.

Manifestly this reflection is based upon conjecture as to possibilities instead of upon foundations of fact.

At the time the construction of this road was determined upon no material was more pressingly needed at the front than aircraft lumber. The attempt to provide it in adequate quantities was patriotic and commendable. There is no more moral or legal reason why we should recover that cost from Mr. Ryan than there is for suing John Pershing for the powder fired at the enemy by the American soldiers at Chateau-Thierry.

The extension of the Milwaukee route was supported by the Milwaukee to the hour the decision was made. The route built was selected over the opposition of the Milwaukee to the very last minute. That fact is established without contradiction in evidence. [Applause.] To say that the Milwaukee wanted this road built and that it was built to serve the interests of the Milwaukee is a monstrous injustice to the men in charge of this operation. [Loud applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] has 1 hour and 10 minutes remaining and the gentleman from California [Mr. LEA] has 35 minutes remaining.

Mr. LEA of California. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. SISSON. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred gentlemen are present, a quorum, and the gentleman from Virginia is recognized for 20 minutes.

Mr. FLOOD. Mr. Chairman, the gentleman from California [Mr. LEA] has so thoroughly covered the subject of the investigation made by this subcommittee and the subject of the majority and minority reports that I will touch upon only a few phases of the subject. The gentleman from New York [Mr. MAGEE] indicated that this was water that had passed over the wheels, and if it was not for the fact that efforts had been made in some places to discredit the conduct of the investigation by this committee, that he would agree that nothing should be done about it. I think from the standpoint of the majority of this committee it is unfortunate that anybody said anything that these gentlemen could construe as being an effort to disparage their efforts, for I do not think the investigation or the majority report has been creditable to the gentlemen who made it or in the least helpful to the country. [Applause.]

I have been very much delighted, Mr. Chairman, at the splendid statement of the aircraft record of this country, made by the gentleman from California [Mr. LEA], and I have been delighted at the tributes he has paid to the heroism of the American soldier and the glories achieved in the Great War by the American Army; but I have been a little disappointed not to hear one suggestion of applause or approval from the Republican side at the touching tributes to our armies and our boys who won such glories for our flag upon the battle fields of France. [Applause on the Democratic side.]

The aircraft situation was one of the most difficult propositions that our country had to deal with when we entered the war.

On the 6th of April, 1917, this country was the least prepared in aircraft of any important nation in the world. The situation is summarized in a pamphlet compiled at the request of the Assistant Secretary of War, entitled "United States Army aircraft production facts," pages 5 and 6, as follows:

First. The Army had practically no material, personnel, nor experience in the designing, producing, or using of aeronautical equipment. The books of the Signal Corps show that during eight years prior to 1916, 59 airplanes were ordered and received, while during 1917 366 were ordered and only 83 were received. In other words, the total number of airplanes that had been delivered to the Signal Corps prior to 1917 was 142. A large portion of these were already obsolete or destroyed. Not one of them was suitable for use on the battle front.

Second. The country had no accurate knowledge of the aircraft requirements of modern war. No one knew the engine or plane requirements; no one knew the requirements for instruments, ordnance, and armament; neither data nor experience existed in the United States from which this vital information could be obtained; no airplane made in America up to this time had mounted a machine gun or carried other than the simplest instruments; radiotelegraph and telephone, cameras, and bombing equipment, night flying lights, aviator's clothing, suitable compasses, and other instruments were practically unheard of.

Third. Adequate manufacturing facilities for the protection of aeronautical equipment of the war type did not exist in this country.

Fourth. There was no definite understanding how much aircraft equipment would be required for the use of the Army or Navy, and therefore no program to work to.

Five officers who had received a special course in aeronautics constituted the entire trained personnel of the Air Service of the United States, and 194 men, with practically no equipment, comprised the entire personnel—civil and military.

When the armistice was signed the record shows a total of more than 195,000 men in service, of whom we had in France nearly 79,000 officers and men and to whom had been delivered 16,952 airplanes—a remarkable achievement to have been accomplished in 19 months. [Applause on the Democratic side.]

I think, Mr. Chairman, this is a remarkable achievement for our aircraft service to have accomplished in the short period of 19 months from the time we entered the war. [Applause on the Democratic side.] I think, instead of a committee of Congress undertaking by insinuation and innuendo—not to use stronger terms—to bring the men who had charge of this service and who devoted their time and their intellect and their energies to it into disrepute before the American people, they should give them the great credit which is their due for this splendid achievement. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from California [Mr. LEA] has well said that the fault was not with the men who had charge of this matter during those 19 months. The fault was back behind them. In 1908 the Wright brothers at Fort Myer, in the presence of the President of the United States, demonstrated the success of the aeroplanes, showed to the world that it was to be a great engine of war in the future. President Roosevelt witnessed that, and though he was President for one year afterwards there was no effort on the part of the Republican Congress or this great Republican President to utilize this American invention, so that America would be prepared if it ever needed aircraft in time of war. [Applause on the Democratic side.] Another Republican President came in. Two years of his administration went by, and not one dollar was appropriated for aircraft. And not until the day before a Democratic House of Representatives was to assemble in this Chamber did a Republican Congress appropriate one cent for aircraft, and then the small appropriation of $100,000 was made on the 3d day of March, 1911. An appropriation of another $100,000 was made the next year. But up to the time the Great War engulfed the world in 1914 America had appropriated for the purpose of studying and investigating this great machine of destruction and building aircraft but one-half million of dollars.

Germany had seen what it meant and had appropriated and utilized $28,000,000. France had appropriated $22,000,000, and, as the gentleman from California said, 14 nations of the earth had made greater appropriations and greater progress in the development of aircraft than the United States had. The blame is not to be placed upon the men who of a sudden had to develop this great and scientific engine of war but upon those who failed in the years before to appreciate the importance of aircraft, failed when other nations were developing it, and when we should have done so and would have done so if our people, if our Secretaries of War and our Presidents and our Congresses had possessed the foresight that other nations possessed in reference to this matter.

In March, 1916, Mr. Baker, whom this report criticizes so severely, was made Secretary of War, and in that very month he did what his belligerent predecessor had not done, namely, he asked Congress to give him an appropriation of half a million dollars for the study of aircraft, and Congress promptly did so. In the month of August he asked for an appropriation of $13,000,000 and received it. But we had no men here who understood the building of the Army machines, whether of the training type or of the service type. We had no factories. We had no devices. We had no way to proceed to use this money. We sent men abroad that they might study in the allied countries the devices that they had for aircraft, but these countries, as we were neutral, would not give our officers the information that was desired or access to that information, and so the year 1916 went by and our country was still without men and without factories and without devices for building aircraft that was suitable for warfare. And the foresight and enterprise of our great Secretary of War, through no fault of his, brought but small results.

And when war was forced upon us on April 6, 1917, we were absolutely without any machines that could be used upon the battle front.

Then our officials in charge of aircraft proceeded to do the only thing they could do. They sent commissions abroad; they sent students and officers abroad. Col. Bolling's commission made the arrangement which the gentleman from California [Mr. LEA] discussed, by which this country was to furnish certain classes of engines and planes and certain material, and the allied countries were to furnish us in return the fighting planes that were to be used for pursuit purposes.

The Signal Corps was in charge of our Aircraft Service until May 14, 1918, when the Bureau of Aircraft Production was established and Mr. John T. Ryan was made director. This bureau was vested with full, complete, and exclusive jurisdiction and control over the production of airplanes, airplane engines, and aircraft equipment for the use of the Army, and to that end was authorized to assume control and jurisdiction over all pending Government projects having to do or connected with the production of aircraft.

Mr. Ryan at once took charge and devoted his entire time to the study and direction of this important matter. One billion dollars, from first to last, was expended on aircraft. This includes every expenditure of every kind, the purchase of machines of France and England and Italy, for equipping our men, for training, for every purpose. And yet this report tells you that $1,000,000,000 was "wasted." We sent to the battle front thousands of splendidly equipped American air fighters, everyone of whom had been trained and equipped out of this money. [Applause on Democratic side.] And yet this report gives not the slightest credit for it.

When, on September 18, at the St. Mihiel salient the American soldiers went over to the front, we had there with the First Army the largest concentration of air forces ever gotten together in the World War, one-third of which were Americans and two-thirds were French, British, and Italian squadrons operating under American command. [Applause on Democratic side.] These contributed largely to the glorious results achieved by the American Army on those September days. All the equipment for that magnificent effort was paid for, so far as the American fliers and the American machines were concerned, out of this $1,000,000,000, which you are told in this report was "absolutely wasted." [Applause on Democratic side.]

The majority report is largely an attack upon individuals, especially upon Mr. John T. Ryan, who became Director of Aircraft Production on May 21, 1918, and as my time is limited I shall use it to point out to the House the services of this splendid American in this connection and to show how unjust and unfounded are the criticisms of the report and those of the gentleman from New York [Mr. MAGEE] are.

When war was declared in 1917 Mr. Ryan was the active directing head of the Anaconda Copper Mining Co., the United Metals Selling Co., and the Montana Power Co., and was also associated in the direction and management of numerous other industrial and financial enterprises, in the success of which not alone his business reputation but his personal fortune was largely involved.

Past the age for active military service, he was an exemplar of the type of successful American business man who was ready, without considering personal results, to place his talents

and abilities at the disposal of his country in any capacity to which he was called.

While the country was making every effort, awakened from its long lethargy, to create forces of destruction made necessary by the war call, another effort that was its counterpart in the scope of the vision that prompted it and that astonished the world with its success was inaugurated. Its object was to muster into organization, upon a scale never before attempted, the agencies of mercy, so that from the time the American boy left his home until the hour when he was brought back from the front line, on foreign soil, his wants were cared for and he was furnished such comfort as was possible under the cold, hard realities of war.

The story of the American Red Cross is one of the epics of the war. When the gentleman who had assumed its leadership had outlined his plan he began to build an organization, and, informed by his intimate acquaintance with the best organizing and business brains of the country, he knew exactly where to go, and the record achieved by the organization demonstrated the accuracy of his judgment.

In July, 1917, Mr. Ryan was called to the post of director general of military relief. He accepted without hesitation, dropped his business and personal activities, took a desk in the Red Cross Building in Washington, and until after the armistice was signed gave himself wholly and completely in one position or another to the service of his country. He became a member of the war council of the organization and assisted in directing its activities until from every village in this country to the front-line trench the whole was an energized organization pulsating with patriotic fervor and working with unceasing devotion to help the national cause.

In this position he remained until May, 1918, when, without previous notice, he was summoned by the Secretary of War, at the request of the President, to take charge of the Aircraft Production Bureau. This appointment, according to the record, came without solicitation on his part. It was a call to duty, and, without weighing or considering personal consequences, he responded.

It was an unpromising and difficult task to which Mr. Ryan was called, and to which he was formally appointed on May 21, 1918. Six months later, on October 25, the report of Hon. Charles E. Hughes was submitted to the Attorney General. An extract therefrom forms a part of the majority report. The following excerpt is from the extract so embodied:

> It is not within the province of this report to make recommendations with respect to administrative matters, but it should be said that under the administration of Mr. Ryan and Mr. Potter there has been improvement in organization and progress has been made in gratifying measure.

This statement from an investigator whose judgment has been generally accepted by the American people is of itself an answer to the insinuations contained in the majority report.

So far as Mr. Ryan is concerned, two queries are, it seems to me, pertinent: First, What are the principal criticisms of his administration?—for it is important to keep in mind that no direct charge of either malfeasance or nonfeasance is made; and, second, What, if anything, did Mr. Ryan do as Director of Aircraft Production that demonstrated his capability to handle the duty he had assumed and his patriotic devotion to it?

When one examines the utterances of the majority report, with its constant reference to Mr. Ryan, one looks somewhat expectantly to the succeeding page, anticipating that some specific charge will be made, the truth of which can be demonstrated, but such is not the case. With an unenviable ability, the whole mass is impregnated with insinuations and innuendo, but what specific statements are made in their particular application to Mr. Ryan?

First, that Mr. Ryan and Mr. Potter had been connected with large financial interests before the war. Surely there is no crime involved in this statement of fact. Again the report continues:

> The intimate connection of these powerful interests and of Mr. Potter and Mr. Ryan with Secretary Baker, representing the Government, has never been explained.

What was there to explain? Potter entered unostentatiously the Government service early in 1918, and, by his demonstrated ability, had become Chief of the Equipment Division. Ryan was then in the Red Cross organization. He assumed charge of aircraft in May, 1918, and yet the insinuation is that there was a conspiracy somewhere involving the Secretary of War, Mr. Ryan, and Mr. Potter. The petty character of this sort of insinuation is difficult to characterize.

Second, criticism is directed against Mr. Ryan because in July he went to Portland, Oreg., and, in the words of the majority report—

> returning from his 6,000-mile trip in August, and after a few days spent in the East, sailed for Europe in August, in company with Secretary of War Baker, who had made Mr. Ryan also an Assistant Secretary of War a day or so before they sailed. Both remained away until October 13, or shortly before the end of the war. Apart from the two trips that took him away from aircraft duties in Washington for several months, Mr. Ryan had large private business interests and other duties to care for.

This criticism is an example of the complete lack of fairness that characterizes the entire report. If the intended inference to be drawn from the statements made was correct, no condemnation could be too severe. To read the report without additional information, one would inevitably come to the conclusion that Mr. Ryan was engaged in taking pleasure junkets and in attending to his private business. What are the facts?

Directing his energies first to the work of organizing the department from headquarters in Washington, he spent his time practically continuously there, taking occasion, as opportunity presented, to go to the principal manufacturing points in the East, visiting the different factories, and endeavoring to stimulate a spirit of cooperation and to effect a coordination of effort.

The spruce production had been, from the beginning, a matter of tremendous importance, and it was imperative that, in obedience to repeated calls demanding that he should do so, he hastened West in the latter part of July, and by continuous travel visited the large production camps, examined into the manner in which the business was being conducted in the different localities, investigated the organization that had been created to carry on the work, taking occasion to address meetings comprising business men, loggers, lumbermen, workers, and soldiers—acrimoniously referred to as "banquets" in the report—in an effort to secure the utmost that patriotic effort could do in meeting the tremendous task that had been placed upon the United States to furnish lumber, not alone for herself but for all her allies as well.

His trip cut short by a telegraphic request from the Secretary of War, he returned to Washington and in a few days accompanied the Secretary, at his request and at the request of Gen. Pershing, to Europe to endeavor to coordinate the activities of all the Allies and settle definitely an aircraft program for the coming year of then expected hostilities.

The purpose of this trip and what was accomplished by it was:

First, the coordination of aircraft activity between France, England, and the United States. The Allies were calling for engines and for spruce, and our own troops for completed airplanes. The transport service was inadequate. Troops, munitions, food supplies, and all sorts were congesting the docks, backing up the flow of war material from embarkation camp, munition factory, and warehouse to the front, while every available foot of shipping space was crowded to capacity in the effort that was being made to get the same across the Atlantic.

Of what avail would it have been to have built aircraft of huge bulk in constantly increasing numbers if shipping space could not be furnished to take them across? How much better for America to get out the engines, lumber, and other necessaries that could be compressed into reasonable space and let the assembling be largely done on the other side. These and a multiplicity of other problems were demanding attention, and above all was the urgent necessity of coming to a definite understanding with the allied Governments for an established program. As a result of the trip, it will be observed that the following were achieved:

First. The adoption of a definite aircraft program toward which united effort for 1919 requirements could be directed.

Second. An open understanding of the entire situation by the mutual exchange of views by the responsible heads of the respective Governments.

Third. The agreement to deliver to France 1,500 Liberty "12" engines by December 31, 1918, and 750 engines per month during the first six months of 1919.

Fourth. The agreement to deliver 5,500 Liberty engines to the British during the last three months of 1918 and the first six months of 1919, in response to their official request for at least 1,000 engines per month during that period.

Fifth. The definite coordination of these deliveries with our own requirements, which called for 22,500 Liberty "12" engines for our Army and Navy.

This program was carried out to the letter and continued until the suspension of deliveries was mutually agreed upon. In payment for the engines so delivered the sum of $37,871,968.60 was paid to our Government.

How small is the Americanism of those who, for partisan purpose, will minimize our own achievement and seek to discredit not alone the profound accomplishment of America in developing an engine that was given such a practical indorsement as the above, but who will likewise calumniate the men who made the achievement possible.

The third concrete criticism rests upon the alleged connection of Mr. Ryan with the Spruce Production Division and the so-called Siems-Carey contracts. These matters are fully dealt with in Mr. Ryan's testimony, that this enterprise had been inaugurated and had, in part, reached a definite stage long before Mr. Ryan had any connection with the Aircraft Service.

On April 12, 1918, before the Bureau of Aircraft Production had been created, or Mr. Ryan had ever been suggested as director, the Spruce Production Division had agreed with the Siems, Carey-H. S. Kerbaugh Corporation, upon the terms of a contract under which the latter corporation was to furnish 300,000,000 feet of spruce within 18 months from the date of the contract. The delivery was to begin at the rate of 500,000 feet per month within six months from the date of the contract. The entire matter was conditioned, however, upon the Government extending within six months' time a railroad from some point upon the Seattle, Port Angeles & Western Railway, a subsidiary of the Chicago, Milwaukee & St. Paul Railway, to a terminal point at Lake Pleasant, in order that facilities for transporting rails, sawmill machinery, and so forth, into the field of actual lumbering operations might be furnished, and that the cut of the mills might be transported therefrom.

From the foregoing it will be observed that there were two separate, independent, and distinct operations contemplated:

(a) The necessary extension of a railway to Lake Pleasant, the site which had been chosen for the sawmill.

(b) The spruce-production operation itself, which involved the building of logging tracks, the opening up of the spruce tract, and the sawing and delivery of the spruce flitches.

It was a matter of supreme importance and had to be acted upon at once, if preparation for the 1919 campaign was to be made, as the season was advancing, and advantage would necessarily have to be taken of the summer months for construction. More than 30 miles of railroad were to be built, not of a logging type as frequently indicated in the report, but an industrial railroad, capable of handling several hundred cars per day. Terminals, yards, and sidings had to be established, a huge sawmill constructed, lumber camps built, and more than 80 miles of logging railway extended into the woods.

As the whole operation depended upon the building of the railway to Lake Pleasant, the matter came first to Mr. Ryan's attention. He had been for years a director of the Chicago, Milwaukee & St. Paul Railway and a member of the executive committee of that corporation. As soon as he ascertained that the railroad was to connect with the St. Paul Railway, and that from a point of junction to tidewater the lumber produced would of necessity be transported over its rails, he immediately went to the Secretary of War, notified him of the exact situation, and asked to be relieved from any connection of any kind with any negotiation or transaction in connection with the railway project. The Secretary of War agreed to this, and the matter was turned over to Mr. E. R. Stettinius, Second Assistant Secretary of War, who consummated the negotiations with reference to this transaction.

There is and never has been any question about this matter, and, in the language of Mr. McGee, addressing Mr. Ryan upon the hearing, while the latter was testifying before the committee—

It was the manly position for you to take.

The Siems-Carey contract for spruce production, however, was an entirely different matter. With it neither the St. Paul Railway nor any other concern with which Mr. Ryan was affiliated, or had ever been associated, had anything whatever to do. Moreover, the railway contract having been decided, there was a definite, fixed contract, signed as above mentioned on April 12, regarding this feature of the transaction. I do not think I can do better than to insert an excerpt from Mr. Ryan's statement concerning this transaction:

I found a contract executed by Siems, Carey-H. S. Kerbaugh (Inc.) for the sale of 300,000,000 feet of spruce lumber. I had no doubt but that the men connected with this organization were capable—their responsibility was amply assured—the matter was pressing, and it never occurred to me to undo what had been done. To do so would have been wholly unjustified. Instead I devoted myself to endeavoring to improve, in the interest of the Government, the contract which had been made. How well that duty was performed a comparison of the provisions of the two contracts will disclose. I wish to call attention, however, to the following particulars, without implying any criticism to anyone in connection with the prior negotiation.

The contract of April 12, 1918, was a straight contract for the purchase of 300,000,000 feet of spruce to be delivered within a period of 18 months. My chief objections to the contract were that there was no provision enabling the Government to cancel the contract so long as the contractors were reasonably complying with its provisions; there would have been no legal right to terminate the contract in the event of the cessation of the war; no opportunity whereby the Government could take over the operation itself without trying out in court, first, the question of diligence. Moreover, the specific dates at which specific deliveries of spruce would begin in quantity were not fixed, the only requirements being that 500,000 feet should be shipped inside of six months, and that thereafter 500,000 feet per month should be shipped.

The contract as finally executed by me on May 18, 1918, called for deliveries beginning 10,000,000 feet December, 1918, increasing until 26,000,000 feet should be reached by July, 1919, and maintained thereafter until November, 1919, when a total of 250,000,000 feet would have been delivered under the contract.

The price in the old contract was $100 per thousand, board measure, for No. 1, and $60 per thousand, board measure, for No. 2. This price was not changed in the new contract. Provision was made, however, under which the contract could be terminated at any time by the Secretary of War, when the public interest required, upon giving 30 days' notice in writing, and also for the taking over of the contract upon the following conditions:

If it should be determined at the instance of the contractors that the contract would not equal the net cost of performance plus a profit of 7 per cent, the Secretary of War, after investigation and determination of the facts, was enabled to take over the contract or revise the price so as to net the contractor 7 per cent. Moreover, the contract limited the contractor to a profit of 15 per cent, and the obligation was imposed to repay, upon the conclusion of the contract and an audit of the contractor's books, all sums in excess of 15 per cent. Moreover, the Government had the right to acquire, upon the completion of the contract, all of the property which the contractor would have acquired upon paying an appraised value therefor. This limitation of 15 per cent was, in the public interest, removed as a matter of final negotiation, provided the contract should, beginning with the month of February, 1919, and thereafter and consecutively, including the month of November, 1919, increase the amount which he was under obligation to ship by 5,000,000 feet of flitches per month, so that there should be a total of 15,000,000 in excess of each 3 months' period and a total of 50,000,000 excess in the 10 months' period which elapsed from February, 1919, to November, 1919.

While the majority report teems with innuendo and insinuation, the foregoing constitute the only matters toward which concrete criticism is directed. Viewed in the light of the facts that existed, how little justification is there for the attack that has been made. On the other hand, by comparison it may not be inappropriate to refer briefly to a few things that Mr. Ryan did accomplish while head of the Aircraft Bureau. It should be remembered that from the time when he took office until the signing of the armistice less than six months elapsed. Six months is a short time, but the following facts stand out beyond contradiction:

First. Mr. Ryan whipped the aircraft organization into line, improving it so that, in the language of Judge Hughes, "progress has been made in gratifying measure."

Second. He visited practically every manufacturing plant in the country engaged in aircraft production, from the engine factories on the Atlantic to the most remote logging camps on the Pacific, bearing a message of patriotic endeavor and urging the necessity for speed and efficiency.

Third. He went to Europe and effected a complete understanding with our allies as to a definite program to which all could work, and fulfilled, as has been shown, to the letter America's part of the program.

Fourth. He took up the contracts that had been made with manufacturers and forced adujstment, reducing commitments in the single item of Liberty engines alone the sum of $36,562,500.

Fifth. He replaced cost-plus contracts at a bogie price of $5,000 per engine plus a fixed profit of $625 with straight, fixed-price contracts at $4,000 per engine. Inasmuch as the total contracts placed called for the manufacture of 100,993 engines, the amount saved, and that would have been saved had the program been completed, is apparent.

Sixth. While he was in charge of the service he saw the delivery of engines increased from 2,517 in May to 5,297 in October.

Seventh. He was met by requirements, stated at a conference held in May, 1918, in which military representatives of British, French, Italian, and the United States Governments participated, of 30,000,000 feet of aircraft lumber per month. He saw the fulfillment of this requirement easily within reach when the armistice was signed.

These constitute a list of achievements that any man might be proud of, achievements that reflect credit upon him, upon his Government, and upon his country, and which should bring praise from every patriotic American citizen and every man who believes in a square deal. [Applause on the Democratic side.]

I was before another branch of this committee a few days ago, and I heard Mr. B. M. Baruch testify in reference to a contract he made with Mr. Ryan in regard to another matter. He stated that early in 1917, just before we entered the war, copper prices went up, and he went to New York and saw Mr. Ryan and one of the Guggenheims, and told them that the Government needed a large quantity of copper. Mr. Ryan said to him, "If the Government wants it for its own use, it can have my copper at any price you choose to fix," and they fixed the price at 16⅔ cents a pound, when copper was selling in the market at from 32 cents to 36 cents a pound. The Government got all of the copper it wanted at 16⅔ cents, and Mr. Ryan gave up millions he could have made. I have never met this gentleman, but this record and all I have heard of him satisfies me that he is a man of splendid ability, a patriotic citizen, a true American, who willingly gave his time, his means and his great

ability whenever his country or humanity called on him during the great crisis of 1917 and 1918, and that no selfishness stained a single one of his efforts during that period of his splendid service to his Government. [Applause on the Democratic side.]

The treatment of Mr. Ryan by the majority of the subcommittee and the unfair criticism of the majority report are a fair sample of the way the majority has dealt with most of the gentlemen criticised in this report and the whole subject of aircraft production, and will satisfy anyone who makes a study of the report and the evidence upon which it is based that the report is not fair or just, and can not be used as a basis for the formation of an opinion in connection with aircraft production. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Chairman, may I have consent to revise and extend my remarks?

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. LEA] has 15 minutes remaining.

Mr. LEA of California. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. LANKFORD. Mr. Chairman, no wonder there is a state of unrest everywhere. Instead of devoting our time to matters of weight and great moment, we are dealing with things that do not help and that cause the extravagant use of money. This is getting to be very much of an investigating Congress. I heard recently that a Republican Congressman said he was on a committee to investigate the expenses of a committee appointed to investigate the expenses of an investigating committee. And this is almost where we are at the present time. Suppose you hire a man to work on your farm and he devotes his time to investigating the surroundings. He wants to know why you used cypress shingles instead of pine, metal, or slate. He wants to know why you grew oak trees for shade instead of cedar. He wants to know why you faced your house to the north instead of to the east or in some other direction, and why your house is white instead of some other color. Would not you get tired and want less investigation and more work? Do you not think the American people are the same way? They want less investigation and more genuine service. [Applause on the Democratic side.] Men who do the least are the greatest investigators and the greatest faultfinders.

The man who does things does not investigate the other fellow's work so much. He is too busy doing things. He lets the fellow who does nothing but investigate do the investigating and criticizing. Noah built the ark while his neighbors were investigating and criticizing. George Washington led our forefathers to victory and achieved our independence while others investigated and criticized. Jesus Christ established on earth the doctrine of "Peace on earth and good will toward men," preached the doctrines which began the Christian era, went about doing good, and pointed out anew the pathway which leads from earth to heaven while others were criticizing and investigating. Some do, others investigate.

The Republicans have decided to investigate rather than do something of a constructive nature. They hope to succeed by faultfinding instead of fault mending. They are using up their breath smelling around where others have been at work, instead of using their energy to do real work themselves. The original camouflage of the human race is the criticism of others. The jeweler with real diamonds does not criticize the other fellow's goods. His diamonds sell without his finding fault with his neighbor's goods. The man with real character does not find it necessary to criticize other men in order to show up his own qualifications. His light will shine without his blowing out the candles of his neighbors. Imagine Edison criticizing other inventors in order to make his inventions show up. Such course is unthinkable. The man who does nothing criticizes the fellow who succeeds, for two reasons: First, to try to minimize the envied success, and, second, to endeavor to get the attention of the public away from his own failure. The Republican Party by investigating, criticizing, and backbiting admits, first, it has done nothing worthy of the public gaze; second, that it as a party is jealous of the Democratic success and wants to minimize the labors of the Democratic Party; and, third, that the Republican Party would throw the monkey wrench of discontent into the machinery of the wonderful accomplishments of the Democratic administration rather than help oil and perfect the machinery and rather than help build more machinery to keep this great country properly going. Will the Republicans find mistakes and errors? Of course they will. They would be a pretty set of fools if, with all the help and money they call for, they could not by mature effort find fault with what others did under the heat and pressure of war. The Democratic administration in the conduct of the Great War put the lives of our boys ahead of money, ahead of dollars and cents, and won the war.

If by haste a few million dollars were apparently wasted and the life of only one mother's boy was saved as a result, the money was gloriously spent. The millions which were spent were worth nothing, the lives which were saved are worth everything. The administration could not quibble over a few dollars, or even over a few million dollars, while the boys were being killed. We put the lives and victory ahead of dollars. Money became nothing and mere trash as compared with the lives of our boys and the victory for which they were dying and which they were winning.

It may be that if the Republicans had been in they would have been more careful and investigated everything more fully, made more recommendations and been more cautious and prudent in the matter of expenditure of money, even if several more thousand boys had been left dead on Flanders fields. Honestly they would not have been more careful. The Republicans love the soldier boys the same as the Democrats do. Then why all this effort to minimize what has been done? It is simply cheap, trashy politics. This kind of politics is like the fellow's potatoes which were few in a hill, far between, and scrappy. It is an admission by the Republican Party of inefficiency and of the lack of ability to do something worthy of praise. It indicates the weakness of the Republican Party to cope with the present situation and shows a shameful effort to get the mind of the country called away from their own lack of genuine, needful initiative. It is admitted that the administration in the excitement of war spent money to the limit. The thing had to be done. It was done. We won the war. Victory is ours, and no one will say that the victory is not worth the price. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] has an hour and 20 minutes remaining.

Mr. GRAHAM of Illinois. I understand the gentleman from California is through?

Mr. LEA of California. Yes.

Mr. GRAHAM of Illinois. I yield an hour and 20 minutes to the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. Does the gentleman from California yield the balance of his time to the gentleman from Illinois?

Mr. LEA of California. I believe it is understood that the other side should conclude. How much time has it?

The CHAIRMAN. The gentleman from California [Mr. LEA] has 10 minutes remaining and the gentleman from Illinois has 1 hour and 10 minutes.

Mr. MANN of Illinois. The gentleman can not reserve his time.

Mr. GRAHAM of Illinois. Then, I understand, Mr. Chairman, the gentleman from Wisconsin has 1 hour and 20 minutes?

The CHAIRMAN. Yes; the gentleman from Illinois has 1 hour and 20 minutes, which he yields to the gentleman from Wisconsin. The gentleman from Wisconsin has an hour and 20 minutes.

Mr. FREAR. Mr. Chairman, I wish I had two hours, a good share of which I could use in responding to the remarks that have just been made. Before saying anything further, I desire to answer two or three gentlemen who have made mistakes or misstatements, which, I am sure, they would not care to have remain permanently in the RECORD in that form, before I address myself to the subject before us. I allude, first, to the gentleman from Tennessee [Mr. GARRETT], who yesterday on the floor made this statement, which is untrue, and I am sure he would not stand for it, because he is a capable man and a man that has the respect of the House. He says:

> The Committee on Expenditures was organized. The gentleman from Wisconsin [Mr. FREAR] was appointed as a member of it and was made the chairman of the subcommittee on aviation. One of his first demands, under a threat to resign if it was not granted, was that he be permitted to employ a lawyer to review the findings and decisions of Mr. Justice Hughes, formerly of the Supreme Court of the United States. That consent was given.

There is not a shadow of truth in that statement.

Mr. GARRETT. Will the gentleman yield?

Mr. FREAR. No; I can not yield, my time is so limited.

The CHAIRMAN. The gentleman declines to yield.

Mr. FREAR. I yield to the gentleman for a brief question.

Mr. GARRETT. Does the gentleman mean to say he did not come into the meeting of the full committee on request——

Mr. FREAR. I will not yield any further. I will not argue. I say that the statement is untrue. No; I will not argue any further.

Mr. GARRETT. Mr. Chairman, I call the gentleman to order and demand that his words be taken down.

The CHAIRMAN. The gentleman from Tennessee demands that the words of the gentleman from Wisconsin be taken down. The Official Reporter will write out the words, which will be read by the Clerk.

The Clerk read as follows:

I will not yield any further. I will not argue. I say the statement is untrue. No; I will not argue any further.

Mr. GARRETT. The words previous to that are the ones of which I complain, although this contains substantially the same statement. Now, if I may be indulged for a moment, I want to say this: I have never yet become involved in even a verbal controversy on the floor of this House. I have no desire to interfere with the gentleman proceeding to make his argument here, but I do not propose to stand for the statement that what I have said is untrue. If he wants to state his construction of the matter, well and good. I know exactly what happened——

The CHAIRMAN. Does the gentleman withdraw his demand that the words be taken down?

Mr. GARRETT. Will the gentleman from Wisconsin make a statement?

Mr. FREAR. Certainly. I expected to. It will absolve the gentleman from intentional blame, I feel sure.

Mr. GARRETT. I will withhold the demand for a moment.

Mr. MANN of Illinois. The gentleman can not withhold the demand for a moment. He must either withdraw it or insist upon it.

Mr. GARRETT. What is it the gentleman wants to say?

Mr. FREAR. I say that I never threatened to resign on the ground of employment of an attorney for our committee or on any ground that had the remotest relation to it, and I gave the gentleman credit in advance for not intentionally making a misstatement.

Mr. GARRETT. Will the gentleman yield?

Mr. FREAR. Certainly; but not out of my time.

Mr. GARRETT. Did not the gentleman, in the full committee, in the early days of our hearings along in June, in the first week of the hearings, state to the full committee that he desired permission to employ an attorney?

Mr. FREAR. Oh, yes.

Mr. GARRETT. An attorney for his committee?

Mr. FREAR. Certainly; recommended and at the suggestion of Judge Hughes.

Mr. GARRETT. And stated that it was for the purpose of digesting and going over the report of Mr. Hughes?

Mr. FREAR. Yes; that is right.

Mr. GARRETT. And no objection came from the minority members.

Mr. FREAR. That is true. There is no disagreement between us on that.

Mr. GARRETT. But when some of the majority members of the committee raised some question about it the gentleman indicated his resignation.

Mr. FREAR. Oh, no; that is not correct.

The CHAIRMAN. Does the gentleman from Tennessee withdraw the demand that the words be taken down?

Mr. MANN of Illinois. All this colloquy is out of order.

The CHAIRMAN. Does the gentleman from Tennessee withdraw his demand that the words of the gentleman from Wisconsin be taken down?

Mr. GARRETT. If this statement of the gentleman is to go into the speech, I will withdraw the demand.

The CHAIRMAN. The gentleman from Wisconsin is recognized to proceed.

Mr. FREAR. Let me say briefly what the facts are. No one, to my knowledge, ever objected to the employment of an attorney by our committee. At the suggestion of Mr. Justice Hughes we employed an attorney for the purpose of not repeating the Hughes testimony of seventeen thousand and odd typewritten pages. We have taken 3,800 printed pages of evidence in our own hearings and the attorney who was employed took less than 200 pages. The offering of my resignation prior to any investigation was entirely on personal grounds, and I so stated. The statement made yesterday by the gentleman from Tennessee puts it on an entirely different ground. That is all there is to it; but the danger of reading into one's actions a misstatement of reasons shows how the gentleman from Tennessee committed the error.

Mr. Chairman, there are a number of matters I would like to respond to here briefly and I do not know, because of limited time, how far I can get before I go into my own statement which I wish to make.

Mr. FESS. Make your own statement first.

Mr. FREAR. The gentleman from Ohio suggests that I make my own remarks first. I will do that, but I desire first to say a word about the report of the minority. I would be perfectly willing as an attorney to go before any jury and not refer to the majority report, but to take the minority views with its admissions and general confessions or avoidance as substantiating practically every charge made by the majority.

THREE OF DISQUE'S WITNESSES TAKE 667 PRINTED PAGES.

Let me state briefly that of the testimony of over 4,000 printed pages Mr. Disque, the official in charge of spruce, consumes about 330 pages of testimony. Col. Gorrell, who was a young man 26 years of age during the war, a clerk at headquarters, covers 210 pages. Stearns, Disque's chief of staff, covers 127 pages, or 667 pages for three witnesses who were called by Disque. Much of the testimony that has been quoted in the minority views comes from these men, and especially from Col. Gorrell, a very young officer here in Washington. He indulges largely in conclusions, just as the gentleman from California [Mr. LEA] to-day has given many conclusions as to evidence not found and not contained in the hearings, nothing that other committee members ever heard before; statements based apparently upon what he claims to believe, on evidence not presented before the committee.

But you have no method of determining its value. I can not meet this unusual method of discussion, because much of it is not based on evidence. I would refer to it in detail if I had the opportunity.

On page 2 of the minority views the United States is placed as the fourteenth country among the nations of the world in amount contributed toward the development of aviation, at the beginning of the war, and we are found below Brazil. The European war had been on for two years and a half before we went into it. Why did not Mr. Baker or some other administration officer try and get us out of the disgraceful position which we then occupied? I know that every appropriation asked for has been given by Congress. To make a virtue of our helplessness and unpreparedness is the height of folly. It is a part of the administration responsibility that can not be evaded or avoided. While the gentleman from Virginia [Mr. FLOOD] was talking, a few minutes ago, apologizing for our miserable showing, a note was sent me from the gallery, which I will read:

FLOOD states we entered war helpless. Every successful engine and plane of Europe was placed at our disposal. Within 30 days we had at least 25 aero-dynamo engineers in America. Neither Europe's experience, her engines, or planes, nor our own men, our own expert airplane designers, were used by the auto manufacturers in charge.

Mr. FLOOD. Will the gentleman state who wrote the note?

Mr. FREAR. Mr. Borglum, a man who started the entire airplane investigation at the outset and performed a great public service. He reminds me in the note of a fact shown conclusively by the Hughes and Thomas hearings. We had every facility to make fighting planes, but we failed because of official incompetence.

INCOMPETENCE AND INEXPERIENCE CONCEDED BY ALL.

Let me read a statement from page 6 of the minority views:

Inexperience and the excusable incompetence and inexperience, and that fault distributed among those in authority as well as designers, manufacturers, and mechanics, must be held responsible for a large part of the disappointing results of engine and plane production.

That answer I commend to the gentleman from Virginia. Incompetence, notorious incompetence.

Of course, that was the fault. That is what this investigation committee charges, not only inexperience and incompetence but inexcusable inexperience, and incompetence that is unforgivable.

The gentleman from California [Mr. LEA] has tried to excuse defects in machines through Kindley, a young aviator in the Army, who testified before our committee, and is the only gentleman who appeared before us that said a reasonably kind word about the DH–4 or the French Nieuport. Here is what the minority views say on that point:

One competent flier expressed a preference for the Nieuport.

When I examined the record, in surprise I found it was Capt. Kindley, who wisely did not needlessly invite the wrath of his superiors, and yet endeavored to make a fair, frank statement to the committee.

He was a brave fellow and did some fighting in Europe. He was killed a few days ago in a machine while flying in Texas.

But, Capt. Kindley in the hearings said he preferred the Spad for fighting over the Nieuport, and he said he never rode in any battles in a Nieuport or DH–4. He fought all his battles in an English "Camel" fighter. The DH–4 was an observation plane and not a battle plane, and Rickenbacker, Meissner, and every aviator witness who had used both the Spad and Nieuport machines declared the Nieuports we bought from France were discarded by the French for the Spad.

Many of our aviators who rode the death traps furnished by our officials are not alive to-day because they were not given proper treatment and proper fighting machines to fly, but all who did appear told the same tale of neglect.

Mr. Chairman, we have been regaled here with the statement that there were 11,000 machines manufactured in America. The gentleman from California [Mr. LEA] included 2,000 never-used training machines with the fighting machines and 4,000 utterly unsafe observation planes, and it was impossible to differentiate between them from his statement. I will endeavor to show you what a tragedy our program for fighting machines turned out to be. He says the program did not include fighting machines. Then why did we waste scores of millions of dollars in trying to build one that could be of service, and why did we utterly fail?

WHY SEEK TO PREVENT THE REPORT BY OUR COMMITTEE?

It was startling to me yesterday when we were called upon to vote on the resolution permitting us to make our report to the House. You gentlemen of the House were responsible for the resolution appointing this committee—you voted unanimously that we ascertain the facts and give the country our findings. Our committee was appointed to make the investigation at your direction. We did so, and then you gentlemen on the Democratic side of the aisle yesterday voted unanimously against permitting us to tell you what we found. The report was to be smothered and the American people were not to be allowed to know what we discovered in six months of an investigation that the House unanimously had directed us to make. [Applause.] The Democratic Members voted solidly against permitting us to report. What answer can you offer to the people for such a spectacle? We have conducted this investigation without partisanship, and I feel sure not one line of testimony in thousands of printed pages will be found to suggest political bias or prejudice, so far as the majority members of the committee are concerned, and yet the Democratic minority of over 100 Members yesterday voted solidly not to permit us to make our report to the country on the floor of the House. Why should you refuse to let the country know how our people were deceived and misled during the war by the complete failure of the Government's aircraft program?

Mr. Chairman, it is an accepted axiom that war means waste, and neither Congress nor the country cares to be reminded of ordinary waste of money or of lives lost in war. Where enormous public funds have been frittered away and needless lives sacrificed because of stupid and stubborn incompetence and worse; where we utterly failed in the war to do our share in aircraft production and suffered needless humiliation in the eyes of the world, the truth should be known.

INVESTIGATION WAS UNANIMOUSLY ORDERED BY THE HOUSE.

In order to know the truth all Democrats and Republicans in Congress unanimously passed a resolution directing an investigation of our aircraft failure and of other war expenditures. It was a thankless task and, speaking for myself, only undertaken after a vigorous protest. When finally accepted as a public duty we determined that no whitewash should result. Friends of powerful men and large interests have suggested the easiest way, but our report gives what we believe to be an unprejudiced statement of facts. We have had no friends to protect nor foes to punish, and we submit 4,000 pages of printed testimony on aircraft expenditures taken during six months of hearings, and I believe no suggestion of political or partisan bias on the part of my colleague, Mr. MAGEE, or myself will be found in the examinations. Reluctant and hostile witnesses were constantly encouraged in their attitude by unwarranted partisan criticisms against the committee, but we believe fair and just treatment was accorded by the committee to all interests concerned.

OVER $1,000,000,000 FOR AIRPLANES.

Congress unanimously appropriated $1,690,000,000 during the 19 months of war for aircraft purposes—an amount far greater than all the annual expenses of Government before the war and 70 per cent more than the entire national bonded debt prior to the war. All of this money was asked for by War Department estimates, and $1,051,000,000 was expended or pledged by contracts during the war for aircraft and airmen.

ONLY 213 PLANES FURNISHED OUT OF 25,000 PROMISED.

Early in the war Creel's publicity bureau promised that a great fleet of 25,000 American aeroplanes would decide the war before an effective American Army could be put in Euorpe. Deceptive statements were constantly given out about what we were doing and going to do, but at the signing of the armistice the American Government had not produced a single bombing or pursuit plane, nor had anything been sent to Europe excepting a handful of utterly unsafe and clumsy observation planes known as De Haviland 4's, while only 213 of these were in use on the battle line at the end of the war. The De Haviland 4's were known to all aviators—American, French, British, and German alike—as "flaming coffins," because of their unprotected gas tank and clumsy types that made it easy for the enemy to send them down in flames. Not one witness of all the aviators who used these machines at the front—over 200 in number who were still living—could be found to defend them or their use, and that was the only American machine sent to France in over a year and a half of war.

I here present a chart that can be read easily showing what we appropriated and what we got for the money in fighting planes:

LENGTH OF WAR.

European war begun August 14, 1914; 4 years 3 months.
American entry into war, April 6, 1917; 1 year 7 months.
Signing of armistice, November 11, 1918.

Aircraft appropriations and expenditures.

Total appropriations	$1,692,336,424
Revocations of excess, Feb. 5, 1919	487,000,000
Balance available for use	1,205,336,424
Expended or obligated to June 30, 1919	1,051,511,988

[P. 2856.]

Results at the French fighting front after 19 months of war.

American-built fighting planes	None.
American-built bombing planes	None.
American-built observation planes	213
Foreign planes bought or borrowed	527
Total planes	740

The chart needs no interpreter. It tells its own tale, which is almost unbelievable, but is undisputed by the record.

The French were using Sopwiths, Nieuports, and Spads for fighting machines when we entered the war, but were rapidly discarding the Sopwiths and Nieuports because of their weak construction and helplessness before the more powerful German Albatross and Fokker.

OBSOLETE PLANES BOUGHT FROM FRANCE.

During the war we were able to purchase a few training planes from the French, but only a few, according to Gen. Pershing, and also a few Sopwiths and Nieuports and a very few Spads, as they were discarded by the French. When the armistice was signed, out of 5,000 machines of all types procured from foreign governments, training, pursuit, and bombing, over 2,000 were Sopwiths and Nieuports. And at the end of the war 527 of these miscellaneous airplanes that were left, including obsolete or obsolescent, were the only fighting planes in use by our American aviators at the front, whereas 4,000 American aviators had reached France before November, 1918.

HUGHES AND THOMAS INVESTIGATIONS.

Extracts from Justice Hughes's investigation, made at the request of the President, will be found attached to our report. It gives a history of production and responsible aviation officials down to October, 1918, shortly before the end of the war. The Thomas subcommittee of the Senate Military Committee also made an investigation during the war, presenting a report in August, 1918. This committee made a brief summary of its findings, which will be found in our report. In that summary it declared that a large part of the $640,000,000 appropriation made in July, 1917, had been wasted and estimated $884,000,000 more was needed.

I insert here several findings of fact taken from the Thomas Senate report that place the brand of gross negligence and unparalleled official incompetence upon those charged with responsibility:

AN UNANSWERABLE INDICTMENT OF AMERICA'S AIRCRAFT PRODUCTION RECORD.

In view of the necessity for careful statement, plain speaking, and unquestioned authority during times of war, the Thomas Senate subcommittee report is astounding in character and certain in its conclusions. Quoting an extract from that report, we find stated (p. 3693):

On April 6, 1917, the United States entered the war. On June 8, 1917, public announcement was made that a great fleet of 25,000 aeroplanes was about to be created and would be decisive of the war months before an effective Army could be put in Europe.

July 24, 1917, Congress appropriated $640,000,000 to carry out the aircraft program. The fund has been either by actual expenditure or by commitments exhausted. A further appropriation of $884,304,758 has been found necessary.

In the opinion of the committee, a substantial part of the first appropriation was practically wasted, while an Army of three and one-half million men has been raised, the aircraft situation is as follows:

(a) Six hundred and one De Haviland 4's have been embarked for France up to August 1, 1918. Of these, 67 reached the front by July 1.

"(b) We have not a single American-made chasse or bombing plane upon the battle front.

(c) We have not a single American-made heavy bombing plane upon the battle front.

(d) We have not developed or put in quantity production a successful chasse or fighting plane."

Mr. Chairman, the Thomas report was caustic throughout, and says, among other things, that in August, 1918, we did not have a single American-made chasse or bombing plane or a single American-made heavy bombing plane upon the battle front, nor had we developed a successful chasse or fighting plane. This startling indictment of American waste and inefficiency was made by a committee of whom Senators THOMAS, REED, and HOKE SMITH, Democrats, constituted a majority, and they were not deterred, even during war, after nearly a year and a half of delay and disheartening experimenting, from giving to the country the facts as they were found.

We have endeavored to bring the Thomas and Hughes reports down to date, and we submit that no greater indictment of the administration's hopeless aircraft failure can be found than in those nonpartisan reports.

FATALITIES TO AMERICAN AVIATORS IN RECOGNIZED DEATH TRAPS.

Apart from 1,660 Standard J worthless planes and a few Bristols and wooden grasshoppers, none of which were of value, only a few training planes were manufactured in the whole United States in addition to the DH–4 Liberty observation machines. Four thousand of these observation planes were turned out, but they were all of a kind, and the fact that only 213 of these reached the French fighting front explains why the comparative death loss of American aviators per hour of flying was kept down to three times that of the Allies, as shown by the following table furnished by the War Department:

	Hours flown.	Fatalities.
British	255,842	245
Belgian	40,000	43
American Expeditionary Forces	35,747	106

I call your attention to the next chart, that conveys its own story. These can be read 100 feet away and will help you to visualize the colossal failure of our aviation program:

FLAMING COFFINS DH–4'S.

Only 213 flaming coffins reached fighting front.

"Many a gallant life was lost to American aviation during those early months of 1918, the responsibility for which must lie heavily upon some guilty conscience." (Rickenbacker, p. 196.)

Death traps in 1918 and 1919.

	Number aircraft.	Men killed.
October, 1919, transcontinental military airplane race:		
Number unconverted De Haviland 4's	39	9
Converted De Haviland 4's and miscellaneous	34	1

In the last brief table furnished the committee by the Aircraft Division of the Army will be found a verification of every indictment lodged against these death traps by practically every aviator that came before the Hughes, Thomas, or our committee. This race occurred nearly a year after the war—from New York to San Francisco and back. It was held less than six months ago under the direction of the War Department, that must be held responsible for our aircraft failure during the war.

Nine deaths in 39 machines in time of peace is an awful record.

In other words, the deaths in unconverted De Haviland 4 observation planes were about eight times as large in times of peace as in an equal number of miscellaneous planes.

It is certain accidents were also proportionately greater, and in an enemy country in time of war this would have resulted in certain capture. In times of peace the fatalities were eight times as large as in other machines because of clumsy and dangerous construction and the added risk in battle by reason of the unprotected gas tanks.

Compared with other branches of service, the following risk in war by aviation officers is shown:

	Overseas.	Deaths in battle.	Deaths, accident.	Total deaths.
Flying officers	4,318	236	296	532
All other	96,484	2,001	139	2,140

From the foregoing it appears deaths by flying were five times as great as in the remaining branches of service and accidents about fifty times as great. This enormous fatality and accident risk is partly explained by the transcontinental race results in October, 1919, referred to.

EXPERT TESTIMONY ON OUR "FLAMING COFFINS."

I understand the gentleman from California [Mr. LEA] has criticized some statements quoted from Capt. Rickenbacker. Capt. Rickenbacker was before our committee. He said every statement quoted from his book was made on exact data taken at the time, and Secretary Baker recommended Rickenbacker's book to the committee.

I am sure the people will prefer to take the statements of those who were in battle and know whereof they speak rather than of those who question their testimony. Authorities will be quoted that should be accepted by everybody. Capt. Rickenbacker is an ace second to none. He had 26 victories to his credit. He was decorated. He made a wonderful showing, and his record helped average up this wonderful showing on the part of American aviators. Here is what he says, and he said that he made notations every day at the time of all his experiences:

From every side Fokkers were piquing upon the clumsy Liberty machines (DH—4) which, with their criminally constructed fuel tanks, offered so easy a target to the incendiary bullets of the enemy that their unfortunate pilots called this boasted achievement of our Aviation Department their "flaming coffins." During that one brief flight over Grand Pre I saw three of these crude machines go down in flames, an American pilot and an American gunner in each "flaming coffin" dying this frightful and needless death (p. 10 of report).

Do you doubt that what Capt. Rickenbacker said is true? We come now to another witness, a letter I read to the House several days ago, that was controverted a few minutes ago by the gentleman from California [Mr. LEA]. This letter I received from a young aviator, a young Democrat from Lexington, Ky., an attorney at law. He says that he voted for Woodrow Wilson both times, and he states that to show that there was no partisanship, as there ought not to be with any of us on this question. Here is what he wrote, and this was only a few days ago:

LEXINGTON, KY., *February 17, 1920.*

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.

MY DEAR SIR: I read with interest in the morning papers an account of your exposure of the mismanagement of our Air Service during the late war, and especially the portion of it regarding the "Great Liberty" plane, which was rightly named "flying coffins" by those on the front who were so unfortunate as to be assigned to fly them.

I volunteered at the beginning of the war, and after serving two months in an officers' training camp, threw away my chance for a commission in the Cavalry and enlisted as a cadet in the Air Service, and was trained by the Royal Air Force in Canada, later flying a few months in Texas, and then again in England, before going out to the front in France, where I was a pilot on a "flying coffin," doing day bombing until November 5, 1918, when I was transferred to be a pilot on the French Spad machine. Having used machines of Canada, England, France, and the "Liberty," think that I am qualified to give an opinion on the merits of the "coffin," as I was discharged last July.

The Twentieth Aero Squadron lost 11 aviators out of 12 on September 26, 1918, on the "coffins." I personally saw five go down in one fight in flames. If you would ask the opinion of the boys who are left out of the Eleventh, Twentieth, and One hundred and sixty-sixth, the only three "Liberty" bombing squadrons on the front, you will hear nothing but curses for the criminals that sent that machine with an unprotected gasoline tank to be used on the front. The aviators who were taken prisoners and returned from Germany after the war told me that the Huns ridiculed them for using such a death trap. No Frenchman, Englishman, or Hun would start over the lines with a DH–4 Liberty as we used. It was heralded over this country in the papers that the speed was 140 miles per hour, while we never secured one on the front that would go over 100, and if you placed bombs on it, as we did, 70 miles was the limit. You can figure your chance to fight a German machine making 140 miles and with a protected tank.

I have no grouch at anyone, but know that many of my friends were uselessly shot down in flames in France, and I have yet to find a friend of the "coffins" among the boys who used them and they are the only ones qualified to speak, not some general in Paris surrounded by the many pleasures of that gay city. I am a Democrat, worked for Wilson before his nomination in 1912, voted for him in 1916, went to Washington to see him inaugurated, March, 1917, and went A. W. O. L. in France December 14, 1918, to see his triumphant entry into Paris, but some of his appointees have sure played havoc with the Air Service and sacrificed many lives.

If you need the addresses of the real aviators who used the "coffins" on the front, will take pleasure in sending them to you, and I am sure that they all appreciate your stand in the matter, also the Hon. WALTER W. MAGEE. Do not care to have my name used as yet before I think it necessary.

Yours, very sincerely, ——— ———.

Do you doubt the truth of that letter received several days ago by a man who fought in these death traps?

How is that evidence met? The statement is specific and comes from an aviator who was flying in battle against the Germans. The gentleman from California [Mr. LEA] again finds fault, and says, "Oh, he did not sign his name and therefore is to be disbelieved." I anticipated that we would hear some such excuse. We have had that same experience all through this investigation, so I wired to the writer day before yesterday and asked him as a special favor to use his name. He replied, granting permission and signed the telegram "R. E. Lee Murphy," of Lexington, Ky. How do you gentlemen over here on the Democratic side like that name? How is that for a name for a good soldier? He was named after a good soldier during the Civil War, was he not? And then Murphy at the end of it! Murphy! For Heaven's sake, with that name is there any question about his fighting ability? [Laughter and applause.] I insert here his telegram:

LEXINGTON, KY., *March 5, 1920.*

JAMES A. FREAR, M. C.,
Washington, D. C.:

Permission granted. If you favor Air Service and need detailed information regarding facts not in your report, will furnish them by letter or person.

R. E. LEE MURPHY.

SIXTEEN AVIATORS OUT OF SIXTEEN NEVER CAME BACK.

Capt. Sweeney, an American engineer, testified before our committee, describing 16 American aviators whom he saw make a flight on August 22, 1918, and never came back. All were killed or captured, according to Capt. Williams, the officer commanding; and he, Sweeney, describes the leave-taking, in which the flyers all bid good-bye, not "au revoir," because their defective planes—DH-4's, Sopwiths, and Nieuports—offered practically no chance of escape. Before they started, Capt. Williams, in charge of the aviation group, said to Capt. Sweeney:

Those American machines have no protection. As soon as a bullet hits the gasoline tank it is certain it will take fire immediately, and the men—the pilot and observer—have no chance to get away. He said the boys called those flaming coffins. * * * He said they would not come back; that when one of the machines was struck it was the finish. The French machines were old and not up to date. They were not as fast as the German machines, and they did not figure they had much chance in these machines either. I saw Capt. Williams about a month afterwards and asked if any of those 16 fellows came back. He said he had never heard of any of them. He said they had fallen inside the German lines and had been captured or killed.

Mr. Chairman, in seeking to answer this testimony of Capt. Sweeney, another brave officer at the front, the gentleman from California [Mr. LEA] for the first time in six months puts in a denial and reflects upon Sweeney's testimony, although not one word of doubt has ever been cast upon it before in any hearing. It is the method of trying to bolster up a weak defense and whitewash responsible officers frequently encountered in the past. Capt. Sweeney gave his evidence fairly, frankly, and he impressed us as a very able and fearless witness.

Murphy says any of the real aviators who used the "coffins" are of the same opinion as to the DH-4 death traps, and that he has yet to find a friend of the "coffins" among the boys who used them and they are the only ones qualified to speak. And yet the gentleman from California [Mr. LEA] assails the credibility of practically every witness.

Capt. McKay, of the One hundred and sixty-fourth Infantry, who was liaison officer "to connect up with the airplane," testified before our committee that some of his companies lost half their men during the nine days of battle in the Argonne, from September 26 to October 4. On page 34 of our report, he says:

During the Argonne battle * * * the German airplanes would come and shoot us up * * * rake us on one side and then on the other with their machine guns. * * *

Mr. MAGEE. You did not have a fighting plane to protect you?

Capt. MCKAY. No; I never saw an American plane go after the Germans.

How is that answered? Six months afterwards, a few minutes ago for the first time we hear the statement from the gentleman from California [Mr. LEA], "But I have learned from some man, never called, that McKay was mistaken," or words to that effect. The defense of a frightful nationl airplane tragedy is hard pressed when the only answer offered is that these witnesses are all untruthful. The whitewash attempt is overdone.

WHY WERE OUR TROOPS UNPROTECTED?

The pressing need of airplane protection by our troops was evidenced by the following letter written August 11, 1918, by a young soldier after the battle of Chateau-Thierry:

Your past experiences bring you unusually close to the service, and you can appreciate better than nine out of ten persons the soldiers' welfare. You can rest assured they are doing their part to the very last and best that is in them. I was never more proud of my country than I have been since I came up to this location. Even the French admit that their greatest efforts do not surpass those of the Americans in the present struggle. I have seen them going in and afterwards at the hospital. Their spirit is the most wonderful thing you ever saw in your life. They say the casualties in our division (the Thirty-second) are quite large, but their efforts and their driving capacity can not be surpassed. Just keep on lending them all the assistance possible, no one deserves it more. I wouldn't have missed this war for anything. I guess I have gone through all of the sensations possible for me to have.

If you will only send us more airplanes, and then more and more, it will hasten the finale. The men are coming through fine, but the airplanes have disappointed us. We depend upon these so much more than you can appreciate.

When this letter was read to him, Secretary Baker responded to our committee: "That is a very feeling and beautiful letter, and undoubtedly every word of it was so." I knew it was true, because it had been received during the war from my own son, then at the front.

The next question and answer explain tragic conditions then existing in France:

Mr. FREAR. And we did not during the whole period of the war get a fighting machine or bombing plane to the front?

Secretary BAKER. Not a fighting machine or a bombing machine of American manufacture.

DEFECTIVE NIEUPORTS AND SOPWITHS PURCHASED FOR AMERICAN AIRMEN.

The causes for heavy fatalities among American flyers and our troops in the trenches, due to defective planes and superiority of enemy planes, was not alone due to the 213 flying coffins, but also to the defective and obsolete planes bought from the French and given to our airmen. Rickenbacker says of these foreign-bought planes, page 9 of the report:

From the frequency of accidents to our Nieuport it may be wondered why we continued to use them. The answer is simple; we had no others we could use. The American air forces were in dire need of machines of all kinds. We were thankful to get any kind that would fly. The French had already discarded the Nieuport for the steadier, stronger Spad, and thus our Government was able to buy from the French a certain number of these out-of-date Nieuport machines for American pilots—or go without. Consequently our American pilots in France were compelled to venture out in Nieuports against more experienced pilots in more modern machines. None of us in France could understand what prevented our great country from furnishing machines equal to the best in the world.

Many a gallant life was lost to American aviation during those early months in 1918, the responsibility for which must lie heavily upon some guilty conscience.

Maj. Meissner and other American aviators testified to the same effect regarding these defective planes, and in one brief finding the Thomas Senate committee says:

An Army officer recently at the front testified that the American troops are using many antiquated machines purchased from the French that were discarded by them a year and a half ago. They are using the Sopwith * * *, which has been declared unsafe by the French and British, for observation work.

What answer can be made to this finding of a Senate committee? Who is responsible for this waste of life?

It is not the men alone who were killed by these defective machines which were furnished them, but it is those who ought to have been protected in the trenches and on the ground who missed that promised protection.

AGREEMENT AMONG AVIATORS AS TO THE "UTTERLY DANGEROUS" DH-4 PLANES.

Mr. Chairman, the testimony of men at the front, from Generals Mitchell, Kenly, and Foulois, experienced aviators, down to all the aviators before our committee and before the Thomas committee, including Maj. Muhlenberg, Col. Clark, Maj. LaGuardia, Maj. Meissner, Capt. Heisen, Capt. Eastman, Capt. Archibald, and last, but not least, Capt. Rickenbacker, all these men testified to the defective, dangerous, and clumsy type of machine that was turned out by us under the name of "Liberty DH-4," and practically all testified to the defective, obsolete planes bought from the French. They were short themselves.

The boasted achievement called a "Liberty" was ridiculed and condemned by the aviators of every country from England to Germany, and yet 213 of these observation planes, in which 50 defects were pointed out by Gen. Pershing, were the only American planes of any type furnished American aviators at the front by the War Department after over a year and a half of experimenting and an expenditure of over a billion dollars.

No further evidence of the dangerous and defective machines built, bought, or borrowed for the use of American aviators need be offered. It is important to show how a billion dollars was frittered away, but absolute neglect and utter disregard of our airmen and of those who depended upon them, resulting in many untold tragedies, calls for something more serious than legislative criticism. We give you the facts.

I now propose to show that the responsible officials knew of the dangerous and defective machines they were furnishing American aviators, and that they willfully continued to force these machines on our fliers, who had no choice, over in France. To my mind this is far more serious than any mere charge of incompetence. If true, it was willful waste of life.

DIRECTOR RYAN KNEW ABOUT THE "UTTERLY UNSAFE" PLANES HE WAS SENDING AMERICAN AVIATORS IN 1918.

During the summer of 1918 Director John D. Ryan and Secretary of War Baker were before the Thomas Senate subcommittee, and they were both grilled over the "flying coffins" they were sending to France, as shown by the following testimony taken from pages 11 and 12 of our report:

Senator REED. You know that the best and most experienced fliers, a number of them in this country, have testified before this committee that they regard the De Haviland machine as utterly unsafe, and that they would refuse to go up in it or send subordinates up in it?

Mr. RYAN. I understand that some have testified that they have refused to go up in it or let subordinates go up in it.

Senator REED. You propose to go on making the De Haviland 4 machines?

Mr. RYAN. Until we can put the De Haviland 9 in production.

Senator REED. Do you intend to do that regardless of any testimony that may be given by experienced fliers that the machine is utterly unsafe?

Mr. RYAN. I am not convinced that the burden of testimony of the fliers throughout the country is that the De Haviland 4 is an unsafe machine.

Think of the testimony of all those people given throughout 1918, and even down to the last transcontinental race, and yet Mr. Ryan said that "he was not convinced." On his own admission Director Ryan must be held responsible. He knew the facts. Senator REED forced him to know them.

The Senate committee way back in the summer of 1918 knew what death traps were being sent American aviators and a majority of this committee was composed of Democrats. The gentleman from California has wisely not questioned the declarations of the Senate committee which agreed with all the witnesses who have been quoted by our committee.

Again, Senator NEW was questioning Secretary Baker, and in like manner Senator NEW pictured the desperate plight of American aviators in the following question (p. 12 of report):

Senator NEW. It is a fact that every flyer that we have had before this committee as a witness, including several who have seen long service abroad, both with our own forces, the British forces, and the French forces, have testified that the De Haviland 4 machine, with the defects appearing in it as it has been produced at the Dayton-Wright factory, is highly dangerous and ought not under any circumstances be used; and at least one officer has testified that he would no longer send men up from his field in a machine of that type until after these defects had been remedied. In view of that condition, as it has been expressed and recorded by the men who are best qualified to pass upon the conditions and quality of that machine, I, at least, think it was a very great error of policy and judgment to have sent them forward before these mistakes were corrected, and I wanted to know whether or not you agreed with that view.

Secretary BAKER. The subcommittee, of course, has a great advantage over me in that I have not been permitted to see any of the testimony the committee has taken, so that I do not know anything about this concurrence of opinion to which you refer.

Senator NEW. I am telling you now what that opinion is.

Mr. Baker's answer was evasive like Director Ryan's but the Senate committee fixed knowledge upon both of them.

Disclosing the joint responsibility of Mr. Ryan and himself, Mr. Baker testified before our own committee, as follows (p. 12 of report):

Secretary BAKER. Mr. Ryan and I talked over the general question * * * and I approved that we should not suspend making any machine we were then making, but we should go on and make it and get ready to make others.

Secretary Baker and Mr. Ryan testified before the Senate committee that "they did not know," and here comes Secretary Baker testifying before our committee that they continued building these death traps, when back in the summer of 1918 the defects of this De Haviland 4 machine had been pointed out to them by the Senate committee, and such death traps ought never to have been used. Yet they kept manufacturing them, and notwithstanding this record made by a strong Senate committee, the Democratic national committee cries "politics," and then assails our committee because we refuse to whitewash responsible officials.

No fighting plane was ever produced by American factories for our soldiers. One billion dollars, but no fighting planes, that is the record.

With full knowledge of the defective machines they were furnishing American aviators, Director of Aircraft Ryan and Secretary Baker left orders to continue manufacturing the "flaming coffin" observation DH-4's, the only American planes ever sent to the French front, and soon after the Thomas hearings in August, 1918, these two officials left for Europe on a six weeks' trip. All the waste of money can be overlooked or forgotten, but Rickenbacker's statement is significant in view of the uncontradicted facts when he says:

Many a gallant life was lost to American aviation during those early months of 1918, the responsibility for which must lie heavily upon some guilty conscience.

His condemnation of the flaming coffins is in keeping with Murphy, the Lexington aviator, who says: "You will hear nothing but curses for the criminals that sent that machine with an unprotected gasoline tank to be used on the front."

These estimates of machines and of responsibility for absolute failure come from aviators who were in France and not from the committee. Men have been punished for trivial offenses by military courts-martial, but what about responsible officials who failed when failures meant the needless sacrifice of lives and jeopardized results in battle, and not alone a failure for our airmen, but failure of our Government officials to give aircraft protection to the men in the trenches.

No chapter in the entire record of the war will equal this one for neglect in which our helpless aviators in France were compelled to make useless and needless sacrifice of life because of refusal or failure of responsible officers in this country to provide proper fighting airplanes, and no American-made fighting planes ever were provided for American aviators.

THREE AIRCRAFT PRODUCTION DIRECTORS.

It was stated here a few minutes ago by the gentleman from Virginia [Mr. FLOOD] that great sacrifices were made by the gentlemen who controlled copper interests and that they had done much for the country during those trying days of the war; possibly they did, but here is what the country and the war did for them.

Messrs. Deeds, Potter, and Ryan in their order had charge of aircraft production during the war. Deeds centered governmental activities under large contracts aggregating $50,000,000 among his associates of his home city of Dayton, Ohio, until he was ousted about the first of 1918. It has been said in the argument that Gen. Ansell said Deeds did good work. Judge Hughes critically examined Deeds's record, and after a careful investigation recommended that he be court-martialed. I am willing to take Justice Hughes's judgment in preference to that of anyone else. Mr. Deeds did not lose money through the war. Mr. Potter, his successor, was and is president or director of a score of great companies and representative of the Guggenheim copper interests. The Utah Copper Co., of which Mr. Potter is a director, increased dividends from $4,827,885 in 1914 before the European War to $23,555,105 in 1917, or about 500 per cent, and doubled its depreciation charges in 1917. Mr. Potter's other companies were also money makers. Like Mr. Deeds, Mr. Potter did not lose money through the war.

John D. Ryan succeeded Potter in April, 1918, as director of aircraft and had charge of aircraft production to the end of the war. Like Mr. Potter, he is president or director of many large companies, including the Anaconda Copper Co., which alone in 1914 declared profits of $9,198,410, and in 1916, two years later, jumped profits nearly 600 per cent, to $51,779,517. Its gross sales thereafter reached over $150,000,000 annually to the end of the war, but a large sum apparently was marked off for depreciation, taken out of profits, thereby preventing the profits being taxed. In April, 1919, the War Department sold back to the United Metals Selling Co.—John D. Ryan, president—100,000,000 pounds of copper, that made many millions in profits and "stabilized" the copper business. Secretary Baker admitted in his testimony he approved this arrangement. Like Deeds and Potter, Mr. Ryan did not lose money through the war. So much for the enormous sacrifices of these men who knew nothing of aircraft, but were in charge.

Without commenting upon the many private activities or great profits of these men or of the enormous copper purchases and sales made by the War Department as set forth in the hearings, in which they were large beneficiaries, it is certain that men engaged in many gigantic private business affairs could not give their entire time or attention to aircraft production as public necessity demanded, even if they understood the aircraft business, which they did not.

The testimony also shows that Director Ryan was absent on two trips for two months or more during the summer of 1918, one to the coast and the other to Europe. As Ford testified, "No one seemed to be on the job."

The following record of the experience of men chosen by Secretary Baker to control aircraft production is offered in chart 3:

Aircraft production officials—Experience in aircraft production.

Officials:	Experience.
Deeds	None.
Disque	None.
Potter	None.
Ryan	None.

1918 airplane production.

January	744
February	725
March	934
April	728
May	598
June	448
July	666
August	489
September	450
October	560

Above figures exclude DH-4 observation "flaming coffins" but include 1,660 standard J machines and scores of Bristols

which were discarded as death traps. The table also includes 300 useless "wooden penguins," and so forth. No fighting planes were ever produced with the billion dollars we spent.

The foregoing table should be studied carefully to discover how rapidly (?) aircraft production was stimulated by the billion dollars expenditure during 1918.

A proper program at the beginning of the war would have produced 30,000 fighting machines in the Curtiss factory alone, according to Vice President Keys, who said they could turn out 100 fighting planes a day.

DEEDS, POTTER, AND RYAN, ALL WITHOUT PRIOR KNOWLEDGE OF AIRCRAFT.

Neither Deeds, Potter, nor Ryan, who were appointed by Secretary of War Baker, had the first knowledge of aircraft business. This was disclosed before the Thomas committee during the summer of 1918, in the following examination, on page 21 of the report:

Senator REED. What was Mr. Potter's occupation or business before he came in?
Mr. RYAN. He was in the mining and metallurgical business and connected with the Guggenheims.
Senator REED. And never had anything to do with aircraft?
Mr. RYAN. I think not.

Again, referring to Kellogg, Wolff, Brown, Fletcher, and others under Ryan:

Senator REED. There was not a single one of these men who had had experience, so far as you know, in aircraft production?
Mr. RYAN. Not so far as I know.
Senator REED. They were men that you think had the final say in regard to contracts before you took charge?
Mr. RYAN. Subject, of course, to Gen. Squier, who was Chief of the Signal Corps. They were under him.

Leaving these men in charge of production during the critical months of 1918, Director Ryan took his trips to the coast and Europe, where he joined Secretary Baker.

Why did Secretary Baker appoint such men to a position of transcendent importance?

The statement on chart 3 shows the experience of the four men who were appointed by Secretary Baker to the most important positions in aircraft production. It is marked "none" and did not take long to acquire.

What wonder America failed miserably in her airplane program and that the 25,000 airplanes in France predicted in the spring of 1917 only reached 213 defective observation planes at the front by the end of the war in November, 1918.

CAPITALIZING INDEFENSIBLE OFFICIAL BLUNDERS.

With a monstrous presumption that has attended the entire record of aircraft failures, the War Department has issued publications stating that 11,754 American planes were built during the war, of which 3,329 were fighting planes. In order to make a showing for the enormous waste of a great part of the thousand million dollars spent for airplanes, the War Department counts as planes over 300 wooden grasshoppers, that were as useless as wooden guns; a number of "fighting Bristols," that were discarded after several aviators were killed at the first test; 1,660 standard J planes, that were so dangerous they were never used; and 4,000 "utterly unsafe" observation De Haviland 4's, or in all 6,000 planes, the only machines we ever built apart from a few training planes, representing about $75,000,000 of wasted money. Counting such machines as American airplanes is like counting counterfeit money as a bank asset, with this difference, that the bank is not chargeable with producing the counterfeit, whereas the aircraft officials were so responsible.

THIRTY THOUSAND FIGHTING PLANES COULD HAVE BEEN BUILT BY ONE FACTORY IN 1918.

No fighting machines were ever produced by our aircraft officials during the 19 months of war. That is pure fiction, intended to delude the American public into a belief that something was really accomplished in aircraft production. Apart from training planes, many of which were destroyed by accident, the record is a blank, although witness Keys, as stated, testified before our committee—page 15 of the report—that his company, with its 18,700 men, could have built 100 fighting planes a day in the single Curtiss plant if given the order, or 30,000 a year. When he was asked why he did not do this—"Did they allow you to help?"—he said, "No; that is the ghastly failure of the War Department program; they did not." He said, "The Navy did, but the Army would not allow us to help."

The full enormity of the War Department's failure becomes apparent where many other factories were also idle, waiting on Army experts, who only got 213 defective planes to the front.

The findings of the Thomas Senate subcommittee that no fighting plane of American manufacture had been produced up to August, 1918, held good until the signing of the armistice. We never produced anything of value except a few training planes.

EVERYTHING SACRIFICED FOR THE CLUMSY LIBERTY "FLAMING COFFINS."

Everything was sacrificed by Gen. Squier to the new motor that was to revolutionize aviation. Squier was finally removed. If he had been doing good work, as suggested by the apologists for the administration, then why did they not keep him? They relieved him after eight months had disclosed how miserably he had failed. He ought never to have been appointed.

A veil of secrecy and stupid trustfulness was dropped over experiments during the first year of the war while Squier consulted the stars and complacently dreamed of a Liberty motor that would some day do all things well. Secretary Baker agreed with Squier, according to his testimony; and Col. Deeds, who was the first to take charge of aircraft production, was more actively concerned in placing $50,000,000 in Government contracts among his Dayton business associates than in manufacturing recognized types of airplanes then in use.

The attempt to fit the new Liberty motor into an English Bristol was a tragic failure and a waste of a year's time during the war, with $6,000,000 thrown away. The $17,500,000 standard J failure followed, and then worst of all, the much touted observation DH-4 was put into quantity production. No Spads, no Capronis, nor other foreign fighting machines then in use in France were built or attempted. Our allies were producing dozens of successful types, while with us the mountain struggled and groaned and brought forth a mouse.

My colleague, Mr. MAGEE, whose valued aid has ever been rendered in this investigation, told you to-day there were 40 or 50 different fighting machines being manufactured by the various countries of Europe, and yet we could not build one fighting machine of any recognized type. Why? He read you the statement that our allies were sending over here a number of engineers in 1917 to help us manufacture, but Squier and Deeds were holding up everything for over a year waiting for these Liberty fighting machines that never materialized. That is the record we refuse to whitewash.

NO POSSIBLE EXCUSE FOR THE RECORD OF MISERABLE FAILURE.

Mr. Chairman, if we had been starting in a new, untried field, delay or even failure might have been forgiven, but with two and a half years of war experience of our allies to guide us and with the imperative necessity for quick action on proved types with future experiments as a side line no possible excuse can be offered for the miserable failure that resulted.

A revolting picture of favoritism was presented after Justice Hughes recommended Deeds for court-martial and at first recommended for trial by the judge advocate. Secretary Baker then directed the judge advocate to hear Deeds's attorney and two of Deeds's business associates. Thereupon, based on a new report, he refused to court-martial Deeds, who then came to Washington and was banqueted at the Army and Navy Club by Gen. Squier, whom Justice Hughes described as an incompetent. Deeds returned to Dayton, Squier was decorated with the distinguished service medal by Secretary Baker, and placed by him in command of the Signal Corps, which position Gen. Squier now holds. Study that record and then you will understand why America failed her allies and failed her own troops in aviation. Our aviators were the finest in the world, but they had to fight with broken reeds.

SQUANDERING HUNDREDS OF MILLIONS WITHOUT PRODUCING PLANES.

It is profitless to follow up the riot of waste in money that occurred on every hand during the expenditure of the $1,050,000,000 in about 15 months of money appropriated for aircraft; $75,000,000 was spent for three useless and dangerous types of planes put forth by the master blunderers of the war, as has been described. Seven hundred different contracts were made in amounts running from $100,000 to $30,000,000 to pay for everything imaginable. The Air Service was such in name only, and the heated article through publicity agencies was its chief asset during 19 months of war.

Castor beans were bought and planted and castor-oil factories were built at great expense on a scale that promised to meet all the future needs of man and planes, but, like all other aircraft programs, the seed did not germinate, and several years of careful husbandry would have been required, according to prospects, to produce enough castor oil for aircraft bearings.

Dope factories costing millions of dollars were planned to provide dope for airplane wings, but the only successful dope program seemingly was that put forth by the publicity bureau to show airplane accomplishments that never materialized.

INEXCUSABLE BUNGLING OF AIRPLANE SPRUCE PRODUCTION.

Mr. Chairman, spruce for airplanes has been discussed by my colleague, and I will refer only to one or two angles of the $50,000,000, in round numbers, spent for fir and spruce—two-thirds of which was wasted, as I propose to show by expert authority.

With no recognized head or organization during 1917, the Allies continued their plans of 1915 and 1916 in dealing directly with lumber brokers and millmen of the coast. Lack of proper organization, traced directly to the city of Washington, prevented a proper enlistment of producing lumber agencies in airplane lumber.

LUMBER IN 1917 FOR 100,000 AIRPLANES AND MORE.

In 1917 over 5,000,000,000 feet of commercial fir lumber was produced in Oregon and Washington. Before the country ever heard of Capt. Disque this was enough to build a separate airplane for every American, French, and British soldier on the battle front at the time of signing the armistice. As it requires 10 men or more in fields, shops, and back of the line for each plane used, it is apparent that if lumber interests on the coast had been coordinated it would not have taken 2 per cent of the 1916 or 1917 fir production to furnish 100,000 airplanes or double the number produced by England, France, and Italy combined during the last year of the war. (See p. 15 of the report.) Nearly half of the airplane lumber produced on the coast and shipped in 1918 was fir. Keep in mind that orders to retard airplane lumber production were received from Europe in September, 1918.

SPRUCE PRODUCED IN 1917 SUFFICIENT FOR 30,000 PLANES.

Spruce was preferred early in the war for certain types of planes, and spruce commercial lumber production on the coast in 1916 and 1917 was over 300,000,000 feet each year. Allowing 90 per cent for waste, this would have furnished enough spruce to have built upward of 30,000 planes yearly, and with 1 per cent of the fir cut would have drugged the market with airplane stock reaching double in amount all the Allies could use, if properly handled.

In October, 1917, Disque, a former captain in the Regular Army and then warden of the Michigan Penitentiary, was selected by Secretary of War Baker to handle the spruce situation. Mr. Deeds, Mr. Potter, and Mr. Ryan had been selected by the Secretary in 1917 and 1918 to direct aircraft production, and as these officials were utterly without knowledge of the business it was appropriate that Capt. Disque, promoted to a colonel, who could not tell a spruce tree from a hemlock, according to testimony, should have been placed in charge of spruce production. Scores of able lumbering men among the 400 mills and numerous logging camps were available if called upon, but Secretary Baker passed them up.

WHAT REAL LUMBERMEN ACCOMPLISHED IN 1918.

Pendleton, a lumberman of Everett, Wash., was given charge of airplane production in Canada, and overcoming apparently insurmountable obstacles was making a wonderful record when the armistice was signed. He rafted logs 175 miles to Canadian mills and was sawing 8,000,000 feet monthly at the end of the war of finished airplane lumber, or enough to build from 5,000 to 8,000 machines monthly—more than all the allied planes combined at that rate.

Pendleton's compensation was a gold sovereign and the grateful thanks of the Dominion of Canada for his remarkable work. Kelly, a lumberman, went from Portland, Oreg., and took charge of all American lumbering in France. Starting without a single mill, within a year Col. Kelly built 81 mills and was sawing 50,000,000 feet of lumber a month, part of which was airplane material. That is what lumbermen could and did do.

DISQUE'S UNBUSINESSLIKE METHODS.

Col. Disque was no lumberman. He spent months trying to learn the rudiments of the business, and during this period he put in force an eight-hour day in all the mills and camps on the coast during the most perilous months of war. He closed mills that refused to comply with his orders as to hours or terms of pay, whether sawing airplane or commercial lumber. When Col. Breece came out to Portland, after Disque had been on the job for several months, he testified that Disque was not getting "5 per cent airplane" lumber from his logs. This was another of the many do-little, know-little appointments of the Secretary of War that caused certain failure in our air program.

Col. Disque before leaving Washington had insisted that he be given free rein with all the money, soldiers, and power he called for, and he had his wish. He quickly surrounded himself with 30,000 soldiers, sent by the Secretary of War, practically all of whom knew nothing more of spruce than did their commanding officer. He drew plans of campaign against the spruce and fir that would have done credit to the War College in the largeness of his scheme. Practically every large timber tract on the coast was to be entered by four cost-plus contractors, who were to divide the territory and build 13 new railways, with an aggregate mileage of 139 miles, and then move on the spruce enemy. Remembering that fifty times more fir and spruce were cut by private operators in 1916 and also in 1917 than could possibly be used for airplanes, the largeness of Col. Disque's military occupation campaign in 1918 will be immediately apparent, even if the reason was not apparent at the time.

COST-PLUS CONTRACTORS WHO NEVER PRODUCED.

When the armistice was signed Disque had not received a stick of airplane lumber from his four big cost-plus operators, who had been preparing for from six months to nearly a year to get logs and lumber. All they got was $19,015,368 of public funds, which Disque paid them during their getting-ready operations and after the war.

Early in 1918 a faint attempt had been made by Col. Disque to get airplane lumber by riving logs. This was an enormously expensive operation and was soon abandoned. During this brief period these cost-plus contractors are credited with getting out only 7.4 per cent of the total year's production, which reached 143,000,000 feet. All the remaining 92.6 per cent was furnished by private operators, and during the last six months of war the cost-plus contractors were getting ready to make a flank attack on the spruce enemy, but had not moved a single foot of lumber.

PRIVATE OPERATORS PRODUCED A SURPLUS IN SEPTEMBER, 1918.

Mr. Chairman, the most remarkable part of this comedy of errors or monumental tragedy, whichever way it may be viewed, lies in the fact that in September, 1918, about six weeks before the end of the war, Disque received word from Great Britain that Europe was getting all the airplane lumber it could use, and thereafter he began to slow down production long before any of his much-heralded cost-plus operators were ready to operate.

In other words, private operators of Canada and the coast were furnishing more lumber than could be used, and if coordinated and encouraged they certainly could have more than doubled the output without affecting their commercial operations. As Disque's 30,000 soldiers were employed in building roads and mills for his four cost-plus operators and not for private operators, the absurdity of sending an army to the coast is beyond successful contradiction.

COST-PLUS TIMBER CONTRACTORS FROM BROADWAY.

Remarkable facts were developed in the selection of Disque's four cost-plus contractors. While hundreds of lumbermen and loggers of high financial and business standing were on the coast, Col. Disque chose three cost-plus contractors who, like himself, knew absolutely nothing about the business. The Grant Smith-Porter Bros. Co. had formerly carried on some railway building operations, the Warren Spruce Co. was an offshoot of the Warren Construction Co. of Maine that laid paving, and the Siems-Carey-Kerbaugh Co. was organized by Broadway railroad contractors who were without the slightest knowledge of logging and lumbering. Nothing in the abortive efforts of these three contractors to get spruce during six months ran counter to their admitted ignorance of the business. They were given contracts aggregating nearly $70,000,000 for airplane-lumber production and the four received about $19,000,000 while trying to learn the business. The fourth cost-plus contractor, Polson, was a logger, but he did not produce because he was handicapped by a military overseer who delayed progress over four months and so prevented him, according to his own testimony, from getting 30,000,000 feet of logs to market (p. 46 of report).

PRIVATE OPERATORS PRODUCED 7,000,000,000 FEET WITHOUT SOLDIERS IN 1917.

Mr. Chairman, from the testimony before the committee it appeared that some sporadic labor disagreements had occurred in lumbering operations early in 1917, but not materially different from those in many other lines of work throughout the country. No authenticated cases of sabotage or lawlessness were presented, and the Secretary of War was advised by western operators in 1917 that four companies of soldiers, to use in emergency, would meet every need that might arise. These he refused to send, according to Maj. Sligh's testimony. In fact, the lumbering business on the coast, with its 100,000 employees, was working without a single soldier in 1916 and 1917, and the normal output of over 7,000,000,000 feet of lumber each year shows the extent of operations. Throughout 1918 Pendleton, in Canada, under similar conditions, with 10 per cent of Disque's facilities, made his wonderful showing in producing airplane lumber without a single soldier.

FARMING OUT AMERICAN SOLDIERS FOR FUTURE PRIVATE OPERATIONS.

Col. Disque asked for troops and still more troops from the time he went to the coast, in October, 1917, to the end of the war, at which time he had secured about 30,000 officers and men at Portland, Oreg. These consisted of lawyers, doctors, teachers, farmers, and men of all trades, brought from all points from New York to Texas. The soldiers were distributed by Disque among his four cost-plus contractors to build railways ostensibly

for logging operations and perform other work. The report shows he farmed out 5,251 men and 173 officers to the Polson operations around Grays Harbor; 4,736 men and 140 officers were given to the Broadway firm known as the Siems-Carey-Kerbaugh Co.; and something over 3,000 each to the two remaining cost-plus contractors, while 4,000 others were put to work at the cut-up plant near Portland, and the remainder were scattered through Oregon and Washington. They were not doing any military duties, but were shoveling on the railways, laying ties and track, and a few days before the armistice a small number were trying to do a little logging. These soldiers, sent by Mr. Baker and Mr. Ryan, were used on permanent work that promised to be of value to private interests after the war, but the war ended too early for their calculations.

OFFICERS FELL OVER EACH OTHER AT HEADQUARTERS.

Col. Disque, according to his own statement on page 41 of the report, had 500 officers and enlisted men around his eight-story Portland headquarters building, where he reigned like a monarch of old. Colonels, majors, captains and enlisted men fell over themselves and over each other at the headquarters. Col. Kelly was doing wonders in lumbering in France, where no private operators existed, and had about as many soldiers as Disque, yet was working in the mountains of France, with from 20 to 24 officers and men at his division headquarters, while Disque had twenty times as many surrounding his person at his Portland headquarters. Col. Kelly worked his soldiers from daybreak to nightfall, sometimes in deep snow and often near the battle line, where his men were killed in the French woods while working at $30 per month. Disque's men were farmed out to cost-plus contractors and elsewhere in Washington and Oregon, working only eight union hours daily. They were eventually paid by the Government from $3.50 to $8 per day—a civilian's wage—and, in addition to free insurance against accident in the woods, also paid for by the Government, they were given many advantages not possessed by soldiers in real army service while used on permanent railways and mills needed by private operators after the war and paid for by the Government.

DISTINGUISHED SERVICE MEDALS FOR SWIVEL-CHAIR RECRUITS.

In the rôle of a benevolent despot, Disque surrounded himself with twelve hundred officers, including Majors Hitchcock, Moreley, Linehan, all from Cleveland, Ohio, the home of Secretary Baker; Eaman from Michigan, and many other majors. None of this remarkable cabinet or staff above named knew anything about lumbering, but none of Aircraft Director Ryan's subordinates knew anything about aircraft, according to the Thomas Senate hearings, so the director had no advantage over the colonel in absence of knowledge.

To make up for these shortcomings Col. Disque secured, through Director Ryan, a brigadier generalship, and then he recommended a score of his "staff" for distinguished service medals. Eaman, who had been in the service six weeks and whose most distinguished service consisted in helping to make Disque warden of the Michigan penitentiary, was given a major's appointment and recommended for the medal—rather rapid work for six weeks' service in the eight-story Portland headquarters.

Gen. Disque, like Squier, received a distinguished service medal from Secretary Baker, but time did not permit the 20 recommendations for similar medals to reach fruition before the war ended. Our committee refuses to whitewash that record.

PEONAGE AMONG AMERICAN SOLDIERS.

Mr. Chairman, I am charged by the gentleman from California [Mr. LEA] with saying out in Portland and Seattle that these soldiers working on the railways were in a state of peonage. I did say it, and I repeat it. The soldiers were sent to aid these cost-plus operators and operators who intended to use the railways and mills after the war. Not one cost-plus contractor produced anything for the war. The word "peonage" came from the soldiers themselves who testified before us, many of whom protested against the situation in which they were placed, and it was un-American and indefensible to use the soldiers during war or at any time for private purposes. How can you gentlemen satisfy the taking of those soldiers by Disque and giving them eight hours a day and confining them to that safe place, paying them $3.50 to $8 a day, when our men over in France were serving for a dollar a day and working day and night, without limit to hours when on the front? No law, civil or military, warranted farming these soldiers out like peons to the cost-plus operators for their 13 railroads and different mills. The act of Disque in farming out to private contractors men clothed in American uniforms was not only unlawful but in direct violation of the Constitution, which contains a prohibition against involuntary servitude. For this act the Secretary of War, Director Ryan, and Col. Disque were all responsible. It is conceivable that Disque's previous training in the Michigan penal institution might recommend him to his superior officers for such a job, but the responsibility primarily belongs to those who sent him to the coast and then sent 30,000 American soldiers to work for four cost-plus contractors who expected to monopolize the airplane lumber trade during the war but failed to get ready after six months' preparation. Their apparent purpose to monopolize the business after the war also failed when they became frightened out according to witness Senator Donlan, of Missoula, Mont., because of threatened investigations.

No man can successfully justify the farming out of these soldiers. Again we refuse to whitewash responsible officers.

FIGHTING EIGHT HOURS PER DAY (?).

If it was right to prevent over eight hours' work and compel the Government to pay cost-plus operators civilian wages for soldiers in Oregon and Washington in time of war and critical national danger, then it must have been right for Secretary Baker to have restricted to eight hours per day the fighting of American troops in the trenches.

If it was wrong for our soldiers to exceed union hours or receive less than union-scale wages while in the mills and forests of Oregon, then it was wrong in the mills and forests of France.

If the policy agreed to by Messrs. Baker and Disque in the western zone of safety during time of war and of unprecedented sacrifice had been the policy of Col. Kelly in his lumbering in France, or Gen. Pershing in his military operations overseas, then America and her soldiers probably would be fighting in Flanders to-day.

Disque had no authority of law to limit the daily service of soldiers to eight hours or to give them civilian wages at Government expense, or to farm them out to cost-plus contractors, in order to build commercial railways, sawmills, and on other work intended for private lumbering operations after the war, but he did all these things, with the approval of Secretary of War Baker and Director Ryan.

SQUANDERING PUBLIC MONEY ON PUBLICITY BUREAUS AND TOURING CARS.

Disque maintained an advertising or publicity bureau that cost $47,255. Organized ostensibly to promote patriotism, a laudable purpose, the 81 officers and enlisted men under him so employed were continually boasting through different publications of Col. Disque's wonderful achievements. One of the most remarkable literary productions ever inflicted on the American public is called "The History of the Spruce Production Division," which was presumably paid for out of the spruce company treasury, and is a prolonged eulogy of Col. Disque. Among the interesting data there collected is an item of over $1,000,000 worth of motor vehicles, including 110 touring cars, used for Col. Disque's distinguished medal division on the coast.

A RIOT OF WASTE FOR "LOGGING ROADS."

I insert the list of logging roads built by Disque's cost-plus contractors that were never used. They cost nearly $10,000,000, and, taking the actual main-line construction, which reached 115 miles instead of 139, the average cost of five of these roads, with a main-line mileage of 78 miles, not counting sidings, was $107,000 a mile. This amount is nearly double the cost of transcontinental lines and from five to seven times what properly built roads should have cost. The roads were frequently located and constructed for purposes far removed from airplane-lumber production, and I have caused to be prepared three large maps, in order that the House may better understand the reckless waste of money that was found on every side.

Cost of railroads constructed by Spruce Production Division and United States Spruce Production Corporation.

No.		Mileage.	Construction cost.	Material furnished by Government.	Total.	Average per mile.
1	Siems-Carey-Clallam Co.	38	$3,608,088.24	$358,624.53	$3,966,712.77	$110,186.46
	Airplane Spruce & Lumber Co.:					
2	Merrill & Ring	6.83	36,099.50		36,099.50	5,247.02
3	Quinault	5.96	445,427.69	29,984.48	475,412.17	79,767.14
4	Elle River	3.25	197,525.82	45,719.19	243,245.01	74,844.61
	Grant Smith-Porter:					
5	North Nemah	9.11	388,664.75	46,047.40	434,712.15	47 718.12
6	South Nemah	3.90	75,015.91	52,623.85	127,639.76	32,728.14
7	Nosel River	2.06	40,492.20	9,368.52	49,860.72	24,204.23
8	Lewis and Clarke Narrow Gauge		20,468.50		20,468.50	
9	Lewis and Clarke	20.36	511,446.80	30,355.26	541,802.06	26,611.10
	Warren Spruce Co.:					
10	Toledo & Siletz	8.28	189,471.47	39,552.30	229,023.77	26,572.91
11	Yaquina Northern	15.66	1,443,931.29	109,734.04	1,553,655.33	99,212.34
12	Alsea Southern	25.99	1,899,632.25	186,528.73	2,086,160.98	80,267.83
13	Portland Lumber Co., Beaver Hill	1.79	86,770.08	2,533.27	89,303.35	49,890.13
	Total	139.24	8,934,034.50	911,071.57	9,845,106.07	70,706.01

SPRUCE COST GREAT BRITAIN $802 PER THOUSAND FEET.

Mr. Chairman, in the fall of 1918 the Governments of Great Britain, France, and Italy joined with our own in a pooling corporation, wherein the losses were to be divided and spruce allotted as follows:

	Per cent.
Great Britain	31
United States	34
France	24
Italy	10

After the war had ended Great Britain tried to write off her obligations, and in order to do so Col. Disque had the property on hand appraised by his own officers, with the result that the 13 railways that cost nearly ten million were given a salvage value of $750,000, or of 7½ per cent. On this basis Great Britain's settlement was $14,000,000, which reached a cost on the airplane lumber per thousand feet received of spruce, $802.20; fir, $287.20; and cedar, $895.

What would the cost have been if a capable lumberman had been given charge of the spruce job, like Pendleton of Canada, with direct deals with operators and power to coordinate existing logging and lumbering facilities, which are ten times greater than those of Canada?

OVER $33,000,000 WASTED ON SPRUCE.

The committee's expert accountant made careful estimates, basing proper expenditures on the regular highest contract price paid private operators during 1918, and he testified on a 10 per cent salvage of existing spruce production properties the loss is $35,796,324 and on a 20 per cent salvage value it will reach $33,447,837, or a waste of two-thirds of the total expenditures. It is a sanguine man who will figure that a salvage value of more than 20 per cent will be realized, so that the costly experiment of placing Disque, a Regular Army officer, in control of a business of which he knew nothing, involving extravagant railways built for future private commercial operators and sawmills costing millions of dollars built for the same purpose, is an enormous expense that never produced a stick of airplane lumber and would have been avoided had the Secretary of War placed the work in the hands of a business expert.

It is incomprehensible why the Secretary of War constantly selected men without knowledge or experience to handle war production that especially called for experience and speed. Waste, blundering, and inefficiency was inevitable, and it is notoriously evident every interest ready to fatten off of public expenditures was on hand.

BUILDING LOGGING ROADS AT $140,000 PER MILE.

In the division of time my colleague on the committee, Mr. MAGEE, has comprehensively discussed the Carey spruce contract and railway and the connection of Aircraft Director Ryan with such operations. It is beyond the limits of any ordinary speech to effectively cover more than one phase of the manifold activities and expenditures of the Airplane Lumber Division, which is only one operation of the Aircraft Division. In our report we have made brief reference to 3 of the 13 logging roads, which unquestionably were built for commercial purposes after the war. These included the Otter Rock summer resort, ocean beach, road, No. 11, that cost, not counting sidetracks, $140,000 per mile; the Blodgett $2,000,000 road, No. 12, that also has an unsavory reputation, and is useful only to the Southern Pacific; and a third, $4,000,000 Carey logging road, No. 1, in Clallam Peninsula, that is tacked onto the Milwaukee Railway.

I call your attention to another chart that contains a lesson that requires no explanation, and illustrates where the money went that was supposed to produce airplane lumber:

Three transcontinental roads.

	Cost per mile.
Northern Pacific	$56,000
Great Northern	56,000
Milwaukee (unelectrified)	50,728

Three Disque logging roads.

	Cost per mile.
Siems-Carey road	$110,000
Yaquina Bay road	140,000
Alsea Bay road	89,000

Projected Clallam County roads.

	Cost.
Clallam Bay, 15 miles, $15,000 to $25,000 (estimated)	$375,000
Siems-Carey, 36 miles, as built (actual)	4,000,000

It is a remarkable fact that the three transcontinental roads in Montana, required by law to be assessed at full value, also have valuable equipment, consisting of locomotives and rolling stock, estimated generally at 25 per cent to 40 per cent of total value, and they also possess expensive terminals and telegraph and telephone lines. The logging roads which we traveled over have no equipment—only a borrowed hand car—and no terminals excepting the wooden post at the end of the line. These railways show how willfully public money was squandered.

Road No. 11 is 10.8 miles completed length of main line and covering side tracks. It cost $1,553,665, or about $140,000 per mile, based on main-track mileage. The timber in the Siletz district reaches from 10,000,000,000 to 20,000,000,000 feet, according to the testimony of Welch, Hall, Wade, Storey, and Ball. Six witnesses testified that a road 15 to 20 miles long extending north from Toledo located on the Yaquina River would reach 550,000,000 feet of spruce and an unlimited amount of fir. These witnesses were loggers, mill men, or reputable cruisers who were familiar with the region. Several witnesses, including engineers who had made surveys, testified an extension of such road north from Toledo could be made on less than a 1½ per cent grade and at a cost of from $15,000 to $20,000 per mile, according to the average price paid in such construction.

IMPROPERLY LOCATED ROAD COST APPROXIMATELY $140,000 PER MILE.

Mr. Storey offered to contract to build all the roads required for $15,000 per mile. Instead of building north from Toledo, directly into this large timber tract, a road was built by Col. Disque starting from Yaquina Bay, the western terminal of the Southern Pacific Railway, and then extending west to Newport on the seacoast, thence north along the coast by Agate Beach, on the west side of a ridge of bluffs reaching several hundred feet in height, and touching two or three small watering places along the shore. The road along the coast made a haul of about 24 miles, including rafting 12 miles. Mr. Storey, a lumberman of many years' experience, testified: "The locator of the road was either grossly incompetent, had an ax to grind, or was intoxicated" (p. 1823). Witness Hall testified Maj. Hitchcock told him, "The people of Newport would wire the President if they did not get a road up to Otter Rock" (p. 1730).

Sensational testimony by Capt. Millar, January 7, 1919 (p. 2378), was presented to Maj. Ray to the effect that he was offered $11,000 or $12,000 if he would locate the road through Newport on the coast. It is significant that Capt. Millar located it north from Toledo over the direct route to the timber. He was promptly removed after his report was submitted, and the road was finally built around by Newport and other summer resorts, at a cost of about $140,000 per mile, not counting sidetrack mileage.

A $2,000,000 23-MILE LOGGING ROAD.

A second Government logging railway, of even more significance, was built from Yaquina Bay to a comparatively small timber tract, 23 miles south along the coast, known as the "Blodgett" tract. This road (No. 12) cost $2,086,160 for 23½ miles, or an average cost per mile of main line of $89,000, not including the sidings. This road includes one bridge over Alsea Bay, over a mile long, which some day may become a valuable adjunct to the Southern Pacific System, but is of little value for any other purpose.

The methods pursued by military officers of the Spruce Production Corporation were disclosed in this case. A singular misconception of official authority during the war caused these officers to refer to themselves and to their acts as "the Government" and "acts of the Government." This situation is strikingly illustrated in their transactions with John W. Blodgett, of Grand Rapids, Mich., a man of high character and large business dealings, who owned the timber in question.

Mr. Blodgett's timber tract, 23 miles south of Yaquina Bay, contained 250,000,000 feet of spruce and some other timber—in all about 670,000,000 feet (p. 1894), or only a small fraction of spruce and fir compared with the Siletz tract. At Col. Disque's request Mr. Blodgett traveled to Portland, Oreg., to see him. Col. Disque there insisted that Mr. Blodgett must dispose of his spruce timber for $1.50 per thousand. Mr. Blodgett refused to consider the proposition because of existing destructive "selective" methods of logging, the fire risk, and low price.

Mr. Blodgett finally sold his timber after many threats were made to commandeer by Disque. He received $635,000 from the Government.

The road had not been completed when the armistice was signed, while the Blodgett deal was not closed until December 2, 1918, or nearly one month after the signing of the armistice. This timber tract, bought by Col. Disque, was to give value to a worthless $2,000,000 railroad, and it is significant that this railroad has not yet been sold by the Government, although given by the Spruce Production Corporation officials a salvage value of less than 8 per cent. This road also was blocked by slides when examined by your committee in September, 1919.

Charges were made of attempted official graft, based on trying to force Mr. Blodgett to sell for $450,000. No testimony to that end was presented to the committee.

The Government is out $2,000,000 on this railroad and has also paid $635,000 for the Blodgett timber tract.

A LIFELONG SALVAGE JOB.

None of the extravagantly built logging roads or mills have been sold by the Government after over a year's time, and they

have little value, as was predicted when the committee was on the coast. Col. Stearns, a strutting young Army officer without previous business experience, was Disque's "chief of staff," and has been in charge with a force of men at Portland for over a year. He told the committee he would not sell until he got "reproduction value" on the railroads, which indicates his judgment and long expectancy of life on the job. The Portland (Oreg.) Spruce Co.'s operations since the war have long since ceased to be of any value to the Government and should be closed out.

FAT LUMBER CONTRACTS GIVEN TO BROADWAY NOVICES.

Early in April, 1918, a company of New York City railroad contractors, including Siems and Carey, hastily organized in New York, and, without any previous experience in logging or lumbering or any ownership of timber or acquaintance with the territory or business, left New York City for Clallam Peninsula, Wash., picking up Senator Donlan, of Missoula, Mont., on the way. They went to the Clallam Peninsula, and on their first visit drove around part of two days, then went to Portland, saw Disque, made a contract April 12, 1918, to furnish 300,000,000 feet of spruce flitches, and returned to Washington, D. C. Disque had refused to give any western lumbermen any contract to log this timber. Disque quickly followed them, and after a month's delay, during which John D. Ryan had succeeded his friend and associate, Potter, as aircraft director, a new contract was drawn in Washington, at Mr. Ryan's request, by A. L. Kelley, the present president of the Anaconda Copper Co., of which Director Ryan was then president. This contract reduced the amount of timber to 250,000,000 feet, gave an optional cost-plus contract of 7 per cent, with an unlimited maximum profit, and a provision that Siems-Carey-Kerbaugh could have option of purchase after the war, in which they were to name one of three appraisers, who, with a "Government" representative, was to name the third.

BROADWAY LUMBER GREENHORNS GET $30,000,000 IN CONTRACTS.

This contract, valued at $23,000,000, was dated May 18 and approved May 24 by Director Ryan, who, however, refused to participate in negotiations regarding a railway to haul out the spruce because of his connection with the Milwaukee road. As my colleague well says, the contracts were interdependent. Assistant Secretary of War Stettinius made the railway contract with Carey to connect with the Milwaukee road, and after a sudden unexplained switch by Disque of the logging road's location, operations were begun by soldiers sent to Disque by Secretary Baker, and Director Ryan, who went out to Carey's operations, looked them over and then returned by way of Portland to the East, leaving for Europe in company with Secretary Baker a few days later. They returned from Europe about the middle of October, shortly before the end of the war.

It was uncontradicted in testimony that Carey expected to permanently log and lumber after the war in the Clallam tract, and it was contended his railroad cost $4,000,000, or ten times what a properly located, properly constructed road ought to have cost from Clallam Bay to reach the same spruce tract. Carey built 2 mills in a region that had 400 available mills, at a cost of $2,350,000, all paid for by the Government.

The Siems-Carey Canal Co., an offshoot of the cost-plus contractor company, was controlled through 51 per cent of its stock and an even division of profits by the American International Corporation, of which Aircraft Director Ryan was a director. Mr. Ryan had previously aided Carey in his Chinese operations. The Carey logging road tapped 79,000 acres of land containing 2,000,000,000 feet of timber belonging to the Milwaukee company, of which Director Ryan was also a director and a member of the executive committee of five.

Many interesting connecting links of evidence are found in the report that it is unnecessary to here repeat. The committee finding that large financial interests were directly interested in continuing the lumbering business after the war and that the Carey railroad, mills, and other operations at Government expense were to be amortized, are all set forth. The war stopped unexpectedly, threatened investigations frightened off a $15,000,000 company proposed by Senator Donlan, of Missoula, Mont., and the scheme fell through, with the Government holding the useless property. It still owns that property.

After the war Col. Disque returned to New York and secured a job, through Director Ryan, as president of the Amsinck Importing & Exporting Co. at a salary of $30,000 a year on a job of which he knew "absolutely nothing."

The Amsinck Co.'s stock was all owned by the American International, previously referred to.

Disque's sudden switch of location of logging road after his return from Washington, his completion of the $4,000,000 road after the signing of the armistice on the advice of Mr. Erling and other Milwaukee officials, and other matters are all set forth in the report.

Maj. Sawyer, a Milwaukee official, was placed in charge of the Carey railroad operations, with Donovan, a Milwaukee engineer, looking after surveying and Donlan in charge of logging. At the end of the war Sawyer and Donovan returned to the Milwaukee road, while Donlan, who had previously returned to Montana, ran as a State senator at Mr. Ryan's request, according to the testimony of Witness Cain.

These matters have been presented by my colleague [Mr. MAGEE], and I have only suggested the remarkable situation we found on the coast for which money received from Liberty bonds was spent.

SOLDIERS COURT-MARTIALED FOR PETTY OFFENSES WHILE RESPONSIBLE OFFICERS GO SCOT FREE.

In our investigation we have endeavored to fix responsibility for the pitiful failure of the War Department to secure modern fighting planes either by manufacture or abroad. The direct responsibility of Deeds was disclosed by the hearings taken by Justice Hughes and by the report. His successful efforts to throw contracts to his friends and business associates in Dayton, although they knew nothing of the business, is one of the serious charges made in the Hughes report. Deeds was recommended for court-martial and it was due him to give him a fair trial, but the confidence of the public is shaken when hundreds of soldiers are tried and given extreme penalties for infraction of military rules, while a man charged with grave responsibilities involving many lives and public property is permitted to have the Secretary of War personally intercede and refuse to hold a court-martial recommended by presumably the ablest and most thorough investigator in the country—Justice Hughes.

Deeds's incompetence, due to selfish interest and inefficiency, is shown by the facts. No one stands sponsor for his appointment.

HUGHES FOUND SQUIER HOPELESSLY INEFFICIENT.

When Gen. Squier and his associates tried to whitewash Deeds by eulogizing him at the Army banquet, their action was characteristic of efforts to cover up that have been encountered by our committee and every other committee engaged in this investigation.

Gen. Squier was hopelessly inefficient, according to Justice Hughes, and it is pointed out by the distinguished jurist that no law can reach inefficiency.

Gen. Squier decided on a suicidal policy at the outset when he threw all his eggs into one basket, and the hopeless scramble of the eggs has left a stifling odor that will ever attach to the Government's airplane program during the war.

WHY AMERICAN AIRCRAFT PRODUCTION FELL DOWN.

Secretary Baker approved Squier's program and practically every other important move that occurred, including particularly the continued manufacture of the dangerous DH–4's. With Mr. Ryan he must accept full responsibility for that frightful blunder. The public may be anxious to forget, but however unwelcome the task, we have no alternative but to give the facts.

If anything else were offered, we would be deserving the severest condemnation by our colleagues without reference to personal or political considerations.

No further review of the facts is necessary. The Aircraft Service fell down because seemingly every responsible official from the Secretary of War down to the lowest official at headquarters refused to profit by the experience of other nations. Men were regularly appointed to high positions who had no knowledge of the business in hand and frequently had selfish interests to subserve. The entire record is one continuous story of wasted money and, more important, needlessly wasted lives.

We have urged an independent air service in our report, but to be of value it must be divorced from the Army with its bureaucratic methods. Congress has just reason to distrust those who have no knowledge of the business. We dealt with novices during the war; the American people now demand that any Government aircraft program be placed in the hands of competent officials, and that will only be done by a carefully organized department or bureau that can coordinate all aircraft production activities of the Government.

I have tried briefly to cover the results of our investigation. We have endeavored the best we could to make this investigation fairly, to make it without personal prejudice, without political prejudice. In all of the 4,000 pages of testimony I have repeatedly asked anyone to find a single page or word that suggests political or personal prejudice.

We endeavored throughout the six months' investigation to represent the House on both sides of the aisle, you gentlemen over

here on the Democratic side, who gave us our commission, just as well as those on the Republican side. It was an undesired task and a thankless task that we undertook. Other gentlemen refused it, but finally we undertook the work as a matter of public duty, and 4,000 pages of testimony and the report is the record we present to you. If the record shows inordinate greed and selfish ambition, as it does, with incompetence from the top to the bottom, it is not offered because we individually want to injure anyone who failed to measure up to the high trust imposed, but because you commissioned us to make this investigation and report responsibility and show the great waste of money that has occurred; and beyond all, because during 1917 and 1918 failure meant a needless loss of men at the front who were fighting our battles in France.

Gentlemen, it is easier to say words of praise than words of condemnation. We all of us know that. And we would have been glad to put it in the other form if facts had warranted. But we have presented to you exactly the situation as it has confronted us, and through all the investigation we have tried to speak for the people, who wanted to know the truth and demanded the facts. We have tried to speak for the father who sent his boy over to France to fight, or, like my colleague and friend, FLORIAN LAMPERT, from Wisconsin, who sent his five boys to the war, some of whom did not come back. We have spoken for the hundreds of thousands of brave, patient women, who gave the best they had in the world, their best gifts, their boys; and for those who scraped up their last dollar and contributed it to the war in order to aid our country in her hour of peril. We have spoken for the American Congress—you who commissioned us unanimously to carry on this work, and you who unanimously gave $1,000,000,000 for aircraft in order to protect our boys in France. We speak for the boys who were in the trenches and shoulder to shoulder made their brave fight through the long days and nights in the trenches or over the top, in the shambles of the Argonne, or at Chateau-Thierry, or on the Marne, for our soldiers who never received that promised aircraft protection.

We speak for our boys who went up in the defective air machines. When they asked for bread we gave them a stone; when they asked for fighting machines we sent them "flaming coffins," and in the words of Rickenbacker, America's greatest ace, who appeared before our committee, may this record be seared deep into the conscience of those here who failed them and whose failure meant the needless loss of lives and an enormous amount of public money; wasted days and weeks and months of war; wasted millions and hundreds of millions of dollars and needlessly wasted lives. That is the record. From this picture of ghastly cost-plus contractors shown in this record, of war profiteers in a setting of arrogant, selfish, incompetent officers, let us turn for a moment to those boys in France who were fighting their way against tremendous odds and whose names will forever be linked with John Paul Jones and others of his day and deeds.

Ships that sail the sea and ships that sail the air, no matter how dangerous, no matter how clumsy in design, will never stop or impair the pluck and bravery of American sailors or soldiers. [Applause.] And our boys, called upon as they were to protect their colleagues, their comrades down in the trenches on the firing line, confronted with an enemy that had the finest fighting machines in the world and years of training—our flyers, in their defective machines and flaming coffins, sought out the enemy and fought them to a finish high above the clouds, and met every test. Gen. Pershing has said that American aviators were the equals of all; they had no superiors, and whether they returned to earth from their battles living or dead—and many of them to-day sleep beneath the lilies of France—they left a record that will never be surpassed for courage. Fighting for their flag and their country as they did, ever for victory, not for empty medals, they kept the faith, and they wiped out the blot of miserable incompetence disclosed in this country by their splendid deeds over there. [Applause.]

Mr. Chairman, the people of this country are familiar with America's failure to produce aircraft; and failures will come again, and men who are incompetent will reign, presumably, in such places again. But this country may ever depend in the future, as in the past, upon the men who sail her ships, upon her men who sail the air, upon the great Army which makes up the rank and file, that comes from the heart and conscience of the people—the men who do the fighting. They will never fail. [Prolonged applause on the Republican side.]

TABLES AND OTHER DATA—BRIEF EXTRACTS FROM COMMITTEE REPORT.

During our 19 months of war with Germany the American Congress appropriated for Signal Corps and aviation purposes as follows:

Appropriations	$1,692,336,424
Revocation of excess after the war (Feb. 5, 1919)	487,000,000
Balance available for use	1,205,336,424
Expended or obligated to June 30, 1919	1,051,511,988

The above statement is approximately correct. (Exhibit 9, p. 2856.)

During this period expenditures or commitments of over $1,000,000,000 produced the following machines used by American aviators on the French fighting front:

American-built pursuit or combat planes	None.
American-built bombing planes	None.
American-built observation planes (DH–4's)	213
Machines bought from our allies	527
Total planes on French front Nov. 11, 1918	740

(Pages 178, 179, 180, 185.)

Three thousand American aviators available for flying were in readiness on the front in August, 1918, but fighting planes were not to be had, according to testimony of Gen. Kenly, director of aviation, and an experienced aviator (p. 3494).

The number of American flyers on November 11, 1918, was 11,425, of whom 4,307 were in Europe and 7,118 in the United States (p. 284).

Testimony, October 31, 1919, before the Joint Military Committee, briefly gives the story of America's aviation record from a witness of acknowledged authority:

"Senator CHAMBERLAIN. Did you at any time have enough planes of any make of American or foreign to train that body [aviators then in France]?

"Gen. PERSHING. No; we were always short.

"Senator CHAMBERLAIN. In other words, we had a body of young men over there to be trained that could not be trained because we did not have the facilities to train them.

"Gen. PERSHING. Yes, sir. That is true (p. 1693, joint military hearings).

* * * * * * *

"Mr. JAMES. How many American fighting planes were there in France at the signing of the armistice?

"Gen. PERSHING. None. We had the De Haviland 4s.

* * * * * * *

"Mr. MILLER. I mean combat planes.

"Gen. PERSHING. No combat planes.

* * * * * * *

"Mr. KEARNS. Do you know the reason why there were no other American-made planes over there?

"Gen. PERSHING. I know very little of the construction program in America, nor the reason why we had no further planes. The only reason that I can give is that there were no planes ready to ship" (p. 1611, joint military hearings).

Bearing on the same question, Col. Patrick, Chief of Air Service, American Expeditionary Forces, in August, 1918, testified:

"Mr. FREAR. Two thousand seven hundred and twenty machines were necessary for 1,000,000 men (or 3,400 machines for American forces at the front)?

"Col. PATRICK. That would be it, approximately.

"Mr. FREAR. So we were woefully weak in our own Air Service, both in machines and men?

"Col. PATRICK. Yes, sir" (p. 187).

Our utter failure to produce fighting planes after 19 months of war is disclosed by one question:

"Mr. MAGEE. As far as the manufacture of pursuit planes or bombing planes in the United States is concerned, we are practically in the same position (August, 1919) we were in when we entered the World War?

"Col. PATRICK. Quite true" (p. 232).

That, in brief, is the story of America's aircraft production failure, occasioned by a record of stupidity and stubbornness that involved inexcusable waste of men and money and invited military disaster.

* * * * * * *

THE "UTTERLY UNSAFE" DE HAVILAND 4 PLANE, KNOWN AS THE "FLAMING COFFIN."

The only American plane that ever was used at the front—the De Haviland 4—was not a combat plane and was exceptionally dangerous to pilots and observers because of its defective construction. This fact and the general estimate of the De Haviland 4 is set forth in the testimony of Gen. Mitchell, in command of American aviation in France (pp. 2823, 2845), Maj. Muhlenberg (pp. 194–195), Col. Clark (p. 191), Rickenbacker (pp. 197–198), Eastman (p. 2391), Archibald, of the "Suicide Club" (pp. 1177–1179), Maj. LaGuardia (pp. 144–146), Maj. Meissner (p. 3629), Maj. Foulois (p. 368), Capt. Dissette (p. 2724), Capt. Heisen (pp. 2449–2452), and other reputable flyers or experts, including also many who appeared before the Thomas Senate committee (p. 34), and corroborated by Gen. Pershing's cablegram (p. 203).

American aviation statistics also disclose that in proportion to the number engaged five times as many American flyers were killed, compared with officers of all other branches of the service, and accidents to aviation officers, in round numbers, were fifty times as great. At the signing of the armistice 740 planes were in use on the front by American aviators and 236 officers had been killed in battle.

RECKLESS BLUNDERING OF RESPONSIBLE OFFICIALS.

Responsible American officials who refused to have manufactured recognized types of fighting machines then in service; who recklessly blundered with attempted quantity production of the worthless Bristol that could not carry the Liberty motor; who canceled the 3,000 Spad order given our factories in September, 1917; who ignored Gen. Foulois's request from France early in July, 1917, for 800 SE–5's, 800 Spads, 800 Sopwiths, and 8,000 specifically named fighting machines like planes then in use (pp. 360–670); who ignored the request of Gen. Mitchell and the French Government (pp. 2614–2617) for planes and aviators, have not suffered from "guilty conscience," but have sought to justify their record of mistakes and their appalling inefficiency with flimsy excuses.

* * * * * * *

The Hughes and Thomas investigations have placed the facts before the country for consideration of those who ungrudgingly raised a billion dollars that our troops might be protected with aircraft. Congress appropriated every dollar asked for, according to Gen. Squier (p. 3590), and with this record of failure Col. Deeds, Director of Aircraft, who had been removed and who had been recommended for court-martial by Justice Hughes, was banqueted in Washington by Chief Signal Officer Squier and other admirers for the kind of record he had made (p. 59).

* * * * * * *

We had the factories, men, and money, and might have turned out planes at a wholesale rate, when the uselessness of DH–4's in battle

was demonstrated at the outset, but that was the only American machine ever produced for use at the front.

So much for the record of American aircraft production during 19 months of war. If the war had lasted two or three years longer and until responsible American officials decided to build Spads, Capronis, and real fighting machines, without constantly canceling orders, we might have shown results. Production of all Army planes, apart from DH–4's, in January, 1918, reached 744. Seven months afterwards, during strenuous war needs, American production reached 489 planes in August, 1918, or a loss of about 35 per cent compared with the month of January.

American airplane production, 1918.

(Page 518.)

January	744
February	725
March	934
April	728
May	598
June	448
July	666
August	489
September	450
October	554

The foregoing does not include the "quantity production" of DH–4's, but it does include all training planes, "sea sleds," and several hundred Penguins, or what are known as "wooden grasshoppers." It also includes 1,660 discarded worthless Standard J planes, described in the Thomas committee report, and scores of Bristols, also discarded. About 4,500 useless DH–4's were paid for by the United States at a cost of over $50,000,000.

The following statement gives comparative production of airplanes in Italy, France, England, and United States by months from January 1 to September 30, 1918, according to testimony of Gen. Menoher, Chief of Air Service:

Total production of airplanes in Italy, France, England, and United States, by months, from Jan. 1 to Sept. 30, 1918.

	Italy.	France.	England.	United States.[1]
January	305	1,484	2,347	729
February	349	1,615	2,288	734
March	189	1,609	2,587	938
April	161	2,150	2,107	743
May	291	2,023	3,051	751
June	435	2,262	2,650	784
July	459	2,595	3,474	1,150
August	365	2,857	2,279	713
September	374	2,238	2,726	1,207
Total	2,928	18,833	23,509	7,749

[1] The apparent discrepancy in American airplane production shown by the two tables is due to the DH–4's, which are included in the second table.

WASTED THREE TO FIVE MONTHS.

March 13, 1918, Gen. Pershing cabled Gen. Squier:

"Approximately 700 cadets in Europe awaiting flying training. These cadets have already wasted from three to five months for training, and it is estimated some of them will have to waste at least four months before their training can be commenced. * * * These conditions have produced profound discouragement among cadets (p. 375).

The whole country was becoming discouraged with Squier, Deeds, et al., and no relief ever in sight.

Vice President Keys, of the Curtiss Co., sets forth some of the contradictory orders received (pp. 3481–3483) while 789 changes were made under orders of the War Department in the attempted production of the discarded Bristol. The following testimony is illuminating regarding this one firm manufacturing planes:

"Mr. FREAR. How many men were you employing?

"Mr. KEYS. Eighteen thousand seven hundred.

"Mr. FREAR. What was your possible production capacity?

"Mr. KEYS. Our plant was designed for a maximum of 100 machines a day of any type small machines. * * * We contracted in September, 1918, to deliver 100 machines (fighting planes) a day" (pp. 3456–3457).

The Curtiss firm received an order for 3,000 fighting "Spads" on September 19, 1917. The order was canceled November 7, 1917, (P. 3755.) But this one factory could have produced 30,000 fighting planes a year, according to Keys, if given a free hand.

* * * * * * *

Gen. Squier, before the Senate Military Committee, January 30, 1918, explained his own state of mind at that early date when he said:

"I think we shipped no training planes to France at all. It is looming on the horizon that we may be producing more than we can get across and thereby be upsetting industry" (p. 24).

UPSETTING INDUSTRY.

Gen. Squier's statement before the Senate Military Committee was made shortly before Gen. Pershing cabled to him that 700 flying cadets had been from three to five months delayed in their training because of absence of planes.

While Gen. Pershing, Gen. Mitchell, Maj. Foulois, and others in France were frantically calling for planes with which to train and fight, Gen. Squier was calmly studying "the horizon" to discover whether we should "upset industry."

In his final report to the Secretary of War, Gen. Pershing says:

"In aviation we were entirely dependent upon our allies. * * * Without going into a complete discussion of aviation material, it will be sufficient to state that it was with great difficulty that we obtained equipment even for training."

* * * * * * *

A sufficient warning was given the department by Gen. Squier before the Senate Military Committee, January 30, 1918, when he said:

"We had to make a momentous decision back in April, 1917, when we decided to make the Liberty motor. * * * We had to throw the die. I think we did right. We had to decide whether we would go over to England and get those planes and engines and try to produce them or try to pool everything we had. That decision was taken boldly, and I think it was a very wise one" (p. 23).

Justice Hughes's report says of Gen. Squier (p. 3773):

"The duty of providing an adequate organization for aircraft production was left to the Signal Corps. It is quite clear that this undertaking was beyond the competency of the Chief Signal Officer."

Secretary of War Baker, while before our committee, said he approved Gen. Squier's course when he responded, "That was my judgment at the time and still is my judgment" (p. 23).

On Secretary Baker's shoulders must rest equal responsibility for failure to procure other engines and other planes when pooling all energies in the Liberty motor.

RESPONSIBILITY FOR DEEDS.

Col. Edward A. Deeds, of Dayton, Ohio, was placed in charge of the Equipment Division of Aviation under Gen. Squier in August, 1917, four months after our entry into the war.

Justice Hughes's report found that Deeds began his activities by centering aircraft operations at Dayton, Ohio; that he gave large contracts to his business associates—Kettering, Talbott, and others in that city, although they had no previous experience in such matters; that he located several aviation fields around Dayton in improper locations, and also located fields in Florida without authority or explanation; that Deeds was largely interested in corporations controlling the Delco ignition system used in the projected Liberty motor, whereas prior to its use on the Liberty the magneto system had been used on all airplane engines (p. 58).

The following is from the Hughes report (p. 57 of record):

"At the inception of the Government's aviation activity in connection with the war and within the sphere of Col. Deeds's important if not commanding influence, his former business associates were placed at once, through Government contracts, in a position where they had assurance of very large profits upon a comparatively small investment of their own money, and in addition were able to secure generous salaries which they charged against the Government as part of the cost of manufacture."

After reciting evidence in support of his conclusions, Justice Hughes finds:

"The evidence with respect to Col. Edward A. Deeds should be presented to the Secretary of War, to the end that Col. Deeds may be tried by court-martial under articles 95 and 96 of the Articles of War."

Justice Hughes's report is part 2 of this report and includes a detailed statement of testimony on which the finding was based.

In the Attorney General's report (p. 58 of the record) this finding appears:

"I acquiesce in the recommendations of Judge Hughes that the facts be submitted to the Secretary of War."

WHY WAS DEEDS'S COURT-MARTIAL PREVENTED?

For Deeds's alleged efforts to place large Government contracts with his business associates in Dayton, under questionable arrangements and for other reasons stated in his report, Justice Hughes recommended Deeds for court-martial (p. 57–58), and Attorney General Gregory joined in the report to the extent of declaring Col. Deeds's conduct inexcusable, reprehensible, and censurable, and recommended that all the facts be submitted to the Secretary of War (p. 58).

Based on the Hughes record, the Judge Advocate General's office on November 11, 1918, submitted its report approving the Hughes recommendations.

Subsequently Secretary of War Baker sent word to the Judge Advocate General's office requesting that other witnesses be heard on behalf of Deeds and that the report be reconsidered (p. 2653). This action, your committee is informed, was unprecedented. Col. Deeds's attorney and business associates, connected with these same Government contracts, were thereupon heard and a new report rendered exonerating Deeds (p. 2687). Secretary Baker's activity in protecting Deeds against Justice Hughes's finding is at once astonishing and significant. With a record that affected lives of men and charges of inordinate selfishness supported by specific facts, Deeds should have been placed on trial, to be convicted if guilty, to be vindicated if innocent. According to the testimony, Secretary Baker prevented such action.

* * * * * * *

RESPONSIBILITY OF ARMY OFFICIALS.

Responsibility for failure of our aircraft program rested upon those in authority, who have been named, and with equal force responsibility rested on Army officers in this country whose duty it was to provide an efficient aircraft force. Officers of the Army, who for many years have been subject to strict Army discipline, generally are loath to express themselves freely when their associates or superiors are concerned. Testimony from three responsible aviation officials, two of whom were in France charged with work on the front, is self-explanatory. All these officers were old experienced flyers of undoubted ability.

Gen. Foulois, early in 1917, shortly after the declaration of war, testified that he prepared for the General Staff and Congress an aircraft program covering 22,625 planes of specified types; 5,000 pilots, and 50,000 mechanics, at an estimated expense of $640,000,000, which amount Congress immediately appropriated (p. 367).

Gen. Foulois further testified:

"I was the responsible officer (in France) under the commander in chief. * * * Certain members of the General Staff were willing to be educated, but that was a very small minority. Other members were more or less disinterested and a certain proportion opposed to aviation.

"Mr. FREAR. What was that opposition grounded on?

"Gen. FOULOIS. * * * We could hear constant complaint about these young aviators running wild all the time, and too much rank and a great many features of that kind. * * * In my 21 years of service I have never seen it (jealousy in the Army) more prevalent than it is to-day. * * * Gen. Pershing, in my opinion, is the best friend aviation has in the Army. If it had not been for him, on a great many occasions we would not have had any Air Service."

Gen. Mitchell was commander of Air Service for a long period in France and was in the American Expeditionary Forces from the beginning to the end of the war and an experienced aviator.

Gen. Mitchell, with Ambassador Sharp, sent a cablegram April 16, 1918, to Gen. Squier strenuously urging 20,000 fighting planes for control of the air as described in program submitted (p. 2615). Again in May, 1918, a strong cablegram was sent Gen. Squier (p. 2618). These telegrams were never acknowledged. "They did not know in this country whether we knew anything about it. There were no dealings with the Signal Office. We could get absolutely nothing out of them" (p. 2638).

Gen. Kenly was Chief of Air Service from May, 1918, to practically the end of the war. He testified before the committee to the following

effect: That appointments to the Air Service, as well as to the command of the Air Service, were not made because of any experience of the one appointed, and that such condition exists to-day. It may be due to favoritism or due to relationship, but it affects the morale of the department. Gen. Kenly advised that the Air Service should be put into the hands of a man conversant with the work and thoroughly in earnest about it (p. 3497).

THE DH–4 AND ITS 3,600 CHANGES.

Testimony before the committee showed that 789 changes were ordered in the construction of the Bristol, which was a reckless attempt to fit a foreign machine to the heavy Liberty motor, in which all our interests were pooled (p. 3450). After wasting $6,000,000, according to the Thomas Senate committee report, the Bristol was discarded early in 1918. According to the Hughes report, subject to salvage, $17,500,000 was wasted on 1,600 S. J.–1 training planes. About $50,000,000 was spent for 4,000 "utterly dangerous" DH–4's during the war. This accounts for nearly $75,000,000 largely wasted on three useless experimental planes.

No question exists but that the Liberty motor, when finally developed in 1918, could be used for bombing and observation planes, but for fighting planes it was entirely unfitted.

The claim that approximately 3,600 changes were made in the DH–4 observation plane during its development and that engine experimental development was equally difficult and involved, gives full significance to the danger of pooling all interests in experimenting on one air machine or on one engine for all air machines.

Apart from DH–4's, the record of airplane production, good, bad, and indifferent, none of which were fighting planes, reached a total of 6,342 during the 10 months of 1918, when the country supposed production was five times that number of fighting machines. What is more remarkable, the first five months' total of 3,729 dropped to 2,613, or about a 30 per cent loss, during the last five months of war (p. 518).

* * * * * * *

AMERICAN AIRCRAFT PRODUCTION—A CLOSE CORPORATION.

Many witnesses desired to testify regarding refusals to receive encouragement from the Army aircraft production officials for inventions whose practicability they declared had been demonstrated.

No stronger illustration of the stupidity of responsible Army airplane production officers need be offered than testimony of C. M. Keys, vice president of the Curtiss Co., that employed 18,000 men and produced $87,000,000 worth of aeronautical material (p. 3453):

"Mr. MAGEE. Was it your contention that if your engineers had been given a free hand that you could have designed and constructed efficient airplanes for service at the front?

"Mr. KEYS. There is no doubt in the world about that. We could have designed pursuit planes, bombing planes, observation planes—any types desired.

"Mr. MAGEE. But you were not permitted to do that?

"Mr. KEYS. We were not permitted to do it for the Army. * * * The Navy permitted us, and we furnished them. * * * I don't want to be critical in regard to the Army. It was a very ghastly mistake."

COL. DISQUE IN CHARGE OF SPRUCE PRODUCTION.

Col. Disque had been a Cavalry captain in the Regular Army, and resigned late in January, 1917, after 19 years of service, leaving the Philippines, where he was then stationed, and going to Michigan, where he took charge of the Michigan Penitentiary (p. 1358). He resigned his position as warden in September, 1917, when he was made a lieutenant colonel, and came to Washington in October of that year.

A remarkable situation occurred at Washington prior to Col. Disque taking charge at Portland, which Maj. Leadbetter, writing Mr. Howe, of the Aircraft Board, on January 4, 1917, described (pp. 1410–1411):

"Col. Disque was instructed to take up the matter from a labor standpoint with Mr. Samuel Gompers. This was done, and in a final interview the matter was settled in a way satisfactory to Mr. Gompers and his assistants. Mr. Gompers then requested that Col. Disque and the writer accompany him to the Secretary of War's office, where the Secretary of War approved of the general understanding and told Col. Disque to report to Gen. Bliss, Chief of Staff. * * * Col. Disque went West with this view of the situation. * * * Col. Disque met Gen. Squier in Portland * * * who told Disque that he would organize a complete department in Portland * * * and that he would increase his force to the maximum contemplated. Col. Disque came on East to get direct instructions from the Chief of Staff for this purpose. These he secured before Gen. Bliss left for Europe, and he * * * returned to the West. * * * The fact that the (Disque) was in close touch with Gompers, Mr. Morrison, Mr. Hamilton, and Mr. Gompers's other assistants and Assistant Secretary of Labor Post * * * goes to prove that no other man could have the confidence of these people that he has. The method by which these soldiers who are going into the woods should be paid must, of course, be carried out * * * (p. 1410).

* * * * * * *

DISQUE'S ARMY OF 30,000 MEN.

In May, 1918, the number under Col. Disque reached about 11,000 or 12,000. On November 1, 1918, the following disposition of troops existed, according to official records (p. 3689):

Cut-up plant, Vancouver, Wash	4,312
Disbursing quartermaster	9
Quartermaster	46
Portland headquarters	333
Medical Department	607
Logging and milling companies	17,571
Transportation unit	349
Loyal Legion	81
At cantonment	4,813
Total	28,121

This statement, the committee understands, does not include some 1,200 officers, many of whom were stationed at the eight-story palatial Portland headquarters. Col. Kelly, who was doing remarkable work for the American forces in France during this same period, had not to exceed 24 men at his camp headquarters (p. 2317).

An estimated average of 15,000 troops were paid approximately $50 extra pay per month from the Government for six months, or from May 1 to November 1, 1918. This is believed to be a conservative estimate, but reaches a total illegal payment by Government officials of $4,500,000.

WHAT THE UNITED STATES SHOULD HAVE PRODUCED.

The production of Washington and Oregon loggers and mills, working largely on one eight-hour shift, appears in Spruce Corporation, as follows (p. 3687):

Production of lumber by years in Oregon and Washington.

[Millions of feet.]

Year.	Fir.	Yellow pine.	Spruce.	Hemlock.	Total all species.
1916	5,118	587	317	337	6,715
1917	5,079	686	319	366	6,789
1918	5,478	658	492	344	7,313

Two shifts could have doubled the annual output of about 7,000,000,000 feet.

The fir and spruce production alone in Oregon and Washington during 1916 and 1917 reached about 5,500,000,000 feet annually, or more than thirty times the amount of airplane lumber produced in 1918 under Col. Disque. About 100,000 workmen, in the more than 400 mills upon the coast, were employed in turning out the logging and lumber cut of the Northwest.

This situation existed before Col. Disque ever made a single spruce contract in the West.

Col. Disque demonstrated his incapacity by his own record. The production of airplane lumber during eight months of 1918 up to the signing of the armistice, according to his own report, was as follows:

American spruce production, 1918, by months.	Feet.
April	13,583,165
May	11,864,722
June	9,000,134
July	13,776,251
August	18,861,506
September	16,682,639
October	22,145,823
November	7,427,928

(P. 1567.)

From this statement of airplane production it will be noted that the results under Col. Disque's management were nearly stationary for several months, but somewhat increased during October, 1918.

As early as September, 1918, more airplane lumber was being produced than could be used, and Col. Disque was so notified. Gen. Carmack, representing Great Britain, declared that during the last two months of the war more airplane lumber was received than the Allies could use (p. 1653). Col. Disque testified that before the end of the war he had been directed to reduce production 33 per cent from previous calculations (pp. 1394–1395). Undisputed testimony shows that private operators were producing all airplane lumber produced on the coast before Col. Disque received word to retard operations.

* * * * * * *

OFFICIAL PROTESTS AGAINST DISQUE'S ILLEGAL CONTRACTS.

On April 30, 1918, the Bureau of Aircraft Production had become so fearful of Disque's unbusinesslike method of procedure that Capt. L. C. Preston, of the Finance Division, wrote Maj. Brown, of the Finance Division of the Bureau of Aircraft Production, as follows:

"It has recently developed that Col. Disque has for some time past assumed that he has the right to approve all contracts, according to notice sent to this department by Capt. Crisp in letter of February 11, with the result that all contracts since the latter part of January have been made without being approved by this department or the Chief Signal Officer, the more important contracts which have not been approved being the three cost-plus contracts for rived spruce with Grant Smith-Porter Bros. Co., Warren Spruce Co., and the Airplane Spruce & Lumber Co., estimated at $13,000,000 each, and the contract with H. S. Mitchell for the management of the cut-up plant. By reason of the agreement entered into in these four contracts, it would seem that it would be desirable to exercise some supervision regarding the terms and legal form of the more important contracts entered into by the Spruce Production Division" (p. 2164).

Capt. Preston later became head of the War Credits Board, according to witness Gabrielson (p. 2164).

On July 15, 1918, or two and one-half months after the previous notice, Maj. A. C. Downey, head of the Contracts Department, Finance Division, Bureau of Aircraft Production, also wrote Maj. Brown as follows:

"The contract section has endeavored to assist and cooperate with the Spruce Production Division and had disapproved of certain contracts in order that their disbursing officer might be protected. They have apparently not relished this method of treatment and have recently taken the matter clear up with the view of forcing the contract section to approve the contracts which had previously been returned unapproved. In view of these facts it would occasion no grief to the contract section if Mr. Ryan should delegate to Col. Disque full authority to approve all contracts executed by the Spruce Production Division.

"However, until such time as this authority is granted the contract section will continue to adhere to its former policy, to wit, in that it will not approve of any contracts which are of such character as to indicate in any way that the interests of the Government of the United States are not being subserved" (p. 2164).

Special attention was thus called to three cost-plus contracts made by Disque to Grant Smith-Porter Bros., Warren Spruce Co., and the Airplane Spruce & Lumber Co., amounting to $13,000,000 each, or a total of $39,000,000. None of these contracts received the approval of the Chief Signal Officer, nor were they submitted to any official in the East authorized to act in such matters (p. 2165).

$19,000,000 WASTED ON FOUR COST-PLUS CONTRACTS.

Without authority, Col. Disque gave four cost-plus contracts for $39,000,000 to contractors named early in 1918, only one of whom had any experience in the logging or lumbering business. These contractors furnished about 11,000,000 feet of riving material prior to April, 1918 (p. 1509). No logs or lumber furnished by any of the cost-plus contractors reached the mills during the six or seven months thereafter, although they were continually making preparations.

In settlements made by Col. Disque after the war four cost-plus contractors received payments from the Government of over $19,000,000, as follows (p. 2857–2858):

Airplane Spruce & Lumber Co	$1,664,576
Grant Smith-Porter Bros	3,349,903
Warren Spruce Co	5,671,237
Siems-Carey-H. S. Kerbaugh Corporation	8,329,652
Total	19,015,368

DISTRIBUTION OF SOLDIERS.

Col. Disque's farming out of soldiers to the cost-plus contractors is shown by his own statement (p. 1690), which gives distribution as follows:

	Soldiers.	Officers.
Airplane Spruce & Lumber Co. (Grays Harbor)	5,251	173
Grant Smith-Porter Bros. (Clatsop district)	3,252	90
Warren Spruce Co. (Yaquina Bay)	3,298	72
Siems-Carey-H. S. Kerbaugh (Puget Sound)	4,736	140
Coos Bay	839	31
Portland headquarters (officers and men)	500	.....
Vancouver cut-up plant (officers and men)	4,000	.....
Total	21,876	506

(The remaining officers and men were at Vancouver Barracks.)

SOLDIERS WERE UNNECESSARY.

In view of Pendleton's Canadian production in eight months, under manifold difficulties, any competent lumberman, by organizing existing forces of the Northwest, without any soldiers could have produced, if necessary, a half billion feet of spruce and fir for airplanes in the year Col. Disque operated, and at a saving of $19,000,000 in cost-plus contracts. Coordination of 100,000 men who produced over 5,000,000,000 feet of fir and spruce lumber in 1917 would have met every requirement several months before orders were received by Col. Disque to retard production.

Col. Disque's operations, according to C. E. Dant, the largest operator on the coast, resulted in a loss in 1918 through improper sawing compared with individual operations in 1917. Lieut. Hollande, representing France, told Mr. Dant in the spring of 1918 that not more than 15 per cent of the lumber from the cut-up plant could then be used (p. 2261). Mr. Ayer, one of the largest lumbermen on the coast, said Lieut. Hollande, representing France, and Col. Beckett, representing Great Britain, told Disque what was wanted, but they did not get it (p. 2278).

Gen. Belin wrote or cabled on May 15, 1918, from Versailles, France, to Gen. Bliss, Chief of Staff, United States Army (p. 2263):

"Before the United States entered the war shipments of wood for airplanes took place by means of the ordinary mechanism of orders placed with private American firms, either by French manufacturers or, later, by the French Government. After the United States entered the war, control was taken over by the Government, which resulted in substituting a central organization, the only contractor abroad, for private American establishments. These measures did not succeed in entirely stopping shipments ordered of private American firms, although they decreased them to a considerable extent, and without replacing them, so far, by regular Government shipments.

"Whether this state of affairs is due to a slackening in American production, difficulties in railway transportation, and insufficient number of vessels chartered for the transportation of wood, measures taken by the United States to safeguard her own war supplies, or whether it is due to all these causes together, the fact remains that the first shipments of wood under the control of the American Government (arrivals distributed among the Allies from December, 1917), did not begin until early in March, 1918, and then only in a totally inadequate manner.

"Supplies of wood for the Air Service from September, 1917, until March, 1918, were thus entirely due to the remains of private importation. The gaps in the shipments during the last few months have seriously compromised the situation of aviation production and the situation of the Air Service is consequently such that the least thing may make a very serious matter of it."

SERIOUSLY COMPROMISING AVIATION PRODUCTION.

During six months, from November, 1917, to May, 1918, while Col. Disque was trying to learn the lumber business, he had "seriously compromised the situation of aviation production." In other words, he prevented private producers from dealing directly with the Allies, as in the past, and his 8-hour day, riving operations, closing of mills, and other orders and experiments, had greatly limited the production of aircraft lumber.

* * * * * * * *

EXHIBIT 11.

Approximate balance sheet of United States Spruce Production Corporation, Portland, Oreg., as of Feb. 15, 1919.

ASSETS.

		Book value.	Estimated salvage value.
Cash		$8,946,471.45	$8,946,471.45
Advances		330,688.57	325,000.00
Accounts receivable:			
Airplane lumber—			
British	$4,836,235.68		
French	3,228,849.27		
Italian	1,122,240.32		
United States accounts	2,480,390.84		
	11,667,716.11		
Commercial lumber	509,534.08		
General	59,310.01		
Cost-plus contractors	430,790.01		
		12,667,350.21	12,667,350.21

ASSETS—Continued.

		Book value.	Estimated salvage value.
Lumber inventories:			
Airplane, 4,132,890 feet, at $18	$74,392.02		
Logs, 48,027,345 feet, at $10	480,273.45		
		$554,665.47	$554,665.47
Property (see Schedule A attached)		23,285,581.39	3,908,000.00
Due from quartermaster, U. S. Army, construction of cantonment		12,667.17	12,667.17
Balance due on debentures		3,500,000.00	3,500,000.00
Total assets		49,297,424.26	29,914,154.30

SUMMARY.

Liabilities	$48,527,871.48
Assets, expected to produce	29,914,154.30
Anticipated deficit	18,613,717.18

SCHEDULE A.

Property accounts.

	Cost.	Estimated salvage.	
		Per cent.	Value.
Land and timber lands	$775,696.68	.....	$745,500.00
Haulage equipment	951,512.77	25	238,000.00
Donkey-engine equipment	1,475,783.86	20	295,000.00
Railroad equipment	651,933.13	20	130,000.00
Railroad equipment (rails, etc.)	1,000,000.00	.....	250,000.00
Marine equipment	85,191.09	20	17,000.00
Towage and rafting equipment	49,825.95	25	12,500.00
Tools and appliances	600,146.34	10	60,000.00
Furniture and fixtures	354,469.86	20	71,000.00
Railroad construction	8,742,100.20	.....	750,000.00
General construction	69,449.20	.....	.....
District construction	191,349.76	.....	.....
Camp construction	1,083,932.80	.....	.....
Construction overhead	322,265.56	.....	.....
Construction, Siems-Carey-H. S. Kerbaugh Corporation sawmill	2,395,345.14	10	239,000.00
Construction, Vancouver cut-up plant	1,100,073.31	.....	100,000.00
Construction, Toledo mill	985,487.73	.....	200,000.00
Construction, Vancouver warehouse	21,710.79	.....	.....
Supplies on hand	2,402,790.58	33⅓	800,000.00
Stumpage rights	26,516.64	.....	.....
Total	23,285,581.39	.....	3,908,000.00

Estimated salvage of property that cost $23,000,000 at about $4,000,000, including railroads at less than 10 per cent of their cost, is an estimate filed nearly a year ago. The cost of the logging railroads was, as a matter of fact, practically $10,000,000 (p. 1593). With a large force of officers and civilians at Portland waiting to get "reproduction" figures, as proposed by Col. Stearns, now in charge, this Government property should be closed out on some basis without further delay.

* * * * * * * *

CONCLUSIONS.

Briefly stated, the American Congress during the war appropriated over $1,000,000,000 that was expended for aircraft activities.

Apart from training planes, practically nothing but a handful of DH–4 "flaming coffins" was produced. The sorely pressed Allies were persuaded to sell us a few largely obsolescent planes, with which we equipped our aviators. In all lines of aircraft production we subordinated speed, immediate needs, and experience to be gained from other nations to "quantity production." Instead of inviting all agencies to aid, the War Department engineering "experts" jealously refused intelligent and experienced help. These experts during the war tried to develop an automobile engine and fit it into all types of aircraft. The result was an impossible program that for a year and a half awaited the experiments of military engineering experts. Battle or pursuit planes would not have reached quantity production in 1919, judging from past experience in 1917 and 1918, and with a scarcity of planes possessed by our Allies every gift or sale by them was at a tremendous military and national sacrifice. Inexperience, ignorance of the business, and inefficiency from beginning to end marked our aircraft production program during the war. Our strongest asset was the airplane production of our Allies, the splendid fighting spirit of American aviators, and the weakness of the enemy toward the end, for all of which our aircraft production program was in no way responsible.

Waste of the larger part of $1,000,000,000 will not be entirely lost if we have learned a lesson from the past.

Lack of public confidence in War Department aviation plans appears well grounded. America should keep abreast of modern aircraft thought, and invention must not be permitted to lag behind; but the great stumblingblock to-day lies in a knowledge by Congress, and to a large extent by the country, that the War Department has made a mess of America's aircraft program and has not developed any competent head to inspire public confidence.

A SEPARATE AIR SERVICE INDISPENSABLE.

Any investigation to be of permanent value should offer a solution for the problem of intelligent aircraft advancement.

Fortunately, or unfortunately, the striking failure of the War Department to rise to the aircraft emergency, either in peace or in war, has made necessary the creation of a separate bureau or department of aeronautics. Therein all governmental activities should be centered, with a capable, progressive official at the head.

Practically every witness examined on the subject of future American air service united in a plea for separate independent control. From generals to lieutenants, from private citizens, familiar with the subject, and from every experienced aviator appearing before our committee, including Gens. Mitchell, Kenly, and Foulois, military aircraft authori-

ities, and LaGuardia, Meissner, Kindley, and, last but not least, Rickenbacker—men who upheld American air laurels at the front—all unanimously urge a separate air service that will work and cooperate with the Army, Navy, Post Office, and Interior Departments in the development of aviation. We feel that real progress in aviation must depend in a material degree upon encouragement given to civil and commercial aviation.

Adequate appropriations, wisely expended, are necessary to put America to the front where she belongs. The imperative necessity for this policy must be apparent to all who have studied the constantly increasing scope of aeronautics. Cooperation with and encouragement to inventors and manufacturers and a broad, intelligent policy is demanded. Practically all other countries have adopted that course, and ours must not fail at this crucial period to do so.

The future of aviation is beyond our present dreams or understanding, and our Government must do her full part in leading in its development.

Your committee has worked hard and faithfully for over six months and submits the record without apologies for whatever its value may be.

The committee of 15 selected to investigate War Department expenditures possesses no member, Republican or Democrat, who desired the thankless task that entailed hard work without reward. Once appointed, however, it became a public duty that could not be avoided.

The committee has endeavored to present a temperate, unbiased report, devoid of sensationalism, which is sustained in important essentials by the reports of Justice Hughes and the Thomas Senate subcommittee. The facts have been presented squarely, without inuendo, and responsibility has been lodged against those in positions of authority. Pages of record on which such testimony appears has been cited with names of witnesses. This was our commission from the House, and it has been faithfully performed.

Experience in prior investigations has disclosed whitewash reports and efforts to smother or discredit anything reflecting upon the War Department. In an effort to distract public attention from the reliable findings of fact reached by Justice Hughes and the Thomas committee, as stated at the outset of this report, apologists for indefensible inefficiency and extravagance may seek to mislead public opinion and endeavor to confuse the situation by reflections upon the committee which was unanimously selected by the House to get the facts. Such methods, if pursued, strikingly illustrate a course of procedure adopted in responsible quarters of trying to minimize anything affecting the Air Service, War Department, or administration. No Member of Congress can afford to take the position; and your committee presents the hearings, testimony, and report as conclusive evidence in support of the findings submitted.

If from the record we may find helpful suggestions regarding pitfalls to be avoided and a solution for the permanent advancement of aeronautics, then the money, time, and labor expended by your committee will not have been in vain.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The rule under which this report has been considered by the Committee of the Whole House on the state of the Union provides that upon the conclusion of said debate the Committee of the Whole House on the state of the Union shall automatically rise. Therefore the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House report No. 637, had come to no resolution thereon.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Does the report indicate that the Committee of the Whole had come to no resolution on the matter?

Mr. HICKS. That is the way the Chair had reported, Mr. Speaker.

Mr. GARRETT. Mr. Speaker, I submit a parliamentary inquiry: Is that the proper form in which it should be reported?

The SPEAKER. Can the gentleman suggest any better form?

Mr. GARRETT. There was nothing before the House, nothing before the committee, nothing for action before the committee.

The SPEAKER. The House was in Committee of the Whole House on the state of the Union for the consideration of the report. The Chair thinks that was the proper form.

Mr. GARRETT. All that was before the House, then, was the matter of debate upon it; and if that is all there is to be, I suggest that the matter has come to an end. The gentleman may relate that fact.

The SPEAKER. Does the gentleman make any point of order?

Mr. BLANTON. Mr. Speaker, will the Speaker permit me to propound a parliamentary inquiry?

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] has the floor.

Mr. GARRETT. Mr. Speaker, I would suggest that in the future—I suppose in the future we will have occasions of this sort——

Mr. KING. Mr. Speaker, regular order!

The SPEAKER. The regular order is demanded.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not care to hear the gentleman on a parliamentary inquiry.

Mr. BLANTON. A point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. I raise the point of order, Mr. Speaker, now that under the program of the day it is in order for the Members of the House to resume their ordinary functions. [Laughter.]

The SPEAKER. The gentleman is out of order.

TIME FOR HOLDING COURT IN LAURINBURG, N. C.

Mr. WALSH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3696, changing the time of holding the United States district court in the eastern district of North Carolina at Laurinburg.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN of Illinois. Reserving the right to object, Mr. Speaker, I will ask the gentleman from Massachusetts whether there is any emergency about this, or whether it could just as well go over to unanimous-consent day?

Mr. WALSH. Mr. Speaker, in response to the inquiry of the gentleman from Illinois I will say that this changes the time of holding court from the last Monday in March to the Monday before the last Monday. It is desired, if it could be accomplished, that the legislation might be enacted so as to go into effect this month, and, as we have amended the bill in committee, it will have to go back to the Senate. If it has to wait until a week from next Monday, it was thought it might not become a law in time to permit its going into effect at this term.

Mr. MANN of Illinois. Is this the district in which Judge Webb lives?

Mr. WALSH. It may be; I am not certain.

The SPEAKER. Is there objection to the consideration of the bill? If not, the Clerk will report the bill.

Mr. GARD. Mr. Speaker, reserving the right to object, this bill was reframed, as I understand it, by the subcommittee of which the gentleman from Massachusetts [Mr. WALSH] is the chairman?

Mr. WALSH. It was.

Mr. GARD. It was thought to be entirely satisfactory from the standpoint of the adjustment with the present status?

Mr. WALSH. I will say to the gentleman that the bill as originally drawn and as passed by the Senate would probably leave section 98 of the Judicial Code to consist of but six or eight lines and would eliminate the terms of court in various other places. The subcommittee amended the bill by providing an amendment of section 98 of the Judicial Code and incorporating in the amendment an amendment of an act passed some time ago with reference to holding court at Raleigh, N. C., and has now provided a measure which will amend section 98 of the Judicial Code in accordance with all amendments heretofore passed and as amended if this becomes a law.

Mr. GARD. The Senate form was stricken out and the House form substituted?

Mr. WALSH. That is correct. It was the view of the subcommittee that the Senate form was not in accordance with the practice which we have endeavored to follow in the Judiciary Committee, as the gentleman from Ohio knows.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the act establishing terms of the district court in the city of Laurinburg, N. C., on the last Monday in September and March be, and the same is hereby, amended to read as follows:

"That terms of the district court for the eastern district of North Carolina shall hereafter be held in the city of Laurinburg on Monday before the last Monday in March and September instead of on the last Monday in September and March, as provided for in the original bill creating the terms of court at Laurinburg."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 98 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911,' as amended, is hereby amended to read as follows:

"'SEC. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico,

Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the Monday before the last Mondays in March and September; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October and in addition for the trial of civil cases on the first Mondays in March and September: *Provided*, That the city of Washington, the city of Laurinburg, and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington, at Laurinburg, and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Laurinburg, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

"'The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court of the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.'

"SEC. 2. That the act entitled 'An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.,' approved April 27, 1916, is hereby repealed."

Mr. WALSH. Mr. Speaker, if there are any questions I shall be very glad to answer them; but as I stated before, this simply provides for changing the time of holding the district court at Laurinburg, N. C. It is desirable to have the time changed, because the term there now runs into the beginning of a new quarter. That involves the making out of new accounts after the books have been closed for the quarter ending March 31, the issuing of new checks for jurors and witnesses, and so forth. We have also incorporated into the amendment another act which provided for two additional terms of the western district at Raleigh. By incorporating that amendment and the one relating to the change of the term of court at Laurinburg, we have put section 98 of the Judicial Code into correct from as far as it relates to these terms in North Carolina.

Mr. GARD. Why was it necessary to incorporate section 2? There was no amendment of that. Section 98, as the gentleman recites, is amended by changing the time of holding the court at Laurinburg.

Mr. WALSH. We have inserted the separate act relating to Raleigh. We have included that in section 98 and repealed the separate act.

Mr. GARD. There is no section 1, and there ought not to be any section 2 of section 98.

Mr. WALSH. Section 2 of this bill.

Mr. MANN of Illinois. There is a section 1 of this bill, although the words "section 1" are never written into a bill.

Mr. WALSH. We never say "section 1" of any bill.

Mr. BLANTON. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Texas, if the gentleman from Ohio has concluded.

Mr. GARD. Yes.

Mr. BLANTON. I should like to ask the gentleman from Massachusetts whether there is any rule that he knows of which would prevent a Member from extending his remarks on the gentleman's bill? It is the only legislation we have had up to-day on which we could ask that permission, since 11 o'clock, and it is now 10 minutes to 4.

Mr. WALSH. I know of no rule that would prevent the gentleman from Texas getting in some remarks upon almost any measure before the House, with the exception of the matter which was under discussion in the Committee of the Whole to-day.

Mr. BLANTON. I am glad to know that.

Mr. WALSH. That must be a great relief and a soothing balm to the gentleman from Texas.

Mr. MANN of Illinois. We ought not to criticize the gentleman from Texas for complaining about a rule which for four hours did not permit him to make a speech. [Laughter.]

Mr. BLANTON. It is quite irksome to have that restriction imposed. [Laughter.]

Mr. MANN of Illinois. We fully believe that. [Laughter.]

Mr. DUPRÉ. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Louisiana.

Mr. DUPRÉ. I thought the gentleman from Illinois was going to ask the gentleman from Massachusetts whether Laurinburg is in Judge Webb's district.

Mr. WALSH. It is not.

Mr. DUPRÉ. It is not, as I find after reading the counties which are named.

Mr. MANN of Illinois. I was going to ask if it was in Judge Webb's district, and whether it met with his approval?

Mr. WALSH. It meets with the approval of the judge in whose district it is.

Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. On that I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 0.

Accordingly the bill was passed.

Mr. WALSH. Mr. Speaker, I move to amend the title.

The SPEAKER. Without objection, the title will be amended.

By unanimous consent, the title was amended so as to read: "An act to amend section 98 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, as amended."

PRODUCTION OF COTTON IN GEORGIA.

Mr. BRAND. Mr. Speaker, I ask unanimous consent to proceed for three minutes on a matter of interest.

The SPEAKER. The gentleman asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. BRAND. Mr. Speaker, a few days ago the gentleman from Missouri, Gov. RUBEY, called the attention of the House to the fact that one of his constituents had made the greatest yield of corn per acre of any other farmer in the country. This statement brought forth from various Members of the House instant claims, including a more favorable report made by the distinguished Member from Illinois [Mr. MANN].

I want to submit a statement in reference to the production of cotton per acre, which I believe can not be successfully challenged from any quarter.

In the first place, if my colleagues from Georgia will pardon me for an expression of my pride, I want to state that my district, which is the eighth congressional district of the State, during the year 1918 produced 316,892 bales of cotton, which was more than any other district in the State for that year, and during the year 1919 produced 335,587 bales, which was not only the greatest production of any district in the State, but almost twice as much as the next largest district, which was the sixth—represented by my friend, Mr. WISE—which yielded 185,681 bales. [Applause.]

Mr. KNUTSON. In view of this extraordinary yield, why the increase in the price of cotton?

Mr. BRAND. Because there was an increased demand for it all over the world. I thought everybody knew that. [Laughter and applause.]

But what I want to particularly call the country's attention to is the fact that a constituent of mine, living within 10 miles of my home at Athens, Ga., produced during the year 1919 more pounds of lint cotton per acre, on a crop of 5 acres at that, than any other planter or cotton producer in the United States.

For accomplishing this result Mr. J. O. M. Smith, of Ila, Madison County, captured the gold medal and $1,000 cash prize for the largest yield of lint cotton in the United States for 1919. This prize was one of 18 offered by the Farm Journal, of Philadelphia, for the best yield of six important crops—corn, wheat, cotton, oats, alfalfa, and potatoes. Five acres was the minimum crop for each entry. For each crop a gold medal and $1,000, a silver medal and $500, and a bronze medal and $250 were the prizes for the best yields. This contest was announced in 1918. The purpose of the contest, as announced, was to stimulate production of those crops which would help to win the war and help to feed and clothe the world after it was over. According to the official announcement of the Farm Journal, Mr. Smith produced 1,360.29 pounds of lint cotton per acre. This is due to the industry and intelligence of this progressive farmer—an achievement which is remarkable, and I believe unprecedented, in the history of cotton production. [Applause.]

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that March 5 they had presented to the President of the United States for his approval the following bill:

H. R. 12046. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

EX-SPEAKER CLARK.

Mr. MANN of Illinois. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN of Illinois. Mr. Speaker, to-morrow a very honored Member of this House reaches the age of three score years and ten, an age which is often referred to in both scriptural and other writings. I am sure we all felicitate the country upon his arrival at that age in vigorous health physically and with a mental alertness never excelled. I refer to the former Speaker of this House, the Hon. CHAMP CLARK. [Applause.]

LEAVE OF ABSENCE.

Mr. CULLEN, by unanimous consent, was given leave of absence, indefinitely, on account of illness.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, voicing the unanimous good wishes of the House to the ex-Speaker, whose ripening age has just been referred to, and calling attention to the very remarkable fact that no gentleman from the Cotton States has risen to question the accuracy of the statement of the gentleman from Georgia, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p. m.) the House adjourned until Monday, March 8, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting request for authority for use of appropriation in naval appropriation bill for 1921 for the purpose of converting either the *Kearsarge* or the *Kentucky* into a crane and salvage ship (H. Doc. No. 674); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Navy Department for a fleet landing and storehouse at San Diego, Calif., fiscal year 1921 (H. Doc. No. 675); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting deficiency estimate of appropriation required to meet the increased cost of blanks and books, Post Office Department, and payable from postal revenues (H. Doc. No. 676); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriations required by the War Department for the fiscal year 1921 for sites for fortifications and seacoast defense and armament for fortifications (H. Doc. No. 677); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURDICK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12887) establishing the liability of hotel proprietors and innkeepers in the District of Columbia, reported the same without amendment, accompanied by a report (No. 719), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 1279) granting an increase of pension to Freda Burow, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MACGREGOR: A bill (H. R. 12950) to obtain revenue and encourage and maintain the breeding of canary birds in the United States; to the Committee on Ways and Means.

By Mr. OSBORNE: A bill (H. R. 12951) to provide for the establishment of a submarine base at Los Angeles Harbor, Calif., making an appropriation therefor, and for other purposes; to the Committee on Naval Affairs.

By Mr. SINNOTT: A bill (H. R. 12952) to provide employment and rural homes for those who have served with the military and naval forces of the United States during the war between the United States and Germany and her allies through the reclamation, acquisition, and development of lands to be known as the "National soldiers' settlement act"; to the Committee on Ways and Means.

By Mr. MONTAGUE: A bill (H. R. 12953) to amend paragraph 18 of section 402 of an act approved February 28, 1920, entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," by prohibiting the abandonment of operation of coastwise and inland water-borne commerce, save by consent of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A bill (H. R. 12954) providing for the relief of populations in Europe and in countries contiguous thereto suffering for the want of food; to the Committee on Ways and Means.

By Mr. STEENERSON: A bill (H. R. 12955) to further define nonmailable matter, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12956) extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. MACCRATE: A bill (H. R. 12957) to amend the revenue act of 1918 with respect to yachts and pleasure boats; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Resolution (H. Res. 488) requesting the Committee on Interstate and Foreign Commerce to investigate the print-paper industry; to the Committee on Rules.

By Mr. HARRISON: Resolution (H. Res. 489) requesting the Secretary of Commerce to furnish the House of Representatives with certain information regarding print paper; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: Memorial of the Senate of the State of New York, regarding injurious deposits within the harbor of New York; to the Committee on Rivers and Harbors.

By Mr. JOHNSTON of New York: Memorial of the Senate of the State of New York, regarding injurious deposits within the harbor of New York; to the Committee on Rivers and Harbors.

By Mr. MACGREGOR: Memorial of the Senate of the State of New York, regarding injurious deposits within the harbor of New York; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 12958) granting a pension to Ward A. Siebenthal; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12959) for the relief of E. W. Vance, H. E. Vance, F. C. Schmidt, and E. H. McCloud; to the Committee on Claims.

By Mr. HERNANDEZ: A bill (H. R. 12960) granting a pension to Richard Wilkerson; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 12961) granting a pension to Emma J. Crocker; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12962) granting an increase of pension to William Hittie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12963) granting an increase of pension to Charles Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12964) granting a pension to Emma Piles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12965) for the relief of William Hunt; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 12966) granting an increase of pension to Allen Farler; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 12967) for the relief of Dora Hillerman; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 12968) granting a pension to Mary Ann McLaughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2133. By Mr. BABKA: Petition of the City Council of Cleveland, Ohio, relative to the $50 bonus for the veterans of the World War; to the Committee on Ways and Means.

2134. By Mr. EMERSON: Petition of the City Council of Cleveland, Ohio, urging bonus for the World War veterans; to the Committee on Ways and Means.

2135. By Mr. FULLER of Illinois: Petition of H. G. Badgerow, of Chicago, Ill., favoring universal military training; to the Committee on Military Affairs.

2136. Also, petition of the National Industrial Conference Board, favoring the appointment of a commission on internal-revenue laws and taxation; to the Committee on Ways and Means.

2137. Also, petition of De Kalb (Ill.) Post, American Legion, favoring additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2138. By Mr. JOHNSTON of New York: Petition of the Dried Fruit Association of New York, indorsing the Calder bill, relative to drugs, etc.; to the Committee on Interstate and Foreign Commerce.

2139. Also, petition of the Executive Council of the Association of the Seventy-eighth Division of New York, urging the passage of House bill 10835; to the Committee on Ways and Means.

2140. By Mr. MACGREGOR: Petition of Dried Fruit Association of New York, favoring the passage of the Calder bill; to the Committee on Interstate and Foreign Commerce.

2141. By Mr. MORIN: Petition of the industrial committee of the Lawrenceville Branch of the Y. M. C. A., also the executive committee and 25 prominent women residents of Pittsburgh, Pa., urging favorable report on House bill No. 12193; to the Committee on Ways and Means.

2142. By Mr. RANDALL of Wisconsin: Petition of John Liegler and other citizens of Racine, Wis., protesting against luxury tax upon articles manufactured from horse and cattle hides; to the Committee on Ways and Means.

2143. By Mr. STINESS: Petition of ex-officers of the One hundred and third Field Artillery of Rhode Island, urging universal military training; to the Committee on Military Affairs.

2144. By Mr. SNYDER: Petition of Utica (N. Y.) Branch of the Polish Alliance of America, protesting against the deprivation of foreign-language publications of the use of second-class mail rates; to the Committee on the Post Office and Post Roads.

2145. Also, petition of Utica (N. Y.) Chamber of Commerce, favoring support of the sane and reconstructive element in Russia; to the Committee on Foreign Affairs.

2146. By Mr. VARE: Petition of the Association of the Seventy-eighth Division, asking the passage of the Stevenson bill; to the Committee on Ways and Means.

2147. Also, petition of the Philadelphia Chamber of Commerce, asking for passage of bill and resolution for the tube mail service; to the Committee on the Post Office and Post Roads.

2148. Also, petition of the Walter M. Gearty Post, American Legion, of Philadelphia, urging the passage of the Davey bill; to the Committee on Ways and Means.

2149. By Mr. YOUNG of North Dakota: Petition of the North Dakota American War Mothers, relative to the soldiers' bonus, burial of soldier dead, and erection of memorial, etc.; to the Committee on Ways and Means.

2150. Also, petition of 97 citizens of Temvik, N. Dak., protesting against universal military training; to the Committee on Military Affairs.

SENATE.

MONDAY, *March 8, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are learning the larger lessons of life. As we stand day by day before the ever-increasing responsibilities of life, as we face responsibilities to-day, make us humble as we stand before them. Grant us grace to seek in our hearts and minds the divine guidance, that we may learn the path of larger service and wider usefulness, a path in which God will lead us in the performance of our sacred obligations. Give us the consciousness of the Divine Presence as we deal with the rights of the millions of Thy people. For Christ's sake. Amen.

On request of Mr. LODGE, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Wednesday, March 3, 1920, was dispensed with and the Journal was approved.

NAVAL AWARDS.

Mr. POMERENE. Mr. President, in yesterday's papers there appears the substance of the majority and minority reports of the subcommittee in the controversy between Admiral Sims and the Secretary of the Navy to the Committee on Naval Affairs. I would like very much to have the opportunity to read those reports, as I am sure other Senators would, and I ask unanimous consent that they may be printed in the RECORD.

Mr. SMOOT. What are the reports?

Mr. POMERENE. The reports of the subcommittee of the Committee on Naval Affairs which investigated the controversy between Admiral Sims and the Secretary of the Navy concerning naval awards.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

REPORT OF SUBCOMMITTEE OF NAVAL AFFAIRS COMMITTEE OF THE SENATE ON THE QUESTION OF AWARDS IN THE NAVY.

On the 5th day of January, 1920, at a meeting of the Naval Affairs Committee of the Senate a subcommittee was appointed to investigate the question of awards in the Navy. The subcommittee was composed of Senator HALE, chairman, and Senators MCCORMICK, NEWBERRY, PITTMAN, and TRAMMELL. On January 24, owing to necessary absence from Washington, Senator NEWBERRY resigned from the subcommittee, and on February 2 Senator POINDEXTER was appointed by the chairman of the Naval Affairs Committee to fill the vacancy.

The subcommittee has held many hearings, has examined many witnesses, and after careful study of the evidence has reached the conclusions hereinafter set forth in its report.

On February 4, 1919, the Congress enacted the law providing for awards in the Navy. On January 18, prior to the passage of the act, the Bureau of Navigation issued circular letter 7–19, which appears on page — of the record of the hearings, calling for recommendations from the commanding officers and force commanders. On March 6 the Secretary, in a letter to Rear Admiral Knight, which appears on page — of the record of the hearings, appointed a board, with Rear Admiral Knight as chairman, for the purpose of "recommending to the department those persons who are, in accordance with the terms of the act of Congress approved February 4, 1919, deemed by the board worthy of the award of the medals of honor, distinguished service medals, and Navy crosses provided for in said act."

The board considered the recommendations and citations, made three reports to the Secretary of the Navy, and on October 31, 1919, was dissolved by order of the Secretary of the Navy.

The Secretary of the Navy with whom, under the President, rested the final awarding of the honors, considered the recommendations of the board of awards, in some cases approved them, in others changed them, added some names that have not been acted upon by the board, and in his annual report for the year 1919 published a list of awards to be given in the Navy. Following the publishing of this report, certain officers refused to accept the awards given them or to be given them, and Admiral Sims, who had commanded our naval forces on the other side during the war, and Admiral Mayo, who had been commander in chief of the Atlantic Fleet during the war, wrote letters to the Secretary of the Navy commenting on the manner in which the awards had been made. These letters and others on the subject of awards were published in the Army and Navy Journal and other papers in the country, and editorially and otherwise there was much criticism of the awards. On December 16 the chairman of the Naval Affairs Committee of the Senate, Senator PAGE, wrote a letter to the Secretary of the Navy asking for the report of the Knight Board, and received two letters in reply, dated December 19 and January 3. These two letters and the letter of the chairman are published in the record of the hearings on pages 10 and 14. On December 24 the Secretary of the Navy ordered the board of awards, which had been dissolved the previous October, to reconvene on January 5, 1920, and that board is now in session. The order reconvening the board is found on page — of the record of the hearings.

In its hearings the subcommittee heard first certain of the officers making the recommendations for awards; second, the Knight Board of Awards; and third, the Secretary of the Navy.

In the course of the hearings certain matters not directly connected with the question of awards were brought out in the testimony of the witnesses. The subcommittee does not deem that it is within its province or powers at this time to pronounce upon these matters and will limit itself in its conclusions strictly to the question of awards. The whole purpose of the subcommittee throughout the hearings and in its report has been not to decide the personal differences between officers of the Navy or between officers of the Navy and officials of the Navy Department, but to assist in arriving at a settlement of the ques-

tion of awards in the Navy which shall be for the best interests of the Navy. Many officers and men of the Navy have performed signal and heroic service during the World War. That these officers and men shall receive recognition proportionate to their service is the sincere desire of the subcommittee.

The statute providing for awards in the Navy, which, as stated in the foregoing circular of the Bureau of Navigation, was the department's bill, leaves to the President the right to grant the awards, restricting them, however, to services of an especial kind. In view of the fact that these restrictions are not as definite as might have been the case, it is the opinion of the subcommittee that an interpretation by the Secretary of the Navy of his understanding of the statute and the course which he meant to pursue in granting the awards, or, in other words, an outline of his policy would have been helpful to the various officers of the Navy in making up their recommendations for awards. Especially would an outline of the policy of the Secretary of the Navy in regard to the importance of sea duty as compared with shore duty have been helpful, and it is the belief of the subcommittee that had such a policy been announced, fewer changes would have been necessitated in making up the list of awards.

The subcommittee finds that in making the awards no attempt was made to ascertain from the officers making the recommendations the relative merit of the cases recommended, and that the question of relative merit was not considered as it should have been. This the subcommittee regards as most unfortunate. It is of the opinion that the commanding officer of a ship is best qualified to pronounce upon the relative merits of the officers and men on his ship; that the admiral of a fleet is best qualified to judge of the relative merits of the ship commanders under him, and also the members of his staff; that the admiral in command of a station is best qualified to judge of the relative merits of the officers and men under his command; and that the same principle applies from commanders to subordinates throughout the Navy. Had such a policy prevailed in the granting of awards under the statute, the subcommittee is of the opinion that the men most entitled to awards would have received them, and that if it had been found necessary to cut down the number to receive awards the least deserving men would have been the ones to be left out.

The subcommittee is of the opinion that the failure to employ some such system in making awards has been hurtful to the morale of the Navy, and has to a certain extent depreciated the value of the awards made. That the injury to the morale of the Navy will be permanent, the subcommittee does not believe. The subcommittee believes that the spirit of the Navy is such that it will rise above any temporary blow to its morale.

The subcommittee can not too strongly condemn the practice of giving awards to commanding officers in the Navy who have lost their ships unless in such cases they shall have shown such marked heroism or such signally distinguished service as shall have made them eligible for awards in spite of the loss of their ships. The subcommittee does not believe that because of the loss of their ships the commanding officers are necessarily ineligible for reward, but it does believe that in each such case these officers are on the defensive, and instead of the loss of their ships being taken as an opportunity where an award may be given, it is an obstacle, though not necessarily an insurmountable obstacle, in the way of an award. In all such cases of the loss of a ship, before an award should be given, the commanding officer should have rendered at least as high, if not a higher, degree of distinguished service or of heroism as in the cases of other officers who had not lost their ships.

The subcommittee does not believe that the Secretary of the Navy intended to award medals to commanding officers of ships which were lost in the war merely because their ships were lost, but it does believe that the Secretary did not require of these men a sufficient degree of distinguished service or of heroism to warrant the awards given them in some of the cases contained in his report for the year 1919, and it further believes that the Secretary has been more zealous in furthering the interests of commanders who have lost their ships than of other commanders who, instead of losing their ships, have destroyed or damaged the ships of the enemy.

The subcommittee is therefore firmly of the opinion that the policy laid down by the Secretary of the Navy in regard to awards to commanders who have lost their ships, in his letters of December 19 and January 13, will be detrimental to the United States Navy.

The subcommittee believes that it is not advisable to repeal the statute providing for awards in the Navy nor to amend it as far as relates to awards for services rendered during the late war, but it recommends that the chairman of the Naval Affairs Committee of the Senate ask the Secretary of the Navy to appoint a board of officers of the Navy to consider the question of recommending changes in the statute for future awards.

The subcommittee further believes that in making final awards under the present statute in view of the fact that it would not be feasible in the present instance to follow the policy in regard to relative merits outlined by it, the best interests of the Navy will be consulted by the Secretary of the Navy if he follows the recommendations of the board of awards which is now in session and which as the Secretary of the Navy himself has said will consider not only the recommendations and citations of the officers and men of the Navy already in their possession but also the testimony given at the hearings of the subcommittee.

It hopes that the board of awards will be given full discretion to change or to continue any of its former recommendations according to the latest evidence which shall be in its hands and that the board will not be bound by the findings published in the report of the Secretary of the Navy for the year 1919.

It further hopes that the board will give especial attention to deserving cases among the enlisted men of the Navy and of the merchant marine who may be eligible under the statute. In many instances owing to the lack of explicitness in the statute as to its application to the enlisted men of the Navy and also to the length of time that had elapsed between the armistice and the making of the recommendations by the commanding officers and the consequent inaccessibility of the records the services of the enlisted men of the Navy have not received the recognition which they undoubtedly deserve.

FREDERICK HALE.
MEDILL MCCORMICK.
MILES POINDEXTER.

REPORT BY KEY PITTMAN, MEMBER OF THE SUBCOMMITTEE OF THE NAVAL AFFAIRS COMMITTEE OF THE UNITED STATES SENATE, APPOINTED JANUARY 6 TO INVESTIGATE NAVAL AWARDS.

On the 4th day of February, 1919, the Congress of the United States passed an act entitled "An act to provide for the award of medals of honor, distinguished service medals, Navy crosses, and for other purposes."

All medals, crosses, and honors, under the act, are to be presented by the President of the United States.

The distinguished service medal is to be granted "to any person who, while in the naval service of the United States since the 6th day of April, 1917, has distinguished, or who hereafter shall distinguish, himself by exceptionally meritorious service to the Government in a duty of great responsibility."

The Navy cross is to be presented "to any person who, while in the naval service of the United States since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish, himself by extraordinary heroism or distinguished service in the line of his profession, such heroism or service not being sufficient to justify the award of a medal of honor or a distinguished service medal."

The medal of honor is presented "to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, distinguish himself conspicuously by gallantry or intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or the command to which attached."

It is usual to award and present such honors at the time the services are performed that entitle a person to them. The act, however, did not become a law until after the signing of the armistice. The Secretary, therefore, on the 18th day of January, 1919, caused an order to be issued to each of the commanders of naval forces directing that each of them immediately forward to the Navy Department a specific statement or report distinctly setting forth the act or distinguished service performed by any person while in the naval service entitling him to any one of the honors mentioned, and that in such report he make suggestions or recommendations for the proper official recognition.

On the 6th day of March, 1919, the Secretary of the Navy constituted and convened a naval board of awards to examine and consider the statements and reports concerning persons recommended for official recognition under the act. This board was further authorized to make suggestions to the Secretary with regard to the approval, modification, or disapproval of the recommendations of commanding officers with regard to such awards. This board was known as the Knight Board, and was composed of a number of high naval officers, with Admiral Austin M. Knight, Admiral Charles J. Badger, and Admiral De Witt Coffman at the head of such board.

This board on the 23d day of September, 1919, made its report with regard to about 4,000 recommendations for official recognition under the act. The board, in many cases, disapproved of

the recommendations made by commanding officers. It may, however, be said in justice to such commanding officers that such disapproval, in most cases, was the result of a difference of opinion as to the degree of official recognition that should be given to the person recommended. For instance, in some cases where the commanding officer recommended a medal of honor the board changed the recommendation to a distinguished service medal or a Navy cross, or where the commanding officer recommended a Navy cross the board were of the opinion that the person was entitled to a distinguished service medal.

A careful reading of the provisions of the act above quoted will readily make apparent the difficulty of determining in many cases the award to which a person is entitled and accounts for the natural difference of opinion. It will be remembered that under the act a statement of the acts of the person recommended for official recognition must be contained in the report of recommendation. It was the duty of the board to carefully examine each of these statements of fact and upon such examination to determine whether the person recommended was entitled to a medal of honor or a distinguished service medal or a Navy cross or no recognition at all. No two of these cases were alike, and in many the classification was exceedingly difficult.

The Secretary of the Navy received the report of the board and made a careful examination of the statements of fact and recommendations in each case. On the 1st day of December, 1919, he filed a tentative report of recommendations for naval awards. In most cases the Secretary of the Navy, in his report, approved the action of the board. In some cases, however, he increased the reward of honor, while in others he decreased it. His action was based upon a difference of opinion as to the proper classification under the statements and reports submitted by the commanding officers with their recommendations.

Subsequent to the filing of the report by the Knight Board detailed statements, reports, and recommendations with regard to persons entitled to official recognition were received at the Navy Department. Additional evidence also came to the knowledge of the Secretary with regard to recommendations that had already been tentatively passed upon by him. In view of these circumstances, on the 5th day of January, 1920, he reconvened the Knight Board and rereferred to it not only the new cases that had come to his notice, but all of the recommendations theretofore made by commanding officers, by the board, and by himself, with full authority to take such further or different action as the board saw fit.

On the 17th day of December, 1919, Admiral Sims publicly charged that the morale of the Navy had been seriously affected by gross injustices done in the matter of such awards.

On the 6th day of January, 1920, the matter was brought to the attention of the Naval Affairs Committee of the United States Senate, and at the same time it was brought to the attention of the Naval Affairs Committee of the House of Representatives. The Naval Affairs Committee of the House declined to take any action with regard to such charges made by Admiral Sims. The Senate Committee was notified by the Secretary of the Navy that he had reconvened the Knight Board for the purpose of further investigation, action, and report with regard to all recommendations for awards. A motion was then made "that a subcommittee of five be appointed by the Chair to investigate the subject of the awarding of medals in the naval service, said committee to communicate with the House Naval Affairs Committee and ask them to join in this investigation." A substitute motion was then offered that the investigation be postponed until after the further report by the Knight Board, which was then in session. The substitute motion was lost and the original motion was carried.

On the 16th day of January, 1920, the subcommittee proceeded with the hearings, and Admiral Sims took the witness stand. In discussing the changes made by the board and by the Secretary of the Navy of the awards recommended by him it was called to his attention that the board in the great majority of the cases submitted had approved the recommendations of the commanding officers and that the Secretary of the Navy had also in the great majority of the cases approved the recommendations made by the commanding officers. To this Admiral Sims replied, and I quote his exact language: "It is not the number of cases but only the half dozen which are doing the damage."

Let us then consider these half dozen cases.

The first case of alleged injustice cited by the admiral was the action with regard to Commander J. V. Babcock. The admiral describes Commander Babcock in this language:

> This officer accompanied me to Europe in 1917; remained attached to my staff, returning to the United States in October, 1919; an officer of very unusual ability and possessed to a very unusual degree professional attainment. His assistance was invaluable to me. I consider that his services during the war were exceptionally brilliant and meritorious, and that he reflected the greatest possible credit upon the naval service.

Admiral Sims recommended Commander Babcock and 18 other members of his staff for distinguished service medals. These recommendations, together with all others, were referred to the Knight Board. The board approved of 6 of the admiral's recommendations for distinguished service medals, but as to the other 13 recommendations, it recommended the award of the Navy cross instead of the distinguished service medal. Commander Babcock was in this latter class. The board declined to approve Admiral Sims's recommendation that Commander Babcock be awarded the distinguished service medal, but recommended that he be given the Navy cross. The Secretary of the Navy approved the recommendation of the Knight Board in the matter with regard to the award to be given to Commander Babcock.

This illustrates the difference of opinion even among naval officers as to the grade of honor called for by particular services. It does not seem possible that such action by a great naval board could destroy the morale of such a Navy as we possess.

The admiral then cited the cases of Lieut. A. L. Gates, Ensign C. H. Hamman, Ensign G. H. Ludlow, and Capt. H. I. Cone.

According to the official record, Lieut. Gates was recommended by Admiral Sims for the congressional medal of honor. The board declined to approve the recommendation, and instead recommended the award of a distinguished service medal. The Secretary of the Navy adopted the recommendation of the board.

Ensign Hamman was recommended by Admiral Sims for the congressional medal of honor. The board declined to approve the recommendation, and instead recommended the award of a Navy cross. The Secretary of the Navy adopted the recommendation of the board.

Ensign Ludlow was recommended by Admiral Sims for a distinguished service medal. The board declined to approve of the recommendation, and instead recommended the award of a Navy cross. The Secretary of the Navy adopted the recommendation of the board.

Capt. Cone was recommended by Admiral Sims for a distinguished service medal. The recommendation was approved by the board. The Secretary of the Navy declined to accept the recommendation, and instead approved the award of a Navy cross.

There does not appear to be the slightest probability that such action by the Navy Department could in the slightest degree injure the morale of the Navy. In each and all of these cases the meritorious services of these junior officers were recognized and rewarded with a high honor. They were simply cases illustrating the natural difference of opinion even between high naval officers as to the character of honor a particular service calls for.

There was one other case that Admiral Sims called particular attention to and dwelt upon at length in his effort to sustain the charge that flagrant injustice in the half dozen cases was destroying the morale of the Navy. This was the case of Commander D. W. Bagley. The official report of this case is as follows:

> The U. S. destroyer *Jacob Jones*, under Commander D. W. Bagley, U. S. N., was at 4.21 p. m., December 6, 1917, sunk by a torpedo from an enemy submarine about 30 miles south of the Scilly Isles, in the English Channel, the ship sinking about 8 minutes after being struck. The report states that the destroyer was under way and steering zigzag courses at this time. The first evidence of the presence of the submarine was the sight of a torpedo about 1,000 yards distant and heading for the starboard beam of the ship and running at high speed of about 40 knots. Prompt action was taken to avoid the torpedo, without success. The ship settled rapidly by the stern and the aft end of the ship was quickly submerged. The depth charges exploded just as the stern sank.
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> Every effort was made to launch the boats and raft, but considerable difficulty was encountered, caused by the wreckage due to the explosion. There was a total of 7 officers and 103 men on board, and 2 officers and 64 men lost their lives. The commanding officer, who was in the chart house, ordered every man to leave the ship and to jump clear, as it was sinking. He jumped overboard as the ship sank. The ship sank stern first and twisted slowly through nearly 180 degrees as she swung upright, and with the bow in the air in nearly a vertical position she went straight down. The report states that the explosion of the depth charges caused the death of a number of men and partially paralyzed and stunned a number of others, including Lieut. Kalk, Commander Bagley, and a number of men. A number of the boats were also destroyed by the explosion, which seriously interfered in the rescuing of the men. Lieut. S. F. Kalk lost his life from exposure as a result of his heroic work in swimming from one raft to another in an effort to equalize the weight on the rafts. In recognition of the heroic conduct of Lieut. Kalk a torpedo-boat destroyer has been named for him, and he was selected for a distinguished service medal.
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> After being picked up by one of the boats Commander Bagley made an immediate effort to get all the survivors on the rafts and remaining boats. He then set out to row to the Scilly Islands, a distance of about 30 miles, in an endeavor to obtain assistance, but the boat was picked up by a small patrol vessel about 1 p. m. the next day, Decem-

ber 7, about 6 miles south of St. Marys Island, where he was informed that the other survivors had been rescued the night before. Many instances of heroic conduct by various officers and men of the ship are recorded. The radio instruments were so damaged by the explosion as to prevent sending the S O S signal.

The following extract from the testimony of Lieut. Norman Scott, United States Navy, executive officer and navigator of the *Jacob Jones*, is quoted:

"Q. State all you know concerning the loss of the *Jacob Jones* on December 6, 1917, which was not covered in the report of commanding officer, or may be at variance therewith.—A. Nothing; except I would like to call attention to the behavior of my commanding officer, Lieut. Commander David W. Bagley, at that time. He was partly stunned by the explosion of the depth charges, and when picked up was practically unconscious; but in spite of this, and realizing our desperate situation in not having sent out an S O S, he began to make arrangements to get assistance, and his actions while in charge of the men on this trip I consider remarkable. The condition of the weather at this time and the lack of equipment in the boat made navigation extremely difficult, and it was at Capt. Bagley's direction that we steered by the direction of the sea, and, as we found out next day, the course proved to be correct. In spite of his stunned condition throughout the entire trip, he was cheering up the men, two of whom were very low in vitality and spirit. At the time of the appearance of the submarine on the surface Capt. Bagley started to go to the submarine to give himself up, with the hope of getting assistance through the submarine for the surviving members of the crew. He told me at the time that he would rather die than do that. The submarine, however, disappeared before he could reach it."

The following is quoted from the finding of the court of inquiry: "That the commanding officer, officers, and men of the U. S. S. *Jacob Jones* bore themselves in accordance with the best traditions of the service. The court is of the opinion that the loss of the U. S. S. *Jacob Jones* was one of the hazards of war, and that no blame or responsibility attaches to any officer or man of the U. S. S. *Jacob Jones* in connection therewith."

On December 26, 1917, Admiral Sims approved the findings, opinion, and recommendation of the court, and writing, in his own hand, in London, under date of January 8, 1918, Admiral Sims said:

"Bagley's handling of the situation after his ship was torpedoed was everything I expected in the way of efficiency, good judgment, courage, and chivalrous action."

Admiral Sims, testifying with regard to the torpedoing of the *Jacob Jones*, said:

Just why the *Jacob Jones* was attacked, we only know from a report that has been given out since by Hans Rose, who was the man who attacked her (the same one who came over to Newport with the *U–53*), that he just took a chance shot at her from a distance of 2 miles, with probably one chance in a thousand of hitting her; but he did hit her.

Admiral Sims recommended Commander Bagley for the Navy cross. The board approved the award. The Secretary of the Navy recommended the award of a distinguished service medal.

There were several similar cases in which commanding officers had recommended the granting of distinguished service medals to officers who had lost their ships under similar circumstances, and such awards had been approved by the board. It became necessary therefore for the Secretary of the Navy to either reduce the award to such officers to a Navy cross or raise the award of all other officers who performed similar meritorious services under similar circumstances to that of a distinguished service medal. He raised all to distinguished service medals. The following are some of the similar cases in which distinguished service medals had been recommended and approved by the board:

The U. S. destroyer *Cassin*, under Commander W. N. Vernou, U. S. N., on October 15, 1917, was patrolling off the south coast of Ireland. At 1.30 p. m. a submarine was sighted and the destroyer headed for the submarine, which submerged and disappeared. About 30 minutes later a torpedo was seen coming toward the *Cassin* at high speed and about 400 yards distant. The *Cassin* was maneuvered to avoid the torpedo without success, and the ship was struck on her port side. * * * The ship was kept afloat and towed into port by the British destroyer *Tamarisk*, which was fortunately in the neighborhood.

Admiral Sims recommended Commander Vernou for a Navy cross. The naval board declined to approve the recommendation and instead recommended the award of a distinguished service medal.

The U. S. naval transport *President Lincoln*, under command of Commander Percy W. Foote, U. S. N., was sunk at about 9 a. m., on May 31, 1918, when about 500 miles off Brest, France, on making her return voyage to America. * * * The *President Lincoln* was struck by three torpedoes fired almost simultaneously from a German submarine, which it was afterwards learned was the *U–90*. Two torpedoes struck the ship in about the same place, the port side of the ship, and the third torpedo struck in the afterpart of the ship. The ship sank in about 30 minutes after being struck, and 23 men and 3 officers lost their lives.

The finding of the court of inquiry was as follows:

The court is of the opinion that the conduct of all officers and men of the U. S. S. *President Lincoln* and of the U. S. destroyers *Warrington* and *Smith* has reflected credit on the United States Navy.

The action of the court was approved by Rear Admiral Wilson, commander of the naval forces in France.

On June 3, Admiral Sims cabled the department reporting the circumstances attending the sinking of the *President Lincoln* and stated that "small loss of life is due to thorough discipline, ship's company, and excellent seamanship, Commander Foote."

Admiral Gleaves recommended Commander Foote for the distinguished service medal as follows: "It is recommended that Commander Percy W. Foote, United States Navy, be awarded the distinguished service medal for exceptionally meritorious service with the Government in a duty of great responsibility at the time of the torpedoing of the U. S. S. *President Lincoln*. Commander Foote's conduct on this occasion measured up to the best traditions of the service."

Admiral Mayo, commander in chief of the Atlantic Fleet, approved the above recommendation as follows:

Forwarded. The commander in chief recommends that a distinguished service medal be awarded to Commander Percy W. Foote.

The U. S. S. *San Diego*, armored cruiser, under command of Commander H. H. Christy, United States Navy, at about 11.05 a. m., July 19, 1918, struck a mine when approaching the harbor of New York, south of Long Island. The records of the court of inquiry show that as a result of this explosion the ship finally rolled over and sank, bottom up, at 11.25 a. m., July 19, 1918, 20 minutes after striking the mine.

The court of inquiry found that—

at the time of the disaster and thereafter the conduct of the captain, officers, and crew was in the highest degree commendable, and that the remarkably small loss of life was due to the high state of discipline maintained on board.

Admiral Gleaves recommended Capt. H. H. Christy for the distinguished service medal. The recommendation was approved by Admiral Mayo and by the board of awards. The Secretary of the Navy followed such recommendations.

The U. S. S. *Mount Vernon*, Navy transport, under command of Capt. D. E. Dismukes, United States Navy, was on the morning of September 26, 1918, struck by a torpedo from an enemy submarine. * * * Through the skill and good judgment of Capt. Dismukes and the officers in command of his ship, he was able to bring the *Mount Vernon* into port at Brest.

Admiral Gleaves recommended the award of a distinguished service medal to Capt. Dismukes. The recommendation was approved by Admiral Mayo. The board of awards recommended the distinguished service medal, and the recommendation was followed by the Secretary of the Navy.

The U. S. S. *Tampa*, Coast Guard cutter, under command of Capt. C. A. Satterlee, U. S. C. G., was sunk in the Bristol Channel, off the English coast, at about 8.45 p. m., on September 26, 1918. All on board were lost.

Rear Admiral Niblack, who was the commander of the patrol squadron based on Gibraltar, recommended that the distinguished service medal be awarded to Capt. Satterlee. The board of awards did not approve the recommendation, and instead recommended the Navy cross for Capt. Satterlee. The Secretary of the Navy disapproved of the recommendation of the naval board, approved of the recommendation of Admiral Niblack, and recommended the distinguished service medal.

The U. S. S. *Minnesota*, battleship, under command of Capt. J. V. Chase, United States Navy, struck a mine at 3.15 a. m., September 29, 1918, about 20 miles from Fenwick Island Shoal, on the United States Atlantic coast. She did not sink, however, and proceeded to port and arrived inside of Delaware Bay at 9.30 p. m., December 29.

The board of inquiry made the following finding:

The board is of the opinion that officers and crew deserve the highest praise for the manner in which the ship was handled after the explosion, for maintaining order, the localizing the injury to the ship, and for successfully navigating her into port.

Admiral Gleaves recommended that Capt. Chase be awarded the distinguished service medal. The recommendation was approved by Admiral Mayo; the board of awards recommended the distinguished service medal, and the recommendation was approved by the Secretary of the Navy.

The U. S. S. *Alcedo*, converted naval yacht, under command of Commander W. T. Conn., jr., United States Navy, while acting as escort to a convoy at 1.45 a. m., November 5, 1917, was struck by an enemy torpedo and sank in eight minutes.

Admiral Sims recommended the award of a Navy cross to Commander Conn. The board approved the recommendation. The Secretary of the Navy recommended the distinguished service medal in this statement:

His performance of duty on the *Alcedo*, the manner in which he remained at his post and sank with his ship, and his work in connection with the rescuing of the survivors was in keeping with the highest traditions of the service, and I directed that he be awarded a distinguished service medal.

The U. S. Army transport *Finland*, Capt. S. V. Graham, United States Navy, in command of naval armed guard on board, was struck by enemy torpedo at about 9.25 a. m., October 28, 1917, about 150 miles off the French coast. The ship was badly damaged, but was taken into port.

The court of inquiry found that "due to the prompt and efficient efforts of Capt. S. V. Graham, United States Navy, and Master Jensen, and Asst. Engineer Nikkelsen order was restored and the vessel enabled to returned to port."

Admiral Gleaves recommended Capt. Graham for a distinguished service medal. The recommendation was approved by Admiral Mayo, the Navy Board, and the Secretary of the Navy.

The U. S. Army transport *Antilles*, with Commander D. T. Ghent, United States Navy, in command of the Navy armed guard on board, was sunk on October 17, 1917, about 300 miles off the coast of France when making the return voyage to America.

Admiral Sims stated that "conduct of the members of the armed guard was a credit to the service, and the senior naval

officer on the *Antilles* (Commander Ghent) carried out his duties efficiently."

As at that time the naval armed guards were not under any naval force commander, no recommendations were made. The Secretary of the Navy recommended the award of the distinguished service medal to Commander Ghent.

A comparison of the findings of the court of inquiry and the reports of the commanding officers in these various cases where the distinguished service medal was recommended with the findings of the court of inquiry and the reports in the case of Commander D. W. Bagley will, I believe, convince any unprejudiced mind that Bagley's case was similar to the others and that he was entitled to the same treatment as those officers who were recommended for distinguished service medals.

Admiral Sims in the letter that he addressed to the Secretary of the Navy under date of November 12, 1919, says: "In the case of destroyers or other vessels that were successfully attacked by German submarines, no special distinctions were recommended."

The foregoing cases that have just been cited completely contradict Admiral Sim's statement.

The commander of the *San Diego* lost his ship, but he was recommended by his commanding officers and by the board for the distinguished service medal.

The commander of the *President Lincoln* lost his ship, but he was recommended by his commanding officers and by the board for the award of the distinguished service medal.

Capt. Satterlee lost his ship, but his commanding officers recommended him for the distinguished service medal and the Secretary of the Navy approved the recommendation.

Admiral Sims, in his letter to the Secretary of the Navy, referred to, says:

> By reason of the peculiar nature of the submarine warfare, no blame attaches to the commanding officers of these vessels for their failure, but on no account should they receive a special reward for this lack of success.

Admiral Mayo, Admiral Gleaves, Admiral Wilson, and Admiral Niblack apparently did not hold the same views with regard to such matters, as each and all of them recommended for distinguished service medals commanding officers who were not successful when attacked by submarines and who lost their ships.

Admiral Sims did recommend a special reward to Commander D. W. Bagley. He recommended the award of a Navy cross. This is but a slightly lesser honor than a distinguished service medal. Is it possible that Admiral Sims does believe that the granting of a distinguished service medal to Bagley, under the circumstances, instead of the Navy cross that he recommended, can destroy the morale of the Navy?

Admiral Sims testified that it was the policy of the British Navy not to give an officer who lost his ship another command, even though the ship was lost through no fault of the officer. He approved such policy. It is apparent that Admiral Sims has been deeply impressed with British policies and practices. In fact, his constant reference in his testimony to the Victoria Cross and other matters purely British would lead a civilian to the conclusion that possibly Admiral Sims is more familiar with British ideas, customs, and manners than with those of his own country.

The admiral made this indorsement upon the back of a list that was submitted to him for recommendation for awards: "The line of demarcation between the distinguished service medal and the Navy cross is not clear to me * * *." And then after quoting this indorsement the admiral testified: "You see, we had to guess at what these meant."

The Secretary of the Navy furnished Admiral Sims with the act describing the different medals, and yet he seemed incapable of interpreting the statute. I quote from the testimony:

> Senator PITTMAN. Admiral, I have not had time to look over this list, but how many enlisted men did you recommend for a medal, or honor, or distinguished service recognition?
>
> Admiral SIMS. We had no opportunity to, because they balled this thing up so badly in the law that we have not got the graded medals to give them. What they should have had is a minimum. There were three different grades, classes of medals for distinguished service and three different grades for heroism, the Victoria Cross and two other ones below, so we could do that.
>
> Senator PITTMAN. Do you mean to say that you have no knowledge of any enlisted man participating in services such as these officers have performed?
>
> Admiral SIMS. We have such cases in which we would be allowed to give them something less than the Victoria Cross, something less than the citations, but we had nothing to give them at all.
>
> Senator PITTMAN. Even though they performed the actions that certain officers performed?
>
> Admiral SIMS. Yes.
>
> Senator PITTMAN. Were they not entitled to exactly the same medals as officers?
>
> Admiral SIMS. That is what they do in the Croix de Guerre and the Victoria Cross. All the rest of the Governments give them.

Admiral Sims did not recommend a single enlisted man for a distinguished service medal. As throwing some light upon the policy which Admiral Sims adopted in making up his list for recommendation for the award of various honors and as a justification of the board and of the Secretary of the Navy in refusing to approve of many of the admiral's recommendations, I quote the following from the testimony of Admiral Sims:

> Moreover, if I hear that this man here has sent in a great many recommendations for distinguished service medals, more than I would think it was proper to send in, I would not like to send in less, for fear of injuring the morale of my command; but I would send in as many, in the hope that the board of awards would scale them all down parallel.

In view of such statement Admiral Sims should not even be surprised that the naval board only approved 28 out of 75 of the recommendations made by him for distinguished service medals. His opinion of the naval board, composed of some of the most distinguished admirals in our Navy, is aptly disclosed by the following colloquy during the testimony:

> Senator PITTMAN. Would it not be rather strange if you did recommend these men for the highest honor that the board would cut them down to the lowest grade?
>
> Admiral SIMS. It would be strange; so it is.
>
> Senator PITTMAN. But you have every confidence in that board, have you not?
>
> Admiral SIMS. I have not.

From the foregoing statement of facts, and a careful review of all of the evidence, I am forced to the following conclusions:

CONCLUSIONS.

1. That the investigation by the subcommittee was entirely unnecessary, because at the time of the appointment of the committee the entire matter, by direction of the Secretary of the Navy, was being reinvestigated by the Knight Board of Awards.

2. The investigation, like most congressional investigations of this character, has served no beneficial purpose, but, on the contrary, in my opinion, through the airing of the personal grievances of an admiral and in giving publicity to critical and deprecatory statements made by the admiral with regard to the accomplishment of the American Navy during the Great War, has tended to besmirch a glory that was never before questioned.

3. The policy with regard to the awarding of the medals was laid down by Congress in the act and could not be changed by the Secretary of the Navy, or any commanding officer, or anyone else. The Secretary of the Navy pursued the only practical policy in sending each commanding officer a copy of the act, with directions that he not only make recommendations but that he send in a statement and report of the facts justifying the recommendation in each case, and then submitting all of such recommendations and the accompanying statements and reports to a naval board composed of high naval officers.

4. That Admiral Sims is sincerely convinced that no naval board is competent to review and act upon any recommendation made by him; that the changing in the slightest degree of any award to any officer made by him is so grave an error that it would be better that no medals be awarded at all; that he believes that the awarding of the distinguished service medal should be limited to a few of the highest officers in the Navy, and that it has been cheapened by being awarded to so many junior officers and enlisted men.

5. That the whole dispute has developed into a tempest in a teapot and is too ridiculous to be mentioned in connection with the morale of a fighting Navy.

6. That the expressed determination of the Secretary of the Navy to hold open the matter of permanent awards until reports concerning enlisted men and fuller reports concerning officers can be obtained, considered, and acted upon by the Naval Board is the proper policy to be pursued.

KEY PITTMAN,
Member of the Subcommittee of the Naval Affairs Committee of the United States Senate on Naval Awards.

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REPORT BY PARK TRAMMELL, MEMBER OF SUBCOMMITTEE.

WASHINGTON, D. C., *March 5, 1920.*

On January 6, 1920, your committee adopted a resolution providing as follows, to wit:

> That a subcommittee of five be appointed by the Chair to investigate the subject of the awarding of medals in the naval service.

In conformity with the said resolution you named the members of the said subcommittee, and the subcommittee so designated has conducted and concluded the investigation which it was authorized and directed to make.

As a member of this subcommittee, I desire to submit to you the following report, to wit:

The inquiry and investigation, in the main, was upon the following subjects:

First. The method and system which governs in awarding special decorations in the naval service.

Second. The official action and records of the Secretary of the Navy and various naval officers in making awards of medals.

Third. Whether or not any decoration was awarded to any officer or officers on account of the loss of a ship.

Fourth. The effect upon the morale of the Navy as a result of the manner in which the awarding of medals has been conducted.

The law governing the award of medals was approved February 4, 1919. By this statute there is provided:

First. A medal of honor.

Second. A distinguished service medal.

Third. A Navy cross.

The medal of honor is to be awarded to—

A person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or the command to which attached.

The distinguished service medal is to be awarded to—

A person who, while in the naval service of the United States, since the 6th day of April, 1917, has distinguished or who hereafter shall distinguish himself by exceptionally meritorious service to the Government in a duty of great responsibility.

The Navy cross is to be awarded to—

A person, who while in the naval service of the United States since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish himself by extraordinary heroism or distinguished service in the line of his profession, such heroism or service not being sufficient to justify the award of a medal of honor or a distinguished service medal.

The statute governing this subject does not provide in detail the system to be adopted in its execution. The manner of the administration of the law therefore rests with the Navy Department, restricted only by the expressed provisions of the law.

The testimony discloses that the first action looking to a special decoration of an officer or an enlisted man was for his naval superior to make a statement or report setting forth the act and distinguishing service, and suggesting or recommending official recognition thereof, which said report was made through official channels. The superior officer to the officer who initiated the report and suggestion exercised the right to either approve or disapprove the recommendation made by his subordinate officer. This discretion seems to have prevailed with all officers who had to consider the original statement and suggestion that special recognition should be given to a specific officer or enlisted man.

As an illustration, a commanding officer may set forth facts which in his opinion entitled a particular person to a distinguished service medal and recommend the award of the same. His superior officer who in official channels next considers the report and recommendation may disapprove of the award of a distinguished service medal and recommend a Navy cross, or may disapprove of awarding any special recognition in the case.

This policy of exercising the discretion to disapprove or recommend a modification of the initial suggestion or recommendation seems to have prevailed with all officers who had jurisdiction over the subject of the award of special decorations.

As might have been expected, the testimony discloses that in a number of cases there was a conflict of opinion on the part of the officers who passed upon the question of whether or not the case under consideration was one in which an award should be made, and, if made, the character of the medal that should be awarded. This divergence of opinion prevailed between many of the naval officers, as well as between a number of the naval officers and the Secretary of the Navy. Each officer and the Secretary of the Navy appear from the testimony to have acted in accordance with their own judgment after giving consideration to the facts and the recommendations in the particular case being passed upon. This general policy prevailed throughout the Navy, without an exception, as far as disclosed by the testimony.

The hearing developed the fact that there was more or less conflict of opinion on the part of some of the naval officers as to the degree of recognition which should be given to the members of the staff of certain officials ashore as in contrast with officers who were serving at sea.

Admiral Sims, whose complaint brought about the investigation, took the position that 19 officers upon his staff should be awarded the distinguished service medal, and that 13 should be awarded the Navy cross; and, while he requested this special recognition for 32 members of his staff, he took the position that a number of officers who were serving at sea in the war zone should not have been awarded the distinguished service medal.

On the other hand, Admirals Mayo and Gleaves and the board of awards had recommended the award of the distinguished service medal to several of these particular officers at sea about which Admiral Sims made complaint. Admirals Mayo and Gleaves were commanding at sea, and Admiral Sims was in London most of the time performing his duties and did not command at sea during the war.

It appears from the hearing that each of the naval officers and the Secretary of the Navy acted within the authority vested in them under the regulations and the law in making recommendations for the award of special decorations. In each case, however, the final decision rested with the Secretary of the Navy, and he acted within the law when he made any changes in the recommendations which had been made to him by his subordinates.

The board of awards was not a statutory board but a board which was created by the Secretary of the Navy to pass upon all cases and make its recommendations to the Secretary for his final consideration.

It does not seem to have been the custom for any of the naval officers or the board of awards to advise with their subordinates when they proposed to disapprove or make a change in the recommendations which had been made to them by subordinate officers. The Secretary, therefore, when he failed to confer with Admiral Sims relative to the changes he proposed to make in the recommendations which had been made to him by Admiral Sims was acting within the policy which seems to have been followed by Admiral Sims and all other naval officers and the board of awards. Under these circumstances and the practice and custom which prevailed throughout the Navy in dealing with the award of special decoration I do not share in the criticism of the Secretary of the Navy by Admiral Sims on account of him having exercised his own discretion and judgment upon the subject. To say that he was in error in exercising his own judgment and discretion would be to also condemn Admirals Sims, Mayo, Gleaves, Grant, and Niblack, the board of awards, and all other naval officers who have made recommendations, because they, too, exercised their own judgment and discretion and in a number of instances disapproved or modified the recommendations which had been submitted to them for consideration.

The testimony disclosing, as it did, that such a large number of officers had been recommended for special decoration, and so few enlisted men had been recommended, I am impressed that those whose duty it was to initiate citations and recommendations were recreant in the performance of their duty in so far as the enlisted men are concerned. The same vigilance should have been exercised in ascertaining the enlisted men who were entitled to distinction as was exercised in regard to the officers. I am impressed from the testimony that this was not true.

One of the subjects inquired into by your committee was as to whether or not any officer had been awarded a medal on account of the loss of or the serious damage to his ship while in combat with the enemy, and as to whether or not the Secretary of the Navy had made an award to any officer for such reason. The testimony developed the fact that neither the Secretary of the Navy nor any naval officer had awarded or recommended the award of a medal on account of great damage to a ship or the loss of a ship when in combat with the enemy. The hearing developed that certain officers who were commanders of ships that were badly damaged or lost were recommended for the award of special decoration, but the testimony shows that such recommendations and awards were not based upon the fact that the ship had been damaged or lost. Because an officer's ship suffered loss or damage was not, however, held by the Secretary of the Navy, the board of awards, Admiral Sims, Admiral Mayo, Admiral Gleaves, and other officers of the Navy to be a reason for precluding an officer from a recommendation for and the award of a medal.

Each of the admirals referred to, the board of awards, and the Secretary of the Navy did in certain cases recommend the award of special decoration to certain officers who had come in contact with the enemy and were so unfortunate as to have their ships either badly damaged or sunk. Some of these officers recommended the Navy cross, while others recommended the distinguished service medal. Their action in making recommendations in such cases establishes the fact that none of the naval officers nor the Secretary of the Navy entertained the opinion that an officer should be excluded from special recognition because his ship had been damaged or lost on account of the blow of the enemy. There seems to be no difference of opinion, judging from the recommendations which were made, between the naval officers and the Secretary of the Navy regarding this main question.

The difference is only one as to the degree of the special recognition to the officer whose record, conduct, bravery, and resourcefulness, considered as a whole, may entitle him to a medal. As illustrating the fact that the damage or loss of a ship was not held to preclude an officer from the award of a medal, I desire

to bring to the attention of the committee the following cases, to wit:

Capt. S. V. Graham, whose ship, the U. S. Army transport *Finland*, was badly damaged by the enemy, was recommended by Admirals Mayo and Gleaves of the board of awards for a distinguished service medal, and was awarded such medal by the Secretary of the Navy.

Commander Percy W. Foote, of the U. S. naval transport *President Lincoln*, whose ship was sunk by the enemy's attack, was recommended for the distinguished service medal by Admiral Gleaves, Admiral Mayo, and the board of awards, and such medal was awarded to him by the Secretary of the Navy.

Capt. H. H. Christy, of the U. S. S. *San Diego*, whose ship was sunk by a mine, was recommended for a distinguished service medal by Admiral Gleaves, Admiral Mayo, and the board of awards, and such medal was awarded to him by the Secretary of the Navy.

Capt. D. E. Dismukes, of the U. S. S. *Mount Vernon*, Navy transport, had his ship struck by a torpedo from an enemy submarine and badly damaged. He was recommended by Admiral Gleaves, Admiral Mayo, and the board of awards for a distinguished service medal, and these recommendations were approved by the Secretary of the Navy.

Capt. J. V. Chase, of the U. S. S. *Minnesota*, battleship, whose ship was struck by a mine and badly damaged, was recommended by Admiral Gleaves, Admiral Mayo, and the board of awards for a distinguished service medal. Their recommendation was approved by the Secretary of the Navy.

Capt. C. A. Satterlee, of the U. S. S. *Tampa*, whose ship was sunk and all on board lost, was recommended by Admiral Niblack for a distinguished service medal and by the board of awards for a Navy cross, and the Secretary of the Navy awarded him a distinguished service medal.

Commander W. N. Vernou, whose ship, the U. S. destroyer *Cassin*, was badly damaged by the enemy, was recommended by Admiral Sims for a Navy cross and by the board of awards for the distinguished service medal, and the board's recommendation was approved by the Secretary of the Navy.

Commander W. T. Conn, jr., whose ship, the U. S. S. *Alcedo*, converted naval yacht, was struck by the enemy and sank in eight minutes, was recommended by Admiral Sims and the board of awards for a Navy cross and was awarded a distinguished service medal by the Secretary of the Navy.

Commander D. W. Bagley, whose ship, the U. S. destroyer *Jacob Jones*, was sunk by a torpedo from an enemy submarine, was recommended by Admiral Sims and the board of awards for a Navy cross, and was awarded a distinguished service medal by the Secretary of the Navy.

Commander D. T. Ghent, of the U. S. Army transport *Antilles*, whose ship was sunk by the enemy, was awarded a distinguished service medal by the Secretary of the Navy. His case was investigated at first hand by the Secretary of the Navy, and none of the subordinates to the Secretary considered or passed upon the same.

This covers the record of the officers who were recommended for some form of decoration, even though their ships had been badly damaged or lost, there being a total of 10.

The board of awards passed upon 9 out of the 10 cases, and recommended 6 of the officers for distinguished service medals and 3 for the Navy cross. Of the three recommended by the board for the Navy cross, for Capt. C. A. Satterlee, of the U. S. S. *Tampa*, Admiral Niblack recommended a distinguished service medal.

Admiral Gleaves and Admiral Mayo considered 5 out of the 10 cases and recommended a distinguished service medal in each of the 5 cases considered by them.

Three of the 10 cases were passed upon by Admiral Sims, and in each instance he recommended a Navy cross.

No naval officer had under consideration the matter of an award to Commander D. T. Ghent, of the U. S. Army transport *Antilles*.

The Secretary of the Navy awarded a distinguished service medal to each of the 10 officers who commanded these ships that were either badly damaged or lost. This record clearly establishes the fact that in considering the entire 10 cases in question no naval officer nor the board of awards saw proper to exclude an officer from special decoration on account of his misfortune to have had his ship badly damaged or lost by a blow from the enemy.

The testimony further discloses that the fact that an officer's ship was badly damaged or lost was not the reason why he was recommended for a medal by those making such recommendations, and that he was not for this reason awarded a medal by the Secretary of the Navy.

As to the effect upon the morale of the Navy as a result of the manner in which the awarding of medals has been conducted, it is my opinion, as far as the testimony discloses, that the morale has not been seriously impaired. Doubtless some individuals have been displeased on account of having their hopes shattered and their pride of opinion wounded, but these are individual cases, and the testimony did not disclose that there is any general dissatisfaction prevailing throughout the Navy.

On account of not having a copy of the printed testimony, I have been unable to cite the different pages upon which the testimony appears in support of the different features of my report.

Respectfully submitted.

PARK TRAMMELL,
Member of the Subcommittee of the Naval Affairs Committee of the United States Senate on Naval Awards.

FOREIGN COMMERCE OF THE UNITED STATES (S. DOC. NO. 247).

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Trade Commission, transmitting, in response to a resolution of October 3, 1919, a detailed statement of the character, amount, and estimated cost of the work of the commission which has relation to the foreign commerce of the United States, which was ordered to lie on the table and be printed.

MEMBER OF POSTAL SALARY COMMISSION.

The PRESIDENT pro tempore. Under the authority of section 3 of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes, approved February 28, 1919, the Chair appoints LAWRENCE C. PHIPPS, a Senator from the State of Colorado and a member of the Committee on Post Offices and Post Roads of the Senate, a member of the commission authorized by that section to fill the vacancy occasioned by the death of Hon. JOHN HOLLIS BANKHEAD, late a Senator from the State of Alabama.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina, with amendments, in which it requested the concurrence of the Senate.

COURT IN LAURINBURG, N. C.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina, which were to strike out all after the enacting clause and to insert:

That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," as amended, is hereby amended to read as follows:

"SEC. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the Monday before the last Mondays in March and September; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October and, in addition, for the trial of civil cases on the first Mondays in March and September: *Provided*, That the city of Washington, the city of Laurinburg, and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington, at Laurinburg, and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Laurinburg, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Monday in May

and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court."

SEC. 2. That the act entitled "An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.," approved April 27, 1916, is hereby repealed.

Amend the title so as to read: "An act to amend section 98 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, as amended."

Mr. OVERMAN. I move that the Senate concur in the amendments of the House.

The amendments were agreed to.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a petition of sundry teachers of the public schools of Newton, Kans., praying for the passage of the so-called Smith-Towner bill, providing for a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of the Farmers' Union of Washington County, Kans., praying for the enactment of legislation permitting farmers' organizations for collective bargaining, which was referred to the Committee on the Judiciary.

He also presented a petition of Earl Collier Post, No. 1, American Legion, of Olathe, Kans., and a petition of the Chamber of Commerce of Ottawa, Kans., praying for the enactment of legislation providing a bonus for ex-service men, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Natoma, Newton, Cimarron, Morrill, Howard, and Robinson, all in the State of Kansas, and of sundry citizens of Lutie, Okla., Lorenzo, Nebr., Booneville, Ark., remonstrating against compulsory military training, which were ordered to lie on the table.

RECLASSIFICATION OF SALARIES.

Mr. STERLING, from the Committee on Civil Service and Retrenchment, to which was referred the joint resolution (S. J. Res. 160) to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries, reported it with an amendment.

COLUMBIA RIVER BRIDGE, WASHINGTON.

Mr. JONES of Washington. On behalf of the Senator from New York [Mr. CALDER], I submit two reports from the Committee on Commerce and ask for the immediate consideration of the bills.

From the Committee on Commerce, to which was referred the bill (H. R. 12164) to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington, I report it back favorably without amendment, and I submit a report (No. 464) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That Charles G. Huber, his heirs, executors, administrators, or assigns, be, and he or they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, such bridge to extend from the east bank of said river adjacent to the town of Pasco, Wash., at a point not more than 2 miles upstream from the Northern Pacific Railway bridge across said river, to a point on the west bank of said river adjacent to the town of Kennewick, Wash., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NESTUCCA RIVER BRIDGE, OREG.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 12213) authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg., and I submit a report (No. 465) thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That authority is hereby granted to F. R. Beals and his assigns, to construct, maintain, and operate a bridge and approaches thereto across the Nestucca River, in Tillamook County, Oreg., connecting the northerly part of lot 1 with the northerly part of lot 10, in section 30, township 4 south, range 10 west, Willamette meridian, in Oregon, and at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHEAT POOL.

Mr. SMOOT. In behalf of the junior Senator from New York [Mr. CALDER] I report back favorably, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate resolution 319, submitted by the Senator from Missouri [Mr. REED], for which I ask present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 319), submitted by Mr. REED on the 2d instant, was read, as follows:

Whereas the Federal grand jury sitting at Spokane, Wash., on February 29 made a report containing certain charges against the United States Grain Corporation and its directors of reported speculations in wheat; and

Whereas an account of such report was on March 1 made a part of the CONGRESSIONAL RECORD: Therefore be it

Resolved, That the Committee on Manufactures be directed to inquire into the reported wheat pool and investigate the United States Grain Corporation, and the dealings, operations, speculations, and manipulations if any there has been of such Grain Corporation, its officers and agents, in wheat and wheat products, and report thereon to the Senate, together with their recommendation of any steps which they may deem it necessary to take in view of the findings.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WALSH of Montana. I object to its present consideration.

The PRESIDENT pro tempore. Objection is made. The resolution will go to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4028) to amend section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; to the Committee on Interstate Commerce.

By Mr. FLETCHER:

A bill (S. 4029) for releasing and quitclaiming all claims of the United States to the west 144 feet of arpent lot 79, old city of Pensacola, Escambia County, Fla.; and

A bill (S. 4030) for releasing and quitclaiming all claims of the United States to lot 319 in the old city of Pensacola, situated on the south side of Garden Street, between Alcaniz and Tarragona Streets; to the Committee on Public Lands.

By Mr. KING:

A bill (S. 4032) to amend section 4 of the act entitled "An act to provide for a uniform rule for the naturalization of aliens throughout the United States and establishing the bureau of naturalization," approved June 29, 1906, as amended, and section 2 of the act entitled "An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes," approved May 9, 1918, and for other purposes; to the Committee on Immigration.

By Mr. FRELINGHUYSEN:

A bill (S. 4033) to amend subdivision 15, schedule A, of title XI of the revenue act of 1918; to the Committee on Finance.

By Mr. JONES of Washington:

A bill (S. 4034) granting an increase of pension to George W. Manwell (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA (for Mr. MCCUMBER):

A bill (S. 4035) regulating the practice of chiropractic in the District of Columbia; to the Committee on the District of Columbia.

By Mr. POMERENE:

A bill (S. 4036) granting a pension to Mary E. Carter (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4037) granting an increase of pension to William L. Ronner (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; to the Committee on Indian Affairs.

INTERSTATE SHIPMENTS OF COTTON.

By Mr. RANSDELL:

A bill (S. 4031) to regulate interstate shipments of cotton, and for other purposes.

Mr. RANSDELL. Mr. President, I ask leave to make a brief statement in regard to the bill.

The bill I introduce provides that the Interstate Commerce Commission shall establish and enforce preferential rates on shipments of cotton based upon the cubic contents of the bale, and in reaching its decision the commission shall take into con-

sideration the density of the bale, the amount of space it occupies, its uniformity in size, the character of its covering as a safeguard against damage or fire, and any other points that seem fairly to entitle it to favorable discrimination.

The object of the bill is to secure fair treatment for interstate shipments of high-density gin-compressed cotton, both round and square bales.

We follow to-day in the baling and handling of 90 per cent of our great cotton crop, valued last year at $2,000,000,000, the antiquated and slovenly methods of 60 years ago. No other world product is given the criminally careless treatment which cotton receives in being marketed.

High-density gin compression is the most practical reform, and if universally followed would save more than $100,000,000 a year.

Ordinary plantation bales weigh 500 pounds, have a density of 12 pounds per cubic foot, and occupy 42 cubic feet of space; when compressed these bales have a density of 22½ pounds and occupy 22½ cubic feet. Gin-compressed bales have a density of 32 to 39 pounds and occupy 13 to 16 cubic feet. It thus appears that the space required by this high-density bale is only from one-third to two-thirds that of an ordinary gin or compress bale. A freight car will carry 35 gin bales, 75 compressed bales, and 110 high-density bales, or 8.75 tons of gin bales, 18.75 tons of compressed, and 27.5 tons of high-density bales.

In spite of these facts, the railroads deny any preference to the small compact high-density bales, although trans-Atlantic steamers give them an advantage of $1.25 per bale. My bill would guarantee a just and reasonable preference in proportion to the smaller amount of space occupied by these high-density bales.

I move that the bill be referred to the Commitee on Interstate Commerce.

The motion was agreed to.

DEVELOPMENT OF RADIO COMMUNICATION.

Mr. POINDEXTER. I introduce a bill which I ask to have referred to the Committee on Naval Affairs. I will state that it is a bill for the coordination of the regulation and control of radio telegraphy.

The bill (S. 4038) to regulate the operation of and to foster the development of radio communication in the United States was read twice by its title.

Mr. POINDEXTER. In that connection I ask to present, to accompany the bill, a report from the Navy Department which shows the development of radio telegraphy during the war by the Navy Department, which I think is quite informing, and shows remarkable efficiency on the part of the Navy in the accomplishments which it achieved in that service. I ask that the report be printed as a Senate document and that it be referred to the Committee on Naval Affairs.

The PRESIDENT pro tempore. The bill and report of the Navy Department will be referred to the Committee on Naval Affairs, and the report will be printed as a Senate document.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULBERSON submitted an amendment proposing to increase the salary of the shipping commissioner at Galveston, Tex., from $1,500 to $2,500, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. EDGE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Georgia submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

EMPLOYEES OF AGRICULTURAL DEPARTMENT.

Mr. KING submitted the following resolution (S. Res. 327), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Agriculture is directed to report to the Senate the number of persons employed in the Department of Agriculture, together with a division of such employees into classes, with the number employed in each class, which classification shall show separately the number of persons employed as scientists and experts, the number of persons employed in the District of Columbia and in each of the several States, Territories, and possessions of the United States, the number of persons employed in the Department of Agriculture separately for each year for the 10 years last past, the total appropriations and deficiencies separately for each of the 10 fiscal years last past, the amount and percentage of such appropriations used for expenditures other than salaries, wages, traveling expenses, and office expenses, and the character of such expenditures.

ALASKAN RAILROAD.

Mr. JONES of Washington. I offer a short resolution asking for information from the Department of the Interior, which I should like to have adopted. I am satisfied that it will involve no debate.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 329) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be directed to advise the Senate—

1. What steps have been taken or are being taken to develop and settle the country traversed by and tributary to the Government railroad being constructed in Alaska.

2. What steps have been taken or are being taken to develop traffic for such railroad when built.

3. Has any organization been created charged with the duty of settling this country and developing traffic for the road; if not, why has such organization not been formed?

LOANS ON GOVERNMENT BONDS.

Mr. SMITH of South Carolina. Mr. President, I wish to take this occasion, in lieu of introducing a resolution, which I had intended to do, to call the attention of the Committee on Banking and Currency to certain communications which I have received from constituents of mine and citizens of other States in reference to the condition existing in the discount or rediscount of Liberty bonds in our reserve banks. They are complaining that when the 4¼ per cent bonds are hypothecated for a loan the discount is 5 per cent. The result is that they sustain a loss in attempting to negotiate these bonds and that other paper which they hold is better collateral than the Government bonds.

Mr. President, I do not know just what legislation is needed, if any, but it is manifest to any business man that if bonds which bear 4¼ per cent interest issued by the Government are to be accepted as the basis of a loan at a rate of discount or rediscount of 5 per cent it is no wonder why the bonds are now below par and that they will go still further below par, because other bonds as collateral bearing a higher rate of interest are discounted in some instances at a lower rate of interest at the reserve bank.

It is a matter which I think the Committee on Banking and Currency ought to take into consideration to see if some relief can not be given, because it is manifest that when every bank that patriotically took these liabilities of the Government for a patriotic reason and loaded themselves up with them and have carried them, and now, when they reach a point where they want to realize on the paper in attempting to rediscount or discount at the bank hypothecating them for collateral for the issuance of a loan are charged 5 per cent, the consequence is that they have been disposing of those bonds wherever they can get rid of them in order to convert them even at a loss into better interest-bearing and more negotiable paper.

I have taken this occasion to call the attention of the members of the Committee on Banking and Currency to this fact.

Mr. OWEN. Mr. President, one of the things which has had the effect of depressing the value of the bonds is the extraordinarily high rates of interest which have prevailed upon the stock exchanges.

The statutes of New York are so framed that a note of $5,000 or more which is secured by collateral is not subject to the laws of usury. Money lenders can now charge 100 per cent for such loans. There is no usury law in New York on loans of $5,000 which are secured by collateral. So the practice has prevailed, when it was desired to stop speculation or to cause a "bear" market, as the case might be—I am not sure just where to draw the line at times—of raising the interest rate up to 10, 15, or 20 per cent on call loans, and as high as 30 per cent has recently been charged. When that happens the commercial rates of interest rise all over the country, and commercial rates are now running from 8 to 9 per cent, which makes a tax directly upon the cost of living—there is no question about that—and has the effect, because Government bonds are bearing a low rate of interest, under 5 per cent, of "bearing" the value of such bonds. So the people who bought those bonds for patriotic purposes, amounting to $26,000,000,000, have suffered a loss in the depreciation of $1,750,000,000. That is the approximate loss on those bonds of the Government.

When the Treasury induces the people to buy these bonds at par it ought not to then establish a policy or permit policies of others that would lower the value of such bonds. To buy these bonds at below par by the War Finance Corporation I do not approve. It would be better to buy at par, and, better, to have the reserve banks limit loans and give lower interest on loans made.

My opinion is that the true way to stop speculation in stocks is to raise the margin and to refuse loans for such purposes. It is entirely within the discretion of the banks to refuse a loan for speculative purposes in investment securities. There was recently employed in the New York banks $1,900,000,000 in speculative investments alone.

Mr. SMITH of South Carolina rose.

Mr. OWEN. Does the Senator from South Carolina desire to interrupt me?

Mr. SMITH of South Carolina. Yes.

Mr. OWEN. I yield to the Senator.

Mr. SMITH of South Carolina. The point I was making was not particularly in reference to the speculative feature which is complained of which exists in New York in connection with call money and time loans, but the Government at its own banks, so to speak, is charging a higher rate of discount than the interest which is allowed, so that a bank which has taken these liabilities of the Government and goes to the Federal reserve banks in order to realize a loan on them has to suffer a loss of three-fourths of 1 per cent; that is, the 4¼ per cent bond is being discounted now at 5 per cent. So the banks are now getting rid of such bonds as rapidly as possible.

Mr. OWEN. I think the purpose of the Federal Reserve Board is to cause the Federal reserve banks to bring some pressure on the banks for the purpose of getting them to dispose of these bonds to private holders, so as to take them out of the banks as active collateral and use such credits more largely for commercial purposes. It is much more difficult for the banks to dispose of these bonds when they are at a 10 per cent discount than if they were on a rising scale instead of on a falling scale. If the Government enters upon a new expansion of loans the Government may have to pay 6 per cent for money if the present situation continues. It is perfectly easy for the Federal Reserve Board to lower its rate of interest, and when the Federal Reserve Board is establishing a rate of interest to be charged a member bank for a loan of part of its own reserve that member bank ought to have that accommodation for 3 to 4 per cent, and a low standard of interest ought to be fixed in order to bring those bonds back to par, where they belong.

Mr. President, I wish to make the observation that the high rate on call loans could easily be checked if there were a system of biweekly settlements such as obtains in London. In that case there would be no call loans, and there would not be the fluctuations from day to day, but the rate would have to be fixed for approximately two weeks, and in that way our present difficulty could be avoided, and there would be no call loans as such. The old necessity for call loans, which arose at the period of time when the banks of the United States had no other way in which to get cash except by call loans, under which they could get it quickly in case of necessity, has passed away; the need for the call-loan system has disappeared with the development of the Federal reserve act. I call attention to that because I think Senators should realize that the necessity for that sort of thing no longer exists, and it has a very injurious effect upon the stock market in breaking the market down.

There is another matter of vital importance to the country, and to which I invite the attention of Senators, namely, that the railroads of this country are going to require somewhere in the neighborhood of five or ten billion dollars of new credit to put them in condition. How are they going to get this money if they are obliged to pay the very high current rates? They can not get it on a fair basis, and if they do not get it on a fair basis it will reflect itself in high freight rates, in high passenger rates, and in higher cost of living.

Mr. GRONNA. Mr. President, if I may be pardoned for taking a minute or two of the time of the Senate, I desire to call the attention of the Senator from Oklahoma [Mr. OWEN] and the Senator from South Carolina [Mr. SMITH] to the situation with reference to the question of rates and discounts by Federal reserve banks. I am not usually in the habit of saying, "I told you so," but when the most important legislation concerning this matter was pending before the Senate, when we were engaged in a tremendous war, and when some who believed that we still lived in the United States of America asserted that a mistake was being made in the legislation proposed, no attention was paid to our warning. We know what the newspapers throughout the country then stated. It develops now, however, that the mistake was made at that time, and we can not get away from it. It is to that only that I desire now to call the attention of Senators.

We know now, as a matter of fact, that more than 23,000 millionaires have been made during the recent war. Those of us who at that time said that the only thing to do was to increase the taxes and to make those people pay the expenses for carrying on the war are now being vindicated. The millions of people who bought Liberty bonds for a patriotic purpose, as stated by the two Senators who have preceded me, are now experiencing exactly what was called to the attention of the Senate at that time. The man on the farm who mortgaged his last cow in order to purchase a Liberty bond has to sell it now. You admit that now; we said so then. The only preventive for this situation was at that time to increase the rate of taxation; but you refused to do so.

I am only reminding you of the fact that for directing attention to the practice which was inaugurated through the revenue bill and merely for calling attention to what would happen in the future some of us at times were characterized as disloyal. No man but a novice would have expected anything else to follow. The millions of people who are now holding Liberty bonds will ultimately need cash and they will be glad to discount their Liberty bonds at whatever rate may be offered. So what is the use of quarreling about it? We know that the Liberty bonds will drift into the hands of the money speculators and profiteers. There were some of us who knew it at the time the legislation was enacted, and other Senators acknowledge now that it is true. They acknowledge that what we then predicted is actually happening. We are still in the United States of America; our form of government, thank God, has not changed; but at that time you permitted at least 23,000 men to become millionaires. There were about 7,000 of them before, and we now have about 30,000 millionaires, 23,000 of whom were made during the recent war.

There were, I repeat, a few of us who wanted to impose a tax of at least 80 per cent upon excess profits at that time, but a majority of the Senate refused to take such action. I am simply calling attention to that fact and to remind Senators that they can not expect now that these men who have the money will be willing to accept our Liberty bonds, although they are an obligation of the Government of the United States, without making further profit.

Mr. OWEN. "Our" Liberty bonds.

Mr. GRONNA. I mean "our" Liberty bonds, because I am one of the subscribers to the Liberty bonds; I am paying my share; but if the result of what has happened did not fall any more heavily upon anyone than upon myself I should not even complain this morning. I know, however, that the girl or the boy working in the shop and in the factory who paid 100 cents on the dollar for Liberty bonds—one or two or three of them, perhaps—will ultimately have to dispose of them at a discount. That is unfair to them; but, my friends, the mistake was made at the time we enacted the revenue law.

Mr. OWEN. Mr. President, I should like to have the Senator's opinion as to the rate of 30 per cent on loans in New York.

Mr. GRONNA. Of course, that is indefensible, I will say to the Senator, and I agree with him that whatever is done in New York, that being our largest city, is reflected throughout the entire country. I also entirely agree with the Senator that, so far as the unlimited discounts are concerned which are being permitted to be made in any place in the United States, I do not approve of them.

Mr. THOMAS. Mr. President, the present market value of Liberty bonds can, I think, be very easily explained. It is not due to the need of certain holders of limited means for ready cash, although that may have some influence in the equation. The Saturday Evening Post of last week contained a very illuminating article on the subject—at least it was illuminating to me. Speculative dealers in questionable securities issued by questionable enterprises, false pretenders, and swindlers throughout the country have been able to reap a rich harvest from the average holders of Liberty bonds by appealing to their cupidity and holding out promises of enormous returns to be realized upon their own enterprises. As a result many millions, perhaps billions, of dollars of Liberty bonds have been surrendered by the holders in exchange for stocks and securities which are practically worthless, and the new holders of these bonds have converted them into cash and used them for loans. The fall in the value of the bonds is, therefore, inevitable, for the market is glutted with them. That has occurred irrespective of our system of taxation. It is simply the operation of natural laws upon conditions which are scandalous, but which nevertheless exist, and for which the Government is blameless.

While I am on my feet I wish to direct attention, however, to one phase of the discount requirements of the Federal Reserve Board which, in my judgment, is subject to very serious criticism.

The 4¼ per cent loan certificates, in which banks and individuals have invested to enable the Government to continue to meet its usual expenditures, and the 4¼ per cent Liberty bonds, were

purchased, as I am assured, upon the express assurance of the Government that the discount rate would not be raised above the interest-bearing covenant of the bonds and certificates. I know of one bank which invested $10,000,000 in these certificates of indebtedness upon this assurance, but to-day the discount rate in that reserve division is 5 per cent for both sets of securities, and that, if my information is correct, involves a breach of faith by the Government with their holders.

I, of course, am aware of the necessity of raising discount rates if any limitation is to be placed upon the already undue expansion of credit; but unless the Government keeps faith with those who invest their money with it upon the strength of its assurances it will not be surprising if confidence be shaken in prevailing methods of banking.

Mr. SMITH of South Carolina. Mr. President, I just want to call attention to the logical result of this situation of discounting at a higher rate than the obligation bears.

As the Senator from Colorado says, those who are compelled to liquidate or realize upon these bonds, finding that the rate of discount is greater than the rate of interest they receive, and needing the money, are going to dispose of the bonds, because every time one pays a higher rate of interest than the instrument bears that is a discount on the paper itself. The result inevitably is that those bonds that are held by individuals of limited means will find a market, while those who have unlimited means, knowing that the Government will redeem its promise and pay the interest will hold their bonds. The result is, inevitably, a constant pressure to force the bonds out of weak hands into strong hands, and ultimately to cause them to drift into the pockets of those who are able to hold the bonds without realizing upon them.

I was not aware of the fact stated by the Senator that there was an understanding between the Government and the purchasers that the rate of discount should not exceed the rate of interest borne by the bonds. Nothing will go so far to stabilize the price of the bonds and to hold them in the hands of the individuals who now own them as having it understood that the rate of discount when they are hypothecated for a loan shall not exceed the rate of interest that they bear.

Mr. SMOOT. Mr. President, I am not going to discuss this question, but I simply wish to say that it is not altogether the person who holds one bond that is selling these bonds. The banks of the country have been forced to sell them, and the largest purchaser of the bonds is the United States itself. I want to say that the United States is buying these bonds at a discount to-day, and it is buying them just as low as it can possibly get them, and I am not stating this by way of complaint.

Mr. SIMMONS. Mr. President, just before the Senator from North Dakota [Mr. GRONNA] made his assault upon the present revenue law I was called out of the Chamber, and have just returned.

Without entering into any controversy with the Senator, I want to say that his attack upon the revenue legislation of the Congress is, in my judgment, wholly unwarranted. It was not the revenue legislation that made the large number of millionaires to which he refers. The increase in the number of millionaires as the result of the war has been considerable, but when the war started we had quite an army of millionaires in this country. The number that have been added to the list as the result of the war probably is not more than the number of millionaires created out of the Civil War. The Civil War started without any millionaires in this country and ended with a great many millionaires, and wars have generally resulted in the creation of millionaires, here and everywhere else.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. GRONNA. I am sure that upon reflection the Senator will not make that statement, because it was reported that we had only about 7,000 millionaires in this country before the war.

Mr. SIMMONS. Oh, that was a very great underestimate. It was reported from some sources that we had many more than that. From other sources there was a disposition to minimize the number, and they probably worked it down to 7,000; but that is immaterial.

Mr. GRONNA. Mr. President, does not the Senator know that the reports show that we have 30,000 millionaires in this country now?

Mr. SIMMONS. No; I do not know that, and I do not think that is true; but the point I am making is this: Relatively speaking—and when I say "relatively speaking," I speak with reference to the wealth of this country at the time of the Civil War and at the time of the great World War—relatively speaking, the number of millionaires that were added to the list as a direct result of the World War was not greater than those that were added to the list as the result of the Civil War. But, Mr. President, that is not the gravamen of the Senator's charge. The Senator charges that if he and a handful of gentlemen who cooperated with him in an effort to about double the taxes that were to be imposed upon the people of this country for war purposes had succeeded we would not have had these millionaires, and we would not have had the great debt that we now have. As a matter of fact, Mr. President, the debt that we now have is only about one-half the sum that it was estimated by the Senator and some of his colleagues in their fight against the war-revenue bill as the probable size of our public indebtedness.

Mr. GRONNA. I am sure the Senator will agree with me that when the second revenue act was passed the President of the United States himself recommended an increase in the rates.

Mr. SIMMONS. There might have been some recommendation of that sort on the excess-profits tax. There might have been some recommendation upon the income tax.

Mr. GRONNA. I know the Senator does not wish to misquote me intentionally. The Senator is mistaken when he says that I said we would not have so many millionaires. I do not know how many millionaires we are going to have, because these men have made not only one million, but several; but I do say we would not have had so many debts and so many bonds.

Mr. SIMMONS. Yes; and before the war commenced, Mr. President, from other causes chiefly growing out of legislation we had not only millionaires but multimillionaires and billionaires in this country.

Mr. President, it was estimated by those gentlemen when we were passing that revenue bill that unless we increased the rate of taxation to the extent that they demanded, which was nearly double what we placed upon a part of the industries of this country, we would have a debt of from fifty to sixty billions of dollars at the close of the war.

Mr. SMOOT. Mr. President, will the Senator yield just a moment?

Mr. SIMMONS. I yield to the Senator.

Mr. SMOOT. The Senator ought also to call the attention of the American people to the fact that the taxes imposed upon America on account of the war were higher than the taxes imposed upon any other country in the world.

Mr. SIMMONS. I will get to that. As a matter of fact, Mr. President, if we had imposed the high rate of taxes that was demanded by two or three here in the Senate at the time the first revenue bill was under discussion, the industries of this country would have been so handicapped by that rate of taxation that they would not have been able to have functioned in the splendid and magnificent way that they did, and that made it possible for us to win the war. As the Senator from Utah has stated, we imposed upon the wealth of this country a higher rate of taxation than any country in the world has ever placed in time of war upon its wealth.

Mr. THOMAS. Of course, the Senator is aware of the fact that every dollar of this enormous tax that could be was passed right on to the consumer, and instead of laying a tax upon wealth in its ultimate analysis it rests upon the producers of the country.

Mr. SIMMONS. I know that the consumers have caught it, and they always do catch it. You can not levy any tax in this country without the consumer catching it. But if we had doubled the tax, as the Senator says we ought to have done, and the consumer has caught what we did levy, the consumers would have gotten twice as heavy a burden as they have had to bear.

Mr. GRONNA. Mr. President, it was argued by the Senator himself that some of the people would be taxed as high as 60 per cent under the first bill, was it not?

Mr. SIMMONS. I think some of them were, and more than that.

Mr. GRONNA. It is hardly fair to say that I advocated doubling the taxes.

Mr. SIMMONS. Some Senator on the other side, following the Senator from North Dakota and his special friend, did propose here one day to impose a tax that was more than 100 per cent.

Mr. GRONNA. I shall show from the RECORD that there were not only two or three with me for increasing the rate of taxation, but I want the RECORD to show the votes, and the Senator will find that there was a very large number above three who were in favor of increasing the tax.

Mr. SIMMONS. I will increase the number to five, then, if three does not satisfy the Senator.

Mr. GRONNA. The Senator will find that there were more than that number.

Mr. SIMMONS. There were not many more than five. Mr. President, the only point I wish to make is that the tax which we levied was higher than that levied by any other nation on the face of the earth, even in times of war; and the great bulk of that taxation was primarily placed upon the productive wealth of this country. Practically every dollar of the excess-profits tax fell upon the productive industries of the country. The surtax which we imposed in the income-tax bill was a tax which reached not the poor, not the man of moderate means, not the well to do, but reached the wealth of the country, and I will say to the Senator that a large part of that was imposed in a form which made it impossible to pass it to the consumer.

I want to say to the Senator right now that if we had not levied the tax we did, but had followed him, the Government would have broken down in its finances, in my judgment, because it would have imposed such a burden upon the industries of the country as would have crippled them, and made it impossible for them to respond as readily and as effectively as they did to the demands of the Government.

Mr. GRONNA. The Senator is making a statement which is not warranted by the facts. I can call the attention of the Senator from North Carolina to some of the ablest financiers, who have criticized the revenue act. He need not take my statement for it.

Mr. SIMMONS. Yes, Mr. President, I have no doubt that the ablest financiers have done it, because the clients of the ablest financiers were the people who were mulcted by the system of taxation. I want to say right now, that, in my judgment, no other country in the world ever solved the great problem of financing the greatest war in history by the greatest and wealthiest country in the world as it was solved by the finance measure which we passed here with practically the assent of both sides of this Chamber.

Mr. LODGE obtained the floor.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from North Dakota?

Mr. LODGE. I yield for a moment.

Mr. GRONNA. Mr. President, the Senator from North Carolina made some statements which I do not believe are warranted by the facts or can be sustained from the records. He referred to my "special friend." I suppose he referred to the Senator from Wisconsin [Mr. LA FOLLETTE], who, on September 3, offered an amendment providing for a 70 per cent tax on war profits. There were 20 Senators who voted for that amendment, and, without reading, I ask that the names of those 20 Senators be inserted in the RECORD.

The Senator from Massachusetts [Mr. LODGE] kindly yielded to me for just a moment. I can not make the reply to the Senator from North Carolina which I would make, and which I shall make in the near future. I shall give him an opportunity to demonstrate and to go into detail, and I invite him now to prepare his data, but to prepare it from the records and not from memory.

Mr. President, I ask that these votes be printed in the RECORD, showing the number of votes cast for the amendment offered by the Senator from Wisconsin, and that the amendment also be printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Page ——, No. 1368. Date, September 3, 1917. Proposed by LA FOLLETTE. Amendment to committee amendment to bill H. R. 4280, revenue bill for war expenses, for 70 per cent tax on war profits.]

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the Secretary's desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In the amendment reported by the committee it is proposed to strike out all of page 12 after the parenthesis in line 13, all of page 13 down to and including line 22, and insert after the parenthesis in line 13, page 12, the words "70 per cent upon war profits (determined as hereinafter provided)."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment reported by the committee.

Mr. SMOOT. On that I call for the yeas and nays.

YEAS—20.

Ashurst	Hollis	Kenyon	McNary
Borah	Husting	King	Norris
Brady	Johnson, Calif.	Kirby	Thompson
Gore	Johnson, S. Dak.	La Follette	Trammell
Gronna	Jones, Wash.	McKellar	Vardaman

NAYS—55.

Bankhead	Fernald	Kendrick	Overman
Brandegee	Fletcher	Knox	Owen
Broussard	France	Lewis	Page
Chamberlain	Frelinghuysen	Lodge	Penrose
Colt	Gerry	McCumber	Pittman
Culberson	Hale	Martin	Poindexter
Curtis	Harding	Myers	Pomerene
Dillingham	James	New	Ransdell
Fall	Jones, N. Mex.	Newlands	Robinson
Saulsbury	Simmons	Sterling	Watson
Shafroth	Smith, Ga.	Stone	Weeks
Sheppard	Smith, Md.	Underwood	Williams
Sherman	Smith, Mich.	Wadsworth	Wolcott
Shields	Smoot	Warren	

NOT VOTING—21.

Beckham	Hitchcock	Reed	Tillman
Calder	Hughes	Smith, Ariz.	Townsend
Cummins	Kellogg	Smith, S. C.	Walsh
Gallinger	McLean	Sutherland	
Goff	Nelson	Swanson	
Hardwick	Phelan	Thomas	

So Mr. LA FOLLETTE'S amendment to the amendment was rejected.

RECLASSIFICATION COMMISSION.

Mr. JONES of New Mexico. The Senator from South Dakota [Mr. STERLING], from the Committee on Civil Service and Retrenchment, reported out a resolution this morning for the continuation of certain work of the Reclassification Commission after the commission shall have rendered its report. I would like to ask that that resolution may be taken up for consideration.

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects. The morning business is closed. [At 12 o'clock and 55 minutes p. m.]

Mr. OWEN. Mr. President——

Mr. LODGE. I yield to the Senator from Oklahoma for a moment.

INTEREST ON COLLATERAL CALL LOANS.

Mr. OWEN. I ask leave to offer a resolution, which is a resolution of inquiry from the Federal Reserve Board.

The resolution (S. Res. 328) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Reserve Board be, and is hereby, directed to advise the Senate what is the cause and justification for the usurious rates of interest on collateral call loans in the financial centers, under what law authorized, and what steps, if any, are required to abate this condition.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. GORE. I desire to give notice of my intention to offer the reservation which I send to the desk to the pending resolution of ratification. I ask that it may be read and lie on the table.

The PRESIDENT pro tempore. The Secretary will read the proposed reservation for the information of the Senate.

The Secretary read as follows:

The United States understands that no mandatory power shall, without the consent of the council, enjoy any monopoly, privilege, or preference in respect of the natural resources or the acquisition, development, and operation of the same in any territory placed under its control, influence, or mandate; and the United States further understands that no member of the league shall, without the consent of the council, enjoy any monopoly, privilege, or preference prejudicial to the equal rights and opportunities of any other member in respect of the natural resources or the acquisition, development, or operation of the same situate in any colony, dependency, or sphere of influence, its title or claim to which shall have been vested or confirmed by the treaty or by virtue of the action or authority of the league itself.

The PRESIDENT pro tempore. The proposed reservation will be printed and lie on the table.

Mr. LODGE. Mr. President, it was manifest on Saturday that the Senate is very anxious to proceed as rapidly as possible with the remaining reservations so as to reach reservation No. 2, affecting article 10. I ask unanimous consent that on all the remaining reservations except the reservation No. 2, relating to article 10, each Senator be limited to 20 minutes' debate on each reservation.

The PRESIDENT pro tempore. The Secretary will state the proposed agreement.

The ASSISTANT SECRETARY. The Senator from Massachusetts asks unanimous consent that on all remaining reservations except reservation 2, relating to article 10, each Senator shall be limited to 20 minutes' debate on each reservation.

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. Mr. President, reserving the right to object, I should like to say that I think that is too strict a limitation on reservation 14. That is a serious matter, and I should like to have it excepted from the request.

Mr. LODGE. If I can get an agreement by making an exception of reservation 14 I am ready to do so. I should like to get the agreement I have proposed as to the rest of the reservations.

Mr. POMERENE. Will the Senator from Massachusetts yield for a question?

Mr. LODGE. Certainly.

Mr. POMERENE. Is the unanimous-consent agreement as presented intended to include all new reservations which may be offered?

Mr. LODGE. No; only the remaining reservations, prior to reaching reservation No. 14 and reservation No. 2, which covers article 10.

Mr. THOMAS. Including amendments to the reservations?

Mr. LODGE. It includes everything.

Mr. HITCHCOCK. That is to say, 20 minutes are allowed on an amendment?

Mr. LODGE. No; 20 minutes on each reservation.

Mr. WALSH of Montana. I should like to make an inquiry of the Senator. I do not understand that the unanimous consent is intended to apply to the question on the adoption of the resolution of ratification itself?

Mr. LODGE. Oh, no; that comes after we get into the Senate.

Mr. BRANDEGEE. I ask that the unanimous-consent agreement be again read, as I entered the Chamber after it was read.

The PRESIDENT pro tempore. The Secretary will again read the proposed agreement.

The Assistant Secretary read as follows:

That on all remaining reservations, except reservations 2 and 14, each Senator shall be limited to 20 minutes' debate on each reservation.

Mr. REED. As drawn, it would include reservations which might hereafter be offered.

Mr. LODGE. No; it is not so intended. It says "the remaining reservations."

Mr. REED. Suppose, so that there will be no misunderstanding, we make it read, "the so-called Lodge reservations."

Mr. LODGE. We might say "the remaining pending reservations," but they are not pending. There is only one pending at a time. That does not cover it.

Mr. REED. Why not name them, and then there would be no doubt?

Mr. HITCHCOCK. They could be stated as "the committee reservations."

Mr. LODGE. They are committee reservations. Let it read "the remaining Foreign Relations Committee reservations, except reservation 2 and reservation 14."

Mr. HITCHCOCK. I should like to correct the Assistant Secretary that it is not article 14, but reservation No. 14. Exception is made in favor of reservation No. 2 and reservation No. 14.

Mr. LODGE. That is the way it is worded.

Mr. HITCHCOCK. I think he read "article 14."

Mr. LODGE. I do not think he could have read "article 14."

Mr. HITCHCOCK. I ask to have it reread.

The PRESIDENT pro tempore. The Secretary will read again.

The ASSISTANT SECRETARY. As originally presented it read:

That on all remaining reservations, except the reservation to article 10, each Senator shall be limited to 20 minutes' debate on each reservation.

As now amended it reads:

That on all remaining Foreign Relations Committee reservations, except the reservation to article 10 and reservation No. 14, each Senator shall be limited to 20 minutes' debate on each reservation.

Mr. BRANDEGEE. "And amendments thereto," I would suggest. As it stands, anybody can offer substitutes and amendments forever.

Mr. LODGE. No; we are still speaking about the reservations.

Mr. BRANDEGEE. I think if a Senator offered a substitute for it——

Mr. LODGE. Let it read "reservations and amendments thereto," if desired.

The PRESIDENT pro tempore. Is there objection to the proposed agreement? The Chair hears none, and the agreement is unanimously entered into.

The unanimous-consent agreement is as follows:

It is agreed by unanimous consent that on all remaining Foreign Relations Committee reservations, except the reservation to article 10 and reservation No. 14, each Senator shall be limited to 20 minutes' debate on each reservation and amendments thereto.

Mr. KIRBY. I should like to ask the Senator from Massachusetts if he could not extend his request to a final vote on the reservation to article 10 this week?

Mr. LODGE. I can not do so, because there is objection to putting a limitation on reservation 14 and reservation 2.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute proposed by the Senator from Indiana [Mr. NEW] to reservation No. 9.

Mr. LODGE. An amendment was offered to it by the Senator from Illinois [Mr. MCCORMICK].

The PRESIDENT pro tempore. An amendment was proposed by the Senator from Illinois [Mr. MCCORMICK], sent to the desk, but not formally offered.

Mr. MCCORMICK. It was sent to the desk, read, and ordered to be printed.

The PRESIDENT pro tempore. That being true, the question is upon the substitute offered by the Senator from Indiana [Mr. NEW].

Mr. MCCORMICK. I offer the amendment to the substitute as proposed by the Senator from Indiana [Mr. NEW].

The PRESIDENT pro tempore. The Secretary will report the amendment proposed now by the Senator from Illinois.

The ASSISTANT SECRETARY. Add at the end of the proposed substitute offered by the Senator from Indiana, after the word "Congress," in that substitute, the following:

And the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Mr. NEW. I accept the amendment offered by the Senator from Illinois to my substitute.

The PRESIDENT pro tempore. The Senator from Indiana accepts the amendment and modifies his amendment accordingly. The question now is upon the substitute offered by the Senator from Indiana as modified.

Mr. LODGE and Mr. REED called for the yeas and nays, and they were ordered.

The Assistant Secretary proceeded to call the roll.

Mr. LODGE (when Mr. DILLINGHAM's name was called). The Senator from Vermont [Mr. DILLINGHAM] is necessarily absent to-day. If present, he would vote "yea." He has a general pair with the Senator from Maryland [Mr. SMITH].

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I agreed to take care of him by a pair during his absence. I find, however, that I can transfer my pair to the Senator from California [Mr. JOHNSON], which I do, and vote. I vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH], and on this question I vote "nay." I ask that the announcement of my pair and its transfer may stand for the day.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from from Kentucky [Mr. STANLEY] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote upon this amendment.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to my colleague [Mr. NEWBERRY] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness, to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. He is paired by a transfer on this vote with the Senator from Oregon [Mr. CHAMBERLAIN]. If present, the Senator from Wisconsin would vote "yea."

Mr. HARRIS. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. CHAMBERLAIN entered the Chamber and voted in the affirmative.

Mr. GRONNA. A moment ago I made the statement that the Senator from Wisconsin [Mr. LA FOLLETTE] is paired with the Senator from Oregon [Mr. CHAMBERLAIN]. The Senator from Oregon [Mr. CHAMBERLAIN] having now voted, I withdraw that announcement and merely state that if present the Senator from Wisconsin [Mr. LA FOLLETTE] on this question would vote "yea."

Mr. PHELAN. I desire to announce that on this question I am paired. If I had not been paired I would vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the Senator from Mas-

sachusetts [Mr. WALSH] is necessarily absent. I ask that this announcement may stand for the day.

The result was announced—yeas 49, nays 27, as follows:

YEAS—49.

Ashurst	Frelinghuysen	McCormick	Shields
Ball	Gore	McLean	Smith, Ga.
Borah	Gronna	McNary	Smoot
Brandegee	Hale	Moses	Spencer
Capper	Henderson	Myers	Sterling
Chamberlain	Jones, Wash.	Nelson	Sutherland
Colt	Kellogg	New	Townsend
Cummins	Kenyon	Norris	Wadsworth
Curtis	Keyes	Nugent	Warren
Edge	Kirby	Page	Watson
Elkins	Knox	Phipps	
Fernald	Lenroot	Reed	
France	Lodge	Sherman	

NAYS—27.

Beckham	Harrison	Overman	Smith, Md.
Dial	Hitchcock	Pittman	Smith, S. C.
Fletcher	Johnson, S. Dak.	Poindexter	Trammell
Gay	Jones, N. Mex.	Pomerene	Walsh, Mont.
Gerry	Kendrick	Ransdell	Williams
Glass	King	Sheppard	Wolcott
Harris	McKellar	Simmons	

NOT VOTING—19.

Calder	Johnson, Calif.	Penrose	Swanson
Culberson	La Follette	Phelan	Thomas
Dillingham	McCumber	Robinson	Underwood
Fall	Newberry	Smith, Ariz.	Walsh, Mass.
Harding	Owen	Stanley	

So Mr. NEW's substitute for reservation No. 10 was agreed to, as follows:

No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

The PRESIDENT pro tempore. The question now is upon agreeing to the reservation as amended.

Mr. LODGE. Upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded.

Mr. WALSH of Montana. Mr. President, the question, as I understand, now recurs upon the reservation as amended?

The PRESIDENT pro tempore. It does.

Mr. WALSH of Montana. I desire to call the attention of the Senate to the situation in which it finds itself by the action just taken. The reservation under consideration originally read as follows:

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

The important point being that after the plan is proposed by the council, and after the plan is adopted and approved by the United States, then, under this, the United States reserves the right to increase its armament in time of war or when threatened with war or invasion, the plan to the contrary notwithstanding. That was the question over which the discussion arose, as to whether the right should be reserved by the United States to increase its armament after it had adopted a plan which presumably did not give it that right. It was argued that if the United States desired to exercise that right it would not approve the plan, and when the plan came before Congress it would reject it if it did not so provide. But, Mr. President, see what we have done. The Senator from Indiana [Mr. NEW] moved as a substitute for that the reservation as it had been tentatively agreed upon by the bipartisan conference, as follows:

No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress.

It will be observed that that leaves out the provision under which the United States, after it had agreed to the plan recommended by the council, could then increase its armament, and yet, marvelous to relate, the Senator from Illinois [Mr. MCCORMICK] proposes to add to that draft of the reservation the very matter which it was intended by the substitute to exclude, namely, the language—

It reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

So after all this learned discussion we have got back to the very point from which we started. Now, I submit, is not that absurd? Of course if that proposition is to be embraced by the Senate as expressive of its ideas, let the Lodge resolution alone, reject the substitute, and vote upon the original Lodge resolution. We put ourselves in a perfectly ridiculous attitude by this sort of procedure.

I really think that some Senator who voted for the substitute of the Senator from Indiana [Mr. NEW] as amended by the McCormick amendment ought to arise and move to reconsider or that it ought by unanimous consent to be reconsidered, and we ought to vote upon the original Lodge reservation.

Mr. LODGE. Mr. President, the subject of the vote is determined by the parliamentary situation. It is on the reservation as amended, and I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the yeas and nays.

Mr. WALSH of Montana. A parliamentary inquiry, Mr. President. I inquire whether a motion at this time to reconsider the vote by which the New substitute as amended by the McCormick amendment was adopted would be in order?

Mr. LODGE. It would be, if made by some Senator who voted on the prevailing side.

The PRESIDENT pro tempore. The Chair is of opinion that a motion to reconsider would be in order.

Mr. WALSH of Montana. I trust some Senator will make the motion.

Mr. HENDERSON. I move to reconsider the vote just taken in order that a vote may be had on the amendment proposed by the Senator from Illinois [Mr. MCCORMICK] to the substitute reservation.

Mr. LODGE. I move to lay the motion upon the table, and on that I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts to lay upon the table the motion to reconsider of the Senator from Nevada [Mr. HENDERSON]. On that motion the Senator from Massachusetts asks for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

Mr. TOWNSEND (when his name was called). I again announce my pair with the senior Senator from Arkansas [Mr. ROBINSON] and its transfer to the junior Senator from Michigan [Mr. NEWBERRY]. I desire this announcement to stand for all votes to-day. I vote "yea."

Mr. WILLIAMS (when his name was called). Reiterating the explanation made upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. HARRIS. I have a pair with the junior Senator from New York [Mr. CALDER]. In his absence, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 45, nays 32, as follows:

YEAS—45.

Ball	Frelinghuysen	McLean	Shields
Borah	Gore	McNary	Smoot
Brandegee	Gronna	Moses	Spencer
Capper	Hale	Nelson	Sterling
Chamberlain	Jones, Wash.	New	Sutherland
Colt	Kellogg	Norris	Townsend
Cummins	Kenyon	Owen	Wadsworth
Curtis	Keyes	Page	Warren
Edge	Knox	Phipps	Watson
Elkins	Lenroot	Poindexter	
Fernald	Lodge	Reed	
France	McCormick	Sherman	

NAYS—32.

Ashurst	Henderson	Myers	Simmons
Beckham	Hitchcock	Nugent	Smith, Ga.
Dial	Johnson, S. Dak.	Overman	Smith, Md.
Fletcher	Jones, N. Mex.	Phelan	Smith, S. C.
Gay	Kendrick	Pittman	Trammell
Gerry	King	Pomerene	Walsh, Mont.
Glass	Kirby	Ransdell	Williams
Harrison	McKellar	Sheppard	Wolcott

NOT VOTING—18.

Calder	Harris	Penrose	Thomas
Culberson	Johnson, Calif.	Robinson	Underwood
Dillingham	La Follette	Smith, Ariz.	Walsh, Mass.
Fall	McCumber	Stanley	
Harding	Newberry	Swanson	

So Mr. LODGE's motion to lay upon the table Mr. HENDERSON's motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question now is upon agreeing to reservation No. 10 as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Announcing the same transfer as on the previous roll call, I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the explanation made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. HARRIS. I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Montana [Mr. MYERS], and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD], and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 49, nays 26, as follows:

YEAS—49.

Ball	Gore	McLean	Shields
Borah	Gronna	McNary	Smith, Ga.
Brandegee	Hale	Moses	Smoot
Capper	Jones, Wash.	Nelson	Spencer
Chamberlain	Kellogg	New	Sterling
Colt	Kenyon	Norris	Sutherland
Cummins	Keyes	Nugent	Townsend
Curtis	King	Page	Wadsworth
Edge	Kirby	Phelan	Warren
Elkins	Knox	Phipps	Watson
Fernald	Lenroot	Poindexter	
France	Lodge	Reed	
Frelinghuysen	McCormick	Sherman	

NAYS—26.

Beckham	Harrison	Overman	Smith, S. C.
Dial	Henderson	Pittman	Trammell
Fletcher	Hitchcock	Pomerene	Walsh, Mont.
Gay	Johnson, S. Dak.	Ransdell	Williams
Gerry	Jones, N. Mex.	Sheppard	Wolcott
Glass	Kendrick	Simmons	
Harris	McKellar	Smith, Md.	

NOT VOTING—20.

Ashurst	Harding	Newberry	Stanley
Calder	Johnson, Calif.	Owen	Swanson
Culberson	La Follette	Penrose	Thomas
Dillingham	McCumber	Robinson	Underwood
Fall	Myers	Smith, Ariz.	Walsh, Mass.

So reservation No. 10 as amended was agreed to, as follows:

No plan for the limitation of armaments proposed by the council of the League of Nations under the provisions of article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Mr. LODGE. Mr. President, I move that the Senate proceed to reservation No. 11, and I move to amend it, in line 7, by striking out the words "that violating said article 16" and inserting "such covenant-breaking State."

That is to correct an error in the original reservation. The insertion of the words "that violating said article 16" was a misprint, which the Senator from New York [Mr. WADSWORTH] tried to correct on the 19th of November, but objection was made at that stage to anything, and therefore it was not accomplished. This is simply to correct that error.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment——

Mr. HITCHCOCK. I should like to have the reservation stated as it would then read.

The PRESIDENT pro tempore. The Chair would like to state the question, and the reservation as proposed to be amended shall then be stated. The question is upon the amendment proposed by the Senator from Massachusetts, which will be stated by the Secretary.

The ASSISTANT SECRETARY. In line 7 of the reservation it is proposed to strike out the words "that violating said article 16" and to insert in lieu thereof the words "such covenant-breaking State," so that if amended the reservation will read:

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

Mr. HITCHCOCK. I should like to ask the Senator a question. The amendment which he is now offering is different from the one which he proposed to offer, as found upon this printed copy?

Mr. LODGE. It is. I do not propose to offer that. It was never agreed upon—neither that nor the one to the first reservation. I offered the one to the first reservation as an experiment, and the Senator and his friends voted it down; and I am not going to offer this one, to which I object, and which is a substantial change.

Mr. HITCHCOCK. I have not any desire to quibble with the Senator. I do not care how bad he makes his reservations. They are easier to vote against on that account. I only wanted to get the matter clarified. He has put upon our desks a printed copy of what he proposes to offer, but he is now offering something different.

Mr. LODGE. I am. I withdrew that, and offered another, which I believe is parliamentary.

The PRESIDING OFFICER (Mr. KENYON in the chair). The question is on the amendment offered by the Senator from Massachusetts to reservation No. 11. Those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.] The amendment is agreed to.

Mr. LODGE. So there are some who vote against correcting a typographical error!

The PRESIDING OFFICER. The question now is on reservation No. 11, as amended.

Mr. LODGE and Mr. REED called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. LODGE (when Mr. DILLINGHAM'S name was called). The Senator from Vermont [Mr. DILLINGHAM] is obliged to be absent to-day. If present, he would vote "yea." He has a general pair with the Senator from Maryland [Mr. SMITH]. I ask that that announcement may stand for the day.

Mr. JONES of Washington (when his name was called). Again announcing my pair and transfer, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same transfer as on the last vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Making the same explanation, I vote "nay."

The roll call was concluded.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present he would vote "yea."

Mr. HARRIS. Making the same announcement of my pair and its transfer as on the last vote, I vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 44, nays 28, as follows:

YEAS—44.

Ball	Frelinghuysen	McCormick	Reed
Borah	Gore	McLean	Sherman
Brandegee	Gronna	McNary	Shields
Capper	Hale	Moses	Smoot
Colt	Henderson	Nelson	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kellogg	Norris	Sutherland
Edge	Kenyon	Owen	Townsend
Elkins	Keyes	Page	Wadsworth
Fernald	Lenroot	Phipps	Warren
France	Lodge	Poindexter	Watson

NAYS—28.

Beckham	Harris	Kirby	Simmons
Chamberlain	Harrison	McKellar	Smith, Md.
Dial	Hitchcock	Nugent	Smith, S. C.
Fletcher	Johnson, S. Dak.	Overman	Trammell
Gay	Jones, N. Mex.	Phelan	Walsh, Mont.
Gerry	Kendrick	Ransdell	Williams
Glass	King	Sheppard	Wolcott

NOT VOTING—23.

Ashurst	Johnson, Calif.	Penrose	Stanley
Calder	Knox	Pittman	Swanson
Culberson	La Follette	Pomerene	Thomas
Dillingham	McCumber	Robinson	Underwood
Fall	Myers	Smith, Ariz.	Walsh, Mass.
Harding	Newberry	Smith, Ga.	

So reservation No. 11, reported by the Committee on Foreign Relations, was agreed to, as follows:

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking State, to continue their commercial, financial, and personal relations with the nationals of the United States.

Mr. LODGE. I move now the adoption of reservation No. 12.

Mr. WALSH of Montana. Mr. President, I understand that reservation No. 12 originated with the junior Senator from New York [Mr. WADSWORTH]. I have never been able to get any information from any source whatever which gives me any idea as to the operation of that reservation or who it is the reservation is intended to take care of or the character of cases it is intended to take care of. I should like to have from the Senator from New York, if he can give us an illustration, some concrete case to which the reservation would be applicable.

Mr. WADSWORTH. Mr. President, I am not certain that I can give a concrete case. My attention was called to the language of the annex to article 297 of the treaty itself, which will be found upon page 137 of the printed copy of the treaty which I have in my hand. Article 297 of the treaty itself has to do with the property rights and interests of citizens of the belligerent nations, property rights and interests of enemy aliens generally, and the settlement of those interests under the treaty.

The annex to which I have referred reads in part as follows:

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested.

The term "all persons" is infinitely more comprehensive than the term "enemy aliens," and if construed as the English language is ordinarily construed, in this connection it would include American citizens as well as enemy aliens who happen to have resided in the United States during the war and whose property was dealt with by our Government.

The object of this reservation is to see to it that in the event of American citizens having had rights or interests in property which has been dealt with by our Government as owned in whole or in part by enemy alien interests they shall have their right hereafter to appeal to the courts of the United States and not be debarred from such an appeal by the language of this annex, which otherwise, if no reservation is adopted, confirms everything that was done and closes the door against all persons. The reservation is interpretative in that respect. I think myself that the meaning of the phrase "all persons" would include, of course, citizens of the United States. I do not believe there was a real intention to do it, but as the annex reads it does do it. I can see no objection whatever to an interpretative reservation.

Mr. WALSH of Montana. From what page does the Senator read?

Mr. WADSWORTH. From page 137 of the printed copy of the treaty. It is the annex to article 297. I have not read it all. It goes further and is even stronger.

Mr. WALSH of Montana. What paragraph of the annex?

Mr. WADSWORTH. Paragraph 1. It goes further and says:

No question shall be raised as to the regularity of a transfer of any property rights or interests dealt with in pursuance of any such order, direction, decision, or instruction.

And all persons are involved.

Mr. WALSH of Montana. I am not able to follow the Senator, because I have not been able to turn to it, but the Senator has not given us any concrete case at all.

Mr. WADSWORTH. I said at the beginning that I was not aware of a concrete case. An opinion has been expressed by lawyers in whom I have confidence that cases may arise in the future that would fall within the provisions of this annex and involve the rights of American citizens. I think it is almost certain that such an event will arise, for it must be remembered that our Government dealt with something like three-quarters of a billion or a billion dollars worth of property—I forget the exact figures—which was enemy alien property, and it is almost certain that some American citizens had some rights or property interests in that property as minority stockholders or had some contracts with concerns that were taken over.

This reservation makes no reflection upon our Government whatsoever, but simply attempts to secure to American citizens the rights they would ordinarily have at any time. They would not be debarred from pressing their rights as the result of the ratification of the treaty with this annex.

Mr. WALSH of Montana. Mr. President, it strikes me as something marvelous in the extreme that the Senate of the United States should be incorporating a reservation in the resolution of ratification of a treaty when no one is able to give a plain and concise statement of any existing state of facts to which the provision would be applicable, nor even to suppose a state of facts to which the provision would be applicable.

I am merely guessing about it, but I guess that this reservation means this: The Alien Property Custodian took into his possession property which he estimated and which he considered to be of the value of something like three-quarters of a billion dollars, as suggested by the Senator from New York. The owners of that property contend that it is worth three or four times, perhaps ten times, that amount; at least, it is not at all improbable that if they had an opportunity to present claims for it they would assert claims for somewhere between $5,000,000,000 and $10,000,000,000.

It is perfectly well known that in the case of a large amount of that property the stock, which really belonged to alien enemies, was put in the names of American citizens. That fact has been disclosed in hearings before committees of the Senate, and it is a matter of public notoriety. These individuals set up the claim that the stock belonged to them individually as against the contention of the Government that it was really held in trust for alien enemies, and I take it that this provision, which we are now to endeavor to make a part of the resolution of ratification of this treaty, is to take care of the interests of those American citizens who claim to have held this stock in their own right, as against the contention of the Government that they were mere dummies holding it for foreign and alien enemy interests.

Of course, it is broad enough to take care of their rights, as well as of the rights of the man who in good faith, and honestly, asserted a right as an American citizen in property taken over by the Alien Property Custodian. But the real claimant, the man who is complaining about it, in about 90 per cent of the cases, at least, I dare say will be found to be a mere colorable holder for the enemy alien.

Mr. REED. Mr. President——

Mr. WALSH of Montana. But, Mr. President, it would be a matter of no consequence if his claim were asserted in perfect good faith, and if he actually owned it in his own right, and he was an American citizen. There is nothing in the treaty that can possibly affect his rights in any way, shape, or manner, and there is not a lawyer upon this floor, I undertake to say, who will assert that his rights could be affected in any way, shape, or manner.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. WALSH of Montana. I yield first, if the Senator from Massachusetts will pardon me, to the Senator from Missouri [Mr. REED], as he rose first.

Mr. REED. The Senator says that there might be some honest claimants. The Senator would not object to giving them their day in court?

Mr. WALSH of Montana. Certainly not. You can not take their day in court away from them, and that is the point I am making. The Constitution of the United States takes care of them by providing that no man shall be deprived of his property without due process of law.

Mr. REED. When I rose the Senator had not reached that point. I am inclined to think that the Senator would be found to be right on the last proposition, and I am inclined to concur with him. In view of the fact that there are honest claimants, or may be honest claimants as well as dishonest claimants, what is the objection to giving them all a day in our courts and saying so plainly in this instance, so that that question will not have to be fought over as a preliminary to a court proceeding?

Mr. LODGE. Mr. President——

Mr. WALSH of Montana. We do not need it here at all because it is already taken care of. It is taken care of in a better way than the treaty can take care of it. It is taken care of by the Constitution of the United States. Whether a man is honest or dishonest in his claim, if he is an American citizen you can not take away from him the right to have a court adjudicate whether he is entitled to property or not.

Mr. HENDERSON. Mr. President——

Mr. REED. Then this just leaves it where our Constitution leaves it.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH of Montana. I feel that I should yield to the Senator from Massachusetts if he desires to interrogate me.

Mr. LODGE. I merely wanted to say that I can not see that it would do any possible harm to reserve this privilege to American citizens. If they have it already, they will go into courts. I have confidence in the courts of the United States, and it does not trouble me that we are protecting the rights of American citizens even if we are overprotecting them.

Mr. WALSH of Montana. I yield now to the Senator from Nevada.

Mr. HENDERSON. I should like to ask the Senator if the paragraph at the end of the annex, in the last sentence, does not take care of the matter just as well as the reservation proposed by the Senator from New York. The proviso reads as follows:

Provided, That the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the allied and associated powers.

Mr. WALSH of Montana. I should say that it does.

Mr. LODGE. But that does not get by the "any person." The "any person" is the point. "Any person" is every person.

Mr. WALSH of Montana. "Their nationals" will be nationals of the allied and associated powers. There are no other persons except enemy aliens and neutrals, and those apparently are the ones to be taken care of.

Mr. LODGE. This reservation gives no protection to enemy aliens, and the Senator is well aware of that.

Mr. WALSH of Montana. I am not quite so sure about it.

Mr. LODGE. This provides for American citizens. An enemy alien is not a citizen of the United States.

Mr. WALSH of Montana. In any case, in view of the provision to which our attention is called by the Senator from Nevada [Mr. HENDERSON], it can only protect neutrals, not citizens of the United States or citizens of any of our allies, because they are already protected by the very article to which the reservation is directed. If that is not the situation——

Mr. LODGE. It can not protect anybody but citizens of the United States who are named in it. It does not protect neutrals.

Mr. WALSH of Montana. If the Senator from New York can shed any more light on it, and if I have not stated the case as it is, I should be very glad to be advised about it, because I am groping in the dark about it.

Mr. WADSWORTH. This matter was the subject of some discussion in the Committee on Foreign Relations, and the discussion was printed as a part of the hearings. I was not present at the time, not being a member of that committee, but it was suggested that the language of this paragraph of annex 1 of article 297 was ambiguous, and grave doubt was expressed by some members of the Committee on Foreign Relations as to whether the use of the words "all persons" would not include citizens of the United States. This reservation is simply to make it clear.

Mr. LODGE. That is all.

Mr. WADSWORTH. It does not protect neutrals, neutrals are not mentioned in it; it does not protect enemy aliens, enemy aliens are not mentioned in it. It says rights of citizens of the United States, and that is all. What objection there can be to it passes my comprehension.

The PRESIDING OFFICER. The question is on reservation No. 12, reported by the Committee on Foreign Relations.

Mr. FLETCHER. Mr. President, I can see no real objection to the reservation except that in the instance cited by the Senator from Montana [Mr. WALSH] American citizens, having had shares of stock or property transferred to them nominally, might be used to protect alien enemies. That is the only question.

Mr. WADSWORTH. But our courts can be trusted to decide things of that sort and to make a decision justly.

Mr. FLETCHER. It may be very difficult to uncover a fraud of that kind. I do not know of any such instances, but there is a possibility that there might be some collusion there.

Mr. LODGE. I think the courts are quite as likely to uncover it and reach a just verdict as is the Attorney General of the United States.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. I yield.

Mr. LENROOT. I should like to suggest to the Senator that if the treaty does cut off the claim of an American citizen who claims that he is a stockholder, but may not be, it would also cut off claims of all other good-faith American citizens. If it did in the one case it would in the other.

Mr. FLETCHER. I do not question that, but I quite agree with the Senator from Montana that every right of every citizen of the United States is protected by the Constitution of the United States, and the proviso at the end of the paragraph, it seems to me, fully settles that.

Mr. LENROOT. Will the Senator yield there? Under the proviso it will be necessary for a claimant to show that he acquired the property for value. Does the Senator think that an American citizen, with no German rights involved, in order to substantiate his claim to his own property, must prove that he acquired it for value? He might have secured it by gift.

Mr. FLETCHER. In accordance with the laws of the country or in good faith.

Mr. LENROOT. And for value.

Mr. LODGE. I call for the yeas and nays on agreeing to the reservation.

Mr. GERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Harris	McLean	Smith, Md.
Capper	Harrison	Nelson	Smith, S. C.
Chamberlain	Henderson	New	Smoot
Colt	Hitchcock	Norris	Spencer
Culberson	Johnson, S. Dak.	Nugent	Sterling
Curtis	Jones, Wash.	Overman	Sutherland
Dial	Kellogg	Page	Thomas
Elkins	Kendrick	Phelan	Trammell
Fletcher	Kenyon	Phipps	Wadsworth
Gay	Keyes	Pittman	Walsh, Mont.
Gerry	Kirby	Reed	Watson
Glass	Knox	Sheppard	Williams
Gore	Lodge	Sherman	Wolcott
Hale	McKellar	Shields	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The yeas and nays have been requested on agreeing to the reservation.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of sickness. I have been unable to secure a transfer of that pair, and therefore must withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness. As I am unable to secure a pair for him, I simply wish to announce that if present he would vote "yea."

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH]. I have not seen him present at this vote. Therefore I transfer my pair with him to my colleague [Mr. WALSH of Massachusetts] and allow my vote to stand.

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 45, nays 27, as follows:

YEAS—45.

Ball	Frelinghuysen	McCormick	Shields
Brandegee	Gore	McLean	Smoot
Capper	Gronna	McNary	Spencer
Chamberlain	Hale	Moses	Sterling
Colt	Henderson	Myers	Sutherland
Cummins	Jones, Wash.	Norris	Townsend
Curtis	Kellogg	Page	Wadsworth
Edge	Kenyon	Phipps	Warren
Elkins	Keyes	Poindexter	Watson
Fernald	Knox	Pomerene	
Fletcher	Lenroot	Reed	
France	Lodge	Sherman	

NAYS—27.

Beckham	Harrison	McKellar	Simmons
Culberson	Hitchcock	Nelson	Smith, Md.
Dial	Johnson, S. Dak.	Nugent	Smith, S. C.
Gay	Jones, N. Mex.	Owen	Trammell
Gerry	Kendrick	Phelan	Walsh, Mont.
Glass	King	Pittman	Wolcott
Harris	Kirby	Sheppard	

NOT VOTING—23.

Ashurst	Johnson, Calif.	Penrose	Swanson
Borah	La Follette	Ransdell	Thomas
Calder	McCumber	Robinson	Underwood
Dillingham	New	Smith, Ariz.	Walsh, Mass.
Fall	Newberry	Smith, Ga.	Williams
Harding	Overman	Stanley	

So reservation No. 12, reported by the Committee on Foreign Relations, was agreed to, as follows:

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

Mr. LODGE. Mr. President, I now move the adoption of reservation No. 13. There has been no amendment proposed to that reservation.

Mr. KING. Let the reservation be read.

The PRESIDING OFFICER. The reservation will be stated.

The reservation reported by the Committee on Foreign Relations was read, as follows:

13. The United States withholds its assent to part 13 (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said part 13, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

The PRESIDING OFFICER. The question is on the adoption of the reservation.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). Again announcing my pair and its transfer as before, I vote "yea."

Mr. SMITH of Maryland (when his name was called). Making the same statement as heretofore regarding my pair and its transfer, I vote "nay."

Mr. THOMAS (when his name was called). I am informed that my pair if present would vote in the affirmative upon this reservation. I am, therefore, at liberty to vote, and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness. If I were at liberty to vote, I should vote "nay." I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I wish to repeat the announcement that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present, he would vote "yea."

Mr. HARRIS. Making the same announcement regarding my pair as heretofore, I withhold my vote.

Mr. FRELINGHUYSEN (after having voted in the affirmative). I inquire if the junior Senator from Montana [Mr. WALSH] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. FRELINGHUYSEN. I transfer the general pair which I have with the junior Senator from Montana to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and allow my vote to stand.

Mr. GRONNA. In view of the announcement of the Senator from New Jersey [Mr. FRELINGHUYSEN], I simply wish to state that the Senator from Wisconsin [Mr. LA FOLLETTE] stands paired by transfer with the Senator from Montana [Mr. WALSH].

Mr. LODGE (after having voted in the affirmative). My general pair, the Senator from Georgia [Mr. SMITH], is still absent, but on this question I am sure that he and I would vote alike. Therefore I allow my vote to stand.

Mr. KELLOGG (after having voted in the affirmative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who, I understand, has not voted. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and allow my vote to stand.

The result was announced—yeas 44, nays 27, as follows:

YEAS—44.

Ball	Frelinghuysen	Lodge	Reed
Borah	Gore	McLean	Sherman
Brandegee	Gronna	McNary	Shields
Capper	Hale	Moses	Smoot
Colt	Jones, Wash.	Myers	Spencer
Cummins	Kellogg	Nelson	Sterling
Curtis	Kenyon	New	Sutherland
Edge	Keyes	Norris	Thomas
Elkins	King	Page	Townsend
Fernald	Knox	Phipps	Wadsworth
France	Lenroot	Poindexter	Watson

NAYS—27.

Beckham	Glass	Kirby	Ransdell
Chamberlain	Harrison	McKellar	Sheppard
Culberson	Henderson	Nugent	Smith, Md.
Dial	Hitchcock	Owen	Smith, S. C.
Fletcher	Johnson, S. Dak.	Phelan	Trammell
Gay	Jones, N. Mex.	Pittman	Wolcott
Gerry	Kendrick	Pomerene	

NOT VOTING—24.

Ashurst	Johnson, Calif.	Penrose	Swanson
Calder	La Follette	Robinson	Underwood
Dillingham	McCormick	Simmons	Walsh, Mass.
Fall	McCumber	Smith, Ariz.	Walsh, Mont.
Harding	Newberry	Smith, Ga.	Warren
Harris	Overman	Stanley	Williams

So reservation No. 13 was agreed to.

Mr. LODGE. Mr. President, I now move to take up reservation No. 14, and to that I move an amendment which is printed on the slip, inserting at the beginning the lines in italics from 1 to 6 down to the words "United States." I will ask the Secretary to read it as it would stand as amended.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Massachusetts.

The ASSISTANT SECRETARY. It is proposed to strike out the word "The," the first word, and insert:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the—

Then, after the word "the," in line 6, the following words intervene:

United States assumes no obligation to be bound—

Then, after the word "bound," in line 7, it is proposed to insert:

Except in cases where Congress has previously given its consent—

And, at the top of page 2, it is proposed to strike out the word "and" and insert "The United States," so that, if amended, the reservation will read:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts to reservation No. 14.

Mr. HITCHCOCK. Mr. President, I do not know whether the purpose of the amendment is to make the reservation more reasonable or whether it is merely to camouflage the situation for the purpose of indicating to the nations which we propose to disfranchise that we are doing it for a legitimate purpose.

The original reservation is nothing more nor less than a notice on the part of the United States that we object to having the self-governing dominions and colonies of the British Empire represented in the assembly. It is an attempt on our part to deny to those countries, which are practically independent nations, the right to a voice in international affairs.

Take, for instance, Canada, to the north of us. We practically say to Canada in this reservation, "We object to your being represented as a separate nation in the assembly of nations. We consent to all the little republics of the world being represented; we consent to each one of those little nations having a voice in the assembly; but we object to Canada, our neighbor on the north, being represented at all."

In other words, Mr. President, we are confronted with this situation: For years, as we know, there has been a steady purpose followed by the great colonies of the British Empire toward independence. Year by year they have taken over more of the powers of self-government, until to-day practically the only difference between Canada and an independent nation is that Great Britain, in the diplomacy of the world, represents Canada, and if the United States desires to negotiate a matter through diplomatic channels with Canada, we are supposed to take it up through the diplomatic representatives of the British Empire.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. HITCHCOCK. I do.

Mr. SHIELDS. In view of the statement of the Senator, which is entirely sound, as I understand it, I should like to ask him a question.

The constitution of Canada is an act of Parliament, and its Government has only such powers as are given it by that act of Parliament. All of its foreign relations are conducted entirely through the British Imperial Government, the control of foreign relations being one of the prerogatives of the British Crown. Now, this treaty was signed more than a year ago. I wish to know, Has Great Britain within that time changed the constitutions of its self-governing colonies so as to allow them any control over their foreign relations? Has it taken any steps to execute this treaty, or has it still retained this power over the foreign relations of its colonies, which it always has had, and doubtless always will exercise?

Mr. HITCHCOCK. Mr. President, I am not much interested in knowing what progress has been made toward granting the demands of Canada and New Zealand and Australia and South Africa for an independent international status. I know very well, however, that the people of those dominions—largely Anglo-Saxons like ourselves—have set their hearts upon that

independent representation, and that they propose, as the result of this war, to secure that representation. I understand that Canada is also taking steps for representation with the United States and with other important nations of the world upon an independent basis; but I call the attention of the Senator from Tennessee to the fact that in the face of this determined demand which was made at Paris by Canada and Australia and New Zealand and South Africa, in the United States, instead of lending encouragement to that determined effort to obtain diplomatic independence, the Senate of the United States proposes to slam the door of opportunity in the faces of these people, our neighbors here to the north.

Mr. SHIELDS. Mr. President, I will ask if the Senator does not think that the authority to control the foreign relations of these self-governing colonies should come from the mother country, the Imperial Government, rather than the United States; and would it not be a very unfriendly act for the United States to be interfering in the affairs of the British Government and encouraging its colonies to exercise powers which the Imperial Government has never granted them, and which they can not exercise without an act of Parliament?

Mr. HITCHCOCK. The United States, through the Senate, is attempting to interfere. The British Government at Paris was forced to yield to the demand of her colonies, and Great Britain wrote into this treaty her consent that they should be represented as independent nations in the assembly; and it is the reservationists of the Senate who are standing in the way of self-government, who are attempting to pull out of the fire the chestnuts of the British Empire, whose heads do not favor this growing independence of the colonies and dominions; and we are being placed in the attitude of refusing to our neighbor on the north and to the other colonies of the British Empire the right to independent representation. We are saying to them, in effect: "You have got to be represented by London. We will not consent to your independent representation. We will not consent to giving you a vote in the assembly independent of London. We will not consent to having you cast a vote contrary to the vote of the British Empire." That is unfortunately to be the attitude of the United States.

Mr. President, that is a splendid attitude to cultivate the friendship of our Canadian neighbor on the north, the neighbor with whom we have the chief business! Most of the business of Canada with the outside world is done with the United States. New York to-day is the financial center of Canada. Canada gets most of her imports from the United States and sends most of her exports to the United States. Immigration from the United States flows over into Canada, until to-day in Canada there are many men and women who were born in the United States, and we in the United States have hundreds of thousands of Canadians who sought their homes here and continue their relations there; and yet we propose to deny by this reservation to that great independent colony of Great Britain, that sacrificed in this war, as we did, tens of thousands of her men and millions of her money, the boon she asks of an independent representation in the assembly.

Mr. McCORMICK. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. McCORMICK. I wish to ask the Senator if he does not recall that Sir Robert Borden in the Canadian House of Commons stated that the representative of the United States, among others, had resisted the demand of the Dominion for this representation?

Mr. HITCHCOCK. Well, it is quite possible that the representative of the United States, foreseeing the petty struggle that would go on here by Senators quibbling over this and seeking to make capital out of it, realized that it would make the treaty more difficult to get through. He perhaps foresaw that Senators, like the Senator from Illinois and others, would rise here and claim that the United States had accorded to the British Empire six votes and that the United States had only one. He perhaps realized that it would make it harder to get through the Senate of the United States the giving of this boon to our neighbors. Nevertheless, I repeat that the United States should not take the position that it will refuse to our good neighbor on the north—our Anglo-Saxon neighbor on the north—the right to a separate vote in the assembly and will say to that neighbor, "You can only be represented by London in the affairs of this league."

Mr. LENROOT. Mr. President——

Mr. McCORMICK. Mr. President, let me ask the Senator one more question. Does he recall the speech in the Canadian House of Commons of Mr. Fielding, for 16 years a minister of the Crown, in which he stated explicitly that logic was on the side of the contention of those in this country who insisted upon an equality of representation, in which he said that New York was more important to this Republic than the Dominion to the Empire? Surely the Senator will recall that speech.

Mr. HITCHCOCK. I do not see the significance in the remarks, if I do recall them, Mr. President. I know this: That the United States, if it enters the league, is going to be the most powerful member of it. I know that the United States, by reason of its tremendous influence with the 20 Republics in the western world, over a number of which it exercises an absolute protectorate, would be far more potent, even in the assembly of the League of Nations, than the British Empire if all the six dominions of the British Empire voted in solidarity. But I know very well that some of those votes of the British colonies will be much more likely, if a question arises, to take the view of the United States than to take the view of Great Britain.

Take the matter of immigration, for instance. Suppose immigration becomes a question before the League of Nations, and suppose in some way it gets into the assembly. How will Canada vote, if Canada has a vote? Canada holds exactly the same views that the United States holds on the subject of Asiatic immigration. Great Britain does not. Great Britain would like to have some of the Asiatics under her dominions permitted to come to the Western Hemisphere. Canada will not admit them. Canada refused Chinese immigration and Japanese immigration, and upon the subject of Asiatic immigration Canada holds exactly the same views that the United States holds. So does Australia, that great independent nation in the Southern Seas. I yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator from Nebraska has repeatedly stated that this reservation deprives Canada of a vote. Does he mean that?

Mr. HITCHCOCK. I do.

Mr. LENROOT. Does not the Senator know that if the treaty is ratified with this reservation, Canada can not be deprived of a vote without her consent?

Mr. HITCHCOCK. I mean, as a practical proposition, if we assert, in entering the league, and the other nations consent to it, that we will not submit to any election, judgment, decree, or finding by the assembly in which more than one vote is cast by the dominions of any empire, that that nullifies the election or decision, as far as we are concerned.

Mr. LENROOT. Who deprives her of the vote?

Mr. HITCHCOCK. We do.

Mr. LENROOT. By what authority?

Mr. HITCHCOCK. By saying we will not submit to it.

Mr. LENROOT. By not being bound to it?

Mr. HITCHCOCK. Yes. In other words, if an election is held and Canada casts one vote, we say we will not be bound by it.

Mr. LENROOT. Then the Senator takes the position that if the United States is not bound by a certain act, the league will not act?

Mr. HITCHCOCK. It could not. There could not be an election to which we refused to submit. Suppose there is an election and we refuse to submit to it. That voids the election.

Mr. LENROOT. How is that? Does the Senator mean to say that that voids the election?

Mr. HITCHCOCK. It disrupts the league.

Mr. LENROOT. How?

Mr. HITCHCOCK. If we refuse to recognize an election in which Canada has cast a vote, does it not void it?

Mr. LENROOT. Everyone else is bound except the United States. Is not that true?

Mr. HITCHCOCK. No; it is not true.

Mr. LENROOT. Why not?

Mr. HITCHCOCK. You can not run a league with a disruption in the midst of it by the leading power in it. I am not going to quibble with the Senator. He offered the reservation for the purpose of preventing Canada from voting. He is in the attitude of disfranchising Canada, and so is the Senator from New Hampshire [Mr. MOSES], a member of the Foreign Relations Committee. He is in the attitude of standing here in this Chamber and seeking to disfranchise his neighbors upon the north, Canada, although tens of thousands of Canadians have come and settled within his State and are good citizens of New Hampshire. He is in the attitude of saying to them, "I will not permit the country from which you came, our neighbor on the north, our friendly neighbor, with whom we have been at peace for a hundred years, I will not permit that country of yours from which you came even to cast a single vote in the assembly of the League of Nations."

You are in that attitude, every one of you who votes for this reservation. You are in the attitude of slapping our good neighbor in the face. You are in the attitude of saying to

Canada, "We object to having you cast a single vote. We insist you shall remain under the dominion of the British Empire and permit the diplomatists from London to represent you in the League of Nations exclusively."

Mr. LENROOT and Mr. KELLOGG addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator what his attitude is, then, toward India.

Mr. HITCHCOCK. Mr. President, I can not make the same appeal for India that I can make for Canada. The people of India are separate and apart. I see no reason why India should have been accorded this vote. I suspect that the British Empire, forced to yield to the demands of Canada, Australia, New Zealand, and South Africa, probably thought it best to have India included also. I know of no other reason. Of course it is true that in India the demand for self-government and independence is growing. It is true that at the present time an agitation is in progress which will give to India, ultimately perhaps, a more or less complete system of self-government, and possibly that was included with a view to the day when India would have that self-government.

But the Senator dodges the issue. He can not say that Canada is not a self-governing dominion. He can not say that Canada is not practically an independent country. He can not say that Canada lacks our ideals or our high purpose. He knows, and the Senator from New Hampshire [Mr. MOSES] knows, that Canada has the same ideals that the United States has, the same standards that the United States has, a government very similar to the Government of the United States. There is no reason on earth why we should attempt to refuse to allow our Canadian neighbor on the north the right to a separate and independent vote in the assembly of the League of Nations, no reason why the United States should say to Canada, as you do say through this reservation, "We refuse you a right to a separate vote. You have to remain within the British Empire. You have to permit Great Britain to speak for you."

I now yield to the Senator from Minnesota.

Mr. KELLOGG. I understood the Senator to say that if immigration should become a subject for the council or the assembly, Canada would be more apt to vote with the United States than with Great Britain. Did I understand the Senator correctly?

Mr. HITCHCOCK. I expect you did.

Mr. KELLOGG. Does the Senator propose to make a treaty that gives the League of Nations control over immigration to this country?

Mr. HITCHCOCK. No.

Mr. KELLOGG. Then what was the object of the Senator's statement?

Mr. HITCHCOCK. I just took it as an illustration, as one of the cases notoriously in which Canada agrees with the United States. There are many others. Her trade interests are practically the same as ours. Canada is a western country, the same as the United States is, has the same interests, the same surroundings, and the same necessities as the United States, and to a large extent is modeled in her industrial and political affairs on the United States, and is becoming more like the United States every day.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I yield.

Mr. POINDEXTER. I would join with the Senator from Nebraska in any eulogy that he could deliver upon Canada. I do not think that imagination could conceive praise which would be higher than the Canadian people deserve for the heroism and the fortitude they exhibited in this great war; and I am willing to concede that the Canadian people are the equal of the people of the United States, man for man and woman for woman.

They are our brothers and our kindred, in a way. But what I object to is giving them six times as much influence in the League of Nations as we give to ourselves. My understanding of this compact is that it gives to the nation of which Canada is a part six votes in the assembly and gives to ourselves only one vote.

Mr. HITCHCOCK. The Senator has a wrong impression.

Mr. POINDEXTER. No; I think not.

Mr. HITCHCOCK. It does not give the votes to the British Empire. There is just as much likelihood of Canada voting against London as there is of the United States voting against London. The votes of those colonies may be divided three on one side and three on the other, and what I am pointing out to the Senator is that there is far more probability of the Canadian vote being cast with the vote of the United States than there is of its being cast with Great Britain, if the two differ. That is what I am pointing out, and the Senator insists all the time in treating them as a solidarity of votes, which is not true. There is a great deal more likelihood that there will be a solidarity of the votes between the United States and certain of the western Republics over which the United States exercises a protectorate than there is that there will be a solidarity of votes between the British Government and the Canadian Government and the other colonies.

The Senator knows that the vote of Panama, over which we exercise a sort of protectorate, and whose independence we guarantee, will always be with the United States. He knows that the vote of Cuba will always be with the United States. He knows that the vote of Haiti and the vote of Santo Domingo, over which we exercise protectorates, will always be with the United States; and he knows that the votes of other South and Central American countries which follow the United States, and which depend largely on our friendly support, will always be with the United States, and that fact constitutes the United States as the most powerful member of the league and she is ten times more apt to have those votes solidly behind her at all times on any question that comes up in the assembly than Great Britain is to have the votes of her colonies, because, Mr. President, it is well known that the colonies of Great Britain are constantly asserting and insisting on a larger measure of independence.

Differences have arisen between the mother country and her colonies and they long for a larger independence. Why? Not to agree with the mother country, but for the specific reason that they want to disagree with the mother country.

Mr. POINDEXTER. Mr. President, it can not be denied that Canada is a part of the British Empire. It is only one nation, the British Empire. Canada is simply a Province of the British Empire; and the British Empire, including Canada and the various other self-governing colonies which are given votes under this covenant, has six times the representation in the assembly of the League of Nations, according to this covenant, that we ourselves have.

Mr. HITCHCOCK. I deny it absolutely. I just denied it specifically.

Mr. POINDEXTER. I know the Senator denies it, and yet in denying it he denies the plain written words of this covenant, which gives 18 delegates——

Mr. HITCHCOCK. This covenant does not say anything about the British Empire having 6 votes.

Mr. POINDEXTER. It does say something about it having 6 votes.

Mr. HITCHCOCK. No; nothing at all.

Mr. POINDEXTER. It gives them 6 votes in the assembly.

Mr. HITCHCOCK. It says that each self-governing colony shall have 1 vote, and if that vote is independent of the mother country it is not the British Empire vote; it is in one case a Canadian vote, in another an Australian vote.

Mr. POINDEXTER. The Senator can not separate Canada from the British Empire by his declarations to the contrary. It is a part of the British Empire, and the repetition of the Senator that it is an independent nation can not change that fact.

If the Senator will permit me, I would like to take this occasion to differ with him in his assertion that the votes of the various Central and South American countries will always be cast with the United States. There is no such relation existing between the United States and South American countries as exists between Canada and the British Empire, and there is no reason for the United States to suppose that it can trust its fortunes in the future to the good will of Haiti or the good will of Panama or to any control we may have over them.

Mr. HITCHCOCK. Mr. President, I have made that assertion, and I make it upon the strength of the relations which we exercise with Haiti and Santo Domingo. Those countries are under our protection at the present time. They are largely dependent upon the United States. We have guaranteed the independence of Cuba and Panama, and their foreign affairs are largely under the influence and control of the United States.

The Senator saw a demonstration of this during the war and saw how those countries and others of South America followed the United States; and so I say that in the League of Nations, against the assertion that the colonial vote of the self-governing colonies in the league will be under the control of the British

Empire, and even admitting that they should be, we would have a far greater strength in that same assembly by reason of those people of the small nations to the south of us.

I am glad to hear the Senator admit that as far as Canada is concerned he sympathizes with the statement that her people are as good as our people, and that her people are as much entitled to separate representation as we are. That is what it means.

Mr. POINDEXTER. I did not say that.

Mr. HITCHCOCK. That is what it implies. I ask the Senator not to interrupt me any further.

Mr. POINDEXTER. I will interrupt only to the extent of correcting the Senator's quotation of my remarks. I said they were as good, but not better.

Mr. HITCHCOCK. As good. I would not say they were any better. Nobody would admit that; but they are our equals. They deserve as much credit for action in this war as we deserve. They suffered far more than we suffered. They have a Government as intelligent as ours and as high minded, and, as I said, they have our ideals and many of our institutions. It is not possible that self-respecting Americans want to say to Canada, to the millions of people in Canada, our neighbors to the north, "We refuse you the right to a voice in the assembly which is accorded to dozens of other smaller countries than you are, less advanced than you are, and less entitled to representation in the assembly than you are."

Mr. COLT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. Certainly.

Mr. COLT. I understood the Senator to say that Canada was an independent country. I hardly think that the Senator meant to use that term in a broad sense. I understand that the British Parliament is supreme over all her so-called independent dominions or colonies. I understand that Canada can not pass a law which is in conflict with any law passed by the Imperial Parliament. I understand that the Imperial Parliament of Great Britain can annul any law passed by the Canadian Parliament. I understand that the Parliament of Great Britain can repeal at once the Canadian constitution. In other words, I understand that the actual sovereign of the whole British Empire over its parts is the Imperial Parliament of Great Britain. I understand that especially the Imperial Parliament of Great Britain claims exclusive jurisdiction over all foreign affairs.

Therefore, while it is true generally that we speak of Canada as an independent dominion, because Great Britain permits her to have a large degree of independence, yet, in point of fact, the sovereign authority of the British Empire is the Imperial Parliament of Great Britain, and it exercises absolute sovereignty over the entire British Empire.

Mr. HITCHCOCK. Mr. President, I am not so familiar probably with the organization of Canada as is the Senator from Rhode Island [Mr. COLT]. His service upon the bench has given him advantages which I have not had. But Canada is recognized in this instrument by Great Britain as a self-governing colony and dominion. Canada has been moving steadily in the direction of a greater and greater independence. The British Parliament may technically have the power to legislate for Canada, just as the King of England technically has the power to veto an act of Parliament, but as a matter of fact he never does, and as a matter of fact the British Parliament never exercises the power.

The British Government learned in its treatment of the thirteen American Colonies in 1776 a lesson which has served to aid Canada and Australia and New Zealand and South Africa in their constant progress toward independence, and year by year they have taken a larger share of independence to themselves, and the British Government has not resisted it.

So when it came to the formation of this treaty England was compelled to yield to Canada, yield to New Zealand, yield to Australia, yield to South Africa in the demands they made for a separate representation of their own in the assembly of the League of Nations. Now, after these colonies have compelled the mother country to grant them this increase of independence, shall it be the United States, through this reservation, that will attempt to slam the door in their faces? Shall it be the United States, that has been at peace for more than 100 years with Canada, that has cultivated the friendliest relations with Canada, that will say to Canada, New Zealand, Australia, and South Africa, "We deny to you a separate vote in the assembly"?

Mr. President, I hope not. I would rather see a complete collapse of this already badly damaged enterprise than to have the United States be the one to prevent the great progress which these colonies are making toward becoming separate and independent countries. This is a great step, possibly not in the disintegration of the British Empire, but in the establishment of independence for the great colonies of the British Empire. We secured our independence quickly, and by war. They have been securing theirs gradually by evolution, but the ultimate independence is likely to be almost as complete in their case as it has become in ours.

I want to put into the RECORD a copy of a letter which came into my hands recently, written by Mr. J. C. Smuts, of the Union of South Africa, to a friend of his in the United States, as follows:

UNION OF SOUTH AFRICA,
Pretoria, January 19, 1920.

DEAR MR. GILDER: Thank you very much for your letter and the inclosed verses on "The Parting of the Ways," which had attracted my attention in some anthology. We are, indeed, all at the great parting of the ways in the history of civilization. At Paris a great battle for the soul of civilization was fought, and, in my opinion, won in that first chapter on the covenant of the League of Nations. That is the great creative word in favor of a new world order which has emerged from the noises of that conference.

America will understand all this yet and rally to the new banner under which the march of progress will be continued. When I read of our defeat in the Senate I thought of Walt Whitman's great lines:

"Have the elder races halted?
Do they droop and end their lesson, wearied over there beyond the seas?
We take up the task eternal, and the burden, and the lesson, Pioneers!
O Pioneers!"

The irony is that America seems to be halting, while exhausted Europe is clutching at the ideal in her desolation and despair. But I feel sure this is only a passing mood, due to misunderstanding, and that America will yet be one of the firmest and strongest supports of the new order of things.

I regret deeply that the Senate has made such a dead set at the equality of voting power given to the young nations of the British Commonwealth. Why should America, who was once also a British colony, grudge us our entry into the great family of free States through the portals of the league? But here, too, I feel sure she will yet understand.

Always, yours, sincerely, J. C. SMUTS.

Mr. REED. To whom is the letter addressed?

Mr. HITCHCOCK. Mr. Gilder.

Mr. REED. Who is he?

Mr. HITCHCOCK. I do not know.

Mr. REED. Is he an Englishman or an American?

Mr. HITCHCOCK. I do not know, and I do not care.

Mr. REED. I did not think the Senator cared.

Mr. HITCHCOCK. Mr. President, that letter expresses the idea. America, which ought to be the first to welcome Canada, the first to welcome Australia and the other self-governing colonies into a new family of independent nations, which ought to be the first to encourage them to take up the responsibility of independent international representation—America is the very one which seeks to deny to them what they have wrung from the Government of the British Empire.

It is not to be thought that the British Empire or the Government of the Empire views with approval the determination of Canada to have independent representation, but the Senator from New Hampshire [Mr. MOSES], who sits over there and who is a neighbor of the Canadians, seeks to deny to Canada an independent voice in the assembly of the League of Nations. He and his colleague, neighbors of Canada, who ought to be in a position to know what Canada is and who Canadians are and what their ideals are and their institutions, step forward here in the Senate to refuse to Canada representation separate from the British Empire. He is forcing them back.

Mr. MOSES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I yield.

Mr. MOSES. Thanking the Senator from Nebraska for this unexpected tribute in singling me out, I wish to enter a total disclaimer of any of the motives which the Senator imputes to me. I have no opposition and no objection to Canada or any other part of the British Empire having 1 or 6 or 20 votes in the assembly of the League of Nations, but I do insist that the United States shall go into the League of Nations with as many votes as any other power there represented will have.

Mr. HITCHCOCK. Yes, Mr. President; that expresses it exactly. The Senator insists that Canada shall be treated simply as a subordinate part of the British Empire and denied independence.

Mr. MOSES. Is she anything else, Mr. President?

Mr. HITCHCOCK. Yes; Canada is an independent and self-governing country. This treaty accords to Canada independence in the assembly; it takes away from the British Empire the right and the power to represent Canada and gives that right to Canada herself; and the Senator from New Hampshire is proposing to deny it to Canada.

Mr. MOSES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield further to the Senator from New Hampshire?

Mr. HITCHCOCK. Yes.

Mr. MOSES. May I suggest to the Senator from Nebraska that if Canada is seeking independence she may follow the regular diplomatic course, as pursued by the soviet republic in Russia, for example, and send an ambassador to the United States seeking recognition. She does not have to do it through any indirect method such as the Senator from Nebraska sets up, nor is she doing it. If she has a vote in the League of Nations, she has it under the ægis of the British Empire, of which she is a part, and I have no desire to deprive her of that vote. I do, however, strenuously object to the United States taking a part in any organization where the British Empire is superior to us by reason of the votes of her dependencies.

Mr. HITCHCOCK. The Senator has already cast his vote in favor of a reservation which declares that the United States will not "be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote."

He thereby insists in that reservation that this country shall not be bound if any of the British colonies vote as well as the British Empire. That is denying to Canada the right to a separate vote, and the Senator knows it.

Mr. MOSES. Mr. President, while the Senator from Nebraska shakes his fist at me, let me shake my finger at him, and say that if the Senator's record of votes upon all matters connected with this treaty had been as consistent as mine, he might well congratulate himself, for I, in the first instance, undertook, in cooperation with the junior Senator from California [Mr. JOHNSON], to secure a direct amendment to the treaty which would give the United States equality of representation in the league; the Senator from Nebraska resisted it; and by means of the cooperation which he was able to secure from his side of the Chamber and from this the direct amendment, the only manful way of meeting the issue, was balked here in the Senate. Then, to be sure, Mr. President, I voted for the reservation, because there was no other course open if we were to assert in any sense the self-respect of the United States.

Mr. HITCHCOCK. I am very glad to know, Mr. President, the reason why the Senator from New Hampshire voted for that reservation. I agree with him that his votes have been entirely consistent. He has practically voted for every amendment to the league covenant that has been offered which would have destroyed the league.

Mr. MOSES. Mr. President, the Senator from Nebraska must not say "practically." I voted for every amendment offered to the treaty.

Mr. HITCHCOCK. I am glad to be accurate. I will say that the Senator voted for every amendment; every act of his has been in the direction of destroying the league.

Mr. MOSES. It has been in the direction, Mr. President, of rendering the treaty harmless to the United States.

Mr. HITCHCOCK. That is the Senator's reason, but, as a matter of fact, he has voted for every amendment which would kill the league; every amendment which the Senate rejected because it would kill the league, for a majority did not want to kill it; and the Senator voted for every reservation to nullify the league. So he voted for the reservation which proposed to deny to Canada and the self-governing colonies of the British Empire the right to escape from the control of the British Empire and to cast their own votes to suit themselves. I have not misrepresented the Senator from New Hampshire; I know what he has done; and I singled him out because he had been consistent.

Mr. MOSES. I thank the Senator from Nebraska for this further tribute, Mr. President.

Mr. McCORMICK. Mr. President, I am jealous of the distinction. I think I also deserve the glorious opprobrium as well. I have sought it like the Senator from Idaho [Mr. BORAH] sitting here, and the junior Senator from Pennsylvania [Mr. KNOX]; and there are others of us who are engaged in the same enterprise.

Mr. HITCHCOCK. Mr. President, I presume that this reservation will carry, as it carried before, but I wish to take this occasion to file my protest, as an American, against the act of the United States in attempting to refuse to the self-governing colonies of the British Empire an opportunity to become free and independent nations in a greater degree than they now are. It is well known that their constant aspirations in recent years have been in the direction of independence; and at Paris they wrung from the British Empire and from the remainder of the world there represented recognition as being independent, partially at least, and entitled to be represented in the assembly. If the Senator from New Hampshire and other Senators want to deny that right to Canada, let them do so.

Mr. MOSES. Mr. President, I am sure the lexicographers will be grateful to the Senator from Nebraska for the new interpretation which he has put upon the word "American."

Mr. McCORMICK. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ball	Gore	McKellar	Simmons
Beckham	Gronna	McLean	Smith, Ga.
Borah	Hale	McNary	Smith, S. C.
Brandegee	Harris	Moses	Smoot
Capper	Harrison	Myers	Spencer
Chamberlain	Henderson	Nelson	Sterling
Colt	Hitchcock	New	Sutherland
Cummins	Johnson, S. Dak.	Norris	Thomas
Curtis	Jones, N. Mex.	Overman	Townsend
Dial	Jones, Wash.	Page	Trammell
Edge	Kellogg	Phelan	Wadsworth
Elkins	Kendrick	Phipps	Walsh, Mont.
Fernald	Keyes	Poindexter	Warren
Fletcher	King	Pomerene	Watson
France	Kirby	Ransdell	Williams
Frelinghuysen	Knox	Reed	Wolcott
Gay	Lenroot	Sheppard	
Gerry	Lodge	Sherman	
Glass	McCormick	Shields	

The PRESIDING OFFICER (Mr. SPENCER in the chair). Seventy-three Senators have answered to their names. A quorum of the Senate is present.

Mr. LENROOT. Mr. President, if during the many months that the Senate has had under consideration the pending treaty the Senator from Nebraska [Mr. HITCHCOCK] had shown half as much concern for the interests of the United States as he has this afternoon shown for the interests of Canada and the British Empire the treaty would have been ratified long ago, with proper Americanizing reservations.

Mr. President, I thought, as the Senator was speaking, that there must be many in the galleries this afternoon who imagined themselves sitting not in the gallery of the Senate of the United States but in the gallery of the Canadian House of Parliament or the British House of Commons. I am very sorry that the attitude of the Senator from Nebraska is more pro-British and less American than is the attitude of Lord Grey and the British foreign office, as I shall hereafter show. But, Mr. President, the attitude of the Senator from Nebraska was not always thus. Until this new world had been created in his imagination we never heard the Senator from Nebraska defending British diplomacy or the British Empire; and, in view of the statements he has made, I think I am justified in quoting to the Senate very briefly the views of the Senator from Nebraska upon the arbitration treaty before the Senate in 1912. I wish to say to the Senator that he can show nothing that occurred at the peace conference at Paris, nor anything that has intervened since the war, with regard to British diplomacy to indicate that there has been during that time any change in the character of British diplomacy from what it was in 1912.

This is what the Senator from Nebraska said in this body on January 4, 1912, speaking of the arbitration treaty with Great Britain then pending:

> Mr. President, anyone looking into the future, I believe, must admit that if this treaty, as it comes to us, is ratified by the Senate and goes into effect, Great Britain will have ten times the number of demands upon us for arbitration of questions in which she is interested as the proponent that we will have upon her.

And I should like to ask the Senator from Nebraska, if that was true then, is it not equally true to-day?

> That is the natural course of events. Her interests are such, her policies are such, that she will be constantly seeking to restrain us and interfere with the American policies of this country.

And yet the Senator from Nebraska stands upon this floor and opposes a reservation that will prevent the British Empire from using her power to do those things which the Senator from Nebraska said the British Empire surely would do, if she had the opportunity, against the interests of this country.

He goes on:

> For that reason I think this country would be unwise to put itself, by an ironclad and practically unlimited treaty, in the position of promising to submit everything to arbitration that is justiciable, and then to leave the question of justiciability to a mixed commission, whose three American members are appointed by the President and responsible only to him. The interests of the country will be safer in the care of the Senate, and its restraint on the President should be maintained as provided in the Constitution.

Those were the views of the Senator from Nebraska then. Those were the views of the Senator when he was standing upon the floor of the Senate speaking as an American. He is speaking to-day not as an American but as an internationalist—

no, not even as an internationalist, because an internationlist at all times would endeavor to see that the country from which he comes has at least equality of treatment, and he pleads here to-day for inequality against his own country in favor of a foreign nation!

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LENROOT. I do.

Mr. MOSES. In connection with the manner in which the Senator from Nebraska has so constantly inveighed against Senators upon this side of the Chamber, I trust the Senator from Wisconsin will permit me to add to what he has already said the fact that the treaty which the Senator from Nebraska at that time opposed was one negotiated by a Republican President.

Mr. LENROOT. It was; and it did not propose or pretend to entail upon the United States any obligations comparable to the obligations which the Senator from Nebraska now wants the United States to assume under this peace treaty.

Just one further little quotation from the Senator's speech, made upon the same occasion. He said:

I think if we look over the history of the United States in recent years we will conclude that we are in more danger from the diplomats of Great Britain than we are from her dreadnoughts.

Yet to-day he is asking to increase the diplomatic power of the British Empire to a point where it will be six times greater than was the diplomatic power in this treaty which he then fought because of its being, as he said, inimical to American interests!

Mr. President, it is difficult to speak temperately in attempting to reply to the Senator from Nebraska, when one knows the attitude that he took only a short time ago, comparatively speaking.

Mr. President, the Senator from Nebraska used as an illustration where the vote of Canada might be with the United States, and against Great Britain, the question of immigration. The Senator from Minnesota [Mr. KELLOGG] asked him a question as to whether he was in favor of submitting questions of immigration to the League of Nations. He said "no"; but nevertheless the RECORD shows that the Senator from Nebraska has voted against the reservations that have been adopted to this treaty precluding the League of Nations from taking under its jurisdiction any question of immigration or like domestic questions.

The Senator from Nebraska and his colleagues, by voting against that reservation, have taken the position that they desired to have the League of Nations determine whether a question is domestic or not; and if it determines that it is not, even though it does involve immigration, even though it does involve policies upon which the very existence of this Republic depends, the Senator from Nebraska and his associates nevertheless have voted to place those matters under the jurisdiction of the League of Nations. So the Senator was entirely correct in using the question of immigration as one that the League of Nations might consider and determine, and in saying that in that event that Canada might vote with the United States. But the Senator from Nebraska must know that, thanks not to him, but to those upon this side of the aisle, this treaty will never be ratified with any jurisdiction in the League of Nations to determine questions of immigration or any other like question for the United States.

The Senator from Nebraska read a very touching letter from Gen. Smuts, and a poem, and he referred most feelingly to the fact that the United States was once a colony, and that we should be tender of the colonies that now exist belonging to Great Britain. I agree; and Mr. President, if Canada, Australia, New Zealand, South Africa, or any of their colonies would secure their independence and freedom as the United States did, the United States would be the first to extend a welcome hand to them whenever they had secured their independence. This reservation, as I shall show in a moment, does not in the slightest degree affect the right of any of these colonies to vote; but, nevertheless, the fact is that what the Senator from Nebraska is pleading for is that these colonies, through their representatives, shall have all the rights of a free and independent nation, and have the power to impose obligations upon us, and at the same time have all of the privileges of a subject nation, because that is the international relationship of Canada and the British colonies. It has never been better stated than in the letter of Lord Grey to the London Times, and let me quote from it:

The self-governing dominions are full members of the league. They will admit, and Great Britain can admit, no qualification whatever of that right. Whatever the self-governing dominions may be in theory and in the letter of the constitution, they have, in effect, ceased to be colonies in the old sense of the word. They are free communities, independent as regards all their own affairs, and partners in those which concern the empire at large.

Mark the words, "partners in those which concern the empire at large." Now, that is an extreme statement, of course, because up to this good hour, at least, neither Canada nor Australia nor any other of the British colonies has ever pretended to have a full partnership, an equal voice, with Great Britain in the settlement of foreign policies. But, granting that this is true, what are they in regard to international matters, in matters affecting the British Empire as a whole? Independent? Separate? No; Lord Grey does not say that. The Senator from Nebraska does, but Lord Grey does not make any such claim. He says they are partners. What does a partnership mean? A partnership means an interest and concern for each member of the partnership in the business as a whole. A partnership means that in all matters coming before the League of Nations Canada will not act as an independent nation, but as a partner, one of the partners of the British Empire; and, being one of the partners of the British Empire, of course the interests of the British Empire will be its first concern.

We, therefore, are put in this position: The United States goes into a partnership with many partners, and one of her partners says: "Here, I have a partnership of my own, a partnership within a partnership, and we insist that each one of my partners shall have as many votes as any one of our other partners"; and in the particular case we have here the British Empire insists that she, having five partners, shall have six votes to one of each of the other partners.

Is there anyone who would say that that was a fair arrangement; that that was an arrangement that any American Senator, whether he might apologize for it or not, could advocate as the Senator from Nebraska has done? Why, of course not; and if something had not happened to the Senator from Nebraska in the consideration of this matter, whether it be blindly following President Wilson or what it may be, if he had had the same viewpoint that he had a few years ago, the Senator from Nebraska never would be heard advocating any such proposition as he now advocates.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LENROOT. I do.

Mr. GORE. I want to ask the Senator if the speech referred to as having been made by the Senator from Nebraska some time ago was made before the Senator was overcome by the spirit of the new magic, before he was dazzled by the new vision upon the horizon, before he was enchanted by the new siren voices in the air?

Mr. LENROOT. Yes; that was before we had a new order of things. That was before British diplomacy had been entirely regenerated.

But the Senator from Nebraska says that this reservation is unfair to Canada. Let us see. In adopting this reservation we are most generous to Canada and to each one of the colonies. The United States might well object to any of the colonies having any voice or representation of any character in the League of Nations. But the United States has not done so. This reservation does not do so. No one has proposed to deny to Canada or any other colony a vote in the League of Nations, and this reservation does not do so, nor purport to do so. If this reservation is adopted and the peace treaty ratified, Canada can not be deprived of a vote in the League of Nations upon any matter without her own consent.

The reservation merely states that in any case, if these votes are exercised, the United States is not bound by the decision thus made. But Canada can go on, nevertheless, and insist upon her right to vote.

Then what is the difficulty, and what is the objection of Canada? I think I know, Mr. President. It is very evident to me that Canada fears that if this reservation be adopted, Great Britain will so coerce her that she will not exercise the right to vote that is given her in a given case in order that the United States may be bound. And if that be true, Mr. President, it furnishes one of the strongest reasons for the adoption of this reservation, because if Canada feels that Britain could so coerce her as to have her yield up the right to vote in a given case, it is equally apparent that the same method of coercion upon any question that comes before the league would enable the British Foreign Office to command the vote of the representatives of the colonies in any way that they saw fit.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LENROOT. I yield.

Mr. McCORMICK. May I interrupt the Senator to remind him that at the conclusion of the labor congress which met in Washington under the terms of the treaty delegates from continental Europe bitterly complained that Mr. Barnes, at the head of the labor delegation from Great Britain, delivered all the votes of the delegates from the component parts of the British Empire?

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LENROOT. I yield.

Mr. KNOX. I rise merely to call the attention of the Senator from Wisconsin to the fact that this is not a new trait in British diplomacy. In 1912, when we had the wireless international convention, Russia raised objection to the numerous votes that Great Britain claimed, and the United States backed Russia in the proposition. I happen to know whereof I am speaking, because I represented the United States in that diplomatic action. The United States then and there claimed equal voting power with Great Britain, and the treaty itself shows that the United States received equal voting power with Great Britain, and that we took over votes for Hawaii, Alaska, the Philippine Islands, Porto Rico, and the Panama Canal Zone, thus equalizing the vote.

Mr. LENROOT. I am very much obliged to the Senator from Pennsylvania.

Upon the question whether we do attempt to deprive Canada or the colonies of the vote, I again wish to quote from the letter of Lord Grey. He said:

> It may be sufficient to observe that the reservation of America does not in any way challenge the right of the self-governing dominions to exercise their votes.

Of course, the Senator from Nebraska says that it does. The Senator from Nebraska is asking more for the British Empire than Lord Grey is. The Senator from Nebraska says that this reservation deprives Canada of rights which Lord Grey says it does not deprive Canada of.

Mr. President, I have read a good many speeches during the past two or three weeks of Canadian statesmen upon this fourteenth reservation but there is not one of them that pleads so zealously for the interests of Canada as I heard the Senator from Nebraska plead this afternoon.

Lord Grey goes on—

> Nor does it state that the United States will necessarily reject a decision in which those votes have been cast. It is therefore possible—I think it is even more than probable—that in practice no dispute will ever arise. Our object is to maintain the status of the self-governing dominions, not to secure a greater British than American vote, and we have no objection in principle to an increase of the American vote.

Mr. President, the amendment that is now pending, the change in the reservation that is made in the reservation previously adopted, provides that until the United States is given an equal number of votes by amendment of the league covenant, with these other nations, we assume no obligation to be bound by their decisions, but any time they want to bind us, we point the way. If they amend the League of Nations, giving to the United States equality with the British Empire, we would be bound. But why any American, Mr. President, should object to this reservation when Lord Grey does not object to it is beyond my comprehension.

But, after all, Mr. President, is not that the reason and does it not explain the entire difficulty concerning this peace treaty? Oh, Mr. President, if Senators of the United States, all of them, were as anxious to protect the interests of America as they are to protect the interests of some foreign country we would not have any difficulty in getting together upon reservations to this treaty.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LENROOT. I yield.

Mr. HITCHCOCK. The Senator seems to be surprised that Lord Grey was so ready to concede the reservation which disfranchises Canada.

Mr. LENROOT. No; Lord Grey said it does not disfranchise Canada. The Senator from Nebraska says it does.

Mr. HITCHCOCK. I have already explained to the Senator that the British Government did not want to accord the vote to Canada, to Australia, nor to the other colonies. We ought to encourage those colonies in their work of becoming independent, not discourage them.

Mr. LENROOT. The Senator from Nebraska has stated that Great Britain strenuously objected to their having a vote, but I have seen no evidence of that fact, and I do not think the Senator from Nebraska up to to-day has ever sought to produce any evidence substantiating the statement which he has just made.

Mr. MOSES. Mr. President, I find myself in some difficulty in following the reasoning of the Senator from Nebraska. With great vigor he insists that the United States shall take an obligation to preserve the territorial integrity and to maintain the political independence of members of the league, and now he urges us by some subterfuge or by some underhand or indirect method to take steps which will encourage the colonies of the British Empire to throw off the yoke of the mother country. Which road does he intend to follow? Does he wish us to enter into this league and to ratify this treaty for the purpose of protecting the territorial integrity and political independence of members of the league, or does he wish us to take it just as it came from the hands of the master workmen at Versailles for the purpose of undermining the British Empire and lopping off its colonial members?

Mr. LENROOT. Mr. President, I do not think it is difficult for any Senator to follow the road along which the Senator from Nebraska would lead the Senate. It has been apparent for a long time that the road he is following leads to straight rejection, and I can see no purpose in the speech of the Senator from Nebraska this afternoon except to make trouble with Canada and arouse Canadian feeling against this treaty if it should be deposited at Geneva. The Senator's speech could have no other purpose. Has the Senator ever said that this equality of voting was the heart of the league? Has his chief ever said that? Does the Senator take the position—and he has said it this afternoon—that he would rather see this entire treaty collapse than to have this inequality remedied? Is that the Senator's position, in spite of hours and hours and hours of speeches that he has made here upon the Senate floor?

Mr. HITCHCOCK. Of course, the Senator knows that is not my position.

Mr. LENROOT. I have the Senator's words, that "I would rather see a complete collapse"——

Mr. McCORMICK. "Of the enterprise."

Mr. LENROOT. "Of the enterprise." Those were the Senator's words.

Mr. HITCHCOCK. Yes; than to see the United States take the position of denying the independence of these colonies.

Mr. LENROOT. Very well.

Mr. HITCHCOCK. I say it is to the interest of the United States to encourage them in their effort to become independent.

Mr. LENROOT. Now, we have the Senator from Nebraska where there can be no misunderstanding. He would rather see this treaty fall than to have the United States take a position that would discourage the independence of the British colonies. That is what he has just said. If that be true, what is the value of this treaty? Is the heart and purpose of this treaty to encourage the Dominion of Canada to revolt? I had supposed that the purpose of this treaty was to maintain the peace of the world. I had supposed that he and his chief, the President, believed the heart of the treaty was in the arbitration articles and article 10. But now we have the Senator from Nebraska saying that the treaty might as well go to the scrap heap unless we take care that the British Empire has six votes to the United States one.

Mr. HITCHCOCK. Mr. President, the Senator knows very well that my position is that with this reservation attached the treaty is already in the scrap heap, and it has not anything like the value it had when it came to the Senate. It is an entirely different proposition. It has been nullified and ruined by these reservations.

Mr. LENROOT. Now, the Senator says, first, that it is in the scrap heap by having these reservations attached, and then that it has not anything like the value that it had before the reservations were adopted. I can not follow the Senator from Nebraska. Does he mean to say that it was almost in the scrap heap when it was presented to us and had very little value? Because he says it has nothing like the value that it then had, or it would be in the scrap heap.

Mr. McCORMICK. There would be some Democrats in the same position as the Senator from Wisconsin.

Mr. LENROOT. I think that is true, and I think we all understand that the Senator from Nebraska has had a most tortuous road to follow and a most difficult task to perform. But I am very sure that if the Senator does not correct the statement that he just made, he will be sorry in the future to be faced with the statement that he would rather see this entire treaty fail than to have the British Empire deprived of the right to bind the United States by a vote of 6 to 1.

Mr. GORE. I think the Senator has overestimated the difficulties of the Senator from Nebraska. It seems to me that anyone occupies a most comfortable situation who can every morning say: "Give us this day our daily thoughts," and have perfect confidence that the prayer will be granted. [Laughter.]

Mr. McCORMICK. Mr. President, it has become the fashion in some quarters to attribute to Senators who hold that the United States must have as many votes as the British Empire an incurable hostility to the Empire and to England. Nothing that has been said by any of us who have insisted upon securing for the United States as many votes as those accorded to any other member of the league can be construed either as seeking to deny to the British self-governing dominions the voice which they would have or as underestimating the heroic sacrifices of the peoples of the British Empire in the Great War. Those of us who have been along the blasted fronts were the first among Senators to pay tribute to the resolution and the imperishable courage of the armies raised in England, Wales, Scotland, Ireland, the self-governing dominions, and even in India.

It is we, sir, I think, who have fully appreciated the true greatness of the British Empire and who are most ready to bear witness not only to the courage but the genius of the English. Conquerors and governors in every quarter of the world, merchants and mariners since the dawn of modern history, great lawgivers, astute diplomats! The evidence of their genius in the conduct of foreign affairs is to be found in the measure which was laid before the Senate by the chief representative of the United States, who returned defeated and not knowing it.

It would be well if Senators who desire to join in the ratification of this compact would spend more time in the study of historic facts and less in the composition of mellifluous phrases. In the consideration of the reservation now before the Senate and of the provisions of the covenant with which it would deal it would be profitable if there were more study of the anamolous constitution of the British Empire under which, as Lord Grey has said, the dominions are becoming independent in the conduct of their domestic affairs while they remain "partners," to use his term, in the conduct of foreign affairs. There, sir, is the precise distinction. I trust that some Senators on the other side of the aisle who are jealous of the interests of the United States will remind the Senator from Nebraska [Mr. HITCHCOCK] that only the other day a case involving the validity of a statute of the Province of Saskatchewan in the course of appeal finally reached the Privy Council in London, and there, by the legal committee of that Privy Council, was set aside as in violation of the British North America act. That is not unusual under the British North America act, which is the constitution of the Dominion. My friend the Senator from Minnesota [Mr. KELLOGG]——

Mr. REED. Mr. President——

Mr. McCORMICK. Will bear me out that in the ordinary course of affairs, during a long period and until this time, appeals have been taken to the Privy Council in London. I yield to the Senator from Missouri.

Mr. REED. Will the Senator permit me to call his attention to the fact that when we speak of the constitution of Canada, employing that term in the sense we use the word "constitution" in the United States, it is a misnomer. In our Constitution it is declared that all powers are vested in the people, and the people in the manner and form laid down can change their Constitution, because they are the source of authority, and our Constitution is a bill really of limitation upon the powers of government, whereas this act of the British Parliament, which is referred to as the constitution, is nothing but a concession of powers by the Imperial Government to a colony, powers which it can grant and powers which it can take away. It is, therefore, in no sense a constitution such as we possess, but it is a mere privilege exercised by the grace of the Crown and revocable at the pleasure of the Imperial Government of the Empire.

Mr. McCORMICK. The Senator from Missouri will remember that I referred to the so-called constitution of the Dominion as the British North America act.

Mr. REED. I am not criticizing the Senator.

Mr. McCORMICK. It is thus that in Canada reference is made to it in law and in the vernacular. I was not addressing myself to the legal character of the instrument under which Canada is governed, but to the current practice, because the Senator from Nebraska [Mr. HITCHCOCK] referred to the practice, to the evolution of independence.

Let me suggest that it would be well to follow current history to determine how far that evolution has advanced. It was only the other day that one of the ministers of the Crown of Canada, Mr. Meighan, in addressing a Canadian audience upon this very resolution now before the Senate, said that the Dominion Government had made representations to the foreign office in London and asked Downing Street to communicate through the British Embassy in Washington with the Government of the United States. Perhaps those representations were made before the appointment of his British Majesty's ambassador to Washington had been gazetted. Since Mr. Meighan spoke we have read that Sir Auckland Geddes, described in the dispatches as a Canadian, has been appointed British ambassador in Washington and that in order to accept that appointment he resigned the presidency of McGill University in Quebec.

Mr. President, in order to get more light on this anomalous situation I have sought the debates in the several Parliaments of the several Dominions upon the ratification of the treaty. Sir Robert Borden alluded to the British Empire as a league within a league. Gen. Smuts, to whom reference has been made on the floor of the Senate to-day, used precisely the same language. He asserted during the course of debate that the British Empire was a union, perpetual and indivisible. In answer to the contention of the small minority in South Africa he spoke in terms which might have been put in the mouths of Webster and his fellows in the Senate. He spoke of the whole Empire, including the Dominions, in terms exactly analogous to those in which during the great days of the Senate Daniel Webster and those who shared his views spoke of the union.

The view of a league within the league held in South Africa and Canada is shared, as far as I can learn, by the political leaders of Australia. In New Zealand there is a grave divergence of opinion.

Whatever may be said upon the abstract merits of according a vote to the Dominions, or whatever may be said of their prospective union with America in the assembly, not even the Senator from Nebraska has ventured to defend, as did the President, the gift of a vote to the Empire of India. That vote will be nominated by the British India office, but it must be cast, as every vote of the British Empire must be cast, with a view to the public opinion of India, in so far as it may be articulate.

The Senator from Utah [Mr. KING] on Saturday spoke eloquently against the Turks remaining in Constantinople. We know that Mr. Lloyd-George has palliated, defended, excused the continuance of the Turk in Constantinople because of demands therefor by the 60,000,000 or 70,000,000 Mohammedans in India.

That is a vote which very definitely falls in the same category as those of the four American States to which the Senator from Nebraska referred. But I make bold to add that for each of the four American States asserted to be under the protectorate of the United States there are four European or Asiatic States under the protectorate of the British Empire. For Haiti there is Siam. For Santo Domingo there is the Hedjaz. For Panama there is Portugal. For Cuba there is Persia.

If it come to the pursuit of votes, the advantage which we may have in the Americas will find its counterpart in the advantage which the British will have among the new and weak States on the Baltic and in central Europe. A few years hence it will defy belief to assert that Senators stood upon this floor to defend the proposition that the British Empire should be accorded six votes to one vote for the United States.

Mr. KELLOGG. Will the Senator yield to me?

Mr. McCORMICK. Certainly.

Mr. KELLOGG. The Senator correctly stated that the entire foreign relations of Canada were in the hands of the British Government. He might have gone further and said that the executive power in Canada is vested in the governor general of Canada, who is appointed by the King, and in the Privy Council; and that, furthermore, under certain provisions of the British North America act the King or Queen of Great Britain reserves a veto power. So, to say that Canada is entirely independent, as much so as is the United States, is to show a surprising ignorance about the organization of the Canadian Government.

Mr. McCORMICK. Mr. President, the pending reservation is very little more to my liking than it is to that of the Senator from Nebraska [Mr. HITCHCOCK]. I have been constrained to vote for it only because the Senate, shrinking from its duty, as I think, has failed by amendment of the treaty or by reservation to provide explicitly that as a condition of our adhesion to the treaty and the covenant as many votes shall be accorded the United States as are accorded the British Empire.

There are Senators who have felt less strongly on this score than have I; Senators have justified their support of the reservation introduced by the Senator from Wisconsin [Mr. LENROOT] on the ground that to go further would make impossible the present ratification of the treaty and the present acceptance by the United States of the conditions of the covenant. Since the issue has been presented to the Senate the second time, I have sought to meet the legitimate American demand for an equality of votes, without arousing the apprehensions of some of my

colleagues, by preparing an amendment to the reservation now before us, which reads as follows:

Unless within one year after the filing of this act of ratification part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the United States shall cease to be a member of the League of Nations.

Nothing therein prejudices the ratification of the treaty, but provision is made that unless within one year after the act of ratification is filed in Paris the covenant of the league be amended to accord to the United States as many votes as are accorded to the British Empire we shall withdraw.

There are Senators more royalist than the King, more jealous of the interests of the British Empire and its advantage than is Lord Grey, less respectful of the public opinion and the legitimate rights of the people of the United States than he has been. Sir, as has been said before in this Chamber, no matter what the action of the Senate may be the issue of the equal vote can not down, and Senators who to-day or to-morrow vote against an equality of votes for the United States will find themselves going hither and yon upon the hustings and upon the stump seeking to explain and explain again how it was that they were less zealous for American rights than was Lord Grey of Fallodon.

Mr. REED. Mr. President, so much has been said in reply to the Senator from Nebraska [Mr. HITCHCOCK], and so well said, that the remarks I had intended to make are largely unnecessary. However, I can not refrain from calling attention to two or three strange contrarieties of position which the Senator occupies.

On Friday, I believe it was, possibly on Thursday, of last week the Senator from Nebraska grew eloquent in declaring that the British Empire was a democracy more responsive to public opinion than the Government of the United States. To-day he tears passion to tatters as he proclaims that above everything else he desires to release Canada from the thraldom of the British Empire. One day the British Empire is the greatest and the purest democracy of earth; the next day Canada is bound in the galling chains of servitude by a great Empire from which she vainly struggles for release.

If the British Empire is what the Senator said it was on Thursday or Friday, then, instead of seeking to dismember it and to deprive its citizens of the beneficence of its democratic government, he ought to be urging that we should do nothing tending in the least to lessen the allegiance of any of its colonies. When it suits the Senator from Nebraska to regard the British Empire as a great central power dominating unwilling subjects, he takes that position; when it suits him to declare it is the greatest democracy on earth, he assumes that attitude; and so, as I stated the other day, referring to the parable from Æsop, he runs upon one set of legs when it suits him, and when he can not employ them without a blush he whirls over and runs upon the other set of legs.

It has been said that a man can not ride two horses going in opposite directions at the same time, but the Senator from Nebraska has broken all precedents and has denied all rules, for he, at least, can go in two different directions at the same moment without embarrassment.

Mr. President, if the British Empire is the greatest democracy on earth, more responsive to the will of its people than any other country on earth, why is it that the Senator wants to take Canada from under the British flag? Why does he want to encourage Canada to renounce her allegiance to the mother country? Why in one breath is he demanding that we shall pledge the life and the blood of our sons to preserve the territorial integrity of the British Empire, and in the next insistent that the Senate shall take action which will encourage the dismemberment of the British Empire? The jewel of consistency does not adorn the escutcheon of Nebraska's senior Senator.

The Senator has declared that the League of Nations "is necessary to preserve the civilization of the world." He tells us unless we adopt it "the world will again be soaked in blood of millions," "all its hills and valleys will be white with the bones of the slain," "chaos will rule," and "the foot of tyranny will rest upon the breasts" of the few survivors of the human race. All this is to come to us if we do not have the League of Nations; and yet the Senator states that he would rather have the entire League of Nations fail than to deprive Canada of the right to a vote in the League of Nations. One position or the other is absurd; the two can not stand together. If the League of Nations means to the world a thousandth part of what its advocates assert it means, then the question whether Canada shall or shall not vote in the league ought not to result in its destruction or abandonment. Likewise a dispute over the rights of Fiume, a city containing 50,000 Italians, should not be permitted to wreck the world, to drive humanity to terrible and destructive wars, and to hurl civilization into the very chasm of destruction.

Mr. President, let us examine the question that is now presented. It is not proposed to deprive Canada of a vote, although, as I shall show in a few moments, she is not entitled to a vote, because she is not an independent nation, neither is she a free moral agent in the councils of the world. What is proposed? That we shall take Lord Grey at his word; and, although his words have been referred to, I want to read them into the RECORD literally:

Our object is to maintain the status of the self-governing dominions, not to secure a greater British than American vote, and we have no objection in principle to an increase of the American vote.

Here stands Lord Grey proclaiming to all the world that the Empire is willing the United States shall have as many votes in the League of Nations as the British Empire, including its colonies. With that statement from an eminent British statesman, who speaks beyond question for his Government, we find an American Senator protesting against America possessing that equality which Great Britain states America is entitled to have!

You may ransack the annals of American history and you will not find an instance where an American statesman has taken a position so un-American and so pro-British.

Mr. President, much eulogy has been passed upon the people of Canada. They are our neighbors. They are more like us than any other people in the world. They are gallant in war and efficient in the arts of peace; a splendid people; but I refuse to consider the Canadian people, as a whole, the equals of the people of the United States. If they loved liberty as we do, assuming that the people of the United States are like the old red-blooded Americans of the past, they would not stay under the British flag. They would assert and obtain their independence. That is for them to determine. They have seen fit to remain a part of Great Britain; and I affirm now that according to every line of their written history they are as loyal to the British flag and to the Government of the Empire as the most loyal citizen of London. So that when we come to consider them, without the slightest reflection upon them, we must remember that fundamentally they are Britishers.

Let me call attention again to another proposition. There are only 65,000,000 Britishers in the whole world. Approximately 42,000,000 of them reside in England, Scotland, and Wales; the rest of them are distributed among the various colonies and dependencies of Great Britain, or scattered throughout the world. Sixty-five million Britishers control and dominate the entire British Empire. That 65,000,000 Britishers, under this pact as now drawn, will cast six votes in the League of Nations, and 110,000,000 American citizens will cast one. It is proposed by the Senator who assumes to speak for the President that we shall refuse to take an equality of voting when Great Britain stands tendering it to us!

I should like to hear the Senator from Nebraska defend that proposition in his own State.

Why, Canada has 2,000,000 less people than the State of New York alone, counting all of their population; and quite a considerable portion of that population speaks the French language, and was so averse to the support of this war that the draft was made necessary in Canada in order to force them into the service.

Would there be any incongruity in providing that the United States shall have as many representatives in the League of Nations as the British Empire, including her colonies, in view of the fact that Lord Grey concedes that we are entitled to as many votes? Would there be any difficulty in writing into this treaty a single word, changing the word "one" to the word "six" where it applies to the United States? Is that an insurmountable obstacle? Does the Senator from Nebraska think there is a page in the Senate who could not take the document and make that change? And does the Senator from Nebraska imagine that our representatives would be rejected if they were to go to the new capital of the world to lay the honor and the sovereignty of the United States at the feet of the new world government?

Mr. President, let me for a moment inquire as to what is the real status of Canada with reference to the Imperial Government of the Empire.

I recognize the temerity involved in undertaking to discuss the laws of a foreign country. We are all under a handicap when we try to speak of the government of another country than our own. I have only been able to make a hasty examination of the Canadian act. Nevertheless I venture to assert that Canada does not possess a constitution in the sense we use that word;

that she never has had a constitution; that every right the Canadian people possess is a grant of grace, revocable at the pleasure of the Imperial Government of the Empire.

Repeating what I said a few moments ago, the so-called constitution of Canada bears no resemblance whatsoever to the American Constitution. When our fathers declared the liberties of this people they asserted that all just government derives its powers from the consent of the governed. They affirmed that every human right is vested in the people themselves, and that no power of government exists save that which is granted by the people who create and set up.

This people, the source of all power and of all authority, saw fit then to write a Constitution—for what purpose? Chiefly to prescribe and limit the powers the agents they appointed to exercise the functions of government might assume. They prescribed, first, just what powers those agents might exercise. They prescribed, second, certain powers that they could under no circumstances assume to exercise. They reserved to the several States and the people thereof all other powers not expressly granted to the Federal Government, and they provided that this Constitution of limitation and of grant could be by the people of the United States at any time revoked, altered, amended, or changed as the people saw fit, in the manner and form the people themselves had prescribed. That is a Constitution of the people. It is a Constitution that springs from the people and is always under the control of the people.

But what of this so-called constitution of Canada? To begin with, every Britisher is a subject, not a sovereign; not an independent man, but a subject, born in the condition of subjection. He possesses no rights that the British Parliament, in connection with the British Crown, can not take away whenever they see fit to take them away. The source of authority, therefore, is found in the British Parliament and in the Crown of Great Britain. That source of authority saw fit to grant to Canada certain rights. The power to grant always carries with it the power to withdraw. The sovereignty is yonder in the Imperial Government. That sovereignty has merely granted to Canada as of grace certain privileges. That same sovereign power can at any moment be exercised to take from Canada every right it has granted. The Imperial Government is supreme.

So that the so-called constitution is not a constitution at all. The people of Canada can not change it, the people of Canada can not annul it, the people of Canada can not amend it, the people of Canada can do nothing whatsoever with it. They can exercise certain privileges granted to them as of grace, and no more. When they come to exercise those rights, as I shall show you, they do so subject to the supreme power of the sovereignty, and that sovereignty is in England, not in Canada.

I have taken the pains to get the Canadian act and desire briefly to call attention to its terms. It reads:

Whereas the Provinces of *Canada, Nova Scotia,* and *New Brunswick* have expressed their desire to be federally united into one dominion under the Crown of the United Kingdom of *Great Britain* and *Ireland,* with a constitution similar in principle to that of the United Kingdom—

An unwritten constitution, changeable by the Parliament of England at any time.

And whereas such a union would conduce to the welfare of the Provinces—

And so forth.

Be it therefore enacted and declared *by the Queen's most Excellent Majesty,* by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, *and by the authority of the same, as follows:*

This act may be cited as the *British North America act,* 1867.

The provisions of this act referring to Her Majesty the Queen extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of *Great Britain* and *Ireland.*

It shall be lawful *for the Queen, by and with the advice of Her Majesty's most honorable Privy Council,* to declare by proclamation that on and after a day therein appointed, not being more than six months after the passing of this act, the Provinces of *Canada, Nova Scotia,* and *New Brunswick* shall form and be one dominion, under the name of *Canada;* and on and after that day those three provinces shall form and be one dominion under that name accordingly.

I am omitting parts. Now, mark this:

The executive government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

Mr. GORE. Read that again.

Mr. REED. It says:

The executive government and authority of and over *Canada* is hereby declared to continue and be vested in the Queen.

The provisions of this act referring to the governor general extend and apply to the governor general for the time being of Canada, or other chief executive officer or administrator for the time being carried on the Government of Canada *on behalf and in the name of the Queen,* by whatever title he is designated.

There shall be a council to aid and advise in the Government of *Canada,* to be styled the *Queen's Privy Council* for *Canada;* and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as privy councillors, and members thereof may be from time to time removed by the Governor General.

* * * * * * *

All powers, authorities, and functions which under any act of Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick are at the union vested in or exercisable by the respective governors or lieutenant governors of those Provinces, with the advice, or with the advice and consent of the respective executive councils thereof, or in conjunction with those councils, or with any member or members thereof, or by those governors or lieutenant governors individually, shall, as far as the same continue in existence and capable of being exercised after the union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, etc.

Reading now from paragraph 14 of the third division or article, and abbreviating, it proceeds:

The command in chief of the land and naval militia and of all naval and military forces of and in Canada is hereby declared to continue and be vested in the Queen.

Until the Queen otherwise directs, the seat of Government of Canada shall be Ottawa.

Coming to the Government of Canada, there are two houses, the Commons and the Senate. The qualification for Senators shall be as follows:

He shall be of the full age of 30 years. He shall be either a native-born *subject of the Queen* or a *subject of the Queen naturalized by an act of Parliament of Great Britain.*

And so forth.

He shall be legally or equitably seised, as of freehold for his own use and benefit, of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands for tenements held in franc-allue or in roture within the Province for which he is appointed, of the value of $4,000, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same.

He has to be a rich man in order to be in the Senate. Here is how they are selected:

The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this act, every person so summoned shall become and be a member of the Senate and a senator.

So they are not elected, but are appointed, or were, at the time of this act. If the law has been changed, I have not learned of it.

Such persons shall be first summoned to the Senate as the Queen by warrant under Her Majesty's royal sign manual thinks fit to approve, and their names shall be inserted in the Queen's proclamation of union.

Mr. McCORMICK. Mr. President, does that read "summoned to the Senate by the Queen's royal sign manual"?

Mr. REED. Yes.

Mr. McCORMICK. Under our practice we are summoned from the Senate under a royal sign manual.

Mr. REED. This proceeds:

If at any time on the recommendation of the Governor General the *Queen thinks fit to direct* that three or six members be added to the Senate, the Governor General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

In case of such addition being at any time made, the Governor General shall not *summon any person to* the Senate, *except as a further like direction by the Queen,* on the like recommendation, until each of the three divisions of Canada is represented by 24 senators and no more.

A senator shall, subject to the provisions of this act, hold his place in the Senate for life.

That is a glorious democracy. If some of our Senators held for life, they might exercise their own opinions probably a little more freely just now, but likewise they would exercise them more freely when the voice of the American people would sound upon their deaf and secure ears.

A senator shall, "subject to the provisions of this act, hold his place in the Senate for life."

And then they give the disqualifications or the things that remove him. The fifth one of those is:

He shall cease to be a senator—

Now, notice. When the people of Canada want him out? When his constituency regard his as unfit? No—

if he ceases to be qualified in respect of property or of residence; * * *.

So if a man loses his property, out he goes. No matter how honest he is, no matter how efficient he is, no matter how patriotic he is, if he has not the filthy lucre, he can not sit in this "democratic body" that is appointed for life, appointed not by the people but by the Crown.

Now, Mr. President, I want to read paragraph 4:

It shall be lawful for the *Queen, by and with the advice and consent of the Senate and House of Commons,* to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding

anything in this act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated.

I shall not read them. It is sufficient to say that they deal with local matters. They do not deal with foreign matters. But I ask leave to have them printed as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this act assigned exclusively to the legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. The census and statistics.
7. Militia, military, and naval service and defense.
8. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.
9. Beacons, buoys, lighthouses, and Sable Island.
10. Navigation and shipping.
11. Quarantine and the establishment and maintenance of marine hospitals.
12. Sea-coast and inland fisheries.
13. Ferries between a Province and any British or foreign country or between two Provinces.
14. Currency and coinage.
15. Banking, incorporation of banks, and the issue of paper money.
16. Savings banks.
17. Weights and measures.
18. Bills of exchange and promissory notes.
19. Interest.
20. Legal tender.
21. Bankruptcy and insolvency.
22. Patents of invention and discovery.
23. Copyrights.
24. Indians, and lands reserved for the Indians.
25. Naturalization and aliens.
26. Marriage and divorce.
27. The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.
28. The establishment, maintenance, and management of penitentiaries.
29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this act assigned exclusively to the legislatures of the Provinces.

Mr. REED. So, Mr. President, there is your democratic independent government in Canada. The seat of authority in all matters is in the Imperial Government, but it has granted to Canada for the time being, and as long as it may see fit to so permit, a power over domestic affairs. But it has withheld power over international questions.

That I am correct in that is demonstrated by the words I am about to read. I hold in my hand a book entitled "Clements's Canadian Constitution." It is a commentary by the Hon. W. H. P. Clements, B. A., LL. B., judge of the supreme court of British Columbia. At page 134 this will be found:

Internationally, State recognizes only State. A colony, no matter how complete for purposes of local self-government its political organization may be, is nevertheless a subordinate community and has no place in the councils of the nations. It can not therefore be, internationally, a party to an act of State. *In all intercourse with foreign powers the British nation is represented by the Crown, acting only upon the advice and with the consent of the British ministry.*

Now, I call special attention to the words I am just going to read:

The appointment of those who are to act as the accredited agents of the nation rests necessarily with the Crown in Council (Imperial).

I read it again:

The appointment of those who are to act as the accredited agents of the nation rests necessarily with the Crown in Council (Imperial). *Treaties and diplomatic arrangements of all sorts are made between His Britannic Majesty as the Empire's representative and embodiment and the executive head of each foreign State. Over none of these matters have the colonial governments or legislatures any control or jurisdiction, prima facie.*

Who will appoint the representatives of Canada and of India and of Australia under this law? According to this author they can only be appointed by the Imperial Government of the Empire. No act of the British Parliament has yet been passed granting any such right to Canada.

It has been argued that Canada will act with the United States. I wonder if the representatives of Canada will act with the United States? Every Canadian officer of whatsoever character or degree is required to take an oath. I read that oath:

I, A. B., solemnly swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his heirs and successors, according to law.

So that the Canadian officer who goes to represent Canada upon the league does so with the oath resting upon his conscience that he will "be faithful and bear true allegiance to His Majesty, King George the Fifth, his heirs and successors, according to law." Yet the Senator from Nebraska [Mr. HITCHCOCK], who as usual is absent after having delivered his oration, would have us understand that a British subject, having taken that kind of an oath, will act independently of Great Britain, will owe the British Empire no allegiance, will be not only independent, but that he will vote with the United States against the very Government whose authority he has sworn to uphold and to which he has pledged his allegiance and faith before Almighty God in heaven. Mr. President, if absurdity can go further than that, then absurdity knows no limits.

There is one other point I want to make very briefly. I refer to the oft-repeated assertion of the Senator from Nebraska [Mr. HITCHCOCK] that in the League of Nations the South American States will vote with the United States. How does he know that? Some of them have come in and some of them have stayed out of the league; but let us assume that they all come in. How does the Senator from Nebraska know what the Latin States in South America will do in a controversy between the United States and any of other country over any question? As a matter of fact, practically all of their trade is with Europe. European nations have great banking houses established among them; European capital is financing them to a very large extent; European colonies or practically European colonies exist among all of them that are of importance. The ships of commerce do not chiefly ply between South American ports and those of the United States. They ply between South American ports and the ports of Europe. We have been trying to establish trade there with but indifferent results; indeed, we made but slight progress until the war rendered it almost impossible for South American States to trade with Europe. Now that the war is over, in order for us to maintain trade relations of importance we are finding it necessary to practically subsidize ships in order to have them ply between the United States and South American ports.

What is there to bind these people particularly to us? Their language is different. Their origin in Europe is not that of our people. The character of government handed to them by their fathers is not like our Government. However much it may resemble it in its outside form, its spirit and its substance are entirely lacking in nearly all of the South American States. I do not say this unkindly; but theirs is a Spanish civilization, not an Anglo-Saxon civilization.

I placed in the RECORD a good while ago statistics showing the degree of literacy in these countries, and it was astonishingly and disappointingly low in all of them. Where are their prejudices and their natural feelings? I wish that they were with North America; but is it not a fact that they have shown a disposition on numerous occasions not to stand with North America? When we entered this war the President summoned South American States to join us in what he then for the first time proclaimed a great world effort to regenerate and save mankind. Did they come? One or two of them technically declared war, and there the matter ended. So far as I know, not a dollar of money, not a soldier, not a gun did they contribute.

But, sir, I call attention to this important fact: South American countries like the Monroe doctrine when we are exercising it distinctly and absolutely to protect them in accordance with their wishes at the time.

Mr. MYERS. Mr. President, may I interrupt the Senator?

Mr. REED. Certainly.

Mr. MYERS. The Senator is doing a great injustice to Brazil. It contributed quite largely in ships and money to the war.

Mr. REED. I accept the correction. Can the Senator tell me how much they contributed?

Mr. MYERS. I can not give the exact amount of money nor the exact number of ships, but they contributed quite considerably.

Mr. REED. Very well; one out of all. It serves to point the absence of the rest.

It has frequently happened, as I was saying, that the South American countries have protested against the exercise by the United States of what some of them are pleased to regard at times as an arbitrary power, just as Mexico has recently repudiated the Monroe doctrine. Now, I am going to assume that every South American country joins the League of Nations. A controversy arises because the Government of one of the South American countries desires to make an arrangement with a European country which it thinks is to its advantage and which

the United States regards as a violation of the Monroe doctrine.

I want to ask Senators here why that State, under the League of Nations compact, can not appeal that controversy to the League of Nations and can not insist that it is entitled to the judgment and decision of the League of Nations without reference to that question? If they so insist, and the League of Nations votes with them and sustains them, what will be the remedy of the United States of America? Plainly we will have but one remedy, and that will be to repudiate the decision of the League of Nations and thus possibly bring upon us not only the enmity of South American States but the entire power of the world massed back of the league.

You can not have two sovereigns at the same time; you can not have two superior powers at the same time; you can not have a Monroe doctrine controlled by the United States of America and at the same time have members of the League of Nations who are of right entitled to go to the League of Nations for decision upon every disputed question which arises in this hemisphere or in the other.

Mr. President, that is all I have to say in regard to the matter, but this talk about Canada being an independent Government is balderdash, if I may use so common an expression.

What says the Senator from Nebraska about India? India will have a vote in the league. Is that the vote of an independent democracy? Eleven hundred Britishers constitute the governing class in India, where there are 290,000,000 people. I wonder if that Government, in the opinion of the Senator from Nebraska, is entitled to a representation as an independent people? Does he doubt that those 1,100 Britishers, all of them officers of the Crown, will fail to do the bidding of the Imperial Government of the Empire?

Mr. GORE. Mr. President——

Mr. REED. I yield to the Senator from Oklahoma.

Mr. GORE. The Senator will probably remember that the newspapers carried a story during the war that the real people of India indicated a willingness to furnish, I believe, 5,000,000 or 10,000,000 troops in exchange for self-government.

Mr. REED. Yes; I recollect that, but the people of India will probably recognize the fact that in all her history Great Britain has never relinquished her hold upon a country except when the demand for liberty was backed by an army she could not overcome.

Mr. President, to assume that 1,100 Britishers in India constitute a self-governing and independent colony, and that they are better entitled to a vote in the league than the great State of New York, or than half a dozen of the great Western States, or than any State in the Union, or than any city in the Union, or than any village in the Union, is to assume an absurdity. A man has to be afflicted, and very badly afflicted, with the disease known as Anglomania before he can stand on the floor of the Senate or elsewhere in this country and make the astonishing assertions just uttered by the Senator from Nebraska. He does not speak for me. He does not speak for the Democratic Party. He does not speak for the United States.

Mr. CURTIS obtained the floor.

Mr. KING. Mr. President——

Mr. CURTIS. I yield to the Senator from Utah.

Mr. KING. I have a very brief article by Mr. Samuel Russell, who has written considerably upon the League of Nations and upon fiscal matters, containing a short discussion of article 10 of the league covenant. I should like to have it printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I will have to object.

Mr. KING. I understood that all articles with respect to the League of Nations, by common consent, did not come within the understanding that was entered into the other day.

Mr. SMOOT. I will say to the Senator that such articles come under the ban. The only articles allowed to go in the RECORD, if we can keep them from going in by a vote of the Senate, are resolutions from city councils and from the legislatures of States.

The PRESIDENT pro tempore. Objection is made by the Senator from Utah to the request of his colleague.

RECESS.

Mr. CURTIS. I move that the Senate, as in open executive session, take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 9, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 8, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art the all in all, life of our life, spirit of our spirit, the confirmation of the immortality of the soul—a fairer life to be. But now is the day of salvation, one world at a time, to develop the good, the pure, the noble.

"Or ever the silver cord be loosed, or the golden bowl be broken, or the pitcher be broken at the fountain, or the wheel broken at the cistern.

"Then shall the dust return to the earth as it was; and the spirit shall return unto God who gave it."

Deliver us, we beseech Thee, from the petty cares of life, the discords which spoil the harmony of the soul with Thee. Let faith be our anchor, hope be our lead, and love reign supreme, that we may meet the life that now is with calmness, serenity, and nobility of soul. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, March 6, 1920, was read and approved.

THE APPOINTMENT OF A SPEAKER PRO TEMPORE.

Mr. WALSH assumed the chair as Speaker pro tempore.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a personal matter.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, as Members are aware, the rule allows the Speaker to appoint a substitute for only one day, but it does allow him in case of illness to nominate a substitute for 10 days. I have been so fortunate in the nine months that we have been in session as not to lose a day on account of illness, and I do not make any requests for sympathy on account of ill health now, but at the same time I have been getting a little fagged, and I believe a short change would do me good. Therefore, I am going to ask unanimous consent of the House that I may appoint a substitute to act for me for 10 days, and I submit the following order and ask unanimous consent for its present consideration. I ought to say that I have consulted the Committee on Rules about this and they unanimously acquiesced in my request.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent for the consideration of the order, which the Clerk will report.

The Clerk read as follows:

The Speaker may at any time during the present month name a Member to perform the duties of the Chair for a period not exceeding 10 legislative days, who shall have authority to sign bills and appoint select and conference committees.

The SPEAKER pro tempore. Is there objection to the present consideration of the order?

Mr. GARRETT. Mr. Speaker, I reserve the right to object.

Mr. CLARK of Missouri. Mr. Speaker, before the gentleman from Tennessee speaks I would like to say that I think the request of the gentleman from Massachusetts [Mr. GILLETT], the present Speaker, ought to be made a permanent rule of the House. I had eight years' experience as Speaker of this House. Speakers, like other Members, have occasionally to go somewhere, and if they went everywhere they were invited to go they would be on what Charles II called travels all of the time, and the one day for which the Speaker may appoint a substitute under the rules is entirely too short a time. For instance, if the Speaker is invited over to New York or to Pittsburgh or somewhere else to make a speech on an important occasion, he has to hurry a good deal to get back even from New York within the day. He can not get back from Pittsburgh. When Senator Stone died the Missouri delegation wanted me to go as one of the funeral party. I was exceedingly fond of Senator Stone and under profound obligations to him. It would take six days to go where he was to be buried and get back here. I did not ask permission, but the gentleman from Massachusetts [Mr. GILLETT], then acting as minority leader, very graciously asked unanimous consent that I be permitted to appoint a Speaker while I was gone, which I did. It turned out that instead of finishing that trip I had to go to New York to see my son, who was to go to France with the Army. It took about 10 days to do what I did at that time.

There is no sense in this one-day performance. I am in favor of making this a permanent rule of the House. It is

an exceedingly stupendous assumption to think that there is nobody in the House fit to preside over the House except the Speaker. What I propose would give the Speaker some leeway, such as other Members have. Any other Member of the House can pick up and leave here and go away and stay a week or two weeks, and some of them three or four months, without asking the consent of anyone. It is not fair to the Speaker.

Mr. GARRETT. Mr. Speaker, in view of the fact that I reserved the right to object, I feel that in justice to myself I should make this statement. The Speaker did the Committee on Rules the honor of consulting it with regard to this matter. The minority members of that committee were very happy to accede to the Speaker's request and to agree that a rule would be presented providing for this, if it should be necessary to do so. On behalf of the minority members of that committee I want to say that we are most happy to do this courtesy to the Speaker of the House.

The SPEAKER pro tempore. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, of course I shall not object to the request, but I take it that the substitute would be a Speaker pro tempore. I have not examined the precedents lately, but I think that where the Speaker pro tempore is authorized to sign bills and appoint conferees, it is necessary for the House to notify the Senate and possibly the President.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. GARRETT. During the last Congress on one occasion, when the gentleman from Missouri [Mr. CLARK] was acting as Speaker of the House, I had the honor of being elected Speaker pro tempore, being elected by the House. An examination was then made of the precedents, and it was determined that as a matter of safety it was best for the Speaker pro tempore to take the oath, and also that the Senate and the President be notified.

Mr. MANN of Illinois. Was that done by resolution of the House?

Mr. GARRETT. It was done by resolution of the House—that is, the notification to the Senate and the President.

Mr. MANN of Illinois. I should think that would be necessary.

Mr. DYER. Mr. Speaker, will the gentleman from Tennessee yield?

Mr. GARRETT. I have not the floor.

Mr. DYER. I want to ask the gentleman a question. In the case to which he has referred in the last Congress was the Speaker pro tempore elected by the House or appointed by the Speaker himself?

Mr. GARRETT. My recollection for the moment is that I was elected by the House.

Mr. DYER. That is my recollection.

Mr. GARRETT. I may have been designated by the Speaker, but I think I was elected by the House. It was only for a day, I think, but in any event, whichever was the case, I took the oath as Speaker pro tempore, and a formal resolution was prepared notifying the Senate and the President.

Mr. DYER. Is that the idea now, that the House shall elect somebody for 10 days?

Mr. GILLETT. No; this order authorizes the Speaker to designate somebody.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GARD. Reserving the right to object, and I shall not object, I wish merely to say I know it is the sentiment of every Member of the House on both sides of this Chamber that our present Speaker, the gentleman from Massachusetts, may not be detained from his duties on account of illness and that he may continue to present himself in his customary fine fettle.

The SPEAKER pro tempore. Is there objection to the unanimous-consent request of the gentleman from Massachusetts? The Chair hears none, and it is so ordered.

Mr. GILLETT. I ask for the immediate consideration of the order.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent for the immediate consideration of the order, which the Clerk will report.

The Clerk read as follows:

The Speaker may at any time during the present month name a Member to perform the duties of the Chair for a period not exceeding 10 legislative days, who shall have authority to sign bills and appoint select and conference committees.

The SPEAKER pro tempore. The question is on the order presented by the gentleman from Massachusetts.

Mr. MANN of Illinois. Is that the Speaker or the Speaker pro tempore?

The SPEAKER pro tempore. The Clerk will again report the order as presented by the gentleman from Massachusetts.

The order was again reported.

Mr. MANN of Illinois. Mr. Speaker, if there is no objection, I think possibly there ought to be added to the order "and which designation is hereby approved by the House." I offer an amendment to that effect.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Add at the end of the order the following: "And which designation is hereby approved by the House."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the order as amended.

The question was taken, and the order as amended was agreed to.

ELECTION TO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I move the election of Mr. CULLEN, of New York, to fill a minority vacancy on the Committee on Merchant Marine and Fisheries, and Mr. MCCLINTIC, of Oklahoma, to fill the minority vacancy on Election Committee No. 1.

The SPEAKER pro tempore. The gentleman from North Carolina moves the election of certain Members to fill vacancies upon committees, which the Clerk will report.

The Clerk read as follows:

Mr. KITCHIN moves the election of Mr. CULLEN, of New York, to fill the vacancy on the Committee on Merchant Marine and Fisheries, and Mr. MCCLINTIC, of Oklahoma, to fill the vacancy on the Committee on Elections No. 1.

The question was taken, and the nominations were agreed to.

ARMY REORGANIZATION BILL.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York offers a privileged report, which the Clerk will report.

The Clerk read as follows:

House resolution No. 480.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12775, being a bill to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916. That there shall be not to exceed six hours of general debate on said bill, to be confined to the subject matter of the bill, one-half of the time to be controlled by the gentleman from California, Mr. KAHN, and one-half by the gentleman from Alabama, Mr. DENT. That at the conclusion of the general debate the bill shall be read under the five-minute rule. That during the consideration of the bill the House shall meet at the hour of 11 o'clock antemeridian. That at the conclusion of the consideration of the bill for amendments the bill shall be reported to the House with amendments, if any, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to offer the following amendment: Substitute in line 8 the word "ten" for "six." I will say when this rule was proposed it was understood by the Rules Committee that if the chairman of the committee and the ranking member of the minority desired more time it would be granted. They have informed me this morning that it would be necessary to have 10 hours for general debate. I ask unanimous consent to insert the word "ten" in place of the word "six" in line 8.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, strike out the word "six" and insert in lieu thereof the word "ten."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I had hoped we would be able to get the consideration of this measure without practically two days of general debate. My experience is a long general debate does not shorten the time for the consideration of a bill ordinarily. I ask the gentleman from California if it is essential that there shall be as long as 10 hours' general debate?

Mr. KAHN. I will say to the gentleman from Wyoming that I have requests for six and a half hours' debate on my side.

Mr. DYER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DYER. Upon the bill itself or upon other matters?

Mr. SNELL. The rule provides debate shall be confined to the bill itself.

Mr. KAHN. My requests are for debate on the bill.

Mr. DYER. The gentleman no doubt knows that a good deal of time will be needed to satisfy the membership of the House that the bill ought to be passed in its present form.

Mr. KAHN. Well, I suppose all bills that come in could not be passed exactly in the form in which they came in. The membership of the House is allowed to offer amendments, and I hope that in the general debate we may explain many of the provisions of the bill about which the Members may be in doubt.

Mr. DYER. May I ask the gentleman a question?

Mr. KAHN. Certainly

Mr. DYER Is it the intention of the chairman of the committee to make points of order against everything that is subject to the point of order in trying to amend the bill and make it so it will be a real bill?

Mr KAHN This is a reorganization bill, and anything that is not germane I certainly shall make points of order on.

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentlemen would talk out louder.

Mr. MONDELL. Mr. Speaker, may I ask the gentleman from Alabama how many requests he has for time, and how much time those requests cover?

Mr. DENT. I will say to the gentleman that I have requests for at least three and a half hours from minority members of the committee itself, and in addition to that I have requests from at least 8 or 10 Members on this side who are not members of the committee.

Mr. MONDELL. Who desire to discuss the bill?

Mr. DENT. Who desire to discuss the bill.

Mr. MONDELL. Mr. Speaker, we frequently start out with many requests for time on a measure, on which remarks are to be confined to the measure only, to discover as the debate goes on that gentleman conclude they do not care to speak. It seems to me if we are to spend 10 hours in the discussion of this bill on matters relating to it the discussion should be pretty broad so as to embrace all subjects that in any wise relate to the bill or military matters generally. As a matter of fact, if the debate is to run for 10 hours, I do not think it should be confined to the bill. Of course the gentleman in charge of the bill can first grant time to those who desire to discuss the bill, and any time remaining within 10 hours, it seems to me, should be allotted to those who desire to discuss other matters.

Mr. GARRETT. Will the gentleman from Wyoming yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Tennessee?

Mr. MONDELL. I do.

Mr. GARRETT. I simply wish to say to the gentleman from Wyoming that this was a unanimous report from the Committee on Rules.

Mr. MONDELL. That is, the amendment?

Mr. GARRETT. Yes; with the understanding that if the gentleman from California [Mr. KAHN] and the gentleman from Alabama [Mr. DENT] should desire this additional time and should agree upon it it would be inserted as 10 hours, and that it should be confined to the bill. The resolution as presented by the gentleman from New York [Mr. SNELL] is precisely the resolution which came to the Committee on Rules and which limited debate to the bill. Now, we do not wish to extend the time for general debate in order to talk about matters other than the bill, and it was represented to us that 10 hours was desirable in order to discuss the bill itself. Of course gentlemen will know it provides for not exceeding 10 hours.

Mr. SNELL. If it is not necessary to use all of that time, we will get through quicker.

Mr. GARRETT. If it is not necessary, naturally the bill will be taken up under the five-minute rule at once.

Mr. MONDELL. In view of the statement just made by the gentleman from Tennessee, I do not feel that I would be justified in objecting, but I do regret that we are to spend so much time on general debate on this particular measure. There are a number of gentlemen who desire to discuss other matters, and if they could have been accommodated within 10 hours it would have relieved the situation somewhat. Spending 10 hours on this bill is giving a good deal of time. However, under the circumstances, the agreement having been made with the Committee on Rules, I shall not object.

The SPEAKER. Is there objection?

Mr. KITCHIN. Can I ask the gentleman from Wyoming [Mr. MONDELL] and the gentleman from New York [Mr. SNELL] a question? The Ways and Means Committee was hurriedly called together on Saturday, and I was informed that if we would change the foreign-relief bill, which the committee unanimously reported out several weeks ago, that the Rules Committee would immediately report a rule for its immediate consideration. I understood that we were to take that up this morning the first thing. I would like to ask the gentleman from Wyoming, the majority leader, and the gentleman from New York [Mr. SNELL], who is on the Rules Committee, what has become of that proposition?

Mr. MONDELL. I will say to the gentleman that, so far as I am concerned, I have no knowledge whatever of the understanding or the arrangement to which the gentleman refers. I know nothing of it. I have not been consulted in regard to it.

Mr. SNELL. I can say to the gentleman from North Carolina that this is the first I have heard of it.

Mr. KITCHIN. I think we had about 15 or 20 minutes in the committee on it, and it was stated by the chairman that if we would change it and make the relief 5,000,000 barrels of flour instead of $50,000,000, which the corporation now has on hand, the Rules Committee would report out a rule at once.

The SPEAKER. The question is on the request of the gentleman from New York.

Mr. DENISON. Mr. Speaker, reserving the right to object, for the purpose of asking a question, and I think I shall object unless some arrangement can be made, there are some of us who would like to get a few moments of time to talk on something outside of this bill, and I would like to ask the gentleman from Wyoming when some of us can get an opportunity to have a few moments to discuss other matters?

Mr. MONDELL. I do not know, Mr. Speaker, as I can answer that, as I do not control the situation in regard to debate. I preferred to have the debate in connection with this bill of such a character that the gentleman could get in, but I would suggest to the gentleman that inasmuch as the Committee on Rules has agreed to confine all the debate to the bill, and there is a desire to do that, it would be better to have the arrangement stand, in the hope that before long the gentleman may be able to secure time.

Mr. POU. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. POU. I would like to inquire of the gentleman from Wyoming, the majority leader, if it would not be possible, in view of the fact that all of Saturday was consumed in useless debate, that another day might be set apart for similar debate as was held here on last Saturday? It might be the steering committee would order the Rules Committee to report out a rule setting aside another day, and give gentlemen an opportunity to be heard.

Mr. SNELL. Mr. Speaker, I ask for the regular order.

Mr. MONDELL. There may be some gentlemen so constituted as to think that a waste of a billion dollars of the people's money and the discussion of that waste and the deplorable conditions created, was a useless matter, but it seems important to most people.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I would like to ask some one if this resolution means to dispose of Calendar Wednesday?

Mr. SNELL. I can say to the gentleman it does not.

The SPEAKER. The question is on the request of the gentleman from New York [Mr. SNELL] that unanimous consent be given to increase the general debate from 6 to 10 hours. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Speaker, reserving the right to object, I want to make this inquiry, whether the debate under this request is going to be confined strictly to this bill?

The SPEAKER. The Chair thinks that is provided in the resolution; that it is to be confined to the subject matter of the bill.

Mr. KITCHIN. Mr. Speaker, further reserving the right to object——

The SPEAKER. The Chair announced that there was no objection.

Mr. SNELL. The gentleman can not object now. Unanimous consent was given.

The SPEAKER. House resolution 480 simply makes it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes."

In other words, it is a general amendment to the Hay Act, which was passed in June, 1916. As I understand, this bill does not make any material change in our national establishment. It simply provides for changes in detail, which lapse of time and experience show us are necessary to be made at this time. It is brought in here under a special rule for the reason that it is absolutely necessary definitely to provide for the Regular Establishment before the general Army appropriation bill can be presented to the House.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. SNELL. In a second. This comes with a unanimous report from the Committee on Rules. Now, I yield to the gentleman.

Mr. WINGO. Does the gentleman understand and say that that is the intention—that not only during the time that we have general debate on these two days but on other days when we are to consider the bill under the five-minute rule the House shall meet at 11 o'clock in the morning?

Mr. SNELL. That was the intention.

Mr. WINGO. Commencing to-morrow, then, we begin at 11 o'clock and meet at 11 o'clock as long as this bill is under consideration?

Mr. SNELL. As long as this bill is under consideration. Now, does the gentleman from North Carolina desire some time?

Mr. POU. I would like eight minutes.

Mr. SNELL. I yield to the gentleman from North Carolina eight minutes.

Mr. POU. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. KITCHIN] five minutes.

The SPEAKER. The gentleman from North Carolina is recognized for five minutes.

Mr. KITCHIN. I really may not need the five minutes. I wanted to ask the gentleman from New York [Mr. SNELL] a question. As I stated a moment ago, the Committee on Ways and Means was hurriedly called together on Saturday to consider a revision of the so-called foreign-relief bill, which had been reported out a month ago unanimously, appropriating $50,000,000 to relieve the starvation and hunger in Austria and Armenia and other suffering peoples of Europe. The gentleman from Michigan [Mr. FORDNEY], the chairman of the Committee on Ways and Means, whom I have always found to be most reliable in any of his statements, stated to the committee the object of the meeting, to wit, that the Committee on Rules had signified to him its willingness to report a rule out immediately if we would amend the so-called relief bill by substituting for the $50,000,000 specifically 5,000,000 barrels of flour, and it was stated, the evidence before the Committee on Rules showed, that the Grain Corporation had 5,000,000 barrels of flour on hand which was a clear profit in their dealing in and selling wheat to foreign countries; that this was flour that could not be sold or disposed of in the United States because it was of an inferior grade and the people of the United States demanded a better and higher grade of flour than that, but that it could be used for the purpose of relieving hunger and preventing starvation in certain parts of Europe just as well as the highest grade of flour. The committee unanimously, in deference to the gentleman from Michigan [Mr. FORDNEY], the chairman of the committee, and in view of his statement as to the conduct of the Committee on Rules, did so amend that bill—in fact we wrote the bill—proposed a new bill carrying out exactly what he told us the Committee on Rules favored. We were assured by him that if we did report it out the Committee on Rules would report a rule for its immediate consideration.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. We did report out that bill, and I was curious to know what has become of the assurance given to the chairman of the Committee on Ways and Means by the Committee on Rules that if we did this, they would give us a rule.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Let me state that since the committee reported out the first relief bill unanimously a month ago at least 20,000 people have died of hunger and starvation in the very countries which this bill was aimed to relieve.

Mr. MADDEN. Did not Mr. Barnes say that, as the head of the Grain Corporation, he has the power to sell this flour without any action on the part of Congress?

Mr. KITCHIN. I was not present when Mr. Barnes appeared before the Committee on Rules, but I understand that he expressed the opinion that it could be construed that he really had the power to dispose of it to such countries; and if Congress would not give him the power to do it, if he could not get the sanction of Congress, rather than see human beings in Armenia and Austria and other countries dying daily, starving, when the corporation had this inferior flour which could not be disposed of here, he would take the chance of selling it or disposing of it to them on some terms.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LONGWORTH. I would like to know where the gentleman got his information that 20,000 people had died of starvation?

Mr. KITCHIN. I have seen it mentioned in the newspapers, and I have received circulars, which have been sent out to that effect.

Mr. CALDWELL. I wrote the gentleman a letter that covered that.

Mr. KITCHIN. Yes; I saw the letter to which the gentleman refers.

Mr. CALDWELL. If the gentleman will wait one minute, I will show that 20,000 have died.

Mr. KITCHIN. Secretary GLASS told us a month ago in his testimony before the Committee on Ways and Means that a gentleman of high reputation had come to his office and told him that he happened to drive by automobile only two blocks in a city in Austria, and along those two blocks he saw 27 dead men, women, and children, with their clothes on, that had actually perished from hunger.

Mr. KEARNS. Where was that?

Mr. KITCHIN. A city of Austria, near Vienna, the name of which has just this moment escaped my memory.

Mr. KEARNS. Mr. Speaker, will the gentleman yield for a moment?

Mr. KITCHIN. Let me first make my statement.

The SPEAKER. The time of the gentleman has expired.

Mr. POU. Mr. Speaker, I yield to the gentleman three minutes more.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I will yield to the gentleman from Ohio [Mr. KEARNS] for a question.

Mr. KEARNS. I see from the terms of the peace treaty that Austria, where the gentleman says these men, women, and children are dying, this year is to deliver as indemnity or fine for entering the war 19,000 head of cattle, 30,000 head of sheep, and I think 25,000 hogs. Now, they are paying that this year as indemnity to the allied countries. Are we in turn to go over there with our flour and our money and pay to Austria in compensation for the things that have been taken from her? Then we are paying Austria's indemnity, and what crime have we committed?

Mr. KITCHIN. No; we are not paying Austria's indemnity at all. The hogs and cattle, and so forth, that the gentleman speaks of, if that is the fact, are being forced from them at the point of bayonet, and that makes Austria that much less able to supply herself with food.

Now, I want to say to the House and to the Republican membership, and especially to the Committee on Rules and to the steering committee, that from all the evidence, unless we come to the rescue of the people in Austria and Budapest, they can get no relief from any nation on earth, because the Allies have declined to let Austria and Budapest have a single dollar. They said if you get any relief you will have to look to America for it. We must or should furnish quick relief also to Armenia.

Mr. MADDEN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MADDEN. I was going to ask the gentleman if the emergency was so great, and Mr. Barnes says it is so great, why is it that he has not exercised the power and performed the duties which the law imposes upon him?

Mr. KITCHIN. Because he prefers to have the sanction of Congress, and Congress ought to take the responsibility. If he did do it without Congress giving approval you Republicans would denounce the administration for doing it and demand an investigation. Now I will yield to the gentleman from Ohio.

Mr. FESS. As to what Mr. Barnes said before the Rules Committee on the conditions of Europe, as the gentleman states, the gentleman does not want to make a statement that was not made before the Rules Committee.

Mr. KITCHIN. I am only stating what I saw in the papers—what was stated before our committee.

Mr. FESS. Mr. Barnes said nothing about conditions in Europe. He did not mention them. He simply made the request that he be authorized to sell five and one-half million barrels of flour, because it would be wasted when the warm weather came. He said he had the authority to do it, but he preferred to get the authority of Congress.

Mr. KITCHIN. Did not the Rules Committee at that time have evidence from other witnesses of the horrible conditions and the sufferings in Europe?

Mr. FESS. We did; but Mr. Barnes did not put it on the basis of feeding Europe but on the basis of saving the flour.

Mr. GARNER. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GARNER. Diverting from the conditions in Europe, I want to get the parliamentary situation. The Ways and Means Committee amended the bill and put in the words that were wanted, with the assurance that the rule would be reported immediately on Saturday evening or this morning. If the Ways and Means Committee, by unanimous consent, report a bill with the assurance of the Rules Committee——

Mr. FESS. What assurance of the Rules Committee did the Ways and Means Committee have?

Mr. GARNER. The gentleman from Michigan [Mr. FORDNEY], chairman of the committee, said that the gentleman from Kansas [Mr. CAMPBELL] said so. I want to ask the gentleman, when we get an assurance from the chairman of the committee that that thing can be done, what power is there in the House of Representatives that prevents it?

Mr. KITCHIN. The only power is the steering committee and the Rules Committee.

Mr. GARNER. Then, in the future had we not better get a statement from Mr. FORDNEY that the steering committee has given assurance that this rule will be reported out?

Mr. KITCHIN. I yield to the gentleman from Tennessee.

Mr. HULL of Tennessee. I want to say, in connection with the suggestion of the gentleman from Ohio [Mr. KEARNS], that Austria was being compelled to pay an indemnity of so many thousand head of cattle and so many thousand head of live stock; I want to call attention to the fact that Germany was subjected to an immense indenmity, but has paid none of it. I dare say that the gentleman will find that to be literally true as to Austria.

Mr. SNELL. Mr. Speaker, all this discussion is entirely out of order at this time, and unless there is some definite question as to this rule or this bill, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

LEAVE OF ABSENCE.

The following leave of absence was granted:

To Mr. SABATH, for two weeks, on account of important business.

To Mr. OSBORNE, for three weeks, on account of important business.

To Mr. LAYTON, indefinitely, on account of serious illness in his family.

TO AMEND NATIONAL DEFENSE ACT.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12775.

The question was taken; and on a division (demanded by Mr. DYER) there were 182 ayes and 4 noes.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to suggest to the gentleman from California the fact that instead of giving starving Europe bread, the Rules Committee is now giving us 10 hours' debate on a military bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California. [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman and gentlemen, in bringing our Army from a war-time strength of 5,000,000 men down to the size required for the country on a peace-time basis, a great deal of legislation is absolutely necessary, and it should be enacted at this time, at any rate before the end of the fiscal year, July 1. The committee after three months of patient work has brought before the House this bill. I do not claim that it is an absolutely perfect measure, but from the amount of work and care with which it has been considered in the committee I do believe that it represents about as near a practical reorganization measure for the Army as it is possible for a committee of this House to bring forth.

In substance it provides for a peace-time Regular Army in this country of a maximum of 299,000 enlisted men and 17,600 commissioned officers. Of the 299,000 men we provide that 250,000 shall be combatant troops and 30,000 of them are to be noncombatant enlisted men. There are 12,000 Philippine scouts and 7,000 unassigned recruits, bringing the total up to 299,000 men. We have provided for a very large number of commissioned officers for this force. Our purpose in doing that fulfills several requirements, the principal one being for surplus officers to provide an adequate number for training purposes in this country. We intend to detail about a thousand officers for duties with the National Guard and other military organizations. We intend to have available for detail from 1,000 to 1,500 officers to schools and colleges, reserve officers' training camps' training units, and citizen training camps, in order to provide ample instruction for all the young men in the country who desire military training.

In my opinion compulsory universal training is undesirable at this time. With a deficit of $4,000,000,000 between the receipts and expenditures of the Federal Treasury staring us in the face for this year, with the knowledge that the initial first-year cost of training the 800,000 eligible young men would be very close to $1,000,000,000 in addition to the cost of our Regular Army and National Guard, which under this bill is estimated from $480,000,000 to $600,000,000, I am convinced that our committee has acted wisely in postponing consideration of compulsory training until another session of Congress, when we can have the benefit of more careful and detailed information on the subject.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BRIGGS. Will this provision made in this bill be sufficient to take care of these requirements of high schools where they have cadet corps established under the reserve act?

Mr. ANTHONY. In my opinion the number of officers provided for in this act will be ample to satisfy all such requirements. In fact, one of the estimates which was made to us when we were considering the bill was that it would be possible under this bill to have 150,000 young men in training in this country each year in the schools and colleges, Reserve Officers' Training Corps units, and in citizen training camps. We also provide for a large list of detached officers who are to be used for the purpose of carrying out the single list of promotions provided in the bill and to enable a sufficiently large reservoir of officers to exist, from which officers may be drawn to perform detached duties without interfering with the line troops of the Army.

I deem that it is absolutely necessary at this time to provide for a strong regular Military Establishment in this country, not for purposes of external defense or aggression primarily, but I believe that this country needs a strong Regular Establishment for its internal protection for some years to come, following this Great War, and we are providing such an establishment by this bill, sufficient to preserve law and order and civilized constitutional government.

Our second purpose is to rehabilitate the National Guard. It is well known that following the war the National Guard units were discharged wholesale upon their release from the National Army. It was never intended by Congress when it passed the national-defense act that any power should be lodged in the War Department which would enable it to practically destroy the National Guard at one blow, but suffice to say that the War Department has assumed that power, and by its arbitrary discharge from every obligation of State and national service of every unit of the National Guard which went into the Army during the war it has all but destroyed the National Guard of the various States. In this bill we are providing liberal legislation under which we hope to again build up the guard to its former authorized strength under the national-defense act, which we believe in a few years will give us a National Guard approximating 400,000 men to serve not only as a second line of defense in this country but as an efficient first line whenever called out in conjunction with the Regular Army, as was amply demonstrated in the present war on the battle fields of Europe.

It is not my purpose to go into all of the details of the bill at this time, but simply to make this general statement in regard to it. We are, as I said, vastly increasing the number of commissioned officers. We are providing for an increase of about 7,000 officers over the number authorized by the national-defense act.

One of our purposes in doing this is to take care of some of the most splendid fighting officer material that the country has ever seen, as developed by this war. We have 24,000 applications on file at the War Department from officers who saw service in this war who desire commissions in the Regular Army, and we are providing that of the 7,000 vacancies in the Regular Establishment created by this act at least one-half of that number shall be taken from those men who saw service in the National Army during the years of the war just closed.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. DENISON. Will the gentleman, if he can do so in his time without interrupting the trend of his remarks, state briefly what the bill does provide that will build up the National Guard to something like it was before?

Mr. ANTHONY. Yes. One of the most essential things this bill provides is to start in right at the top. We provide that the Chief of the Militia Bureau down at the War Department shall be a National Guard officer instead of a Regular Army officer. [Applause.] It has been found that with an officer of the Regular Army at the head of the Militia Bureau, instead of the bureau being allowed to be free to exercise what is thought best for the development of the National Guard, the bureau has been dominated by the purpose of the General Staff to destroy the guard, and it has been working at cross purposes all of these years. We propose to correct that evil by appointing a National Guard officer at the head of the Militia Bureau, and I believe it will go far to accomplish that purpose. Another thing this bill does is to reenact the provision of the national-defense act that provides that the General Staff will no longer serve as an operating force in the War Department. We eliminate them from the duties which they assumed during the war, not only to give advice on military matters and to prepare military plans, but they actually operated all of the bureaus of the War Department during the war, and, in my opinion, were responsible for the era of chaos, confusion, and extravagance that resulted from such domination and administration. Under this bill we divorce absolutely the General Staff from such operations and return them to their own field, to offer advice and prepare plans, and so forth.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned the fact that of the 7,000 additional commissioned officers that go into the Army after the passage of this bill one-half of them would be those men who had served in the National Army during the war.

Mr. ANTHONY. That not less than one-half should be composed of those men.

Mr. NEWTON of Minnesota. Where will the other portion come from?

Mr. ANTHONY. The other portion will come from a great many other sources. They will come from the Military Academy, from the ranks, from the National Guard, perhaps from the reserve officers training camps, primarily, the reserve officers, and of the other vacancies created Regular Army officers will be promoted to fill into them, and also they will come from graduates of technical schools.

Mr. NEWTON of Minnesota. Some of these noncommissioned officers who were given commissioned rank during the war would be given opportunity for a permanent commission rank?

Mr. ANTHONY. They would come under the provision of the bill requiring that not less than one-half of these vacancies, 3,500, must be so filled, and we have safeguarded that by providing that these appointments shall be made under regulations drawn by a board which we believe can not help but be absolutely fair in its administration. We provide that the board which shall have charge of such appointments shall be composed of three general officers of the line, of three general officers of the Staff Corps, and Gen. Pershing, the commander in chief of the Army.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LAZARO. Would the gentleman be kind enough to tell the House what has been done for the medical unit of the service and for the nurses in this bill?

Mr. ANTHONY. In making provision for the Medical Corps in this bill we endeavor to do the same as they are provided for under the national-defense act. We keep in force the same provision requiring 7 medical officers to each 1,000 of enlisted men. I will say this to the gentleman: Under the provision of the single-promotion list some medical officers are contending that their interests are perhaps not as liberally provided for in the way of promotion as they should be. There is some question as to that and it is my hope that it may be satisfactorily worked out in the discussion of the bill.

Mr. LAZARO. But the gentleman will admit they should have a little more authority than they have had in order to be efficient.

Mr. ANTHONY. I would not say more authority. Does the gentleman mean more rank, more promotion?

Mr. LAZARO. Yes.

Mr. ANTHONY. We are providing in this bill each medical officer shall have two years of constructive service in order to make up the time he spends in a medical college preparing for his medical education, in addition to giving him the initial rank of first lieutenant. But it does require not two years but, in my opinion, it requires five years longer for a medical officer to prepare himself for the service than for a man to go through West Point or come into the Army from civil life, and he should have the benefit of even more than the two years' constructive service, I will say to the gentleman, than is provided for.

Mr. LAZARO. Now, in regard to nurses?

Mr. ANTHONY. They have been given constructive rank in the bill.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ANTHONY. I will yield to my colleague.

Mr. GREENE of Vermont. Of course, the bill provides that a medical officer on entry into the service has to his credit two years of constructive service, but he is put in the grade of a first lieutenant, which, of course, may more than equal the time of five years which the other man starting as a second lieutenant often would have to serve before he could become a first lieutenant. So when we take that phase of it into consideration the period of two years as denominated by the figures in the bill does not indicate all the advantage the medical officer gets, because the passage from the grade of second lieutenant to that of first lieutenant of a line officer is frequently five years, and sometimes it has been more.

Mr. LAZARO. So the gentleman's impression is that it is a benefit to the medical man and the service?

Mr. GREENE of Vermont. We intended it to be so.

Mr. LAZARO. Of course, the gentleman realizes that the man in the service gets the benefit of it?

Mr. GREENE of Vermont. We are trying to approach it, as the gentleman from Kansas stated.

Mr. ANTHONY. Now, gentlemen, during the war the administration of the Army was split up into a great number of independent bureaus and committees in the War Department for the operation and administration of the Army. That method resulted not alone in inefficiency but in uncalled-for extravagance. We are endeavoring to remedy that situation in this bill by combining and consolidating a number of different bureaus created under the power of the Overman Act into one administration, where we undoubtedly are not only going to provide for increased efficiency, but under the consolidation, so far as we have gone in this bill, we are going to save by the measure from thirty to fifty million dollars a year in administration expenses alone; that is, in the overhead expenses of operating these various bureaus.

The measure does not go as far as I personally would like to see it go in this respect. We have combined the Construction Corps, Motor Transportation Corps, Purchase, Storage and Traffic, and several other bureaus and branches in the War Department and restored them where they were before the war, where they belong, under the administration of the Quartermaster General, and by such a consolidation we will show an economy of from thirty to fifty million dollars a year. In my opinion we should have gone further. This bill provides for a separate Finance Corps, and yet there is no question that by also consolidating that corps with the others it will further save the country $3,000,000 a year, which is the price which must be paid for the administration of this corps as a separate branch. In making such a remark it is not my intention to cast the slightest aspersion upon the gentleman who is the head of that corps, Gen. Lord, who is a very efficient officer, as are his men under him; but it can be conclusively shown that the duties of that corps can be just as well performed in the consolidated establishment under the same officers and save the country $3,000,000 a year by so doing, and I believe it is the duty of this Congress to go further along the line and consolidate and include that with the others.

Mr. HAWLEY. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. HAWLEY. When the gentleman refers to this matter of $3,000,000 he refers to the salary cost of that department?

Mr. ANTHONY. The salaries of officers and men and the salaries of the clerks necessary for its administration.

Mr. HAWLEY. Would not there be a balance on the other of the benefit of a separate effective finance officer and corps in looking after the contracts and administration and an expenditure that might save the Government a great deal more money than $3,000,000, which they cost?

Mr. ANTHONY. It might, but it has not been shown that they have ever saved any money. It is merely a useless extra cost.

Mr. HAWLEY. No such audit has been had——

Mr. ANTHONY. There is only one auditor—the Auditor for the War Department, who really audits the bills, and, in my opinion, this additional audit is unnecessary and an additional expense.

Mr. HAWLEY. The gentleman's proposition is really the establishment of a sort of budget system in the War Department?

Mr. ANTHONY. No; it simply means we create a separate corps of officers and men and clerks to make out checks instead of the Quartermaster General's Department. Let me go further and show the gentleman how this multiplication of separate activities works.

Under the division of these bureaus and activities during the war it meant that at every one of the posts and camps in this country, where before the war one quartermaster officer used not only to look after construction and after the supply of the troops, and used not only to pay the men and all the bills and to look after the transportation, both horse and motor, and all that, in place of that one officer you have about seven there to-day. You have a motor transport officer, a quartermaster officer, and a finance officer, and so forth. They are standing in each other's way to-day, with nothing for them to do, where one officer could just as well do the work. That is the situation. At Camp Sherman, Ohio, as developed by a report from there the other day by an officer who analyzed the Government expense bills there for one month and showed an absolute unnecessary expense in overhead at that one camp alone of over $100,000 per month that could be saved by consolidating these various bureaus and functions and all the clerks and appurtenances that go with them. We are trying to do that, in a measure, in this bill, only, in my opinion, we do not go far enough.

Mr. MILLER. Will the gentleman call attention to the provision the committee has made in the bill for a representative in the financial department, to be drawn from some other unit of the Army, in small encampments and smaller places?

Mr. ANTHONY. I will say that could be done.

Mr. MILLER. Is not provision made for it in the bill?

Mr. ANTHONY. I do not think so.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. ANTHONY. I will.

Mr. NEWTON of Minnesota. While the gentleman is discussing the various bureaus I would like to ask what provision has been made for the quick expansion of these bureaus in the event of an emergency?

Mr. ANTHONY. The only provision that is made for their quick expansion will be that we trust the department will select competent men to put at the head of them, because, in my opinion, the personal equation is the main question involved. It is the personal capacity of the men at the head when the crisis comes. We are going further, though, and consolidating all the purchases for the Army under a civilian head in this bill. We are creating the position of Undersecretary or Assistant Secretary of War, who shall have charge of all the purchases and the business of the Army. We superimpose him over all these different purchasing bureaus, and we hope through him we will secure the long-sought-for business efficiency that in some way some Army officers seem to lack, notwithstanding the fact that they have other splendid qualities.

Mr. NEWTON of Minnesota. Does the gentleman think that with the construction work as a part of the Quartermaster General's office and not a separate and distinct bureau, it could be just as rapidly expanded for emergency purposes?

Mr. ANTHONY. Just as rapidly expanded in time of emergency. Before the war the Quartermaster's Department, having charge of construction, did efficient work. Of course, no peace-time organization can fill all the demands that come with a world war and the raising of an army of 5,000,000 in place of an army of 100,000 men. There is no organization that can stand up against such a test as that, but we believe we retain the principles of these different bureaus by this consolidation. We take them with the same head, the same organization, simply reducing them in size and grouping them under one administration to save overhead expense. That is what we are doing in this bill, and in time of emergency there is no reason why they can not be expanded and thrown wide open.

Mr. WELLING. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. WELLING. I notice in section 2 of the bill there is no provision for a Transport Corps as at present organized.

Mr. ANTHONY. We take the Motor Transport Corps and consolidate it with the establishment of the Quartermaster General as it was before the war and as provided in the national-defense act.

Mr. WELLING. Does the gentleman think that will contribute to economy?

Mr. ANTHONY. I think it will contribute much to economy. I have the figures here——

Mr. WELLING. I will be glad to hear that some time during the gentleman's remarks.

Mr. ANTHONY. I can not get those figures now. But I will say to the gentleman that it will save several million dollars per annum to the Government.

Mr. SANDERS of Indiana. Speaking of the undersecretary that has charge of the purchases, what would be his relationship to the different departments, namely, the Quartermaster General and the Chief of Ordnance?

Mr. ANTHONY. It means that all the purchasing officers of the department will report to this undersecretary of war, the Assistant Secretary of War, who shall be in entire authority over all purchases and business transactions of the Army. Instead of going up to the Chief of Staff, as is now the custom, and the Secretary of War, the reports of the Quartermaster General, the records of the business operations of the Chief of Ordnance, and all that, in regard to purchases, will go direct to this Assistant Secretary of War in charge of purchases.

Mr. SANDERS of Indiana. Will the Assistant Secretary of War be in office during peace time as well as in war time? Will he be a permanent officer?

Mr. ANTHONY. He will be a permanent officer of the department.

Mr. SANDERS of Indiana. In the event of war, would there be any addition to his department?

Mr. ANTHONY. Of course, it could be expanded; but we do not believe there will be any unnecessary additional organization. In my opinion, one of the drawbacks to our operation during the present war was that we expanded too far. We created too many bureaus, too many separate committees at the War Department, in charge of the business at the department, until we reached the point of absolute confusion. We went too far in that respect.

Mr. SANDERS of Indiana. I think I agree with the gentleman in some respects, but the thing I had in mind particularly was that I frequently heard it said during the war that the great difficulty with the Ordnance Department and with the Quartermaster General's Department was the fact that we were suddenly thrown into a situation where it became a great proposition, and that we had military men at the head of those departments, and what we needed was the business force of the country at the head of those departments. Is this supposed to cure that?

Mr. ANTHONY. We do attempt to improve such a situation as that by the putting in of this civil officer at the head of all these purchasing bureaus. Let me say to the gentleman that the bringing into the military service of this great number of "big-business" men during the war was, in my opinion, anything but a success. Some of the most conspicuous failures in the War Department were the representatives of "big business" that were put in charge of military bureaus down there. The Regular Army officer, who has had his training not only as to military methods, but combined with the business training that his work gives him, is, in my opinion, far more efficient than the average civil business man for the performance of Army duties.

Mr. SANDERS of Indiana. I agree with part of that. I do not know whether I agree with all of it or not.

Mr. STRONG of Kansas. I understand this bill takes from the General Staff duties that it has heretofore performed. Does it reduce the personnel of that staff proportionately to what it was before the war?

Mr. ANTHONY. No; it does not. It leaves them, I think, about 99 men.

Mr. KAHN. Ninety-three men.

Mr. STRONG of Kansas. If they have less duties to perform, why should they not be reduced?

Mr. ANTHONY. No. The scope of the General Staff was necessarily enlarged by this war. The training and planning work of the General Staff alone is enough to keep the staff busy for years to come. With the assimilation of thousands of new officers who will require years of training yet before they reach the perfection we would like to see them attain, the General Staff will find its hands full. We do turn the General Staff back to the duties prescribed for it by the national-defense act, and we eliminate from it absolutely the work of administration and operation of the general affairs of the Army.

Mr. DONOVAN. Mr. Chairman, I would like to ask the gentleman a question about the Transport Corps. Is it the purpose to eliminate that entirely, and not have a corps at all?

Mr. ANTHONY. Under the construction given to the language of the bill the Motor Transport Corps will be removed in a body into the Quartermaster Corps. It will function practically as it does now, under the same head. Gen. Drake is at the head of the Transport Corps now. We provided three brigadier generals in the Quartermaster Corps. It is the intention that Gen. Drake shall be one of these. The only thing that will happen to his organization will be that it will be cut down in

proportion to the peace-time strength as provided in this bill, and his superior officer, whom he reports to, will be the Quartermaster General. In other words, the papers in his branch will clear over the desk of the Quartermaster General.

Mr. DONOVAN. The gentleman does not think that the Quartermaster's Department might regard it as they did before the corps was established and when we had motor vehicles simply as subsidiaries instead of what has now become a great means of transportation, and not give it the attention that it might have if it were kept separate? What does the gentleman think about that?

Mr. ANTHONY. I say it all depends upon the personal element involved. Just at this time we happen to have a highly efficient man in the office of Quartermaster General.

Mr. DONOVAN. Gen. Rogers?

Mr. ANTHONY. Yes, Gen. Rogers; one of the best business men and best officers I have ever seen in the United States Army.

Mr. DONOVAN. I agree with the gentleman.

Mr. ANTHONY. With such a man in that place of responsibility, I do not think there is any doubt about an efficient and economical administration of all these various activities.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KAHN. Mr. Chairman, I yield 25 minutes to the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman from Iowa is recognized for 25 minutes.

Mr. HULL of Iowa. Mr. Chairman and gentlemen, the salient features of this bill are: It is an amendment to the national-defense act and therefore does not change the fundamentals of our Military Establishment, even though it makes some radical departures; it prescribes the total enlisted and commissioned strength of the Army and leaves the minor details to experienced officers; it places one man, namely, the Assistant Secretary of War, at the head of all procurements for the Army; it reorganizes the National Guard and gives it an executive head who will be in sympathy with the growth of that organization; it provides for one-year enlistment for soldiers; it provides for the single list of promotion for commissioned officers; it prescribes limitations on the General Staff and does away with the unlimited power now held by that organization; it creates a separate Air Service and separate Chemical Warfare Service; it makes permanent law what all loyal churchmen want, that there shall be one chaplain to every 1,200 men in the Army; these besides many other changes which I have not the time nor the opportunity to mention.

Prior to the enactment of the national-defense act there had been but little change in the Military Establishment for more than a decade; the organization was based on conditions that existed during the Spanish-American War, and as a result many abuses had crept in, and we had a War Department inefficient, not because of the lack of a capable personnel but because the system was so cumbersome that it could not function properly. After the European war broke out and when it became apparent that the United States would in all probability be involved, it became the duty of Congress to provide for our military organization in order that it might be prepared to meet any emergency. As a result the national-defense act was enacted into law. It is undoubtedly the most efficient military legislation that ever passed the Congress of the United States. Since, however, our War Department had expanded but little during a period of 20 years or more, many of the features of the national-defense act were experimental in their nature. It was untried when we became engaged in the great conflict, and as a matter of course many defects were discovered in its operation. The national-defense act was never intended to fix the permanent organization of the military forces of the United States. It was largely a war measure, so it therefore became the duty of your Committee on Military Affairs to draft a measure that would provide for the permanent Military Establishment. After a careful study it decided that the better way to fulfill this object was to amend the present law rather than to draft a new one, and that is what this measure does. It contains some radical departures from our present law, but the fundamentals remain the same. In other words, it has been the aim of this committee to retain all of value in the national-defense act and amend it so as to obliterate the defects.

This measure does something that was never before attempted in a military bill. It absolutely prescribes the number of commissioned and enlisted men that shall compose the Regular Army. Under this bill the total enlisted strength will be 299,000 men, and the commissioned personnel will consist of 17,820 officers. This is the first time in the history of the Army that any Military Affairs Committee has stated definitely just how many men may comprise the Military Establishment of the United States. Heretofore there has always been an "if" attached to every bill. As a result no committee has ever been able to compute the annual cost of maintaining the Army. Our personnel has been variable, and our appropriations had to be the same in order to meet any possible contingency. Under this bill we will know just exactly how many men we can have and just how much money it is going to cost us to maintain the same. If we accomplish this one object, it will be a notable achievement. While the total strength has been designated, the bill provides for a flexibility of the various organizations which will correct a long-standing defect. Hitherto all measures passed by Congress have made a definite provision for the organization of the various branches and tactical units. The number of units have been designated and the number of enlisted and commissioned men for each unit have been prescribed. No allowance was made for the changed conditions that might occur, and thus we had an Army so organized that it was impossible to meet any emergency that might arise. The present law does away with all this.

It places this power entirely in the hands of the President, and he may change the various organizations as conditions might demand. A simple illustration will emphasize the point. We have a regiment stationed in China and another on the Mexican border. The duties of the regiment in China are largely administrative, and the duties of the regiment on the Mexican border are largely that of guarding our frontier. In order to properly perform the work many more officers are needed for the regiment in China than are needed with the regiment on the Mexican border. But under the present law the number of officers and the number of enlisted men composing each regiment were necessarily the same. As a result the regiment in China does not have sufficient officers to do the work and has a surplus of enlisted men, while the regiment on the Mexican border has more officers than are needed and is short of enlisted men. Under this measure, however, the President of the United States may assign as many officers as he sees fit to the regiment in China, and he may assign as many enlisted men as he sees fit to the regiment on the Mexican border, providing, of course, that he keeps within the limit prescribed by the bill. Thus you will see the bill gives the Military Establishment the right to use its officers and enlisted men where they are most needed. It provides a workable organization not bound down by the ironclad rules that have hitherto made our Army so cumbersome and so hard to function.

It is true that the number of officers is increased over those prescribed in the national-defense act. This is occasioned, however, by the fact that the number of officers in the Army has steadily decreased in proportion to the enlisted force, and we are only now building our commissioned personnel to its former status. In 1850 the Army of the United States was composed of 10 commissioned men to every 100 enlisted men; in 1854 this was reduced to 7 commissioned officers to every 100 enlisted men; in 1874 this was increased to 9 commissioned officers to every 100 enlisted men; in 1898, during the Spanish-American War, the number of commissioned officers was decreased to 4 officers to every 100 enlisted men; in 1903 it was again increased to 6 commissioned officers to every 100 enlisted men; and in 1917 at the outbreak of the late war the number of commissioned officers in the United States Army was only 3 to every 100 enlisted men, while at the present time the number of commissioned officers is 4.26 to every 100 enlisted men. Under this bill the number of officers will be 6 to every 100 enlisted men. You will see, therefore, that we are only increasing our commissioned personnel to the status that it occupied in 1903, and that there will be fewer commissioned officers in proportion to the number of enlisted men than occurred in the Army on various previous occasions; thus while it increases the commissioned personnel a small percentage over the present number, under this bill everyone can be utilized in the place that he is most needed; while under the old inflexible method we had officers in some of the units who were superfluous, while other units were sadly lacking commands.

ASSISTANT SECRETARY OF WAR.

I wish briefly to call your attention to another notable feature in this bill, and that is the one on page 14, section 5A, which provides "that in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto." In my judgment this one section, if enacted into law, will result in the saving of many millions of dollars to the Government. Our present system of obtaining supplies for the Military Establishment is one of the most inefficient and cumbersome methods that could possibly be conceived. It is wasteful, extravagant, un-

businesslike, and demoralizing. Hitherto each bureau of the War Department has been bidding against another bureau where the needs were identical. Instead of having one big business organization working in unison, we have had in this one department of the Government several minor organizations, each competing with the other in order to obtain supplies; none of them cooperate with the other in securing the same, and all of them buy without any consideration of what might be obtained from the other branches.

How long would a big department store in any of our busy cities last if each department was bidding against the other for the supplies it needed? Would anyone consider it a good business proposition if such a thing should occur? But that is just exactly what has been taking place in the War Department. If the Ordnance Department needed supplies for its men it went out into the open market to compete against the Quartermaster Department for the same. If the Engineer Department needed material it went out into the open market and competed against the Quartermaster Department for this same material. One was bidding against the other. If the Cavalry had an excess of a certain article and the Infantry was in need of that article it did not transfer from one department to the other, but the Cavalry procured what it needed while the excess in the hands of the Infantry was allowed to rot or depreciate in value. Thus you will see that a condition was created in the various departments of the Army that resulted in a large additional expense to the Government. Under this section of the act all this has been obviated. The Assistant Secretary of War is the chief through whose hands must go all the purchasing of these military supplies. He will be able, and should be able, to know just exactly what is on hand in the various departments. If one department has an excess and another department a deficit of the same material he has the authority to transfer the supplies needed from the department who has them to the department who has not. The necessities of the department will be procured in bulk.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield there?

Mr. HULL of Iowa. Certainly. I yield to the gentleman from New York.

Mr. DONOVAN. Will the gentleman designate how the Assistant Secretary is to be appointed? Will he be of the Regular Establishment or a civilian?

Mr. HULL of Iowa. He wil be a civilian, appointed by the Secretary of War, just as he is now. He will really be an Undersecretary of War.

Mr. STEVENSON. Mr. Chairman, will the gentleman permit another question?

Mr. HULL of Iowa. Certainly. I yield to the gentleman from South Carolina.

Mr. STEVENSON. Is there any arrangement whereby in the handling of supplies there can be any more expeditious method of settling claims? For instance, I have a minister in my district who paid for some supplies at a sale made by the Quartermasters' Department last spring. He paid by check, and it was turned over to the officer in charge, and he held that the bid was not high enough to allow it to pass, and he turned the money into the Treasury, and the purchaser can neither get his goods nor money without an act of Congress. I have had the matter up for months, and this morning I got a notice to the effect that it would require an act of Congress to get that $4.80 out of the Treasury. Are we going to obviate that sort of thing in this bill?

Mr. HULL of Iowa. Yes. Practically every Member of Congress has had a similar experience. We think this bill will obviate that trouble.

The Secretary of War can buy the iron, steel, clothes, food, and fuel for the entire Army and distribute them as he sees fit. In giving him this power he will have the advantage of procuring in large quantities; there will be a unity in procurement and there will be no competition in the Army organization.

It will also be the province of the Assistant Secretary of War to expand and develop our great arsenals, and I think it is the greatest factor in our military progress. Approximately all of the necessaries of the War Department can be manufactured in our arsenals, and this can be done approximately 40 per cent cheaper on a labor and raw-material basis than it can be purchased in the open market. Also, while we are securing the supplies for the Military Establishment much cheaper than we could by buying the same, we are developing our arsenals so that they will be at the highest point of efficiency in case of emergency. The Assistant Secretary of War under the wide latitude given him can manufacture in small quantities all the latest designs in warfare. He can keep abreast of the times, so to speak, and have on hand a nucleus from which could be developed in a short time all the necessary modern implements of war. It is my opinion that the Assistant Secretary of War should, as soon as possible, manufacture and keep on hand all the necessary machinery, tools, jigs, dies, and so forth, that we would need to supply private industry if it suddenly became incumbent upon it to turn out its maximum capacity of war supplies. Under this system also each arsenal will keep employed a considerable body of men who will become efficient in their work and a great Government asset if an emergency should arise. I believe too much stress can not be placed on this development of the Government arsenals, and I think it should be clearly brought to the mind of the Assistant Secretary of War that he not only has the opportunity but it is incumbent upon him in his official position to see that the arsenals are properly developed as here outlined.

This bill provides for the complete reorganization of the National Guard and gives it the place in the great citizen soldiery of the United States to which it properly belongs. The departure from the national defense act is very radical, in that it places as chief of the National Guard a National Guard officer. This was done to stimulate interest in the organization and do away with the sentiment that the National Guard hitherto has had no opportunity to assume its proper position in the Military Establishment of the Government. Prior to this time the Chief of the Militia Bureau has been a West Point graduate, an officer who has viewed the National Guard through the perspective of the Regular Army officer, and, rightly or wrongly, it has been the general belief that the National Guard has been retarded in its development on this account. With this provision the chief executive of the National Guard will be a man who will be in entire sympathy with this organization and, therefore, give it an opportunity for utmost development. While the chief is a militiaman, however, the assistants in his office will be Regular Army officers who will be acquainted with all the tactical information necessary, and thus, while the guard will have at its head a man who is in sympathy with its development, it will also be supplied with all the detailed information required in order that it may assume its proper position.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman permit an interruption?

Mr. HULL of Iowa. Yes, sir.

Mr. JOHNSON of Mississippi. How is this chief selected?

Mr. HULL of Iowa. He is appointed by the President.

Mr. JOHNSON of Mississippi. By and with the advice and consent of the Senate, or without?

Mr. HULL of Iowa. With confirmation by the Senate. It is an Executive appointment.

The purpose of this act is to provide a small standing Army sufficient to provide for the ordinary military needs of the United States, a National Guard that can be depended upon for a strong second line of defense, and an enlisted Reserve Corps which would be a large reservoir of trained men sufficient to meet the needs of any emergency. With this object in view, the National Guard was reorganized as provided in this bill.

The President has the power to designate the location of the divisions and the different tactical units. An incentive is offered to every young man in the United States to be a member of this organization. The bill provides for a three-year enlistment and training that will give every young man the necessary military information vital to him in time of a conflict. At the same time it gives him that freedom of action that could not possibly be provided for any man who enlisted in the Regular Army. It is the happy medium between unpreparedness and militarism, and in my opinion it is one of the most important provisions of this bill. After the young man has served his enlistment in the National Guard he is given an opportunity to enlist in the Reserve Corps, and by this proviso the guard will retain a large proportion of its men to be utilized in case of necessity. The bill also provides for adequate compensation for the officers of the National Guard and makes an incentive for these men to become proficient along military lines. Another very important provision is the one which provides for the permanency of the organization. The present war only emphasized the temporary organization under which the National Guard was constructed prior to that time. When the former enlisted force of the National Guard was drafted into the Regular Army the Guard was entirely obliterated, and when our demobilization was completed we awoke to the fact that we had no citizen organization. Under the present measure the soldier who enlists in the National Guard and is called into the Regular Army in time of emergency reverts back to his former organization after the emergency is over. I apprehend that under this measure the National Guard units will be organized in practically every town and hamlet in the United States, and that within a few years we will have a citizen organization that will be ample provision in any contingency that might arise.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes; I yield to the gentleman from New York.

Mr. DONOVAN. Will the time that the National Guard man serves in the Regular forces during combat be counted in the three-year enlistment in the National Guard?

Mr. HULL of Iowa. Certainly.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Certainly; I yield to my colleague from Iowa.

Mr. RAMSEYER. Does the bill limit the number of men in the National Guard in each congressional district?

Mr. HULL of Iowa. There is no limit as to the number of men to be in the National Guard. Of course, that is regulated by the national-defense act, and the minimum is supposed to be 800 men for every Representative or Senator that we have. That was to be filled up by annual increments of 200 each year from passage of act in 1916. The only limit is as to the appropriations both by the National Government and by the States. The States always provide the armories.

Mr. RAMSEYER. So that the limitation on the growth of the National Guard will be the appropriations by Congress and those that the States are willing to make for that purpose?

Mr. HULL of Iowa. Yes. That is all the limitation there is.

The bill, with a few necessary exceptions, provides for single-line promotions in the commissioned personnel. There has been no more needed change in the War Department within the last 20 years. The present system of lineal promotion is detrimental to a well-balanced military establishment. The personal equation is too strong a factor in the problem. Under the present plan an officer's promotion depended in a large measure on the expansion of that branch of the Army to which he was attached. As a result every officer had an eye single to the expansion of the organization to which he belonged, usually to the detriment of some other branch of the service. The effect of this condition has been to create jealousy in the various branches and to bring pressure to bear upon Congress to expand certain military units out of all proportion to their importance. Under the proposed plan no officer can derive personal benefit from the expansion of any particular branch. It will be to his advantage to see that the entire military organization has a normal growth and that each department assumes its proper position in the military unit, for his promotion will not depend upon the growth of any one branch but upon the growth of the entire Army. If this section is adopted, we will not in the future, as we have in the past, be compelled to witness the spectacle of Army officers bombarding the Members of Congress in an effort to have that particular branch of the service to which they belong given special preference simply because such preference means that they are going to receive a higher rank thereby.

A separate Air Service is established in this bill, and the initial steps are thereby taken giving to that branch of the service its proper place in the War Department. The Air Service is yet in its infancy, and I have no doubt but what it is capable of wonderful expansion. My personal opinion is that the creation of a separate service as herein provided should be followed by the bill which will create a department of aeronautics and place the entire procurement, designing, and manufacture of aeroplanes under a civilian head. I have already introduced a bill to that effect in Congress, and I would request that at your convenience you give it your careful attention with a view to develop aeronautics.

This bill places the Chemical Warfare Service in a separate bureau, and I think this should be done. Chemical warfare is a child of the late war and, while it is yet in its infancy, it was clearly demonstrated that it is one of the future factors in any great conflict. There is no other branch of the Army that has greater possibilities, possibilities that no one can foresee. If we are to keep abreast of the world in military preparedness, we must develop our Chemical Warfare Service. Not only can it be developed as a destructive branch of the War Department, but can also be developed as a constructive feature of the Government. I have been reliably informed that experiments are even now being conducted at our big Chemical Warfare Service plant in Edgewood which give great possibilities to revolutionize not only our present mode of warfare but some of the peace-time pursuits. For this reason I deem it advisable to give Chemical Warfare Service an opportunity to expand.

Your committee decided that it would be unwise to incorporate universal military training in this bill. In my judgment, it was a wise decision. No satisfactory universal military training system has yet been advanced either by the Members of Congress or by the War Department. All have been more or less speculative in their character. An estimate of the expense attached to these proposed bills has varied from $130,000,000 to $1,300,000,000. I think the decision to appoint a committee which will investigate thoroughly and present some concrete measure to your committee is an excellent idea. Universal military training is a question that, if enacted into law, will change the entire military policy of the United States and necessarily the policy of the War Department. In my opinion, a measure of such importance should not be tacked onto this reorganization bill, which is simply an amendment to the national defense act. It should be presented to Congress as a separate measure, so that it can be considered solely on its own merits. The highest officials in the War Department have advised that even if universal military training were adopted as a policy of the Government at the present time, it could not be placed in operation before 1922 or 1923. By the time we could actually carry out the provisions of any measure we might pass now, conditions might so change that the bill would be impractical. It seems to me, therefore, that any universal military training policy that the Government might decide upon should be enacted into law by the Congress which sits in session immediately prior to the time it is to be placed in actual operation.

Section 27, page 38, of the bill is one of the most important clauses in the entire measure. It goes a long way toward solving the problem of military training. The section is very brief. It provides as follows:

> Hereafter original enlistments in the Regular Army shall be for a period of one year and of three years at the option of the soldier. Reenlistment shall be for a period of three years.

In brief, this section provides for one-year enlistments, and it eliminates the enlisted Reserve Corps of the Regular Army. Under this provision any young man in the United States may enlist for a period of 12 months and then return to private life. The result of this feature, in my opinion, will be that a very much larger proportion of the young men of the United States will seek military service in the Regular Army. Heretofore anyone who desired to become attached to the Army had to tie himself up for a period of three years of active service, with the proviso that he might be called upon at any time for four years longer. In other words, he was practically bound by his military pledge for the period of seven years. No young man with any ambition would subject himself to such a condition. The result has been that instead of the ranks of our Regular Army being filled with young men we have had in most all instances the minimum instead of the maximum quota. Indeed, it has been a deplorable fact that the various units in our Army have been skeleton units, a paper Army, so called, and rightly named because we could not secure the required number of men. Now, however, with the prospects of one year's military training and no strings tied to the same, an inducement is offered for the youths of the land to secure military training. With this increased enlistment and short-term service there will constantly flow back into private life a large body of young men who have had their year's service, become trained soldiers, and who will form a large reservoir of military trained men who can be called upon in any emergency. That my predictions will come true is clearly demonstrated by what has occurred within the last year. If you will recall, last year a clause was passed which provided that one-third of the Army could be made up of one-year enlistments. As soon as this became generally known there was immediately a large increase in the number of enlisted men, a very large proportion of which enlisted for one year. In fact, this reached its maximum last January, when the number of one-year enlistments became so great that the entire quota had been secured under law, and the result was the War Department could accept no more for the short period. Immediately following enlistments decreased a very large per cent, which was a practical demonstration of the fact that men will enter the Army for a short period, but will not obligate themselves for a period of years. I have no hesitancy in saying that if this measure is properly operated, in a few years a very large per cent of our young men will have had a one-year service and will have become trained soldiers.

We have no way of making any accurate estimate, but it is fair to assume that a minor proportion of these one-year enlisted men will decide to make service in the Army their vocation, and will therefore, upon the termination of their first enlistment, reenlist in the Army. Thus, besides building up a strong military reserve, this system will have the advantage of providing for the Regular Army a large number of young men who desire to continue therein from choice. It is only fair to assume that these men will be able to form the backbone of our enlisted Army, and they will provide the necessary number to keep that organization to its maximum strength.

Mr. RAMSEYER. Mr. Chairman, will the gentleman permit right there to another question?

Mr. HULL of Iowa. Yes; certainly.

Mr. RAMSEYER. Is the one-year enlistment absolute or at the discretion of the officer?

Mr. HULL of Iowa. If a man wants to go in, he comes under the other regulations. He can go in for one year or for three years.

Mr. RAMSEYER. And then at the end of that year——

Mr. HULL of Iowa. He can go out.

Mr. RAMSEYER. How long does he stay in the reserves?

Mr. HULL of Iowa. He is not in the reserves. He can enlist for three years or one year, but he can not reenlist for one year.

Mr. RAMSEYER. If he serves three years or one year, he can not reenlist except for three years?

Mr. HULL of Iowa. Yes; in either case. If he serves for one year, he can not reenlist for one year.

Mr. DONOVAN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. DONOVAN. I understand by the provisions of the bill that if a man enlists for one year, if he reenlists it must be for three years. If he reenlists again, the third reenlistment, that must be for three years.

Mr. HULL of Iowa. Yes.

Mr. DONOVAN. Every period of enlistment is for a period of three years.

Mr. HULL of Iowa. Yes; all reenlistments are for three years under this bill.

Mr. GRIFFIN. Will the gentleman yield?

Mr. HULL of Iowa. I will yield to the gentleman from New York.

Mr. GRIFFIN. What impelled the committee to put that limit of reenlistment at three years? It would seem that if men are allowed to enlist for one year, that it would be of benefit to have the reenlistment for one year.

Mr. HULL of Iowa. I think the gentleman from New York is absolutely right; having had some experience in getting one-year enlistments I think we have taken an advanced step when we put it in the bill as it is, and I am satisfied. The gentleman will remember that we got in one-third of one-year enlistments a year ago. I understand that the Regular Army is averse to a one-year enlistment. They fight it, and they have always fought it, because they do not believe in it. In doing this much the Military Committee is not following the advice of the Regular Army; they are trying to take an advanced step and to see how it works in filling up the Army.

Mr. GRIFFIN. If you allow men to reenlist for one year, your chances to keep the force up to its standard would be materially enhanced.

Mr. HULL of Iowa. Certainly.

Mr. GRIFFIN. Is it not easier to get men to reenlist for one year than for three years?

Mr. HULL of Iowa. I think so.

Mr. McKENZIE. Will the gentleman yield?

Mr. HULL of Iowa. Yes; I yield to the gentleman from Illinois.

Mr. McKENZIE. I understood the gentleman to state that the officers of the Army have always opposed one-year enlistments. I want to ask the gentleman if he does not believe, from a purely military standpoint, that the position of the Army officers as to one-year enlistment is sound

Mr. HULL of Iowa. No; I do not agree with the gentleman.

Mr. McKENZIE. If we are going to have an efficient Army, we can have a much better one if the men serve three years than we can if they serve one. Is not that true?

Mr. HULL of Iowa. I do not think it is; I do not agree with the gentleman and never have on the one-year enlistment.

Mr. DONOVAN. The point raised is a very interesting one, and I was wondering whether a one-year enlistment was upon certain grounds. I was just conversing with one of my colleagues, and he said that he understands the theory is that the Regular Army being now the object of the bill, they want to educate and train as great a number of men throughout the country as possible, and the one-year men will come in and pass out and new men will come in, and therefore a greater number of men will be trained.

Mr. HULL of Iowa. That is the idea of the committee.

The CHAIRMAN (Mr. HAWLEY). The time of the gentleman has expired.

Mr. McKENZIE. I yield five minutes more to the gentleman.

Mr. KNUTSON. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. KNUTSON. During the Napoleonic wars, Napoleon, after having crushed Prussia, prevented Prussia from having a larger standing army than 20,000. In order to train as many men as possible, Prussia called a new set of men to the colors every six months. Is not that true?

Mr. HULL of Iowa. Yes. It was Stein who used the plan at that time to train all Germans, although he could only train 20,000 at one time.

Mr. KNUTSON. And in a few years she regained her military prestige?

Mr. HULL of Iowa. Yes.

Mr. KNUTSON. Why would not that same system work in this country?

Mr. HULL of Iowa. It would. The idea is not new at all.

Briefly I have outlined the more important measures contained in this bill. It is not a perfect piece of legislation. If conditions were different there are some features that I would eliminate and some to which I would add. This, however, can be done from time to time as our military policy develops, and it can be done much more efficiently then than now. This bill, however, is constructive. It is a long step forward in the development of a well-balanced and efficient War Department; it gives opportunity for those new features of warfare that were discovered in the late conflict to expand, and it stabilizes the military system on which our War Department is founded. I wish also to point out to you what will occur if this bill is defeated. The War Department at the present time is functioning almost entirely under the draft law which was passed May 18, 1917, the Overman Act, and the act of last September allowing the President to retain temporarily 18,000 officers. Very soon after peace is declared these acts, on account of their temporary nature, will lapse and the War Department will then necessarily function under the old national defense act. If this bill fails of passage there will be no separate Air Service, there will be no separate Chemical Warfare Service, there will be no separate finance department, there will be no efficient National Guard in the United States, there will be a very inefficient and badly demoralized Transport Corps, there will be no one-year enlistments, and the Army will revert back to the skeleton organizations without sufficient number of enlisted men to function; in fact, there will be no Army. Should this bill fail to pass the General Staff will occupy the same position of absolute power as it does at the present time. The various bureaus instead of being allowed to function properly, as they have been under peace-time rules, will be still restricted to war-time practices. If this bill fails of passage the whole fabric of our military policy will be demoralized. I can not therefore urge upon you too strongly to support this bill and see that it is enacted into law.

The principal argument against this bill is that it entails too great an expense. I believe, however, that it calls for a minimum expediture necessary for a proficient Army. and it is more economical to appropriate this sum and secure efficiency than a less sum which would result in inefficiency only. The expense involved is only the insurance necessary for our national protection. As insurance this measure calls for one-sixth of 1 per cent of our entire national wealth. It is the price we have to pay for the protection of our property, our lives, and our national honor. Our military system is the bulwark of our national defense and on its efficiency or inefficiency we must stand or fall. In writing this measure your committee had but one thought in mind, the organization and maintenance of an efficient military system at the least possible cost to its citizens. It should, and I sincerely hope will, receive the support of every Member of this House. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREENE of Vermont having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Richmond, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington; and

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg.

TO AMEND THE NATIONAL DEFENSE ACT.

The committee resumed its session.

Mr. QUIN. Mr. Chairman, I yield 30 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, the national defense act was enacted June 3, 1916, and this country entered the Great War on April 6, 1917. In the short interval between June 3, 1916, and the succeeding April the country was engaged with the Mexican border troubles, which according to precedents then existing were real warfare. Of course, as compared with the later events the disturbed border conditions were too insignificant to be considered as producing war conditions. The national defense act therefore has never been really tried out as a peace-time proposition for an Army.

It served, however, an excellent purpose, and in spite of the jealousy of the Regular Army, gave us the nucleus of an Army which finally developed into a most effective branch of the service, and on the battle fields of France did glorious work.

The principles of the national defense act, roughly stated, are:

First line of defense: The Regular Army.

Second line of defense: The National Guard, consisting of State troops.

Third line of defense: The unorganized militia, which under the selective draft law were speedily mobilized.

Virginians served in all these branches, and either in the regular divisions or in the Twenty-ninth Division, formed out of the National Guard units, or in the Eightieth Division, formed from the selective draft units, rendered deeds of glory on many blood-stained battle fields.

There can be no question, as has been so often stated on this floor, that when the war broke in its fury upon this country the country was wholly unprepared for such a great emergency. The national-defense act, supplemented by the selective-draft law, could furnish us the man power, but we were wholly without the means of utilizing the man power.

We had no guns, no canvas for tents, no housing facilities, no supplies. We had a wholly insufficient number of trained officers, and, of course, the man power to a very limited number were trained.

We did not even have the raw material in supply nor the factory to convert the raw material into required product.

The whole character of warfare, too, had been changed by the methods of this war.

The aerial bomb, the poisoned-gas shell, the airship, motor transportation, the submarine, great batteries of artillery, the hand grenade, the machine gun and automatic rifle, trench tactics, the manipulation of armies of millions of men presented problems entirely new, which had to be mastered without loss of time.

Such was the situation this country faced when war was declared to exist, and I can not forbear a moment's digression to pay a tribute to the people and their chosen leaders.

When the fiery cross sped across the land summoning the manhood and womanhood to the colors the response was a magnificent tribute to American patriotism. Down from the mountains, up from the valleys, rolling over the plains, out from the crowded streets of cities and the marts of trade came the answer of an aroused democracy, as millions of men gathered to the colors and millions of women set themselves to their appointed tasks.

All were mustered into the service. The captains of industry, the kings of finance, the union labor and the nonunion labor man, the rich and the poor, shoulder to shoulder, lent every energy to the great task. I have visited the scenes of American activities, and no one without visualizing the marvelous results can form any proper conception of the work done. In the spring of 1917 America entered the war wholly unprepared; in the fall of 1918 she had crossed the sea, in spite of the submarine, with a mighty army and converted threatened disaster of her allies into a great American victory. [Applause.]

The Army, the Secretary of War, and all of his assistants are entitled to the everlasting gratitude of the American people. It has become the fashion on the Republican side to pour out virulent criticism upon the head of the Secretary of War, but criticism of the Secretary is necessarily criticism of our brave soldiers, who were charged with the duty of executing the plans of the War Department.

I know that this is the day of investigating committees, smelling committees, junketing committees of all kinds and character, and this is what the Republican leaders are giving the people instead of constructive legislation. The exigencies of a presidential election campaign demand poisoned gas, the noisy beating of tom-toms, and the smashing of stinkpots, but the more resort that is had to assaults of this kind on the able Secretary of War the greater attention is directed to the marvelous work done under his leadership. If he is to be held accountable for errors committed, he is entitled to results obtained, and above the fumes of partisan malice towers the great American victory to his credit. The able and patriotic man, who during the trying period of this war so faithfully served his people, need only to point to that as a complete answer to every detractor. [Applause.]

Mr. Chairman, I return to the problem that now confronts this House, which is the bill for the Military Establishment in time of peace.

If we are to be given a great Military Establishment; if we introduce as a part of our program compulsory military service in time of peace, then we rob the American people of the great victory won at the expense of so much precious blood and treasure. The American people will never stand for a great professional Army, carrying a billion or more dollars annual burden on the taxpayers, with its attendant compulsory service.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. JOHNSON of Mississippi. The gentleman who undertook to explain the bill [Mr. ANTHONY] stated that it was his understanding that this Army was not for the purpose of defending ourselves against external aggression, but it was to defend ourselves against ourselves—internal trouble.

Mr. HARRISON. Then, in that case, I think we can cut down the Army very much.

Mr. JOHNSON of Mississippi. Down to 175,000, does not the gentleman think?

Mr. HARRISON. Yes; we can reduce the Army, but I think we should have a nucleus around which one could be built up. I shall develop that later.

Mr. JOHNSON of Mississippi. Does not the gentleman think 300,000 is too much of an Army for such a purpose?

Mr. HARRISON. It is a large army; it is certainly an adequate army. I know no distinction between compulsory service and compulsory military training. In some great quarters a distinction is made between the two, but the Constitution of our fathers draws no such distinction. The training of the militia by the express terms of the Constitution is reserved to the States, and the only other power in the Constitution is to "raise and support armies." It is under this power that the selective draft operated, and it is only under this power that an American citizen, I do not care whether he is 18 or 21, can be taken from his home and from his fireside, from his study, from his work, and be placed in a camp.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. SANFORD. Does the gentleman have in mind that we have as our basic policy compulsory universal service in time of war.

Mr. HARRISON. Yes.

Mr. SANFORD. The gentleman is aware of that. What the gentleman means is that he would not compel the boys or men of America to do anything by compulsion in peace times.

Mr. HARRISON. I think the people are getting mighty sick of this compulsory business of all kinds and character. [Applause.]

Mr. SANFORD. Does the gentleman advocate some other military policy for war time?

Mr. HARRISON. No. I am in favor of military draft in war time. I am in favor of the military draft whenever war is declared, because I think a duty then rests on every American citizen to defend his country, but during the time of peace the point I am making is that we have no constitutional authority to take these men for educational purposes.

Mr. SANFORD. The point is that we shall rely on compulsory service in time of war, but must do nothing in time of peace to prepare the men to carry out that obligation?

Mr. HARRISON. My point is that we must stand by the Constitution. I admit that by taking these boys into the Army and making them a constituent element of the Army we can train them, and that is what has been done in these several bills and measures that have been proposed. I made this very point before the joint committee, and I notice that all recent legislative propositions avoid the constitutional difficulty by placing the boys in the Army as constituent elements of the same.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. FAIRFIELD. As I understand, the gentleman takes the position that if a universal military training bill is enacted by Congress and an effort be made to enforce it, that it would be unconstitutional?

Mr. HARRISON. It would be unconstitutional unless the Wadsworth bill and these recent legislative propositions that are

now pending were adopted; that is, putting these boys into the service. The States can enact compulsory educational laws, but Congress can not. The training of the militia also is expressly reserved to the States. Congress can only raise and support armies.

Mr. FAIRFIELD. And therefore the individual and the State would be within their rights if they refused to comply with the law? Is that what the gentleman means?

Mr. HARRISON. Yes; unless the youth is inducted in the Army. I will point that out. This is a feature of the Wadsworth bill which was incorporated; that is, making the boy a part of the Military Establishment. He is inducted into the service by the Wadsworth bill, and that was the proposition that was before our committee, to take these 18-year-old boys and induct them into the service.

It is true that the language of the bill is that they shall be used only for training purposes; but when you take one of these boys into the military service you subject him to military law and make him subject to every military duty. If an emergency should arise, we all know that the first thing that would be done would be to order these boys into active military duty. Gentlemen, do you suppose for one moment the young men in the camps for training purposes would, in case of war, be demobilized? They would be ordered into active service, and they would have to obey or face a firing squad. Men in military service obey the orders of their superior officers, and not legislative enactments. The President, and not Congress, under the Constitution is Commander in Chief, and these young men could be ordered, in case of war, to any quarter of the globe. The young men, too, would be subject to military law. For any frivolity they could be court-martialed. Do you recall "Hard-boiled" Smith? Study some of the court-martial records and ask yourselves if you desire to expose your son or the son of your neighbor to brutal court-martial judgments for some boyish prank. This is what the Wadsworth bill means.

The cost of this proposition will be enormous. I know that the Army statisticians are around with their figures, but no one with any common sense is going to be deceived by any juggling with figures. These young men will have to be housed, and the war cantonment buildings, unpainted, built of the flimsiest stuff, are already rotting to the ground. The reconstruction would call for an initial expenditure running into the hundreds of millions at the present cost of material and labor, and an annual outlay for maintenance of millions more.

These young men called into the service will have to be fed. We know the number of men called each year would be at least 700,000, and that a dollar a day would be a cheap sum to allow for the subsistence of each one; $700,000 a day for six months would be a meager allowance just for food. I know the Wadsworth bill fixes four months, but this is mere camouflage. Gen. March testified that, while only four months was asked, he did it for the simple purpose of getting the country committed to the policy, and then the country would be willing to see that the length of service would be adequate. I do not believe myself six would be adequate to imbue into a young man any real military spirit or discipline his character. We must reflect conditions in the cantonments will be very different in peace time from what they were in war time.

The young man who went into camp at that time was preparing for the immediate emergency of the battle field. He knew he would be called on in the near future to face danger and death and his life would be the price of his unpreparedness. In peace time the natural exuberance of youth would be rather to shirk as far as possible the drudgery and dreariness of military discipline. It would take time and patience to inculcate in him any love of a work of such a character as this, and, in my judgment, not even six months would be sufficient time. Especially would this be the case when the young man would know that the occupation was of a temporary character.

It does not mean any reduction in the Army. The testimony before the Military Committee was to the effect that the size of the Army would have to be increased in order to furnish the men to train these raw recruits, and it is admitted, I believe, on all sides that so far from bringing about a reduction of the Army, if you adopt military training you will have to increase the size of this Army. The young man would have to be clothed and his health would have to be looked after. Then, too, there would be claims for compensation for injuries sustained in the service. Any reflecting man will at once realize the immense cost of such a program and will not be deceived by figures cooked up for the purpose. When the cost of a system of preparedness is as great a burden on industry as a state of war, then a cheaper method of preparedness should be sought.

In the South we have the negro problem. I have the greatest kindness toward the negro, as all thinking southern men have. Booker Washington, their leader and father, advocated that the proper training for the negro boy was to educate him to save money and to earn money in productive work. Now, I know nothing so irresponsible as a young negro boy rigged out in brass buttons and with a gun. In communities where the negro largely predominates he would be a positive menace to the safety of that community. The South has taken hold of the negro problem with great earnestness and under a heavy tax burden in endeavoring to educate him. The negro contributes practically nothing to this burden. The southern people are desirous of extending sympathetic aid to his development along all practical lines. The existence of the South depends upon such a policy. The negro is not adapted to a military career and training along this line would utterly unfit him for the economic place he now fills. To take a negro boy from the plow or the cotton field, where he is gradually developing pecuniary independence and fill his head full of the military display and put a gun in his keeping would be a crime against him and his State.

In communities where the negro population largely predominates such an experiment would be a positive menace to the safety of that community. In rural communities, if not in urban, the question of labor has become greatly aggravated. It is all the farmer can now do, with the assistance of his sons, to keep the farm in cultivation. To take his son away at an impressionable age will greatly accentuate his labor troubles. I speak of the farmer, with whose situation I am most familiar, but I believe it will be found equally true of other callings. I well remember that when it was proposed to draft into the Army the 18-year-old boys many schools and colleges prepared to close their institutions. It is said that this military education will be of great advantage to him. In war times it may be that camp training under religious and other wholesome influences helped the young men, but I have great doubts about the camp in peace times. Near cities, as these camps are, it is more likely to be demoralizing. I never heard that a peace-time camp was a Sunday school, and I doubt if it ever will be. There is no more wholesome place for a youth to be than in his Christian American home. But if improvement of the boy is sought, give the money to the public schools and higher education for both sexes. Build good roads with it. I know of no greater evangel of civilization in a community than a good road.

Another irritating feature of the compulsory training would be the perpetuation of the local boards of exemption, with their annual irritating contests. In war these boards, assisted by local lawyers, rendered great patriotic service fearlessly and patriotically and unselfishly, but I fear the temptation of peace. When these boards get into operation in peace times the temptation will be to use the contests before them for political purposes. And otherwise it would be a constant source of irritation to try the contests in a community each year as to who should be exempted and who should not be exempted by these boards.

Mr. Chairman, it seems to me that this is peculiarly an unfortunate time to attempt such an experiment. We are facing a deficit of three to five billion dollars, with large claims by the war veterans for consideration not included. The industry of the country is carrying as great a burden of taxation as it can carry and live. We have 4,000,000 trained men in the country, from whom, by volunteering, all the trained officers for a large army can be obtained. It is not so much the trained enlisted man as the trained officer. There are on file 25,000 applications for commissions by splendid young trained ex-officers, and therefore it seems peculiarly unnecessary to saddle this extra burden on the country.

Mr. Chairman, there are many of the features of this bill I indorse. It starts basically on the right principle, and that is the amendment of the national defense act. It goes back to the principles upon which that bill was founded. I am in hearty sympathy with the provision of the bill which provides for a large number of trained officers. I believe that when the history of this war is written the errors that were committed and the losses that occurred arose more from a lack of having trained officers than from a lack of trained enlisted men.

There is some criticism that has been indulged in upon this floor upon the West Point men and the Leavenworth men and the others from special schools, but I believe when we examine into the fact we will find that the American officer, whether he came from West Point or whether he came from Leavenworth or whether he came from civil life, discharged his full duty and that he is entitled not to criticism but to the thanks of the American people. [Applause.] I know there

are some of these men who did acts subjecting them to criticism, but you can not in a large number of men help finding some fools, and it is possible that some of these men did act in a foolish and silly manner, but the great number of American officers discharged a great duty to the American people. Some criticism has been thrown out about West Point men not getting to the front or Leavenworth men not getting to the front, but we all know an officer was desirous of going where military glory and opportunity awaited him and that he was detained in work that was trying and irksome in training raw material that had to be trained on this side before it was sent over.

Mr. BEE. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BEE. Is not it true—I will ask the gentleman from Virginia if it is not a fact—that in proportion just as many West Point graduates, regular military officers, and emergency officers went to France, and in proportion to an equal number who engaged in combat were killed and wounded?

Mr. HARRISON. I have never examined into the statistics, but I will answer for it that the American officer did his full duty wherever he was ordered to discharge it, and therefore I *think* that this criticism of these officers and these various schools are unjustified. I have no criticism to offer of this bill because it has a large number of unattached officers. I believe that we can secure all the benefits of military training by providing for military training in the public schools, in the military academies and colleges, and in training camps, and for my part I will always be willing to vote for a liberal appropriation. In that way we get training that will run through years, where under the compulsory military feature it is only for a few months. Then, again, the war has developed the fact that we need a number of new corps and new bureaus. Before the war, under the Signal Corps was the Air Service. Now the Air Service has far outgrown the Signal Corps. We also, in my judgment, need a construction corps, and I now ask to extend my remarks at this point to insert a letter from the Secretary of War strongly indorsing it.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

MARCH 5, 1920.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: An examination of a bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," now pending before the Committee of the Whole House on the state of the Union, discloses the fact that no provision is made either for a separate transportation service or for a separate construction service. In order that the position of the War Department, with reference to these two important branches of the service, may not be misunderstood, I beg to advise you that our judgment and experience dictates the wisdom of making provision for such services.

At a very early period in the World War it became necessary to take from the Quartermaster Corps and set up these two services into separate bureaus, reporting originally directly to the Secretary of War, because of the overburdened state of the responsibilities of the Quartermaster General.

In addition to the duties of supervising the transportation of the Army, the transportation service has recently been charged by the President with the supervision and operation of the inland waterways, recently under the charge of the Director General of Railroads. This activity includes the operation and maintenance of Government barge lines on the Mississippi River between St. Louis and New Orleans, on the Warrior River from Birmingham to Mobile and New Orleans, and on the New York Barge Canal between Buffalo and New York.

It is to be noted that under the provisions of section 9 of the bill the Quartermaster General is charged (as appears at line 3, page 17) "with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities connected with housing the officers and enlisted men of the Army, and with the storage and issue to the Army of quartermaster supplies." With this limitation of construction in the Quartermaster Corps it is apparent that it is the intention of the proposed bill that all construction, maintenance, and repair work other than housing of the Army and storing of quartermaster supplies is to be performed by the other bureaus and services of the War Department. This contemplates a return to the prewar conditions when each service and bureau of the War Department carried out its own construction, maintenance, and repair work. Each bureau, therefore, will be called upon to create within itself a distinct construction department, thereby giving encouragement to interdepartmental duplication and loss of economy.

It is therefore my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill.

Respectfully, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. HARRISON. I do not agree with the gentlemen who have presented this bill, members of the committee, as to the limitation that is imposed upon the General Staff. I think that under the provisions of this bill the General Staff can operate with just as autocratic powers as it ever did, and the only way to reach that situation is to reduce the number of officers who are to be included in the General Staff. We will have the same old thing that has been complained of here on this floor in the operation of the Army during the war by the General Staff, which not only took charge of the supervision of the various bureaus but actually discharged all of the functions of all of the bureaus, which I think would be very unfortunate. This bill creates further, in my judgment, a privileged and aristocratic class in the composition of the General Staff by limiting the qualifications of staff service without giving any other person even a look-in. The best General Staff officers that the Army ever had were men who could not fulfill the conditions which the bill imposes upon the membership of the General Staff.

I shall propose the following amendment or support an amendment of like character:

An amendment to H. R. 12775, to confine duties of the War Department General Staff to those of a general nature and to insure their not engaging in work of an administrative nature that pertains to established bureaus or offices of the War Department, and to make possible the detail of any capable officer for duty on the General Staff.

Omit so much of section 5, General Staff Corps, as is on page 10, 11, and the first 12 lines of page 12, and substitute therefor the following:

"SEC. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff, and the General Staff with troops. The War Department General Staff shall consist of the Chief of Staff and three assistants to the Chief of Staff selected by the President from the general officers of the line, and 44 other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved: *Provided*, That no officer shall be detailed as a member of the General Staff Corps other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die.

"The duties of the War Department General Staff shall be to prepare plans for the national defense and for the mobilization of the military forces and national resources in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations. Not to exceed six of the War Department General Staff officers will be assigned to the duty of coordinating the work of the various established bureaus of the War Department, and none of these officers nor any other General Staff officers will be detailed to or assigned to any of the various bureaus of the War Department, but will operate as a committee of coordination."

The national defense act provided the following complement of General Staff officers: One Chief of Staff, 2 generals, 10 colonels, 10 lieutenant colonels, 15 majors, and 17 captains, of which not to exceed one-half will be stationed in Washington. The proposed bill provides that the General Staff in Washington shall consist of 1 Chief of Staff, 4 generals, and 84 officers, which is almost double the number of the entire General Staff before the war, or four times the number stationed in Washington before the war.

This excessive number can only be used for administrative purposes and for the purpose of assuming supervision over the various established bureaus of the War Department, which the bill, in page 14, tries but fails to prevent.

It is well known to the many Members of the House that the General Staff performs administrative duties and exercises supervision and control over the various bureaus of the War Department, which cause excessive duplication of work and takes away from the bureau chiefs. The most striking example is that set up in the Purchase, Storage and Traffic Division, each officer actually accomplishing results and doing work is supervised by a General Staff officer, generally sitting alongside of him, tabulating what he does and checking up on him. There undoubtedly should be a committee of the General Staff on coordination, but this committee should sit together and coordinate the functions but make no attempt to harmonize them, such a detail as is at present attempted, in that they use this excuse of harmonization to actually control and minutely supervise every small purchase of operation that is being carried on.

The manner of selection of General Staff officers as written in the proposed bill would eliminate the initiative on the part of the large body of officers to become General Staff officers. The wording of the amendment throws open the door to the General Staff to every capable officer, and there are many capable officers who have not and will not have the chance to take the course in the General Staff College, as this must neces-

sarily be limited to a very small number. Many of the officers of the Army at large have, by their own efforts, studied and prepared themselves for General Staff work, and I believe that these officers should be eligible for detail in exactly the same manner as an officer who has been given the preference in taking the course at the Staff College. The amendment makes the selection of General Staff officers exactly as it was under the national defense act, and I believe this method to be far superior to the one in the proposed bill. The method in the proposed bill sets up a board by the Chief of Staff, under the Chief of Staff, to select these officers, and it practically amounts to a class distinction requiring certain certificates of graduation of an officer before making him eligible. This is entirely at variance from the principle of this country in which we consider all men equal and any man of ability available for any position.

Why should we limit the detail of a General Staff officer to a certain class any more than we should say that a man should not be elected to Congress unless he had at first served in a State legislature, or that a man should not be elected President unless he had first been governor of a State?

I fully indorse that provision of the bill which provides for an assistant secretary and gives him charge of supervising the supplies for the Army. It seems to me that is an exceedingly wise innovation. By taking the national-defense act and making the changes which are necessary to bring the organization of the Army to the present requirements of a modern army I believe we will have all the legislation necessary. We should preserve the National Guard, aiding the States in maintaining a proper military force for the enforcing of State laws, and at the same time having well-trained troops to be called on occasion into the Federal service. The proposed bill needs amendment, but it is on a correct basis. I believe we all, without regard to party, desire to reach a proper basis for securing an army for the national defense. I propose to vote on the propositions in connection with this bill absolutely and entirely free from party bias and I believe Members are animated by the same purpose. The sacrifices of thousands of men for the country on the blood-stained fields of France are still fresh in our thoughts, and the inspiration of their example will guide us to a consideration of this bill, animated solely by a purpose to safeguard American institutions and to secure the honor and glory of the American flag. [Applause.]

Mr. QUIN. How much time did the gentleman use?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. QUIN. Will the gentleman yield that back?

Mr. HARRISON. I will yield it back.

Mr. QUIN. Will the gentleman on the other side use some time now?

Mr. ANTHONY. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Chairman, I will ask the Clerk to read in my time the following article from the Philadelphia (Pa.) Sunday Press of March 7, 1920.

The CHAIRMAN. The Clerk will read the article indicated.

The Clerk read as follows:

[From the Philadelphia Press, Sunday, Mar. 7, 1920.]

HIGH COST OF LIVING CRACKING MORALE OF ARMY AND NAVY; OFFICERS RESIGNING.

WASHINGTON, *March 6* (Special).

America's greatest military problem now is not the future size of her fighting forces, but retention of what she has.

The high cost of living, according to personnel officers of the Army, Navy, and Marine Corps, is doing to the American military forces what the German powers could not do. It is cracking the morale.

Wholesale resignations of officers in the regular service are pouring in, nearly one-fourth of all the officers in the Regular Army having submitted resignations since the armistice was signed.

In the Navy the resignations are proportionately as large and many warships are now tied up in navy yards because of an insufficient crew to take them to sea.

Resignations of temporary officers by the thousands was not only expected but desired as soon as the war ended, but no such exodus of men from the regular service as has occurred was anticipated.

Figures obtained at the War Department to-day show that there have been 2,354 resignations out of the Regular Establishment of less than 11,000 officers, and they are coming in great numbers daily.

Officers of the higher grades are not generally resigning, because the higher pay and additional allowances they receive enable them to meet the increased living expenses. More than half of the resignations from the Army are submitted by first lieutenants.

In discussion of relative rates of pay in civil and military life recently it was pointed out that the Army doctors at Walter Reed General Hospital, in Washington, were receiving less than the bricklayers at work on the hospital buildings there.

Mr. CRAGO. Mr. Chairman, while this bill makes no provision in itself for increased pay of officers, I think it not amiss at this time briefly to mention it specifically because of the fact that for several days statements have been made on the floor of this House protesting against any increase in the pay of the men of the Army, Navy, and Marine Corps, in which figures have been given which are entirely misleading. The statement was made the other day that it was proposed to expend more than $80,000,000 for this purpose. I want to call attention to the fact that of the two bills which have been considered by the Senate and which have been pending on the Calendar of the House, one of them provides for an expenditure of $49,000,000, and the other, in round numbers, for $59,000,000.

Mr. QUIN. What item is that the gentleman is mentioning?

Mr. CRAGO. The matter of the proposition for increased pay of officers of the Army, Navy, and Marine Corps, and of the enlisted men.

Both of these bills are based, not on any attempt to get men into the Army, the Navy, and Marine Corps, but are both based on an attempt to keep in the Army, Navy, and Marine Corps the men who have been trained and have become efficient.

Now, the article which has just been read is only a sample of articles which are in the better papers of this country, from one end of it to the other. You might say that it is part of a propaganda, but when you meet these men who are affected, as you do meet them as they travel on the trains, going to and from their homes, you know that what they say is not a part of any propaganda. Only a few days ago on the train I talked with two young men who had just left their ship in New York Harbor and were going to their homes in St. Louis. Those men were skilled mechanics, electricians, on that ship. They had each spent some fourteen to sixteen years in the service of the Navy. Both of them were married. Their wives lived in St. Louis. They got the magnificent pay, I believe, of $77 per month, and each of them was going home with the intention of quitting the service, because their term of enlistment had expired, and they said that they owed it to their families to get into something where they could make two or three or four times the money. And yet these are the very type of men our Nation must have if we are to successfully operate the Army, Navy, and Marine Corps.

Mr. CONNALLY. Is it not a fact that the House passed a bill raising the pay of the enlisted men?

Mr. CRAGO. Of the Navy, yes. Now, it is eminently unfair to increase the pay of a class of men in the Navy and not increase the pay of the same class of men in the Army, as the Army requires practically as many expert men in the noncommissioned personnel as the Navy.

Mr. CONNALLY. I thought the gentleman was directing his remarks to commissioned officers.

Mr. CRAGO. It starts with the enlisted personnel of the Army, Navy, and Marine Corps the minute they have started up the line for promotion. For instance, the first-class private in the Army gets it. As to the cost of this, if you will repeal the provisions of the Overman Act and do away with the frills and follies which are being carried out to-day at immense cost in this country in the name of Army training, you will save two or three times as much during the coming year as it will take to pay this increase, and I am referring to the so-called war-camp activities which are going on and which cost this Government millions of dollars each year, and which are entirely unessential. They are merely carrying out some man's fad as to a particular line of training.

Mr. MADDEN. How much does the gentleman say this will cost?

Mr. CRAGO. The provision of the two bills, as I explained to the gentleman, one bill costs $49,000,000 and the other approximately $59,000,000. I refer to the 10 per cent increase for the officers and the ration increase, and the increase for the enlisted personnel.

Mr. MADDEN. I understood the total was about $80,000,000 a year.

Mr. CRAGO. The figures we have from the Bureau of Finance show $59,000,000 for the one bill——

Mr. MADDEN. The gentleman says that if the Overman Act was repealed it would save four times the amount. Does the gentleman mean to say it would save $300,000,000?

Mr. CRAGO. I think it would. But that is merely an estimate. Everywhere you go you see the immense expenditures that are being made under no other authority of law than the provisions of the Overman Act. Again, if you take the surplus material in the hands of the War Department and the Navy Department to-day and dispose of that material without thinking more of what the result of it will be on decreasing the prices on the general market, and think more of the fact that the Government needs this money, and that the goods are constantly deteriorating, you will realize more than enough in the next six months to pay all this expense. You can go to one aviation warehouse in Buffalo alone and dispose of enough surplus material, which is deteriorating more or less, and inside of the next three months, although you may break the market price on some of the necessities of life in doing that, and on some of the

material that is very much in demand, you will realize more than enough money to pay these additional expenses. I want to say, that if we were right in 1908 in fixing these salaries, as we did then, we are dead wrong now in not increasing them at least 33⅓ per cent.

Mr. MADDEN. The gentleman must realize that in the sale of the products to which he referred there would be only one saving. The gentleman proposes to continue the cost here?

Mr. CRAGO. No. None of these provisions provide for the continuance here of this rate or this scale of pay for more than one year from June 30, 1920. And if at that time it is considered by Congress that the cost of living has been reduced, and salaries are being greatly reduced in other lines of industry, I would be in favor of reducing it, because when we fixed it in 1908 we based it on the standards existing then.

Mr. BEE. As I understand it, there is nothing in this bill that provides for the increase of pay of officers?

Mr. CRAGO. No.

Mr. BEE. Has the gentleman any information as to when the Army pay bill, by which the increase will be made, will be reported?

Mr. CRAGO. I have not. I am simply answering some of the statements made on the floor of this House. As to the bill itself, I think very well of many of the salient features of this bill and of the principles underlying it. I also think very well of many of the provisions of the Senate bill, and in considering this bill many of us are constrained to favor it because we realize that in a conference between the two Houses many of the good features of the Senate bill may be incorporated in this bill, and that out of this conference of the two Houses may come a reorganization of our Military Establishment which will redound to great good to our Military Establishment and to the people of this country. In considering this bill one of the difficult things before the committee has been the fact that each branch of the service wanted special consideration. Each particular officer thought that his situation must be considered, and it has been a fight all along the line to let these different branches know that what we were after was the formation of an army which could properly function, more than we were interested in the fortunes, good or bad, of any particular branch of the Army or of any particular man in the service. That is the only way we can look at it, and that is the only way we can accomplish anything, at the same time doing what we think and know is right and best for the great majority of the men who have given their lives to this very important work.

Now, without going into the details of the many meritorious features of the bill we have framed as to the Army, I want to discuss just for a short time the provisions relating to the National Guard.

I do this because of the fact that I have had so much correspondence with men of the National Guard who have been fearful that Congress at this time would not give them a proper reorganization plan. These officers themselves differ widely as to what plan is best. The National Guard officers may be divided into two schools: Those who follow the views of the adjutants general of the different States and those who follow the views of men of the line or the staff who have branched out and given the subject of military science and military training that intense study, by reason of courses at the Army schools, which has enabled them to have a broader grasp of the National Guard problem than the mere matter of administration, which is centered in the office of The Adjutant General. In answer to many of these communications I have said that, in my opinion, Congress to-day is in absolute sympathy with the National Guard of the United States, and Congress wants to do whatever is best for this National Guard.

Now, these two schools of thought divide on the question of whether we form our National Guard under the militia clause of the Constitution or whether we do something we have never done before, except in emergencies, and organize this voluntary force under the Army clause of the Constitution. If we do the latter, this is what we can accomplish: We can put the organization, the equipment, and the training of the National Guard exclusively under Federal control, and we will still have the dual use of the National Guard; a dual use, either under certain conditions by the Federal Government or under other conditions by the State governments, and we will not confuse the organization, the equipment, and the training with the use of the National Guard of the different States.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. JOHNSON of Mississippi. Does this bill put the National Guard under the exclusive control or jurisdiction of the Federal Government?

Mr. CRAGO. No; it is still under dual control. This bill leaves it under the militia clause of the Constitution. Now, the National Guard of the States in the past war performed a wonderful service. But here are some things that happened to it, about which they are very sore, and rightfully so, to-day: Many men who may not have been fitted for active field service, but who had given years of their time and money and study and best talent to the maintenance of the National Guard, were absolutely thrown out of their organizations which they took into these concentration camps; and many men of brains, business men and professional men, who would have made splendid officers in some other arm of the service, were sent back to their homes and never recognized, while other men from their very homes were taken from the same line of business or the same profession to which these men belonged and sent into active service and sent to France, although they had no military training whatever; and these men who had given their lives to this work were absolutely ignored.

When the Government took the National Guard units into the service they weeded them out properly, but the Overman Act allowed them to ignore the provisions of the national defense act, which provided for the recruitment in each locality of a battalion for each regiment of the National Guard taken into the service of the United States. That provision was put into the national defense act looking to the very situation which occurred, namely, that you took these regiments from a certain locality. In that same locality you kept constantly organized a reserve battalion from which recruitments could be made.

Some people say that the draft act upset that. The draft act did not do anything of the kind. Under the draft act the men drafted could have been put into these battalions that were kept back for training and recruitment purposes and the ranks of the regiments at the front filled from these very localities.

What happened was this: They sent some of the recruits for these National Guard organizations right to the front line with but a few weeks' training, while in the camps of this country men taken from the very same localities where these National Guard organizations originated, who had been training for six or eight or nine months were left; but because it did not suit a certain commander to send these trained men, other men, say, for example, men from New Mexico, were taken, without experience or training, and put into a New York or a Pennsylvania organization; and you have these organizations coming back to their localities, not knowing from what State many of the men came who formed a part of those organizations.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BEE. Does the gentleman mean with reference to the national organizations to which they belonged?

Mr. CRAGO. Yes. These divisions came back to their own States and are mustered out, and they find out that they had in their ranks men from every State in the Union.

Mr. BEE. Not from their own localities?

Mr. CRAGO. Yes; and they did not have the addresses or the history of these men. They are searching the records to-day to find out where their own men belonged.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. KAHN. Did the gentleman hear the statement that was made before the Senate Committee on Military Affairs by Col. Donovan about replacement troops that were sent to his regiment while they were at the front? He spoke of the condition that the gentleman has just referred to.

The officers in charge of troops that were in training did not send the well-trained troops to the front for replacement, because they wanted those troops themselves, when their organization should go to the front, and instead they sent men who had not been trained more than two or three weeks.

Mr. CRAGO. That is exactly true, and that is exactly the criticism I am making now; and that could not have occurred if they had adhered to the provisions of the national defense act and had retained this recruitment battalion back home.

Mr. KAHN. And it would not have occurred if we had had universal training before we got into the war?

Mr. CRAGO. It could not have occurred.

Mr. LINTHICUM. Does the gentleman think it ought to have been made up of troops from their States?

Mr. CRAGO. Yes. The national defense act provided for that.

Mr. LINTHICUM. Will the gentleman allow me to make a short statement that was made to me by the Hon. J. Fred. Talbott, of our State, a short time before his death?

Mr. CRAGO. Certainly.

Mr. LINTHICUM. He said that during the Civil War one regiment from Maryland was entirely wiped out, and it played

such havoc through the State that the War Department wanted to avoid that very thing and not have all the men from one locality.

Mr. CRAGO. That is one argument, but that very seldom happens.

What happened in Maryland in that regiment could not happen here because some of the men we got did not have the same customs, did not have the same thoughts, did not have the same ways as these boys that went to the front. Here is a concrete example. I could not believe that men were over there on the battle front who had only served three or four weeks. I said that could not happen under our system because the men are trained here four to six months. They said it was true; they knew it. But I found they had men there sent from New Mexico who had not been in camp 10 days before they were sent to the front with an organization as quickly as they could get there, and that they had no training whatever; yet out at Camp Sherman were thousands of men from that immediate vicinity who were thoroughly trained, but they would not let them go.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KAHN. I yield the gentleman 10 minutes more.

Mr. LINTHICUM. That statement was made to me by Mr. Talbott who served during the Civil War.

Mr. CRAGO. Oh, yes; that might occur, but it would occur more readily in a small organization than in a large organization.

Mr. HARRISON. Will the gentleman yield?

Mr. CRAGO. Certainly.

Mr. HARRISON. Does not the gentleman think that officers who put men in the front ranks, men who had not been trained, ought to be court-martialed?

Mr. CRAGO. The difficulty is that you can not fix the responsibility very well. Under their system they called for so many men to be sent from certain cantonments, and it would be simply impossible to put your finger on the exact man responsible for the personnel sent.

Mr. HARRISON. The fault was not in not training the men, but the fault was of the officer who put men not trained in the front ranks.

Mr. CRAGO. The fault was in not having trained all our young men before, so that in the event of war we could have all trained men. [Applause.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FAIRFIELD. Would this bill obviate the difficulty that arose in my own district? They wanted a unit to remain and be retained as a unit, and the matter was taken up with The Adjutant General. He telegraphed back that conditions were such that the effectiveness of the Army could not be secured by maintaining the local unit, and therefore the unit was disorganized and scattered. Is it possible to have an effective Army and maintain the local unit?

Mr. CRAGO. It is possible, no question about that, and under the national defense act and this act it is possible; without the interference made possible by the Overman Act they could not have disrupted this organization.

Mr. KAHN. Will the gentleman yield?

Mr. CRAGO. I will.

Mr. KAHN. My colleague does not believe that such an organization could be kept intact all through the war?

Mr. CRAGO. I think the gentleman refers to something like this, say, "Company K, Fifth Regiment," from his State. They could keep its identity all through the war, but, of course, the men might all be changed.

Mr. KAHN. It would not be possible to maintain men in the company from that particular locality all through the war.

Mr. CRAGO. Yes; if you followed the provisions of the national defense act and kept always in existence the training battalion.

Mr. KAHN. Does it not depend altogether on the casualties?

Mr. CRAGO. On the casualties and the size of the Army.

Mr. FAIRFIELD. While that is true, is there anything in military science that is opposed to taking a unit—Company K of a certain regiment or the regiment itself of infantry or a battery—and using it, at least in the beginning, together rather than scattering it?

Mr. CRAGO. That is what should be done, for that is what keeps up the local pride, carries out the traditions, and makes the strength of the Army.

Mr. SANFORD. Will the gentleman yield?

Mr. CRAGO. I will.

Mr. SANFORD. Following the gentleman's suggestion, would it not be necessary, under the policy of this bill, if we got into a war where we did not have allies—would it not be necessary to use untrained men in the front lines?

Mr. CRAGO. Yes; if we had no men trained; if we neglect the opportunity of training all our young men. But now let me get at what the bill does for the National Guard. They are trying to reorganize the National Guard in different States, and they are up against some real propositions.

Now, what they are up against in reorganizing the National Guard to-day is the fact that at the end of a man's Federal service he thereby severs his connection with the National Guard, even though only half of his term of enlistment had expired. They must completely reorganize these companies. They have ruled also that organizations of the National Guard, in order to be acceptable, must consist of 100 men to each company, because they say the tables of organization for the Regular Establishment prescribe 100 men, not taking into consideration the fact that many of these companies have only from 50 to 75, 80, or 90 men in them. They require the National Guard organization to have 100 men from the beginning. Now, what happens? Our armories in the States, where they have spent on the company armories from $50,000 to $100,000 and on the regimental armories hundreds of thousands of dollars, are based on 65 men to a company. In this bill we have made the minimum for the first year 50 men for reorganization purposes, and the bureau must recognize the company when it is so reorganized. After the first year 65 men will be the minimum. I do not object seriously if it is necessary later on under the new tables of organization to increase that number. We may be able to do it later, but let us get the National Guard reorganized first.

Now, prior to entry into the Federal service this was the way the pay of the National Guard was working: If a high enough percentage of the men did not show up for drill, the captain and the lieutenants got their pay, but the enlisted men did not get any pay, because enough of their comrades did not show up. This bill reverses that and puts it up to the captain and his officers to have the men there. If the attendance of men falls below a certain mark, the officers do not get their pay but the men who show up for drill, whether 5, 10, 15, or 20 of them, get their pay, and their pay is provided for under this bill.

Mr. MADDEN. This refers to the National Guard?

Mr. CRAGO. Absolutely.

Mr. MADDEN. What is the requirement for the minimum number of men in a company in the regular service?

Mr. CRAGO. The tables of organization provide for 100 men.

Mr. MADDEN. But now they have companies with not more than 15 or 25. I know of majors who are commanding battalions of less than 100 men.

Mr. CRAGO. Yes.

Mr. MADDEN. And regiments of not more than 300 men, with 3 colonels and 3 lieutenant colonels and 4 majors and 5 or 6 captains. What is the remedy for that?

Mr. CRAGO. That is hardly a matter for legislation. It is really a matter of proper administration of the armed forces of our country.

Mr. MADDEN. Why should there be so many officers when there are so few men?

Mr. CRAGO. I do not think we have enough officers, as far as that is concerned.

Mr. BEE. Following the suggestion of the gentleman from Illinois, is it not a fact that the difficulty is not because they have too many officers, but because there has been a tendency in this country to decry joining the United States Army, until they have discouraged young men from joining?

Mr. CRAGO. Oh, yes.

Mr. BEE. Can you disorganize your entire system of military training in order to have the proper proportionate complement of officers?

Mr. CRAGO. No; it is more important to have a proper complement of officers in time of peace than it is to have the necessary complement of men.

Mr. BEE. Even if you do not have the men for them to drill?

Mr. CRAGO. Yes.

Mr. MADDEN. Who has been decrying joining the military service? I do not know of anybody.

Mr. CRAGO. I do not think the gentleman has.

Mr. BEE. I do not mean the gentleman from Illinois, unless he takes it to himself.

Mr. ANDREWS of Nebraska. Under the conditions described, though, would it not be better to put the enlisted men in command and take care of the officers in that way?

Mr. CRAGO. I hardly think that would necessarily follow. The national defense of this country, in my opinion, can not rest entirely on our Regular Army. I am a believer in every citizen of our country doing his part toward the national defense, in

our Army or Navy or Marine Corps, just as we do our part when we pay our taxes. Every man is subject to taxation according to his ability. In times of emergency, in times of great need of the Government, some men more able to do so or more disposed to do so may volunteer to do far beyond what is absolutely required of them in financing the Government, but there is a basis on which all must stand, and I think that is true in the defense of our country. The ideal system, to my mind, is a citizen army thoroughly trained, under the control as to its training, equipment, and organization of the Federal Government, subject to the use either of the Federal Government or of the State government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I yield five minutes more to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five additional minutes.

Mr. CRAGO. We never can get the kind of citizen army, in my opinion, which we really need under a strictly volunteer system. I believe that any system of universal training which may be adopted—call it what you may—should have a provision in it that any young man who cared to serve his country in a National Guard organization rather than take his training under the Federal instructors would have his option of doing so. If you will give these National Guard officers, who by that time will have had this training at the service schools and are competent to impart instruction, the material with which to work, they will build up organizations which will be effective. I can see no reason why in any system of military instruction which we give the youth of our land we can not have that instruction in the hands of men who have made this profession their life work and still keep it democratic and free from any taint of militarism. In fact, just the opposite, we can base it on the same principles as our collegiate, academic edueation of the youth of our land is based.

The boys are sent to these institutions, and in this other training they will be sent to camps to be there under the direct control, guidance, and tutelage of instructors, who have made this training their life work; these college professors do not dictate the policy or command these boys absolutely, or deprive them of their rights, or give them this, or take from them that, because the civilian, not the educator, sits on the board of trustees of the institution and directs the policy of the institution, and any system of training which we adopt in this country could be managed on that basis by which a civilian board would operate through the men who have made military science their life work, who have made a life study of this profession, men who have made the laws of our country a study, men who are adapted to teaching discipline and respect for our institutions, and they would be the instruments by which this civilian board would conduct this instruction. When we have built up this civilian army as we can build it up, with the Regular Army as our institution of learning, giving this instruction, we will then have started on a course which will develop for this Nation of ours a force which can defy any army on the face of the earth, because the education of that Army will be in the proper spirit; and until we do that then in any great emergency we will surely be subject to the same criticism as we have had growing out of this war, where men who have given their life to this work have not been accorded the credit which rightfully belongs to them; where men have come back from the greatest service they have ever performed in their lives, utterly disgusted, complaining of the treatment they have received, when as a matter of fact they should have come back conscious of the fact that they have done everything which a citizen of a free country can be asked to do in behalf of his country. [Applause.]

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, this bill has some good provisions, but I am opposed to it as it is written. The Air Service is neglected; the dangerous policy of lump-sum appropriations is established; the General Staff is given too much authority, made too large, and too many of its members are to sit in Washington. Too many Army officers sit here now in swivel chairs whose main business is to "pass the buck." The bill provides for too many officers of high rank. Many of its provisions mean waste of money, which is indefensible. I wish to discuss in detail but one provision of the bill.

The construction division should be made separate and permanent. If not made separate, it should be a part of the Engineer Corps, with which it is closely connected.

Instead of consolidating commercial construction work for the Army and the operation of utilities at the different War Department properties under one head, this bill makes necessary six small construction divisions to do that character of work for the different bureaus of the War Department. No more uneconomic disposition could be made of this subject. The necessity of placing this construction work and operation of utilities under a single bureau or service of the War Department is apparent. It is evident that it should not be under a bureau that has other specialties.

This bill provides that only construction, maintenance, and repair and operation of utilities connected with the housing of officers and enlisted men and the storage and issue of quartermaster supplies shall be done by the Quartermaster Corps. It does not attempt to set up a single organization to handle the large and important work of construction, which the experience of the recent war has shown to be vitally necessary to efficiency and economy. The bill scatters the construction organization among all the various bureaus of the War Department which have such work to do, at least six in number. such as the Ordnance Department, the Aviation Corps, the Chemical Warfare Service, the Medical Corps, the Signal Corps, and the Quartermaster Corps. Each will set up its own small construction division and each maintain its own central office overhead, with the consequent expense and waste of public funds.

It is needless to argue that one central office overhead will be a great saving over six separate central office overheads for the various bureaus. A single construction service would enable the War Department to have the advantage of specialists in the various lines of construction and repair work and the maintenance and operation of utilities, whose talent could be devoted alike to the needs of the entire service for all bureaus.

If economy is to be the watchword of this Congress, it will certainly shoot wide the mark in destroying a splendid organization whose worth has been abundantly proved during the recent emergency and scattering the services rendered by that organization among six different bureaus, which must each set up its own construction division as a side issue to its other important duties. The bill proposes to set up the department of finance, which before the war belonged to the Quartermaster Corps, the Chemical Warfare Service, which before the war belonged to the Ordnance Department, because it was realized that these were matters to be handled by specialists; but when it came to the work of the construction division, which is highly technical, requiring trained specialists, and which is known to have been eminently successful and efficient during the war, it is proposed to scatter it among the various bureaus upon the ground of economy. If this silly thing should be done, it will result in inefficiency and indefensible extravagance.

The work done by the predecessor of the construction division during the 10 years prior to the war averaged in volume one-tenth of the entire appropriations for the Army. This same work will in the future certainly not be less than one-tenth of the amount of the appropriations for the Army, whatever they may be and whatever the size of the Army may be. In this very bill the Army proposed to be created will require an expenditure for construction of not less than $48,000,000 per annum. Surely sane business judgment requires the setting up of one service to handle this large expenditure which shall specialize upon the same and be organized entirely for this work, rather than to allow it to be placed in various bureaus, where it must of necessity play second fiddle to some purely technical military operation.

It is a well-known fact that the construction division of the Army during the late war at all times maintained its prestige, accomplished all of its tasks assigned on time in a creditable manner. It is clear that the credit of assembling the American Expeditionary Forces in France six months ahead of schedule was due to the speed maintained by the construction division in providing the necessary housing and training facilities on time in 1917. This division has never been investigated, has never been the target of adverse criticism, has overcome apparently insurmountable difficulties with ease and dispatch, and accomplished a task in 18 months that makes the construction of the Panama Canal look very insignificant in the light of the records established by this branch of the service.

The reorganization of the services of the construction division by providing for a permanent construction organization will meet with the unqualified approval of all the engineering societies of this country and all engineers who played such an important part in the construction program of the Army after its organization in April, 1917.

Too much credit can not be given the construction corps, and I am confident that every Member of this House who carefully studies the record of facts will cordially support an amendment to be proposed at the proper time making this division permanent. You, I believe, will support it in the interest of the tax-

payer, in the interest of good business, in the interest of efficient government, and in the interest of effective and expeditious service to our country, both in time of peace and in time of war. The brilliant record of the construction division of the Army is irrefutable and convincing. This corps is the one capable, energetic, progressive, and efficient division of the Army that does the job on time and does it well. It should be made separate and permanent. The Army can not be efficiently organized without this provision. I appeal to the Members of the House to adopt the amendment making such provision. [Applause.]

Mr DENT. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, this is not a funeral oration over universal military training, because I consider this subject far from dead, and it is my desire to keep it alive.

When the Military Academy bill was before the House about two weeks ago I took occasion to address the Members on the subject of universal military training. Since that day, February 17, the Military Affairs Committee voted by a substantial majority indefinite postponement of such legislation.

Said action was disappointing, for in my opinion a system of unversal military training is the best insurance the Federal Government can adopt against the possibilities of war, besides upbuilding and improving the health, morale, and mentality of the youth of America.

In my speech of February 17 I also advocated a progressive decrease of the Regular Army as feasible, wise, and consistent. This bill makes provisions for an army of practically 300,000 men and 18,000 officers.

Hand and hand with universal military training should go a small Regular Army and a great economical saving would ensue.

In my opinion it would be a fatal error to reduce our officer strength, for if we have learned any lessons from the World War we now must appreciate the great demand for officer material in an emergency.

As I pointed out in the House two weeks ago, the average cost of the soldier to-day is $1,750 per year, including overhead charges, as against $1,000 per year per man five years ago.

If we provide a progressive decrease of the Army from 300,000 to 150,000, taking $1,500 per year per man as a basis, since we do not provide for a decrease in officers, we could save 150,000 multiplied by $1,500, or $225,000,000, and my figures furnished the Members of the House February 17 from the head of the finance division of the War Department showed indisputably and incontrovertibly that the incorporation of universal military training into our Military Establishment in the fourth year of its induction, after the machinery had been organized and was in active operation, would cost the Government less than $135,000,000. Therefore, having a small Regular Army combined with the citizen-soldier proposition, the United States could save about a hundred million dollars a year over the present policy as outlined in the Army reorganization bill.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. OLNEY. Yes.

Mr. JOHNSON of Mississippi. The gentleman has given us the benefit of his information in respect to the Army as proposed by him. Can he give us the figures, the amount of money it would cost to maintain the Army under this bill?

Mr. OLNEY. I have incorporated all these figures by tables as furnished me by the head of the finance division, and it is in the RECORD of February 17, 1920, in very comprehensive form.

In lieu of writing a section in this bill providing for universal military training the committee voted to appoint a committee to study the question and report its findings to the whole committee at a subsequent date to suit its convenience.

Five years ago in this Chamber we listened to speeches both for and against preparedness. A conspicuous and able Member of Congress in 1915 was the late Maj. Augustus P. Gardner, and well do we recall his sounding the alarm to a Nation unprepared and unpreparing for war. He was ever preaching for a larger Navy and a bigger and more efficient Army, and he was right, and while his exhortations fell on deaf ears, he was largely responsible for our efficient Navy when we entered the war. Five years ago, while Gardner and KAHN were trying to enlighten Congress as to the imperative needs of the Army and Navy and to goad it into action, other Members now in this Congress, contemptuous of their warnings and arguments, smiled placidly, relied upon blessed security, and openly stated in debate that the United States could never become embroiled in the Great War. We did get into that war, at great cost to man and woman kind and to the Public Treasury, and I venture to say if we had been ready we would have emerged from the war with half the life and money spent which it cost us in the end.

For this very reason I am in favor of a policy which will train half a million young Americans a year. You would be considered careless and neglectful indeed if you failed to insure your dwelling house against loss by fire. Therefore, why should you fail to insure your country against destruction through war. Universal military training is the best insurance you can take out for Uncle Sam, and we shall never consider our labors at an end in Congress until we write such a provision into military law, and then, and only then, will we have provided for our Republic one great democratic army, fed, nourished, and propagated by one great reservoir, the 48 States of the Union, a national asset and a national necessity.

Although an ardent advocate of universal military training, I am not blind to the pending appropriations, which are enormous, urgent, and absolutely necessary, and therefore postponement of such remedial legislation is feasible but should become effective July 1, 1922, although such provision should be written into law at our earliest convenience.

Doubtless the teeth of Germany are drawn for the present, and crippled as she is, with her former allies, she offers no immediate menace to civilization, but, gradually renewing her commercial prestige, she is also maintaining and supporting an army of four to five hundred thousand men, and, with an adequate navy in the future, her ugly head will rise again some day to challenge and threaten the world peace, and we must not be caught again unawares asleep over a volcano.

In conclusion, it seems to be the opinion of the friends of universal training that a test vote in this House would result in its defeat of 3 to 1, and it perhaps is the better part of wisdom to have the policy studied and investigated and a report on the findings submitted to the Members at some future convenient date rather than to have a knock-out blow delivered at once to so important and necessary an adjunct to the national defense.

As far as I personally am concerned, I am as strong in the faith as when advocating the idea five years ago, can never change my spots, and will always be found on the firing line loaded, primed, and ready to offer battle for universal military training.

Mr. Chairman, in the remainder of my time I desire to say but one or two words. At this time, however, I ask unanimous consent to revise and extend my remarks in the RECORD by inserting therein a letter written by one McGuinness, of New York, to the New York Sunday Tribune, in which he proposes a substitute for a bonus bill. It is a relief proposition, and I believe if the Members of the House are to face any proposition to relieve the ex-service men of exigencies and urgencies in time of need, and we may have to face it, this proposition submitted by this ex-service man furnishes valuable information. It would cost the Government about a quarter of a billion dollars, and I ask unanimous consent to insert it in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

RELIEF BUT NOT BONUS.

To the EDITOR OF THE TRIBUNE:

SIR: The question of a bonus to ex-service men seems to be preeminently in the minds of Congress and the country in general. I think you will agree with me that the bonus is desired, not as a reward for fulfilling one of the duties of citizenship, but as an aid to those men financially embarrassed as a result thereof. It seems to me that the income-tax law offers a medium through which some relief may be granted, approximating in direct proportion to the need.

Roughly, my plan is as follows:

1. Grant total exemption to married men earning less than $3,000 and single men earning less than $2,000.

2. Married men earning over $3,000 and single men earning over $2,000 would be granted no additional exemption, but would have to pay taxes on all income above $2,000 and $1,000, respectively, as at present.

3. Married men earning less than $2,000 and single men earning less than $1,000 should be given a cash bonus of $50 annually.

4. Cripples, etc., to be especially provided for.

This plan could be put in vogue for a period of five years, or on a graduated basis of one year for each six months of service.

The merits of this plan are as follows:

1. The total cost to the Government would be within a quarter of a billion dollars, spread over a five-year period. This would cause no currency inflation.

2. The exemptions and the bonuses would be given only to the needy.

3. No examining board would be necessary to judge the applicant's claim. The income-tax blank would be the examining board.

4. The service man, having paid his taxes "over there," would not be as reluctant in accepting tax exemption as he would be in accepting so-called "blood money."

As an ex-service man and a member of the American Legion, I am opposed to any bonus plan which would inflate our currency, boost the cost of living, and eventually divide the bonus among the profiteers.

WILLIAM V. MCGUINNESS.

NEW YORK, *March 3, 1920.*

Mr. OLNEY. Before closing my remarks, I wish to urge upon the steering committee on the Republican side of the House and

the leaders on the Democratic side of the House the imperative necessity of passing the pay bill, increasing the pay of the officers in the Army, the Navy, and the Marine Corps, pending to-day. [Applause.]

Mr. KAHN. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken or who may speak on this bill may be allowed to extend and revise their remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent that all those who speak on this bill or who have spoken on the bill have unanimous consent to extent their remarks in the RECORD. Is there objection?

Mr. GARRETT. Mr. Chairman, I do not think that even that general consent can be given in Committee of the Whole. In the Committee of the Whole consent can be given to one individual, but not a blanket consent.

Mr. KAHN. Then I shall renew the request in the House and withdraw it at the present time.

Mr. Chairman, I yield 25 minutes to the gentleman from Washington [Mr. MILLER].

The CHAIRMAN. The gentleman from Washington is recognized for 25 minutes. [Applause.]

Mr. MILLER. Mr. Chairman and gentlemen of the committee, this is a good bill and I shall, taking it as a whole, support it. It will afford the best legal basis that the Army has had for many years. In its general scope the legislation works over the national defense act of June 3, 1916, and brings that act down to date, adjusting it to peace-time conditions. The present act builds on a broad and permanent basis. It is no small task to work out a comprehensive plan for the present and future and to so frame the law that we shall preserve the benefit of our experiences in the Great War.

It was inevitable that in the sudden expansion of our military force to 4,000,000 men we should have indulged in much that was experimental, though in this respect we perhaps did much less than our associates.

Some of our departmental bureaus and branches were incapable of the necessary expansion to meet the emergencies of war. Their bases would not admit of it. In such case a complete organization had to be worked out and built from the ground up. Branches and elements of the service, for which no basis existed, also had to be worked out.

The task now is to reduce and in doing so to preserve the skeleton of such of these as experience has demonstrated to be practical and useful and to so provide that these branches may be expanded at once to meet the requirements of any emergency.

As to how this may be done, of course, men will differ not only fundamentally but in detail.

The committee has had these various plans and details outlined where difficulties exist and has undertaken to work out and lay down the ground plans which most strongly appeal to it as practical for the present and future.

THE SIZE OF THE ARMY.

Section 2 of the bill states the number in the Regular Establishment. The bill sets out what are to be known as the combatant arms or the line of the Army. Except in time of war, or when the public necessity demands it, the number of enlisted men shall not exceed 250,000; Philippine Scouts, 12,000; and 7,000 unassigned recruits. At no time shall the establishment, excluding the Philippine Scouts, exceed 280,000 enlisted men. The number of officers is 15,037, exclusive of the officers in the medical department, chaplains, band leaders, and professors, all as provided for in the bill.

It will be immediately appreciated that this is no small establishment. While it is about 100,000 in excess of the number provided for in the national defense act of June 3, 1916, it is but one-half—exactly one-half—the number asked for by the War Department.

The great question is, Can this force be further cut—can a further reduction be made? Some of our very best military minds place the number provided for in the bill as inadequate. The greater number, however, have expressed themselves that the number when properly and efficiently disposed of will meet all requirements so far as can now be determined. The disposition of the committee was to reduce to the lowest possible number, consistent with the safety of the country—to cut to the bone. I know there are some who will think this number too great. There are some who believe in practically no Army, at least, not an effective one.

To those who are opposed to an effective Army, I have neither the time, the disposition, nor the patience to discuss the question. In general, I fear they are those, or the successors of those, who influenced Members of the Sixty-fourth and the preceding Congresses to oppose every effort to enter upon any preparedness program commensurate with the dangers menacing the world. Blinded by prejudice, or mistaken in judgment, or by whatever course of reasoning or by whatever influence they came to their state of minds, theirs was the colossal mistake of the century. I can honor every man for his personal views if they be founded upon candid, mature reflection and faithful research—a candid, fair-minded disposition to ascertain the requirements of Government.

But the man, pig-headed and prejudiced, immune to reason, fixed and unyielding in his own ignorance of the subject matter, one who sits in bigoted intolerance of others on matters of such profound concern to the people and to the Nation, is a man to whom no Member of this House should for one moment give an attentive ear. The sooner such a man and his argument are dismissed the better. No one wants such evil counsel.

I, for one, by the help of God and the act of a free, enlightened, and intelligent people, never want this Nation in the helpless military condition it was in on the day we passed the declaration of war, April 6, 1917. [Applause.]

As direct consequence of our national failure to do anything in the way of preparing to fight the fire, which was spreading throughout the world, we waited in childlike tranquillity until the blaze was at the door.

I, for one, shall never fail in my efforts to avert a repetition of this sad, if not tragic failure. Three epochs of history are calling us to profit by our past experiences—the periods following the close of the Mexican, the Civil, and the Spanish Wars.

It is not economy to save to-day for the purpose of having a surplus to waste to-morrow. [Applause.]

National security, the welfare of our people, the stability of our institutions, our capacity to remain immune to the evil things which are sweeping over the world to-day require that we organize and maintain an adequate and instantly effective Military and Naval Establishment. [Applause.]

GENERAL STAFF CORPS.

The bill provides for an effective General Staff Corps. I am a firm believer in a strong, effective, vigorous General Staff. Without it no army, however well organized and equipped, can effectively operate. The staff is the planning section of the Army, as well as the coordinating. To give it administrative authority only as a "last-ditch" expedient would tend to throw every other administrative branch to the wind. Our experience in the late war has demonstrated beyond all possible doubt the advantages of the staff principle. When we look about to locate the force, the organization that brought about the expansion of our establishment to meet the emergency of war, the eye, as well as the hand, rests upon the General Staff Corps. It must be retained to have an effective Army.

ASSISTANT SECRETARY OF WAR.

Provision is made for the appointment of an Assistant Secretary of War, who shall be under the Secretary and shall be charged with the supervision of the procurement of all military supplies, and other business of the War Department relating thereto. This is an idea upon which there was practical unanimity.

It is the hope that in the future an experienced and capable business man will be selected for this position, and that he will not be what is regarded as a political appointment. The welfare of the service requires that there should be an element of permanency in this position. No position in connection with the entire Military Establishment is of more importance than this.

Everything relating to the supply service comes within his jurisdiction. He is the personal director or head of the business end of the Army. One of his principal duties is to keep in touch with the supply resources of the country.

Another very important provision of the bill is the finance service. This is also a creation growing out of our experiences in the late war. It shall be the duty of the chief of finance, under the authority of the Secretary of War, to make disbursement of all funds of the War Department, including the pay of the Army and the mileage of officers and the accounting therefor. The position of paymaster attached to the Quartermaster Corps is superseded by the representative of this newly created branch, though provision is made, in the interest of economy of administration, that officers outside this department may perform these duties where small units are being dealt with. This is to avoid duplication of overhead expenses.

The Quartermaster Corps, under the Secretary of War, is charged with the purchase of all standard supplies common to two or more branches of the service, and with the construction, maintenance, and repair of buildings, structures, and utilities of the Army establishment. This corps has charge of storage, transportation, the acquisition of real estate, and other similar services.

It will be noted that the Construction Corps, the Transportation Service, and the Motor Transport Corps are eliminated.

My own personal judgment is that we have made a mistake in doing away with some of these, especially the Construction Corps. Could I have had my way I should most surely have preserved this construction branch of the Army. I can see no sufficient reason for its rejection from this act. There is no inherent relation between it and the Quartermaster Corps. In my opinion we have dropped backward. The construction branch as an element of the Quartermaster Corps is out of date, obsolete, and not in tune with the modern situation of things. If we were building a Military Establishment from the beginning, if we had never had one, and especially if construction, repair, and maintenance had never been within the Quartermaster Corps, there would have been no thought of placing it there now. It bears no inherent relation, no connection, no association, kinship, or fitness to the quartermaster. Every function is foreign. The fundamental duty of a quartermaster is to receive and distribute supplies to the Army. It should be primarily the function of the Quartermaster Corps to serve as the distributing factor of the service.

In event it should be made necessary to destroy this very efficient and valuable, I might say indispensable, service to have it absorbed, swallowed up in some other branch, my thought is that it should go into the Engineers Corps. There is something of a remote kinship between engineering and construction, but there is none, absolutely none, where this bill puts it.

Then again, "storage." What business, what necessity is there; what sense is there in placing the storage of everything in the Quartermaster Corps? In the very nature of things the storage of much of the material used in the Army should be with the branch of the service which produces or supplies that material or necessity. To illustrate, I can see no possible reason for the Quartermaster Corps having charge of the storage of arms and artillery ammunition, and so forth. That should be with the Ordnance branch of the service. The same with medical supplies, which should be in the Medical Department.

In my humble opinion we have crowded into the Quartermaster Corps duties, privileges, and functions wholly alien and extraneous. We have not only crowded it but overwhelmed it, and that too with a diversity of service wholly incompatible with the good of the Army.

The construction corps should be an independent corps functioning as such, with its own organization, its own personnel, and its own character. It should be a corps of builders. Building nowadays is a business—a remarkably technical one. It is not a mere passing trade or occupation—not in these days—and if we are disposed to apply any of the rules of business to the Army organization we should retain that remarkably efficient organization, wrought out of our war experiences, known as the Construction Corps.

The Judge Advocate General's Department is only simplified in personnel. The elaborate organization, existing during the war, is brought down to a peace-time basis.

My judgement is that some new plan or system of administrating military justice should be devised, but this would necessitate the adoption of a new military code—the magnitude and detail of which would manifestly render it impossible for this bill to contain, dealing as it does merely with the outline of the Army reorganization.

I hope soon to see the day when this entire system will be relegated to the waste pile, where it rightfully belongs. It is outgrown; it is obsolete; it is vicious. Human experience and the advance of the human understanding cry out for a change. The present system of administering justice, the methods, principles, and procedure dealing with the violators of military laws and regulations are, so far as I know, the only surviving tag-end of the Dark Ages. It is not only crude, but positively cruel, and in many cases barbarous. It is the last remaining remnant of the power of an autocracy or class, which once upon a time governed and controlled everything relating to the Military Establishment as a part of organized governments. We have outgrown the system. The world has gone on and taken everything else with it except this ancient institution, which long ere this should have eliminated from among our living methods of dealing with men. It is open to the assault of every human and modern sentiment. It is not to be wondered at that the young man of to-day, brought up as he is amid our institutions, so framed as to guard with care every right, will not freely and voluntarily offer himself into a life where this miserable system is the basis of his Government and this procedure the method of administration.

But to accomplish this our whole military code must be revised, if not completely rewritten, upon a new and modern basis. To do this would take a bill three times the length of this. Let me again say that this bill just furnishes the outline of the Army reorganization, not the forms, procedures, rules, and the myriad of details.

I am heartily in sympathy with every effort to bring about this much-needed reform. [Applause.]

The idea that the forms, procedures, and methods of two centuries ago can not be improved upon, as seems to be entertained by some, must be addressed, if at all, to the blind reactionaries, not to the living, advancing thought of the people of to-day. My suggestion is that it be not embodied in this bill wherein at best only a fragment of any modern system can be embraced and where such as there be would be jeopardized, if not positively annulled, by some obliging construction of a half-expressed plan. [Applause.]

There is a novel piece of legislation in the bill, commonly known as the "single list," for promotions. The method and manner of promotion has been the bone of contention in the Army many, many years. At some periods the methods now in force have come dangerously near affecting the morale. It seems now that the best thought in the Army is the single list, by which promotions will come equally to all branches or arms of the service. The overwhelming demand for the establishment of this equitable method at this time speaks in most commendable language of the absence of narrow selfishness amongst the officers of the Army. Many will lose files, if not grades, by the establishment of the system, but nevertheless it meets with almost universal approval.

The permanent commissioning of officers in certain branches of the noncombatant branches of the service is another piece of wise and salutary legislation.

Provision is made to continue the Chemical Warfare Service as an independent branch of the service, similar to the Ordnance and Engineer Corps. This is another wise arrangement, embodying as it does the best experiences of the war.

Nurses are given rank, but chaplains are not. This is another incongruity of this bill. I am content with the provision affecting nurses. It is well worthy of a trial. I know it is an innovation, and in the end it may prove unsatisfactory. The criticism, if any, must be addressed to the novelty of this legislation. The plan outlined here may not withstand the hard school of practical test in the service; if so, subsequent legislation can cure the error. The success of this provision will largely depend upon the course and conduct of the benefited members of this branch. In its permanent attachment as a unit to the service it will in the last analysis have to stand or fall upon the success or failure of its personnel in the new situation. I hope it will not be a misfit.

As to the chaplains, I can not agree with my distinguished colleague on the committee that they should have no rank. We can all philosophize, we can discuss, reflect, ruminate, if you please, regretfully or otherwise, but, after all, we must come to the conclusion by acknowledging that rank does count in the Army. True it is that the post of chaplain has no counterpart or similitude in the service. His position is distinct, it is individual as a class, it is personal. The chaplain's power for good lies in his personality. He is the sole exemplar of peace, mercy, and good will amongst men in an institution founded and maintained for enforcing law and rule by force and often by violence. But his function is not so paradoxical as it may seem. He is a wonderful power for good. The pages of history are brightened by the records of his noble acts. The roll of honor in the late war contains the names of too many self-sacrificing patriots, who bore the cross upon their shoulders instead of the bar, the leaf, the eagle, or the star, not to do all respect and reverence to the bearer. The chaplains have had Army rank for years—ever since we have had an Army—and it should not come to us now in the face of their wonderful service in the late war to deny them what I believe is their due.

The provisions of the bill relating to the National Guard, I believe, will be found fairly, if not entirely, satisfactory to the guard. It is by far the best law, so far as putting the guard forward to where it belongs, of any act ever presented to Congress. In incorporating these excellent features the committee simply is reflecting the unanimous opinion of the officers of the Regular Army in their estimation of the National Guard as a national military asset. Unstinted praise came from every source, and for the first time in many years the guard is weighed and appreciated at its true worth. [Applause.] The committee, therefore, was of the opinion that now was the opportune time to place the present and the future of the guard in the hands of its friends—something never done before—by providing that the Chief of the Militia Bureau shall be appointed from among the officers of that body who have served in the guard as a commissioned officer at least 10 years.

Seemingly I have criticized this bill as much as I have commended it, but criticisms demand enumeration. That which meets the approval, like the many thing which are good, gen-

erally passes without special mention. So it is with this bill. The many, very many good features so far outstrip the weak, the bad ones, that I even hesitate to critically scan the handiwork of the committee in which I performed so humble a part. There are other provisions I should very much like to discuss, but I must desist lest I trespass further upon the time of my colleagues.

Of my colleagues in this very important committee—few, if any, there are in the House that surpass it—I can say their sole motive in formulating the bill, with all its varied and in some respect novel features, is, and at all times was, the welfare and the good of the service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen of the committee, I can not vote for this bill, but I admit that there are some very good provisions in it. In my judgment, for a peace-time Army the Hay bill—the national-defense act of 1916—is the best measure that has ever been written on the statute books of this Republic. To that measure three amendments should be added, and that should stand as the peace-time Army Establishment of the United States of America. The measure before you, gentlemen, is the camouflaged General Staff bill that retains their full authority. In my judgment, the people of the United States do not need, do not demand, and do not want a great standing army. The ideals upon which our Republic stand really abhor the idea of military force in peace times, and yet gentlemen on this floor, like my able and genial friend from Washington [Mr. MILLER], who just addressed you, believe that this Republic ought to have a powerful standing army.

For what purpose? Did he tell us why we need this great establishment of which he speaks? Has he told you or anyone else why he believed in this idea of compulsory military service that he has been advocating in this time of peace? It is rather peculiar that since the armistice was signed, on the 11th of November, 1918, some people have advocated the greatest military establishment that the United States ever had and the biggest navy that floats the sea. The same people advocate a League of Nations, which, we are told, will cause us to disarm and to need neither soldiers nor war vessels. Can you arrive at by what kind of a process of ratiocination these gentlemen can reach such conclusions? To my utter surprise, the Secretary of War and the General Staff came before our committee soon after the armistice and wanted 576,000 soldiers. And gentlemen rushed in with forceful compulsory military service bills in time of peace. They even fooled the Secretary of War and had him advocate that nasty military mess before the Military Committees of the House and Senate, a thing he has opposed all his life, so far as I know, up until after we whipped the Germans.

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I can not.

The Secretary of War wanted compulsory military service after we had crushed that system in Prussia by forcing the Germans and all their allies in the war to ground arms on November 11, 1918, and while the League of Nations was being formed. And I observe in the press that the Secretary of the Navy, my distinguished friend, Mr. Daniels, has been before the House Naval Committee and wants the greatest Navy that floats the seas. He wants 30 warships in an additional program now after we have whipped the Germans.

Whom is it we want to go out and fight now? Here we have been supposed to be the apostle of peace—the United States of America, with all her splendid citizenship, with her splendid clergy of all denominations, with the greatest churches of the earth, having their foremost exponents in every State of the Union, with the religion of our Lord and Christ, the sacrificial cross that stands before us all, and yet we have this horrid doctrine urged upon us by Members on this floor and by others in high authority. Why is it? Is it possible that I am behind the times? I am a young man. I have come up from the humble walks of life, through hardship, toil, and strife, and, God being my judge, every pulsation of my heart is honestly for the benefit of the poor of the human race. [Applause.] And neither by prayer nor by study, nor meditation, nor from history or the prophecies can I reach a conclusion that this glorious Republic, which I love, should go back on its history, back on its ideals, and found an autocracy built upon the force of militarism. And yet that is what is confronting the American people to-day. And why is it that men who are not influenced by that propaganda can reach the conclusion that after our brave boys have gone on the battleships as sailors, after they have gone as soldiers, wearing the uniform of this Nation, and have demonstrated to the world that a great united country of 110,000,000 people can almost over night prepare its young manhood and gather up its husbanded resources of gold and can gather all the implements of peace and prosperity and mold them into war implements to destroy property and human life—why is it that any of our statesmen can believe that it is necessary to change our history and our traditions, and enter on a policy of the very thing that we declared war to overthrow, and organized the resources of this country and armed our young men to crush from the face of the earth? We can not fool the American people. Neither can we tamper at this period and juncture with such a dangerous foe as militarism.

Our people realize that the armed forces of the Kaiser, trained through this process of universal militarism for a period of about 50 years, was the real cause of this awful war that caused so much sorrow and death and destruction of property in the world. Yet we have good, sensible statesmen who stand on this floor and advocate it. Is it possible that my friends believe that with Germany disarmed, subjugated, with a great war debt that she must pay, with the Czecho-Slavs helpless, with Russia in the jaws of the Bolshevists, with Italy over there on the point of starvation almost, with money values gone down to less than 50 cents on the dollar, the franc in France, the lire in Italy, the mark in Germany, and even the English pound sterling away below par, and the Russian ruble worth almost nothing, with disaster all over the world, with the people trying to come back—is it possible that statesmen propose to set up an enormous Military Establishment in the United States?

Is it for the purpose of frightening the world and having the whole world believe that the United States of America is a great roaring lion going about seeking whom he may devour? Surely statesmen do not believe there is any danger of that poor fellow over across the seas, that can hardly get enough to eat, raising a great army and financing himself and prosecuting a war against America, when he can not pay his debts now. Surely statesmen do not believe that there is anybody going to come down here from Canada. Surely the statesmen who are advocating this huge standing Army and the greatest Navy that the world ever saw must realize that because of war there has already been imposed on the backs of the American people $35,000,000,000 in bonds, Treasury certificates, and other securities, thrift stamps, and war savings stamps, bearing interest from 3½ per cent to 4¾ per cent. With those heavy obligations confronting us, these gentlemen advocate keeping up the greatest Military Establishment ever known, which will be an added and continued burden that will work an irreparable injury upon the finances of this country, as well as on the morals of the people.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. QUIN. I can not yield, although I would like to do so.

The CHAIRMAN. The gentleman declines to yield.

Mr. QUIN. They advocate this, notwithstanding the fact that we must get out of this debt that this war has put us into. They are talking "economy" in one breath, and the next moment they are coming and advocating the very thing that will make our expenses more than we can bear.

Let me ask you, gentlemen, who is to pay this enormous debt? It is true we are collecting enormous sums of money through income taxation and excess profits taxation from the rich of this country. Yet it has been necessary to reach out to every walk of life and tax the humblest citizen all that he can stand. And I want to say to you, gentlemen on that side of the House, that the only taxation that I ever heard of Republicans taking off since you came into power was the tax off soda water and ice cream—and I voted to take it off—to be paid by the poor little children that would go up to the soda fountain and drink; but some of you thought hard of it, and you turned right around and put a tariff on the buttons that the poor people wear, so that you do not deserve any credit for doing it. [Laughter.]

You are not trying to reduce taxation when you come up and advocate schemes and policies that will draw down harder on the backs of the people. In the last analysis who is going to pay all these war obligations? You do not get this money alone out of the pockets of the rich. The man who has great sums of money coming in from incomes does not miss it so much. But do you know that as far as possible those who are gathering in excess profits on incomes pass the tax on to the consuming public? It is the man in moderate circumstances, the man who earns his living in the sweat of his brow, who, in the last analysis, must pay most of this war debt that we have on us now.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Washington?

Mr. QUIN. I can not yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. QUIN. A further thing is that these gentlemen are going to put their money into United States Government bonds.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I can not yield. Scheming financiers and their politicians are in favor of freeing these bonds from taxation in order that the men who control the great wealth of this Republic will escape all of this immense war debt, and this future taxation that you propose to impose in order to pay for this large Army and Navy is to be put on the backs of the poor men and women of the United States who earn their living around the desks and on the farm and in the workshop or on the railroad trains or in the mines or in the sawmills and elsewhere. You need not endeavor to fool yourselves into believing that while we are making the people of large wealth pay all these expenses every man who has as much sense as a green lizard knows that the wealthy classes of this country are smart enough to make every effort to control legislation and, if possible, get the bonds of the United States finally exempted from taxation, and the bulk of wealth of this country, controlled by the very rich people, will be made free of taxation.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Washington?

Mr. QUIN. I would rather not; I would love to.

The CHAIRMAN. The gentleman declines to yield.

Mr. QUIN. And knowing at the same time that the plain people of the United States will be forced to bear the burdens of this war which our people so vigorously and patriotically prosecuted and won. And as for this so-called "preparedness" in time of peace, after we won the war, is it possible that if the League of Nations is the great panacea for war and is to stop all men's minds from going in the wrong direction, the American Congress will still go ahead with a great Military Establishment and this huge Navy that the Secretary of the Navy is talking about? Who is going to believe that it is necessary? [Applause.] When the Germans get ready, and get paid all their debts and war indemnities, and get themselves back where they want to be, they may go back over there and fight the French and try to take Alsace and Lorraine again. Everybody who has been over there has formed an opinion. Do you want to bind our young manhood and go over and fight for France? There may be a little war coming over there about Fiume. Do you wish to go to the farms and muster an American army and go over and fight for the Jugo-Slavs, or the Russians, or anybody else? I do not. Then let us pursue a course which will preserve peace by turning away at every point from all tendencies to militarism.

Our people in the future will determine the policy which they desire this Government to pursue. Our people do not believe in imperialism. The masses will not stand for that horrid doctrine. If the United States Government is going to continue to be a Republic of the people; if this Nation is going to stand for high ideals, to stand for the church of the living God, to carry the torch of liberty on land and sea, to stand as an exponent of a free people, we must continue with the best ideals for which this Republic has stood. We can not carry that doctrine to the world if we have a soldier strapped on the back of every laboring man and farmer in the United States. You can not carry that doctrine to the world if you are going to have a testament in one hand and a rifle or a sword or a package of dumdum bullets in the other. This Republic can not be both flesh and fowl. If it proposes to stand for the people, it must stand on that kind of a platform every day in the week and every night in the year. It can not advocate one policy one day and shift to another the next day. Our country can defend itself, as it has demonstrated in the past, whenever it becomes necessary to do it.

With this national-defense act that we have on the statute books, that so soon as peace is declared becomes automatically the law of the land, by adding the chemical-warfare provision to it and something for the flying part of the Army, and by modernizing the articles of war so that they are no longer a relic of barbarism, we will have this country ready for any emergency. Our manhood does not need to be drilled by training for two or three years in the Army to go out to defend our Nation. The great standing army of Russia, that was so long the pride of the Czar, is where to-day? Bolshevism is running wild and rampant. The Czar's head is cut off, and he is laid away in his grave, and even the innocent members of his family are there. That is what a great standing army did for him and for Russia. And here in the United States, with 110,000,000 people, with practically no Army, our people have continued free and happy, and there is prosperity all the way from the Atlantic Ocean to the Pacific, from the Gulf of Mexico clear to the Canadian border, our ships plying on the seas carrying commerce to the nations of the earth, the fine cotton grown in the South carried across the sea and our wheat carried from the granaries of the West to feed the starving peoples of the world. Everywhere the American flag is respected and honored, because they know this is not a selfish Nation, not based upon force, but a Nation that stands for honor, justice, and liberty to all the peoples of the world. The national-defense act gives us all the Army we need—175,000 men, with about 11,444 officers, and can be built up at the order of the President when an emergency arises to 400,000 men. Does any man in the United States believe this Republic would be in danger with that splendid law that is so elastic, with good, well-trained officers? The National Guard under that act is properly cared for. The national-defense act, I believe, keeps in the city of Washington about 57 officers as members of the General Staff. There ought not to be over 35 or 40 of them, for the actual good of this Nation. Thirty-five or 40 members of the General Staff kept in the city of Washington to make plans and to advise are for the best interests of this Nation.

I believe in highly educated Army officers. Among those men we have patriotism. You need not doubt that. Occasionally we have some selfish man in that organization, as we do in all other walks of life, but as a general proposition they are honest, good, patriotic men. I will say that it ought to be further amended by adding a provision in this particular bill under discussion that the Chief of the Bureau for the National Guard should be from the National Guard of some State of this Union. With our Military Establishment properly cared for under the provisions of the national-defense act with modernized articles of war, under which brute force and barbarism will not govern the trial of officers and men, our Republic will be safe. Nobody need fear that anybody will ever run over the people of the United States.

But some folks say "we must have compulsory military service," and even the majority of our committee voted that in. But after this vote they heard a still, small voice. That night it made them have a vision, and the next morning they marched in, and in a low voice they said, "We will bury this compulsory universal military training feature." [Applause.] Now, why was that done? Oh, the mockery and sham of it. They knew the American people would not stand for that abomination. They knew the Republicans in this House would vote them down just like the Democrats did in their caucus. They knew they could not add that enormous expense to this Government now. They can camouflage figures. Although some people say figures will not lie, you know the man can lie who makes the figures, and that is what they are doing on the cost of this thing of compulsory training or compulsory military service, or whatever you please to call it. It is a very costly experiment. They realize that if they once get the nose of that camel inside the tent they are going to have the camel clear inside with a whole lot of kids around it in a very short time. Why, under that bill my friend from California [Mr. KAHN] would have all these niggers down in Mississippi and the South gathered up out of the cotton fields and grain fields where they are making food and clothing for the world, and it would send these Senegambians into a camp to educate them to be military artists and soldiers. Why will you take these laborers away from their work?

Mr. KAHN. Will the gentleman yield?

Mr. QUIN. I would love to, but I have not the time.

Mr. KAHN. I wondered if that was the Senegambian in the woodpile, why the gentleman is against military training?

Mr. QUIN. I would be against it if there never was a nigger in this country, because I love the people. I do not propose in an independent, free Republic to make slaves out of the young men. Whenever you take a young man from the farm or the workshop or school and put him into a military camp in the Army for three months or four months or six months or two years, eight times out of ten you unfit that boy for the balance of his life for the work that he is cut out to do. You ruin him as a farmer. He does not want to go back to hard work again. That boy will want to sit up in an office and draw about $200 a month for doing nothing. You can not take these young men away from the schools to which they are going, and away from their work, whether it is in the shops or in the stores or on the farms, and expect them, after they have a taste of idleness, after they hear the music of the military bands in the camp, after they see the fine-looking officers with shoulder straps—you can not expect them to be willing to go back to the farm and say, "Whoa, haw, get up." [Laughter.] I tell you we can not afford to ruin the young manhood of the Union.

Some say that we are going to educate them. In every State in this Union you have a splendid system of public schools. People who own property pay a school tax. In McComb City, where I live, we have as fine public schools as there are in the

world, and poor children go to those schools. Men who own property, whether they have children or not, are taxed to support the schools and educate the poor. It is the duty of every municipality, city, county, and State to maintain that system. With such a system, where is the man who loves the Republic that believes you ought to take the power of the Federal Government, grab this great school system by the throat, grab the young men by the nape of their necks, and put them in the camp and say that the Government will educate them? For what? They are fooling the boy; they are educating him to be a soldier.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. QUIN. No; I can not yield; I have so little time. With somebody pulling the strings to bring on a war, the young men that they have fooled into this kind of an education would be again grabbed and put into an army, marched across the country or floated across the seas or taken by airplane through the air to fight some unknown enemy that he never heard of and had no hard feelings against.

We must realize what we are up against. Do not you know that there was an admiral of the Navy who almost brought on a real war between us and Huerta overnight because Huerta's ship commander would not fire a salute? Probably he did not have powder enough to get home. [Laughter.] But because he would not fire the salute we almost declared war against Mexico. So you see that the American Government can get into a war before it knows it. For that reason—that some man in high authority in our Government might desire war if it is certain that the war dogs are ready—you do not want to be too well prepared for war. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

By unanimous consent, Mr. FISHER, Mr. HARRISON, and Mr. MILLER were given leave to extend their remarks.

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, after the eloquent remarks of gentlemen who have preceded me my words will seem weak and powerless.

During the World's Fair in Chicago, nearly 30 years ago, amongst the thousands of paintings exhibited in the Building of Fine Arts, my attention was attracted above all other pictures to a canvas about 20 by 30 inches, showing an old farmer with a cloth gripsack in his hand. He wore boots. Maybe that one was run over at the heel; certainly they were not polished like an officer's. A woman, plainly a farmer's wife, stood upon that homely doorstep giving the last caress to a farmer boy of perhaps 21. Just three pathetic figures. The picture was entitled "Breaking Home Ties," and was later awarded highest honor. So the enduring prize will ever be given to principles which picture the American home. From there comes all our Nation's power. Every dollar of this twenty-six billion debt must be raised upon the industry and privation of all housewives, who may milk cows and work the butter with a cedar paddle or in some simple drudgery gather and pay this enormous sum by small amounts. There is no evasion of the facts. Every step of civilization and progress is supported by patient, intelligent toil. Military training camps wean a boy from willing work to the ambition of war maneuvers and high rank. Our future depends upon production of the farm home. Never in history was military training so little needed, while rural life is needing and deserving encouragement. Military training was not necessary when our country was weak. While we grew strong and powerful beyond compare, monarchies and kingdoms, thrones and dynasties were decaying to make room for poor men and women, who ever find God's greatest blessing in the joy of work.

America prospered because labor had some recognition. You must encourage home building, lighten the burdens in every way, plan bringing back to the soil the young men. When the boy starts military training he has left the farm forever. The girls quietly follow toward the city. Do not desert the certain, proven rules for our greatness to satisfy a clamor for the military, a frame of mind which this war has produced. Turn back before too late. We should, and labor will, take hold cheerfully and pay the debt. But meanwhile rich men must practice self-denial.

Labor must have incentive, recognition, and the reward of home. Luxury, ease, and idleness may be taxed from existence. Let all go to work and pay for the war we have had before starting another, because military training is a certain path to war.

Until the war of 1917 we were told that our form of government was only an experiment and would not stand the strain, causing some uneasiness regarding compulsory universal military training, but now, with other forms of government changed many times while ours endures, having given ours the acid test, with all other nations in the financial discard, we are urged to expend billions before the veterans of that war have had their pay. Reward your present soldiers before increasing the Army. As we got along so well without universal training against men trained to the minute, how can you claim to need training against all the other nations crippled? We were safe when Europe was strong and armed to the teeth. From where our numbers were few we lived to see Europe strewn with crowns and fading military vanity. From where now does this great demand for a large Army come? I will venture the opinion that the 18,000 new-made millionaires are unanimous that more boys come from the farms patriotic to the last drop of their sturdy youth.

Mr. KAHN. Will the gentleman yield?

Mr. EVANS of Nevada. I will yield to the gentleman.

Mr. KAHN. Is the gentleman aware that the American Legion, which represents 1,600,000 ex-soldiers of the World War, are for universal training?

Mr. EVANS of Nevada. I am aware that they are not unanimously for it.

Mr. KAHN. A large majority have declared themselves for it.

Mr. EVANS of Nevada. The officers, yes.

Mr. KAHN. And the men.

Mr. EVANS of Nevada. Not the privates.

Mr. KAHN. Has the gentleman heard the statement made by the committee who appeared before the Senate committee a few days ago, and who declared that they represented the private soldiers and officers?

Mr. EVANS of Nevada. I am aware of it.

Some States enlisted a large percentage of their population, who left their State and went to war willingly, not one-half of whom have returned to the State. Of our vast cash subscriptions gladly advanced during war times, not a dime has come back. Yes; war does stimulate trade and huge bank balances, but it tends to impoverish the home. Training camps wean away and to a large degree destroy in boys' minds that reverence for home. Your Nation must now and forever rely for strength upon the American home. Your legislation must consider measures which encourage youth to build and maintain their own homes. For every boy leaving home, some girl follows away. It is difficult to imagine a home throughout our country where the living conditions of our girls are not superior to that which we find here amongst so-called women war workers. These young women were brought here under false pretenses; pictures of fine dormitories and alluring prospects, which did not exist—left here with small pay and no recognition, to do the best they can, their future insecure.

What nation fears us?

Without fear there can be no war. [Applause.]

I yield to no man in my intense admiration for our great Army, firmly believing that without compulsory universal military training our future security is best served.

The greatest quality of mind is self-reliance and should be cultivated in the individual, diffusing through the home into the township, county, and State, stimulating those atoms to depending upon their own individual and united energy without governmental interference and parentalism.

Our present rather unsettled condition is the result of pride which precedes a fall. We have had a tumble from vain positions and must realize that progress and food only result from hard, consistent work. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, the discussion this afternoon has been not only interesting but illuminating, I think, particularly as it has shown the attitude of mind held by various gentlemen with relation not only to the matter under consideration in the bill but with regard to matters about which the bill itself is utterly silent.

Sometimes criticism is made that general debate is of no significance, that the fact is evidenced by the very meager attendance. Yet I think anyone who will listen to the general debate on bills of such magnitude as the one before us, unless he be an expert in matters of this kind, will have his knowledge very much increased, and possibly his views modified and his general information with regard to legislation made of some worth to his constituents.

We are discussing an Army bill this afternoon. I suppose that the gentlemen who have criticized the Army and war would not undertake to say that any civilized country anywhere could get along without an army. If it were not a necessity born of the inherent weakness, ambition, and viciousness of certain phases of human society, we would have no occasion for the reorganization of the Army in this country.

I shall not hope to throw any light upon the bill, but any man who has been in Congress since the war began must have had his judgment challenged again and again with regard to what is

wise, with regard to what is necessary, without consideration perhaps as to what is at the moment popular.

It was my privilege during the continuation of the war to visit one of our largest military camps. Personally I had never come in contact with any member of any considerable rank in the Regular Army. I was born and reared in an atmosphere which taught that all war was wrong, that even for the purposes of self-defense, under the teachings of the Master, there could be no occasion in which any man is justified in making war or put his means or talents to its ongoing.

While I had, I think, intellectually outgrown that conception, yet there lingered in my mind a prejudice deep and abiding against our Regular Military Establishment.

It was my privilege to visit one of the largest camps during the war. The general in charge told me that suddenly within four days 10,000 men had been stricken with the influenza. He had capacity for only 2,000 in his hospital. The day I arrived there men were dying at the rate of 77 per day, and it continued at that rate until the peak was reached. I said to myself, "What a fearful responsibility rests upon a man who has charge of 60,000 men," and I wondered what kind of man he was. When I went to the hostess house, within two or three minutes I was able to find exactly the location of the one to whom I had been called. I found him in a hospital, well taken care of. I remained there four days without anyone knowing that I was a Member of Congress. Accidently one day it was discovered that I was a Member of the House. Immediately those who were in touch with the general said, "Have you seen him?" Nothing would do but that I must go and pay him a visit. I was ignorant at that time of how sensitive, how anxious these men in responsible positions are with regard to the conduct of the things that they have under them. I was introduced to the general who had charge. I was struck not only by his executive ability, but I was forcibly struck with the human element, with the heart that was in the man. Yet that man said to me, "I came back here to take charge of this camp, and some of my friends said, 'We are mighty glad to see you,' and then I said to them, 'My God, men, why didn't you say so before?' I have been here before, and I have ridden on the trains, and I never wear my uniform unless I am compelled to, and men have met me in the sleeper and in the smoking room, and even the first thought was, 'You are at a butcher's trade.'" Yet that man had given 20 years of his life to the study of the artillery of the world, and when the day came that we needed the man, here was one who understood the German system, the French system, the English system, who knew what to do and how to do it. All honor to the boys who fought the war, but it seems to me that it is about time we recognize that that group of untrained men, drawn into the camps, did not automatically organize themselves into a great army that won the war. That gallant body of trained men of the Regular Army who knew how to do things organized that army, and without them the story would have been different. [Applause.] So I made up my mind if opportunity ever offered legitimately I would speak the name of Gen. Austin, who had command of that Artillery camp, and who impressed me as the equal, at least in intelligence, in conscience, in heart of any man on the floor of this House.

Let us be fair. I know the Regular Army idea was different from ours, and I can understand it. We spoke just recently here about units being broken up that had been taken from a locality. The Regular Army ideal is this: Between certain ages and with certain physical qualities, if you can take the young men and have complete control of them, disassociate them from local situations, you can make them live, move, and have their being in the Army, and they will make the most effective fighting machine known to the world. If that were the only consideration, they are absolutely correct, but our ideals conflict with that. To my own mind it is not the thing that we should do. I am not a military man. I have only touched at a tangent the National Guard. Two of my sons served three years each in the National Guard, and that National Guard company was taken to the border, and then this fight between the National Guard officers and those of the Regular Army began, and I confess to you that I was unable to determine from my meager knowledge the exact merits of the controversy, although some of my own personal friends—in fact, all in Army life of my own personal friends—were of the National Guard. A strange thing did happen, however. That company and a large part of that regiment that spent the time down on the border drilling thoroughly never got across to the other side except in the very last days of the war, which showed either that the National Guard had been absolutely incompetent and that therefore they were not prepared or that there had been blundering on the part of those who managed the war when they forced in men sometimes who had not had more than two or three weeks of training.

But it was not my purpose to criticize. It may be that the idea that I have with regard to the reserve force is a foolish one, but I believe that the hope of this country is in the love that the boy has for the locality in which he grew up, for the local associations that gathered around him in the formative days of his life, and that, although that might not make as effective an automatic fighting machine as those who have been called from every part of the country, yet when the testing time would come we can better trust to regiments, to companies that have been gotten together in particular neighborhoods that have been officered by men who will feel the responsibility of local criticism in respect to their treatment of the men. [Applause.]

A National Guard organization that would permit regiments to be formed in the congressional districts and officered by men in that district, so far as competent men could be found, would secure that unity of feeling and local pride in the organization that would make each community feel a proprietary interest in that much of the Army. A regiment thus organized would be proud of its history and around it would gather traditions of individual valor. Sons could be members of organizations in which their fathers had served. The training for the most part could be conducted at such times and places as would permit members of the family to witness the evolutions of the troops. The soldiers themselves would ever be conscious of civic duties as well as military. They would have before them always the very object for which an army exists—the defense of the home.

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AYRES. Mr. Chairman, during the war and since the signing of the armistice we have heard the statesmen, the pulpit, the platform orator, and the press all proclaim why we went to war with Germany. They have all given various reasons. Some said it was to make the world safe for democracy; others have said it was to pay a long-standing debt to France; while others, in fact most, say it was to crush forever militarism. I have always felt, and never hesitated to say, that we went to war with Germany because we had to as a matter of self-defense or self-protection. [Applause.] But, be that as it may, the speaker or writer, after giving his own particular reason why we went to war, almost invariably will say to further and forever crush out Prussian militarism. That was and is a common saying and reason, and it is based on good grounds, for article 173 of the proposed treaty with Germany provides:

> Universal compulsory military service shall be abolished in Germany. The German Army may only be constituted and recruited by means of voluntary enlistment.

So there would be no question that Germany must understand that she was not to have military training going on in any manner. They put another prohibition against it by adopting article 177, which reads:

> Educational establishments, the universities, societies of discharged soldiers, shooting or touring clubs, and, generally speaking, associations of every description, whatever be the age of their members, must not occupy themselves with any military matters. In particular they will be forbidden to instruct or exercise their members or to allow them to be instructed or exercised in the profession or use of arms.

That shows the feeling of the allied nations toward military autocracy. Our own Nation, through its representatives at this peace conference, helped to frame these provisions of that treaty, and I feel at least 70 to 75 per cent of our citizens indorsed their action and proclaimed "Well done."

But what do we confront to-day? We have the other 25 or 30 per cent, before this treaty is even ratified, using every means to establish the same system in this Nation. If it was bad to allow this system to remain intact in Germany, then why, I ask, can it be considered a good system for the United States?

I am not in favor of going as far in this country as did the framers of the treaty with Germany; I say, if the universities and colleges want to adopt military training as a part of their curriculum and let those who want to voluntarily enter it do so and receive the training, all well and good; but I am opposed to conscription during times of peace, and universal compulsory military training is nothing less than that. [Applause.]

If I were an ardent supporter of universal compulsory military training, I certainly would not be in favor of it at this time.

There can be no well-founded argument that it is necessary, as a matter of preparedness, for any immediate emergency or

supposed emergency, for we are better prepared now, so far as well-trained man power is concerned, than any nation on earth—so it is not needed for that reason.

One of the greatest difficulties the world is facing to-day is underproduction. It is true in European countries, and it is also true in this country. Especially is this the case in the agricultural sections of the country. Labor was never so scarce on the farms. I am told thousands of boys taken from the farm and trained during the war have not returned to the farm, and never will. This may be due partly to high wages paid in the cities, but something at least has caused many former farm boys not to return to farm life after their service, and to such an extent it is alarming. To adopt either of the bills proposed it would take anywhere from seven hundred and fifty thousand to a million young men from four to five months of a year away from the farm, the factory, and fields of production, and place them in military camps, where they would be consumers and not producers.

True, these bills provide for four months of the year for training, but it will take a little time to get ready to go and also some time in returning from camp; but that is not all. The short period of four months would not have been suggested but for the fact that those who are ardently supporting these measures felt they might be able to get that kind of a measure passed, knowing it would be impossible to get one with a longer period of training. Let me say, if the proponents of universal military training ever get a bill through Congress providing for four months' training, with all or practically all the metropolitan press and various defense societies and militarists behind it, within a short time they will get one through providing for two years' training. I have heard Army officers here in Washington say we must eventually come to this.

In addition to the foregoing reasons, and many more I could assign, why should the already overburdened taxpayer be called on at this time to increase his burdens for this system? No one seems to give an accurate statement or even nearly so as to what the adoption of this system would cost. It is estimated $125 to $350 per man for this training. I have figures from a conservative officer giving an itemized account as follows:

Pay	$20.00
Transportation	50.00
Subsistence	63.60
Fuel, light	8.06
Quartermaster supplies and equipment	72.00
Clothing and equipage	69.76
Transportation, supplies	3.25
Water disposal (garbage)	3.65
Maintenance of transportation, rolling kitchens, ranges	2.12
Ordnance	17.60
Signal	2.10
Medical	5.05
Telegrams	.18
Rental and damages	2.25
Total	319.62

Which, I understand, has since been revised and is now about $348.

This does not include hundreds of millions of dollars for military establishments in which to train these boys, and millions more for the expense of the administration of it here in Washington. Therefore taking into consideration the figures of the military experts, as given and our experience heretofore with such figures, I would say add at least 50 per cent to these estimates and you may be close to right.

I do not hesitate to say it will cost from $340 to $350 to train each man for the period of four months, which means the training of 750,000 to 1,000,000 men at a cost of anywhere from two hundred and fifty millions to three hundred millions a year. And all this for what? To get ready for the next war, or just to give these young men a good physical training, as the militarist would have you believe? If it is to give physical training, why is it they take only the physically perfect and deny the youth who needs the physical training the privilege of it? We all know they will not take the physically weak, but only the strong.

There are many other ways they can get this physical training. I am not opposed to providing all that is necessary for any youth to take military training who wants to take it; but I am opposed to compelling him to take it in times of peace. I felt this way about it a few days ago when privileged to introduce a resolution in my party caucus declaring against it, in this session of Congress, and which was adopted by almost seven to one. I wish the Members of this House of the Republican Party would also show the courage to do likewise, if not in caucus then during the consideration of this bill.

Mr. Chairman, I am satisfied that this bill will never pass the Senate, nor any other bill for that matter, during this session of Congress which does not have in it a provision for universal compulsory military training. This bill will be given no consideration by the Senate whatever; but the measure known as the Wadsworth bill will be substituted for this, or there will be no legislation during this session of Congress in the way of reorganization of the military affairs of this country.

Mr. HULL of Iowa. Will the gentleman yield right there?

Mr. AYRES. Yes.

Mr. HULL of Iowa. Well, if we pass this bill and the Senate passes a reorganization bill of their own, will it not go to conference?

Mr. AYRES. Most certainly.

Mr. HULL of Iowa. We do not have to accept their bill.

Mr. AYRES. That is why I say that unless there is a bill passed by the Senate containing a provision for compulsory military training there will be no reorganization legislation passed during this session of Congress, in my opinion, as the Senate intends to force universal compulsory training now or have no legislation.

Mr. HULL of Iowa. But if they pass one, it will go to conference, and then there will be a bill.

Mr. AYRES. Oh, well, we should go on record now, not wait for a conference to decide it nor till your national convention tells you what to do. This is your own individual responsibility as a Member of this House, and you should have the courage to meet it one way or the other, so far as this Congress is concerned. None of us can speak for the next Congress only as individuals; but the people of our respective districts will decide that matter as to whether they want a man to represent them in Congress on this question who does not hesitate to say where he stands, or one who would prefer to dodge the issue until after the election. [Applause.]

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD]. [Applause.]

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, ordinarily, under the great personal sorrow I have suffered within the last few days, I would be very much disinclined to participate in this discussion, but there is one feature in this bill that I have endeavored to give some attention to for several weeks that I desire to call to the attention of the committee, and that is with reference to the proposition involved in the bill providing for a permanent scheme of promotion in the Regular Army of the United States. It is a matter of very great and vital importance not only to the morale of the Army but to the men personally, and, as I see it, in the future the success of the esprit de corps of the officers of the Army of the United States. It is in a large measure a technical matter, and it is one that I fear has not been given very much consideration by the ordinary run of the Members of the House. You are aware that for a number of years promotions in the Army were made by regiments. For instance, a regiment that had a large number of old officers who might soon be retired, younger men, anxious to be promoted in the service, by influence or by personal solicitation or by good fortune, would be assigned to those regiments where there would be a number of vacancies, and by that method those who had these fortunate assignments—although they may not have been officers of superior intelligence or ability over their fellows—were fortunate in securing a rapid promotion. It was a great injustice to their fellow officers. Later on a system was devised to attempt to correct this injustice and inequality by making promotions according to the several branches of the service, and that system has been found to give very great dissatisfaction. Now an effort is being made in the bill which is up for consideration and which has been presented here by the Committee on Military Affairs that hereafter in the promotion scheme of officers in the Army of the United States to provide what is called a single list for promotions, and the committee has reported—I believe it is section 24a of the bill and some following sections—provisions seeking to carry out the general policy of a single list for promotions based upon the total length of actual commissioned service.

And, gentlemen, that is, as a matter of fact, the only correct policy and the only fair system that could be adopted by the Congress of the United States, because it gives absolute justice, absolute equity, to every officer in the Army of the United States. But unfortunately the committee in making its recommendations to this House and in preparing the draft of this bill has absolutely emasculated that principle and that policy by the exceptions it has made to the principle, and that is the proposition to which I desire to call the attention of the committee, and at an appropriate time I shall offer an amendment to eliminate certain language of the provision that has been suggested by the committee.

Now, on page 31 of the bill you will find this section makes up a list for future promotions. It provides that officers below the grade of colonel in the Medical Corps, Dental Corps, Vet-

erinary Corps, and enumerating all branches of the service, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers.

And here is the objectionable language, gentlemen of the committee. Here is where the injustice comes in. Here is where the joker appears which vitiates the real principle that the committee is seeking to write into the bill when they used this language:

Shall be arranged without changing the present order of officers on the lineal list of their own branches, but otherwise as nearly as practicable according to the length of commissioned service.

Now, what is the effect of that language? The committee comes in here and says that they have after long deliberation come to the conclusion that the logical, fair, and just system of promotion, for the future promotion of officers of the Army, should be on the basis of a single line, arranged according to the total active commissioned service of the various officers. That is what they ought to do, but when they put in this proviso that they shall be arranged without changing the present order of officers on the lineal list of their own branches they absolutely vitiate their own principle, and it leaves men subject to the injustice they have endured for 20 years.

Take that large type of men who volunteered for services in the Spanish-American War before we had any draft. I have knowledge of this, because my youngest brother, if you will pardon a personal reference, was in that service, and it applies not only to that class but applies to hundreds of other officers of the United States who went into that war, and some of them served for one, two, or three years in the Volunteer service of the United States. There are hundreds of them. What is the effect of the proposition here pending? When the act of February 28, 1901, was passed they sought to correct the injustice that had existed theretofore, and it also appeared in that act, which under the construction of the War Department at that time absolutely put these men not on the lineal list according to the total length of the actual commissioned service, as the act on its face appeared to do, but put men as blocks and stops to promotion, based on that system; and if you carry this bill into effect and put these men on the list and do not recognize the total of active commissioned service of these other officers of the United States, we are going to perpetuate an injustice that has existed for 20 years, by which these commissioned officers have been penalized in rank and grade and pay and everything, and which means everything to the officers of the United States Army.

Mr. DONOVAN. Do you contend by this proviso it will keep them segregated in their several classes for the lineal pay?

Mr. BANKHEAD. Absolutely carrying out the old-established system of partiality, and there can not any member on the Military Affairs Committee dispute the correctness of that assertion? What is their answer? They say this injustice has existed so long that if you now undertake to correct the injustice that has existed for 20 years it will create dissatisfaction on the part of those officers affected. You might as well say that if a man were innocently convicted and put in the penitentiary and it was discovered that he was absolutely innocent, that he had become accustomed and reconciled to it for so long that clemency should not be extended to him. What is the practical effect of the operation of that system? These men have been deprived of their proper number in the various ranks. They have been penalized in the salaries they draw in a large number of cases, and in their promotion, and this bill seeks to perpetuate for all time that injustice. To show further the inconsistency of the Military Committee, they absolutely make five different specific exceptions to the rule which they themselves seek to establish.

They can not deny that. It is a bill, gentlemen, which, seeking to do one thing and declaring in favor of a certain specific policy, immediately thereafter puts in provisions giving favoritism to certain officers and certain groups, giving favoritism to them in their arrangements on the permanent lineal list that is to be made up; and, gentlemen, when the time comes, as I say, when this section shall be reached in the consideration of this bill under the five-minute rule, I propose to offer an amendment to strike out the following words: "Without changing the present order of officers on the lineal list of their own branches," so that this list for permanent promotion shall be based fairly and squarely, without any exception, upon the basis of an officer's total actual commissioned service in the Army of the United States, whether with the Volunteers or otherwise.

I have conferred privately with some members of the committee and even in debate here on the floor I do not think they will deny the abstract justice of the position which I am assuming upon this bill. Their answer is one of a specious nature. Their answer is one of expediency. Their answer is that these men when they went in knew the position they were going to be assigned to, which is not an absolutely accurate statement of the facts. But when it comes down to the calm, searching analysis of the principle that they are seeking to invoke in this bill, I say they ought to stand by that principle without exception, and then hereafter every officer in the Army of the United States will know just exactly where he stands. He will know what his future is, and he will know that hereafter, neither by legislation nor by personal influence, will officers of equal capacity and equal merit be penalized under the provisions of any legislation enacted by the Congress of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Porto Rico [Mr. DAVILA].

The CHAIRMAN. The gentleman from Porto Rico is recognized for five minutes.

Mr. DAVILA. Mr. Chairman, there is a provision in this bill which refers to the Porto Rican Regiment of Infantry, and I think I should be derelict in my duty should I not take the floor of the House to emphasize the justice and wisdom of this provision. I refer to section 20, which reads as follows:

The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch herein provided for, and its officers shall, on July 1, 1920, be recommissioned in the Infantry with their present grades and dates of rank, unless promoted on that date in accordance with the provisions of section 23 hereof.

Almost ever since the establishment of the Porto Rico Regiment we have vainly knocked at the doors of the War Department and of Congress asking for the incorporation of the regiment of Porto Rico into the Regular Army with the same rights, duties, privileges, and immunities of every member of the United States Army.

As organized by the act of 1916, the Porto Rico Regiment of Infantry is a part of the permanent establishment of the United States Army, but the officers are entitled to promotion to and including the grade of lieutenant colonel only. This is an injustice. The officers should be transferred, as provided in this bill, to the lineal list of the Infantry as the only solution to the present stagnation, since the officers are not only confined to eternal service in Porto Rico but have no outlook, no incentive in their careers on account of the block which regimental promotion entails for them. These officers of the Porto Rico Regiment of Infantry are men who belong to our most distinguished families, and they are not second in their devotion to duty and loyalty to the flag to any officer in the United States Army. [Applause.]

These officers have made the Army their profession and lifelong occupation, having already devoted to it the best of their lives, many years of most efficient, loyal, faithful, and hard tropical service. They have been admitted into the regiment by passing the same moral, mental, professional, and physical examination for entrance and promotion as required in the Regular Army. About one-half of them are professional men—civil, electrical, mechanical, sanitary engineers, lawyers, teachers, accountants, graduates of first-class American and European colleges and universities. They have practically shown their ability and military qualifications, and they are entitled to be transferred into the lineal list of the Infantry. Soon after his visit to Porto Rico in 1913 the Member of the House, Hon. D. R. ANTHONY, relating to the Porto Rican Regiment, said:

From what I could see I was convinced that the Porto Rico Regiment was one of the best Infantry regiments in the Army, and the good work of the officers and men, which has made the regiment such a splendid one, is deserving of recognition on the part of the Government.

On the floor of the House Representative ANTHONY said, among other things:

The Porto Rico Regiment is one of the finest in our Army. Its officers, both American and Porto Rican, are a splendid lot of men, the equal of others of their rank in other branches of the service, and so deserving of the same privileges and opportunities for promotion.

During the Great War the Porto Rico Regiment was detailed to the Canal Zone, and it is unnecessary to exalt the important duties rendered by our men in that place. They were faithful, loyal, true to the national cause, and for their efficiency, ability, and devotion to duty they highly enjoyed the confidence of their superiors. Now, in accordance with this provision of the bill our regiment shall become a part of the Infantry, with the same footing of the continental American soldier. This satisfies entirely our aspirations. We can not willingly accept any discrimination between continental Americans and American citizens born in the island of Porto Rico.

We are entitled to the same rights, privileges, and immunities of every citizen of the United States, and on every occasion when we see that the policy of the United States tends to treat us as fellow citizens we feel a sincere sentiment of reciprocity and our love and devotion to the Nation grows stronger in our hearts.

The CHAIRMAN. The time of the gentleman from Porto Rico has expired.

Mr. DAVILA. May I have one minute more?

Mr. KAHN. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Porto Rico is recognized for two minutes more.

Mr. DAVILA. The provision included in this bill recognizes our rights and will be an incentive to the officers of our regiment, and I am sure that you will not repent of this act of justice, which will be received with great enthusiasm by the Porto Rican people. That is what we want, equal rights and equal duties, equal burden and equal advantages under the American flag. [Applause.]

Mr. KAHN. Mr. Chairman, how much time does the gentleman yield back?

The CHAIRMAN. The gentleman yields back one minute.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from California moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BLANTON. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas demands a division.

The committee divided; and there were—ayes 23, noes 5.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CULLEN, indefinitely, on account of illness in his family.

To Mr. RAINEY of Alabama, indefinitely, on account of sickness in his family.

EXTENSION OF REMARKS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that every gentleman who has spoken or may speak in general debate on this bill may have leave to revise and extend his remarks.

The SPEAKER. The gentleman from California asks unanimous consent that all gentlemen who have spoken or may speak on the bill may have leave to revise and extend their remarks. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, Mr. Speaker, does my colleague mean to limit it to remarks spoken by those who have engaged in general debate or during the progress of the debate on the bill?

Mr. KAHN. In general debate.

Mr. DENT. Mr. Speaker, reserving the right to object, I will ask the gentleman from California, Why not extend that to every Member of the House who desires to extend his remarks on this bill?

Mr. KAHN. I have no objection to that, but I thought it should be confined to this bill.

Mr. BLANTON. Yes; if the gentleman will confine it to the bill.

Mr. GREENE of Vermont. Has the gentleman any objection to the extension of remarks which have not been fully developed during the progress of the debate under the five-minute rule?

Mr. KAHN. No.

Mr. GREENE of Vermont. Will the gentleman include that?

Mr. KAHN. I ask unanimous consent that every gentleman who addresses the committee on this bill, whether in general debate or under the five-minute rule, may have leave to extend his remarks.

Mr. DENT. I ask unanimous consent that every Member of the House have leave to print on the bill.

The SPEAKER. The gentleman from Alabama adds to the request that every Member, whether he speak or not, may have the privilege of extending remarks in the RECORD.

Mr. KAHN. On the bill. I modify my request to include that.

Mr. WALSH. I object to that.

The SPEAKER. The gentleman from Massachusetts objects to that. The Chair will put it in the other form. The gentleman from California asks unanimous consent that all those who have spoken or who may speak on the bill may extend remarks on the bill. Is there objection?

Mr. BLANTON. Does not the gentleman from California think he ought to limit that to five legislative days?

Mr. KAHN. I will limit it to that.

The SPEAKER. The request of the gentleman is that all Members who have spoken or who may speak on the bill may extend their remarks on the bill for five legislative days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. KELLER. Mr. Speaker——

The SPEAKER. The gentleman from Minnesota.

Mr. McKEOWN. Mr. Speaker, I object to that.

The SPEAKER. Consent has been granted.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 1, 1920:

H. R. 6863. An act to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes.

On March 4, 1920:

H. R. 12351. An act to extend the time for the construction of a bridge across the Roanoke River, in Halifax County, N. C.

On March 6, 1920:

H. R. 12046. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House, under the order heretofore made, adjourned until Tuesday, March 9, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting proposed amendment to requested legislation to enable vessels, wherever built, purchased from the United States Government, to be documented as vessels of the United States, was taken from the Speaker's table and referred to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WOODS of Virginia, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12911) to provide for an investigation and report upon the condition of the Chain Bridge, across the Potomac River, and the preparation of plans for a bridge to take the place thereof should it be deemed necessary, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 2749) for the relief of legal

representatives of Dr. W. D. Barnett, deceased, late of Cleveland County, Ark., reported the same adversely, accompanied by a report (No. 723), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 2420) for relief of the legal representatives of Samuel Schiffer, deceased, reported the same adversely, accompanied by a report (No. 724), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 2815) for the relief of Arthur J. Coney, sole heir of L. J. J. Coney, deceased, reported the same adversely, accompanied by a report (No. 725), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 3201) for the relief of E. F. Mathews, reported the same adversely, accompanied by a report (No. 726), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 3216) for the relief of the heirs of Isabella Ann Fluker, reported the same adversely, accompanied by a report (No. 727), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 3519) for the relief of David C. McGee, reported the same adversely, accompanied by a report (No. 728), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 1813) making an appropriation to compensate Samuel Grant for pay, bounty, and clothing pay while in the service of the Government of the United States, reported the same adversely, accompanied by a report (No. 729), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 1817) for the relief of Eliza Audre, daughter of Maria Colston, reported the same adversely, accompanied by a report (No. 730), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12550) granting a pension to Harry L. Evans; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12575) granting an increase of pension to Ruth Posey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON: A bill (H. R. 12969) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 12970) to provide a fund from which to pay the expenses incident to soldier-relief legislation; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 12971) regulating the practice of chiropractic in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 12972) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. SNYDER: A bill (H. R. 12973) for the preparation of additional rolls, allotment of lands, disposition of the lands and funds of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUTLER: A bill (H. R. 12974) authorizing the Secretary of War to deliver to Darby Township, Delaware County, Pa., a captured cannon or fieldpiece and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 12975) to provide for the retirement of United States park policemen after 25 years of service, and for a pension in case of total disability; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON: A bill (H. R. 12976) to increase the revenue of the Government of the United States and to conserve the supply of print and other paper by imposing a tax upon advertisers; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 12977) to amend sections 4, 8, and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12978) to provide for the care of certain insane citizens of the Territory of Alaska; to the Committee on the Judiciary.

By Mr. SNYDER: A bill (H. R. 12979) authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 12980) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

By Mr. WELTY: Resolution (H. Res. 490) asking for copies of correspondence from the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND of Indiana: Resolution (H. Res. 491) calling for information from the War Department concerning motor trucks or tractors; to the Committee on Military Affairs.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to the continuance of work at the Watertown Arsenal; to the Committee on Military Affairs.

By Mr. GOULD: Memorial of the Senate of the State of New York, urging immediate appropriation by Congress of a sufficient sum to carry out provision of the act approved June 29, 1888, entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses"; to the Committee on Rivers and Harbors.

By Mr. ROWAN: Memorial of the Senate of the State of New York, urging immediate appropriation by Congress of a sufficient sum to carry out provision of the act approved June 29, 1888, entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses"; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SNYDER: A bill (H. R. 12981) authorizing and directing the Secretary of the Interior to make an allotment to Pessa, a member of the Comanche Tribe of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. BENHAM: A bill (H. R. 12982) granting an increase of pension to Lucy Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12983) granting a pension to Earl Kelley; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 12984) granting a pension to Jasper E. Glascock; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 12985) granting a pension to Sullivan W. Buck; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 12986) granting a pension to George B. Petteys; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 12987) granting a pension to Edward Carter; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12988) for the relief of Robert Lee; to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 12989) granting a pension to Helen L. Barzee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12990) granting a pension to John H. Gonderman; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 12991) granting an increase of pension to Estella Rearick; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 12992) granting a pension to Caroline Leasure; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12993) granting an increase of pension to Samuel T. Haynes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2151. By the SPEAKER (by request): Petition of a mass meeting of Armenians of Philadelphia, favoring the independence of Armenia; to the Committee on Foreign Affairs.

2152. By Mr. BEGG: Resolution of Tiffin Post, No. 169, American Legion of Ohio, Tiffin, Ohio, urging additional bonus in the form of a $50 bond for each month of service; to the Committee on Ways and Means.

2153. Also, petition of the Tiffin Post, No. 169, the American Legion, relative to adjusted compensation for ex-service men and women; to the Committee on Ways and Means.

2154. By Mr. CROWTHER: Petition of citizens of Amsterdam, N. Y., urging the recognition by the United States of the independence of Lithuania; to the Committee on Foreign Affairs.

2155. By Mr. EDMONDS: Petition of the city council of Philadelphia, Pa., favoring the restoration of the mail-tube service; to the Committee on the Post Office and Post Roads.

2156. By Mr. EMERSON: Petition of sundry ex-service men of Cleveland, Ohio, favoring the bonus bill as recommended by the American Legion; to the Committee on Ways and Means.

2157. By Mr. KENNEDY of Iowa: Petition of the committee on military and naval affairs of the Chamber of Commerce of Des Moines, Iowa, favoring the retention of Camp Dodge as a military post, etc.; to the Committee on Military Affairs.

2158. By Mr. LONERGAN: Petition of Hartford citizens of Armenian blood, protesting against partition of Armenia and against the massacre of Armenians; to the Committee on Foreign Affairs.

2159. By Mr. MICHENER: Petition of citizens of Michigan, urging appropriation for the starving people of Europe; to the Committee on Ways and Means.

2160. Also, petition of citizens of Michigan, relative to the Army reorganization bill; to the Committee on Military Affairs.

2161. By Mr. O'CONNELL: Petition of the Everett Herter Post, No. 760, of the American Legion, New York, urging the passage of the Wadsworth bill, etc.; to the Committee on Military Affairs.

2162. Also, petition of the Association of Southern Agricultural Workers, relative to agriculture appropriations, etc.; to the Committee on Agriculture.

2163. Also, petition of the Chamber of Commerce of the State of New York, relative to the Bureau of Foreign and Domestic Commerce, the improvement in the Patent Office, etc.; to the Committee on Appropriations.

2164. By Mr. ROWAN: Petition of Everett Hunter Post, No. 760, of the American Legion, New York City, favoring the Wadsworth bill; to the Committee on Military Affairs.

2165. Also, petition of L. O. Rothschild, New York City, opposing bonus to ex-service men; to the Committee on Military Affairs.

2166. Also, petition of Cooper Underwear Co., urging amendment of immigration laws; to the Committee on Immigration and Naturalization.

2167. Also, petition of Edward T. Devine and the Methodist Federation for Social Service, both of New York City, favoring the passage of the Sterling-Lehlbach bill; to the Committee on Reform in the Civil Service.

2168. Also, petition of Hooker Electrochemical Co., of New York, favoring the continuation of the Bureau of Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

2169. Also, petition of National Foreign Trade Council, representing 18 commercial organizations of New York, protesting against the proposed destruction of the Bureau of Foreign and Domestic Commerce through insufficient appropriations; to the Committee on Interstate and Foreign Commerce.

2170. Also, petition of the Grasselli Chemical Co., of New York, urging adoption of measures helpful to the country's foreign commerce; to the Committee on Interstate and Foreign Commerce.

2171. Also, petition of Institute of American Meat Packers, relating to the Kenyon-Kendrick and Gronna bills; to the Committee on Agriculture.

2172. By Mr. SINCLAIR: Petition of Association of Southern Agricultural Workers, asking for adequate appropriations for maintaining agencies working for increased agricultural production and rural betterment; to the Committee on Agriculture.

2173. By Mr. STEENERSON: Petition of William H. Borchart and 104 other citizens, of Mentor, Minn., protesting against compulsory military training; to the Committee on Military Affairs.

2174. By Mr. TAGUE: Petition of the National Industrial Conference Board, of Boston, Mass., urging Federal commission, etc.; to the Committee on Ways and Means.

2175. Also, petition of Charles W. Wright, of Lynn, Mass., urging relief for the contractors, etc.; to the Committee on Appropriations.

2176. Also, petition of the Boston Trades Council, Boston, Mass., opposing the Army reorganization bill, etc.; to the Committee on Military Affairs.

2177. Also, petition of the Massachusetts Department of the Army and Navy Union of the United States, urging the passage of the Shreve bill, House bill No. 6862; to the Committee on Naval Affairs.

2178. Also, petition of citizens of Boston and Charlestown, Mass., relative to the income tax; to the Committee on Ways and Means.

2179. Also, petition of the National Canners' Association, Cleveland, Ohio, favoring the repeal of the excess profit tax law; to the Committee on Ways and Means.

2180. By Mr. VARE: Petition of the Commercial Exchange of Philadelphia, Pa., urging relief for the destitute countries of Europe; to the Committee on Foreign Affairs.

2181. By Mr. YOUNG of North Dakota: Petition of Women's Auxiliary of Newburg, N. Dak., protesting against universal military training; to the Committee on Military Affairs.

SENATE.

TUESDAY, *March 9, 1920.*

(Legislative day of Monday, March 8, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Shields
Ball	Hale	McNary	Simmons
Borah	Harris	Moses	Smith, Ga.
Brandegee	Harrison	Myers	Smith, Md.
Capper	Henderson	Nelson	Smith, S. C.
Chamberlain	Hitchcock	New	Smoot
Colt	Johnson, S. Dak.	Norris	Spencer
Culberson	Jones, N. Mex.	Nugent	Sterling
Cummins	Jones, Wash.	Overman	Sutherland
Curtis	Kellogg	Owen	Thomas
Dial	Kendrick	Page	Townsend
Dillingham	Kenyon	Phelan	Trammell
Edge	Keyes	Phipps	Wadsworth
Elkins	King	Pittman	Walsh, Mass.
Fletcher	Kirby	Poindexter	Walsh, Mont.
France	Knox	Pomerene	Warren
Frelinghuysen	Lenroot	Ransdell	Watson
Gay	Lodge	Reed	Williams
Glass	McCormick	Sheppard	
Gore	McKellar	Sherman	

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] is detained by illness in his family.

The Senator from Delaware [Mr. WOLCOTT] and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I do not think I have ever troubled the Senate by rising to a question of personal privilege, and I do not want to dignify what I am about to say as anything so important; but there is a correction which I feel bound to make of a statement which appeared in the newspapers this morning.

Yesterday by many representatives of newspapers I was asked if I had anything to say in regard to the letter of the President. I replied to them one and all that I had no comment to make. This morning I see it stated in the Washington Post, and in quotation marks, that I said there was a delightful passage in the President's letter in regard to France. Of course I said nothing of the kind. I did not allude to any passage in the letter at all, and if I had alluded to the President's reference to France "delightful" is the last word I should have said, even in irony, for it was not a case for irony.

I think what the President said about France was most unfortunate. He said:

> Throughout the sessions of the conference in Paris it was evident that a militaristic party, under the most influential leadership, was seeking to gain ascendency in the counsels of France. They were defeated then, but are in control now.

I do not think that that is something which ought to be said about France. I believe it, as a matter of fact, to be unfounded. I think the reverse is the case, and I regret extremely such a reflection upon one of our associates in the war with Germany.

I have tried personally in these debates to avoid any reflection upon the powers with which we were associated in the Great War. Some criticism perhaps was unavoidable, but I should like to take this occasion to repeat what I have said before, that

I believe the feeling between this country and France has always been one of real friendship. We have had our differences and occasionally criticize each other, but I think the feeling between the two countries is very deep and very strong.

I think that a great debt of the civilized world is due to France, or a great gratitude I should rather say, for her wonderful services in the war. After all it was France that bore the brunt of the attack. It was her territory that was devastated, her farms that were destroyed, her people who were deported.

The gallantry, the unshrinking courage, and self-sacrifice with which she met the onslaughts of the Germans for four years will always remain a great monument to France and a subject of admiration to all men who believe in courage and patriotism and love of country.

I do not think that France is in the least militaristic. I think she desires to have protection against the repetition of such sufferings as she has endured, and I think that is a feeling which we all must share.

Mr. President, I am sorry that has been said by the President. I regret also that the President should have taken occasion to say something about Italy which seems to me to be wholly uncalled for. Opinions may differ as to the disposition of parts of the Adriatic littoral. I myself believe, and so stated when the question first arose, and I have never changed my opinion, that the city of Fiume ought to belong to Italy. Its population is Italian. But the President criticizes it because he says the argument for Fiume rests on military and strategic reasons. That is true. The control of the head of the Adriatic by Austria has been a source of danger, a seat of invasion of Italy by Austria for more than a century. That Italy should desire to protect herself by holding this strategic point at the end of the Adriatic is not only natural but right.

Our Monroe doctrine rests on the great fundamental principle of the right of every nation to provide for its own preservation. Under the pact of London, Italy could have received much more territory than she thinks of claiming now, but she preferred to give up everything in order that she might hold Fiume, not merely because of the sentiment that it was a city populated by men of her race but because it was her defense and protection in the future, and her holding of Fiume and Trieste would be a barrier against future wars.

Italy made enormous sacrifices in this war; she lost more than half a million men; she is not a rich country; she has suffered heavily financially; and she has come before the peace conference and the world and asked for this city, giving up the strip of coast which she was awarded by the pact of London, in order that she might protect herself. Since when has it become a crime for a nation to seek for self-protection? Italy's arms had been victorious; at the close of the war she had taken possession of these territories, and now for strategic reasons she asks for that city. To condemn Italy or any other country for demanding that which will be of value to her safety in the future seems to me to be a very harsh and unjust judgment.

I was one of those who believed that Danzig should be given to the Poles as the only exit for Poland. The whole valley of the Vistula is Polish; the city of Danzig is German. We were told that Danzig must not go to Poland, because the population of Danzig is German, although the population of the hinterland is Polish. We are told, however, when it comes to Fiume that Fiume must not be given to the Italians because, although the population of the city is Italian, the hinterland is Jugo-Slav.

Mr. President, from my point of view it is to be regretted that the President should have interfered in a question which does not concern us. It is our desire to be friends to both Italy and the Jugo-Slavs and not to make ourselves needlessly the arbiters of their fate; but, after all, our relations with Italy have been close for many years and have always been friendly. The sympathy of the United States has always been with Italy in her struggle against foreign oppression and foreign tyranny, and I am sorry that we should be put, as a country, in the position of deserting her now. The American people have deep regard for Italy. They know her history, her wonderful achievements in art and literature. They will resent this attempt of the President to deprive her of her safety in the future and of the Italian city redeemed from Austria by her victorious armies. I think the argument in favor of article 10 might have been made without going out of the way to say the things the President has seen fit to say about both France and Italy.

Mr. President, we have before us at this moment article 14, which provides for equality of voting in the council and assembly of the league. I have never had the slightest desire to make any attack of any kind upon Great Britain; I do not blame her for looking after her own interests; I wish we looked after our interests as well, instead of concerning ourselves entirely with the interests of other people; but, Mr. President, there should be no assembly of the nations where the United States is placed in an unequal position. Amendments were offered here by the junior Senator from California [Mr. JOHNSON] which would have given us what we wanted, and that is an equal vote. I do not believe there is a Senator on this floor who desires to exclude Canada or South Africa or New Zealand or Australia from a place and a vote in the league. They are not only self-governing dominions, they are democratic in their forms of government; but the Senate did not permit us to make that change, and it was absolutely essential that inequality of voting should be done away with.

I do not see how any American can consent deliberately to send the United States into the league with 1 vote against 6 votes for the British Empire or against a larger vote for any country that is also a member of the league. For this reason we adopted the fourteenth reservation, which is known as the Lenroot reservation. It is proposed here to prefix a sentence to it which will enable the league, if it is so minded, to adopt the principle of the Johnson amendment, to see to it that the United States has an equal vote with any power at the board, but which does not deprive the self-governing dominions of Great Britain of their voice and vote to which they feel, and with justice, that they are entitled. I hope, therefore, that the amendment I propose may be adopted.

Mr. President, I have one more word to say in regard to the letter of the President. The President says in that letter:

> For my own part I am not willing to trust to the counsel of diplomats the working out of any salvation of the world from the things which it has suffered.

The whole peace conference which framed the treaty and the league covenant was composed of diplomats; the result of their labors is an alliance, and every provision in the covenant of the League of Nations is left in the hands of diplomats. The representatives of the different countries sitting in the council and in the assembly are all diplomats, representing their own countries, governed by the interests of their own countries and acting from purely political motives and motives of expediency. Now, the President says that the salvation of the world must not be sought by the counsel of diplomats. That cuts out of the treaty every provision in it except article 10 and article 10 is not diplomatic; it is an appeal to naked force. That is why we so much object to it; that is why the country so much objects to it; it is naked force for which each nation is made individually responsible.

There is not one objection which has been made by the most extreme opponents of the league and of article 10, particularly, that is not admitted and advocated in the letter of the President. Article 10 is the one pure force article in the covenant. He discards all the others and stands on that alone. It is well that he has said it; the issue can be veiled no longer; it justifies the position that we on this side, all alike, have taken, that there must be no obligation imposed on the United States to carry out the provisions of article 10.

Mr. HITCHCOCK. Mr. President, inasmuch as the letter of the President has been referred to, I ask to have it inserted in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The President's letter is as follows:

THE WHITE HOUSE,
Washington, 8 March, 1920.

MY DEAR SENATOR HITCHCOCK: I understand that one or two of your colleagues do me the honor of desiring to know what my views are with reference to Article X of the League of Nations and the effect upon the League of the adoption of certain proposed reservations to that Article. I welcome the opportunity to throw any light I can upon a subject which has become so singularly beclouded by misapprehensions and misinterpretations of every kind.

There is no escaping the moral obligations which are expressed in positive terms in this article of the covenant. We won a moral victory over Germany far greater even than the military victory won on the field of battle, because the opinion of the whole world swung to our support and the support of the nations associated with us in the great struggle. It did so because of our common profession and promise that we meant to establish "an organization of peace which should make it certain that the combined power of free nations would check every invasion of right and serve to make peace and justice the more secure by affording a definite tribunal of opinion to which all must submit and by which every international readjustment that cannot be amicably agreed upon by the peoples directly concerned shall be sanctioned." This promise and assurance were written into the preliminaries of the armistice and into the preliminaries of the peace itself and constitute one of the

most sacred obligations ever assumed by any nation or body of nations. It is unthinkable that America should set the example of ignoring such a solemn moral engagement.

For myself, I feel that I could not look the soldiers of our gallant armies in the face again if I did not do everything in my power to remove every obstacle that lies in the way of the adoption of this particular article of the covenant, because we made these pledges to them as well as to the rest of the world and it was to this cause they deemed themselves devoted in a spirit of crusaders. I should be forever unfaithful to them if I did not do my utmost to fulfill the high purpose for which they fought.

I think, my dear Senator, we can dismiss from our minds the idea that it is necessary to stipulate in connection with Article X the constitutional methods we should use in fulfilling our obligations under it. We gain nothing by such stipulations and secure nothing which is not already secured. It was understood as a matter of course at the conference in Paris that whatever obligations any government assumed or whatever duties it undertook under the treaty would of course have to be fulfilled by its usual and established constitutional methods of action. Once or twice in meetings of the conference, when the treaty was under consideration, "reservations" were made to that effect by the representatives of individual powers, and those "reservations" were invariably received in the way in which men who have met for business and not for talk always receive acts of scrupulous supererogation—listening to with indifferent silence, as such men listen to what is a matter of course and was not necessary to say.

There can be no objection to explaining again what our constitutional method is and that our Congress alone can declare war or determine the causes or occasions for war, and that it alone can authorize the use of the armed forces of the United States on land or on the sea. But to make such a declaration would certainly be a work of supererogation.

I am sorry to say that the reservations that have come under my notice are almost without exception not interpretations of the articles to which it is proposed to attach them but in effect virtual nullifications of those articles.

Any reservation which seeks to deprive the League of Nations of the force of Article X cuts at the very heart and life of the covenant itself. Any League of Nations which does not guarantee as a matter of incontestable right the political independence and integrity of each of its members might be hardly more than a futile scrap of paper, as ineffective in operation as the agreement between Belgium and Germany which the Germans violated in 1914. Article X as written into the Treaty of Versailles represents the renunciation by Great Britain and Japan, which before the war had begun to find so many interests in common in the Pacific; by France; by Italy—by all the great fighting powers of the world of the old pretensions of political conquest and territorial aggrandizement. It is a new doctrine in the world's affairs and must be recognized or there is no secure basis for the peace which the whole world so longingly desires and so desperately needs. If Article X is not adopted and acted upon, the governments which reject it will, I think, be guilty of bad faith to their people whom they induced to make the infinite sacrifices of the war by the pledge that they would be fighting to redeem the world from the old order of force and aggression. They will be acting also in bad faith to the opinion of the world at large to which they appealed for support in a concerted stand against the aggressions and pretensions of Germany. If we were to reject Article X or so to weaken it as to take its full force out of it, it would mark us as desiring to return to the old world of jealous rivalry and misunderstandings from which our gallant soldiers have rescued us, and would leave us without any vision or new conception of justice and peace. We would have learned no lesson from the war but gained only the regret that it had involved us in its maelstrom of suffering. If America has awakened, as the rest of the world has, to the vision of a new day in which the mistakes of the past are to be corrected, it will welcome the opportunity to share the responsibilities of Article X.

It must not be forgotten, Senator, that this article constitutes a renunciation of wrong ambition on the part of powerful nations with whom we were associated in the war. It is by no means certain that without this article any such renunciation will take place. Militaristic ambitions and imperialistic policies are by no means dead even in the counsels of the nations whom we most trust and with whom we most desire to be associated in the tasks of peace. Throughout the sessions of the conference in Paris it was evident that a militaristic party, under the most influential leadership, was seeking to gain ascendency in the counsels of France. They were defeated then, but are in control now. The chief arguments advanced in Paris in support of the Italian claims on the Adriatic were strategic arguments, that is to say, military arguments, which had at their back the thought of naval supremacy in that sea. For my own part, I am as intolerant of imperialistic designs on the part of other nations as I was of such designs on the part of Germany.

The choice is between two ideals: on the one hand, the ideal of democracy, which represents the rights of free peoples everywhere to govern themselves, and on the other hand, the ideal of imperialism which seeks to dominate by force and unjust power, an ideal which is by no means dead and which is earnestly held in many quarters still. Every imperialistic influence in Europe was hostile to the embodiment of Article X in the covenant of the League of Nations, and its defeat now would mark the complete consummation of their efforts to nullify the treaty. I hold the doctrine of Article X to be the essence of Americanism. We cannot repudiate it or weaken it without at the same time repudiating our own principles.

The imperialist wants no League of Nations, but if, in response to the universal cry of the masses everywhere, there is to be one, he is interested to secure one suited to his own purposes, one that will permit him to continue the historic game of pawns and peoples—the juggling of provinces, the old balances of power, and the inevitable wars attendant upon these things. The reservation proposed would perpetuate the old order. Does anyone really want to see the old game played again? Can anyone really venture to take part in reviving the old order? The enemies of a League of Nations have by every true instinct centered their efforts against Article X, for it is undoubtedly the foundation of the whole structure. It is the bulwark, and the only bulwark, of the rising democracy of the world against the forces of imperialism and reaction.

Either we should enter the league fearlessly, accepting the responsibility and not fearing the rôle of leadership which we now enjoy, contributing our efforts towards establishing a just and permanent peace, or we should retire as gracefully as possible from the great concert of powers by which the world was saved. For my own part, I am not willing to trust to the counsel of diplomats the working out of any salvation of the world from the things which it has suffered.

I believe that when the full significance of this great question has been generally apprehended, obstacles will seem insignificant before the opportunity, a great and glorious opportunity, to contribute our overwhelming moral and material force to the establishment of an international régime in which our own ideals of justice and right may be made to prevail and the nations of the world be allowed a peaceful development under conditions of order and safety hitherto impossible.

I need not say, Senator, that I have given a great deal of thought to the whole matter of reservations proposed in connection with the ratification of the treaty, and particularly that portion of the treaty which contains the covenant of the League of Nations, and I have been struck by the fact that practically every so-called reservation was in effect a rather sweeping nullification of the terms of the treaty itself. I hear of reservationists and mild reservationists, but I cannot understand the difference between a nullifier and a mild nullifier. Our responsibility as a nation in this turning point of history is an overwhelming one, and if I had the opportunity I would beg everyone concerned to consider the matter in the light of what it is possible to accomplish for humanity rather than in the light of special national interests.

If I have been truly informed concerning the desire of some of your colleagues to know my views in this matter, I would be very glad if you should show this letter to them.

Cordially and sincerely yours,

WOODROW WILSON.

Hon. GILBERT M. HITCHCOCK,
United States Senate.

Mr. EDGE. Mr. President, inasmuch as the President in his latest letter on the treaty has seen fit to pay particular attention to those Senators who have felt that while we had obligations abroad we should first protect the sovereignty and independence and peace of the United States, I should like to say just a word on the same line.

Some of us really have felt that the President was sincere in his conviction that a League of Nations, subscribing to certain covenants and agreements, could materially influence for good the peace of the world, and we have consistently endeavored to bring this about, insistent at all times, however, that the interests of the United States first should be unquestionably preserved. Apparently, the President, by the clear terms of his latest utterance, despite the indisputable lack of protection developed through debate, still is as insistent as ever that the

United States must join this international corporation without reservation or protection, and to that extent I can not and will not follow him.

The President says that he "can not understand the difference between a nullifier and a mild nullifier." I thoroughly agree with him; but I do see a distinct difference between an "America-first" citizen and one who, apparently obsessed by what at one time seemed the possibility of world power, is still willing to pledge the resources and men of the United States and engulf them in the maelstrom of Europe without qualification, so that if Congress should question the merit of a controversy abroad, the honor of this Nation could be impugned and America be accused of repudiating an unqualified agreement.

Some of us have been and are ready and willing to provide that America, which evaded no responsibility in time of war, should evade none in time of peace; but we insist that America, and America alone, shall decide each individual case without its honor and integrity being under the slightest question or review.

The President suggests that it is unnecessary "to stipulate in connection with article 10 the constitutional methods we should use in fulfilling our obligations under it," and, further, that "we gain nothing which is not already secured." He ignores utterly the main question, which, in my judgment, has influenced those Senators who have been insistent upon the American reservation to article 10. This reservation protects America's people from sacrifice on European battle fields, but, more than that, it protects America's honor. Protects America's honor—that in itself is more than sufficient to justify this reservation.

It seems to me that this should be considered a matter of paramount importance; it protects America's honor because it permits Congress, which is America, to use its own judgment and give consideration to justification before it passes on a declaration of war, or permits American boys to engage in European conflicts. No one questions that the entire power of making war rests solely and alone with Congress. That is not the issue and never has been. I differ with the President as to the necessity of the reservation because without this stipulation the American Congress automatically would be bound to enter a war under article 10, or else to sacrifice a moral obligation and thus sacrifice America's honor, which no true American ever would permit.

The President, with that familiar touch of sentimentalism, tells us, "I feel I could not look our soldiers in the face again if I did not do everything in my power to remove every obstacle that lies in the way of the adoption of this particular article of the covenant." In similar language, but in all sincerity, I feel that I could not look those brave soldiers in the face if, as a Member of the United States Senate, I voted for an agreement which, on its very face, demands that we resend American armies to defend territory secured by conquest and intrigue, and to do so without the Congress of the United States being, in effect, permitted to pass on the justification for the invasion. It is said that the first call anticipates an American Army of 250,000 men to maintain peace among the Kurds, Turks, and Armenians. Yes; having been governor of a great State during the period of the formation of our Army, and having personally reviewed and witnessed thousands and thousands of boys from our own State leaving for Europe, and having witnessed the arrival of hundreds of thousands of boys from practically all the States of the Union, who had sailed from Jersey's shores—having realized by such close observation the suffering and the sacrifices, and having met the remnants of these units on their return to Jersey's shores—having, as I say, witnessed all this at closest range, I indeed would hesitate to look a soldier in the face if by my vote we deliberately agreed for all time to come and without question, unless we repudiated our moral obligations, to defend foreign territory and enter into foreign entanglements which, from the very outset, means a large army of these boys permanently on foreign soil.

If it be necessary, in order to try out this experiment of supergovernment, to enlist the United States as a member without a square, positive, understandable reservation that the elected Congress of this country shall, without question of honor or integrity, pass on every call for "crusaders," as they are called, to be sent abroad, then count me positively and emphatically in opposition.

Frankly, I regret that, apparently, it is impossible for the experiment of a world's parliament to be tried out, and further regret that the President of our people is more insistent than even such British authorities as Earl Grey, Lord Burnham, and others, who do not seem to question the American reservations and who do seem to understand and approve the sound reasons for these American safeguards. I regret all this because I at all times have seen in the league, with proper restrictions, an opportunity for good. However, the die is cast. If America can not be protected, America can not afford to risk its all—to risk its honor, the lives of its young men, its resources, subject always to the control of the selfish politicians abroad, whose imperialistic designs and determination have been made clearer and clearer while the days of sacrifices seem to have been rapidly forgotten.

Mr. KELLOGG. Mr. President, I hesitate somewhat to break into the discussion of the treaty with an outside matter, but perhaps it is well to mix them up a little.

I should like to call the attention of Senators to a remarkable statement which has been put out over the country by Mr. McAdoo, and the astonishing credence which some of the newspapers give to his remarks. They are even taken seriously.

This matter has been mentioned in the House of Representatives, but it seems to me it should be called to the attention of every Senator who wishes to consider the financial conditions of this country to-day.

What is Mr. McAdoo's scheme? He proposes to reduce taxes a billion dollars. He knows that that, of course, is popular with the American people. It is always popular to reduce taxes, and it is a thing that we should try to do; but let us see how he proposes to do it.

His scheme, which has been published and commented on elaborately all over the country, is, first, not to collect $500,000,000 a year which foreign countries owe us for interest on loans of $10,000,000,000 or over, and to fund that interest into bonds, and sell the bonds to the people. His next scheme is to postpone for two years the collection of the sinking fund which the Congress provided for when it issued these bonds, in order that we might immediately commence carrying out that soundest principle of finance, reducing the Government debt. That would make, he says, $750,000,000, and in some way he says we ought to save $250,000,000, making a billion dollars, and immediately reduce the taxes.

Aside from any principle of destroying the present value of Government bonds in the market, let me invite the attention of the Senate for a moment to the present condition of the Treasury of the United States. Why, Mr. President, the estimates of the heads of the executive departments of this Government for 1921, together with the deficit of last year, and those sums which we have already incurred, make the present estimates for next year close to $10,000,000,000; and the most that can be hoped by way of Government income for the next year, under the present rate of taxation, is $6,000,000,000. I am speaking in round figures. I was under the impression that the distinguished former Secretary of the Treasury [Mr. GLASS], who is now a Member of the Senate, was opposed to the issuance of Government bonds; and yet Mr. McAdoo says:

> Let us issue $750,000,000 more of Government bonds, and in some way save $250,000,000, and reduce the taxes immediately by that amount.

Why, Mr. President, in the first place, $250,000,000 is nothing to what we should save. In the second place, everybody knows that the issuance of more bonds at this time or at any time following this war is the height of folly in finance. It will not only continue that inflation which has prevailed during the war but it will endanger the present system of credit in this country; and nothing will tend to depress the twenty billions of bonds outstanding more than to take away the sinking fund and to sell additional bonds at a greater rate of interest. The Government can not sell more bonds at the present rate, with bonds selling subject to surtax at practically 90 cents on the dollar. The Government must sell its bonds, then, under par, or make them totally exempt from taxation, or increase very largely the rate of interest; and then if we take away the sinking-fund provision or sell bonds tax exempt, or at a higher rate of interest, where will the present twenty billions of Government bonds go to in the market? They are the basis of a large amount of the credits of this country on which the business of the country is being transacted. But Mr. McAdoo seems to think that when you give a bond or a note you have paid a debt. That was always a very important part of his financial education. He never considered the question of payment in finance—only the question of running in debt—and that is the basis on which he is recommending to-day that the Congress of the United States shall manage the finances of this country in the future.

Mr. President, I have no doubt that the bond speculators and Wall Street would be very glad to have a bond issue. They are always pleased with that, and I have no doubt that Mr. McAdoo reflects the opinion of many people in what might be called high finance; but the business interests of this country, the small merchants, the business men, know that if we are going to continue our prosperity, inflation must cease, economy must be

the rule instead of extravagance, and we must stop issuing bonds and start upon the back road of retrenchment.

Mr. President, it is proposed to save $250,000,000 and reduce taxes a billion dollars. Why, if you did that, that would make nearly four billions of deficit instead of three. I do not know of anybody in this country who has added more to the losses of the Government than Mr. McAdoo has when he insisted on taking over the railroads. The wild extravagance that ensued, and the McAdoo schemes of finance, have cost this Government more than a billion dollars, and now he is talking about retrenchment.

Mr. President, we must face the fact that with the present income of this Government there is a deficit of $3,000,000,000 for this year to be carried over to next year. What are we going to do? The House of Representatives in the present Congress has announced, and it is announced by members of the Appropriations Committee of the Senate, that they propose to cut the estimates about a billion and a quarter. We hope to keep in the Treasury untouched a billion dollars appropriated to purchase the wheat crop; and I think we will, unless we knock the bottom out of the wheat market and compel the Government to buy all the balance of it. Even then there is bound to be a large deficit next year, and there is but one thing for this Congress to do, to discard these schemes and get down to the bedrock basis of economy in expenditures, so that we may at an early date begin to reduce taxes. It can be done if we will set our faces against the wild extravagance which has been going on and which is incident no doubt to a great extent to war.

Nothing will hurt this country more than to start another régime of issuing and selling Government bonds. England saw the danger and a year ago recommended that immediately they should put in force a sinking fund for retiring their bonds.

Mr. President, this is a question to which the Finance Committee and Appropriations Committee should give the most careful attention, because with the inflated condition of our currency, with high prices, our business in this country is in a very dangerous condition and it can not be remedied by continuing the issuance of bonds. I am very anxious to commence the reduction of taxes as I know that many of these taxes are but added to the cost of the necessaries of life, but I believe in doing it through economy and saving rather than issuing more bonds to avoid levying taxes.

Mr. OWEN. Mr. President, I am in favor of passing the treaty immediately and am quite ready to support the resolution of ratification either with "interpretative reservations," agreeable to President Wilson, or the "Hitchcock reservations," or the "Lodge reservations." The differences are not sufficiently important to justify delay in declaring peace.

The country, with just cause, overwhelmingly demands it, and is incensed with all those who delay it.

The treaty of peace should pass at once because—

1. Our laws should be on a legal peace basis—not on a war basis. The reduction of the high cost of living demands it. The social unrest in our country demands it.

2. All rules and regulations based on war and all war boards and commissions should be revoked. With peace comes automatic repeal of war measures.

3. Our relations with enemy nations are definitely fixed by the treaty, determining our rights as a Nation and as citizens. Billions of dollars are involved, including all alien property, Americans' properties in alien enemy countries, all war damages, and our trade, social, and political relations.

4. The ratification will stabilize Europe and the reconstruction of the nations. It will enable them to pay us, and thus lower our taxes and lower our high cost of living thereby.

5. The more rapid restoration of Europe's productive activities means their self-support, larger exports to us, greater supplies for Europe and for us.

6. It will cause the rise in value of European currency and international exchange, and restore many impaired fortunes.

7. It will strengthen the prestige and standing of the United States, and improve our political, social, and trade relations with all other nations.

8. It will help to end the starvation, social unrest, and growth of radical socialism and bolshevism in Europe.

The covenant of the League of Nations ought to pass, because—

(a) It provides for a mechanism to settle all international disputes, (1) by diplomacy, (2) by conciliation, (3) by arbitration, (4) by a court of international justice, (5) by the council, (6) by the assembly, (7) by delay, (8) by agreeing to respect the territorial integrity and existing political independence of member nations, and (9) to preserve it, (10) by boycott, (11) by blockade, and, if necessary, (12) by military and naval force.

(b) (14) It provides for gradual disarmament on land and sea, to abate the high taxes of preparation for war. (15) It ends conscription and (16) abates private munition making. (17) It ends secret treaties and (18) gives publicity to all war preparations. (19) It provides a world forum where subject peoples can bring their grievances. (20) It establishes a world assembly where all nations may meet in conference and develop the principles which will promote the peace and happiness of mankind. (21) It ends military autocracies and establishes for all time the rule of civilized democracies. It ushers in a new great era where the diligence, providence, and creative genius of mankind can fully function under the blessings of peace and liberty.

REASONS FOR DEFEATING TREATY NOT JUSTIFIED.

After 12 months of discussion the only irreconcilable difference remaining unadjusted between the President, Senator HITCHCOCK, and Senator LODGE appears to be over article 10, which provides:

"The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

"In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled."

President Wilson, Senator HITCHCOCK, and Senator LODGE are in accord on the United States undertaking "to respect" the territorial integrity and existing political independence of member Nations, but differ on the United States undertaking "to preserve" the territorial integrity, and so forth.

All three agree that the United States undertake "to respect," the territorial integrity, and so forth. President Wilson insists that the United States also undertake "to preserve" the territorial integrity, and so forth, subject to interpretative reservations.

Senator HITCHCOCK agrees that the United States undertake "to preserve," but not to use military or naval forces or the economic boycott "to preserve" unless Congress authorizes.

Senator LODGE refuses to agree that the United States undertake "to preserve" by any means whatever, unless Congress authorizes in each particular instance.

All the world agrees "to respect and preserve." President Wilson and Senator HITCHCOCK agree "to respect and preserve," Senator LODGE "to respect" but not "to preserve" unless Congress authorizes in each particular instance.

It is my opinion that with the overthrow of all the military dynasties and the world-wide establishment of democracies, and the League of Nations with its covenanted safeguards, the world's peace is assured even if the United States remains out.

But to keep the United States out of the league because of the very small differences between the President and Senator LODGE would be defeating a very great end for a very small end. They agree on 99 per cent of the German treaty and are liable to destroy it over a 1 per cent difference. To keep the United States out of the moral leadership of mankind would be a great wrong. To defeat the treaty would be a national calamity and would discredit the United States throughout the world.

If the President's view prevailed on article 10 no declaration of war or voting of war supplies could be possible without congressional action, and Congress would do what was morally right without the supposed moral coercion of article 10 "to preserve," and so forth, as Congress did in the case of Cuba and in the last Great War.

If Senator LODGE's view prevailed the same results would follow without the moral influence of the specific obligation of article 10. The moral obligation would exist any way to restrain an international outlaw from invading peaceful territory and upsetting the peace of the world.

I agree with President Wilson in believing the United States should enter on equal terms and with equal mutual obligations with other nations and not appear to distrust them or seem to seek the benefits of the treaty without being willing to meet our equal share of its burdens. I prefer article 10 as it is, but I am prepared, for the sake of passing the treaty and getting the advantages of it, to yield to the demand of a majority of my colleagues in the Senate. The views of the majority of the Senate are entitled to respect.

The country unhappily believes the differences are not reconciled because of personal and partisan pride.

I refuse to be a party to the defeat of the treaty or to its delay. I am ready to support it in any form and follow any leader who leads to its ratification, and I will not follow any leader who is leading to its defeat or delay.

Mr. President, the remarks which I have just delivered were written on March 7, before I was furnished with a mimeographed copy of the President's letter to Senator HITCHCOCK of March 8,

and are subject, therefore, to that understanding where I seem to have misapprehended the President's position.

It appears now to be the wish of the President to have his Democratic associates vote with the irreconcilable opponents of the treaty, defeat the resolution of ratification, and make the "treaty without reservations" the issue of the next election.

I should regard this as a great injury to our domestic interests. The delay in establishing peace has helped to raise instead of helping to lower the cost of living. The defeat of the treaty would injure American prestige abroad.

With the treaty "with or without reservations" as the campaign issue, the discussion of our vital domestic problems of reconstruction—the cost of living, monopolies and profiteering, and so forth—will be obscured as behind a smoke screen to the benefit of those selfish interests which have been taking unjust advantage of our people.

It will be impossible at the next election to elect a Senate favorable to the treaty without reservations, and every well-informed public man knows it, so that after the campaign the treaty will be in no better position relatively than it is now, and with the "treaty without reservations" as the issue the Democratic Party would have a ruinous handicap.

As far as I am concerned, as an American Senator who for very many years has ardently and strenuously served his party and his country and supported the administration on all suitable occasions, I decline to assume the slightest responsibility for the delay or the defeat of the treaty.

Mr. OWEN subsequently said:

Mr. President, after I submitted my comment this morning there was handed to me a telegram addressed to the Washington Post by Mr. Bryan, which I wish to read:

RATIFY TREATY, BRYAN URGES ON DEMOCRATS.

(By William Jennings Bryan.—Special to the Washington Post.)

MIAMI, FLA., *March 7.*

As ratification of the peace treaty without reservations is no longer within the range of possibility, the only hope of the United States entering the League of Nations lies in compromise, and the prospect of ratification by compromise grows brighter as the Democratic Senators vote for reservations. Several have been adopted by more than a two-thirds vote, only 17 Democrats voting against the Walsh reservation.

I am confident that the Democratic Senators will refuse to assume responsibility for making article 10 a campaign issue. To do so would be suicidal.

It not only would be grossly unjust to the little European Republics that need our counsel and influence in the league, but it would draw attention away from the profiteers and permit them to practice extortion unmolested; and it would also give militarists an excuse to demand big Army and Navy appropriations. That can be prevented if we enter the League of Nations.

The Democratic Senators can serve their party, their country, and the world by hastening the ratification of the treaty.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. KING. Mr. President, I offer the following substitute for the pending reservation.

The PRESIDENT pro tempore. As the Chair understands the situation, the Senator from Massachusetts has a right to perfect the reservation as reported by the committee before consideration of the substitute offered by the Senator from Utah.

Mr. KING. I understood that the Senator from Massachusetts had perfected his amendment, but if he has not——

Mr. LODGE. No; I offered an amendment to the pending reservation. It strikes out nothing, and is a pure addition.

Mr. KING. I withhold my tendered substitute until the Senator from Massachusetts has perfected his reservation.

Mr. LODGE. I have nothing to perfect. I have offered an amendment. The vote will be on the amendment which I offered.

The PRESIDENT pro tempore. The Chair understands that all those parts which appear in italics in the printed copy of the reservation have been offered by the Senator from Massachusetts.

Mr. LODGE. I offered one amendment, to prefix six lines to the reservation. There is a subsequent amendment which will be offered later. It is also in italics.

The PRESIDENT pro tempore. The Chair misunderstood the matter, inasmuch as the Secretary, under request, stated all the amendments proposed or intended to be proposed by the Senator from Massachusetts.

Mr. LODGE. I did not undertake to offer two amendments at once. I offered one amendment, which is to prefix certain words to the existing reservation. Then there is a second amendment to the text.

The PRESIDENT pro tempore. The Secretary will state the amendment as proposed by the Senator from Massachusetts.

The ASSISTANT SECRETARY. After the numeral "14," designating the proposed reservation, the Senator from Massachusetts proposes to strike out the article "The" and to insert:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just read.

Mr. WALSH of Montana. Mr. President, I think some discussion of this very important amendment ought to be had before the Senate commits itself to it. At least there ought to be a clear understanding of the differences between the reservation as it was heretofore adopted by the Senate and the reservation as it would be if this amendment, with others proposed in connection with it, is adopted.

The amendment is to be followed by another, marked in italics in the draft of the reservation offered by the Senator from Massachusetts on February 11, namely:

Except in cases where Congress has previously given its consent.

So that the reservation in that part will read:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote.

The first amendment proposed merely contemplates some future amendment of the covenant under which the United States shall have as many votes as any empire or nation with its self-governing colonies, dominions, and so forth, which means, as the matter has heretofore been interpreted, until the United States is granted 6 votes in the league.

Mr. President, whenever the United States is granted 6 votes in the league it follows, as a matter of course, that there is going to be a revision of the basis of representation. The United States is not going to have 6 votes in the league and France only 1. The United States is not going to have 6 votes in the league and Italy only 1. The United States is not going to have 6 votes in the league and Japan only 1.

Of course, Mr. President, if this read "until there is a revision of the basis of representation in the league, an amendment providing for a different basis of representation in the league, then the United States shall," and so forth, it would be all right; but we are not going to get any amendment of that character, and why should we provide for a condition until an amendment is made? I do not see that that helps the situation to any degree whatever. I think if the reservation is to be adopted at all it ought to be adopted as it was originally drawn, providing that the United States shall not be bound by any vote in which the self-governing colonies and dominions are permitted to vote, letting the future take care of itself so far as an amendment to the covenant is concerned changing the basis of representation. I think it would be exceedingly unwise for us to put into reservations any provision which would be effective or cease to be effective at some future time when the covenant is amended, so that the basis of representation shall be changed.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. LENROOT. The Senator understands, does he not, that under the original reservation, even though the league covenant should be amended giving us a number of votes equal to that of any other member, nevertheless we would not be bound under the original reservation by any action taken where such votes were cast.

Mr. WALSH of Montana. That is the statement I made. Under the original reservation the United States would not be bound.

Mr. LENROOT. So, after we got an equal number of votes, if we exercised them we still would not be bound under the reservation.

Mr. WALSH of Montana. It is inconceivable that an amendment to the covenant should be made changing the basis of representation and yet that we should be entitled to exercise the right conveyed by the reservation. At that time, as a matter of course, the United States would be called upon to abandon any right that it had in the matter. That would be a condition of the acceptance of the new basis of representation.

Mr. LENROOT. If it was agreed that it should be abandoned, why bring up the question at that time at all?

Mr. WALSH of Montana. Why bring it up now?

Mr. LENROOT. Because we then make clear that if they exercise the option to amend the league covenant, this reservation shall no longer be binding whenever the United States shall be given a number of votes equal to that of any other nation with its colonies.

Mr. WALSH of Montana. I do not care to delay the Senate further. I want the Senate to understand that this is a provision looking to a future amendment of the covenant of the league affecting the basis of representation. That is to say, we are to provide for what shall take place when the covenant of the league is amended. When the covenant of the league is amended, of course the amendment will take care of existing conditions.

Mr. LENROOT. Will the Senator yield?

Mr. WALSH of Montana. Excuse me. It is as if we passed legislation here in Congress that should be effective when the Constitution of the United States shall at some time in the future be amended. I yield to the Senator from Wisconsin.

Mr. LENROOT. We are simply providing that so long as this inequality exists we are not bound. When that condition is removed and we are upon an equality, we say that we are bound.

Mr. WALSH of Montana. I wish to point out the very serious objection to the reservation as it originally existed. I am not speaking about the objection fundamentally; I am speaking about the way in which it is put and the rights which the United States would be entitled to exercise under it. Under the original reservation it is provided—

That the United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote.

Bear in mind it says, "have cast more than one vote." What does that mean? It means that an election takes place, an election of a new member of the league, an election admitting a new member to the council, a report of the council upon a dispute submitted to it, or any other matter upon which the council or the assembly is obliged to cast a vote. While all the process of voting is going on the United States stands by. It gambles upon the result, and the result is unsatisfactory to it, and then it declares that it will not be bound after the vote has been taken. It repudiates any obligation to observe it at all. Mr. President, that is indecent. Of course if the United States is not going to be bound by the vote in some way or other, its attitude concerning the matter ought to be expressed before the vote is taken.

Mr. REED. Is it not expressed if we say in this reservation that we will not be bound? Is not that notice then in advance?

Mr. WALSH of Montana. It is notice to them in advance that we do not assume to be bound. We can remain bound or not as we see fit. Accordingly, here is a dispute between the United States and another country, we will say between this country and France. It goes to the assembly and Great Britain and her self-governing colonies vote upon the question. We expect to get their votes or to get enough of them to carry the dispute in our favor. We go on and let them vote. They vote, and we do not object at all. As I said, we expect to get their votes, but we do not get them. They vote with France, and then we say we will not be bound by it anyway.

Mr. REED. Will the Senator yield?

Mr. WALSH of Montana. Certainly.

Mr. REED. Before all that voting begins we serve notice on them in the most solemn manner, "No matter what this vote is, we will not be bound. If you cast more than one vote we refuse to be bound." What is unfair about that? Let us follow the Senator's illustration. Suppose we say that to them——

Mr. WALSH of Montana. Really, I yield to the Senator for any question he has to put, but I do not think he ought to inject an argument in the midst of my discussion.

Mr. REED. Very well.

Mr. WALSH of Montana. What difference is there, Mr. President? We say we assume no obligation to be bound, but notwithstanding that we submit our controversy to the council, we appeal to the assembly, the votes are taken, we expect to get a favorable result and our expectations are hopeless; they are not realized. Then we say to the conference, "Well, we will not be bound by it. See reservation No. 14."

I insist that if we are to deal fairly with the other nations of the earth in all the matters which we submit to adjudication and determination, and if we are not going to be bound by any decision that we ourselves invite by submitting the controversy to the council or on appeal to the assembly, as the case may be, the other parties in the dispute ought to know about it.

We ought to say in advance if we have any such dispute with France now, Great Britain and her six self-governing colonies or dominions are entitled each to cast a vote upon the dispute. We give notice in advance that if they do cast those six votes we will not be bound by the decision. Accordingly they will refrain from voting. But if we do not, if we stand by and allow them to vote without telling France in advance that we are not going to be bound by it, how can we in decency fail to recognize the decision as binding?

An amendment is proposed in order to meet that situation of affairs. It will be found in the draft submitted by the Senator from Massachusetts [Mr. LODGE] on February 11 as follows:

Except in cases where Congress has previously given its consent.

In such a case as I have spoken of, a dispute between this country and France, we appeal to France to arbitrate the dispute and she declines to do it. We then submit the matter to the council, and having submitted it to the council we appeal to the assembly as provided in article 15. Mr. President, this reservation provides that if Congress does not pass an act consenting in advance to be bound by the decision, the self-governing colonies of Great Britain participating, we are still at liberty, even though we go through all the formalities of submitting the matter to the assembly, not to be bound by the decision. I insist that by all the rules of right and decency if we are not going to be bound, our member of the council or of the assembly, as the case may be, ought to say so, ought to announce clearly and distinctly and in unequivocal terms that the United States will not be bound.

It is a fundamental rule in every court that one can not gamble upon the verdict of a jury and afterwards complain about it. If he has any cause to complain, of which he knows in advance, he must tell it and disclose it and make his objection before the result is announced; he can not be heard to assert it afterwards. We ought not to reserve that right.

Much is said about the Americanization of this treaty; but, Mr. President, we can Americanize it to such an extent as will involve the honor of the United States; that is to say, we may ask things for ourselves in connection with these matters that in decency we ought not to ask. I submit that in all honor we ought not to ask the privilege of not being bound by a decision which we ourselves invite and ask and in respect to which we allow the self-governing dominions and colonies of Great Britain to vote without any protest whatever upon our part. I think the original reservation ought to be amended so as to provide that—

The United States assumes no obligation to be bound, except in cases in which its consent has previously been given, by any election, decision, report, or finding—

And so on.

That is as far as we ought to go. If we keep silent under such a provision as that, we shall not be bound; the other parties will know it, and they will call upon us to declare whether or not we propose to be bound. Then we shall have to declare our attitude.

I appeal most sincerely and most earnestly to Senators whether these considerations are not such as ought to move us, regardful as we must be and as we are of the honor of our country, to put some such provision as this I have suggested in the reservation. It would be an intolerable condition of affairs if we had any controversy with any country on earth which we ourselves submitted to the council and by appeal to the assembly, allowed without protest the self-governing colonies and dominions of Great Britain to vote, and then, when the decision went against us, declared that we would not be bound by it. I do not believe that the Senate of the United States cares to put this Nation in that attitude.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The question before the Senate is on the amendment offered by the Senator from Massachusetts to reservation No. 14.

Mr. BALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Curtis	Glass	Kendrick
Beckham	Dial	Gronna	Keyes
Borah	Edge	Hale	King
Brandegee	Elkins	Harris	Kirby
Capper	Fletcher	Harrison	Lenroot
Chamberlain	France	Henderson	Lodge
Colt	Frelinghuysen	Hitchcock	McCormick
Culberson	Gay	Jones, Wash.	McKellar
Cummins	Gerry	Kellogg	McNary

Moses	Phipps	Smith, Md.	Trammell
My[illegible]	Pittman	Smith, S. C.	Wadsworth
New	Poindexter	Smoot	Walsh, Mass.
Norris	Pomerene	Spencer	Walsh, Mont.
Nugent	Reed	Stanley	Warren
Overman	Sheppard	Sterling	Watson
Page	Simmons	Thomas	Williams
Phelan	Smith, Ga.	Townsend	Wolcott

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

Mr. HITCHCOCK. Mr. President, before the vote is taken upon this reservation I ask to have read by the Secretary a statement by Mr. Rowell, acting secretary of state for external affairs, at Ottawa, Canada, as to what Canada will do in the event of the adoption of this reservation.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

SAYS CANADA WILL NOT RATIFY UNDER LENROOT RESERVATION.

(By the Associated Press.)

"OTTAWA, *February 16.*

"N. W. Rowell, acting secretary of state for external affairs, declared emphatically last night that Canada would never consent to ratification of the peace treaty by the United States if the Lenroot reservation was adopted either in its original form or with the proposed amendment. Mr. Rowell, who is also president of the privy council, outlined Canada's position in a speech delivered before a mass meeting of war veterans.

"The Lenroot reservation would deprive Canada of her independent voting power in the League of Nations.

"'If the United States Senate should adopt the Lenroot reservation,' the secretary said, 'either in its original form or amended as now suggested, and should also adopt the preamble as proposed, Canada, as one of the nations of the British Empire and a party to the treaty, would be called upon to decide what action she should take under these conditions. There can be no possible doubt what Canada's decision will be. She can not and will not consent to any impairment of her status and voting rights under the treaty. Therefore, when final action on the treaty is taken by the Government of the United States, if the ratification can only become effective on Canada's assent thereto, the ratification can not go into effect, so far as Canada is concerned, as Canada will not give that assent.

"'Canada has made her position perfectly clear to the proper authorities in London and she has asked them to make her position clear to the authorities in Washington. We have done this in the interests of good understanding between the United States and Canada.

"'The reasons why Canada can not assent are so obvious that they need hardly be mentioned. I shall only mention one. Canada, by the free action of her own Government and the wholehearted cooperation of her own people, raised 600,000 men to take part in this war. She mortgaged her future to carry the burdens which her participation in the war involved. The flower of her youth lie buried in France and Flanders and thousands more are maimed for life in order that Canada as one of the free nations of the Britannic Commonwealth might make her contribution to the cause of liberty and the restoration of the world's peace.

"'In the light of these facts it is inconceivable that any government in Canada could be so false to both the living and the dead and to Canada's future as to give the assent of Canada to a proposal which would deprive Canada of the position and status won for her by her soldiers on the field of battle and accorded to her at the peace conference by the enlightened judgment of nations. Particularly this is the case when full status and voting rights are granted—and we think properly granted—to several nations of the American Continent, which either by reason of treaties with the United States or of economic necessity are dependent upon her; nations which took no part in the war and whose combined population probably does not exceed that of Canada.'"

Mr. LENROOT. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] continues to-day to urge the claims of a foreign nation as against the claims of the United States, which is entirely consistent with the course that he took yesterday; but I want to call attention to one paragraph of the article just read, sent to the desk by the Senator from Nebraska. It is as follows:

Canada has made her position perfectly clear to the proper authorities in London and she has asked them to make her position clear to the authorities in Washington.

"Canada has made her position clear to the authorities in London," and yet the Senator from Nebraska stands here upon this floor and says that Canada is a free and independent nation, when she can not even communicate with the United States except by sending her communication across the Atlantic Ocean twice before it can reach Washington!

The proper authorities in London—

"Authorities," speaking not only for the British Isles but for the entire British Empire, including Canada; and I should like to have the Senator from Nebraska indicate how Canada can object to these reservations.

Mr. REED. Through the proper authorities in London. [Laughter in the galleries.]

The PRESIDING OFFICER. Let there be order in the galleries.

Mr. LENROOT. But if we are to believe that Lord Grey represents the attitude of the British Empire, presumably the foreign office in Great Britain would refuse to take the position of Canada and would not object, and Canada, notwithstanding the statements of the Senator from Nebraska in regard to her being free and independent, is so helpless, so subordinate, so subject to Great Britain that she has not even an opportunity to make an objection!

Now, just a word, Mr. President, with reference to the argument of the Senator from Montana [Mr. WALSH] as to the unfairness of this reservation.

There is an amendment that will next be offered providing that except in cases where Congress has previously given its consent we shall not be bound by any election, decision, and so forth, and so forth. I take it from the argument of the Senator from Montana that what he desires is to give to the representative of the United States in the League of Nations full and complete authority to bind the United States.

Mr. President, the United States had a representative at the peace conference who helped to frame this treaty and dictated it in large part. Fortunate, indeed, was it for the United States that that representative did not have the power to bind the United States by the action that he took.

Under the Constitution, the Senate stands between the people of the United States, for their protection, and the representative that the United States had at that peace conference; and if that representative had had the power to bind the United States, as the Senator from Montana now desires to have a representative of the United States in the League of Nations given power to bind the United States—in other words, if President Wilson had had the power to bind the United States at the peace conference—the liberty and independence of the people of the United States would have been destroyed to-day by this treaty.

Mr. BORAH. Mr. President, I am not going to delay the vote. I simply call attention to a single paragraph in the English publication known as the National Review of February, 1920, which has just reached this country, in support of the argument which the Senator from Wisconsin [Mr. LENROOT] has just been making.

In discussing the League of Nations this writer says:

The bonds which connect the constituent parts of an Empire or Commonwealth may be loosely or tightly drawn, strong or weak; but unity in its relations with the outside world is an essential condition of its continued integrity. The British Empire is often spoken of as a partnership of sister nations. But partners, whether in government or trade, must owe undivided allegiance in matters of common concern to their own partnership. They must speak with one voice in their relations with the outside world. They must settle their policy together and must not individually take their instructions from strangers.

The whole argument is crystallized in a single sentence—that however they may be associated together as a partnership, whether loosely or tightly, or whatever differences they may have among themselves, whatever may be their different interests in the different localities, when they come to deal with the outside world they speak with one voice; that is to say, they are a united people. Of course, everybody knows that is true with reference to the British Empire—that while the Empire covers all races and reaches to all climes and all conditions of existence, when they speak to the outside world they are one; and in this instance they would do the same, regardless of the fact that Canada, upon the north, is a western country.

Mr. PHELAN. Mr. President, the series of amendments presented to the Senate does not include as an alternative an amendment which was proposed by my colleague [Mr. JOHNSON of California], who is absent from the Chamber at the present time, and of whose present views I have no information; but in order to bring it before the Senate, I will offer it now. I desire to state that when it was proposed last November it was defeated by a close vote of 46 to 43.

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from California offer it as a substitute?

Mr. PHELAN. As a substitute.

The PRESIDING OFFICER. The Chair is of the opinion that the substitute is not in order until the amendments pend-

ing to the reservation, which may be termed perfecting amendments, are disposed of one way or the other.

Mr. PHELAN. Then, Mr. President, I will bide my time.

I desire to state, though, while I have the floor, that the amendment proposes to give one vote each to England and her five colonies of South Africa, India, Australia, New Zealand, and Canada. The pending amendment endeavors to confine the British Empire in the deliberations of the assembly to one vote, which would represent England and all her colonies, and that would equalize the empire with the United States; but I have been of the opinion—and I supported last November this amendment which I now propose—that it would be very much better, if a change is to be made in the covenant, to allow each of these self-governing colonies to have a vote, and to allow the United States to have a vote equivalent to the sum of all the votes of the colonies plus the mother country.

The object, sir, would be this: First, these several colonies of New Zealand, Australia, and Canada understand particularly our Pacific problem and are with the United States in its desire to prevent oriental aggression in the Pacific. When the matter of national or racial equality was proposed by the Japanese, Baron Makino, at the peace conference, I am convinced that the representatives of the United States voted with Great Britain, voicing the sentiment of her colonies, and, thus denying unanimity of action, defeated the proposal of the Japanese. If that proposal had prevailed and had become an article of the League of Nations, the United States would be unable, unless in violation of the pact, to deny to the Japanese free immigration, citizenship, land ownership, intermarriage, and all those privileges which pertain to the nationals of other lands.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. PHELAN. I yield.

Mr. REED. The Senator has spoken of Australia and Canada very likely taking the view that California takes against Japanese immigration. I think that is true; but at the same time that we admit to voting Australia and Canada, we also admit India. Does the Senator know how India would stand on that question?

Mr. PHELAN. I have no knowledge as to that.

Mr. REED. Does the Senator know how South Africa would vote on that question?

Mr. PHELAN. Yes; I am convinced that South Africa is opposed to oriental immigration.

Mr. REED. Has the Senator any especial reason for that?

Mr. PHELAN. Nothing except the general attitude of the South Africanders against the importation of coolies; and, of course, for that matter, the people of India, the Hindus, fear Japan, as do all the oriental peoples, because they are a warlike and aggressive and in some respects a superior people.

Mr. REED. But, if the Senator will pardon me, does his State desire immigration from India? Under this League of Nations, if India is received, and India's people wanted to immigrate to California, and the question was racial equality, does not the Senator think that India would vote for her own racial equality, assuming now that India had anything to say about it?

Mr. PHELAN. I am disposed to agree with the Senator that all the orientals would stand together on a question of racial equality; but we have excluded the Hindus by our present immigration law of 1917, because India is included in the barred zone.

Mr. REED. Of course you have excluded them; but, of course, they will raise the question again if they are really members of this league. I think the Senator will agree with that. The Senator and I are in complete accord in the idea of keeping out of this country these dark-skinned races of men, because I do not think they amalgamate with our people, and I do not think they benefit our people; but it seems to me there is this weakness in the Senator's argument, if he will permit me just a word. While it is true that Australia and Canada probably would vote on this question as California would vote, assuming, now, that they are permitted freedom of action, still India votes and South Africa votes, and at any time Egypt may be made a self-governing colony and it would vote. Indeed, Great Britain might easily out of her vast domains make a number of independent colonies among the oriental races, all of them eligible, so does not the Senator think that is considerable of an offset to the advantage we might possibly get through the support of Canada and Australia?

I just put it to the Senator as a matter of consideration.

Mr. PHELAN. I think the Senator's fears are groundless. He intimates there might be a subdivision of the British Provinces, and they would be in turn accorded colonial home rule or self-government, and they would then be eligible for election in the league as members. But it is hardly reasonable to suppose that they would be admitted to the League of Nations, because it would be so obvious an attempt on the part of somebody to increase representation.

However, if the British colonies are to be admitted I do not know why they should be limited to India, South Africa, New Zealand, Australia, and Canada. There is a very eligible member which has been ignored, a country so overflowing with the ability to govern that she has representation in every country except her own. I think Ireland should be included.

I wish to draw the line, however, between the amendment as proposed, and which is before us, giving to Great Britain one vote, which includes all her colonies, and the alternative proposition as proposed by the junior Senator from California [Mr. JOHNSON], giving to Great Britain one vote and each of these five colonies one vote, making a total of six, and then, when the United States joins the league she shall have an equal number of votes, namely, six votes. That preserves in the league these great Commonwealths, and they may serve us in time of need, whether it be in peace or war, in solving the great question which impends—the awakening of the Orient, and the aggression in the Pacific by a race of fighting men, which won, I remember very well, the admiration of Theodore Roosevelt, who, in the settlement of the treaty of peace at Portsmouth against Russia and in favor of Japan, performed an act which in his mind at the time settled the peace of the Pacific.

But I fear that his appreciation of the merits of the fighting men of Japan is only too well borne out by the facts. They are of warlike spirit and have risen from semibarbarism in 60 years to dominate Asia to-day, and capable of taking a place, and no one denies Japan a place, among the family of great European nations which have subsisted for a thousand years. She is capable of building great warships with as much skill as ourselves. There is nothing that she can not do, and there is nothing she will not attempt to do. She feels the power and vigor of youth as a new nation, springing, as it were, from the void; and it has been the history of the world that these new nations, springing out of obscure places, have dominated; and, as in the case of Egypt and of Rome and of Greece, the older and more cultivated nations go down, perhaps for the very reason of their cultivation, because the refinements and gratifications of civilization enervate and weaken. And here is this rising nation, and I look to Australia, which understands the question, and to New Zealand and to Canada and to South Africa, if not to India, to stand by us in a pact of peace to solve this question in an orderly way without recourse to arms. If it is not settled in a peaceful way, inevitably, it may be in 5 years, or 10 years, or 20 years, there will be a conflict between the Orient and the Occident.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PHELAN. I yield.

Mr. LENROOT. I should like to ask the Senator if it is his position that we should not enter this league at all, or ratify this treaty, unless the United States is given a number of votes equal to those of the British Empire?

Mr. PHELAN. The Senator asks whether or not we should go into the league at all unless——

Mr. LENROOT. Does the Senator think we should not go into the league at all, or ratify the treaty, unless the United States is given a number of votes equal to those of the British Empire?

Mr. PHELAN. I am not prepared to say that I would consent to that for this reason, that I believe a League of Nations, established on the lines proposed by the President, or on any other reasonable lines, is going to serve the great purpose of peace, and I believe the understanding in the country, which has given its adhesion to the league, is that its primary purpose is to avert war. The people are not very much interested between tweedledum and tweedledee. They only see the great purpose of the league. They realize the ideals of the President. Certainly I would not disapprove a league, even if it did not contain the terms of the amendment which I propose.

Mr. LENROOT. Does the Senator understand that if the reservation which he now proposes is adopted it does keep us out of the league, and does prevent the ratification of the treaty unless this equality is secured?

Mr. PHELAN. That is to say, there are a sufficient number of members on the other side who oppose the league——

Mr. LENROOT. No; under the terms of the Senator's amendment, we could not enter the league, we could not ratify the treaty, unless the equality is secured, if the Senator's amendment is adopted.

Mr. PHELAN. The amendment simply provides for this representation as a reservation. Then the Senator means that the parties on the other side would not consent to it?

Mr. LENROOT. No; the Senator's proposal is an amendment, not a reservation. It amends the treaty, and of course that amendment would have to be affirmatively accepted. The Senator has just stated that he would not keep the United States out of the league upon that account, but his reservation does keep the United States out of the league, even though everything else were agreed upon.

Mr. PHELAN. Then the Senator assumes that the other parties to the covenant will not agree——

Mr. LENROOT. No; I am assuming nothing. The Senator's reservation states that the United States will not become a member of the league unless the United States is given six votes.

Mr. PHELAN. The United States makes that proposition on its own account, and if it is concurred in by the other parties the supposition which the Senator has proposed does not arise.

Mr. LENROOT. No; but we do not become a party to the treaty unless that amendment is made, under the Senator's own proposition.

Mr. PHELAN. The reservation proposed by me is as follows:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the League of Nations and the treaty to the contrary notwithstanding:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league the United States shall have representatives in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Whenever the United States is a party to a dispute which is referred to the council or assembly, and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire also members, upon such dispute to which the United States is a party or upon any phase of the question shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote.

I do not see that the Senator has convinced me that it is either this amendment or nothing.

Mr. LENROOT. May I ask the Senator, does he not see that it is not a reservation, but an amendment changing the terms of the treaty, and that if it is adopted we are out of the league and can not ratify the treaty unless the league covenant is amended?

Mr. PHELAN. The Senator has not heard the language, which is the the language of his colleague on the other side of the aisle, the Senator from California [Mr. JOHNSON]. It reads:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations——

Mr. LENROOT. The language is the language of the Senator's colleague, who is against the treaty.

The Senator proposes it as a friend of the treaty. When proposed by the junior Senator from California [Mr. JOHNSON] it was immaterial to him; in fact, he would be delighted to have it kill the treaty; but now a friend of the treaty proposes it for the purpose of killing it.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. PHELAN. I yield.

Mr. WALSH of Montana. I want to remind the Senator from Wisconsin that under the preamble of these reservations, at least as it now stands, none of the reservations take effect, nor does the resolution of ratification take effect, unless it is approved by the express acceptance of some of the members of the league. I want to know from the Senator what is the difference between a provision that does not become effective unless accepted by some of the members of the league and a provision such as this, to which he calls our attention, which does not become effective until accepted by all the members of the league?

Mr. LENROOT. I am very glad to answer the question. In the first place, even though the preamble stood as it was adopted last November, which I have every reason to believe it will not, nevertheless, since that time the League of Nations has come into being. The ambassadors of the various nations can not amend the League of Nations. That will depend upon the representatives of the nations who have ratified the treaty in the council and the assembly. The ambassadors can not accept reservations amending the treaty. They can accept reservations by which the United States does not ratify all the treaty. But now there is only one way by which this league covenant can be amended and that is in the way provided by the covenant. The Senator's proposition, as he proposes it, says as plainly as words can say it, that he is in favor of rejecting the treaty, of the United States keeping out of it, unless in the manner provided by the league covenant it is amended so as to give the United States 6 votes. I do not think the Senator from California wishes to occupy that position.

Mr. WALSH of Montana. Mr. President, the argument of the Senator from Wisconsin is not convincing to me, however it may be to the Senator from California.

One of the reservations which we have proposed is to the effect that the United States shall not be bound by any decision touching a question which it says is domestic in character. The covenant, however, provides that it shall be bound when the council determines otherwise. What is the difference between a reservation in that regard and an amendment in that regard? Has not the covenant been amended by that reservation, and must not that reservation be accepted by all the other nations, members of the league, either expressly or impliedly, in order to be effective at all?

Mr. LENROOT. Does the Senator mean to say that this league covenant can be amended in any other way than as provided in the covenant itself?

Mr. WALSH of Montana. I do not undertake to say anything of the kind. But I do undertake to say that neither a reservation nor an amendment proposed by the Senate of the United States can become effective in any way except by being expressly or impliedly accepted by the other nations, and it does not make any difference what you call it. The Senator has pointed out very clearly that it is a matter of substance, not a matter of language, and the operation is exactly the same. If you can secure the limitations provided by the reservations in a particular way, if you can get the reservations as suggested by the Senator from Wisconsin, you can get the same thing in the same way with reference to the reservation proposed by the Senator from California.

Mr. LENROOT. Let me ask the Senator from Montana a question, because perhaps I have misunderstood the league covenant entirely. Does the Senator from Montana now take the position that the league covenant can be amended by one nation, the other nations remaining silent?

Mr. WALSH of Montana. No; the Senator does not take any such position, neither does he take the position that any reservation can be attached to the resolution of ratification so as to be effective unless it also is accepted by all the other nations, either expressedly or implied.

Mr. LENROOT. But in the one case they are bound and in the other case they are not, as the Senator must admit.

Mr. WALSH of Montana. Who is bound?

Mr. LENROOT. If there is an amendment, silence binds nobody. If there is a reservation, silence means acceptance to the reservation.

Mr. WALSH of Montana. I do not agree with the Senator at all on that. Silence has exactly the same effect in the one case as it has in the other. Silence will make an amendment effective. If we ratify the treaty with an amendment, and all the other nations of the earth parties to the agreement, without saying a word, go on and act under the treaty as though the amendment were a part of it as we proposed it, they are bound by it just the same as though we put it in as a reservation.

Mr. PHELAN. Mr. President, I have not lost the floor, I trust?

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. LENROOT. I would like to take just a moment further if the Senator will yield.

Mr. PHELAN. I will yield to the Senator from Wisconsin for a moment.

Mr. LENROOT. That presents a most curious doctrine, because amendments of the league covenant are very analogous to amendments to the Federal Constitution. Would anyone say that an amendment can be proposed to the Federal Constitution, and by a State remaining silent it becomes effective and binding? That is where the argument of the Senator from Montana leads him.

Now, just a word further. I do not want to take too much of the time of the Senator from California.

Mr. WALSH of Montana. I simply dispute the statement of the Senator from Wisconsin. The conditions are not analogous at all.

Mr. LENROOT. I merely wish to say this to the Senator from California. I am sure that both the Senator from California and the Senator from Montana must realize the difference between a reservation and an amendment. There is no reservation pending here that is an amendment in any degree. The only amendment that is proposed now is that of the Senator from California. Our reservations do not affect the terms of the treaty. They are not binding upon us to-day. Are they binding when we ratify the treaty in part? We have simply not ratified that part of the treaty which seeks to impose obligations upon us. It does not in any degree change the terms of the treaty, but the amendment of the Senator from California does completely change the terms of the treaty.

Mr. FLETCHER. May I ask the Senator from Wisconsin one question?

Mr. PHELAN. I yield for that purpose.

Mr. FLETCHER. I ask the Senator from Wisconsin if the effect of the proposed reservation No. 14 is not identical with the effect which he claims would result by the adoption of the amendment?

Mr. LENROOT. Certainly not.

Mr. FLETCHER. Because there is no obligation.

Mr. LENROOT. Certainly not. Under the Senator's so-called reservation the treaty must be amended in its terms. Under the pending reservation Canada can vote, every one of the British colonies may vote, and we still will have only one vote; but we do not ratify that part of the treaty which would attempt to bind the United States by that proposition.

Mr. PHELAN. Mr. President, I am aware of the fact that we are discussing the so-called Lodge reservation No. 14, and that the amendment which I propose will be submitted after the committee amendments have been either approved or rejected, but I thought while I was on my feet—it is so difficult to get the floor, but it is even more difficult to hold it—that I would say there is another very good reason why the six votes should be given to the colonies rather than only one vote to Great Britain, equalizing the votes by giving the United States six votes. It is that these great self-governing colonies will be given a very much greater confidence in themselves, and it serves to establish in a still greater degree than they enjoy by charter from England a position of independence and of autonomy.

Just as soon as they feel that sense of independence and autonomy by reason of their membership as equals in the League of Nations, they will draw away from this British Empire, which seems to have been exposed to bitter attack upon this floor. It would be a measure, in that view, that should satisfy those gentlemen for the purpose of promoting imperial disintegration; but if the pending reservation prevails, and the colonies have to go to Great Britain and make humble plea for their rights, for a voice in the league through the mother country, the tendency will be all the other way, and there will be a firmer and a closer alliance between the mother country and the colonies.

If we want to give independence to small nations, and these are small only in the sense that they are called colonies—they are great nations—if we want to give independence, here is a means of doing it, giving them an equal voice with the mother country in the League of Nations and protecting ourselves by reserving, on account of our larger interests and vaster population, an equal representation, so that we shall not be outvoted in the assembly of the league.

But no matter what we reserve for ourselves, nevertheless it remains true that those colonies under this amendment would assume an independent and automatic position which they do not now enjoy, and it would not only serve their interests, but every great interest in the world, by drawing them from the apron strings of a mother who is very aggressive in the world of commerce and of trade, and who, indeed, is our one great surviving rival. It for no other and higher purpose would be excellent strategy to give to the colonies an equal vote.

Mr. WALSH of Montana. Mr. President, some comments made by the Senator from Wisconsin [Mr. LENROOT] a short time ago move me to remark that it is entirely unnecessary for anyone to undertake to institute a comparison between the comprehension of the President of the United States of the principles of American liberty and his devotion to the preservation of the same, and those of the Senator from Wisconsin. History will have to decide that question.

What I wanted to say, however, is that the argument of the Senator from Wisconsin very clearly discloses by his silence with respect to the matter that the original reservation ought to be changed. He says it is proposed to change it so that we shall not be placed in the position of inviting a determination of the assembly upon some question which we have submitted to it, standing by and allowing Great Britain and her colonies and dominions to vote and then afterwards refusing to be bound by the decision thus rendered. He says it is proposed that the reservation shall provide that the United States shall not be bound unless Congress shall give its consent in advance. The Senator is very much disturbed lest our representative upon the council shall surrender the liberties of the people of this country and violate the Constitution. If any provision is to be made to avoid the effect of the reservation to which I have called the attention of the Senate, it ought to be a sensible provision, it ought to be something that will take care of the case.

Much has been said about a controversy between this country and Japan over the question of racial equality. Let us suppose such a dispute as that arose. Let us suppose for the sake of the discussion that it is not strictly a domestic question and that the United States does not so urge, but submits that or some other question—it is of no consequence what it is—to the determination of the council and on appeal to the assembly. Now, it is proposed that there shall be an act of Congress passed consenting, upon the part of the United States, that Canada and Australia may vote on the question, and the United States agrees to be bound.

That is utterly impractical. I do not mean to say that those who proposed it know it is impractical, but they certainly could not have reflected upon it and considered that it is. The reservation reaches to every election, every decision, every report, every finding of the council or the assembly, and the United States is in the position to which I have adverted, unless Congress in advance passes an act under which it becomes bound by the decision, even though Canada and Australia should vote upon it. That is not a practical proposition at all. Everybody ought to recognize that it is not a practical proposition. Either you ought to make a provision that is adequate to the case or you ought to make no provision at all.

Suppose you make no provision at all. Let me call your attention to the situation of affairs. Here is a controversy between this country and Japan. We submit it to the council and from the council we appeal to the assembly. If the colonies vote at all upon that, we are not bound. What does that mean? It means simply that when any controversy comes up to which the United States is a party the colonies can not vote. That is all there is to it, because if they do vote they destroy the effect of the judgment. What does that mean? It means that the colonies of Great Britain can prevent us, if they care to do so, from submitting any controversy whatever to the arbitrament of the council or the assembly. Of course, you can not have a decision that is binding upon one side without being binding upon the other. A decision can not bind the opposing party and leave the United States free. Of course, no nation will be compelled to submit a controversy under such conditions as that.

Moreover, Mr. President, how can we stop Canada from voting? A controversy comes up between us, we will say, and Mexico, which is submitted to the council, and, upon appeal, to the assembly. Canada casts her vote; Great Britain casts her vote; the decision is not binding upon the United States. Of course, it could not be binding upon Mexico when it is not binding upon us. In other words, this operates to prevent us from submitting any controversy at all with any nation, so far as I can see, unless the colonies of Great Britain voluntarily decline to participate in the proceedings; so, in a measure, they control our destiny under this reservation. If these conclusions are not correct, I should like to have some Senator explain why they are not.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Massachusetts to reservation No. 14.

Mr. BORAH. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays are called for.

Mr. JOHNSON of South Dakota. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Dakota suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Dial	Harrison	Knox
Ball	Dillingham	Henderson	Lenroot
Beckham	Elkins	Hitchcock	Lodge
Borah	Fletcher	Johnson, S. Dak.	McCormick
Brandegee	France	Jones, N. Mex.	McKellar
Capper	Gay	Jones, Wash.	McLean
Chamberlain	Gerry	Kellogg	McNary
Colt	Glass	Kendrick	Moses
Culberson	Gore	Keyes	Myers
Cummins	Hale	King	Nelson
Curtis	Harris	Kirby	New

Norris	Ransdell	Spencer	Wadsworth
Nugent	Reed	Stanley	Walsh, Mass.
Page	Sheppard	Sterling	Walsh, Mont.
Phelan	Sherman	Sutherland	Watson
Phipps	Shields	Thomas	Williams
Pittman	Smith, Ga.	Townsend	Wolcott
Poindexter	Smith, S. C.	Trammell	
Pomerene	Smoot	Underwood	

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from North Carolina [Mr. OVERMAN] on important official business of the Senate.

The PRESIDING OFFICER. Seventy-seven Senators have answered to their names. There is a quorum present. The question is on the amendment to reservation 14 offered by the Senator from Massachusetts [Mr. LODGE] and embraced in the first six lines of the printed reservation.

Mr. LODGE. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for on the amendment. Is there a second?

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER] and therefore withhold my vote.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I promised to take care of him by pair during that absence. I find, however, that I can transfer my pair to the Senator from California [Mr. JOHNSON]. I do so, and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Arizona [Mr. SMITH]. I ask that the announcement of the transfer may stand for the day. On this question I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent. For that reason I withhold my vote. If I were permitted to do so, I should vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer for the day to my colleague [Mr. NEWBERRY]. I ask that this announcement may stand for all votes taken to-day. On this question I vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], who is absent. I therefore withhold my vote.

Mr. LODGE (when Mr. WARREN'S name was called). The Senator from Wyoming [Mr. WARREN] is absent on official business of the Senate. If present, he would vote "yea." He is paired with the Senator from North Carolina [Mr. OVERMAN].

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. That Senator is absent on account of illness. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If present, he would vote "yea."

Mr. GERRY. I desire to announce that the Senator from North Carolina [Mr. OVERMAN] is absent on official business of the Senate. He is paired with the Senator from Wyoming [Mr. WARREN]. If present, the Senator from North Carolina would vote "nay."

The result was announced—yeas 49, nays 28, as follows:

YEAS—49.

Ball	France	McCormick	Smith, Ga.
Borah	Frelinghuysen	McLean	Smoot
Brandegee	Gore	McNary	Spencer
Capper	Gronna	Moses	Sterling
Chamberlain	Hale	Nelson	Sutherland
Colt	Jones, Wash.	New	Townsend
Cummins	Kellogg	Norris	Trammell
Curtis	Kenyon	Page	Wadsworth
Dillingham	Keyes	Phipps	Walsh, Mass.
Edge	Kirby	Poindexter	Watson
Elkins	Knox	Reed	
Fernald	Lenroot	Sherman	
Fletcher	Lodge	Shields	

NAYS—28.

Ashurst	Harrison	McKellar	Ransdell
Beckham	Henderson	Myers	Sheppard
Culberson	Hitchcock	Nugent	Simmons
Dial	Johnson, S. Dak.	Owen	Smith, Md.
Gay	Jones, N. Mex.	Phelan	Smith, S. C.
Gerry	Kendrick	Pittman	Walsh, Mont.
Glass	King	Pomerene	Wolcott

NOT VOTING—18.

Calder	La Follette	Robinson	Underwood
Fall	McCumber	Smith, Ariz.	Warren
Harding	Newberry	Stanley	Williams
Harris	Overman	Swanson	
Johnson, Calif.	Penrose	Thomas	

So Mr. LODGE'S amendment to reservation No. 14 was agreed to, the amendment being to strike out the word "The," the first word, and insert:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, shall be entitled to cast, the.

Mr. LODGE. Mr. President, I move as a further amendment, in line 7, to insert the words "except in cases where Congress has previously given its consent."

The PRESIDENT pro tempore. The amendment now proposed by the Senator from Massachusetts will be stated.

The READING CLERK. On page 1, line 7, after the word "bound," it is proposed to insert the words "except in cases where Congress has previously given its consent."

Mr. WALSH of Montana. Mr. President, I move to amend the amendment as it is proposed by striking out all after the word "cases" therein, and substituting the words "in which its consent has previously been given," so that it will read:

The United States assumes no obligation to be bound, except in cases in which its consent has previously been given.

I again submit that it is utterly impracticable to get the consent of Congress in advance so that the United States shall be bound by any election, any decision, any report, or any finding of the council or assembly. The council or assembly could not take a vote on anything unless Congress previously passed an act declaring that the United States would be bound.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Montana who he thinks should have the power to give this consent?

Mr. WALSH of Montana. Why, Mr. President, we ought either to leave it exactly as it is, and say we will not be bound, or put it in the hands of some one who can give the consent appropriately.

Mr. LENROOT. No; but if the Senator's amendment is adopted?

Mr. WALSH of Montana. Oh, I have not any hesitancy at all about saying that the consent ought to be given by our representative on the council.

Mr. LENROOT. That is what I wanted to know.

The PRESIDENT pro tempore. The Secretary will state the amendment now proposed by the Senator from Montana to the amendment of the Senator from Massachusetts.

The READING CLERK. On page 1, line 7, it is proposed to strike out the words "where Congress has previously given its consent," and to insert the words "in which its consent has previously been given," so that, if amended, it will read:

Except in cases in which its consent has previously been given.

Mr. LODGE. Mr. President, I hope that amendment will not prevail. It is an amendment to my amendment, I understand.

The PRESIDENT pro tempore. The amendment now being voted upon is the amendment of the Senator from Montana to the amendment proposed by the Senator from Massachusetts.

Mr. WALSH of Montana. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the junior Senator from New York [Mr. CALDER], who is absent, and therefore withhold my vote.

Mr. JONES of Washington (when his name was called). Again announcing my pair and its transfer, I vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent from the Senate and the city on account of illness. I therefore am not at liberty to vote, and must withhold my vote.

The roll call was concluded.

Mr. GERRY. Making the same announcement as to the pair of the Senator from North Carolina [Mr. OVERMAN], I desire to state that if present he would vote "yea."

Mr. UNDERWOOD. I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent and I therefore withhold my vote.

The result was announced—yeas 33, nays 45, as follows:

YEAS—33.

Ashurst	Harrison	Myers	Smith, Ga.
Beckham	Henderson	Nugent	Smith, Md.
Chamberlain	Hitchcock	Owen	Smith, S. C.
Culberson	Johnson, S. Dak.	Phelan	Stanley
Dial	Jones, N. Mex.	Pittman	Walsh, Mont.
Fletcher	Kendrick	Pomerene	Wolcott
Gay	King	Ransdell	
Gerry	Kirby	Sheppard	
Glass	McKellar	Simmons	

NAYS—45.

Ball	Frelinghuysen	McLean	Smoot
Borah	Gore	McNary	Spencer
Brandegee	Gronna	Moses	Sterling
Capper	Hale	Nelson	Sutherland
Colt	Jones, Wash.	New	Townsend
Cummins	Kellogg	Norris	Trammell
Curtis	Kenyon	Page	Wadsworth
Dillingham	Keyes	Phipps	Walsh, Mass.
Edge	Knox	Poindexter	Watson
Elkins	Lenroot	Reed	
Fernald	Lodge	Sherman	
France	McCormick	Shields	

NOT VOTING—17.

Calder	La Follette	Robinson	Warren
Fall	McCumber	Smith, Ariz.	Williams
Harding	Newberry	Swanson	
Harris	Overman	Thomas	
Johnson, Calif.	Penrose	Underwood	

So the amendment of Mr. WALSH of Montana to Mr. LODGE's amendment to reservation No. 14 was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to reservation No. 14.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER] and withhold my vote.

Mr. JONES of Washington (when his name was called). Announcing my pair and transfer as before, I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). Repeating the previous announcement, that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness, being unable to secure a pair, I desire to announce that if present he would vote "yea."

Mr. THOMAS (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], who is absent, and I withhold my vote.

The roll call was concluded.

Mr. EDGE. I have a general pair with the junior Senator from Oklahoma [Mr. OWEN], which I transfer to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 55, nays 22, as follows:

YEAS—55.

Ashurst	France	Lodge	Reed
Ball	Frelinghuysen	McCormick	Sherman
Borah	Gore	McLean	Shields
Brandegee	Gronna	McNary	Smith, Ga.
Capper	Hale	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Jones, Wash.	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kenyon	Norris	Townsend
Dillingham	Keyes	Nugent	Trammell
Edge	King	Page	Wadsworth
Elkins	Kirby	Phipps	Walsh, Mass.
Fernald	Knox	Pittman	Watson
Fletcher	Lenroot	Poindexter	

NAYS—22.

Beckham	Harrison	Phelan	Smith, S. C.
Culberson	Hitchcock	Pomerene	Stanley
Dial	Johnson, S. Dak.	Ransdell	Walsh, Mont.
Gay	Jones, N. Mex.	Sheppard	Wolcott
Gerry	Kendrick	Simmons	
Glass	McKellar	Smith, Md.	

NOT VOTING—18.

Calder	La Follette	Penrose	Underwood
Fall	McCumber	Robinson	Warren
Harding	Newberry	Smith, Ariz.	Williams
Harris	Overman	Swanson	
Johnson, Calif.	Owen	Thomas	

So Mr. LODGE's amendment to reservation No. 14 was agreed to.

Mr. LODGE. I desire to offer one formal amendment. At the top of page 2, I move to strike out the word "and" and insert the words "the United States."

The PRESIDENT pro tempore. The Secretary will report the amendment.

The ASSISTANT SECRETARY. Begin a new paragraph, strike out the conjunction "and," and insert the words "the United States," so as to read:

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

The amendment was agreed to.

Mr. McCORMICK. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 1, at the end of line 11, insert the following:

Unless within one year after the filing of the act of ratification, part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States shall cease to be a member of the League of Nations.

Mr. McCORMICK. Mr. President, the amendment requires very little explanation. It is intended to quiet the apprehensions of those Senators who have feared lest an immediate insistence upon an equality of votes would prevent or delay the United States from assuming the obligations and responsibilities entailed by the covenant. It is intended to meet their apprehensions, and at the same time ultimately to guarantee to the United States the equality in voting strength to which the position of the United States and the numbers of the American people entitle them.

This issue has been presented repeatedly to the Senate, as the Senator from California [Mr. PHELAN] pointed out a few moments ago. When last presented it failed by an infinitesimal margin. The consciousness and conscience of Senators as they and their constituents came to understand the problem made them in increasing numbers, mindful of the present and the future, insist that the United States should have as many votes in the League of Nations as any other power.

Upon the amendment, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the Senator from New York [Mr. CALDER], and in his absence I withhold my vote.

Mr. JONES of Washington (when his name was called). I again announce my pair and its transfer. I will allow this announcement to stand for the rest of the day. I vote "yea."

Mr. THOMAS (when his name was called). I am informed that my absent pair and myself are of the same mind in regard to this amendment, and I therefore vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent, and I withhold my vote.

The roll call was concluded.

Mr. GRONNA. Again announcing the absence of the Senator from Wisconsin on account of illness, I wish to state that I am unable to get a pair for him, and announce that if present he would vote "yea."

Mr. FRELINGHUYSEN (after having voted in the negative). I find that my pair, the junior Senator from Montana [Mr. WALSH], has not voted. I therefore transfer my pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and allow my vote to stand.

The result was announced; yeas 19, nays 57 as follows:

YEAS—19.

Brandegee	Jones, Wash.	Norris	Sherman
Cummins	Knox	Phelan	Shields
Fernald	McCormick	Phipps	Sutherland
France	Moses	Poindexter	Walsh, Mass.
Gronna	New	Reed	

NAYS—57.

Ashurst	Gerry	Lodge	Smith, Md.
Ball	Glass	McKellar	Smith, S. C.
Beckham	Hale	McLean	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Myers	Stanley
Colt	Hitchcock	Nelson	Sterling
Culberson	Johnson, S. Dak.	Nugent	Thomas
Curtis	Jones, N. Mex.	Owen	Townsend
Dial	Kellogg	Page	Trammell
Dillingham	Kendrick	Pittman	Wadsworth
Edge	Kenyon	Pomerene	Watson
Elkins	Keyes	Ransdell	Wolcott
Fletcher	King	Sheppard	
Frelinghuysen	Kirby	Simmons	
Gay	Lenroot	Smith, Ga.	

NOT VOTING—19.

Borah	Harris	Overman	Underwood
Calder	Johnson, Calif.	Penrose	Walsh, Mont.
Fall	La Follette	Robinson	Warren
Gore	McCumber	Smith, Ariz.	Williams
Harding	Newberry	Swanson	

So Mr. McCORMICK's amendment was rejected.

Mr. PHELAN. Mr. President, I desire to offer a substitute for the pending reservation.

The PRESIDENT pro tempore. The Secretary will report the proposed substitute.

The ASSISTANT SECRETARY. As a substitute for the reservation as amended, the Senator from California [Mr. PHELAN] proposes the following:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the League of Nations and the treaty to the contrary notwithstanding:

"When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league the United States shall have representatives in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

"Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

"Whenever the United States is a party to a dispute which is referred to the council or assembly, and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire also members, upon such dispute to which the United States is a party or upon any phase of the question shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote."

The PRESIDENT pro tempore. The question is upon agreeing to the substitute offered by the Senator from California.

Mr. PHELAN obtained the floor.

Mr. LENROOT. Mr. President, I desire to make a point of order against the reservation.

Mr. PHELAN. I was going to ask consent that the first four lines of my amendment be eliminated, as follows:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the League of Nations and the treaty to the contrary notwithstanding.

I would let the balance remain. If there is no objection, I submit the substitute with the elimination of those lines.

I do not desire further to occupy the attention of the Senate, because earlier in the day I explained the reasons why I offer this as a substitute in lieu of the Lodge reservation No. 14.

This amendment was proposed last November by my colleague, the junior Senator from California [Mr. JOHNSON], who is not present to-day, and I am not aware of his interest in this matter. But I desire to remind the Senate that when it was voted upon last November it received 43 votes against 46, which would indicate that the Senate was about evenly divided on the merits of the two propositions. By proposing this now the Senate is given an opportunity of providing six votes, as far as it is able, for Great Britain and her colonies and six votes for the United States, instead of one vote for the British Empire and her colonies and one vote for the United States.

There are many reasons that might be urged, but I refrain from repeating the reasons. The principal one is this, that these colonies having independent votes will assert their independence and autonomy and be no longer so closely allied to the Empire of Great Britain, which seems to be objectionable to many Senators who spoke on this side and the other side of the Chamber this morning.

The other reason is that the Pacific colonies particularly—New Zealand, Australia, and Canada—understand our Pacific difficulties in dealing with the Orient, and their support would serve to solve these great questions which are impending and which can not be put aside without recourse to arms. If they are equal members of the league, we may with them the better subserve the purposes of the league and avert war and preserve peace in a distracted world. The object is so great and so in harmony with the purposes of the league that I think my substitute should prevail.

Mr. LENROOT. Mr. President, this is clearly an amendment of the treaty. That can not be denied and has not been denied by any Senator. Since the Senate voted last November the League of Nations has come into being, and the league covenant can be amended only in the method prescribed in the league covenant itself. That is very clear and must be very clear to the Senator from California [Mr. PHELAN].

While I could understand, even though the same condition has arisen, the Senator from California [Mr. JOHNSON] offering this amendment at this time, if he were here, because he is opposed to the entire treaty, I must confess my surprise at any friend of the treaty proposing the amendment now, because if this amendment is adopted the United States stays out of the league and can not get into the league unless the amendment is adopted by the methods prescribed in the league covenant.

What is that method? The Senator from Montana [Mr. WALSH], who is one of the ablest lawyers in the Senate, gave as his view that this amendment could be adopted by acquiescence of all the nations parties to the treaty, and I undertook to say that amendments to the league covenant were analogous to amendments to the Constitution, and drew attention to the absurdity that would follow the Senator's logic carried out to its fullest extent, because if amendments to the league covenant could be made by acquiescence of the different parties, likewise an amendment to the Constitution of the United States when proposed could become effective if the States did not affirmatively object to it. The Senator from Montana in reply stated there was no analogy between amendments to the covenant and amendments to the Constitution. Let us see.

The Constitution provides that an amendment proposed by the Congress shall become effective when ratified by the legislatures of three-fourths of the several States. The league covenant provides that amendments to the covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly. I am very sure that upon reflection the able Senator from Montana will not assert that amendments to the covenant can be made by acquiescence, because the language is the same, so far as ratification is concerned, in the league covenant as the language in the Constitution, and the only difference is as to the number required to ratify.

The Senator from California [Mr. PHELAN], therefore, in proposing this amendment throws an additional obstacle in the way of ratification of the treaty. The Senator from California when he proposes this amendment, although he voted for unconditional ratification last November, now says by his amendment that he desires the United States to remain outside of the league; that this treaty be not ratified unless the league covenant be amended so as to give the United States six votes, or an equal number of votes to those of any other nation.

Why, Mr. President, the pending reservation as amended makes full provision at any time that the council of the league and the members composing the league in the assembly are willing to ratify so as to give the United States an equal number of votes this reservation no longer becomes effective. So the only purpose of the Senator from California, it seems to me, in offering the substitute is so that if they shall not amend the League of Nations he would prevent the United States from becoming a member of the league at all. I can well understand those on this side who are known as bitter enders, or irreconcilables, taking that position, because they desire to defeat the treaty, but it does pass my comprehension how any friend of the treaty can make such a proposition as this.

Just a word more. I voted not for this reservation because it is not a reservation at all but clearly an amendment. It has no business in a separate reservation. I did vote for the Johnson amendment. The League of Nations had not become effective then. We have brought the treaty before the Senate at this time not for the purpose of placing additional obstacles in the way of ratification, but in an endeavor to see if some agreement can not be made to secure the ratification of the treaty. I can not see how any friend of the treaty can justify making a motion that clearly would put additional obstacles, obstacles in addition to those that now remain, to the ratification of the treaty.

Mr. PHELAN. Mr. President, I think the Senator from Montana [Mr. WALSH], one of the ablest lawyers in this body, asserted that this amendment particularly could be adopted by acquiescence, and I am willing to stand upon his opinion as a lawyer in interpreting the covenant of the league, as well as the universal practice.

What we are dealing with is a treaty of peace with Germany, and inextricably bound up with it is a covenant for a League of Nations. It has been the universal practice in diplomacy for one party to a treaty to make exceptions or reservations or what are tantamount to amendments, in which event the other party to the treaty simply by silence may give its acquiescence, so that the amendment or reservation of the party proposing it becomes effective without formal and express approval. That has been settled here in the debate. There is this significance in the Senator's opposition, however. The amendment which has been tentatively approved—the Lodge amendment to reservation No. 14—provides in this language:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast—

That is the Johnson proposal, which I have renewed—

the United States—

Continues the Lodge amendment—

the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than 1 vote.

That would be very satisfactory, provided we had any assurance that the covenant of the League of Nations would, pursuant to this paragraph, be amended. We have no such assurance, but the Senator from Illinois [Mr. MCCORMICK], with considerable insight, discovered what I have just revealed—that this is, to a large extent, a misleading and a vain paragraph. Until 6 votes are given by formal amendment to the covenant, then 1 vote shall prevail——

Mr. McCORMICK. Mr. President——

Mr. PHELAN. I refuse to yield for a moment. The Senator from Illinois in his amendment provides as follows:

Unless within one year after the filing of the act of ratification, part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States shall cease to be a member of the League of Nations.

The Senate has just voted down that amendment of the Senator from Illinois, and how did the Senator from Wisconsin vote? He voted against it. Therefore, while pleading that the reservation which I have proposed is in effect an amendment and can not, without destroying the league, be adopted, he denied us the only other way, by the Lodge amendment reinforced by the McCormick amendment, which would have promised us, at any rate, that within a year this important provision granting 6 votes to each would become a part of the covenant, otherwise the United States would cease to be a member of the league. Now I yield to the Senator from Illinois.

Mr. McCORMICK. Mr. President, since the Senator from California has alluded to me in this handsome fashion, let me welcome Saul among the prophets; but there is this distinction, that whereas the Senator from California, like myself, has discovered that the Lenroot reservation is a delusion and a snare, I have made the same discovery regarding the other reservations which have been adopted. There are Senators here who suggest the classification of insurance; they know the league to be inflammable, and they think by reservations to make it a mere "sprinkled risk."

Mr. LENROOT. Will the Senator from California yield to me?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PHELAN. I have concluded, Mr. President.

Mr. LENROOT. Mr. President, the Senator from California referred to my vote upon the McCormick amendment. I might ask the Senator from California how he voted upon that amendment?

Mr. PHELAN. I voted in favor of the McCormick amendment.

Mr. LENROOT. Yes; and did not the Senator say, perhaps half an hour ago, that even though voting equality were not secured he would prefer that the United States remain in the League of Nations? Did he not make that statement in reply to me?

Mr. PHELAN. That is my position.

Mr. LENROOT. And yet the Senator voted a little while ago to take the United States out of the League of Nations at the end of one year unless voting equality were granted.

Mr. PHELAN. Well, Mr. President, there are many methods by which one can accomplish one's purpose without going to war or without surrendering his ground. I happen to know, as the Senator knows and as the country knows, that any reservation proposed by the United States will be acceptable to European nations, so eager are they to include the United States in the league. So if we say, "We will get out in a year unless you do this thing which we have provided for by reservation," they will do it; and I am willing to take the chance.

Mr. LENROOT. I am very glad to have the concurrence of the Senator from California as against the statement of the Senator from Nebraska with reference to Canada's objection to this reservation.

Mr. BORAH. Mr. President, I rise to a parliamentary inquiry. Suppose we should adopt the substitute offered by the Senator from California and then upon the vote on agreeing to the reservation as amended the substitute should be defeated, we would not have any reservation at all, would we?

The PRESIDENT pro tempore. Does the Senator make that parliamentary inquiry?

Mr. BORAH. Yes; that is the parliamentary inquiry, and I am of the opinion that that is just what is going on.

The PRESIDENT pro tempore. It is the opinion of the Chair there would be no reservation under those circumstances.

Mr. BORAH. Now, can the Senator from California assure me that if we vote for the substitute he has enough votes on the other side of the Chamber to keep it in? I am uneasy for fear that the Senator from California may succeed in getting the substitute adopted, and then, according to the vote which was cast a few minutes ago, the substitute would be defeated and we should have no reservation at all. It would be a very bad situation. I do not think the Senator from California wants that and I know that I do not.

Mr. PHELAN. In the event the substitute is defeated there will be no reservation on the subject?

Mr. BORAH. Yes.

Mr. PHELAN. Is that the parliamentary situation?

Mr. BORAH. Yes; that is the question.

Mr. PHELAN. In that event, I should support the amendment.

Mr. BORAH. If the substitute is adopted in place of the Lenroot reservation, and then the substitute is defeated, we should not have any reservation at all.

Mr. PHELAN. Well; what does the Senator want from me?

Mr. BORAH. Does the Senator think that he can secure the retention of the substitute in case we adopt it in place of the Lenroot reservation?

Mr. PHELAN. In view of the fact that it has so much merit on its side and that the Senate has already voted 43 to 46, I think, under the pressure of the arguments made this morning and now, that there would be a turnover of at least two or three Senators, which might possibly result in its adoption.

Mr. BORAH. When the Senator speaks about the "pressure of argument" in this Chamber I know that he is humorous.

Mr. President, since the President's letter of yesterday there is not, in some quarters at least, any difference between a "reservationist" and an "irreconcilable"; they are both in the same category; but there is still a vast difference I notice in the voting. If those who are known as "bitter-enders" should put on the Johnson amendment and those who are known as reservationists on the other side of the Chamber should take it off when it comes to the final vote upon it, we would not have any reservation at all.

I do not think that it can be adopted. If the Senator feels that he has any assurance that it will be adopted, I am perfectly willing to vote for it, but I do not want to adopt a substitute now and subsequenly have the substitute killed, and thus have no reservation at all. I think the reservation as perfected now will force the Johnson amendment in the end, for the reason that Canada, Australia, and New Zealand are not going to give up their places in the league; they have announced that they will not give them up, and, indeed, Great Britain has said through her public men that they will not be asked to give up their position; that it is intolerable to think of so doing. The only alternative, therefore, is that Great Britain arrange that the United States have the same number of votes that she has in the league and retain the votes for her dominions, colonies, and so forth. My opinion is that the reservation as drawn will ultimately force an equality of voting between Great Britain and the United States.

Mr. PHELAN. Then, will the Senator persuade his colleagues to vote for the substitute, as it seems to be inevitable?

Mr. BORAH. It seems to be inevitable in case we have the club, but, if we adopt the substitute and then it is killed in this Chamber when we come finally to vote upon it, we have not anything with which to force a recognition of our equality of rights. That is the situation, as I see it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment in the nature of a substitute offered by the Senator from California to reservation No. 14 as amended.

Mr. PHELAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. THOMAS (when his name was called). I am informed that my pair, who is absent, is of the same mind as myself with regard to this amendment. I therefore vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent, and I withhold my vote.

The roll call was concluded.

Mr. HARRISON. My colleague [Mr. WILLIAMS] is absent on official business. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If present, my colleague would vote "nay."

The result was announced—yeas 4, nays 73, as follows:

YEAS—4.

Ashurst	France	Norris	Phelan

NAYS—73.

Ball	Glass	McCormick	Simmons
Beckham	Gore	McKellar	Smith, Ga.
Borah	Gronna	McLean	Smith, Md.
Brandegee	Hale	McNary	Smith, S. C.
Capper	Harrison	Moses	Smoot
Chamberlain	Henderson	Myers	Spencer
Colt	Hitchcock	Nelson	Stanley
Culberson	Johnson, S. Dak.	New	Sterling
Cummins	Jones, N. Mex.	Nugent	Sutherland
Curtis	Jones, Wash.	Owen	Thomas
Dial	Kellogg	Page	Townsend
Dillingham	Kendrick	Phipps	Trammell
Edge	Kenyon	Pittman	Wadsworth
Elkins	Keyes	Poindexter	Walsh, Mont.
Fernald	King	Pomerene	Watson
Fletcher	Kirby	Reed	Wolcott
Frelinghuysen	Knox	Sheppard	
Gay	Lenroot	Sherman	
Gerry	Lodge	Shields	

NOT VOTING—18.

Calder	La Follette	Ransdell	Walsh, Mass.
Fall	McCumber	Robinson	Warren
Harding	Newberry	Smith, Ariz.	Williams
Harris	Overman	Swanson	
Johnson, Calif.	Penrose	Underwood	

So Mr. PHELAN'S amendment in the nature of a substitute for reservation No. 14 as amended was rejected.

The PRESIDENT pro tempore. The question now is upon reservation No. 14 as amended.

Mr. LODGE. On that I ask for the yeas and nays.

Mr. HITCHCOCK. I offer a substitute for the reservation as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The ASSISTANT SECRETARY. As a substitute for proposed reservation No. 14, the following is offered:

That in case of a dispute between members of the league, if one of them have self-governing colonies, dominions, or parts which have representation in the assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the assembly.

Mr. HITCHCOCK. Mr. President, by way of explanation, I desire to say that that is the same substitute reservation that I offered last November.

Mr. REED. Mr. President, I desire to ask the Senator from Nebraska if he thinks the substitute he has offered in any way affects the sense of the text of the treaty itself?

Mr. HITCHCOCK. Mr. President, in my opinion it is an interpretation of the treaty, and is legitimate as such.

Mr. REED. That is not quite an answer, if I can get one. Does the Senator think that the treaty will mean without the reservation just what it means with the reservation?

Mr. HITCHCOCK. I am very certain what it means with the reservation, and that is as far as I care to go.

Mr. REED. Would the Senator say he is equally certain what the treaty would mean without the reservation?

Mr. HITCHCOCK. This is what I think it means; and, if we adopt it, this is what we think it means.

Mr. REED. But if it is not adopted, the Senator thinks the treaty is obscure and doubtful?

Mr. HITCHCOCK. No; I did not say that. I say that this reservation represents what I think the treaty means, and if the Senate of the United States adopts it, it is what the Senate of the United States thinks it means, and if the other nations accept our interpretation that settles it.

Mr. REED. But either one of two or three things must be true. Either the treaty is so obscure that it needs this interpretation in order to make its meaning plain and safe, and if that is true, of course it is a very badly drawn instrument, or if it is not obscure then this interpretation is unnecessary unless the interpretation in fact changes the meaning. The Senator from Nebraska who has drawn the reservation seems to be unable to tell us which of these three propositions is correct. I think it is fair to say that the Senator from Nebraska knows in his heart but does not just like to admit that this treaty is clearly susceptible of the construction that in a controversy between Great Britain and the United States while the British Empire's single vote might stand aside five other votes of the Empire could be cast and hence he offers a reservation which he calls an interpretative reservation.

A good deal has been said about interpretative reservations. A reservation which interprets a thing to mean exactly what it does mean without the interpretation is about the most useless thing on earth. A reservation which interprets a thing to mean something different from what its language imports is in fact an amendment. Now we either ought to have something offered here that amounts to something or else we ought not to have anything offered. The idea of a man standing in the Senate and saying: "This document is plain; our rights are secure; it is all right; nevertheless I propose to interpret it in a certain way, and that is the very way it will be interpreted anyway," is a little bit strange.

We have heard a great deal about interpretative reservations. I say now that any man who will draw a document that needs interpretation had better hire a country lawyer somewhere to draw it for him. A great international document presented here to govern and rule the world, that is supposed to be written for all time, that is to change the course of history, that is to save mankind from destruction, that is to prevent the world being saturated with blood and its fields from being made white with the bones of countless slain, is presented in language so obscure that before we adopt it we must first sit down and interpret it. That is an absurdity.

The plain truth is, and everybody knows it if he will be candid, that this document is clearly susceptible of the construction that even in a controversy between the British Empire and another country the colonies can vote. That is the truth about it, and everybody knows it except the people who have heard certain distinguished gentlemen upon the stump and elsewhere proclaim that the instrument denies any such right. All that I want is to have the American people understand this document. They can not be expected to hire lawyers to construe it and study it and read it and dig out its meaning. They ought to be able to get that meaning from plain statements of fact by their representatives in the Senate. I did hope that the Senator from Nebraska would be candid enough to say that in his opinion the language of the document is dangerous, and that it is necessary to guard against that danger by a plain statement of fact, made at this time, preserving the rights of the United States.

Mr. MOSES. Mr. President, may I point out that the Senator from Nebraska in his usual manner presents to-day at 3.45 an entirely different standpoint from that which he occupied at the same hour yesterday, when, in the course of the colloquy on the floor, he stated:

Canada is an independent and self-governing country.

And to-day he offers a reservation which deals with Canada as a dependency.

Mr. LENROOT. Mr. President, I would like to ask the Senator from Nebraska what he means by this language:

In which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute.

Mr. McCORMICK. Which nation as a whole—Canada?

Mr. LENROOT. I want to find out. What does the Senator mean by the expression "as well as the nation as a whole"? [After a pause.] The Senator does not answer. Of course, it is apparent to anyone that the Senator's own reservation, when he speaks of equality with Canada, treats Canada as a part of another nation. By his reservation he would give Canada a share in the vote of the British Empire; and then he insists, in addition, that Canada shall have a vote by herself.

Mr. HITCHCOCK. Mr. President, I had not expected to say anything, but there seems to be some curiosity to hear from me on the part of certain Senators.

Undoubtedly any fair interpretation by a friend of the League of Nations would be to the effect that any nation or any part of any nation, or any member having a vote in the assembly, should not sit in judgment where it had an interest. It is perfectly competent, under the circumstances, for the United States to place an interpretation upon this document to the effect that the British Empire and its self-governing colonies should all be debarred from casting a vote in any case in which the United States has a dispute, either with the Empire itself or with any of its self-governing colonies. This my proposed reservation accomplishes. This is not to say that those self-governing colonies would necessarily vote against the United States. Many times a judge is barred from the bench, not because it is known how he would vote, but because it is not considered proper for him even to sit in judgment in such a case.

The Senator from New Hampshire [Mr. MOSES] seems to be a little curious about Canada again. I want to repeat some things that I said about the Senator from New Hampshire yesterday. I stated here that the Senator from New Hampshire, representing a State which is composed very largely of good citizens who came from Canada, the French-Canadians and Anglo-Saxons, has taken a position in the Senate seeking to deny to Canada her right to represent herself in the assembly of the League of Nations. He has taken a position that those millions of people there, who had a large part in this war, who suffered enormously in the great struggle, shall be compelled to be represented by the Government of the British Empire in the assembly, and shall not be permitted to represent themselves.

He knows, if he has read current history correctly, that Canada, New Zealand, Australia, and South Africa, self-governing dominions and colonies of the British Empire, have been steadily progressing in the direction of complete self-government and independence. He knows that the aspirations of those people for self-government took the form in Paris of a demand for recognition made by Canada, made by Australia, made by New Zealand, made by the South African Union. He knows that Great Britain was compelled to accord recognition to those colonies in the assembly of the League of Nations. He knows that that is a step in the direction of independence on the part of Canada and the others, and he knows that after it has been consented to in this great international document, he, as the Senator from New Hampshire, has entered into a combination to deny it to Canada by a reservation of the United States Senate. He is a party to it. If he can look his own French-Canadian constituents in the face when he goes home and admit to them that he has voted to disbar their relatives and their friends across the Canadian line, voted to deny to them the independence which they seek, voted to compel them to remain under British diplomatic control and keep silent when the nations of the world gather in their assembly—if he can do that and survive among his own constituents, he is a more fortunate Senator than I think he is.

Why should not Canada be independent? Why should not Canada be represented in the assembly of the League of Nations—Canada with her millions of people and her enormous sacrifices in this war? The Senator has not objected to the representation of Bolivia, or Colombia, or Salvador, or Paraguay, or Honduras, or Haiti, or Guatemala, or Ecuador, or Cuba, or China, yet he objects to Canada and wants to compel Canada to remain under the diplomatic control and representation of the British Empire. Why should an American, viewing the efforts that these dominions and self-governing colonies of Great Britain are making toward independence, a citizen of a country which got its independence from Great Britain, put anything in their way? Mr. President, I want to see Canada get that representation. Canada is our neighbor; Canada is our friend; Canada has the same aspirations that we have and the same purposes of self-government that we have.

Mr. President, what would the Senator's attitude be in case Great Britain is compelled to accord to Ireland self-government? Would he want to keep Ireland out of the assembly of the League of Nations? Is there any reason why Ireland, if Ireland succeeds in her ambition to get self-government to the extent that Canada has it, should not be accorded representation? Ireland has more population than our 13 colonies had when they fought and won their independence from Great Britain. I suppose the Senator from New Hampshire would want to deny that boon to Ireland under those circumstances.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Yes; I yield.

Mr. MOSES. It was not I, Mr. President, who barred the Irish delegates from the conference at Versailles. It was the President of the United States.

Mr. HITCHCOCK. The Senator is entirely mistaken in that statement, absolutely mistaken. The President attempted to get a hearing for them. But the Senator, if he were consistent, knowing that Ireland aspires to independence, would be compelled to stand here and say that he would favor a reservation to the effect that the United States would not submit to any decision of the assembly if Ireland cast a vote, just as he now stands here and declares that the United States should not submit if Canada cast a vote.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Yes.

Mr. MOSES. Let us approach the question from another angle.

Mr. HITCHCOCK. The Senator can approach it after I get through.

Mr. MOSES. I would like to ask the Senator a question.

Mr. HITCHCOCK. I am not yielding for any approaching. The Senator can do his own approaching afterwards.

Mr. MOSES. Will the Senator yield for a question?

Mr. HITCHCOCK. Not just now. I prefer to let the Senator do his own approaching in his own way.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield further.

Mr. HITCHCOCK. Mr. President, I had not intended to say anything. I presented here something which makes it clear and certain that if the United States has a dispute with the British Empire, or with any self-governing colony of the British Empire, not only the British Empire but every one of the self-governing colonies would be considered a party in interest, and will be debarred from voting. I would like to know what more the United States has a right to demand than that. If their six votes are debarred, and our vote is debarred, that certainly is complete protection. But the Senators here are attempting to go further than that. They are attempting to disfranchise Canada and the other self-governing colonies and dominions, even in cases in which we are not an interested party, simply because they want to disrupt the league, and want to nullify while they are pretending to ratify the treaty.

Mr. MOSES. Mr. President, if I may say so without breach of parliamentary ethics, there is an old Spanish proverb about the waste of lather, and were it not for the volume of words which has been poured out here uselessly this afternoon I would not detain the Senate a moment from the vote which it desires to take.

The Senator from Nebraska for the fortieth time has accused Senators upon this side of seeking to deprive the self-governing dominions of the British Empire of a vote.

For the second time for myself, Mr. President, I deny that, and I call to the Senator's attention a further quotation from the colloquy which he and I had yesterday afternoon, in the course of which I said:

> I have no opposition and no objection to Canada or any other part of the British Empire having 1 or 6 or 20 votes in the assembly of the League of Nations.

That, Mr. President, is my position to-day. But I am unwilling, as an American citizen, to have my country enter any assembly, any organization, any international body with a less voting power than that accorded to any other organized power which there has membership.

With reference to the touching solicitude which the Senator from Nebraska has expressed for those citizens of my State who are of French extraction, I will say to him that I will make my own statement to them in due course of time, and I think it will be satisfactory to them. I wish to say to the Senator from Nebraska that in no vote which I have ever cast in this body have I ever considered any segment of my constituency or any segment of the citizenry of the United States, and I hope, Mr. President, that every Senator on this floor can say that he has voted and spoken and acted in this body in the same manner, because we have seen incidents here when votes and actions and utterances were had solely to placate large segments of a constituency which sprang from a foreign origin.

The PRESIDING OFFICER. The question is on the adoption of the substitute offered by the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Making the same announcement with reference to my pair, I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair I shall have to withhold my vote.

The roll call was concluded.

Mr. HARRISON. I desire to announce that my colleague [Mr. WILLIAMS] is absent on official business. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

The result was announced—yeas 34, nays 41, as follows:

YEAS—34.

Ashurst	Harrison	Myers	Smith, Ga.
Beckham	Henderson	Nugent	Smith, Md.
Chamberlain	Hitchcock	Owen	Smith, S. C.
Culberson	Johnson, S. Dak.	Phelan	Stanley
Dial	Jones, N. Mex.	Pittman	Trammell
Fletcher	Kendrick	Pomerene	Walsh, Mont.
Gay	King	Ransdell	Wolcott
Gerry	Kirby	Sheppard	
Glass	McKellar	Simmons	

NAYS—41.

Brandegee	Gore	McLean	Shields
Capper	Gronna	McNary	Smoot
Colt	Hale	Moses	Spencer
Cummins	Jones, Wash.	Nelson	Sterling
Curtis	Kellogg	New	Sutherland
Dillingham	Kenyon	Norris	Townsend
Edge	Keyes	Page	Wadsworth
Elkins	Knox	Phipps	Watson
Fernald	Lenroot	Poindexter	
France	Lodge	Reed	
Frelinghuysen	McCormick	Sherman	

NOT VOTING—20.

Ball	Harris	Overman	Thomas
Borah	Johnson, Calif.	Penrose	Underwood
Calder	La Follette	Robinson	Walsh, Mass.
Fall	McCumber	Smith, Ariz.	Warren
Harding	Newberry	Swanson	Williams

So Mr. HITCHCOCK's substitute for reservation No. 14 was rejected.

The PRESIDENT pro tempore. The question now is upon agreeing to reservation No. 14 as amended.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. HARRIS (when his name was called). Making the same announcement of my pair, I withhold my vote.

Mr. GRONNA (when Mr. LA FOLLETTE's name was called.) I again announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness. If present, on this question he would vote "yea."

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Ohio [Mr. HARDING]. In his absence I withhold my vote.

The roll call was concluded.

Mr. HARRISON. I was requested to announce the absence of my colleague [Mr. WILLIAMS] on official business. He is paired with the Senator from Pennsylvania [Mr. PENROSE]. If present, on this question my colleague would vote "nay."

Mr. GERRY. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is in attendance at a meeting of the Committee on Appropriations, and is paired with the Senator from Wyoming [Mr. WARREN].

The result was announced—yeas 57, nays 20, as follows:

YEAS—57.

Ashurst	Frelinghuysen	McNary	Sherman
Ball	Gore	Moses	Shields
Borah	Gronna	Myers	Smith, Ga.
Brandegee	Hale	Nelson	Smoot
Capper	Henderson	New	Spencer
Chamberlain	Jones, Wash.	Norris	Sterling
Colt	Kellogg	Nugent	Sutherland
Cummins	Kenyon	Owen	Townsend
Curtis	Keyes	Page	Trammell
Dillingham	Kirby	Phelan	Wadsworth
Edge	Knox	Phipps	Walsh, Mass.
Elkins	Lenroot	Pittman	Watson
Fernald	Lodge	Poindexter	
Fletcher	McCormick	Pomerene	
France	McLean	Reed	

NAYS—20.

Beckham	Glass	Kendrick	Smith, Md.
Culberson	Harrison	King	Smith, S. C.
Dial	Hitchcock	McKellar	Stanley
Gay	Johnson, S. Dak.	Sheppard	Walsh, Mont.
Gerry	Jones, N. Mex.	Simmons	Wolcott

NOT VOTING—18.

Calder	La Follette	Ransdell	Underwood
Fall	McCumber	Robinson	Warren
Harding	Newberry	Smith, Ariz.	Williams
Harris	Overman	Swanson	
Johnson, Calif.	Penrose	Thomas	

So reservation No. 14 as amended was agreed to, as follows:

Until part 1, being the covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Mr. GORE. Mr. President, I send to the desk a draft of a reservation to article 10, which I ask may be printed and lie on the table.

The PRESIDENT pro tempore. That order will be made.

Mr. GORE's proposed reservation is as follows:

The United States assumes no obligation under the treaty to declare or to wage war and assumes no obligation under article 10 to become a party to any economic boycott or armed conflict to preserve the territorial integrity or political independence of any foreign power, nor to furnish any armed force, money, credit, or other material resource in any such controversy between foreign powers except with the consent of the people expressed in each particular case by a declaration of war or other act or resolution on the part of Congress.

The PRESIDENT pro tempore. Under the order of the Senate, the question now is upon agreeing to reservation No. 2.

Mr. LODGE. Mr. President, reservation No. 2 is the reservation connected with article 10. I shall not undertake to go on with it this afternoon, as it is getting late. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 15 minutes the doors were reopened.

PETITIONS AND MEMORIALS.

As in legislative session,

Mr. TOWNSEND presented petitions of sundry citizens of Minnseota, praying for the enactment of legislation to provide for the establishment and maintenance of a national highway system, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. NEWBERRY) presented a memorial of Local Union No. 1246, United Brotherhood of Carpenters and Joiners, of Menominee, Mich., remonstrating against the passage of the so-called Sterling-Graham sedition bill, which was referred to the Committee on the Judiciary.

He also (for Mr. NEWBERRY) presented a memorial of sundry citizens of Copemish, Harlan, and Mesick, in the State of Michigan, remonstrating against compulsory military training, which was ordered to lie on the table.

He also (for Mr. NEWBERRY) presented a petition of sundry citizens of Copemish, Harlan, and Mesick, all in the state of Michigan, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on Military Affairs.

He also (for Mr. NEWBERRY) presented a petition of the Women's Welfare Club of Marquette, Mich., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

Mr. PHELAN presented a memorial of the Central Labor Union of Taft, Calif., remonstrating against the enactment of so-called antisedition legislation, which was ordered to lie on the table.

He also presented a petition of Post No. 118, Grand Army of the Republic, Department of California, of Riverside, Calif., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

Mr. SMITH of Maryland presented a petition of the Baltimore (Md.) Quarterly Meeting of the Society of Friends, praying that an appropriation of $150,000,000 be made for the relief of the starving peoples of Europe and the Near East, which was referred to the Committee on Appropriations.

Mr. CAPPER presented memorials of sundry citizens of Independence, Hollenberg, Marienthal, Hugoton, Claflin, and Geneseo, all in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. KNOX presented a petition of Edward Lehman Post, No. 467, American Legion, of Wilcox, Pa., and a petition of Charles B. Gillespie Post, No. 110, American Legion, of Freeport, Pa., praying for the enactment of legislation providing a bonus for ex-service men, which were referred to the Committee on Military Affairs.

He also presented a memorial of Perseverance Lodge No. 959, Brotherhood of Railway Carmen of America, of Marysville, Pa., and a memorial of local union, Amalgamated Association of Street and Electric Railway Employees of America, of Altoona, Pa., remonstrating against the passage of the so-called Sterling sedition bill, which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., and a memorial of the Master Builders' Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation providing for collective bargaining between employers and employees in industries engaged in interstate commerce, which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia Bourse, of Philadelphia, Pa., praying for the enactment of legislation providing for increased compensation to skilled employees in Government service, which was referred to the Committee on Appropriations.

He also presented a petition of the burgess and town council of Youngsville Borough, Warren County, Pa., praying for the enactment of daylight-saving legislation, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Boswell Grange, No. 1661, Patrons of Husbandry, of Stoyestown, Pa., remonstrating against compulsory military training, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Mifflintown Township, Allegheny County, Pa., praying for the enactment of legislation providing for the public protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the John W. McLean Post, No. 102, Grand Army of the Republic, Department of Pennsylvania, of Union City, Pa., praying for the passage of the so-called Fuller pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the enactment of legislation authorizing the United States Grain Corporation to purchase and transfer to countries of central Europe and Armenia food supplies and other necessaries of life in order to avert famine, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4040) granting an increase of pension to William H. Merritt; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4041) granting a pension to George Polleti; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 4042) granting an increase of pension to Grant H. Hill; and

A bill (S. 4043) granting an increase of pension to Otto H. Michaelson; to the Committee on Pensions.

By Mr. SUTHERLAND (by request):

A bill (S. 4044) to retire officers of the Regular Army who served with credit during the war with Germany at highest rank held by them; to the Committee on Military Affairs.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KNOX submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR BANKHEAD.

Mr. UNDERWOOD submitted the following resolution (S. Res. 330), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Presiding Officer in arranging for and attending the funeral of the Hon. JOHN H. BANKHEAD, late a Senator from the State of Alabama, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes.

ADJOURNMENT.

Mr. LODGE. I move that the Senate as in legislative session adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 10, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9 (legislative day of March 8), 1920.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Charles R. Crane, of Chicago, Ill., to be envoy extraordinary and minister plenipotentiary of the United States of America to China.

DEPUTY COMMISSIONER OF PENSIONS.

Frank D. Byington to be deputy commissioner of pensions, vice Edward C. Tieman, resigned.

CALIFORNIA DÉBRIS COMMISSION.

Col. Thomas H. Rees, Corps of Engineers, United States Army, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Col. Charles L. Potter, Corps of Engineers, United States Army.

PURCHASING AGENT, POST OFFICE DEPARTMENT.

Robert L. Maddox, of Kentucky, to be purchasing agent for the Post Office Department, vice James A. Edgerton, resigned.

NAVAL OFFICER OF CUSTOMS.

Albert W. Newlin, of New Orleans, La., to be naval officer of customs in customs collection district No. 20, with headquarters at New Orleans, to fill an existing vacancy.

COLLECTOR OF CUSTOMS.

W. Burr Gongwer, of Cleveland, Ohio, to be collector of customs for customs collection district No. 41, with headquarters at Cleveland. (Reappointment.)

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Harry A. Buckley, Cavalry, to be first lieutenant from June 5, 1917.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonel.

Lieut. Col. Harold P. Howard, Cavalry, from March 1, 1920.

To be lieutenant colonels.

Maj. George W. Moses, Cavalry (Quartermaster Corps), from March 1, 1920.

Maj. Charles E. Stodter, Cavalry (The Adjutant General's Department), from March 1, 1920.

Maj. Alexander M. Miller, Cavalry (The Adjutant General's Department), from March 1, 1920.

Maj. Charles B. Drake, Cavalry, from March 1, 1920.

Maj. Harry O. Williard, Cavalry, from March 1, 1920.

To be majors.

Capt. Julian A. Benjamin, Cavalry, from March 1, 1920.

Capt. Samuel R. Gleaves, Cavalry, from March 1, 1920.

Capt. Lewis S. Morey, Cavalry, from March 1, 1920.

Capt. Varien D. Dixon, Cavalry, from March 1, 1920.

To be first lieutenant.

Second Lieut. Henry M. Alexander, Cavalry, from October 7, 1919.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. William F. Maher, Field Artillery, from September 2, 1919.

First Lieut. Walter F. Wright, Field Artillery, from September 4, 1919.

First Lieut. Sidney F. Dunn, Field Artillery, from September 4, 1919.

First Lieut. Louis W. Hasslock, Field Artillery, from September 9, 1919.

First Lieut. Breckinridge A. Day, Field Artillery, from September 13, 1919.

To be first lieutenants.

Second Lieut. John Hinton, Field Artillery, from September 4, 1919.

Second Lieut. Eric S. Molitor, Field Artillery, from September 4, 1919.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Leon H. Dunn, 1st, Coast Artillery Corps, from September 30, 1919.

Second Lieut. Bonner F. Fellers, Coast Artillery Corps, from October 1, 1919.

Second Lieut. Melton A. Hatch, Coast Artillery Corps, from October 1, 1919.

Second Lieut. Kenneth S. Stice, Coast Artillery Corps, from October 2, 1919.

Second Lieut. George M. Badger, Coast Artillery Corps, from October 3, 1919.

Second Lieut. Marion Van Voorst, Coast Artillery Corps, from October 4, 1919.
Second Lieut. Edwin B. Fitzpatrick, Coast Artillery Corps, from October 4, 1919.
Second Lieut. Dean R. Dickey, Coast Artillery Corps, from October 4, 1919.
Second Lieut. William A. Sexton, Coast Artillery Corps, from October 5, 1919.
Second Lieut. Hobart R. Yeager, Coast Artillery Corps, from October 6, 1919.
Second Lieut. Gervais W. Trichel, Coast Artillery Corps, from October 6, 1919.
Second Lieut. Thomas W. Munford, Coast Artillery Corps, from October 6, 1919.
Second Lieut. James L. Whelchel, Coast Artillery Corps, from October 6, 1919.
Second Lieut. John H. Fonvielle, Coast Artillery Corps, from October 6, 1919.
Second Lieut. Joe D. Moss, Coast Artillery Corps, from October 7, 1919.
Second Lieut. Edward A. Dolph, Coast Artillery Corps, from October 8, 1919.
Second Lieut. Felix M. Usis, Coast Artillery Corps, from October 9, 1919.
Second Lieut. Edward W. Hendrick, Coast Artillery Corps, from October 10, 1919.
Second Lieut. Bernard W. Slifer, Coast Artillery Corps, from October 13, 1919.
Second Lieut. Auston M. Wilson, jr., Coast Artillery Corps, from October 13, 1919.

INFANTRY.

To be colonels.

Lieut. Col. John S. Switzer, Infantry (Adjutant General's Department), from February 16, 1920.
Lieut. Col. Herbert O. Williams, Infantry (General Staff), from February 16, 1920.
Lieut. Col. William F. Grote, Infantry (Quartermaster Corps), from February 16, 1920.
Lieut. Col. Isaac C. Jenks, Infantry (Quartermaster Corps), from February 16, 1920.
Lieut. Col. Hanson E. Ely, Infantry, from February 16, 1920.
Lieut. Col. Lewis S. Sorley, Infantry (Adjutant General's Department), from February 26, 1920.
Lieut. Col. William M. Morrow, Infantry (Ammunition Train), subject to examination required by law, from February 26, 1920.
Lieut. Col. Albert C. Dalton, Infantry, from February 26, 1920.

To be lieutenant colonels.

Maj. Lawrence B. Simonds, Infantry, from January 20, 1920.
Maj. Merch B. Stewart, Infantry (General Staff), from January 27, 1920.
Maj. Frederick W. Lewis, Infantry (Adjutant General's Department), from January 27, 1920.
Maj. Dennis E. Nolan, Infantry, from January 27, 1920.

To be majors.

Capt. Collin H. Ball, Infantry, from January 20, 1920.
Capt. A. Owen Seaman, Infantry (General Staff), from January 27, 1920.
Capt. Clifford U. Leonori, Infantry, from January 27, 1920.

To be first lieutenant.

Second Lieut. Hugh A. Murrill, jr., Infantry, from October 9, 1919.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 9 (legislative day of March 8), 1920.

COLLECTOR OF INTERNAL REVENUE.

John J. Mitchel to be collector of internal revenue for the third district of Massachusetts.

NAVAL OFFICER OF CUSTOMS.

Albert W. Newlin to be naval officer of customs, collections district No. 20, at New Orleans.

POSTMASTERS.

FLORIDA.

Robert L. Nall, Dade City.
William J. Carter, Homestead.

ILLINOIS.

Annette G. Ferguson, Annawan.
Rose S. Beard, Arenzville.
Dora Clifton, Argenta.
William J. Hinze, Beecher.
William Lascelles, Capron.
Mary H. Hrdlicka, Cary Station.
John F. Bushmeyer, Colchester.
John W. Nelson, Donovan.
Florence A. Lilly, Durand.
Cornelius D. Paulter, Evansville.
Oscar E. Bantz, Fithian.
John S. Dearth, Grand Ridge.
John F. Wendt, Huntley.
John E. Mackin, Lockport.
Edward F. Tedens, Lemont.
Nellie C. Ebinger, McLean.
Louis W. Richter, Melrose Park.
Nora E. Moulton, Metamora.
Arthur F. Sturgis, Middletown.
Charles V. Gould, Moline.
James W. Scott, Monmouth.
Thomas J. Perks, Mound City.
Fred S. Smith, Mount Carroll.
Jesse H. Fuller, Murrayville.
Roy R. Bernard, New Canton.
Robert Sherrard, Oak Park.
Omah Kinsall, Omaha.
Carl E. Lingwall, Oneida.
Thomas L. Wallace, Pinckneyville.
William C. Karber, Rosiclare.
Guy M. Martin, Royalton.
Sumner V. Hodge, Sparland.
Mae C. Hewes, Steger.
Alva M. Clavin, Sterling.
Lewis H. Rowe, Warren.
John F. Shimkus, Westville.

IOWA.

Wallace F. L. Merrill, Hazleton.
Mae Dougherty, Sanborn.
Frank E. Wood, Shellrock.

MASSACHUSETTS.

Roland M. Baker, Boston.

MISSOURI.

Fred H. Cordner, Auxvasse.

NEVADA.

Owen H. Bott, Mason.

TENNESSEE.

John T. Clary, Bellbuckle.
Addie D. Bell, Springfield.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 9, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in response to an urgent appeal from our inner self we seek Thee, the rock of our faith, the inspiration of every laudable ambition, that we may bend our energies to relieve the situation in which we find ourselves, in the aftermath of the World War—the high cost of living, prohibitory in its demands on the poor and middle classes.

Give us relief, we beseech Thee, that we may live and provide for those dependent upon us. In the name of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL BONUS TO SOLDIERS AND SAILORS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from a man who entered the Army as a private and came out a major, giving reasons why the additional bonus to soldiers and sailors should not be granted at this time.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARD. Reserving the right to object, does the gentleman from Louisiana intend to send the letter to the Ways and Means Committee?

Mr. ASWELL. I do.

The SPEAKER. Is there objection?

There was no objection.

The following is the letter referred to:

LEESVILLE, LA., *March 6, 1920.*

Hon. JAMES B. ASWELL,
Washington, D. C.

MY DEAR DR. ASWELL: I have been reading for several days the press dispatches with reference to the demands being made upon Congress by the different soldiers' organizations for the enacting of legislation looking to the granting of additional bonuses to soldiers and sailors, and while I know you are a very busy man, with little time to listen to me, I want to enter my protest against any such legislation.

I enlisted in the Army in April, 1917, shortly after the declaration of war, and served until after its close, part of the time in France. When I enlisted as a private soldier the pay was $15 per month. Shortly thereafter it was raised to $30 per month, or 100 per cent increase for the private. I served as a major of Infantry and as a major in the Judge Advocate General's Department. I tried to give value received for every cent the Government paid me, and do not now consider that the Government is indebted to me nor that I am indebted to it. It fulfilled its contract with me to the letter and did a little more.

At the time the first bonus was granted—the $60 bonus—there might have been some excuse for that. It might have been argued that men were experiencing difficulty in reentering civil life and civil occupations and needed a little money to tide them over until such time as they could relocate themselves, but now there is no soldier who wants work who can not find it and at good pay. Where, therefore, is the reason for voting this additional bonus that will mean but very little to the individual soldier, but that will mean so much to the Nation, that is now sorely in need of every cent? Taxes are so high that they are, indeed, burdensome. Business is being injured by this excessive burden. Dissatisfaction is rampant all over the Nation and in all classes of people. As I understand it, to grant the bonus another bond issue will have to be floated and taxes again increased. To give to the soldier this additional "money expression" of the good will and appreciation of the Nation only makes him feel that he is an object of charity. It argues that these red-blooded men that put the fear of God into the Huns at Cantigny, Chateau-Thierry, St. Mihiel, and the Argonne are unable to compete with the civilian in making their own living, and this I do not believe to be the fact. My observation of those men makes me believe absolutely that they want no charity; that they are ready to look the world squarely and fairly in the face, and say, "We did only our duty as we saw it, and for you to attempt to pay us in money is but cheapening your appreciation of our work." We fully appreciate the Nation's good will and its expressions of appreciation of a work I believe to have been well done, and I want to always feel that the Nation will continue to appreciate and honor the soldier, but I do not want the country to have the feeling that the American soldier went to Europe, and many of them made the supreme sacrifice, simply for mercenary motives. I do not want the American soldiers of our future wars to feel that they are offering their lives on the chance that Congress will, after it is all over, offer to pay in money for their services. The American soldier is receiving, and will continue to receive, compensation that money can not buy, but if the country attempts to place a money value on that compensation it will be cheapened, and future generations will have no respect for the motives that prompted the American to offer his all on the altar of civilization in the late war.

If the act should be passed, practically every soldier, the writer included, will ask for the bonus, reasoning that there is no reason for his not taking it when all the others are getting it, and that $100, or whatever the amount may be, will not count for anything in the vast total.

If there are those who were wounded or whose health was broken in the service and are not now being properly cared for, I am strongly and wholly in favor of the Government taking every care of them; but so long as a man is able to work and earn his own living I am absolutely and entirely against his being made to feel that he is an object of governmental charity.

I have thought that the plan of the American Legion is good, and that it will have a wholesome effect in America, but if it is the father of this move, and if such things as this are to be its objects, I must say that not only do I believe it will not survive as an organization, but that it will be a liability to the ex-soldier instead of the benefit it could be.

It is not believed that the great mass of ex-soldiers want any more bonus. It is believed that they rather look at the proposition as a bid by the politician for the soldier vote. Could anything be more humiliating to the red-blooded American soldier than to believe that upon his threat to vote against any person who voted against his demand for this bonus that he was paid cash; in other words, that he had been paid for his political influence in cash?

I feel very strongly about this matter, and am wholly and unequivocally against it.

I do not believe that the patriotic men who compose the Congress are going to be bulldozed into saddling this additional burden upon the country. Even if Congress was so spineless as to believe that all ex-soldiers would vote against them for refusing to do this thing, I hope it will have the nerve of its convictions and refuse to do the thing that would seem to me to be a crime against the whole Nation, including the ex-soldier himself.

I have spoken with absolute frankness as to how I feel on the proposition. I believe I am in better position to do this than is the man who is not an ex-soldier, for in his case he might rather undertake the additional burden than have the soldier say that he does not appreciate the soldier. I am an ex-soldier and can never be accused of not having the interest of the ex-soldier at heart; therefore I feel at liberty to frankly express myself on the subject.

Please pardon this lengthy, and probably uninteresting to you, letter. I have no other way of communicating to you my sentiments. I believe you always want to vote the will of your constituents, and you can not do this unless they let you know what that will is. With this idea in view, I have expressed my opinion for whatever it is worth, and now urge you, in voting on these measures, to be guided by what you know to be for the best interests of the whole Nation.

Sincerely, your friend,

W. W. THOMPSON.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.; and

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.

ARMY REORGANIZATION BILL.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, the Army reorganization bill.

Mr. BANKHEAD. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Alabama makes the point of no quorum. Evidently there is no quorum present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Eagle	Kettner	Riordan
Anderson	Edmonds	Kleczka	Rogers
Andrews, Md.	Elsworth	Kraus	Rowan
Anthony	Esch	Kreider	Rowe
Ayres	Fairfield	Lankford	Rubey
Baer	Ferris	Layton	Rucker
Bell	Fess	Lee, Ga.	Sabath
Benson	Fields	Lehlbach	Sanders, N. Y.
Bland, Mo.	Flood	Lesher	Schall
Booher	Focht	Longworth	Scully
Britten	Frear	McAndrews	Sears
Browne	Gallivan	McArthur	Sells
Browning	Garrett	McDuffie	Sims
Brumbaugh	Goldfogle	McGlennon	Sinnott
Burdick	Goodall	McKinley	Slemp
Burke	Gould	MacCrate	Smith, Mich.
Burroughs	Graham, Pa.	Maher	Smith, N. Y.
Butler	Graham, Ill.	Major	Smithwick
Campbell, Kans.	Green, Iowa	Mann, S. C.	Snyder
Campbell, Pa.	Greene, Mass.	Mason	Steagall
Cannon	Hamill	Mead	Stephens, Ohio
Cantrill	Hamilton	Monahan, Wis.	Sullivan
Carew	Harrison	Mooney	Summers, Wash.
Chindblom	Haugen	Moore, Ohio	Taylor, Colo.
Christopherson	Heflin	Morin	Taylor, Tenn.
Clark, Fla.	Hersman	Newton, Minn.	Thomas
Classon	Hill	Nichols, Mich.	Tillman
Connally	Houghton	Nolan	Tinkham
Cooper	Howard	O'Connell	Upshaw
Copley	Huddleston	O'Connor	Vare
Costello	Hudspeth	Osborne	Venable
Cramton	Husted	Pell	Volgt
Crowther	Hutchinson	Peters	Ward
Cullen	Ireland	Phelan	Weaver
Curry, Calif.	James	Porter	Webster
Davey	Johnson, S. Dak.	Purnell	Wilson, Ill.
Dempsey	Johnson, Wash.	Rainey, Ala.	Wilson, La.
Donovan	Johnston, N. Y.	Rainey, J. W.	Winslow
Dooling	Jones, Tex.	Reber	Wood, Ind.
Doremus	Kelley, Mich.	Reed, N. Y.	Young, Tex.
Dyer	Kennedy, Iowa	Reed, W. Va.	
Eagan	Kennedy, R. I.	Riddick	

The SPEAKER. On this call 261 Members have answered to their names. A quorum is present.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The question is on the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army reorganization bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, of which the Clerk will read the title.

The Clerk read the title to the bill.

Mr. KAHN. Mr. Chairman, may I be informed as to the state of the time for general debate?

The CHAIRMAN. The gentleman from California has 2 hours and 45 minutes remaining and the gentleman from Alabama has 3 hours and 10 minutes.

Mr. DENT. Mr. Chairman, I desire to use some time myself. I would like to be notified at the end of 40 minutes.

Mr. Chairman and gentlemen of the committee, I have never believed that in preparing a bill relating strictly to military legislation either the House or the committee should divide upon partisan lines. I started with the committee in the preparation of a bill with the idea in view of endeavoring to bring in one that we could unanimously support. I regret that the bill was

finally so framed that I can not give it my support. I shall briefly undertake to give the reasons why I can not support the bill in its present form.

My first and fundamental objection to the bill is, as reported by the committee, that it departs from the principle that has heretofore been adopted in all Army legislation, whether the Congress was controlled by the Democratic Party or the Republican Party, by which Congress surrenders the right that it has always retained heretofore of fixing the size of the Army and the units of its organization. This principle is surrendered in this bill, and if the very first section of the bill is adopted, then the Congress of the United States leaves it to the General Staff to say how many regiments of Infantry you shall have, how many regiments of Cavalry, and how many regiments of Field Artillery. Congress heretofore has always fixed the number of regiments in the different branches of the service. Under this bill the General Staff may organize 65 regiments of Infantry—the present Infantry strength of the Army. Under this bill the General Staff may organize 29 regiments of Infantry, and under this bill the General Staff may organize 150 regiments of Infantry. I submit that whenever Congress delegates that function and that power to the General Staff and gives up its control over the organization of the Army it means that you might as well have adopted the bill that the General Staff presented to Congress last summer. [Applause on the Democratic side.]

Last summer the General Staff submitted to Congress a bill the effect of which was to fix the total enlisted strength and the commissioned personnel of the Army, leaving to the General Staff the organization of that total strength into any units of organization which they saw fit; and that was followed with a provision in the bill which gave the War Department a lump-sum appropriation for the support of the Army. Whenever you give the General Staff the power to organize the Army into units of organization as it sees fit, it inevitably follows that you must give to the War Department lump-sum appropriations. The one follows the other just as naturally as night follows day. You can not escape it. That bill presented to the Senate and House Military Committees was repudiated practically unanimously by both those committees. They proceeded then to write a different bill, with the result, in my humble judgment, that this bill, as reported by the House committee, is simply a camouflage of the bill that was presented by the General Staff last summer. What is the difference in effect? I am going to the fundamental objection, the first section of the bill. Under the General Staff bill, which was repudiated by the Military Committee of the House and the Military Committee of the Senate, it was provided that there should be an Army of 580,000 men and some 28,000 officers, and that these men and officers should be organized as the General Staff thought fit. This bill was followed with a lump-sum appropriation. Let us see what is the fundamental difference between that bill of the General Staff last summer and this bill now reported from the Military Committee of the House. There is no lump-sum appropriation in it, of course, because there is no appropriation in this bill. That is to follow later. But the only fundamental difference between the bill presented by the General Staff last summer and the bill as reported by this committee is this: Instead of fixing the total strength of the entire Army and the total number of officers in the entire Army, it fixes the number of officers in the Infantry and the total number of enlisted men in the Infantry, the total number of officers and men in the Cavalry, the total number of officers and men in the Field Artillery, and allows the General Staff to organize the Infantry, the Cavalry, the Field Artillery within those limitations. I say that that is a distinction without a difference. You might as well give to the General Staff the number of men they want and the number of officers they want by totals and let them organize the Army, as well as to say that you are going to give them the total number that shall be in the Infantry, the total number that shall be in the Cavalry, and in the Field Artillery, and then let them organize the Army. It is a distinction without a difference. That is the fundamental objection I have to this bill.

My next objection to this bill is that it creates too many officers. This bill practically provides for a little less than 18,000 officers. It increases the strength of the line of the Army from 175,000 to 250,000, an increase from the enlisted strength of the line of the Army of 75,000 men, which is an increase of something like 40 per cent over the present permanent law. It increases the number of officers provided for under the national-defense act from 11,445 to 17,820, an increase of something like 60 per cent in the officers of the Army. It may be that there should be some slight increase in the commissioned strength of the Army, due to certain corps and certain organizations which were the development of the recent war. But an increase of something like 6,000 officers in the Army of the United States and an authorized increase of only 75,000 in the line is entirely out of all proportion. Under the national-defense act, according to tables promulgated by the General Staff, and which I shall put into the RECORD, you can organize an army of practically 240,000 officers and men. I herewith insert the following table (Exhibit A):

EXHIBIT A.

HOUSE BILL FOR REORGANIZATION OF THE ARMY.

Comparison of Army strength under House bill 12775, reported Feb. 26, 1920, and under national defense act of June 3, 1916, with subsequent amendments.

	National-defense act.[1]			House bill.		
	Officers.	Enlisted men.	Total.	Officers.	Enlisted men.	Total.
"Combatant arms or line of the Army":						
General of the Army	1	.....	1	1	.....	1
General officers of the line	45	.....	45	67	.....	67
Infantry	3,264	96,383	99,647	4,201	110,000	114,201
Cavalry	1,300	25,554	26,854	951	20,000	20,951
Field Artillery	876	18,249	19,125	1,901	36,500	38,401
Coast Artillery Corps	1,201	30,126	31,327	1,202	30,000	31,202
Air Service	148	3,320	3,468	1,515	16,000	17,515
Corps of Engineers	505	5,633	6,138	602	12,000	12,602
Signal Corps	127	3,913	4,040	291	5,000	5,291
Total	7,467	183,178	190,645	10,731	[2] 229,500	240,231
War Dept., General Staff	88	.....	88	88	.....	88
Adjt. General's Department	51	.....	51	102	.....	102
Insp. General's Department	29	.....	29	51	.....	51
Judge Adv. General's Dept	32	.....	32	101	.....	101
Quartermaster Corps	357	15,000	15,357	1,054	20,000	21,054
Finance Department	.....	.....	.....	91	600	691
Ordnance Department	142	4,500	4,642	352	4,500	4,852
Chemical Warfare Service	.....	.....	.....	91	1,500	1,591
Bureau of Insular Affairs	3	.....	3	3	.....	3
Detached officers and enl. men	1,022	.....	1,022	[2] 2,373	9,900	12,273
Chaplains	194	.....	194	248	.....	248
Professors at U. S. M. A	7	.....	7	7	.....	7
Medical Corps	1,554	10,615	12,169	1,823	14,000	15,823
Dental Corps	233	.....	233	280	.....	280
Veterinary Corps	118	.....	118	140	.....	140
Medical Administration Corps	.....	.....	.....	140	.....	140
Militia Bureau	1	.....	1	(4)	.....	.....
Division Trains	47	.....	47	.....	.....	.....
Porto Rico Regiment	50	.....	50	(5)	.....	.....
Additional officers	50	.....	50	.....	.....	.....
Total	11,445	213,293	224,738	17,675	280,000	297,675
Unassigned recruits	.....	13,889	13,889	.....	7,000	7,000
Philippine Scouts	292	12,000	12,292	(6)	12,000	12,000
Warrant officers [7]	.....	.....	.....	.....	.....	1,575
Band leaders	.....	.....	.....	157	.....	157
Grand total	11,737	239,182	250,919	17,832	299,000	318,407

[1] As amended.
[2] Total limited to 250,000; individual services may be increased by not over 10 per cent within this limit.
[3] Includes General Staff with troops and Philippine Scouts.
[4] None prescribed; any number may be detailed.
[5] Included under Infantry.
[6] Included under detached officers.
[7] In addition to warrant officers of Army Mine Planter Service, of whom 90 are at present authorized.

Mr. DENT. Under this bill you can organize an army of 299,000 officers and men, a difference that in peace times is so infinitesimal as to amount to nothing. As a matter of fact, the chances are—and we might as well acknowledge it—that you will never in ordinary peace times raise an army in this country by volunteer enlistment larger than 240,000, the strength that is authorized under the national-defense act; so that I have reached the conclusion, in view of the fact that this bill has departed from every principle of legislation that has heretofore been adopted by the Congress in the organization of the Army, that the best thing to do at this particular time is to stand upon the national-defense act of June 3, 1916. [Applause on Democratic side.]

Another objection, and a fundamental objection, I have to this bill is that it names the number of colonels, the number of lieutenant colonels, the number of majors, and on down to second lieutenants. There are 599 colonels, I believe, named in this bill. It does not provide where they shall be assigned to duty. Under the principle of this bill—and no advocate of it can deny this statement—the War Department can overload one branch of the service with colonels, lieutenant colonels, and majors and deprive some other branch of the service that is not popular with the General Staff of these field officers and give that branch simply subordinate rank. That proposition, I unhesitatingly state, can not be denied by any advocate of this bill. Within the limitation of the numbers fixed by the bill, under this bill the War Department can organize the Army

into Field Artillery and absolutely kill the Infantry, and everybody knows, who is familiar with Army legislation and Army appropriation bills, that it costs very much more to equip a regiment of Artillery than it does a regiment of Infantry. Under this bill, I repeat, one branch of the service can be loaded down with colonels, lieutenant colonels, and majors and the others deprived of these high ranks, and the service itself put into disrepute.

I prefer, Mr. Chairman and gentlemen of the committee, to follow the lines of the national-defense act, which simply repealed the act of February 2, 1901, in providing the form of legislation for an Army and fixing the strength of each organization and of each unit of the organization, the number of officers from the highest grade to the lowest in each organization, so that Congress will know what it is doing and Congress will know what sort of an Army it is providing for instead of having an Army that may be one thing to-day and another thing to-morrow under the regulations of the General Staff. Another objection that I shall urge to this bill—and at the proper time I propose to offer amendments to meet those views—is that the General Staff in Washington is too large and the powers of the General Staff should be curbed and restored to the duties of its original creation. The original General Staff was provided for the purpose of studying plans of the Army, studying ideas as to how the Army should be organized and equipped. But the General Staff has gone beyond its function and has reached out into the various bureaus and different departments of the Army and taken charge of the administrative functions of the Army which heretofore have been operated by the different bureaus charged specifically with that purpose. I do not see any necessity, Mr. Chairman, I can not find any reason why there should be 93 General Staff officers here in Washington whose sole duty should be simply to plan for the Army, simply to study its details and submit those plans to the Secretary of War to be enforced by the proper bureaus and the proper branches of the service. I shall therefore offer an amendment to reduce the General Staff down to at least 40, which with 5 different subject matters that the General Staff has to study will give them 10 members on each committee. The smaller the number that there are on a committee whose sole duty it is to study and devise plans, every Member of this House knows, the more effective is the work.

Mr. McKENZIE. Will my colleague yield?

Mr. DENT. I will yield to the gentleman.

Mr. McKENZIE. I desire to ask my colleague, Is it not a fact that perhaps the weakest spot in our whole Military Establishment when we got into war was our General Staff, and that was due to the limited number we had of that staff, or rather the size of the staff and the manner in which we had prior to the war selected the officers of which the staff should be composed, and did not we learn a lesson from that that we need a stronger General Staff?

Mr. DENT. I am sorry to state that I can not agree with my colleague on the committee. As a matter of fact, under the law that was in existence at the time we declared war the General Staff was limited to 57 members, and there was a provision in the law that not exceeding one-half of them should be residents of the District of Columbia, and as a further fact, as disclosed by the testimony of Gen. March before the Military Committee of the House, there never was at any time even under that law more than 19 members of the General Staff here in Washington, so that the General Staff never had the total number that was authorized under the national-defense act at any time. My colleague from Illinois will remember that testimony of Gen. March. Now, it may be that the General Staff under that authority did not function, did not perform their duties, but it was not the fault of the law, because they did not take advantage of the law and never had the number the law itself authorized at any time.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. DENT. I will.

Mr. HARDY of Texas. Is not the same fact true in reference to the whole Army that while the law of 1916 authorized an Army of 175,000 men, they never had them?

Mr. DENT. That is very true; but I will say to the gentleman from Texas that the authorization of 175,000 men under the national-defense act had to come in five annual increments.

Mr. KAHN. Will my colleague yield?

Mr. DENT. I will yield to the gentleman from California.

Mr. KAHN. And those five increments were not called until we practically got into the war?

Mr. DENT. That is very true; and it is also true, I will answer further, carrying out the suggestion propounded by the gentleman from Texas, that never at any time prior to the war did the Army ever have the strength that Congress appropriated for and authorized, not at any time under any Congress or any administration.

Mr. HARDY of Texas. Can the gentleman state just what the strength was when we entered the war?

Mr. DENT. My recollection of the figures—I have been dealing in figures so much I can not be exactly accurate, but my recollection of the figures is that we had practically 127,000 officers and men when we declared war in April, 1917.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DENT. I will.

Mr. GREENE of Vermont. After all, is it not true that the only permanent end of the so-called Regular Establishment is the officer personnel? Under the statutes themselves that really constitutes the only permanent class, affording a nucleus around which from time to time are gathered the various and varying numbers of enlisted men who go in and out of the Army, and only in occasional instances stay long enough to gain retirement.

Mr. DENT. The gentleman certainly has stated it accurately, because the enlisted man only enlists for a certain period, whereas the officer goes in as a lifetime job.

Mr. GREENE of Vermont. When you take the Regular Army, the permanent establishment merely means, after all, the basic law upon which is superimposed the commissioned personnel having a lifetime service.

Mr. DENT. That is true, but that is no argument in favor of having an excessive commissioned personnel. There is no reason on earth for having 18,000 officers when 11,000 officers can handle the number of men we are going to have, and nobody on earth can defend his position in Congress by voting for a bill that will give an excessive number of officers. [Applause.] Now, for instance, under this bill there are, as I recall it, 596 or 599 colonels in the Army. You can not figure out to save your life where you can utilize in the line of the Army more than 150 colonels. You can not figure out to save your life by the most liberal calculation where you can utilize more than 150 colonels in the Staff Corps.

That is 300 colonels, and yet you have 300 extra colonels going around doing nothing. And I challenge any advocate of this bill to tell me what he is going to do with the 300 extra colonels that are provided for in this bill. The average cost of an officer of the Army is $3,600 a year. Why do you want to provide for 300 extra colonels at an average cost to the Government per officer of $3,600 a year, when you have got nothing for them to do? Now, the whole trouble with this bill is—and I am going to tell you the whole trouble—is that it is a camouflage. You can not get around it. It is a camouflage of the General Staff bill that both committees of Congress repudiated months ago.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. DENT. Yes; I yield.

Mr. BLANTON. Concerning the gentleman's reference to a lump-sum appropriation, I want to ask the distinguished gentleman from Alabama if he knows anything concerning the item of about $10,000,000 additional pay roll that the Chief of Staff has had more than the committee had an idea of in making appropriations?

Mr. DENT. I am not familiar with that.

Mr. BLANTON. Has the gentleman heard anything of it?

Mr. DENT. I have not heard anything about it.

Mr. BLANTON. In other words, the General Staff has had a pay roll of actually about $10,000,000 more than the appropriations seemingly would indicate.

Mr. DENT. I am not familiar with that.

Now, I repeat that exactly the same situation applies to the other high officers that I have mentioned relative to the colonels in the Army. Let me repeat, and then I will pass on to one other subject, when I will finish.

I am opposed to the bill because in the composition of the Army it departs from every principle of legislation that has heretofore been adopted by Congress and makes Congress surrender to the War Department the right to organize the Army, whereas heretofore Congress has always exercised that power itself. I am opposed to it because it has an excessive number of officers, largely more than is necessary for the enlisted men provided for. I am opposed to it because it fixes the total number of officers without assigning them to each branch of the service. These reasons are, in my judgment, sufficient to defeat this bill and refer it back to the committee to be rewritten.

Mr. McKENZIE. Will my colleague yield?

Mr. DENT. I will yield to the gentleman from Illinois.

Mr. McKENZIE. Before the gentleman leaves the subject of officers, I want to just ask him a question. The gentleman has long been a member of the Committee on Military Affairs, and he knows much of the problems confronting that committee. One of them, of course, is the preparedness of our country for

war. Now, there has been a good deal of contention as to why we were not prepared for war. Some men asserted it was all due to the fact that we did not have the system of compulsory universal military training and have the boys trained. Others say it was because we lacked trained officers. And I am one member of the committee who felt in the preparation of this bill that we could get men for the Army and train them much more easily than we could officers, and the only justification for officers in this bill is for the preparedness of our country in case of emergency, rather than the fact that we will need every one of these officers every day in peace times. Is that correct?

Mr. DENT. I agree with the general principle that we need a sufficient number of officers for training purposes, but the gentleman certainly will not contend that we want to increase the strength of the Army by 60 per cent of officers for that purpose. Under this bill the detached officers' list, I believe, is about 2,000. Under the present law it is about 1,000. You double it. I am not raising any specific objection to a sufficient number of officers to go with the National Guard and with the different schools and colleges of this country that have adopted the Reserve Officers' Training Corps system, and I am willing to give you a sufficient number of officers for that. I am willing to amend the bill to meet that particular purpose, but I do not propose to have 600 colonels hanging around here when we need only 300.

Mr. KAHN. Will my colleague yield?

Mr. DENT. Yes; I yield.

Mr. KAHN. Will the gentleman give me the time to show him exactly where these 599 colonels are needed, or would the gentleman prefer I should do it in my time? I have here a list showing exactly where the entire 599 officers are needed.

Mr. DENT. I would be very glad if the chairman of the committee, my colleague, would give that in his own time. I think perhaps that is in the report he submitted to the House. That is what the War Department says it is going to do, but there is no legislation to compel them to do it. That is all there is in that. That is what the War Department says to-day they are willing to do, but there is no legislation to say where they are going to be placed, and that is exactly what I am objecting to.

Mr. BEE. Has the gentleman time to answer a question?

Mr. DENT. I hope so.

Mr. BEE. I am very much interested in the gentleman's exposition of this matter from his great knowledge and experience in it, and, of course, we Members who are not on the Military Affairs Committee must gather our knowledge from you gentlemen. I am struck with the statement about the organization. I notice on page 24 of the bill it says:

> The Infantry shall consist of one Chief of Infantry, with the rank of major general; 4,200 officers in grades from colonel to second lieutenant, inclusive, and 110,000 enlisted men, organized in the Infantry units.

What I want to ask the gentleman now is what the effect of that provision will be about fixing the number of Infantry officers as stated in the bill and fixing the enlisted personnel of the Infantry at 110,000 men? Would that be subject to change by the Chief of Staff in the face of the positive provision of the law which says that there shall be 110,000 infantrymen and so many cavalrymen and so many of field artillery?

Mr. DENT. Of course the organizations could not exceed the total number fixed by the law. The gentleman is well aware of that, and I so stated. The organizations can not exceed the total number of officers and the total number of enlisted men, but within that total the War Department can organize any number of regiments it sees fit.

Mr. BEE. Then I understand the gentleman's position is that under this provision on page 24 they would not be required to have 110,000 infantrymen, but might reduce them to 50,000 instead of having 110,000?

Mr. DENT. Why, certainly.

Mr. BEE. That is what I wanted to understand.

Mr. DENT. And they could not go beyond that number, but could use any number within that limitation.

Mr. KAHN. There is the limit of 10 per cent.

Mr. DENT. I think the gentleman from California is mistaken about that 10 per cent proposition. I think I am familiar with that. As the bill was originally presented to the committee it provided that the War Department at any time—in 24 hours, every other day if it saw fit—could assign 20 per cent of one branch of the service to another branch of the service.

To-day they might assign 20 per cent of the Infantry to the Field Artillery. To-morrow they might assign 20 per cent to the Cavalry. I fought that bill as originally presented in the committee, and the committee finally adopted a suggestion of mine to limit it to 10 per cent and to stop the War Department when they made that change, so that they could not make it every 24 hours, as the bill would permit, as originally framed down in the General Staff.

Mr. KAHN. On page 8 of the bill, if the gentleman will allow me, it says that the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than the total of 10 per cent.

Mr. DENT. Yes; I noticed that.

Mr. KAHN. So that he could not reduce the Infantry from 110,000 to 50,000, as suggested by the gentleman from Texas [Mr. BEE]. The question was replied to by the gentleman from Alabama.

Mr. DENT. The gentleman from California, I think, misunderstood my position. I intended to state, in reply to the gentleman from Texas, that in organizing the Army the War Department could organize the Infantry by 50,000 as an original organization. The War Department could organize the Infantry according to any number within the total limitation fixed by this act, and if they wanted only 50,000 in the Infantry they could organize it accordingly.

Mr. BEE. As to the closing paragraph of section 17 and all the other sections, which state that they may be organized into Cavalry and Infantry units, and so forth, as the President may direct, is that the item in the law which gives the authority to reduce at will the Infantry regiments or increase the Cavalry regiments?

Mr. DENT. I may be misunderstood if I answer the gentleman's question categorically. I repeat what I said a little while ago, that under this bill, the President, through the War Department, might organize the Infantry into 50,000 men as an original proposition. After the organization is made, then the bill provides that there may be a reassignment of the organization only by 10 per cent. In other words, the War Department will fix the number of Infantry under this bill. They need not necessarily fix it at 110,000; they might fix it at 100,000 or they might fix it at 50,000.

Mr. BEE. But in so doing they would not increase the allotted force, and therefore you could not have the same result in the year of having 50,000 Infantry and 20,000 Cavalry?

Mr. DENT. You can not have any more men, of course; neither could you, under the General Staff bill, have more than 579,000 men and officers. But under that bill the 579,000 men and officers were to be organized as the War Department saw fit, and then they would come to Congress and ask for a lump-sum appropriation to carry it into effect.

Now, I was about to forget something that I wished to call the committee's special attention to. The Senate bill practically provides for the same number of officers that the House bill does. There is a difference, to be accurate, of 348 officers. The Senate bill provides for exactly 348 more officers than the House bill does. Now, everybody knows that the Senate bill provides for compulsory military training, and everybody knows that if you have that you have to have more officers. Everybody knows that the committee struck that out of the House bill, and there is a difference of only 348 officers between the Senate bill and the House bill as reported by the committee. The Senate bill contained a provision for compulsory military training, and the House bill eliminated that provision.

Mr. BEE. Will the gentleman yield to another question?

Mr. DENT. Yes.

Mr. BEE. Is it not true that before the war there was a paucity of officers of the United States Army, and in fact graduations at West Point were expedited in order to furnish the different units with the necessary supply of officers, because in many instances a battalion was commanded by a lieutenant because they did not have the requisite number of officers?

Mr. DENT. Well, the word "paucity" may be construed in various ways. Of course, when we had an Army of only 127,000 officers and men when we declared war and decided to increase the Army by about 4,000,000 men, we had a paucity of officers. [Laughter.]

Mr. BEE. I do not think my friend from Alabama was exactly fair in his answer. I could leave out the word "paucity," which seems to have caused difficulty in his mind, and put the question in practically the same form. Is it not a fact that before the war they were calling for more rapid graduations from West Point, because on the border of Mexico, for instance, battalions were being commanded by lieutenants because they did not have a sufficient number of officers to command them? You can answer that question without reference to the word "paucity."

Mr. DENT. I never heard of calling for earlier graduations from West Point until after we had declared war. The proposition to graduate the third-year men or the second-year men only came on after we had declared war.

Mr. DENISON. Mr. Chairman, will the gentleman yield?
Mr. DENT. Yes.
Mr. DENISON. The gentleman from Alabama called attention just a moment ago to certain comparisons between the committee bill and the Senate bill, which contained provisions for compulsory military training, and called attention particularly to the fact that the same number of officers were provided for in each of the bills.
The CHAIRMAN. The time of the gentleman from Alabama has expired.
Mr. DENT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.
The CHAIRMAN. Is there objection to the gentleman's request?
There was no objection.
Mr. DENISON. Does the gentleman think there is any intention on the part of the conferees or of anyone in the House to attempt to insert that provision back into the bill—the provision for compulsory military training?
Mr. DENT. I can not answer as to the intention of any Member of the House. I do not know. Probably some Member may offer that as an amendment to this bill. I see no reason why it should not be done if any Member so desires.
Mr. DENISON. Of course, the gentleman will be one of the conferees.
Mr. DENT. I do not know. Usually I am.
Mr. DENISON. If he is, I hope the gentleman will do what he can to prevent that.
Mr. DENT. I am very glad to know that the gentleman agrees with me against universal compulsory military training in any form.
Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?
Mr. DENT. Yes.
Mr. BANKHEAD. Is it the purpose of my colleague from Alabama, before he is through, to make any reference to the bill in relation to the single lists for promotion?
Mr. DENT. Yes. I am going to refer to it briefly; but I fear I shall not have time.
Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?
Mr. DENT. Yes; I yield to the gentleman from Ohio.
Mr. SHERWOOD. How many officers were provided for in the Senate bill for this humbug idea of universal military training?
Mr. DENT. There were about 18,000 officers provided for in the Senate bill and about the same number in this bill. I just called attention to the fact that the Senate bill calls for only 348 more officers than this bill does, and yet it has compulsory training in it.
Mr. ALMON. Mr. Chairman, will my colleague yield?
Mr. DENT. Yes.
Mr. ALMON. Have you an estimate of how many officers would be required if we had the universal military training?
Mr. DENT. I had some estimates made. There was some testimony before the committee to the effect that it would require at least 5,000 extra officers if we had universal compulsory military training. The ordinary Army officer who will make an estimate will tell you that it takes practically one officer for every 20 men. If you figure that on a basis of 750,000 young men in training, you will see that it would take about 37,000 extra officers for 750,000 young men in training.
Mr. TOWNER. Will the gentleman yield?
Mr. DENT. I yield to the gentleman from Iowa.
Mr. TOWNER. As I understand it, the gentleman is very strongly opposed to compulsory universal military training?
Mr. DENT. I am.
Mr. TOWNER. I am in accord with the gentleman regarding that matter. Seriously, however, it occurs to me—and I would like to have the gentleman discuss it, if he will—that a system of training by sending officers to the colleges and even to the high schools, and by sending them to the military training camps, and to assist in the education of the National Guard, would require certainly quite a number of officers. Can the gentleman really inform us as to how he arrives at the conclusion that there is an excessive number of officers provided for in the bill, in consideration of that matter?
Mr. DENT. I can state to the gentleman, of course more or less in a general way, that during the present year and last year, as I recall, we had 100,000 young men in the different schools and colleges of this country who were under training under the provisions of the Reserve Officers' Training Corps, and under the law they were supplied with a sufficient number of officers. The gentleman will recall that under the law it does not necessarily take a commissioned officer to serve in the schools for training purposes. As a matter of fact, a sergeant is sometimes a very much better training officer than a lieutenant or a colonel, and under the law you may send noncommissioned officers as well as commissioned officers to these schools. So I do not think you will have any trouble in getting a sufficient number in view of that fact.
The CHAIRMAN. The gentleman has used five additional minutes.
Mr. DENT. I will take two additional minutes.
Mr. TOWNER. I just want to make this suggestion to the gentleman, that in view of the fact that apparently universal military training is not advisable, it would be really in the interest of the view which he takes that all the necessary officers be supplied for meeting the requirements of the other training.
Mr. DENT. I agree with the gentleman that we should have a sufficient number, but we have not had any deficiency, and I repeat that you can take care of that situation, because you can use noncommissioned officers for those purposes, and in many instances they are very much better to train the young men than a colonel would be.
Mr. KAHN. Will the gentleman yield?
Mr. DENT. Yes.
Mr. KAHN. The gentleman states that we had sufficient officers to train the boys at the schools.
Mr. DENT. One hundred thousand boys.
Mr. KAHN. The law provided that there should be one instructor for every 500 men at the universities, and yet large universities, like that of Illinois and like that of California, could not get the number of officers that were required to train their cadet corps.
Mr. DENT. That was during the war.
Mr. KAHN. Oh, I beg the gentleman's pardon, it was before the war. Illinois University had 2,500 students in their cadet corps. They were entitled to five officers, but they never had them.
The CHAIRMAN. The time of the gentleman has again expired.
Mr. DENT. I will use one minute more, Mr. Chairman. I repeat what I said. I am willing to increase this bill so far as officers are concerned in order to meet the demands of the Reserve Officers' Training Corps, but I am not willing to have 300 colonels walking around here with nothing to do. [Applause.]
Mr. KAHN. The gentleman admits that he was in error when he said that there were enough officers to meet the demand before the war.
Mr. DENT. No; I do not admit that I was in error, because this is the first information I have had that we did not have enough for the 100,000 young men who were provided for.
Mr. HULINGS. Will the gentleman yield?
Mr. DENT. I yield for a minute.
Mr. HULINGS. Does not this bill provide that no active officer shall be detailed for duty in these universities and training camps where a retired officer can take his place?
Mr. DENT. It does.
Mr. HULINGS. Does it not give the Chief of Staff the right to detail or to appoint all the reserve officers that he chooses without limit?
Mr. DENT. It certainly does.
Mr. Chairman and gentlemen of the committee, I have consumed more time than I intended, but there are two or three subjects in this bill that I have not touched upon. I propose to put in the RECORD the statement of my reasons for opposition to universal military training, and also to put in the RECORD a statement showing what the cost of the Army will be if you adopt any such provision. These figures have been prepared carefully for me by an officer of the Army who has been accustomed to making these estimates for many, many years, and I think that they are practically as nearly accurate as can be obtained. [Applause.]
Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HARRELD].
Mr. HARRELD. Mr. Chairman, that I was elected to this Congress at a special election upon a platform pledged against a large standing Army and universal compulsory military training is well known to many of the Members. [Applause.] That I am at the same time a strong advocate of adequate preparedness for the national defense is not generally known to the Members. However paradoxical that may sound to you, it is nevertheless true. At the time I was chosen a Member of this House at a special election four months ago it was proposed to have a standing Army of 576,000. This bill proposes to have a standing Army exclusive of officers and certain other special troops of 250,000. To my mind that should be still further reduced. Seventy-five thousand was adequate before the World War—the danger is no greater now. It has never been the policy of this country under this dual system to keep a larger standing Army than is necessary for immediate use. If in the opinion of Con-

gress there is danger of wars, and that therefore it is necessary to provide for a greater force to properly safeguard the national defense, then we should provide for a greater and more efficient National Guard rather than create a huge standing Army in time of peace. When we are in full view of war this rule might be varied, as has always been done in this country.

The main objection I have to this bill is that it seeks to build up the standing Army and minimize the National Guard system, while I would build up the National Guard system and minimize the standing Army. With a strong National Guard there would be no necessity for a large standing Army, and likewise no necessity for enforced military training.

I hesitate to advance my judgment against that of the distinguished Military Affairs Committee, Gen. Wood, Secretary Baker, and others, and though I may be alone in my position in so far as this House is concerned, I have the framers of the Constitution and the general public on my side. I believe a platform pledge is something more than a scrap of paper. I therefore feel it my duty to my constituency, myself, and my country to call attention to what to my mind is a departure from our traditional policy against maintaining a large standing Army in times of peace.

The bill does not particularly do that. I am calling attention to the tendency of the times as evidenced by the fact that we have strong support for a larger standing Army. At the time I became a candidate and took the position opposing a large standing Army, the General Staff Army bill was being discussed providing for an Army of 576,000 soldiers. I say I am inveighing more against the tendency to create a large standing Army than against the bill itself.

A standing army of 150,000 would be adequate for the present. It would not be adequate if we were at war, neither would 250,000 be, for that matter. But this bill provides an efficient method of enlarging and training the National Guard, and when that is done, then, I repeat, there is no necessity of this large standing army.

The Constitution provides as follows:

> Congress shall have power: To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

George Washington said in his farewell address, in speaking of the Union of the States and the increased power derived therefrom—

> Hence likewise, they will avoid the necessity of those overgrown military establishments which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty.

Alexander Hamilton, in discussing the matter of providing garrisons for the western forts, is quoted in the Federalist papers as saying:

> These garrisons must either be furnished by occasional detachments from the militia or by permanent corps in the pay of the Government. The first is impracticable; and if practicable, would be pernicious. The militia would not long, if at all, submit to be dragged from their occupations and families to perform that most disagreeable duty in times of profound peace. And if they could be prevailed upon or compelled to do it, the increased expenses of a frequent rotation of service, and the loss of labor and disconcertion of the industrious pursuits of individuals, would form conclusive objections to the scheme. It would be as burdensome and injurious to the public as ruinous to private citizens. The latter resource of permanent corps in the pay of the Government amounts to a standing army in time of peace; a small one, indeed, but not the less real for being small.

What a phillipic against the proposed system of universal compulsory training!

It will clearly appear from these quotations from the Constitution and the men who framed it that they intended to provide for a dual system of having an organized militia in each State and a standing army, the same as is provided for by this bill, and the one which it amends. But it is equally clear that they intended that the standing Army in times of peace should be a small one, only large enough for immediate needs and that reliance should be had upon the organized militia to fill the need in case of war, invasion, or insurrection.

It is also evident that they intended that this militia, whether organized as State guards or National Guards as proposed in this bill, should be trained by the respective States by officers appointed by the States, but "according to the discipline prescribed by Congress."

These words become significant in the light of the words of George Washington quoted above. This plan was deliberately adopted to avoid the growth of the militaristic spirit in this country—"overgrown military establishments," as he called it. The method adopted by them is an efficacious one and one that should not be abandoned lightly.

The proper and efficient organization of the militia in the respective States not only makes a large standing Army unnecessary and renders universal compulsory military training unnecessary—and right here let me say in passing that I do not believe we can enforce universal military training under the provisions of the Constitution just quoted—but is more economical. It is no trouble to get recruits for the National Guards. They will volunteer. They are trained at or near their homes, where they touch elbows with their neighbors, under officers who are their friends, who do not attempt to lord it over them.

I do not believe that anyone in this House wants a military caste established in this country, but there are those in high places who do, and the insidious forces are at work. I make the prophecy that the next step in the program will be when they fail to recruit the Army to the desired strength, which will happen, they will then demand universal training to bring about the ends desired. I know that those who would build up a military caste in this country have ceaselessly traduced the National Guard. They say, "The National Guard is a joke." Why should it be? Is it not possible that the soldiers could be trained under that system to be as efficient as the Regular Army, by using well-trained officers in doing the training? And this bill provides for that. The facts are that in the World War they held their own with the Regular Army; the famous Rainbow Division was a National Guard division. The first break through the Hindenburg line was made by two American National Guard divisions, according to the statement of Field Marshal Haig. Another National Guard division was dubbed the "Savior of Paris," because it served to stop the German Army in its drive on Paris. In this connection I quote from an editorial of the Daily Oklahoman, the leading newspaper of my State, published at Oklahoma City, March 4, 1920:

> The achievements of the National Guard divisions were among the great surprises of the war. For years many Regular Army officers and enlisted men had looked down upon the members of the National Guard. Even friends of the guardsmen in their own communities often joked about what they called the "tin soldiers." But in spite of these jibes the members of the guard—all volunteers—gave up pleasures again and again to drill during peace in order to be ready to defend their country if war should come. And when the war did come many of these young men were among the first to go to France, and large numbers of them took part in battle before many of the Regulars did. This is not intended to belittle the wonderful record of the Regular Army and of the National Army or drafted divisions, but it is meant to show the importance and the efficiency of the National Guard system as a means of providing a line of defense and offense for the protection of the country. Since universal military training appears to have been shelved by Congress, the reorganization and development of the National Guard should be resumed with renewed vigor. This will give the Nation a powerful auxiliary force to back up and reinforce the Regular Army in case of emergency.

In conclusion allow me to repeat, I differ from the committee only in the means to the end, but to my mind the course advocated by me is not only the most efficacious but the safest way to prevent the insidious encroachment of militarism in this country. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Chairman, I regret that this bill does not provide for universal military training. It is conceded by all of us that in time of war every able-bodied American owes his country the duty of military service. It has been fully demonstrated that armies can not be raised overnight, and that the ordinary citizen without previous military training is absolutely worthless for immediate use as a soldier. Therefore it follows that in time of peace it is the duty of every capable American to render himself able to perform military service should the emergency ever require it. The more that are ready for immediately military service the easier will be the task of each individual, the less will be the risk of failure, the more speedy, the more certain the restoration of peace through victory. In the Sixty-fifth Congress there was a sharp difference of opinion over the adoption of conscription. In view of the record there should be none now. The adoption of the minority report of the Committee on Military Affairs was the most just, the most effective, the most far-reaching piece of legislation ever enacted by this democratic Government of the people. [Applause.]

Whether the pending treaty with the essential reservations is finally adopted or rejected, the United States of America has more than ever become a world-wide power with ever-increasing responsibility. We are bound to be consulted and we ought to have a voice, and an influential voice, in the determination of problems which may seriously affect our interests. If we attempt to speak without power, we run the risk of war or humiliation; if we speak with power, our voice will have adequate weight and authority.

Although for several years I have seen service in the Connecticut National Guard and as an enlisted man in the Spanish War I must confess that I have devoted little time to the study of various plans for a proper military establishment in the United States. But in common with all of you I do know that we live in a great and prosperous country. Through tremendous past sacrifices we to-day are citizens of a country rich in all things, and in view of our vast resources I have always felt that in time of peace we were not doing enough in the proper way to insure protection to our free institutions and to our great national wealth, that we were not doing enough to prevent war or to lessen the tremendous waste of our resources in time of war. I have, of course, realized that the maintenance for many years of an army of only 25,000 was a source of great apparent saving, yet in the last two years we have expended billions upon billions of dollars; we have now a national debt of over twenty-five billions, our young men have suffered hundreds of thousands of casualties, and thousands of our boys now lie under the poppies in the fields of France. Perhaps this awful sacrifice was inevitable. We only know to-day that under the circumstances that we in part had permitted to prevail this sacrifice had become absolutely necessary and unavoidable.

If six years ago we had been prepared for war, if Germany had only known that in a few days instead of over a year we would have been able to raise and equip armies of over 4,000,000 men; that in a few weeks, instead of over a year, we would have been able to land millions upon the shores of France, perhaps this World's War might never have been, and this awful waste of millions of lives and billions of dollars might have been altogether avoided. [Applause.]

I recall in the reading of Washington's Farewell Address the other day by the gentleman from Illinois these words:

> Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

If a suitable establishment for defense was deemed necessary for the original States, with 4,000,000 population, and with limited resources, how much more necessary is a suitable establishment to-day for the defense of a Nation of the world with 110,000,000 population, with riches unlimited and incalculable. Our combined military and naval establishments should be built and maintained solely for the purpose of national defense and never for the purpose of foreign aggression. For the purpose of adequate national defense I believe that we should have an "incomparable" Navy. A Navy of superdreadnoughts and battle cruisers, of destroyers and torpedo boats, of submarines and hydroplanes, sufficient to prevent any nation in the world from being able to transport troops across either the Atlantic or the Pacific. If we make our first line of defense of this strength and power we need never maintain a standing army of any great size. The pending bill authorizes a regular "professional" Army of an enlisted strength of 299,000 men; in my opinion we will never obtain in time of peace such an enlisted strength in such an Army, and in this democratic Republic we never ought to obtain it. I am much interested in a provision in the Wadsworth bill which provides for an annual reduction of the enlisted strength of the Regular Army. I am in favor of an annual reduction of 20 per cent of the enlisted strength, 60,000 discharged at the end of the first year, 50,000 more at the end of the second year, 40,000 at the end of the third year, 30,000 at the end of the fourth year, 25,000 at the end of the fifth year, and so on down until in the regular professional standing Army of the United States there shall be 15,000 to 20,000 commissioned officers, and 12,000 or 15,000 sergeants and warrant officers, and practically no privates or corporals at the same time. In the regular temporary Army of this Republic, in time of peace, there should be always three or four hundred thousand conscripted privates and corporals, enlisted for a period of six months only, denying to all of them the privilege of reenlisting.

The youth of our country are compelled to go to school for years without pay, for their own good and for the welfare of society. With merely nominal pay of $5 a month each one of them should be compelled to serve in the Army for only six months at some time between 18 and 21 years of age. I believe that this policy could be adopted without any real economic loss to the Nation at large. The six months of training in the Regular Army would never be forgotten, and the lessons of loyalty, of patriotism, and of obedience to constituted authority would turn all of them out better men, better citizens, better equipped in every way to perform the duties of civic life, and would make them more ready and more willing to respond to the call of selective conscription should an emergency ever arise. In such an army there will be all classes—the rich and the poor, the high and the low, the son of the workingman, and the son of the millionaire. Only such an army should be the Regular Army in this democratic government of the people. [Applause.]

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware [Mr. LAYTON] be granted the privilege of extending his remarks in the RECORD on the glazed-kid industry. Dr. LAYTON was called home by the serious illness of Mrs. Layton.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Delaware [Mr. LAYTON] be permitted to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

ARMY REORGANIZATION BILL.

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman and gentlemen, I am not prepared to discuss the details of this bill or to present a technical analysis of it in any manner whatever. But I have some thoughts and suggestions that seem important to me. This bill, in my judgment, is the first fruit of the defeat of the League of Nations. It is a great Army program. It provides for a peace-time Army of 299,000 enlisted men and 17,820 officers, besides the National Guard and military training system. It will be followed by a great naval program, and the Secretary of the Navy has already laid before a committee of the Senate two different propositions—one for adoption in case the League of Nations is accepted and the other for adoption in case it is defeated. The latter program, as I roughly sketch it, seems to me to about double the expense of the former.

The world, Mr. Chairman, is brought to its present condition of industrial serfdom by militarism and by war. A war debt of two hundred billions now hangs over the working people of the world, and all the great nations confront the greatest military programs in their history, except Germany and her allies, who have been forbidden to increase theirs by the terms of the Paris treaty. We had thought the world was so war weary that it was ready, if possible, to cease competitive preparations for war and begin a policy of universal reduction of armaments.

Our young boys, when they were sent across the ocean in order to engage in war in Europe, were induced to believe that it was a war against war that we were making, and that if triumphant there would be an agreement made by the great nations of the earth under which the possibility of war in the future would be at least minimized and armaments diminished. Republicans and Democrats alike proclaimed the policy of a concert of great, peace-loving nations in a league to maintain peace and restrain the aggressions of lawless nations. And yet we find this Congress of the greatest Nation on earth, now that we have accomplished our purpose on the battle fields, turns tail in time of peace. This Congress forgets or ignores the fine ideals and policies we proclaimed, and at least one branch of it declines to permit America to participate or bear its part of the burden in the undertaking for the preservation of the peace of the world. We seem ready to return to the old system of international military rivalry, under which we are now holding the masses in chains by debts, taxes, and burdens growing out of wars past or to come. The long struggle of the human race for freedom finds the form of servitude changing, but its reality continued. The coat that slavery wears, the badge of servitude, may change, but the substance seems never to change. And the slave chained to the oars of the galley was never more tied to his burden of slavery than the slave tied to the oars of our tax galley, whose precious burden comes, seven-eighths of it, from war.

There was a visible link that bound the wrist of the galley slave to the oar. There is an invisible link in the power of taxation that binds the limbs of the taxpayers of the world to-day. When we come to the opportunity to decrease the armament of the world, America—great, proud, free, liberty-loving America—shunts off from the path and refuses to take her stand for peace; talks of her sovereignty and liberty while binding the bodies of her people to the juggernaut of militarism more firmly. We do not want a peace league; we are not willing to send a few of our boys across the water to adjust the difficulties of Europe. No; but we will put 299,000 of them in armies of America, when a tithe of that number would be all that would be ever called upon to perform our part in the world's problems of peace. Let me call your attention to what our war preparedness burden means, as briefly as I may. When, before the war, we had less than 100,000 men in our Army, it cost over a hundred millions of dollars to carry them. Now, we have doubled the cost per man. Each man then cost $1,000, and each man now reasonably will be expected to cost not less than $2,000. We have trebled the

number of men that we are proposing to put into the Army. We have doubled the cost per man and trebled the number of men, and that means that the Army of the United States under this bill will cost six times what it did before the war, or $600,000,000 a year, and the additional cost that we put into the training of 150,000 young men every year to fit them for the coming wars will run perhaps to another $200,000,000. You have $800,000,000 for the Army, not counting your coast fortifications, if I have it right. An equal sum will be needed for the greater Navy. When you add the Army and Navy together, you are going to have, under the program of peace that is foreshadowed by the conduct of the dominant party in this country, an expenditure for Army and Navy and for war purposes, independently of pensions and of the interest we must pay on the debts we have incurred, of over a billion and a half dollars. That is twice what the whole expenditure of this Government, leaving out the self-sustaining Department of the Post Office, cost on the day we entered this war. Why, Mr. Chairman, the gentleman from Alabama [Mr. DENT] says the average cost of the Army officer is $3,600. We are to have 18,000 of them. That will make $64,000,000 per year for Army officers alone, or nearly two-thirds of the Army cost before the war.

It is a vast Army machine to maintain in time of peace, but we will perhaps never do with less, if we are to keep always prepared to fight the whole world or any combination of nations.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. I have very little time, and if the gentleman will yield me two minutes, I will be very glad to answer his question.

Mr. KAHN. But the gentleman has spoken of the enormous war cost because of the dominant party. I suppose the gentleman means——

Mr. HARDY of Texas. Mr. Chairman, I hope the gentleman will permit me to answer that. I said the policy that seemed to be favored by the dominant party of rejecting every opportunity there was to secure the peace of the world, by denouncing the League of Nations, was leading us to this increased preparedness for war. [Applause on Democratic side.]

Mr. KAHN. Does not the gentleman know that the dominant party, as represented by the Secretary of War, has asked for an appropriation for the Army for the fiscal year of $989,000,000?

Mr. HARDY of Texas. I am very glad the gentleman said that. Let me answer. The Secretary of War has been so surrounded by the cries for larger and larger armies that he surrendered to the militarists who have been demanding that this burden be put upon our people, and it may be that he is right if we are to have no covenant of nations to keep the peace. But ask the Secretary of War, and he will say that if you adopt the League of Nations you will not need this great Army. The Secretary of War has said that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask for five minutes more.

Mr. DENT. Mr. Chairman, I yield two minutes more to the gentleman. Will he yield for a suggestion?

Mr. HARDY of Texas. Yes.

Mr. DENT. I simply want to state in response to the suggestion made by the gentleman from California [Mr. KAHN] that the estimates for Army appropriations which were submitted to Congress were based upon the War Department General Staff bill and not on the law.

Mr. HARDY of Texas. And let me say further that before this League of Nations was submitted, as I remember it, before the peace council at Paris had agreed upon a covenant for a League of Nations to enforce peace the President of the United States was responsible for a tentative bill, at the request of the General Staff, asking for 576,000 men; that would have cost over a billion dollars; but that was contingent upon the fact that America and the world would undertake in no way to lessen the dangers of war. The Secretary of the Navy has also said that without the League of Nations America ought to have the greatest Navy in the world. We have a greater coast and more coast cities, and I trust will have more commerce to defend. I see the underlying motive for the fight upon the League of Nations, not known perhaps to many Members of Congress or realized by them. There is a great combination of those who manufacture materials of war and their allied interests, supplemented by those who live by the trade of war, who are not burdened or bothered by the problems of tax paying and tax gathering, that would saddle the burden upon the nations of the world of an eternal struggle in the preparedness for war that would bind in chains the whole world groaning under this burden, until lo! the end of slavery, instead of coming nigh would be further off, and as the years and the decades and the centuries roll on we will find these chains binding harder and harder and stronger and stronger and these burdens bearing heavier and heavier upon the bodies of the workingmen not only of this country but of the world. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HARDY. Mr. Chairman, under the permission given me to extend my remarks I will endeavor to reply to the argument made by the gentleman from Ohio [Mr. KEARNS] just after I concluded my foregoing remarks. He tries to shift the blame for our stupendous military and naval program to the President and Secretary of War. He says:

> While the President was in Europe in January, February, and March, 1919, writing a constitution for the League of Nations that everybody at that time thought would be enacted, because at that time Republicans and Democrats alike were advocates of a League of Nations; while the President was absent during those months preparing this extraordinary document, his Secretary of War was here in Washington helping prepare an Army reorganization bill which called for 576,000 enlisted men and necessary officers for such a force and carrying a provision for the training of every boy 19 years old in the United States.

I thank the gentleman for that statement, which is entirely true and which, except one part of it, had been stated in my remarks to which he was replying. The part I had not stated was that "at that time everybody thought the league would be enacted, because Republicans and Democrats alike were advocates of the League of Nations." I thank the gentleman for that part of his statement, particularly because it comes not from a defender but from an opponent of the President, not from a Democrat, but from a Republican. I believe the President at that time also believed all parties here would gladly acclaim a league to enforce peace. In the beginning at least he knew that he had the overwhelming backing of public opinion at home. What he thought he had to overcome was the hostility and opposition of the European nations, who were wedded, as he feared, to the old ideas of secret treaties and maintaining the balance of power. He especially feared that France, under the lead of Clemenceau, would be hard to win to his ideas of no more secret treaties and a covenant to enforce peace between all great nations. It was clear to the dullest mind that we could not lessen our own military program, except under a common agreement, and that if he were to secure such an agreement it must be made clear that America would not be behind the foremost, in case the old system of competitive armament was to be continued by the nations. Under these circumstances the big Army bill was prepared and submitted to Congress, but it was well understood it was not to be carried out if the League of Nations came into being and we were a party to it. I do not doubt that the very submission of that bill helped to secure the agreement to the league by England, France, Italy, and Japan, because it showed those nations what they would have to compete with on our part if international competitive armaments were to continue. He won his fight in Paris. And then a change came over things in the United States. Political exigency stepped in. The President was still a power with the people notwithstanding the Republican victory of 1918. He had been wounded; he must be killed or thoroughly discredited by 1920. The Democratic Party had accomplished too much in its amazing volume of wise constructive legislation before the war and in its successful conduct of the war. It would not do to let the President give to the world a treaty so beneficent and full of blessing that it would stand foremost among all the great works of man.

And so a thousand guns were turned upon him and upon the League of Nations. The country has been so covered with hostile propaganda that thousands of good citizens now believe that the very idea of a league of nations to enforce peace was conceived in sin and brought forth in iniquity.

I know there are some Democrats that oppose the treaty, but they are few, and, not strangely perhaps, many of them are personally hostile to the President. The country is not fooled. The country knows that the great bulk and strength of the opposition that has blocked and is blocking the peace treaty comes from the Republican Party. It is nearly all personal or political opposition to the President, backed by those interests that would have been affected by cutting down great military programs.

I might stop here with quoting and commenting on articles 8 and 10 of the covenant of the League of Nations.

Article 8 reads as follows:

ARTICLE 8.

> The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.
>
> The council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.

The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programs, and the condition of such of their industries as are adaptable to war-like purposes.

Article 10 reads as follows:

ARTICLE 10.

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

Now, it is perfectly evident even, I presume, to the gentleman from Ohio [Mr. KEARNS] that with these two articles agreed to by the great nations, including the United States, every great war program of preparedness adopted by every great nation would be reduced, and it is perfectly apparent that neither Japan nor England nor Italy nor France will or can adopt a policy of reduction if the United States is to increase her war preparations. That is why I said this bill was the first fruits of the policy of the Republican Party in defeating the League of Nations.

But, Mr. Chairman, the most natural thing about the whole propaganda against the League of Nations is that it says little or nothing about article 8, but directs its whole attack against article 10, without which article 8 would be completely ineffective or even foolish. In keeping with the policy of the opponents of any worth-while League of Nations to confuse the public and shift the blame for failure to ratify the peace treaty they are frequently proclaiming that they, too, want a League of Nations, but not the one submitted by the Paris council. And they urge us to ratify the other parts of the treaty but let the "covenant of the league" wait for a future convention. Mr. Chairman, what evil may come from waiting?

First, England, France, Italy, and Japan must, as we are now doing, prepare to meet the future. This morning's Post—March 11—shows Admiral Jellicoe urging a navy for Canada. He clearly wants a great navy for Canada. In the same paper Andre Tardieu admits that France has more soldiers in her army than before the war. In justifying this larger army he uses this significant language:

Second, the United States promised us their guarantee in case of unprovoked attack, as well by the treaty of Versailles as by the special treaty between them and us, and neither of those treaties is ratified.

Defeat the treaty and the league, abandon disarmament now, postpone it to a future day, which may be 1 year or more likely 10 years or never, and we must all go back to the old competitive system of big armies and navies and vast munitions, and the private and Government manufacture of guns, battleships, fortifications, and war machinery. The past tells us what a harvest of golden wealth the private makers of these things would reap, while we wait and while the masses toil. Before the Great War statistics showed that over 72 per cent of the expenses of the Government of the United States raised from taxation had been spent in war and preparing for war and the paying for past wars. There was maintenance of the Army and Navy in peace and war, fortifications and pensions and bounties and interest on war debts, and yet we were blessed among nations of the earth because our war burdens were lighter than those of any other great nation. Now we have piled up a fixed burden of debt and coming bounties and pensions which looms large in comparison with other national debts, and even with our incomparable resources. Our debt will be some $30,000,000,000, and the interest and sinking fund of 1 per cent on that alone will reach nearly $2,000,000,000 a year. Adding this to the other expenses growing out of the war and our continuing the competitive system of preparedness for war, we must spend annually from four to five billions of dollars. By disarmament or a reduction of armament we can cut this down by over a billion dollars a year, and yet men say, "Wait; not yet. Let us build our great Navy and organize our great Army first." When we have done this who can say that the armies and navies and private interests fattening on them will let the world disarm? I take no stock in the argument that there is nothing compulsory in articles 8 and 10. If the nations obligate themselves to reduce their armaments to the lowest point consistent with national safety, it devolves on the League of Nations to enforce the obligation by common action, and without some such action and concert not one of the leagued nations would feel safe to reduce its own armament. Mutual suspicion and distrust would rule the secret councils of every nation, and secret or open endeavors of each nation for its own advantages or superiority would continue as in the past.

In answer to all this, we are told that by entering the league we part with some of our sovereignty, and they tell us this with hands lifted in holy horror. We do part with our sovereign right to make unjust and cruel war, to measure our right by our might, or to make war without first stating our cause for war before a council of the nations, and we bind ourselves together for mutual protection against any lawless nation. After all, it is the old question—how much of our pride, our separate sovereignty, if you will, we are willing to sacrifice for the ultimate welfare of ourselves. It is the old question that individuals answered when organized government began, that nations always answer in the formation of every treaty. It was the question earnestly asked by our fathers when they formed the Union and agreed that the States would stand together against a foreign invader. The human race may well shudder at the military menace of the future. God Almighty with a strong arm brought the Hebrews out from Egyptian bondage, but who will bring all the children of men out from under the bondage of wars and preparing for wars?

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman and gentlemen of the committee, I feel myself somewhat embarrassed in taking the position that I feel bound to take upon this bill. There are many things in the bill that I most heartily approve, but there are some things in this bill that I think should be abolished. There should be amendments made, and I shall try to consider some of them under the five-minute rule. I am thoroughly in favor of a highly trained army of professional soldiers in the country, an army that shall be a pattern and a model to which the American citizen soldiery may aspire. In the event of war the Regular Army never will be large enough to defend the country, because the country will not support a large standing Army. [Applause.] The defense of the country must always depend upon the citizen soldiers, the militia of the country. It is obvious, then, that we should have professional soldiers, trained to the minute, able to keep abreast of or to surpass in the complex knowledge of warfare the soldiers of any other nation, who shall serve as models to which the citizen soldier may look for example and tuition. But the Army proposed by this bill is not large enough to guard the country in time of war, and it is twice as large as it ought to be in time of peace. [Applause.] This bill purports to be an act to amend the act of 1916, but the father of that act would not recognize his amended offspring. The act of 1916 was enacted when the world was ablaze with war. For nearly two years Europe had been at war, and it was perfectly well understood at that time by many people that we were in great danger of being drawn into that war in spite of the heralded assurance that "the President would keep us out of war."

Yet under these circumstances a Regular Army of 175,000 men was considered sufficient. Now, when the world is war-worn and when for years to come we will probably have no need for soldiers, unless under a league of nations we should find ourselves obligated to send American armies to fight in European quarrels not of our instigation or concern, now we find this bill provides for 299,000 enlisted men and 17,820 officers. Gentlemen, you are fixing up a bigger load than the people of this country are willing to carry. [Applause.] You ought to cut the enlisted force in two and trim out a lot of these major generals and brigadier generals and officers of high rank. [Applause.] According to the bill you have an officer for every 17 enlisted men. But that is not the worst feature of the bill. The bill creates a military autocrat. The President and the Secretary of War are mere figureheads alongside of the Chief of Staff. It looks to me as though the bill's principal purpose is to create this wonderful officer. In the language of the bill he recruits, he equips, organizes, supplies, makes the plans, and executes and coordinates the work of the Military Establishment, and I believe he will do this according to his own whim.

Mr. CALDWELL. Will the gentleman yield? I wonder if the gentleman will not be satisfied inasmuch as he is a Republican?

Mr. HULINGS. I do not know what he is or might be. I understand he has recently got to be a Republican, he did not use to be so much of a Republican, like some fellows up there in New York they swap back and forth. [Applause.] Of course, everything will be done in the name of the President, but the Chief of Staff does the organizing, appointing, and executing. He orders a board that arranges the officers in two classes, those to be retained and those to be discharged, and there is no appeal from that board. He organizes—that is, he appoints—all the

officers. He appoints reserve officers in such number as he prescribes.

In time of peace he may order reserve officers on duty at full pay. How many? There is no limit unless the President should get cross. He can, he must detail retired officers, in addition to what is on the active list, for service at the colleges and schools on full pay when they can be found. If they can not be found, he can appoint officers from the active list. There is practically no limit to the authority to load up the roster with officers on full pay. The bill transfers the powers of the Military Establishment to the control of the General Staff, dominated by one man. The Secretary of War is a civil officer and he is the instrument by which the Congress and the people manage and control the Army, officers and men, but under this bill it will be a mighty strong Secretary of War who will not find himself as putty under the influence and power of the Chief of Staff. As I said in the beginning, I favor a highly trained Army, but when war comes the country must rely upon the militia, and the militia is defined in the act of June 16—that is not repealed by this act—as all the able-bodied men in the country between the ages of 18 and 45, and divided into three classes—the National Guard, the Naval Militia, and the unorganized militia. Now, if the National Guard is a part of the militia, as it is plainly defined to be, then by the Constitution the President is the Commander in Chief of the militia when called into service, reserving to the States the right to appoint the officers and the training of the militia, but by this bill the President—that is, the Chief of Staff—appoints all the officers, and every shred of authority or control of the National Guard is taken from the State and lodged in the department at Washington. And there is grave doubt of the constitutionality of the proposed measure. For years the Regular Establishment have striven to destroy the National Guard, and by the operation of this bill the Regulars will have simply swallowed the National Guard. The militia, in spite of the arrogance, unlawful and contemptuous treatment by the Regulars in all our wars, has been the backbone of our military power. Of the 17 divisions of the Regular Army, 7 went overseas, 5 of them got to the front.

One-half of the enlisted strength of those five divisions were men who joined after war was declared, and the splendid work done by those five divisions was not wholly due to the superior efficiency of Regular Army training. The National Guard sent 11 divisions to the front, and of the National Army, the drafted men, 17 divisions went overseas. Now, whatever may be due to the valor of the Regulars, there was no body of troops under the American flag superior in valor or in the discharge of arduous duty than the "iron men," the Twenty-eighth Division of the National Guard of Pennsylvania, and I protest against the provisions of this bill that would take away from Pennsylvania and its splendid men who built up that organization the control of the National Guard of Pennsylvania. [Applause.]

Mr. Chairman, there are many things in this bill that I think should be remedied in the debate under the five-minute rule to which I will not allude at this time, and, Mr. Chairman, I surrender back the balance of my time. [Applause.]

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. STRONG]. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman and gentlemen of the committee, I want to use the time allotted to me to discuss the need for a separate Air Service. I had hoped that this bill would make some provision along that line, and it does make provision for its betterment by providing the same increased pay now being paid aviators in the Navy; a chief of the Air Service with the rank of major general, with 1,514 officers in grades from colonel to second lieutenant, and 16,000 enlisted men. That, I think, will greatly develop the present Army Air Service. But we need an air service separate and apart from either the Navy or the Army. We need an air service that is dominated and controlled by men who know how to fly, by men who understand the conditions under which the men must work, who do fly air machines, who will study the manufacture and needs from that standpoint, and will develop the very best type of aeroplanes and hydroplanes for every branch of service, with fields and stations where they are needed. If we are engaged in another war the Air Service is going to be highly important. To-day we have an air service for the Army, we have an air service for the Navy, and we have an air service in the Agricultural Department to fly over the forests and look after forest fires, and we have an air service in the Post Office Department.

With all these air services there comes a duplication of organization, which breeds jealousy between the different branches that has a tendency to retard development, and over and above that, there is the jealousy that I think has been plainly exhibited by the General Staff toward the Air Service. One thing that came out in the war was that in the development of the Air Service the Army and the Navy did not cooperate, did not work together to secure the best results. During the war my own son was an aeroplane pilot, and was in service at Little Silver, N. J., engaged in the development of the wireless telephone. They could secure from France and England and Italy any report of the development of the wireless telephone service, but they could not get from the Navy any report of the advancement it had made. Now, think of it. Here we were at war, with all branches of the service working overtime to secure victory, yet either jealousy or duplication of organization and a conflict of authority prevented developments made in the greatly needed wireless telephone by one branch of our own Army from being used by another arm of the service.

The great failure of the war was our aeroplane service, not because of any failure of the men in the Air Service—for there never was a more glorious record made than by those brave fellows who, despite the unsafe and dangerous character of the planes furnished them, despite the hundreds of their comrades killed at the training fields, accepted the awful risks, became expert flyers, and when sent to France won many battles in the air with the discarded aeroplanes of our Allies—but because of contracts given to men who knew nothing of aeronautics, because men were placed in command of a service they knew nothing of; hence it is we now have committees appointed to investigate our failure reporting that though we spent $1,051,000,000 we did not produce a single fighting plane.

Now, since the war we have found that the Army Air Service has been spending a great deal of money, and causing the death of many of our splendid young men, by pulling off stunts like the race between here and California, where there were about 10 men killed and several hundred thousand dollars' worth of aeroplanes destroyed. What possible purpose could be attained by that? If they wanted to make some test as to endurance and to try out planes, they could have made the test by sending one or two men on such a trip. But, no; they must pull off a race. Now it is suggested we should have an air mail service to Alaska. They are still killing men and spending hundreds of thousands of dollars to no purpose.

Last week there were killed in Panama two young men, Lieut. Foreman, from Baltimore, Md., and Lieut. Vaughn, from Texas. It seems to me from the way those men were killed that it was almost murder. These two young men were on the transport that carried our congressional delegation to Panama during the Christmas adjournment of Congress. They were splendid young fellows. You could not meet them without feeling proud that America had such young men in its Air Service. They said to us, "We are going to stay in the Air Service until after this session of Congress, and if we are provided with a separate Air Service we will remain in it permanently; otherwise, we intend to get out of it as all the other good flyers are doing."

When we reached Panama we were taken through the Canal and out to the fortifications; we were taken over to the coaling station, and we were taken over to the hydroplane station, but we were very carefully kept from an inspection of France Field, which is the aeroplane field. But my son and I went past it and it is a disgrace to this Nation.

It was partly overgrown with weeds, and in talking to the boys we discovered that there was no other landing field within 200 miles. As we left my son said to me, "It is simply murder to ask those boys to fly down here, with the obsolete planes they have and with no other landing field within 200 miles, because," as he explained, "when they get out of a radius of 5 miles from France Field they are absolutely at the mercy of the gasoline engine. If any of the spark plugs fail, if anything happens to reduce the speed of the aeroplane, they must land, which means absolute death to them. Panama is a country of hills and jungles, and to attempt to make a forced landing will mean their death."

And here within two months from that time these two men were killed. Doing what? The report says they were ordered to carry the mail 200 miles from France Field. To order men to fly such planes over such a country for 200 miles was to order them to their death. We need, above all things, aeroplane protection for that canal. It has no such protection now. We have a very elaborate hydroplane field down there, and much money is being spent for the naval branch of the Air Service there, but suppose an enemy's fleet would approach that canal and launch aeroplanes from their decks? All these hydroplanes could do would be to make the report, and run back to the hangars. Where would our protection be? The planes down there are old-style training planes and observation planes.

There is not a combat plane there. There is no protection given to that canal from the air. Two or three aeroplanes from battleships could drop bombs on those locks and absolutely tie up that passageway to the Pacific. It seems to me that it is time we had a united air service with a secretary of air service, as we have a Secretary of the Army and of the Navy. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. KEARNS].

Mr. WHITE of Kansas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE of Kansas. I see that the hands of the clock above the Speaker's desk are still, and I wondered if it is the purpose of the proponents of this bill that it shall stand there as the sun above the mountain at the command of Joshua, until they had slaughtered the enemies of Israel. Is it the purpose of the proponents of this bill to stop the clock until the innocents who oppose it are slaughtered? Otherwise, it distracts the attention of the committee when the chairman has to look at this clock in order to ascertain the time. [Laughter.]

Mr. MCARTHUR. I want to suggest to the gentleman that that is a daylight-saving clock.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. KEARNS].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. KEARNS. Mr. Chairman and gentlemen of the committee, I had not intended to take any time in general debate on this bill, and I would not have changed my mind on this subject had it not been for the speech that was made by the gentleman from Texas [Mr. HARDY] a few moments ago. He is objecting to this bill because of the number of enlisted men and officers for which provision is made. He says that if the Republican Party had indorsed the proposition of a League of Nations, as advocated by the President of the United States, a great standing army with the officer personnel of this magnitude would have been unnecessary.

I do not know why the gentleman from Texas should make such an extravagant statement as that when he remembers the recent history of our country. While the President was absent in Europe during the months of January, February, and March, 1919, writing a constitution for the League of Nations that everybody at that time thought would be enacted, because at that time Republicans and Democrats alike were advocates of a League of Nations; while the President was absent during those months preparing this extraordinary document, his Secretary of War was here in Washington helping prepare an army reorganization bill which called for 576,000 enlisted men and necessary officers for such a force, and carrying a provision in that same bill for the training of every boy in the United States who had attained the age of 19 years, provided his health and family circumstances would permit of such training. With this in mind, and with this bill lying upon the table of every Member of Congress, I can not understand why the gentleman from Texas should say that had it not been for the Republicans of the Senate there would be no need of a bill of the character that is presented for our consideration to-day.

The bill prepared by the Secretary of War, under the instructions, if you please, of the President of the United States, who was at the very moment writing this League of Nations, carried a command for almost twice the number of enlisted men asked for by the bill before us now, with compulsory military training of the 19-year-old boys of this country. Such statements as have been made, not only by the gentleman from Texas, but by other men throughout this country along the same line, are so rotten that the nauseating stench penetrates into every home throughout our country. [Applause.]

Mr. KAHN. Mr. Chairman, I hope the gentleman from Alabama can use some of his time.

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BRINSON].

Mr. BRINSON. Mr. Chairman, the papers have from time to time contained much interesting news concerning plans for an enlarged National Army. We have been entertained and edified by a number of able speeches delivered in this Congress dealing with the matter of Army reorganization.

The Senate committee has reported a bill, very comprehensive in character and including in it an ambitious scheme for compulsory military training.

The House bill reported out by the Military Affairs Committee comes to us with the original provision for compulsory military training eliminated, but with the statement that a bill providing for this compulsory training will be brought in shortly and pushed to a vote.

A majority of the Committee on Military Affairs voted a short time ago to incorporate the compulsory feature in the bill, but presumably this majority has yielded to a situation shaping itself unfavorably toward this new venture in our military system.

I believe, Mr. Chairman, that the sober judgment of the American people will not approve this large increase of the Army at this time.

The time is too short since our entry into the World War for the people to have forgotten that much of the spirit which nerved the arms of our boys in that great adventure and which inspired the labors and sacrifices of those at home was built upon the proclaimed faith of our leaders that this war was fought to end wars, and its winning would herald a long era of, if not perpetual, peace.

How disappointing must be the long debates in another body to those who thought they saw the near realization of Tennyson's dream:

Till the war drum throbbed no longer, and the battle flags were furled
In the parliament of man, the federation of the world.

How surely must the thought of broken faith come to the minds of the people when they shall learn that upon the heels of a victory which should usher in a long era of international good will there is brought out of committee a plan for a larger Military Establishment and vaster appropriations for war preparations than was ever contemplated even when the nations of Europe were taxing themselves to the utmost to prepare against the certain day of tremendous war.

I want to consider only and briefly the provision for compulsory military training which is included in the Senate bill, and which has been decided on by the Committee on Military Affairs, but which the exigency of the situation, considered politically, suggests the consideration of in a separate bill.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BRINSON. Yes.

Mr. JOHNSON of Mississippi. Bearing out the gentleman's statement, he will find, on page 43 of the bill, a proviso to the effect that—

except at State institutions described in this section, no units shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a two years' compulsory training system.

That bears out the gentleman's statement there, that this leads up to a compulsory military training proposition?

Mr. BRINSON. Yes.

Mr. GREENE of Vermont. If the gentleman is referring to the paragraph in the bill, he will find that the words are "elective or compulsory."

Mr. JOHNSON of Mississippi. Yes, "elective or compulsory," as directed by the Secretary of War, and we all know what that means.

Mr. GREENE of Vermont. If you know your Secretary of War as we do, yes.

Mr. JOHNSON of Mississippi. I hold no brief for him.

Mr. BRINSON. In the first place, I submit this compulsory training is unnecessary.

This war was not an altogether unmixed evil. Horrible as it was in its inception and motive, savage and brutal as it was in its prosecution, it yet taught us lessons—impressed truths which may well be treasured as its compensating features, and should be studied because of their value to this and succeeding generations. Among other things, it seems to me, it taught with compelling force that military training in this country is unnecessary.

The American boy can in an incredibly short time, under competent direction, be converted into the best soldier of the world. He does not require long training. Experiences of other countries and rules that govern other nations have no conclusive bearing upon any contemplated American policy.

The ardor and spirit and easy adaptation to any condition of surroundings make the American youth the world's best material for the fighting man. Their readiness to respond to the country's call in every time of need is an element of great strength to this Republic. The patriotism which always prompts instant response to the Nation's call has its explanation in love of our institutions and an intelligent appreciation of their meaning to this Nation and the world.

The history of our country shows that while the men of mature judgment have always formulated the policies of the Nation, at every crisis the young men have come speedily to the colors, and upon their ready and willing shoulders have fallen the burden and the honor of making good those policies and of realizing the fine ideals of the elder statesmen.

The World War just ended offers no exception. The older men in the cabinets and legislative bodies framed the laws, negotiated the treaties, shaped the policies of the Nation; but

when grim war must be resorted to the young untrained (for the most part) men were called from farm and store and shop and office—called to the drill ground and the camp, and then, after brief training, to the active fields of war. It was the impact of this fresh, spirited body of American boys, with scant training, which saved the highly trained troops of the Allies from rout and which pushed the efficient soldiers of Germany back steadily to the border.

No more effective service was rendered by any troops in the war than by the American boys in the Argonne Forest, with but a few months of training behind them.

Did any American doubt the final result of the war when our citizen soldiery had landed in France? If so, he has read American history to little profit. There are qualities inherent in the American soldier, clearly noticeable from the early days of our country's history—qualities not so generally found in the soldiers of any other country.

The American soldier has a spirit of daring, coupled with a practical understanding of values in war, possessed by no other soldier. His fine initiative is an expression of this. Very often the private soldier thinks as accurately and is as capable as his officer. The death of all the officers would not necessarily mean defeat as it would in every other army of the world.

The virtue of our American democracy is splendidly vindicated in the American Army.

This applies to the Navy as well, and the recognition of this fact by the great Secretary who presided over our Navy may bring upon his head the anathemas of certain gentlemen, lavishly adorned with gold lace; but the sober judgment of America approves his views and finds them thoroughly in accord with the genius and spirit of our institutions. Mr. Daniels's vision of a democratized Navy is fast approaching realization and no reaction is possible.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BRINSON. Yes.

Mr. CALDWELL. I presume the gentleman refers to the gold lace which the Army officers used to wear some years ago. But you will notice from the uniforms of the Army officers sitting up there in the gallery that they are clothed as fighting men.

Mr. BRINSON. Yes. Those men are wearing the uniform of service. They are not wearing the uniform we sometimes see in New York City.

Mr. JOHNSON of Mississippi. There is not enough gold lace to go around.

Mr. BRINSON. No. There is probably not enough to go around. When democracy puts its hands to the plow it never turns back. When the American soldier moves into action it is not merely the command of the officer but his own intelligence, his own heart, and impulses which impel him forward.

Can he be successfully resisted? He never has been. He never will be. He has lost only one war, and—paradoxical as it may sound—he lost that to himself, when the strength of the North prevailed over the weakened, the well-nigh prostrate South.

Every section of our Nation now is indissolubly bound together. When the blood of the boys from the North and South mixed in the soil of France an unbreakable cement was formed, and no sectional agitator will ever break it asunder or weaken it by undermining the faith of one in the loyalty and fidelity of the other.

Ties of comradeship and fraternity formed in the trenches or on the shell-furrowed fields of France will remain unbroken.

Those American boys, sons of men who followed Lee and Grant, moved with resistless force against an enemy trained to the limit, but an enemy whose military system and methods were the antipodes of ours. Each man in the American uniform—the private soldier as intensely as the officer—felt the impelling motive of a high and holy mission.

This spirit, Mr. Chairman, will safeguard our Nation, though all drill grounds be furrowed by the plow of peaceful industry.

What highly trained and efficient product of the school or drill ground has matched the heroic and calmly executed exploit of Sergt. York?

Although at the start a conscientious objector to all wars, yet this fine specimen of American manhood, when convinced of the justice of the war, gave himself unreservedly to his country's cause, and while in modest station, by rapid and accurate thought and courageous action, brought unaided a larger toll of dead and captured than any man of any army on either side.

Lack of need of this compulsory military training is seen, I think, in the fact that we have now available for military service and will have for several years—certainly long enough to test the League of Nations—between 3,000,000 and 4,000,000 well-trained American boys, every one of whom is capable of splendid service should the need arise.

Two facts—either one of which is sufficient—will guarantee a long era of peace:

First. The exhausted people of Europe, all of whose energies must be spent in rebuilding a ravaged world.

Second. The existence in this country of a large trained body of men whose record overseas and here showed them to be the world's best fighting men.

A second reason why at this time we should not embark upon this policy of compulsory training is the large cost it would entail. The chairman of the Military Affairs Committee of the Senate estimates that the cost of the Military Establishment proposed in the Senate bill will be $609,806,000 for the first year, there being a slight decrease each year thereafter for six years. The War Department estimates the expenditures at $34,000,000 a year more than Senator WADSWORTH, chairman of the committee, while the minority report of the Senate Military Affairs Committee estimates the cost at more than double these estimates, or $1,314,143,000 annually. The Republican leader of the House estimates the cost of this establishment, as proposed in the Senate bill, at approximately $1,000,000,000.

Whichever estimate is correct, it is quite evident that the cost of this ambitious military system is stupendous. The military training is a very large item—$600,000,000—based upon an estimate of $60 for each of the 10,000,000 men for four months each year.

At this time, with a Nation facing a large deficit, with taxes exceedingly burdensome, a program of military expansion is proposed which might well find favor with nations whose histories recount wars in fast succession through the centuries and whose claims to glory have largely been based on the conquest and subjugation of alien peoples.

Should the compulsory military provision prevail—whether included in this bill or proposed in a separate measure—a very heavy loss will fall upon the individual citizen and the industries of this country.

The withdrawal from the farms and other industries of 1,000,000 young men each year for four months will bring serious economic disturbance to this Nation.

This phase of the question has been given little consideration, but I think it merits our very serious thought. Production—production to the limit—offers some relief to the sorely pressed consumer. When the active agents in the system of production are curtailed, the output, of necessity, is curtailed.

During the period of the war the farmers without murmuring gave their sons to the service of the country. Those at home labored with zeal and energy to supply the shortage of labor and feed and clothe most of the world. It is not fair that during peace times demand shall be made on them each year for their sons to give themselves to training in the art of war while the arts of peace are so insistently calling them.

Finally, I submit, this program, if it shall succeed, will inevitably effect a change in the temper and spirit and ambition of our people.

From a peace-loving people we shall gradually—through constant touch and sight of this powerful establishment with its magnificent trappings—be led into the paths our fathers sought to avoid. Into our nostrils the breath of the militaristic spirit will come.

Conscious power too often breeds zeal for its use. Conquest follows close on its heels. Democracy and conquest do not harmonize.

The men who founded this Nation had prophetic vision. They saw beyond their own times and the generation just ahead. They builded not alone for that day and this, but for all the future. Shall we forsake the path plainly blazed by them for us?

Shall we, in fear of a world impoverished by war, forget the teachings of our fathers, turn from the counsels of democracy, forsake the traditional policies, the cherished principles of our national life, and embark upon a course of action wholly at variance with that charted for us by the founders of the Republic? A world in need of our peaceful ministry appeals to our national conscience and to our pride in our national mission.

The swords may not just yet be beat into plowshares, but Isaiah's prophecy is nearing realization. What nation is so fit to lead as America? [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. DENT. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. CALDWELL].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. CALDWELL. Mr. Chairman, this is a most interesting bill, and yet I notice that there are so few Members present. It is rather a sad commentary on our legislative condition that a bill alleged to be for the reorganization of the Army should be brought in here to the House and under such circumstances discussed in general debate by the men who have studied it, not for three months, as the gentleman from Kansas [Mr. ANTHONY] indicated in his speech yesterday, but for more than nine months, long enough time to have produced a real something from the committee, with so few Members to listen. It may be that the bill is of such a character that the membership of this House would not even care to listen to its discussion. I must confess that there are many things in the bill that fill me with so much disgust that I dislike very much to talk about it.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. DENISON. I want to offer this suggestion: That it is possible that the membership of the House have such absolute confidence in the judgment and patriotism of the committee that they are willing to leave it to them largely.

Mr. CALDWELL. That is rather complimentary for the gentleman to suggest that, but I think perhaps the gentleman will admit that he is a little far afield when he realizes that the committee is divided into three groups on the proposition and that the bill is reported out by only a bare partisan majority and that it does not represent anything like the unanimous opinion of the committee.

It is called a reorganization bill. What does it reorganize? What does it do? The very title of the bill indicates that it is an amendment of the national defense act, commonly called the Hay bill, and they have picked out some few sections of the Hay bill but cut the very life and force out of that great piece of legislation which the members of the Committee on Military Affairs of this House have stood here for four years and defended as being the greatest piece of military legislation ever put on the statute books of any nation in the world in time of peace. The very things in that bill that made it a great bill, the things that made it possible for men who love the country and believe in its Army and have believed in the force and power of the American people to support that bill have been cut from it. Its vitals have been taken away.

After we declared war some people criticized the Congress for not having put this country in a better state of preparedness, and that criticism came in great volumes from the Republican side of this House. But even the Republicans on the committee stood here in the well of this House and defended the bill, and said that the bill had not had opportunity to function, and that if the war had been long enough away, if the bill had been passed a few years before, so that its provisions could have been made operative and the great provisions of the Hay bill could have been put into effect, we would not have found this country in that sad state of unpreparedness that we were in when we declared war, because they said under the system of enlistment men joined the Army to be three years with the colors and four years with the reserve, and that if the law had been in effect for the seven years we would have had seven times as many men as you could get in one single year to enlist in the Army ready to respond to the country's call, who would enter the Army prepared and trained and equipped to defend the country in its hour of need.

What does this bill do to that great provision? It carries provisions repealing the Regular Army enlisted reserve. You will have no enlisted reserve of the Regular Army of the United States after this bill becomes a law. And it is going to become a law, because the Republicans, the men who clamored and claimed that this country should be prepared, have never stood for preparedness in the history of this country in time of peace.

Following the Civil War, when we had the greatest organized land force in this world, under Republican control they cut the vitals out of the Army organization of this country and reduced it to 25,000 men. And now, after this war, when we had the greatest Army that has ever been organized in the history of the world—4,200,000 of the finest soldiers ever put into uniform by any country—the Republican control, with almost a strict partisan vote in the committee, reports out a bill that will in effect reduce the Army of the United States to somewhere from 100,000 to 150,000 men.

It is true that the bill provides that the enlisted strength of the Army shall be 299,000 men and nearly 18,000 officers, but how are you going to get the men? Upon what are you going to depend to get these men in time of peace to come and join the United States Army? You are going to depend upon a recruiting service. What is it going to cost you and what is it going to produce? By past experience we can judge of the future. When the Hay bill was in effect we had a recruiting service which was composed of 1 colonel, 6 majors, 24 captains, 4 first lieutenants from the active list of the Regular Army, and 6 retired colonels, 4 retired lieutenant colonels, 16 retired majors, 16 retired captains, 4 retired first lieutenants, and 1,617 enlisted men, sergeants, corporals, and privates. That recruiting service got men to join the Army, but it cost us $59.98 for every man that we got into the Army.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. CALDWELL. In a moment I will.

Now, what is the situation? What is the recruiting service of the present day? What is the recruiting service that this bill is going to produce or continue? Let us see. In place of 1 colonel on the active list you will have 56, or we have them now. Instead of no lieutenant colonels on the active list, we will have 34; instead of 6 majors, we will have 76; instead of 24 captains, we will have 94; instead of 40 lieutenants, we will have 55 first lieutenants; and instead of no second lieutenants, we will have 24, or a total of 339 officers in the place of 35. On the retired list, instead of 6 colonels, we will have 3 colonels; of lieutenant colonels, instead of 4 we will have 7; instead of 16 majors, we will have 2; instead of 16 captains, we will have 14; in the place of the 4 first lieutenants, we will have 4; or 30 retired men in the place of 46, a saving of 16 in one place and an increase of 304 in the other. As I told you a few minutes ago, the enlisted men in the recruiting service under the Hay bill were 1,617, while to-day the enlisted men are 2,391.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. CALDWELL. I promised to yield first to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. The gentleman has answered the question that I desired to ask.

Mr. CALDWELL. Then I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. Does not the gentleman know that one of the troubles in getting men to enlist was the Prussianized, tyrannical conduct of the officers toward the men in the last war? I have talked to a number of them who expressed a desire to reenlist, but who did not want to subject themselves to such tyrannical, oppressive, and outrageous treatment, and I do not blame them.

Mr. CALDWELL. I can not entirely agree with the gentleman, as I will explain later.

Now, gentlemen, under the system of enlistment adopted under the Hay bill it cost us $59.98 for every man who was enlisted in the United States Army. With ten times the overhead charge, I ask you what will it cost us for each man enlisted under this Army destruction bill, not an Army reorganization bill? What will it cost us if they have ten times the overhead expense? And that does not include a nickel for transportation to and from the place of enlistment. It does not carry a nickel for the man discharged and sent to his home. Under the Hay bill you sent him home once in three years. Under this bill you will send him home every year, and you will pay his transportation both ways. When you get through with his training what are you going to have? Are you going to have an Army of 299,000 trained soldiers? Let us see. With this system of enlistment that they have reported what are we getting? We have some figures on that. In the year from March 1, 1919, to March 1, 1920, they got 171,499 men, and during the last five weeks, during the great drive, with this overhead expense we got 10,185 in five weeks, or just a little over 2,000 a week. How many weeks are there in a year? Fifty-two. If you get 2,000 a week for 52 weeks you have 104,000 men. You have an enlistment period of one year, so that you will have an Army of 104,000 men plus the few who go in for the three-year enlistment, one-half of whom will have a training of an average of three months. With an Army of from 104,000 to 150,000 green men, you have 18,000 officers. What are you going to do with them? You have 104,000 men in five divisions, and you have officers for nine divisions, besides those on the detached list, and all of these other things.

Imagine a review of the United States Army, with four divisions of officers, 4 major generals, 12 brigadier generals, with all the colonels and majors and captains and lieutenants and second lieutenants marching up Pennsylvania Avenue without a single cook to keep them fat, not a private soldier to act as dog robber for the officers, the female nurses wearing the insignia of second lieutenants, and the men chaplains without rank. Well, perhaps in the minds of those that reported this bill their humble calling does not warrant respect. An Army reorganization bill! Is it not a pippin? And here, after the greatest war of all times, when America sent her young manhood over there to fight for the cause of humanity, how did she send them? Some of my Democratic friends over there who are against universal training will tell you. "Mr. Bryan told us that a mil-

lion men would spring to arms overnight, and they did." Yes; and they sent those poor boys across to the other side, a great many of them without ever having told them how to load a gun. When I was over there a captain who had seen service in the trenches told me of cases where men in the trenches, ready to go over the top in a few minutes before the zero hour, said, "Captain, I do not mind going over, but will you not please show me how to load the gun so that I can shoot when I get over there?"

In my district there was a boy who was drafted and was sent to three camps and then shipped across, and was buried in the trenches in France within five weeks from the day he was drafted, and he never had a gun in his hands before he was called by the draft.

Figures from Fort Slocum, N. Y., show that out of 10 men taken in the ordinary enlistment 7 of them never had a gun in their hands before in their lives. Yet here at this time when this country is still technically at war, when all the world is a seething volcano, when no man knows when the next outbreak will be, when no man knows what hour the clock will strike and the men of America will be sent again to defend the flag of our country, you, under the tutelage of men who are against training and were against the war, come in here and destroy the military bill designed before the war, paying no attention to the great lesson taught by this great holocaust. Shame on you men sent here to defend and protect the country, who will destroy the only means of defense we have and give us nothing in its place, so to speak.

Mr. McKENZIE. Will the gentleman yield?

Mr. CALDWELL. I will yield to the gentleman.

Mr. McKENZIE. The gentleman from New York will undoubtedly admit that if the case he cited is true that there was a boy from his district who did not know how to load his gun, that such an incident was absolutely inexcusable in this last war, and that the officer who was called upon to furnish troops for replacement and sent this young man should have been court-martialed.

Mr. CALDWELL. Then you will have to court-martial your Republican friend Peyton C. March, for he issued the order that kept the units here and required untrained men to be sent over as replacements to the other side. It did not happen in one case but in hundreds of cases, and any officer who served in the trenches in France will be able to point out repeated instances.

I want to say that in nearly every instance when they found it out the boys were sent to the rear, but in many instances the poor boy who had never been given an opportunity to train himself was sent to his death because of the neglect of legislation of this country.

Mr. CRAGO. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. CRAGO. I have been trying religiously to follow the line of logic of the gentleman from New York.

Mr. CALDWELL. The gentleman will have time to criticize my remarks after I get through. I do not care to have him interrupt me for that purpose now.

Mr. CRAGO. I was not criticizing the gentleman.

Mr. CALDWELL. If the gentleman will confine his interruption to a question and not to criticism, I will yield.

Mr. CRAGO. I want to know if the gentleman considers the national-defense act of June 3, 1916, a more effective military code than the bill presented to the House now?

Mr. CALDWELL. I do in many respects.

Mr. CRAGO. But the gentleman has stated that we may not get as many men under this law as the old law.

Mr. CALDWELL. It will destroy the Army reserve.

Mr. CRAGO. Would the gentleman be willing to pledge his committee——

Mr. CALDWELL. I can not pledge anybody but myself. I voted in committee, and the gentleman can state how he voted—I voted for the Kahn proposition for universal military training. I will say that if I can get in under the rules of the House, I propose to offer as an amendment word for word, letter for letter, and punctuation for punctuation, the identical proposition of the gentleman from California [Mr. KAHN]. I am going to give the universal training advocates of this Congress an opportunity to vote on it, and those against it to stand up and be counted, so that the people may know who shall come back and who shall stay at home.

Mr. CRAGO. All I was trying to do was to apply the logic of the gentleman from New York to the two bills.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FISHER. Mr. Chairman, by direction of the gentleman from Alabama, I yield 10 additional minutes to the gentleman from New York.

Mr. CALDWELL. Now, Mr. Chairman, what else besides effective organization would universal training do for the boys? Everybody admits that the average man who went into the Army under the draft gained from 4 to 10 pounds in 4 to 10 weeks. They got bigger, broader, and stronger, and those who know anything about the Army know that when a man arrived there and he could not speak our common language, that he was put into a school and taught to speak the language of the United States. They know that if he could not read or write, he was sent to school and taught to read and write.

The stories told by Gen. Hahn and other men who went across the sea bear out the proposition that the Army continued as a school, because Gen. Hahn told me that while his men were actually in the trenches defending the line their schools continued, and that the greatest joy of his life was to see those men who had learned to read and write for the first time writing their first letters home to their families.

Are you going to say that the only means this country has of teaching these people to speak the English language, who came here without having learned it before they came, or who were born in communities where they speak other than the English language, shall be denied them and that we shall not take advantage of this opportunity to enable them to learn our own tongue? Are you going to say that you deny them an opportunity, which some sections of this country do not provide in their common schools, to learn to read and write the English language?

Then, too, look at what it does for the physical side of the man. Out of the first 1,600,000 men called into the draft 69,000 of them were found to be suffering from venereal disease. In that proportion, more than 150,000 of the young men of this country who were called in that war had venereal disease. Of the 4,200,000 men discharged from the Army not one was suffering from a communicable form of venereal disease—not one. Go to France, where the boys were, where the 2,100,000 men were who defended our country. In every village and town and hamlet and city where these men were quartered there was on every corner a signpost pointing to the prophylaxis station. Every man who went there filled out a card, and in 10 days from the time he filled out that card his captain gave him a strong arm inspection. The records were kept that long and then destroyed. Be it said for the morals of the American boy that out of a company of 250 the average number of men who visited those stations was less than 10, and that the highest in all units that went across to France in any one single month was 30. The American Army was the most moral army that ever went into war at any time in the history of the world. They were crusaders, fighting for humanity and America, clean of mind and clean of body in the midst of the greatest and most horrible temptations that ever surrounded any body of men in any conflict in the world.

We sent over there with them thousands of American women. No woman was permitted to go who had a near relative in the Army. They went without protection, except the protection of the American soldier. We sent thousands of canteen workers, of Red Cross girls, of Y. M. C. A. girls, telephone girls, typists, stenographers; and be it said to the everlasting credit of the American manhood that wore the uniform of the United States soldier and as proof of the virtue of American women there is not on record in the War Department a single instance where an illegitimate child was born to one of those noble women. Ours are the most manly, the cleanest, the most virtuous people who ever fought for any cause in the history of the world. Yet with this demonstration of the strengthening of the physique, of the improvement of the morals and the protection of the country, the pacifists of this House would deny to the people of this country the privilege of training every young man in order that he might be a gentleman and a soldier in every sense of the word! It is a scandal and a shame that men should throw away an opportunity such as this.

What would be your fear? Would you be afraid of that bugaboo called militarism? Who are these militarists? Your son and my son. Am I afraid of my son because I give him a six-shooter and put it into his pocket? Will he not protect me rather than oppress me? If it is everybody's son, is not everybody protected? Is it because some people are so afraid of the negro? I lived in a neighborhood where the negroes outnumbered the white people ten to one. I was not afraid, going about singly, open-handed without any gun or ammunition. Why should I be afraid of him if he had a gun and I had one, too? If I train him, I train him in a white man's camp; I give him a white man's gun, and when he gets through with it I take it and put it in a white man's arsenal. And the white man is getting trained at the same time. Why should I be afraid of the trained negro without a gun when I have a trained white

man with a gun to fight him whenever he is called upon to do it? It is an indictment of the southern people of this country to say that you refuse to train the youth of America because of the negro.

What else? Because it costs money? It costs $59 for every man who enlisted under the voluntary enlistment before the war. Under this bill you will have ten times the overhead charge, $30 a month for the cheapest man; and under this bill the private solder in many instances will draw more than $100 a month. Add up the expense, total it all, and you have an Army of 125,000 men costing you a half a billion dollars a year, and then on the other side figure the cost of equipment and clothes on the average to the man that you would get under universal training. Five dollars is his pay, and he will be well paid because of the training that he gets. Added together, when you do so, you will find that your universal training proposition will cost you less than any kind of a decent Regular Army will cost.

What is the excuse for this pigheadedness, this reactionary method the people here have shown? Ah, forsooth, you have heard some politician say that the Middle West is against it, and the Democrats want the Middle West and the Republicans want the Middle West, and both think they have it, too. But I want to tell you something as a man who has studied some politics in his life, and that is that politicians think they make the issue, politicians struggle to make the issue, but there has not been a campaign for the national election in my time in which any issue made by a politician was ever voted on by the people. The people make the issue, and, mark my words, between now and election day the people will make an issue in this election and there will be the biggest surprised bunch of people on both sides of this House you ever saw in your life. I would not be surprised but that every man, Democrat and Republican, who has a contest at the other end of the Capitol will be defeated. It does not make any difference which side they are on. The American people have made up their minds that they want things done and not talked about, and the man who is afraid to do things is the man who is going to be turned out. I assure you that when you are trying to play politics with the American defense you are playing with a two-edged sword, and that you will get it in a place where you are not looking for it, and that you will get it a plenty, too.

There are some other things about this bill that I want to talk about.

If there were any excuse for an Army reorganization bill, and there is, it would be the excuse that the country demands that at this time we take advantage of many of the lessons learned in this war. What are they?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDWELL. Mr. Chairman, I ask for 10 minutes more if the gentleman will give it to me. I think our side has about an hour to spare.

Mr. FISHER. Mr. DENT asked me to yield the gentleman five additional minutes.

Mr. CALDWELL. Will the gentleman from California give me 10 minutes?

Mr. KAHN. My time is pretty well allotted, but I yield the gentleman five minutes.

The CHAIRMAN. The gentleman from New York is recognized for five additional minutes.

Mr. CALDWELL. What are they? We had hard and fast rules passed by the Congress of the United States when we got into war so that we could not function in our military matters that were required. Did we require them to pass any further hard and fast rules binding the War Department and the President of the United States and the Army? No. Legislation was passed, originating in another body at the other end of the Capitol, known as the Overman Act. Under it a great many mistakes were made. But they got results, and I want to say to this House and to the people of this country that I am willing to forgive the President and the War Department and the Army and every man in America for the mistakes that were made because of the great victory that we accomplished notwithstanding the cost. [Applause.] Now, one of the things they found to be the greatest handicap that the country had was transportation, transportation of the Army, transportation of the supplies, transportation of its matériel, and under the archaic system of handling those things through the Quartermaster Corps there was congestion at the factory, there was congestion on the railroads, there was congestion at the port of debarkation, there was congestion in the ships, there was congestion over on the other side, and congestion all the way to the front, and then we created new corps to take care of that situation. Then the line straightened out. The material that was made in the factory found its way rapidly across the sea to the soldiers in the trenches. What do you do in this bill? Do you take advantage of that lesson? Have you any desire to avoid such a catastrophe in the next war as we had in the beginning of this one? Has the Republican Party learned anything by the Great War in the matter of the transportation of material and troops? Is there anything in this bill carrying out that idea? No.

Mr. KAHN. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KAHN. The gentleman was a member of the subcommittee that drew the first draft of this bill, was he not?

Mr. CALDWELL. Oh, yes; the gentleman is perfectly familiar with it; but the gentleman voted against reporting out this bill, too, and he voted for universal training, too. Will the gentleman say the same thing? Does the gentleman say he voted for universal training?

Mr. KAHN. Absolutely.

Mr. CALDWELL. All right. Under a resolution which was passed in the committee, no member of the committee is authorized to say how anybody else voted on any subject in this bill.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KAHN. I will say frankly to the gentleman that I voted for universal training, and then when the leadership of the House determined that it were best not to bring it up in this bill the gentleman from California voted to take it up as a separate measure.

Mr. CALDWELL. Not to have it in this bill?

Mr. KAHN. Yes.

Mr. CALDWELL. That is all I want.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FISHER. I yield the gentleman five additional minutes.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. CALDWELL. I would like to go on and discuss some other features of this bill, but to do so would take more than five minutes. Suffice it to say, gentlemen, that I do not believe that there are very many things in this bill that would meet with my hearty approval. There is one thing——

Mr. KAHN rose.

Mr. CALDWELL. Excuse me. I have only five minutes. There is one thing, however, in the bill that does meet with my approval, and I hope that part of the bill will be adopted. That is the proposition of promotion from a single list. I think that is a very large advance, and I think it is a thing that should have been done a long time ago. I was in favor of it at the time the Hay bill was passed; and I believe if the Hay bill had carried a provision of that kind we would have saved to the men who went across the sea to defend the country in this Great War a great many heartburnings that they suffered there on account of the promotion by selection that was adopted in this war. So under these circumstances I can give my indorsement to that provision of the bill; but there is little else in this bill, which is not an Army reorganization bill; it is simply a bill to destroy the effectiveness of the Hay bill, and I therefore am against the bill, and I hope it does not pass.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, when this bill comes before the House for action to-morrow or the day after I expect to offer as an amendment, line 13, section 8, page 16 of the bill, House bill 367, Sixty-sixth Congress, first session, which is the so-called Chamberlain-Johnson court-martial bill, introduced in the Senate by the Senator from Oregon and by myself in the House. Undoubtedly at that time anybody who is opposed to any court-martial reform, or at least opposed to it at this time, will make the point of order that the section is not germane to the bill. I simply mention that because if at that time the ruling is adverse—and I am willing to concede that the Chairman, who is one of the greatest Chairmen we have ever had in this body and one of the fairest, may, in following the strict precedents, be forced to hold the point of order good—it will be necessary to appeal from the decision of the Chair.

Because of the fact that it is the only opportunity that Congress will have for a long time, or has had since the war, to secure any court-martial reform, I am compelled to take this action. If I thought there was the slightest opportunity that any committee would give this matter consideration I should not try to force it on this bill at this particular time. Notice has been served on me by the War Department and the General

Staff, and by the high and mighty Members of the House connected with the General Staff, that there was never going to be any consideration of this court-martial bill. Unless we take this procedure, which I concede is not the orderly procedure that ought to be followed in the House, we are going to have an army organization measure which makes six or seven major generals, makes much other rank, and does not do one thing for court-martial reform or military justice. I do not believe that this House or the Republican majority in this House can take the attitude that we are going to wait here for a year and a half to pass out of committees all kinds of bills making major generals and lieutenant generals, and other kinds of officers, without doing one thing for the enlisted men. And I am perfectly satisfied if there were some reform of the Articles of War by this committee of laws relating to military justice we would not have the situation as described by the gentleman from New York when he says you can not secure 2,000 men a week through the recruiting service. You will never be able to secure an army, and the General Staff will not be able to secure one, until we get away from the reactionary army attitude and give the ordinary civilian soldiers some of the things in the line of military justice which they think they ought to receive.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield for a question, but can not yield for a speech.

Mr. BLANTON. Is the gentleman afraid he will get in bad with those "high and mighty Army officers" who are now listening to him from the gallery?

Mr. JOHNSON of South Dakota. I am frank to say that since December, 1918, I have not cared a continental about the General Staff of the Army or what any of them think of me, except as one man hopes to merit the opinion of another; but prior to that time I will say that I was very meek and very timid because of the Articles of War and the fact that we were in war, and because I knew that an ordinary man did not have any chance for trial and appeal; and I think the gentleman would have taken that same attitude had he been in my position.

Mr. BLANTON. I am with the gentleman in his proposed reform of court-martial proceedings.

Mr. JOHNSON of South Dakota. The existing court-martial system is atrocious to the Prussian degree. It subjects every man in the Army to the whim, caprice, or ill will of officers. That is known to the junior officers of the Army. I think it is known by the General Staff. I think they would have been very happy to have given some measure of reform in the Articles of War and military justice if they had not gotten on the wrong side about a year ago and had been afraid all the time to admit they were wrong. Now, any officers may prefer a charge at will against any enlisted man. The record shows that 92 per cent of all charges preferred are tried and 89½ per cent of all men tried are convicted after a trial that would be a farce were it not a tragedy for its victim. This system does not design to grade offenses, but applies the harshest penalties without discrimination. The records show that for all offenses, including the most trivial, the average sentence to confinement was upward of seven years. Under such a lawless system proper regard for law and justice disappears, and instead we have the brutish barbarities that were inflicted upon our soldiers in the prison camps in France, and to a lesser degree here at home, barbarities that are admitted and conceded by the General Staff, by the commanding general of the American Expeditionary Forces. And to a lesser degree we had some of the same things at home. Now, the inevitable results of this law have humiliated us and shamed us before the world, and it is really time we ought to change the system, which has been handed down from the time the soldier was a slave and a serf, and do as France has done, as England has done, and as Italy has done.

I am going to take up the proposed revision which has been suggested by the Judge Advocate General. I do not think this has been called to the attention of the Members of the House. It is the Senate committee print of the Articles of War, printed for the use of the Senate Committee on Military Affairs of the Sixty-sixth Congress, second session, and it gives some of the ideas that the War Department itself now claims it desires to put into force and effect. Now, the Secretary of War, the General Staff, and the Judge Advocate General stood absolutely pat and held that the system was absolutely right, until very recently, when they have proposed these changes, and I want to call them to the attention of the gentlemen of the House, because I am not able in the time I have to read the things that should be read in order to give full information concerning this law. Anyone who wants to know the facts may read pages 1, 2, 3, and 4 of this Senate document, and he will find what the War Department claims their bill will do.

Now, they say to begin with, and this gives their idea of the court-martial proposition:

> The army that wins battles and perpetuates nations is a great machine in which every individual must perform his allotted task, else other units in the machine are put out of gear.

We all agree with them in that.

And then they say:

> With armies on the march or in battle, always in motion or preparing to move, meticulous fairness in collecting evidence is not always attainable, and if the army is to be efficient, it is of the utmost importance that other possible offenders be deterred.

In other words, they say of an army on the march, "You do not need to get the kind of evidence that will conclusively prove a man is guilty." They simply say, "To deter other offenders, you must try your man and convict him, whether he is guilty or not."

I think that is only a slip of the pen of the gentleman who wrote this. It is the old Prussian system that has broken down the Army. Many of us who want to get decent military training, although we come from a part of the country that does not want a great Army, know that the people are absolutely against anything savoring of militarism, and that we take our political life in our hands when we vote for such a law, for we know it will be condemned by the people, but this military autocracy believes that things ought to be done that civilians do not agree ought to be done. If they had horse sense, they would correct the Articles of War, and if they did not know the laws were all right, they would reform them. Unless they do, they can not get men to go into the Army, and an army can not be secured until some of the things are granted which the common, every-day civilians—4,000,000 of them who have seen service—think are needed.

Now, I want to mention another feature, and I must hasten along in the little time that I have. These gentlemen, who desire to stand by the old law, say:

> An appeal in courts-martial proceedings, in order to be compatible with military efficiency, must be heard and determined with a promptness which has proved unattainable in nonmilitary criminal procedure.

I can follow them in that. But then they add:

> To secure promptness it may be necessary in many cases to have the appellate tribunal function in the general vicinity of the operations of the Army; but the appellate tribunal, for the attainment of the purposes above stated, necessarily composed of military legal experts, must be free from any control of, or connection with, the organization which has conducted the proceedings to be reviewed.

I can not follow them because of their reversal in view.

A comparison of all the statements issued will show that which they have had in their mind. I know that my time is practically exhausted, and I shall have to take advantage of the leave to extend, but I want to call attention to just one thing more that I think is significant, to show what is in the minds of the men who are fighting this reform in the Articles of War. They say:

> In legislating in view of the experiences of the World War, it is necessary to take into consideration, and bear in mind, not only the experiences of our own Army but those of other armies as well. Our troops, fortunately, were never, in this war, faced with those conditions which most searchingly test the morale and discipline of an army. During the entire period while we were in the war our Army was inspired by its certainty of victory. We had no such experience as the British retreat from Mons, or as the French had before Verdun, or the Russians during the retreat of 1915.
>
> We can not be certain of immunity from such trying experiences in some future war, and prudence requires that the possibility of such emergencies be kept in mind in framing legislation for the Army.

That sounds to me as if the man who wrote that must have been about 4,000 miles from the front. [Laughter.]

Then they draw from that statement the deduction that in order to prepare for some supposititious war that we may have in the future, you must stay by this old system and allow it to function exactly as it did in this war.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of South Dakota. I would be glad to yield to the gentleman.

Mr. BEE. I wanted to ask the gentleman if, in the reform of courts-martial, he did not think that one reform ought to be the stopping of the practice of closing the doors against the defendant and his counsel during the time of the deliberation upon the evidence, or during the time, not of consultation on the verdict by the jury, but shutting the doors and putting his counsel and everybody else out while they deliberated whether a certain piece of evidence ought to be admitted or rejected?

Mr. JOHNSON of South Dakota. The gentleman is a lawyer, and a good one, and he knows that that procedure would not be allowed to stand in any court that claims to deal out justice.

Mr. BEE. I have always thought that that part of the Articles of War ought to be changed.

Mr. JOHNSON of South Dakota. The man who drew the proposed law for the Judge Advocate General reverses himself from the time that he said "This law is absolutely good," that

"It ought not to be changed," that "It has functioned beautifully," and then names right there, on pages 3 and 4, 31 changes which he says we ought, perhaps, to put into force and effect. Number 3 says:

Under the proposed revision commanding officers will be brought more frequently into personal contact with alleged offenders.

That is what we have been urging from day to day and from week to week and from month to month. Again they say:

4. Disciplinary punishments, properly limited, are preferred to trial.
5. Neither trial nor punishment on trivial charges, no action by a court when disciplinary action is sufficient, no trial by either special or general court-martial when an inferior court can properly dispose of the case.

They say now they have written that into their bill. I can not help asking why in the world they could not let us write it into the bill a year ago, unless they are going to stand pat on the Prussian system and attempt to confuse us. That standing pat is the thing which has to-day gotten this Congress into a position where I doubt if you can pass an Army reorganization bill. That has caused a revulsion that has come from the citizen soldiery on account of the shortsightedness of the officers of the Army who stood pat a year ago. Now they are willing to give way a little here and there and crawl under our tent, so that they can prevent all the legislation which we want.

My time has expired, and I can only say that I hope you will vote with me to pass the court-martial law and Articles of War amendment.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, I do not know what good this committee or Members of the House expect to come from a 10-hour discussion of the great military reorganization bill in the presence of only 34 Members of Congress now present. I am not going to waste my breath talking to the usual attendance of 34 Members of Congress, as every one of us have already made up our minds, and after making a remark or two I am going to yield back some of my time and later extend my remarks in the RECORD under the privilege granted, and then discuss the bill.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have not the time to yield. If the gentleman wants to question my statement as to the number of Members here, I will yield.

Mr. DENISON. I was just going to remind the gentleman of that passage of Scripture where it is stated that "where two or three are gathered together"——

Mr. BLANTON. I do not yield for that. We few here are the ones usually gathered together. In the last proposal by the gentleman who has just taken his seat, Mr. JOHNSON of South Dakota, who saw distinguished service in the war, there should be added some provision that would prevent the General Staff from putting into effect any rules and regulations that prevent men in the service from bringing proper complaint of mistreatment to their Representatives. There is not a single Member of Congress who during the war did not at some time have complaints made to him; complaints of gross, cruel mistreatment concerning the most trivial affairs and charges where our constituents were subjected to the severest penalty for the most trivial departures from the rules of good conduct. There was a rule and regulation in force all during the war which prevented a private in the service from bringing any complaint to his Congressman or his Senator. If a man in the service is thus absolutely hog-tied, so that some petty officer over him could subject him to every kind of mistreatment, and he is prevented from bringing proper complaint to his Representative, it is a disgrace to the service. If he can not make proper complaint to his Representative, to whom can he go? I ask the Members of Congress that question. I know that a great majority of our officers are good men, men in the highest sense of of the word, who would not mistreat a man under them. But we have had numerous instances during the war where some little petty officer who was big with his own importance saw fit to maltreat and impose in an improper way upon men in the service. Ask the private who has come home from France how much love he has for his officer. In not very many cases you will find that they have a great regard for their officers; in some cases you will find that they have an actual hatred for the men who were over them in the war.

This would not interfere with proper discipline. I believe in proper discipline in the Army, in school, and everywhere else. But are you going to cut them off entirely from proper redress? We should put into this bill a provision which would prevent the General Staff from again putting into effect such a rule and regulation.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. KAHN. I yield 30 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I desire to make a part of my remarks not on the bill, and I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman asks unanimous consent that during a portion of his remarks he may proceed out of order. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I intend to vote for this bill, and I want simply to express here the fact that I am glad that the committee omitted the provision which it was at first thought would be included, the provision for compulsory universal military training. Without regard to the merits of that question, I think it would be unwise to enact it into legislation at this time. Therefore I am glad that this bill for the reorganization of the Army does not include a provision of that kind.

But, Mr. Chairman, I want to make a few observations of a general nature with reference to the attitude of the President toward Congress, as compared with the attitude of other Presidents who have preceded him, and what I think has been its influence and results in recent days.

Not many months ago—it was soon after the President went to Paris the second time, I think—I happened to read an article in one of the metropolitan magazines in which Mr. Wilson, George Washington, and President Lincoln were designated by the effervescent eulogist as the American triumvirate, the three great characters in American history. And even here in this Chamber I have heard partisan expressions of similar sentiments by those who would enhance the President's place in the world by such fulsome comparisons. Since then the scenes have shifted from Versailles to the great American forum, and things have happened here at home.

The light has been turned on; the American people have been aroused from the repose into which they had been lulled by reaction from the exertions of war and by the glittering profusion of presidential pronouncements that appealed to their craving for peace in the world.

We have learned the folly—the utter folly—of nominating men to the halls of fame, to the chamber of immortals, while they are yet living and moving and having their being here among common mortals.

In view of what has happened since the President first went to Paris—shades of our fathers—think of the comparison. I would not think of saying aught that was disrespectful of any man, much less of the President of my country. But think for a moment of associating now the name of Mr. Wilson with that of the honored Father of his Country and with that of him who saved it from dissolution and closed his career as a martyr to his own country's cause.

Such a comparison would arouse resentment were it not in fact so very amusing.

Why, every recorded act of Washington's life, every word he wrote, was devoted to the cause of political liberty and the establishment of a strong, just, and independent government in America that would secure the blessings of liberty to his countrymen and their posterity.

Lincoln's public life was wholly devoted to the cause of human liberty and the preservation of the Union as one Government, inseparable and free. Both were, above all, intensely American.

Through their lives and labors there was woven this sentiment, which should be engraven in the hearts of us all: America united and free, strong and just, friendly with but independent of all other nations.

He would be bold indeed who would now venture to assert what place history will assign to President Wilson.

My own opinion is that of him it will be said he devoted his greatest efforts, first, to the achievement of high political place for himself, and then, of course, to the realization of that elusive dream of the ages, the establishment of a superstate or world government, in which he would have his own country but one of the subordinate or constituent parts.

Washington and Lincoln were called to the Presidency by great events and issues in which they had themselves taken a controlling part.

But Mr. Wilson was made President by the three great colonels—Col. House, Col. Harvey, and Col. Bryan. Now two of them are apologizing for what they did, and the third would

say even more, I suppose, if he had ever been known to say anything at all.

Washington accepted a second honor at the hands of his countrymen with reluctance. He longed for the shades of retirement and refused a third term as President.

Mr. Wilson was elected the first time by a division in the Republican Party, the second time on a false and deceptive issue of peace, and now wishes to break the last remaining precedent and unwritten law of the land by running for the Presidency the third time. Having twice reached the highest place within the gift of his own country and made himself, as he believes, dictator of its destiny, he has felt that his labors were too much encompassed; that his time and talents were too much limited by the affairs of his own country alone; that the voice of the world was calling him, and the heart of the world was wooing him to espouse its cause.

President Wilson himself brought on the great issue with which his name will be associated in history; brought it on by the prestige and the power of the high office with which he had twice been honored by the American people. He took up the Old World dream of a League of Nations, a dream that has found expression in various proposed plans after every war that has been fought in the last 500 years. And having found fertile soil for his plans with the war-weary and willing nations of Europe, he has refused to let his own country have peace unless it accept without amendment this proposed league, which he thinks will bring about the federation of the world.

But, Mr. Chairman, the fathers were surely inspired with wisdom when they provided in the Constitution that the President could make no treaty with a foreign nation without the advice and consent of the Senate. The Senators have brought upon themselves the anger of the throne and the criticism of the internationalist press and propagandists; but they have surrounded the league covenant with such reservations as will Americanize it and save our sovereignty and independence and preserve our domestic affairs and our traditional policies from the interference of other nations.

Those who still love our flag above all others, and who still believe in the great principles and policies of government that have made our Nation great, shudder to think what would have happened under the leadership of the President had his power not been limited by this wise provision in the Constitution, or even had his interpretation of it as a mere right of formal ratification been acquiesced in by the Senate.

The American people have yet to be heard from. They will speak in no uncertain terms when the policy of the President to surrender those wise precepts of all the Presidents who have gone before him and entangle our destiny with the destinies of Europe, are presented to them for decision. And in my humble judgment those who hereafter may have occasion to compare President Wilson with Washington and Lincoln will do so perhaps in the same spirit in which a certain Irishman told another Irishman that he reminded him of Grover Cleveland; that was because he was so different from him.

One of the most interesting and most significant occasions I have witnessed since I became a Member was the reading of Washington's Farewell Address in this Chamber on the recent anniversary of his birth. Heretofore this ceremony has been observed in a sort of dignified but perfunctory way; but this year the wise warnings of Washington seemed to have new life breathed into them. They seemed to have been written with true prophetic vision for this day of our history. They fell, too, upon responsive ears in this Chamber, for many times during the reading of the address the more pertinent parts were received with cheers and applause.

Was it not as significant as it was remarkable that the following warning written by Washington 124 years ago should have been received by the Members rising in their places and cheering as though Washington, living again, was addressing them.

Let me quote what he said:

> The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith: Here let us stop.
>
> Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.
>
> Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.
>
> Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?
>
> It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

That, Mr. Chairman, by common consent has been the covenant of our foreign policy from the days of Washington until the days of Wilson. It is a remarkable fact, it seems to me, that every American statesman from that day until this who has deserved the name of statesman has declared his allegiance to that policy. It has been the basis of our happiness as a people and of our greatness as a nation.

And he does not understand the temper of the American people who did not see significance in the action of the great majority of the Members of this House rising and greeting with applause and approval the reading of those words from Washington.

And yet there were some few on the Democratic side who on that occasion settled down in their seats and sat mute and immovable when this part of Washington's Address was read.

Why was it so? Can it be possible that there are those among our Democratic colleagues who do not approve this warning of Washington as to our foreign policy through fear of presidential disfavor? Can it be that there are Democrats here who, to please the afflicted man in the White House, withhold their approval of this warning from our first President that has been the corner stone of our foreign policy for more than an hundred years?

Washington was not a Republican, nor was he a Democrat. He was an American; and the message he gave us in his Farewell Address was a message of Americanism, which none of us, whatever may be our political inclinations, can afford to disregard.

I have said all of our statesmen, from Washington to Wilson, have accepted this message of Washington as the true American policy.

Jefferson, the most voluminous writer of all our statesmen, declared time and again his allegiance to the foreign policy thus stated by Washington. Likewise Webster and that great Democrat, President Jackson.

And President Lincoln, in his second message to Congress, said.

> In this unusual agitation we have forborne from taking part in any controversy between foreign States, and between parties or factions in such States. We have attempted no propagandism and acknowledged no revolution. But we have left to each nation the exclusive conduct and management of its own affairs.

President Grant, in his second message to Congress, said:

> We are asked by the new Government to use our offices, jointly, with those of European powers in the interests of peace. Answer was made that the established policy and true interests of the United States forbade them to interfere in European questions jointly with European powers.

In 1884 James G. Blaine made this declaration and had it put in the Republican national platform:

> The Republican Party favors a policy which shall keep us from entangling alliances with foreign nations, and which gives us the right to exact that foreign nations shall refrain from meddling in American affairs. * * *

In his first inaugural address, President McKinley said:

> We have cherished the policy of noninterference with the affairs of foreign Governments, wisely inaugurated by Washington, keeping ourselves free from entanglement, either as allies or foes, content to leave undisturbed with them the settlement of their own concerns.

I could, if I had the time, quote similar sentiments from President Cleveland and others, but why do so when all are alike?

No American President, nor any American statesman, ever dared to advocate throwing overboard this compass, given to us by Washington, which has guided our Nation safely from all the broils and entanglements of Europe, until President Wilson, who, obsessed with the belief that he has been called to lead the world, has declared that there must be a new order of things; that the policy of Washington and the other fathers must be discarded, and that we must join with other nations in a federation of the world.

In his great speech at the New York State convention recently Elihu Root declared that one of the most important issues of the next national campaign and one of the most important purposes of the Republican Party would be to get rid of the dictatorship at Washington.

No one can doubt, Mr. Chairman, that since his first inauguration President Wilson has been asserting with more and more persistence his right of absolute authority and domination not only in the affairs of his own party but in the various functions

of government. Nor is there any doubt that during his second term, and particularly since we entered the war, there has been established here a practical dictatorship. This has been due to two distinct causes—the necessities of war and the personal views of President Wilson himself. We all recognize the necessity for the concentration of power in the Chief Executive during war. He is the Commander in Chief of the Army and Navy, and being charged by law with the duty of prosecuting the war, and being held responsible for the successful performance of that duty, he must of necessity be given unusual powers while that emergency exists.

But those who attribute the present dictatorship of our Chief Executive to the necessities of war alone but half understand the situation. Those who have read President Wilson's lectures, his writings, and his speeches, and who are familiar with the political views he has always entertained, will well understand the attitude of the President throughout his entire tenure of high office in assuming a dominating and dictatorial power over Congress and all other branches of the Government.

I have had occasion recently to read again his earliest writings and his later lectures delivered before he entered the political arena. I must confess I was surprised to learn his views and get his estimates of Congress and the Presidency. Time and again in his earlier writings he expresses a sort of contempt for Congress. For instance, in one of his early essays, when he was still a young man, he used this expression:

> Only a single glance is necessary to discover how utterly committee government must fail to give effect to public opinion. In the first place, the exclusion of debate prevents the intelligent formation of opinion on the part of the Nation at large; in the second place, public opinion, when once formed, finds it impossible to exercise any immediate control over the action of its representatives. There is no one in Congress to speak for the Nation. Congress is a conglomeration of inharmonious elements; a collection of men representing each his neighborhood, each his local interest; an alarmingly large proportion of its legislation is "special"; all of it is at best only a limping compromise between the conflicting interests of the innumerable localities represented. There is no guiding or harmonizing power. Are the people in favor of a particular policy—what means have they of forcing it upon the sovereign legislature at Washington? None but the most imperfect. If they return representatives who favor it (and this is the most they can do), these representatives being under no directing power will find a mutual agreement impracticable among so many and will finally settle upon some policy which satisfies nobody, removes no difficulty, and makes little definite or valuable provison for the future.

Mr. CONNALLY. Will the gentleman yield?

Mr. DENISON. I will.

Mr. CONNALLY. Does the gentleman from Illinois think it exactly fair to wait until everybody has exhausted his time on the Democratic side and then make a speech out of order along this line?

Mr. DENISON. I was not aware that everybody had exhausted his time on the Democratic side.

Mr. DENT. I will say to the gentleman from Texas that I have 71 minutes remaining.

Mr. CONNALLY. Then I beg pardon of the gentleman from Illinois. I was misinformed, as I understood all the time had been consumed.

Mr. DENISON. On the other hand, the President has always had an exaggerated and imperial idea of the office of President. He has believed that the President is the only real representative of the people in our Government. Let me quote from his book on "Constitutional Government in the United States." He says:

> Members of the House and Senate are representatives of localities, are voted for only by sections of voters or by local bodies of electors, like the members of the State legislatures. There is no national party choice except that of President. No one else represents the people as a whole, exercising a national choice; and inasmuch as his strictly executive duties are in fact subordinated, so far at any rate as all detail is concerned, the President represents not so much the party's governing efficiency as its controlling ideals and principles. He is not so much part of its organization as its vital link of connection with the thinking nation. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to form its judgments alike of parties and of men.
>
> For he is also the political leader of the Nation, or has it in his choice to be. The Nation as a whole has chosen him and is conscious that it has no other political spokesman. His is the only national voice in affairs. Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him. His position takes the imagination of the country. He is the representative of no constituency, but of the whole people. When he speaks in his true character, he speaks for no special interest. If he rightly interpret the national thought and boldly insist upon it, he is irresistible, and the country never feels the zest of action so much as when its President is of such insight and caliber. Its instinct is for unified action, and it craves a single leader. It is for this reason that it will often prefer to choose a man rather than a party. A President whom it trusts can not only lead it, but form it to his own views. * * *
>
> The President may also, if he will, stand within the party counsels and use the advantage of his power and personal force to control its actual programs. He may be both the leader of his party and the leader of the Nation, or he may be one or the other. If he lead the Nation, his party can hardly resist him. His office is anything he has the sagacity and force to make it.

Again, he says in the same book:

> Some of our Presidents have deliberately held themselves off from using the full power they might legitimately have used, because of conscientious scruples, because they were more theorists than statesmen. They have held the strict literary theory of the Constitution, the Whig theory, the Newtonian theory, and have acted as if they thought that Pennsylvania Avenue should have been even longer than it is; that there should be no intimate communication of any kind between the Capitol and the White House; that the President as a man was no more at liberty to lead the Houses of Congress by persuasion than he was at liberty as President to dominate them by authority, supposing that he had, what he has not, authority enough to dominate them. But the makers of the Constitution were not enacting Whig theory, they were not making laws with the expectation that not the laws themselves, but their opinions, known by future historians to lie back of them, should govern the constitutional action of the country. They were statesmen, not pedants, and their laws are sufficient to keep us to the paths they set us upon. The President is at liberty, both in law and conscience, to be as big a man as he can. His capacity will set the limit; and if Congress be overborne by him it will be no fault of the makers of the Constitution, it will be from no lack of constitutional powers on its part, but only because the President has the Nation behind him and Congress has not.

Mr. CANNON. What is the gentleman reading from?

Mr. DENISON. From the President's book on Constitutional Government.

Mr. CANNON. By this President?

Mr. DENISON. Yes; our President, Mr. Wilson.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I regret exceedingly to make a point of order against the gentleman from Illinois; he is always so obliging and courteous; but what is the use of having a rule with a provision in it in regard to debate unless we are going to live up to it?

The CHAIRMAN. The gentleman from Texas may have been out of the Hall temporarily or not listening when permission was given by the committee for the gentleman from Illinois to proceed out of order.

Mr. BLANTON. That permission can not be given in violation of the rule that was adopted by the House, which controls this committee. I do not like to do it, but I will ask the gentleman if there is much more politics in his remarks?

Mr. DENISON. I am only quoting historical statements of the President.

Mr. BLANTON. Is the rest of the speech on the bill?

Mr. DENISON. No.

Mr. BLANTON. Some other time, Mr. Chairman, I would be glad to hear the gentleman speak, but there is a rule passed by the House controlling this committee outside of which it can not go even by unanimous consent, and I make the point of order.

The CHAIRMAN. The committee has given consent for the gentleman from Illinois to speak out of order for a portion of the time allotted to him.

Mr. BLANTON. With 25 or 30 men here, when the House adopted the rule with 150.

Mr. CARAWAY. Mr. Chairman, I do not like to see the Chair make a ruling of that kind. I do not object to the gentleman from Illinois proceeding, but the committee is controlled by the rule. We can not change the conditions under which we sit, and I do not think the Chair wants to make a ruling of that kind.

The CHAIRMAN. The general rules of the House prescribe that when an amendment is offered debate shall be confined to that amendment, and yet it has become the confirmed practice of the Committee of the Whole by unanimous consent to allow Members to proceed out of order.

Mr. CARAWAY. With all deference to the Chair, I must dissent.

Mr. DENISON. Please indulge me while I read this additional passage:

> Our President must always henceforth be one of the great powers of the world whether he act greatly and wisely or not, and the best statesmen we can produce will be needed to fill the office of Secretary of State. We have but begun to see the presidential office in this light, but it is the light which will more and more beat upon it, and more and more determine its character and its effect upon the politics of the Nation. We can never hide our President again as a mere domestic officer. We can never again see him the mere executive he was in the thirties and forties. He must stand always at the front of our affairs, and the office will be as big and as influential as the man who occupies it.

Some day, if I may have the time, I want to read here Webster's reply to this theory, first advanced by President Jackson, that the President is the "representative of the whole people." With his unanswerable logic and his profound knowledge of the principles of our Constitution, he completely refuted the theory that the President is the representative as well as the Chief Executive of the whole people.

These views expressed so often by President Wilson thro much light upon his attitude toward Congress and explain h exaggerated ideas of his own place in the world and h

assumption of authority to tell Congress what it must and must not do.

I have spoken of a comparison between President Wilson and Washington and Lincoln. Let me show briefly how some of our great statesmen considered their relations toward the Congress as compared with the views entertained by President Wilson.

In his Farewell Address to the Nation, Washington used these significant words, warning those who were to follow him of the dangers of encroachment by the President upon the proper powers of Congress:

It is important likewise that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Jefferson, the great Democrat, once wrote to Washington as follows:

As I never had the desire to influence the Members (of Congress), so neither had I any other means than my friendships, which I valued too highly to risk by usurpations on their freedom of judgment and the conscientious pursuit of their own sense of duty.

There has been saved to us at least one expression of Lincoln's views on the proper attitude of the President toward Congress. In a paper written to Gen. Taylor in 1848, when Lincoln was supporting Taylor as a candidate for President, he said:

Finally, were I President, I should desire the legislation of the country to rest with Congress, uninfluenced by the Executive, in its origin or progress, and undisturbed by the veto except in very special and clear cases.

In his great speech delivered in the Senate on "The Presidential Protest," Webster said:

Through all this history of the contest for liberty, Executive power has been regarded as a lion which must be caged. So far from being the object of enlightened popular trust, so far from being considered the natural protector of popular right, it has been dreaded, uniformly, always dreaded, as the great source of its danger.

* * * * * * *

Our security is in our watchfulness of Executive power. It was the Constitution of this department which was infinitely the most difficult part in the great work of creating our present Government. To give to the Executive department such power as should make it useful and yet not such as should render it dangerous; to make it efficient, independent, and strong, and yet to prevent it from sweeping away everything by its union of military and civil authority, by the influence of patronage, and office, and favor—this, indeed, was difficult. They who had the work to do saw the difficulty, and we see it; and if we would maintain our system, we shall act wisely to that end, by preserving every restraint and every guard which the Constitution has provided. And when we, and those who come after us, have done all that we can do, and all that they can do, it will be well for us and for them, if some popular Executive, by the power of patronage and party, and the power, too, of that very popularity, shall not hereafter prove an overmatch for all other branches of the Government.

In harmony with President Wilson's views as to the power of his office and his right to control the deliberations of Congress, he has even attempted by the use of his personal and official influence to interfere in elections and dictate who should and should not be elected to the House and Senate in several instances which, of course, are well known to us all.

No greater danger can threaten our Republic than for the President to use the great power of his office to fill Congress with his fawning favorites or to destroy those who dare to differ with him.

President Buchanan tried to do the same thing. He was dissatisfied with the way Senator Stephen A. Douglas had voted on some measure in the Senate, and in 1848, when Douglas was a candidate for reelection, the President interposed and tried to defeat him. In one of his great debates with Lincoln, delivered at Alton, Ill., Senator Douglas made the following forceful statement, which ought to commend itself forcefully to us all:

And now this warfare is made on me because I would not surrender my conviction of duty, because I would not abandon my constituency, and receive the orders of the executive authorities how I should vote in the Senate of the United States.

I hold that an attempt to control the Senate on the part of the Executive is subversive of the principles of our Constitution. The executive department is independent of the Senate and the Senate is independent of the President. In matters of legislation the President has a veto on the action of the Senate, and in appointments and treaties the Senate has a veto on the action of the President. He has no more right to tell me how I shall vote on his appointments than I have to tell him whether he shall veto or approve a bill that the Senate has passed. Whenever you recognize the right of the Executive to say to a Senator, "Do this or I will take off the heads of your friends," you convert this Government from a Republic into a despotism. Whenever you recognize the right of a President to say to a Member of Congress, "Vote as I tell you or I will bring a power to bear against you at home which will crush you," you destroy the independence of the Representative and convert him into a tool of Executive power.

To these expressions, Mr. Chairman, from our greatest Presidents and from some of our greatest statesmen, might be added many more of like character from others whom we have been taught to honor and respect, all showing that from our first President until our last one, with the possible exception of Andrew Jackson, no President has asserted this predominating power of the President under our Constitution, nor has any, with the exception above named, claimed and exercised the right to interfere with the deliberations of Congress and dictate what legislation should or should not be considered or passed.

It remained for Mr. Wilson to throw these views of our former statesmen into the discard, to proclaim with a sort of pride his contempt for the precedents of his predecessors, to disregard the checks and balances between the constitutional functions of the executive and legislative departments of our Government, and to encroach upon the constitutional rights and privileges of the Congress by using his personal and political influence and the prestige of his high office to control, coerce, or intimidate Members in the discharge of their duties.

But President Wilson has only been putting into practice the views he expressed in his book on "Constitutional Government." He stated then and he believes now that—

The Nation as a whole has chosen the President and is conscious that it has no other political spokesman. His is the only national choice in affairs. Let him once win the admiration and confidence of the country and no single force can withstand him; no combination of forces will easily overpower him.

He stated then and he evidently believes now that—

The President whom the Nation trusts can not only lead it but form it to his own views. * * * He may be both the leader of his party and the leader of the Nation, or he may be one or the other. If he lead the Nation, his party can hardly resist him. His office is anything he has the sagacity and the force to make it.

Now, I think the time has come when the American people ought to know the facts. They ought to be fully informed as to how this new doctrine of the President, this doctrine by which he believes himself and not the Congress to represent the people, this doctrine by which he believes he has the right to interfere with the constitutional prerogatives of the Congress and tell them what they should or should not do, has led to unfortunate results and has cost the people fabulous millions in waste and ineffective expenditures of the public funds during the prosecution of the war.

Early in 1917, after our country entered the war, many of us knew that the expenditures necessary for the prosecution of the war would run into many billions of dollars, but few of us realized that there would be required the staggering amounts that were afterwards appropriated. Wisdom and common sense suggested that Congress should be kept informed and should have at least some supervision over this vast expenditure of money.

On April 9, 1917, Senator Weeks, of Massachusetts, introduced in the Senate, and my colleague, Mr. MADDEN, introduced in the House a joint resolution providing for the appointment of a joint committee of the House and Senate on war expenditures. At that time both the House and the Senate were in control of the Democratic Party. This committee on war expenditures was to be wholly nonpartisan and to consist of a majority of Democrats to be appointed by the Vice President and the Speaker of the House, and was to advise and counsel with the President, if their advice and counsel was desired by him, and with the heads of the departments that were to expend the vast appropriations. But the Democratic majority in the Senate would not allow the Weeks resolution to come to a vote in the Senate, nor would the majority in the House allow the Madden resolution to come to a vote in the House.

On July 21, 1917, Senator Weeks offered his resolution as an amendment to the Lever food-control act, then under consideration in the Senate, and Senator OWEN, of Oklahoma, offered a substitute in the following language:

SEC. 23. A joint committee of the Senate and House of Representatives shall be appointed, composed of five Members of the Senate, including three Democrats and two Republicans, and five Members of the House of Representatives, including three Democrats and two Republicans, to be known as "the joint committee on expenditures in the conduct of the war."

It shall be the duty of said committee to keep itself advised with regard to the expenditure of all appropriations bearing on the conduct of the war made by Congress and the contracts relating thereto made by officers of the executive departments, and it shall be the duty of

the executive departments, on request, to keep said committee fully advised as to such expenditures and contracts.

Such committee shall confer and advise with the President of the United States and the heads of the various executive departments, commissions, voluntary boards, or other organizations connected with the conduct of the war, with a view to safeguarding expenditures, and shall report to Congress from time to time in its own discretion, or when requested to do so by either branch of Congress.

The membership of such committee shall be designated by the respective committees of the Senate and House which select the members of the regular standing committees.

Such committee shall have power to act by subcommittee or otherwise, and to send for persons and papers, and administer oaths, to summon and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary; and to pay the necessary expenses of such committee there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee.

This substitute offered by a Democratic Senator was entirely satisfactory to Senator Weeks, and was accepted by him. The question came to a vote in the Senate, and was carried by a vote of 53 to 31. The food-control act with this amendment to it then went to conference, and while in conference the President decided that it was time to exert his influence on the proposed legislation and prevent the appointment of this joint committee on war expenditures.

He accordingly addressed a letter to the gentleman from South Carolina, Mr. Lever, chairman of the conferees on the part of the House, in which he said among other things:

Section 23, if enacted into law, would render my task in conducting the war practically impossible. * * * The constant supervision of executive action which it admits amounts to nothing less than an assumption on the part of the legislative body of the executive work of the administration. * * * I sincerely hope that upon consideration of this matter both Houses of Congress will see that my objections rest upon indisputable grounds, and I could only interpret the final adoption of section 23 as arising from lack of confidence in myself.

This letter was that day published in all of the papers throughout the country, and all of the power and prestige of the President was brought to bear to influence and compel the conferees to strike that provision from the bill and to prevent Congress from enacting it into law.

The provision for the appointment of this committee was accordingly stricken out of the bill in conference. And when the bill was returned to the Senate a number of Senators opposed its final passage because the provision for the appointment of the joint committee on war expenditures had been stricken from it.

Among those who spoke on this subject on that occasion was Senator Hardwick, of Georgia. In his speech, delivered on August 6, 1917, the Senator from Georgia rose to the stature of the great statesmen of our earlier days. Among other things, he said:

But how on earth anybody could object to Congress appointing a joint committee to go over the expenditures, to see as far as we can how the money that we appropriate is spent, and to see that it should be spent in no other way except as the law provides, and economically spent—I say, how anyone anywhere could oppose any such proposition is beyond my comprehension.

It seems to me that any President of the United States would be more than glad to share responsibility of this kind with a joint committee of Congress. It seems to me that any executive of any country on this earth, carrying the awful load of responsibility in respect to matters of this kind that the Executive must carry, and carrying it as he must, with the aid of hundreds and thousands of men whom he must appoint to help exercise the Executive authority, would be glad to have Congress look into these expenditures and do all it can to keep everything right and straight.

So I can not understand the opposition to the appointment of a joint congressional committee, whose functions shall be limited entirely and solely to the expenditures of the money that Congress has appropriated. I can not see why the conferees should have found it necessary to again abandon the position that the Senate had taken by an overwhelming vote.

And again, upon being interrupted by Senator GORE with a statement of certain facts, the Senator from Georgia said:

Mr. President, the Senator from Oklahoma might specify, I presume, to even a greater extent than he has done. His specification is but an illustration, and a very brilliant one, too, of the necessity for this committee. What amazes me beyond comprehension is how any Executive can object to it. Prying around! They had better want somebody to pry around before the lid blows off. Snoop about! Every friend of the President of the United States in this Chamber and in this land had better pray that he may have all the assistance that it is possible for him to have from every honorable source to keep these expenditures down to an honest and legitimate basis, to keep down grafting and stealing. I say that we have fallen upon evil days, and the Congress of the United States has sunk to a low estate if we can not claim the right to see how the money which we appropriate is being spent, and whether or not it is being honestly spent, without being charged with being Paul Prys and snoopers.

But the country was at war; the President used his influence and dictated to the Senate, and the food-control act, without the provision for the appointment of this joint committee, was passed by the Senate.

When it was called up for consideration in the House, the Republicans, under the leadership of my colleague from Illinois [Mr. MANN] and the present Speaker [Mr. GILLETT] and the gentleman from Ohio [Mr. LONGWORTH] and others, endeavored in every way known to parliamentary practice to get a separate vote upon the Senate amendment providing for the appointment of this committee. But the Democratic majority, under the leadership of Mr. Lever, and aided by the best parliamentarians on that side of the House, prevented the question from being submitted to the House for a separate vote, and the House was compelled to bow to the will of the President and his followers in the House and pass the bill with the provision for the appointment of this joint committee on war expenditures omitted from it.

Afterwards, as the appropriations for war expenditures mounted higher and higher and rumors of wastefulness and graft and improvident expenditures of the public funds began to be reported in the public press and known to all of us, the Republicans in the House on numerous occasions offered amendments to various bond bills and revenue bills reported by the Ways and Means Committee providing for the appointment of a joint committee on war expenditures.

I find in looking through the CONGRESSIONAL RECORD of those days that on one occasion such an amendment was offered by the gentleman from Iowa [Mr. GREEN].

On another occasion, on September 5, 1917, a similar amendment was offered by the present Speaker [Mr. GILLETT]. And on the same day still another similar amendment was offered by the gentleman from Pennsylvania, Mr. Moore.

On each occasion points of order on technical grounds were made against the amendment by Democratic Members of the House and sustained.

Very able arguments for the appointment of such a committee in the interest of the Public Treasury were made on these occasions by Mr. GILLETT, Mr. Moore, by the gentleman from Iowa [Mr. GREEN], by my colleague from Illinois [Mr. MADDEN], by the gentleman from Iowa [Mr. TOWNER], and by the gentleman from Michigan [Mr. FORDNEY], and by others.

The House and the country were warned time and again that the public funds were being wasted; that the money appropriated for the urgent necessities of the war was being invested in wild and visionary schemes which would accomplish no results in the prosecution of this war.

But the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Tennessee [Mr. GARRETT], and others on the Democratic side, skilled parliamentarians all of them, were ever on hand to prevent the question from being submitted to the House for a vote by making points of order on every such proposal.

So that, Mr. Chairman, every effort made by the Republican side of the House to secure the appointment of a joint committee on war expenditures was skillfully defeated by our Democratic colleagues, acting under the whip and the dominating power of the President, and we were never even allowed an opportunity to go on record with a vote upon the proposition.

I do not think anyone doubts that if the President had not interfered, if he had not used the power and prestige of his high office as well as his personal influence to prevent the appointment of this committee, it would have been appointed with little, if any, opposition in either House of Congress; and, being composed of the majority of the President's own party, it would have cooperated with the President and with the heads of the departments in the vast expenditures appropriated by Congress, and billions of dollars of the people's money might have been saved.

Now, what was the result of this encroachment of the President upon the prerogatives of the House? Of the Democratic Senators who voted for the appointment of this Joint Committee on Expenditures, but two, as I am informed—the Senator from Georgia, Mr. Hardwick, and the Senator from Mississippi, Mr. Vardaman—have been up for reelection. And in each case the President intervened with all of the powerful influence of the Chief Executive and successfully helped to bring about their defeat for reelection. On the other hand, the gentleman from South Carolina, Mr. Lever, to whom the President addressed his letter of protest and who successfully maneuvered the bill so that the House could have no opportunity to express its view upon this important question, has since then been elevated by the President by an appointment to the National Farm Loan Board.

The country must well know, and I presume our Democratic friends will not deny it, that the responsibility for the defeat of this proposal for a joint committee of Congress to supervise war contracts and expenditures was defeated by the influence of the President, aided by the members of the Democratic Party, who had control of the House and Senate and were willing to surrender their judgment and their prerogatives to his dictation.

Well, war expenditures mounted higher and higher as time passed and the country does not yet realize the staggering amounts that Congress has appropriated for the prosecution of the war. Still less does the country realize the immense sums that have been wasted and fraudulently and ineffectively expended through mismanagement and incompetency and dishonesty on the part of those charged with that responsibility.

The total appropriations by Congress for the fiscal years 1917 to 1920 were as follows:

1917	$1,628,411,644.81
1918	18,881,940,243.79
1919	27,092,094,720.75
1920	7,345,617,283.58
Total	54,948,063,892.93

The above amount of appropriations for the year 1920 must be increased by $125,000,000, which have been appropriated in two deficiency bills that have been passed since the present session of Congress began, and by $200,000,000, which was carried in the railroad bill recently passed. These amounts added to the total appropriation of $54,948,063,892.93 makes total appropriations for the years 1917 to 1920, up to this time, amount to $55,273,063,892.93. It is almost impossible to comprehend these figures. When we remember that the total amount appropriated and spent by our Government from the beginning of Washington's administration in 1789 up to our entry in the World War on April 6, 1917, was approximately only $40,000,000,000, we can appreciate the staggering amounts that have had to be appropriated by Congress and disbursed by the various executive branches of the Government since we entered the war.

Of course, we have not expended all of the amount that has been appropriated. I am advised by the Treasury Department that from April 6, 1917, to February 29, 1920, there has been actually paid out of the Treasury by the various executive branches of the Government the sum of $36,918,000,000.

Secretary GLASS has stated in a letter addressed to the House Committee on Ways and Means that the amount of expenditures that may properly be attributed to the war can be properly ascertained by deducting from the total expenditures made during the period of the war the approximate amount that would have been required to pay the legitimate Government expenditures if we had not been in war. The very best estimate of normal Government expenditures during this period, if we had not been in the war, is $1,000,000,000 a year, or eighty-three and one-third million dollars per month. Deducting, therefore, from the $36,918,000,000, the amount that has been actually disbursed from the Public Treasury since we entered the war a sum equal to eighty-three and one-third million dollars per month, which would have been required for Government expenditures had we not been engaged in war, there is left the total sum of approximately $34,000,000,000, which represents the actual expenditures from the Public Treasury for actual war purposes between April 6, 1917, when we entered the war, and January 29, 1920.

From April 6, 1917, up to February 29, 1920, we have collected by taxes from the people the sum of $13,099,000,000 and we have borrowed from the people the sum of approximately $24,000,000,000 by the issuance and sale of bonds.

When we stop to think that the making of war contracts, the purchasing of supplies, and the execution of all other necessary transactions required for the expenditure of this vast sum of $34,000,000,000 has been in the hands of men many of whom have been educated and trained for military and naval service and have had no business experience whatever, many of whom have been working all their lives on salaries and are inexperienced in the transaction of large affairs, it is inconceivable, it is appalling, to think that the President could have been unwilling for a committee of Congress, composed of able and experienced public men elected by the people, and a majority of whom would have been of the President's own political party, to advise and counsel with those who were to expend these vast amounts of the public funds and keep themselves informed and report to the Congress from time to time the manner in which such funds were being expended. Instead of objecting to the appointment of such a committee, the President should have welcomed it. Had he been a man less impressed with his own place and power, less swayed by what he thought to be his own destiny, he would have welcomed the opportunity of having an able committee of Congress share with him this great responsibility.

But the President said that he could only interpret the appointment of such a committee as arising from a lack of confidence in himself. And the Democratic majority of Congress, under the dictation and personal influence of the President, showed its confidence in the President by allowing him to have absolutely his own way and letting his appointees spend the people's money without check or supervision or accounting. And what has been the result? The very thing that was predicted by Senator Weeks and by Senator Hardwick and by various Members of the House has happened. There has been an orgy of waste, of extravagance, of dishonesty, of fraud in the disbursement of these billions taken by taxes and borrowed from the people, that not only surpasses anything ever recorded in the history of any Government, but exceeds the wildest stretches of the imagination.

Since the war has ended and Congress has passed under the control of the Republican Party, of course special committees on war expenditures have been appointed and, since the beginning of this Congress last spring, have been engaged in investigating this waste and the looting of the Public Treasury. And when their investigations are completed and the results are fully disclosed to the American people there will be a political, if not an actual, revolution.

Mr. Chairman, I am advised by the members of these investigating committees that there has been expended during the war period by the War Department alone approximately $18,000,000,000. And of this amount practically $9,000,000,000 has been wasted, lost, or foolishly expended on projects that were wholly useless and ineffective in the prosecution of the war.

For instance, the War Department expended approximately $150,000,000 in the construction of port terminals at Charleston, Norfolk, Boston, and other places, and not one dollar of this expenditure aided us in the prosecution of the war, because not one ship sailed from the terminals that were constructed from these funds.

The investigation has disclosed that $20,000,000 was expended in the construction of a port terminal in a bog and swamp 10 miles up the river from Charleston, S. C., and after that amount was expended in the construction of the terminal it could not be reached by ships until the river was dredged for that purpose.

The War Department expended approximately $120,000,000 in the construction of nitrate plants, and yet not a pound of nitrate from these plants was used in the prosecution of the war.

Practically $100,000,000 of this amount was expended at Muscle Shoals and Sheffield, Ala., and every dollar of that amount was lost so far as the prosecution of this war was concerned, and now the War Department wants additional appropriations in order to complete those plants to be used for the manufacture of fertilizer.

The War Department expended approximately $160,000,000 on the construction of powder plants, and not a pound of powder manufactured by the Government at these plants was used in the war. Over $70,000,000 was expended on the powder plant at Nitro, W. Va., and recently the entire plant was sold for something over $8,000,000, and the probability is that the Government will never get very much of the $8,000,000.

We expended approximately $1,000,000,000 on shells, and yet only 17,000 American shells were fired by the American forces during the war. The insignificance of 17,000 shells is realized when we are informed that frequently the American forces fired a half million shells on a single morning barrage.

We expended approximately $1,051,000,000 in preparation for the manufacture of aeroplanes, and yet we did not produce a single fighting plane. We did not produce a purely bombing plane. We only produced and sent to the front in France 213 observation planes, which might be used for light day bombing.

We spent approximately $100,000,000 in the manufacture of American tanks, and yet the first American tank did not reach France until the 20th of November, after the armistice was signed.

We spent approximately $117,000,000 in the manufacture of gas, and there was never a pound of gas fired on the battle front in American shells.

We expended approximately $478,000,000 in the manufacture of guns, and we only succeeded in getting forty-eight 4.7-inch guns and twenty-four 8-inch howitzers, or a total of 72 American guns, to the battle front.

Similar illustrations of waste and ineffective expenditures could be recited ad nauseam if one but had the time.

When these investigations have been completed, when the light of truth has been turned on them, it will be found that at least half of the $18,000,000,000 expended by the War Department has been either wasted or unwisely and ineffectively expended.

And the same is true at least to some extent in the Navy Department. I am informed that the War and Navy Departments have expended nearly $250,000,000 within a radius of 25 miles of Norfolk, Va., in the construction of cantonments, warehouses, and training stations; and it is now ascertained that it is impossible to get sufficient water there to supply the necessities of those plants. The Navy Department expended $7,000,000 on a naval training camp in a swamp near Norfolk after the armi-

stice was signed and the war was over; and every dollar of it will be lost.

It is inconceivable that such an orgy of wasteful and unwise expenditures could have been possible if there had been a committee of Congressmen and Senators actively engaged during the war period in scrutinizing contracts and advising with the heads of the departments and reporting all such contracts and expenditures to the President and the Congress. It would have been wiser to have had a proper committee to prevent, if possible, the waste of public money than to have the committees we now have investigating the waste after the money has been lost.

The people may as well understand who is responsible for the awful conditions which these investigations are disclosing. When the Republicans wanted the congressional committee to prevent it as far as possible, the President said it would show a lack of confidence in him, and the Democratic majority said it was nothing but partisan politics.

And now, when the public money has been wasted and the Treasury has been looted by methods compared with which the practices of the James brothers, Cole Younger and his gang, and the Daltons of pioneer days seem tame and uninteresting; now when the investigating committees are investigating and reporting these appalling facts to the people, our Democratic friends here are shouting and protesting that it is nothing but partisan politics to discredit the President and the Secretary of War.

Last Friday, when arrangements were made for a report from the subcommittee investigating the expenditures on aviation, the gentleman from North Carolina [Mr. POU] and the gentleman from Tennessee [Mr. GARRETT] made vigorous attacks on the Republican majority for what they claim was an attempt to discredit the President.

But that will not work. The people know very well that such attacks are all staged. Let us be honest and let the people understand that the ablest and most eloquent Members among our Democratic colleagues will, as a matter of course, make denunciatory speeches and throw out a regular smoke screen to conceal the facts from the people whenever any of the subcommittees investigating war expenditures make their reports and expose the reeking rottenness and wanton waste of the War Department in expending the public funds.

I charge that the waste and ineffective investments of such a considerable part of the $34,000,000,000 of war expenditures has been due largely to the autocratic and dictatorial encroachment by the President on the constitutional privileges of Congress and the servile submission of the Democratic majority in the House, which together prevented any action being taken to prevent or at least lessen the probability of such waste.

But, as I have shown, this autocratic attitude of the President toward Congress is his deliberate view of the prerogatives of his position in the world.

For has he not said in his work on "Constitutional Government":

> His is the only national voice in affairs. Let him once win the admiration and confidence of the country and no single force can withstand him.

Has he not said in the same book:

> The President can never again be the mere domestic figure he has been throughout so large a part of our history. * * * Our President must always henceforth be one of the great powers of the world, whether he act greatly and wisely or not. * * *

And the people will soon understand, if indeed they do not now know it, that the President's autocratic attitude toward the Senate is responsible for the fact that peace has not been made with our enemies and we are still where we were a year and a half ago. The President appointed himself practically the sole commissioner from this country to the peace conference. He arranged for the constitution of the League of Nations in the proposed treaty of peace without consultation or advice with the Senate and submitted it upon his return to this country with the ultimatum that it must be accepted without change if the country would have peace.

This again is but in harmony with the President's view that he is a world figure to whose views all others must give way.

When President Wilson delivered his first war message to Congress, he thought that the force of his phrases would so shake the German Empire as to cause them to ask for peace.

In his subsequent address to Congress the President sought to distinguish between the German Government and the German people, excoriating the former and cajoling the latter, and believed again that the force of his phrases would cause the German people to overthrow their Government, organize a republic, and ask for peace.

Again in a later message to Congress the President praised Count Cernin, of the Austro-Hungarian Empire, for his peaceful purposes and sought again by the force of his phrases to cause the Austro-Hungarian Empire to repudiate its alliance with Germany and sue for a separate peace. But it did not do it.

Later the President issued from the White House the so-called 14 commandments as a code for the settlement of all the conflicting claims and turbulent troubles of the world, and he believed that his proposals would be the basis of peace. But every one of them was rejected by the council at Versailles.

The President returned with the treaty of peace and the League of Nations covenant and informed the Senate that they must accept it without change. But they did not.

When the President's proposal for the settlement of the Adriatic question and the granting of the port of Fiume to the Jugo-Slav Republic was rejected by the Italian Government the President issued his famous address to the Italian people, believing that the Italian people would bow to him, accept his views, and drive their own Government to agree with him. But they did not.

All of us remember, I am sure, the President's famous coup just before the election in 1918, when we were still at war, in which he addressed the American people and told them that he wanted a Congress of Democrats who would be good and do as he said, and that he did not want to be annoyed with Republicans who might refuse to obey his orders. The immediate response was a Republican House and Senate.

Finally, when he was convinced that the Senate would not bow to his dictation and accept the League of Nations covenant without amendment, the President with all the pomp and circumstance of a Cæsar announced that he would have none of such an obstreperous Senate, and that he would appeal to the people. So he made his famous swing through the West and to the Pacific coast, asking the people to repudiate their representatives in the Senate and drive them to do his will. The result is well known. His attitude has probably resulted in the defeat of the treaty.

Mr. Chairman, there is no place in this country for autocratic power. The checks and balances of our Constitution must be preserved, and the executive and legislative branches of our Government must each respect the prerogatives of the other if the Republic long endures.

And there is irony and remarkable coincidence in the fulfillment by the President of his own prophecy, which I quote without comment from page 71 of his book on Constitutional Government:

> There are illegitimate means by which the President may influence the action of Congress. He may bargain with Members, not only with regard to appointments but also with regard to legislative measures. He may use his local patronage to assist Members to get or retain their seats. He may interpose his powerful influence, in one covert way or another, in contests for places in the Senate. He may also overbear Congress by arbitrary acts which ignore the laws or virtually override them. He may even substitute his own orders for acts of Congress which he wants but can not get. Such things are not only deeply immoral, they are destructive of the fundamental understandings of constitutional government and therefore of constitutional government itself. They are sure, moreover, in a country of free public opinion to bring their own punishment, to destroy both the fame and the power of the man who dares to practice them.

During Mr. DENISON'S remarks the following occurred:

Mr. POU. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. POU. My genial friend from Illinois, I understand, obtained permission to speak out of order. I make the point of order, however, that the Committee of the Whole House on the state of the Union can not give that unanimous consent. The rules of the House are clear upon it. I call the attention of the Chair to the decision which has been rendered time and again, that when a special rule fixes the time the Committee of the Whole can not extend that time. Neither can the Committee of the Whole by unanimous consent give permission to speak out of order if the point of order is made, which I make now.

The CHAIRMAN. The point of order was not made when the request was granted.

Mr. POU. I make the point of order now. It can be made at any time.

Mr. WINGO. Mr. Chairman, the House is not estopped by Members failing to be present in the meeting of the committee. That is the very object of the rule—to prescribe the action of the committee and limit it to a consideration of the matter specified by the House.

The CHAIRMAN. From time out of mind, so far as the present occupant of the chair knows, and certainly during his experience in the House, it has been the rule of the House that debate be confined to the pending amendment in Committee of the Whole House on the state of the Union; and yet, as every Member knows, permission is often granted for a Member to speak out of order in Committee of the Whole.

Mr. POU. Mr. Chairman, the distinction is this: The special rule of the House provides in terms that the debates shall be confined to the subject matter of the bill.

The CHAIRMAN. The general rules of the House provide that also.

Mr. POU. And it has been held time and again that by unanimous consent the special order of the House can not be set aside in Committee of the Whole. If the Committee of the Whole can give permission to speak out of order, likewise the 10 hours could be extended to 15 or 20 hours. Of course, that can not be done under the rules.

The CHAIRMAN. The Chair is of the opinion that if the committee is willing to sit and hear debate not on the bill during the time that has been allotted by the House, and no one objects to it, the committee would have that right.

Mr. WINGO. Mr. Chairman, will the gentleman hear me on that point?

The CHAIRMAN. Certainly.

Mr. WINGO. That is the very basis of the rule. The House has the right to fix the rules under which a committee shall consider the bill. From the parliamentary point of view the House is absent. It is in committee. And under the interpretation of the Chair, the House being absent, having said that the committee can go ahead and consider a certain bill, under certain limitations, then it would require all Members of the House to be present in order to protect itself. Members go away, understanding that nothing except this bill is going to be considered by the committee, and if the ruling of the Chair is followed to its logical conclusion, the committee by unanimous consent, without rising, could absolutely take up some other bill and not consider the pending bill. That would be the logical conclusion of the Chair's suggestion.

The CHAIRMAN. The Chair has not so ruled. The committee upon request, submitted in the regular way, gave the gentleman from Illinois [Mr. DENISON] permission to proceed out of order during a portion of the time allotted to him by the gentleman from California [Mr. KAHN]. He was proceeding to do so when the point of order was made, and under the practice of the House unbroken, so far as the present occupant of the chair now recalls——

Mr. WINGO. Oh, I would state to the Chair that it is not unbroken. This question has arisen before, and I happen to have been the offending Member at the time. I did not complain then, but if that is going to be the ruling of the Chair, if the House can not be protected by its own rules and can not limit debate in Committee of the Whole to the subject matter, I am going to make the point of order of no quorum and bring the House here. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman had his right, of course, at the time the request was made.

Mr. WINGO. But I could not exercise the right. I expected the committee to obey the rule of the House as it was laid down. I expected no new matter to come up, and I was in the cloakroom conferring on another bill. If I had known that new matter would come up I would have been here. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-eight Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Doremus	Hudspeth	Montague
Anderson	Dyer	Hulings	Mooney
Anthony	Eagle	Husted	Moore, Ohio
Bacharach	Edmonds	Hutchinson	Moores, Ind.
Benson	Ellsworth	James	Mott
Bland, Ind.	Esch	Johnson, Wash.	Mudd
Booher	Ferris	Johnston, N. Y.	Nicholls, S. C.
Britten	Fess	Jones, Tex.	Nichols, Mich.
Browne	Fields	Kelley, Mich.	Nolan
Browning	Fordney	Kennedy, Iowa	O'Connell
Brumbaugh	Frear	Kennedy, R. I.	Oliver
Burdick	Gallivan	Kettner	Osborne
Burke	Gandy	King	Padgett
Burroughs	Garrett	Kleczka	Pell
Butler	Glynn	Kraus	Purnell
Campbell, Kans.	Goldfogle	Kreider	Rainey, Ala.
Carew	Goodall	Layton	Rainey, Henry T.
Chindblom	Gould	Linthicum	Rainey, John W.
Christopherson	Graham, Pa.	Longworth	Rayburn
Clark, Fla.	Green, Iowa	McAndrews	Reed, N. Y.
Classon	Greene, Mass.	McArthur	Reed, W. Va.
Collier	Hamill	McCulloch	Riordan
Cooper	Hamilton	McDuffie	Rodenberg
Copley	Hastings	McGlennon	Rogers
Costello	Haugen	McKinley	Rowan
Cramton	Hawley	MacCrate	Rowe
Cullen	Hayden	Maher	Rucker
Curry, Calif.	Heflin	Major	Sabath
Davey	Hersman	Mansfield	Sanders, N. Y.
Dempsey	Hill	Mason	Schall
Dewalt	Holland	Mead	Scott
Donovan	Howard	Merritt	Scully
Dooling	Huddleston	Mondell	Sells
Sims	Steenerson	Tinkham	White, Kans.
Slemp	Stephens, Miss.	Vare	Wilson, Ill.
Small	Stephens, Ohio	Venable	Winslow
Smith, Mich.	Sullivan	Voigt	Young, Tex.
Smith, N. Y.	Taylor, Colo.	Ward	
Steagall	Taylor, Tenn.	Weaver	
Steele	Timberlake	Wheeler	

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," and finding itself without a quorum he had directed the roll to be called, whereupon 270 Members answered to their names, a quorum, and he handed in the list of the absentees.

The committee resumed its session.

Mr. DENISON. Mr. Chairman, I yield back the remainder of my time.

Mr. WINGO rose.

The CHAIRMAN. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. Do I understand the gentleman from North Carolina withdraws his point of order?

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] has withdrawn his request to proceed and has yielded back the remainder of his time. Does the gentleman from North Carolina withdraw his point of order?

Mr. POU. I do.

Mr. WINGO. My understanding was that it would be withdrawn and the point remain undecided. I am willing to have the matter dropped, but in view of the fact that during this Congress at the extra session, when the gentleman from Massachusetts [Mr. WALSH] was in the chair, the Chair ruled that it was not in order to submit a request for unanimous consent to speak out of order during general debate. I recall that decision, because I was the Member overruled. The question having been raised, I do not want the statement of the Chair to go unchallenged that the precedents support his suggested ruling. The precedents are to the contrary, and on reflection I am sure the Chair will rule to the contrary.

Mr. QUIN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee——

Mr. QUIN. Will the gentleman allow me to make a statement before he starts? The gentleman from California [Mr. KAHN] is going to use part of his time himself after Mr. RAKER has finished, and I hope that gentlemen will wait to hear him.

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, my remarks will be directed to the medical department of the bill—the Army Nurse Corps. I desire to discuss this feature of the bill, which I will read:

Provided, That hereafter the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director, and assistant directors the relative rank of captain; chief nurses, the relative rank of first lieutenant; and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have and shall be regarded as having authority in and about military hospitals next after the medical officers of the Army.

One bar on a shoulder strap is worth two regulations in a book.

This provision of the bill carries the provisions of the bills H. R. 11246 and H. R. 12696 of the Sixty-fifth Congress, and H. R. 2492 of the Sixty-sixth Congress in regard to rank for nurses in the Medical Corps of the Army.

The provisions of H. R. 2492, introduced by myself on May 23, 1919, are as follows:

A bill to grant rank to the Army Nurse Corps, and for other purposes.

Be it enacted, etc., That the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director, and assistant directors the relative rank of captain; chief nurses the relative rank of first lieutenant; and nurses the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have and shall be regarded as having authority in and about military hospitals next after the medical officers of the Army, and shall wear the insignia of the rank in the Army to which their rank corresponds.

It will be noted that this bill carries the same provisions as H. R. 2492.

Extensive hearings were had by the Committee on Military Affairs last year upon this subject (H. R. 12698, 65th Cong.) Many communications have been received and first-hand information has been given to the committee by the nurses who have been abroad and had experience in this work. The universal sentiment is that the nurses should have rank. The

Military Committee has made it relative rank, with which they are satisfied, to the end that the service might be improved. The nurses are in charge of the hospital, of course under the doctor, but those in the hospital—the orderlies and others—assume command over the nurses and in many instances fail to obey their orders. That has been demonstrated, and letter after letter could be placed before the House showing wherein they have neglected, failed, and even refused to obey the nurses. It has been shown that even men left that line for a failure to comply with the request and direction of the nurses.

No one is better qualified, no one is better equipped to know what the patients should have and the care and treatment that should be given them than the nurses. Instead of requiring the patients to work under the direction of an orderly and the others it should be up to the nurse. She should have full direction and command of those under her to the end that proper and efficient service should be rendered or maintained. I think the following is conclusive upon that subject. Gen. Pershing, in appearing before the committee, made the following statement, found on page 1438 of the hearings:

The Army Nurse Corps has performed most excellent service abroad. It contained many women of superior ability, and it seems to me, as a recognition of the splendid service of the American women in that corps, they should be given some rank, or, at least, assimilated status. The bestowal of authority upon them would give the Nurse Corps a military status necessary to carry out the instructions of the medical officers and would also have the effect of attracting to the corps the best class of women.

Further speaking upon this subject we find another statement from Gen. Pershing, page 1470 to page 1472, in which he recapitulates that statement and goes further in detail, and I ask to have that inserted in the RECORD, as follows:

Gen. PERSHING. I can see no serious objection to placing it as a part of that department in time of peace, but in war time it would have to be an independent organization.

Senator WADSWORTH. The next topic, as I remember it, that the General took up this morning, was that of granting commissions in a limited way to nurses in the Army Nursing Corps.

Mr. KAHN. This morning you said you would recommend the giving of the rank to the Army nurses. Was not the custom among the other countries that participated in the war to give nurses the relative rank and pay of some officer in the Army, but not to designate them as lieutenants or captains, and so forth?

Gen. PERSHING. I think that is the practice in the British service.

Mr. KAHN. In the British service?

Gen. PERSHING. Yes.

Mr. KAHN. Did it work out satisfactorily?

Gen. PERSHING. As far as I know, it has been very satisfactory to the British.

Mr. KAHN. Do you think it would be better to create some special rank for the Nurse Corps rather than the ranks that prevail in the combat troops of the Army?

Gen. PERSHING. Well, I have thought about it a good deal, and it is rather a puzzling question, Mr. Chairman. Whatever would give the nurses a position by which they could enforce compliance with their instructions is what should be done. You find a good many men in the hospitals who are not inclined to obey the orders of a nurse, fellows who are perhaps not any too well disciplined under any circumstances, and the nurses have had in many cases a rather hard time in getting along with some of those men. I am only interested in getting them a standing that will enable them to carry out their duties efficiently.

Mr. KAHN. In favor of giving them some rank, but you have no preference as to what it will be?

Gen. PERSHING. I must say, I have not.

Mr. GREENE. Is it not an axiom of the service that any man who is carrying an order of his superior in that duty to another person carries the order of the superior regardless of rank, and if the order is disobeyed he is disobeying the order of the superior?

Gen. PERSHING. There is a lot of conflict involved in that question.

Mr. GREENE. I understand there is. I am speaking only of the general principle. If you designate somebody in a hospital to do something irrespective of grade or rank, that order would have to be carried out, and anybody who sought to interfere would be disobeying the order?

Gen. PERSHING. That very frequently happens.

Mr. GREENE. Does it make any difference how many stages of rank intervene between you and the one to whom the order is directed, as to who it is brought by when it comes from the one source, the one who could give such an order?

Gen. PERSHING. In those cases where certain duties are allotted to juniors, they are in a better position to carry out those duties if they have the rank which would naturally give them control over the persons who are under control.

Mr. GREENE. The order gives them control, however?

Gen. PERSHING. I can not say it always does.

Mr. GREENE. Officially it does?

Gen. PERSHING. There is a great deal of difference between giving an order and having it carried out. If an officer is ordered to execute an order involving some one of superior rank, who questions the order, and there is no one on the spot to settle the difference, it involves some difficulty.

Mr. GREENE. Would the giving of military rank such as is embodied with the combat troops to people in hospitals tend eventually to win them away to more regard for their rank than for the duty they were assigned to? It has been found, I believe, in the service that while a dentist is a first lieutenant, he will stand back of the chair and draw a tooth, but as he begins to go up the grades he is more interested in assigning somebody else to that function than he is to performing it himself. Is not that same thing true in regard to veterinarians and other people who are not distinctly military men but are engaged in civilian auxiliary functions attached to the Army? Is there not danger in permitting military rank and grade to be scattered too promiscuously through those services?

Gen. PERSHING. You refer to the dental rank?

Mr. GREENE. I only used that as an illustration. We all have to come to the dentist sooner or later, and the Army finds it out as soon as anybody else.

Gen. PERSHING. I know certain colonels in the Dental Corps who do not hesitate to draw teeth.

Mr. GREENE. Are those exceptions that prove the rule, General?

Gen. PERSHING. Well, this whole question is a very interesting one, but if you require certain things to be done by a military individual which compels him to exercise authority over others he must have, or he is better off if he has, the rank to do it. If he actually speaks for his superior and by his authority, rank does not matter so much.

Mr. GREENE. Then if you apply that logically, the sentry on post No. 2 should have the same rank, and yet everybody knows it is death to anyone to disobey his orders.

Gen. PERSHING. That is the reason we give him a gun.

Mr. GREENE. But he is a private.

Gen. PERSHING. If we would give nurses guns, we would not need to give them rank.

Mr. GREENE. I dare say. This question is interesting in this sense, that when we try to establish military grades of greater numbers than we have now we are confronted with the popular misunderstanding of the subject which makes them fail to distinguish between men of different rank.

Gen. PERSHING. I quite appreciate your point in the matter, and the same criticism is very frequently made by the Army people themselves; but as I said with reference to this question of giving rank to nurses, the only point I would make is to place them in a position where they might not be embarrassed so much in the performance of their duties.

Senator WADSWORTH. As I understand it, General, they request a little sign of rank, an insignia, something to indicate the authority they have, to meet an emergency, which does not come up very often, but sometimes is very important.

Gen. PERSHING. Yes.

This question was asked the general, and I think it is quite conclusive on the question of rank, as this bill provides for the nurse service:

Mr. GREENE. I only used that as an illustration. We all have to come to the dentist sooner or later, and the Army finds it out as soon as anybody else.

Gen. PERSHING. I know certain colonels in the Dental Corps who do not hesitate to draw teeth.

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Gen. PERSHING. That is the reason we give him a gun.

Mr. GREENE. But he is a private.

Gen. PERSHING. If we would give nurses guns, we would not need to give them rank.

That shows the necessity of authority to exercise that judgment and carry out what is desired. In addition to that, the entire work has shown that where rank has been extended to nurses better results have been obtained. The Canadian Government extended rank to their nurses. The Australian Government extended rank to their nurses. While England did not extend rank, it gave them a better status. No one who has talked with these English, Canadian, or Australian nurses but can help realize the advantages that obtained to the service and the good that followed and the justice to the nurses by giving them this rank. The same will apply to their service. These highly educated and thoroughly equipped women who have charge of our hospitals, who have so much responsibility upon their hands, should have no doubt that everyone under them in the hospital should obey their instructions and should follow their commands. The nurse is better equipped, better qualified to know what those directions should be and know what should be given to various patients and the various treatments than anyone else. Men refused to carry out the nurses' orders during the service at night——

Mr. McKENZIE. Will the gentleman yield——

Mr. RAKER. I will yield.

Mr. McKENZIE. Right on that point, in case a private soldier would refuse to carry out the order of a nurse would the gentleman have the private soldier court-martialed?

Mr. RAKER. Well, I would have to know the facts and circumstances in the matter like any other case in authority. The superior authority must govern; the superior officer governs and the inferior officer must obey.

THE WORLD WAR PROVES ARMY NURSE SYSTEM DANGEROUSLY FAULTY.

The receding tide of the World War has left exposed certain alarming conditions, conditions that must be done away with if we are to benefit to the full by this war, which has cost so much.

The dangerous faultiness of our Army nurse system is one of the most serious of these conditions. This statement surprises you—you who have heard inspiring tales of our nurses "over there." Those tales are true, every one of them, for the courage, devotion, and skill of our Army nurses have been beyond praise. It has been because of their heroism and in spite of our nurse system that their work has been good. But surely where the lives of our boys are concerned we are not satisfied with something merely good, we want full efficiency; nor are we Prussian enough to be willing to owe what efficiency we have largely to the unnecessary self-sacrifice of our nurses.

Yet that is the history of our Army Nurse Corps during the World War. Hardly were we well in when the existence of dangerous faults became obvious. So apparent were the menacing defects that the

nursing world was stirred to seek correctives. Miss Delano, director of the Red Cross department of nursing, which was recruiting the nurses for the Army, and Miss Nutting, chairman of the committee on nursing of the Council of National Defense, repeatedly urged upon the War Department the immediate need of changes in the system and rank for the nurses—the clear definition of their status and authority. They were supported in their efforts by the nursing profession and by Miss Thompson herself, superintendent of the Army Nurse Corps, as well as by an interested and intelligent medical and law opinion. But only halfway measures resulted, and these were unsuccessful.

FUNDAMENTAL CAUSE OF THE DANGEROUS FAULTS OF THE ARMY NURSE SYSTEM.

Finally the War Department became convinced of the fact that the Nurse Corps had realized almost from the beginning that the root of the trouble lay in the fact that, though the nurses must assume the grave responsibility of carrying out the doctors' orders by means of untrained and constantly shifting orderlies, they possessed no definite nor established authority over those orderlies.

In the rush and strain of war, the nurses' position, always of great importance, becomes vital. The doctors, overworked and overtaxed, must depend on them, not only for the carrying out of their orders in regard to the medical treatment of patients, but also for control over those patients and the hospitals in general. Often one round of the hospital a day is all the doctor can manage. The rest of the time the nurses are responsible for every person and thing in that hospital. How is it possible for them to live up to that responsibility if they are not given adequate authority over those they are expected to control? During the great drives, a nurse often has as many as 70 patients in her ward. To assist her in the care of these patients, she has to depend on orderlies, who are, as a rule, completely untrained in medical knowledge and sometimes even in common cleanliness. A nurse has neither time nor vitality for explanations to orderlies; her patients need all she has. She should have the right to command these orderlies, since valuable lives depend on the quick and accurate carrying out of her orders. In a military world based on authority, without authority she is almost helpless.

WAR DEPARTMENT ISSUES ORDER GIVING ARMY NURSES GRADE OF "NURSE."

Satisfied at last that the welfare of our sick and wounded boys demanded some position of authority for the nurse, the War Department created the grade of "nurse," which placed the Army nurse above all noncommissioned officers and below the West Point cadet.

But, unfortunately, this regulation did not clearly define the nurse's authority nor did it rank her as an officer. And it made the mistake of placing all nurses in the same grade. Though there is a great difference in the positions of superintending, directing, chief, head, and staff nurses, this regulation places them all in the same grade, which classification is not only contrary to the Army system of graded rank but, manifestly, against common sense. Likewise, it fails to give the nurse the right to use the Army efficiency method of indicating rank, the wearing of the rank's insignia.

That the Army considers the wearing of rank insignia necessary is shown by the fact that every male commissioned or noncommissioned officer wears on his shoulder strap or sleeve the insignia of his rank.

Though for a while the second lieutenants wore no insignia, it was found necessary to give them a gold bar. The reason for this is very simple. In the Army, immediate, unquestioning obedience is required, often from men who do not understand Army regulations. There isn't time to show these men printed documents establishing the officer's right to command, so a system of symbols—of insignia—that even the most stupid, the most untrained, can understand is used. It is an efficiency method that every well-organized army in the world has found indispensable. Is there any reason why the Nurse Corps shouldn't profit by it? For in no branch of the service is quick, unquestioning obedience more needed.

COMMITTEE FORMED TO SECURE RANK FOR NURSES.

Realizing that the War Department did not intend to give the Nurse Corps further help and realizing also that any action of that department was subject to repeal at any time, certain patriotic persons, roused by the inefficient organization of so important a branch of our National Army, determined to secure rank for nurses from Congress.

A committee, of which ex-President Taft consented to become honorary chairman, was formed in October, 1918. This committee, composed of the heads of all the large nursing organizations and other persons of national importance, immediately set to work to win rank for nurses as an efficiency measure for our Army.

RELATIVE RANK.

The committee, anxious not to make mistakes nor even to take any unnecessary chances on this important piece of legislation, investigated and followed the army nurse systems of both Canada and Australia, where army nurses have had relative rank for several years.

By relative rank is meant approximate rank. In the case of the Canadian and Australian nurses it meant rank without commission or emoluments but with full pay, the dignity incident to the name of the rank, the right to wear the rank's insignia, and to exercise authority in medical and sanitary matters in military hospitals next after the medical officers of the army.

In both these great countries, where conditions are so similar to our own, it was found that the advantages resulting from the granting of rank to nurses had exceeded the highest expectations. The surgeons general of both countries were loud in their praises of the system; of how well it had stood the test of the most terrible war in history; of its success in removing the very weaknesses from which our system was suffering.

HISTORY OF THE LEWIS-RAKER BILL.

As a result of this and other investigations the committee decided to follow the successful action of our allies and introduce into Congress a bill giving only relative rank to nurses. And, since the Nurse Corps wanted rank not primarily to benefit themselves but to promote the efficiency of the nurse service, it was decided to ask for no increase in pay. The bill conferred on the Nurse Corps only (1) the dignity incident to the name of the rank, and (2) the right to wear the rank's insignia, and (3) the eligibility to exercise authority as regards all medical and sanitary matters in and about military hospitals next after the medical officers of the Army.

Nor did the bill grant any higher rank than that of major. It gave to the superintendent of the Nurse Corps the rank of major, to the directing nurses the rank of captain, to the chief nurses the rank of first lieutenant, to the staff nurses the rank of second lieutenant. The bill was introduced into the Senate by Senator Lewis, into the House by Representative RAKER.

Every effort was made to get this bill through Congress—first on its own merits, then as a rider to the Army appropriation bill. But the attempt was unsuccessful, as even the appropriation bill failed of passage.

THE JONES-RAKER BILL.

With the assembling of the extra session of the Sixty-sixth Congress (May, 1919), the bill in exactly the same form again was introduced into Congress—into the Senate by Senator JONES, since Senator Lewis was not returned, and into the House by Representative RAKER. It is now under consideration by the Military Affairs Committees of the Senate and the House.

WAR DEPARTMENT FAILS TO SUPPORT JONES-RAKER BILL.

Though this bill is a purely patriotic piece of legislation, aiming to benefit not one group of women but the whole Nation by insuring better nursing service for those who risk their lives for our country, the War Department has refrained from supporting it. This is unfortunate, as the approval of the department would mean undoubtedly the bill's speedy passage. But certainly it is no reflection on the merits of the bill, for the War Department has always opposed all legislation giving established military position to the professional corps attached to the Army.

It took the doctors almost a hundred years to be recognized as part of the Army and to win the right to the lower grades of rank, and their victory was achieved over the head of the War Department. So, too, with their recent acquisition of the higher grades of rank.

Dentists and veterinarians had a similar experience in gaining acknowledgment as part of the Army and the right to the lower grades of rank.

Likewise the nurses themselves, after the Spanish War, obtained establishment as part of the Army in spite of the opposition of the War Department.

Therefore, considering this unvarying attitude of opposition to established military position for all professional corps attached to the Army, we refuse to consider the disapproval of this department as a stigma on the bill. To prove this we will examine in detail their objections.

OBJECTIONS OF THE WAR DEPARTMENT TO THE JONES-RAKER BILL.

1. There might be confusion of authority between the Medical and Nurse Corps.

But the bill plainly states that the nurses shall have authority only after the medical officers of the Army. As this definitely places the Nurse Corps under the authority of the Medical Corps, where is there chance for confusion and conflict?

2. The bill would increase the cost of the Army at a time when the taxpayer is already overburdened.

This is a mistake. Since the bill grants only relative rank without the pay that accompanies the rank there will not be one cent's increase in expense for the taxpayer. The Nurse Corps will receive exactly the pay it was receiving before the bill was passed.

3. The bill would make every nurse an officer.

That is true, and for the same reason that every doctor is an officer—because this position of recognized authority is necessary for efficient work. Both doctors and nurses must be in a position to demand quick and complete obedience from those through whom they work. And this is even more necessary for the nurses than for the doctors, because the doctors work largely through the nurses, who are educated experts, while the nurses must work through the orderlies, who are, as a rule, completely untrained in hospital and medical matters.

Also the objection is brought forward that the bill would create too many second lieutenants. But with no increase of the Army would it create as many second lieutenants in the Nurse Corps as there would be first lieutenants on full pay in the Medical Corps. The creation of a number of second lieutenants in the Nurse Corps had no unfortunate results in Canada and Australia.

4. A feeling of separation, distance, unfriendliness might arise between the nurses and the enlisted men who were their patients if the nurses should become officers.

Not the slightest indication of such a condition has resulted from the granting of rank to Canadian and Australian nurses. On the contrary, since under this system the nurses have more time and strength to give their patients, the relations between the nurses and all patients have been improved.

5. The alleged inferiority of some Army nurses makes them unfit to become officers.

The standard of the Army Nurse Corps is very high. The nurses are required to be not only graduates but also graduates of the best hospital schools. Those who know the history of nursing for the last 20 years know that these schools have been steadily raising their standards both for the nursing and the general educational curriculum. Then, too, the nurses must be registered, which means they must have passed their State registration examination. Further, on entering the Army, they must not only pass a physical test like the enlisted men's and a mental and physical test like the officers', but they must also satisfy moral requirements such as no other corps in the Army has to meet.

During the most strenuous part of the war the physical and mental standards of the Nurse Corps were slightly lowered, as was the case in every branch of the service, but immediately on the signing of the armistice its normal standards were resumed. Surely, instead of being considered less fit to be officers than other branches of the service, the Nurse Corps should be considered more fit. And the heroic service rendered by our nurses in the war proves them to be a body of women the officers' world should be proud to welcome.

6. It is feared that nurses, if given the privileges of rank, would lose their heads and become licentious.

This sounds as though American nurses were as unaccustomed to freedom as the inmates of a Turkish harem. Canadian and Australian nurses, who, on the whole, are less accustomed to freedom than our own, have shown not the slightest signs of being demoralized by having relative rank. Why, then, should we fear for our nurses? To show the high moral standard maintained by our Nurse Corps in this war, out of almost 22,000 nurses who served their country, only 1 was court-martialed (and that not for immorality) and fewer than 30 were dishonorably discharged. Surely we can trust such women to make noble use of any privileges given them, especially as they are asking for these privileges to benefit not themselves but others.

7. The womanhood of the nurse gives her more power than the highest rank could confer.

This is the old, old argument that has met woman at every step of her way. If every woman were beautiful, tactful, charming; if every man were courteous, well-bred, chivalrous, this statement might be true, though we venture to call your attention to the dangers of a power based solely on personal charm. But, with conditions as they

are, nurses need something more than the fact that they are women to give them sufficient authority and standing to insure our sick and wounded proper care at all times. A mass of testimony in the possession of the committee proves this beyond the shadow of a doubt. This testimony shows with painful clearness that in this war our Nurse Corps had to endure almost unbelievable hardships in trying, without the possession of the proper authority, efficiently to care for its patients, and has often been unsuccessful in spite of the most heroic self-sacrifice.

SUPPORTERS OF RELATIVE RANK FOR NURSES.

The committee on rank for nurses has discovered that, though the War Department is opposed, there is much popular support for a movement that is of such vital national importance.

ADVOCATES IN THE ARMY MEDICAL CORPS.

In one month 1,000 medical officers indorsed the Jones-Raker bill. Many eminent physicians and surgeons who, during the war, were high on the staff of the Surgeon General, are among its supporters. Some of these are Col. William H. Welch, of Johns Hopkins; Col. Charles Mayo and Col. William Mayo, of Rochester, Minn.; Col. Victor C. Vaughan, of Ann Arbor.

GENERAL MEDICAL BOARD OF THE COUNCIL OF NATIONAL DEFENSE.

The executive committee of this body devoted a session to the consideration of the principle of rank for nurses and voted unanimously for it. Its chairman, Col. Franklin H. Martin, of Chicago, says the bill can not pass too soon.

HOSPITALS AND NURSING ORGANIZATIONS.

The heads of all the big hospitals in the country, the American Nurses' Association, the National Organization of Public Health Nursing, the National League for Nursing Education, and the American Hospital Association are warmly advocating the bill.

LAY ORGANIZATIONS.

The bill has received the indorsement and support of the Vassar Alumnæ Association, many chambers of commerce, the Daughters of the American Revolution, the woman's committee of the Council of National Defense, numerous State and city federations, the General Federation of Women's Clubs, hundreds of chapters of the Red Cross, besides countless clubs and committees.

NOW IS THE TIME TO GIVE RANK TO NURSES.

Though the World War is at an end, the need of an efficient nurse corps isn't.

There are still 36,000 sick and wounded soldiers in our military hospitals.

The Congress is about to reorganize our Army from the ground up.

The Nurse Corps will form an important part of the Army.

If the rest of the Army is to be reorganized, why not the Nurse Corps?

Medical officers who have been at the front with her, Congressmen who have seen her at work under fire, and, above all, the soldiers whose lives she has saved declare with one voice that the Army nurse not only deserves but needs rank; that not only her welfare but her full efficiency depends on it.

The passage of the Jones-Raker bill will give her rank and a position of assured efficiency in our new Army.

We have given the Army nurse medals of honor in reward for the noble work she has done. Let us now give her rank to help her in the noble work she is about to do.

EMINENT OPINIONS.

Hon. William Howard Taft, former President of the United States of America and Commander in Chief of the Army:

"Trained nurses in the Army should have military rank and commissions. Privates in the Medical Corps, called orderlies, but with little professional training, must help the nurses in their duties. Tasks requiring physical strength and no skill must be done by them, and the nurses must tell them why and when. In an army rank counts much in enforcing order and discipline, and organization is impossible without it. Therefore Army nurses should be given rank. The fact that nurses are women is no reason for withholding it. It is given in the British Army and works well. Why not in ours?

"I was three months in a military hospital in Manila after a serious operation. I was attended by women nurses and by orderlies also. I know by observation and experience how much it interfered with the work of the nurses and the comfort of the patients that the nurses could not give military orders to the orderlies. The nurses need military rank to do their work. Let us brush Mr. Tite Barnacle aside."

Maj. Gen. E. F. Glenn, commander of the Eighty-third Division in France and now commanding officer of Camp Sherman, Chillicothe, Ohio:

"Competent nurses were quite as esssential as the doughboy who carried the gun. Of course the utilization of female nurses in our Army is of comparatively recent origin, but we have them both in peace and war, and their services are so absolutely essential that we must continue to utilize them.

"This necessary use of female nurses quite naturally raises a question of responsibility in regard to control that must be determined. By this I mean that if female nurses in the Army are to be held responsible, as they should and must be, for the proper performance of the duties that devolve upon them, they must be invested with authority and power of control not only of patients but also of all those who serve in the care of these patients. By this I mean that if a female nurse is placed in charge of a ward and is to be held responsible, as she should be, for the proper care of the patients and discipline within the ward, then she must be invested with an official grade, duly authorized by the Government, which carries with it the power to enforce her instructions and orders upon all subordinates in that ward.

"This new condition of utilization of female nurses implies that there must be an organization of the Nurse Corps, through which we can secure team work; and in military affairs this implies that the nurses must be graded and given military rank. For instance, in each hospital there should be the chief nurse with the necessary assistants to replace or assist her, and there must be nurses in each of the wards with power of control, as stated, over those wards—in other words, an organization such as each and every large institution must provide in order to secure results. This I have just designated as securing 'team work.'

"I make no suggestion as to what grade the chief nurses should have. These details should be determined in so far as the Army is concerned by the Medical Department; but I am quite clear in my own mind that the nurses must be graded and accorded military rank if you are ever to secure that efficiency which the importance of the work demands."

Dr. Henry Noble MacCracken, president of Vassar College:

"I believe in rank as a necessary means to the nurse's highest efficiency. She needs it as a safeguard and a protection.

"As an educator I also believe that the granting of rank to nurses will have a reflex influence; that it will greatly lift and dignify the whole nursing profession; that it will markedly change the attitude of physicians toward nurses, and that it will have a strong influence upon the progress of the movement to put woman in her natural position by the side of man.

"The arrival of peace brings with it no permanent assurance of a return in size of the American Army to anything approaching its personnel at the outbreak of hostilities. There must still be an American Army able to perform a part worthy of America in protecting the liberties of the world. There must also necessarily be an Army Nurse Corps with that Army. But as the stimulus of a World War is removed the service with the American forces must be made attractive to the very best type of American men and women by every just means of recognition and of honor. Certainly the members of the Army Nurse Corps should receive every inducement in this strenuous period of world readjustment that we ever before thought wise to afford them in the exhilarating fight against the Germans.

"I am therefore heartily in favor of obtaining from Congress proper rank and honor which is due the members of the Army Nurse Corps."

WHAT MEDICAL OFFICERS SAY.

Maj. Gen. William C. Gorgas, until October, 1918, Surgeon General United States Army:

"I think a woman who has the education and the position in executive control of 30,000 other educated women should have the grade, pay, and position of major. I would recommend two or three assistants at the head of the Nurse Corps, to be commissioned as captains, and I would recommend commissions of first lieutenant for every chief nurse in a hospital."

Maj. Gen. R. H. Fetherston, surgeon general of the Australian Army: "As regards status and authority, the first Australian nurses worked under regulations for about 12 months. The power conferred on nurses by these regulations was very soon found to be insufficient and unsatisfactory when working for and with citizen soldiers. Continual disputes arose as to the scope of the nurses' powers and authority, more particularly with noncommissioned officers and orderlies. In hospitals with a firm commanding officer in sympathy with female nurses all went well. With others not so firm there was trouble in working, and delay occurred in nurses' getting their instructions carried out; while in hospitals where the commanding officer did not like female nurses the position of the female staff became unbearable and there were continual appeals to higher authorities.

"This was the state of affairs when I visited the Australian hospitals abroad some 12 months after the beginning of the war. On inquiry I found that the Australian nurses received little or no consideration from those over them and that few extended to them the courtesies due to an officer. I inquired into the working of the Canadian system of giving military rank to nurses. Canadian nurses were in some cases working alongside Australian nurses. I found the fact of their wearing badges of rank as officers at once classed them as such and showed what they were entitled to. I inquired into any disabilities from such rank and found that those which were mentioned were purely sentimental or financial.

"Upon my return to Australia I recommended the . . . system of relative rank for adoption. My recommendation was approved and brought into force early in 1916. The system has been found to work most smoothly and with great benefit to the military hospitals. The wearing of badges at once settled the status and authority of the nurse and showed that in her particular sphere of work her orders were to be obeyed. The discipline of the wards and hospitals generally was markedly improved. No friction now arises with noncommissioned officers and orderlies. The nursing service is contented and not troubled with petty insults and annoyances as before. Incidentally another improvement has manifested itself in the general demeanor of the nurses.

"It has been said that a nurse should be able to control her ward and that if she can not do so she is not competent for her position. In theory and perhaps in civil life this is correct, but in military practice it is found in Australian hospitals that there are soldiers who pay no respect to orders issued by women, but who do so when the women are wearing badges of rank.

"Nearly 1,600 Australian nurses are working in imperial hospitals and wearing the badges of rank as in Australia, and no complaints have ever been received as regards their rank or any difficulties which have arisen from such; nursing authorities have expressed their view upon the value of rank and wish that the same could be given to imperial nurses." (Excerpt from a report on the Australian Army Nursing Service made Apr. 25, 1918, for the information of the Surgeon General of the United States Army.)

Col. Victor C. Vaughan, of the Surgeon General's staff throughout the war, president of the Medical Veterans of the World War, and dean of the department of medicine and surgery of the University of Michigan:

"We can not take care of our soldiers without nurses, and without rank the nurses are not thoroughly efficient. If our soldiers are to have the care they should, their nurses must be equipped with rank. There has to be somebody whose word is unquestioned. There is no time to argue. In a civilian hospital the authority of the nurse is understood and unquestioned. But in the Army, where the personnel is changing every day, that is impossible. Lack of rank is sometimes the cause of loss of life among the soldiers for whom the nurses are trying to care."

Col. William J. Mayo, of Rochester, Minn., late of the Surgeon General's staff:

"I believe that nurses should have relative military rank. Authority in the Army goes with rank. Without rank there is no authority. Without authority the nurse can not exercise to the full those influences which in civil life have made her one of the greatest agents for good of modern civilization. I believe the bulk of the bill brought forward here (the Jones-Raker bill) represents a real step in advance, and I believe the soldier will be better taken care of in this way than under present conditions."

Col. Franklin Martin, Chicago, Ill., chairman of the general medical board of the Council of National Defense, member of the advisory commission, and president of the American College of Surgeons:

"Until we can give our nurses the authority that they must exercise, the authority they are supposed to use in the care of the sick, and until we give them some visible evidence of that authority, we have

disorganization where we should have organization. I believe every physician who has practiced in hospitals and every reserve officer in the Army and in the Navy feel that this rank should be granted to the nurses."

Col. Richard C. Cabot, Boston, Mass., Medical Corps, United States Army:

"I am heartily in favor of rank for nurses. They did more than we, the doctors, did, and as we were officers, they should be."

Col. Hugh M. Flint, McCloud, Calif., late colonel, Medical Corps, United States Army, commanding officer Mobile Hospital No. 39, American Expeditionary Forces:

"May I express my enthusiastic support of the Jones-Raker bill for relative rank for Army nurses? The training of the nurses, the contribution which they make to the sick and wounded and their position in the hospital machine give them responsibilities and duties which are equivalent to those of officers. It is therefore wise that their position be recognized and that they be given a rank which will enable them to have the necessary authority over the enlisted men in and about military hospitals."

Col. H. W. Loeb, St. Louis, Mo., late colonel, Medical Corps, United States Army:

"I wish to announce through you my conviction that it is absolutely essential for nurses to be given rank in the Army if they are to exert the proper influence in connection with the medical work in the Army. The arguments for this I can substantiate by both judgment and experience."

Lieut. Col. Marshall Clinton, Buffalo, N. Y., late lieutenant colonel, Medical Corps, American Expeditionary Forces:

"My experience with the American Expeditionary Forces as director of Base Hospital No. 23 and then during seven months' service at the front in the evacuation hospitals in France as surgical consultant of the Second Army, leads me to believe that the passage of the Jones-Raker bill for rank for nurses will unquestionably help the administration and discipline of any military hospital."

Lieut. Col. William Gillespie, Cincinnati, Ohio, late lieutenant colonel, Medical Corps, American Expeditionary Forces:

"My observation in France convinces me that if nurses are to be required for our base hospitals, they should have some protection from the petty whims of commanding officers. Nurses, like enlisted men, are supposed to belong to an inferior order, and commissions would, in my judgment, not only be a recognition of their special qualifications but would be some protection."

Lieut. Col. P. D. MacNaughton, Calumet, Mich., late lieutenant colonel, Medical Corps, United States Army:

"I was in command of a base hospital in the American Expeditionary Forces in France, and fully realize the handicap nurses are under without rank. Their education and training entitle them to this consideration without considering their responsibilities."

Lieut. Col. H. N. Torrey, Detroit, Mich, late lieutenant colonel, Medical Corps, American Expeditionary Forces:

"I served 21 months in the American Expeditionary Forces in France, both in the field and in a base hospital. I feel very strongly that an Army nurse should have a commissioned rank. In her work, traveling, etc., she has great need of the privileges and authority such a rank would give to her."

Maj. James D. Bruce, Saginaw, Mich., late Medical Corps, United States Army:

"Fifteen months in the Medical Corps of the American Army and six months in the Canadian Medical Corps lead me to conclude that the suggestion of conferring military rank on the Nurse Corps of the Army would, through its effect on discipline, add greatly to the efficiency of the entire medical organization."

Maj. Charles W. Comfort, jr., New Haven, Conn., late Medical Corps, United States Army:

"This letter is written in sincere indorsement of the proposed Federal legislation to secure rank for nurses. The experience of other armies in granting rank to members of the nurse corps should be sufficient indorsement; the experience of those who have been in service, domestic or foreign, would most emphatically approve such procedure."

Maj. J. G. Matthews, Spokane, Wash., late Medical Corps, United States Army:

"My attention has been called to the discussion regarding the giving of commissions to Army nurses. This I consider very necessary, for it will eliminate any dispute or ground for trouble regarding the issuing of orders in wards. It has been the experience in all hospitals that unpleasantnesses arose at times regarding the corps men taking orders from nurses."

Maj. Charles M. Paul, Cincinnati, Ohio, late Medical Corps, United States Army, chief surgeon Base Hospital 25, American Expeditionary Forces:

"I am heartily in favor of the nurses having proper rank in the Army game."

Maj. Henry Lynde Woodward, Cincinnati, Ohio, late Medical Corps, Base Hospital No. 25, American Expeditionary Forces:

"I favor the giving of rank to nurses in the Army Nurse Corps. In the first place, they deserve the recognition of their invaluable services. In the second place, they have at present no standing which in and of itself gives them authority over the enlisted men in the wards, over whom they must exercise control in the medical care of the patients. They should have the rank of an officer to back up their personal powers."

Dr. James F. Cobey, late Medical Corps, American Expeditionary Forces:

"A year and a half in France with the Medical Corps of the United States Army have made me directly acquainted with the difficulties the nurses meet in their work with an army organized on rank as a means of discipline when they are without rank."

Dr. Paul Correll, Easton, Pa., late Medical Corps, United States Army:

"It has long been my impression that the method of handling the highly educated professional nurse in the service was entirely unbecoming and unsatisfactory to all fair-minded medical men.

"I, however, came in contact with the situation upon entering active service, and I feel that there has been a lack of appreciation among the leading Army spirits as well as in our written regulations and a lack of a proper and just consideration of both the ability and the dignity of the nurses entering the corps.

"They should by all means be brought up to a suitable plane where they may intelligently and with proper dignity command respect and consideration in the performance of their most vital duties. I feel certain that few nurses who have gone from the service feel that they have been treated with anything like the consideration that their profession and their sex have the right to expect and demand at this very moment.

"A definite status must be established as to the definite duties and the definite standing of the professionally trained nurses, and unless this is done I feel that we can not expect their whole-hearted cooperation in the future as they gave it so willingly in the past."

WHAT SOME LEADING NURSES SAY.

The late Jane A. Delano, director of the department of nursing of the American Red Cross and one time superintendent of the Army Nurse Corps:

"1. Efficient organization in any hospital, civilian or military, is in my opinion to be secured only by placing definite responsibility upon one person in the ward. In the matter of the Army Nurse Corps, I do not believe that any regulation will effect the purpose we desire. First, because we have back of us the traditions of years. We have the corps men, we have even the officers themselves, and perhaps the nurses, with the traditions of divided responsibility, and we have this tradition of the Hospital Corps man, who in the past has not been placed definitely under the nurse. Now a new regulation is made, but the interpretation of that regulation depends entirely upon the temperament of the commanding officer or of the person to whom he delegates the duties regarding it. I do not know of a first-class hospital in the United States that has the arrangement which obtains in the military hospitals. The person who gives an order in a hospital ought to be perfectly certain that the order will be obeyed.

"Col. Jones, the surgeon general of the Canadian Army, talked with me when I was in the Surgeon General's office. He said, 'The only thing any soldier really recognizes as giving one the right to issue an order is rank.' We do not ask for increased pay. The Red Cross has selected and turned over to the Army more than 8,000 graduate nurses. [This number had in November, 1918, been increased to 18,000.] These nurses have been chosen by my department and I feel a tremendous interest in their work. They are trained, skilled, able women, but I do not believe that we can get efficient, prompt, and obedient service unless we give them both the right to issue orders concerning the nursing care of the sick and the insignia of rank to show that they have that right. We ask for nothing else." (Excerpt from the statement made by Miss Delano on April 16, 1918, before the House Committee on Military Affairs at the hearing on rank for nurses.)

2. "The signing of the armistice should not halt the work now going forward to obtain rank for our Army nurses. The Army Nurse Corps is a permanent service which should be so attractive that it will retain the interest of the high type of woman that came into it in the war emergency. It should be made so dignified that membership in it as a governmental service would be regarded as one of the highest honors open to the nursing profession. A recognition by the Army and by Congress of the defects in its present organization, a willingness to correct them by thorough reorganization on a sound and logical basis, and a generous admission of the fact that the granting of rank is essential to such reorganization are the means, in my opinion, by which the interest of the best type of nurses can be retained to the Government for the maintenance of the Nurse Corps on that high plane of efficiency which it should occupy. Let the work therefore go forward in order that it may come to a speedy accomplishment for the greater efficiency of the Nurse Corps in the future." (Statement made by Miss Delano on November 12, 1918, in answer to the question whether the armistice should halt the effort to obtain rank for nurses.)

Dora E. Thompson, superintendent of the Army Nurse Corps since 1913:

"The Army Nurse Corps will continue to exist even though peace has come. For many years to come it will be a larger corps than has ever before been necessary in times of peace, numbering probably into several thousands. The problems of the nurse in the military hospital will be the same in peace that they were in war. There will be time for better training of the hospital orderlies, but to insure the respect for the Army nurse that she should always have accorded to her, rank is an essential which she should not be asked to do without. The work to obtain rank for Army nurses should go forward and continue until it meets with success."

Annie W. Goodrich, chief Federal inspector of military hospitals and dean of the Army School of Nursing until July 15, 1919; assistant professor of nursing and health, Teachers' College, Columbia University:

"War has intensified rather than lessened my belief in the necessity of rank as a means of efficiency for the nurses. As long as rank continues to be a part of the military system and necessary to the exercise of authority by members of other groups in the Army, it is correspondingly necessary to the proper exercise of authority by the members of that professional group who serve as members of the Army Nurse Corps.

"The Army Nurse Corps is a permanent institution, and its members' need of rank therefore will continue as long as there are problems of sickness and wounds to be dealt with. The military hospitals will never be thoroughly efficiently administered until the system of rank prevailing elsewhere in the Army shall have been extended to the Army Nurse Corps. The Jones-Raker bill for rank for nurses should be pushed to passage as speedily as possible."

Clara D. Noyes, president of the American Nurses' Association and director of the department of nursing of the American Red Cross:

"Every nurse who has been in the Army service should long ago have received rank, because she needed it to do her work. Her country should long ago have provided her with this tool so essential to her best service.

"But though the day of desperate drives is over, though the armistice has been followed by peace, and nurses, like soldiers, have been demobilized by thousands, it is not too late for America to do her duty. We shall continue to have a Regular Army and an Army Nurse Corps, and every Army nurse will continue to need rank. As an efficiency measure for both the present and the future, and incidentally as a mark of the Nation's respect for the work of its war nurses, the Jones-Raker bill for rank should be passed with all possible speed."

Prof. M. Adelaide Nutting, director department of nursing and health, Teachers' College, Columbia University:

"It is the very essence of military organization that responsibility shall carry with it commensurate authority and that no one depending on other agencies for necessary service shall be without power to command those agencies. The Army Nurse Corps is a body of trained and skilled professional women with well recognized duties and responsibilities in directing and maintaining an adequate nursing system in military hospitals. Yet its members have been left to carry on their important work without any real power to insure control of the resources and agencies needed or to guarantee courteous and respectful behavior from those with whom they had to associate in work. If

we had striven to weaken the efficiency and undermine the morale of the members of our nursing service we could hardly have devised a better way of doing it than by leaving them helpless in the midst of a military world. Nothing but the fineness of our women and the soundness of their training has saved the day for them in an inherently false situation. Hardships, danger, and death they were prepared for, and these they have met with unfaltering courage. They were not prepared to have the Army authorities and the medical men fail them. The Jones-Raker bill for rank recently introduced must pass. Otherwise it should be difficult to induce self-respecting women to remain in the Army Nurse Corps or to enter it."

R. Inde Albaugh, chief division of assignment, bureau of information for nurses, American Red Cross, New York City:

"It has been my privilege during my association with the Bureau of Information of the Nursing Service of the American Red Cross to interview between 1,000 and 1,500 overseas nurses. The subject of military rank for nurses is one that they discuss very freely and frankly with the personnel of this bureau. I find that some of these women have not thought very seriously or definitely on this subject nor have they analyzed or tried to visualize what military rank would have meant to them in their work and relations with the American Expeditionary Forces; but they are suffering the same internal pressure, caused by suppressed indignation over the indefinite and irregular strata that professional women were forced to occupy in a foreign country. They felt not only the lack of protection but the lack of recognition which they were accustomed to enjoy in civil life at home. From this fact emanates a great feeling of disappointment in and lack of respect for our military organization. These nurses as well as the majority who have thought on the subject of military rank, are solidly for something, anything, that will prevent a repetition of their experiences while trying to serve their country at home and abroad, and during their return voyage. The majority of these women believe that relative rank is the only solution of this problem."

Amy M. Hilliard, general superintendent of training school, Bellevue and allied hospitals, New York City:

"The United States Army has granted rank to every professional group except nurses. For nurses they have made regulations. When time is limited or authority needed, regulations by no means take the place of insignia on the shoulder. No other country called for nor was able to put in the field promptly such a large group of graduate nurses for military service. No other country has shown such an utter lack of appreciation of the needs of its nurses in military service nor have the nurses of any other country been subjected to such humiliation as have ours. They responded promptly to the call of their country and everybody acknowledges that they have rendered a vital national service. Should they not receive recognition at least equal to that so freely accorded their Canadian, English, and Australian sisters?"

M. M. Riddle, ex-chief nurse, Camp Devens, Mass.:

"In seeking rank for nurses, it seems well to consider only that phase of the subject which refers to the more efficient care of the sick. The limitations placed upon the nurse in charge of a ward in a military hospital are many. If she is tactful, amiable, and winning, she may have carried out orders for the nursing care, dependent upon orderlies and Hospital Corps men. If she is strictly businesslike in giving her instructions, she is likely to find them indifferently executed. Much of the success of the ward is due to the attitude of the officer (doctor) in charge of it. If his chief interest is in the welfare of the patients, he will aid the nurse by insisting that her instructions be carried out. If he is lax, knowledge of the details may escape him, and the nurse is then powerless to secure for the patient that care which he should have. At present authority regarding the care of the patients in the wards—exclusive of that of the doctor—is divided, and the best interests of the sick are thus menaced. For safety, there must be a responsible head; and it is evident the position should be taken by the nurse, who, by training, is best fitted for it. Though rank should, in justice, be given the nurse as her due, yet it is not in the name of justice that we would insist upon it, but for the higher reason that as a ranking officer she can secure better nursing care for the patients in military hospitals."

WHAT A FEW ARMY NURSES SAY.

"Some of our orderlies were men of education, some of means; most of them had never worked under the direction of a woman before and objected to receiving instruction from them. They were quite willing to do dressings or other responsible work, but resented doing the cleaning, scrubbing floors, emptying waste. The consequence was this work was not done. The nurse, being in charge of the men, was blamed unless she reported to the officer that the men refused to do the work. If she reported the men, they became antagonistic and made her work harder than ever. In either case the patients suffered, for no head nurse can see that her patients are having the best possible care if she has to spend the best part of her time getting routine cleaning done.

"It certainly adds nothing to good discipline, good morale, or spirit to have every order or request—it was usually the latter—questioned and argued about." (A nurse with the Harvard unit.)

"We might be greatly handicapped by not having rank in working with officers who do not greatly appreciate our responsibilities. But here my one great need of rank is with the enlisted personnel of the hospital. These are largely made up of men who have had no experience in hospital work and must all be trained by the nurses and should be under their authority. This is a serious problem and would have been so much easier to handle if we had had some rank." (A chief nurse in France.)

"An orderly dispatched for sandbags with which to stabilize a newly set leg in a compound-fracture case was gone so long that he had to be sent for. He had gone to the post office to look for mail at the request of a captain he had met in the hall! 'Why didn't you bring me the sandbags first and go for the mail afterwards?' asked the nurse who had stood holding the leg all the time the orderly was gone. 'Oh, I had to go. He was an officer,' was the reply." (An overseas nurse.)

"I wish to call your attention to the inefficiency of a system which requires such a waste of time. It takes considerable time for a nurse to look up one person to report another's delinquencies. It is much quicker to say to A, 'Do this,' than to go to B and ask B to try to get A to do his work or to have to go through B to ask C to report A and have him punished for his disobedience or neglect." (An overseas nurse.)

"The sergeant came into the diphtheria ward and took four men who were just out of bed after diphtheria and had them carry heavy trays a quarter of a mile, although I objected." (An overseas nurse.)

"Surgical instruments must be treated with great care and boiled only a few minutes.

"A head nurse told an orderly to boil certain valuable instruments for five minutes only and return them to her. When he failed to come back, she went to look for him. He was talking while the instruments still boiled merrily. 'I told you to boil them five minutes only,' said the nurse. 'Oh,' said the orderly, 'I decided that if 5 minutes were good, 15 were better.'" (An overseas nurse.)

"A hospital orderly delirious with influenza spent most of his time calling out to his nurse, 'I don't have to obey you—you're not a lieutenant; you're only a nurse.'" (A chief nurse in an American camp.)

"When prepared to do a surgical dressing, the nurse had often to wait until the orderly was ready to help, although many times he was doing nothing at all. Such delays made efficient work almost impossible in large wards filled with the recently wounded. The ward master would take men away from the necessary ward duties and assign them to other work. The nurse could do nothing." (Overseas nurse.)

APPENDIX.

ARMY REGULATION GRANTING GRADE OF "NURSE" TO ARMY NURSES.

WAR DEPARTMENT,
Washington, July, 1918.

Paragraph 9, Army Regulations, 1913, is changed as follows:

9. (Changed by C. A. R. No. 46, W. D., 1916, and No. 73, W. D., 1918.) The following are the grades of rank of officers and noncommissioned officers:

1. General.
2. Lieutenant general.
3. Major general.
4. Brigadier general.
5. Colonel.
6. Lieutenant colonel.
7. Major.
8. Captain.
9. First lieutenant.
10. Second lieutenant.
11. Aviator.
12. Cadet.
13. Nurse.
14. (a) Sergeant major, etc.

JONES-RAKER BILL (S. 1737, H. R. 2492).

A bill to grant rank to the Army Nurse Corps, and for other purposes.

Be it enacted, etc., That the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director, and assistant directors the relative rank of captain; chief nurses the relative rank of first lieutenant; and nurses the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have and shall be regarded as having authority in and about military hospitals next after the medical officers of the Army, and shall wear the insignia of the rank in the Army to which their rank corresponds.

Important facts about the Army Nurse Corps, relative and actual rank.

Existing positions in the Army Nurse Corps.	Superintendent.	Assistant superintendent.	Director.[1]	Assistant director.[1]	Chief nurse.	Nurse.
Number of incumbents, August, 1919	1	4	1	2	[2][3] 50	[2] 5,000
Grades of relative rank sought without commissions or regular pay	Major.	Capt.	Capt.	Capt.	1st Lieut	2d Lieut
Base pay of these positions now and with relative rank[4]	$2,400.00	$1,800.00	$1,800.00	$1,500.00	$1,080.00	$720.00
Base pay of these Army grades with actual rank and commissions	3,000.00	2,400.00	2,400.00	2,400.00	2,100.00	1,700.00
Detached service[5] pay and allowances:[6]						
a. For relative rank	3,297.35	2,697.35	2,697.35	2,397.35	1,960.25	1,617.35
b. For actual, commissioned rank	3,775.65	3,200.50	3,200.50	3,200.50	2,524.00	2,141.10
Difference drawn by actual rank	678.60	503.15	503.15	803.15	563.75	523.75

[1] This position will be discontinued on the withdrawal of our armies from Europe.
[2] These numbers are decreasing steadily as demobilization proceeds.
[3] One to a hospital.
[4] "Base" pay is the initial pay of the position. After 3 years' service there is an increase of $5 per month every 3 years for nurses and chief nurses. Nurses serving abroad receives $10 a month additional.
[5] "Detached service" is service away from a base, camp, or post.
[6] "Allowances" are for quarters, heat and light, and in the case of nurses for rations also. The amounts vary with the station and with the season. The figures given are for Washington, D. C. At a base, a camp, or a post these charges are part of the Government's overhead and are smaller.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 80 minutes remaining.

Mr. KAHN. I yield 60 minutes to myself. [Applause.]

The CHAIRMAN. The gentleman from California is recognized for one hour.

Mr. KAHN. Mr. Chairman, the question of national defense, as has been well said this afternoon, is not a partisan question. All Americans are equally concerned for the national defense. It was in that spirit that the Congress of the United States for the first time in its history passed a real democratic conscription law. During the Civil War there had been passed a draft law, but I contend that that was not a real democratic law, because it excused a man who paid two or three hundred dollars for his exemption or who could furnish a substitute in his place.

The sole purpose of the Army of the Republic is to function in time of war. Every dollar expended on an army is a waste of money unless that object be constantly in view before the Congress of the United States. The policy of this country is not apt to bring us into war. We do not seek territorial acquisitions, and heretofore at least we have never desired to interfere with the internal affairs of any nation on earth outside of the United States. [Applause.] So that we can generally look forward to a period of peace.

The last war we had prior to the World War was in 1898.

We got into this World War in 1917, just 19 years later. And I want to say that world wars come very rarely in the history of the world. They seem to come in cycles of about 100 or 150 years. It is, therefore, exceedingly doubtful whether there will be another great world war in a less period of time. And yet no man can tell when the battle flags will be unfurled. The people of this country were not for war. We are a people who believe in peace. But we were dragged into the war against our will, and nobody can tell when again we will have to face a condition of that sort.

Mr. MADDEN. Will the gentleman yield?

Mr. KAHN. In one moment. I for one believe in having my country prepared to meet any emergency that may confront us. [Applause.]

Mr. MADDEN. The gentleman from California does not agree with the President of the United States that our men went to the other side as crusaders, does he?

Mr. KAHN. We went to the other side to protect and defend American rights. [Applause.] And when the Imperial German Government challenged those rights and carried out her threats of ruthless submarine warfare against our ships, there was nothing to do but surrender our rights or fight. And, thank God, we chose to fight. [Applause.]

Mr. WELTY. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. WELTY. And those people who do not fight for their own rights are not crusaders?

Mr. KAHN. Well, the term "crusader" is one that has been used for many centuries. The word in our day, I fear, has fallen from its high estate. Almost everybody nowadays claims to be a crusader, even the fellows who believe in prohibition. [Laughter.] So the word, in my opinion, has become very cheap. [Laughter.]

Mr. UPSHAW. Will the gentleman yield?

Mr. KAHN. I regret I can not yield.

In the future I am afraid we are apt to get into trouble before we know it. We are trying to expand our trade and our commerce. Every man in public life speaks of the wonderful opportunities that lie before us in that direction. Now, there is nothing that is so apt to bring about international disturbances as seeking the trade of some other country and getting it. It causes trouble. No nation on earth wants to give up its trade if it can help it. It causes bad feeling between the peoples, between the nations, and that bad feeling unfortunately is frequently fanned into a flame that brings about war. I believe that the only salvation of this Nation is in being measurably prepared at all times to defend the rights of our country and its citizens. [Applause.]

Mr. MADDEN. Will the gentleman yield there?

Mr. KAHN. Yes.

Mr. MADDEN. In doing that, of course, we will be preparing to defend the rights of the citizens, as you say, but we would not be organizing an army to follow a vision, would we?

Mr. KAHN. Of course, I believe that this country ought to have a measurably small Regular Army. I believe that we should have a very large body of citizens who are trained, so that upon the call of the President at any time, and the vote of Congress, they could immediately go into the various organizations and give the Nation its first line of defense until additional forces could be prepared.

Mr. THOMAS. Will the gentleman yield?

Mr. KAHN. I can not yield just now. I will later on. I want to make some progress.

In my opinion, it would be criminal carelessness to drift back into a condition of unpreparedness such as we were in at the time of our entrance into the great World War. The number of men that we had in the Regular Army was about 120,000. Probably 20,000 of those had enlisted only after the emergency arose which seemed to indicate that we would ultimately be drawn into the war. We had about 100,000 National Guardsmen who had had more or less training. So we had practically 200,000 men who had been reasonably trained. War immediately compelled the expansion of the military force of the country enormously. In this war we expanded to 4,000,000 men in the Army alone. In the Army and Navy together we had 4,864,000 men. Practically 3,800,000 of American soldiers that were called into the Army during the war had never had a particle of training. They had to learn everything from A to Z in military tactics and science. It took us, in consequence, 13 months to get ready before the first division was able to go into the battle line. During that time the Allies were holding the line, while we were getting ready. Perhaps never again in our history will such a fortuitous circumstance confront us.

It may happen in the future that some combination of nations may attack us, and if we were so unprepared as we were at the beginning of this war, our Nation would be humiliated and defeated before it could possibly hope to get ready. It is against that kind of a condition that I protest with all the vigor at my command.

Our position may be described somewhat in this manner: The captain of a ship, a passenger-carrying ship, and the corporation that owns it, might be foolish enough to send it out across the ocean without a proper complement of lifeboats or life preservers. Later this ship encounters a storm in mid-ocean, a terrific storm, and is wrecked. And because the ship has not the necessary safety appliances, hundreds of lives are lost. Our Nation is in the same situation as that ship if we are not prepared in the hour of stress to call our men to the colors so as to defend American rights.

The bill that is before us is not altogether what I would have written had I had the writing of the measure; but you gentlemen know that in these matters it is necessary to make compromises. Our whole system of government is founded on compromise. We have grown great as a Nation because we have been willing to get together and thrash out our differences and ultimately get as near a unanimous agreement as possible under existing circumstances and conditions. [Applause.] And so this bill comes before the House with a majority of the committee in favor of it. I presume there is not a single member of the committee who would not have changed some feature of it if he alone had been consulted. And so, on the whole, the bill is the expression of the opinion of a majority of the Committee on Military Affairs, reached after extensive hearings, reached after a great deal of patient discussion in the committee itself. It expresses, therefore, the opinion of a majority of the committee.

Now, the most notable change in the bill from the national defense act is the flexibility that it gives to the organization of the line of the Army. The gentleman from Alabama [Mr. DENT] criticized at some length this particular provision of the bill. I have here a chart which is very interesting. It gives particulars as to a regiment of Infantry. You will notice that one regiment of Infantry is composed of 3 battalions; the 3 battalions are again divided into 15 companies; 3 companies are headquarters companies. There is one headquarters company with each battalion of the regiment.

The headquarters companies were first authorized in the national defense act. The 15 companies again are divided into 61 platoons. A platoon is composed of anywhere from 32 to 56 officers and men. Before we entered the war an infantry regiment was composed of about 1,200 men. After we entered the war the President was given authority, under the Overman Act, to change the formation, and our Infantry regiments were then made up to 3,700 men, three times the number of men that were in an Infantry regiment before we went into the war. I believe every officer, not only of our own Army but of the other armies, contended that our formation was the best that was found on the battle fields of Europe.

Now, the gentleman from Alabama [Mr. DENT] says that this is a new departure and that therefore he is against it. Well, as I pointed out a while ago, the selective draft was a new departure, and yet the country found it necessary, in order to raise the troops that were required to win the war. [Applause.] We ought at least, in my humble opinion, learn some lessons from the war. To fix the exact number of men that we could have in every unit of the Army would compel Congress to legislate constantly upon the subject. If you simply wanted one additional bugler in a company, it would, under the plan of the gentleman from Alabama [Mr. DENT] require an act of Congress to get him.

After all, the plan of organization of the units of the fighting line of the Army is a soldier's problem. In my opinion it is not the duty of the legislative branch. The soldier has his experience to guide him. It is his life work. He wants to know what is best for his country, for his men, and for his cause.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I will yield in a moment. And as new conditions arise the soldier ought to be permitted to change the organizations if he finds that this change will be for the betterment of the Military Establishment.

Now, I yield to my friend.

Mr. DENT. Does the gentleman from California mean to say to the House that he is willing to fix the total of the enlisted and commissioned strength of the Army by act of Congress and provide a lump-sum appropriation and turn it over to the General Staff?

Mr. KAHN. The gentleman has made that statement heretofore, but as I proceed I will show that he is entirely in error when he asserts that it would result in a lump-sum appropriation. In the Army to-day the Quartermaster General and the Staff Corps have their units fixed by the Commander in Chief of the Army, the President of the United States. Congress does not fix the strength nor the size of those units, and yet they have never come to us and asked for lump-sum appropriations for those organizations. After all, in regard to lump-sum appropriations, I am free to admit that we appropriate money for the Army and for the Navy on a somewhat different plan from what we do for the civilian departments of the Government.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. KAHN. The Army appropriation bill carries the items for subsistence, for general supplies, for transportation, for clothing, for barracks and quarters, and a number of others that I can not recall just now, and the Committee on Military Affairs specifically writes in the bill a provision that these various sums may constitute one fund. During the war we constituted practically every dollar appropriated for the support of the Army one fund. But in peace time we constitute the appropriation for subsistence, and so forth, one fund.

Mr. DENT. That is because they are kindred.

Mr. KAHN. Yes; there are six or seven different items that are kindred, but they are practically a lump-sum appropriation under the Army appropriation bills as they have been passed by this House for many years that I know of; in other words, during the greater part of the time that I have been a Member of the House.

Now I yield to the gentleman from Illinois.

Mr. JUUL. The assertion has been made here on the floor to-day that we are top-heavy in the matter of officers. Will the gentleman find time in his 60 minutes to explain that?

Mr. KAHN. I hope to explain all those things.

Mr. GREENE of Vermont. Mr. Chairman, may I ask my colleague a question?

Mr. KAHN. Yes; certainly.

Mr. GREENE of Vermont. Is it not true that for years, following the old custom, the statutes have prescribed, man for man and place for place, the tactical organization of the military forces, and then as regularly as we come into a war or in an emergency one of the first things we do is to remove that restriction and permit the Commander in Chief to reorganized according to the circumstances and the demands?

Mr. KAHN. Exactly. That is what has happened in every war heretofore, and it is in order to allow our Army to function in peace time and get ready to prepare itself for any emergency that might occur that the majority of the committee advocate the change that is written in the bill.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield for one question, because I sit at the feet of the gentleman for instruction?

Mr. KAHN. Certainly.

Mr. MOORE of Virginia. Will the gentleman refer to the point he was on a few moments ago as to the flexibility that he advocates and state whether it applies to European establishments and whether the formation of the units of European armies was originally controlled by legislation?

Mr. KAHN. I believe they have flexibility. Their systems are all somewhat different from our own. But at the beginning of the war, when Gen. Pershing went to the other side, he began to study the conditions that prevailed in the armies of the Allies. He subsequently organized his forces to fight on the battle fields of Europe in conformity with the plans in use by British and French organizations. I believe that during the war our infantry regiment was larger than the infantry regiment of any other country. Our officers found that that was very desirable and very advisable, and we know with what splendid results our organizations entered the various battle fields and wrested victory from the enemy. [Applause.]

As I stated, we got into this war very unexpectedly. In 1916 we had had some border trouble. The National Guard of Texas, New Mexico, and Arizona were called out in May, and the National Guard of the other States of the Union were called out in June, about 10 days after the national defense act was approved. We had our own troubles. Yet, we did not have the vision to make such changes in our Military Establishment as would provide an adequate force in case it became necessary to go into battle south of the Rio Grande.

It is against those conditions, as I said before, that I earnestly protest. Something has been said here about the cost of war. This war cost us in 19 months, with our loans to the Allies, $33,000,000,000, a sum that is simply staggering. The gentleman from Mississippi [Mr. QUIN] and other gentlemen on this floor have called attention to the great burden that is placed upon the taxpayers of this country. That burden is placed there because we were unprepared. If we had been prepared, we would have avoided the burden. [Applause.] And it is a strange thing that in war the burden falls heaviest upon the masses. They are the men and women who furnish the soldiers. They are the men and women who ultimately pay the taxes. They are the people who suffer most of the hardships. The rich man can generally make provisions so that the burdens fall less heavily on his shoulders; therefore it is for the poor people of the country that I speak. I want their sons protected against war, and the only way to protect them against war is to have this country prepared against war. [Applause.] I apprehend that no nation and no combination of nations will ever attack the United States if we are ready to defend our rights. You find the same thing happening in everyday life. See the highwayman who lurks for a likely victim. He stands behind a tree or a wall looking for a wayfarer to come his way. When he sees a man who is able to take care of himself, to defend himself, he lets that man go by; but when an individual comes along whom he thinks he is able to worst in an encounter, that is the man he attacks, robs, and frequently seriously injures or even murders.

Mr. KINCHELOE. Will the gentleman yield right there?

Mr. KAHN. Yes.

Mr. KINCHELOE. Does not the gentleman think history bears out the fact that any country, whether weak or strong, prepared or unprepared, whenever it feels that its inalienable rights have been invaded, goes to war anyhow? Is not Belgium a living example of that?

Mr. KAHN. Belgium is a living example of the fact that she went to war to defend her rights. Was the gentleman in Belgium?

Mr. KINCHELOE. I was.

Mr. KAHN. Did the gentleman see the terrible havoc in Belgium?

Mr. KINCHELOE. Yes; but that is not the point.

Mr. KAHN. I think it is to the point.

Mr. KINCHELOE. The point is——

Mr. KAHN. If the gentleman will allow me, I will try to answer his question.

Mr. KINCHELOE. Certainly.

Mr. KAHN. Belgium was not prepared to defend her rights against the aggression of the greatest military power on earth; but Belgium was drawn into that war against her will. If she had been better prepared, the chances are that she would have been able to have held back the German enemy for a longer period than she did, and thus enable France and England to be prepared to meet the terrible onslaught of the onrushing foe. Switzerland is a little Republic that has had universal training since 1870. I have heard many people in this country speak of the Swiss system and how they would like to see it adopted here. The Swiss system is a system of compulsory universal training. Every boy has to take it. Switzerland has not had any wars in over 50 years, although the Germans were at her border and the French were at her border in two great wars; but they never invaded Switzerland.

Mr. KINCHELOE. Will the gentleman yield further right there?

Mr. KAHN. Yes.

Mr. KINCHELOE. Does the gentleman think that if Switzerland had been located geographically the same as Belgium, under similar conditions, where she lay between Germany and France, Germany would not have invaded the borders of Switzerland in order to get to France the same as she invaded Belgium?

Mr. KAHN. That is a supposititious case and I can not answer it. But I do know that Switzerland was not invaded. I know that Holland, which has conscription and a regularly conscripted army, was not invaded, whereas Belgium was invaded, and Belgium, I learned, did not have a conscripted army like the other countries of Europe.

Some talk has been indulged in on the floor during this debate about universal training. I do not apologize to anybody in this country for my attitude on that subject. I do not intend to go into that question at this time. I hope before this Congress goes out of existence I will be able to present to the House a thoroughly worked-out system as a part of our military policy. I shall try to defend that matter when it comes up by itself and give the House all the information that I have been able to glean upon the subject. I have given it some study and some

attention. I am satisfied that if the Congress of the United States, learning a lesson from this war through which we have just passed, will train our young men we will not have any occasion to fear for the future.

I think the gentleman from Pennsylvania [Mr. CRAGO] spoke yesterday about sending young men to the trenches or to the advance lines who had had only three weeks' training. I believe Col. Donovan testified before the Senate committee that some of those men who came to his organization as replacement troops had even a less period of training than that. Such a condition of affairs in a great Republic like ours is indefensible.

People speak of the cost of universal training. I have figures from the War Department showing that it will cost $130,000,000 a year. It will take us 200 years to expend in universal training a sum equal to the great total of $33,000,000,000 that we spent in 19 months of war. [Applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. BANKHEAD. The gentleman suggested that it was his hope, before the adjournment of the present Congress, to bring in a bill providing for universal military training. I ask the gentleman, from his knowledge of the personnel of the Committee on Military Affairs as now composed, if he thinks it at all probable that he will be able to secure the adoption of a bill of that character by that committee?

Mr. KAHN. I think it will be possible to bring a bill into the House and get a vote on it. I do not know whether I can secure its adoption by the House, but the gentleman from New York indicated that the people of this country are studying this question, and I propose, if I can, to bring a great many facts, on both sides of the proposition, because I intend to get both sides of it in order that the Members of the House shall have the necessary information upon which to vote intelligently.

Mr. BEE. Will the gentleman permit a suggestion?

Mr. KAHN. I will.

Mr. BEE. I think the gentleman from California did not understand the gentleman from Alabama. He referred to universal military service.

Mr. KAHN. Oh, no; I thought he said universal training. There is quite a difference between universal service and universal training. Universal service means that the young man is taken into the Army and becomes a part of the Army while he is being trained. That is not my purpose at all. There is no subcommittee of the Military Affairs Committee authorized for the purpose of considering the subject of universal service.

Mr. BANKHEAD. If the gentleman will permit, I think it is proper for me to say that that is the idea I sought to convey by my question.

Mr. KAHN. I am sure the gentleman intended to ask that. I believe he did ask it. To my mind universal training is our greatest insurance for peace.

The bill provides for an aggregate force of 280,000 men, exclusive of the Philippine Scouts, who number 12,000 enlisted men and 7,000 unassigned recruits, in the aggregate a force of enlisted men of 299,000.

Some doubt has been expressed on this floor as to whether we will be able by voluntary enlistment to raise such a large force. I will say frankly that unless the situation changes materially with respect to voluntary enlistment, we will probably not be able at any time, except in imminence of an emergency, to raise that great force of enlisted men.

The War Department started out on an intensive drive to secure, from January 19 to March 31, 1920, 84,000 volunteers for the Regular Army. My latest information is that they have not reached more than 12,000 enlistments, so that the percentage of men who have gone into the Army compared with the number that it was hoped to get is comparatively small.

Mr. UPSHAW. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. UPSHAW. Does not the gentleman believe that if the private soldier was paid more than $30 a month the voluntary response would be much better?

Mr. KAHN. I can only say this to the gentleman: I think his premises are absolutely correct, but I should very much dislike to think that we had to hire men to go into the Army of the United States.

Mr. UPSHAW. Not in a time of emergency, they go in for patriotism, but when it is a lifetime business I think we ought to make it so attractive that they will be glad to go in.

Mr. KAHN. Under this bill—and I will come to that in a few moments—the private soldier can get such allowances so that his pay will be something like $90 per month, besides, of course, his shelter, his clothing, his food, and everything else, which will amount to as much, possibly, as he can procure in many civilian employments.

Mr. RAMSEYER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. RAMSEYER. Can the gentleman state how many soldiers we have in the enlisted Army, exclusive of those in the foreign service?

Mr. KAHN. Yes; and I am glad the gentleman asked the question. The law allowing voluntary enlistments in our Army was passed February 28, 1919. It went into effect on the following day, the 1st of March, and the number of enlistments we had up to March 1, this year, is approximately 171,000.

Mr. RAMSEYER. All the new enlistments went in for three years?

Mr. KAHN. Some for one year and some for three years. As I recall, 89,000 went in for one year and 82,000 for three years.

Mr. RAMSEYER. One hundred and seventy-one thousand, I understand, represents the number of enlisted men in this country?

Mr. KAHN. That is correct.

Mr. RAMSEYER. A moment ago the gentleman stated that when war was declared we had something like 120,000 men in the Army. If the gentleman remembers, we had several months of war excitement which induced men to get into the service.

Mr. KAHN. We had border troubles which filled up our National Guard to practically its full strength.

Mr. RAMSEYER. And several months before war was declared it was realized that we were going to get into the war. Young men enlisted in order to get into the fight. With that experience can the committee give us the reason why they thought we could get an Army in profound peace of 299,000 men?

Mr. KAHN. I want to say to the gentleman that when an emergency becomes imminent our National Guard and Regular Army begins to fill up. There was many a young American who enlisted in one of the foreign armies, so that the figures that you have about the condition of our own Army do not fully explain the situation as to the attitude of these young men who are ready for a fight.

Mr. RAMSEYER. We got 120,000, partly due to war excitement, in the Regular Army. In this bill you have written the figures at 299,000. At the time we entered the war we had increased it to 175,000. Simply writing figures in the bill does not make an army. How are you going to raise the number to 299,000 after the war is over and no inducement is offered these young men in the Regular Establishment? Will it not go back to a Regular Army of 150,000?

Mr. KAHN. I am afraid that ultimately we will have to go back to that sized army. But this bill prescribes only the aggregate size of these various units. If we should ever again meet an emergency which would require our getting fighting young men, it is a good thing to have the law on the statute books, because the adventurous and patriotic young men will be able immediately to enlist without any additional legislation.

Mr. RAMSEYER. Then, does the committee here have in mind a bill to take care of war and also for the establishment of a peace-time army?

Mr. KAHN. As I told the House at the start, the only excuse for spending a dollar for our Military Establishment is to enable our Army to function if we get into war. If we were to authorize only a small number of men for a standing army and emergencies should come, during which the President might be negotiating with some foreign country with which we had some serious misunderstanding, I do not think we should be in the position where we would have to pass positive legislation in time of such stress to enable our Army to be filled up. I think it is the part of wisdom to do that in time of peace, so that we can use our forces accordingly.

Mr. RAMSEYER. I agree with the gentleman fully; but the question I would like to have settled in my mind is how big an army it is proposed to have in time of peace?

Mr. KAHN. We will have such an army as Congress will provide the appropriations for, and we will have on the statute books a law which will enable us to go to the full limit of 299,000 men.

Mr. RAMSEYER. But that does not answer my question.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. WELTY. How many officers does this bill provide for?

Mr. KAHN. The number of officers provided for under the proposed legislation is 17,832. The number of enlisted men, as stated, outside of the Philippine Scouts and the unassigned recruits, is 280,000. I have here a chart which shows how these men are to be divided under the provisions of the bill—the number of officers and the number of men; but the flexibility that I spoke of a while ago is carried out so that the President may

increase or diminish any branch of the service as the exigencies of the situation may require, by not to exceed 10 per cent of the total of the forces authorized by law. For instance, in the Infantry we have, under the bill, 4,201 officers and 110,000 men. It may develop that it is very desirable to increase the number of men in the Engineers. Under this bill the President will, without further act of Congress, transfer from the Infantry and put into the Engineers such a number of men, not to exceed 10 per cent of the total strength of the Infantry, as the situation might require. So with every other organization of the Army. That is the flexibility that the conditions of this war determined should be absolutely given to the Commander in Chief of the Army, and to my mind it is one of the best features of the proposed legislation.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield for a question for information?

Mr. KAHN. Certainly.

Mr. KINCHELOE. I understood the gentleman to agree that the probability is that there would not be as many as 299,000 men enlist voluntarily, but hearing a part of the speech of the gentleman from Alabama [Mr. DENT] this morning, the question I want answered is, Would it be possible in case, say, 115,000 men were in the Army, for the Army to be top heavy because of having a full quota of officers to the number of 17,832?

Mr. KAHN. I can not conceive of the total number of officers being appointed, unless we had the men, and I assume that the administrative branch of the Government will act accordingly; but I would call to the attention of the gentleman from Kentucky [Mr. KINCHELOE] the fact that it is absolutely essential that we have the proper complement of officers in peace time, even if we have not the men.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GREENE of Vermont. I think it will be apparent, if anyone makes a study of tactical military organization, as it is to-day, that the number of officers required for oversight and discipline, control, and maintenance of any force can not be determined by the ratio of the relation to the enlisted men.

Mr. BEE. For the reason, may I suggest, that unless you have the officers, it would be no advantage to you to build up the number of men.

Mr. GREENE of Vermont. None; and the only permanent part of the Army is the officers in any event. The enlisted men come in ebbs and flows, and no matter whether you have so many enlisted men or not, there are certain duties in the performance of which only officers can be utilized, and they must be there anyway; and they are being prepared against any emergency, for there is no time to make officers overnight.

Mr. KAHN. There is here a chart which shows the ratio of authorized commissioned strength to authorized enlisted strength of the Regular Army since 1850.

You will find that in the period from 1850 to 1860—and the period of 1850 was shortly after the Mexican War—we had at one time over 10 officers to 100 enlisted men. We drifted along a little while until 1855, and then there was a slight drop, and we had about 9 officers to 100 enlisted men. It ran along about that average until 1861. Then there was a sudden drop, so that we had practically 5 officers to 100 enlisted men.

The CHAIRMAN. The gentleman from California has used 60 minutes.

Mr. KAHN. I will yield myself 15 minutes more.

The CHAIRMAN. The gentleman is recognized for 15 minutes additional.

Mr. KAHN. That was due to the fact that we had hundreds of thousands of enlisted men but no appreciable increase in the number of officers to the organization, and so that ran along in that way for quite a number of years. But gradually the number increased again until in the period between 1879 and 1895 we again had about 9 officers to 100 enlisted men. Then the Spanish-American War came on right after that, and again there was a great drop in the number of officers, because we increased the enlisted personnel of the Army enormously. It ran that way for several years, and then the number of officers increased under congressional legislation, so that finally, about 1914, we were down to 4.9 per cent of officers to 100 enlisted men, which is the number carried in the national-defense act. Slowly and gradually the number has increased, so that in 1915 we had about five officers.

Mr. CONNALLY. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. CONNALLY. Is that chart based upon the authorized strength or the actual strength?

Mr. KAHN. On the actual strength of officers and enlisted men.

Mr. CONNALLY. I understand; but as to this bill that is only the authorized strength?

Mr. KAHN. This is the authorized strength also.

Mr. CONNALLY. That is what I wanted to get at. It is only the authorized strength and not necessarily the actual strength?

Mr. KAHN. It is the authorized strength. The pending House bill provides 6 officers to 100 men. That percentage, you will see, is smaller than what it has been in many years of our country's history in the past. Here is a chart that is likewise very interesting. It shows the number of field officers authorized by existing law as compared with the number authorized in the pending House bill. The field officers, as the gentlemen are aware, are the majors, lieutenant colonels, and the colonels. Under the existing law the field officers of the line are: Majors 7.7 per cent, lieutenant colonels 2.9 per cent, and colonels 2.6 per cent. Those are the numbers in the combatant forces of the Army. Now, in the Medical Corps we have 23.7 per cent of majors, lieutenant colonels 5.4 per cent, and colonels 3.2 per cent. In the Engineers the majors number 14.3 per cent, lieutenant colonels 6 per cent, and colonels 4.6 per cent. In the Navy officers holding corresponding ranks to majors are 14 per cent, to lieutenant colonels 7 per cent, and to colonels 4 per cent. Now, in the bill that is pending before the House, notwithstanding this talk on the floor of a superabundance of officers, there are only 15 per cent of majors, 4.5 per cent of lieutenant colonels, and 4 per cent of colonels. So that the pending House bill practically puts the Army and the Navy on a similar plane as to the number of officers of high command.

Mr. PLATT. Will the gentleman yield?

Mr. KAHN. I will.

Mr. PLATT. Is there not going to be a great deal of trouble in getting officers at the rate of pay that is paid them now?

Mr. KAHN. Well, there have been many resignations, but I still have hope that enough men are imbued with the desire to serve their country in the Army. I imagine that we will be able to get them, although the opportunities to-day in private life are so much greater than what an officer in the Army is paid for practically a similar service that I marvel why so many officers remain in the Army.

Mr. PLATT. Will the gentleman yield for a further question?

Mr. KAHN. Yes.

Mr. PLATT. Is it true that a second lieutenant at $1,700 a year gets less actual pay than a first sergeant; that is, less actual money after he has paid his living expenses?

Mr. KAHN. I would not say that is true as to a first sergeant, but it might be true as to a sergeant major or some one of the higher-paid sergeants.

Mr. PLATT. I have heard men in the enlisted ranks say that themselves.

Mr. KAHN. Well, I presume it may be so, although I have never investigated the matter myself.

Now, the bill provides among other things for warrant officers. This is an entirely new provision.

Mr. DONOVAN. Will the gentleman yield? I was going to ask you to describe what a warrant officer is.

Mr. KAHN. Yes, sir. We have under existing law about a dozen warrant officers. They came into the Army when the Army took over the mine-planting personnel of the Artillery Corps. Before we went into the war many of the men—in fact, all of the men—on the little vessels in the various harbors were civilians, and if they were ordered out to do a particularly hazardous piece of work during a great storm they could quit their jobs. This they frequently did, I am told.

Now, we took over that service and put the civilian employees under the enlisted personnel of the Army. Some of the men on those little steamers were warrant officers; as such they are recognized by the Navy and also, I believe, by the merchant marine. And so we got into the Army about a dozen warrant officers. Now, in this war there were a great many old reliable enlisted men who had served their country for some years; they had had a number of reenlistments and were splendid soldiers. They were commissioned in the emergency army, led troops, and performed signal service for their country in the war. Unless something of this sort is done for these men they will again revert to their former position of enlisted men, and the committee felt that it was exceedingly advisable to create a new grade for these men. And so they provided in the pending bill for the grade of warrant officers, which grade shall follow immediately after the commissioned personnel; immediately after the second lieutenant. But the man receives a warrant as his commission, and he serves therefore as a warrant officer.

Mr. DONOVAN. Will the gentleman please explain if that is about the same thing as a warrant officer in the Navy?

Mr. KAHN. They say it is.

Mr. MONTAGUE. If it does not divert the gentleman from the continuity of his argument, I would like to ask if he has examined the relative proportions of resignations as between West Point officers and officers of the Army who have not come into the Army through that institution?

Mr. KAHN. I have not examined the matter, but I want to call to the attention of the gentleman this fact: In studying the table of resignations I find many of those who resigned were men who held provisional commissions. They were not really fully confirmed as officers in the Army, although I regret to say many officers who have resigned were members of the Regular Army who had performed signal service for their country. But they felt they could not continue in the Army with the small rate of pay, and when they found better opportunities in private fields they reluctantly resigned.

Mr. MONTAGUE. Did those considerations actuate many of the men who were West Point graduates and who went into the Army from West Point?

Mr. KAHN. I have not heard.

Mr. MONTAGUE. I think it would be very interesting if the House could know that.

Mr. KAHN. I will try to get the information, and when we consider the measure under the five-minute rule I will be glad to inform the gentleman, if I have been able to secure the data.

Mr. PLATT. Only about 50 per cent of our officers were West Point graduates before the war, or a little less.

Mr. KAHN. It was considerably less. I think at the present time about one-third of the officers of the Army are West Point graduates.

Mr. BEE. If the gentleman will permit in that connection a suggestion, I will say that in recent years there has been a very large increase in the commissioned force from the enlisted men of the Army, which was not the case in the years that had passed, and for that reason the majority of them are not West Point graduates.

Mr. KAHN. Now, in this matter of flexibility, the best illustration I could give you as to the desirability of such a provision is what happened during this war. The national-defense act provided for 25 regiments of Cavalry. In this war there was not much use for cavalry, and so the War Department cut the Cavalry regiments down from 25 to 17. But we were woefully lacking in field artillery, and this war was one in which field artillery played a very essential part. So the War Department increased largely the Field Artillery to meet the exigencies of the situation.

The CHAIRMAN. The gentleman from California has consumed the additional 15 minutes.

Mr. KAHN. May I have five minutes more?

Mr. DENT. I yield to the gentleman 10 minutes.

Mr. KAHN. I thank you very much.

Mr. MILLER. Will the gentleman yield for just a moment?

Mr. KAHN. Certainly.

Mr. MILLER. I think the chairman of our committee overlooked the matter of the single list of the Army. I believe it would be of interest to every Member of the House.

Mr. KAHN. I shall try to reach that in the time so kindly yielded to me by the distinguished gentleman from Alabama [Mr. DENT].

Heretofore it has challenged the attention of every member of the Committee on Military Affairs that as soon as his chair in the committee room had been warmed practically every bill that was considered by the committee involved the matter of promotion. Gen. Pershing stated before the joint committee of the two Houses that practically every Army officer went around with a little reorganization bill in his own pocket, which he would try to have considered and which involved promotion in his branch of the Army. That is a natural thing, probably, to do, because after all it is only human for a man to desire to better his condition in life. But the provision which the committee has inserted in the bill and which the committee hopes will be adopted by the House will remove the temptation to secure individual promotions, because the single list as it appears in the bill will make unnecessary all efforts to secure advances for any particular branch of the service. I may add that it has practically the unanimous support of the officers of the Army.

Under that provision the officers will be placed upon a list prepared by a board of officers who will study the length of service in all the various branches that each officer has had, and then place him in his proper place on the single list. Promotion under those circumstances will come regularly if the man continues in the Army. It will not be necessary for him to bother about the subject. The bill provides how it shall be done.

Ultimately there will be a weeding out, if the provision be carried, of those who experience has determined ought not to be further continued on the active list of the Army. There will be two lists, A and B. The officers on the A list will continue right along and reach their promotion as vacancies in the Army arise. Those in class B will be eliminated. Those in that class who have had 10 years' service in the Army will be allowed to resign. Those who have had over 10 years' service will be put on the retired list, with 2½ per cent of the pay for every year of the years they have been in the service.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. KAHN. Certainly.

Mr. NEWTON of Minnesota. How is this list compiled? That is, who is it who decides whether the officer shall go on the A list or on the B list?

Mr. KAHN. The bill provides that a commission of officers shall arrange those lists.

Mr. NEWTON of Minnesota. Does not that really mean that personal acquaintance will affect promotion?

Mr. KAHN. I understand not. I understand that in every case the officer's record in the Army will be the basis of the action for the commission. [Applause.] In other words, during all the years that a man has been in the Army his efficiency reports have been sent to The Adjutant General's Office, and those efficiency reports will be taken as the basis for determining the final standing of the officer.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. With the gentleman's consent, I was going to suggest that the question which the gentleman from Minnesota proposed does not relate to promotion at all. It is a question whether or not a man stays in the Army. If he finds himself in class A because of his meritorious record, then he gets the promotion automatically by reason of seniority.

Mr. KAHN. Yes. I thank my colleague.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BANKHEAD. I am fully in accord with the gentleman's position as to promotion from the single list, as I pointed out yesterday, but I would like to ask the chairman of the committee why, after the Committee on Military Affairs had come to the conclusion that that was the proper basic principle upon which to make up this list for promotion, they should provide that in arranging this list officers shall retain their present order on the lineal list without changing the present order of officers on the lineal list, and then it goes on further and sets out five different classes or groups as exceptions to that rule?

Mr. KAHN. I do not remember the precise provisions of the bill in that regard, and I have not the time to go into that fully now; but I will say to the gentleman from Alabama [Mr. BANKHEAD] that my colleagues on the committee told me of the gentleman's position, and I hope that when we reach that section of the bill we can explain the matter to the entire satisfaction of the gentleman. I have only two or three minutes remaining, and I would therefore beg the gentleman to allow me to take up that matter when we reach that portion of the bill under the five-minute rule.

Mr. BANKHEAD. Of course, I do not want to trespass on the gentleman's courtesy.

Mr. KAHN. I want to say that there are many features of the bill that I have been unable to discuss——

Mr. DENT. Mr. Chairman, will the gentleman yield for this statement?

Mr. KAHN. Yes.

Mr. DENT. I have some time left, and I will yield to the gentleman, if he desires.

Mr. KAHN. I want to say in all frankness to my courteous friend from Alabama that "the gentleman from California" feels rather tired and would like to conclude in a few moments. There are many provisions of the bill, of course, that we have not been able to touch upon, but when the bill is up under the five-minute rule my colleagues and myself on the committee who favor the bill will be glad to explain every proposition contained in the bill to the best of our ability. [Applause.]

This morning I told the gentleman from Alabama [Mr. DENT] I had a list which showed the distribution of field officers provided for in the pending bill which I would insert in the RECORD in my time.

The list is as follows:

Distribution of field officers provided for in H. R. 12775.

Branch of service.	Colonels.	Lieutenant colonels and majors.
Infantry:		
65 regiments	65	260
9 train headquarters	9	9
31 machine-gun battalions		31
Division and brigade headquarters (Infantry officers only)		32
22 tank brigades	2	6
Office chief of Infantry (1 colonel as chief)	5	10
Infantry school (not on D. O. L.)	2	30
	83	378
Cavalry:		
17 regiments	17	68
1 train headquarters	1	1
4 machine-gun squadrons		4
Division and brigade headquarters (Cavalry officers only)		4
Office Chief of Cavalry (1 colonel as Chief of Cavalry)	5	8
Cavalry school (not on D. O. L.)	2	8
	25	93
Field Artillery:		
38 regiments	38	130
Brigade headquarters		13
Office Chief of Field Artillery (1 colonel as Chief of Field Artillery)	5	10
Field Artillery schools (not on D. O. L.)	6	30
	49	183
Coast Artillery Corps:		
Coast defense	18	79
Railway artillery	2	8
Antiaircraft artillery	2	15
Office Chief of Coast Artillery Corps (1 colonel as Chief of Coast Artillery Corps)	5	10
Coast Artillery school (not on D. O. L.)	2	15
	29	127
Corps of Engineers:		
12 regiments	12	36
1 depot battalion		1
9 departments	9	9
River and harbor work	18	60
Office Chief of Engineers (1 colonel as Chief and 1 as Assistant Chief of Engineers)	8	15
Engineer school (not on D. O. L.)	1	7
	48	128
Signal Corps:		
14 field signal battalions		14
9 departments	9	
10 division headquarters		10
Office chief signal officer and supply depots (1 colonel as chief signal officer)	5	15
Signal Corps schools (not on D. O. L.)	1	10
	15	49
Air Service:		
Heavier-than-air organizations		75
Lighter-than-air organizations		8
9 departments	9	9
Office Chief of Air Service (1 colonel as Chief of Air Service)	8	25
Training detachments and schools (not on D. O. L.)	5	50
Manufacturing and supply depots	4	40
	26	207
General Staff Corps:		
War Department	10	50
9 departments	9	36
10 divisions	10	30
Military attachés	7	8
	36	124
Adjutant General's Department:		
War Department (1 colonel as Adjutant General and 1 assistant)	10	19
9 departments	9	18
10 divisions		20
	19	57
Inspector General's Department:		
War Department (1 colonel as Inspector General)	5	7
9 departments	9	19
10 divisions		10
	14	36
Quartermaster Corps:		
War Department (1 colonel as Quartermaster General and 3 assistants)	14	26
9 departments	9	18
12 zones	12	59
10 divisions		30

Distribution of field officers provided for in H. R. 12775—Continued.

Branch of service.	Colonels.	Lieutenant colonels and majors.
Quartermaster Corps—Continued:		
Supply depots and remounts	3	20
Army posts	2	19
Bakery schools, etc		5
Disciplinary barracks, recruit depots, general hospitals, etc		7
	40	184
Finance Department:		
War Department (1 colonel as Chief of Finance)	3	5
9 departments and 12 zones	4	17
	7	22
Ordnance Department:		
War Department (1 colonel as Chief of Ordnance and 1 assistant)	6	20
9 departments	9	
10 divisions		10
Arsenals, depots, and ordnance schools	4	50
	19	80
Chemical Warfare Service (1 colonel as Chief of the Chemical Warfare Service)	6	19
Bureau of Insular Affairs (1 colonel as chief of the bureau)	2	1
Judge Advocate General's Department:		
War Department (1 colonel as Judge Advocate General)	7	30
9 departments	9	21
10 divisions		10
	16	61
Philippine Scouts	6	30
Detached officers' list:		
Reserve Officers' Training Corps (district inspectors and military instructors in about 350 universities, colleges, and schools)	35	581
Recruiting (6 recruit depots, 2 recruit depot posts, 25 recruit companies, 56 districts, and 582 stations)	16	100
Disciplinary barracks	3	12
Militia duty (office of Militia Bureau; 7 department headquarters; inspectors and instructors with States)	40	243
Faculties and senior instructors at service schools, and assistants to military attachés	60	190
Miscellaneous (Alaska Road Commission; Philippine Constabulary; District of Columbia commissioner, etc.)	10	19
At West Point	1	25
	165	1,170

The CHAIRMAN. The time of the gentleman from California has again expired. Is there further general debate?

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusettes [Mr. FULLER].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. FULLER of Massachusetts. Mr. Chairman, I am going to vote in favor of this military bill, because the lesson of the war is that we should be prepared. Theodore Roosevelt summed up a safe and sound policy for our Nation when he said that a man should speak softly but carry a big stick. It strikes me as right and proper that we should be legislating for an enlarged Army at the very moment when the peace treaty is being done to death in the Senate. It is because the treaty is being done to death that I believe that it is essential that we should spend so many millions for the Army and the Navy.

If the United States is going to stay on the outside, if the United States is going to go it alone, we must equip ourselves to do it. If we are to cast away the opportunity offered in the League of Nations, we must prepare ourselves for the alternative.

The United States can elect a course of academic isolation if the Senate so wills. The Senate can not guarantee or secure actual isolation. When Francis Ferdinand was shot at Serajevo in 1914 the United States was entangled, though it took us a long time to find out the fact. No boiling of the European pot can happen henceforth without threatening to entangle the United States. There is no isolation possible.

We can cut off all facilities for peace.

We can repudiate every offer of arbitration.

We can refuse to entertain any plan for mutual adjustment.

We can deny every chance for lessening the need for military and naval equipment.

But we can not build a wall about the United States and ignore the rest of the world.

If we reject the chance to enter the League of Nations, we have got to be ready to fight.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. FULLER of Massachusetts. My time is very short. If the gentleman will permit me to finish my speech, then I will yield.

Mr. BLANTON. That is such a remarkable speech from the Republican side that I think the gentleman ought to yield.

Mr. SUMMERS of Washington. I wondered if the Secretary of War did not ask for about a half million men in the Army a year ago, when we presumably had a League of Nations.

Mr. FULLER of Massachusetts. I do not think we will have a League of Nations with the United States in it.

I am in favor, practically speaking, of every plan and every method making for preparedness advocated by this bill. I would go even further. I think we ought to recognize the efforts that our blood-drinking junker Senators are putting forth in the Senate to such a degree that we arm the women, and then the next step is a perfectly logical one, of instructing the children in military tactics. Every child should be able to handle a dirk in a clinch. Have them carry their books and luncheons to school on their backs like the German children by way of preparing them for knapsacks later. Because not only are the opponents of the treaty outraging every sense of justice of our allies but they are stirring up internal strife which will call, sooner or later, for a standing Army to keep peace at home. For, as the Secretary of the Navy said:

> We must have a League of Nations by which every nation will help preserve the peace of the world without competitive naval building, or we must have incomparably the biggest Navy in the world. With the league in operation, composed at first of all the nations allied or associated in the World War, and with provision for admittance of all other nations opposed to conquest and militarism, it would not be necessary to impose on the taxpayers of America the assessments necessary for building more capital ships.

When he appeared before the House Naval Affairs Committee on Saturday Secretary Daniels said that the question for Congress to decide was whether the United States should complete the three years' program of construction and add units needed by the Navy, such as more light cruisers and submarines, or expand the fleet until this country would have nothing to fear from any other sea power. If the United States failed to ratify the peace treaty and accept the covenant of the League of Nations, which, as planned, was to prevent war on a large and costly scale and lead to an era of peaceful industry, each nation would have to look to its own defenses and depend upon its resources.

It was not necessary for the Secretary of the Navy to tell his countrymen that the alternative to staying out of the League of Nations would be naval expansion. Nothing could be more obvious, although Senators, besides those composing the so-called Battalion of Death, have been blind to the isolated and detached position that the United States would occupy if the treaty and covenant were rejected. [Applause.] Furthermore, supporters of the covenant realize that it would be a rope of sand for the late allies of the United States if this country refused to join them in the peace compact. Competition in armaments would begin all over again, however the European nations and Japan might dedicate themselves to economy by lip service.

Great Britain, which is expanding her merchant fleet to obtain the lion's share of the trade of the world, would follow her traditional policy of keeping up her navy with the ingenuity in construction for which she is justly famous. Economy in naval armaments would fly out of the window as profits in trade increased.

It is true that Great Britain has reduced the number of her warships in commission, but she continues to build great fighting dreadnoughts like the *Hood* and the *Renown*, always striving to keep in the van of invention and military prowess. Her navy is still the most powerful on the seas, counting her dreadnoughts in reserve which could be mobilized on call. Japan's program is not as ambitious as the uncompleted three years' program of the United States, but Japan is planning to be as strong in the Pacific as her resources permit. The Japanese are an intensely practical people. Only if the United States were to ratify the peace treaty and agree to join the League of Nations would Great Britain and Japan practice the economy in naval expenditure they preach with mental reservations. Nor are they to be blamed for not abandoning naval expansion altogether when almost a year has elapsed since the document of the peace treaty was finished and the United States still remains obstructive and apparently indifferent.

Never had a nation a more golden opportunity to bestow the boon of peace upon the world than has come to the United States because of its moral influence and its vast resources. It has but to approve of the covenant and stand forth as the most powerful champion of a new era of humanity, enlightenment, and progress, and rumors of war will be instantly laid. [Applause.] From east to west the nations would breathe freely and the federation of the world for peace would no longer be a dream. Every thoughtful American knows as well as Secretary Daniels that, the covenant once and forever rejected by the United States, it will fall to pieces and the old order of suspicion, distrust, and preparation for the wars that can not be averted will return. The first American line of defense, the Navy, will have to be made so strong that not only no enemy but no combination of hostile powers will be feared.

The passions and prejudices of various classes in our population are being appealed to and one nationality set against another for political advantage. These junkers, I believe, are creating a creature like Frankenstein of old, that eventually will get out of their control and cause all kinds of misery and disaster. Do you not hear that sound which is constantly growing louder, which is becoming so loud that it even begins to drown out the roar of oratory, the sound of voices which ask for peace, which desire the olive branch of love rather than the laurels of hatred?

After these treaty busters have defeated the treaty the next thing on the schedule is universal military training. Then should come war with Mexico. In fact, I believe that when a representative of another body, whose name can not be mentioned here, went to visit the President about a month ago to look into his physical condition, that had they found him incapacitated they would then have rushed us into intervention in Mexico. There surely is a junker element in this country, just as surely as there was in Germany before the war—a gang of pirates who believe that might makes right. This junker element has a liberal support from some newspapers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. I yield to the gentleman five minutes more.

Mr. FULLER of Massachusetts. I thank the gentleman very much. Due to the marvelous prosperity and rapid growth of this country, there is an element in it that has made money rapidly. They have made it so rapidly that they are arrogant, and in order to further advance their interests and influence they buy newspapers, thereby to a large degree coloring the news and disseminating their own political views. Surely most anybody in this House will agree with me that, take a given question, you can pretty surely tell which side of the question certain newspapers will take. Some of the newspapers—a fairly good number—are honest and square. God bless 'em! But the majority of big newspapers in this country, in my humble opinion, are owned directly or indirectly by big business, and the influence of those newspapers goes to reward those men who hold political office and do in the office what is for the interests of big business. [Applause.]

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. FULLER of Massachusetts. I have not time to finish now.

Mr. BLANTON. We will give you more time.

Mr. FULLER of Massachusetts. The next thing the junkers will have to propose will be consumption taxes. As if the consumers did not pay the tax now, and the taxes were not added to the cost of production! No, my friends, this bill is not large enough in its military preparations to take care of the enemies the foes to the peace treaty are creating.

It has caused me considerable amusement to observe the wild solicitations of certain men for the Monroe doctrine. In one breath they curse the treaty because we pledge ourselves to protect all countries from land grabbers and territorial encroachment, and in the next breath they demand that we stand for the Monroe doctrine so that no nation can seek advantage in this hemisphere. These mischievous advocates of the Monroe doctrine knew perfectly well that if they could make America demand certain advantages in this hemisphere, Japan would be warranted in making claim for special advantages over there, and so on, like the dog who had a flea upon his back to bite him, and that flea had another flea, and so on ad infinitum. Two years ago America was the moral leader of the world, and Lenin and Trotski were despised. To-day the junkers have compelled America to flunk and reverse itself to such a degree that in every country on the face of the globe America is despised, and they are about reconciled to greet Lenin and Trotski with open arms.

I went into a little barber shop the other day up in New Hampshire and saw a young chap there that I had not seen for a year or two. I asked him where he had been, and he said he had been in the Army, he had been to Europe, he had been fighting in the war to end all wars, but he said the next time the band played and they asked him to enlist he was going to tell them to go to hell. The fruits of the war which our doughboys won in Europe have been pretty well dissipated. Personally I admire

Wilson's courage in going over to Europe to participate in negotiating the treaty. [Applause.] He had everything to lose and nothing to gain in a way, as far as his personal fortunes went. I believe he risked everything in going over there in an effort to clinch the victory that the American boys had fought and died for. [Applause.]

We have paid in lives for winning the Great War. We have spent our treasure in keeping these countries from bankruptcy, but there are those amongst us who would not have us participate in the terms of peace, the object of which is to prevent another just such war. Must the world go through another convulsion before these men will come to their senses?

I believe if the American Senate had cooperated with the President that we could have laid the foundation for a league to enforce peace that would prevent future war. I believe the reactionaries who have lost sight of the promises made to the people during the war have lost sight of the obligation they owe to the men who fought the war, and will yet rue the day they indulged their partisanship and petty animosity to a Democratic President to the extent of defeating the treaty. The explanation for the animosity to the treaty I find as disgusting as the tactics that are employed to defeat it. Imagine as a reason for defeating this great instrument to prevent future wars the fact that the President did not ask so-and-so or so-and-so over as a peace delegate! Personally, I wish he had invited some Republicans to go with him, although I can well appreciate that he was fearful that after he had given them his confidence they would reward it with the same gratitude and loyalty as that exhibited by Sims on a recent occasion. [Laughter.]

With a deficit of $4,000,000,000 staring us in the face for this year, with the knowledge that the initial first year cost of training the 800,000 eligible young men would be very close to $1,000,000,000, in addition to the cost of our Regular Army and National Guard, which under this bill is estimated from $480,000,000 to $600,000,000, I am convinced that our committee has acted wisely in postponing consideration of compulsory training until another session of Congress, when we can have the benefit of more careful and detailed information on the subject. I am in favor of ratifying the treaty, and that instead of being the last nation on earth to join in with the other nations in working out a plan of disarmament that America take the lead and win this great victory for peace and righteousness just as our boys won the war in France.

President Taft once told me of a visit he made to Tokyo on his way to the Philippines. He said he was given a marvelous reception—hundreds of thousands of people jammed the streets and nothing was too good for them. A few months after that his boat came into the harbor of Tokyo, and during the interval of his visits President Roosevelt had brought Russia and Japan together at Portsmouth. Word was sent out to President Taft that he had better not land. The opinion of the populace had veered about in the opposite direction. And so I warn these men who are indulging their partisanship at this time at the expense of the treaty to beware.

I voted for universal military training. In my own mind it will ever stand as the Republican substitute for the League of Nations, but I warn you, my friends, when you have put through this junker program and the blight of war does fall upon us once again, God have mercy on your souls! [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENT. I yield to the gentleman five minutes more. [Applause.]

Mr. FULLER of Massachusetts. I wish to say a word about a united air service. I was on the subcommittee that considered this question, and as a member of the subcommittee I voted to favorably report it to the main committee. Since that time I have come to believe that perhaps the advocates of a united air service were a little more zealous in their cause than those opposed to it, because a later study of the question had led me to believe a united air service would be a mistake. I do not believe a united air service can build an airplane better adapted to the needs of the Navy than the Navy Department can build it. I believe we should preserve for the Navy the right to experiment, develop, and build along such lines as they approve machines for their own particular service. I believe that applies equally to the Army and to the Post Office. I believe the principle of allowing these different branches of the service to specialize on the machine to suit their own requirements is sound.

For example, the Army turned over to the Post Office Department a 12-cylinder De Haviland airplane. The Post Office found that they could take off the 12-cylinder engine and by making it into two 6-cylinder engines place one on each wing. It was much better adapted to their service and would do the following things that the other airplane would not do:

They could ascend from a small field. The two engines with the two propellers would enable them to reach a given altitude in a shorter time than the 12-cylinder engine with a single propeller.

Second. They could land in a small field because with the two engines they had a larger wing surface. This made for greater resistance and therefore slowed the airplane up sufficiently so they could land in a small area.

Third. They found that with the two separate engines they had two chances of staying in the air as against one, because if one engine went back on them they could still run the other, whereas with a 12-cylinder engine if 6 cylinders went back on them they could not stay in the the air with the other 6.

I am very enthusiastic about the single list for promotions which is being substituted for the lineal list. The present system of lineal promotion is detrimental to the morale of an efficient military establishment. The personal equation is too strong a factor in the problem. Under the present plan an officer's promotion depended in a large measure on the expansion of that branch of the Army to which he was attached. As a result every officer had an eye to the expansion of the organization to which he belonged, usually to the detriment of some other branch of the service. The effect of this condition has been to create jealousy in the various branches and to bring pressure to bear upon Congress to expand certain military units out of all proportion to their importance. Under the proposed plan no officer can derive personal benefit from the expansion of any particular branch, as all promotions will come equally to all branches or arms of the service. [Applause.]

Mr. DENT. Mr. Chairman, I believe I have some time left, but I will not use any further time in the general debate on this bill.

Mr. KAHN. Then, I understand from the gentleman that in the morning we can proceed with the reading of the bill under the five-minute rule?

Mr. DENT. Yes.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg.;

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River, between the towns of Pasco and Kennewick, in the State of Washington; and

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3037. An act to authorize the Secretary of War to transfer certain surplus motor-propelled vehicles and motor equipment and road-making material to various services and departments of the Government and for the use of the States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREEN of Iowa, indefinitely, on account of serious illness in his family.

To Mr. O'CONNELL, indefinitely, on account of the illness of his wife.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with the proceedings of the Calendar Wednesday call to-morrow.

The SPEAKER. The gentleman asks unanimous consent to dispense with the business of Calendar Wednesday to-morrow. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Wyoming if the steering committee has been monkeying with the clock above the Speaker's chair? The hands have been pointing to the same place ever since this morning. [Laughter.]

Mr. MONDELL. I understand that the man who is supposed to take care of the clock is a Democratic hold over. [Laughter.]

Mr. KITCHIN. Reserving the right to object—and I shall not object—I presume the purpose of the gentleman in dispensing with Calendar Wednesday is to get through with the military bill sooner, so that we can take up the foreign-relief bill, which the steering committee have promised to bring out. [Laughter.] I will not object.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the gentleman from Wyoming [Mr. MONDELL] was partly correct. The clock on the gallery railing in front of the Speaker, which is running, is kept by a Democrat, and the one behind the Speaker, which has stopped, is kept by a Republican. [Laughter.]

Mr. WALSH. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming [Mr. MONDELL]?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House, under the previous order, adjourned until Wednesday, March 10, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Noyo River, Calif., including an entrance channel across the bar at the mouth (H. Doc. No. 679), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the resolution (H. Res. 491) calling for information from the War Department concerning motor trucks or tractors, reported the same without amendment, accompanied by a report (No. 731), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12201) for the relief of Elizabeth F. Sullivan; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 12919) granting a pension to Clara C. Biernbaumer; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12920) granting a pension to Mary L. Brown Point; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12618) granting a pension to John O'Neil; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GILLETT (by request): A bill (H. R. 12994) to provide for the world-wide extension of education by the cooperation of national governments; to the Committee on Appropriations.

By Mr. KELLEY of Michigan: A bill (H. R. 12995) extending authority to order boards of medical examiners, and for other purposes; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 12996) authorizing the enrollment of officers and men of the merchant marine in the Naval Auxiliary Reserve; to the Committee on Naval Affairs.

By Mr. LEHLBACH: A bill (H. R. 12997) to amend subdivision 15, Schedule A, of Title XI of the revenue act of 1918; to the Committee on Ways and Means.

Also, resolution (H. Res. 492) providing for a shipping clerk in the folding room of the House in lieu of a folder; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 12998) granting a pension to Evaline Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12999) granting a pension to Myron H. McMullen; to the Committee on Invalid Pensions.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 13000) to correct the military record of Nathaniel Staub; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 13001) for the relief of the Rock of the Marne Post, No. 138, composed of men who served in the Thirty-eighth Infantry; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 13002) to reinstate George H. McConnon in the Navy as a surgeon; to the Committee on Naval Affairs.

By Mr. DRANE: A bill (H. R. 13003) granting a pension to Barthoid Hinsdorff; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13004) granting an increase of pension to Martha A. Brown; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 13005) granting a pension to Cevilla Wise; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 13006) for the relief of Fred S. Johnston; to the Committee on Claims.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 13007) granting a pension to William H. Knowles; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 13008) granting an increase of pension to Caroline Strobel; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 13009) for the relief of Frank Karl; to the Committee on Claims.

By Mr. STOLL: A bill (H. R. 13010) for the relief of J. M. Holladay; to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 13011) granting a pension to Duracey E. Ash; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2182. By the SPEAKER: Petition of the American Institute of Mining and Metallurgical Engineers of New York, relative to the adoption of foreign policy as regards the oil industry; to the Committee on Interstate and Foreign Commerce.

2183. Also (by request), petition of the board of estimate and apportionment, of New York City, relative to certain provisions in the rivers and harbors bill, etc.; to the Committee on Rivers and Harbors.

2184. Also (by request), petition of American Association of State Highway Officials, Richmond, Va., regarding the highways of the United States; to the Committee on Roads.

2185. By Mr. BLAND of Virginia: Petition of Ella N. Guthrie, of Newport News, Va., for the passage of the bill restoring daylight saving in the eastern time belt; to the Committee on Interstate and Foreign Commerce.

2186. By Mr. CLARK of Missouri: Petition of sundry citizens of Wright City, Mo., opposing compulsory military training; to the Committee on Military Affairs.

2187. By Mr. CLEARY: Petition of George B. Husmann and sundry other farmers of Southpoint school district, Washington, Mo., opposing universal military training; to the Committee on Military Affairs.

2188. By Mr. DENISON: Petition of Max J. Nehring and numerous other citizens of Tamaroa, Perry County, Ill., protesting against compulsory military training; to the Committee on Military Affairs.

2189. By Mr. EMERSON: Petition of Brakeman King Post, No. 336, American Legion, of Paineville, Ohio, favoring legislation placing National Guards and National Army men on an equal basis for retirement for disabiilty incurred while in service; to the Committee on Military Affairs.

2190. By Mr. ESCH: Petition of the National Canners' Association, in convention at Cleveland, Ohio, relative to the excess-profit tax, etc.; to the Committee on Ways and Means.

2191. By Mr. FULLER of Illinois: Petition of the Mississippi Valley Association of State highway departments, urging continuance of present plan of cooperation of the Federal and State Governments in road construction, etc.; to the Committee on Roads.

2192. Also, petition of the Illinois Live Stock Association, opposing bills for the regulation of the live stock and meat industry; to the Committee on Agriculture.

2193. Also, petition of Local Union No. 11, of La Salle and Peru, Ill., Bricklayers, Masons, and Plasterers' International Union, protesting against the Sterling-Graham bill; to the Committee on the Judiciary.

2194. Also, petition of the Board of Supervisors of Adams County, Ill., opposed to any so-called daylight-savings law; to the Committee on Interstate and Foreign Commerce.

2195. By Mr. MOORES of Indiana: Petition of the Rev. Clarence C. Bonnell and 28 citizens of Indianapolis, Ind., urging the passage of House bill 262; to the Committee on Interstate and Foreign Commerce.

2196. By Mr. O'CONNELL: Petition of B. Nicoll & Co., of New York City, favoring the repeal of the Lever law, in so far as it pertains to coal and coke; to the Committee on Agriculture.

2197. Also, petition of volunteer consulting committee on Army finance, favoring the continuation of the finance division of the Army; to the Committee on Military Affairs.

2198. Also, petition of New York State Automobile Association, opposing House bill 12480; to the Committee on the Judiciary.

2199. By Mr. ROWAN: Petition of B. Nicoll & Co., of New York, favoring the repeal of the Lever law so far as it pertains to coal and coke; to the Committee on Agriculture.

2200. Also, petition of William M. Grosvenor, Ph. D., favoring the passage of House bill 11984, regarding patents; to the Committee on Patents.

2201. Also, petition of volunteer consulting committee, favoring the continuation of the finance service of the Army; to the Committee on Military Affairs.

2202. Also, petition of Ella Phillips Crandall, R. N., executive secretary national organization for public health nursing, favoring rank for nurses in military service; to the Committee on Military Affairs.

2203. By Mr. TIMBERLAKE: Petition of the George B. Steele Post, No. 77, American Legion, of Denver, Colo., favoring a bonus of a $50 bond per month of service for soldiers; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *March 10, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy gracious favor as we come to face the responsibilities of another day. We know that fitness of character is fitness for the highest service. We pray that Thy grace may be vouchsafed to us that we may be thoroughly furnished for every good word and work, our hearts purified from every ignoble and wrong motive, our thoughts drawn out after God's own mind, that we may do God's will and follow Thy commandments in all things. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, March 8, 1920, was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	Lodge	Simmons
Beckham	Glass	McCormick	Smith, Ga.
Borah	Gore	McKellar	Smith, Md.
Brandegee	Gronna	McLean	Smith, S. C.
Calder	Hale	McNary	Smoot
Capper	Harrison	Nelson	Spencer
Chamberlain	Henderson	New	Sterling
Colt	Hitchcock	Norris	Thomas
Culberson	Johnson, S. Dak.	Nugent	Townsend
Cummins	Jones, N. Mex.	Overman	Trammell
Curtis	Jones, Wash.	Phelan	Underwood
Dial	Kellogg	Phipps	Wadsworth
Dillingham	Kendrick	Pittman	Walsh, Mass.
Edge	Kenyon	Poindexter	Warren
Elkins	Keyes	Pomerene	Watson
Fletcher	King	Ransdell	Williams
France	Kirby	Reed	Wolcott
Frelinghuysen	Knox	Sheppard	
Gay	Lenroot	Sherman	

Mr. GERRY. The senior Senator from Virginia [Mr. SWANSON] is detained by illness in his family, and the junior Senator from Georgia [Mr. HARRIS] is absent on account of illness.

The PRESIDENT pro tempore. Seventy-five Senators have answered to their names. There is a quorum present.

DISTRICT PUBLIC SCHOOL SYSTEM.

The PRESIDENT pro tempore. Upon the request of the Senator from Nevada [Mr. HENDERSON] that he be relieved from further service as a member of the special committee to investigate the public-school system of the District of Columbia, the Chair appoints the junior Senator from Massachusetts [Mr. WALSH] to fill the vacancy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 3037. An act to authorize the Secretary of War to transfer certain surplus motor-propelled vehicles and motor equipment and road-making material to various services and departments of the Government, and for the use of the States;

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River between the towns of Pasco and Kennewick, in the State of Washington;

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg.; and

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

PETITIONS AND MEMORIALS.

Mr. SPENCER. I present a memorial from certain farm owners along the Missouri River regarding the preservation of the banks of that stream. I ask that the memorial may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

To the Hon. SELDEN P. SPENCER, Senator,
Washington, D. C.:

We, the undersigned, your constituents and farm owners on the north bank of the Missouri River in the vicinity of Peers, Marthasville, and Treloor, in Warren County, Mo., would respectfully advise you that during the year 1919 United States Government engineers began the revetting of the north bank of the Missouri River in the vicinity of our farms and have left the same in an unfinished condition for the reason, as we are informed, that no appropriations have been made by Congress for the completion of the work thus begun. Unless the work begun is completed according to the original plan all work and money thus far spent upon this project will be an utter waste.

We therefore respectfully petition you to use your best efforts in Congress to provide for at least sufficient appropriations of funds by Congress for the completion of all unfinished work thus begun on the Missouri River.

We realize the wisdom of economy on the part of the Government, but to allow work of this kind, after the same has been once begun, to remain in a half-completed condition is no economy.

Respectfully submitted.

DR. G. A. GRUEBBEL, *Marthasville, Mo.,*
(And others).

Mr. McKELLAR. I ask to have printed in the RECORD telegrams embodying resolutions adopted by the Tennessee State Pastors Conference and the Board of Missions of the Methodist Episcopal Church South, in session at Nashville, Tenn.

Mr. SMOOT. The Senator may read them if he desires to do so, but the telegrams can not go into the RECORD unless they are read.

Mr. McKELLAR. I ask that they may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Reading Clerk read as follows:

NASHVILLE, TENN., *March 4, 1920.*

Vice President MARSHALL,
Senate, Washington, D. C.:

The following resolutions were unanimously adopted to-day by several hundred pastors:

Resolved, That we, pastors of Tennessee, assembled in State Pastors Conference, respectfully and earnestly appeal to the Senate to adopt the peace treaty and the League of Nations without delay.

Resolved, That we hereby urge upon the President and Secretary of State to voice in the most effective way possible the protest of the American people against the continuance of the inhuman treatment of the helpless and long-suffering Armenians by the Turks.

W. W. ALEXANDER, *Chairman.*

NASHVILLE, TENN., *February 24, 1920.*

Vice President THOMAS MARSHALL,
Washington, D. C.:

The Board of Missions of the Methodist Episcopal Church South in session here to-day urges the Congress of the United States to respond

to the call of the President and take such action as will furnish immediate relief to the starving people of Europe and Asia.

JOHN R. PEPPER, *President.*
W. W. PINSON, *Secretary.*

Mr. SMOOT. I shall object to any further reading of telegrams of a similar character. They can be introduced and referred to the appropriate committee, as they are only petitions, I will say to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, there is only one other telegram, and I will ask the Senator to allow it to go in the RECORD.

Mr. SMOOT. If we are going to have these communications inserted in the RECORD, we might as well entirely open the CONGRESSIONAL RECORD for the printing of such matter.

Mr. McKELLAR. We have it opened up every day.

Mr. SMOOT. No; we do not, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the telegrams will be referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of Earl Collier Post, No. 1, American Legion, of Olathe, Kans., praying for the enactment of legislation providing an additional bonus for ex-service men, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry teachers of the high school of Newton, Kans., praying for the enactment of legislation providing for a department of education, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of the State of Kansas, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. PHELAN presented a telegram in the nature of a petition from Merle Reed Post, No. 124, American Legion, of Delano, Calif., and a telegram in the nature of a petition from Post No. 22, American Legion, of Lodi, Calif., praying for the enactment of legislation providing an additional bonus for ex-service men, which were referred to the Committee on Military Affairs.

He also presented a petition of the Shasta County Promotion and Development Association of California, praying that an appropriation be made for the improvement of the Lassen National Park, which was referred to the Committee on Public Lands.

Mr. SMITH of Maryland presented a petition of the congregation of the Episcopal Church of Baltimore, Md., praying that an appropriation be made for the relief of the starving peoples of Europe and the Near East, which was referred to the Committee on Foreign Relations.

BONUS FOR DISCHARGED SOLDIERS.

Mr. STERLING. I have here a letter from a returned soldier which relates to pending legislation relative to a bonus for soldiers. The letter is short but pointed, and I ask that it may be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The Reading Clerk read as follows:

PIERRE POST, No. 8, THE AMERICAN LEGION,
Pierre, S. Dak., March 6, 1920.

Senator THOMAS STERLING,
Washington, D. C.

DEAR SIR: Concerning the pending legislation relative to a bonus for the soldiers.

As one who spent nearly two years in a uniform and who is now in touch with a large number of others who did likewise, I want to express myself, where it is apt to do the most good, as being opposed to any gift or bonus being given me or any other uninjured returned soldier.

The Nation suffered through a war which has left us with an immense debt, for future generations, perhaps, to struggle with, and I know that the best of the 4,000,000 young men who gave up some of their time for the good cause do not wish to make this burden greater but to lessen it. We gladly sacrificed what was necessary for humanity and the United States and do not now wish to have pay for patriotism.

Yours, sincerely,

CHAS. LEE HYDE.

Mr. WARREN. Mr. President, I understand that before the committees of the House and Senate there are various bills bearing upon bonuses, privileges, and so forth, for the returned soldiers, sailors, and marines.

At the beginning of the war, the Government doubled the basic pay of enlisted men, in addition to allowing a 10 per cent increase over the doubled pay, or a 20 per cent increase over the former basic pay, to the enlisted men—privates, noncommissioned officers, and so forth—who served on foreign soil. The total cost of living—clothing, food, and such items—was, of course, borne by the Government, so far as the enlisted men were concerned.

The commissioned officers' pay was not raised, although they were allowed the 10 per cent additional foreign-service pay. They, of course, had nothing furnished them except their regular pay and allowances, which did not cover the cost of living, clothing, shelter, and other expenses.

Upon the discharge of the men who served abroad and at home, every soldier was allowed a $60 bonus over and above his pay.

In the CONGRESSIONAL RECORD or in the public prints we find a statement made by the chairman of the House Committee on Ways and Means to the effect that some 50 or more bills bearing upon the bonus question are before the Congress for consideration. A large number of them have been referred to the House Committee on Ways and Means and that committee is now engaged in hearing representatives of the American Legion and others from the immediate surrounding country, and probably in a measure from all over the country.

I have received many letters and telegrams with reference to the matter of soldiers' bonus, and many inquiries as to whether it shall be called "back pay" and shall be given to each one in equal amount, or whether a bonus of $50 a month to each soldier for each month of service, or a $50 bond for each month's service, or whether it shall be a certain amount of land from the public domain, or whether cash and land together.

By the provisions of a law recently enacted, every soldier who served in the World War has been given the privilege of a 60 days' preferential right to file upon Government lands after the date such lands of the reserved public domain are opened for sale or settlement—that is, such lands as are reserved in reclamation projects, Indian reservations, national forests, and so forth. Soldiers may select and have awarded to them in advance of all others lands now reserved, but later to be opened for settlement, including lands under the United States reclamation projects where the Government has taken the water to the lands for irrigation.

In the present month there has been one unit, and there will be a second later, of the reclamation lands opened in the State of Wyoming, and in the one already opened more than 2,500 soldiers filed on the first day, I am informed, and by night of the second day between 3,000 and 4,000 had filed. Their claims, under the new law, will be considered during the period of 60 days before any other citizen may make a filing or receive an award of any of those choice lands.

There are two sides of the bonus question, and I have several communications which are in terms much like the resolutions which I now send to the desk, lately adopted by Cheyenne (Wyo.) Post No. 6, American Legion. I ask that the same may be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Reading Clerk read as follows:

Resolution adopted by Cheyenne Post No. 6, American Legion.

Whereas the victorious participation of the United States in the World War has laid a burden of indebtedness upon our Nation which will require the payment of untold billions of dollars by this and future generations; and

Whereas it is the bounden duty of every citizen and every organization of citizens to refrain from any act which will add to this almost intolerable burden; and

Whereas there have been introduced and are pending before the Congress of the United States numerous bills and resolutions having as their objects the payment to Americans who served their country during the war certain bonuses payable in money, in bonds, and otherwise; and

Whereas it is apparent that the passing of any one or several of the said bills or resolutions will have as its immediate effect the addition to the indebtedness of our Nation of billions of dollars; and

Whereas the passage of the Sweet bill by Congress has provided for the needs of those who are incapacitated and other measures have passed and are pending which offer to soldiers, sailors, and marines hitherto unequaled opportunities for securing homes upon the public lands, etc., which measures lay no further burden upon the Nation and yet recognize the great services which have been rendered; and

Whereas the American Legion was conceived in a spirit of patriotism for all things American and has as its one great object the upbuilding of our Nation in every moral and material way: Now, therefore, be it

Resolved, That Cheyenne Post No. 6 of the American Legion unequivocally repudiates the idea that the services of the soldiers, sailors, and marines who served in the Great War can be measured in terms of dollars and cents, and declares it to be the sentiment of said post that no such bill or resolution

should receive favorable consideration at the hands of Congress; and be it

Further resolved, That copies of this resolution be sent to Hon. FRANCIS E. WARREN, Hon. JOHN B. KENDRICK, and Hon. FRANK W. MONDELL, Senators and Representative in Congress from the State of Wyoming, and to State and National headquarters of the American Legion, that all may be advised of the sentiment of Cheyenne Post No. 6, that a bonus for past services is neither needed nor desired, and that any appeal for a bonus is felt to be not only doubly unpatriotic at this time, but is directly contrary to the spirit and precepts of the American Legion.

Respectfully submitted.

LESLIE A. MILLER,
D. R. GRIGGS,
F. L. STULTZ,
Committee.

Mr. THOMAS. Mr. President, nothing has been introduced into the CONGRESSIONAL RECORD recently more beneficial to us and to the people of the United States than the communications just offered by the Senator from South Dakota [Mr. STERLING] and by the Senator from Wyoming [Mr. WARREN]. The sentiments expressed in those communications by former soldiers and members of the American Legion are in most refreshing contrast to the voluminous communications, petitions, and demands which we have received and are receiving from every section of the country insisting upon the immediate appropriation of huge sums in bonds or currency or both for all soldiers lately belonging to the American Expeditionary Forces. The letters just read indicate that the old American patriotic spirit of sacrifice and of service is still a living force; and I trust that the representatives of the press, quite numerously represented this morning in the gallery, will give deserved prominence to these splendid expressions of true Americanism, so that all the people may appreciate that sentiment is turning in the direction of the good old American way.

Mr. OVERMAN. Mr. President, I have had three or four letters from leading soldiers in my State expressing similar sentiments to those expressed in the communications which have been presented and which have been referred to by the Senator from Colorado. I spoke to the Senator from Utah [Mr. SMOOT] about having them inserted in the RECORD, but he had given notice that he would object to all such communications going into the RECORD, and I hesitated about asking that they be inserted.

I want to say that I have received from soldiers in North Carolina who have come back from overseas letters expressing similar patriotic sentiments, which, since others have gone into the RECORD this morning, I shall ask to have inserted in the RECORD to-morrow morning. One such communication I have received from F. W. Tillett, of Charlotte; one from Mr. Page, of Winston-Salem; and another from Mr. Charles E. Johnson, of Raleigh, N. C. If one such communication is printed in the RECORD, they should all be inserted; and I repeat that to-morrow morning I shall ask that the communications referred to by me be inserted in the RECORD. As I have stated, the reason I have refrained from doing so was because of the notice given by the Senator from Utah that he would object to the insertion of such communications.

Mr. SMOOT. I will say to the Senator from North Carolina that I thought from the reading of the resolutions the Senate would certainly see the absurdity of having them inserted in the RECORD. I find myself placed in a very unpleasant position in taking the stand which I have, but before doing so I took up the question with the leaders on both sides of the Chamber and with at least a third of the Senators, and all agreed that the practice of filling the RECORD with such communications should be stopped.

Mr. President, I am going to say to the Senator from North Carolina that the statement which he has just made in reference to sentiments expressed by soldiers of his State is sufficient in every way to give notice to the country of what the soldiers of North Carolina think in reference to this question. Therefore, to-morrow morning when the Senator undertakes to have the communications to which he has referred printed in the RECORD, I shall feel constrained to object.

Mr. FLETCHER. Mr. President, I simply desire to say in connection with what the Senator from Colorado [Mr. THOMAS] and the Senator from North Carolina [Mr. OVERMAN] have stated, that I have been receiving similar letters to those to which they refer from ex-service men and from service posts in my State. Those men say they are unwilling to commercialize the patriotism of the soldiers who served in the American Expeditionary Forces.

Mr. BRANDEGEE. Mr. President, the Senate has heretofore made many futile attempts to enforce the rule against encumbering the RECORD with all sorts of petitions. The right of petition is guaranteed; that is not cut off. Petitions should be received under the rule and referred to the appropriate committees, but if every Senator who receives a petition or a telegram or a letter bearing upon a legislative subject shall have the right to put it into the RECORD, it will create a simply intolerable condition. I have many letters and telegrams relating to the very subject to which the telegrams relate which have just been read into the RECORD. Every Senator receives such communications, and if 1 Senator puts in those received by him 95 other Senators will want to encumber the RECORD with telegrams in regard to the same matter.

Mr. OVERMAN. That is the point I make; if one goes in, they all ought to go in.

Mr. BRANDEGEE. I have on my desk now a very short petition which would not take over 10 lines of a column of the CONGRESSIONAL RECORD, protesting against any recognition of Soviet Russia unless and until they stop their persecution against religion of every sect, but I have not offered it, because I think the Senator from Utah is engaged in a righteous cause in trying to preserve the CONGRESSIONAL RECORD to be a record of the doings of Congress and not a general compendium of the opinions of all the people and all the newspapers of the country.

Since the Senator from Utah has given notice that he would insist upon enforcing the rule of the Senate, the proceedings of the Senate can be found in 6 or 8 or 10 pages of the RECORD every day, while heretofore they occupied 20 or 30 pages; and it was quite a task to pick up the RECORD and attempt to wade through the stuff which nobody wanted to see in the effort to get at something that Senators had said or the Senate had done. I hope the Senate will not, as it has heretofore done when a Senator objects to a violation of the rule, override the objection each time by a vote of the Senate. If that is done, we will have no rule at all and everything will go into the RECORD.

Mr. OVERMAN. Mr. President, I wish to say to the Senator that I have tried to adhere to the rule; but when matter presented by one Senator goes into the RECORD why should not other Senators have the same privilege?

Mr. BRANDEGEE. That is the trouble.

Mr. OVERMAN. The people back home do not understand why petitions and communications they send are not printed in the RECORD when they see so many others printed in that publication.

Mr. BRANDEGEE. That is true; and the communications that were read into the RECORD this morning, important as they are, may represent my views on the subject, but I realize that I can not put in matter that accords with my judgment without other Senators being allowed to put in communications on the opposite side of the question which may accord with their judgment.

The two telegrams, meritorious as they were, went into the RECORD this morning when the attention of the Senator from Utah was diverted for a moment, but when the third one was about to be read the Senator from Utah was on his feet and objected. Now, two having got in by a slip does not constitute a reason for pulling down the bars and letting all the others in intentionally.

Mr. TRAMMELL. Mr. President, I shall not ask that there shall be printed in the RECORD the letters and resolutions which I have received in regard to the question of a bonus, or, as I consider it, a matter of paying some tribute of the Nation's gratitude to the men who went forth in behalf of the Nation in its hour of peril.

I have received quite a number of letters and some resolutions favorable to the idea, and I have received one resolution in opposition to it.

It so happens that I introduced—I think it was on the second day after the armistice was signed—a bill providing for a bonus to our soldiers. That bill afterwards was made an amendment to the revenue bill, and the result was that a $60 bonus was given to our soldiers, sailors, and marines. I regret very much if any of them had the payment of that bonus forced upon them; they had the privilege of refusing it if they did not want it; but I do not know that I have heard of any who did refuse it. On the other hand, I know of thousands in my own State who appreciated this expression of the country's gratitude.

I think, Mr. President, there are two sides to the question. I do not consider that the soldiers of this country are begging Congress to give them any recognition or any tribute on account of the service they rendered, but I do think it is appropriate for the Nation to pay proper token of esteem and gratitude to them by giving them something in the nature of a bonus or some land recognition, just as the Nation has been contributing millions and millions of dollars to its soldiers who fought the battles of

the Union in the Civil War. To-day we have heard no impeachment against the patriotism of the Union soldiers because they are pleading and asking for an increase of pension; no one dares to rise here and question their patriotism because they have asked for more. Throughout the South, where we take special pleasure and pride in honoring our Confederate veterans in giving them pensions and increasing them at every opportunity, no one dares to impeach their patriotism or to charge that because they accept such pensions it is commercializing their love of the country for which they fought. It is not a matter of commercializing patriotism at all.

Mr. THOMAS. Mr. President, will the Senator permit a question?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Colorado?

Mr. TRAMMELL. Certainly.

Mr. THOMAS. The Senator has stated, and I think it is a fact, that these demands—for that is what they are—for increased pensions are not criticized in the Senate. That is true; but it is equally true that they are criticized in the cloakrooms, as they should be criticized on the floor of the House and the Senate.

Mr. TRAMMELL. Mr. President, it is possible that the Senator from Colorado is one of those who criticize them in the cloakroom.

Mr. THOMAS. Yes; and also upon the floor.

Mr. TRAMMELL. That is perfectly all right. However, the action of the entire Congress has been to give them pensions, to give them very liberal pensions, increasing them only a year or two ago, and I believe a measure has already passed the House at this session of Congress making an increase, and in all probability it will be passed by the Senate. In the South, in my own State, we have increased the Confederate soldiers' pensions whenever possible or every time we thought the State finances would possibly permit; and I am sure that there—and I can speak more particularly as to the sentiment of the people of my own State—they have not impugned the patriotism of the Confederate soldiers, and they do not mean to say that their service is commercialized because our State now pays them this tribute of honor and respect on account of the service that they rendered to the Confederacy during the war of the sixties.

So I do not share in the idea that if Congress sees fit to give a little recognition, to pay a little debt of gratitude on the part of the Nation, to its soldiers, it is cheapening their patriotism or their love of country. If that is true, France has cheapened it; if that is true, Great Britain has cheapened it; if that is true, Canada has cheapened it; because those nations have made contributions to their soldiers.

There seems to have been quite a disposition on the part of Congress to make reparation to the business enterprises of this country that suffered losses or hardship during the war, with those at least with whom the Nation had dealings. Take the ship contractors; we passed legislation in order to reimburse them practically for any loss, and the same was true with the munitions manufacturers and the railroads. The Government in dealing with the railroads felt that it was essential to do this; and yet when we begin to apply the same principle of justice, as I see it, to the soldiers of the country, some are ready to object and say that they rendered a service of patriotism, and they even want to exclude an expression of the Nation's gratitude. That is what it is—an expression of the Nation's gratitude.

I have noticed among the ex-service men of this country that it is very largely the men who held commissions, who drew good salaries and did not suffer the greater hardships of the war, who now take refuge behind this idea of patriotism and say, "We do not want any bonus; we do not want any land recognition or anything else." The only resolution that I have received said that they wanted land recognition. Well, how can you distinguish between favoritism extended on the part of the Government by a gratuity in the nature of land consideration and a gratuity in the nature of a money consideration?

The first opposition which I observed, I think, was on the part of colonels, lieutenant colonels, and majors, one or two of whom were fortunate enough to be living, you might say, upon inheritances that had fortunately come down to them. They knew nothing of the hardships of the boy who served this country for $30 a month. They knew nothing of the sacrifice of the young fellow who had to leave an income of from $50 to $150 a month and go and serve his country for $30 a month, because they enjoyed the salary of a lieutenant colonel or of a major or possibly of a captain, and then had their little comfortable competency or income coming in on account of an inheritance or probably on account of wealth that they had accumulated themselves.

I may be mistaken, but I think the sentiment in opposition to the Nation paying a debt of gratitude to our ex-service men, and even a further debt of gratitude than we have paid, comes very largely from men to whom it does not mean much; men who, as far as hardships are concerned, as far as personal comfort is concerned, did not suffer to any great extent on account of the services they rendered to the Government. Of course, I would not force this on any of them who do not desire it; and I think that if we pass legislation—and I hope that we will—giving a further gratuity, we should provide in the legislation that it should not be accepted by any soldier who did not desire to receive the reward tendered by his Nation, and therefore he could have an opportunity to give expression to his idea of patriotism by rejecting the token offered him by Congress. Talk about finances. Why was this not thought of when this body recently passed a bill raising the salaries of Army and Navy officers in a total amount of more than $60,000,000 a year?

Mr. STERLING. Mr. President, I suppose in a way I am responsible for some of this discussion. I introduced a letter from a returned soldier in South Dakota, protesting against the proposition of a $50-bond bonus for each month of service upon the part of the returned soldiers.

Mr. President, I am willing to take my share of the responsibility. The Senator from Utah [Mr. SMOOT] and the Senator from Connecticut [Mr. BRANDEGEE] put their opposition to matter of this kind going into the RECORD on the ground of economy. Mr. President, the soldier whose letter was read protests against a proposition that would mean a further indebtedness of at least $2,000,000,000 to the United States; and, as intimated by the Senator from Colorado [Mr. THOMAS], that perhaps will be followed by another demand.

Mr. President, while I sympathize for the most part with the position taken by the Senator from Utah [Mr. SMOOT] in regard to what should go into the RECORD, it seems to me there ought to be some discrimination here when measures are now pending in Congress, either in the House or in the Senate, or in both, for the granting of these bonuses. There ought to be space given in the RECORD for the expression of opinion in regard to matters of that kind which are pending, matters that involve the expenditure of billions on the part of the Government.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator.

Mr. SMOOT. Would it not be the proper way, however, to have them referred to the committee having the legislation in charge? Then, as the Senator knows, the committee would consider the question while considering the bill dealing with that legislation; and if it came to the floor, and the question was discussed, then, of, course, these very telegrams and resolutions would be brought out in the discussion. I simply feel now that it is cumbering the RECORD once too often.

Mr. STERLING. That would be very well, indeed, if we could lose sight of the psychological moment when these things should go into the RECORD. We can not always wait for consideration by the committee. The time will have passed when the publication will do the most good; and now, just at this time, in these days when we are hearing from these posts of the American Legion throughout the country, is the time when attention shoud be called to the question, and to the fact that there are returned soldiers in the American Legion who did their duty here and did it abroad who are opposed to the proposition. It is for the educational value of the communication that we want it in the RECORD now, so that Members of Congress, the public generally, and the members of the American Legion may know how their compatriots feel in regard to the matter.

The Senator from Florida [Mr. TRAMMELL] has alluded to a debt of gratitude which we owe these soldiers. We can not pay a debt of gratitude with money, for the moment we pay it in money, or by a bonus of a $50 bond a month for each month of service, it ceases to be a debt of gratitude; we no longer owe it. As I have said to those who have written me in regard to the matter, if this claim is persisted in now, under present conditions, with a public debt approximating $25,000,000,000, the American people will, I fear, lose that fine sense of gratitude and honor and respect that they owe to the American soldiers. As said in the letter, you can not pay for patriotism with this kind of a bonus.

Mr. TRAMMELL. Mr. President, the Senator says we can not pay a debt of gratitude, and I do not think we will pay a debt of gratitude. I should like to have the Senator explain how he differentiates between giving some recognition to the ex-service men of this late war and continuing as we do the pension system to the soldiers of the Civil War. I should like to know how he defends the financial policy of the Government in dealing with its pensions.

Mr. STERLING. That did not happen for many years.

Mr. GORE. Mr. President, I should like to inquire what is the regular order. The discussion seems to have gone afield, and I do not know whether it is pertinent or not.

The PRESIDENT pro tempore. The presentation of petitions and memorials is in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 4045) granting an increase of pension to Ada Johnston Cowles; to the Committee on Pensions.

By Mr. CURTIS:

(By request.) A bill (S. 4046) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska;

(By request.) A bill (S. 4047) authorizing and directing the Secretary of the Interior to make an allotment to Pessa, a member of the Comanche Tribe of Indians in Oklahoma; and

(By request.) A bill (S. 4048) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 4049) for the relief of Marshall M. Grabosch (with accompanying papers); to the Committee on Claims.

A bill (S. 4050) granting an increase of pension to George W. Huckins (with accompanying papers); and

A bill (S. 4051) granting a pension to George R. Carver (with accompanying papers); to the Committee on Pensions.

By Mr. FRANCE:

A joint resolution (S. J. Res. 171) providing for the recommendation of amnesty and pardon for political prisoners in the United States; to the Committee on the Judiciary.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. McKELLAR submitted an amendment proposing that hereafter services in excess of eight hours a day required of clerks and special clerks in first and second class post offices, letter carriers in the City Delivery Service, and railway postal clerks assigned to terminal railway post offices or transfer service shall be compensated at a rate 50 per cent higher than the compensation of said employees as fixed by law, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

NAVAL RADIO STATIONS.

Mr. POINDEXTER. Mr. President, I report back from the Committee on Naval Affairs favorably, with amendments, the joint resolution (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, and I submit a report (No. 466) thereon.

I desire to state that this is an emergency measure. The President has ordered the return of the private radio stations to their owners. The Navy Department has, during the possession of these facilities, been furnishing to the Orient a low-rate press service. They have, in certain localities, where private facilities were not available, been performing certain commercial work in the transmission of communication, and in order to enable them to continue this it will be necessary to get this authority, conferring it upon the department.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the joint resolution.

Mr. FLETCHER. May I ask what the report of the department was on the joint resolution?

Mr. POINDEXTER. The report of the department is in favor of the passage of the joint resolution. It accompanies the report of the committee.

Mr. SMOOT. The Senator will not object to having the report read, so that we may know what the department has said?

Mr. POINDEXTER. Not at all.

Mr. SMOOT. I ask that the report on the joint resolution be read for the information of the Senate.

The PRESIDENT pro tempore. The report will be read.

The Reading Clerk read the report, as follows:

[Senate report No. 466, Sixty-sixth Congress, second session.]

The Committee on Naval Affairs, to whom was referred the resolution (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, having considered the same, report favorably thereon with the recommendation that the resolution do pass with amendments.

Page 1, strike out the preamble.

Page 3, line 1, strike out the word "land" and insert in lieu thereof the word "low."

This measure has received the favorable recommendation of the Secretary of the Navy, and the accompanying letter from the Secretary, dated February 27, 1920, sets forth the facts and is submitted as a part of this report:

NAVY DEPARTMENT,
Washington, February 27, 1920.

SIR: Under the provisions of the President's Executive order signed February 13, 1920, instructions have been given to return to their owners, as of midnight February 29, 1920, such privately owned radio stations as were taken over by the Navy Department in compliance with the Executive orders of April 6, 1917, and April 30, 1917.

I beg to refer to previous letters addressed to the Speaker of the House of Representatives and the President of the Senate on the subject of radio in the United States, under dates of July 19, 1919, and July 24, 1919, and other more recent letters on the same subject, concerning bills and joint resolutions proposed by committees of Congress, in which the opinion of this department was set forth, having in view the interests of the public and the provision of all possible facilities in the way of rapid means of communication for commercial and press needs, especially those of American commercial concerns engaged in business abroad.

If the naval radio stations were to cease transmitting commercial messages between points not served by privately owned stations, the general public's interests now being served by these stations would suffer very considerably, as privately owned high-power stations are admittedly not adequate to handle this business. I may cite the following radio circuits which will become inoperative unless provision be made by Congress for naval radio stations to handle, at least temporarily, commercial and press messages between the points mentioned:

1. Press and commercial messages between San Francisco and Manila.
2. Press and commercial messages between the United States and Norway.
3. Commercial messages between the United States and Germany.
4. Commercial messages transmitted to Constantinople.
5. Commercial messages between the United States and Vladivostok, Siberia.

As it is essential that the above service be rendered the public, it is my purpose to continue the operation of naval radio stations temporarily for the handling of the above circuits in order that the commercial and press interests concerned may not suffer unnecessarily. Owing to the fact that this arrangement is only temporary, I have to request, in the interests of the public, that a remedy be provided by the Congress, as, upon the termination of such arrangement for any reason, the same conditions as are now impending will arise immediately.

I wish, therefore, to suggest that some such legislation as contained in the attached draft of a proposed joint resolution be enacted at the earliest practicable date.

Sincerely, yours,

JOSEPHUS DANIELS,

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

Mr. SMOOT. Mr. President, I want to ask the Senator from Washington a question. Does the amendment reported by the committee allow the use of the Government radio stations only in case there is no private station that can be used, or radio stations that will carry the business?

Mr. POINDEXTER. That provision is in the joint resolution, and it was not an amendment of the committee. It was contained in the joint resolution as it was introduced. I introduced it, and it contained originally the provision that the authority of the Navy Department to take commercial business should cease whenever the Secretary of Commerce advised them that private companies were available for that purpose, with the exception of the press service, which the Navy is carrying on to the Orient, which no private company is available to take care of.

Mr. PHELAN. Mr. President, I understand that the joint resolution is under consideration. I have in my hand a letter from the Secretary of the Navy, dated February 27, addressed to the chairman of the Naval Affairs Committee, the Senator from Vermont [Mr. PAGE].

The PRESIDENT pro tempore. The Chair suggests that the joint resolution is not yet under consideration.

Mr. PHELAN. What is the parliamentary situation?

The PRESIDENT pro tempore. The Senator from Washington asked unanimous consent for its consideration. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. PHELAN. The letter from the Secretary of the Navy is as follows:

RADIO LEGISLATION.

NAVY DEPARTMENT,
Washington, February 27, 1920.

SIR: Under the provisions of the President's Executive order signed February 13, 1920, instructions have been given to return to their owners, as of midnight February 29, 1920, such privately owned radio stations as were taken over by the Navy Department in compliance with the Executive orders of April 6, 1917, and April 30, 1917.

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provision of all possible facilities in the way of rapid means of communication for commercial and press needs, especially those of American commercial concerns engaged in business abroad.

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I wish, therefore, to suggest that some such legislation as contained in the attached draft of a proposed joint resolution be enacted at the earliest practicable date.

Sincerely, yours,

JOSEPHUS DANIELS.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

The importance of this subject is manifest, because the Secretary is now stretching his authority in providing for the use of the naval radio stations for commercial and press purposes. There is behind it a very important matter of almost international concern.

Mr. V. S. McClatchy, editor and proprietor, with his brother, of the Sacramento Bee, is also a director in the Associated Press, and recently, on a trip to the Orient, he discovered that the peoples of those far lands, of China and Japan particularly, were not in receipt of authentic news; that the news was indeed manufactured in order to color their minds, and that the vernacular press of China was in the control of a certain other country, whose object was to disseminate misinformation as propaganda, and he thought that a better understanding could easily be brought about by giving the people of the Orient an opportunity, by some sort of a press service, which he was willing to inaugurate, and thus by removing misunderstandings the peace of the world might be better maintained.

In a letter to me he says this, and it will give the Senate full information:

You have noted, no doubt, the announcement made by the director of communications of the Navy, effective December 20, that the Navy radio station at San Francisco would transmit news messages to Manila at 6 cents per word. This is in accord with the suggestion which I have urged upon the departments and Congress since May last.

As an immediate result the Associated Press will commence on January 1 sending a daily news report of 800 words to the American and vernacular newspapers of Manila.

If this word rate can be permanently maintained, and the necessary additional facilities secured for extended service, the report will undoubtedly be received and distributed in China, and eventually even in Japan, and we will receive here every day a full report of doings and sentiment in the Far East.

To insure this news interchange, however, it is necessary that Congress formally approve the principle as established by the director of communications of the Navy by providing therefor in a general radio bill about to be formulated by the subcommittee having radio matters in charge.

Whether that bill shall provide for the carrying of news messages by Navy radio, or shall limit the transmission thereof to stations owned by private companies, there should be a very clear and definite provision that the low word rate and the necessary facilities shall be maintained for transmission of news.

I have not read the draft which has just been submitted by the Senator from Washington. I would like to ask him if the provisions of the joint resolution properly safeguard the establishment of a low rate, which seems to be essential in order to facilitate intercommunication with the Orient.

Mr. POINDEXTER. Mr. President, there is an express provision in the joint resolution that a special low press rate shall be made. I agree with the Senator as to the importance of it. That is one of the objects of undertaking to get immediate action on the joint resolution.

Mr. PHELAN. Then, it is left discretionary with the Navy to fix a low rate?

Mr. POINDEXTER. It is left discretionary with the Navy to fix the rate under the requirement that it shall be a low rate.

Mr. PHELAN. Mr. President, without reading, I ask leave to submit for printing in the RECORD several communications, one entitled "Trans-Pacific News Service," a memorandum prepared by Mr. V. S. McClatchy, an editorial expression of the Sacramento Bee on the same subject, and other data.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

TRANS-PACIFIC NEWS SERVICE.
[Memorandum.]

SACRAMENTO, CALIF., *December 30, 1919.*

Temporary success has crowned my efforts to secure from the United States Government recognition of the principle of news transmission across the Pacific by Navy radio at a low word rate on the theory that American news associations would then cover the news field with an adequate and independent report free from Government control or ownership.

On December 16 the Associated Press carried the order of Vice Admiral W. H. Bullard, director of communications of the Navy, that commencing December 20 the Navy Department would accept news messages for transmission by radio from San Francisco to Manila at 6 cents per word, and from San Francisco to Honolulu at 3 cents per word.

The English language and vernacular newspapers of Manila are already arranging for a daily news service of 500 to 800 words from San Francisco under this offer.

Undoubtedly that service will be extended to and distributed throughout China as soon as necessary arrangements can be made therefor.

Even Japan will in time receive and use the service, notwithstanding her strict control of the incoming and outgoing news, because this American wireless report will carry the world's news to the Far East 12 hours or more in advance of the cable-relayed service by Reuter.

If the present plan continues permanently and the Navy transmission facilities on the Pacific are multiplied by installation of the new perforated tape system of mechanical sending and receiving, a full eastbound report will soon bring to this country daily full information as to happenings and sentiment in the Far East.

With the plan thus working successfully across the Pacific, it will be applied to our news communication with Europe, and eventually the peoples of the earth will find in the interchange of full news reports, independently and truthfully edited and free from Government control or censorship, a safeguard against misunderstanding and the machinations of interests that find profit or pleasure in war. Read in this connection an article by David Lawrence in the Saturday Evening Post, December 6, "The air cure."

But all these things depend, in a measure, on the indorsement by Congress of the plan thus inaugurated by the director of communications of the Navy and provision for its permanent maintenance, whether the transmission of such news messages shall be left in the hands of the Navy or be transferred to privately owned companies.

It would be well, therefore, that Congress—and particularly the subcommittee in each House having charge of radio legislation—be advised that this plan meets the hearty approval of those who have given the subject careful consideration; and that the inauguration of the plan is certainly desirable, and perhaps even necessary, in the vital interest of the Nation.

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DATA FOR REFERENCE.

The conditions in the Far East which urgently demand interchange of full news reports to protect American interests are indicated in my memorandum of May 7, prepared for the State Department. They are more fully set forth in the booklet, The Germany of Asia, part 1, articles 2 and 3. Both these documents were sent you some time ago.

The situation is more fully explained in my statements before the two congressional committees named—the House committee on September 26 and the Senate committee on October 9. The hearings are in print and can be had from Washington on request, I assume.

Briefly, our commercial interests and our prestige as a Nation in the Far East are suffering serious injury from unfriendly propaganda made possible, if not promulgated, by the agencies

now controlling news communication in that section of the globe. Misunderstandings which may easily lead to war are being created in this manner. All authorities agree that the only effective way to meet this problem is by maintaining with the Far East daily news communication under independent American management, which will keep the people on both sides of the Pacific informed as to actual conditions.

A government service, or even a subsidized service, is undesirable. Cable rates and cable delays are prohibitive for a regular news report. Present rates, San Francisco to Manila, per word: Commercial, 75 cents; press, 36 cents. Assured time of transmission, 10 days. The practical solution is the one originally suggested by me to the State Department and now adopted by the Navy Department—radio transmission of news messages at a word rate so low as to induce American news associations to maintain an adequate news service, self-supporting and independent of Government control or censorship. The maximum rates suggested by me were 5 cents to Manila and 6 cents to the Asiatic mainland from San Francisco.

* * * * * * *

A general measure is now before each subcommittee, though it has not been introduced as a bill. It offers a compromise between the policy of the Secretary of the Navy, who originally insisted upon Government ownership and operation of all radio stations, and the stand of Congress, which was opposed to such ownership.

The principles of the measure, it is understood, have the approval of both the Navy and the subcommittees, though details will doubtless be modified. It provides for return to private ownership of radio stations, for control of operation through a Government commission, on which the Navy has place, and for authority to the Navy to use its stations for commercial messages, provided rates established by private companies are not cut.

Provision should be made in that measure, however, for permanent maintenance of the principle of low rate for news messages, as established by Admiral Bullard. If radio transmission returns to private companies and news is handled by such companies, it is unlikely that of their own initiative they will establish the necessary low rates for news service, since they regard such service as undesirable business.

It may be said, too, that with the contemplated increased radio facilities of the Navy Department—far in excess of any peace-time requirements of the Government—such increased facilities might well be utilized for news communication, which under the plan suggested becomes a national service.

V. S. MCCLATCHY,
Publisher the Sacramento Bee.

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[From the Sacramento Bee, Dec. 27, 1919.]

DEFENSE OF WORLD LIBERTY BY RADIO DISTRIBUTION OF RELIABLE NEWS.

"It is not improbable that a great world movement for prevention of misunderstanding and war between the peoples of the earth was inaugurated when Vice Admiral W. H. Bullard, Director of Communications of the United States Navy, issued his order two weeks ago, effective December 20, that naval radio stations would transmit news messages between San Francisco and Manila at 6 cents per word.

"Previous to that there had been no press rate by radio between the stations named, while the commercial rate was 75 cents per word.

"The cable rate for press messages between the two points is 36 cents per word, but it takes 10 days to transmit a cable message because of congestion.

"These rates are prohibitive for daily interchange of news reports, and furnish sufficient explanation of the lack of understanding and friction which exists between this country and the Far East.

"Under Admiral Bullard's order the newspapers of Manila are already arranging for an adequate daily news report from San Francisco. That report will be carried on to China afterwards and distributed among the newspapers of that country, without doubt.

"Even Japan will avail herself of it, notwithstanding the Government control of the incoming and outgoing news of Nippon, the reason being that this American wireless report will deliver world news in the Far East 12 hours or more in advance of the cable-relayed service of Reuter, the British news agency.

"Later, when the Navy radio has multiplied its facilities by installation of the new perforated tape system for automatic sending and receiving, an adequate eastbound daily report will keep this country in touch with the happenings and sentiment in the Far East.

"Under such conditions there will be full protection for American interests, an avoidance of the friction due to misunderstandings, and effective protection against vicious propaganda.

"An indedependent news report under reliable management, free from Government control or censorship, offers the best safeguard against secret diplomacy which looks to creation of distrust of this country and injury to its commercial interests.

"When this plan has been successfully operated between this country and the Far East it will be used, without doubt, between this country and Europe.

"And in time the plan of a cheap word rate for radio transmission of news messages, coupled with reliable reports free from Government control or censorship, in use all over the world, will go far toward creating such mutual understandings that war may not be declared for trivial reasons or to serve the evident selfish purpose of a dynasty or a State.

"Manifestly the plan inaugurated by Admiral Bullard should be maintained and safeguarded from attack.

"Congress should formally approve the plan and provide for its continuance, whether the handling of these news messages shall remain with the Navy radio department or be returned to privately owned companies.

"The present order is in accord with the policy urged upon the State and Navy Departments by the publisher of the Bee in May last after an investigation of conditions in the Far East.

"Subsequently he presented the matter to the subcommittee of each House of Congress having charge of radio legislation, suggesting a maximum rate of 6 cents to the Far East as an incentive for independent American news associations to provide for a daily interchange of news across the Pacific.

"These committees were favorably impressed and bills were introduced giving temporary authority to the Navy Department to use its facilities in the manner indicated.

"Pressure of more important legislation prevented action on these bills; and the Navy Department, with full realization of the gravity and urgency of the case and encouraged doubtless by the friendly attitude of the subcommittees, issued the order which may mark an epoch in the history of news communication.

"The two radio subcommittees have before them a measure looking to permanent control of radio communication, and care should be taken that provision is made therein for continuous application of the principle on which Admiral Bullard's order is founded.

"The measure referred to, which seems to meet general approval, now provides for return to private ownership of radio stations with control of operation in the hands of a national commission on which the Navy has place.

"The Navy is to be permitted to use its stations for commercial business, provided it does not make a rate lower than that fixed by private companies for the same service."

—

WASHINGTON, D. C., *November 7, 1919.*

Hon. MILES POINDEXTER,
Chairman Subcommittee on Radio
of Committee on Naval Affairs,
United States Senate, Washington, D. C.

MY DEAR SIR: The following memorandum covers the points which were submitted to you in our conversation for consideration of your committee in connection with the necessity for temporary authorization for use of Navy radio facilities for commercial and news purposes, in order to remedy the really dangerous situation on the Pacific coast.

May I direct your attention particularly to paragraph 4, covering information received by me since our interview and the significance of which you will fully appreciate.

1. In the short time available before adjournment of Congress it is apparently not practicable to formulate and pass a general bill for radio control. There are too many points upon which agreement must be had in order to secure such result.

2. It is practicable, however, to pass a temporary measure which will authorize the use by the Navy Department of its existing facilities for wireless communication for public benefit, which will relieve the pressing and grave situation on the Pacific and which will not interfere with the adoption of a permanent plan for general control when agreed upon.

3. The Pacific situation and the necessity for immediate establishment of adequate daily trans-Pacific news communication in protection of American interests are fully set forth in statements made by me before the subcommittee of the House Committee on the Merchant Marine and Fisheries September 26, as appears at pages 4 to 21 of the printed transcript, and before your subcommittee October 9, as appears at pages 121 to 198 of the printed transcript.

4. The seriousness of the situation is further indicated by the news just received by me that J. R. Kennedy, manager of Kokusai—the Japanese Government news agency, controlling incoming and outgoing news of Japan—publicly announced in Tokyo on his return from Paris that he has been appointed agent and representative of Reuter, the British news agency, for the entire Far East, including China and the Straits Settlement. Japan, therefore, secures, through Kokusai and Kennedy, control of the British news agency and its reports so far as concerns the Far East.

5. The temporary measure suggested should give authority to the Navy Department to use its radio facilities for transmission of commercial and news messages until such time as Congress shall perfect a plan for permanent operation of radio stations by private companies, or otherwise, and may forbid, if desired, the Navy Department charging for ordinary commercial business rates less than heretofore charged by private companies, but should authorize and direct the use of such facilities for transmission of news reports, westbound and eastbound, across the Pacific Ocean by American news associations and American newspapers at a low word rate, not exceeding 6 cents; or, if preferred, at a rate not exceeding cost to the Navy Department. (Capt. S. W. Bryant, acting director of communications of the Navy Department, testified before the Senate subcommittee that the rate named was within cost.)

6. It is well to remember in providing conditions under which private companies may hereafter operate that such companies, whether operating telegraph or cable lines or wireless stations, regard the transmission of news as undesirable business, and it is never encouraged by them, and that they are unlikely to provide on their initiative for any such rate per word as would make feasible the interchange of adequate news reports between the Far East and the United States, as urged by me. If private companies are to be depended on in a permanent arrangement for transmission of news Congress should, therefore, fix a rate for news transmission across the Pacific as recommended.

7. As all radio bills introduced and tentative measures as well are before your subcommittee and the subcommittee of the House Committee on the Merchant Marine and Fisheries, in view of the urgency of the matter and assuming there be no impropriety involved, it would seem desirable for the two subcommittees to agree on a simple measure covering the temporary authorization referred to and to put forth from each committee identical bills.

I return to Sacramento to-morrow, but will be in Washington again for a few days about December 4 and will be at the command of your committee if it desires further information in my possession.

Sincerely, yours, V. S. McCLATCHY.

Mr. KING. Mr. President, as a member of the Naval Affairs Committee, the joint resolution was brought to my attention a few moments ago. I consented that it might be reported, and I have not objected to its consideration. I wish, however, to express the fear that section 2, as it will be construed undoubtedly by the naval authorities and as it will be applied, will retard the development by individuals or corporations of enterprises for the erection and operation of radio stations. It is manifest that under the terms of this bill there will be considerable expense incurred by the Government in caring for the commercial business of private persons and corporations. I am afraid that the Navy Department will seek to retain the private radio business devolved upon it by this bill; it will establish and maintain rates so low that it will be impossible for private corporations or enterprises to compete, and in this manner prevent the building by private concerns of radio stations and the establishing of transoceanic radio routes. This will build up a governmental monopoly, and the Government will be carrying radiograph messages to all parts of the world with respect to all private business and commercial transactions instead of having private corporations undertake the work. I am afraid this is a step in the wrong direction. I believe if the exigencies demand that a measure of this character should be enacted there should be a limitation expressed in the bill fixing the period when it will expire. It will not be forgotten that there was a determination by some Navy officials to place all cables and radio stations under the absolute control of the Navy Department. This bill seems to be in line with the plan of which we heard so much during the recent war.

We should, in my opinion, encourage and not discourage and, indeed, prevent the construction by private enterprise of radio plants for use between the United States and foreign countries. Our commercial interests need increased radio facilities, and we should not do anything that will impede the development of instrumentalities for the carrying of messages to all parts of the world.

Mr. POINDEXTER. Mr. President——

Mr. KING. I yield to the Senator from Washington.

Mr. POINDEXTER. I agree with the Senator from Utah in his general opposition to the invasion of fields of private business by the Government, and I would apply that to radio communication as I would to other lines of commercial activities. But I call the Senator's attention to the fact that there is in the joint resolution a limitation not measured by a date of time but elastic, so as to adjust itself to conditions as they arise. That limitation is that whenever the Secretary of Commerce shall notify the Secretary of the Navy that a private station is available for the handling of this business, the authority of the Secretary of the Navy shall cease.

I call the attention of the Senator from Utah to the fact that under the existing law the Secretary of Commerce is the representative of the Government in the control and regulation of radio communication.

Mr. KING. I was familiar with the provisions to which the Senator has alluded. It reads as follows:

Provided, That such use of naval high-power radio stations for commercial business, other than press messages, shall cease as and when the Secretary of the Navy is notified by the Secretary of Commerce that an American radio company is prepared to take over this work and establish adequate communication between the points in question.

First, let me call the attention of the Senator to the fact that this excludes from the proposition which he has suggested the words "other than press messages," so that it would imply that the operations of the Government should continue for the purpose of carrying press messages, but that when the Secretary of Commerce advises that a radio station has been erected for commercial purposes, then the Secretary of the Navy may relinquish the control which he now has and may refuse to assume the obligation which the joint resolution seems to require that he shall assume in the transmission of radio messages for other private purposes.

Let me say to the Senator that in my opinion as long as the Government will engage in transmitting radio messages from continent to continent, from our country to other countries, charged as it is with the duty of fixing low rates, indeed it says "special low rates for press service," private enterprise will be discouraged from entering the field, and industrial and commercial organizations that might otherwise construct adequate radio plants and carry on an adequate service for commercial and all other purposes will be deterred from embarking upon the enterprise.

Mr. POINDEXTER. Mr. President——

Mr. KING. I yield to the Senator from Washington.

Mr. POINDEXTER. I have refrained from going at length into a discussion of the situation through my anxiety to get some action on the joint resolution, but I will say to the Senator from Utah that at the present time and in so far as any prospects of the near future are concerned there is no possibility of there being any lack of business for any private radio company which may establish facilities for that purpose. The great difficulty of the commerce of America to-day, in so far as transoceanic communication is concerned, is to obtain any facilities of communication either by cable or by radio.

There has been a congestion of transmission of information both across the Atlantic and across the Pacific to such an extent that it has been very injurious to American business.

I will say further to the Senator from Utah that the joint resolution, I am advised, is entirely satisfactory to the American radio companies. A short time ago radio development, radio activity in the United States, was under British control, and it is very much to the credit of the Navy and those who are in charge of communication in the Navy Department that through their vigilance and their patriotism private American interests were directed toward this field of investment, with the result that an American company has been organized and the acquisition of the British interests has already been accomplished, and we shall have as a result of it an American company with such advantages and such facilities and such capital that it will control the American field and will be able to compete on equal terms with the British company all around the world.

Mr. FLETCHER. Mr. President——

Mr. KING. I yield to the Senator from Florida.

Mr. FLETCHER. It seems to me that if there is any defect at all in the joint resolution, it is that it does not go far enough to preserve the rights and power of the Government to control the radio stations. In these days of wireless communication it seems to me essential that the Government should have these wireless stations. The time may come when the Government must shut out private stations because of interference with the Government means of communication. That was illustrated in

our late experience when the Government had to take over a station that was in communication with Germany, in New York State, I believe it was.

Section 2, I think, is the best part of the joint resolution. I believe where the Government has stations now it certainly ought to be authorized to continue to operate them until the time comes when private enterprise may take hold of the situation as may be determined by the facts. But there ought not to be a time fixed for the Government to go absolutely out of the entire business of radio communication with foreign countries, because that may be essential for the protection of the Government; it may be absolutely necessary that the Government shall control the means of wireless communication with overseas countries.

Mr. POINDEXTER and Mr. GORE addressed the Chair.

Mr. KING. I yield first to the Senator from Oklahoma.

Mr. GORE. I wish to inquire whether unanimous consent has been given for the consideration of the joint resolution?

The PRESIDENT pro tempore. Unanimous consent has been given for the consideration of the joint resolution.

Mr. GORE. I did not understand that the announcement had been made by the Chair. I do not think the morning hour ought to be taken up in this way, and I made the inquiry for that reason.

Mr. KING. I now yield to the Senator from Washington.

Mr. POINDEXTER. I was only going to remark that at the present time there is a great deal more business than both the Government and private companies can do, both cable and wireless, and the difficulty is about getting any means of communication adequate for the American business.

Mr. KING. Mr. President, just a word further. I do not assent to the proposition made by the Senator from Florida [Mr. FLETCHER]. So far as I am concerned, I want the Government to keep its hands off from private enterprise. I do not want the Government to engage in a business that will enable it to maintain an espionage organization in times of peace over the press, the telegraph, or radiograph service. In times of war we tolerate many things which we refuse to submit to in peace times. I would encourage in every legitimate way private enterprises to construct radiograph stations, so that they might carry on business between the United States and all parts of the world.

If we shall have another war, Congress can, by proper resolution or action, take over the radiograph service as a necessary war measure. But now that peace has come, we should adopt the ways of peace, and do everything possible to encourage private enterprise to care for matters that belong to the fields of private endeavor.

Mr. President, I again make the prophecy that the passage of this joint resolution will deter private enterprise from engaging in the construction of adequate radiograph service. I think in the long run it will prove a disadvantage to the people of the United States and to the business interests of the United States.

I wish to ask the Senator from Washington whether he will accept an amendment, which I have hastily drawn while we have been discussing this matter, which reads as follows:

Provided, That in the operation of such stations for private purposes there shall be no loss to the Government.

Mr. POINDEXTER. I am not authorized to accept amendments and I shall be compelled to oppose the amendment. There is no possible way of fixing any such measure as that upon the Government rates. The great difficulty heretofore has been that the Government rates were too high. The Government rates on the submarine cable which the Government owns to Alaska and upon all wireless stations have been higher than the private rates and they are likely to continue that way.

Mr. KING. Does the Senator mean that he thinks the Government of the United States ought to subsidize commercial enterprises and the press and carry their messages at a loss?

Mr. POINDEXTER. Oh, not at all. I have no idea that would be the case; but I say it is impracticable to establish any such rule as the Senator in this confessedly hastily drawn and ill-considered amendment that he has offered proposes.

Mr. KING. Will the Senator consent to an amendment which provides that the Government of the United States, in the use of its radiograph stations for private purposes, shall not sustain any loss?

Mr. POINDEXTER. I will not consent to that amendment, because we can not apply any such rule as that to the operation of the Government wireless. In the first place, it is maintained primarily for the benefit of the Navy. It is no more a commercial enterprise than is the Navy itself. It is a part of the communication service of the Navy for the control and operation of its fleet. If it does some commercial business, as has been done, how is anyone going to say whether or not it is done at a profit or not at a profit, and how are you going to segregate the Government business from private business, so as to determine whether the Navy is earning a profit on some messages and not on others?

Mr. KING. That is very easily determined. The Government of the United States, where it uses cars going from coast to coast operated by the railroads and which carry passengers and freight for the Government, is able to determine what the additional cost is to the railroads for carrying the mails of the Government. There would be no greater difficulty in ascertaining the increased cost to the railroads by reason of carrying the mails for the Government than there would be in the Navy determining the additional cost resulting from giving service to private individuals.

Mr. McCORMICK. Since I am a member of the subcommittee, will the Senator permit me to interrupt him for just a moment?

Mr. KING. I yield.

Mr. McCORMICK. The problem to which the joint resolution is addressed was first presented to the subcommittee by Mr. V. S. McClatchy, to whom the Senator from California [Mr. PHELAN] has referred. He urged upon the committee the importance of making possible the transmission of news matter to the Orient. At about the same time other interests across the Pacific urged upon the committee the importance of making possible the transmission of commercial cables to the Hawaiian Islands and to the Far East. There are Government stations now in Hawaii and in the Philippines, as there are in Porto Rico, which are maintained for the Navy and are necessary to the Navy. There is no possible present relief through private enterprise. For that reason, and after very long consideration of the problem, the subcommittee agreed upon the joint resolution reported by the Senator from Washington [Mr. POINDEXTER].

Mr. KING. If the Senator will permit me, I desire to ask the Senator the same question which I propounded to the Senator from Washington, namely, does the Senator believe that the Government of the United States should sustain a loss in thus accommodating commercial enterprise and the press?

Mr. McCORMICK. The Government will sustain no loss. The naval operators are employed, they are on duty for the service of the Navy. By what construction, then, can the Government sustain a loss? You can create, if you please, a fictitious accounting system under which that part of the messages which is private shall be charged against the whole cost of the maintenance of the stations.

Mr. KING. If the Senator will permit another inquiry, How is the Government to determine, in the language of the joint resolution, what is a specially low charge, unless it knows something about the cost? It must know something in regard to the cost of the transmission of messages if it is to fix a low charge.

Mr. PHELAN rose.

Mr. McCORMICK. The Senator from California [Mr. PHELAN], who is especially informed upon this problem of the commercial rate, I see rises to answer that question, and I yield to him.

Mr. KING. I yield to the Senator from California.

Mr. PHELAN. Mr. V. S. McClatchy, director of the Associated Press, has made a special study of the matter, and I am in possession of the information through him. I read from a letter dated November 19, 1919, as follows, which, I think, will set at rest the objection of the Senator from Utah:

If you have an opportunity and you think it wise, you might suggest to Senator POINDEXTER a slight modification of section 1 of his bill, which would permit, or authorize, the Navy Department to use its facilities for news transmission across the Pacific, either at a rate not exceeding 6 cents, or at a rate not exceeding the cost of the service to the Navy Department, which, you will remember, Capt. Bryant testified would not be in excess of 6 cents per word.

Capt. Bryant, who is an expert and who testified before the committee, has informed us that the cost to the Government would not be more than 6 cents, and that is the press rate which is requested in order to make the news service a success. So I think it is perfectly safe to leave the matter in the discretion of the Secretary of the Navy, as the joint resolution provides. There is no danger on this showing of any loss to the Government.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. KING. I yield.

Mr. GORE. I wish to say to the Senator from Utah that I have a matter of routine morning business which I think will require only a moment, as it is merely a resolution calling for

information. Will not the Senator yield to me for a moment for that purpose?

Mr. KING. If I have the right to do so, I shall be glad to yield to the Senator from Oklahoma.

Mr. POINDEXTER. I had hoped that we could get an immediate vote on the pending measure. Otherwise, I would be very glad to yield to the Senator from Oklahoma.

Mr. GORE. I will say, Mr. President, I was hoping the same thing as the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. I think we can dispose of the pending matter within five minutes.

Mr. GORE. Very well.

Mr. KING. Will the Senator from Washington consent to an amendment reading "at a rate not less than the cost of service to the Navy Department"? If the Government is to furnish service for private business, I am interested in protecting the Government against loss.

Mr. POINDEXTER. I will agree to that amendment.

Mr. PHELAN. Mr. President, I hope that will not involve interest on the investment.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Utah yield? And if so, to whom?

Mr. KING. I will yield to the Senator from California, if he desires that I shall do so.

Mr. PHELAN. Mr. President, I will occupy the time while the Senator from Utah is seeking the information he desires. I simply desire in one word to impress upon the Senate the very great significance of this matter, apart from the mere cost involved to the Government. The Government is not in business for profit. I take it that the 6-cent rate will meet the ordinary cost, and I think it would be a sufficient direction for the department. But here is something which has an international aspect and which lifts the discussion far above the mere question of cost. Mr. McClatchy writes me under date of November 7, 1919, as follows:

> Reuter, the British News Agency, has placed in charge of its entire Far Eastern territory, including China and the Philippines, J. R. Kennedy, the manager of Kokusai, which is the Government-controlled news agency of Japan. Japan, therefore, will control, through Kokusai and Kennedy, the British as well as the Japanese reports from the Far East. If the United States is to protect its interests, it must at once secure such conditions as will maintain the interchange of daily news reports between this country and the Far East under American control. That object can be attained only in the way that I have suggested.

Which is the way of the pending joint resolution. Mr. McClatchy adds:

> I look on this matter of news communication as one of the most effective defensive weapons which we can use against the offensive methods of Japan and to secure our commercial interests as well in the Far East.

So the editor, accustomed to deal with the dissemination of news for the enlightenment of public opinion sees that the best way to defend ourselves, so free are we from fault, against the offensive methods of an enemy is to tell the truth, to give out the information, and not allow manufactured or perverted news to be spread broadcast throughout the Orient, and, on the other hand, we in this country will under the same system and by the same service be better informed about our neighbors of the Far East.

Mr. KING. Before the semicolon and after the word "Congress," in line 10, on page 2, I move to amend by inserting the words "at a rate not less than the cost of service to the Navy Department," so that it will read:

> Under regulations prescribed by him, and he shall fix the rates for such service, subject to control of such rates by the Congress, at a rate not less than the cost of service to the Navy Department.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Utah offers an amendment which will be stated.

The ASSISTANT SECRETARY. On page 2, line 10, after the word "Congress" and before the semicolon, it is proposed to insert the words "at a rate not less than the cost of service to the Navy Department," so as to make the section read:

> That the Secretary of the Navy be, and he is hereby, authorized and directed, so far as is consistent with the transaction of Government business, to permit the use of the radio stations under the control of the Navy Department for the transmission and reception of commercial messages between ship and shore for the benefit of the general public, under regulations prescribed by him, and he shall fix the rates for such service, subject to control of such rates by the Congress, at a rate not less than the cost of service to the Navy Department, and the receipts for such service shall be turned into the Treasury as miscellaneous receipts.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment was, in section 2, page 3, line 1, after the word "special," to strike out the word "land" and insert the word "low," so as to make the section read:

> SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to permit the use of naval high-power radio stations, under the regulations prescribed in section 1, for the transmission and reception of commercial and press messages between these stations and other stations in the United States or its Territories, and between these stations and stations in foreign countries: *Provided*, That such use of naval high-power radio stations for commercial business, other than press messages, shall cease as and when the Secretary of the Navy is notified by the Secretary of Commerce that an American radio company is prepared to take over this work and establish adequate communication between the points in question: *Provided further*, That a special low charge shall be made for such press service at such rate as shall be fixed by the Secretary of the Navy.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Naval Affairs reported as an amendment that the preamble be stricken out, and the amendment was agreed to.

REMOVAL OF SOLDIER DEAD FROM FRANCE.

Mr. FRELINGHUYSEN. Mr. President, I am compelled to leave the city, and I should like to ask unanimous consent to take from the table, out of order, a short Senate resolution which I offered some days ago calling on the Secretary of War to give the Senate certain information.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent for the present consideration of a resolution which will be read.

The resolution (S. Res. 322) submitted by Mr. FRELINGHUYSEN on March 5 was read as follows:

> *Resolved*, That the Secretary of War be, and he is hereby, directed to inform the Senate what steps have been taken to effect a settled policy in regard to the disposal and protection of the remains of American soldiers who have died in France, and what amount or amounts of money have been estimated to be necessary in the accomplishment of that result.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. FRELINGHUYSEN. I ask leave to modify the resolution by striking out the word "directed," in line 2, and inserting the word "requested."

The PRESIDENT pro tempore. The resolution will be so modified.

Mr. SMOOT. I ask that the resolution be again read.

The resolution as modified was again read, and agreed to.

OIL PROSPECTING IN FOREIGN COUNTRIES.

Mr. GORE. I submit a Senate resolution and ask unanimous consent for its present consideration. It merely calls for certain information.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Oklahoma offers a resolution, which the Secretary will read.

The resolution (S. Res. 331) was read, as follows:

> *Resolved*, That the President be requested, if not incompatible with the public interest, to inform the Senate—
>
> First. As to what restrictions, if any, are imposed, either directly or indirectly, by France, Great Britain, Holland, Japan, or any other foreign country, or the dependencies thereof, upon the citizens of the United States in the matter of prospecting for petroleum, or in the acquisition and development of lands containing the same within the territory subject to the jurisdiction and influence of such countries.
>
> Second. If such restrictions exist, what steps have been taken by the Government of the United States to secure their removal and equality of treatment in respect of citizens of the United States.
>
> Third. If any restrictions are imposed by the Government of Mexico upon citizens of the United States in regard to the acquisition or development of petroleum-bearing lands within its jurisdiction which are not imposed upon nationals of other foreign countries.
>
> Fourth. If any such discriminating restrictions are imposed by the Government of Mexico upon citizens of the United States, what steps have been taken by the Government to secure removal of such restrictions and the equality of treatment in respect to citizens of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? If not, the resolution is adopted.

Mr. HITCHCOCK. Mr. President, reserving the right to object, the Senator is asking unanimous consent for the present consideration of the resolution, as I understand?

The PRESIDING OFFICER. That is the request.

Mr. GORE. That was my request, and it has been acted upon. I will say to the Senator that the resolution contains the usual clause, "if not incompatible with the public interest."

Mr. HITCHCOCK. I should like to ask the chairman of the Committee on Public Lands what provisions were inserted in the land-leasing bill recently passed by Congress affecting the sub-

ject matter of the resolution submitted by the Senator from Oklahoma?

Mr. SMOOT. The resolution applies to foreign countries.

Mr. HITCHCOCK. I so understand.

Mr. SMOOT. There is no provision in the land-leasing bill affecting the questions involved in the resolution.

Mr. HITCHCOCK. Were there not provisions in that legislation restricting citizens of other countries as compared with citizens of our country in connection with the exploitation of oil lands in the United States?

Mr. SMOOT. There are no restrictions other than that in case there is a restriction in a foreign country against citizens of this country, then the President of the United States shall have the power to prevent citizens of such foreign country securing leases on oil lands located within the United States.

Mr. HITCHCOCK. That was my impression; that is to say, that the Congress has already recognized the possibility or the fact of restrictions imposed by other countries and has provided that if those restrictions are made by other countries the citizens of those other countries shall have the same restrictions imposed upon them in the United States. In view of that act of Congress, taking jurisdiction over the question, it seems to me a little questionable whether we should direct this inquiry to the Executive.

Mr. SMOOT. This is only asking for information as to whether there is discrimination against our country by any foreign country. The resolution will not in any way interfere or come in conflict with the provisions of the oil-leasing act.

Mr. HITCHCOCK. No; I understand it would not, of course; but if the oil-leasing act provides that the United States will retaliate against any country which imposes restrictions on aliens, then Congress has already acted upon the matter provided for.

Mr. PHELAN. Mr. President, it applies only to the public domain of the United States.

Mr. SMOOT. That is all that Congress could affect by legislation.

Mr. PHELAN. But the Senator from Nebraska assumes that it applies to all oil lands.

Mr. SMOOT. Oh, no; it applies only to the public lands.

Mr. HITCHCOCK. I have not made any assumption. I am merely asking for information. My recollection was that Congress recognized the existence of discriminations by a number of countries, especially Great Britain, against aliens, citizens of other countries, and, having recognized it, that we provided for a retaliatory measure so far as it applied to the public lands.

Mr. SMOOT. Only so far as it applied to public lands; but it does not, of course, apply to private lands, nor could we legislate on any question of private lands.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I yield to the Senator from California.

Mr. PHELAN. The bill which we passed, of course, referred exclusively to the public domain, and provided for leases. In the discussion it was brought out that a domestic corporation in which foreigners held the stock were permitted to engage in the exploitation and development of land. At that time I endeavored to put an amendment on the bill by which the President would have the power to put an embargo upon the exportation of all oils, whether developed in the public domain or in private lands, for the purpose of deterring foreigners from acquiring the lands which are now open to them, as in Oklahoma and Texas and California. There is nothing to prevent foreigners from acquiring, through a corporate organization, our valuable oil properties; and to-day, I see, the scarcity is so great that the Shipping Board, in order to get a reasonable price, will be compelled to commandeer under the war powers the oil which was developed by our people. It is an acute situation.

I therefore think that the resolution offered by the Senator should meet with no opposition, because it develops these facts in an official and authentic way. Outside of the public domain, we are really at the mercy of those great foreign Governments that are seeking to acquire the oil of the world, and it is time that the Senate should be informed in regard to the matter.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. HITCHCOCK. I will yield the floor in just a moment, if the Senator will permit a further statement.

Mr. GORE. Certainly.

Mr. HITCHCOCK. I see no possible objection to the resolution as far as it seeks for information as to what countries impose these restrictions on aliens, and of course that will include citizens of the United States; but when the Senator asks the Executive to state what steps he has taken to secure the removal of those restrictions, it seems to me the President can naturally point to the enactment of this law which he approved, which is a retaliation against those countries.

I doubt whether the Executive could go any farther or do anything more than has already been done by the action of Congress, approved by the President, in retaliating against the countries which have taken that step.

Mr. GORE. Mr. President, it is true that the leasing act contained a retaliatory provision which would exclude foreigners from exploiting the public domain in this country where the laws of the country to which the foreigner belonged contained an exclusion against our citizens. This, I may say, is looking ultimately to reciprocity instead of retaliation. If foreign countries exclude our citizens and we exclude their citizens, that, of course, is an act of retaliation; and if the worst comes to the worst, that policy would be justified. It would be much better, however, both for our citizens and for the public in this country generally, if we could bring about a policy of reciprocity between this country and other countries in regard to the development of oil territory.

I noticed a few days ago a statement made by E. MacKay Edwards, who is the English petroleum expert, in which he declares that within 10 years the United States will be obliged to purchase annually 500,000,000 barrels of oil produced within the territory of the British Empire. If that be true, it means not only an enormous expenditure on the part of the people of this country for a natural resource produced by foreigners, from which our people are excluded, but it means the absolute control of international shipping. The merchant marine of the seven seas will pass to those who have such complete and absolute control over petroleum, because petroleum is the fuel of the future. Navies and merchant marines must have recourse to the use of oil, in order to meet competition on the part of those who have access to petroleum.

It is known that Persia has granted to Great Britain an exclusive concession of 500,000 square miles, twice as large as the State of Texas, and Great Britain excludes the nationals of this country from prospecting for or exploiting oil in that vast region. They are not allowed to serve on boards of directors in companies exploiting that field. American citizens are not permitted, as I understand, to own stock in oil companies which are exploiting in that country. The same rules and regulations and restrictions are applied, as I understand, to Mesopotamia, which, it is predicted, will develop into the greatest oil field on the globe. Restrictions have also been imposed, as I am informed, in Mexico against nationals of the United States which are not applied to the nationals of other foreign countries. I do not know whether this is true or not. The public press has carried information of that character.

I will say to the Senator from Nebraska that this resolution calls upon the President for this information only in case it is deemed compatible with the public interest. If diplomatic steps are now being taken which it will be improper to divulge, the President, of course, would take advantage of this reservation.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. I yield to the Senator from Utah.

Mr. KING. Of course, the Senator is aware of the fact that in the early legislation by Congress dealing with the public domain, especially the mineral lands, there was a provision that only citizens of the United States could acquire title, so that we now have discrimination against aliens. They may not acquire the mineral lands owned by the Government of the United States.

Mr. GORE. Yes; but, as I understand, foreigners not only have but are exercising on a very extensive scale the right to acquire stock in petroleum companies operating in this country. The Dutch Shell is an alien company. It has vast holdings in the United States. We impose no discrimination against them. We ought not to submit to discrimination on their part against our nationals. The object of the resolution is to bring about reciprocity, if possible, and, if not, to lay the foundation for retaliation, the justice of which can not be challenged.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

COLVILLE INDIAN RESERVATION.

Mr. JONES of Washington. Mr. President, I ask for the present consideration of House joint resolution 194, Order of Business 417. I do so because of the urgency of the matter. It is a joint resolution for the relief of settlers on the former Colville

Indian Reservation, which has passed the House, and has been favorably reported by the Public Lands Committee of the Senate.

These settlers have had three years of extreme drought. It is absolutely impossible for them to make the payments on the Indian lands. The Land Office is sending out notices under the law as it exists, contemplating forfeiture; and for this reason I hope the joint resolution may be considered and passed.

Mr. KING. Mr. President, is it unanimously reported by the committee?

Mr. JONES of Washington. I understand so.

Mr. KING. There is no objection from any source?

Mr. JONES of Washington. No objection at all.

Mr. SMOOT. I will say to my colleague that the joint resolution is unanimously reported from the committee, and has also been approved by the department.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.," approved March 11, 1918, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized, in his discretion, to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, of the purchase price for lands sold under the act of Congress approved March 22, 1906 (34 Stats., p. 80), entitled 'An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes,' and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due unless the entryman applies for an extension and pays interest for one year in advance at 5 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided shall forfeit the entry and the same shall be canceled and any and all payments theretofore made shall be forfeited."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEPENDENCE OF ARMENIA.

Mr. KING. Mr. President, I offer the resolution which I send to the desk and ask that it be read and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 332) was read, as follows:

Whereas the affairs of the Armenian people, and particularly their relations to the Turks, have reached a critical stage which can only be relieved by the proper arming of the Armenian people for the defense of their political liberties and ancient territorial rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Government of the United States recognize the independence of Armenia under the Government of the Armenian Republic, having its seat at Erivan, in Russian Armenia; and be it further

Resolved, That it is the sense of the Senate that the allied powers and the United States forthwith furnish to the Armenian Republic adequate arms, munitions, equipage, and military stores to enable the Armenian Republic to raise and maintain an army for the defense of the liberty and independence of Armenia, the protection of the Armenian people, and the recovery and occupation of the territories from which the Armenians have been driven by the Turks; and be it

Resolved further, That it be the sense of the Senate that the proper and historic territories of Armenia be preserved in their integrity for the use and occupation of the Armenian people and for the support of their national life, and that all projects for the partition of Armenia be rejected.

Mr. KING. Mr. President, just a word. As long as it was believed that the United States would take some interest in the Near East, in Turkey, and in Armenian affairs, there was a cessation of the atrocities which the Turks were committing against the Armenians, but now that the Ottoman Turks have reached the conclusion that the United States has withdrawn from world affairs, there has been a recrudescence of the murders and massacres which have for so many centuries characterized their treatment of the Armenian people. Only recently, upon the withdrawal of some French troops from one of the cities in Cilicia, more than 16,000 Armenians were butchered. There is a determination upon the part of the Turks to destroy the Armenian race, in order that their lands and possessions may become the property of the Turks. They know of the superior virtues of the Armenians, of their capacity to build and govern, and of their own incapacity to organize a government or build a civilized community. Fearing the ultimate freedom of the Armenians and their permanency in Western Asia and Asia Minor, the cruel, barbarous Turks seek their extermination. I propose to keep before the Senate and the public the awful conditions in Armenia, and the failure of the civilized nations to do their duty toward a people who for centuries were an outpost protecting Europe against Asiatic hordes, and who in the World War battled bravely with the allied nations for the cause of freedom and the overthrow of the autocracy which Germany sought to impose upon the world.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I shall consume but a moment more, so the Senator can reach his matter before the morning hour expires.

Mr. THOMAS. Does the Senator intend to ask for the immediate consideration of the resolution?

Mr. KING. No; I intend to ask for its reference to the Committee on Foreign Relations.

I noticed in this morning's paper a telegram sent from Constantinople, containing an excerpt from a statement by an American girl. It reads as follows:

CONSTANTINOPLE, *March 8.*

Ten thousand Armenians are reported massacred, and now the French troops are evacuating the city. I have decided to stay with my orphans and take what comes. This may be my last letter. Whatever happens, rest assured: "God's in heaven and all's well." I am working in the daytime, and often in the nighttime in the emergency hospital. Believe me, war is hell.

Mr. President, the Christian peoples throughout the world sit down supinely and permit these atrocities to go on. We seem to possess no interest in those poor, suffering people and evince a willingness to see the Armenian race exterminated. The American people should be aroused to the enormity of the crime which is being perpetrated by the Turkish people. There should be protests from every city and community against the inhuman and barbarous conduct of the Turks. The Christian world was unanimous in demanding that the Turkish Government should be ended in Europe, and that the remnants of the Armenian people should be restored to their historic land and enjoy freedom under a government of their own choice. Shall the Christian nations fail in their duty in this dark hour? Shall we refuse to hear the cries and lamentations of these suffering people and condemn them to further brutalities and to extinction? It would be a blot upon the Christian nations if they failed to protect this people in this crisis. We must act; our duty is plain. The allied nations must act. They can not escape the condemnation of the world if they refuse succor to Armenia in her hour of travail. Let the Senate speak and voice the sentiments of the American people! Let our Government recognize the struggling Armenian Republic and join with the allied nations in giving material aid to a people who fought for the Allies and for us and for civilization.

I hope that the resolution just read, or another better phrased and stronger and more explicit in its terms, will speedily be reported from the Committee on Foreign Relations.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Foreign Relations.

RECLASSIFICATION COMMISSION.

Mr. JONES of New Mexico. I move that the Senate take up for consideration Senate joint resolution 160, to provide for the preservation and maintenance of the records of the Joint Commission on Reclassification of Salaries.

In explanation of the joint resolution, it may be advisable to say just a word at this time as to the reason why I seek to have it considered now.

The Joint Commission on the Reclassification of Salaries in the District of Columbia will make a report on Friday of this week. During the work of that commission there has been assembled a list of all of the positions in the Federal service in this District. An effort has been made to keep that list current, so that when the committees of Congress shall come to consider the report of the commission, and act upon it, there will be available for the committees at the time complete data as to the number of employees and the positions which they occupy in the Federal service. It is necessary that that work shall be kept up to date if the committees are to have the benefit of the labor of the joint commission.

The joint resolution provides only that this work shall be kept current, under the supervision of the Civil Service Commission. An amendment to the joint resolution has been reported by the Committee on Civil Service and Retrenchment providing that the departments shall detail assistants to the commission to continue this work. The suggestion that these employees should be detailed for the work comes from the fact that the work has been done by detailed employees thus far, and those who are familiar with the work should continue it, but under the supervision of some governmental agency.

The commission will go out of existence on Friday of the present week, and it is important that this work shall be continued until the committees of Congress shall have an opportunity to take up for consideration the work of the Reclassification Commission. I may state that the Reclassification Commission will have its report ready, we feel, certainly not later than Friday of this week. It is now in the hands of the printer. After observing that work I feel quite sure that Congress will be disposed to continue keeping the data up to date. But it will then have an opportunity to judge of that matter.

In the meantime, however, as chairman of the commission, I ask for the passage of this joint resolution. It was referred to the Committee on Civil Service and Retrenchment, and that committee made its report recommending the passage of the resolution. I am making this request now at the instance of the Senator from South Dakota [Mr. STERLING], the chairman of that committee.

I therefore move that the joint resolution be taken up for consideration.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	France	Knox	Sheppard
Beckham	Gay	Lenroot	Shields
Borah	Glass	Lodge	Smith, Ga.
Brandegee	Gronna	McCormick	Smith, Md.
Calder	Hale	McKellar	Smoot
Capper	Harrison	McNary	Spencer
Chamberlain	Henderson	Moses	Thomas
Colt	Johnson, S. Dak.	Nelson	Townsend
Cummins	Jones, N. Mex.	New	Trammell
Curtis	Jones, Wash.	Norris	Underwood
Dial	Kellogg	Nugent	Wadsworth
Dillingham	Kendrick	Overman	Walsh, Mass.
Edge	Kenyon	Phelan	Walsh, Mont.
Elkins	Keyes	Poindexter	Watson
Fernald	King	Ransdell	Wolcott
Fletcher	Kirby	Reed	

Mr. GRONNA. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is ill.

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from New Mexico that the Senate proceed to the consideration of Senate joint resolution 160.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, pending that motion, I move that the Senate, in open executive session, proceed to consider the treaty of peace with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. MCCORMICK. Mr. President, since we have come to the consideration of the reservation on article 10 for the second time, I venture to make a few observations upon certain passages of the President's last letter to the Senator from Nebraska [Mr. HITCHCOCK], in the light of some illuminating facts, and of the published correspondence upon the Adriatic controversy.

The President says in the course of his last letter:

> If article 10 is not adopted and acted upon, the Governments which reject it will, I think, be guilty of bad faith to their people whom they induced to make the infinite sacrifices of the war by the pledge that they would be fighting to redeem the world from the old order of force and aggression.

Parenthetically, that particular canticle has a familiar sound.

> If America has awakened, as the rest of the world has, to the vision of a new day in which the mistakes of the past are to be corrected, it will welcome the opportunity to share the responsibilities of article 10.

If America has awakened to the vision of the new day!

A little further in the letter there is evidence that while America may be awakening to a new day, His Excellency, the President of the United States, is alarmed by a nightmare.

> Through the sessions of the conference in Paris it was evident that a militaristic party, under the most influential leadership, was seeking to gain ascendency in the counsels of France. They were defeated then, but are in control now.

Modesty, I suppose, leads the writer to refrain from saying that their redoubtable adversary having resumed some of his duties in the United States, the forces of evil are able to prevail.

They were defeated then, but are in control now!

> The chief arguments advanced in Paris in support of the Italian claims on the Adriatic were strategic arguments—that is to say, military arguments which had at their back the thought of naval supremacy in that sea. For my own part, I am as intolerant of imperialistic designs on the part of other nations as I was of such designs on the part of Germany.

It is not surprising that during the last weeks the peoples of France and of all Europe first were increasingly bewildered and then disillusioned by the President's changes of position. The American people went through the same psychological changes in regard to Dr. Wilson as have the peoples of Europe.

There was a time when he was elected because he "kept us out of war." We remember that in America. Perhaps they are beginning to recall it across the seas. Then he urged "peace without victory." Later he insisted that it was the duty of the people of the United States to remain "neutral even in thought" as between the armed force of autocracy and the struggling forces of democracy in Europe. In the perfect English of which he is so completely a master, Dr. Wilson held that we had "no concern as to the obscure causes" of the conflict.

It may very well be that the President's education in the modern history of Europe was begun late in life. Manifestly, it is no more complete than his education in the political geography of Europe. We recall that he did not know that before the breaking up of the Hapsburg empire the Slovaks were subjects of the crown of St. Stephen, and not of Austria. But, sir, since he himself has been to Paris, it is astonishing that he has permitted his ignorance of the French language to allow persons to deceive him as to the political forces at work in France. Any tyro in French politics knows that the militaristic forces, the political forces to which Dr. Wilson alludes, found their expression in the great Frenchman who was prime minister at the time Dr. Wilson was in Paris, M. Clemenceau, and in his colleague, M. Andre Tardieu, who at one time was high commissioner of the French Republic in this Capital, and who later was a member of the French peace delegation. I do not mean that the extremists among the militarist forces, if their choice had been free, would have chosen those two; but since they were not free, certainly these two more nearly than the cabinet which now represents the Government in France expressed the policy which the President deplores.

The French chambers, sitting in joint assembly, in spite of M. Clemenceau's incomparable service to imperishable France, refused him the honor and the moral authority which inhere in the Presidency of the French Republic. As you know, sir, the President of the French Republic has no political authority, but the French chambers were unwilling to vest in that grand old man of France, who believed in arms as the safeguard of peace, the moral power which he might exercise in the Presidency. They chose in his stead M. Deschanel, the president of the Chamber of Deputies, who, like his predecessors, M. Poincare and M. Fallieres, represented those elements in French public life which had been opposed to Chauvinism.

The ministry itself, even though it must reckon with these forces, includes in its members as minister of the interior Monsieur Steeg, who has been denounced as a pacifist or defeatist by the very forces which the President says now are in control. Consider that he is minister of the interior, in whose hands under the French constitution is vested the control of the Government—general, divisional, and local—throughout France. Consider that he may remove even the elected local officers.

But, Mr. President, astonishing though Dr. Wilson's misapprehension of the facts regarding France may be, no less astonishing are the strictures which he places upon the Government of a friendly, and, to be precise, associated power. As the Roman Emperor longed that the world might be his oyster, it would seem that the Chief Executive would have the great powers of the earth each his Mexico in order that he may determine upon the recognition of the government de jure and de facto according to their fulfillment of his ideals and their subservience to his purposes.

The cabinet of France is its executive. It exists to-day by virtue of the decision of the majority of the French Chambers chosen in the last election. It governs by virtue of that majority and not despite a repudiation by the people at the polls. Even though its policy may be challenged, it is the policy of the majority which it seeks to fulfill. None can charge either that the will of the majority is cheated by the obduracy of a repudiated executive.

We certainly would brook no interference in our internal affairs, but seemingly our representatives have so fallen into the habit of governing the affairs of Europe that now they think it proper to determine for the democracies of Europe the morality of the public policies adopted by their duly chosen Governments.

But, Mr. President, there seems some confusion of counsel among our world tribunes. The President himself says:

> If America has awakened, as the rest of the world has, to the vision of a new day—

And then adds that—

> A militaristic party, under the most influential leadership, seeking to gain ascendancy in the counsels of France * * * are in control now.

The Senator from Nebraska [Mr. HITCHCOCK] said:

France has enormously changed since the days when George Washington wrote his Farewell Address. The conquering hero who grew out of the French Revolution was even then, in the full strength of his growing powers, bent upon the conquest of Europe. France has now become a Republic, and in France the opinion of the French people rules the Republic as completely as the opinion of the American people rules the Republic of the United States. They make and change their laws at will, and they topple over their cabinets whenever they do not respond to public opinion in France.

So said the paladin of the new liberties upon this floor—the Senator from Nebraska. As the Senator from Nebraska speaks of France, so also does he speak of the constitutional monarchy in Italy, which Dr. Wilson reprobates as seeking to carry out imperialistic designs because it holds that it must find a strategic frontier in Istria, a frontier which will include the corpus separatum of Fiume. The inconsistencies of our policy in Europe are as numerous and fantastic as the follies and dangers of our intervention there are great.

You have noted, sir, in reading the correspondence upon the Adriatic controversy that the President objected to the bestowal upon Italy of a coastal strip—a barren coastal strip—along the Adriatic, a strip necessary to the geographic contact between Fiume and the body of the kingdom. To his objection was joined denunciation which found no incongruity in opposing on the Adriatic what is justified in the establishment of the corridor which gave Poland her vent to the sea.

I do not argue the merits either of the corridor or the coastal strip, but if one was justified by high reasons of state so was the other. If the anamalous provision made for the government of Danzig was sound, so, based upon it, was the provision proposed by the European prime ministers for the government of Fiume.

But this is a minor instance of the absurd, the fantastic inconsistency of the contention of the American administration, which is bringing down upon us the ridicule and the ill will of the peoples to whom we were joined in the war. The very hand which signed the protest, the denunciation, if you please, against the establishment of strategic frontiers contained in the paragraph of the letter to the Senator from Nebraska, which I have read, has signed the agreement which established the strategic frontier at the Brenner, which blocks from the north any army which might seek to invade Italy through the valley of the Adige. The same hand joined in the agreement which established the strategic frontier of northwestern Czechoslovakia, a frontier which, God knows, is defensible on no other ground.

The proposal of the allied prime ministers would add 50,000 Jugo-Slavs to the 400,000 already included within the so-called Wilson line—the projected Italian frontier indorsed by Dr. Wilson. To the north of the Brenner half a million Tyrolese are held within the defensible and political frontier of Italy, and that to the northwest of Czechoslovakia includes within the new State 3,000,000 Germans as against some four and one-half or five million Czechs and three or three and a half million Slovaks.

The morality, the wisdom, the sound and enduring public policy of the establishment of a strategic frontier depends upon many factors. It is childish to condemn strategic frontiers as such. Was it not Thomas Jefferson, whose present Democratic successor is his political antithesis—was it not Thomas Jefferson who said that whatever power holds the mouths of the Mississippi must be the enemy of the United States?

In laboring his argument the President urges that the pact of London, being a secret treaty, can have no bearing on the settlement of the issue upon the shores of the Adriatic. Heaven bless us and keep us in countenance! The venerable stylist who now argues in that sense has utterly forgotten the secret treaty which led to the establishment of the Saar settlement and to the infamous agreement by our representatives regarding Shantung, which defies adequate characterization upon this floor.

But I do not speak of hypocrisy. It is an aberration of memory, surely, which alone could explain such a contradiction.

It is reported to have been remarked by the Presidnt that since this war was waged largely to preserve the sanctity of treaties, although some of them were unconscionable, yet must they be carried out. They must be carried out when they inure to the benefit of Japan—able, redoubtable, sinuous Japan—but not when they relate to Italy, hungry and wasted. They must be carried out in the interest of Japan, less than 500 of whose sons fell in this war, but not in the interest of Italy, half a million of whose sons sleep their last sleep on the Carso and on the Julian Alps, on the parched deserts or the frozen peaks of her frontiers.

The note addressed by the British and French premiers to the President, and made public on the 5th of March, reads in part as follows:

The French and British prime ministers must further refer to the observations of President Wilson on the character and applicability of the treaty of London. With regard to the treaty they feel bound to insist that its secret character, to which he objects, was due to the exigencies of military strategy. The essence of all success in warfare is to prevent divulging to the enemy of important plans which are of a military or political character, and the treaty on the faith of which Italy entered the war was not one which could be published during hostilities without detriment to the allied cause.

With regard to their statement that in the event of an amicable settlement not being arrived at between Italy and Jugo-Slavia the treaty of London would have to come into force so far as they are concerned: The French and British prime ministers feel that they need add little to the explanations they have already given in the memorandum of February 17.

It is interesting to consider the respective dates upon which Italy entered the war and upon which the President urged "peace without victory."

The definite and well-accepted policy of the American Government—

Writes the President in his reply made public on March 7—

throughout its participation in the deliberations of the peace conference was that it did not consider itself bound by secret treaties of which it had previously not known the existence.

I take it, then, that Dr. Wilson was party to the Shantung arrangement—unofficially, at least.

Where the provisions of such treaties were just and reasonable—

As in Shantung, I assume—

the United States was willing to respect them. But the French and British prime ministers will, of course, not expect the Government of the United States to approve the execution of the terms of the treaty of London, except in so far as that Government may be convinced that those terms are intrinsically just and are consistent with the maintenance of peace and settled order in southeastern Europe.

Contrast the lot of the 36,000,000 of Shantung with that of the 400,000 Jugo-Slavs, whose fate is determined without consulting them; consider, too, the half million Tyrolese and 3,000,000 Germans in Czechoslovakia, the million and more Magyars and Ruthenes in Czechoslovakia, the 3,000,000 and more Ukrainians in Poland. Compare the policy which justified the arbitrary determination of the sovereignty over these millions with that which decided the fate of the 50,000 Jugo-Slavs who would be made subjects of Italy by the settlement proposed by the French and British prime ministers, and to which the President objects.

In order that he might do justice to the 50,000, whereas he refused to do it to the millions, he makes a portentious threat, the terms of which I read verbatim to the Senate:

But if substantial agreement on what is just and reasonable is not to determine international issues, * * * if, in a word, the old order of things which brought so many evils on the world is still to prevail, then the time is not yet come when this Government can enter a concert of powers the very existence of which must depend upon a new spirit and a new order. The American people are willing to share in such high enterprise, but many among them are fearful lest they become entangled in international policies and committed to international obligations foreign alike to their ideals and their traditions.

I sometimes wonder if Janus becomes dizzy trying to look upon the many aspects of our policy.

To commit them to such a policy as that embodied in the latest Adriatic proposals and to obligate them to maintain injustice as against the claims of justice would be to provide the most solid ground for such fears. This Government can undertake no such grave responsibility.

It is to be upon the determination of a single person, then—frail, fallible, changeable as all of us are—that the United States is to decide whether a settlement is just, and as such is to be guaranteed, or whether it is unjust, and the charter of a new order therefore is to be withdrawn from the consideration of the Senate. The President would guarantee frontiers of central Europe which do violence to the spirit of nationality among millions—guarantee them in the blood of our sons and in our treasure—but would withhold from all the world the guaranties of peace and of a new order if he may not have his will in the settlement of the frontier upon the Istrian peninsula against that of all the great democracies of Europe.

Out of the phantasms of fancy, the phantasmagoria of contradiction and inconsistency which envelop us, there arises this immediate and elemental fact. It has been admirably expressed by the venerable Senator from Massachusetts, who sees clearly the issue which will divide men here. He said:

Now, the President says that the salvation of the world must not be sought by the counsel of diplomats. That cuts out of the treaty every provision in it except article 10, and article 10 is not diplomatic; it is an appeal to naked force. That is why we so much object to it; that is why the country so much objects to it; it is naked force, for which each nation is made individually responsible.

There is not one objection which has been made by the most extreme opponents of the league, and of article 10 particularly, that is not admitted and advocated in the letter of the President. Article 10 is the one pure force article in the covenant. He discards all the others and

stands on that alone. It is well that he has said it; the issue can be veiled no longer; it justifies the position that we on this side, all alike, have taken, that there must be no obligation imposed on the United States to carry out the provisions of article 10.

The issue can be veiled no longer. The legalistic phrase makers may write and rewrite reservations, they may torture sentences and conjure with words, but the issue is here. If agreement is to be had and ratification consummated, the Senator from Nebraska and the President of the United States must eat their words, or so must the Senator from Wisconsin and the Senator from Massachusetts. The issue can not be confused by anything written in these halls or voted in this Chamber. It will not down. If there be ratification, surrender there must be, too, and the people will know who has surrendered.

Mr. POINDEXTER obtained the floor.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Gerry	Lenroot	Sheppard
Brandegee	Glass	Lodge	Simmons
Calder	Gore	McCormick	Smith, S. C.
Capper	Hale	McKellar	Smoot
Chamberlain	Harrison	McNary	Spencer
Colt	Henderson	Myers	Stanley
Culberson	Hitchcock	Nelson	Sterling
Cummins	Jones, N. Mex.	New	Sutherland
Curtis	Jones, Wash.	Nugent	Thomas
Dial	Kellogg	Phelan	Trammell
Dillingham	Kendrick	Phipps	Walsh, Mass.
Fernald	Kenyon	Poindexter	Walsh, Mont.
Fletcher	Keyes	Pomerene	Watson
France	King	Ransdell	Williams
Gay	Knox	Reed	Wolcott

Mr. BRANDEGEE. I desire to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Arkansas [Mr. KIRBY] are detained on official business of the Senate upon a conference committee.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

Mr. POINDEXTER. Mr. President, in the letter of the President of the United States of March 8, 1920, addressed to the Hon. GILBERT M. HITCHCOCK, United States Senate, there is a very illuminating passage which serves, I believe, to put in clear definition the attitude the advocates of the league assume toward the new order in the world which will ensue from its adoption. In his letter the President uses this language:

> Any reservation which seeks to deprive the League of Nations of the force of article 10 cuts at the very heart and life of the covenant itself. Any League of Nations which does not guarantee as a matter of incontestable right the political independence and integrity of each of its members might be hardly more than a futile scrap of paper, as ineffective in operation as the agreement between Belgium and Germany which the Germans violated in 1914.

From this it appears, Mr. President, that it is the view of the chief of the advocates of the League of Nations that if those nations which become its members "guarantee as a matter of incontestable right," to quote his language, "the political independence and integrity of each of the members," then this covenant will be more enduring and productive of more substantial results in preserving the peace of the world than was the treaty between Prussia and the other nations as to Belgium.

The President does not say why he supposes this agreement is to be more effective than the agreement which was made between the nations to the Belgian treaty in 1831.

Prussia, Austria, France, Russia, and Great Britain, in a treaty with the Netherlands, on the 15th day of November, 1831, did exactly, in so far as Belgium is concerned and in very similar language, what it is now proposed that the various nations which are invited to become members of the League of Nations shall do in regard to the territorial integrity of the several members. The President notes that the result of that agreement was that the treaty became a scrap of paper. But he says if we do not make an agreement to the same purport and effect which was made in that treaty, the covenant of the League of Nations is destined to become no more than was the treaty with Belgium.

It seems to me, Mr. President, that it illustrates in a very convincing manner the illusion which exists as to the effect which the agreement of the League of Nations is to have upon the world.

It is assumed that those who plight their faith in this agreement are to keep the agreement in some different way from that in which similar agreements in the past have been kept, and with that assumption, that illusion that the heart of man is to be changed—the old conflict of evil is to be suppressed, and the council of the League of Nations, the diplomats of whom the President speaks, are to be governed by motives of justice and generosity in the place of those of ambition and selfishness which, as the President himself points out, have governed similar councils of diplomats in all times past. Yet there is no ground given for the assumption, no argument made nor facts presented upon which we could surely assume that this agreement will be any more binding upon those nations than the scraps of paper of former State agreements.

The language of article 10, in so far as it affects the matter which is spoken of in the extract which I have just read, uses the word "undertake." It says that—

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

The only difference between this agreement and the agreement between the nations and the Netherlands in regard to the neutrality of Belgium is that in the Belgian treaty the word "guarantee" was used. Why there should be any more effect from the word "undertake" than from the "guarantee" of the neutrality of Belgium is not explained. The Belgian treaty of 1831 provided as follows:

> Belgium, within the limits specified in articles 1, 2, and 4, shall form an independent and perpetually neutral State. It shall be bound to observe such neutrality toward all other States.

Article 25 provides that—

> The courts of Great Britain, Austria, France, Prussia, and Russia guarantee to His Majesty the King of the Belgians the execution of all the preceding articles.

This is signed by the representatives of those various nations, by which signatures they guarantee the perpetual independence and neutrality of the new Belgian State, whose boundaries were defined in the treaty.

I assert as a matter of fact—getting away from the illusions which have existed as to the immediate coming of a new order in the world—the adoption of the covenant of the League of Nations, even though it should be adopted in its original form, in which the nations that are members of it undertake to preserve the territorial integrity of its various members, will have no more effect, and we can not expect it to be subject to any more success, than was the treaty of 1831 with Belgium, which used even stronger language than that which is contained in article 10 of this agreement.

In 1914, when the world was confronted with a great conflagration of war, which everybody foresaw would probably engage all the great nations in Europe and develop into the greatest struggle of arms that history had recorded, the United States had an opportunity, if it chose to do so, to assume the burdens and the obligations which are sought now to be imposed upon it in article 10 of this agreement which the President is urging with so much force. France and Great Britain sent a representative to the President of the United States. He visited him at the White House, and on behalf of those nations which were then standing upon the threshold of a conflict with the great military machine of Germany he urged the President to use at least the moral forces of this great Nation to stop further progress of war which would plunge the world into blood. The situation in which the United States was at that time, as compared with the situation in which it would be if bound by article 10 of this covenant, constitutes the difference between the advocates and the opponents of the league. Those who are opposed to the adoption of article 10 do not propose to deprive this Nation of the power to use its influence, its arms, if need be, to preserve territorial integrity and political independence in such emergencies as may involve the destinies of the world or the interests of this country to such an extent as to justify such an interposition. We are opposed to binding ourselves to interpose under all circumstances and conditions, and to do so under the direction of the council of the League of Nations rather than that we should be free to act under the judgment of the American people in the emergency when it arises.

In 1914 when the message was presented to the President many of the most prominent leaders of public thought in America urged the President at that time that he should act. It was such an emergency as had not arisen for many years before that time and probably will not arise for a generation succeeding this Great War that has just closed. When the opportunity comes for this Nation to act, without the responsibilities sought to be placed upon it under all circumstances and conditions by article 10 of the League of Nations, if the emergency is sufficiently great, that action will be taken.

But the attitude of the President at that time was that it was a matter which did not concern us, and even after the appeal had been made the President's position was that we should keep out of the war. The principal slogan in a great political campaign was that he had done so, that he had kept us out of the war in the exercise of his leadership as the chief executive officer of the country.

But now the position of the President and those who agree with him in regard to the League of Nations is not only that in such an emergency we should intervene if the free judgment of the Government of the United States approves it, but that we should bind ourselves in advance under all circumstances, without the opportunity to determine whether the emergency justifies it or not, to become a party to the conflict.

I fail to understand why it is assumed, in case this covenant should be adopted, that it would preserve the peace of the world longer than the treaty of Belgium preserved the neutrality of Belgium. For 85 years after the treaty of Belgium was ratified that little nation, situated as a buffer State between the greatest military powers of Europe, preserved its independence and territorial integrity by virtue of the treaty of November 15, 1831. If the covenant of the League of Nations, which the President says would amount to no more than did the treaty of Belgium, even should it be ratified without article 10, should preserve the peace of the world for a period of 85 years after its adoption, I think it would be accomplishing a great deal more than even its most optimistic advocates expect of it.

Mr. President, there are some further circumstances which indicate, it seems to me, the illusion, if I may use that word, of the League of Nations as to its power to remove the bitter conflict, the militarism, in which the Old World heretofore has been involved. The President himself in this letter uses some very bitter language toward the Republic of France. He says it is now in the control of a militaristic party. He sets out at considerable length the old order which had existed in Europe, "the ideal of imperialism which seeks to dominate by force and unjust power, an ideal which is by no means dead and which is earnestly held in many quarters still." He says:

> Militaristic ambitions and imperialistic policies are by no means dead, even in the councils of the nations whom we most trust and with whom we most desire to be associated in the tasks of peace.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. POINDEXTER. Certainly.

Mr. GORE. Have not Great Britain, France, and Italy already entered into the League of Nations, and is it not a functioning reality among those nations?

Mr. POINDEXTER. I was just going to call attention to the fact. It seems to me to be a rather overoptimistic hope that merely by joining the League of Nations, in which we shall be partners with Great Britain and France, the selfishness, ambition, and militarism, if they exist as charged in the President's letter, would disappear.

Mr. GORE. Has not the league regenerated those nations?

Mr. POINDEXTER. I should not imagine so, although if it is to have that effect it would seem that it should have already regenerated those members which have ratified it.

The partitioning of China, the subjection of Persia to the control and suzerainty of Great Britain, the partitioning of the Turkish Empire, are all a part of the old order of things, of which the President has spoken. Yet it is proposed that we shall join an irrevocable league, at least one from which we can never withdraw without being subjected to the charge of being quitters, of quitting the game and of abandoning our obligations and responsibilities, and that once we may join it, by becoming a member of that agreement we are to live in a world of unselfishness, of international altruism, with the very nations which the President here says are at this moment controlled by militarism and selfish ambition.

Most people who are advocates of the League of Nations and who are actuated by very high motives of idealism, though they are enamored of the idea of the League of Nations, object to everything that the League of Nations has done. They are not in favor of the rape of China. They are not in favor of the partitioning of the eastern world by the European military powers. They are opposed to that as a part of the old order of things. And yet for some unexplained reason they insist that the very nations already in alliance, which have pursued this "old order" of ambition, are henceforth to be of the "new order."

Unfortunately there is no assurance, no explanation, no new light to aid us in accepting the belief that is demanded of us that those characteristics that have governed them so far in the conduct of the League of Nations will be changed in any particular whatever after its ratification by the United States. The President says in his letter:

> It must not be forgotten, Senator, that this article constitutes a renunciation of wrong ambition on the part of powerful nations with whom we were associated in the war.

That is, article 10. France had adopted article 10; Great Britain had adopted article 10; Italy had adopted article 10; Japan had adopted article 10; but it did not operate with those nations as "a renunciation of" what the President calls "wrong ambition on the part of powerful nations with whom we were associated in the war." The adoption of article 10 did not deprive Japan of the desire to obtain her share of the German islands in the Pacific; our alliance and association did not enable the United States to prevent Japan from taking Shantung from China, our friend and ally in the war. It did not prevent Great Britain from taking a greater empire, a greater colonial extent of territory, than she had ever obtained on any previous occasion. So why are we to believe that the adoption of article 10 constitutes, as is stated here, a renunciation of the selfish ambition by which nations heretofore have been guided in their international affairs?

There is reference in the President's letter to the rule of the world by a small coterie of trustees. The President on various occasions has expressed his objection to the people of the world having their destinies controlled by trustees. In this letter he again refers to that subject, as follows:

> For my own part, I am not willing to trust to the counsel of diplomats the working out of any salvation of the world from the things which it has suffered.

I agree with him in that; and, because I agree with the President in that brief and succinct enunciation of fundamental principles of government, I am opposed to the adoption of a constitution of the world which shall be under the control of a small handful of diplomats sitting at the seat of the league in some European country.

What else, Mr. President, is the council of the League of Nations if it is not a council of diplomats; and what else, according to the arguments which have been made in its behalf by its chief advocates, will be the purported and ostensible object and the labor of the council of the League of Nations, a small body of diplomats in some European city which may be selected as the seat of government of the league, but the working out of the salvation of the world? That is the purpose—the salvation of the world—which with very high idealism the President has urged as the justification for the supreme sacrifice of the independence of the United States.

I call attention, Mr. President, to the inconsistency of the declaration of the President in this letter, that he will not consent to trust the salvation of the world to a small council of diplomats at the same time he is writing to the Senator from Nebraska, who is in charge of the League of Nations upon the floor, urging the adoption of the instrument which will put the destinies of the world in charge of that very kind of an organization.

Mr. President, during the discussion of the League of Nations on the floor here the other day there were a number of other indications of the unusual psychological state of mind which the discussion of this subject has produced, it seems to me. We had here the spectacle of the Senator from Nebraska, who is the chief advocate of the league covenant in the Senate, urging in behalf of certain of its provisions that we could afford to allow the self-governing dominions of Great Britain the right to their multiplied British vote in the League of Nations because we could depend upon it that in questions involving great American interests which were vital to our country the votes of the British dominions would be cast with the United States. No explanation was given by the Senator from Nebraska for any such assumption.

We even heard it argued here that the Dominion of Canada was an independent nation to all intents and purposes. Those propositions were stated here as a basis on which it was perfectly safe for the United States to entrust its destiny to the League of Nations, in which one of the rival powers, said by the President to be governed by selfish ambitions and imperialistic designs, has six times as much interest and influence in this international government as the American people shall have.

The statement that Canada will vote with the United States is pure assumption; there is no reason to suppose that the British dominions in any conflict in the League of Nations, in which there is a rivalry between the British Empire and the United States, will side with the United States against the interest of that Empire.

Mr. President, the same sort of psychological eccentricity was demonstrated by the argument which was made at the same time that while the British dominions, although a part of the British Empire, would take the part of the United States in vital controversies, we could also depend upon Central American countries, such as Honduras, Haiti, and Panama, to vote with the United States, and thereby counterbalance the increased number of votes given to the British Empire in the league.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I do not know whether the Senator has referred to it or not, but I call his attention to the fact that the executive of every one of the so-called self-governing dependencies of Great Britain is nominated and appointed in England and sent out from England.

Mr. POINDEXTER. That is entirely true. The fact of the case is that it seems to me almost incredible that here in the Senate of the United States we are debating in a serious way whether or not Canada is a part of Great Britain and what kind of a government it has. Everybody knows the main, essential features of the Canadian Government. I admire the Canadians very much; and one thing that I admire them for is their intense love of their country; I admire them also for their ability to look after the interests of their country. What I should like to see in the American Senate in the consideration of this instrument, which proposes to divest us of independence and subject our material interests to the control of foreign peoples, is some similar sort of national patriotism and of governmental capacity which has been shown by the Canadians and by the British in the disposition of these questions.

Mr. BRANDEGEE. No doubt the Senator is aware, although I do not know whether he has referred to it, that every one of the so-called self-governing dependencies of the British Empire relies solely, or almost solely, for the maintenance of its local self-government upon the protection of the British Navy.

Mr. POINDEXTER. That is absolutely true. I am somewhat acquainted with the Canadians; I have been in Canada a great many times, and the Senator from Nebraska is entirely mistaken in the assumption that the Canadians are not intensely pro-British. I do not suppose there is a more intense pro-British element in the British Empire than the Canadian people. They are as intensely pro-British as are the inhabitants of Great Britain itself; and for us to be asked to surrender a superior vote in this international government to the dominions of Great Britain because we can depend upon them to look out for the interests of the United States is a very fair sample of that sort of practical sagacity which has directed the conduct of this whole affair.

Mr. President, it seems to me that it would be difficult to conceive of a more humiliating position for the 110,000,000 people of the United States, with their long heritage of self-government, the struggles and triumphs by which they have arrived at a self-builded state and have taken their place as equals among the greatest peoples of the world, than that which the Senator from Nebraska [Mr. HITCHCOCK] advocated the other day, that if we get into a hard fix in this League of Nations by reason of the British Empire having six times as many votes as we have, we can depend upon Haiti and Panama to take care of us. Haiti, a little negro Republic down in the Caribbean Sea which has given no indication of capacity to govern properly even its own petty island. We are told that we can depend upon them to look out for the interests of the people of the United States!

Why, Mr. President, China was told that, or something similar to it. When China appeared at the peace conference she was told not to bother about it; that her friends would take care of her. She wanted to employ an attorney to prepare a brief. The representatives of the United States waved her aside and said it was not necessary, that the United States would look out for the interests of China. China has adopted that policy which the advocates of the League of Nations in effect ask the United States to adopt. She has adopted it and followed it for years—a policy of nonresistance and passivity, either that her friends in some other part of the world will take care of her or that the Lord will take care of her. Now, as a matter of fact, the Lord takes care of those who take care of themselves. The American people have taken care of themselves and have attained what they have attained of the blessings of the world by their ability to do so.

It is a good deal like the Irishman who had his eyes blacked, and his wife asked him who gave him those black eyes. He said: "Nobody gives you nothin'; I had to fight for 'em." [Laughter.] We have had to fight for what we have; and when the time comes that we surrender the capacity to fight, if need be—although we do not want to fight unless it is the last resource—and depend upon the good will of Haiti and Panama to take care of us, or upon the illusion of the Senator from Nebraska that in a tight pinch Canada is going to side with us against Great Britain, then we will be in a worse situation than China is.

What is the situation in China? Her best friend, supposed to be the great altruistic nation of the world, the disinterested American Republic, told her she need not concern herself about her interests in the peace conference in Paris, that the conference would take care of her; and while it was doing that her own allies were robbing her of the most strategic point in her Empire, the Province of Shantung, the seat of the shrine of Confucius—a Province which also contains the strategic railroad of China, which makes a junction with the great arteries of commerce from the north to the south of the Empire. The nation which has its hand upon that key can control the future development and growth of the industries and commerce, the economic life and the military defenses of that mighty Empire. At the very time that they were being told that they need not concern themselves, that we would take care of them, that is the way we took care of them; and now it is argued, here in the American Senate, that it is a good thing for China, she ought not to object to it; it is a good thing for her to be partitioned, and a benefit to her, for Japan, in pursuance of what the President calls a militaristic and imperialistic policy, to rob her of her greatest Province.

Why, Mr. President, it is as though some leviathan of the deep were stranded upon a desert shore, and the wild Indians of the land were to put ladders upon its carcass, and mount like Lilliputians upon its monstrous body, and hack from its sides the flesh of which is was composed, and partition it among themselves. China is like a stranded whale, because she has adopted the policy which we are asked here to have the United States adopt. She has allowed herself to arrive at a helpless position, where she can only depend upon that thing which does not exist, and that is diplomatic and international generosity. There is not any such thing.

Mr. President, there is another phase of this matter of which I want to speak, and that is that phase which is indicated by the vehement arguments here in behalf of Great Britain.

We are very prone to imagine that there are no more tories in the United States to-day. We know that there were in the dark days when we gained this independence which it is now proposed to compromise by establishing the constitution of a government for the world. Anyone who has read the history of the war for independence knows of the difficulties which the patriots suffered by the opposition of their fellow citizens who were called tories, and those tories were not exterminated by the war for independence. All of them did not go to England.

Some of them remained in the United States and their descendants and their counterparts are here to-day. There is an element that supports that sort of pro-Britishism to which expression has been given upon this floor in the last few days that would be glad to see the flag of the United States lowered and the composite flag of the British Empire erected in its place. Strange to say, there are many who make no secret of their desire to come again into union with Great Britain and have us take our place along with Canada as one of the British Provinces. They propose that in the League of Nations the United States would have but one vote and Canada a vote and South Africa a vote, all upon an equal basis, as a part and parcel of this combined government in which the British Empire, holding the strategic points of the world and strengthened in her power by the acquisitions which she has received from this League of Nations itself, should again become united under the flag from which we escaped by the sufferings and the tribulations of the Revolutionary War.

I want to quote, Mr. President, some of the declarations which have been made by men who are or were prominent in American life advocating that policy. It is a part of the doctrine of internationalism. You hear it argued upon all sides that we must extend the Federal principle to the world; that that thing which has proved good by uniting the States in America in a Federal Union will prove still better if we extend it to include the polyglot races of the other continents.

Why, Mr. President, if you extend the principle of unity to the point where it embraces the globe, you meet yourself coming back. You then neutralize whatever of beneficial effect in government and in society would arise from the principle of combination, because all will again be without independent restraint. Notwithstanding the delusions of which I have spoken, there is still going to be in the human breast the same selfishness and the same ambition; there is going to be the same desire to forward their own interests, and there is just as much opportunity for struggle and conflict within such a world union as there would be without it. The only advantage that can be derived from the principle of federation is when it is carried to such a point, under such conditions of similarity of race and of language as obtain in the continental domains of the United States, that it has sufficient power to enforce its governmental policies, and sufficient distribution of intelligence to arrive at just decisions; and to then combat from its mighty independent station those forces of evil which the President has so well de-

scribed. It then is a force for good in the world, against the forces of injustice which may be in rivalry or conflict with it. But if you unite it with these other forces and surrender its independent position, you surrender its power, you neutralize the benefit which comes from a reasonable degree of federal union. If you extend to all the world the principle you leave the nations of the world in the same relative position they occupied before they started upon the process of combining, with no more restrictions upon conflict with each other than they would have had even though there had been no process of federation or of unity at all.

Mr. President, frequent reference has been made here to the propaganda which was established and sustained by Mr. Andrew Carnegie in favor of a reunion with Great Britain. I am a believer in the ethics of the injunction, "De mortuis nil nisi bonum"; but I must call attention to what the beliefs of this great propagandist were while pointing out the continuous course of the same influence and policy which is now showing its effect in such a powerful way in this internationalist movement, which is one of the forces back of the League of Nations.

In an article in the North American Review, of June, 1893, Mr. Carnegie made these significant statements.

The Senator from Nebraska, with his view of our unity of governmental interest with Canada and his willingness to trust to the generosity of the British Empire, might take note of it.

> Let men say what they will, I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon, and greet again the reunited States of "the British-American Union."

Further he said:

> National patriotism or pride can not prove a serious obstacle in the way of reunion.

Mr. REED. From what is the Senator reading?

Mr. POINDEXTER. I am reading from an article in the North American Review, of June, 1893, by Mr. Andrew Carnegie. Further he said:

> All party divisions sink into nothingness in my thoughts compared with the reunion of our race.

Mr. REED. Has the Senator read the comment of the Senator from Nebraska on that same article?

Mr. POINDEXTER. No. I heard the Senator from Missouri refer to it the other day, and it was very appropriate.

Mr. REED. The Senator will find it very interesting. It is in the CONGRESSIONAL RECORD.

Mr. POINDEXTER. I am sure it is interesting, but somewhat in conflict with the vehement appeals in behalf of Great Britain which have been made in the last few days.

I want to read further, and I think I am justified in reading at a little more length because of the fact that this question of a union with Great Britain is now an actual current issue. Nobody can deny successfully that the League of Nations will establish a governmental union with Great Britain, and consequently it is a fruition and an accomplishment of the policy to which Mr. Carnegie devoted so many years of his life and so many millions of his dollars. Over $300,000,000 of endowments of various kinds were made by Mr. Carnegie.

I saw the effect of the use of some of that money in the struggle we had here some few years ago on the question of the Panama Canal tolls, where the American people had built a canal with their own money and their own efforts, at a cost of some $400,000,000. The transportation interests of Canada in that case, the principal original instigators of the movement to repeal the so-called free-tolls act, were able to influence the British Government to reopen the question, which had been settled upon an American basis, that the Panama Canal was an American canal, under the leadership of the distinguished Senator from Pennsylvania [Mr. KNOX], who was at that time Secretary of State. It was a great thing for the country that at that time we had an American in that position.

Mr. Carnegie, through his Peace Foundation, expended many thousands of dollars in circulating literature throughout this country and Great Britain in behalf of the internationalization of the Panama Canal, and the placing of Great Britain upon an equal basis with this country in the canal, which position, as a result of the use of that money, she occupies down to the present time. He has founded a church union in which, in the holy name of religion, permanent organizations, with paid secretaries and chairmen, have entered into the field of statecraft, interested themselves in this question of a league of nations, which has about as little to do with religion as anything that I can imagine, and brought to bear in its behalf the powerful influence of the interchurch world movement, one agency of which was founded by Mr. Carnegie, and is supported by funds which he left for that purpose.

Mr. PHELAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield.

Mr. PHELAN. When the Senator referred to an American Secretary of State, to whom did he have allusion?

Mr. POINDEXTER. I alluded to the Secretary of State who took an American viewpoint of the Panama Canal, at present the distinguished Senator from Pennsylvania [Mr. KNOX].

Mr. PHELAN. I thought the Senator referred to John Hay, who took a contrary view.

Mr. POINDEXTER. No; I referred to the Senator from Pennsylvania, through whose efforts and influence Great Britain had finally accepted the American viewpoint, and the American Congress had enacted a law putting us in the only natural position we could occupy, so far as the canal was concerned, that our own ships should not be required to pay tolls in our own canal, which we had built with our own money.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield to the Senator from Missouri.

Mr. REED. While the Senator is upon that theme, it might not be inopportune to suggest that the fight for the British view and the Carnegie view was led on the floor of the Senate by the then distinguished Senator from New York who has been one of the chief apostles of the doctrine of reservations.

While I am on my feet, if the Senator will permit me, in addition to the activities of the Carnegie Peace Foundation which he has mentioned, that institution has, at least in part, supported not less than six publications, which have been devoting their columns, some of them for many months and some of them for years, to the advocacy of this same un-American doctrine which the Senator is now discussing. They have been advocating internationalism, pacifism, and an international control over national affairs; and I might say in this connection that this institution has its branches all over the world, which it finances in whole or in part, and that the business of those branches is to create a sentiment, all of it tending to break down national feeling and build up a spirit of internationalism, and to lay the foundation for a sentiment which, carried to the legitimate conclusion, leads us just where Mr. Carnegie said, in the article the Senator has read, we ought to go—back under one flag—and that flag the flag of Great Britain.

Mr. POINDEXTER. Mr. President, one of the perfectly obvious and appropriate policies of a federation of states, such as the Federation or Union of the American States, or the federation of states that is provided for in this covenant, first called the constitution of the nations of the world, setting up a crude form of a republic of the world, is the abolishment of trade barriers between them. The Constitution of the United States very wisely provided against the imposition of taxes upon commerce passing between the States. It is quite significant that those who were chiefly instrumental in promoting the idea of the League of Nations, and the practical forcing of it upon the European countries, believe in the extension of that doctrine of free trade to the entire world. My impression is, from hearing his speeches upon the subject of the tariff, that the President of the United States is utterly opposed to any protective system. He is what is commonly called a free trader. I want to follow out a little further the suggestion of that influence in the shaping of this League of Nations.

Mr. Carnegie, in the article to which I referred, used this language:

> I do not shut my eyes to the fact that reunion bringing free entrance of British products would cause serious disturbance to many manufacturing interests near the Atlantic coast which have been built up under the protective system. Judging from my knowledge of the American manufacturers, there are few who would not gladly make the necessary pecuniary sacrifices to bring about a reunion of the old home and new.

If we turn, Mr. President, from those words of Mr. Andrew Carnegie to the terms of the constitution of the republic of the world, called the League of Nations, we find in article 23 this provision:

> Members of the league will make provision to secure and maintain freedom of communications and of transit * * * for the commerce of all members of the league.

The typical economic policy of the United States is protection, based upon the theory that we occupy a position in society and in economics that is superior to the position and the situation in life of the peoples of many other countries of the world, and that in order to maintain that superior position we have reserved to ourselves the right to impose and have put into effect as a policy the imposition of tariff duties for the purpose of protecting our industries. Such a policy is utterly opposed in theory and in principle to the doctrine of federated states, upon which basis the League of Nations is founded. So it is

not surprising to find in the language of the League of Nations an express provision and guaranty that the members of the league agree to provide for the free transit of the commerce of the members of the league.

What do they mean by that? Transit of commerce, as I understand it, means the passage of commodities of commerce from one nation to another, when foreign trade is spoken of; and when you provide that that passage shall be free, it is capable at least of being so construed by this council of diplomats to which the President says he is not willing to trust the salvation of the world, but to which he is, as a matter of fact, seeking to entrust perhaps not the salvation but the damnation of the world. Then they will be able to construe that language, to the advantage of the free-trade countries of Europe, with the interest which they have in breaking down those barriers which have protected the United States against the lower wages and lower conditions of life in Great Britain and other European countries, into a provision under which they will deny to the United States the right to establish an American tariff.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The British authorities are kind enough to give out their official definition of what they consider the league did to the Monroe doctrine. Has any such declaration been made as to their understanding of the words "freedom of transit," as far as the Senator knows?

Mr. POINDEXTER. None whatever. There has been a discreet silence upon that subject. The freedom of the seas was taken up by Great Britain and repudiated, but freedom of commerce, or the transit of commerce, has been mysteriously reserved, perhaps, for future discussion after the League of Nations is adopted.

Suppose we are confronted here some fine morning, in case this League of Nations should be ratified, by a decision of the council of the league that in the interest of the rehabilitation of the world the trade barriers that formerly existed between those members as independent nations, before they became members of the federated republic of the world, should be removed. We would say: "There is no such provision as that in the League of Nations, and you have not authority to raise any such question. It is not in the jurisdiction of the League of Nations."

They will turn to article 23 of the league and read the language of it, in which there is a provision that the members agree, and that is all any government is, an agreement. The Constitution of the United States is nothing but an agreement. It is a covenant in which the nations are bound, by every obligation by which governments can bind nations or individuals, that they shall provide for the freedom of the transit of the commerce of their several members. We will say: "There was not anything said about that while we were ratifying the League of Nations."

Mr. Wilson has already intimated that we must be on our guard, that we can read the plain language of the instrument, and that if we did not know what it meant it is our own fault. If it does not mean that, what does it mean?

The Senator from Connecticut has called attention to the fact that nobody has said what it means. I suppose that it means what it says. It means the freedom of transit of commerce. That is what it says. That is the language which is used.

Now, Mr. President, that is only one incident of union between formerly independent nations; and to show that union is the object in view of many of those who are responsible for this movement, which has now found its flower and fruit in the League of Nations covenant, Mr. Carnegie said:

> The amount of blood other than Anglo-Saxon and Germanic which entered into the American is almost too trifling to deserve notice and has been absorbed without changing him in any fundamental trait.

He says further:

> The reunited nation—

That is, the nation of the Anglo-Saxon tongue reunited under the British flag—

> would be prompt to repel any assault upon the soil or the rights of any of its parts. * * * Consider its defensive power. A reunion of the Anglo-Americans, consisting to-day of 108,000,000, which 50 years hence will number more than 200,000,000, would be unassailable upon land or sea by any power or combination of powers that it is possible to create. * * * The new nation would dominate the world.
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> The action of a congress elected by all these elements would not differ much upon fundamental questions affecting the rights, liberties, and privileges of the people from a congress of Americans sitting in Ottawa or from the action of a British Parliament similarly elected sitting in London. No citizen of any of the present States, either British or American, would have occasion to fear the loss of anything which he now holds dear from reunion.

There is the argument of the Senator from Nebraska [Mr. HITCHCOCK]. We need not fear any loss of any of our interests so long as the power is in the hands of Canada and the other dominions of Great Britain. That is the very language of Mr. Carnegie.

In a speech which he delivered at Gilfillan Memorial Hall, Dundee, Scotland, September 4, 1890, Mr. Carnegie said:

> There is only one way you can make a step toward the unification and consolidation of the English-speaking race, and that is by bringing this little island into line with the progeny she has established throughout the world. * * * Beyond this stretches the noble dream of the poet, and I believe it is salutary to dwell upon these dreams that should become realities.

That sounds a good deal like President Wilson!

> One step further. After the English-speaking race become united we have "the parliament of man, the federation of the world."

He then says:

> Whatever obstructs reunion, I oppose; whatever promotes reunion, I favor.

Now, to bring the demonstration of the existence of propaganda for bringing about a reunion of the United States and Great Britain down to date, I want to call attention to a magazine which is published in New York City called the English Speaking World. In the issue for December, 1919, there is an article by Mr. William M. Coleman, entitled "Federation of the English-speaking peoples." Mr. Coleman himself sent me this article with a letter, in which he attributed to himself a great deal of credit for his advocacy of a federation of the United States with Great Britain. If the Senate will bear with me a moment, I will call attention to one or two passages from his article. The magazine is published in New York, and I find it is almost exclusively confined to the exploitation of British interests. The advertisements are of British concerns in South Africa and Australia, but Mr. Coleman is an American citizen. He said:

> For a number of years there has been a steadily growing sentiment in Great Britain for a better understanding and closer relations with the American people. In 1898, Joseph Chamberlain, then secretary of state for the colonies, wrote in Scribner's Magazine: "So far as the United Kingdom is concerned, it may be taken as a fact that * * * there is hardly any length to which they (the British nation) would not go in response to American advances, and that they would not shrink even from an alliance contramundum, if the need should ever arise, in defense of the ideals of the Anglo-Saxon race—of humanity, justice, freedom, and equality of opportunity."

I do not know how keen a sense of humor George Washington had, but if he could have heard the statement put forward in a serious article in a magazine as information to the American people who, under his leadership, with a good deal of difficulty and suffering, severed these relations, that Great Britain would be willing to bring about a rapprochement, I should think he would smile. Great Britain, with Lord Cornwallis and Burgoyne and the Indians—I do not want to revive the passions which grew out of the Revolutionary War, but those events are not forgotten; they are matters of history—tried as hard as she could to prevent the separation. Of course she would be willing to bring about a rapprochement.

This letter goes on to say:

> Hon. David Mills, then Canadian minister of justice, wrote in the North American Review: "The interests of the world call for Anglo-Saxon alliance. Let not the British Empire and the United States revive after the lapse of centuries the old contest of Judah and Ephraim; but remembering that their interests are one, as the race is one, let them stand together, to maintain the ascendancy which they will hold as long as Providence fits them to lead."

He proceeds:

> At present the British-American rapprochement is in what may be called the dinner stage. Numerous societies exist, which meet once or twice a year, eat more or less excellent meals, and listen to speeches which are always full of general expressions of mutual sympathy, respect, and regard, and sometimes replete with wit, but rarely contain a specific suggestion of any particular political end. These affairs have a certain value in laying the foundation for closer relations; but their function is purely preliminary. In other words, after the parties have dined, after they have become sufficiently well acquainted to proceed to business, the question necessarily arises as to the form which these closer relations are to take.
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> As a matter of fact, the racial tie proved sufficient to bring the Americans to her aid in an emergency without a formal agreement, but there was no way by which it could be known in advance that this would be so.

This shows one object which they have and that is to secure the underwriting—and I am going to call a little further attention to that in connection with the provisions of the League of Nations itself and with the movement which is now on foot under the leadership of very prominent financiers both in Europe and in America—to bring about the underwriting of the war debt of Great Britain and of France by the United States. So this American writer boldly puts forth that proposition when he says:

> As the United States entered the war after the British, the war burden, both in men and resources, has been unequally distributed. Great Britain has been left with a colossal debt which will approxi-

mate $40,000,000,000 by the time the war is finally closed, with an interest charge of more than $1,500,000,000 per annum.

* * * * * * *

No form of alliance could be drawn which would help the British carry their debt or eliminate the possibility of rivalry.

So he says there should be a union.

From the British standpoint an alliance would be ineffective. From the American standpoint it would be purposeless.

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Such a reunion would obviously solve the main problem, i. e., the inequality in the distribution of the war burden, so far as it could be solved, because the war debts of the various English-speaking nations could be consolidated and assumed by the new government, thus distributing the entire burden over the whole of the English-speaking people. British-American rivalry would continue to exist as between individuals, but would be deprived of its international character. The growth of the United States would appear in a favorable and not a threatening aspect, because it would inure to the benefit of the English-speaking people as a whole.

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The first principle would undoubtedly be that the new government should constitute a federation of the United Kingdom, the United States, Canada, Australia, and South Africa, and that only citizens of those nations would be entitled to full voting citizenship in the new nation.

The second principle would be that the powers of the new federal government should extend only to those subjects which required the united support of the entire English-speaking people. Those subjects, as I view them, are—

That is, the powers that are to be exercised by this proposed union of the United States and Great Britain—

1. National defense, including the power to declare war and control of the armies and navies.
2. Foreign relations, including the treaty-making power and control of the diplomatic and consular services.
3. Commerce with foreign nations and between the various divisions of the reunited nation; and
4. Relations with dependencies, such as India, Egypt, the Philippines—

And so forth.

Now, Mr. President, along the same line, but somewhat more official than the article by Mr. Coleman, who is a private citizen, is this statement from Mr. Pleasant A. Stovall, United States minister to Switzerland, who recently arrived from abroad. I am quoting from the Washington Star of this city of January 1, 1920. In line with the argument of the Senator from Nebraska, Mr. Stovall says:

Many people believe that if England were to have five votes in the League of Nations America would have just that much more strength in the great pact.

That is, that we can depend more confidently upon being protected by Great Britain than we can upon ourselves.

The extent to which the magic influence of the British Empire has extended itself over the minds of those who occupy high positions in the American Government is shown by the remark of the Senator from Nebraska in the Senate the other day, in which he said that he did not agree that India should have a vote in the League of Nations, and he saw no justification for it; but, he said, it had to be, because Great Britain wanted it. The assumption is that if Great Britain demands a thing we must grant it, whether it is right or not.

So it is that it is proposed by Mr. Stovall, American minister to Switzerland, that a great many people, as he says, believe that if Great Britain has five votes in the League of Nations the interest of the United States will be much better protected.

In pursuance of this interpretation of the League of Nations and the internationalism upon which it is based, the British union and all that goes with it, is a statement recently published by a prominent Englishman in the Daily News of London, in which he proposes that the Navy of Great Britain and the Navy of the United States shall be consolidated. Take down the American flag from American ships, unite the two navies, and put them both under control of the League of Nations. It was said:

A strong appeal in favor of pooling the British and United States Navies and consecrating them to the service of the League of Nations as an instrument for banishing war from the seas will be made in the weekly article of Alfred G. Gardiner in the Daily News of to-morrow.

That is dated January 9, 1920.

It is said, Mr. President, by many that the proposal which has been made from so many quarters for the issuing of a new international loan for the financing of the war debts of Europe finds no authority in the covenant of the League of Nations; that nothing of that kind could be done. It would seem very strange that so many distinguished representatives of Great Britain, and I may say so many prominent financiers in the United States, should be advocating the assumption—because that is what it would amount to—of the war debts of Europe by the people of the United States—I say "the people of the United States," because ultimately the people of the United States are the ones who will have to pay the debts of the United States, and the only way in which they can pay them is by paying taxes which are levied upon them by the Government—it would seem strange that so many people were advocating that to be done under the auspices of the League of Nations unless there were something in the language of the League of Nations which authorized and provided for it. So I turned to the covenant of the League of Nations, to which we have adopted so many reservations, to see whether or not there was any provision by which there would be surrendered to that federation of States the power to deal with the finances of its several members so that such a plan as is proposed by the many people whose names I will mention in a moment might be carried out. I find that in the sixteenth article of the covenant of the League of Nations there is such a provision. There may be some other interpretation which those who are more familiar with the diplomatic construction of international instruments than I am can place upon it, but this is the language:

The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures.

The language "this article" refers to obligations of the members of the league under articles 12, 13, and 15, which constitute a very large part of the activities and functions of the League of Nations. They agree to "support one another in the financial and economic measures which are taken under this article."

We are just about to vote upon the question whether or not we will adopt the league covenant containing that article; but even before it is ratified a great movement has been inaugurated by which, if it is carried out, the people of the United States—many of them advocating the adoption of the League of Nations without knowing that there is any such provision in it or any such movement on foot—will be saddled with the war debts of the world; and we are one of the few solvent nations in the world. I call your attention, Mr. President, to the authority which is back of this movement:

The United States must lend money to Europe for purely selfish reasons if for no other, in the opinion of the committee on foreign trade of the American Economic Association. The loans, however, should be made through private channels and not by the Government directly.

The views of the committee on the whole subject of foreign trade are set forth in a report just made public. The report was prepared after a study of the foreign trade situation by a committee of 10, which included among its membership Thomas W. Lamont, of J. P. Morgan & Co.; David Friday, of the University of Michigan; A. Barton Hepburn, of the Chase National Bank; F. W. Taussig, of the Tariff Commission; and Elisha M. Friedman, of the War Finance Corporation.

A very short time ago an effort was made to get a bill through Congress to pay $57.57 a month to a poor woman with nine children, the husband and father of whom had been killed through the negligence of an officer at the proving grounds while firing artillery. It was objected to because it was too extravagant and expensive and would set a bad precedent; and yet shortly before that a bill appropriating $100,000,000 to relieve widows and children in Europe went through with scarcely any objection at all. That illustrates the curious state of mind which has fallen upon so many of our people, so that they are more willing to devote their resources to pay the debts and to take care of the needs of Europe than they are to look after the interests and the just claims of their own people.

Mr. President, there are hundreds of thousands of American children in the mountains of the South and in the congested districts of the great cities of the East who are in need of assistance, who are deprived of education, who are suffering from undernourishment, who are cold in the winter for the lack of clothing, and yet it would be impossible to secure the enactment of a bill for the appropriation of a dollar by the American Congress for their assistance. So great, however, is the glamor and the influence of the spirit of internationalism which is sweeping over the world, and which has as its backing the powerful influences which I mentioned just now and many others of a similar kind, that when a project is labeled for the benefit of a foreign people, of whatever nationality, immediately the hand of Congress is put into the Treasury of the United States and the taxes which have been wrung from the people are taken for that purpose; taken without authority, in my opinion, for I do not recognize in the Constitution of the United States any authority vested in Congress to take money from the public Treasury and bestow it in benevolences or charities across the ocean.

That fact is recognized so far as our own people are concerned, but we have lost sight of it in the pursuit of this idealistic dream of reforming the world and curing it of all its ills.

A short time ago a prominent financial representative of Great Britain visited this country, and while he was here he made this statement:

Thirty-five billion dollars is needed for restoring and restocking and reconstructing the devastated areas of war-torn Europe.

Thirty-five billion dollars! We have already expended $30,000,000,000 on the war, $20,000,000,000 for our own expenditures or appropriations—nearly all of which has gone in expenditures—and $10,000,000,000 in loans to our allies. Now here comes Sir George Paish, one of the leading financial authorities in Great Britain, and says that they need $35,000,000,000 more. How does he propose to get it? Through the League of Nations, the loan to be underwritten by the United States as a member of that organization.

To prevent a complete "breakdown in credit," Sir George Paish urged as a solution of the problem that all the members of the League of Nations pool their credits and promote an international bond issue.

Of course, if there is an international bond issue and the United States is the only solvent signer of the bonds, it can readily be seen where the money is to come from to pay the obligation, if it is ever paid; and if you want any authority for that under the League of Nations turn to the language of article 16, which I have just read.

To show that this is not merely casual expression or the view of a few individuals who are advocating this policy of the underwriting of the war debt by the United States, I call attention to a statement on February 11 by Mr. J. Austen Chamberlain, chancellor of the exchequer, in which he announced that—

The Government was willing to participate in an international financial conference if invited by one of the neutral nations or by the League of Nations.

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He recalled the notification of the Government in November of the impossibility of its sharing in measures of relief unless assured of the cooperation of the United States.

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He declared that the attitude of the American Government was a matter of first importance, as it seemed doubtful whether America's participation could be attained, and this must gravely affect the influence and utility of such a conference.

Sir Leo Chiozzo Money, financial expert and former undersecretary in the British cabinet, says:

One nation holds the key to the institution, and has the power to redress the economic disabilities of Europe. America came late into the war, and fortunately saw its termination before she had been called upon to make any considerable sacrifice. This is not uttered by way of reproach. The spending of our substance to sustain our allies, like the proceeds of the sale of our dollar securities, went to America to enrich her before she came into the war, and the economic upshot of the whole matter is that to-day America is in the position of a rich nation which has invested $10,000,000,000 in Europe—the impoverished and bleeding Europe which, so far from being able to pay interest on the $10,000,000,000, is, as the above figures show, not even able to pay for its current subsistence.

It was a great American who first suggested that as it had not been the privilege of America to sacrifice much in human life, the least she could do was to cancel the European indebtedness as a contribution to justice.

So, Mr. President, other financiers of Europe are combining in the great movement through the League of Nations to saddle their war debt upon the United States.

There are only one or two more references to which I desire to call attention. In an article from Berlin published in December, 1917, it is stated:

There is a widespread belief among financiers, bankers, and financial writers in Germany that if two of Erzberger's plans are put into effect Germany will face a future overcast with black clouds, if not actual ruin.

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They wish a comparatively small direct credit and disapprove of the much-discussed international loan, which, they believe, would saddle the debts of England and France on the United States and thereby, perhaps, reduce the amount of credit Germany might obtain.

There, Mr. President, is a recognition on the part of a German statesman of a fact to which our own Government seems to be completely blind, namely, the danger of having the war debts saddled upon the United States as the only solvent guarantor.

Maximilian Harden, another prominent German writer and thinker, who is thoroughly informed of the European situation, calls attention to an article that was published in our CONGRESSIONAL RECORD. He says:

The CONGRESSIONAL RECORD, folio 53, No. 223, of September 7, 1916, contains two articles written by me in April of that year, placed there by authority of the United States Senate.

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In one of those articles ("If I were Wilson") I made the proposition to convert all the loan bonds of the States of Europe engaged in war into international currency, to be guaranteed by all the debtors and to be accepted in all the countries belonging to the League of Nations by every creditor, at every cashier's window at their face value.

I also proposed that international currency was to be kept in circulation until such a time when nations, decimated by the war, should have recuperated sufficiently to redeem their bonds by issuing metal or paper in their place, or by paying for them in goods.

Mr. Max Warburg, another German financial authority, in a recent article, "An international loan to be guaranteed by all nations," is quoted as follows:

Mr. Warburg points to the necessity of establishing German credit, in a report he has made to the congress of the council for alleviating hunger.

He states that the World War can be healed in a financial respect only by the whole world. * * *

The League of Nations—

This is his disinterested and detached view. He is not obsessed, as some of our people are, by the contest in which they have been engaged to establish the League of Nations. He says that—

The League of Nations could promote this plan "if it were a real league," but it would have to be altered so that all countries should be included.

By that he means Germany.

Since time is precious, he said, there should be created an international loan whereby debts which have been made and debts which are likely to be incurred can be regulated.

So, Mr. President, I might cite numerous other authorities, which I refrain from doing, to indicate that without a doubt, should the covenant of the League of Nations be ratified, as soon as the council are assembled there will immediately be presented to their consideration the question of the refinancing of Europe, which, upon the authority of British, French, and German financiers, can not be done except with the assistance of the United States, acting with the other members of the League of Nations through that organization; and what could the United States do about it if the proposition came up?

It might be said that no such scheme could be adopted except with the consent of the representative of the United States. Who will that representative be, and what will his views be upon this matter, and what control will the American people have over his action? The theory in the formation of the American Government was that such were the imperfections of men, when power was vested in their hands, that the departments of the Government were divided and the powers kept within the hands of the people.

So it is that the mere provision that the adoption of such an international loan by the consolidated government of the league should not take place without the consent of the representative of the United States might prove to be altogether impotent as a protection to the American people. And who can say that the power of the league over the United States, once our international relations are merged within it, could not find means to secure the assent of the American Government? If one of the internationalists who has been responsible for the formation of the covenant of the League of Nations, and who believes in the supreme sacrifice that it has been said the American people should make, happened to be their representative upon this council, who can say he would not agree to the urgent request of the so-called impoverished countries of Europe that the United States should assume the obligation they incurred and saddle it upon the people of the United States forever?

Mr. STERLING. Mr. President, I shall occupy but a very short time.

I think it opportune, in view of what the Senator from Washington [Mr. POINDEXTER] has said with regard to the relations between Great Britain and Canada, to call attention to some authorities that I have upon that point. I refer to The Cambridge Modern History and to the article entitled "European Colonies," by E. A. Benians, M. A., fellow of St. John's College. At page 605 he says as follows:

The Anglo-French Conservative Party, which came into power in 1867 under the leadership of Sir John Macdonald and carried out the work of confederation, governed from 1867 to 1873, and again from 1878 to 1896. Its long tenure of office during a formative period gave it a controlling influence over the future destiny of Canada. It stood for a strong national government, protection for the encouragement of industry, energetic railway construction to promote the unity and settlement of the country, *the strengthening of the imperial connexion, and close commercial relations with the mother country rather than with the United States.* These principles, accepted with some qualifications and some accentuation by the Liberal Party when it came into power in 1896, may be regarded as the guiding lines of Canadian policy.

I would underscore what is said about "the strengthening of the imperial connection and close commercial relations with the mother country rather than with the United States."

That, I think, was written about 1910. I have here an article written for the New York Times in 1915, and now found in the New York Times Current History of the European War. I beg in this connection to read just two or three short excerpts from that article. It is by Edward W. Thomson, F. R. S. L., F. R. S. C. He says:

But indeed Canadians were never vassals. They have ever been Britons, whatever their individual origins, retaining the liberties of their political birthright. While in a certain tutelage to their own monarch's immediate ministries, they have continually, slowly, consciously expanded their freedom from such tutelage, substituting for it self-government or rule by their own representatives—

Now, I would have Senators note this—

without forsaking but rather enhancing their allegiance to the common Crown. This has long been the symbol of their self-government, even as it is to old-country kinsmen the symbol of rule by themselves.

The writer quotes from an article by Sir Richard Jebb, whom he terms "a deep student of the empire problem," and I read from what he quotes, as follows:

That the war will in any event change the external relations is evident. But why, if we win, should it change the political relations between the parts, except to the extent of encouraging us to conserve and develop the existing system which has given so signal an example of effective imperial unity in time of need? Continually talking of imperial unity, we fail to recognize it when we have got it. There is never going to be a moment when one might say, "Yesterday we were not united; to-day the grand act—of imperial federation understood—has been signed; henceforth we are united."

Mr. President, of course none of this is to the reproach of Great Britain or the colonial policies of her statesmen; but I have been interested in the deep solicitude felt by the Senator from Nebraska [Mr. HITCHCOCK] and others on that side of this Chamber in regard to the independence of Canada, as though Canada's place in the British Empire were compelled. Mr. President, as I read history, and as I study the relations between Great Britain and her colonies, it is absolutely voluntary, and they are proud of the great Empire of which they form a conspicuous part.

I remember a little incident which happened in Canada before we entered the war. It was while they were recruiting men. A regiment had been recruited and was marching to take ship for the front. The spectators were looking on as the regiment marched by, and among the spectators was a woman whose husband was among the recruits. She already had two sons in France; and as the soldiers went marching by husband and wife recognized each other, and she turned to her friends and said, "Thank God, I am a Canadian!"

That, I think, illustrates the spirit of the people not only in Canada but in every other great British colony as well.

How was it but a few years ago, Mr. President, when South Africa was arrayed against Great Britain in the Boer War? And yet what leader in South Africa at that time who survives to-day did not loyally stand by and for the cause of Great Britain in the late terrible war? The same feeling, I think, exists in Australia and in New Zealand as in the colonies, or rather self-governing dominions, I have named.

So, Mr. President, there need be no question in regard to the loyalty of the various colonies and self-governing dominions of Great Britain to the mother country when it comes to the votes allowed them in the assembly of the League of Nations. What Great Britain desires will, because of this spirit of loyalty and unity, be their desire, and their votes in any controversy will be cast on the same side with that of Great Britain.

Mr. CURTIS. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 11, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 10, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, incline Thine ear and hear our prayer. Help us to guide our frail barks along the turbid and stormy sea of life, and finally, when we have finished the work Thou hast given us to do, bring us to a safe harbor where we shall dwell in peace and tranquillity forever. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 167, filling a vacancy in the Board of Regents of the Smithsonian Institution, and for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 167) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress that will occur on March 19, 1920, by reason of the expiration of the term of Charles F. Choate, jr., of Massachusetts, be filled by the reappointment of the said Charles F. Choate, jr., for the ensuing term.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, I have no objection to the passage of the resolution, but I think these resolutions ought to go to the Committee on the Library. I do not remember whether the Board of Regents meets this month or not. Can the gentleman from Massachusetts inform us?

Mr. LUCE. I can not. This is a reappointment.

Mr. MANN of Illinois. I understand, and the reappointment ought to be made.

The SPEAKER. The gentleman from Massachusetts is a member of the Library Committee.

Mr. MANN of Illinois. That is the reason that the Committee on the Library ought to have acted on the resolution.

Mr. GARD. Reserving the right to object, has this gone to the Library Committee?

Mr. LUCE. It has not; the chairman of the Library Committee is out of town. Delay might ensue, and unless there is some good reason for delay I think it should be considered at the present time.

Mr. GARD. Mr. Speaker, I think in the interest of orderly procedure this should go to the Committee on the Library unless there is some urgent reason for its present consideration.

The SPEAKER. The gentleman from Ohio objects.

MILITARY MOTOR TRUCKS.

Mr. KAHN. Mr. Speaker, I desire to call up a privileged resolution from the Committee on Military Affairs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 491.

Resolved, That the Secretary of War is hereby directed to transmit to the House of Representatives forthwith the following information, namely:

Whether the War Department during the present fiscal year purchased, contracted for, or agreed to purchase motor trucks or tractors of the type or make known as "Millitor," and separate parts for same; and if so, the number of such trucks or tractors, the stipulated price per truck or tractor, and for separate parts for same, the purpose for which they were or are to be used, the appropriation from which payment for same was or is to be made, the authority of law under which the department purchased or agreed to purchase them, and whether any such trucks or tractors so procured are now available, whether the United States Government now owns any such trucks or tractors other than procured by the above purchase, and how many; also the number of trucks and tractors used or made for handling ordnance which were sold by the War Department or its agencies abroad, and the number sold or distributed in the United States, and the number on hand; also set out the carrying capacity of such trucks or tractors so sold, distributed, or on hand; if said purchase or any part of same was ever disapproved by any branch of the War Department, set out the facts in connection therewith.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Under the rule adopted for the consideration of the reorganization Army bill were not all other matters except that bill displaced?

The SPEAKER. The Chair thinks not.

Mr. KAHN. Mr. Speaker, this resolution is simply a resolution of inquiry calling for certain information from the War Department for the convenience of the House. I move the previous question.

Mr. GARD. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. GARD. Do I understand that this comes from the Committee on Military Affairs with its unanimous approval?

Mr. KAHN. It does.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The resolution was agreed to.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

CALL OF THE HOUSE.

Mr. CALDWELL. Mr. Speaker, I have made up my mind that we ought to have a sufficient number of Members here to pass on the bill, and I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum, and evidently no quorum is present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doorkeepers closed the doors, the Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Burke	Classon	Davis, Tenn.
Baer	Burroughs	Cooper	Donovan
Bell	Butler	Copley	Dooling
Benson	Campbell, Kans.	Costello	Eagle
Bland, Mo.	Cantrill	Cramton	Edmonds
Booher	Carew	Crowther	Ellsworth
Britten	Chindblom	Curry, Calif.	Fairfield
Browne	Christopherson	Davey	Ferris
Burdick	Clark, Fla.	Davis, Minn.	Fess

Fields	James	Mann, S. C.	Scully
Focht	Johnson, S. Dak.	Mason	Sells
Gallivan	Kendall	Mooney	Siegel
Gandy	Kennedy, Iowa	Moore, Ohio	Smith, Mich.
Good	Kennedy, R. I.	Mott	Smith, N. Y.
Goodall	Kettner	Neely	Steagall
Gould	Kleczka	Nichols, Mich.	Sullivan
Graham, Pa.	Kreider	O'Connell	Sumners, Tex.
Green, Iowa	Layton	Osborne	Taylor, Colo.
Greene, Mass.	Lea, Calif.	Overstreet	Taylor, Tenn.
Hamill	McAndrews	Pell	Tinkham
Hamilton	McDuffie	Pou	Vare
Hastings	McFadden	Purnell	Walters
Hayden	McGlennon	Rainey, Ala.	Ward
Heflin	McKinley	Reed, N. Y.	Weaver
Hill	McLaughlin, Mich.	Rowan	Williams
Howard	McPherson	Rubey	Winslow
Huddleston	MacGregor	Sabath	Young, Tex.
Hudspeth	Maher	Sanford	
Husted	Major	Schall	

The SPEAKER. Three hundred and thirteen Members have answered to their names, a quorum.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

APPOINTMENT OF SPEAKER PRO TEMPORE.

The SPEAKER. Under the authority which the House kindly granted the Speaker yesterday, he names the gentleman from Massachusetts, Mr. WALSH, to act as Speaker pro tempore for the week or 10 days that he expects to be absent. [Applause.]

ARMY REORGANIZATION BILL.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June, 1916.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army reorganization bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

Mr. KAHN. Mr. Chairman, general debate has concluded, and I ask that the Clerk begin the reading of the bill for amendment.

Mr. REAVIS. Mr. Chairman, is the bill to be considered by sections or paragraphs?

The CHAIRMAN. The bill will be considered by sections. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be amended as follows: That section 2 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 2. Composition of the Regular Army.—The Regular Army of the United States shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, and the brigade, division, Army Corps, and Army Headquarters, which shall be designated as the combatant arms or the line of the Army; the General Staff Corps; the Adjutant General's Department; the Inspector General's Department; the Judge Advocate General's Department; the Quartermaster Corps; the Finance Department; the Medical Department; the Ordnance Department; the Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the officers and enlisted men under the jurisdiction of the Militia Bureau; the chaplains; the band leaders; the professors and cadets of the United States Military Academy; detached officers; detached enlisted men; unassigned recruits; the Indian Scouts; the officers and enlisted men of the retired list; and such other officers and enlisted men as are now or may hereafter be provided for. Except in time of war or similar emergency when the public safety demands it, the number of enlisted men of the combatant arms of the Regular Army shall at no time exceed 250,000; of the Philippine Scouts, 12,000; of the unassigned recruits, 7,000; and the total enlisted strength of the Regular Army, including the combatant and the noncombatant arms, but excluding the Philippine Scouts and the unassigned recruits, shall not exceed 280,000."

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I desire to make a statement about this section. I think we can save considerable time if we would pass over this section until the bill is concluded, because it provides for the various units of the Army. The Committee of the Whole House may, as each section is reached, referring to a particular branch of the Army, make some amendments, and after all of the paragraphs are read and passed upon by the committee it would be an easy matter to go back to this section and correct it in conformity with the action of the committee. Therefore I ask unanimous consent that this section be passed over until we have concluded the other sections of the bill, to be reverted to later to make such amendment as the action of the Committee of the Whole House on the state of the Union may dictate.

The CHAIRMAN. The gentleman from California asks unanimous consent that the section of the bill just read be passed over until the remainder of the bill is concluded, to be reverted to for amendment later. Is there objection?

Mr. DENT. Mr. Chairman, reserving the right to object, it seems to me that that would not be the wise course to pursue. This is the first section of the bill and relates to the composition of the Army. I think it ought to be settled before we proceed with the balance of the bill. This is the fundamental principle upon which the legislation is based. Unless we settle this first section of the bill we will be proceeding in the dark by undertaking to amend it here and there. As I said, this first section of the bill relates to the composition of the Army. My first and fundamental objection to the bill lies in this section, because it is in this section that Congress surrenders to the War Department the right to fix the size of the different organizations of the Army. We have got to settle that question, and it seems to me that we might as well settle it now; and after that is settled there ought to be smooth sailing in the consideration of the remaining portions of the bill. I do not want to delay the consideration of the bill, and I am willing to agree to any program that will expedite its passage; but it seems to me that we might as well settle this question to-day, and then the balance of the bill will be easy.

Mr. GREENE of Vermont. Does the gentleman object?

Mr. DENT. I shall not object for the moment, if the gentleman desires to make a statement. I reserve the right to object.

Mr. GREENE of Vermont. If the gentleman has not forestalled the right by objecting, I reserve the right to object for the purpose of making a suggestion. This is the situation, as I view it: While I share in the general estimate of the importance of this section, as indicated by the gentleman from Alabama [Mr. DENT], I think his logic inverts the situation as it actually is.

This is the fact: Like all statutes setting up an organization, the first section really is the puckering string that ties in the final knot all of the things subsequently treated of in detail. It is the first direct statement that the Army shall consist of this, that, and the other thing. Then the bill goes on in the following sections to indicate what those things are or shall be, the character and extent of those things. It is obvious that until we have had the detail of those things presented to us, as they will be in the subsequent sections of the bill, we can not know whether we want them written into the first section or not.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. In a moment. Having decided as we read along through the bill that we may or may not want these different things indicated in the first section, and having decided it at the only time when the details of the proposition are before us, we may then easily return to the first section and button up our work by striking out or inserting in the first section what we have concluded to embody therein.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. DENT. Unquestionably, if we change some of the details of the bill, we will have to return to this section.

Mr. GREENE of Vermont. Yes.

Mr. DENT. And rewrite it. That is unquestionably true. The objection that I am making goes to the fundamental principle. This section contains the proposition, to which I am unalterably opposed, by which Congress surrenders the right to fix the size of the different organizations and units of the Army. I think that question ought to be settled now, because that will settle the general principles in the balance of the bill.

Mr. GREENE of Vermont. Let me suggest this to the gentleman, that in determining as to the character and detail, the size and the composition of any one of these items set up in the first section, as we will do when we come to the different paragraphs that specifically set them up, we will not have waived our right finally when we return to the first section to determine whether this objection the gentleman has proposed shall be sustained or not. He will lose no rights by waiting until we find out, and we may determine then, having seen from the inside, whether we want a particular thing in the bill or not. Then, having determined that, it is an easy matter to say whether the proposition the gentleman advances shall remain in the first section or not. We would have the first and only opportunity to get a proper perspective of the thing and know what the first section actually means.

Mr. DENT. Well, if the gentleman will yield, I think when the gentleman hears the substitute that I propose to offer to this section he will find that issue is raised and presented to the House.

Mr. GREENE of Vermont. But I do not see how a man can determine whether he wants such a thing as an air service in

that section of the bill until he has gone a little further over in the bill and finds out what the air service is, and then finds out what relations it bears to the rest of the Army service, and how it is composed in the section that creates it.

Mr. DENT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KEARNS. Mr. Chairman——

Mr. DENT. Mr. Chairman, I offer the following substitute.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. I wanted to offer a perfecting amendment before the substitute was considered. I have no objection to the substitute being read first, but I have a perfecting amendment.

The CHAIRMAN. The gentleman's amendment will be a preferential amendment. The Clerk will read the substitute offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 1, line 5, strike out all of section 1, after line 5, page 1, and insert in lieu thereof the following: "That section 2 of said act be, and the same is hereby, amended by striking out the entire section and inserting in lieu thereof the following:

"'SEC. 2. Composition of the Regular Army.—The Regular Army of the United States shall consist of 54 regiments of Infantry; 18 Infantry brigade machine-gun battalions; 11 Infantry division machine-gun battalions; 2 Infantry tank brigades; 17 regiments of Cavalry; 4 Cavalry machine-gun squadrons; 36 regiments of Field Artillery; a Coast Artillery Corps; the brigade, division, Army corps, and Army headquarters with their detachments and troops; a General Staff Corps; an Adjutant General's Department; a Judge Advocate General's Department; a Quartermaster Corps; a Medical Department; a Corps of Engineers; an Ordnance Department; a Signal Corps; an Air Service; a Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the Militia Bureau; the detached officers; the detached noncommissioned officers; the chaplains; the Regular Army Reserve; all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the corps of cadets, the General Army Service detachment; and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service-school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demand it, exceed 185,000 men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than 7 per cent the total authorized enlisted strength.'"

Mr. SANFORD. Mr. Chairman, will the gentleman yield? I have an amendment which will come properly to be considered only on page 16, because it involves the striking out of some matter and adds new matter. The purpose of my amendment is to provide for a separate construction corps, and I desire therefore to ask unanimous consent to pass over, so far as the amendment is concerned, the subject at this time with the privilege of reverting to page 2 and adding a construction corps if the committee desires to do so. I therefore ask unanimous consent, whether the substitute is adopted or not, to go back to page 2 in the event the committee desires to add a provision for a separate construction corps.

Mr. DENT. Mr. Chairman, I hardly think that is necessary. When that section is reached the gentleman can offer his amendment at that time, and I have already stated whatever changes shall hereafter be made in the constitution of the bill that I will not object, and will ask myself that we return to this section so as to make it conform to different amendments.

Mr. REAVIS. Will the gentleman yield?

Mr. CALDWELL. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The Chair has not stated the unanimous-consent request. Does the gentleman yield for that purpose?

Mr. DENT. I will yield for that purpose.

The CHAIRMAN. The gentleman from New York asks unanimous consent that permission be given to return to this paragraph after the consideration of section 8 on page 16——

Mr. SANFORD. And 17, in the event a separate construction corps is adopted by the committee.

The CHAIRMAN. For the purpose of offering an amendment in accordance with the statement of the gentleman from New York. Is there objection?

Mr. KEARNS. Mr. Chairman, reserving the right to object, I would like to couple with that request a similar request to return to page 2——

Mr. GARD. I object to both for the present.

The CHAIRMAN. Objection is heard.

Mr. HARRELD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HARRELD. For information.

The CHAIRMAN. The gentleman from Alabama has the floor.

Mr. HARRELD. I want some information; that is all I want.

Mr. DENT. I can not hear the gentleman.

Mr. HARRELD. Will I have an opportunity to offer an amendment after this amendment is disposed of to this section?

The CHAIRMAN. The gentleman will have an opportunity to offer perfecting amendments to this section before this amendment will be voted upon.

Mr. HARRELD. I want to offer an amendment at this time.

Mr. DENT. Mr. Chairman, I do not yield for that purpose. I trust this is not to be taken out of my time.

The CHAIRMAN. The gentleman is recognized for five minutes on his amendment.

Mr. DENT. Mr. Chairman and gentlemen of the committee, this substitute which I have offered to this bill is a reproduction of the national defense act with the addition of a chemical warfare service and a separate air service. It changes the national defense act by reducing the number of regiments of Infantry from 65 to 54. It reduces the number of regiments of Cavalry in the national-defense act from 25 to 17. It increases the number of regiments of Field Artillery from 21 in the national defense act to 36. It reorganizes or authorizes the reorganization of the Infantry with machine-gun battalions. It provides, in other words, for 54 regiments of Infantry, 18 Infantry brigades of machine-gun battalions, 11 Infantry divisions of machine-gun battalions, and 2 Infantry tank brigades. That is all the change that is made from the national defense act. I think it is generally conceded by all Army officers that the machine gun played an important part in the war, and I think its organization ought to be recognized by law. Under my amendment to this provision of the bill the size of the Army is increased only by 10,000 over the national defense act, so as to take care of the chemical warfare, the air service, the machine-gun battalions, and the tank corps, so that instead of having an Army of 175,000, as is provided in the national defense act, under this section it increases the strength of the Army to 185,000. Now, if you adopt this amendment, then you will preserve the national defense act with the recognition of the machine-gun organization, the tank corps organization, the chemical warfare service, and a separate air service. That is the only change that this substitute makes to the bill.

Mr. GRIFFIN. Will the gentleman yield?

Mr. DENT. I will yield.

Mr. GRIFFIN. Under the gentleman's proposed amendment he fixes upon 54 Infantry regiments?

Mr. DENT. I do.

Mr. GRIFFIN. Now, the standard of Infantry regiments is 15 companies of 250 men each. And, making a rough calculation, it seems to me your 54 regiments with 15 companies of 250 men each——

Mr. DENT. How many?

Mr. GRIFFIN. Fifteen companies of 250 men each.

Mr. DENT. No company has that number in peace times.

Mr. GRIFFIN. You increase your Infantry to about 200,000 men.

Mr. DENT. The gentleman is speaking of war strength; but the size of an Infantry company in peace time, under the national defense act, is 100 men, and not 250 men. The strength of an Infantry company was raised during the war to 250 men, but that is war strength. The national defense act provides a company may be increased by 50 per cent in time of war or any emergency.

Mr. GRIFFIN. May I not ask if elsewhere in the bill it is provided that the strength of regiments of the various units may be fixed by the General Staff?

Mr. DENT. That is elsewhere in the bill.

Mr. GRIFFIN. So that the General Staff would have the right under your amendment to fix the strength of the company at 250 men, and therefore, instead of——

Mr. DENT. The gentleman is very much mistaken about that.

Mr. GRIFFIN. I hope I am.

Mr. DENT. I know the gentleman is mistaken about it, because, as I stated to the gentleman a little while ago, if he would read the national defense act——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEE. Mr. Chairman, may I propound a parliamentary inquiry?

Mr. DENT. I can not yield until I answer the statement of the gentleman from New York [Mr. GRIFFIN].

Mr. BEE. I wanted to ask more time for the gentleman from Alabama. He is not going to have sufficient time.

Mr. DENT. If the gentleman will read the national-defense act, he will find that the Infantry company is composed of 100 men in time of peace. I propose to preserve that strength of organization by this substitute.

Mr. GRIFFIN. May I ask the gentleman if he does not intend by this act to change the national-defense act? You are creating a new act and giving certain powers to the General Staff.

Mr. DENT. I did not know where the gentleman was when I made the statement that this substitute of mine simply provided for machine-gun organization, a tank corps, a chemical warfare service, and a separate air service, and increased the enlisted strength of the Army from 175,000 to 185,000 men. That is all. That is the only difference between the national-defense act and my substitute.

Mr. CARTER. Will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. CARTER. Does not your amendment cover the very thing suggested by the gentleman from New York [Mr. GRIFFIN] when it provides that the entire strength of the Army shall not exceed 185,000?

Mr. DENT. Congress retains the right it has always exercised in every Army bill in the entire history of the country of fixing the strength of the different organizations of the Army in my substitute.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DENT. I will.

Mr. GREENE of Vermont. Right in line with the gentleman's last remark, there was a time in which Congress, ever since the beginning of the history of the country, bought and paid for and turned over to the Army smooth-bore cannon, and probably they resisted the introduction of a rifled cannon because we never had any before, but they learned a few lessons in the war.

Mr. DENT. I hope my colleague from Vermont will use his own time in order to make a speech.

Mr. GREENE of Vermont. I wanted to use a little bit of yours in order to ask if you think by the proposed amendment of yours you will put on paper all the lessons that have been learned from the last war in regard to the constitutional composition of the Regular Army—I mean so far as law is concerned?

Mr. DENT. As far as we ought to go in the law, it does.

Mr. GREENE of Vermont. You think the difference before the war—that in the provisions in your amendment the world's lesson is only represented by the changes you have made there so far as those things are concerned?

Mr. DENT. I think it represents the fundamental lessons learned from the war.

Mr. GREENE of Vermont. One of the first things we did when we went into the war was to change the national defense act so that there was absolutely no former statutory organization whatever.

Mr. DENT. I think one of the greatest mistakes in the way of legislation Congress made during the war was the passage of the Overman Act, by which Executive authority was given to absolutely organize all the bureaus in the different departments of the Government so that Congress can never put its finger on a responsible head. [Applause.]

Mr. SHERWOOD. Will the gentleman yield?

Mr. DENT. I will.

Mr. SHERWOOD. How much would your amendment, if adopted, reduce the aggregate cost of the bill as reported by the committee?

Mr. DENT. I will state to the gentleman from Ohio that I had intended to put in the RECORD this morning the cost of the Army under this proposed bill, but I did not have time last night to do that. I have the figures, and hope to put them in the RECORD to-morrow morning.

Mr. JONES of Texas. Will the gentleman yield?

Mr. DENT. I will.

Mr. JONES of Texas. Can you give us the approximate, intelligent estimate of the average cost to the Government per soldier in maintaining an Army in peace times—the total cost of everything?

Mr. DENT. My recollection is it is a little less than $1,400 per man—$1,382 is my recollection of the figures; and an officer costs on an average, $3,600.

Mr. OLNEY. Will the gentleman yield?

Mr. DENT. I yield.

Mr. OLNEY. I would ask the gentleman from Alabama if his proposed amendment does not reduce the temporary officers' strength of the Army from 18,000 to about 15,000?

Mr. DENT. To a little over 14,000.

Mr. OLNEY. Did not this war demonstrate more than anything else, if we learned any lessons from the war, that we needed all the officers we could possibly have?

Mr. DENT. Unquestionably the war demonstrated we needed all the officers we ought to have. That is a very plain proposition. But what are you going to do with 18,000 officers when you can get along with 14,000 officers? If 14,000 officers will take care of 185,000 men, why will you want 18,000 officers? Will somebody please explain that to me? I am willing to give as many officers as necessary to take care of the Army, and for all training purposes in schools, and colleges, and in the National Guard, but I am not willing to have 4,000 extra officers around when they have nothing to do.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DENT. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. BEE. Reserving the right to object, Mr. Chairman, is it not possible that we can reach some time agreement upon this section? The gentleman from Alabama, the author of the amendment, has had no chance at all to explain his amendment or his substitute. Other gentlemen are anxious to speak on the question. The members of the committee will use most of the time. Is it not possible to reach an agreement as to the amount of time to be consumed on this section?

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. DENT], that he may have five minutes additional?

There was no objection.

Mr. DENT. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I would like to know if, under the gentleman's substitute, there will be sufficient officers to train young men in the colleges and universities and in training camps under this program?

Mr. DENT. I think undoubtedly there will be. It was certainly my intention in drafting this amendment and the subsequent amendments that I propose to offer in the event this should be adopted to take care of that situation. This bill as proposed by the committee has a detached officers' list of something like 2,000. Under my bill the detached list is 1,400. I think—and I have the advice of some of the best and ablest officers of the Army—that 1,400 detached officers will be sufficient for all purposes. We had only a thousand under the national-defense act, and we have been training under the Reserve Officers' Corps section of that act 100,000 young men annually. I think 400 more will be absolutely sufficient for that purpose.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. HICKS. Is there anything in the gentleman's amendment for the creation of an air service corps? And if so, how many men does it provide for?

Mr. DENT. This particular amendment does not provide for the details of the organization. It simply names it, and a subsequent amendment will take care of the details.

Mr. HICKS. It provides for a separate air service?

Mr. DENT. Yes; it provides for a separate air service; and I have another amendment carrying out the details, which I will offer when we reach that section of the bill.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. CALDWELL. I will ask the gentleman if his amendment provides for a separate transportation corps and finance section?

Mr. DENT. It does not provide for a separate transportation corps and finance section.

Mr. CALDWELL. Nor for a separate construction corps?

Mr. DENT. Nor for a separate construction corps.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. PARRISH. What is the reduction in the number of men in this bill as compared with the original bill, and the reduction in the number of officers?

Mr. DENT. I increase the number of men in this amendment by 10,000 over the national-defense act. The bill proposed by the committee adds 75,000 enlisted men to the list of the Army

and some additional enlisted men in the staff corps, running the strength of the Army up to about 300,000.

Mr. PARRISH. Your amendment would put the total strength of the Army at about 186,000?

Mr. DENT. It puts it at about 185,000—the staff and line.

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. WELTY. Before the war the total strength of the Army was 175,000, was it not?

Mr. DENT. Yes, sir.

Mr. WELTY. Was that quota ever filled?

Mr. DENT. It never was.

Mr. WELTY. How many soldiers did we have before the war under the national defense act?

Mr. DENT. The largest Army we ever had was when we declared war. I gave those figures yesterday in the remarks I made on this bill. My recollection is that in round numbers the total strength of the Army when we declared war in April, 1917, was practically 127,000 officers and men; about 120,000 men and a little less than 7,000 officers.

Mr. HARRELD. Mr. Chairman, will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. HARRELD. Does your substitute provide for the use or detailing of the members of the Reserve Officers' Corps to be used in training in the States or with the National Guard?

Mr. DENT. No. That would not come properly under this section. That would come under later sections of the bill.

Mr. HARRELD. I understand.

Mr. DENT. This section simply relates to the composition of the Army. The real issue between the committee report and my amendment is this: Congress retains under my bill its control in fixing the size of the units in the organization of the Army while Congress surrenders it under the proposed bill. That is the difference.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CALDWELL. Mr. Chairman, I have a substitute on which I would like to be heard.

The CHAIRMAN. The gentleman from New York is recognized for five minutes in opposition to the amendment of the gentleman from Alabama [Mr. DENT].

Mr. CLARK of Missouri rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. I rise for the purpose of asking the committee to fix the time for this debate.

Mr. ANTHONY. Does the gentleman mean on this paragraph?

Mr. CLARK of Missouri. Yes. The debate has been proceeding here in the greatest confusion and nobody can tell head or tail about it. If you fix the time, people could get their heads clear.

Mr. ANTHONY. How much time does the gentleman suggest?

Mr. CLARK of Missouri. I do not know. I simply submit it to the gentlemen interested on the committee.

Mr. MADDEN. Let it go ahead. If any time is fixed, I want to say there will not be anybody here to listen to the debate. If you are going on without the time being fixed, everybody will be anxious about what is going on and you will get a vote. All you have to do, however, to empty the House will be to fix the time and then the membership will vanish away and will come back here at the end of the time without knowing what to vote on. I object.

The CHAIRMAN. The gentleman from Illinois objects. The gentleman from New York [Mr. CALDWELL] is recognized for five minutes.

Mr. CALDWELL. Mr. Chairman, I oppose this substitute to the amendment, and after a while I propose to offer some amendment to this section before this substitute is voted upon.

I have listened to the argument made by the gentleman from Alabama [Mr. DENT] in the committee for many days upon the question. I am just as proud of the national-defense act as he is, or as any other man is who has had to do with the drawing of it, because to my mind the Hay bill is one of the greatest pieces of military legislation ever put on the statute books by any nation in time of peace. But we would not be Americans if we did not learn by experience. The reason why our country is great and the reason why we succeed in our undertakings is because the wise people of America are willing to forego any feeling or sentiment of pride that they might have in any creature of their organization or in any creature of their Government in order that they may develop and improve the institution that we call the American Government.

Now, we have had a war, and men say that the Overman Act was the one great thing that caused waste and caused duplication of service. That is true; but without it you never would have won the war, because it would have been impossible for the executive branches of the Government to function and to create the organizations that were necessary to carry on the Great War. One of the things that it was necessary for us to create at that time and create quickly without waiting for legislation was a transportation service. The substitute carries no provision for a transportation service. It turns the whole thing back to the Quartermaster Corps, where it was before the war, when we did not know what conditions would arise when great countries came into a great conflict such as we have had.

Now, what are you going to do about it? Suppose you have a war to-morrow or next week or next year with our neighbor on the south. The organizations that you used against another enemy would not be the organizations you would use against Mexico. Are you going to wait until we actually get into a war and then pass legislation, or are you going to have a flexible arrangement by which the executive branch of the Government can reorganize certain branches of the Army and get it into shape so that when the great crisis does come and they have to meet it they will have something to meet it with? The executive branch of the Government is warned in advance, through its diplomatic channels, of the conditions that surround the country and will realize those conditions sooner than some other branches of the Government. Are you going to hamstring the President? Are you going to hogtie the Army of the United States and say to it, "You must fight our battles, but you will have to fight them with the club we put in your hands and not with the machine guns that you might be able to buy"?

This is a question of progress. Are you going to turn the clock back and refuse to benefit by the experiences of this war? Have you found one man in the Army of the United States, high or low, who says that the Hay bill was sufficient for a war? Have you found one man who says that this war has not demonstrated that you must have flexibility in the organization of your Army? It is the opinion of the General Staff, it is the opinion of the Secretary of War, it is the opinion of all men who went overseas with whim I have talked, and it is the opinion of Gen. Pershing, who organized these units, who made them large or made them small as the conditions required it, that we should have flexibility. He won the war, and now you are here asked to pass a new bill reorganizing the Army in the light of the experience of these men who fought for you. Are you going to say to them, "Your experience does not count, and we people who sit here in the Congress of the United States know more about the organization of the Army than men who have spent their lives in the study of this thing, and the men who went across the sea and fought under the conditions that they found there, and who now recommend a different thing"? Are you going to say that you know more about it than they do? Or are you going to take the benefit of their experience and turn down this substitute? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] is recognized.

Mr. DYER. Mr. Chairman, I make a point of order. I desire to have the time fixed upon this amendment, or I shall insist upon the point of order.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word, and is recognized.

Mr. KAHN. Will the gentleman yield for a parliamentary inquiry?

Mr. McKENZIE. I yield to the gentleman from California.

Mr. KAHN. As I understand the situation, the only gentleman who has spoken on this amendment is the gentleman from Alabama [Mr. DENT]. I do not recall that anybody has spoken in opposition.

The CHAIRMAN. The gentleman from New York [Mr. CALDWELL] spoke in opposition to the amendment. The gentleman from Illinois is recognized.

Mr. DYER. What became of my point of order that I made?

The CHAIRMAN. What is the gentleman's point of order?

Mr. DYER. My point of order is that the amendment has been discussed under the rule, the gentleman from Alabama [Mr. DENT] speaking in favor of it and the gentleman from New York [Mr. CALDWELL] against it, and that we are now entitled to a vote upon the amendment.

The CHAIRMAN. The gentleman from Illinois has moved an additional amendment and is recognized. The point of order is overruled. The gentleman from Illinois will proceed.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, much as I dislike to differ from my genial friend and colleague [Mr. DENT], I am compelled to do so. I feel, gentlemen of the committee, that this is one of the important propositions involved in the legislation now before the House. It is a question of fundamental policy. It is a question whether the Members of Congress sitting here as we do in a legislative capacity shall undertake to frame by legislation the various tactical units of the fighting branches, particularly of our Army. It is true that has been done in the past. It is true that heretofore men without any knowledge of military affairs, men without any conception of tactical units, have in their wisdom determined what those units should be in the Military Establishment of our country.

I am one of those who helped to frame the national defense act and had to stand on this floor and defend it against the criticisms and slurs of men who opposed it, but I am ready now, with the other provisions contained in this legislation, to take a step forward, in my judgment, in the matter of our Military Establishment. I believe that it is the duty and the function of the representatives of the people in Congress assembled to fix the size of the Army. I have always differed with those critics who have undertaken to tell us that we should fix the size of the Army in this country according to the testimony of military experts. In my judgment that is a civilian function, and one that we ought to exercise; but, after having once fixed the size of the Army, after having fixed the number of commissioned officers in the Army, we ought to have at least sufficient confidence in the ability and patriotism of the officers of the Army to allow them to prepare and prescribe the various tactical units of our Military Establishment. That is what is involved in this fight.

Heretofore there was a reason why Congress should fix the size of the Artillery, the Infantry, and the Cavalry, and the other branches, and that was because of the vicious system of promotion by branches in the service. We propose in this bill to put all the officers of the Army on a single promotion list, and it is absolutely immaterial whether or not this is in the Cavalry or Artillery or any other branch of the service, an officer will be protected in his rights on that single list of promotions. Heretofore if you increased the Artillery, you destroyed the position of the man over in the Cavalry and injured his chances of promotion. If you increased the Cavalry, as we did a few years ago, you did an injustice to the infantryman and the artilleryman; but under this system of the single list further along in this bill adopted, turning over to the Military Establishment the power to fix the tactical units of our Army, I think it will be the longest step forward in military legislation that has ever been taken in this country. [Applause.]

Mr. JUUL. Will the gentleman yield for a question?

Mr. McKENZIE. Yes.

Mr. JUUL. I want to ask my friend from Illinois if I understand him correctly. He has stated that an officer in the United States Army, if we adopt this bill, will be an officer of all the branches of the military service.

Mr. McKENZIE. Oh, no; he will be commissioned in the Cavalry or the Infantry or in the Artillery or the particular branch of service he desires to enter, but when once in there and on the lineal list he will move up along with all the other officers.

Mr. JUUL. The gentleman stated that the increase or decrease in any particular branch would not affect the promotion of the officer.

Mr. McKENZIE. If we adopt this bill.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be closed in 30 minutes.

Mr. ANTHONY. To the section?

Mr. KAHN. No; to the amendment and all amendments thereto be closed in 30 minutes, one-half of the time to be controlled by the gentleman from Alabama and one-half by myself.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate on this amendment and all amendments thereto be closed in 30 minutes, one-half of the time to be controlled by himself and one-half by the gentleman from Alabama. Is there objection?

Mr. CALDWELL. Reserving the right to object, that does not apply to any amendment to the section, only to the amendment of the gentleman from Alabama.

Mr. KAHN. It applies only to the amendment of the gentleman from Alabama [Mr. DENT].

Mr. CALDWELL. If we want to offer an amendment to the construction corps——

Mr. KAHN. That will be all right.

Mr. REAVIS. Mr. Chairman, reserving the right to object, the first section, as I understand, is a summary of what is in this bill.

Mr. KAHN. Yes.

Mr. REAVIS. A number of us have substantive amendments changing either the organization or adding new organizations, and that will not come up until the latter part of the bill.

Mr. KAHN. The gentleman will have a right to offer those amendments even if the request I have made is granted.

Mr. REAVIS. There is no question about that; but if the bill is amended later by the addition of another organization, somebody must recognize the right to come back to the first section and put it into the first section.

The CHAIRMAN. Is there objection?

Mr. GRIFFIN. Reserving the right to object, I want to ascertain from the chairman of the Committee on Military Affairs whether or not he has made any arrangement for disposition of the time?

Mr. KAHN. I have not; but I suggest that the gentleman get five minutes by communicating with the gentleman from Alabama.

Mr. MADDEN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is, Is there objection? There was no objection.

Mr. KAHN. Mr. Chairman, I yield five mintues to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman and gentlemen of the committee, it strikes me that, after all, this is simply a business proposition, and one that does not really involve any anxiety about the exercise of the constitutional power of Congress to control the Army or to control the use of the Army, or to control the money that is employed in the maintenance of the Army. We all realize that, after all, the Army can do nothing unless it is supported by the power of the purse. We know that our ancestors won for us long ago the control of the power of the purse, regulating the executive and the Army, in the Commons. We have it yet. That is a bogey that is sometimes raised here. If we know how much the Army costs, if we provide for certain numbers of officers at certain amounts of pay for certain military grades, and no more, it does not matter to you or me whether that is expended for the Cavalry, Infantry, machine-gun battalions, the net total will be what we prescribe. The movements around the chess board of duty of this or that particular officer do not change the balance at the foot of each column, because that is prescribed by statute—what each officer and man shall have, and they can get no more. We prescribe the limit of the number of men and officers in the Army, and there can be no more.

Now, having specified this, you have this control of the purse as men responsible to the taxpayer and people. What do you know, what do I know, about the arrangement of soldiers in a tactical organization so they will be a fighting army, which we are trying to raise to support with our money? [Applause.] What do we know about it? The true purpose is to educate officers through a lifetime of service to be able to regulate the details of their own trade, and why should we worry about it when we have fixed the control and have the power of the purse?

Let me say in regard to this amendment of the gentleman from Alabama, by which he proposes to establish by statute the unit of organization in the Army of the United States, that today the whole staff system, as far as the details of bureaus are concerned, is not regulated by statute and never has been. He seeks now to regulate by statute the combatant Army which, under a strategical situation, must be changed according to war problems only to be met on the battle field. For years and years we have given millions of money to the staff departments and never insisted on a distribution of the functions of that department strictly by statute.

The gentleman from Alabama [Mr. DENT] knows that right in opposition to the very theory he is presenting to you now we do not specify—and never have, even in his ideal national defense act—how the organization of the Coast Artillery Corps shall be set up. We have simply done by the Coast Artillery Corps for years what we propose to do now for the whole Army.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. When I have finished the statement. We all know that we put an outside limit upon the number of men in the Coast Artillery Corps, established certain kinds of grades and officers' positions in that, but did not undertake to regulate the strength——

Mr. DENT. Oh, the gentleman from Vermont does not mean to say that under the national defense act we do not fix the number of officers and the grade of each officer in the Coast Artillery.

Mr. GREENE of Vermont. I do not say that, and that is not pertinent to the question. I said that we do fix the number of officers, but we do not distribute them according to tactical duties, which the gentleman seeks to do in this amendment of his.

Mr. DENT. The gentleman is mistaken about that.

Mr. GREENE of Vermont. You fix the regiments.

Mr. DENT. I leave the Coast Artillery Corps exactly as it was created under the national defense act, except that I reduce it to 25,000 men. It is 30,000 men under the national defense act.

Mr. GREENE of Vermont. I know; but the point is what we are asking for is that the interior arrangement of these arms shall be flexible. Having fixed the outside limit of the Coast Artillery Corps, you permit the President to rearrange and redistribute the details as he may.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, I dislike very much to differ with the distinguished gentleman from Alabama [Mr. DENT] on the proposition of the reorganization of the Army, because I have the very greatest respect for his judgment on military affairs, and we who were here in the last Congress, when the country was at war, appreciate the very splendid service that he rendered to the Nation in the matter of legislation necessary to carry on the war effectively; but we have to-day before us a reorganization of the Army, and a reorganization of the Army to-day is a very different proposition from a reorganization of the Army at any other time in the history of our country. Over 4,000,000 men were in the military service, and most of those men have sifted back into the civilian population.

Outside of the 4,000,000 men there were many who were actively doing service for the Nation but not armed and in uniform. We had the draft boards to carry out the selective-draft law, Red Cross organization, the Liberty loan committees, and other committees in all of our communities that were doing war work. They are familiar, every one of them, with the work of the War Department, particularly with that which applied to the service which was rendered to the private soldier, because throughout the war these organizations and committees were appealed to for relief.

A separate finance service is not included in the amendment of the gentleman from Alabama [Mr. DENT]. That service rendered most efficient work, not only as to the pay of the Army, but in paying the bills of the War Department. In so far as the pay of the private soldier is concerned, we all know that at the beginning of the war the delay in paying the soldiers of our Army caused more trouble than any other thing connected with the War Department, in so far as complaints came to the attention of Members of Congress. The complaints of the private soldiers who did not get their pay reached not only the Red Cross workers and local draft boards, but they reached every committee doing war work in every community, and complaints were sent not only to the War Department but to every Member of Congress. All in turn took it up with the Quartermaster Department, where there was created a very great congestion, which could not be relieved and which was not relieved until there was created a separate finance service, which functioned efficiently and removed the trouble. The Members of Congress were no longer troubled, the organizations and committees handling such matters throughout the country were relieved, and the private soldier who had complained and who had been dissatisfied at the delay of the War Department thereafter became satisfied. In this way the great mass of the people of our country were advised of the functioning of a separate unit which produced efficiency, and they will not welcome a drop back into the old way.

Outside of the pay of the men, before this war the average merchant would not do business with the War Department, and why? Because he thought it was necessary for him not only to get a notary public before he got his bills paid, but to execute any number of affidavits and probably to get an accountant and a lawyer. All of these things he thought were essential, and it was pretty nearly the fact. The finance service changed this entirely. We find that they paid the bills for supplies for the War Department promptly and they often got discount rates. Instead of having merchants dissatisfied because the Government held back the pay for supplies they praised the new organization. Instead of having merchants who would almost avoid an officer who wanted to buy supplies for the War Department, under this service the merchants, knowing that they could get their money promptly and have their accounts settled on a business basis, sought an opportunity to sell to the Government and furnish supplies for the Army.

Mr. DENT rose.

Mr. FISHER. I can not yield now, as I have only a moment or two. It will not do to go back to the old system, because those in this country who recognize that this service functioned efficiently and upon a business basis demand its continuance. It has to-day the indorsement of the best business men of the country. I am not going to give my vote to discontinue this service, because those who knew of this service will certainly inquire, "Did Congress let the War Department fall back into that same old rut which caused so much trouble in getting the pay for the soldiers and for supplies?" I want to say to them that we did not, but that we followed the recommendations of the business men of the country and continued a service which proved of such great value during the war. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I have no complaint to make against the provision in this bill for 17,000 officers. I have listened with a great deal of attention to the arguments of the gentleman from Alabama [Mr. DENT], in which he urges the reduction of the commissioned personnel in time of peace. From my point of view there is much merit in his appeal to reduce the enlisted strength of the regular enlisted establishment, for I do not believe in large standing armies.

If he had confined his amendment to an outright reduction of the peace establishment I would have gladly supported the proposal; but as he couples with it a proposition to return to the old, inflexible, obsolete custom of having Congress name the number of regiments and other units in each branch of the service, I feel constrained to differ with him. He tries to make it appear that some great principle is at stake and that Congress, by permitting the General Staff to assort the enlisted men among the various branches of the service according to their availability and the needs of the service, is surrendering its proper hold and right of supervision over the disposition and use of the Army. That such a right exists or that it is in any way hallowed or venerable I refuse to believe. Congress, of course, has such a right, but that it cares to exercise it I utterly deny. Congress is concerned only with having an efficient Army in time of peace, properly trained and prepared at all times for action. The question as to how it shall be divided or distributed among the different branches of the service is one for determination of those skilled in the military art. It is not the proper sphere of Congress to attempt to put at the disposal of those intrusted with our defense an inflexible, arbitrary, unelastic skeleton and expect them to be responsible for the result if it will not work. Our fundamental duty has always been and now is to furnish the military authorities with a stated force of commissioned officers and men and let the General Staff arrange them into such units and such branches as the exigencies of the times require. Instead of hugging our favorite fallacy or making an idol of it we should relentlessly hurl it from its pedestal.

If experience is to be of any advantage to us at all in this world, it seems to me that now is the time to take advantage of our past lessons. Gentlemen will recall that when the clouds of war appeared upon the horizon we were more or less in trepidation. We realized that we would have to mobilize a great number of men and that we had not officers enough to officer and drill them. We resorted to the expedient of the Plattsburg idea of trying to make an officer out of a rookie in six weeks. There is one position upon which I stand inflexibly from my own observation, from my own experience in the Army, and from study of the recent and past wars, and that is that officers are more essential than men in time of peace and that the reverse is true in time of war. If the principle of preparedness has any virtue, we need a well-trained and competent force of officers in time of peace ready at a moment's notice to drill troops hastily mobilized and get them ready for conflict when the occasion requires. The gentleman from Alabama [Mr. DENT] complains about the vast number of officers which this bill provides. How many does it provide? Why, only six officers to every hundred men. Instead of being too many, in my opinion, that number is too small. Gentlemen saw the table yesterday that was before them. Between 1850 and 1860 the average was 10 officers to every hundred men.

The moment the Civil War broke out, with the immense mobilization of men, the number of officers immediately dropped to five per hundred men. There was a dearth of officers.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GRIFFIN. I will be glad to.

Mr. GREENE of Vermont. I desire to supplement the gentleman's statement by saying that we may add 150 enlisted men to each 1 of the officers and will keep only those 6 officers. There is no fixed ratio of commissioned officers to enlisted men in a military organization of this kind.

Mr. GRIFFIN. Yes; it is absolutely essential that we should consider in time of peace the necessity of having highly skilled and well-trained officers to look after the mobilization and the drilling of men in time of war. You can not make officers in the course of six weeks but you can make fighting men in six weeks. I am a great believer in the American volunteer. I

believe that the average American boy knows how to shoot, and it does not take long to put him into good military form to meet the enemy anywhere.

Our experience in the last war illustrated that very vividly and very forcefully to the satisfaction of ourselves and of the entire world. Our men can fight if they are given the chance, but you must give them a fair start. You must in time of peace prepare for war by providing them with men competent to lead them and control the machinery of war. One of the blights of the Regular Army in the past was the skeleton organizations which Congress insisted upon maintaining. The officers were never able to command or practice with forces adequate to their rank. The joint maneuvers with the National Guard was a godsend to them. As early as 1895, in an address delivered before the United States Military Wheelmen, I advocated such joint military maneuvers. In conclusion, let me say that we should not attempt to dictate to the General Staff the number of units in any branch of the service. Give them the men and say to them, "Here, make out of these men infantry, cavalry, artillery, and engineers; dispose of them as you think wise and get them in shape so that when they are confronted with war they will be able to do their duty." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman, the Great War taught a number of valuable lessons in the way of strategy and otherwise, and I assume that the War Department has made use of those lessons in assisting the Military Affairs Committee in drafting this bill. I agree fully with my friend from Vermont [Mr. GREENE] that we should adopt a flexible military system in this country. The War Department, or, rather, the General Staff, should have the power to make such changes in our military system as may best meet the rapidly changing times. The conditions to the south of us are critical. Suppose that situation should arise that called for 100 regiments of Cavalry. Under the amendment offered by the gentleman from Alabama, and for whom I entertain the most profound respect and admiration, the War Department would not have the power to make such changes in the establishment as to meet the necessities down there.

Mr. DENT. Will the gentleman yield?

Mr. KNUTSON. For a question.

Mr. DENT. Does the gentleman think under the bill as reported by the committee you could organize 100 regiments of Cavalry?

Mr. KNUTSON. I think the War Department will be much more free to cope with any situation that might arise down there under the bill prepared and reported by the committee than they would under the provisions offered by the gentleman from Alabama. Of that there is no doubt in my mind at all. I do not pose as a military expert, and I do not believe that very many men on the floor of this House can qualify as such. We will have to trust to the good judgment and patriotism of the War Department and the General Staff in this matter. Let us not close our eyes to the fact that we need in this country, above all other things in the way of protection, a flexible military system that will allow the War Department and the General Staff to make such changes as will meet any critical situation that might arise on a moment's notice. [Applause.]

Mr. DENT. Mr. Chairman, I want to say that there seems to be considerable sentiment here on the floor of the House in favor of a separate finance department. My amendment will not prevent the House, later on when we reach that section of the bill, from incorporating in the bill a separate finance department. I am not going to discuss the question of a finance department at this time except to say I can not see any logic in the demand that there should be a separate authority to pay for goods from the authority which purchases the goods. I think as a business proposition it is absolutely absurd that the man who has the right to buy property, to buy goods that the Army wants, can not agree with the seller as to when he is going to get his money, but must go to some other authority when he wants payment. So far as the statement is concerned, made by my friend from Tennessee, that the business men of this country want it, I have received letter after letter, now on my desk, from prominent merchants of the country stating that under the system we now have of a separate finance department they would not deal with the Government at all, because one man buys the goods and he can never guarantee when payment will be made. I think it is an absurd proposition, and for that reason I am opposed to it. Yet those who want to support that proposition can vote for my substitute and still incorporate a finance department when we reach that section of the bill. Now, Mr. Chairman, I ask to put in the RECORD a statement showing that if this substitute of mine is adopted there will be 8,529 officers of the line, 185,000 enlisted men, and that the total strength the Army may be organized with 14,231 officers and 226,000 men. That reduces the number of officers from the 18,000 proposed in the bill to 14,231, and it reduces the number of enlisted men from 299,000 to 226,000, the total strength, line and staff. I except in my amendment, as was done in the national defense act, the Medical Department and the Quartermaster Corps, because they may vary.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. DENT. I will.

Mr. ANDREWS of Nebraska. Does the gentleman think it is a wise policy to combine the purchasing power and paying power in one and the same person?

Mr. DENT. I certainly do. Every institution in this country does that.

Mr. ANDREWS of Nebraska. Examples can be cited where the combination of these duties in one and the same person leads to the widest opportunity for fraud in Government business.

Mr. DENT. That is a statement which the gentleman makes which is not borne out by the facts as testified to before the Military Committee of the House. On the contrary, this separate finance department has increased the number of officers at every military post of the country that you have. They have used five officers where you had formerly but one.

Mr. GREENE of Vermont. Is it not true that under the old system you seldom had more than one or two officers anyway at every post, and is it not a fact that all doubled up in their duties? And is it not a fact that the proponents of this finance system now say that when you get back on the July 1 basis of organization those duties may again be doubled in small posts?

Mr. DENT. Of course, there was a lot of doubling up during the war.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DENT. I append herewith the statement to which I have referred.

Analysis of organization.

Branches.	Officers.	Men.
General officers of the line	63	.....
54 regiments of Infantry	2,754	74,628
18 Infantry brigade machine-gun battalions	324	8,838
11 Infantry division machine-gun battalions	110	2,387
2 Infantry tank brigades	148	2,334
17 regiments of Cavalry	833	17,323
4 Cavalry machine-gun squadrons	60	1,376
36 regiments Field Artillery	1,584	31,572
Coast Artillery Corps	1,000	15,004
7 regiments Engineer troops	231	5,224
2 mounted battalions Engineer troops	32	488
30 brigade headquarters	120	600
10 division headquarters	70	1,440
Air Service	1,200	12,000
	8,529	173,217
Corps of Engineers (less number with Engineer troops)	244	.....
Signal Corps	290	5,000
Judge Advocate General's Department	43	.....
Quartermaster Corps	1,000	18,000
Ordnance Department	400	5,000
Chemical Warfare Service	125	1,550
Medical Department	1,763	10,193
Detached officers	1,400	.....
Detached enlisted men	.....	1,100
Bureau of Insular Affairs	3	.....
Professors, Military Academy	7	.....
Chaplains	135	.....
Philippine Scouts	292	12,000
Total	14,231	226,060

Officers of the General Staff, Adjutant General's Department, and Inspector General's Department are included in the detached officers as they are all detailed from the line.

The total number of officers in the several branches of the line as given in section 25 includes the detached officers' list of 1,400.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] is recognized.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I am in favor of a separate finance department, and to that extent I do not favor the amendment of the gentleman from Alabama, but I do favor that portion of the amendment of the gentleman from Alabama which fixes the number of regiments in the different arms of the service. It has been very persuasively argued here by gentlemen on the committee that since the Members of Congress do not know anything about the proper formation of military units that matter ought to be delegated absolutely to the War Department, and allow the War Department to change the organization and formation of the different units from time to time as it may see fit.

Mr. CALDWELL. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. CALDWELL. I just wanted to call the gentleman's attention to the fact that in the bill the number of men in each arm of the service is specified and the flexibility is only 10 per cent.

Mr. CONNALLY. I understand the gentleman. That is true, and that is pertinent to the matter under discussion.

We hear a great deal about flexibility in this bill. It is very flexible, because the bill provides for an authorized enlisted strength of 299,000 and a commissioned personnel of practically 18,000, based on an authorized strength of 300,000 enlisted men, when everybody on the committee and everybody in this House that has kept up with the history of military legislation knows that you do not expect to get 300,000 enlisted men by voluntary enlistment.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CONNALLY. I will be glad to do so.

Mr. GREENE of Vermont. I think the gentleman may have fallen into a misapprehension. It has been distinctly stated several times that the number of officers provided for in this bill does not bear a dependable ratio to the number of enlisted men, because they are not all assigned to the tactical units represented by that number of enlisted men.

Mr. CONNALLY. The gentleman also ought to know that you will have 18,000 officers, no matter what the number of men may be.

Mr. GREENE of Vermont. There is also a provision for expansion under one officer.

Mr. CONNALLY. The element of flexibility in this act is the flexibility provided for the War Department to expand the total number of officers to 18,000 on the specious argument that 300,000 enlisted men are to be authorized, when everybody who knows anything about the question at all knows that the War Department itself does not expect to get 300,000 men by voluntary enlistment.

Now, the gentleman from Vermont [Mr. GREENE] says that Congress in passing this bill still retains control of the purse. That is true. Of course we will retain the control of the purse, and yet when you put these men on the rolls and fix their salaries by law, we are going to have to make the appropriations. I think it just as well in a country like our own, where we have civilian control of the Army, that we keep control not only of the purse but that the Congress keep control of the sword. The Army must know, and ought to know, that it is organized not for the particular benefit of those persons who are members of that force, but it is organized as a branch of this Government, and Congress ought to say what the organization of the Army is to be.

The gentlemen on the Military Committee say they do not know what it ought to be. I assume that the Military Committee in framing this bill had before it gentlemen from the General Staff and the War Department who testified what the organization of the Army ought to be. And I assume that they acted on that advice.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Kansas [Mr. ANTHONY] is recognized for three minutes.

Mr. ANTHONY. Mr. Chairman, I am sorry the gentleman from Alabama has made his amendment embrace such a large scope. I would be with him in his provisions for consolidating some of the useless separate corps that the bill provides for. But as regards his principle of specifying the regimental organization of the line of the Army, I disagree with him. Now, the only difference in regard to the size of the Army, as between that advocated by the gentleman from Alabama and that authorized by the old national defense act, which really authorizes the maximum of 239,000 men, if its full authority is used, and this bill, which provides 299,000, is not great. There is a difference of only about 50,000 between the two measures.

The other point is in regard to fixing rigidly the number of regiments of Infantry, Cavalry, and Artillery. The committee felt it did not have the technical military knowledge sufficient to arbitrarily fix these proportions as they should be, but preferred to leave it to men more skilled in technical military matters, and I think the committee is absolutely safe in so doing, because conditions will all be greatly changed as an outgrowth of opinion formed by military men following the war. So I hope the provisions of the bill in section 2 will be permitted to stand as they are written, and that we may improve by proper amendment the other sections when we reach them.

The CHAIRMAN. The Chair will state that the other amendment, to perfect the section——

Mr. MANN of Illinois. Has it been offered?

The CHAIRMAN. Yes.

Mr. MANN of Illinois. I have not heard of any being offered.

Mr. CALDWELL. I offered one.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. Would it be possible to vote on this substitute first, and then, if it is defeated, to offer this amendment?

The CHAIRMAN. It would be possible, but if it were not defeated——

Mr. CALDWELL. It will be defeated, so I am perfectly willing to wait.

The CHAIRMAN. If there is no amendment offered, the question is on the motion of the gentleman from Alabama [Mr. DENT].

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Is it possible in regard to the Dent amendment to obtain a separate vote on the various propositions? One proposition relates to having these tactical organizations named, and other propositions are with respect to what shall be the corps. Is it possible to get a separate vote on it?

The CHAIRMAN. The substitute is open to amendment, but the debate is closed.

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. I wish to offer an amendment to section 2.

The CHAIRMAN. That will be in order after the vote. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. DENT].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. DENT. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 79.

So the amendment was rejected.

Mr. KAHN rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. KAHN. I desire to ask unanimous consent that now this paragraph be passed over for the present, in order that the various sections of the bill may be read for amendment, and if the amendments disclose the fact that the committee will remove some of the separate features of the bill——

Mr. CALDWELL. Or add to them——

Mr. KAHN. Or add to them, we can come back to this section and amend it in accordance with the action taken.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent that this section of the bill be passed over until other sections of the bill are read, to be returned to for amendment. Is there objection?

Mr. LITTLE. Mr. Chairman, reserving the right to object, I have an amendment which I wish to offer, which is only pertinent and useful if it is offered now, before we proceed to the other sections. If the gentleman can wait long enough to allow me to offer an amendment and say a word, I shall be glad.

Mr. KAHN. I simply made my suggestion in the hope that we would be able to save some time, but I do not press it.

Mr. DENT. Reserving the right to object, Mr. Chairman, I do not think by passing over this section we shall expedite the consideration of the bill. I think we might as well perfect the composition of the Army as we go along.

The CHAIRMAN. The gentleman from California [Mr. KAHN] withdraws his request.

Mr. CALDWELL. Mr. Chairman, I offer an amendment, which I ask the Clerk to report.

The CHAIRMAN. The gentleman from New York, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 2, line 1, after the word "Engineers" insert the words "the Transportation Service."

Mr. CALDWELL. Mr. Chairman, a few moments ago I explained something of the reason why I favored this amendment to this section. The experiences of the war demonstrated beyond a doubt that you could not transport the Army, its supplies and matériel, by the archaic method of depending upon a Quartermaster Corps that was already overburdened with the enormous detail of its services. During the war the greatest thing we had to contend with was the lack of transportation facilities, all the way from the mine and the farm in America to the factory and through the factory to the seaboard, and from the seaboard across to the other side, and from there on up to the front. In order that we might meet that trying situation the Overman Act was passed. The President created a transportation service, in fact three transportation services; and now, under a study by the staff, and following the advice

of the best military scientists that we have in our country, and based upon the experience that we had in the war, the Secretary of War has written to the chairman of the Committee on Military Affairs a letter upon the subject, which I am going to ask the Clerk to read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MARCH 5, 1920.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: An examination of a bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," now pending before the Committee of the Whole House on the state of the Union, discloses the fact that no provision is made either for a separate transportation service or for a separate construction service. In order that the position of the War Department, with reference to these two important branches of the service, may not be misunderstood, I beg to advise you that our judgment and experience dictates the wisdom of making provision for such services.

At a very early period in the World War it became necessary to take from the Quartermaster Corps and set up these two services into separate bureaus, reporting originally directly to the Secretary of War, because of the overburdened state of the responsibilities of the Quartermaster General.

In addition to the duties of supervising the transportation of the Army, the transportation service has recently been charged by the President with the supervision and operation of the inland waterways, recently under the charge of the Director General of Railroads. This activity includes the operation and maintenance of Government barge lines on the Mississippi River between St. Louis and New Orleans, on the Warrior River from Birmingham to Mobile and New Orleans, and on the New York Barge Canal between Buffalo and New York.

It is to be noted that under the provisions of section 9 of the bill the Quartermaster General is charged (as appears at line 3, page 17) "with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities connected with housing the officers and enlisted men of the Army, and with the storage and issue to the Army of quartermaster supplies." With this limitation of construction in the Quartermaster Corps it is apparent that it is the intention of the proposed bill that all construction, maintenance, and repair work other than housing of the Army and storing of quartermaster supplies is to be performed by the other bureaus and services of the War Department. This contemplates a return to the prewar conditions when each service and bureau of the War Department carried out its own construction, maintenance, and repair work. Each bureau, therefore, will be called upon to create within itself a distinct construction department, thereby giving encouragement to interdepartmental duplication and loss of economy.

It is therefore my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill.

Respectfully, yours,

NEWTON D. BAKER,
Secretary of War.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CALDWELL. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Chairman and gentlemen, I want to call your attention to the fact that when the Esch bill was in conference and it was found necessary to do something with the transportation facilities acquired by the Government during the war, they looked to some governmental agency that could handle the Government boats that were on the rivers, and the thing they found most available was the transportation service of the Army, and naturally provided that these boats be placed under the control of the Secretary of War. Now, in this bill that has been reported by this committee no provision whatsoever is made, unless the bill is amended so as to carry a transportation corps, to carry on this great enterprise in which the Government has already invested its millions of money, and in addition to that we must have trained, skilled men, prepared on a moment's notice to expand their service so as to transport our Army, its men, supplies, and matériel wherever the Nation requires its manhood to fight. I therefore respectfully submit that it is wise, that it is just, that it is scientific to amend this bill by incorporating a transportation service.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment.

Mr. ANTHONY. Mr. Chairman, this amendment, offered by the gentleman from New York [Mr. CALDWELL], will do away with one of the economies that is attempted by this bill. His amendment provides for the continuation of a separate transportation service, a separate Motor Transport Corps. The figures submitted to the committee show that by doing away with the Motor Transport Corps as a separate bureau and placing its administration back under the Quartermaster General, where it was before the war, we can make a saving to the Government of over a million dollars in overhead expenses right here in Washington alone. A summary of the cost of the corps as a separate bureau shows that as now constituted it consists of 92 commissioned officers and 338 civilian employees in the city of Washington. The civilian employees cost $537,000 per annum.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a moment?

Mr. ANTHONY. Yes.

Mr. CALDWELL. I will say to the gentleman that if my amendment is carried, when we reach page 16, referring to the Quartermaster Corps, I propose to offer amendments reducing the number of officers and men below the number that will be carried in the provision providing for the Transportation Corps.

Mr. ANTHONY. Mr. Chairman, there are 338 civilian employees in the office of transportation alone, costing over half a million dollars. There are 686 civilian employees here in the Motor Transport Corps, which is costing a million dollars, approximately; and under the provision of the bill it is estimated there will be required for the Motor Transport Corps division, when consolidated in the office of the Quartermaster General, 22 officers instead of ninety and odd as at present, and but 320 civilian employees, at a cost of $554,000, as against 1,000 civil employees as now constituted, making a saving of $1,079,000 in this one corps alone, without in the slightest impairing its efficiency. It simply means its abolishment as a separate entity or bureau of the Government and placing its administration in a bureau that already exists. The question before the House is not alone one of efficiency, it is simply as to whether the House desires to save $1,000,000 annually in overhead expenses of operation in Washington alone in one swoop, as is proposed in this bill.

The CHAIRMAN (Mr. SNELL). The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 2, line 25, after the word "thousand," insert all in lines 6 to 15, inclusive, page 34, beginning with "immediately," as follows:

"Immediately upon the passage of this act, and thereafter in September of each year, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and class B, of officers who should not be retained in the service. Until the rendition of the report of the original board, all officers shall be regarded as belonging to class A. The findings of the board shall not be subject to review by any authority."

Mr. LITTLE. Mr. Chairman, as I caught the reading of the second section it purports to indicate the real purpose of the bill. I think it should be made complete so that it does. The real purpose of the bill is indicated in the amendment which I have offered. That provides that as soon as they get it passed the fellows down in the bureau shall pick out five of their friends and those men shall put everybody out of the Army they want to put out and, further, that there shall be no appeal. The purpose of this bill, if this section I have called attention to stays in the bill, is to allow the red-tape worms down in the bureau to run the fighting men out of the Army. That is all this bill is intended for. I do not propose to press this amendment and shall ask leave presently to withdraw it, but I want this House to know now what this bill is about and what its purpose is, and that is the reason I offer the amendment and challenge attention to it. The staff already has done this. They have picked out five of their friends and they made a list of them they were going to put out of the Army. I have seen the result of some of it. I asked the Chief of Staff by what authority he got up such a list and appointed such a body of men to act, and he has never answered the question. I have seen some of the men they put out. I know the record of some of them. They are men who volunteered to enter the service of the United States, who went in as soldiers twenty-odd years ago, who went to war and fought their way up from a private to the shoulder straps, who went into this war after serving for 20 years as an officer in the Regular Army. The purpose is to throw such men out. I have seen men like Gen. March take advantage of their positions in the swivel chairs and run better men out of the Army, and I propose later on to mention some men and indicate their records. One day there was a drum beat in a little town and a man who was a traveling man said, "What is it about?" He then went down and enlisted as a private, in a strange town, among strangers.

He came home a lieutenant and he was transferred to the Regular Army. He was shot through the jaw while in the Army and was the first man to cross the Bag Bag bridge in the Philippine Islands, an act which goes down in history. When this Regular Army was arranged after that war he was made an officer. He had served faithfully and was chief of staff

or adjutant general down at Panama, one of the most efficient and capable men in the Army, in every respect the equal of Gen. March and a better soldier and a man who had fought twenty times as many battles as he. But he was marked for slaughter. The men with whom he served at Panama and everywhere else have said for him that he is efficient and capable. I shall discuss others later. I just want now to have you understand what the purpose of this bill is. Later on I shall offer an amendment to strike this out. I do not know how the rest of you are, but if you are going to pass the bill here and let the bureaucrats throw the fighting men out of the Army, I am not for it. [Applause.] Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, once more I ask unanimous consent that this section be passed over for the present and that we read the other sections of the bill for amendment. Then if amendments are made which will change the organization provided for in this section we can make the changes in this section when we return to this section. In that very connection I call attention to the statement of the gentleman from New York [Mr. CALDWELL]. He said that if his provision for a separate transportation corps should carry he would move to change the organization in the Quartermaster Corps when we reach that section, so as to deduct from the Quartermaster Corps the number of officers and men required for the transportation corps.

So I think we would save time if we were to take up the various other matters and come to this section afterwards. I ask unanimous consent to pass it over temporarily.

The CHAIRMAN. The gentleman asks unanimous consent to pass over this section temporarily. Is there objection?

Mr. DENT. Mr. Chairman, reserving the right to object, I defer to the wish of the gentleman in charge of the bill, the chairman of the committee. As far as I am concerned, I think the bill would be expedited if we finished the composition of the Army in this section of the bill; but in view of the fact that the chairman of the committee wishes it to go over, thinking it will expedite the bill, I will withdraw any further objection.

The CHAIRMAN. Is there objection?

Mr. HARRELD. Mr. Chairman, reserving the right to object——

Mr. JONES of Texas. I object, Mr. Chairman. I have an amendment which I wish to offer to this section.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. HARRELD. Will the gentleman from Texas yield just a moment?

Mr. JONES of Texas. Yes.

Mr. HARRELD. Can we not have the request submitted that at the conclusion of the consideration of the amendment of the gentleman from Texas [Mr. JONES] and of the amendment which I wish to offer the section may then be temporarily passed over?

Mr. KAHN. I have no objection to modifying the request in that manner, and I will make that request.

The CHAIRMAN. The gentleman from California asks unanimous consent that at the conclusion of the consideration of the amendments of the gentleman from Texas [Mr. JONES] and the gentleman from Oklahoma [Mr. HARRELD] this section may be temporarily passed. Is there objection to that request?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. JONES].

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 19, after the word "exceed," strike out "250,000" and insert in lieu thereof "175,000"; and in lines 24 and 25, strike out "280,000" and insert in lieu thereof "205,000."

Mr. JONES of Texas. Mr. Chairman, I have no desire to interfere with the reorganization of the Army. I would rather leave its arrangement and subdivision, therefore, to those who have studied the question more thoroughly and exhaustively than I have. However, I can not see any reason for the United States Government maintaining an Army of enlisted men of more than 200,000 in peace time. All through the war we heard constantly and continuously that one of the purposes of the war we were fighting, and one of the lessons that not only this country but every nation on earth would learn was the utter folly of continuing the immense armaments that the world was cursed with and which had brought on the war. I believe if there is any nation on the face of the earth that is in a position from the economic point of view, from the military point of view, from the standpoint of prestige, or from any other point of view to set an example, it is the United States of America. Moreover, I believe that for the present at least we will not be able to get more than 200,000 men into the Army. Why not get the benefit before the world of saying, "We are going to set the example, and if you people will follow we will cut down the military strength of the various nations of the earth."

In 1914, before the war came on, the peace-time strength of Germany's Army was 870,000 men; of the army of France, 783,000 men; of Russia, 1,500,000 men; of Austria, 435,000 men; of Italy, 306,000 men; of Great Britain, 262,000 men; and of Turkey, 230,000 men. I have always believed that a "pistol-toting" man would sooner or later get into a fight. I believe that applies to nations. Look at the nations of South America. The South American Republics are, of course, small and comparatively new. They have practically no peace-time military strength, and they have not had any wars to amount to anything for many years. In 1914 Argentina had a peace-time army of 18,000; Chile, 19,000; Peru, 6,000; Venezuela, 9,000; Bolivia, 3,000; Colombia, 5,000; while in Europe even little Bulgaria, in 1914, had a peace-time army of 65,700 men. There have been more than 30 wars in Europe in the last hundred years, and during that same period no war of any consequence in South America. Europe has had these vast armies. The South American countries have lived in peace. They have had small armies. For the present year at least it seems to me, inasmuch as perhaps not more than 200,000 will volunteer, it will be well to put that limit upon the number.

Mr. CALDWELL. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. CALDWELL. Does not the gentleman believe that the Argentine Republic is one of the greatest countries in South America?

Mr. JONES of Texas. Yes.

Mr. CALDWELL. It has universal military training.

Mr. JONES of Texas. It has a peace-time army of 18,650 men.

Mr. CALDWELL. And it has universal training of every young man 19 years of age.

Mr. JONES of Texas. Yes; and every nation in Europe that I have mentioned had not only universal training but universal service and had had for years—Germany, France, Russia, and all those nations. Germany had not only a peace-time army of 870,000 men, but she had a reserve force of 5,000,000 men, all of whom had seen not only universal training but universal service, and that is true of the other great European nations. You can not escape the proposition. You are driven inexorably to the conclusion that if you have military establishments bristling all over the face of the earth you are going to have war, and if you tell the great nations of the earth, as the United States Government is to-day telling the world, that we are going to arm as though for an immediate fight and have a great standing army, the other nations of the earth in the due course of self-defense will arm themselves. I should like to see any man escape that conclusion, because it is inevitable. I submit that the United States Government is now in the most favorable position that it has been in any period in its history to say to the world, "We will set the example and let you follow." But if, disregarding the lessons that some of the men who have talked here have spoken about, we are going to throw aside the lessons of the war and establish a great army, on what kind of a platform will we go to the nations of the earth and say, "Reduce the fighting strength of your armies." [Applause.]

The cost of maintaining such an army is not a matter to be lightly considered. The adoption of my amendment will reduce the annual appropriation by much more than $100,000,000, assuming, of course, that the Army will be recruited to full strength.

Somehow, somewhere, these tremendous appropriations must be reduced. National economy is absolutely necessary; and yet each committee asks us to begin with some other bill.

I am in favor of reducing the appropriations all along the line. As a matter of fact, for the next year or more at least we do not need an army of 300,000, so why in the meantime burden the people with the expense of such a machine. The National Guard organizations did magnificent work during the war. No finer or more dependable soldiers trod the soil of Europe during the entire war. These organizations supplementing the reduced Regular Army will be amply sufficient for the time being.

Mr. McKENZIE. Mr. Chairman and gentleman of the committee, I think it is well understood in this House that I am not classed as a "big-army" man. At least I have been criticized very severely in the past as a small-army man. I am one of those who did not believe in a large standing professional army in our country in time of peace. But I can not agree with my distinguished friend from Texas [Mr. JONES] that in a great Nation like ours of 110,000,000 population a law which provides

for the authorization of an army of 280,000 men is a provision for a large standing army. I am not unmindful of the fact that we have our foreign possessions, and that it is necessary that we have a division in the Philippine Islands. It is necessary that we have a division in the Hawaiian Islands.

It is necessary that we have troops to protect American rights at Panama; it is necessary to have a sufficient number of troops to beat back the ever-appearing war cloud on the Texas frontier.

Mr. JONES of Texas. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. JONES of Texas. Does the gentleman think that 200,000 men will volunteer the next year?

Mr. McKENZIE. I am getting to that. I will say that while the bill provides for an enlisted strength of 280,000 men, I can assure the gentleman that we will not get 280,000 men in peace times, but we will have the law on the statute book so that if necessity should require, if we should need 280,000 men on the Texas border, the young men of this country can come in and enlist, and we have provided by law for that orgnization. In other words, it is simply a safeguard.

Mr. JONES of Texas. Does not the gentleman think that in case of war we will go back to the draft system? What will be accomplished by telling the world that we have a 300,000 Army and turning around and only providing 200,000?

I agree with the gentleman, but what do you accomplish by saying to the world that you are going to have 300,000 men and then adopting a system that can only provide 200,000.

Mr. McKENZIE. I want to say that in the history of our country whenever we needed a larger force the American youth have been ready to volunteer, and they will provide a volunteer army of 280,000 men.

Mr. JONES of Texas. It has also been the history of our country that Congress can pass a law in two or three days that will provide for raising a larger Army.

Mr. KAHN. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. KAHN. Does not the gentleman know that in all the history of this country we have fixed a maximum strength of the Army at a certain figure, and yet the War Department has never filled the maximum because Congress holds in its hands the appropriation that is given for the force we want?

Mr. McKENZIE. That is true.

Mr. KAHN. May I call the attention of the gentleman from Texas to an article I have from the London Times of Wednesday, February 18, 1920. England has a volunteer army, just as we have, and they have asked for appropriations for this coming fiscal year for their army of $625,000,000, based upon an estimate of 525,000 enlisted men.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McKENZIE. I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. I wish to say in that time to my distinguished friend from Texas that this bill provides for the defense of our country and is an alternative to some other form of preparedness. Two hundred and eighty thousand Regular troops, with the reserve forces that we provide for, trained in school and training camp, and all the activities provided for in this bill, in a way takes the place, in part, of compulsory military training.

Mr. JONES of Texas. I want to call the attention of the gentleman to the fact that my amendment does not affect the officers, but only the enlisted men.

Mr. CALDWELL. Mr. Chairman, I rise for the purpose of calling the attention of the House to the fact that, notwithstanding the argument of the gentleman from Texas that big armies invite war, the United States had the smallest Army of any great nation in the world in 1917, and yet it was drawn into the Great War and had to go into the fight without preparation. We had an Army of 127,000 men, a joke in number, and if we had not had a National Guard educated on the American border to assist the Regular troops in the Soisson-Chateau Thierry Battle could never have crossed the highway and railroad and cut off the German supplies to Chateau Thierry.

Mr. DENT. If the gentleman will yield, we had 127,000 at the outbreak of the war, and we won the war in 19 months.

Mr. CALDWELL. But we had 7,000,000 British and French troops to hold the line until we got ready, and yet we made the most enormous sacrifice ever known in the world. We ought to be ashamed of ourselves for sending the manhood of America into the Great War without giving them an opportunity to train replacements for the boys that were killed. We sent as replacements men who had not had a gun in their hands until five weeks before they were killed in the trenches. Shame on the Congress of the United States that with that experience staring us in the face that we here to-day calmly legislate and fail to correct a condition for the next generation that must fight for this Nation's liberty where the boys shall die and suffer as they died and suffered even without any training. [Applause.]

Mr. BEE. Mr. Chairman, I move to strike out the last three words. I am not going to discuss this matter very fully. I regret to find myself in disagreement with my distinguished colleague from Texas on this question. I am not a big-army man. I do not share the fear that seems to be prevalent in this land that we are to become a military Nation because, perchance, we assemble a maximum strength of 280,000 men. In other words, because we contemplate enacting a law under which in an emergency, under which in a time of stress there may be a contingency that will call for the enlistment of this number of men.

As has been well stated here, the standing Army in the national-defense act was 175,000 men, but it never reached above 120,000; but let me say to my friend from Texas, and my other colleagues here, that while we are a peaceful Nation—and God grant that we will always be a peaceful Nation—we are an expanding Nation. When you have a Regular Army of the United States you do not confine its activities to a garrison camp in the interior of this country. You expand its activities into the Philippine Islands and into the Hawaiian Islands, and far off and what was long ago considered bleak Alaska. These forces must from time to time go into Cuba, and we have a border extending from California to the southern part of Texas that is a standing menace to the safety and the prosperity of the people who populate the territory of that tremendous border.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BEE. Yes, sir.

Mr. JONES of Texas. If the gentleman concedes that we will not get above 200,000 by the volunteer system, how can we get any more under the terms of the bill as reported than under my amendment?

Mr. BEE. The gentleman misunderstands. If you are going to have 200,000 as the maximum you might just as well have 280,000 as your maximum, because when the emergency comes you may just as well need 280,000 as you need 200,000. Let me say, furthermore, I am a great believer in the National Guard of this country; and when the time comes in this bill I propose to raise my voice in behalf of that character of legislation which will upbuild the National Guard, at last the safety of the people. [Applause.] I do not want the National Guard boys taken from their homes, from their occupations, and from their professions, and called from time to time, as they were a few years ago, to serve upon the border of Mexico, because we have not got Regular troops enough to defend American interests on the border. [Applause.] Therefore we are not doing any harm by this. Why, my friends talk as if this country is to be converted into a military camp because out of the 110,000,000 people we contemplate a maximum Army of 280,000.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BEE. In just a minute. Gentlemen of the House, this country, I trust, will never again engage in war, but I am not one of those men who agree with Tennyson that—

> When the war drums beat no longer,
> And the battle flags are furled
> In the parliament of man,
> The federation of the world.

Mr. JONES of Texas. Does the gentleman believe in universal military training?

Mr. BEE. I want to say to the gentleman from Texas if he asked that question of me to get me to declare myself, it was futile, because here and elsewhere I have asserted my belief that in the sane, reasonable military training of the youth of this land is found the safety and salvation of this Republic. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEE. May I have one minute more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEE. Because in the physical welfare of the youth of this land, in the greater upbuilding of the youth of this land, in the inculcation of the love of country, in the love of patriotism and reverence of that flag, no young man ever acquires it any better and as thoroughly as he does in a training camp for a few months where every day he is taught the lesson of physical culture, where every day he is taught the lessons of moral, upright living, where every day he is taught to love his country and its institutions, not militarism, but in high school, in college, and in training camps reasonably and sanely we will stop the

necessity of having 280,000 men, let me say to my friend from Texas, with an able citizen soldiery in the background, who may spring equipped, armed for the country's defense whenever its honor and integrity are assailed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. JONES of Texas) there were—ayes 22, noes 55.

So the amendment was rejected.

Mr. HARRELD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 19, after the word "exceed" strike out "250,000" and insert in lieu thereof "150,000."

Mr. HARRELD. Does the gentleman from California desire to let this matter go over? If so, I am perfectly willing.

Mr. KAHN. Let it be considered now, and let us speak to it.

Mr. HARRELD. Mr. Chairman, I had intended offering this amendment simply to accord with the speech that I made on the floor of this House yesterday, that my acts might square with my words. However, there are a few things that I want to say in connection with this. The argument has been made on this floor that although you expect to fix the limit to which the Army may be recruited at 250,000, you have no hope of ever having a recruited force of that size. Now, I want to say to you that since the beginning of this Government there has never been a time when there has not been a considerable part of this country which was in favor of building up a military caste in this country, and one argument they have always made and insisted upon was that Congress should open the gates that they might bring that about by fixing a high maximum limit that might be attained in the recruiting of the Army. That is a sinister argument. I do not mean to say that Members of this House are parties to that sinister motive, but they have gotten that idea from the people who are building up in this country a militaristic spirit and are making the argument that element has made since the beginning of this country's history. In my speech yesterday I advocated a strong National Guard. I believe in adequate preparation for the national defense, and I believe it is the policy of this Government that we should only have a standing army of sufficient strength to take care of the immediate needs of the country, and that we should have a second line of defense in the way of a strong National Guard that might be called into service when an emergency arises.

I believe I am justified in saying that it offers a better opportunity of having a great defensive Army in this country.

Mr. MILLER. Will the gentleman yield for a question?

Mr. HARRELD. I will.

Mr. MILLER. I will ask the gentleman if the provision in this bill for the National Guard is not the best provision the National Guard has ever had in this country?

Mr. HARRELD. As I said on yesterday, it does provide the machinery for the establishment of a State guard, but that is the very thing I am talking about. The trouble with this bill is, and the trouble with this provision which fixes the maximum to which the Army may be recruited is, that it serves to build up a standing Army and minimizes the National Guard system. I want to build up the National Guard and minimize the standing Army, and the way to do it is to provide here for only that size of a standing Army that is necessary to meet the purposes of the country, and that is the reason I am offering this amendment.

By providing in this bill for an Army of 250,000 privates, to the exclusion of officers and certain special troops, you are playing into the hands of those who want to Prussianize the Army. You may be doing it unconsciously and unintentionally, but you are doing it none the less effectually, and I for one believe in smiting that hydra-headed monster upon his many heads every time one of them is stuck in the air.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. HARRELD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That section 4 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 4. Officers.—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line. Officers commissioned to and holding in the Army an office other than that of general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. There shall be 1 general, until a vacancy occurs in that office, after which it shall cease to exist; 21 major generals and 46 brigadier generals of the line; 599 colonels; 674 lieutenant colonels; 2,245 majors; 4,490 captains; 4,266 first lieutenants; 2,694 second lieutenants; and also the number of officers of the Medical Department, chaplains, and band leaders hereinafter provided for, and professors as now authorized by law, and the numbers herein prescribed shall not be exceeded: *Provided*, That major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line.

"Officers of all grades in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Corps of Engineers, and Medical Department; officers above the grade of captain in the Air Service, Signal Corps, Judge Advocate General's Department, Quartermaster Corps, Ordnance Department, Finance Department, and Chemical Warfare Service, and all chaplains, band leaders, and professors shall be permanently commissioned in their respective branches. All officers of the General Staff Corps, Adjutant General's Department, Inspector General's Department, Bureau of Insular Affairs, and Militia Bureau shall be obtained by detail from officers of corresponding grades in other branches. In any other grade and branch an officer may, with his consent, be permanently commissioned, provided he was originally appointed in the Regular Army under the provisions of section 23 hereof, or has served efficiently for at least two years on duties related to those of such branch, and not otherwise; and the remaining vacancies in such branch shall be filled by detail.

Mr. DENT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. I understood the bill was to be read by sections, and section 4 (a) is different from section 4.

The CHAIRMAN. The Chair will state that the Clerk is on a part of section 3.

Mr. KAHN. And this section goes onto page 8.

The CHAIRMAN. Section 3 in its entirety goes over to page 8.

Mr. DENT. That is very true, but it contains an entirely different subject matter.

The CHAIRMAN. The Chair is not responsible for that. The committee is responsible for the form in which the bill appears. It is being read by sections according to the rule.

Mr. SISSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. In view of the fact that this section seems to be divided into paragraphs, is it to be understood that an amendment can be offered to any paragraph of this section?

Mr. KAHN. When the section is read; yes.

Mr. SISSON. That is what I wanted to know. So nothing is lost by letting the whole section be read?

Mr. KAHN. Absolutely nothing; and it is the usual procedure.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4a. Warrant officers: In addition to those authorized for the Army Mine Planter Service, there shall be 1,575 warrant officers, appointed by the Secretary of War from among noncommissioned officers who have had at least 10 years' enlisted service, or from among enlisted men who served as officers of the Army at some time between April 6, 1917, and November 11, 1918, and whose total service in the Army, enlisted and commissioned, amounts to five years: *Provided*, That if there shall at any time be vacancies for which there are no applicants possessing the necessary service and such other qualifications as may be prescribed by the Secretary of War, such vacancies may be filled by the appointment of persons serving or who have served as Army field clerks or field clerks, Quartermaster Corps; and hereafter no appointments as Army field clerks or field clerk, Quartermaster Corps, shall be made. The warrant officers authorized by this section shall be assigned to the several branches of the service as the Secretary of War may direct, shall receive base pay of $1,320 a year and the allowances of a second lieutenant, and shall be entitled to longevity pay and to retirement under the same conditions as commissioned officers: *Provided further*, That warrant officers shall take rank next below second lieutenants and among themselves according to the date of their respective warrants.

SEC. 4b. Enlisted men: The grades of enlisted men shall be such as the President may from time to time direct, with monthly base pay at the rate of $75 for the first grade, $60 for the second grade, $50 for the third grade, $40 for the fourth grade, $33 for the fifth grade, and $30 for the sixth grade. Of the total authorized number of enlisted men, those in the first grade shall not exceed 2 per cent, those in the second grade 2 per cent, those in the third grade 10 per cent, those in the fourth grade 10 per cent, and those in the fifth grade 32 per cent.

Existing laws providing for continuous-service pay are hereby repealed, and hereafter enlisted men shall receive an increase of 10 per cent of their base pay for each five years of service in the Army, or service which by existing law is held to be the equivalent of Army service, such increase not to exceed 40 per cent.

Under such regulations as the Secretary of War may prescribe, enlisted men shall receive monthly pay for qualification as follows: As expert gunner, Field Artillery, as expert telegrapher, Signal Corps, and as expert rifleman, Infantry, Cavalry, Air Service, and Engineers, $5; as first-class gunner, Field Artillery and Coast Artillery, as telegrapher, first class, Signal Corps, and as sharpshooter, Infantry, Cavalry, Air Service, and Engineers, $3; as second-class gunner, Field Artillery and Coast Artillery, as telegrapher, second class, Signal Corps, and as marksman, Infantry, Cavalry, Air Service, and Engineers, $2. Detached enlisted men shall be eligible for qualification pay as in the branches to which their service is assimilated.

Under such regulations as the Secretary of War may prescribe, enlisted men of the fifth and sixth grades may be rated as specialists, and receive extra pay therefor per month, as follows: First class, $20; second class, $18; third class, $15; fourth class, $12; fifth class, $8; sixth class, $3. Of the total authorized number of enlisted men in the fifth and sixth grades, those rated as specialists of the first class

shall not exceed 0.7 per cent; of the second class, 1.5 per cent; of the third class, 1.9 per cent; of the fourth class, 4.7 per cent; of the fifth class, 5 per cent; of the sixth class, 15.2 per cent: *Provided*, That all laws and parts of laws providing for extra duty pay for enlisted men are hereby repealed: *Provided further*, That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade.

SEC. 4c. Assignments.—Officers and enlisted men shall be assigned to the several branches of the Army as hereafter directed, a suitable proportion of each grade in each branch, but the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than a total of 10 per cent: *Provided*, That the total number authorized in any grade by this act is not exceeded: *Provided further*, That no officer shall be transferred from one branch of the service to another under the provisions of this section without his own consent. Except as otherwise prescribed by law, chiefs and assistants to the chiefs of the several branches shall hereafter be appointed for four-year periods by the President, by and with the advice and consent of the Senate, from among general officers of the line or officers commissioned in the respective branches in grades not below that of colonel, and such appointments shall not create vacancies. In the Adjutant General's Department, the Inspector General's Department, and the Bureau of Insular Affairs such appointments may be made from among officers commissioned in any of the combatant arms. Upon the retirement of any officer who has served as chief or assistant to the chief of any branch, unless in the meantime he shall have been promoted to a higher grade, he shall receive the rank and retired pay of the grade which he held as such chief or assistant. In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for two of the next preceding six years in actual command of troops of one or more of the combatant arms; and in time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least one year in every period of five consecutive years, except that officers of less than one year's commissioned service in the Regular Army may be detailed as students at service schools: *Provided*, That an officer commissioned in a staff corps shall not be or remain detailed as a member of the General Staff Corps unless he has served for one of the next preceding five years with troops of one or more of the combatant arms. In the administration of this provision, all duty performed between April 6, 1917, and July 1, 1920, inclusive, shall be regarded as satisfying the requirements of service with combatant arms. Existing laws in so far as they restrict the detail or assignment of officers are hereby repealed. The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organizations pertaining to each branch of the service.

Mr. KAHN. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from California offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KAHN: Page 3, line 18, after the word "general" insert the words "as now authorized by law."

Mr. KAHN. Mr. Chairman, I do not think it is necessary to explain the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from California offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, after the word "exist" change the semicolon to a period, and on line 20 insert at the beginning of the line the words "on and after July 1, 1920, there shall be."

Mr. KAHN. Mr. Chairman, the purpose of the amendment is obvious. It practically makes these provisions go into effect on the 1st of July, 1920.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following additional amendment.

The CHAIRMAN. The gentleman from California offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 12, strike out the words "general officers of the line or."

Mr. KAHN. I ask for the adoption of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KAHN. I also offer another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from California offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 14, after the word "vacancies" change the period to a colon and insert: "*Provided*, That any officer who shall have served as a chief or assistant chief to the chief of any of the several branches herein provided for or similar branches during the World War shall be eligible to appointment as chief or assistant to the chief of any of such branches."

Mr. MADDEN. Mr. Chairman, I move a substitute to that.

Mr. KAHN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California wish to speak to the amendment?

Mr. KAHN. Possibly if I explain it the gentleman from Illinois will not offer his substitute.

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized for five minutes.

Mr. KAHN. Mr. Chairman, the purpose of the amendment is to allow the appointment to these positions of certain officers of the Army who at the present time are serving as chiefs or assistant chiefs of certain branches of the Army. These officers in their regular positions in the Army are of considerably lower grade. I understand there are several majors who are now acting and have acted during the war as brigadier generals. That is true with respect to Gen. Marshall, who is at the head of the Construction Division, and Gen. Drake, who is at the head of the Motor Transport Corps. Now, if this amendment is adopted it will enable the President to appoint these officers to the head of the divisions they have been commanding. Of course, that ought to be done, in fairness to the service of these officers during the war.

Mr. BANKHEAD. Will the gentleman yield for a question for information?

Mr. KAHN. Certainly.

Mr. BANKHEAD. Would the amendment suggested by the chairman of the committee enlarge or increase the relative rank or file number of these particular officers who get the assignment?

Mr. KAHN. It is not a permanent assignment, as I understand it. It is only during the time they happen to be the heads of a division. That is the case now in many of the departments of the Army. For instance, a man who is The Adjutant General may hold a lower position in the Army if he were detailed away from the position of chief of that particular department. That was notably the case with respect to Gen. McCain, who was The Adjutant General of the Army when we got into the war, and he was only a regular colonel in his branch of the Army. But while he was holding that position in that particular branch of the Army he was acting as major general.

Mr. BANKHEAD. One further question, in order that we may understand the application of the amendment: Take a man, for instance, whose rank is that of major. You provide by this amendment that temporarily he may be assigned as chief of a division or on the staff of some particular branch. That may last four years, as I understand it?

Mr. KAHN. Yes, sir.

Mr. BANKHEAD. During those four years what would be, according to the regulations, his temporary rank if he were a major on the regular lineal list?

Mr. KAHN. His temporary rank would be the rank of the position created by law for the position he holds temporarily.

Mr. BANKHEAD. And he would get a commission for that period of time for that rank?

Mr. KAHN. He would hold that rank by virtue of law.

Mr. BANKHEAD. How would that affect your scheme, hereafter provided in the bill, with reference to the promotion list?

Mr. KAHN. Not at all. It would make no difference or change in the promotion list. He would simply hold that rank temporarily while occupying the position of head of some branch or some particular staff position in the Army.

Mr. BANKHEAD. This is, then, no further exception to the rule?

Mr. KAHN. No.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. SISSON. I want to ask the gentleman who is it particularly that you want to take care of here?

Mr. KAHN. I have mentioned the fact that there are several officers who are provided for in this proposed amendment. Gen. Drake, of the Motor Transport Corps, is one.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KAHN. And the officer who is the head of the Construction Corps, Gen. Marshall. There may be several others.

Mr. SISSON. Would it not really be better just to take care of those men specifically than to make this exception for that particular class which is singled out in this general way?

Mr. KAHN. These gentlemen have shown singular ability in their respective positions in the Army. Under the language of

the bill, if some exception of this kind is not made, they could not be appointed to these positions that are provided for in this bill. They are ineligible, and it is simply for the purpose of making them eligible for appointment, if the President desires to appoint them, that the amendment is offered.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. DENT. Do I understand the gentleman from California to make the statement that unless this provision is adopted, Gen. Marshall could not be placed at the head of the Construction Corps if that corps were put under the Quartermaster's Department?

Mr. KAHN. So I understand.

Mr. DENT. By what provision of law?

Mr. KAHN. Under the provisions of this bill, which provides, on line 13, page 8, that no officer below the grade of colonel can be appointed to these positions, and men now in several of these positions occupy the grade of major in the Army.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. I simply wanted to say, in conclusion, that this amendment is not intended to benefit any men, but it is the purpose to utilize the services of certain officers rendered during the war for the benefit of the Army organization.

Mr. CONNALLY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has offered an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN to the amendment offered by Mr. KAHN: At the end of the Kahn amendment add the following:
"*Provided further*, That no officer shall be eligible for appointment to assistant to the Chief of a Staff Corps or branch unless such officer shall have been recommended for such appointment by the Chief of the Staff Corps or branch in question."

Mr. MADDEN. Mr. Chairman, it must be apparent to every person who has given any consideration to this question that the man who may be selected as assistant to the chief of a staff corps or branch holds a confidential relationship to the man in charge, and it would be unwise and against the best traditions of the service to appoint men haphazard to these confidential positions. It frequently has happened in the past that officers have been assigned as assistants to commanders of these branch staff corps who have not been in harmony with the man in command, and the best results have not followed. In fact, the worst results have followed such assignments. My purpose in offering this amendment is to create the harmony and the efficiency which ought to obtain in the service for all these positions occupied by the chiefs of staff corps, which are of the most important in the Army.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McKENZIE. I want to ask the gentleman if he would make it imperative that the board could not appoint anyone unless he had been recommended by the chief? In other words, do you want to throw the door wide open so that the chief may select a man, regardless of his qualifications, whom the board probably would turn down?

Mr. MADDEN. Of course I would not under any circumstances presume to say that a man should be selected if he were not qualified, and I assume in that connection to say that the man at the head would be a fool, to say the least, if he did make a recommendation for the appointment of his assistant if he was not qualified.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Surely.

Mr. SISSON. Does the gentleman know, or has the gentleman information as to whether those who are sought to be taken care of in this way are graduates from West Point?

Mr. MADDEN. I have no knowledge whatever as to that.

Mr. SISSON. There would be no reason for this language unless it were to take care of somebody who was an exception to the rule.

Mr. MADDEN. There is no exception to the rule in the suggestion I have made, and my purpose is simply to provide for the operation of the bureau or the staff. I have nobody in mind. There is not a man in the Army that I am interested in except in so far as I am interested in his functioning as he ought to function to create the conditions that ought to prevail.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MANN of Illinois. Under this amendment, as I caught it, would it be a fact that no one could be appointed as an assistant chief unless he had been picked out and selected by the chief of a bureau or division?

Mr. MADDEN. Not unless he has been recommended.

Mr. MANN of Illinois. Suppose the chief refuses to recommend anybody but one person. Then they must appoint that person?

Mr. MADDEN. Of course, I assume that no such condition as that would ever arise, and that no chief would put himself up against the judgment of those who had some participation in the effective management of the department.

Mr. MANN of Illinois. But this would give the power so that if the chief wanted some particular person, no one else could be selected, and I think that would become the practice, and they must take whomsoever the chief of the division says he wants in the way of an assistant.

Mr. MADDEN. I think if that practice did prevail it would be very advantageous to the department, for in no line of business in the world would any man at the head of a great business institution be called upon to accept a confidential assistant who was not satisfactory to him and in whom he could not place the utmost confidence. So I say that instead of creating embarrassment we are creating efficiency by the adoption of some such amendment as that which I have proposed.

Mr. KAHN. There is a provision later on in the bill which is practically on all fours with the amendment proposed by the gentleman from Illinois; but it provides only for the original appointments.

Mr. MADDEN. Of course, there ought not to be any disposition on the part of anybody to duplicate language in the bill, and I have no disposition to do that.

Mr. KAHN. The gentleman's amendment provides for these appointments in this section; but the bill later on has a somewhat similar provision for original appointments. The situation that the gentleman points out, as far as original appointments are concerned, is provided for on page 29, line 13, of this bill. The chief makes the recommendation of his assistant; there is such a provision in the bill.

Mr. JUUL. Will the gentleman yield?

Mr. MADDEN. I yield to my colleague.

Mr. JUUL. I would like to ask my colleague what would happen if the chief selected a gentleman whom another chief did not want to give up?

Mr. MADDEN. If it can be presumed that the object of all the men at the head of these staff corps is to hamper the operations of the department, then some such condition as that which my colleague describes might exist, but I apprehend that it will not be the purpose of the chief of any staff corps to embarrass the operations of the department, but rather to facilitate them, and I do not believe that any such conditions could arise as the imagination of my colleague has pictured.

Mr. JUUL. If the man is so efficient that the chief under whom he is now serving does not want to part with him, what will happen in such a case as that if two men desire the same assistant?

Mr. MADDEN. My amendment does not provide that the particular man shall be selected, but it provides that no man can be appointed without the recommendation. It does not mean that the recommendation shall be confined to one man. It means that he shall have the right to pick from the whole Army the man whom he believes best qualified. If he can not get the man whom he thinks is best qualified, he will be compelled to recommend somebody else.

Mr. JUUL. To take the next best man?

Mr. MADDEN. Yes.

Mr. CONNALLY. Mr. Chairman, I want to speak against the amendment.

The CHAIRMAN. The gentleman from Texas is recognized in opposition to the amendment.

Mr. CONNALLY. I regret very much that there is not a larger attendance, not because I can contribute especially to the delectation or instruction of my colleagues but because I am anxious that the Members of the House should know what the bill in this section and the amendment proposed by the gentleman from California propose to do. This bill in so many words provides that an officer can not be appointed as the head of any branch or staff corps in the Army unless he has the rank of colonel. That means colonel in the Regular Army and not in the temporary force.

To all of those soldiers who went overseas and fought with temporary rank and who have come back to the United States and been demoted and sent out into the various camps of the country this bill says that in order to be appointed as assistant

chief or chief of any branch of the War Department they must be colonels. The gentleman from California and his committee in drafting this bill have presented a measure which ought really to be called a bill to take care of certain gentlemen, and they have overlooked somebody. They did not draw the bill originally so that all of certain gentlemen in the department who are majors and lieutenant colonels, and who have been snugly ensconced in the department all through the war, could continue to remain there with increased temporary rank. The bill omitted those gentlemen, and provided that they could not continue in those temporary grades as brigadier generals, as chiefs or assistant chiefs of staff corps, unless they are colonels in the Regular Army. Not being colonels in the Regular Army, the gentleman from California comes in at the eleventh hour with an amendment which provides for them. The gentleman from California might as well have provided by name for these officers who are to continue in the temporary rank of brigadier general. We all know who they are. One of them, I understand, is the head of the construction division. Another is the head of the automobile or Motor Transport Corps, and another one is the head of some other branch in a bureau.

Now, I want to tell you what you are doing. You are saying to all of the line officers, including colonels who fought and who were out in the training camps and did not get to go to France, as they desired to go, "You shall stay out yonder in your camps. You shall stay in your demoted rank, and this man in Washington, who is only a major, who had had for three or four years the temporary rank of brigadier general, with all the allowances of a brigadier general, shall continue for four years more as a temporary brigadier general." That is the effect of this amendment. Those officers now occupying these positions shall continue for four years more as temporary brigadier generals. Now, gentlemen of the House, do you consider that fair to the rest of the Army? Will that improve the morale of the officers of the Army, who are already dissatisfied in the belief that rank favoritism has been practiced in many instances in the matter of promotions? The Military Committee ought to bring in a bill that does not seek to take care of individuals. The committee ought to draft a measure that has at heart not the individual welfare of any particular officer of the Army, but it ought to be based on the welfare of the whole Army and the welfare of the people of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. CONNALLY. The gentleman from California has admitted that the purpose of his amendment is to take care of certain officers in the War Department who have had an opportunity all through the war of coming before the Military Committee. Officers of the Army are gentlemen, officers of the Army are courteous, and when they come in contact with the Military Committee day after day for four long years they are able to impress the committee with the fact that they are men of ability, of pleasing personality, and so forth. But I want to say to the gentleman from California that if some of the officers out yonder in the posts, if they had had the same opportunity of appearing before the committee day after day and week after week, might also have impressed the committee with their qualifications and their ability. Whenever you single officers out by law and say that they shall be promoted over other officers, you are saying that which the Congress of the United States ought not to say, and you are saying that which will be destructive of the morale of the Army.

Now, I want to call the attention of the committee to one other thing. Listen to this language on page 8:

> Upon the retirement of any officer who has served as chief or assistant to the chief of any branch, unless in the meantime he shall have been promoted to a higher grade, he shall receive the rank and retired pay of the grade which he held as such chief or assistant.

There is another inequality. Here is a major of the Regular Army who has temporary rank of brigadier general and you appoint him, under the terms of the amendment of the gentleman from California, as assistant chief of staff or assistant chief of a bureau. That temporary assignment carries with it the rank of brigadier general, while officers who are his seniors—colonels and lieutenant colonels—who have been his seniors in service and in time, are still colonels. What do you do? You not only give him the temporary rank with increased pay, but when he comes to retire, no matter if it may be 20 years from that time, he does not retire like the ordinary colonel, who was out in the camp at work, but he retires with the rank of a brigadier general, because that was the rank which was attached to his temporary assignment. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARRISON. Mr. Chairman, I think the gentleman from Texas [Mr. CONNALLY] has entirely misinterpreted this proposed amendment. The Senate bill—the Wadsworth bill—has a provision which makes officers eligible who are majors. It was thought by the Military Committee of the House that that opened the door too wide for selections down here by the staff, and so it was determined to make the rank that of colonel; but obviously it worked a great injustice to those men who had rendered very efficient service and who are now rendering efficient service but who have not the necessary rank.

Mr. CONNALLY. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. CONNALLY. Will it work any great injustice to these gentlemen to be demoted to their prior rank——

Mr. HARRISON. It is not a question of demotion or appointment; it is putting them on an eligible list. Here is an officer who during the whole war and at the present time has discharged distinguished services in this rank and in this position. Here comes a statute which would make him ineligible. We are simply providing that in cases of that sort he can go on the eligible list. Why make a man ineligible who is discharging his duty in that position and doing efficient work?

Mr. KAHN. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. KAHN. Several of these officers saw service in Europe, did they not?

Mr. HARRISON. Sure.

Mr. KAHN. So they were not here in the War Department.

Mr. CONNALLY. Will the gentleman from California tell us who these men are that saw service in Europe? Tell us who they are; I think it is due to the House. The gentleman has in mind somebody. Will he tell us who these men are?

Mr. HARRISON. For my part, I do not know to whom the statute does apply, except in one or two instances, where men have faithfully done the work and have done efficient work in this position, and they should be permitted to be on the eligible list. It is up to the President, who selects them, after all. It seems to me to be wholly unjust for a statute to make a person disqualified—ineligible—for appointment who discharged every duty that was placed upon him and is now discharging most effective and efficient work.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MANN of Illinois. Under the terms of this bill, would these heads of divisions be required to be reappointed right away, or will they fill out the term for which they were appointed?

Mr. HARRISON. My understanding is that they would have to be appointed. I may be mistaken. My understanding is that the bill makes an eligible list, and in order not to give too wide a field to the appointing power to select favorites, we have required that the officers who may be appointed to this work should have attained a certain rank.

Mr. MANN of Illinois. The bill says "hereafter appointed." Take the Construction Division; that is the division of which Gen. Marshall is the head?

Mr. HARRISON. Yes.

Mr. MANN of Illinois. If that should be continued, would Gen. Marshall have to be reappointed, or would he serve out the term for which he was appointed?

Mr. HARRISON. No; my understanding is that when the bill goes into effect he would be demoted.

Mr. CALDWELL. If the gentleman will pardon me, I understand Gen. Marshall has a temporay rank of brigadier general until the 1st of July. When this bill goes into effect he will lose his temporary rank and then would not be eligible.

Mr. MANN of Illinois. It being a division not authorized by law beyond the time of the declaration of peace.

Mr. CALDWELL. Yes; he will go out of office when this bill passes.

Mr. LITTLE. Will the gentleman yield? The purpose of the bill is then to fix it so that Gen. Marshall shall continue in his position?

Mr. HARRISON. It is to enable faithful and efficient officers to be put on the eligible list.

Now, this is not in the interest of Gen. Marshall or any other officer; I think it is in the interest of the Army——

Mr. LITTLE. Will the gentleman yield?

Mr. HARRISON. Let me finish the sentence. I say it is in the interest of the Army that we shall retain in the position the

men now holding those positions who have shown themselves specially adapted and qualified for the work.

Mr. LITTLE. Was the gentleman from New York mistaken in his statement? The gentleman from Virginia said it was not the purpose of the bill to take care of Gen. Marshall, and the gentleman from New York said it was.

Mr. HARRISON. I said it is not to take care of anybody. Reference has been made to Gen. Marshall as being affected to some extent by the provisions of this bill.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. BANKHEAD. Does not the gentleman from Virginia think out of the 500 colonels provided for in this bill there could be found a sufficient number of men of that rank of proper qualifications to fill these appointments?

Mr. HARRISON. I think they could be found. But is there any reason on the face of the earth that a man should not be eligible who is shown to be efficient? [Applause.]

Mr. DENT. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. DENT. Does the gentleman know what Gen. Marshall's permanent rank is?

Mr. HARRISON. He is a major.

Mr. DENT. Does not the gentleman think that it would be better to have a provision making majors eligible instead of singling out individuals?

Mr. HARRISON. That is the proposition I originally submitted on my part to bring this bill into harmony with the Senate bill, reducing the rank to major. There is no trouble about that. But, as I said, the committee thought it was giving too great a latitude to the General Staff to select, or rather too wide a field from which to select, and therefore they retained the provision that the man must have the rank of colonel, but at the same time they introduced this provision not in the interest of Gen. Marshall or in the interest of any other officer but in the interest of efficient service in the Army. An officer in the Army who is in a great position like that of the head of the Construction Corps, expending millions of dollars every year, who has discharged his duty efficiently, who has shown a special capacity for that sort of work, who could command a very much larger salary in private life than by retaining his position as an officer of the Army, why, at least make him eligible to be there, and that is the only proposition that this amendment involves. [Applause.]

Mr. FRENCH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FRENCH. I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. FRENCH. The gentleman from Texas seems to think that the amendment offered by Mr. KAHN, the chairman of the committee, refers especially or only to a few officers who were granted high rank and who were in this country. Now, I am not a member of the Committee on Military Affairs, and I do not know how many officers would be affected, but it just happens that I know of one man who was overseas for two and a half years and who is now a lieutenant colonel in the Regular Army, but who attained the rank of brigadier general and was at the head of the Chemical Warfare Service overseas—Lieut. Col. Amos A. Fries. Col. Fries would be ineligible to continue in that work unless the amendment of the gentleman from California shall prevail.

Mr. CONNALLY. Will the gentleman yield?

Mr. FRENCH. Everybody recognizes the work that Gen. Fries did during the war, and everybody who has followed the subject in the War Department or outside of it recognizes him as one of the greatest authorities in the world upon the Chemical Warfare Service, and unless the amendment of the gentleman from California should be adopted it would prevent the department from even considering Lieut. Col. Fries for a continuation of his work.

Mr. CONNALLY. Is he at present an assistant chief in some department?

Mr. FRENCH. Since the war closed. He was overseas for two and a half years——

Mr. CONNALLY. But he is at present assistant chief or chief of a division?

Mr. FRENCH. He now is continuing the work, and is transferred, of course, to the United States.

Mr. CONNALLY. But is he an assistant chief?

Mr. FRENCH. Surely.

Mr. CONNALLY. Of course, he is eligible.

Mr. FRENCH. No; I think not, unless the Kahn amendment shall prevail. I do not have any list of those who would be affected by this amendment and I simply cite Lieut. Col. Fries as one who had a service of over two and a half years overseas, a strenuous service, in which this officer rendered as capable and efficient work as any officer in the Army during the recent war. My point is the department should be in position to utilize his services.

Mr. LITTLE. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. LITTLE. My question is: If this does not pass he will be in the same fix as other officers who won promotions on the battle field and came back and were immediately demoted by gentlemen in the department? Is that right? Would he be in that fix?

Mr. FRENCH. He would be in the position of a man who overseas attained the rank of brigadier general during the war but who since the close has dropped back to lieutenant colonel, and who under the language of the bill as it was originally reported would not be eligible to be considered.

Mr. LITTLE. Is he not in the same position as men who won their promotions on the battle fields of the Argonne and elsewhere and had them taken away as soon as they got back here by these very men in the department, who never fired a shot?

Mr. FRENCH. Surely. They are all alike.

Mr. LITTLE. Well, let him. I do not care.

Mr. KAHN. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Illinois.

Mr. CALDWELL. Mr. Chairman, this situation arose by reason of the fact that we had no trained personnel——

Mr. LITTLE. Were not all of those in the Regular Army trained personnel when the war began? What did they do all these years when they were supposed to be educated?

Mr. CALDWELL. If the gentleman will content himself long enough to let me finish the sentence, he will understand what I am talking about. We had no trained personnel in the particularly technical branches of the service which were high enough in rank if we took them from the top of the list, because the men who had reached the grade of colonel under the system that has been pursued in the past had not the technical or business training, and no such were available who did have technical and business training such as the officer referred to by the gentleman a few moments ago, and Gen. Marshall had.

We had to go below the grade of colonel to get these men; they were put into these responsible positions, and because of their particular fitness for the positions they made good, and now because of the great training they had in the positions they were placed in during the war they are the best fitted men in the Army for these places. It is not a question of personal preferment for these men, but it would not be fair to the Government if you denied to the President of the United States the power to appoint them if he could not find any better in the Army. And the proposition here is whether or not the President shall have the power to appoint these officers who have had special training and had this peculiar experience during the war to carry out this technical branch of the work.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report another committee amendment.

The Clerk read as follows:

Page 8, line 19, after the word "served" insert the words "not less than one year."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HULINGS. Mr. Chairman——

Mr. KAHN. Is the gentleman opposed to the amendment?

Mr. HULINGS. I oppose the amendment for the purpose of asking the chairman a question. It seems to me that this language—

Upon the retirement of any officer who has served as chief or assistant to the chief of any branch * * * shall receive the rank and retired pay of the grade which he held as such chief or assistant.

Looks as though it was a fix-up to take care of some particular officer. And it seems to me if that language should be changed so that it would read like this:

Upon the retirement of any officer he shall receive the rank and retired pay of the highest grade which he held in the service.

That would take care of all of them. And I would like to ask the gentleman if there would be any objection, since you are taking care of some of them, to taking care of all?

Mr. KAHN. In reply to the gentleman, I want to call his attention to the fact that that language is the law now. We did not change the law as it exists in the Army reorganization act of 1901, I believe, and the amendment that I have offered limits the service to at least one year. It helps the provision as it now stands in the law.

Mr. HULINGS. Well, I do not see why if this is the law now, you have offered an amendment at all, or why it should be recited in this proposed amendment.

Mr. KAHN. Well, it was necessary in framing the proposed amendment to the national defense act to retain some of the provisions of existing law in framing the new section, and the committee has simply done that very thing.

Mr. MANN of Illinois. Mr. Chairman, I am under the impression, though I am not certain about it, that the law does not now retire an assistant chief at the grade which he reached as assistant chief. If any member of the Military Committee knows whether that is the case or not, I will be glad to yield for an answer.

Mr. KAHN. I will try to find the section.

Mr. GREENE of Vermont. It does not apply to assistant chiefs.

Mr. MANN of Illinois. I was under that impression. Personally I am not in favor of the provision of the bill at all. I can see no reason why, because a man has been selected as chief of a division and given special preferment during his term, gets higher pay and rank during the time that he performs the duty, thereby receiving a benefit over the others of the same lineal line with him, when he retires he should be given still further preferment. [Applause.] There is not any one of these officers in the Army who would not prefer to be appointed chief of a division for four years and receive the extra pay and rank while he served. That gives him a preference over his fellow officers. Why should that preference be continued when he goes to retire?

The whole retirement business in the Army sometimes makes me feel sick and discouraged. I admire the fighting qualities of the officers of the Army; I admire their skill; I admire their economy when they practice it; I admire their whole work in the Army; but I get absolutely disgusted at times with the selfishness which actuates most of them in regard to matters which relate to their personal convenience, their habits, or their pay. We give preference to the Army and Navy over all other people by a retirement provision. Everywhere they want to get something better. They want more pay as retired officers. They want to be retired at higher rank. Great guns! there is no one in this House who would not be mighty glad if he could be retired at one-half the pay of a Member of Congress, much less three-quarters pay and emoluments; yet the Army officers always want more than the law provides. We never propose to retire anybody else on the same basis of pay as we retire the Regular Army and Navy officers, and those officers are never satisfied. If I had my way about it, I would keep a retired list of the Army. I would retire them upon a reasonable basis, but I never would give a preference to a man who happened to have a better thing while he lived than his fellow officers, and continue that as long as he lived after he retired.

Mr. LITTLE. Mr. Chairman, I move to strike out the last 10 words.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. LITTLE. Mr. Chairman and gentlemen, I very seldom find it necessary to take issue with the gentleman from Illinois [Mr. MANN]. He suggests he does not particularly care to see a man who has had a nice job down here, and sitting around the department, given a preference in retirement over a man who has not. He fails to grasp the entire situation. Now, the man in the line gets a chance to go and fight. The man in the department does not. You should equalize them by giving the officer in the department something to compensate him for his lack of opportunity. The man in the line only must go out and fight. It is the business of the staff officer to do the more responsible duty of telling him how to do it. You know Gen. March tells us a mere soldier fighting does not have a responsible job like a staff officer in Washington. The man in the line escapes that responsibility. All he has to do is to go out and take the chance of getting killed. The staff officer here does not have that chance, or if so, only occasionally, if he is down here in the department. The man in the line also gets the chance of getting his name in the papers as a hero, as a fighter for his country. All that the man in the department gets is a promotion or perhaps a distinguished service medal. The officer in the line gets the chance of promotion by fighting on the field. The officer on the staff does not get that chance. The man on the line has the splendid opportunity of dying on the field of battle for his country—a chance which the fellow down here in the department does not get. Perhaps some day there will be a dispatch in the newspapers telling how the man in the line had a splendid chance, and took it, and died in battle. The other fellow had no such chance. The widow and the children of the man in the line some day may be able to point with pride to a splendid monument on which is inscribed the list of the battles in which the husband and father fought in behalf of his country. The dependents of the other officer do not have that opportunity. You must take that into consideration in trying to make the thing equal by giving the staff officer more promotions, I will say to the gentleman from Illinois. That is the theory of this provision of this bill.

Mr. CRAGO. Mr. Chairman, with all due deference to the sarcasm of the gentleman from Kansas, I think this is hardly the place to indulge in anything of that kind. The purpose of this provision in the law is simply this, to give the men who, during the past war, have efficiently served at the head of these different departments the rank on retirement, provided they have not reached that rank already, that they held during the war.

Here is what happened: Instead of being led to believe, as some gentlemen have been led to believe, that the officers of the Army are seeking these staff appointments, the exact reverse of that occurred during this war, and it was practically impossible, even with pleas and commands at times, to keep the men here in the higher ranks of the Army away from their troops, with the chance of winning added laurels and promotion, and to keep them at this routine drudgery work, so essential in the preparation for the great conflict in which we were engaged. These men, had they been allowed to go on the line, to go onto the field of battle, would have won, many of them, higher rank than the rank they had in the department. But they were placed there, with no chance of promotion, and it is only fair for us to recognize the fact that these men at the head of the different departments served our country as well and faithfully in keeping our Army in the field and keeping it organized to a fine point of efficiency, as much so as the men who were at the front and who, when they were at the front, were doing the very work which these men here all wanted to do.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. KAHN. Is it not a fact that these men of the staff corps were just as important in the Army as the men in the front line?

Mr. CRAGO. Yes.

Mr. KAHN. And could the men in the front line have successfully attended to their duties if the men in the Staff Corps had fallen down on theirs?

Mr. CRAGO. Of course they could not; and the men at the head of the Service of Supplies in France had their work to do, just as important as the men in the front.

Mr. LITTLE. The men in the staff are just as important as the boys who work in the factories?

Mr. CRAGO. That may be the gentleman's conception, but I do not think that would go with the people who know what happened.

Mr. LITTLE. Does not the gentleman think it was a little unkind on his part to accuse me of sarcasm and then tell us that these gentlemen could have won greater distinction and got more promotions on the field of battle than they did here? I think that it was a little unkind to indulge in sarcasm at my expense in that way.

Mr. CRAGO. If the gentleman had followed the testimony not only of the heads of departments but the civilians in the departments he would have known that at the beginning of the war it was almost impossible to make our Army function because these men in the staff departments were so anxious to get back to their troops that it was difficult to prevail on them to stay in these departments, and the men who remained in the departments did so at the most urgent requests of their superior officers.

Mr. LITTLE. How does it happen that the distinguished gentleman who has been in the Army for 45 years and was never under fire in his life was promoted to so high a place as we read a few days ago?

Mr. CRAGO. The gentleman is probably influenced in the opinions he entertains by the fact that he served in the Army, as I did, at a time when we did not have men at the head of these departments who could cause them to properly function and because we did not have them then properly conducting these departments, so that our Army could be properly supplied and equipped; naturally those of us who saw service during these times had a biased opinion of the men in these departments. It was to avoid these very failures that competent officers were

urged to remain in these departments and thus give up their natural desire to return to their organizations and see active service at the front.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Vermont moves to strike out the last word.

Mr. GREENE of Vermont. I want, Mr. Chairman, to make only one suggestion. I think if we search the law we will find that the only way for an Army officer to get a rank except in the regular way through seniority in the lineal list is through the machinery invoked by the selective power of the President. If a general rank is to be given to the men who have tactical command of tactical units for line operations, it does not fall to men in the staff corps. Their hope of attaining, as the ultimate prospect of a long and ambitious service in the Army, this same enviable rank, must be based on some statutory provision relating to the branch or corps in which they served, even if they served temporarily, because men who are quartermasters can not hope to come out as brigadiers in command of tactical units in the field.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. LITTLE. Does not the gentleman know that one of the most distinguished generals in France was a quartermaster up to that time?

Mr. GREENE of Vermont. Those were the war-time temporary ranks that the gentleman speaks of.

Mr. LITTLE. That was at the time of the Spanish-American war.

Mr. GREENE of Vermont. We have learned something a little later.

Mr. MANN of Illinois. Some of us have.

Mr. GREENE of Vermont. Yes. The man in the staff corps enters the service in the Army with the same reasonable hope—and it ought to be encouraged—that if he applies himself ambitiously and intelligently and energetically to the service as well as the officer of the line, they may both come out on something like equality in the realization of their ambitions. But the odds favor the line officer in the matter of promotion to general rank. The staff officer must get his general rank from the administration of his staff corps, and it is only fair, when he retires, no matter what his place may be on the lineal list as a permanent officer, that he should have the same chance of preferment as his brother who served over in the line.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. Are there not two more committee amendments pending?

Mr. KAHN. No. I think they have all been offered and acted upon.

The CHAIRMAN. There is none on the desk except that of the gentleman from Texas. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 8, line 18, after the word "arms," strike out the balance of the line all down to and including the word "assistant" in line 23.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I do not offer this amendment in any hope inspired by the disposition of the committee toward other amendments that it will be adopted, but I do desire this committee to go on record on this flat-footed proposition as to whether or not it is in favor of a major who may be temporarily detailed as an assistant chief or chief of a branch or bureau for a length of time as short as one year, and who then goes back to his rank of major in the Regular Army, being retired as a brigadier general, when a man who is his senior in service and senior in rank can not be so retired. I thoroughly and heartily agree with the gentleman from Illinois in the argument which he made on that proposition. He stated it much better than I could; but I want to say that it is the duty of this committee to be absolutely impartial between the staff and the line. I do not make any strictures against the gentlemen who served here in the departments. I realize that their duties were just as important and that those duties had to be performed just as well as service in the field. I realize that many of them would have much preferred to seek fame on the battle field than to perform the irksome and less glorious duties which were assigned to them in the department. But, gentlemen of the House, that period has gone. This bill is legislating for times of peace. Now, I am not in favor of saying that a man who was fortunate enough to be temporarily raised above his regular rank, and who enjoyed four years of life as a brigadier general or a major general, with all of the emoluments connected with that office, shall be retired with the rank and emoluments of his temporary promotion which he enjoyed, in preference to his brother officer in the line who still retains his lower rank. That is favoritism. I want to say to you, gentlemen of the House, that the matter of promotions in the Regular Army is, of course, one of great interest to those gentlemen. They are all interested in it, and nothing could be more harmful to the morale of the officers of the Army than for this House to make distinctions and discriminations as it is doing in the provisions of this bill as written by the committee.

Mr. McKENZIE. Will the gentleman from Texas yield?

Mr. CONNALLY. I yield to the gentleman from Illinois.

Mr. McKENZIE. I should like to state to the gentleman that no line officer has made any complaint to the committee in regard to this legislation, and if it did the line officers any injustice, it seems to me they would have been sure to complain.

Mr. CONNALLY. I want to say to the gentleman that the line officers are not permitted to go before his committee and are afraid to go before it. One of the Army regulations prohibits an Army officer, without the consent of higher authority, to seek in any way to improve his condition or to do anything that affects his rank.

Mr. CRAGO. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Pennsylvania.

Mr. CRAGO. Does the gentleman realize that in these different staff corps the promotion is limited? It is fixed, and very few officers——

Mr. CONNALLY. How is it fixed?

Mr. CRAGO. It is fixed by law.

Mr. CONNALLY. How?

Mr. CRAGO. By the number. One brigadier general, for instance, in a certain class, or one major general.

Mr. CONNALLY. Ah——

Mr. CRAGO. Just a moment, until the gentleman gets the idea. This provision is only an attempt to equalize the rank of the men in these staff corps with the rank of the men in the line. As the gentleman from Illinois [Mr. McKENZIE] says, the men in the line have no objection to this, and if it kept them back they would have objection to it.

Mr. CONNALLY. The gentleman from Pennsylvania is not authorized to say that the gentleman from Illinois said that the officers of the line have no objection to this. The gentleman from Illinois said that the officers of the line had not made objection. I understand the provision about which the gentleman speaks, but by this bill you do away with that distinction. You do not limit the number of colonels in any one branch of the Army. You make one lineal list, so far as promotions are concerned, and when the time comes a man in the line or in the staff will receive his promotion.

Mr. CRAGO. That will be true when we once establish this system.

Mr. CONNALLY. The gentleman from Pennsylvania certainly expects this bill to pass?

Mr. CRAGO. Yes.

Mr. CONNALLY. And I am addressing myself to this bill.

Mr. CRAGO. But the gentleman is providing for something that has already gone by. The men in the line have had their chance, and under the reorganization provided for in this bill will have advances in rank. The majors will be lieutenant colonels, and the lieutenant colonels will be colonels, and so forth.

Mr. CONNALLY. Certainly they will.

Mr. CRAGO. This is the only way that the matter can be equalized——

Mr. CONNALLY. Do not take up all my time. I understand the point the gentleman from Pennsylvania is trying to make. In this very bill you seek to equalize promotions amongst all grades in the Army, to give the line and the staff the same chance of becoming a general officer, do you not?

Mr. CRAGO. Yes.

Mr. CONNALLY. If you do that, then you ought not to go further and make a preference in favor of the man who may have temporarily held a staff position.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. I would like just one minute more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CRAGO. I hope the gentleman may have five minutes. I should like to read the provision of the present law, which is as follows:

Any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or division chief.

Mr. CONNALLY. I will say to the gentleman from Pennsylvania that I assumed that everybody knew that. I was not trying to claim it was not the law, but the fact that it is existing law does not necessarily make it right.

You are now seeking to change existing law by this bill, and I do not know of any particular section of existing law that is so sacred that this Congress, if it may desire to change it, has not the power. Because these gentlemen during a number of years have had that preference they have no vested right in it.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. MANN of Illinois. The gentleman will notice that the present law does not cover assistant chiefs.

Mr. CONNALLY. I thank the gentleman from Illinois. Under the present law we do not have as many assistant chiefs of bureaus as the act provides for. The existing law does not authorize the retirement of an assistant chief of a bureau with the rank that he held at the time he was assistant chief of the bureau. I will say to the gentleman from Pennsylvania that in addition to these objections the present bill gives advanced rank to both chiefs of the bureau and assistant chiefs over that provided by the present law. As I understand it, under the present law The Adjutant General, the Quartermaster General, and the Chief of Ordnance are brigadier generals.

Mr. KAHN. Major generals.

Mr. CONNALLY. Under the defense act they are brigadier generals.

Mr. KAHN. My impression is that we made them major generals.

Mr. GREENE of Vermont. They were major generals under the war-risk insurance act.

Mr. KAHN. Yes; and it is permanent law.

Mr. CONNALLY. It was never permanent law until it was put in as an amendment to a war-risk insurance bill, and I am warranted in saying that there were a very small number of Members present who knew that it was in the bill.

Mr. LITTLE. It was in the last line of the bill.

Mr. CONNALLY. During the war we made them major generals, but they were not allowed any assistants as brigadier generals. In this you make them all major generals, and in some instances you allow them three assistants as brigadier generals, and when they retire they all retire with advanced rank.

Mr. KAHN. The gentleman is mistaken; under the proposed bill they are not all made major generals. There are several places where they are only brigadiers.

Mr. CONNALLY. The ones I referred to are The Adjutant General, the Quartermaster General, and the Chief of Ordnance, and those are all major generals. I mentioned those explicitly.

Mr. BEE. Will the gentleman yield for a question?

Mr. CONNALLY. Yes.

Mr. BEE. Do I understand that the gravamen of the discussion is the question of rank of these officers when retired?

Mr. CONNALLY. Yes.

Mr. BEE. Is there any objection to the fact that men who have held high rank in the war, demoted by the cessation of the war, should not be retired under the rank they had during the war?

Mr. CONNALLY. If the provision applied to all officers who had held advanced rank the gentleman's inquiry would be apt. However, the bill only applies to those who served as chiefs or assistant chiefs of bureaus. But men who were major generals in France and are demoted on their return to grade of colonel will not be benefited. The only gentlemen benefited by this provision are the gentlemen who may be detailed as chief or assistant chief of a bureau or branch. This bill greatly increases the number of officers. It increases their rank. It provides for a lot of major generals to command divisions which will never be mobilized. It provides for brigadier generals to command brigades which will never be brought together in peace time. If this bill provided for brigadier generals and major generals, not to command paper divisions but detailed to some staff department, required to do real work, that would not be so objectionable. The result of the bill will probably be to provide promotion for a lot of old worn-out major generals to sit around in the various territorial departmental commands and theoretical tactical commands as division and brigade commanders, with nothing on earth to do—warming benches, as suggested by the gentleman from Minnesota. I am rather surprised that the gentleman from Minnesota has departed from his usual duties as whip on that side, because the way the vote has been going to-day it indicates that the silent arm of the steering committee has been placed on the military shoulder of the gentleman from California, and he has been given the signal to hard boil this bill and ram it through. [Laughter and applause.]

Mr. LITTLE. Mr. Chairman, I want to correct the gentleman from Texas in one particular. The instruction to those who are voting on the bill comes from the military department and not from the steering committee.

Mr. BEE. May I ask the gentleman a question?

Mr. LITTLE. Yes.

Mr. BEE. How did the steering committee happen for the time to abdicate its power over gentlemen on that side?

Mr. LITTLE. If the gentleman is speaking for the steering committee, all right. I will say that they have not been around me. Now, there is one feature of this bill, Mr. Chairman, which accentuates and emphasizes the injustice of what is being done. Suppose there are two majors and one goes into the staff and works his way up to a brigadier general and is appointed to a staff position. Suppose the other goes across the seas and fights his way up to a brigadier general.

The fellow from Europe comes home and the fellow over in the department promptly demotes him, and he is just a major again, and that fixes him. Now, you are endeavoring to pass a bill fixing permanently the temporary promotion of a fellow on the staff, maintain him there, and that is the injustice in this kind of legislation. If we provided that the fellow who went to Europe and fought for his temporary rank should keep it, that would be more equitable, but this merely provides a way in which the fellow who got a temporary promotion by staying in Washington, and perhaps did good work, is taken care of. If you will arrange it so that the men who were demoted from brigadiers or colonels, or the like, from the positions that they won by fighting, I will cheerfully vote for it and I would vote to give the other fellows permanent rank in order to give it to those boys. But, gentlemen, if you will not do it, if you will not give promotion to the man who won his high rank in battle, do not come here and vote to give permanent rank to some fellow who won his by sitting down here and chewing his thumb. [Applause.]

Mr. CALDWELL. Mr. Chairman, I want to call the attention of the committee to the fact that this bill does not just take care of the men who were here in Washington during the war; that there has been an honest and conscientious effort to take care of those men who earned high rank on the other side of the ocean. On page 64 of the bill there is a provision to take care of the combatant officer who had earned his high rank at the time that he retired, so it is not a one-sided affair at all. It is only fair to the man who earned his preferment that he be given recognition for it.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. CONNALLY) there were—ayes 31, noes 32.

Mr. CONNALLY. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CONNALLY and Mr. KAHN) reported that there were—ayes 49, noes 48.

So the amendment was agreed to.

Mr. KEARNS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page, 6, line 2, after the word "warrants" insert: *"Provided further*, That former noncommissioned officers who had already retired and who were called to active service between the dates of April 6, 1917, and November 11, 1918, and commissioned in the Army and who have again reverted or will revert to a retired status when their services are no longer required, shall be placed on the status of warrant officer and receive the benefits of this act in so far as retired pay is concerned."

Mr. KAHN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. KEARNS. Mr. Chairman, if the point of order is going to be sustained on this matter, I have no desire to take up the time of the committee in talking about a thing that is not going to be acted upon, but I can not quite understand how a point of order would lie against the amendment.

Mr. KAHN. It provides for the retirement of officers, as I caught the reading of the amendment, and the bill is not a retirement bill.

Mr. KEARNS. It is a bill for the reorganization of the Army, and it provides for the pay of retired officers when any of these officers are retired.

Mr. KAHN. Mr. Chairman, I make the point of order.

The CHAIRMAN. Will the gentleman state just what his point of order is?

Mr. KAHN. It is not germane, as I caught the reading of the amendment.

Mr. MANN of Illinois. May we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. LITTLE. Mr. Chairman, I would like to be heard for just a moment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. LITTLE. The question is as to the germaneness to the bill of this proposition. I turn to the next page and find that we have been discussing the question of what would happen upon the retirement of any officer who served as chief or assistant, the bill having that in it.

Mr. KEARNS. That is a Regular Army officer, however.

Mr. LITTLE. I turn to the amendment on the page before, and I find it was an amendment offered about the retiring of some other officer. If a part of the bill is germane to the question of retirement, any amendment involving the question of retirement is germane. That is all there is of it, and there is no question of a point of order at all, and I am surprised the gentleman should offer it.

Mr. KAHN. When I first heard the reading of the amendment——

Mr. GREENE of Vermont. Mr. Chairman, I make the point of order that the amendment is not germane to the section to which it is introduced.

Mr. LITTLE. Well, that is better.

Mr. MANN of Illinois. Mr. Chairman, there is nothing in this section with reference to officers on the retired list. How can it be held an amendment relating to the pay of officers on the retired list is germane to a provision that does not in any other respect relate to officers on the retired list at all?

The CHAIRMAN. The Chair will ask the gentleman from Illinois if he notices on page 5, near the bottom of the page, there is a reference to the question of retirement?

Mr. MANN of Illinois. Yes; but that is in reference to officers on the active list; but the amendment relates wholly to officers now on the retired list, and there is no provision in the section at all relating to officers on the retired list. One relates to the proposition of putting men now on the active list on the retired list, and the other relates to the pay of officers who are on the retired list. There is no relation between the two.

Mr. BANKHEAD. If the gentleman will yield for a question, as I understand the existing law on the argument that preceded this there is no existing law creating the position of warrant officers in the Army, so this is entirely new legislation on the entire subject.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard in opposition?

Mr. KEARNS. No.

The CHAIRMAN. The Chair is unable to find anything in that portion of the bill to which the gentleman's amendment is offered to which this would be germane and therefore sustains the point of order.

Mr. KEARNS. Mr. Chairman, I desire to offer that as a new section. On page 6, at the end of section 4 (a), insert this as 4½ (a)—a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 6, line 2, add a new section to be known as section "4½ (a)":

"*Provided further*, That former noncommissioned officers who had already retired and were recalled to active service between the dates of April 6, 1917, and November 11, 1918, and commissioned in the Army, and who have again reverted or will again revert to a retired status when their services are no longer required, shall be placed on the status of warrant officer and receive the benefits of this act in so far as retired pay is concerned."

Mr. MANN of Illinois. Mr. Chairman, I make a point of order against the amendment. If the gentleman desires to offer that amendment, it may be that it would be in order in the last section of the bill, which contains various legislative provisions, but it is not in order in this place in the bill.

Mr. KEARNS. Mr. Chairman, I am not attempting by this amendment at this time to amend any section. It is entirely a new section.

Mr. MANN of Illinois. As it is reported it is an amendment to this section and comes right in the middle of it.

Mr. KEARNS. It comes in as an entirely new section.

Mr. MANN of Illinois. Even then, it would not be in order at this place in the bill.

The CHAIRMAN. The gentleman offers a subsection to this bill. The gentleman does not offer it as a section as a whole, because this section has not been completed and it would not be in order to offer it. The Chair sustains the point of order.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 4, line 14, after the word "Department" insert "the Transportation Service."

Mr. CALDWELL. I offer that as a part of the amendment that is to come in order to be consistent with the amendment that I have offered.

Mr. KAHN. May we have the amendment again reported? There is so much confusion on the floor.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The amendment was again reported.

Mr. CALDWELL. I have already stated that I offered that as a part of the amendment that is to come creating an extra transport service.

Mr. ANTHONY. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. ANTHONY. Is not that substantially the amendment the House voted on a short time ago?

Mr. CALDWELL. Yes. And most of the men here now are not men who were here then. They have just come in, and I want to see how we stand now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

The amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKENZIE: Page 6, line 2, after the word "warrant," insert: "*Provided further*, Warrant officers shall not be entitled to promotion."

Mr. McKENZIE. The purpose of the amendment is simply to make the language clear to carry out the purposes of the committee.

Mr. BEE. I desire to ask the committee whether or not there is a good deal of danger in a provision that seeks to create a set of men with the emoluments of second lieutenant and at the same time not giving them a commission and authorizing the Secretary of War to make the appointment? As I understand the law all commissioned officers are appointed by the President and confirmed by the Senate. I have no objection as to these noncommissioned officers who have rendered faithful service receiving this reward, but it occurs to me that it might be construed as an evasion of the law and is in danger of being so construed. You say that noncommissioned officers shall be made to draw the basic pay of a second lieutenant, with the emoluments, and shall be retired with that pay, and add the amendment of the gentleman from Illinois, if I may suggest as an additional vice, to the proposition, by saying to these men in the Army of the United States that they shall receive no promotion by act of Congress. No matter what they may do, no matter what distinguished and meritorious service they may render, a commissioned officer of the Army takes his promotion in turn, and a noncommissioned officer of the Army takes his promotion in turn; but a warrant officer, created by this section, without commission, assigned to duty as a noncommissioned officer, draws almost a commissioned officer's pay, and is stopped at the threshold of meritorious service by being notified that he can not receive a promotion and that Congress does not propose to let him have such promotion.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BEE. I do.

Mr. GREENE of Vermont. I do not think the gentleman means to insist that the warrant officer is getting a commissioned officer's pay.

Mr. BEE. The warrant officer receives the base pay of $1,320 a year and the allowances of a second lieutenant.

Mr. GREENE of Vermont. I know. But the only point about that I think is this, that the base pay is not the commissioned officer's pay. The lowest commissioned officer's pay is that of a second lieutenant, $1,700.

Mr. BEE. I understand that.

Mr. GREENE of Vermont. It is the only way of describing the kind of allowance these men get; not a money allowance,

but heat and light and quarters, which under certain circumstances are commuted to him. He is assigned to quarters just as are commissioned officers.

Mr. BEE. I understand that. I am not going to object to the section, but I want to call the attention of the committee to the fact that they are treading on very dangerous ground when they seek to select from noncommissioned officers who have been made lieutenants by order of the Secretary of War, and afterwards who shall become warrant officers with basic pay with a second lieutenant's allowances, and then provide by act of Congress that they shall not be entitled to promotion. In other words, suppose a noncommissioned officer is made a warrant officer under this law. No matter what he might do, if the amendment of the gentleman from Illinois [Mr. MCKENZIE] is accepted he can never stand an examination that will make him a second lieutenant.

Mr. GREENE of Vermont. I can quite concede that the gentleman has good grounds for apprehension, because it might unwisely close the door——

Mr. BEE. And here is another question that I would like the committee to answer. Upon what system of report, upon what system of service, is the Secretary of War authorized to select the noncommissioned officers who shall become warrant officers? I submit again to my friend that we are treading upon very dangerous ground in the question of the legality of a provision of this kind, and one that ought to be given very careful consideration.

Mr. GREENE of Vermont. I think my friend will find that the first suggestion as to the desirability of having the grade of warrant officer at all was made in order to take care of a certain class of splendid old-time noncommissioned officers.

Mr. BEE. I am in favor of the proposition.

Mr. GREENE of Vermont. Men who could not hope ever to be able to prepare themselves subsequently by educational qualifications to become commissioned officers.

Mr. BEE. I am in favor of that, but I would stop right there.

Mr. GREENE of Vermont. We are trying to stop there. We had an experience some time ago when we took up the question of veteran pay clerks, men who had been in the service a long time, and somebody suggested: "If we can only create a halfway place for them, that will be the end of it, and it will serve as a reward for faithful service of a limited capacity in a certain grade. The men will be satisfied." But as soon as they had become accustomed to the fit of the new suit they came in here with as nice a lot of propaganda as you ever saw and began to agitate for an opportunity to acquire a higher grade.

Mr. BEE. I anticipate that the Comptroller of the Treasury, when called upon to pass upon that section of this bill, as written, especially if the provision of my distinguished friend from Illinois [Mr. MCKENZIE] is included, will hold that it is an evasion of the law, conflicting with the right of the President of the United States to make appointments, and putting a discretion in the hands of the Secretary of War not authorized by law, because you are giving the allowance of a lieutenant in the provision made here.

Mr. GREENE of Vermont. I know; but the allowance of a lieutenant will reduce this at once to the same measure, whether you call it by any other name. A lieutenant gets two rooms, as the gentleman knows.

Mr. BEE. Yes. I know what the allowance is.

Mr. GREENE of Vermont. You do not want anybody to get less than that, and if you called it, not the allowance of the lieutenant, but just said that this man shall have two rooms, it would not be objectionable?

Mr. BEE. No.

Mr. GREENE of Vermont. Well, that is the only part of his business that seems to resemble that of any other grade. The pay is not the same. He is only a medium between a noncommissioned and a commissioned officer, and may therefore be appointed by a power which is inherent in a lesser authority than the President.

Mr. BEE. I am not opposed to the proposition itself. I am anxious to see these men who have rendered meritorious service rewarded, but I do not want them to be put in the position of having "the word of promise given them to the ear and broken to the hope" by having them appointed in between the commissioned and noncommissioned officers and ultimately to find themselves without any status at all.

Mr. GREENE of Vermont. We have warrant officers already in the Army to-day, but not of this class.

Mr. BEE. Then that is not a new provision?

Mr. GREENE of Vermont. No.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN of Illinois. Mr. Chairman, I want to get a little information if I can. The amendment offered by my colleague [Mr. MCKENZIE], as I understood it, would forbid the President from nominating any warrant officer to second lieutenant.

Mr. MCKENZIE. That was not my purpose. I do not so understand it. My purpose——

Mr. MANN of Illinois. I know; but that is what it says, that they shall not be promoted. I suppose my colleague had in mind the idea that they should not be automatically promoted. Now, may I ask my colleague what was the point he wanted to cover?

Mr. MCKENZIE. If my colleague will notice, the bill provides that these warrant officers shall take rank next below second lieutenant, and shall rank among themselves according to their length of service or their age.

Mr. MANN of Illinois. Yes.

Mr. MCKENZIE. Now, as to all the other commissioned officers in the Army, they take position on the single list, or will if this bill becomes a law.

Mr. MANN of Illinois. That is the commissioned officers?

Mr. MCKENZIE. Yes. It was never the intention of the committee that warrant officers should be considered in the same class as the regular commissioned officers in the service, and my purpose was to have the language so plain that hereafter the question could never come up that a man by simply being a warrant officer could be considered entitled to move up and fill a vacancy in the grade of second lieutenant.

Mr. MANN of Illinois. I should hope that it was plain enough as it stands, but my experience has been that nobody can tell how the law will be construed. It is not certainly the intention of my colleague to prevent a live young man going in as an enlisted man, or a young man who was in the war working his way up to be a warrant officer, with the expectation and ambition to become a commissioned officer in the Army?

Mr. MCKENZIE. No.

Mr. MANN of Illinois. I am afraid the language would prevent that.

Mr. BEE. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MCKENZIE] this question: He speaks of the rank being immediately below that of a second lieutenant. What is to be the position of a warrant officer with respect to a sergeant major? Has the sergeant major got to get out of the warrant officer's road when he meets him on the street, or has the warrant officer to get out of the road of the sergeant major? [Laughter.]

Mr. MCKENZIE. That would depend on the size of the major. [Laughter.]

Mr. MANN of Illinois. He would have to keep out of the major's way.

Mr. BEE. Will the warrant officer make the major get out of his way and salute him when he meets him in the road?

Mr. MCKENZIE. I think not. [Laughter.]

Mr. CALDWELL. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN of Illinois. Yes.

Mr. CALDWELL. I appreciate the courtesy of the gentleman from Illinois. I am sure the House will give him all the time he wants. I want to say to the gentleman from Texas [Mr. BEE], in the time of the gentleman from Illinois, that these warrant officers first came into the Army when we took over the mine planter's service, and they have done good work in the mine planter's service, similar to the work of the warrant officers in the Navy. The idea is to use these men in the technical branches of the Army, just as the Navy uses the same character of men in the technical branches of the Navy. The warrant officer will be between the "noncom" and the commissioned officers, in a rank by himself.

Mr. BEE. But he will get out of the way of a sergeant major if he meets him on the road?

Mr. CALDWELL. If the sergeant major is a better man, the warrant officer will probably get out of his way.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. BANKHEAD. Mr. Chairman, I am much impressed with the suggestion of the gentleman from Illinois as to the phraseology of the amendment offered by his colleague from Illinois [Mr. MCKENZIE]. It will be noticed from the language of section 4a that it is possible for a young man to be appointed as a warrant officer who is only 28 years of age.

The presumption is that these men are entitled to this preferred status here created by this section because of meritorious service or efficiency of some unusual sort. But when a man has served in the Army for 10 years, as this bill provides he must have served in order to become a warrant officer, the natural presumption is that he has made Army service, in a large measure, his life work and his profession, and it seems to me a little unfair to a man of that type and of that efficiency to say that for all time the door of hope of securing a commission in the Army as a first or second lieutenant is forever barred to him. It seems to me the gentleman from Illinois ought to change the language of his amendment so that it will not present an absolute estoppel to that man, to prevent his securing a commission in any instance, either by examination or presidential appointment, but the gentleman ought to limit it so as to carry out his evident intention, which is that that man shall not be promoted by virtue of the fact alone that he is in the class of warrant officers. I hope the gentleman will give heed to that suggestion.

Mr. McKENZIE. Of course, the gentleman from Alabama will understand that it was not my purpose to put any handicap in the way of any American citizen, and it was not my purpose to prevent any of these young men from hereafter getting commissions, but I wanted it distinctly understood that in framing the single list for the promotion of Regular Army officers warrant clerks should not hold positions on the single list for purposes of promotion. I will say to my good friend that I am perfectly willing to take any language he may suggest, simply to put it in the way that warrant officers shall not have a position on the single list for purposes of promotion.

Mr. BANKHEAD. I think I understand the gentleman's position thoroughly, but I think the language employed by him in framing the amendment is unfortunate, in that by its terms, according to the ordinary construction of language, it would forever prevent the promotion by any method, either by appointment, examination, or anything else, of these warrant officers.

Mr. McKENZIE. Will the gentleman from Alabama agree that an amendment simply providing that warrant officers shall not be placed upon the single list would accomplish that purpose?

Mr. BANKHEAD. I think so.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent to withdraw my amendment and to offer another amendment to read:

Provided further, That warrant officers shall not be placed upon the commissioned officers' promotion list.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKENZIE: Page 6, line 2, after the word "warrant," insert: "*Provided further*, That warrant officers shall not be placed upon the commissioned officers' promotion list."

Mr. MILLER. As provided in section 24a of this bill.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman what is the effect of this amendment; that is, not putting warrant officers upon the officers' promotion list? They would not be considered as on the commissioned officers' promotion list in any event, even if this amendment were not injected into the bill.

Mr. McKENZIE. It was not so intended, although the language of the bill says they shall take rank next below second lieutenants.

Mr. GRIFFIN. But, with all due deference, the amendment proposed does not seem to make good sense. The idea of saying that warrant officers shall not be put upon the promotion list of commissioned officers is in itself preposterous. They are not entitled to rank as commissioned officers. Why should there be any question raised about putting them on the promotion list? They do not belong there. If they were on the promotion list they could not get commissions, could they?

Mr. McKENZIE. No; I think not.

Mr. GRIFFIN. Then I can not see the purpose of the amendment. I ask that the amendment be passed over without prejudice.

A VOICE. No; let us vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, the amendment was rejected.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent to offer an amendment, on page 4, line 13, to insert the words "the construction service," in the event that an amendment which I shall offer hereafter is agreed to by the committee.

The CHAIRMAN. The gentleman asks unanimous consent that if an amendment to be offered by him hereafter shall be adopted he shall have permission to return to this paragraph to offer a corresponding amendment here. Is there objection?

Mr. MILLER. Mr. Chairman, a parliamentary inquiry. Is not that extended likewise to other branches of the service that may be injected?

Mr. SANFORD. I think it should be; and I will reform my request to that effect.

Mr. DENT. Reserving the right to object, if we amend this law so as to incorporate additional corps, I do not think we will have any trouble in returning to this section.

Mr. SANFORD. I think not either, but I would like to preserve that right if the gentleman is agreeable.

Mr. DENT. I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I offer the following substitute for section 4.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: That section 4 be, and the same is hereby, amended by striking out all except the first sentence thereof and inserting in lieu thereof——

Mr. CALDWELL. Mr. Chairman, I notice that the amendment reads "that section 4." Does not the gentleman mean subsection 4, on page 3?

The CHAIRMAN. The Chair thinks the gentleman means to amend subsection 4 of section 3.

Mr. DENT. It is called section 4, and the other section is called section 4(a). I think I have got it in proper form.

Mr. MADDEN. Is the gentleman's amendment to section 4?

Mr. DENT. Yes.

Mr. MADDEN. Not to the subsection?

Mr. GREENE of Vermont. I think the gentleman will find these allusions to sections are the words of the text to be substituted, and that we are really on section 3, page 3.

Mr. CALDWELL. What the gentleman is trying to do, I think, is to substitute words for the words contained in line 12, on page 3, which is a subdivision of section 3. I think the Chair will agree with me.

The CHAIRMAN. That is correct. The Clerk will read.

Mr. DENT. There is no question about that. My motion is to offer my substitute for section 4 of section 3.

The CHAIRMAN. Beginning on line 12, page 3.

Mr. DENT. Line 12, page 3, to the end of line 2, page 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That section 4 be, and the same is hereby, amended by striking out all except the first sentence thereof and inserting in lieu of the part stricken out the following:

"General officers of the line shall consist of 19 major generals and 44 brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier generals of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel in the Regular Army.

"From among the major generals of the line there shall be detailed, subject to the provisions of an act of Congress approved February 2, 1901, a chief of Infantry, a chief of Cavalry, a chief of Field Artillery, and a chief of Coast Artillery Corps, who will report to the executive head of the Army, will serve for a period of four years unless sooner relieved, and will be charged with the tactical efficiency of the branch of which he is chief.

"In order to accomplish the purpose of this act the present Chief of Coast Artillery Corps shall be recommissioned a major general of the line, with rank from the date of his original commission as major general and Chief of Coast Artillery Corps. Thereafter the Chief of Coast Artillery Corps shall not be an additional member of the General Staff.

"The original vacancies created by this act and subsequent casual vacancies in the grade of major general, chief of a staff department or service, and brigadier general, assistant to a chief of staff department or service, shall be filled by appointment from officers of that department or service not below the grade of lieutenant colonel; and the officer so appointed shall hold office for four years, and upon expiration of his appointment, unless reappointed, shall revert to the position which he occupied in his staff department or service by virtue of his permanent commission therein: *Provided further*, That the chiefs of new services created by this act shall be appointed from officers in the Regular Army not below the rank of lieutenant colonel who are serving or have served in such services: *And provided further*, That no officer shall be eligible for appointment as assistant to the chief of a staff department or service unless such officer shall have been recommended for such appointment by the chief of the department or service concerned."

Mr. DENT. Mr. Chairman, this section provides for the number of officers in different grades, from colonel down to second lieutenant. The object of my amendment is to eliminate that section so as to provide finally in the bill by subsequent amendments that I shall offer for a commissioned strength of something like 14,000 officers instead of 18,000 officers.

The bill as reported by the committee provides for a chief of Infantry, Cavalry, and Field Artillery, as well as Coast Artillery.

I am in favor of that provision in the bill and have incorporated it in this substitute which I have offered.

There is another section in the bill, another provision in my amendment, to which I desire to direct the special attention of the committee. This Congress at the last session made Gen. Pershing commanding general of the Army, giving him the full title of general, but it did not prescribe any duties which he could perform.

From the date that act was passed until this hour Gen. Pershing has been practically without any duties to perform, holding the rank but with nothing to do. If you adopt this amendment you not only reduce the number of officers by something like 4,000 from that provided in the bill reported by the committee, but you give Gen. Pershing a right to supervise the work of these different chiefs of bureaus. In other words, instead of the chief of Infantry and the chief of Artillery and the chief of Cavalry reporting to the Chief of Staff for the purpose of executing their particular branches of the service, they report to Gen. Pershing, the commanding general of the Army, and their functions are performed through him instead of the Chief of Staff.

I call the attention of the committee to that because following this section I propose to offer another amendment, by which I shall undertake to carry out the ideas I have already expressed to the House of limiting the functions and duties of the General Staff strictly to devising and planning for the Army.

Now, Mr. Chairman, I believe if this House could be convinced that you have got something like 100 per cent more field officers than you can find use for, for the size of the Army you are creating, the House will not adopt it. I challenge any man who favors this bill to tell us where in the world you are going to use 300 extra colonels. The trouble with this bill is that it is written all around one proposition that was in the mind of a good friend of mine, an Army officer who belongs to the General Staff, of having a single list. This whole bill has been written around that theory; and every member of the committee who was present when we had the hearings on that subject will admit, and certainly knows, that in order to have this single list you have got to have an extra reservoir of officers. You can not get along without it. Col. Spaulding, who knows more about the subject than any man that appeared before the committee, so stated. You can not fill the vacancies without this extra reservoir of officers.

Mr. DEMPSEY. Will the gentleman yield?

Mr. DENT. I will.

Mr. DEMPSEY. Where in your amendment is there any provision which provides duties for the general of the Army?

Mr. DENT. It is in that section which provides that there shall be a chief of Infantry, a chief of Cavalry, and a chief of Coast Artillery, who shall report to the executive head of the Army, and that is the commanding general of the Army.

Mr. DEMPSEY. The gentleman does it by indirection. He does not directly provide any duties for the chief of the Army, but provides that certain officers shall report to him.

Mr. DENT. Yes; but I am willing to make it more positive if the gentleman wants to do it.

Mr. Chairman, there is no question on earth that in order to adopt a single list you must have a reservoir of extra officers. I started out in the original preparation of this bill in favor of the principle of a single list, but the more I studied it the more difficult I found it to put into practical operation. When Col. Spaulding first testified before the committee that it was necessary to increase the detached officers' list so as to have a large reservoir of officers in order to carry the single list into effect I became converted to the other side of the proposition. For instance, if the single list is carried out according to its original purpose and a vacancy occurs, either by death or resignation, in the rank of major in the Ordnance Department, the next ranking major on the list, according to the length of his service, may be an officer in the Infantry or in the Cavalry. You could not put that officer into the Ordnance Department and expect him to render efficient service. He may not be familiar with ordnance work. You either have to transfer a man from some other branch of the service to fill the vacancy or leave the vacancy open until some man who is qualified in the Ordnance Department reaches promotion according to the list.

Mr. BRIGGS. Will the gentleman yield?

Mr. DENT. Yes.

Mr. BRIGGS. How many officers are provided for under the present national-defense act of 1916?

Mr. DENT. Eleven thousand four hundred and forty-five, excluding the Philippine Scouts.

Mr. BRIGGS. Then this provides for 60 per cent increase over the present number of officers?

Mr. DENT. Yes.

Mr. GREENE of Vermont. Mr. Chairman, of course it is obvious to the gentlemen of the committee that the proposition that is submitted by our distinguished colleague from Alabama [Mr. DENT] is to carry out the policy he first broached to us in the amendment which we defeated about three hours ago. To be consistent in following the details of the bill throughout he must now bring up this forlorn hope on this other proposition.

There is, of course, at first blush some appearance of argument in favor of the position that this bill is top-heavy in officers. I think, however, if gentlemen will consider the philosophy of the basic military law and the general theory of army organization they will agree, after all, that it is not a top-heavy proposition, so far as the commissioned officers are concerned.

In the first place, we have to remember one thing, that while we call this our Military Establishment, our Regular Army, a permanent establishment as a distinction from the provisional or temporary forces we may raise in time of emergency, the fact is that when we get down to the details of the law the only things that are permanent about it are the basic law upon which it is founded and the commissioned personnel. The commissioned personnel is the only part of the Army that starts out to make a life work of professional military service, and is therefore the only part of the Army that is in the service for life. The enlisted force ebbs and flows in varying strength by individual enlistments for varying periods. The ratio of enlisted men to officers at all times is dependable upon the number of enlisted men that happens to be brought in at the time being set off against the existing number of permanent officers. But there is no true military ratio to be reckoned upon such figures between them and these officers, except those that are attached for distinct tactical purposes to distinct tactical units.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. GREENE of Vermont. Yes.

Mr. BRIGGS. What is the Army able to maintain its strength at in peace times——

Mr. GREENE of Vermont. Enlisted men?

Mr. BRIGGS. Enlisted men.

Mr. GREENE of Vermont. That is exactly what I suggest. As experienced heretofore, it has been somewhere around 100,000.

Mr. BRIGGS. And this bill is based on the theory of providing 6 officers for every 100 men?

Mr. GREENE of Vermont. That is exactly what I have been trying to suggest several times during the afternoon and again to repeat, that this so-called ratio, which you arrive at mathematically by saying that if you put in 299,000 enlisted men against 17,000 officers it results in 6 officers to 100 men, is not an exact or military ratio at all. In many instances you could probably have much more than 100 men opposed to 6 officers and function properly; in some you might have much less, perhaps.

Mr. BRIGGS. And on that assumption it is correct?

Mr. GREENE of Vermont. No. As it is thus presented it is only a mathematical problem to be worked out on a blackboard. You divide one sum by another and get 6 for a quotient and say that must be the ratio therefor; whereas it is only a quotient. That is not the reason for the 17,000 commissioned officers. You can not fix in a military establishment like ours an arbitrary ratio of commissioned personnel to enlisted strength.

I will give an illustration. In an Infantry company there is a captain and two lieutenants. In a Field Artillery battery, which corresponds to that unit in the other arm, there is a captain and four lieutenants, while the headquarters company at every one of those regiments may be commanded by a captain and first lieutenant, with no second lieutenant at all. You can not establish a ratio from such discrepancies as that, and that is only a glimpse at the conditions.

Mr. CALDWELL. Aviation?

Mr. GREENE of Vermont. Yes; I was coming to that. Here is a flying machine, for our purposes to represent an artillery fieldpiece and its complement of men to take care of it. Yet that flying machine carries two commissioned officers and nobody else when it is in operation in the air.

Mr. MADDEN. And the Medical Corps.

Mr. GREENE of Vermont. Yes; and yet right below that airplane there might be a section of field artillery with a 3-inch gun, which will outlast, outwear, and perform generally more hard service than the airplane can hope to, and yet that section is commanded by only a sergeant. You can not make any comparison——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont for five additional minutes? [After a pause.] The Chair hears none.

Mr. BRIGGS. Will the gentleman yield again?

Mr. GREENE of Vermont. I will.

Mr. BRIGGS. I desire to ask whether this officer personnel is not based upon a force of 299,000 men, and if you do not keep your Army organization up to that strength that you are going to have a vastly increased number of officers out of proportion to the number of men whom you have got——

Mr. GREENE of Vermont. That is what I am explaining——

Mr. BRIGGS (continuing). And have some basis for the accusation which the gentleman from Alabama asserted here of having 300 colonels too many?

Mr. GREENE of Vermont. That is exactly what I am endeavoring to get at. If the gentleman will turn to page 4104 in the files of the CONGRESSIONAL RECORD of March 9, 1920, yesterday, he will find it set out where it is proposed to distribute the commissioned field officers throughout the service, if such number of officers and the proportion goes through.

Here is one of the things we are trying to do under the philosophy of this bill: To assign as many men as possible to as many tactical units as may be provided of such enlisted strength as we may have and organize such enlisted units, skeletonized if they have to be, into nine divisions; then have in this country constantly at work for training and educational purposes one, two, or three, or as many as we can raise, of these divisions organized, equipped, and operated exactly as we did over on the line in France, run our commissioned personnel of the line and the staff right through that demonstrating machine day in and day out and month in and month out through the years to come to give military training and education to our officers and men.

Now, along with that we are going to send men to the various service schools that have been set up in the Army, through which they must follow continuous courses arranged on a very scientific scheme and schedule, and which, as we hope and expect, will be in a constant state of progressive military education. Because, you see, eventually these men we are starting in as second lieutenants must some day turn out to be men of high field and general rank, the men who are not then going to look after the company drills and administration, but are going to plan battles for us as brigade, division, and corps commanders. And you must have some process for the gradual working up to that responsibility through a system of such tested education and administration as will keep these officers on their feet all the while.

In all this I have said nothing of the demand for Regular Army officers as instructors of the National Guard, of Reserve Officers' Training Corps units at schools and colleges, of various training camps, or in other miscellaneous capacities, all authorized by law at this time, and all taking them away from duty with tactical units of the Regular Army.

Now, here is another phase that comes into it: It is true, of course, that in order to start a man out in any life work anywhere you have got to offer him some reasonable prospect of promotion. He has to expect to get somewhere as the result of his efforts, and the problem as it is involved in this thing is to try to lay out a schedule of grades of commissioned rank in the Army that will serve at least two purposes, one to take care of the garrison, the training, and the domestic police functions which the Army is always expected to perform, and, second, that of preparing its own individual personnel through systems of such administration, experimentation, and training as to be ready to expand to help in the command of that great citizen soldiers' army that must always be raised to meet any great emergency. So we must prepare in peace times for this war service of officers, for, if we have learned one lesson out of this war, it is that hereafter the citizen-soldier armies are not to be raised by the hundreds of thousands but by the millions.

And if we had had more trained Regular officers of experience and maturity to sprinkle out over our millions of citizen-soldiers—not to take entire charge of them, but sprinkled among those millions, the levies that we raised in 1917—and helped to leaven the lump, we would have bettered our training and made speedier progress, and perhaps have avoided some of the melancholy experiences that we did have as it was.

Mr. BEE. As was exemplified in the training camps previous to the war.

Mr. GREENE of Vermont. If we make the list of commissioned officers so restricted toward the higher ranks that the neck of the bottle will not let out all there is in it in proper flow of promotion, we have defeated all the chances of opportunity for young men in professional military life; and, what is more, we have brought ourselves right back to that place where we used to be when they came in here soliciting special legislation in order to give them a chance for promotion.

One of the reasons why we have made such grades as the captaincy and lower field grades of considerable numbers, outside of exact tactical demands, perhaps, is that we want to open up the door to the lieutenants, so that they can be captains before they are grandfathers. We want a man to be in a responsible grade before he is too old to have any initiative capacity. It is the same old lesson that was learned during the recent war and in every war before it. There are men living to-day who actually served 29 years as first lieutenants. What shape is such a man in to begin to develop for the positions of field command? He is already in middle life and has begun to sit down and crystallize. We want to get these young men up into their first command rank, into captaincies, at an age when they are about ripe and fit, first serving out apprenticeship in the lieutenancies, to mature themselves in the first responsibility of command rank, and stay in them long enough, so that when they do come out in field rank they will not be old men, but will still have enough incentive and ambition left, so that they will be susceptible to a few new ideas when the occasion arises for them to have them. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama [Mr. DENT].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DENT. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 10, noes 53.

So the amendment was rejected.

Mr. BEGG. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BEGG. To offer an amendment. On page 3, line 20, I move to strike out the word "twenty-one" and insert the word "thirteen."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BEGG: Page 3, line 20, strike out the word "twenty-one" and insert in lieu thereof "thirteen."

Mr. BEGG. Mr. Chairman, on that amendment I wish to say this: I have been advised by a military man to the effect that in peace times there will probably be a maximum of 11 positions in active service for major generals. Then that number 13 would provide that the Chief of Staff might, while in active service, have the rank of major general. I think there is one criticism that can be brought against this bill more than any other. I do not wish to set myself up as a critic with what limited information I have on military affairs, other than to say that at the death—I guess death is the only way the title can disappear—at the death of Gen. Pershing, the highest rank in the Army by this bill will be a major generalship. This bill provides for 32 men in the Army organization of equal rank. I do not know how it is in military life, but I know that no organization in civil life will reach the highest degree of perfection with 32 men of equal rank. I can not see any necessity, I can not see any justice, in having a man with the same rank at the head of a bureau as he has in active service at the head of a division. I want to call the attention of the committee to this fact. Much argument has been offered here as the excuse for this bill to the effect that we should be prepared for the next disaster that may hit us or the next call that may come for men. Some people say, "Let us train an army of officers, so that they can train our soldiery to fight." I want to direct the attention of this House to the fact that America did not fail in this war in her personnel, but we did fail in the material with which to equip that personnel, and America will not fail in the next war in men, even if we do not create a great army of high-titled officers.

Mr. BEE. Mr. Chairman, will the gentleman yield for a suggestion right there?

Mr. BEGG. I will yield for a short question.

Mr. BEE. Does not the gentleman from Ohio believe that when officers are placed in command, for instance, on the border of this country, and at the heads of departments, that they carry much more respect and authority and are much more efficient at the higher grade than at a subordinate one?

Mr. BEGG. In reply to the gentleman's inquiry, the gentleman knows a good deal about the influence that goes with an officer on the border of Texas, and I know nothing about it; but I do not believe that conferring a high title or award on a soldier makes a bit of difference in his fighting ability.

Mr. BEE. Not at all.

Mr. BEGG. I believe you can send a brigadier general down to Texas if trouble comes, and I believe he will conduct his men in just as efficient a way as if he were a major general.

Mr. BEE. But he would be commanding a brigade and not a division.

Mr. BEGG. He may command a bigger unit than a brigade. He may even command a division. Then we ought to create a higher title for the man higher up. I do not believe in this policy of putting everybody on a top shelf in an organization where men are supposed to have superiors and also have inferiors, and on no other basis can you organize an efficient military institution.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. CALDWELL. The gentleman knows that the Committee on Rules now has lying before it several bills to make lieutenant generals of Republican favorites as soon as the election is over.

Mr. BEGG. So far as that is concerned, in my judgment that does not need an answer.

Mr. FESS. What Rules Committee?

Mr. CALDWELL. The Rules Committee of this House.

Mr. FESS. That is the first I have heard of it.

Mr. BEGG. Even if it is true or if it is not true, the country knows well enough who has been getting the promotions out of the War Department in the past few months. I am not arguing one way or the other as to who gets the promotions. I am arguing on a system. It is not an efficient system that has 32 major generals.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BEGG. I would like to have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request to proceed for two additional minutes?

There was no objection.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a short question?

Mr. BEGG. Yes.

Mr. MILLER. Where would you place the 13 major generals that you enumerate?

Mr. BEGG. I would place them at the head of every division and the Coast Artillery and the Chief of Staff. That takes them all.

Mr. MILLER. How about the department commanders?

Mr. BEGG. I would strike them all out. I would call them brigadier generals. I would not make any officer in the Army, when a major general is the chief officer, of equal rank to him. I would not make a whole school of major generals and duplicate their standing in the ranks.

Mr. MILLER. Did the gentleman ever hear of an army on the face of God's earth formed on such a basis as that?

Mr. BEGG. I regret I am not so well versed on these matters as the gentlemen of the committee, who are familiar with these matters, no doubt, nor do I make any such claim; but there are a few things that exist, possibly, that the gentleman is not advised of.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I regret that I can not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. BEGG. I would like to call the attention of the House to this fact: Title and rank do not make a man a fighting man or an organizer, and some of the best armies in the world are created with a lower title than that of brigadier general. We do not need in this country 32 major generals. My statement was that 32 major generals are provided for in this bill. The question has been raised that there are only 21, but I am reading from the statement in the report, and it says there are 32. I may be wrong, but that is the statement of the report of the Committee on Military Affairs. But whether it is 32 or 21, it makes no difference. There are too many of them. They are in one another's way when it comes to a crucial time, and it does not appeal to me as the ideal way to build a system. Supposing at the head of a business concern you have 21 superintendents instead of 1, where would you get in the way of efficient and immediate results?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CRAGO. Mr. Chairman, the gentleman has quoted the proper figures as to the total number of major generals provided for in this bill, but if the gentleman will look at the table, I think he will see that the major generals provided for in the line of the Army number 21—1 as Chief of Staff, 9 as department commanders, 10 as division commanders, and 1 as Assistant Chief of Staff, or a total of 21.

I take it that anyone familiar with the formation of the Army would hardly question the advisability of having any one of these 21 major generals eliminated. Each division must have one. Each department commander should be at least a major general, if not a lieutenant general. We have kept the number of major generals in this bill at the minimum. The others provided for in staff corps are as follows: One in each of the several staff corps, namely, The Adjutant General, the Quartermaster General, the Surgeon General, the Chief of Ordnance, the Chief of Engineers; the Chief of the Militia Bureau, who is provided for in this bill, and who it is provided in this bill shall be an officer of the National Guard detailed for that service; a chief of Infantry, a chief of Cavalry, a chief of Field Artillery, a chief of the Coast Artillery, and a chief of Air Service. In other words, if the gentleman's amendment would prevail, we would have no man of the higher rank at the head of any of these departments or staff corps of the Army, and we would not have enough major generals to properly officer our divisions and our different departments.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes; gladly.

Mr. MANN of Illinois. What has the gentleman's amendment to do with staff officers?

Mr. CRAGO. The paragraph he referred to relates to major generals of the line, and his amendment reduces the number from 21 to 13, although his argument was to the effect that we were making provision for 32 major generals.

Mr. MANN of Illinois. I was asking for information.

Mr. CRAGO. I understand.

Mr. MANN of Illinois. The gentleman's amendment would relate only to line officers.

Mr. CRAGO. The gentleman's amendment would, but his argument, explaining to the House that we are providing for 32, I thought needed some answer. As a matter of fact the amendment of the gentleman would take away from the line of the Army the men of higher rank, but still leave them with the staff corps.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. DEMPSEY. In the first place you are not duplicating superintendents, as the gentleman supposed; and then secondly, if you recognized only those who have rendered distinguished service during the war in that capacity, you would need to have a great many more major generals than you are creating.

Mr. CRAGO. Oh, yes; we can not even take care of the men who saw duty on the front with troops and on the line of battle who served as major generals. We are not able to do it in this bill.

Mr. DEMPSEY. Then there is no question of duplicating duties, because each one of these major generals will have a separate and distinct duty to perform.

Mr. CRAGO. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. I ask unanimous consent that the gentleman's time be extended two minutes. I want to ask him a question.

Mr. KAHN. I suggest five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. LITTLE. I want to ask if the committee would accept an amendment providing that no officer should be made the head of a staff department or a major general unless he has been under fire somewhere while in command of troops?

Mr. CRAGO. I do not think we could consent to that.

Mr. LITTLE. The reason I suggest this is that if you put a man at the head of the staff who has been under fire and had command of troops in battle, you would have so much more useful an officer. [Laughter.]

Mr. BEGG. The statement the gentleman made a minute ago led me to believe that this bill was drawn with a view of rewarding the men who had fought in the late war. I want to say that if that was the intent I would rather increase it than decrease it, but I thought you were drawing a peace-time measure without any view of rewarding heroism on the battle field.

Mr. LITTLE. That is the reason I asked my question.

Mr. CRAGO. The gentleman will surely recognize that more men exercised these commands at the front than we are providing for, and the pity is that we can not take care of all those brave men in this bill.

Mr. BEGG. Was that the guiding factor in deciding the number of major generals?

Mr. CRAGO. No; it was not. It was a condition which confronted us, but it was not the theory on which this bill was framed.

Mr. BEGG. If that were the deciding or controlling factor, I should not oppose it.

Mr. CRAGO. As a matter of fact we are taking care of some of these men, but we are not increasing the rank of the men who have heretofore held these positions, because we always had major generals as division commanders and as department commanders and also as chiefs of staff.

Mr. LITTLE. I think it is very kind of the committee to have in mind the men who did the fighting over there, and in order to follow that up I do not see why the committee should object to my suggestion. Why not just offer an amendment that every chief of staff or head of a corps must be somebody who commanded troops in action?

Mr. CRAGO. Because, as I said to the gentleman about an hour ago, I believe that men performed service just as valuable to this country in these different staff corps, where they did their duty and helped the Army to function properly, as the men who were fortunate enough to be able to get to the front.

Mr. LITTLE. But you do not claim that a man is really equipped to be a thoroughly useful chief or head of a bureau in the Army of soldiers who was never in battle, do you?

Mr. CRAGO. Men may be good soldiers without ever being in battle, and it takes a good soldier to stay put where he belongs and where he can render the most efficient service, and not always want to go out and do the fighting, which is the easiest thing a brave man can do. [Applause.]

Mr. LITTLE. That is true of every man who stayed at home and attended to his own business, and you had just as well cheer the man who worked in a blacksmith shop during the war. He did his duty as well as a man on the staff in Washington. You should cheer him, too.

Mr. MANN of Illinois. We do. [Applause.]

Mr. CRAGO. If he did his duty and worked patriotically, he is entitled to credit for it.

Mr. CALDWELL. How about the Congressman who stayed at home. Do you not think he is entitled to some credit?

Mr. LITTLE. I believe the gentleman got into the war a day or two before it closed. [Laughter and applause.]

Mr. CRAGO. Mr. Chairman, dismissing all the by-play in which we have indulged, I think that the committee thoroughly understands this situation, and having reduced these higher officers to this number, I think unquestionably the committee should be sustained in their action.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

SEC. 4. That section 5 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff, and the General Staff with troops. The War Department General Staff shall consist of the Chief of Staff and 4 assistants to the Chief of Staff selected by the President from the general officers of the line, and 88 other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved, and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles. The initial eligible list shall be prepared by a board consisting of the commandant of the General Staff College, the commandant of the General Service Schools, and one other general officer selected by the Secretary of War who is not then a member of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for General Staff duty:

"(a) Those officers graduated from the Army Staff College or the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for duty in the General Staff Corps;

"(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

"After the completion of the initial General Staff Corps eligible list the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and after July 1, 1924, no officer of the General Staff Corps except the Chief of Staff and the assistants to the Chief of Staff shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College. The Secretary of War shall publish twice annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill al vancancies therein, captains may be detailed as acting General Staff officers under such regulations as the President may prescribe.

"The duties of the War Department General Staff shall be to prepare plans for the national defense and for the mobilization of the military forces and national resources in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and the Chief of Staff and to act as their agents in harmonizing the duties, plans, and operations of the branches and bureaus of the War Department and of the Army; and to perform such other military duties not otherwise assigned by law as may from time to time be prescribed.

"The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions.

"The Chief of Staff, under the direction of the President or of the Secretary of War, shall cause the preparation by the War Department General Staff of the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army for its use in the national defense. He shall keep the Secretary of War informed of all plans prepared by the War Department General Staff and advise him as to the practicability and desirability of such plans. Upon the approval of such plans by the Secretary of War, he shall supervise their execution and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution. In case any recommendations for legislation for the national defense or for the reorganization of the Army or for any other requirements of the Military Establishment are presented by the Secretary of War to Congress or to one of the committees of Congress, such recommendations shall be accompanied by a statement from the appropriate division of the War Department General Staff setting forth the reasons for such recommendations and including the names of the officers of the War Department General Staff who prepared it, together with such pertinent comments for and against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared: *Provided*, That if such statement contains confidential matter the Secretary of War may inform the chairman of the Committee on Military Affairs of the House of Representatives and the Senate of that fact, and the statement thereafter shall be open to the inspection of members of the said committees, but shall not be taken from the War Department buildings or offices.

"Hereafter members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this section and in the act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to establish bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof.

"SEC. 5a. Hereafter, in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto. The Assistant Secretary of War shall receive a salary of $10,000 per annum. The offices of Second Assistant Secretary of War and Third Assistant Secretary of War are hereby abolished.

"Under the direction of the Secretary of War chiefs of branches of the Army charged with the procurement of supplies for the Army shall report direct to the Assistant Secretary of War regarding all matters of procurement."

Mr. KAHN. Mr. Chairman, I desire to offer the following committee amendment.

The CHAIRMAN. The gentleman from California offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 22, after the word "all," change "vancancies" to "vacancies."

The amendment was agreed to.

Mr. KAHN. I offer another amendment.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 12, line 10, after the word "Army," change the comma to a period and strike out all thereafter down to and including line 12.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SNYDER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NORRIS, Mr. BRANDEGEE, and Mr. KIRBY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 194. Joint resolution amending joint resolution extending the time for payment of purchase money on homestead entries in the former Colville Indian Reservation, Wash.

The message also announced that, in pursuance of section 3 of the Post Office appropriation act for 1920, the President pro tempore had appointed Hon. LAWRENCE C. PHIPPS as a member of the joint commission on the part of the Senate to fill the vacancy caused by the death of Hon. JOHN HOLLIS BANKHEAD.

ARMY REORGANIZATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 14, line 9, after the word "department," change the comma to a period and strike out all thereafter down to and including line 13.

Mr. BEE. Mr. Chairman, I ask that that be reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. DENT. Mr. Chairman, I should like to ask the gentleman from California what is the object of striking out that language?

Mr. KAHN. It was an amendment taken up by the committee either yesterday morning or this morning, and the committee thought that, although it was in the national-defense act, it was advisable to cut it out of the present bill. I want to say frankly to the gentleman that I was not present at the meeting of the committee.

Mr. DENT. Neither was I.

Mr. KAHN. The gentleman from Illinois [Mr. MCKENZIE] was present and will explain the matter.

Mr. MCKENZIE. Mr. Chairman, I wish to state to my colleague that these amendments were agreed to this morning at a meeting of the committee after the chairman had left the committee in charge of our colleague, Mr. ANTHONY, of Kansas. The purpose of the amendment is to clarify the language which we have been endeavoring to get into this bill to define the duties and powers of the General Staff. In other words, to get away from all criticism that might be made that we are leaving language in the bill that will enable the General Staff to operate rather than to fulfill the functions which are properly intended to be carried out by the General Staff. In order that there might be no doubt about our intentions, we have proposed to strike out the language mentioned in the second amendment.

Mr. DENT. Mr. Chairman, I really do not see how this committee amendment clarifies the situation. This language, as I stated a little while ago, was in the national defense act. I think I am safe in asserting that the Committee on Military Affairs was practically unanimous, or nearly so, on the proposition that the General Staff should be limited to planning and devising and not operating or exercising administrative functions. I think that was one thing about which the committee was unanimously agreed. I do not think by striking out this language that we are going to help that situation. That language is as follows:

Hereafter, members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this section and in the act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department—

That is pretty strong language. Now, this is the language that they propose to strike out—

or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof.

If the committee really desire to clip the wings of the General Staff so as to hold them down to functions for which they were originally created, I see no reason why that language should be stricken out of the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ANTHONY. Mr. Chairman, I am rather inclined to agree with the gentleman from Alabama that perhaps a mistake has been made by the committee in attempting to strike out some of this language in one of the amendments proposed. I do think that we ought to go a little further than the committee has gone along these lines. I want to call attention of the committee to the language on the top of page 13, where it says:

He—

Meaning the Chief of Staff—

shall keep the Secretary of War informed of all plans prepared by the War Department General Staff, and advise him as to the practicability and desirability of such plans. Upon the approval of such plans by the Secretary of War, he shall supervise their execution and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution.

To my mind, that empowers the Chief of Staff to continue to operate in the War Department whenever such plan is approved by the Secretary of War. I think we should go further and strike out as well the language I have read on the top of page 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment, page 15, line 2: After the period strike out the quotation and add the following:

"He shall cause to be manufactured or produced at the Government arsenals of the United States all such supplies or articles needed by the War Department as said arsenals are capable of manufacturing or producing: *Provided*, That the cost of manufacturing or producing such articles or supplies at said arsenals shall not exceed the cost if purchased in the open market. And he shall operate or cause to be operated said arsenals economically. And all orders for manufacture of material pertaining to approved projects which are placed with arsenals or other Ordnance establishments shall be considered as obligations in all respects in the same manner as provided for similar orders placed with commercial manufacturers."

Mr. CALDWELL. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

After the word "arsenals," wherever it occurs in the amendment, insert the word "factories."

Mr. CALDWELL. Mr. Chairman, I offer this amendment so as to cover the case of a factory that has been recently purchased by the Government during the war and now lying idle.

Mr. SANFORD. Would not the gentleman say "Government-owned factories"?

Mr. CALDWELL. I will say "Government-owned factories," Mr. Chairman.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Insert after the word "arsenals," wherever it occurs in the amendment, the words "and Government-owned factories."

Mr. CALDWELL. Mr. Chairman, now I ask unanimous consent that that amendment be considered as offered wherever the word "arsenals" is used in connection with these manufactures.

Mr. DENT. Mr. Chairman, I hate to take up the time of the committee, but I have been interrupted, and I would like to have the original amendment read.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the original amendment be reported. Is there objection? [After a pause.] The Chair hears none.

The original amendment was again reported.

Mr. SANFORD. Mr. Chairman and gentlemen of the committee, it was not my purpose to say anything about this amendment, because it seemed so clear on its face. I have to confess I have in this matter that peculiar interest that any Member has when he has some interest in his district that is to be served by an amendment. There is one of the largest Government arsenals in my district, but the public interest to be served overtops that entirely. This amendment simply provides that the Government, wherever it can do so economically, shall use these arsenals to do work usually or often done by private contractors. [Applause.] In the second place, it provides when contracts are let out to be done at Government arsenals the rule with reference to the appropriation being available only for one year shall not apply.

The situation has been that large orders have been offered to the Watervliet Arsenal, for instance, which that arsenal could not accept because in a Government arsenal the appropriation dies at the end of the year, and inasmuch as the contemplated job would usually take longer than that time the Government has been obliged to let the job go to some private manufacturer. But on the face of it that restriction of the law is unfair to the Government and is unfair to the arsenal. The purpose of the latter part of the amendment is to remove that restriction of the law and to make these appropriations that are allotted for work to be done at Government arsenals available the same as if the work were to be done by a private manufacturer; that is, make the appropriation available for 365 days after the fiscal year in which the money is appropriated.

Mr. CALDWELL. The gentleman's remarks would apply equally to the great factories that have been built up during the war and are now owned by the Government?

Mr. SANFORD. I should think so. If the gentleman has any Government-owned factories in his district I am glad of it, and he can speak up for them. I am speaking for the arsenal and the vast public interests involved there.

Mr. GARRETT. One of the provisions of the gentleman's amendment is the appropriation does not extend beyond the period of two years?

Mr. SANFORD. It does not. The wording of the amendment is that it shall be allotted on the same terms as if the contract were made with a private manufacturer, which would be 365 days after the fiscal year ended.

Mr. GARRETT. What I had in mind was the constitutional provision that money for the support of the Army could not extend beyond two years.

Mr. SANFORD. I assure the gentleman that that provision of the Constitution was kept in mind when the amendment was drawn.

The Government has invested at Watervliet over $20,000,000; there is employed there at this time a force of highly trained mechanics gathered together from all parts of the country to meet the emergency created by the war. The arsenal is now equipped to do work of the finest grade involving that most intricate of all machine work necessary to produce modern cannon. There are about 2,500 men employed there at this time, a large part of whom the Government plans to discharge in the near future.

I assure you that this plant can do as high-grade machine-shop work as the Bethlehem Steel Co. or any other private concern.

The purpose of this amendment is to compel the executive officers of the Government to have Government work done at such arsenals as this and to cease handing out appropriations to private manufacturers. It is perfect nonsense to allow such an investment as this to go to waste and at the same time turn over work to be done by contract by private manufacturers.

Unfortunately under the provisions of the general law appropriations of money for work to be done in a Government plant lapses at the end of the fiscal year for which the appropriation is made. This amendment removes this restriction and continues the appropriation for an additional year. This limitation of law has often compelled the Ordnance Department to turn work over to private manufacturers.

I, therefore, plead with you to pass this amendment not only because of the special interest I have because of my district, but because of the greater public interest that will be directly served by the amendment.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12775, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARTER, for five days, on account of being a witness in court.

To Mr. LONGWORTH, for three days, on account of important business.

To Mr. MOORE of Ohio (on request of Mr. MURPHY), for three days, on account of sickness in family.

To Mr. DENISON, for two weeks, on account of important business.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3696. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 167. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, March 11, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental estimates of appropriations required by the Navy Department for the fiscal year 1921 (H. Doc. No. 680); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required for State and Territorial homes for disabled soldiers and sailors, fiscal year 1921 (H. Doc. No. 681); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to provide for the relief of certain enlisted men and for other purposes; to the Committee on Naval Affairs.

4. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to give officers in the Dental Corps rank and pay from the date stated in their commission; to the Committee on Naval Affairs.

5. A letter from the Secretary of the Treasury, transmitting request of the Surgeon General of the Public Health Service for an increase in appropriation for medical, surgical, and hospital services and supplies for war-risk insurance beneficiaries, and other beneficiaries of the Public Health Service (H. Doc. No. 682); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11024) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, reported the same without amendment, accompanied by a report (No. 732), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PLATT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm-loan act, extending its provisions to Porto Rico, reported the same with amendments, accompanied by a report (No. 733), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Ohio: A bill (H. R. 13012) creating a memorial commission; to the Committee on Military Affairs.

By Mr. EVANS of Nevada: A bill (H. R. 13013) to exempt from the income and excess-profits tax income and profits derived from mining the precious metals, gold and silver; to the Committee on Ways and Means.

By Mr. LITTLE: A bill (H. R. 13014) to amend paragraph 5, section 1001, of an act to provide revenue, and for other pur-

poses, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: A bill (H. R. 13015) to enable the Commissioner of Internal Revenue to simplify the regulations under which exported property is exempt from the transportation tax and to prevent discrimination against agricultural and other commodities transported to a port or place of export to supply foreign requirements; to the Committee on Ways and Means.

By Mr. HICKS: Joint resolution (H. J. Res. 312) declaring that a state of peace exists between the United States and Germany; to the Committee on Foreign Affairs.

By Mr. LUFKIN: A memorial of the Legislature of the Commonwealth of Massachusetts, urging that a sufficient appropriation be made by the Congress of the United States to insure the prosecution of work at the Watertown Arsenal, Mass., and the continuous employment of its employees; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 13016) granting a pension to Noah Lucas; to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 13017) granting a pension to William Taylor; to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 13018) granting a pension to Persillia Plummer; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13019) granting an increase of pension to Franklin Edgington; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 13020) granting a pension to Gue M. Allen; to the Committee on Pensions.

Also, a bill (H. R. 13021) granting a pension to Mary E. Albro; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13022) granting an increase of pension to Maria Hadden; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 13023) granting a pension to Jacob D. Cook; to the Committee on Pensions.

By Mr. WALSH: A bill (H. R. 13024) granting a pension to Abby G. W. Ross; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 13025) granting a pension to Mary Cremeens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2204. By the SPEAKER (by request): Petition of the Armenic colony of New York City, protesting against the Turkish cruelties, etc.; to the Committee on Foreign Affairs.

2205. Also (by request), petition of numerous citizens of Detroit, Mich., relative to the purchase of Selfridge Field, Mount Clemens, Mich., for use as an aviation field; to the Committee on Military Affairs.

2206. By Mr. BROWNING: Petition of Woman's Christian Temperance Union of Woodbury, N. J., favoring legislation to forbid interstate transmission of race-gambling bets and interstate transportation of gambling machines and devices; create uniform laws on marriage and divorce; establish a Federal motion-picture commission; to the Committee on Interstate and Foreign Commerce.

2207. Also, petition of Woman's Christian Temperance Union of Woodbury, N. J., favoring legislation to protect the first day of the week from profanation in the District of Columbia; to the Committee on the District of Columbia.

2208. By Mr. CULLEN: Petition of the board of directors of the Italian Chamber of Commerce, protesting against certain provisions in Senate bill No. 3718; to the Committee on the Post Office and Post Roads.

2209. By Mr. DALLINGER: Petition of Corpl. Harry E. Nelson Post, No. 63, American Legion, Wakefield, Mass., relative to adjustment of compensation or extra pay for service men and women; to the Committee on Ways and Means.

2210. Also, petition of Dorchester (Mass.) Board of Trade, favoring extension of relief measures to central Europe and Armenia; to the Committee on Ways and Means.

2211. By Mr. DICKINSON of Iowa: Petition of Fort Dodge (Iowa) Post, No. 130, of the American Legion, favoring payment of bonus to ex-service men in form of $50 bond for each month served; to the Committee on Ways and Means.

2212. By Mr. FULLER of Illinois: Petition of the Traders' Live Stock Exchange, of Chicago, opposing the bills for regulation of the live-stock and meat industry; to the Committee on Agriculture.

2213. By Mr. JOHNSON of Washington: Petition of Pioneers of Alaska, Igloo No. 7, Valdez, Alaska, favoring appropriation for maintenance of Keystone Canyon Military Highway; to the Committee on Military Affairs.

2214. By Mr. KING: Petition of the board of supervisors of Adams County, Ill., opposing the enactment of the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

2215. By Mr. LINTHICUM: Petition of E. S. Prince, of Baltimore, favoring soldier bonus legislation; to the Committee on Ways and Means.

2216. Also, petition of Thomas D. Conn, of Baltimore, Md., favoring passage of House bill 11984; to the Committee on Patents.

2217. Also, petition of A. H. Colmary & Co., of Baltimore, Md., favoring repeal of income taxes and substitution of other methods therefor; to the Committe on Ways and Means.

2218. Also, petition of J. T. Considine, of Baltimore, Md., favoring repeal of governmental control of coal; to the Committee on Interstate and Foreign Commerce.

2219. Also, petition of Local Union No. 240, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, and Local Union No. 101, United Brotherhood of Carpenters and Joiners of America, of Baltimore, Md., protesting against passage of the Davey and Graham-Sterling peace-time sedition bills; to the Committee on the Judiciary.

2220. Also, petition of Charles G. Summers & Co., of Baltimore, Md., favoring repeal of excess-profits tax law; to the Committee on Ways and Means.

2221. Also, petition of Henry C. Evans, of Baltimore, Md., in connection with the proposed soldier-bonus legislation; to the Committee on Ways and Means.

2222. Also, petition of S. Berman, of Baltimore, Md., favoring removal of excise tax on spectacles and eyeglasses; to the Committee on Ways and Means.

2223. Also, petition of Baltimore Chamber of Commerce, objecting to the continuance of the Fuel Administration under the Lever Act; to the Committee on Interstate and Foreign Commerce.

2224. Also, petition of the Lumber Exchange of Baltimore, Md., opposing passage of House bill 10738; to the Committee on the Judiciary.

2225. Also, petition of Elmer E. Herring, favoring passage of House bill 11729; to the Committee on Ways and Means.

2226. By Mr. MICHENER: Petition of Hannan-Colvin Post, No. 180, American Legion, of Hudson, Mich., indorsing the Morgan bonus bill; to the Committee on Ways and Means.

2227. Also, petition of Edward C. Headman Post, American Legion, Wyandotte, Mich.; Frederick E. Pieper Post, 176, American Legion, of Clinton, Mich.; Underwood-Orr Post, No. 34, American Legion, Tecumseh, Mich.; and Clare H. Fenn, of Chelsea, Mich., indorsing the $50 per month bonus plan for soldiers; to the Committee on Ways and Means.

2228. By Mr. O'CONNELL: Petition of the American Association of State Highway Officials, relative to the cooperation of Federal and State Governments in the construction of roads; to the Committee on Roads.

2229. By Mr. SNYDER: Petition of various Polish societies and others in the thirty-third district of New York, opposing the enactment of Senate bill 3718, depriving the foreign-language press of second-class mailing rates; to the Committee on the Post Office and Post Roads.

2230. By Mr. THOMPSON: Petition of citizens of Pioneer, Alvordton, Fayette, and Kunkle, Ohio, protesting universal military training, etc.; to the Committee on Military Affairs.

2231. By Mr. TINKHAM: Petition of Dorchester Board of Trade, of Massachusetts, urging Congress to assist central Europe food supplies and other necessaries of life by giving them credit; to the Committee on Foreign Affairs.

2232. Also, petition of Robert H. Hall and C. H. James, favoring the Raker bill (H. R. 1112) providing for the release of prisoners on parole; to the Committee on the Judiciary.

2233. By Mr. YATES: Petition of Blackhawk Post, No. 107, American Legion, of Chicago, Ill., urging that all men and women in the service are entitled to adjusted compensation in the amount of $50 bond per month of service; to the Committee on Ways and Means.

2234. Also, petition of the Illinois Associations of Superintendents of Highways, protesting against the passage of the Townsend bill in its present form; to the Committee on Roads.

2235. Also, petition of Hon. Gifford Pinchot, protesting against the amendments offered to H. R. 3184, the House water-power bill; to the Committee on Water Power.

SENATE.

THURSDAY, *March 11, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we acknowledge Thy name in the beginning of this day and stand in reverent attitude toward Thee. We thank Thee for the blessings of life. We thank Thee for the vast resources of our land. We thank Thee for the unity of spirit that is among us and for friendships that are welded even stronger by conflict of opinion. We bless Thee for the common ideal and end that is before us. We pray Thee to lead us on to the accomplishment of the divine will in us as a people. For Christ's sake. Amen.

NAMING OF PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
Washington, D. C., March 11, 1920.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES E. WATSON, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

Mr. WATSON thereupon took the chair as Presiding Officer.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ASHURST and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McLean	Smith, Md.
Ball	Gronna	McNary	Smith, S. C.
Beckham	Hale	Nelson	Smoot
Borah	Harrison	New	Spencer
Brandegee	Henderson	Norris	Sterling
Calder	Hitchcock	Nugent	Sutherland
Capper	Johnson, S. Dak.	Overman	Swanson
Chamberlain	Jones, N. Mex.	Owen	Thomas
Colt	Jones, Wash.	Phelan	Townsend
Culberson	Kendrick	Phipps	Trammell
Curtis	Kenyon	Poindexter	Underwood
Dial	Keyes	Pomerene	Wadsworth
Dillingham	King	Ransdell	Walsh, Mass.
Edge	Kirby	Reed	Walsh, Mont.
Elkins	Lenroot	Sheppard	Warren
Fletcher	Lodge	Sherman	Watson
Frelinghuysen	McCormick	Shields	Wolcott
Gay	McKellar	Simmons	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

Mr. GERRY. The junior Senator from Georgia [Mr. HARRIS] is detained at home by illness.

The Senator from Nevada [Mr. PITTMAN], the senior Senator from Georgia [Mr. SMITH], and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

The PRESIDING OFFICER. Seventy-one Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker had designated Hon. JOSEPH WALSH, a Representative from the State of Massachusetts, as Speaker pro tempore for a period not exceeding 10 legislative days.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3696) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended, and it was thereupon signed by the Presiding Officer.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a resolution of the Chicago Association of Commerce, and ask that it be printed without reading and referred to the Committee on Appropriations.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolution passed by the interstate and foreign trade committee of the Chicago Association of Commerce, February 10, 1920.

UNITED STATES CUSTOMS SERVICE.

Whereas the efficiency of the United States Customs Service has become greatly impaired, due to resignations of many experienced employees, owing to inadequate compensation paid by the Government; and

Whereas the interstate and foreign trade committee of the Chicago Association of Commerce has caused to be made an investigation in the matter and the same discloses that during the last 10 years the Government has granted no material increase in compensation to employees in the Customs Service, notwithstanding the great advance in the cost of living: Be it

Resolved, That the interstate and foreign trade committee of the Chicago Association of Commerce direct the matter to the attention of the Secretary of the Treasury, the Committee on Appropriations, and to such other governmental authorities as have jurisdiction therein, and to urge support of the amendment to deficiency bill H. R. 12046, for the appropriation of $1,000,000 to be used in increasing salaries and filling vacancies in the Customs Service, as a matter of important interest to the importing business of the country, as well as fairness and justice to the employees; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Appropriations Committee, the Secretary of the Treasury, commercial bodies throughout the United States, and to Members of Congress as indicating the views and recommendation of the interstate and foreign trade committee of the Chicago Association of Commerce.

G. L. WALTERS,
Chairman Subcommittee Interstate and Foreign Trade Committee.

Mr. LODGE. I present a petition from the General Court of Massachusetts, which I ask may be placed in the RECORD without reading and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, *1920.*

An order relative to maintaining transportation through the Cape Cod Canal.

Whereas the United States Railroad Administration has ordered a relinquishment of the Cape Cod Canal and of the property connected therewith; and

Whereas the ownership of the canal is at present uncertain, the price to be paid therefor by the United States Government being a subject of dispute in the courts; and

Whereas it is of the utmost importance to the people of New England that the canal should not only be open but should be operated to the fullest extent for the transportation of coal and other commodities during the present emergency: Therefore it is hereby

Ordered, That the General Court of Massachusetts hereby requests the United States Government to take such action as may be necessary to provide for the prompt and full operation of the canal, especially for the transportation to New England of coal and other commodities; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the United States Railroad Administration, to the Secretary of War, and to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted, March 1, 1920.
In senate, adopted, in concurrence, March 2, 1920.
A true copy.
Attest:

ALBERT F. LANGLEY,
Secretary of the Commonwealth.

Mr. McLEAN presented petitions of the Bunker Hill Literary Club, of Waterbury; the Alpine Club, of Bridgeport; the Women's Club, of Waterbury; the Wednesday Afternoon Club, of Norwich; and the Federation of Women's Clubs, of Washington, all in the State of Connecticut, praying for the enactment of legislation providing for vocational education, which were referred to the Committee on Education and Labor.

He also presented a petition of A. G. Hammond Camp, No. 5, Spanish War Veterans, of New Britain, Conn., and a petition of George M. Cole Camp, No. 7, Department of Connecticut, United Spanish War Veterans, of New London, Conn., praying for the enactment of legislation granting pensions to Spanish War veterans, etc., which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Milford, Conn., praying that the United States give military aid to Armenia, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a memorial of Farmers' Union No. 1729, of Falun, Kans., and a memorial of Farmington Grange No. 1474, Patrons of Husbandry, of Eureka, Kans., remonstrating against compulsory military training, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Oakland Chapter, Daughters of the American Revolution, of Oakland, Calif., praying for the enactment of legislation to grant rank to the Army Nurse Corps, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented a petition of the congregation of the Episcopal Church, of Baltimore, Md., praying that relief be given to the starving peoples of Europe and the Near East, which was referred to the Committee on Foreign Relations.

MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

Mr. KELLOGG, from the Committee on the Judiciary, to which was referred the bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes, reported it with amendments and submitted a report (No. 467) thereon.

FUNERAL EXPENSES OF THE LATE SENATOR BANKHEAD.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 330, submitted by Mr. UNDERWOOD on the 9th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the presiding officer in arranging for and attending the funeral of the Hon. JOHN H. BANKHEAD, late a Senator from the State of Alabama, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 4052) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920; to the Committee on Indian Affairs.

By Mr. SHERMAN:

A bill (S. 4053) restricting the sale of tickets and number of admissions to theaters, and for other purposes; to the Committee on the District of Columbia.

By Mr. WALSH of Montana:

A bill (S. 4054) for the relief of certain tribes and nations of Indians in the State of Montana; to the Committee on Indian Affairs.

By Mr. OWEN:

A bill (S. 4055) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

By Mr. POINDEXTER:

A bill (S. 4056) for the relief of the Pacific Commissary Co.; to the Committee on Claims.

By Mr. PAGE:

A bill (S. 4057) to authorize the Secretary of the Navy to remove the charge of desertion under certain conditions from the records of former members of the naval service, and for other purposes; to the Committee on Naval Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 4058) for the relief of Emil Schneider; to the Committee on Claims.

A bill (S. 4059) granting an increase of pension to Joseph J. Waldron; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 4060) for the relief of J. B. McGhee; to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 4061) granting an increase of pension to Edgar W. Lauck; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4062) granting a pension to Tide Owens; to the Committee on Pensions.

PENSIONS TO PENNSYLVANIA VOLUNTEER MILITIA.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the bill (S. 3219) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, and so forth, which was referred to the Committee on Pensions and ordered to be printed.

PROTECTION OF TRADE-MARKS—CONFERENCE REPORT.

Mr. BRANDEGEE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "(b) All other marks not registerable under the act of February 20, 1905, as amended, except those specified in paragraphs (a) and (b) of section 5 of that act, but which have been in bona fide use for not less than one year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid to the Commissioner of Patents and such formalities as required by the said commissioner have been complied with: *Provided*, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendments as follows: In lieu of the matter proposed by the Senate amendment insert the following: "28 (as to class (b) marks only)," and on page 4, line 6 of the engrossed bill, after "act" insert "of a mark falling within class (a) of section 1," also on page 4, line 19, of the engrossed bill, after "date," insert "and the provisions of section 2 of the act entitled 'An act to amend the laws of the United States relating to the registration of trade-marks,' approved May 4, 1906"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 9. That section 5 of the trade-mark act of February 20, 1905, being Thirty-third Statutes at Large, page 725, as amended by Thirty-fourth Statutes at Large, page 1251, Thirty-sixth Statutes at Large, page 918, Thirty-seventh Statutes at Large, page 649, is hereby amended by adding the following words thereto: 'And if any person or corporation shall have so registered a mark upon the ground of said use for 10 years preceding February 20, 1905, as to certain articles or classes of articles to which said mark shall have been applied for said period, and shall have thereafter and subsequently extended his business so as to include other articles not manufactured by said applicant for 10 years next preceding February 20, 1905, nothing herein shall prevent the registration of said trade-mark in the additional classes to which said new additional articles manufactured by said person or corporation shall apply, after said trade-mark has been used on said article in interstate or foreign commerce or with the Indian tribes for at least one year provided another person or corporation has not adopted and used previously to its adoption and use by the proposed registrant and for more than one year such trade-mark or one so similar as to be likely to deceive in such additional class or classes.'"

And the Senate agree to the same.

WM. F. KIRBY,
FRANK B. BRANDEGEE,
G. W. NORRIS,
Managers on the part of the Senate.

JOHN I. NOLAN,
FLORIAN LAMPERT,
GUY E. CAMPBELL,
Managers on the part of the House.

The report was agreed to.

AMNESTY TO PRISONERS (S. DOC. NO. 249).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate:

I transmit herewith a further communication from the Acting Secretary of State replying to the resolution of the Senate, dated January 13, 1920 (No. 278), requesting that it be furnished with information showing what, if anything, Great Britain, France, Italy, and Belgium, or either of these Governments, have done through legislative or executive proclamation, or otherwise, looking to the granting of amnesty to military, political, or other prisoners since the signing of the armistice November 11, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
11 March, 1920.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President

had on the 10th instant approved and signed the following joint resolution:

S. J. Res. 156. Authorizing the Secretary of War to bring back on Army transports from Danzig, Poland, residents of the United States of Polish origin who were engaged in the war on the side of the allied and associated powers.

PAY OF ARMY AND NAVY.

Mr. WADSWORTH. Mr. President, I beg leave for just a moment to make a statement to the Senate in connection with the condition of the Army and the Navy, and especially in connection with the pay problem of those services.

The Senate will remember that this body some time ago passed a bill increasing the pay of the officers and enlisted men of the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey. Since that bill passed 150 more officers have resigned from the Army in desperation, unable to make both ends meet. The bill is still pending in the House of Representatives.

Mr. POMERENE. I ask, how long ago was that bill passed?

Mr. WADSWORTH. I can not state exactly; probably three or four weeks or a month ago.

Let me say in this connection that that makes a total of 2,358 officers of the Regular Army who have resigned since the armistice—one out of every four in the service. It is a serious question.

Mr. President, in addition to that, information comes to me to-day, which I understand is reliable, that 200 petty officers of the Navy have deserted, and that 13 of them were chief petty officers, unable to make both ends meet.

Mr. POMERENE. Is the Senator able to state that the resignations from the Army were in large part or substantially due to the lack of pay?

Mr. WADSWORTH. Almost entirely. My own mail is filled with inquiries, some of them coming by indirection from officers of the Army, wondering whether they can afford to stay any longer, asking what are the prospects of this legislation. They owe it to their families and to themselves to see to it that they can live a decent life, but they can not do it in the service at the present rate of pay. The same is true of the noncommissioned officers of the Army and the petty officers of the Navy.

Information has just come to me from the Panama Canal Zone which I think I ought to lay before the Senate, indicating the situation. I have here a table showing the rate of pay accorded to bricklayers, carpenters, metal lathers, painters, plasterers, and plumbers in the Panama Canal Zone, all civilian employees. Most of them are West Indians. The bricklayers are receiving pay at the rate of $9.52 a day, carpenters at the rate of $8.40 a day, metal lathers at the rate of $8.56 a day, painters at the rate of $7.60 a day, plasterers at the rate of $9.52 a day, and plumbers at the rate of $9.36 a day. These men have their housing, their heating, and their light free of charge. We make no complaint—no one will complain—at the rate of pay given to people in civilian employment, but the average of the compensations which I have described is as high as that of a major in the Army. That being the case, how can we expect captains and lieutenants to stay in the Army?

Mr. POMERENE. Mr. President, will not the Senator from New York place in the RECORD at this point what the pay is of the several grades of officers?

Mr. WADSWORTH. I think that was put in the RECORD at the time the Senate passed the pay bill.

Mr. POMERENE. I know it has been put in the RECORD; but I thought it would be very interesting to have the figures closely together here, in order that we could all have the comparison.

Mr. WADSWORTH. I shall endeavor to supply that information, but it has been placed in the RECORD at a previous time.

Mr. President, I intend to detain the Senate but a moment longer. I have here also a report in the form of a letter addressed to me by a colonel of the General Staff, whose business it is to keep in touch with the morale of the Army of the United States. He says in the letter, which is dated March 9:

MY DEAR SENATOR WADSWORTH: As a matter of information bearing on legislation for increase of Army, Navy, and other service pay now pending, I am taking the liberty of inviting attention to the fact that between September 1, 1919, during which month the original bill for the above purpose was introduced, and March 1, 1920, the cost of staple goods as sold to officers and enlisted men at the Army commissary, First and B Streets NW., this city, has increased 23 per cent.

The increase prior to that time was in the neighborhood of 100 per cent as compared with the figures of four years ago.

Mr. President, under such circumstances we can not expect corporals and sergeants and quartermaster sergeants and the upper grades of the noncommissioned personnel of the Army, many of whom have families, to remain in the service. It would be stupid of them if they did so. They owe it to their families to make a living, which they can not get and which they do not receive in the service at the present rates of pay. The same observation applies to the officers.

Mr. TOWNSEND. Mr. President, is the Senator from New York going to tell us what is the present parliamentary status of the bill? As I recall, we passed the Senator's bill, and afterwards we substituted it for a bill reported from the Committee on Naval Affairs of the House and passed by that body. Is the matter now in conference?

Mr. WADSWORTH. It is not.

Mr. TOWNSEND. Why not?

Mr. WADSWORTH. The other House has as yet refrained from acceding to the request of the Senate for a conference.

Mr. TOWNSEND. Is the Senator going to suggest some action to the Senate?

Mr. WADSWORTH. I think the Senate is quite powerless in the matter as a body. It may be that the other House will eventually consent to a conference, but in the meantime men are leaving the service in droves. They are the very best men we have. It is a most unfortunate situation and a very serious one.

Mr. TOWNSEND. I regard it as a very serious matter, and should be greatly pleased if the Senator could suggest something that I and other Senators may do.

Mr. WADSWORTH. Mr. President, continuing the reading of the letter, which is a short one:

The list of items upon which the above figures are based is attached. There are various foods not of as common use, and not included in this list, on which the increase has been 50 per cent and more.

That, mind you, Mr. President, is since September 1 last.

The demotion of large numbers of officers, due to be accomplished during the coming week, will further add to the economic difficulties under which the Army is now laboring.

On March 15 the emergency rank will be withdrawn. Of course, it is inevitable that the emergency rank should be withdrawn sooner or later, as the condition now existing in the Army in that respect is artificial and unwarranted; but it adds to the painful situation which I thought it my duty to lay before the Senate and the public.

In connection with the letter which I have read I send to the desk the price list of staple food articles for sale at the Army commissary store at First and B Streets NW., Washington, D. C., showing the rise in cost between September 1 last and March 1 of this year, which I ask may be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Price list of staple food articles, sales commissary, First and B Streets NW., Washington, D. C.

No.	Articles.	September, 1919.	March, 1920.
		Cents.	*Cents.*
1	Apples, No. 3 cans	17	27
2	Beans, issue	12	11
3	Brooms, corn	89	93
4	Butter, issue	54	60
5	Candy, chocolate	65	75
6	Coffee, sales	32	50
7	Coffee, issue	24	25
8	Flour, family	7	8
9	Hash, corned beef	47	64
10	Macaroni	11	12
11	Milk, evaporated	13	15
12	Oleomargarine	33	36
13	Peas, green	12	23
14	Potatoes	3	5
15	Prunes	10	23
16	Rice	9	14
17	Sauce, tomato catsup	25	25
18	Soap, laundry	5	7
19	Sugar, granulated	9	9
20	Tomatoes, large can	16	24
		493	606

Mr. KING. If the Senator from New York will pardon me for a moment, I wish that the effect of this deplorable condition to which the Senator refers would be a little more manifest in the personnel of the War Department. I am told by many officers that there are retained in the employ of the War Department a large number of officers unnecesarily and that there is a great duplication of work. An officer told me on day before yesterday that it seemed to him as though the purpose was to make jobs for a lot of men under the rank of brigadier general in the War Department when there was no necessity for their retention; that there were hundreds and thousands of officers of the Gov-

ernment whose terms by legislation were prolonged, but will expire July 1 who were remaining there when their services were not needed.

Mr. WADSWORTH. The Senator from Utah attacks an entirely different problem, and in some respects I am in sympathy with him, but he must remember, as we must all remember, that an officer goes where he is ordered; he has no choice in the matter.

Mr. NELSON. Mr. President, will the Senator from New York allow me a question?

Mr. WADSWORTH. Yes.

Mr. NELSON. I noticed in the newspapers the other day that the War Department was continuing Regular Army officers who had obtained extra rank during the war in the higher ranks instead of putting them back to their Regular Army grades where they were before the war, in order that they may continue to receive the extra pay which they were allowed during the war. Is that true?

Mr. WADSWORTH. The order is now out that on March 15 emergency rank ceases. All officers will be demoted to their Regular Army rank at that date, and that will undoubtedly increase the number of resignations.

Mr. POINDEXTER. Mr. President, I merely want to corroborate, in its relation to the Navy, what the Senator from New York has said in regard to the Army. Most humiliating conditions exist in the case of officers, particularly subordinate officers, of the Navy. I am informed that there have not only been a great number of resignations, but that in the case of petty officers there have been a great number of desertions on account of the inability of these men to live decently on the pay which they receive.

I should like to make the further comment that I believe it is a mistaken policy for the Government, as it is a mistaken policy for the organization that is responsible for the conduct of legislation, to undertake to put into effect a kind of horizontal cutting down of appropriations, regardless of where the reductions occur. In order to meet with the approval of the public the policy of economy must be discriminating. We have been prodigal in the amount of money we have expended in connection with the war, not only in our own activities but in supporting those of our allies.

To show the difference in the attitude of the nations with which we were associated in the war and ourselves, we loaned many billion dollars to Italy and to Great Britain, for instance, and they used a portion of that money to give decent pay to the officers of their army and navy, while we who loaned them the money refused to do so. Whether or not that is creditable to us is a matter for the people to determine. I do not think that it is creditable either to our generosity toward the men who served us in the war or to our sagacity in the maintenance of a permanent defense—the Army and the Navy.

To show what little discrimination there is in the matter of the curtailment of expenditures, I have a long list of men who were employed in the War Department, such as have been referred to by the Senator from Utah [Mr. KING]—I have the names, but I will not read them at this time; there is no trouble, however, about their identification—many of them receiving pay at the rate of $50 a day, others at rates of $1,000 a month, $833 a month, $40 a day, and one at $75 a day.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. POINDEXTER. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I simply want to say that, while I do not care to interfere with the remarks of the Senator, I am very anxious during the morning hour to get before the Senate a resolution. I do not ask for the regular order at this time, but I should like to have Senators realize that I am very anxious to secure the consideration of the resolution to which I have referred.

Mr. POINDEXTER. Mr. President, I appreciate that, and I will conclude immediately what I have to say. I desire simply to emphasize the importance of the enactment by Congress of the pay bill, at least in putting it in the way of consideration by Congress. It is now held up, I understand, so that it is not even receiving any consideration. If we want to curtail expenses let us make some inquiry into the purpose of maintaining in the War Department a large number of employees at rates of pay from $35 to $75 a day, while refusing to give enough for a decent living to the officers and men of the Army and Navy.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. POINDEXTER. Certainly.

Mr. CHAMBERLAIN. Does the Senator think that those rates per day are fair rates to be paid to the officers whom he mentions?

Mr. POINDEXTER. Paid to whom?

Mr. CHAMBERLAIN. I think the Senator said that some officers in the department are getting from $40 a day to $75 a day.

Mr. POINDEXTER. Oh, no; I did not say officers in the department; I said employees. I do not think I said officers; I did not intend to say that. My understanding is that they are civilian employees.

Mr. CHAMBERLAIN. I misunderstood the Senator. Does the Senator think that these rates are too high?

Mr. POINDEXTER. I think they are entirely too high.

Mr. CHAMBERLAIN. I think the Senator would perform a great public duty if he would read into the RECORD the names of the men who are receiving these extravagant payments. There is nothing that will stop them, if unjust to the Government, as quickly as publicity, and I think if the Senator has the information—and I think he stated that he had the names——

Mr. POINDEXTER. Yes.

Mr. CHAMBERLAIN. He would render a public service if he would read them into the RECORD and indicate what service they are performing.

Mr. POINDEXTER. I will ask to have them incorporated as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Field service roll.

Name.	Salary.	Date appointed.
Lincoln Bush.....per diem..	$50.00	Aug. 15, 1919
Alfred E. Clark.....do....	50.00	Oct. 8, 1919
Cornelius Clark.....per month..	500.00	Aug. 19, 1919
Harbert Condict.....do....	500.00	Sept. 29, 1919
Charles Ethan Davis.....per diem..	40.00	Nov. 13, 1919
Joseph Fairbanks (was lieutenant colonel)....per month..	1,000.00	Oct. 9, 1919
Jas. R. Frazer.....do....	750.00	Oct. 2, 1919
R. C. Goodale.....per diem..	50.00	June 17, 1919
E. P. Goodrich.....do....	75.00	Aug. 26, 1919
F. L. Haveron.....do....	35.00	Sept. 26, 1919
A. W. Hixson.....do....	50.00	Oct. 2, 1919
F. B. Maltby.....per month..	666.66	Sept. 2, 1919
C. A. Marshall.....do....	750.00	Sept. 3, 1919
Abbot P. Mills.....do....	416.67	Oct. 1, 1919
Charles Neville.....per diem..	50.00	Aug. 28, 1919
E. E. Pettee.....do....	40.00	Nov. 19, 1919
B. F. Safberg.....per month..	833.33	Aug. 19, 1919
W. H. Skene.....per diem..	40.00	Nov. 17, 1919
M. D. Steever.....per month..	750.00	Sept. 10, 1919

The PRESIDING OFFICER (at 12 o'clock and 30 minutes p. m.). The morning business is closed.

UNITED STATES GRAIN CORPORATION.

Mr. REED. I move that the Senate proceed to the consideration of Senate resolution 319, Order of Business 420, providing for an investigation by the Committee on Manufactures of the reported wheat pool.

I suppose there will be no objection to this resolution. It is the ordinary resolution. The grand jury at Spokane, Wash., made an investigation, and its report contains certain charges, and the matter is one that it seems to me ought to be investigated. I presume the resolution will go through without opposition.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of the resolution named by him.

Mr. KING. Mr. President, I should like to have the resolution stated.

The PRESIDING OFFICER. The resolution will be stated.

The Assistant Secretary read Senate resolution 319, submitted by Mr. REED on the 2d instant, as follows:

Whereas the Federal grand jury sitting at Spokane, Wash., on February 29 made a report containing certain charges against the United States Grain Corporation and its directors of reported speculations in wheat; and

Whereas an account of such report was on March 1 made a part of the CONGRESSIONAL RECORD: Therefore be it

Resolved, That the Committee on Manufactures be directed to inquire into the reported wheat pool and investigate the United States Grain Corporation, and the dealings, operations, speculations, and manipulations, if any there has been of such Grain Corporation, its officers and agents, in wheat and wheat products, and report thereon to the Senate, together with their recommendation of any steps which they may deem it necessary to take in view of the findings.

Mr. REED. Mr. President, I desire to amend the resolution by adding, after the words "Committee on Manufactures," the

words "or any subcommittee thereof"—the usual form. I notice that those words have been omitted.

The PRESIDING OFFICER. Without objection, the resolution is before the Senate, and the amendment will be agreed to.

Mr. KELLOGG. What are the words?

Mr. REED. After the words "Committee on Manufactures," I wish to insert "or any subcommittee thereof"—the usual form.

Mr. KELLOGG. I shall object to that, because the committee can elect their own subcommittee.

Mr. REED. That is exactly the point; but they have to have the authority to elect it in the resolution. It is the usual form.

Mr. KELLOGG. Can the chairman appoint them without a meeting of the committee?

Mr. REED. Oh, no; he would have to call the committee together.

Mr. JONES of Washington. Mr. President, a parliamentary inquiry. Has the motion to proceed to the consideration of the resolution been put to the Senate?

Mr. REED. I am asking that it be put now.

Mr. JONES of Washington. That is what I thought.

The PRESIDING OFFICER. The Chair put the motion.

Mr. JONES of Washington. I did not hear the Chair put the motion. I was listening.

The PRESIDING OFFICER. The Chair will again put the motion. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of Senate resolution 319.

Mr. ASHURST. Mr. President, I am heartily in favor of this motion. We have only 66 investigating committees out, and we have not enough. Each committee that is conducting an investigation is a joke, and we ought to have another investigation, for we need another joke. I am in favor of them. This is the season for jokes, so I think the resolution ought to pass unanimously, so that we will have 67 investigating committees, instead of 66; and let us hope that some of them some day will report, and that the ponderous tomes may be filed away to be used, of course, for campaign material.

I hope that no one will object to this resolution, for I understand it is not an investigation of the Grain Corporation but is an indirect thrust at Mr. Hoover. Let us, therefore, add the name of Mr. Hoover and strike out all the other parts.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Missouri what has become of the other investigation which the Senate authorized the Committee on Manufactures to undertake three or four months ago? It was on print paper, as I recall. Have any meetings been held?

Mr. REED. I am very glad to answer the Senator's question, although I am not the chairman of the Manufactures Committee. The Senator from Wisconsin [Mr. LA FOLLETTE] is the chairman. Almost immediately after that resolution was offered the Senator from Wisconsin was taken ill and was obliged to leave the city. He was here a little while, under great stress of business. I have received a telegram from him in which he states that he desires to have the committee called together and proceed, notwithstanding his illness.

I think that answers the Senator. It is not my responsibility that the committee was not called together. As a matter of fact, substantially the whole delay has been on account of the sickness of the Senator from Wisconsin.

Mr. HITCHCOCK. Under the circumstances, does not the Senator think the committee had better get through with one investigation, or at least begin it, before it takes up another one?

Mr. REED. Oh, Mr. President, the two bear no relation to each other.

Mr. HITCHCOCK. I recognize that.

Mr. REED. As I have stated, the Senator from Wisconsin has wired here saying that he desires to have the committee called together on the newsprint matter, notwithstanding the condition of his health. This is a matter which would naturally go to that committee.

Let me say in reply to the Senator from Arizona [Mr. ASHURST], who talks about jokes, that if there is any joke about this matter it exists only in the humorous brain of the Senator. He has a vein of humor that enables him to see funny things when other people do not see the humor. Let me say to him further, when he speaks about putting in the name of Mr. Hoover, that he is the first man I know of who has drawn Mr. Hoover's name into this discussion. As I understand the charges, they do not involve Mr. Hoover at all.

Mr. ASHURST. Mr. President, what is the use of the investigation if it does not involve Mr. Hoover? I do not want to have a futile procedure here.

Mr. REED. Mr. President, again I might say that that depends on the man's viewpoint. If the charges set forth in this Federal grand jury report are true—and I did not put them in the RECORD; they were inserted by another Senator—then there is a condition affecting the public business of the United States. It happens to be a part of the grain dealings. It does not follow that that reflects on Mr. Hoover. Indeed, as far as I have read these charges, it would appear that they no more reflect upon Mr. Hoover individually than a charge that something has happened in the War Department on the part of the subordinate members of that department would necessarily reflect upon the Secretary of War.

I do not take it very kindly that the Senator intimates that this resolution is offered for an ulterior purpose. I have never shown any timidity in expressing my opinion about Mr. Hoover here or elsewhere. I hold no brief either for him or against him. This proposed investigation is based upon the charges that are made and solemnly recorded here. I do not know whether those charges are true or false. If they are not true, the facts ought to be disclosed. If they are true, they very gravely concern the public and the public business.

Mr. ASHURST. Mr. President, if the Senator will yield, I have no intention to reflect on the motives of my friend the Senator from Missouri; but I do feel that in this time, when our nerves are all at high tension, and we only have 66 committees investigating, surely no Senator ought to oppose this investigation. We ought to have more committees out investigating, and I rose to support the resolution; and while it may appear facetious, it was my method of giving the country to understand that this investigation is a part of the policy that is now being pursued, and that the Senator from Missouri is the unwitting and innocent—he is perfectly honest—instrument that is being used to forward partisan plans. He is unconsciously being used to throw mud upon men who rendered valuable services during the Great War.

Now, I am told that I was wrong about Mr. Hoover being the person to be investigated; it is one Mr. Barnes. I never heard of Mr. Barnes before, but I think he ought to be investigated on general principles [laughter]; and I hope that no Senator will vote against this resolution; but it is time to tear away the camouflage that is being erected here, behind which politicians are artfully screening themselves and firing shots at other people. I do not include my friend from Missouri in that. I want the country to know that these 66, or it may be 76, investigations are now going on. You are investigating, but you never report, and the country has just as little confidence in your reports as it would have in the report of a police judge.

Mr. President, instead of investigating our fellow citizens, let us investigate ourselves and search our own consciences. Where is the peace treaty? Where is this treaty? Why is there no vote upon this treaty? Eighty-two Senators want a treaty. Are 82 to be overridden by 14? Why not vote upon this treaty? I am just as much opposed to a White House irreconcilable as I am to a Lodge irreconcilable. I want the Senate to do its duty regardless of Mr. Wilson's views, Mr. LODGE's views, or Mr. HITCHCOCK's views.

We talk about presidential candidates. I say again that Mr. Hoover never will be President, because he is not a Democrat; but if he would say the words, "I am a Democrat," he would be elected President, because he can do things.

On behalf of the American people I ask for action. I demand that the politicians who are now screening themselves behind this treaty come forth.

Let me tell you, Mr. President, why the politicians want the treaty before the Senate and want the treaty before the country in the coming campaign. The politicians hope that if they can keep the League of Nations—the peace treaty—on the screen before the country those politicians will escape a discussion of military training. They are afraid to discuss that. They can escape a discussion of the means of establishing a merchant marine. They know if they can keep the League of Nations before the country as an issue in the campaign they will not be required to discuss the Government ownership of public utilities, and the politicians dare not discuss that. They know that if they can keep the League of Nations before the country it will serve as artful camouflage behind which they can take refuge and prevent a discussion as to why they have failed to appropriate $250,000,000 for the irrigation of the deserts of the West. It will serve as artful camouflage to explain why you have passed no soldiers' settlement land law. The peace treaty and the League of Nations, if it goes into the campaign this fall, will serve as artful camouflage to excuse you from reducing the cost of living and curbing the profiteer.

It is time some masks were torn from the faces of officials, in the Senate and out of the Senate, so that the American people may know that their Government is capable of grappling with great public problems and settling them. They are asking us

why we are not passing bills which will say to the American business man: "You may," "You may," instead of always saying to the American business man: "You may not." It is time we stopped ping-ponging great questions in this Chamber. It is time to call the roll, so that the American people may know who is responsible for the death of the peace treaty.

As a friend of the President, as one who has loyally followed him, I solemnly declare to him this morning: "If you want to kill your own child because the Senate straightens out its crooked limbs, you must take the responsibility and accept the verdict of history."

Mr. KELLOGG and Mr. McCORMICK addressed the Chair.

Mr. ASHURST. I yield the floor. I have said enough. I have said too much, perhaps.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REED. I yielded to the Senator from Arizona to ask a question. I think he has asked it.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I yield to the Senator from Minnesota, who rose first.

Mr. KELLOGG. Mr. President, so far as Mr. Barnes is concerned, whose name has been brought into this discussion, I wish to say that he does not object to any investigation the Senate desires to make. When Mr. Barnes heard of the grand jury report in the State of Washington, he immediately asked the Attorney General to make a thorough investigation, and, if there was anything wrong, to prosecute. I do not know Mr. Houser. I do know Mr. Barnes. I have known him for a good many years. As I have said before, when the war broke out Mr. Barnes disposed of his business, and he has given his time without compensation to the Government for the last three years. He has done the best he could with the Grain Corporation, and I know him to be an efficient and an honest man. He may make mistakes, but if he makes mistakes they are not intentional.

If the Senator from Missouri will pardon me for a moment, I would like to make a brief statement. I am not going to oppose the resolution, although the Committee on Agriculture and Forestry has already investigated not this particular charge but the general standing of the Grain Corporation. The Senate will recollect that when the Grain Corporation was organized it was given a capital of $150,000,000. Since then it has made a profit by selling to neutral countries and now has a surplus, I believe, of about $50,000,000.

The crops of 1917 and 1918 were handled by that corporation without any additional appropriation from the Government. The Grain Corporation had to borrow large sums of money, and it was because the public had confidence in its management that it was enabled to get the money and not call on the Treasury for it.

I shall not go into the details of it, but we all remember that in the winter of 1919 the President had made a guaranty for the crop of 1919. That guaranty of $2.26 a bushel was made in September of 1918. There was an enormous planting of winter wheat, and it was expected by everyone I think in the winter of 1919 that there would be anywhere from eleven hundred million to twelve hundred million or thirteen hundred million bushels, and the public naturally, and the Treasury officials, were very much disturbed about how it was going to be handled. Congress came forward and appropriated $1,000,000,000 for the handling of the wheat crop of 1919. In addition the Grain Corporation had $150,000,000, and I understand $40,000,000 or $50,000,000 in surplus that it made out of selling grain to neutral countries, making something like $1,200,000,000 available for handling the crop. If we had had such a crop as people generally expected, it would have been needed, and undoubtedly the losses to the Government would have been great. Unfortunately for those who raised it, but fortunately for the Government Treasury, the crop was not equal to what was expected. It was somewhere about 950,000,000 bushels.

Mr. GRONNA. Nine hundred and eighteen million.

Mr. KELLOGG. Nine hundred and eighteen million bushels, the Senator from North Dakota says. Mr. Barnes hopes to be able not to touch a dollar of the billion-dollar appropriation or to use any of the capital of $150,000,000 and the $50,000,000 which has been made in profit; but we must realize that that will depend upon whether the grain market is above the Government guaranty or below it.

Out in Washington the grand jury charged that the price had been kept up by the Grain Corporation and here before the Committee on Agriculture and Forestry some charged that it had been kept down. It could not have been both. As a matter of fact the Grain Corporation only buys grain or flour at the Government price, and when it goes above the Government price the public buys it and handles it as usual. The Grain Corporation to-day has on hand about 6,000,000 barrels of flour which it bought in the market at the Government price. Five million barrels represent spring wheat flour and will not keep over the hot weather. They have been unable to sell it to American purchasers and are now trying to sell it abroad, but the trouble is that the rate of exchange is so great that it is a question whether it can be sold before the hot weather arrives.

These are facts that I learn from the Department of Agriculture and officials of the Grain Corporation.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. KELLOGG. I yield.

Mr. SMOOT. If I am correctly informed, there is a move on foot in the House to make an appropriation of 5,000,000 barrels of flour to take care of the suffering people of Europe. Does the Senator know whether that legislation is under way or not?

Mr. KELLOGG. Yes; it is. The Grain Corporation has the power to sell on credit, but I think the officers feel that they would not be justified in selling on credit unless they could get securities which were good. The Rules Committee of the House called before it Mr. Barnes and some other witnesses from the Department of Agriculture, and it appeared that people interested in Poland, Czechoslovakia, Austria, and Armenia were asking that we give authority to the Grain Corporation to sell 5,000,000 barrels of flour on credit. The House has that measure under consideration, and I understand that it will probably be passed and will be submitted to the Senate. It is not appropriating anything, but simply authorizing the Grain Corporation to sell that amount on credit.

Mr. SMOOT. If that bill does become a law, then it will take care of the 5,000,000 barrels of flour to which the Senator has just referred, it being impossible to keep it over the hot weather?

Mr. KELLOGG. It probably will. I assure the Senator that I have no desire to prejudge or discuss these questions, but I think I should make the statement that one of the charges made was that the Grain Corporation would buy grain at the high prices now. Winter wheat is now somewhere in the neighborhood of 20 cents above the Government price, but they can not buy it except at the Government price, and they can do nothing except when it is offered at the Government price. Mr. Barnes is anxious to have the public absorb the balance of this crop, which I understand is in the neighborhood of 150,000,000 to 200,000,000 bushels, or a little over, as stated by the Senator from North Dakota.

Mr. GRONNA. The report of the Department of Agriculture on March 8 gave it as 165,500,000 bushels. Of course, the Senator understands that it takes 30,000,000 bushels of that for seed. Mr. Barnes stated that there is a shrinkage of at least 5 per cent, which would be 46,000,000, and there are 23,000,000 bushels in dispute, which would really leave on the farms about 66,000,000 bushels.

Mr. KELLOGG. I am not talking about what is on the farm. I am talking about what has to be sold abroad to take the year's crop.

Mr. GRONNA. If the report of Mr. Barnes is correct, that is between 170,000,000 and 180,000,000 bushels.

Mr. KELLOGG. To be sold abroad?

Mr. GRONNA. Which has to be sold abroad. The Senator knows that we had less than 300,000,000 bushels in the beginning—probably from 250,000,000 to 275,000,000 bushels to be sold for export.

Mr. KELLOGG. It was not my intention to go into the details of it. I hope, and Mr. Barnes hopes, that the balance of the wheat crop can be disposed of and taken by the public, and that he will be able to turn back the billion dollars and the capital of the company unimpaired into the Treasury. I hope so, as the Treasury sorely needs it.

Mr. HENDERSON. Does the Senator understand that the Department of Justice is making an investigation of this matter at the present time?

Mr. KELLOGG. I have been told that the Department of Justice is making an investigation, and after the report of the grand jury in Washington I think it should make an investigation.

Mr. HENDERSON. My information is that the grand jury report was referred to the Department of Justice for investigation and that the Department of Justice has taken it up. Is that correct?

Mr. McNARY. Mr. President, I think I can shed a little light on that inquiry. I received word from Portland, Oreg., this morning, from the Federal district attorney there, stating that he is making a thorough investigation of the charges against Mr. Houser made by the grand jury some weeks ago.

Mr. REED. From whom did the Senator receive that information?

Mr. McNARY. From Mr. Humphreys, Federal district attorney in Oregon.

Mr. JONES of New Mexico. Mr. President, in reply to the inquiry of the Senator from Nevada [Mr. HENDERSON], I will say that the Department of Justice wrote a letter to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate regarding this matter, and that committee after reading the letter determined that it was advisable to report this resolution. By reason of the communication of the Department of Justice I opposed a favorable report upon the resolution. I think it may be enlightening to have that letter presented to the Senate. I have a copy of it here. It is not very long, but it is very comprehensive and I may as well read it.

Mr. SMOOT. I will say to the Senator that the junior Senator from New York [Mr. CALDER], the chairman of the committee, is not in the Chamber at this time. He is attending a committee hearing. But I find on his desk the original of the letter, addressed to Hon. WILLIAM M. CALDER, relative to this resolution, and I suppose the Senator intends to read from a copy of that letter.

Mr. JONES of New Mexico. That is what I intend to read from.

Mr. SMOOT. If the Senator did not read it, I had intended to do so.

Mr. JONES of New Mexico. It is dated March 3, 1920, and is addressed to Hon. WILLIAM M. CALDER, chairman of the Committee to Audit and Control the Contingent Expenses of the Senate:

MARCH 3, 1920.

Hon. WILLIAM M. CALDER,
Chairman Committee to Audit and Control the Contingent Expenses of the Senate, United States Senate, Washington, D. C.

MY DEAR SENATOR CALDER: My attention has been called to the resolution offered by Senator REED (S. Res. 319) on yesterday relative to the charge of profiteering made by a grand jury at Spokane, Wash., and the remarks of Senator FERNALD on March 1 on the same subject. In view of the fact that one of the newspaper clippings submitted by Senator FERNALD contained a charge that I "pigeonholed" the report of the grand jury, I think it is proper for me to state to you the facts.

The report of the grand jury was filed in Spokane on the 7th day of February. It made charges against M. H. Houser, of Portland, Oreg., a vice president of the Grain Corporation. In a letter dated February 13 the clerk of the court, by direction of the judge, inclosed to me a copy of the report of the grand jury. This letter was received in my office on February 18. On February 17 I had a telegram from M. H. Houser, calling attention to the press reports and requesting a full and thorough investigation of the charges. On February 18 I telegraphed to the United States attorney at Portland to "investigate by grand jury or otherwise whether there is involved any violation of the food-control act or other act of Congress."

The United States district attorney at Portland has since been, and is now, investigating the charges which have been made against M. H. Houser. In this investigation he is receiving the cooperation of the United States attorney at Spokane, and is being supplied with every facility needed by him.

_____.

Mr. President, inasmuch as I have mentioned that I want to call the attention of the Senate again to what I conceive to be the inadvisability of adopting such resolutions as this without a thorough investigation of the necessity for the investigation. Ever since I have been a Member of this body it seems to have fallen to my lot to call attention to these matters. It has not been done in the past, but I hope the time is at hand when it will be done. These investigations, as has already been stated, in the vast majority of instances bring no result of value to the Senate or to the country. Here is a matter which, if it needs investigation at all, needs it by the Department of Justice. If there is anything in the report of the grand jury in the State of Washington regarding the matter, it indicates that somebody has violated the criminal laws of the country, and such proceedings as that should be investigated by a grand jury and not by a committee of the United States Senate. It seems to me that this is a waste of the public money, it is a waste of the time of the Senators who will be engaged in the investigation, and it ought to be left where the law leaves it, with the Department of Justice.

Mr. KELLOGG. Mr. President, now I would like to make my statement, and I will be through in a moment.

As far as Mr. Barnes is concerned, he does not object to any investigation. He asked the Attorney General to make one at once, and he understands it is now being made. I think, myself, if the Attorney General is investigating the subject of the violation of the law in the State of Washington, the Senate committee, when this is passed, should await the result of that investigation.

But as Mr. Barnes's name has been brought in, I simply wished to make that statement.

Mr. HENDERSON. Mr. President, just another question. Does the Senator know of any reason why this resolution should be adopted, in view of the fact that the Department of Justice is now investigating this matter?

Mr. KELLOGG. I do not know of any.

Mr. SMOOT. Mr. President, I will ask the Senator from Nevada if he took that same position when the question of investigating Senator NEWBERRY came on?

Mr. HENDERSON. I am not here protecting anyone, or requesting that no investigation be made if there is any reason for making the investigation. My only objection is to a useless expenditure of money.

Mr. SMOOT. I intended to ask that question, Mr. President, of the Senator from New Mexico [Mr. JONES]. But I do not want to take the time of the Senate now on this matter.

Mr. KELLOGG. Mr. President, just one more word. I very much hope that if this committee goes into this question, they will go into the entire history of the Grain Corporation and all it has done; and I am sure that, so far as Mr. Barnes is concerned, they will find it a very able, honest, and efficient administration.

Mr. CHAMBERLAIN. Mr. President, I am not going to oppose the reference of this resolution to the Committee on Manufactures, nor am I disposed to object to the fullest and freest investigation of the subjects involved. I question a little bit the propriety of the Senate going into this question, just at this particular time, in view of the fact that an investigation is being had by the Department of Justice.

Mr. M. H. Houser, one of the vice presidents of the Grain Corporation, is a resident of my State, and, so far as I know, has up to this time sustained an excellent reputation. If it has been called in question, the fact has never been brought to my attention. I received a letter from him, under date of the 18th of February, in which he calls attention to this report of the grand jury; and he inclosed to me a two or three column article which he had had printed in the Daily Oregonian, at Portland, Oreg., in the way of defense and in the way of showing what he had attempted to do. I will not present it here now, because it can be presented to the committee at the proper time. He says in his letter:

I realize all fair-minded people have no patience with these inferences or insinuations. Either a man is guilty or he is not, but in the manner in which they have attempted to pillory me without making an indictment leaves me almost helpless, and I feel that I owe it to the Grain Corporation and to myself to turn the full light of investigation on the actions of these would-be assassins of human character.

This was written to me after he had appealed—and I assume, from what has been said here, that Mr. Barnes joined with him in the appeal—to the Department of Justice, asking for a full investigation. He had no way of reaching the public except through the public prints, or through an investigation before some judicial tribunal. The Attorney General of the United States, acting upon the appeal of the officers of the Grain Corporation, instructed the district attorney of Portland, Oreg., Mr. Lester W. Humphreys, who is not only an able man but a man of the highest character, to fully investigate this whole subject. He went up to Spokane, I note by the papers, though I do not know it of my own knowledge, and is cooperating with the district attorney up there; and the matter is still under investigation. The strange part about this whole situation to me, Mr. President, is that a grand jury, acting under the advice of a trained lawyer, should go to work and make a damning report against an individual without hearing him and without finding an indictment against him. It seems to me that if these men were justly criticized in the report of a grand jury, there must have been enough evidence to have warranted their indictment, prosecution, and conviction.

In view of the fact that the Government, through the Department of Justice, has started an investigation, I think it is rather unfortunate that another investigation should be had here, and yet I want it thoroughly understood that I do not oppose an investigation. If this constituent of mine, or if any of these officers of the Grain Corporation, are guilty, they ought to be punished. But it does seem hard to believe that men of the character and standing that these men have had would be guilty of undertaking to swindle the Government in the emergency of a great war.

We have had only one case since I have been here where a committee of Congress was investigating, and then the Department of Justice paralleled it with a similar investigation. I did not approve of that, but it was done. The Senate will remember that the Senate Committee on Military Affairs was investigating the expenditures by the aviation section of the War Department, and they were making some progress in the ascertainment of the facts involved, when for some reason it was thought best, after the Military Affairs Committee had got-

ten into the middle of things, that the Department of Justice should also hold an investigation. The Senate will remember that Mr. Justice Hughes was appointed to assist the Attorney General, and an investiagtion was had. We cooperated as fully as we could with the Department of Justice, furnishing them the facts we had, and when the report of the Committee on Military Affairs was in and the report of the Department of Justice was in, each of them having spent large sums of money, the result was practically the same. The Committee on Military Affairs undertook—and the distinguished Senator from Missouri was on the committee and knows all about it, to confine themselves to the expenditures of moneys, without going into the criminal end of it. But all of this could have been done by one tribunal, and I think the investigation of the officers of the Grain Corporation could be made by the Department of Justice, they having obtained first jurisdiction in the matter. It is my opinion now that when the resolution under consideration has been referred to the Committee on Manufactures that committee should, before expending large sums of money in an investigation, wait for a reasonable time to see the result of the investigation in progress by the Department of Justice.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is upon the motion of the Senator from Missouri to proceed to the consideration of Senate resolution 319.

Mr. REED. That has already been passed. I understood the Chair to rule that we were proceeding to consider it.

The PRESIDING OFFICER. The Chair is informed that the motion was to proceed with it.

Mr. KELLOGG. There was no objection to it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is upon agreeing to the resolution as modified.

Mr. THOMAS. Mr. President, I have no intention of opposing this resolution. I shall content myself by voting against it.

I feel it to be my duty, however, to make some reply to the position just announced by the Senator from Arizona [Mr. ASHURST]. I quite agree that the sooner we can vote upon this treaty the better. I have been prepared to vote upon it for a long time, and I think everybody knows what my vote will be. I do not think that any further discussion will change the vote of a single Senator.

The time which we are devoting to it might well be devoted to other matters, but I am not disposed to accept the inference of the Senator that if the treaty is out of the way we shall immediately proceed or shall proceed at all to the enactment of huge appropriations for any purpose whatsoever which are not absolutely necessary to the administration of public affairs. My people are as much interested in the development of irrigating schemes as are the people of any other Western State, but this is not the time—and I hope a majority of Senators will give assent to that assertion—for indulgence in huge appropriations for any purpose not thus necessary. Hence, if the treaty is disposed of, as I trust it will be very soon, the Senate will not devote its valuable time to the consideration of these special appropriation bills if I can help it.

I am not camouflaging or otherwise concealing my view upon that and other similar bills that are now pending in one House or the other; I am prepared to meet them at any time; and I think the sooner they are the subject of discussion the sooner the people understand how many applications are pending before us for huge sums of money from a Treasury that already confronts an enormous deficiency, the better it will be for them and the better it will be for us. So when the treaty is out of the way the time of the Senate will, I trust, be devoted to matters of really grave concern, but not involving raids upon the Treasury.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

RURAL HOMES.

Mr. SMOOT. I move that the Senate proceed to the consideration of Senate bill 3477, being Calendar No. 299.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate proceed to the consideration of Senate bill 3477, being Calendar No. 299.

Mr. POINDEXTER. What is the bill, Mr. President?

Mr. SMOOT. I will say to the Senator from Washington that it is what is known as the rural free-homes bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

Mr. JONES of New Mexico. I should like to ask the Senator from Utah if it would not be possible to defer this matter until I can have Senate joint resolution 160, being Calendar No. 419, taken up? If the resolution is to be acted upon at all, it is important that it be acted upon to-day.

Mr. SMOOT. I will say to the Senator that we had the rural free-homes bill under consideration for an hour and a half, I think, when it was previously before the Senate, and it may not take very long to dispose of it now. I should like at least to have this much legislation, affecting the lands of the United States, passed so that it may go to the other House and be acted upon before the close of this session of Congress.

Mr. JONES of New Mexico. The joint resolution to which I refer must likewise receive the approval of the other House, and if it is to become effective it should be passed not later than to-morrow. It is a resolution providing merely for the preservation and keeping current of the work of the Reclassification Commission, a work in which that commission have been now engaged for a year, and we expect by to-morrow—certainly not later than Saturday morning, to file the final report of the commission. If there is anyone in this Chamber, with the possible exception of the Senator from Utah, who objects to the passage of the resolution to which I refer, I have not been advised of that fact, and I hope the Senator from Utah will not object.

Mr. SMOOT. I can assure the Senator from New Mexico that there are more than the Senator from Utah who are opposed to the passage of the joint resolution.

Mr. JONES of New Mexico. I have been thus far unadvised as to any reason why anyone should object to the resolution.

Mr. SMOOT. If we had the resolution under consideration, Mr. President, I would tell the Senator why; but I am very much concerned over proposed legislation that it will take time in the other House to pass and which ought to be passed. If we can use an hour or an hour and a half when the peace treaty is not under consideration, I think we ought to do so and pass this proposed legislation. The bill for which I ask consideration has been on the calendar since January 8, 1920, when a favorable report on it was submitted, and I should like very much to have it disposed of to-day.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3477) to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes.

The PRESIDING OFFICER. The Chair is informed that this bill has heretofore been read twice and considered, and that certain committee amendments are pending to it. The Secretary will state the first amendment.

The first amendment reported by the Committee on Public Lands was, in section 1, page 1, line 5, after the word "ownership," to insert "within any State or Territory," so as to make the section read:

> That the Secretary of the Interior, through the Reclamation Service, is authorized to investigate and determine the feasibility of developing tracts of land in private ownership within any State or Territory, by reclamation and otherwise, for the purpose of subdividing the land and disposing of the same in farms and parcels at reasonable prices.

Mr. KING. Mr. President, I should like to ask the chairman of the Committee on Public Lands, the senior Senator from Utah [Mr. SMOOT], whether he intends to submit any debate in support of this measure?

Mr. SMOOT. I will say to the Senator that when the bill was previously before the Senate I made a brief statement outlining its object. I am very sure that my colleague will remember my statement. At that time I referred to a report made by the Secretary of the Interior, which I thought I had on my desk. I will say to the Senator now that I intend to read an extract from that report, in order that it may be a part of the record here, if the amendments of the committee are agreed to.

Mr. KING. Mr. President, I desire to discuss the pending bill and another matter during the morning hour. I prefer, however, to postpone my discussion until the senior Senator from Utah shall have concluded, if it suits his pleasure, any observations he cares to submit.

Mr. SMOOT. Mr. President, in order that I may have it in the RECORD, I desire now to read the brief statement in relation to the bill made by the Secretary of the Interior in his report for the fiscal year ending June 30, 1919.

The Secretary of the Interior in referring to the land development, which includes the provisions of the pending bill, makes this statement:

> It was never more vital to the welfare of our people that a creative and outreaching plan of developing and utilizing our natural resources should go bravely forward than it is to-day. Ours is a growing country, and as its social and industrial superstructure expands its agricultural foundation must be broadened in proportion. The normal growth of the United States now requires an addition of 6,300,000 acres to its cultivable area each year, which means an average increase of 17,000 acres a day.

Fortunately, the opportunity for this essential expansion exists not only in the West, where much of the public domain is yet unoccupied, but in every part of the Republic. We have a great fund of natural resources in the very oldest States from Maine to Louisiana which invite and would richly reward the constructive genius of the Nation. It is claimed by those who have specialized for years on the subject of reclamation that the control and utilization of flood waters now wasted would produce within the next 10 years more wealth than the entire cost to the United States for the war with Germany.

After every other war in our history the work of internal development has gone forward by leaps and bounds and our people have thus quickly made good the economic wastes of the conflict. The needs of to-day are different from those of the past and require different treatment, but they are by no means beyond the reach of enlightened thought and action.

More than a year ago we began an earnest discussion of reconstruction policies, particularly with respect to the land. But nothing has been done. Not one line of legislation, not one dollar of money has been provided, except in the war of preliminary investigation. We stand voiceless in the presence of opportunity and idle in the face of urgent national need.

The great work of material development accomplished in the past has been done very largely by private capital and enterprise. Doubtless this must be the chief reliance for progress in the future. We should realize, however, that this method has involved losses as well as gains, for the Nation has sometimes been too prodigal in offering its natural resources as an inducement to private effort. Not only so, but with the exhaustion of the free public lands in our great central valleys—the most remarkable natural heritage that ever fell into the lap of a young nation—conditions of home making and settlement have radically changed.

There can be no doubt that there is an important sphere of action which the Government must occupy if we are to go steadily forward with the work of continental conquest and all it implies to the future of the Nation, but in suggesting practicable steps of progress at this time I do not forget the burden of taxation which confronts our people nor the delicate and difficult task which Congress is called upon to perform in trying to keep the national outgo within the national income. Hence, I am now suggesting such constructive things as the Government may be able to do through the exercise of its powers of supervision and direction and with the smallest possible outlay of money.

Under this head I put first the matter of suburban homes for wage earners; second, reclamation of desert, overflow, and cut-over areas, together with improvement of abandoned farms, under a system of district organization which may be made to finance itself; third, cooperation with various States in the work of internal development.

Mr. President, as a basis for this proposed legislation, I have just read from the report of the Secretary of the Interior. No citizen of the United States can read and study that report without being convinced beyond a question of doubt that America is facing a most serious situation. In years past, when immigrants were coming into this country at the rate of a million a year, with the fertile lands of the West unoccupied, the immigrants could move on through the cities of the East and find homes upon those unoccupied lands, and we had no difficulties to solve the question of feeding our ever-increasing population, but conditions are different to-day.

The day has arrived when such fertile lands susceptible of irrigation without the storage of water have been already cultivated. No person can live at present upon the public lands remaining without the conservation of water to irrigate them. But, Mr. President, we find in all parts of the country lands susceptible of successful cultivation, and particularly so in the Southern States—the lands known as swamp lands. All that is required to make those lands as fertile as the lands of those States which to-day are under cultivation is to drain them and then cultivate them; and when that cultivation takes place they will be among the richest lands in any part of this country, and crops of almost any kind can be raised upon them.

Mr. President, there are not merely a few acres of this kind of land; there are millions of acres; and what is needed to-day above all other things is concerted action and legislation, so that the Government of the United States will at least direct what should be done to reclaim these lands, and under the provisions of the bill now under discussion it will not cost the Government of the United States one penny to assist in bringing this about.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. KENYON. I am very much interested in the bill and very sympathetic with its purpose, but I should like to ask the Senator a question or two about it.

Mr. SMOOT. Certainly.

Mr. KENYON. The bill does not apply merely to the Reclamation Service, but it applies to all kinds of lands, does it not?

Mr. SMOOT. It applies to the cut-over lands in the Northwest, it applies to the arid and semiarid lands of the West, and it applies to the swamp lands of the South, or all privately owned lands that can be reclaimed.

Mr. KENYON. I think, under the terms of the bill, it would apply to any lands.

Mr. SMOOT. Any privately owned lands.

Mr. KENYON. I do not think that hurts the bill at all.

Mr. SMOOT. Not at all.

Mr. KENYON. But I want to ask the Senator now just how it would operate, and what would be the Government's function? Take a piece of cut-over land, let us say, in Wisconsin, a couple of thousand acres in extent. It is thought that this land can be developed and sold in small tracts. Just how would that be done?

Mr. SMOOT. Under the bill the private owners of the lands would make an application to the Secretary of the Interior for an engineer from the Reclamation Service to make an examination of the lands which they desired reclaimed. Before the engineer is instructed to proceed to make the examination an estimate of the cost of the examination will be made, and the parties making the application for the engineer will deposit with the Secretary of the Interior the amount of expense that is thought necessary. Then the engineer is detailed to go upon the land and make an examination and make a report. After the examination is made, if the report is a favorable one, then the question of reclaiming the land is proceeded with, but the parties owning the land must at all times furnish the necessary money for all expenses, and during all of this time the Government of the United States is directing the work, with a view of following out the recommendations of the engineer.

Now, on the question as to how the owner will get the money, there is not a question of doubt in my mind—and I have consulted many of the financial men of this country who in the past have advanced money for irrigation purposes—that the money will be advanced and at a fair living rate of interest, based upon a favorable report of a Government engineer. The Senator knows that in the case of reclamation projects of the West that have been developed by private parties, when the project is completed as far as the engineer's report is concerned, and the party desiring to construct the reclamation project goes to New York or to Chicago, or to a money market anywhere in the United States, the first thing he finds out is that he must take 10, 15, 20, or 25 per cent reduction of the bonds that are to be issued. Then the next thing he finds out is that he must pay an exorbitant rate of interest; and the history of these projects is that 95 per cent of the irrigation projects of that character have failed, as far as the original promoters were concerned. They are sold out to the bondholders, perhaps, who held the bonds in the first instance, and then they continue the work, and all the time interest is being drawn upon the amount of money that is invested, and the Senator knows that in the case of all of those new projects it takes time to get people upon the lands under the project, and more than likely the second owners of the project will fail, and perhaps the third owner will make a success of it.

Mr. KENYON. The Senator now has gotten up to the point I want to ask him to explain. The work is all done now, we will say, on this large tract to which I have referred. The purpose of the bill is to sell this land to small owners.

Mr. SMOOT. Yes.

Mr. KENYON. Now, how is that done? Does the Government take charge of that?

Mr. SMOOT. The Government continues its direction.

Mr. KENYON. Suppose, after the work is all done, that the owners of the large tract conclude that the prospect is so good that they will not sell it?

Mr. SMOOT. No; a contract will be made beforehand with the original owners of the land, and it will be made under the provisions of the bill, and they will be compelled to comply with its terms.

Mr. KENYON. The Government would then conduct the negotiations in connection with the sales to small landowners?

Mr. SMOOT. They will have supervision of the sales to small owners.

Mr. KENYON. I was not quite clear how that would be done.

Mr. SMOOT. Section 4 of the bill provides—

That every contract for development of a project shall provide, among other things, that the developed farms and parcels, when sold—

That is the amendment that has already been agreed to—

shall be sold to persons who desire to occupy the same as homes, at the actual cost of the land and the development thereof plus a definite reasonable profit to the owner or owners stated in advance therein.

In other words, the Senator must know that in these irrigation projects that have been taken up in the past in the West, after the water has been developed, and the project becomes a demonstrated success, it is not a question of how much the cost; it is a question of how much they can get for the land and water; and therefore the home owner is not only penalized by the discount upon the bonds, he is not only penalized for the excessively high rate of interest, but he is also penalized for the excessive profits that can be made out of the project if it proves a success.

Mr. KENYON. The great purpose of this bill, then, is to help the man who desires to get a small tract of land, the Government acting in the way of an agent in that laudable purpose?

Mr. SMOOT. An agent and adviser.

Mr. KENYON. I think it is a splendid thing.

Mr. OVERMAN. Mr. President, I am very curious to know what will be done where the State owns the swamp lands. The Senator said that in such cases, in cooperation with the States, certain drainage would be done. Can the Senator inform me what machinery would be called into operation then? Would the Government have any charge over the State lands which had been developed; and if so, what control would it have?

Mr. SMOOT. The Government could not do it, of course, unless the States were perfectly willing that they should do it, even if the bill provided for State-owned lands.

I want to call attention to a letter that I received just the other day from Mr. Clement S. Ucker, the vice president of the Southern Settlement and Development Organization, in relation to this bill. This letter is dated February 20, 1920, and addressed to myself as chairman of the United States Senate Committee on Public Lands, Washington, D. C.:

DEAR SENATOR SMOOT: Your letter of February 13, in answer to correspondence from this office dated January 13. The Southern Settlement and Development Organization, of which the undersigned is executive vice president, and its allied development associations in the various Southern States, to wit:

North Carolina Land Owners' Association,
South Carolina Land Owners' Association,
Georgia Land Owners' Association,
Florida Development Board,
Mississippi Land Owners' Association,
Cut Over Land Utilization Department,
Southern Pine Association,

are all interested in the provisions of your bill, Senate 3477.

I want to say in this connection that none of these organizations above referred to are in any sense of the word a commercial organization. They are very similar to the California Development Board. They are working for the development and utilization in a beneficial way in our day, as far as economically possible, of the unused and idle resources of the United States, particularly agriculture. I would wish that each of these organizations would be fully advised in the premises with reference to the legislation you have presented in Senate bill 3477. I believe the enactment of your bill, while not entailing one cent of expense upon the Treasury of the United States, nor, so far as I can see, will it ever entail any moral obligation upon the United States, will be of incalculable benefit to the southern country. It would put southern development forward from 50 to 100 years. It would do that thing to which Mr. H. T. Cory, consulting engineer of the United States Reclamation Service, after having carefully investigated the South, referred to as "adverse psychology against the South," and which must be broken and can be broken only by a historic pronouncement by some great agency such as the Federal Government.

Mr. President, I am not going to put the balance of the letter in the RECORD, but I wish to say that its praise of the legislation is such that I would like all Senators to hear, but few are present.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. OWEN. I have read the bill, and it strikes me as a bill of very great merit, and I approve it as I understand it.

Mr. SMOOT. I thank the Senator.

Mr. President, I called the attention of the Senate once before, when this bill was up for discussion, to the fact that it does not impose a dollar of expense upon the Government of the United States, and perhaps for that reason it is not very popular. I know that there is very little legislation of that character; but if this bill becomes a law I have no doubt that it will be the means of developing millions of acres of land in the United States that to-day are as worthless as a dry bone.

Mr. George H. Maxwell, the executive director of the National Reclamation Association, in a letter addressed to me on March 1, 1920, calls particular attention to this character of legislation, and I am going now to call the Senate's attention to some statements made by Mr. Maxwell in a letter addressed to the members of the National Reclamation Association.

In that letter Mr. Maxwell makes the following statement:

This letter tells what should be done to prevent the commercial and industrial cataclysm that now threatens this country, which everyone who reads the daily papers must see is coming within a year or two, perhaps sooner, unless something is done, and done quickly, to prevent it.

Roger W. Babson, in his Detroit address, predicted it for 1921.

Every business concern that has ever at any time during the 20 years since it was organized been enrolled as a member of the National Reclamation Association will receive this letter. It should be read, every line and word of it, carefully, thoughtfully, slowly, and studiously from beginning to end the moment it is received.

Don't lay it aside to be read some other time. It is better to spend a little time that way right now and learn that there is a plan to safeguard against this impending danger, than to refuse to read, refuse to think, refuse to be warned, refuse to build safeguards, and just grope along blindly with the crowd, and finally be swept over the precipice and pitched headforemost into a seething crater.

COMING EVENTS CAST THEIR SHADOWS BEFORE.

No far-seeing and thoughtful man can fail to appreciate that in this country we are now standing on the brink of an abyss of commercial chaos, into which we are ultimately sure to fall, and then wade through the wreckage of a long period of industrial depression and hard times, with all the dangers that such conditions forecast of social disturbances, unless some plan is quickly adopted to create in our own country new wealth and new home markets to take the place of those that will be lost as the result of the war.

There undoubtedly is a way to build a safeguard against all these dangers, but to be effective it must be put in operation without delay and driven through with the same irresistible war energy and war speed that were aroused to defeat Germany.

That safeguard is to duplicate, as many times over as may be necessary, the miraculous enlargement of home markets and creation of new wealth that has followed the building of the Roosevelt Dam in the Salt River Valley in Arizona. That valley is now pouring $40,000,000 a year into the Nation's channels of trade from 300,000 acres, once an unproductive desert waste.

The doing of the infinite number of things necessary to control the floods and regulate the flow for all beneficial uses of the great rivers of the United States and their tributaries, as contemplated in the Newlands river regulation act, would utilize an asset now wholly wasted that would in a few years create wealth vastly larger than the cost to this country of the great war just ended.

The necessary preliminary legislation was enacted in August, 1917, more than two years ago, and it needs only that the members of the Newlands river regulation commission should be named and set to work to start this great movement to create a balance wheel for industry in the United States of America that will make it independent of foreign markets or foreign countries.

Among the very first things recommended by Mr. Maxwell in this letter is the enactment into law of Senate bill 3477, a bill to increase, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes. If the bill is enacted into law no section of the country can claim that in the development of land in this country it applies only to the Western States. The bill covers all sections of the country. If it were going to require an appropriation it would be fair, but under the provisions of the bill there is not one dollar to be paid by the Government of the United States; but with the organization that exists in the Interior Department to-day, the organization that has directed the projects of the West—bringing millions of acres of waste land in the West under that same organization—can be used with the same overhead expenses of to-day, not costing the Goverment of the United States an additional cent, and the waste lands in the South and the cut-over lands in the Northwest can be reclaimed and become the homes of happy people.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. OVERMAN. I asked the Senator a question a few moments ago in regard to lands owned by States, as to what machinery is provided in the bill for cooperating with the States in making this investigation? I see that the Senator's bill is confined to lands privately owned.

Mr. SMOOT. It is confined to private ownership. I do not think there is very much unreclaimed land now owned by the States.

Mr. OVERMAN. There is a good deal of swamp land.

Mr. SMOOT. Is there much swamp lands owned to-day by the States?

Mr. OVERMAN. Oh, a great deal.

Mr. SMOOT. I have not the figures, but I shall be glad to look them up, and I will tell the Senator what is the quantity.

If there had been a propaganda started for the passage of this bill, as is the case with almost every other class of legislation, there would be no question that the papers of the country would have taken up the subject, would have written articles in favor of it, and there would have been requests made from all parts of the United States upon Senators and Congressmen to support the measure. I wish to say that, with the little advertisement that came from its introduction into the Senate, there have been sent me letters from all parts of the United States, and so far I have not received a single letter objecting to the provisions of the bill, but every one is of a character of commendation and support.

If there is no objection, I should like to have the committee amendments agreed to.

Mr. KING. Let the amendments be read.

The PRESIDING OFFICER. The Secretary will state the first amendment reported by the Committee on Public Lands.

The READING CLERK. In section 1, line 6, page 1, before the words "by reclamation or otherwise," insert "within any State or Territory."

The amendment was agreed to.

The READING CLERK. In section 4, page 2, line 22, strike out—

All contracts for the purchase of lots and farms shall be made payable to the owner or owners of the land or their assigns.

And insert in lieu thereof:

All contracts for the purchase of farms and parcels shall be made for, and the moneys due thereunder shall be payable to, the owner or owners of the land or their assigns.

Mr. KING. Before considering that amendment I wish to ask my colleague whether the bill expressly excludes Hawaii, or whether, under the general law, it would be denied application to such a possession of the Government?

Mr. SMOOT. I will say to the Senator that the amendment which has just been agreed to, on page 1, line 6, inserting the words "within any State or Territory," would include Hawaii.

Mr. KING. I understood so, and I wondered whether the provisions of the measure were of such a character as that they would harmonize with the peculiar situation which exists in Hawaii.

Mr. SMOOT. I do not recall any part of Hawaii that it would conflict with, I will say to the Senator. I think that there is hardly a mile of land in all the islands of Hawaii that I have not either ridden over or walked over, and I do not remember any conditions that would arise in the Hawaiian Islands with which this bill would conflict in the least.

Mr. KING. The Senator has in mind the fact that the Governor of Hawaii and a commission from Hawaii have been here for some time with a view to securing Federal legislation dealing with various questions in the Territory of Hawaii? One of the important questions in that Territory is the land question. They have some archaic laws there which are wholly inadequate to meet the situation.

I take this opportunity, if my colleague will permit me, to make the observation that, in my opinion, there should be immediate legislation dealing with the land question in the Territory of Hawaii. Something ought to be done for the purpose of preserving and protecting the Hawaiian race from extermination. The vicissitudes to which they are subjected, the strong currents of so-called civilized life, are destroying the native Hawaiians. The Federal Government having assumed jurisdiction over the Hawaiian people and over the Hawaiian Territory, and having taken control of the land under laws which the Federal Government has superimposed upon the Territory, in my opinion it could with propriety do something to protect and preserve from extinction the Hawaiian race.

I sincerely hope that the measures which have been recommended by the governor of Hawaii and the commission who have visited the Capital to present the needs of that people to Congress may be enacted, and enacted quickly, to the end that relief may come and that the Hawaiian people may not suffer as other so-called inferior races have suffered from contact with the so-called superior races.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment. If there is no further amendment, the bill will be reported to the Senate.

Mr. KING. Mr. President, before this bill is reported to the Senate I desire to call attention to some of its provisions.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Henderson	Nelson	Smoot
Beckham	Johnson, S. Dak.	New	Spencer
Brandegee	Jones, N. Mex.	Norris	Stanley
Calder	Jones, Wash.	Nugent	Sterling
Capper	Kellogg	Overman	Sutherland
Chamberlain	Kendrick	Owen	Swanson
Colt	Kenyon	Page	Thomas
Curtis	Keyes	Phelan	Trammell
Dial	King	Phipps	Underwood
Edge	Kirby	Poindexter	Wadsworth
Fletcher	Knox	Pomerene	Walsh, Mass.
France	Lenroot	Ransdell	Walsh, Mont.
Frelinghuysen	Lodge	Sheppard	Warren
Gay	McCormick	Sherman	Watson
Glass	McKellar	Simmons	Williams
Gronna	McLean	Smith, Md.	Wolcott
Hale	McNary	Smith, S. C.	

Mr. MCKELLAR. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Georgia [Mr. SMITH] are absent on official business.

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, there is a quorum present.

WOMAN SUFFRAGE.

Mr. OWEN. Mr. President, I am greatly delighted with the action of West Virginia in ratifying the Susan B. Anthony amendment, that at last the fulfillment is at hand of the prayer of Frances E. Willard and of the women of the world, whose inarticulate voice she expressed when she said:

Ah, it is women who have given the costliest hostages to fortune. Out into the battle of life they have sent their best beloved with fearful odds against them.

Oh, by the dangers they have dared; by the hours of patient watching over beds where helpless children lay; by the incense of 10,000 prayers wafted from their gentle lips to heaven, I charge you, give them power to protect along life's treacherous highways those whom they have so loved.

The world can never pay its debt to women. The world of mankind is created by women, is tenderly nurtured by women, is taught by women the great lessons of life, and without women there could be no home and no happiness on earth. I am profoundly gratified to see that the opinions of women have received new respect and have new power, and I am entirely convinced that the influence of women will always be found for the betterment of society, for the conservation and protection of human life, and for the happiness and welfare of the world.

Men need not fear the influence of women. In the great tragedy on which the Christian religion was founded, no woman promoted the crime committed by men.

Pilate's wife advised him to mercy and justice. No woman had a dishonorable part in the crucifixion of our Lord.

Not she with traitorous kiss her Savior stung,
Not she denied Him with unholy tongue;
She, when apostles shrunk, could dangers brave,
Last at the cross and earliest at the grave.

In a few days the two remaining States with Republican legislatures—Washington and Delaware—will act, I assume favorably, both because of the justice of the cause and out of respect to the women of America and to the wishes of the voters of 34 States who have already ratified. Seventeen million women already have the right to vote, and under their fixed policy to hold parties directly responsible these two Republican States will realize that justice and party expediency advise favorable action.

I ask to have printed in connection with my remarks the action taken by the different States relative to the ratification of the suffrage amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

Ratification of suffrage amendment (amendment passed Congress June 4, 1919).

42 STATES WHICH HAVE ACTED.

Ratified:
1. Wisconsin, June 10.
2. Michigan, June 10.
3. Kansas, June 16.
4. Ohio, June 16.
5. New York, June 16.
6. Illinois, June 17.
7. Pennsylvania, June 24.
8. Massachusetts, June 25.
9. Texas, June 29.
10. Iowa, July 2.
11. Missouri, July 3.
12. Arkansas, July 20.
13. Montana, July 30.
14. Nebraska, August 2.
15. Minnesota, September 8.
16. New Hampshire, September 10.
17. Utah, September 30.
18. California, November 1.
19. Maine, November 5.
20. North Dakota, December 1.
21. South Dakota, December 4.
22. Colorado, December 12.
23. Rhode Island, January 6.
24. Kentucky, January 6.
25. Oregon, January 12.
26. Indiana, January 16.
27. Wyoming, January 27.
28. Nevada, February 7.
29. New Jersey, February 10.
30. Idaho, February 11.
31. Arizona, February 12.
32. New Mexico, February 19.
33. Oklahoma, February 27.
34. West Virginia, March 10.

Special sessions:
1. Washington, March 22.
2. Delaware, March 22.

Defeated:
1. Alabama, September 2.
2. Georgia, July 24.
3. Mississippi, January 21.
4. South Carolina, January 24.
5. Virginia, February 12.
6. Maryland, February 17.

6 STATES WHICH HAVE NOT ACTED.

States in which legislatures would ratify if called into session; no regular sessions until 1921:
1. Connecticut; governor, Republican; antisuffragist.
2. Vermont; governor, Republican; antisuffragist.

States which can not vote this year because of constitutional provision requiring election to intervene between submission of and action on an amendment; both would ratify:
1. Florida; majority of legislature called on Senators to vote for amendment.
2. Tennessee; presidential suffrage.

States in which legislatures do not show majority that warrants demanding special session:
1. Louisiana; meets in May.
2. North Carolina.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. Mr. President, I am sure the country is viewing with much interest the plot which is rapidly unfolding itself in Europe. It all has a close relation to our action in connection with the treaty of peace with Germany. Not only Europe, but the whole Near East, and I might say the whole Orient, seem to be in a condition of flux. The great Russian Empire is in the throes of chaos.

I desire to read a short petition which I have received in relation to the apprehended recognition by this Government of the soviet government of Russia. It is as follows:

NEW HAVEN, CONN., *February 25, 1920.*

To the honorable Senate of the United States in Congress assembled:

The petitioner respectfully represents, on behalf of millions of American citizens, members of all religious organizations, and of none—but all believing that a basic principle of civilized government must be toleration and protection of perfect freedom for the exercise of all religions—that no recognition of an official sort should be given by the United States to the so-called soviet government of Russia until it disavows and reverses its policy and practice toward religion and all its institutions and professors—in that it has proscribed all religion and persecuted, tortured, and murdered religionists in great numbers.

With humble obedience,
Your servant, ERVING WINSLOW.

Mr. President, it can not be otherwise than that the American people, living here in the land of the free, where religious belief and the right to worship the Supreme Being according to one's own conscience is guaranteed to every citizen in the country, must view with some alarm the statement so frequently made now in the press that there is some intention on the part of the executive branch of this Government to recognize the soviet government of Russia. We are not permitted to know what the intentions of the executive branch of the Government are in this matter. The Committee on Foreign Relations of the Senate has no information upon the subject. I do not suppose that any Senator has the slightest idea of what may lie in the mind of the President on this question.

When the framers of our Constitution formulated that immortal document they assumed that the Senate would have something to do with the foreign relations of this country and with the policies of the country toward other nations.

At the time the Constitution was formed, or was in process of formation, there was no Federal Government in this country. There were 13 States, which had recently achieved their independence from Great Britain. They sent delegates to a convention to form a more perfect Union. They formed the Constitution, and provided in the Constitution that each one of those then sovereign States should be represented in the Senate of the United States by two of its citizens, who should be United States Senators.

In their opinion the States represented in the Senate would have something to say in behalf of the great Nation which they hoped would be formed and which has now come to be the greatest, richest, and most powerful in the world, with 110,000,000 of the best-educated people in the world. They thought their Senators, in other words, the States themselves acting in this body, would have something to say about what should be the foreign policy of this country. The only clauses in the entire Constitution which give the President of the United States anything to do about foreign relations are those which provide that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls," and that "he shall receive ambassadors and other public ministers."

Out of those two statements has grown the entire theory which we see now put into practice, that the Executive, and the Executive almost alone, shall recognize Governments as they appear and shall be practically in control of our foreign relations without any consultation whatever with anybody, except as he desires to be advised.

Mr. President, whether or not that theory of the Executive control of our foreign relations can be justified is a very serious question; whether it is wise that the Senate should coincide with the view of the Executive, as I have described it, as to his power to control foreign relations is certainly a pertinent question before the Senate in connection with the treaty. To me it seems a very dangerous proposal; and I do not think it ought to be acquiesced in in toto.

The President himself, in his writings upon the subject of Government, has stated—I do not quote him verbatim, but substantially—that under this theory it is within the power of the President, in his appointment of ambassadors and his instructions to them, in his capacity of the voice which speaks to foreign nations on behalf of this Nation, so to institute and carry on the negotiations, arrange matters, and make diplomatic representations, entirely unbeknown to the people of the country and in the secrecy which is accorded to the proceedings of the State Department, as to place the country before the powers of the world in a situation where it is impossible for the Congress to extricate itself when the knowledge of what has been done is at last fully revealed to the country. That may be a democratic form of government; that may be a system under which every American citizen is the equal of every other American citizen; it may be wise; but, Mr. President, it seems to me to be entirely inconsistent with the fundamental ideas of a great democracy.

The President is the most powerful executive in the world. In the great British Empire, whose possessions circle the earth, whose island fortresses dot every sea, and whose dominions extend from the icy mountains to the coral strands of India, their executive is simply an heredity descendant of the kings of England who used to be practically despots. He has almost no power, either as a legislator or as a jurist or as an executive. It has been said that he is merely a figurehead; he is referred to as "the Crown." The legal proceedings of the British Empire are conducted in the name of "the Crown"; the counsel for the Government is "the Crown counsel." The King and the royal house, tenderly loved and venerated by their subjects, confine themselves to social functions.

The real Government consists of the House of Commons and the premier who has formed the cabinet. When that Government falls, as it always does when it ceases to command a majority in the House of Commons, an appeal is made to the country; a new election is immediately held. If that election be adverse to the party in power, the King's function is confined to calling upon the leader of the party of the "outs" who has just come into power and asking him to form the Government.

The King appears before the House of Commons and reads his speech from the throne, which is written for him by the new prime minister. Of course, he can discuss with his subjects questions affecting the empire; but his part in the Government is purely advisory. He must maintain himself in a position where he will have the confidence of all of his subjects, no matter what party is in power. He is representative of the whole country; he is not a party leader; he holds himself so that whichever party is in power his relations with them are amicable. He names as noblemen of his empire whomever, according to the exigencies of politics and the judgment of his prime minister, it is deemed wise to name.

Mr. McCORMICK. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. McCORMICK. Will the Senator let me instance the recent elevation of Mr. Sinha, an erudite Hindu, to a place in the House of Lords, under the title of Lord Sinha, in order that he might there act as undersecretary for the India office. A little before that Mr. Max Aiken, who made a sudden fortune in Canada and who now controls two active and very anti-American newspapers in London, became a peer under the poetic title of Lord Beaverbrook.

Mr. BRANDEGEE. Mr. President, I thank the Senator from Illinois for calling attention to that. I had not kept track of the good things that were coming to the faithful on the other side, and I do not know what the significance of it is.

Mr. McCORMICK. I do not know, but there may be some coming to us on this side; I had forgotten to mention Lord Astor.

Mr. BRANDEGEE. They will not come to us on this side, without the consent of Congress, unless the Constitution is to be ignored.

Mr. McCORMICK. There is another Senator resurrecting the Constitution; that is twice it has been done within a week.

Mr. BRANDEGEE. I am not resurrecting it in the sense of doing any damage to its remains, I assure the Senator.

The President of the great Republic of France has almost no power. The power of France is exercised by the Chamber of Deputies, by their bureaucracy, and by their departments. I mention this for the purpose of showing that in other countries the power of the executive is a mere fraction of what it is in this country; and I mention it for the purpose of showing that more and more America, the freest democracy there is in the

world, is coming to familiarize itself with if not consent to the theory that the President has all the power there is in the country except where Congress may intervene to check it. That is not a good thing to get abroad; it would not have been tolerated 50 years ago; but in the language of the old poet:

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
But seen too oft, familiar with her face,
We first endure, then pity, then embrace.

Now, the people of the country hardly think it is their business to ask what should be the position of this country in relation to any foreign country or with whom we should make an alliance. Anybody who is familiar with the history of the country shortly after the formation of the Constitution, with the policies of Jefferson and Washington and Adams, knows that the controversy which then shook this country to its foundation stones raged around whether or not we should make a French alliance. Nobody knows what is on the program. When, at the pleasure of the Executive, the correspondence is given out to the public, upon such occasions and in such quantities as the executive branch of the Government may see fit to publish, we hear that the policy of America as between Italy and Jugo-Slavia is this, that, or the other thing; that America's position is this or that; that the Government of the United States of America will not consent to this, that, or the other thing.

It is stated in the press that the French Ambassador to this country called upon the State Department yesterday, commissioned by the supreme council or the three allied premiers abroad, to ascertain the view of this country as to backing up and approving of the alleged scheme of Great Britain and France to take possession of the Ottoman Empire. Our 110,000,000 people have not the slightest idea, except as they may judge of the future by the past, what benevolent intentions those powers have toward an empire in the Near East, extending into Asia. It is reported in the press that a huge British squadron has sailed for the Sublime Porte; that the intention of the British Government is to execute a great coup, to arrest peremptorily high officials of the Turkish Government, to take possession of Constantinople and the Dardanelles, to prevent Russia from ever realizing her dream of controlling the waterways between the Mediterranean and the Black Sea, and we are told in the press that those Governments desire to know what the American policy on that great question will be.

It is not alleged that any of those Governments are at all interested as to what the American people think about it, or which side they want to fight on, if they want to fight at all. No intimation is made that it may be of the slightest interest to the Congress of the United States, or the Senate of the United States, and the people do not appear to take any interest or care about it; but I assume that if a voice is heard thundering from Mount Sinai some day, saying that the ideals of America are that the British policy, which is not yet known to us, must be sustained, everybody will say: "Great is Diana of the Ephesians!" and we will be "quitters," and "pygmies," and men who do not "have visions," or see things, unless we immediately fall down and say: "That was what we entered the war for! That was our noblest and most dearly cherished ideal. That is what our gallant boys fought for. They were conscious of it all the time they were fighting, at Chateau-Thierry and elsewhere. They were fighting in order that the British squadron might capture Constantinople and hold it as trustee, of course, for the benefit of humanity, which is our sole and exclusive mission now."

Mr. McCORMICK. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BRANDEGEE. I yield.

Mr. McCORMICK. I should like to ask the Senator if, in the pantheon of the league, Diana has been elevated to Mount Sinai? [Laughter.]

Mr. BRANDEGEE. No; that was a different occasion. My dim recollection is that there was but one occupant of Mount Sinai, and there were no Dianas in the neighborhood. [Laughter.]

We are daily confronted with new and portentous world fulminations. I read from a prophet who signs himself "David Lawrence" in the Star last night. We have had some discussion about the Monroe doctrine here. To some it has seemed to be an antiquated affair that we ought to get rid of in the interest of humanity.

Indeed, one of the great virtues of this treaty of peace, which seems to have promoted so much discord in the world, is that the Monroe doctrine was such a good thing that it ought to be passed along and extended to the whole world; so, if it was going to be, and if it was going to cover the world like a soothing poultice, a warm lambskin blanket, it was of pertinency to ascertain what it was. Whereupon one of our Central American neighbors and friends, Salvador, perked up and wrote a letter to the State Department, before they guaranteed this thing and agreed to preserve it and extend it, to find out what it was, as at present interpreted; and the Prophet Lawrence, who knows all things, esoteric and recondite, rushes into print here, in the Washington Star—for the benefit of humanity only, of course—and says that—

The Government of Salvador, through its alert minister here, was careful not to try to define the Monroe doctrine, respecting the same as purely a national policy of the United States. But at the same time it was deemed not improper to ask the United States for an interpretation. Acting Secretary Polk, in his formal note to Salvador, said:

"The views of this Government with reference to the Monroe doctrine were set forth in the address of the President of the United States to the second pan-American scientific congress, copy of the pertinent portions of which I beg to attach herewith."

And that is such a novel and vital and important thing that I hasten to put into the RECORD the new Monroe doctrine.

EXTRACT FROM 1915 SPEECH.

Then follows this extract from the speech of President Wilson January 9, 1915:

"The Monroe doctrine was proclaimed by the United States on her own authority. It always has been maintained and always will be maintained upon her own responsibility. But the Monroe doctrine demanded merely that European Governments should not attempt to extend their political systems to this side of the Atlantic. It did not disclose the use which the United States intended to make of her power on this side of the Atlantic.

"It was a hand held up in warning, but there was no promise in it of what America was going to do with the implied and partial protectorate which she apparently was trying to set up on this side of the water; and I believe you will sustain me in the statement that it has been fears and suspicions on this score which have hitherto prevented the greater intimacy and confidence and trust between the Americas. The States of America have not been certain what the United States would do with her power. That doubt must be removed. And latterly there has been a very frank interchange of views between the authorities in Washington and those who represented the other States of this hemisphere—an interchange of views charming and hopeful because based upon an increasingly sure appreciation of the spirit in which they were undertaken. These gentlemen have seen that if America is to come into her own, into her legitimate own, in a world of peace and order, she must establish the foundations of amity so that no one will hereafter doubt them. I hope and I believe this can be accomplished.

"These conferences have enabled me to foresee how it will be accomplished. It will be accomplished in the first place by the States of America uniting in guaranteeing to each other absolutely political independence and territorial integrity. In the second place, and as a necessary corrollary to that, guaranteeing the agreement to settle all pending boundary disputes as soon as possible and by amicable process; by agreeing that all disputes among themselves, should they unhappily arise, will be handled by patient, impartial investigation and settled by arbitration, and the agreement necessary to the peace of the Americas that no State of either continent will permit revolutionary expeditions against another State to be fitted out on its territory, and that they will prohibit the exportation of the munitions of war for the purpose of supplying revolutionists against neighboring Governments."

PROPOSALS UNAVAILING.

It will be noted that President Wilson virtually proposed to the Latin American Governments at that time what he has suggested in article 10 of the covenant. Indeed, nothing came of the three proposals because of the outbreak of the war, which upset international relations everywhere, but the most vital principles set forth by Mr. Wilson in January, 1915, have now been embodied in the covenant, and the new members of the league from Central and South America would be able to invoke article 10 if the United States did not respect their political independence or territorial integrity. That is why the insistence of certain Senators that the United States assumes no obligation under article 10 has been misunderstood in other parts of this hemisphere. It has been feared that the Senate did not want to pledge itself not to take territory from neighboring countries. That is why Mr. Wilson's definition of the Monroe doctrine as a principle of nonaggrandizement by the United States, as well as European countries, assumes new importance in Central and South America and is regarded as about the most important announcement on inter-American policy that has been made since the end of the European war.

Mr. President, if that is the President's idea of what the Monroe doctrine is, I, for one, can not agree with him.

I do not think the Monroe doctrine had anything to do with any intention upon the part of the United States to guarantee the political independence or territorial integrity of any State in Central or South America or elsewhere. The Monroe doctrine was simply a warning by this country issued to the world that we would regard as an unfriendly act the attempt of any foreign power to establish its political institutions on this continent—just that and no more. The application which various administrations may make of that to the facts as they arise no one can tell. Mr. Cleveland made one application of it in the Venezuela crisis. The Senate made an application of it or of a very closely analogous case when it passed a resolution here a year or two ago in relation to the contemplated cession by Mexico of Magdalena Bay in Lower California as a Japanese naval base or coaling station.

The Monroe doctrine is simply a sign set up by us for other nations to "keep off the grass"; that if they attempt to put their political systems on this continent it will be regarded as

an unfriendly act, and we will then decide what we want to do about it, whether we want to repel that unfriendly act by force or not. But how anyone can claim that what was practically a warning, a defiance of the world, has anything to do with guaranteeing the territorial integrity or political independence is beyond my power to understand.

Mr. President, it appears that the President had tried to get the South American and Central American powers to agree to enter into this covenant, so far as American affairs were concerned, before the breaking out of the war. He had article 10 all drawn to apply to America. Does anyone believe the Senate would have ratified a treaty providing that the United States would guarantee the territorial integrity and political independence of all the Central and South American powers? Why on earth should we undertake to preserve the territorial integrity of Patagonia, Ecuador, Chile, or Peru? Why should we want them mutually to guarantee or to undertake to preserve our political independence or territorial integrity? Does anyone here in America think that they could do it if they did undertake it? Does anyone believe that if any of the great military powers of the Old World were in a position to dispute our political independence or to violate our territorial integrity, that the Republics of South and Central America could stop them? What sort of a notion is this anyway?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. With pleasure.

Mr. THOMAS. I presume that the Senator noticed that the announcement to which he is referring is mutual; that the United States under the Monroe doctrine has the same guaranty of its territorial integrity and political independence that it furnishes to the other Western Hemisphere governments?

Mr. BRANDEGEE. The Senator means under the Monroe doctrine, which I just read, as announced on yesterday?

Mr. THOMAS. Yes; as outlined in the announcement of yesterday.

Mr. BRANDEGEE. Yes.

Mr. THOMAS. That is, I think, an elaboration of the Monroe doctrine which would indicate that it was not a regional understanding at all, but a policy that involved mutual covenants and mutual obligations among a great many nations, and in that respect certainly a development of the Monroe doctrine, to say the least of it, that is unique.

Mr. BRANDEGEE. Of course, whatever the words "regional understanding" as used in the amendment which was put in the treaty of peace with Germany may mean in the language of diplomacy, I would hardly think that they applied to an arrangement of two or three continents—North, Central, and South America. Of course, I utterly repudiate the idea that the Monroe doctrine was any kind of an understanding, regional or otherwise. It was merely our declaration of policy. I do not know of a single government on the face of the earth that has said that they understood it or agreed to it, either. "Understanding" means an agreement in that sense—"regional understanding." If there is any government that ever assented and said that they would be bound by our assertion concerning the Monroe doctrine, I would like to know which one it is.

Article 10 of the treaty of peace with Germany provides:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

The Senate at the last session adopted what is known as the Lodge reservation to that article of the treaty, which read as follows:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Now, the treaty provided that we undertook to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. The Lodge reservation which I have just read repudiates that obligation point blank. There can be no question about that. In fact, that is the criticism which the President in his letter to the Senator from Nebraska [Mr. HITCHCOCK] the other day met upon the Senate reservation. He says it nullifies it. That was the intention so far as this Government is concerned, to absolutely nullify any undertaking on our part to preserve either the political independence or the territorial integrity of any nation, whether a member of the league or not.

In the newspapers last night there was published what purports to be a proposed modification of the Lodge reservation, which was adopted and stands as the sense of the Senate, and which Lord Grey wrote the London Times was acceptable to them. The proposed modification is as follows:

> The United States assumes no obligation to employ its military or naval forces, its resources, or any form of economic discrimination, to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, in the exercise of full liberty of action, shall, by act or joint resolution, so declare.

It will be observed that in the proposed modification which I have just read the United States does not say that it will not assume any obligation to preserve the political independence and territorial integrity—not at all. It simply says that the United States assumes no obligation to employ its military or naval forces, its resources, or any form of economic discrimination to preserve the territorial integrity or political independence of any other country. Does that assume the obligation or repudiate it? If that proposed modification should be adopted, the treaty stands there as written. Article 10, which I have heretofore read, is still in the treaty, ratified by all the other signatory nations and in operation, and the obligation is there in article 10, in that treaty. It is also upon us, if we ratify the treaty and become a member of the league, unless we adopt such a reservaton as will exclude us from it and take the obligation off of us.

Does this proposed modification take the obligation off of us? No. It leaves article 10 in the treaty, we entering the league under it, stating that the members of the league undertake to respect and preserve the territorial integrity and political independence. Does this proposed modification that I have just read deny that obligation? No; it simply says that we will not use the Army or Navy or economic forces, and so forth, of the country in preserving the territorial integrity.

Mr. President, I maintain that if there is any one thing in which we ought to be perfectly clear and plain spoken, it is in trying to use language which will create a meeting of the minds, especially when we are dealing with a great multi-party treaty which is going to involve our relations with all the nations of Europe eventually. I think the American people are entitled to know exactly what obligations we are assuming, if any. I think the Senate, in justice to itself, ought to be agreed, when they make this great international contract, which they say is going to be the salvation of civilization, whether this country is bound to do certain things, and, if so, what it is bound to do. If we do not understand the agreement that we make, how can we expect anyone else to understand it?

See what a situation this country and the Senate would be in if we adopted and the President should file the instrument of ratification containing any such reservation as I have just read as the proposed modification. Those Senators who favor the modification of the reservation, that group of Senators who are designated as the mild reservationists——

Mr. THOMAS. Mild nullifiers.

Mr. BRANDEGEE. Not termed nullifiers by me, but the President calls them that. But the mild reservationists, especially the Republican mild reservationists, voted for the Lodge reservation repudiating all obligation under article 10, and they have repeatedly announced upon the floor of the Senate that they would never consent to any change in principle of the Lodge reservation which repudiated all obligation under article 10. Therefore, if they advocate the adoption of this proposed modification they must, if they are in good faith, and they are, do it upon the ground that it does not make any change in principle, that it is a mere change in phraseology. Very well! Then if it does not make a change in principle, it repudiates all obligation in the opinion of the mild reservationists.

The President, however, in his letter to the Senator from Nebraska [Mr. HITCHCOCK] stated that article 10 and its obligations should not be weakened at all, and the clear implication is that he would decline to file the instrument of ratification if any reservation were put on by the Senate which does weaken it.

Therefore, if the President should file the instrument of ratification he, as our spokesman on foreign relations—he, the man who negotiated this treaty and the man who assumes to interpret it, not only to us but to the world—of course will have to say: "Why, just as I wrote Senator HITCHCOCK, this modification of the Lodge reservation upon article 10 leaves the obligation just where it was. All that this modification does is to say that we will not use the Army and Navy and

the economic resources of the United States to enforce the obligation. Therefore I file the ratification with pleasure, because the Senate has yielded to my view about it, and has brought itself clearly within the conditions of the letter which I wrote Senator HITCHCOCK."

What is our country to believe about it? What are 110,000,000 of American people, including the gallant boys who fought the war and won it, or helped to win it, to think? Whom are they to believe? The President will be proclaiming to the world, "We have assumed the obligation which I say is the bulwark of the whole covenant, and which we could not repudiate with honor," and the Senate, which drafted the modification, and the Senators who voted for it, on record here in the CONGRESSIONAL RECORD, our official publication, will be of record as saying that we have not assumed the obligation.

Mr. President, this is no trifling matter. There is a serious condition in the world. Not only this country but every member of the league, if we are to enter it, being our partners in the league, are entitled to know what obligation we have assumed, whether we have assumed the same obligation that they assumed when they signed the treaty; and every other nation is entitled to know whether they are a member of the league or not. How are they going to find out?

This would be a purely Delphic utterance. I remember reading in one of the classics, when I was engaged in a better occupation than I now am, that there was a Delphic utterance once to the effect that the Greeks the Romans shall conquer, and both sides proceeded upon the theory they had the right from the gods that they were sure winners, and each one was justified in interpreting it his way; but it was very expensive to one of them.

Are we bound or are we not? And if so or if not, who is to decide it?

Is this country of 110,000,000 people going to be dragged into this league with an interpretation upon our duty which in one view of it involves the expenditure of every dollar that may be wrung from the American people and the deaths of all its men of fighting age, and in the other view of it involves an expression of our good wishes and hearty moral felicitations and that they shall fight it out to suit themselves? Are we to send our battalions over there to help the men who claim we are bound by this obligation; or are we to send them, as the mascot did, a basket of eggs and a letter of good advice?

Do we want to buy ourselves into that kind of a lawsuit? What is the intention of the Senate, anyway? We ought to have an intention ourselves. What do we intend to do?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. Certainly.

Mr. KING. Does not the Senator place an improper construction upon article 10? If I apprehend his position correctly, it is this, that article 10 imposes a separate, singular, or independent obligation upon the United States to preserve the territorial integrity and political independence of every member of the league, and not a joint obligation, or, at least, if there is a joint obligation, there is also a separate or sole obligation. Is not the proper interpretation of article 10 this, that there is a joint obligation upon the part of the signatories of the league to preserve the territorial integrity and political independence of the other members of the league, but that that obligation does not become effective until and unless the council, after they shall have considered the matter, shall unanimously make recommendations, and even then each signatory to the league must determine for itself, in the light of the circumstances of the case, its duty and how it will discharge that obligation?

Mr. BRANDEGEE. Mr. President, I put it to the country right on the Senator's statement, Is that the proposition that the country is to decide after we enter the league? Is the thesis which the Senator from Utah has presented to be the subject of discussion in Congress when a great war breaks out in Europe, and they need us to come across, under our sacred undertaking, expressed in these words: "The members of the league undertake to respect and preserve the territorial integrity and existing political independence"?

When they call upon us to fulfill our obligation, whatever it is, and the crisis is on, and civilization is trembling in the balance, is then the Senator from Utah to suggest to the House of Representatives and the Senate of the United States to take up for discussion the question which he has asked me?

Mr. KING. Mr. President, is the Senator propounding that as a question?

Mr. BRANDEGEE. No; not to the Senator, but to the world.

Mr. KING. Then, of course, it would be improper for me to trespass on the time of the Senator to answer.

Mr. BRANDEGEE. I am perfectly willing to have the Senator say anything he wants to. It is not a trespass on me.

Mr. KING. It is very courteous of the Senator. As I understood the question of the Senator it was this, whether or not, in the event of war in Europe or somewhere else, we would be compelled to act and not spend our time in debating in Congress what we should do in the premises. I think that the practical application of article 10, as well as the other obligations of the treaty, would not require the United States, but, indeed, would prevent the United States from going to the war-stricken district with money or with soldiers until Congress had acted, and that until then the obligation would not be actually effective or operative as against the United States.

Mr. REED. Mr. President, will the Senator let me ask a question there?

Mr. BRANDEGEE. Certainly.

Mr. REED. If the Senator's construction is correct just as he has given it, what would be the difference between the Lodge reservation, which says we assume no obligations unless Congress shall hereafter make them, and the substitute for the Lodge reservation, which says nothing about not assuming the obligation, but allows us to sign the treaty with an obligation in it? That is to say, does not the Senator come out of exactly the same hole that the Lodge reservation is in? Does not the construction he gives now place him squarely where the Lodge reservation clearly places us?

Mr. KING. Mr. President, I again apologize to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator has my consent.

Mr. KING. Mr. President, I do not assume that I would be in any hole, or come out of any hole.

Mr. REED. I do not mean in the sense the Senator is implying.

Mr. KING. I do not know that the Lodge reservation would place those who accept it in a hole. But, Mr. President, the way that I interpret article 10, in brief, is this: That if there is any obligation it does not become effective as to the United States until—and using the language of the Senator from Idaho—unless the council shall consider the matter and make recommendations, and submit those recommendations not only to the United States, but to all signatories of the league; and Congress, itself, exercising its discretionary power under the Constitution, shall determine what it may do or shall do in the circumstances of each case. If that interpretation is the equivalent of the Lodge reservation, then so much the more fortunate for Senator LODGE to agree with my interpretation.

Mr. REED. Mr. President, I think the Senator in his last statement varied a little in his language from his first statement, of course, unintentionally. But I would like to get, if I may have the permission of the Senator who has the floor, the exact understanding of the Senator from Utah. Let me now state it. There are two views. The one is that when we enter this treaty, without any reservation at all, we thereby agree, either jointly or severally, that we will preserve against attack the various members of the league, and that that is an absolute obligation; and clearly that is the obligation of the league, unless subsequent language modifies it. The Lodge reservation states that we do not assume that obligation at all unless hereafter and in a particular case Congress sees fit to assume it.

The substitute for the Lodge reservation, which we are now discussing, omits the language by which we state that we do not assume any obligation, and does contain substantially the language of the Lodge reservation, that we do not agree to raise any armies or navies hereafter, and to use them in a war, without the action of Congress.

If I understand the Senator, he takes the position that if this treaty is passed without any reservation at all, nevertheless this Government is not bound to furnish a single soldier and is under no obligation to furnish a single soldier, unless two things happen as conditions precedent: One, that the council shall call for the soldiers; and, secondly, that that action of the council shall be concurred in by the Congress, and that it is only after both of those things have happened that the obligation arises. Is that the view of the Senator?

Mr. KING. Mr. President, will the Senator from Connecticut yield?

Mr. BRANDEGEE. Certainly.

Mr. KING. I shall not take the time of the Senator from Connecticut fully to analyze article 10 as I interpret it in connection with article 11 and article 16. The statement which I

made a moment ago, perhaps, was a little too broad, taking into account whatever obligations arise under article 11 and under article 16, but my interpretation of article 10 can be no better expressed than by a reservation which I have tendered, and, with the permission of the Senate, I shall read it. It is as follows:

The United States understands that by article 10 the United States undertakes separately to respect the territorial integrity and existing political independence of each other member of the league; but that article 10 does not impose upon the United States the separate, sole, and singular duty to preserve the territorial integrity and existing political independence of every member of the league as against the external aggression of the other powers; but only that in case of such aggression or threat of the same the council will advise upon the means for preserving the territorial integrity and existing political independence of the member against which such aggression is exerted, and will recommend to members of the league the measures which it may deem proper and necessary to protect the covenants of the league, and that the United States may consider such recommendations and take such action as Congress may in its discretion deem appropriate in such case.

Mr. REED. That is a very good statement in form, but still, if we have no reservation, does the Senator think that we have assumed either jointly or severally an obligation to preserve the territorial integrity of other countries; that the obligation exists? I am not speaking about the means of carrying it out.

Mr. KING. Mr. President, let me say this: I am not able to place upon article 10 the same broad or technical—I do not know which would be the appropriate term to express the idea—interpretation placed upon it by its author—the President of the United States.

In my opinion, the League of Nations as a whole, properly interpreted—the way I should interpret it; the way I think it should be interpreted—imposes no sole or separate or singular obligation upon the United States to preserve the territorial integrity or the political independence of any nation, but that in any event when there is aggression, when there is a broken covenant, it imposes upon the council the duty of making recommendations. Then it is left to the United States, under the circumstances in each particular case, to take those steps which Congress, under the circumstances, deems to be proper and appropriate.

Mr. REED. Are we perfectly free to take no steps at all? That is to say, if the Senator will let me state it in propositions——

Mr. KING. Yes.

Mr. REED. Proposition 1: We sign a treaty by which we say, "We hereby agree to protect against external attack the territory of all members of the league." Proposition 2: The council shall advise upon the methods of enforcing this obligation. We will take those two propositions. Now, we do sign the league. As I understand the Senator, there is no obligation of the United States, in his opinion, to move at all until the council has advised the method. Very well. Now, we will assume the council has advised the method. Is the United States, then, under any obligation whatsoever to have Congress take the action necessary to send its Army or is it free, as free as though the treaty had never been signed, either to send its Army or to withhold its Army?

Mr. KING. Mr. President, answering that question categorically, I think I should be compelled to admit that it was the purpose, doubtless, of the drafter of the league to impose some sort of an obligation upon the members of the league jointly after the council had acted and had made their recommendations; and probably, under a technical interpretation of article 10, there would be some sort of obligation or duty, from a moral rather than legal standpoint, upon the United States and every other signatory of the league to do something to punish the covenant-breaking State. To that extent it would not leave the United States or other signatories to the league absolutely free to do just the same as they might do in the event of there being no treaty whatever.

Mr. REED. The Senator says "to do something."

Mr. KING. But it is in the discretion of each member of the league.

Mr. REED. But if you are going to do anything in a great international conflict involving war—for that is what this means—is it not necessary to do the effective thing and all that is necessary to make the enterprise a success?

Mr. KING. Oh, of course, that must become apparent.

Mr. REED. Very well; then we have got to this: We are under a moral obligation, as soon as the council acts, to carry out its recommendation in an effective manner, which means that we are obligated morally to furnish our share of the men and our share of the ships and our share of the money to make the enterprise successful, to wit, to lick the other fellow.

Now, let us see about the moral obligation. Is there, in the opinion of the Senator, any distinction whatever between a moral treaty obligation and a legal treaty obligation? Are they not both treaty obligations and do they not both bind the honor and integrity and honesty of our country?

Mr. KING. Oh, Mr. President, I do not think——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Connecticut yield further?

Mr. BRANDEGEE. Yes.

Mr. KING. I do not think that you could distinguish in that regard between contracts or undertakings between nations. International law, perhaps, does not recognize the power to enforce the decrees or provisions of international law except by force, or recognizes them as moral obligations; and to say that a treaty is a binding legal obligation or a moral obligation, whichever term you employ, does not give it any more sanctity or any more force.

Mr. REED. They mean the same thing. Then, at the end of this long colloquy we get to this—and I thought, because the Senator from Utah is a good lawyer and a good Senator, that we would get a categorical answer, and we got it—that when we sign this treaty we assume a treaty obligation; it is moral, it is legal, it is everything that a nation can assume, and, according to his construction, we are not bound to act on our own initiative, but we have the right to wait until the council of the league recognizes what action shall be taken, and after that has been recommended it becomes our duty in honor to do our part to make effective the recommendation of the council. That, translated into action means—at least in some cases—that our armies shall be levied and that we shall proceed to pour out our blood and treasure in the enterprise.

That brings us, then, to a very clear statement of another proposition, and that is that the council of the League of Nations, according to the doctrine now announced, is the determining body; so that our troops are, in fact, sent to foreign service by the command of a foreign tribunal. From that there is no escape, except that Congress may repudiate the obligations; and, if the Senator from Connecticut will pardon me long enough, I desire to say that Congress can do that as to every treaty we ever wrote. There has never been a treaty made by the United States that Congress could not refuse to carry out. If it requires any positive action in the way of money or men or the enactment of law, Congress can refuse to carry it out, but in doing so it dishonors the Nation. Or, if it requires no action, Congress can repudiate it by law and again dishonor the Nation. So, after all the discussion we have indulged in, we get to this: That the treaty imposes an obligation, and that obligation is to be interpreted and the directions under it are to be given by a council composed of one American and eight foreigners, and then it is our duty, and we are in honor bound, effectively to carry that command of a foreign tribunal into effect.

The Lodge reservation exculpates us from that obligation absolutely and leaves us free when the time comes to take such action as we see fit. The substitute which is offered allows us to assume the obligation, but then says that, having assumed it, we say that we will carry it out or not when the time comes. That is the distinction between the two.

Mr. KING. Mr. President, will the Senator from Connecticut permit just one other interruption?

The PRESIDING OFFICER. Does the Senator from Connecticut yield further?

Mr. BRANDEGEE. I yield.

Mr. KING. A moment ago I made the observation, in substance, that I did not know that I was quite in accord with the broad or technical interpretation placed upon article 10 and other articles of the treaty by the President of the United States. I had more particularly in mind in that expression that part of article 10 which provides an undertaking upon the part of the signatories to the treaty to respect the territorial integrity of every member of the league as well as the political independence of members of the league.

In the practical application of article 10, if we take into account the negative obligation of article 10, namely, to respect the territorial integrity, and so forth, and then take into account the obligations of article 11 and article 16, I believe that there is the same obligation resting upon the members of the league in the event that a covenant is broken as there is if the word "preserve," which is found in article 10, is retained. So for all practical purposes if the words "preserve the territorial integrity and political independence" were eliminated from article 10 and there should be left in the words "respect the territorial integrity and political independence" and the subsequent words, and then those words were considered in connection with article 11 and article 16, there would be the same obligation; at any rate, there would be the same result attained in preventing war or punishing covenant breakers

of the league as if the word "preserve" were retained in article 10.

Mr. REED. Mr. President, if the Senator from Connecticut will be patient enough for me to make this observation, I am greatly interested in what the Senator is saying. It is, I think, a better statement than I could make of my own position. My position from the first has been, and at the proper time I intend to argue, that after you have adopted all of the Lodge reservations and all of these miserable makeshift "mild nullifying" propositions, you have left an instrumentality of which we are a part and to the covenants for the creation of which we are bound which is practically as bad and as vicious as it was before the so-called Lodge reservations were added. That is to say, while you may cut out article 10, still the things that are in article 10 are in other parts of the instrument and are not changed by the Lodge reservations—article 16, article 3, article 4, article 11, and article 12 also. So at the proper time, when we come to discuss the Lodge reservations after they have been again adopted, if they are, I think it would be well worthy the time of the Senate to see what is left; to see whether this thousand-legged animal has really lost any power of locomotion because you have pulled off two or three of the legs.

I thank the Senator.

Mr. BRANDEGEE. Mr. President, I am very grateful to the pair of Senators for helping me to make what I consider to be a very good speech, what is left of it. I shall endeavor to resume where I had left off. I just wanted to see how long we could keep it up. I was surprised that there was any limit.

Mr. President, all this tweedledee and tweedledum about the moral obligation as distinguished from the legal obligation is mere chaff. It is, in my opinion, mere casuistry. It is just juggling with words. It is not that about which our fellow members of the league, if we get into it, are concerned. Their concern arises when their territorial integrity or political independence is threatened by external aggression. I think I know what that means. When one nation is proposing to march an army across the border of its neighbor, that is an external aggression. Then it is that they call for help. Then it is when they say under article 10 that our obligation ought to be fulfilled. What is the use of talking about whether it is a joint *or* several or a joint *and* several obligation? They all sign this paper, and the paper they sign says:

The members of the league—

Of whom we are one—

undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

That means something. When you agree to preserve a man's political independence and the integrity of his territory, what is the use of talking about what kind of an obligation it is? You are bound to preserve it. If the danger to it comes from the marching of a hostile army, you can not preserve it by issuing a proclamation about humanity. You have got to go there and meet force with force, and there is where the battalions and the heavy artillery and the troops come in, which are carefully screened behind the words of this innocent contractual obligation. You do not now see the battleships and the destroyers and the legions in the training camps and the munition factories taking possession of every peaceful vocation of the country, and bringing the whole productive and brain capacity of the country to concentrate upon the one point of raising an invincible armada and directing it against the nation that is committing the external aggression upon our partner. That does not all appear here in the letters, but it is between the lines and it is the object of what does appear here.

What does the President, who drew this, say? This is his language in which he tried to apply it to this country as a part of his Monroe doctrine. What does he say about it?

In his letter to the Senator from Nebraska [Mr. HITCHCOCK], he says:

There is no escaping the moral obligations which are expressed in positive terms in this article of the covenant. We won a moral victory over Germany far greater even than the military victory won on the field of battle, because the opinion of the whole world swung to our support and the support of the nations associated with us in the great struggle.

It did so because of our common profession and promise that we meant to establish "an organization of peace which should make it certain that the combined power of free nations would check every invasion of right and serve to make peace and justice the more secure—

How?

by affording a definite tribunal of opinion *to which all must submit* and by which every international readjustment that can not be amicably agreed upon by the peoples directly concerned shall be sanctioned.

That word "sanctioned" means something in diplomacy.

Any reservation—

He says—

which seeks to deprive the League of Nations of the force of article 10 cuts at the very heart and life of the covenant itself. Any League of Nations which does not guarantee as a matter of incontestable right the political independence and integrity of each of its members might be hardly more than a futile scrap of paper, as ineffective in operation as the agreement between Belgium and Germany which the Germans violated in 1914.

He knows what he wants. He drew it. The other powers did not ask for it, but he forced it upon them—article 10, the backbone and heart, the bulwark of the covenant.

If we were to reject article 10, or so to weaken it as to take its full force out of it, it would mark us as desiring to return to the old world of jealous rivalry and misunderstandings—

And so forth.

After talking about having awakened again to "the vision of a new day," and so forth, he proceeds, down here:

I hold the doctrine of article 10 to be the essence of Americanism.

George Washington told us to keep out of entangling foreign alliances. The President holds getting us into them and guaranteeing all their territories and governments as the essence of Americanism.

We can not repudiate it or weaken it without at the same time repudiating our own principles.

* * * * * * *

The reservations proposed would perpetuate the old order.

* * * * * * *

I believe that when the full significance of this great question has been generally apprehended, obstacles will seem insignificant before the opportunity, a great and glorious opportunity, to contribute our overwhelming moral and material force to the establishment of an international régime in which our own ideals of justice and right may be made to prevail and the nations of the world be allowed a peaceful development under conditions of order and safety hitherto impossible.

"Our own ideals * * * made to prevail"!—by every atom of moral and physical force.

Practically every so-called reservation was, in effect, a rather sweeping nullification of the terms of the treaty itself.

I can understand that language, Mr. President. Can not the Senate understand it? Can there be any doubt about it, in view of the language of article 10, which the President is talking about? What difference does it make whether it is joint *or* several, or joint *and* several, or moral or legal? Here it is, written into a great international treaty, to be filed in Paris, to be the foundation of the new world order of things:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

"The members of the league" means all of the members of the league. It means us, anyway, if we sign it, and, of course, it means them all.

When does our duty begin? When does the obligation attach? When we pass this resolution of ratification and the President files the instrument of ratification. That is when it attaches. It is an obligation. We undertake to preserve these things. There is your obligation. It is in the treaty. We can only get out of that, in whole or in part, by our reservations.

The Senator from Utah [Mr. KING] wants to know when we will be called upon to carry out our obligation. I am not interested in that. I am interested in not assuming the obligations. We shall be called upon all too quickly to call it out.

In case of any such aggression or in case of any threat or danger of such aggression—

Meaning external—

the council shall advise upon the means by which this obligation shall be fulfilled.

The obligation rests continuously upon each and every member of the league who signs the treaty. It is always there, to be called into effect whenever the external aggression is perpetrated. The council, of course, when the trouble comes, advises upon the means by which the obligation will be fulfilled, but the obligation is there. Merely the means by which it shall be fulfilled is what the council is interested in. We create the obligation and place it upon our own necks. Do we want to make it definite?

Dragged into this league, as I said, with the Senate claiming one interpretation of our obligations, or denying that we are obligated at all, and the President of the United States, the Commander in Chief of our Army and Navy, the man who appoints all our ambassadors and ministers abroad, claiming that we have assumed the obligation, who is to decide it? The compromise modification of the Lodge reservation provides that the Congress then "under full liberty of action" shall decide in each specific instance. In what does the "liberty of action" consist?

We are called upon to furnish a million men to join with our fellow members of the league to repulse an assault of external aggression.

We have signed the treaty admitting that we have the obligation to preserve what the armed force is attacking. Congress with "full liberty of action" is to decide. Why men of honor and good faith only have such liberty of action under those circumstances as would consist in repudiating every practicable means by which the obligation, which we have secretly assumed, could possibly be carried out. Is that the sort of camouflage that this mighty Nation of 110,000,000 of Christian people want to take refuge behind in this hour of the world's civilization, when the violation of the sanctity of an international treaty was the cause of all the death and destruction from which we are just now emerging?

Is that the Janus-faced deceptive quibbling that this Nation wants to make as a guaranty of its good faith under the higher morality of the dawn of a new day? Such a course as that, it seems to me, would be a blot upon that Starry Banner back of you, Mr. President, which could never be eradicated from the flag or the history of this country. Call it moral or legal, it would be a plain case of dishonor, of leaving your accomplice in the lurch in the time of trouble.

All I say is, fix this thing definitely. The Senate has once decided that it declined to assume the obligation. If we will stand by that decision our course is perfectly plain. We know what we thought, and we expressed it. There can be no quibbling of doubt about that. If the American people want to assume the obligation I have no quarrel about that either. If any Senator who voted to repudiate the obligation on the ground that it was not safe or was not the business of this country to embroil itself with the set of special interests which Europe has, and has changed his mind and now wants to assume the obligation, it does not lie in my mouth to criticize him. Every Senator should act according to his own best judgment.

But to those who do not want to assume the obligation, after nearly a year's thought and careful consideration, I say there is one plain set of words by which they can state their clear intent and purpose and that is in the Lodge reservation for which we all voted. If the desire is to make it murky and muddy so that neither we nor the President nor the other nations of the world will know whether, or if so to what extent, we have assumed any obligation, then plant pretty phrases around, put in parentheses, and leave it to the future consideration of the Congress, and all sorts of things of that kind. That is not characteristic of men looking each other in the eye in a great crisis and seeking to make a sacred compact which would be relied upon. Let us assume the obligation or let us repudiate it.

Mr. President, if we assume the obligation or any part of it, it is inevitable that we shall be drawn into a complete fulfillment. Nations in common danger can not quibble with each other about the exact proportion of the forces that they shall render for the common cause. With the rest of the world financially embarrassed as they are, some of the countries bled white, and we—the richest and most powerful of all—we can never deny to the call of anguish, if we are obligated at all, that we are obligated to the extent necessary to accomplish the purposes of article 10. We are their reliance, as they say. You do not hear one of them over there but what says they must have us.

Oh, they are not interested so much in our moral support. That does not help them against the Bolsheviki or the international vandals on a scalping expedition. They want our guns and our Cavalry, our submarines and our battleships, our boys and our treasure. They want us when we take this obligation to assume an obligation to tax the American people to guarantee all the possessions of every member of this league, whether it is a democracy or empire or what.

"The existing political independence"—speaking from when? When we signed the treaty? We are in. Every one of the troubles and international questions which is submitted to the council and decided by it must be participated in by our delegate. In many cases he may have the deciding voice and may be called upon to cast the deciding vote, although the question in dispute be of no earthly concern to this country whatever. But every vote that our delegate casts, whether right or wrong, is charged up to this country meddling with matters that are of no concern to us, and every time he decides against one of the nations of Europe this Nation as a whole incurs the hostility of that nation over in Europe whose case was lost by the vote of our delegate under the instructions of our President. You can not touch any one of the complicated quarrels of Europe without transferring it right to the polls of this country.

The nations of Europe are more homogeneous than we are. This Nation is composed of people whose ancestors, every one of them, came from abroad, except a few descendants of the American Indians. Many of them have friends abroad now and relatives. Not a single question concerning one of those nations can come up but what all the people of that blood and descent in this country will take their view of it. That can not be avoided. The Germans in this country could not help sympathizing with Germany in the Great War. The Italians in this country can not help sympathizing with the Italians in the contested Fiume question. The Slavs in this country can not help sympathizing with Jugo-Slavia as against the Italians. The Greeks in this country can not help sympathizing with Greece as against the Turks. The Armenians in this country can not help sympathizing with the Armenians and the Kurds in that question as against the Turks.

Mr. WADSWORTH. Against the Kurds?

Mr. BRANDEGEE. The Kurds and Armenians have been hostile; but they have just made an alliance, as I understand, against the Turks. It may be that their friends in this country can shift fast enough to keep up with the kaleidoscope.

Those questions will be vital to large delegations of our population in this country and will be the cause of endless internecine trouble here at the polls which control our political conventions and nominations and our elections.

Now, the President has said in many of his speeches on his western tour that there is no use of America entering this league unless it did so heartily and freely and with enthusiasm. If that is so, imagine of what use or aid we will be to this international combination if, instead of going into it freely, we are dragged in against the vehement protest of nearly half or possibly a great majority in the United States.

It is so now that the President is asking for a solemn referendum of the American Nation as to whether we will join this combination or not. Suppose we are dragged in by a mere majority, with what enthusiasm is the other half of the country going to cooperate with these foreign powers? How is the President to direct our delegate to vote on things with half of our own Nation repudiating those decisions and views and demanding the immediate retirement of this country from the league? Does anybody claim that a league based upon that sort of cooperation and enthusiasm will stabilize the world? In my view it would add additional elements of instability, which would make confusion worse confounded to drag this country in against its will or with only half of the people in favor of it.

Mr. KNOX. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BRANDEGEE. Certainly.

Mr. KNOX. Does the Senator not believe that it would make a perpetual issue in American politics until the obligation was definitely and finally assumed or definitely and finally repudiated?

Mr. BRANDEGEE. Most certainly it would, Mr. President; not only would it make it, but it has made it. The issue is now in American politics. Everyone in the Senate, and everyone through the country, every reader of a newspaper, knows that the issue is now in politics, that the great national conventions which assemble within three months are going to have a plank in their platforms which may be the preponderating, leading, dominating issue of the campaign, as to whether they want to join this League of Nations or not, and if they do, upon what conditions. The question now is about how to state the issue.

Mr. THOMAS. Mr. President, does the Senator believe that it will be the issue as submitted to the people in the platforms of the two great parties, whether we want to join the league or not? Will it not rather be whether there shall be a joinder of the league by unconditional ratification, or an acceptance of it with reservations? As far as I am able to judge the trend of what may be called partisan political sentiment, if there is such a thing, it tends in that direction, leaving the question of the rejection of the league to be determined in some other manner.

Mr. BRANDEGEE. The Senator asks me what I believe about it, and how I believe the issue will be made and stated. I say I am not wise enough to tell now, before any delegate is chosen for either convention, or even to the State conventions which are to choose them for the national conventions, how they will state it or frame it up, after they spar for political position long enough.

Whether the Democratic Party, if the President can shape its policies, will want a plank in the Democratic national platform appealing to the country to put us into the league on the naked

unamended treaty as he brought it from Europe and make that the issue, I do not know. Whether the Republican Party will be content with stating in its platform that it is opposed to joining any League of Nations, unless the rights of America are properly protected and preserved, I can not yet tell. Whether the issue as finally framed, by the two great parties at least, will be joining the league with the Lodge reservations or with the reservations proposed by the Senator from Nebraska [Mr. HITCHCOCK], I can not tell.

But whatever the political conventions may formulate as their planks about the treaty, whatever they may say about mild, strong, or medium reservations, the issue in the minds of the people as the campaign progresses, and the result of the election, is sure to be determined by this test, Shall we put this country into the league or keep it out? They can frame their planks and apply them with different interpretations to different parts of the country, but the American people will determine this question upon the fundamental, broad issue, which they can understand, as to whether they really want to put them and their descendants into this international combination, to be controlled by foreigners, or whether they want to keep us out of it. That will be the issue.

When we went into the war with Germany we went in under our own free will. We should preserve this Nation, in my opinion, free and untrammeled, to take such part in any international crisis as the Government—and by Government I mean the whole of it, the President and Congress both—may, when the emergency arises, think best for the country. It should keep itself in such a position that if it must go to war, it may go to war in behalf of such peoples and principles as it itself may decide on at the time, and not permit itself, in advance, to be dragged into a foreign war upon the side or upon the conditions determined by an international foreign council, sitting in secret, upon which we have only one vote.

Mr. President, I know the Senator from South Dakota [Mr. STERLING] desires to proceed with his bill, the unfinished business, so I withhold any further remarks that I may have to make.

CIVIL-SERVICE RETIREMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Montana [Mr. MYERS].

[Mr. MYERS addressed the Senate, and before concluding yielded the floor for the day.]

RATIFICATION OF SUFFRAGE AMENDMENT BY WEST VIRGINIA.

Mr. SUTHERLAND. Mr. President, it gives me pleasure to announce, although the Members of the Senate are probably already aware of the fact from reports in the public prints, that the State of West Virginia has ratified the suffrage amendment to the Constitution, making 34 States that have thus adopted it, of which 29 are Republican States.

The contest in West Virginia has been long and hard fought, and the scene at Charleston has been an exceedingly busy one while the contending forces there were fighting. It seems to be inseparable from such hard-fought battles that there should be charges and countercharges made as to the means adopted to bring about certain results. I hold in my hand a telegram which I have received, signed by 14 members of the State Senate who voted against the suffrage amendment, stating that certain charges had been made in the public prints to the effect that their votes had been, perhaps, improperly influenced by the liquor interests or others who might be concerned in defeating the amendment. The 14 State senators who signed the telegram are Wallace B. Gribble, A. E. Scheer, Gohen C. Arnold, C. C. Coalter, Floyd S. Chapman, John W. Luther, W. M. York, Elmer Hough, Carl Hunter, W. F. Burgess, Joseph S. Lewis, and G. B. Harmon.

I wish to say that no one in the State of West Virginia who knows the high character of the 14 men will give any credence whatsoever to the charges which have been made. Although I differed with them on this question and urged them to vote for the suffrage amendment, yet they are men of the very highest standing and integrity, and I do not believe that anyone who knows them in their homes would think for a moment that any one of them could be improperly influenced. They voted as they did because they thought their position was the correct one, and because they believed their constituents at a recent election had voted against the suffrage proposal, and they thought that expression of opinion should hold as against the adoption of the Federal suffrage amendment.

I merely desire to make this brief statement in order to assure those who may have seen the newspaper reports that they are, in my judgment, absolutely without foundation so far as they affect the 14 able senators whose names I have given and any other officials of the State of West Virginia.

EXECUTIVE SESSION.

Mr. STERLING. I understand that a brief executive session is desired. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. STERLING. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 12, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 11, 1920.

FEDERAL FARM LOAN BOARD.

William H. Joyce, of Berkeley, Calif., to be a member of the Federal Farm Loan Board, to serve out the unexpired term of George W. Norris, resigned.

RECEIVER OF PUBLIC MONEYS.

Andrew J. Foster, of Oregon, to be receiver of public moneys at Lakeview, Oreg., his present term expiring April 19, 1920. (Reappointment.)

PUBLIC HEALTH SERVICE.

Former Surg. Gen. Rupert Blue to be Assistant Surgeon General at large in the Public Health Service, to take effect March 9, 1920. (New office created by the sundry civil act approved July 11, 1919.)

Senior Surg. Joseph H. White to be Assistant Surgeon General at large in the Public Health Service, to take effect March 10, 1920. (New office created by the sundry civil act approved July 11, 1919.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 11, 1920.

DEPUTY COMMISSIONER OF PENSIONS.

Frank D. Byington to be Deputy Commissioner of Pensions.

UNITED STATES ATTORNEY.

H. A. Sawyer to be United States attorney, eastern district of Wisconsin.

UNITED STATES MARSHAL.

Joseph L. Asbridge to be United States marshal, district of Montana.

APPOINTMENTS AND PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Herbert Deakyne to be colonel.
Spencer Cosby to be colonel.
George B. Pillsbury to be lieutenant colonel.
Gustave R. Lukesh to be lieutenant colonel.

COAST ARTILLERY CORPS.

Harry L. Steele to be lieutenant colonel.

To be captains.

Gordon deL. Carrington.
James Q. Rood.
Fred G. French.
James L. Hatcher.
Ira B. Hill.
Berthold Vogel.
Odes T. Pogue.

CAVALRY ARM.

Gibbes Lykes to be first lieutenant.

ORDNANCE DEPARTMENT.

John H. Rice to be colonel.

CAVALRY ARM.

Edwin B. Winans to be colonel.
William T. Johnston to be colonel.
Le Roy Eltinge to be lieutenant colonel.

FIELD ARTILLERY ARM.

Ernest D. Scott to be colonel.
Lucius R. Holbrook to be colonel.
James P. Robinson to be lieutenant colonel.
Harold W. Huntley to be major.
Ralph McT. Pennell to be major.

COAST ARTILLERY CORPS.

Joseph L. Knowlton to be colonel.
Thomas F. Dwyer to be lieutenant colonel.

INFANTRY.

George H. Shelton to be lieutenant colonel.
Isaac Newell to be lieutenant colonel.
Frank C. Burnett to be major.

PORTO RICO REGIMENT OF INFANTRY.

Victor E. Domenech to be first lieutenant.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be rear admiral.

William R. Shoemaker.

To be captains.

John T. Tompkins.
Hutch I. Cone.
Ernest L. Bennett.
Franklin D. Karns.
John V. Klemann.
William H. Standley.
Frank B. Freyer.
Carlos Bean.
Roscoe C. Davis.

To be commanders.

Victor S. Houston.
Merlyn G. Cook.
Lewis Coxe.
William H. Allen.
Jesse B. Gay.
John V. Babcock.
James O. Richardson.
Lewis B. Porterfield.
David A. Weaver.
Frederick R. Naile.
John P. Jackson.
Theodore A. Kittinger.
Joseph L. Hileman.
William W. Galbraith.
Rufus F. Zogbaum, jr.
George J. Meyers.
Adolphus Staton.
Neil E. Nichols.
Charles W. Early.
John F. Green.
Edward C. S. Parker.
William D. Puleston.
Earl P. Finney.

To be lieutenant commanders.

George W. Simpson.
Elmo H. Williams.
Noel Davis.
Carl H. Jones.
John A. Monroe.
Randall Jacobs.
Ralph C. Needham.
John H. Hoover.
George W. Kenyon.
William S. Farber.
Baxter H. Bruce.
Elmer W. Tod.
Robert T. S. Lowell.
Irving H. Mayfield.
Raymond F. Frellsen.
John M. Schelling.
Harry J. Abbett.
Thomas A. Symington.
William F. Amsden.
Charles C. Windsor.
Alexander M. Charlton.
Kirkwood H. Donavin.

To be lieutenants.

Jefferson D. Smith.
Lloyd R. Gray.
Henry M. Briggs.
Walter E. Doyle.
Paul Hendren.
Thomas G. Berrien.
Stuart E. Bray.
Valentine Wood.

To be lieutenants (junior grade).

John J. Mahoney.
Paul W. Rutledge.
Knefler McGinnis.

To be medical directors.

Granville L. Angeny.
Edgar Thompson.

To be medical inspectors.

Ausey H. Robnett.
Spencer L. Higgins.
Harry R. Hermesch.
Henry A. May.
Norman T. McLean.

To be assistant surgeons.

Wendell P. Blake.
Philip B. Becker.
James B. Moloney.

To be professor of mathematics.

William S. Eichelberger.

To be pay inspectors.

Frederick B. Colby.
Edward E. Goodhue.

To be naval constructors.

Ernest F. Eggert.
Andrew W. Carmichael.
Thomas B. Richey.
Henry E. Rossell.
James L. Ackerson.

To be chief boatswains.

David F. Mead.
John H. MacDonald.
Nathan E. Cook.

To be chief machinists.

Charles W. Wagner.
William W. Holton.
Max Bayer.
George F. Veth.
Charles J. Naprstek.
William S. Evans.

To be assistant paymaster in the Marine Corps.

William G. Powell.

To be lieutenant colonel in the Marine Corps.

Berton W. Sibley.

To be majors in the Marine Corps.

Francis T. Evans.
Charles G. Sinclair.

POSTMASTERS.

MONTANA.

Thomas W. McKenzie, Havre.

NEW YORK.

Leon Pralatowski, Cold Spring.

VIRGINIA.

Mary Ruth White, Vinton.

WASHINGTON.

Mabel G. Lamm, Burlington.
Garrett R. Patterson, Malden.
Kathryn Fenton, Orting.
Ethel M. DeLong, St. John.
Rose M. Illy, Uniontown.
Julia Estes, White Salmon.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 11, 1920.

UNITED STATES SHIPPING BOARD.

Louis Titus to be a member of the United States Shipping Board.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 11, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Come, Thou Almighty Spirit, with all Thy quickening power, and kindle within these hearts of ours a flame of sacred fire; that our thoughts and acts may be in consonance with our highest conceptions of right and truth, justice and mercy, love and good will; that at the close of this day we may lie down with a pure conscience, sleep soundly, and awake refreshed for the duties of the morrow. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION OF MR. WALSH AS SPEAKER PRO TEMPORE.

Mr. GARD. Mr. Speaker, I make the point of order there is no quorum present.

Mr. MANN of Illinois. Will the gentleman from Ohio withhold that for a moment?

Mr. GARD. I will.

Mr. MANN of Illinois. Mr. Speaker, I offer a privileged resolution.

The SPEAKER pro tempore. The gentleman from Illinois offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk notify the Senate and the President of the United States that the Speaker has designated Hon. JOSEPH WALSH, a Representative from the State of Massachusetts, as Speaker pro tempore for a period not exceeding 10 legislative days, and that the said designation is approved by the House.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair having been designated as Speaker pro tempore, he will ask the gentleman from Illinois [Mr. CANNON] to administer the oath of office.

The oath of office as Speaker pro tempore was administered to Mr. WALSH by Mr. CANNON.

REFERENCE OF H. R. 10835—COMPENSATION OF OFFICERS.

Mr. STEVENSON. Mr. Speaker, I desire to propound a parliamentary inquiry concerning a bill that has gotten into the wrong place by reference. The bill H. R. 10835, to fix compensation of officers of the National Army who incurred disability while in the service, was introduced on the 3d of December and referred to the Committee on Military Affairs. That committee held it until the 28th of February, when by action of this House, by unanimous consent, it was referred to the Committee on Interstate and Foreign Commerce, the Speaker stating that was the proper place for it, and the gentleman from Wyoming [Mr. MONDELL], the leader, saying that this bill clearly belonged to the Committee on Interstate and Foreign Commerce. I had always thought it did, and therefore made no objection. On the 3d of March, it appears by the RECORD, without having been brought back in here or any question made of it in the House, it was referred again to the Committee on Ways and Means, as I ascertained a day or two ago. I asked the Speaker about it, and he said it was done on the theory that it involved large expenditures, and that it was his recollection that it had been rereferred. On looking at the RECORD, I found that it was so. Now, the officers who are interested in the matter asked for a hearing, and the Committee on Ways and Means writes:

The committee at this time is holding hearings with respect to soldiers' adjusted compensation, and the belief has been expressed that the bill to which you refer concerns a military policy which properly belongs to the Military Affairs Committee, and should not have been rereferred to this committee in connection with the bonus matter.

Now, in order that the Speaker may understand what it is, I will read just a few lines of the bill:

That any officer who has served in the military forces of the United States during the war with Germany, and who does not belong to the Regular Army, and who incurred disabilities while in the service during the said war, shall be entitled to the same compensation as like officers of the Regular Army receive on being retired for an equal disability.

That is the bill. The resolution whereby these bonus matters were referred to the Committee on Ways and Means is as follows:

Resolved, That for the remainder of the second session of the Sixty-sixth Congress all proposed legislation relating to those who served in the World War (other than those of the Regular Establishment), excepting, however, legislation based on and relating to disability incurred in the service, shall be referred to the Committee on Ways and Means.

And so on. Now, that absolutely excluded this bill, and it was so held on the 28th, the day after that resolution was passed.

I want to know, in the first place, whether they can refer a bill again without bringing it back into the House. I understand that Rule XXII, section 3, provides:

All bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the House without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

Now, this bill evidently does not belong to the Ways and Means Committee, but that is not a question which I can take up under the parliamentary inquiry, I take it. It can not, as I understand it, be rereferred without coming back into the House and having action taken here, and it has been so. We have been hung up since the 3d of December on questions of jurisdiction; now we are hung up again on questions of jurisdiction, and I desire a ruling of the Chair as to whether that bill is now, accepting the statement I have made—and he can verify that by looking at the RECORD—before the Ways and Means Committee or before the Committee on Interstate and Foreign Commerce.

Mr. MANN of Illinois. Mr. Speaker, when the reference of that bill was changed to the Committee on Interstate and Foreign Commerce in the House, the Speaker then stated to the House that if the Committee on Interstate and Foreign Commerce was not the proper committee, and that under the resolution it should have gone to the Ways and Means Committee, he would still have the power to retransfer it to the Ways and Means Committee under the special order of the House. I do not know where it belongs. Very likely it belongs to the Committee on Interstate and Foreign Commerce. If so, it can be transferred there, but I think under the rule that was adopted and the construction that was placed upon it by the Speaker when this transfer was made to the Committee on Interstate and Foreign Commerce—a proper construction, it seems to me—he did have the power to rerefer it to the Committee on Ways and Means if he thought it belonged there under the resolution of the House. He may have been mistaken as to where the proper reference should be made, because I apprehend he himself did not examine very carefully all of these bills that he transferred to the Ways and Means Committee.

Mr. GREENE of Vermont. Mr. Speaker, I think if anyone will examine the bill to which the gentleman from South Carolina alludes now, he will find it is simply to establish a new rate of compensation for a special class under the terms of the war-risk insurance act. Its substance is an amendment to the war-risk insurance act in the sense that for a certain class of people already covered by the war-risk insurance act it now provides a higher rate of compensation.

Mr. STEVENSON. Mr. Speaker, I agree with that contention entirely. I took that position when the bill was introduced, and I called the attention of the parliamentarian and the Speaker both to that, but they thought it belonged to the Committee on Military Affairs and sent it there. After three months that view was concurred in.

I desire to direct the attention of the Chair to what occurred when rereference was made. In the first place, I want to call attention again to the fact that it is expressly excluded from the terms of the resolution conferring jurisdiction on the Committee on Ways and Means excepting legislation based on and relating to disability incurred in the service. This is a bill which provides for nothing else except a certain rate of compensation for disability incurred absolutely in the service.

Now, what occurred? Mr. CLARK of Missouri asked, "What was the request?" The Speaker said:

It is to rerefer the bill from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. ESCH. Mr. Speaker, it seems to me that the bill would more properly go to the Committee on Ways and Means under the resolution adopted the other day.

The SPEAKER. The Chair thinks not.

Mr. ESCH. It is a bill that involves very large expenditures.

The SPEAKER. The Chair will have authority to so refer it, if the gentleman's suggestion is correct; but at first blush the Chair thinks that that is not so.

Now, as to that statement, I do not understand that the Chair, by saying that it will have the authority to do something, can proceed to destroy a rule of the House and do that thing in a way not provided for by the rules of the House, and thus sweep away the safeguards that the Members have here, and I do not think the Chair intended that. But, anyway, it has been done. Then it goes on:

Mr. GARNER. This refers to officers and men who were in the service?

Mr. KAHN. It gives them increased compensation.

Mr. GARNER. Under the war-risk insurance act, and applies only to those who were wounded in the service?

Mr. KAHN. Exactly.

Mr. GARNER. If I understood the gentleman from Wyoming [Mr. MONDELL], he stated that the purpose of his resolution was to take from the Interstate and Foreign Commerce Committee only such mat-

ters that were general in their nature and which did not refer specifically to those who were wounded or who suffered injury in the service.

Mr. MONDELL. This bill belongs clearly to the Interstate and Foreign Commerce Committee.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. MANN of Illinois. Does this increase war-risk compensation or increase the salaries of men on the retired list?

Mr. KAHN. It does not affect anyone on the retired list. These men were in the service and go out of the service as soon as they are honorably discharged. They are no longer connected with the service.

Mr. MANN of Illinois. Does it increase the pay while they are in the service?

Mr. KAHN. No.

The SPEAKER. Is there objection?

There was no objection.

Now, under that state of facts, without going back to the House or anybody hearing about it, it is rereferred to the Committee on Ways and Means, and I submit that it is not competent.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. STEVENSON. Yes, sir.

Mr. BANKHEAD. The gentleman, as I understand it, takes the position that this bill should be referred to the Committee on Interstate and Foreign Commerce?

Mr. STEVENSON. I take the position that it belongs there, and that it is there, and that there is no power to take it away from there, unless it comes under this resolution, and this resolution expressly excludes that bill. That is my position about it, and I desire the ruling of the Chair, so that we will know where to find the bill.

Mr. MANN of Illinois. The bill has been referred.

The SPEAKER pro tempore. The Chair will state that the bill has been referred to the Committee on Ways and Means, and from the statement of the gentleman from South Carolina [Mr. STEVENSON] it is clear to the Chair that that rereference was made under the resolution adopted by the House, and if the reference is erroneous it can only be corrected by action of the House.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent that it be rereferred to the Committee on Interstate and Foreign Commerce, where it plainly belongs.

The SPEAKER pro tempore. Will the gentleman state the number of the measure?

Mr. STEVENSON. It is H. R. No. 10835.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that House bill No. 10835 be rereferred to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I hope there will be no objection, because this bill clearly belongs to the Committee on Interstate and Foreign Commerce, and if it was rereferred to the Committee on Ways and Means it must have been through inadvertence.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the bill is so rereferred.

NO QUORUM—CALL OF THE HOUSE.

Mr. GARD. Mr. Speaker, I renew the point of order that I made, that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Ohio makes the point of order that there is no quorum present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dooling	Hull, Tenn.	Moore, Ohio
Benson	Eagle	Husted	Morin
Black	Edmonds	Ireland	Neely
Bland, Va.	Ellsworth	Kelley, Mich.	Newton, Mo.
Booher	Ferris	Kelly, Pa.	Nichols, Mich.
Britten	Fields	Kendall	O'Connell
Browne	Focht	Kennedy, Iowa	O'Connor
Browning	Fordney	Kennedy, R. I.	Oldfield
Burdick	Frear	Kraus	Osborne
Burke	Gallivan	Kreider	Padgett
Burroughs	Good	Layton	Parker
Butler	Goodall	Lea, Calif.	Porter
Campbell, Kans.	Goodwin, Ark.	Lee, Ga.	Pou
Carew	Gould	Linthicum	Purnell
Carter	Graham, Pa.	Longworth	Rainey, Ala.
Chindblom	Green, Iowa	Lufkin	Rainey, H. T.
Christopherson	Greene, Mass.	McAndrews	Rainey, J. W.
Clark, Fla.	Hamill	McCulloch	Reed, W. Va.
Classon	Hamilton	McDuffie	Rhodes
Collier	Hastings	McFadden	Riordan
Cooper	Haugen	McKinley, Ill.	Rowan
Copley	Hawley	McLaughlin, Mich.	Rubey
Costello	Hayden	MacGregor	Sabath
Cramton	Heflin	Maher	Schall
Crisp	Hill	Major	Scully
Curry, Calif.	Holland	Mann, S. C.	Sells
Davey	Howard	Martin	Siegel
Dewalt	Huddleston	Mason	Slemp
Dickinson, Mo.	Hudspeth	Mooney	Smith, Mich.
Smith, N. Y.	Tague	Venable	Whaley
Steagall	Taylor, Colo.	Voigt	Williams
Steele	Taylor, Tenn.	Walters	Wilson, Ill.
Stephens, Ohio	Timberlake	Ward	Winslow
Sullivan	Tinkham	Weaver	Young, N. Dak.
Sumners, Tex.	Vare	Webster	Young, Tex.

The SPEAKER pro tempore. Two hundred and eighty-six Members are present, a quorum.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

CORRECTION OF A ROLL CALL.

Mr. RAKER. Mr. Speaker, on roll call No. 26, on January 9, I was present and answered to my name. I ask that the RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. The gentleman asks to correct the RECORD and Journal of January 9. Is there objection?

Mr. MANN of Illinois. Mr. Speaker, reserving the right to object, I doubt whether it is possible to correct the RECORD of January 9 without reprinting the RECORD of that date. The permanent RECORD is usually printed before the expiration of two months.

Mr. RAKER. I was present and answered to my name on that roll call, and did not notice that I was recorded as not answering until I looked over the RECORD on another matter. I think the RECORD should be corrected, showing that I was present.

Mr. MANN of Illinois. Of course, the gentleman has his statement in the RECORD, and I have no objection to the order being made to correct the RECORD if it does not mean that it has to be reprinted.

Mr. RAKER. Not at all.

Mr. MANN of Illinois. The gentleman does not know whether it will require reprinting or not.

The SPEAKER pro tempore. Is there objection to the correction of the RECORD indicated by the gentleman, provided it does not involve reprinting?

There was no objection.

LEAVE TO PRINT.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to publish in the RECORD the address of Gen. Pershing, delivered before the Southern Commercial Congress at Savannah. I may add that while Gen. Pershing delivered many strong addresses on his late tour through the Nation, this, his first utterance, was a prepared address, and perhaps his most notable message during his whole tour that was a succession of deserved ovations. Delivered to 5,000 people in beautiful Savannah, the greatest seaport south of New York, and speaking under the auspices of the great patriotic organization that has done so much in building "a greater Nation through a greater South," this masterful address by the beloved commander in chief of our victorious armies reveals the genius of a great general and the wisdom of a great statesman.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting an address delivered by Gen. Pershing at Savannah, Ga. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks made by me at a gathering of my college class at the Yale Club in New York on Friday evening of last week.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to extend in the RECORD some remarks made by him at a meeting of his class at the Yale Club in New York last week. Is there objection?

Mr. GARD. Reserving the right to object, on what subject?

Mr. TILSON. On some of the issues of the day, with incidental reference to Congress collectively and Members of Congress individually.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ARMY REORGANIZATION.

On motion of Mr. KAHN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June, 1916, with Mr. TILSON in the chair.

Mr. KAHN. Mr. Chairman, I wish to state that all committee amendments to this section were acted upon yesterday, and, of course, the section is now open to any other amendment.

Mr. DENT. Mr. Chairman, I offer a substitute for section 5.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DENT moves to strike out all the language beginning with line 1, page 10, down to and including the word "procurement" in line 2, page 15, and insert the following:

"SEC. 5. General Staff. The General Staff shall consist of the War Department General Staff and the general staff with troops. The War Department General Staff shall consist of 1 Chief of Staff, detailed in time of peace from major generals of the line, and 2 assistants to the Chief of Staff selected by the President, one of whom shall be president of the General Staff College; 3 colonels; 4 lieutenant colonels; 11 majors; and 22 captains, all to be detailed from corresponding grades in the Army. The general staff with troops shall consist of 7 colonels, 8 lieutenant colonels, 27 majors, and 54 captains, all to be detailed from corresponding grades in the Army. In time of peace the detail of an officer as a member of the General Staff shall be for a period of four years, unless sooner relieved.

"The duties of the War Department General Staff shall be to prepare plans for the national defense and for the mobilization of the military forces, to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations, and to render professional aid and assistance to the Secretary of War.

"The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers under whom they serve in preparing detailed instructions for the execution of the plans of the commanding generals and in supervising the execution of such instructions.

"The Chief of the War Department General Staff, under the direction of the President or the Secretary of War, shall cause the preparation by such staff of the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, and demobilizing of the Army for its use in the national defense. He shall keep the Secretary of War informed of all plans prepared by the War Department General Staff. In case any recommendations for legislation for the national defense or for the reorganization of the Army or for any other requirements of the Military Establishment are presented by the Secretary of War to Congress or to one of the committees of Congress such recommendations shall be accompanied by a statement from the appropriate division of the War Department General Staff, together with such pertinent comments for and against the plan as may be made by the Secretary of War, the Chief of the War Department General Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared.

"Hereafter members of the General Staff shall be confined strictly to the discharge of duties of the general nature specified for them in this section and in the act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department or that being assumed are engaged in by members of the General Staff would involve impairment of the responsibility or initiative of such bureaus or offices or would cause injurious or unnecessary duplication of or delay in the work hereof.

"When plans prepared by the War Department General Staff shall have been approved by the President, acting through the Secretary of War, the general of the armies of the United States shall supervise their execution and shall coordinate the work of the Military Establishment during such execution. Should there be no general of the armies of the United States, a major general of the line on active duty selected by the President shall be designated the commanding general of the Army and shall be the executive head through which Army plans are executed. General Staff officers serving with the executive head of the Army shall be considered as serving with troops.

"SEC. 5. That said act be, and the same is hereby, amended by adding after section 5 a new section, to be numbered 5a:

"'SEC. 5a. Military supplies and munitions of all kinds furnished by the War Department shall be supplied as follows:

"'The War Department General Staff, acting under direction of the Secretary of War, shall prescribe the types and quantities required and the dates by which the various articles should be available. The Assistant Secretary of War, acting under the direction of the Secretary of War, shall receive and revise this program and shall have general supervision and control of the work of the several staff services and bureaus of the War Department in the procurement and delivery to storage of the required supplies and munitions. The chief of each staff service shall report directly to the Assistant Secretary of War on all questions relating to the procurement and delivery to storage of the military supplies and munitions for which such chief is by law or regulation responsible. In all other military matters the chief of each staff service shall report to the commanding general of the Army. Subject to the general supervision and control of the Assistant Secretary of War in the procurement, delivery to storage of supplies and munitions, and of the commanding general of the Army in other matters, each staff service shall perform all functions and direct all activities connected with the design, purchase, production, inspection, and delivery to storage of the supplies or munitions assigned to it by law or regulations, and shall operate those facilities pertaining to the War Department which are required for such activities.'"

Mr. DENT. Mr. Chairman, I consider this a very important feature of this bill, relating as it does to the General Staff, its duties and functions, and the number of General Staff officers to be resident within the District of Columbia.

I have undertaken by this amendment to reproduce practically the language of the national defense act of June 3, 1916, and the act of February 3, 1903, creating the General Staff and defining its functions, powers, and duties. Under this amendment, and, I think, perhaps under the original bill, the idea is intended to be carried into effect that the General Staff will absolutely be deprived of any administrative functions whatsoever. It will be limited solely and exclusively to planning and devising for the Army, without intrenching upon the jurisdiction of the different bureaus and departments of the War Department.

Under the national defense act it was provided that the General Staff should be composed of 57 officers, not exceeding one-half of whom should at any one time reside within the District of Columbia. That gave to the General Staff about 27 officers resident within the District of Columbia. As I stated, I believe, on day before yesterday, it was testified to by Gen. March before the House Military Affairs Committee that never at any time did the General Staff have in Washington exceeding 19 members, so that the General Staff never really exercised the right to utilize the total number of officers who were authorized by the national defense act of June 3, 1916.

Under this amendment I have increased the allowance of the General Staff here in Washington up to 40 officers. I believe that 40 officers are entirely sufficient for the purposes that the General Staff is limited to by this amendment and by the general principles of the bill reported by the Committee on Military Affairs. The General Staff is divided, so we have been told, into different committees for the purpose of studying plans for the Army. One is an administrative division, one is an intelligence division, one is for war plans and operations, and another the supplies and training division. It is divided, in other words, into four committees, and with 40 officers, that would give 10 officers for each division to study the subject.

Now, Mr. Chairman, a good deal of criticism has been heard that the War Department was not prepared; that when war was declared we fell down because our preparations were lacking in supplies, in equipment, in training, and the organization of the Army. If we were wrong in these particulars, whose fault was it? It was the fault of that branch of the Army charged with the duty of making these plans and preparations and having them ready.

Now, I call the attention of the committee to the fact that the *Lusitania* was sunk in May, 1915; that we never declared war until April, 1917, nearly two years after the *Lusitania* had been torpedoed.

The President carried on diplomatic negotiations with Germany on account of the torpedoed ship, and yet the German Government continued to carry on the submarine warfare. Everybody in this country knew that with the continued submarine warfare carried on by Germany, sooner or later, out of self-respect, the Government would have to declare war.

For two years the General Staff was put on notice that there was a likelihood of a war with Germany. They had two years to plan and advise, and yet when we declared war we were told that there were no preparations and no plans. So I say that if anybody is to be criticized because of a lack of preparation, it is due to the fact that the General Staff did not exercise the functions for which it was created.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Certainly.

Mr. KAHN. My colleague, of course, remembers that the national defense act, which created the new organization of the General Staff, was only passed about seven months before our difficulty with Germany began.

Mr. DENT. The national defense act was passed June 3, 1916. The national defense act simply carried, as the gentleman from California well knows, substantially the provisions of the act of February 3, 1903, creating the General Staff; so the General Staff has been in operation ever since it was created in 1903.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WOOD of Indiana. Mr. Chairman, I had prepared an amendment to this section substantially like the amendment offered by the gentleman from Alabama, limiting the General Staff here at Washington and also the General Staff in the field. I think this is the most important item in this bill. Paraphrasing an old statement, familiar to all of us, this bill is of the General Staff, for the General Staff, and it is by the General Staff. It was prepared by the General Staff.

The bill that came from the Senate was prepared by the General Staff, and while it is true they attempt to curtail the active operations of the General Staff in one provision of this section, they absolutely have given it all the power they now have in another clause in the section.

It was attempted yesterday by amendment offered by the gentleman from Illinois to relieve this bill of that situation, and it did in some little measure, but it has not corrected the defect entirely.

The General Staff is so jealous of its jurisdiction that you can depend upon it that every time you permit a General Staff officer to write an Army bill he is going to take care of the interests of the General Staff. Under one section of this bill, page 14, there is a provision that they shall not interfere with the administrative affairs of the different bureaus in the War Department; while on page 12 in this same section they provide, in describing the duties of the General Staff and the functions they can render, that—

To render professional aid and assistance to the Secretary of War and the Chief of Staff, and to act as their agents in harmonizing the duties, plans, and operations of the branches and bureaus of the War

Department and of the Army, and to perform such other military duties not otherwise assigned by law as may from time to time be prescribed.

Under that provision, notwithstanding the fact that in another clause they have said that they shall not have anything to do with the administrative functions of the different bureaus, they can enter into any one of the bureaus and assert themselves, as they have been doing, to the detriment of the Army ever since we got into the war and long before.

They have not entered into a single bureau of the War Department and meddled with the administrative affairs but what they have done is to the detriment of the bureau. They are not content with discharging the duties for which they were created—to advise the Department of War with reference to war matters—but they have insistently and persistently, in season and out of season, intruded with reference to the administration of ordinary operations to the detriment of every bureau.

It is the purpose of this measure to take this power away from them, and I think that the committee was honest in endeavoring to do that thing, but if there is a man here that will read the section from beginning to end, discover the jokers in it, of which I have pointed out one, he will find that they have not relieved them of a single bit of power.

Either this amendment or some other amendment that will make this so plain that anybody who reads it may know that the purpose of this Congress has been carried out by this bill must be adopted or we will be derelict of duty not only to the Army but to the Government of the United States.

These gentlemen have not only during the war persisted in domineering and controlling the heads of the department by reason of the fact that they are the General Staff in the city of Washington, but likewise they have done it all over this country and all over Europe wherever we had an Army. Members of the General Staff have gone into different places in France during the war and since the war, and by reason alone of their being members of the General Staff have insisted on taking over the management, the domination of the administrative functions of different activities. They are doing it now, and they propose to continue to do it. It is perfectly patent that that is their purpose, and the amendment offered by the gentleman from Alabama [Mr. DENT] defines in language that is very plain that they shall not do this thing. You can not find a clause in it whereby they can arrogate to themselves the administrative authority which I think a great majority of this body wishes to take away from them.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KAHN. Mr. Chairman, the matter of the General Staff is probably as important a proposition as can come up in any military reorganization bill. At the time the Congress passed the national defense act it attempted to fix the number and define the status of the General Staff officers. Under the terms of that act only one-half of the number of General Staff officers could be stationed here in Washington. We have not had heretofore a General Staff with troops of our Army except during the war. Many of the officers of the General Staff before we got into the war were away from Washington with troops and were, in fact, performing General Staff duties with the troops. The war demonstrated the fact that we were woefully weak in the General Staff. The gentleman from Alabama [Mr. DENT] calls attention to the fact that a General Staff had been created as far back as 1903. That was a great innovation in our military policy, but the real definition of the work that the General Staff was supposed to carry out was placed in the legislation of June 3, 1916, known as the national defense act, which legislation went into effect but a few months before we entered the war. The gentleman complains that the General Staff made no preparations for war, although every man who read the news of the day and followed the trend of events would naturally realize that we would ultimately get into the war. Yet the President of the United States kept telling to the people of this country month after month, week after week, that he was opposed to war. He was elected for a second term on his platform of keeping us out of war. So I suppose if any of the General Staff officers had even attempted to make plans, he, as Commander in Chief, could have made it mighty unpleasant for that General Staff officer. Therefore I assume the gentleman from Alabama [Mr. DENT] is correct when he asserts we had no plans whatever in anticipation of getting into the World War. When Gen. Pershing went to Europe in June, 1917, the first thing that he was compelled to do was to find out what the American forces would have to do in order to secure a good General Staff. Accordingly he studied the staff systems of England and France. The number of General Staff officers was multiplied enormously in order to get a working staff in Europe alone.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. The General Staff, under Gen. Pershing's command in Europe, numbered several hundred officers, and in this country there was a great increase of officers doing General Staff duty.

At the time of the outbreak of the war we had in the General Staff an Intelligence Division. I think the total number of men in that division was something like three. We had to increase it enormously because of the espionage system established by the enemy in this country. In fact, the presence of numerous spies of the enemy in the United States compelled the War Department to increase materially the number of staff officers in that one bureau alone. The work done by the General Staff is all important. The committee believed that the General Staff should not interfere in the work of the procurement of supplies for the Army. That work under this bill is left entirely in certain departments or bureaus. The intention of the language, in my opinion, fixes that absolutely. The coordination of the various industries that will furnish supplies to the Army rests with the General Staff under the bill. They try to harmonize or coordinate the various industries of the country with the Army of the country, so that if we again get into war we will know just what we have in this country in the way of industries that can begin almost immediately the manufacture of all those numerous accessories for the Army of the United States that we will have to have to win the war. The General Staff will have to keep in touch with the food producers, so that the efforts of the latter can be enormously expanded in case of war. I believe personally in a large General Staff. I have here a table which shows the number of General Staff officers which the allied nations have as compared to the number in our Army under the proposed legislation. The table is very illuminating. I shall print it in the RECORD as a part of my remarks.

In the United States under this bill we have in the War Department 5 general officers in the General Staff and 88 additional officers. The General Staff with the troops under this bill is 100, so that we will have a total of 193 staff officers. In England they have 18 general officers in the war department general staff and 50 other officers.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, the general staff with troops in England numbers 164 officers, so that the total number of officers in the War Department and the General Staff with the troops in both countries is practically the same. In France the general officers of the war department general staff number 5, with 100 additional officers and 540 staff officers with the troops. The Italian Army is being reorganized at the present time, so that I have no figures from Italy. In Japan the general officers of the war department general staff are 9 and the other officers 213, the general staff with the troops 160, so that in the countries with which we were thrown into contact during the war we find that they all had a large general staff. Their staff corps are made up like ours. Men are detailed from the line of the army into the staff corps. They have to pass examinations after attending staff schools, just as this bill contemplates.

The Germans had a different system. They detailed men permanently in the general staff. The planning for the German Army became the life work of the men who were found adaptable for general staff duties. In this country, we have had practically no law which enabled men to be prepared for general staff work. One of the important features of this legislation now under consideration is a general staff school, so that men may be trained for general staff work.

That is an entirely new feature of our military law, and in my opinion it is an excellent feature. I hope that the amendment of the gentleman from Alabama will not pass.

The following statements show how officers are appointed to or detailed with the general staff of some of the allied armies:

BRITISH ARMY.

The "staff" of the British Army consists of the following: The "G" branch (general staff officers), the "A" branch (officers of the adjutant general's branch), and the "Q" branch (officers of the quartermaster general's branch).

Except for a few appointments which are granted due to experience gained from previous staff work in the field, officers are detailed to the "staff" of the British Army as follows: (Note.—Same for "G," "A," and "Q" branches.)

Regimental officers, usually (not below the rank of) captains, after having been specially recommended by the commanding officer and commanding general, are permitted to sit in a competitive staff-college examination. The scope of this examination is very broad and requires lengthy preparation. In addition there are admitted "by nomination" 10 students. These are selected from officers who have performed their duty in a conspicuous manner, and have the instinct for soldiering, and who have obtained a certain per cent of marks in the competitive examination.

Successful applicants are sent to the staff college, the course being for two years. Upon termination of the course, officers are confidentially reported upon—as to the suitability for the detail with the "G," "A," or "Q" branch of the staff. Having graduated, an officer may receive a staff appointment which is for four years, then being returned to his regiment for duty with troops pending another staff appointment. An officer might be appointed to the "G" branch after graduation from the staff college and then to the "Q" branch during another detail, but seldom in the reverse of this. The usual course is for an officer to be detailed with that branch for which he is confidentially reported upon at graduation.

FRENCH ARMY.

Officers are selected for the general staff as follows—captains and lieutenants usually being selected, but none are eligible who have had less than five years' service, two years of which has been in the line:

Officers volunteer and an examination is held yearly for entrance to the Ecole Superieure de Guerre (War College). The examination consists of one written and two oral examinations covering military history, general tactics, geography, topography, legislation, administration, German language, and equitation.

The course lasts two years. At the end of that time the students are given a final examination for what is known as the brevete d'etat major. (Rating of general staff officers being shown in the army list with a "B" after their names.) Those obtaining the distinction of brevete are then placed on probation for two years, doing duty with a staff (army, army corps, military government, place government—such as forts at Nancy, Toul, etc.)—division. During this probationary period they are detached for periods of instruction in a regiment of an arm other than their own for from one to three months at the time of the fall maneuvers or target practice.

After this two years' probationary period, if an officer's service has been satisfactory, he may be detailed to a staff (army, corps, division, etc.). However, an officer serving with the general staff must have served before he can be promoted (if promotion comes at the time he is on the staff) two years as a captain commanding a company, if he is captain; two years as a major commanding a battalion, if he is a major; and so on for lieutenant colonel and colonel.

JAPANESE ARMY.

To be eligible for selection for the general staff training course, officers must have had at least two years' duty with troops. Captains and lieutenants are the ones usually selected. While second lieutenants are eligible, they have never been known to be selected.

Candidates are first selected by their regimental commander. The division of which the regiment is a part holds, during April, a preliminary examination of all officers within the division. Those candidates who successfully pass the division examination in April are then again examined in November by a board of officers from the war college, those who are successful being admitted. They are, however, scrutinized by the chief of staff before final acceptance. About 100 prospective general staff officers are admitted each year, but only about 20 receive assignments at the end of the course. The course is for a period of three years. During the first two years of the three the officers serve part time with branches other than their own.

At the end of the third year they are finally examined and take part in a very extensive and comprehensive staff ride. The ability shown during this staff ride goes largely toward determining the final selection of those officers desired for the general staff. In their subsequent career newly appointed staff officers must serve numerous tours of duty with line troops, returning to duty with their former arm. Before every promotion they must have completed at least a year of troop duty.

ITALIAN ARMY.

Officers of the Italian Army to be eligible for the war college, which is the stepping stone to the general staff, must have had four years' service with troops as an officer of a combat arm.

Examination for entrance to the war college is competitive. Out of 250 to 300 applicants 60 students are selected. Of the 60, 48 must be from the cavalry and infantry, and the remainder, 12, from the artillery and engineers. Should there not be 60 students chosen, the chief of staff adjusts the proportion.

The school course is for three years. Between the first and second years and second and third years the student officers serve with troops of arms other than their own. At the same time examinations, which are very difficult, are given.

At the end of the third year only about 45 students out of the original 60 are graduated. These officers are then gazetted and are given certain privileges from captain to major.

Out of the 45 graduates of the war college, about 20 are chosen to follow a course to determine their further fitness for becoming general staff officers. They are sent to Rome for a course at the chief of staff command. They remain there six months, serving in the different branches of the general staff command, going through maneuvers on the ground with the troops of the Rome garrisons and performing certain map maneuvers. At the end of this six months they are sent to serve with the staff of an army corps or division (territorial commands in peace time) for another six months. At the end of that time the chief of staff of the unit under whom they served the last six months, and the other officers under whom they received their special general staff instruction during this last year, report on them to the chief of the general staff.

At a plenary session of the superior officers of the general staff command in Rome, presided over by the chief of the general staff, each student is discussed and a final selection made. The number selected is that which will meet the requirements of the service at the time. About 12 to 15 are finally selected. Thus only about 4 or 5 per cent of the original 300 candidates who applied for admission to the war college reach the desired position of general staff officers.

Graduates of the war college who are not selected for the final general staff course are given a special right to promotion from captain to major.

General staff officers who usually leave the final general staff course as captains must serve two years with troops before being promoted to major, two years as a major with troops before promotion to lieutenant colonel, and so on to colonel.

Just before the war a very difficult examination was held by which the officers who passed it could become general staff officers without going through the above-outlined procedure. The number passing was very small.

The belief is that officers trained as above for general staff work, while perhaps no more brilliant mentally than officers who do not go through such a course, receive technical training by going through the course which particularly fits them for such work.

United States staff strength under H. R. 12775 compared with that of foreign armies.

	United States.	England.	France.	Italy.	Japan.
General officers of the line	a 68	a 149	363	179	210
War Department, General Staff:					
General officers	b 5	b e 18	a 5	(a)	9
Officers	b 88	c 50	b 100	(a)	213
Per cent War Department, General Staff	.03	.02	.014	b .07	.09
General Staff with troops:					
General officers	0	(?)	0	(a)	(?)
Officers	c 100	d 164	a b 540	(a)	160
Per cent General Staff with troops	.033	.05	.08	(b)	.064
Adjutant General's Department:					
General officers	2	e 14	None.	None.	2
Officers	98	e 77	None.	None.	133
Per cent Adjutant General's Department	.033	.028	0	0	.054
Judge Advocate General:					
General officers	1	None.	0	e 4	1
Officers	99	None.	c 100	c 16	70
Per cent Judge Advocate General	.033	0	.014	.006	.03
Quartermaster Corps:					
General officers	4	f 16	37	1	11
Officers	1,046	1781	d 1,380	d 1,526	1,023
Per cent Quartermaster Corps	.35	.24	.2	.5	.4
Medical Department:					
General officers	3	11	e 26	4	a 14
Officers	d 2,237	g 1,122	f 2,152	e 1,089	a 1,395
Number of doctors per 1,000 troops	6.5	2.5	2	[1]3	2

[1] About.

NOTE.—Explanations referred to in small letters above will be found under each individual country in "Specific notes."

GENERAL NOTES.

The percentages given in the above table are based on the enlisted strength of the army concerned.

A comparison has been made between the United States Army as proposed in H. R. 12775 and the British Army. This comparison in reality should not be made, as the British staff organization, especially that of its general staff, is entirely different from the general staff organization of any other army. As a matter of fact, they have three branches, viz, the general staff branch, adjutant general's branch, and quartermaster general's branch, all of which perform actual general staff duties as viewed from the viewpoint of other armies.

However, as nearly as possible, comparison has been made with the hope that it may be of some assistance to the Military Committee.

SPECIFIC NOTES.

UNITED STATES.

(a) One major general, Chief of Staff; 1 major and 3 brigadier generals, assistants Chief of Staff.

(b) General officers not included in General Staff Corps are from generals of the line.

(c) Includes 24 General Staff officers for military attachés.

(d) Includes doctors, dentists, and medical administrative officers. Veterinary Corps not included, as a Veterinary Corps is not included in the medical corps of other armies.

ENGLAND.

Figures are of last known peace establishment. Post-war reorganization has not yet been effected in the British Army, but will be on about the scale of the figures shown.

(a) Figures given include field marshals, generals, lieutenant generals, and major generals. There are no permanent brigadiers in the British Army. They are obtained by detail as such from colonels and lieutenant colonels and are paid according to detail. Figures given include staff generals—practically impossible to separate from line generals.

(b) Figures include 5 generals above the grade of brigadier and 13 brigadier generals, general staff, the latter being a staff rating, officers filling same rank as brigadier generals, general staff, while holding detail.

(c) Includes 5 British officers serving at headquarters, Indian Army.

(d) Includes general staff officers with troops, at military and staff colleges, with Dominion commands as instructors, and other diverse duties.

(e) Figures shown include 8 general officers and 37 officers who combine the duties of adjutant general with those of quartermaster general in that they are performing administrative staff duties at different headquarters.

(f) Figures include 8 general officers and 37 officers who, as administrative staff officers, perform adjutant general duties at different headquarters as well as quartermaster duties.

The veterinary service of the British Army is under the quartermaster general, but as it is not so included in other armies, its personnel has not been included here.

(g) Forty-two of the officers shown are quartermaster officers, who perform administrative duties in the Medical Corps. They are actually part of the Royal Army Medical Corps.

FRANCE.

(a) The total allowance of general staff officers in the French Army is 640. The 5 general officers shown are not part of the staff, but are taken from the line for duty as chief of staff and his assistants.

(b) There are, in addition to the officers shown in (a), 203 administrative officers who perform administrative duties with the general staff. They are not general staff officers.

(c) There are no officers in the Judge Advocate's Department at the war ministry. The personnel is entirely civilian. There are throughout France 27 permanent military tribunals, to which are attached 54 officers, about one-half of whom are retired officers, the remainder being detailed temporarily from the line for such duty. There are included in the figures given 46 administrative officers, who hold assimilated rank.

(d) Figures given include 1,030 administrative officers who hold assimilated rank.

(e) Includes 1 general officer who is a pharmacist.

(f) Includes 118 pharmacists and 350 medical administrative officers.

ITALY.

The Italian Army is undergoing reorganization at the present time.

(a) Due to the conditions existing, the number of general staff officers at present is not known under the reorganization scheme.

(b) There were 155 general staff officers in the last peace lists, which give the percentage shown based on a strength of about 225,000.

(c) There are no officers in a permanent judge advocate general's department. Those shown are detailed for duty with fixed territorial tribunals.

(d) Figures shown include 964 administrative officers.

(e) Figures shown include 112 pharmacists.

JAPAN.

(a) Figures shown include 1 general and 133 officers who are pharmacists.

Mr. QUIN. Mr. Chairman, in reply to the gentleman from California [Mr. KAHN] I undertake to state to this House that when he endeavors to make you believe that there was no General Staff up until the time of this war he contradicts the statement of his own figures. The General Staff was first created in 1903. He insists that it is necessary to have 93 officers as provided in this bill to constitute that General Staff. The amendment offered by the gentleman from Alabama [Mr. DENT] provides for 40, and according to my judgment 40 officers in the General Staff are sufficient, and I believe 4 more than this country ought to have. According to the argument of the gentleman from California you can not have an efficient organization for any line of business or enterprise unless it is top heavy with office men, desk men, if you please. The truth of it is that the business sagacity of the United States of America has demonstrated for the past 30 years that for efficiency and for effective real accomplishment enterprises must get along with as few officers as possible. So it is with the Army of the United States so far as the General Staff is concerned. If we are going to have a great lot of 93 staff officers, we are going to have a top-heavy concern with some lines going in one direction and some going in another and disorder running everywhere. According to my deliberate judgment this amendment ought to be adopted and Gen. Pershing, ranking general of the United States Army, should be made the head of the General Staff.

My idea is that instead of going out over the United States and dragging officers to the city of Washington and making a great General Staff, that if you have a small number, competent and efficient under the law, with the right of all remaining in the city of Washington whenever the head sees proper to bring them here——

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I will yield.

Mr. KNUTSON. Would my friend support an amendment to abolish the General Staff?

Mr. QUIN. I do not think that we ought to abolish the General Staff any more than I think that we ought to abolish the head of any private enterprise. For instance, take the great industry known as the Steel Corporation of the United States. It is an efficient organization and the reason that it is efficient and able to get there is because they have a strong, great business head, and around that head they have a limited efficient number to advise him. For that reason a General Staff to plan and advise for the Army of the United States in peace times, or for that matter in war, should be a small number of men, strong and efficient. If you are going to have a great General Staff in numbers, gathered around indiscriminately, for planning and advising, you will have the same trouble you have always had.

You can not conceive of this country, if there had been only three men in the General Staff when the war came, being in a worse condition. These gentlemen did not have a great store arms. They did not have all the machine guns and the artillery that this country needed. They had a large number of officers in the General Staff, but the headwork was not properly done and will not be properly done in the future if you have 93 or 1,000. It will be more inefficient than if you have 40, the number suggested by the amendment offered by the gentleman from Alabama. We are not preparing, as I understand it, to get into any war, but we are simply preparing to have the United States Army with a proper General Staff in order to safeguard and plan for the Army and for the future in case we do get into war. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I appreciate the prejudice in the mind of the average man against what is known as the General Staff of the Army. It is a regrettable fact, and perhaps much of that prejudice is due to mistakes made by officers heretofore appointed to the General Staff. I say, and I speak to you in all sincerity, do not make a mistake. A general staff, and a general staff with troops, is the very foundation and bulwark of our Military Establishment. [Applause.] Do not fall into the error of believing that the functions of a general staff are not necessary. It was due to the fact that we did not have a large, able, efficient general staff when we got into this war that many mistakes were made, and another reason was due to the fact that civilians, dollar-a-day men, came into the city of Washington and pushed the General Staff of the Army off the map to a great extent. A general staff, gentlemen, simply means a general's staff. Old Frederick the Great, of Germany, realized that and was the first man to lay the foundation for a general staff. No man will say that Germany did not have a powerful military machine, but Germany laid the foundation first for a real general staff; and a general staff does not simply mean that they shall plan a few things here in the city of Washington, but it means that they shall plan the tactics and the plan of battle and all the things that go with it, so that if we get into war the general out yonder on the battle field will have men surrounding him who will hold up his hands and enable him to lead his men to victory.

Mr. MILLER. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. MILLER. I desire to call the gentleman's attention to the fact that within 30 days after this Great War came on the French general staff functioned completely and won the Battle of the Marne.

Mr. McKENZIE. Absolutely. That accounts to a great extent for the success of the French Army. Now, gentlemen, lay aside your prejudices for a moment. Are 90 men composing the General Staff of this great country too large a number, men taken from the line of the Army and detailed into the General Staff for four years, there to learn the lessons which are necessary in time of war? We have written into this bill a provision that no bonehead hereafter shall occupy a position on the General Staff. We provide that candidates for a position on the General Staff shall go through the school at Leavenworth, that they shall go through the staff college and then be appointed to positions on the General Staff. While I respect my friend from Alabama, while I love him as a man, I appeal to the men of this House to vote down his proposition; but if you feel that there is any danger left in this section that will enable the General Staff to step beyond the boundaries which we intend they shall keep within, then adopt some amendments further to safeguard that and remember that in providing for a General Staff we carry a provision for an Assistant Secretary of War, clothe him with the power of handling the business end of the Army, free from interference on the part of the General Staff. [Applause.]

Mr. DENT. Will the gentleman from Illinois yield?

Mr. McKENZIE. Yes.

Mr. DENT. If my amendment carries, that same thing will be true.

Mr. CALDWELL. Mr. Chairman, I dislike very much to disagree with the ranking Democrat on the Committee on Military Affairs, the gentleman from Alabama [Mr. DENT]. But the experiences of this war have demonstrated, as has been indicated by the gentleman from Illinois [Mr. McKENZIE], that it is absolutely necessary for us to have a real General Staff if our Army is to perform the functions for which it is organized.

When our people got over on the other side and began their operations, I am told, and I was told by many of the men who had to do with the Services of Supply, and particularly with the head of the Regulation Service, the American Army found that it did not have any staff organization upon which it could rely to supply it with the necessary information in order that the supplies of the Army and its men and material might be carried up to the front, and that in every instance when they found themselves confronted with this almost insurmountable obstacle, so far as their own organization was concerned, they

turned to the French general staff, and on the asking of the question the immediate answer was supplied, and in following the direction of that great staff that had been organized for the purposes for which this General Staff will be organized they had no failures in any particular.

Under those circumstances, how can we refuse to benefit by the experience of our Army in the field? The same situation is here confronted that we confronted when we started to organize this Government. It is a truism that in many minds there are many ideas, and it is also true that where many minds are thinking upon the same subject there is a larger possibility of arriving at the truth. America is great because we have a system by which we register the opinion of all the people and arrive at the truth and adopt the policy that is good for all our country. Then why should we limit the number of men who are to study military science in this country and to prepare plans for our Army when it gets into the field? Why should we not take as many as possible of the men who are devoting their life to the study of the defense of our country, put them together, and order them to think upon this subject, and from the many minds coordinated get the truth and get the efficient and reasonable way to prepare ourselves for the defense of our country? Under those circumstances, gentlemen, as I said when I started, I am constrained to disagree with the gentleman from Alabama [Mr. DENT], and I hope that his substitute will be defeated.

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, the gentleman from Alabama [Mr. DENT] says that he proposes, and that the plan of his amendment is, to limit the General Staff to planning and to debar them from administrative work. Now, his purpose is not as plainly expressed in his amendment as is the same purpose of the committee in the bill which they have prepared. By turning to page 14 you will find the following:

That they shall not—

That is, the General Staff—

be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department.

Moreover, if you turn to page 12 you see there outlined exactly what the General Staff has the power to do, and no power is granted to it to do any work of an administrative nature.

Now, let me come to the plan and purpose of the gentleman's amendment. He says that the General Staff did not function at the outbreak of this war, and he purposes, undoubtedly, by his amendment, although he did not say so, to make the General Staff more effective, to so legislate that the General Staff will function at the beginning of the next war. How does he purpose to do it? Does he purpose to increase the number or broaden the scope of the powers of the General Staff, and in that way make it more efficient? Why, no. The gentleman from Alabama proposes just exactly the opposite. He proposes to narrow the scope of the powers of the General Staff and to reduce their number, to make them impotent in power, and so small in number that they can not function, and in that way he proposes to have them ready to meet the emergencies that will confront us on the outbreak of hostilities another time.

We maintain the Navy and the Army as insurance in time of peace against the difficulties that will confront us at the outbreak of war. If we are to pay for insurance, why not buy insurance of a kind that will protect us? Why not buy protection of the best kind? Let us not invest in a company that is sure to go bankrupt in the face of an emergency. Let us increase the power of the General Staff if it is necessary, or give them, rather, just the powers to which they are entitled under this bill. And those powers are purely of an advisory and planning nature, and do not include any administrative functions whatever. And let us not so reduce them that they will not have—as Admiral Sims did not have—a sufficient number in their branch of the service with which to do their work. In other words, if we are planning for an emergency let us plan on broad lines. Let us have our groundwork broad enough to meet the emergency for which we are preparing. Let us give the powers that are necessary, and let us furnish enough numbers to carry out those powers. [Applause.]

The part of the bill under discussion and the amendment both recognize the necessity of and provide for a General Staff. The sole points in difference between the bill and the amendment are as to its number and the powers of the General Staff.

Mr. HULINGS and Mr. HARRISON rose.

The CHAIRMAN. The gentleman from Virginia [Mr. HARRISON], a member of the committee, is recognized.

Mr. HARRISON. Mr. Chairman and gentleman of the committee, the difference between the two propositions—the one that is in the bill and the one that is included in the amendment of the gentleman from Alabama [Mr. DENT]—is twofold. The first is as to the qualifications of the members of the General Staff and the second is as to the number that shall be on the General Staff. Now, the bill seems to propose that only those who have graduated at Leavenworth can be qualified to serve on the General Staff. I can see how the gentleman from Kansas [Mr. ANTHONY] realizes that the breath of Leavenworth air is essential to and a qualification for very high position in the Army.

Mr. ANTHONY. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. ANTHONY. I am sure the gentleman wants to be fair. The qualification provides for a number of different classes from which the General Staff can be drawn, and the service schools are only one of them.

Mr. HARRISON. The Leavenworth qualification seems to be the important one. Under the provisions of the bill the very ablest generals of the Army and the very best officers in the service would be excluded from serving on the General Staff.

A Chief of Staff who was considered one of the ablest officers that ever filled that position under the provisions of this bill would not be qualified to serve on the General Staff because he did not happen to breathe some of the Leavenworth air. Now, the gentlemen say that they are all in favor of the limitation of the powers of the General Staff. Yet the gentleman from Illinois [Mr. MCKENZIE] says here that we ought to have something like the Prussian system, and he seems to advocate that we must Prussianize our Army in order to secure efficiency. I have always understood that is what we wanted to avoid. However, you may write in this bill what you please as to the powers and the functions of the General Staff, but if you give the General Staff the officers you will find that no matter how much the limiting language of the bill may be you will find the staff assuming administrative duties. Why have all this large number of officers in this staff if it is to be merely a supervisory duty that the staff is to perform? Why, the object is that the staff can go ahead and discharge administrative duties, no matter what you put in this bill.

Why have the officers that are not necessary for supervisory duties? Why have officers who are not needed for that purpose, if it is not to enable this General Staff to go ahead and do administrative duties?

Now, as I understood, the committee was absolutely unanimous on the idea that we would not have any Prussian system; that we would not have a General Staff that would dominate all the different departments and bureaus. But if the proposition here is that we are to give this staff administrative duties—and that idea is included in the number of officers furnished—then I think we ought to know it, and the bill ought not to be camouflaged by language that seems to limit the powers of the staff. What is the use of having your Quartermaster General? What is the use of having your Chief of Ordnance, and so on, in all these different bureaus who are charged with the duties of discharging the functions assigned to those bureaus, if some little General Staff officer can dictate the policies and the duties of the Quartermaster General or tell the different departments how they shall discharge their duties?

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MILLER. I would like to ask the gentleman from Virginia to recur to the language on page 12 of the bill.

Mr. HARRISON. What is it?

Mr. MILLER. It defines the duties of the General Staff.

Mr. HARRISON. Yes; and it says that they shall do a little harmonizing.

Mr. MILLER. Is the gentleman of the opinion—lawyer as he is, and a good one—that it is possible under the language of the bill for the General Staff to indulge in administrative matters?

Mr. HARRISON. I know that in certain language of the bill the General Staff powers are limited, but in other features of this bill they are given the power to harmonize the different bureaus.

Mr. MILLER. Is not that the foundation of a General Staff, what it is for, to harmonize and coordinate?

Mr. HARRISON. The General Staff should be simply and solely an advisory board to the Secretary of War, and should not assume to discharge administrative duties. Now, I know of nothing so brutal and so cruel as one of these secret bureaus. Here is a General Staff operating in secret, behind closed doors, functioning in the Quartermaster Corps, and functioning in the Ordnance Corps, and functioning in all these different departments, and not charged with the responsibilities thereof.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. DENT. Just in that connection, if it will not interrupt the gentleman from Virginia, I would like to call his attention to the language to which he refers. This is in the bill reported by the committee:

To render professional aid and assistance to the Secretary of War and the Chief of Staff, and to act as their agents in harmonizing the duties, plans, and operations of the branches and bureaus of the War Department and of the Army, and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed.

Mr. HARRISON. The power is there.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GREENE of Vermont. The gentleman has just been going through a catechism to qualify him for his well-recognized distinction at the bar. One more question before I grant to the gentleman his diploma: You know that under the Constitution of the United States the President of the United States is the Commander in Chief of the military forces, and that you and I, acting here in Congress, can not diminish his power of command over the individual soldier one little bit when we are acting in the proper constitutional relation between the soldier and Commander in Chief. Now, supposing you wrote in this bill that the General Staff was to act in an advisory capacity to the Secretary of War, which means to the Commander in Chief, and then have the Commander in Chief, having heard that advice, having approved it, accepted it, turn around to the individual members of that General Staff as soldiers, and command them to put it into execution. Where would you and I step in to prevent it, and under what law?

Mr. HARRISON. I admit that possibly the President could assign the duties.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HARRISON. Mr. Chairman, I would like just to answer the statement of the gentleman from Vermont. I ask for five minutes additional.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. HARRISON. The gentleman from Vermont has said—and, of course, I admit it—that the President can direct these various officers to perform what duties he sees proper. But what we want to do is to say that those officers shall not function without the order of the President. We are conferring power here now by legislation, and it is to limit that power that I think the law ought to be framed, so that these men can not operate without the order from the President.

Mr. MOORE of Virginia. Mr. Chairman, may I ask my colleague a question?

Mr. HARRISON. Yes.

Mr. MOORE of Virginia. It is a general question. As I understand, it is admitted that the General Staff was inadequate prior to the outbreak of the war; that it functioned ineffectively, so far as it functioned at all. Now, does the amendment proposed by the gentleman from Alabama [Mr. DENT] tend to make a more adequate General Staff?

Mr. HARRISON. It tends, of course, to make the General Staff efficient. There is no distinction, except as I have told you, between the two propositions pending before this House. One is the qualification of the members of the General Staff, that they should have some Leavenworth experience or some other scholastic qualifications, and, second, as to the number of them; and the point that I have made as to the number is that the reason why a large staff is asked for is simply and solely to give them the officers necessary to operate these different bureaus. If you limit the number of officers down to the number that is actually required for advisory purposes, then you know they are not going to usurp functions, because they have not the officers to do it with. What are all these officers going to do if they are not here to operate these different bureaus in the War Department? That is the object of all this number of officers. It is to furnish the necessary personnel for operations. And, as the gentleman from Alabama [Mr. DENT] has pointed out, there is ample authority for them in this bill to discharge administrative duties if they determine to do it.

Now, I think what is up to this committee is whether we are going to have a General Staff that will be limited in its functions or not. The gentleman from Vermont [Mr. GREENE] was the very gentleman who converted me to the idea that we ought to have a General Staff that should not have any administrative duties. In the committee room, when I was talking with him there one day and advising with him as to why the staff should not be permitted to go ahead and discharge administrative duties, he went into a very learned and philosophical exposition of the reasons why the General Staff should not have any administrative powers, and I am surprised that he is now standing on this floor and catechizing me, because I have "sat at his feet and learned" wisdom from him. [Laughter.]

Mr. GREENE of Vermont. I was going to see if the gentleman would stay hitched. In the committee room I thought that the gentleman's mind was "a mind that was going along with mine." [Laughter.]

Mr. HARRISON. I did go along with the gentleman. That is the trouble. When I got up here on the floor I thought I was hitched, but now I can not find the hitching post. [Laughter.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HULINGS. Mr. Chairman, I think the General Staff is one of the most important features in any great army, but I can not help the conviction that this bill is overloaded not only with officers but enlisted men. I do not believe that there is any present or prospective necessity for a Regular Army in this country of over 125,000 men. [Applause.]

An Army of 300,000 men, with 17,820 officers, is in my opinion too large an army in time of peace.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. HULINGS. Yes.

Mr. FAIRFIELD. I am very much interested in that statement. I should like to know how the gentleman arrives at the conviction that 125,000 men will be adequate. I am asking for information.

Mr. HULINGS. Mr. Chairman, before the war, when war was imminent and threatening on every hand, Congress believed that 175,000 men were all that were necessary. Up until we got into the war we really had only about 120,000 enlisted men in the Army. We had been going along very well for years with 75,000 or 80,000 men. I believe 125,000 or 150,000 men are all that will be necessary, and if that is true then a great number of these high officials could be dispensed with.

Mr. FAIRFIELD. Will the gentleman yield again?

Mr. HULINGS. No; I beg the gentleman's pardon. I have only a little time.

I have been amused at the argument that has been propounded here that this General Staff, according to the bill, have nothing to do with the administration of the plans that they devise; but when I read on page 12 of the bill I learn that the Chief of Staff has all the plans made for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army.

Now, it is true that the Chief of Staff keeps the Secretary of War advised of these plans, but I think the Secretary of War and the Chief of Staff will be a kind of Damon and Pythias society. It is undoubtedly that kind of an affair at the present time, and upon the approval of such plans the Chief of Staff shall supervise their execution and shall coordinate the work of the Military Establishment. Now, I should like to know what the functions of the general of the Army are and where he comes in under this bill.

Mr. CARAWAY. To march at the head of the parades. [Laughter].

Mr. HULINGS. It looks a good deal that way.

Mr. CLARK of Missouri. It makes the general of the Army a supernumerary.

Mr. HULINGS. It makes the general of the Army a supernumerary, and everyone who has gone out to guard mount in the morning and watched the performance of supernumeraries will understand what that means.

Mr. SHERWOOD. Is it not a fact that the greatest war we ever fought was fought without a General Staff?

Mr. HULINGS. I do not think so. There have been great changes, and in the last war the dimensions of it were very much greater.

Mr. SHERWOOD. Recently I talked with the greatest living soldier in this country, and he said the General Staff was largely ornamental. He did not use the expression, but it is a good deal like the curl in a pig's tail, more for ornament than use. [Laughter.]

Mr. HULINGS. Mr. Chairman, however that may be, much as I should like to go along with this committee, the gentleman from Illinois [Mr. MCKENZIE] made a suggestion that I think should be seriously considered, and that is that there are some things, especially in this section, that ought to be amended. My objection to the bill is that it makes the Chief of Staff the great big it. There is nothing in the Army except the Chief of Staff. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, it is true that, when we speak with strict regard for the technicalities and

the meaning of specific law terms, the Civil War was fought without a General Staff at the head of the Union Army. But happily as we read history we find that that oversight or omission was very ingeniously supplied by this very floor right here undertaking to usurp the functions of a General Staff, mix politics with military ignorance, and direct battle fields 300 miles away. [Laughter.] That is what happened. That is what happens when men who are by nature wise in statecraft undertake to mix up with military technique in the national defense and battle fields.

It seems to me that we can all consider this thing more or less in the same plane, as I dare say we intend to do, at least in our mutual forbearance and good will, and in that we do not intend to erect in the United States Army any military caste, or hierarchy, or inner court that shall be inaccessible to the common man in the Army or to the civilian who keeps the Army going. I do not think anybody in the committee or anybody on the floor wants to erect any kind of a Prussianized autocracy in the Army. I do not think anybody here would for a moment find himself consciously supporting that sort of a proposition.

But we must regard this as a strictly practical matter. We know that an army is an organization composed of so many varied and diversified functions that in the inherent nature of its make-up it must function by specialization, and that it needs some kind of a presiding mind or council of group of minds to coordinate and harmonize those functions, because their only legitimate employment is not individualistic, each for himself, but in such a combination acting together, knowing and understandng one another's purposes, that they will attain a common object and defeat the common foe. [Applause.]

The history of all the wars of the past is strewn with melancholy reminders that corps jealousies, individual ambitions, and the pride of individual commanders sometimes made them just prejudiced enough against the man in another arm or against that other arm itself, so that they failed to coordinate properly in the presence of the enemy, and just at the wrong time.

The General Staff, when we get right down to the meaning of the term, is simply the mind of the Army, and the various arms and branches and services represent just exactly what our limbs do to our minds, and must be functioned and coordinated by one governing intelligence or else their purposes are well-nigh useless.

There is a great distinction between what is intended in the planning and direction of the General Staff to that extent and the actual performance of the strictly departmental and technical duties of the officers who are to be so coordinated. I think that if we keep that distinction in our minds, and if we intend our language to meet that thing, we shall find that instead of there being a real serious difference among us we are actually heartily agreed. Somebody must advise the Secretary of War about these things and must do it out of abundance of military experience and learning. No one man, however gifted, can do it all alone.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. I know that we can write into the bill such terms as may indicate our own intent and purpose in this law, such terms as we hope will in a prudent and intelligent way put some sense of limitation upon the employment of these officers, so that, with proper reservation as to the expense they may entail on us, we may feel that we have some security in our first intention to have a well-organized Military Establishment.

And yet, as lawmakers, testing things by this same proposition, we know that when we go up to a certain point with directions against the Chief Executive and his constitutional functions, we must there stop. He has authority as Commander in Chief of the Army of the United States to direct any soldier or man sworn into the service of the Army and to compel his instant obedience to any lawful order.

Mr. WISE. Will the gentleman yield?

Mr. GREENE of Vermont. I will yield to the gentleman.

Mr. WISE. The gentleman has made that statement two or three times, and I want to ask the gentleman a question. Is it not a fact that, although he is Commander in Chief of the Army, he must be governed by the law?

Mr. GREENE of Vermont. He is Commander in Chief of the Army created and organized by law.

Mr. WISE. If we organize the General Staff, prescribe their number and their duty, the Commander in Chief would order them in accordance with the law.

Mr. GREENE of Vermont. The gentleman fails to see my point. We may prescribe in the bill that the General Staff, as such, shall only counsel and advise the Commander in Chief. The Commander in Chief may accept that counsel and advice and propose to put it into execution. I dare say my learned friend from Georgia will not attempt to argue that, having decided to put such a military plan into execution, the President of the United States is not empowered under the Constitution to direct any and every soldier that it may be necessary to require to see that that plan is put into execution, and he is not inhibited by anything that we write in the law from so doing.

Mr. WISE. I understood by the gentleman's argument that it did not make any difference what we said the General Staff could or could not do, still the President as Commander in Chief could order them to do something else.

Mr. GREENE of Vermont. The gentleman puts another interpretation upon what I said. The General Staff, as such, are only required by law to do these things; but with reference to the individual soldier, whether in the staff or not, his duty is to obey all lawful orders of the Commander in Chief of a military character. If the Commander in Chief should turn around to an officer of the General Staff and send him to San Francisco to carry out a part of that counsel and advice, I doubt if there is any law to prevent it.

Mr. WISE. The gentleman is getting away from the point.

Mr. GREENE of Vermont. No; I made the point first and I am trying to keep at it.

Mr. WISE. I understood the gentleman to say that, although we might say that the General Staff should not exercise administrative duties, the President as Commander in Chief could order otherwise.

Mr. GREENE of Vermont. I say it will be found that a proper and lawful plan and policy sanctioned by Congress having been agreed upon and put into promulgation by the Commander in Chief, he can direct any soldier in the Army to be an agent in its execution.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. GREENE of Vermont. Yes.

Mr. DEMPSEY. Do not the provisions of this bill and the amendment equally recognize and provide for a General Staff, and is not the sole question whether the General Staff shall be of a certain number and have certain powers?

Mr. GREENE of Vermont. That is all there is to it.

Mr. KAHN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from California moves that all debate on this amendment and all amendments thereto be closed in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. DENT. Mr. Chairman and gentlemen of the committee, I neglected in the original explanation of my substitute for this section to explain that I undertake to carry out the idea which I suggested yesterday of giving the General of the Armies some duties and functions to perform which he has not now. I call the attention of the committee to the following language in my substitute, which does not appear in any language of the bill as reported by the committee:

> When plans prepared by the War Department General Staff shall have been approved by the President, acting through the Secretary of War, the General of the Armies of the United States shall supervise their execution and shall coordinate the work of the Military Establishment during such execution. Should there be no General of the Armies of the United States, a major general of the line on active duty, selected by the President, shall be designated the commanding general of the armies and shall be the executive head through which Army plans are executed. General Staff officers serving with the executive head of the Army shall be considered as serving with troops.

If you vote down this substitute of mine, then there will be absolutely no provision to take care of Gen. Pershing. My substitute limits the work of the General Staff, as I said in the beginning, purely to planning and devising for the Army, whereas the administration of the military affairs of the country and of the War Department will under this section be given to the man who by act of Congress has been made the commanding general of the Army of the United States. If you do not adopt some provision of this kind, then you leave Gen. Pershing—as the gentleman from Missouri [Mr. CLARK] said—simply a supernumerary officer of the Army.

I repeat, in conclusion, that you can not find any reason on earth why you should have ninety-odd officers sitting around the War College here in the District of Columbia devising schemes and plans for the Army. I submit that 40 officers, 10 to each committee serving the purpose that that branch of the service is supposed to serve, is entirely sufficient for every legitimate Army plan, and I trust that simply because this amendment

comes from this side of the House, when I am undertaking to perfect this bill, it will not be voted down.

Mr. KAHN. Mr. Chairman, I want to say just a few words in conclusion. The War Department, represented by the present Secretary of War, recommended to the Committee on Military Affairs 210 officers for the General Staff and the War Department staff.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. Does the gentleman know why he did it? He did it upon the recommendation of the General Staff itself.

Mr. KAHN. I do not know why he did it. I know that he is the military administrative officer of this administration, and he has come to the Committee on Military Affairs of this House and asked for 210 officers in the War Department General Staff and in the staff with the troops.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. In a moment. The Committee on Military Affairs reduced the estimates of the Secretary of War to 188 officers so that we are not giving as many officers in the General Staff as this administration asked for. I yield to the gentleman from Arkansas.

Mr. CARAWAY. That is what I wanted to ask. If you were following expert advice, why did you cut it down from 210?

Mr. KAHN. Because upon investigation by the committee, after hearings with officers in the War Department, finally concluded that we could get along with 188, and, acting upon that expert advice, we fixed the number at 188.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BEE. I am frank to say to the gentleman from California that so far as the number of officers in the General Staff is concerned, in my judgment the burden is upon the proponents of the bill. I would be glad to be advised during the progress of this discussion as to how the different officers are to be used in the General Staff and what functions they are to perform that makes that number necessary.

Mr. KAHN. Of course, in the few minutes remaining to me I can not go into those details, but I will be very glad to insert in the RECORD as a part of my remarks a statement which shows the exact distribution of these men, and I think the gentleman from Texas will be satisfied that they are absolutely needed.

Mr. BEE. Of course, the gentleman from California understands that it is not my purpose in any way to curtail or cripple the efficiency of either the General Staff or any other branch, but the burden, as I say, is upon the committee.

Mr. KAHN. The gentleman from Texas has had a great deal of experience in military matters. He comes from a part of the country that has a wonderful military post. I know that he has given this subject a great deal of thought and attention, and I always value the suggestions of the gentleman from Texas. I shall insert in the RECORD as a part of my remarks a statement of the distribution that the gentleman now asks for.

Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and, on a division (demanded by Mr. DENT), there were—ayes 35, noes 50.

Mr. DENT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DENT and Mr. KAHN to act as tellers.

The committee again divided; and the tellers reported—ayes 40, noes 82.

So the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, strike out all of page 10, all of page 11, all of page 12, all of page 13, and all of page 14 down to and including line 13 and insert in lieu thereof the following: "That section 5 be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"'SEC. 5. General Staff: The General Staff shall consist of the War Department General Staff and the General Staff with troops. The War Department General Staff shall consist of 1 Chief of Staff and 4 assistants to the Chief of Staff selected by the President from the general officers of the line and 50 other officers of grades not below that of major. The General Staff with troops shall consist of not more than 100 officers, not below the grade of major, as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, Army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff shall be for a period of four years, unless sooner relieved.

"'The duties of the War Department General Staff shall be to prepare plans for the national defense and for the mobilization of the military forces and national resources in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and the Chief of Staff.

"'The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them, to prepare detailed instructions for the execution of the plans of the commanding generals, and the supervision of the execution of such instructions.

"'The Chief of Staff, under the direction of the President or of the Secretary of War, shall cause the preparation by the War Department General Staff of the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army for its use in the national defense. He shall keep the Secretary of War informed of all plans prepared by the War Department General Staff and advise him as to the practicability and desirability of such plans. Upon the approval of such plans by the Secretary of War he shall supervise their execution and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution. In case any recommendations for legislation for the national defense or for the reorganization of the Army or for any other requirements of the Military Establishment are presented by the Secretary of War to Congress or to one of the committees of Congress, such recommendations shall be accompanied by a statement from the appropriate division of the War Department General Staff setting forth the reasons for such recommendations and including the names of the officers of the War Department General Staff who prepared it, together with such pertinent comments for and against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared.

"'Hereafter members of the General Staff shall be confined strictly to the discharge of duties of the general nature of these specified for them in this section and in the act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof.'"

Mr. WOOD of Indiana rose.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. Was not a motion agreed to closing debate upon this section and all amendments thereto?

The CHAIRMAN. The Chair understood the motion to apply to the amendment offiered by the gentleman from Alabama [Mr. DENT] and all amendments thereto. The gentleman from Indiana is recognized.

Mr. WOOD of Indiana. Mr. Chairman, I want to explain briefly what this amendment would do if adopted. It reduces the War Department General Staff from 88 to 50, and it would reduce the General Staff with troops to 100. Those are the only reductions made in the present bill.

Mr. MADDEN. The bill provides for only 100 with the troops.

Mr. WOOD of Indiana. That is one of the troubles about this bill. It is possible under the construction of the language of the bill to have a general staff of over 300. The trouble with this whole bill is that you can not put your finger anywhere on this bill and safely rely upon its stating the intention of the framer. It has been constructed for that very reason; it is full of jokers from beginning to end. The great mistake about the bill is that it was prepared by men who are not in sympathy with its general policy. They were instructed by this committee, so I understand, to put certain things in the bill, and they put them in and then counteracted them by putting in different language in other places, and I want to point out some of those things.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. I will in a moment or two. I want now to call attention to two items here, where they have absolutely circumvented the intention of Congress or what I believe to be the intention of a majority of Congress, and what was the desire of the Military Affairs Committee. Attention has been called to the language on page 12, wherein it is provided:

The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them; to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions.

I contend that under that language they absolutely can take charge of every bureau in the War Department and administer it just as they have been administering them during the present war, and if that is not enough I desire to call attention to some language on page 13, commencing in the fourth line—

Upon the approval of such plans by the Secretary of War, he shall supervise their execution and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution.

Under that language I maintain that they can go into every bureau and take charge of it just as they have been doing. I would like to call attention to some of the things they have been doing to show you how absolutely injurious their conduct has been in interfering with the administration affairs of these different bureaus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. After the war was over a new man was put at the head of the Quartermaster Corps. He had large experience on the border, he went abroad, and he was to the Quartermaster Corps what Pershing was to the Army. He came back here from Europe with his experience from abroad and the practical ideas he got over there by reason of his contact and operations in a business way with the Quartermaster Corps. He instituted an order whereby 72 commissioned officers would be relieved from the pay roll of that department and 551 privates or civilian employees. What happened? The very minute that the General Staff found out what the quartermaster had done they countermanded it. Why? Because it interfered with their administrative functions that they had arrogated to themselves. That is only one instance; there are hundreds of others. When this war broke out I went to the Quartermaster Corps, which I thought was the place to go, and tendered the services of a gentleman who had an organization for buying and selling horses all over this country, one of the greatest importers and exporters of horses the United States ever had. He tendered his entire organization to the Government, and I finally found I had to go and consult a member of the General Staff who had these things under him, an administrative duty pure and simple. What did he say? He said, "Thank the gentleman for his patriotism and his kindness, but we have a committee of Army officers to buy our horses." They might know a horse when they saw him, but they would not know where to get him or know how to get him, and would not know how to get them in quantities, and would have been skinned to death by the horse dealers throughout the country. That plan remained for a little while, until they found out how absolutely impossible it was, and they then took and divided the country into zones, and if Indiana had a horse to sell it went to Kansas City. Wherever these gentlemen have intruded themselves into the administrative affairs of this Government and its war bureaus they have done it to the everlasting detriment of the department, and it has led to indescribable waste. That is the fault with this bill I am insisting on, and I say that it reeks with provisions just like this to which I call attention whereby they are surreptitiously taking authority to themselves that they will assert it is made plain by the admission made by the chairman of this committee that the Secretary of War was asking for 210 or 250, I do not know which, as the number of this General Staff. But that request did not emanate from the Secretary of War. It emanated, if you please, from the General Staff, and is further concrete evidence of their desire to militarize and Prussianize every one of the bureaus of the War Department.

They were not content, if you please, to act in their advisory capacity during the war, but they went to our supply depots and took charge of them, and they went wherever they could, wherever they had men to send, and if they did not take charge of all of these bureaus it was because their number was not sufficient. Therefore they want a largely increased number—210 or 250—that they may spread their tentacles into every branch and every bureau where they can, and I do not believe that the people of this country want a continuation of this character of service. An administrative authority, arrogated by this staff to themselves, has done more to unpopularize the Army than all other things combined, and you can do much to popularize it by saying to the people of this country that thus far shall this staff go and no farther, and that they shall have nothing to do with the administrative affairs of the bureaus of the War Department. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. WOOD of Indiana) there were—ayes 33, noes 36.

Mr. WOOD of Indiana. Mr. Chairman, I ask for tellers.

Mr. CONNALLY. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. WOOD of Indiana and Mr. KAHN) reported that there were—ayes 50, noes 52.

So the amendment was rejected.

Mr. ANTHONY. Mr. Chairman, in order to correct the language of the bill in this section, which is perhaps open to some of the criticisms which have been voiced on both sides of the aisle, and for which I think there is some ground, it is my intention to offer amendments which I believe will go far toward correcting the interpretations which have been made upon the section to the effect that the language still permits the General Staff to operate and to administer. I want to assure the committee that it was the desire of the Committee on Military Affairs to write this language so as to prevent the General Staff from operating and administering. I believe that if we make one amendment, page 12, line 7, after the word "staff," if you strike out the words "and to act as their agent," that means of the Secretary of War in carrying out such plans, and so forth, will cure one of those criticisms. Then, again, on page 13, line 4, after the word "plans," if we strike out this sentence, "upon the approval of such plans by the Secretary of War, he [meaning the Chief of Staff] shall supervise their execution, and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution," it will also cure what is obviously authority to operate.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. KAHN. The gentleman knows, of course, that the language he refers to on page 12 is in the original staff provision of the act of 1903, with the exception of one or two words?

Mr. ANTHONY. Let me say to the gentleman that the language is almost exactly so, with the exception of two words, but the change of those words vitally affects the meaning of the language.

Mr. KAHN. It is not the gentleman's opinion that the committee has materially changed——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas may have five minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Kansas may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Let me quote the language of the original law creating the General Staff. It does use the words, "To act as their agents," meaning of the Secretary of War, "in informing and coordinating the action." The word "informing" certainly does not confer the power to operate. We have in our bill the words "to harmonize," which might confer the power to act, and I think we ought to strike out the words authorizing the General Staff to act.

Mr. KAHN. Does not the gentleman think he can obtain his purpose by striking out the word "harmonizing" and inserting the words "informing and cooperating," which would leave the language as it was originally in the bill which created the General Staff?

The CHAIRMAN. The Clerk will report the first amendment of the gentleman from Kansas.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 12, line 7, after the word "Staff," strike out the words, "and to act as their agents."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DENT. Mr. Chairman, I move to strike out the last word. I shall support this amendment, but I would like to ask the gentleman from Kansas a question. His amendment is in line with some of the criticisms I had to make against this section of the bill, and I would like to ask him if he does not think the last sentence in lines 10 and 11, page 12, should also be stricken out on account of its generality:

And to perform such other military duties not otherwise assigned by law as may from time to time be prescribed.

Does not that leave the gap still open?

Mr. ANTHONY. I did not strike them out, because those words are the exact language of the original law.

Mr. DENT. I understand they are.

Mr. ANTHONY. I move to strike out the words that might put the power upon the General Staff.

Mr. DENT. Mr. Chairman, I move to amend the amendment of the gentleman from Kansas by striking out, in lines 10 and 11, page 12——

The CHAIRMAN. The Chair understands that those lines have already been stricken from the bill.

Mr. WOOD of Indiana. They were stricken from the bill by the amendment of Mr. MCKENZIE on yesterday.

Mr. DENT. Then I withdraw the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. ANTHONY].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Page 13, line 4, after the word "plans," strike out this sentence: "Upon the approval of such plans by the Secretary of War, he shall supervise their execution and shall coordinate the work of the Military Establishment in such a way as to insure their effective development and execution."

Mr. HULINGS. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from Pennsylvania offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HULINGS: Page 13, line 5, after the word "War," strike out the word "he" and insert in lieu thereof the words "commanding officer of the Army."

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. HULINGS. Mr. Chairman, I just wish to call attention to the fact that this would provide some function for the General of the Army. It would require that the Chief of Staff should perform his duties in formulating plans, and all that sort of thing; but after the plans were provided for and approved by the Secretary of War the General of the Army would supervise their execution and coordinate the work of the Military Establishment.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Pennsylvania.

Mr. GREENE of Vermont. Mr. Chairman, I rise in opposition to the substitute. I want to suggest to the committee that we can not very consistently through law direct a military officer, who is responsible to the Commander in Chief, to perform a certain specified function here, when that officer may at the very same time have been detailed to a foreign post. If we once begin to say that an officer of the Army shall perform certain functions that are clearly under the direction of the Commander in Chief, we can not stop at the general of the Army, but we have got to go right down through the captains and lieutenants. The office of the general of the Army is limited to a certain man now, and that office will expire probably years before this act is ever again amended.

Mr. HULINGS. If the gentleman will permit, the language of the substitute is "the commanding officer of the Army."

Mr. GREENE of Vermont. Even at that, who is the commanding officer of the Army when the commanding general is not?

Mr. HULINGS. If nobody knows who the commanding officer is, it is a "de'il" of an army.

Mr. GREENE of Vermont. Who is he?

Mr. HULINGS. It is shown in this bill who he is. It is the Chief of Staff. He is the whole thing under the bill.

Mr. GREENE of Vermont. That is an opinion and not a judgment. Whom would you hold as a matter of law was the commanding officer of the Army under the terms of your proposed substitute? Until you can tell us that, we ought not to adopt it.

The CHAIRMAN. The question is on the substitute of the gentleman from Pennsylvania [Mr. HULINGS].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

Mr. CALDWELL. Mr. Chairman, may we have it reported again?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STRONG of Kansas. Mr. Chairman, I offer an amendment.

Mr. DENT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Alabama [Mr. DENT], a member of the committee. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 10, line 6, after the word "and," strike out "eighty-eight" and insert "forty-two."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. DENT. I ask for a vote, Mr. Chairman.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DENT. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 24, noes 37.

So the amendment was rejected.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. STRONG] is recognized. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Amendment offered by Mr. STRONG of Kansas: Page 10, line 7, after the word "captain," insert *"Provided,* That during the incumbency of the General of the Army on the active list that officer shall exercise the powers and perform the functions assigned by law to the Chief of Staff. In the event of the assignment of the General of the Army to the command of troops in war, the powers and functions assigned to the Chief of Staff shall be exercised by an acting Chief of Staff selected by the President from the Army of the United States."

Mr. STRONG of Kansas. Mr. Chairman, this amendment that I have offered is taken from the Senate bill for the reorganization of the Army, and I think it ought to go into this bill. Without it we will lose Gen. Pershing's experience and ability from the management of the Army. With a General Staff underranking Gen. Pershing he will be practically detached from the management or control of the Army, and it does seem to me that we ought to have that experience that he has secured in France and that ability that he has displayed as general in command of our armies at the head of the General Staff. We are paying him the highest salary in the Army, and we are doing it because we believe in his unquestioned ability, knowledge, and experience. It seems to me we should have at the head of the General Staff that ability that we have so highly appreciated.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. STRONG].

Mr. GREENE of Vermont. Mr. Chairman, I only want to suggest to the committee that if any one of us were charged with the highly important functions of the Secretary of War and were held responsible for what we did in that position, we would like at least the privilege of choosing our own first military adviser and not have Congress select him for us, inasmuch as we, in that position as Secretary of War, and not Congress, were going to be responsible for what happened out of the council.

Mr. CALDWELL. Mr. Chairman, I also would like to suggest to the committee that by adopting this amendment we would very probably and very seriously embarrass both Gen. Pershing and the Secretary of War, to say nothing of the embarrassment that falls upon the Chief of Staff. While we all love and admire and honor and respect the great General of the great American Army, and have demonstrated our pride in him and our willingness to confer upon him all the power and honor that his great service to the country warrants, I do not think that the country would ever for a moment think that we had neglected him in this bill.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. In a moment. Gen. Pershing is unique at this time. He occupies a position that no one else can occupy in the armed forces of America, and to place upon him the detail now, after his heroic service in the Nation's cause, of the work of the Chief of Staff would be a step down, and not a step up, to the man who has performed this service. He is now the adviser of the whole Army, the adviser of the President and the Secretary of War, of the Chief of Staff, of Congress, and of the Nation on its military affairs. Under these circumstances I think that we would be doing a discrediting thing to say that the man who has done these things shall now step into an inferior position and perform this detail duty of Chief of Staff.

Now I yield to the gentleman from Illinois.

Mr. McKENZIE. I desire to ask the gentleman from New York if we do not provide in this bill a duty to be performed by Gen. Pershing, which is, perhaps, the most important duty connected with the whole Military Establishment, and that is to act as the president of the board to pass upon the qualifications of men to be put on the promotion list?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. I yield.

Mr. GREENE of Vermont. Is it not true that the law permits a captain to select his first sergeant, who stands in the same relation to him, in a certain degree, at least being his first and chief subordinate of his class, that the Chief of Staff would be to the Secretary of War?

Mr. STRONG of Kansas rose.

Mr. CALDWELL. Yes; and the gentleman has very clearly brought that out before, as he usually does in his illustrations.

Now I yield to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. If Gen. Pershing is not Chief of Staff, he would practically be inferior in rank to them? Would he not be practically their errand boy?

Mr. CALDWELL. No.

Mr. STRONG of Kansas. The law creating the position of General of the Armies of the United States, to which Gen. Pershing is supposed to be appointed, provides that no officer of the Army shall be above him.

Mr. CALDWELL. Of course; and it says further that this place shall die with him.

Mr. STRONG of Kansas. He would practically be detached from its operations, would he not?

Mr. CALDWELL. If the General of the Army can be detached from it, yes; but how can he and still be General of the Army?

Mr. STRONG of Kansas. You do not think the General of the Army should take orders from the Chief of Staff, do you?

Mr. CALDWELL. He would take orders from the President of the United States, and that is the only one he ever took orders from, although the Republican Chief of Staff undertook to send orders to him in Europe.

Mr. STEVENSON. The gentleman from California [Mr. KAHN] referred to the provision of the law which prohibited the General of the Army from taking orders from any other officer of the Army.

Mr. KAHN. Oh, no; the gentleman from California did not say that.

Mr. CALDWELL. The gentleman from South Carolina is mistaken as to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. STRONG].

The question was taken, and the amendment was rejected.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 10, line 21, after the words "Staff Corps," strike out all of the line and the balance of page and all on page 11 down to and including line 9 and insert in lieu thereof the following: "This board shall select and report the names of all officers of the Regular Army, National Guard, and officers of the Reserve Corps who by reason of their service or military experience may be deemed to be suitable for General Staff duty or qualified therefor."

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, we have heard a great deal about the flexibility of this bill, and in those parts in which the bill has flexibility it has some merit. But I want to point out to the committee where the Committee on Military Affairs evidently forgot their principle of flexibility. I want to call the attention of the committee to the fact that section 5 provides a certain board for the selection of officers who may be detailed for General Staff duty. In the first place, it gives two members of that board to the General Staff Corps, one of whom is commandant of the General Staff College and the other commandant of the General Service School. The third member of the board shall be detailed from officers of the line. If a candidate is to be considered for General Staff duty, what else is required? This board has absolutely no discretion whatever within the restrictions which I propose to point out. Read on page 11, section (a):

This board shall select—

Not may—

shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes:

(a) Those officers graduated from the Army Staff College or the Army War College—

When?

prior to July 1, 1917.

In order to be eligible in class (a) the officers before they can even be considered for selection by this board must have graduated from the Army Staff College or the Army War College on or before July 1, 1917, and—

Who, upon graduation, were specifically recommended for duty—

For what? For what kind of duty?

as commander or chief of staff of a division or higher tactical unit.

Gentlemen of the committee, how many officers in the Army prior to July 1, 1917, had graduated at the Army Staff College and had been recommended for the command of a division of the Army in the field, or for chief of staff of a division or higher tactical unit? How many of them?

Let us see what other restrictions this bill places around the eligibility of these officers for General Staff duty.

(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit—

In other words an officer who commanded a division or a corps or an army—

or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

I submit to the members of this committee that under these two subdivisions no man would be eligible to be selected by this board for General Staff duty unless he had either come within sections (a) and (b) and been recommended for the command of a division or chief of staff of a division, or had actually served as commanding general of a division, or had actually served in a staff position, because how could he by actual service have demonstrated that he was fitted for General Staff duty unless by actual service as an officer of the General Staff he "demonstrated" that he was suitable? I want to say to the gentlemen of this committee that every officer in the Army ought to be eligible for selection by this board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. The fact that he is placed upon the eligible list does not ipso facto detail him for General Staff duty. You still have the board to make the selections. He must still pass the scrutiny of their examination. But, gentlemen of this House, by these two provisions of this bill you build up not a military aristocracy but a military oligarchy. You leave it in the hands of a few men, who are now in the staff corps, if you please, to say who else shall be eligible to enter into this charmed circle in which they are now the dominating spirits. I want to say, gentlemen, that just as surely as you are sitting here the officers who went into the war as civilians and who have since become officers ought to be eligible for this service. If you adopt the provisions in the bill, the great mass of reserve officers who are to be appointed to fill vacancies under this bill will not be eligible for detail as General Staff officers.

Mr. McKENZIE. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from Illinois.

Mr. McKENZIE. The gentleman from Texas, of course, will admit that an officer ought to be qualified?

Mr. CONNALLY. To be sure.

Mr. McKENZIE. Before he is placed on the staff?

Mr. CONNALLY. Yes.

Mr. McKENZIE. The gentleman will further admit that they are detailed for a period of four years only?

Mr. CONNALLY. Yes.

Mr. McKENZIE. And he will further admit that this bill provides the manner in which other officers shall prepare themselves for appointments to the General Staff?

Mr. CONNALLY. Yes.

Mr. McKENZIE. Now, if there is to be an oligarchy created, that can exist for only four years. Is not that true?

Mr. CONNALLY. No; I will call the gentleman's attention to the fact that it can exist for all time, as he will see if he will read a little further:

After the completion of the initial General Staff Corps eligible list the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and after July 1, 1924, no officer of the General Staff Corps except the Chief of Staff and the Assistants to the Chief of Staff shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College.

Mr. GREENE of Vermont. I do not want to interrupt the gentleman's train of thought, but——

Mr. CONNALLY. Gentlemen of the committee, I submit that the Committee on Military Affairs ought to introduce into this section of the bill some of the vaunted flexibility which they have been discussing, and I submit that a reserve officer who is now in the Army and who may be appointed to fill a vacancy under this bill can not become eligible for detail to service on the General Staff unless he goes to the General Staff College before July 1, 1924, and is specifically recommended. Why insert the word "specifically"? Because you want to throw one more stumbling block in the path of the officer who has not heretofore been detailed for staff duty. Under the terms of the bill a man to gain entrance into the General Staff must, in order to pass the outer door, give a password, and after getting into the anteroom he must approach another door and give a certain number of knocks and then give another password, and he is taken into another anteroom and must give a certain number of knocks and whisper some talismanic words into the ear of some faithful servitor of the staff.

I want to call the attention of the gentleman from Illinois to another thing. He stated a moment ago that at present a man could not serve in the Staff Corps except four years, and then is detailed back to the line or relieved from detail. That is ordinarily so, and yet, gentlemen of the committee, yesterday, on page 9, line 12, you placed in the bill a provision that would make it possible for an officer now in the Staff Corps who has served four years to serve four years more.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CONNALLY. I want to call attention to this language, page 9, line 12. You will note in the previous part of this particular section it is provided that officers of the line can only be detailed for service on the Staff Corps, provided they have served two years in the preceding six years with troops. That is correct, but when it comes to staff officers they may be detailed for four years provided they have served only one year with troops.

Mr. GREENE of Vermont. Will the gentleman permit a statement? That is existing law. That is not written in here for the first time.

Mr. CONNALLY. Certainly not. If the national defense law is not in any particular satisfactory, has not Congress the right to change it? It is not sacred.

Mr. KAHN. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. KAHN. The first part that the gentleman read refers to the line officers. That is what is known as the "Manchu" law. It has been in existence since 1912. The second part refers to the staff officers. The committee realized that the condition in the staff bureaus before we got into the war brought about a very unfortunate situation. The bill provides that officers in the supply staff corps shall be permanently detailed in those corps or bureaus, because they are specialists; but they must go back to the line, so as to become familiar with the line organization one year in five.

Mr. CONNALLY. That is very wise, and I am in favor of the proposition as provided in the bill, that members of the Staff Corps ought to be detailed from the line and ought to go back to the line after a stated period. Gen. Upton, in his great book on The Military Policy of the United States, lays down that principle, and I believe it ought to be maintained. But what I am talking about is that you require a line officer to serve two years while a staff officer is only required to serve one year with troops.

But I have not got to the point that I actually wanted to call attention to. On line 12, page 9, I want to show you how the committee sidesteps when it gets to the point. What does it say?

In the administration of this provision, all duty performed between April 6, 1917, and July 1, 1920, inclusive, shall be regarded as satisfying the requirements of service with combatant arms.

Mr. KAHN. Will the gentleman yield?

Mr. CONNALLY. Certainly.

Mr. KAHN. This particular law is now in existence and we are simply repeating existing law.

Mr. CRAGO. We passed the law three or four months ago.

Mr. CONNALLY. I do not give a continental whether it is existing law or not. Our business is to pass the right kind of a law whether it is existing law or not. You do not respect existing law in other parts of the bill; you repeal or amend a dozen sections of the national defense act, but when it comes to this particular provision the committee wants to save the General Staff, and then "existing law" becomes the holy of holies, and we are told "you shall not lay hands on the ark of the covenant." Under the terms of this bill you provide that a staff officer shall serve four years on the General Staff Corps. He does not have to go back to the line and serve one year, as you pretend to provide in the bill, because under the provision I have quoted service during the war shall be considered as service with troops, and although he has been detailed for four years and his term is about to expire, under this saving clause in the bill he may be detailed for another four years and thus complete eight years' successive service in the Staff Corps.

Gentlemen, I am speaking for officers scattered around on the arid plains of Arizona, guarding the Mexican border, officers out in the little Army posts that have for a long period of time performed irksome and arduous duty. I do not believe it is fair to hedge about the General Staff with all of these restrictions and make it impossible for such officers ever to serve as a member of the General Staff. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, if it had been the intention of the committee to do what my distinguished friend from Texas [Mr. CONNALLY] seems to think we had in our minds, it certainly would be reprehensible. It would be a very conspicuous instance of an attempt to write special and personal favoritism into the general law. If my friend will take occasion to look back of the record he will see that more than half a year ago, as I recollect it, when the War Department tried to readjust the details of officers of the line as well as the staff under the terms of the Manchu law, which applies to both the staff and the line, the committee found it would have necessitated a search of the War Department records for three years or more, because not all these line officers had been by any means on duty with troops, literally, but had been assigned here and there—not on staff positions—on all manner of necessary military details brought into existence in the emergency of war, and they would not come literally under the provisions of the language which requires that every officer should serve this period with troops.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. KAHN. And, of course, that provision of law was enacted upon the recommendation of the present Secretary of War.

Mr. GREENE of Vermont. Oh, certainly.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. CONNALLY. Is it not true that the lines which I pointed out would permit a new detail for another four years of an officer who had already been so serving?

Mr. GREENE of Vermont. It would; and there is no attempt made to disguise it. The reason for it, as I have tried to indicate, is that it does not apply simply to the limited number of men in the Regular Establishment who have been on duty in the staff departments and who may under the terms of this be redetailed, if they are personally selected for redetails. It applies equally to correct the record of all the line officers in the service anywhere and everywhere, so far as their own personal eligibility to detail to the staff for the first or any time is concerned. That is the point. These men may not have satisfied the requirement of the Manchu law within the last few years, because while still line officers they were out on some special errand that did not attach them to the troops, and those very same line officers would be thereby deprived of an opportunity to have a staff assignment. That is a reason for it.

Mr. CONNALLY. Does not the gentleman think it would be a good thing if some of the line officers who went overseas and who actually participated in military operations were placed on the General Staff, so as to give the value of their experience to that functioning body?

Mr. GREENE of Vermont. I do.

Mr. CONNALLY. Does not the gentleman from Vermont recognize that if you continue all of the people who are now on the General Staff for the next four years, that object can not be accomplished?

Mr. GREENE of Vermont. I think the gentleman will find that there is no intention to continue everybody on the General Staff. The only purpose of that special legislation which went through the House, when the matter was all carefully explained on the floor, was, by statute, to clear up a great complicated mass of records that otherwise would have necessitated comparisons by calendar dates on the records of all kinds of men in the service, both line and staff, occasioning an infinite mass of detailed work, in an effort to determine whether out of the six years they had actually had the requisite two years' duty with troops. That task seemed to be so ridiculous and so unnecessary in the press of present conditions that it was thought wiser to wipe it out and start fresh with a clean slate. It also protects the chance of your line officers, in whom the gentleman seems to be interested, to get onto the staff.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Vermont. The gentleman has pointed out that there seems to be a delimitation on the qualifications for eligibility to this initial list for the General Staff that practically resolves it into a snobbish or perhaps a military caste—an exclusve society, rather facetiously indicated to us as being organized on the lines of fraternal or secret societies. We all realize that when you want to start a new enterprise you have to take what you have in order to make a beginning. If you are going to establish a certain thing on an original foundation, it has been the policy, through public experience, not to wipe out utterly the existing personnel of that institution, but to try and start from that, to make your modification and establish your new line of policy. Trivial as it may seem to be, I will refresh your memory, if you will permit me, by just such an instance as this.

Years ago some of the States began for the first time to require a license for the practice of pharmacy and to lay down certain qualifications that the licensed pharmacist must have. What did they do? Everyone realized that you could not start right off and have a hiatus in which there would be nobody prepared to qualify for a license, for you could not carry on the drug business in the interim if that were so. So they specifically enacted into law that the men now following the profession of pharmacy should continue without a license—that is, without all the new special qualifications for a license—and have a license turned over to them, and from then on certain qualifications should be required to establish eligibility to practice pharmacy.

Mr. CONNALLY. I would like to ask the gentleman if he knows what percentage of officers now in the Army graduated at the Staff College prior to July 1, 1917?

Mr. GREENE of Vermont. I do not know.

Mr. CONNALLY. Compared with the whole number, is it not a mere handful?

Mr. GREENE of Vermont. Even at that, it is all you have.

We are trying to establish a foundation upon which shall rest an educational test. Here is the peculiar thing about it—and I can see that my friend is very earnestly contending for a democratic spirit in the Army, and I am with him on that part of it. But let us see if we do not confuse our understanding of what real democracy in a service like the military service may be. We are trying to establish and have already begun in the Army what we hope to be a splendidly articulated system of military education in the service schools, which will begin with the base school in each arm, and through which men may go as they are fitted by their course of study and the qualifications they display, until they have gone up the ladder and have completed this practical service-schools education. In every other function in life we recognize that men are qualified for certain pursuits, not merely by educational advantage, but that temperament, natural ability, and fitness constitute, after all, the determining factors.

Therefore, in organizing an army merely taking into consideration the qualification by learning from textbooks does not determine where a man ought to go. Some men make splendid line officers; some men have the particular faculty and capacity for handling troops and command, for solving tactical problems on the battle field; while other men, who are equally as competent, equally as intelligent, splendidly inspired men, seem not to have that particular temperamental qualification; but, on the other hand, can take hold of staff duties and by their wonderful resources and adaptability for that kind of administrative work make it possible for their good, brave friend on the fighting line to be successful in his battle. Now, we hope by the process of education, through the carefully articulated schools that are to be established in the Army, to take all men at the outset and work them up to a point where we find out where they will differentiate one from another in these functions, and those men who are specifically recommended by their temperamental suitability and fitness for staff duties will be sent off to that branch, and each one who indicates a special fitness and adaptability for training in the line will go to complete his education and perform his service in the sphere where he can serve the best. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CALDWELL. Mr. Chairman, it seems to me that the answer to this proposition is contained in this, that the amendment proposed by the gentleman from Texas not only strikes from the bill all of the provisions that have been proposed by the Committee on Military Affairs, by which we hope to select good men for this service, but it does not supply any machinery by which any system of selection shall be had except the system of favoritism. The question presented here is, "Do you want good men or do you want favored men?" If you want good men you must establish some kind of a list from which they are to be taken, which list is made up by some kind of competition and elimination; and this bill does that. It eliminates from possible appointment every man who does not demonstrate his ability and fitness for the position; and if you strike out this provision there will be no set qualification that any man must have to become an officer of the General Staff, except he has some friendship with the appointing power that will put him there.

Mr. HULINGS. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. HULINGS. What is the idea, then, of limiting these officers who may be appointed to the General Staff to those who have passed through the Army War College prior to July 1? Why not allow men who might have graduated from this college since July 1 to be appointed?

Mr. CALDWELL. Well, for the very good reason the Army War College is not performing the function it did before July 1, 1917.

Mr. HULINGS. Nobody can get on the staff except those who graduated from the War College while it did function?

Mr. CALDWELL. No; the gentleman is jumping at a conclusion without knowing the facts. Prior to 1917 the only system we had for training men to qualify for staff duties was in the Army War College, but since that time we have established the Leavenworth school, where a better system of training, we hope, has been instituted for the purpose of making these men qualified for staff duty. Now, there were a good many men—quite a number of them—during the war who occupied positions in which they were able to demonstrate their fitness for this kind of duty over and above that demonstrated by their coworkers, and those men we propose to put on the list and to make a basis of this list they are now on. It is only those who have in the course of their service come up from the bottom and risen above their fellows in fitness for these positions who shall go upon this list, and we should not let any man go on who is not qualified.

Mr. CRAGO. Mr. Chairman, lest there should be any confusion in the mind of anyone on the question of whether the committee had purposely limited this class of officers and their eligibility for these assignments, I want to call the attention of the gentleman from Texas and those who are considering this matter to the paragraph marked "(b)" in which we find this language:

Those officers who, since April 6, 1917, have commanded divisions or higher tactical units, or have demonstrated by actual service in the World War that they are qualified for General Staff duty.

I want to say that this opens the door for these assignments to every officer who performed the right kind of service during the past war.

Mr. CONNALLY. Will the gentleman yield?

Mr. CRAGO. In a moment. He did not necessarily perform staff duty during that war, and I take it for granted that this board in considering a man's eligibility for appointment to these duties will take into consideration the service of the officer, in whatever capacity he served. In other words, if they decide to assign some one from the Infantry arm of the service they would naturally take some officer who had been at the front with Infantry troops and had faced actual conditions as they existed at the front. If they wanted some officer to represent the Air Service they would take some man who had actual service at the front with the Air Service. But if they wanted somebody to represent the Artillery arm of the service, naturally they would select some man who had actual charge of Artillery operations at the front.

Mr. CONNALLY. I would like to ask the gentleman if he knows of a single reserve officer, a National Guardsman, who is now in the Army, who graduated from the War College prior to July 1, 1917?

Mr. CRAGO. I know of some National Guard officers.

Mr. CONNALLY. There are none.

Mr. CRAGO. They are in the National Guard, as far as that part is concerned. But that is not the point I am trying to make. The provision in section (b) is throwing wide open to the men who have seen service the assignment to the General Staff, and I can not understand how anybody can offer a criticism against it. It follows naturally that the men who have shown their ability in any line or in any arm of the service during the war would be on this eligible list, and that is the only explanation that I care to make at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. CONNALLY) there were—ayes 15, noes 27.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That section 6 of said act be, and the same is thereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 6. Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who shall be chief of the Personnel Bureau, and 100 officers in grades from colonel to captain, inclusive. In addition to such other duties as may be assigned by law or prescribed by the Secretary of War, The Adjutant General's Department shall be charged, under such regulations as may be prescribed by the Secretary of War, with the operating functions of procurement, assignment, promotion, transfer, retirement, and dis-

charge of all officers and enlisted men of the Army: *Provided*, That the chief of a branch of the Army shall recommend the assignment of officers to duty in that branch."

Mr. KAHN. Mr. Chairman, I move to amend, on page 15, line 4, by striking out "thereby" and inserting the word "hereby."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 15, line 4, strike out the word "thereby" and insert in lieu thereof the word "hereby."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DENT moves to strike out, on page 15, lines 6 to 11, down to and including the word "inclusive," and insert the following:

"SEC. 6. The Adjutant General's Department: The Adjutant General's Department shall consist of The Adjutant General with the rank of major general, 9 adjutants with the rank of colonel, 17 adjutants general with the rank of lieutenant colonel, 40 adjutants general with the rank of major."

Mr. DENT. Mr. Chairman, that amendment is in line with the suggestions that I have had in mind relative to this bill from the beginning. Under the bill as proposed by the committee there is provided 100 officers in grades from colonel to captain, inclusive, in The Adjutant General's Department. I am opposed to this principle of legislation, because it gives to the War Department the right to make certain bureaus and certain branches of the service top-heavy with higher officers. I believe in following the principles that have heretofore been adopted in all previous military legislation, by which the number in each grade and rank is provided for in the law itself.

Another difference between the provision in the committee bill and this amendment is that my amendment provides for only 66 officers in The Adjutant General's Department. The committee bill provides for 100, and under the national-defense act this department had only 50 officers.

Mr. MADDEN. Will the gentleman yield?

Mr. DENT. I yield.

Mr. MADDEN. I assume the gentleman's amendment reducing the number in The Adjutant General's office is based on an army of 185,000 men, which he proposed, as against an army of 280,000 men proposed in the bill?

Mr. DENT. Well, that does not necessarily follow so far as The Adjutant General's Department is concerned, but it may have some influence on the bill. I did not have this particularly in view with reference to The Adjutant General's Department. But it is a fact that under the increase in the Army I see no reason why, when the Army itself is not doubled in size, you should double the officers in The Adjutant General's office. Certainly, the bill reported by the Military Committee of the House does not double the size of the Army. It simply adds 75,000 to the enlisted line strength of the Army and some 30,000, I believe, to the staff of the Army, which is not doubling the size of the Army; but under this bill you are doubling the strength of the officers in The Adjutant General's Department.

Now, Mr. Chairman, I want to say furthermore in this connection that I have prepared here amendments to each section of the bill, meeting the views that I have as to the composition of a bill of this kind, but I wanted to present to the committee my views on this particular section in order to get the views of the committee upon that proposition, and I desire to state that if the committee rejects this idea I shall not unnecessarily consume the time of the committee by offering an amendment to each section along this line, in view of the fact that I have gotten my ideas before the committee.

Mr. KAHN. Mr. Chairman, the War Department sent to the committee an estimate for 142 officers in The Adjutant General's office. The Secretary of War, representing the present administration, sent that to our committee. The committee finally agreed upon 100 officers for this department. Those officers are to be divided as follows: There is to be 1 major general, The Adjutant General of the Army; 1 brigadier general, chief of the personnel bureau; 27 officers here in the War Department; 31 officers for the department headquarters throughout the country, and 40 officers for the various division headquarters. And I believe sincerely that that many officers are really needed for The Adjutant General's Department.

Mr. DENT. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DENT. I would like to ask the gentleman from California if the estimate for 142 officers presented to the committee by the War Department was not based on the War Department bill providing for an Army of 576,000?

Mr. KAHN. No. I will say to the gentleman that while I was not present at all of the meetings of the Committee on Military Affairs, because during the month of December I was in California, the estimate, I am informed, was made upon this particular bill.

Mr. HARRISON. I would like to ask the gentleman a question.

Mr. KAHN. Yes.

Mr. HARRISON. I notice this section permits the appointment of 100 officers in The Adjutant General's Department, from The Adjutant General down to captains. Now, what is to prevent The Adjutant General from making them all high rank officers?

Mr. KAHN. Of course, in the distribution of the Army as prepared by the War Department under this bill, if it should become the law, the various grades will be distributed in every one of the departments, and, naturally, each department will get its proper proportion of officers of all the various grades.

Mr. HARRISON. Now, that is merely what is represented to the committee as to what The Adjutant General intends to do. But you write in your bill that The Adjutant General shall have 100 officers in grades from colonel to captain, and what is to prevent him from making them all colonels?

Mr. KAHN. Because the distribution of officers throughout the various organizations of the Army would not permit anything of that kind, and so he could not do it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That section 8 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 8. Judge Advocate General's Department: The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of brigadier general, and 100 officers in grades from colonel to captain, inclusive: *Provided*, That during the tenure of office of the present Judge Advocate General he shall have the rank of major general."

Mr. JOHNSON of South Dakota rose.

Mr. KEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio [Mr. KEARNS], a member of the committee. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KEARNS: Page 16, line 7, strike out the entire section and substitute the following:

"SEC. 7. That section 8, except the last three provisos thereof, which relate to the examination for promotion, retirement, and discharge of officers of the Judge Advocate General's Department, which provisos shall remain in full force and effect, be, and the same is hereby, stricken out, and the following inserted in lieu thereof:

"'SEC. 8. Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General with the rank of major general, 2 Assistant Judge Advocates General with the rank of brigadier general, 20 judge advocates with the rank of colonel, 40 judge advocates with the rank of lieutenant colonel, 80 judge advocates with the rank of major, and 80 judge advocates with the rank of captain.

"'The Judge Advocate General and the Assistant Judge Advocates General shall be appointed for four-year periods, by and with the advice and consent of the Senate, from among officers of the Judge Advocate General's Department not below the grade of lieutenant colonel: *Provided*, That any such appointment shall create a vacancy in the grade from which the officer shall be appointed and said vacancy shall be filled as hereinafter prescribed, but the officer so appointed shall retain the same relative position in said department that he would have held if he had not been so appointed and shall return to said relative position upon the expiration of his appointment to said office unless reappointed thereto, and if under the operation of this proviso the number of officers of any particular grade shall at any time exceed the number authorized hereinbefore for that grade, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced below the number herein authorized for said grade.

"'Vacancies in the Judge Advocate General's Department, in each grade below that of brigadier general, created or caused by this act, shall be filled, subject to such examination as the President may prescribe, by the promotion according to present seniority of officers now holding permanent commissions in said department and by the appointment by selection of persons learned in the law who served in the United States Army at any time between April 6, 1917, and November 11, 1918, and all such promotions and appointments shall date from July 1, 1920, and shall be distributed in each grade, as the interest of the service may require, between those who now hold and those who do not now hold permanent commissions in the Army. Officers appointed by selection under the foregoing provision may be arranged in order of rank among themselves, and with reference to officers promoted as of the same date, without regard to length of prior commissioned service.

"'Except as in this section otherwise provided for, all officers of the Judge Advocate General's Department shall be permanently commissioned therein.

"'After the initial reorganization of the department as herein prescribed, vacancies in grades below that of brigadier general and above that of captain shall be filled by promotion by seniority in the next lower grade of said department, and vacancies in the grade of captain shall be filled, subject to such examination as the President may prescribe, by the appointment of persons learned in the law, selected from officers of the Army, the Judge Advocate General Officers' Reserve Corps, or the National Guard, or civilian members of the bar: *Provided*, That not less than one-half of the officers in the grade of captain, authorized by this section, shall be obtained by detail from officers of the grades of captain and first lieutenant commissioned in other branches of the Army: *And provided further*, That the provisions of existing law relating to the examination, promotion, retirement, and discharge of majors of the Judge Advocate General's Department shall apply to captains thereof.

"'The President may assign to duty with the branch of the Army from which he was selected for appointment in the Judge Advocate General's Department any officer holding a commission in that department, and from and after such assignment such officer shall be regarded for all purposes as an officer of the branch of the service to which he has thus been assigned.'

"Nothing contained in section 24 of the act of June 3, 1916, as amended by section 23 of this amending act shall apply to or affect the Judge Advocate General's Department or the officers thereof."

Mr. KEARNS. Mr. Chairman, this bill provides for 17,832 officers. This amendment would not create any more officers, but it only provides that 223 of the 17,832 officers shall be put in the Judge Advocate General's office.

The law department of the Army is one of the most important in the service, or at least it ought to be so. Under this bill I can not help but think that some one outside of the committee has made a deliberate attempt to destroy the law service of the Army. We are asking in this bill for an enlistment of practically 300,000 enlisted men. It would be impossible for any parent who understood the provisions of this bill to allow his boy to enlist in the service of the Army of the United States, for the reason that he would absolutely surrender every civil right that he possesses. With the provision that is made in this bill for the Judge Advocate General's office there is not one of these boys who would be protected in any way in his liberties.

The law department of the Army, as I said before, is an important branch, and you can not find any responsible officer connected with that department who will say to you that the Judge Advocate General's office can function if this section is not amended. This bill only allows 100 officers to go into that service, and these 100 officers that are provided for the Judge Advocate General's office are to be detailed from the line.

The officer who wrote this provision of the bill proceeded on the theory that a man might be a good Cavalry officer, with all the qualifications of a Cavalry officer, or an infantryman, and he would therefore be qualified to enter the law department of the Army. Under this bill the men who would be detailed from the line, most of them, would never have had the opportunity to look inside of a law book.

This department is a highly specialized and technical branch of the Army, and it can not be made to function properly or at all, unless you provide for it a detail of officers who are supposed, at least, to be learned in the law. Under the provisions of the bill as it now stands, as I said before, the men who are detailed into this service need never have been in a law school or read law one day in their lives. During this recent war there have been brought into the service some of the best lawyers in the United States. Some of these men are willing to stay. Under this bill they can not, because the general provisions of the bill require as qualifications certain age limits, and under these provisions——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEARNS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. KEARNS. Under the provisions of this bill, if there is no exception made of this department, it will be impossible to retain these men.

Mr. McKENZIE. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. KEARNS. Yes.

Mr. McKENZIE. I desire to ask my colleague if he does not think it would be better, if possible, in detailing men to the Judge Advocate's Department, to have men learned in the law and also well versed in military affairs, and therefore by detailing officers from the Army who have a knowledge of law you would have a better organization than you would get otherwise?

Mr. KEARNS. That would be true if it were possible to get these men who are lawyers from the line. But you can not get them. Under the amendment that I offer one-half of the officers detailed into this service are to be taken from the line, provided they can be gotten, and the other half are to be taken from the men who enlisted in the service during the emergency that has just closed.

As I said before, we have the best legal talent in the United States, some of the best, that has come into the Judge Advocate's office. Under this bill, in order to be a major, a man must be, I think, 36 years of age. In order to be a colonel he must be between the ages of 48 and 50. There is not a man in the Judge Advocate's office to-day that you could appoint as colonel under the provisions of this bill, and therefore there ought to be in this specialized branch of the service an exception made, and if this amendment is adopted there will be, and you will get real lawyers without another dollar's expense to the Government. And I want to say, as I said at the outset, that you are not providing by this amendment more officers. You are taking out of these 17,832 fixed by the bill 223 and putting them into the Judge Advocate General's office in order that the office may function.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. Yes.

Mr. HULL of Iowa. Can the gentleman tell us how many officers there are in the Judge Advocate General's office at the present time?

Mr. KEARNS. I do not know the exact number, but there are somewhere between 300 and 400.

Mr. HULL of Iowa. What is the explanation of putting these officers out of there who are in there and putting them somewhere else? Where are you going to put them?

Mr. KEARNS. As some Member said a few days ago, the provision of this bill that creates 17,832 officers will create such a large number that they will be falling over each other; they will have nothing to do. I am trying to provide a real job for 223 of them, a place where they are needed.

Remember, gentlemen, they are not only concerned with courts-martial. These men have some of the biggest contracts to pass upon of any department of the Government. The Army consumes each year, and makes contracts each year for, hundreds of thousands of dollars' worth of supplies. Some of the biggest lawyers in the United States, representing firms who sell to the Army, are men who are receiving $20,000 or $30,000 a year, and they come to Washington to help prepare those contracts. Under the law as it stands to-day they meet down here a first lieutenant who never saw the inside of a law book who pits his judgment against that of the highest-paid lawyers in the United States, and as a consequence the United States loses hundreds of thousands of dollars every year because it has not a real law department.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. KEARNS. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. I was out at the time the gentleman's amendment was reported. Does it provide for more men in the Judge Advocate General's Department than are provided in the section contained in the bill?

Mr. KEARNS. This bill provides for 100. My amendment provides for 223.

Mr. NEWTON of Minnesota. To be deducted from the other force?

Mr. KEARNS. To be deducted from the other force. It does not create one new position.

Mr. WELTY. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. WELTY. The gentleman spoke about preparing contracts. In addition to that, the Judge Advocate General's office will have to pass upon contracts and differences between contractors and the Government?

Mr. KEARNS. Absolutely so.

Mr. WELTY. Is it not a fact that there are a large number of contracts still undetermined which must be passed upon by this office?

Mr. KEARNS. Yes.

Mr. WELTY. Will 100 officers be able to take care of this work and clean it up?

Mr. KEARNS. As I said before, every officer in the Judge Advocate General's office will tell you that if the provision in this bill is allowed to stand unamended the Judge Advocate General's office might as well be wiped off the slate, because it can not function.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. WOOD of Indiana. Suppose this provision stands in the bill unamended, what will happen to the present organization in the Judge Advocate General's office?

Mr. KEARNS. On the 1st of July, 1920, it will have to be reduced to 100 officers, and all of the emergency men will have to leave, every one of them.

Mr. BARKLEY. How many are there now?

Mr. KEARNS. I do not know exactly—three or four hundred.

Mr. BANKHEAD. Will the gentleman yield?
Mr. KEARNS. Yes.
Mr. BANKHEAD. I understand the gentleman to say that all of these temporary emergency officers, many of whom have been rendering such excellent service, will have to quit the service if the committee provision is adopted.
Mr. KEARNS. They will have to quit the service or go back. Some few might be retained as captains, but you are not going to get any real lawyer to go in there and stay at a salary of $2,400 a year.
The CHAIRMAN. The time of the gentleman has expired.
Mr. KEARNS. I ask unanimous consent to proceed for five minutes.
The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?
There was no objection.
Mr. BLANTON. Will the gentleman yield?
Mr. KEARNS. I yield to the gentleman from Texas.
Mr. BLANTON. The gentleman speaks of this section having been specially written by some officer in a way that put something over the committee.
Mr. KEARNS. I said I suspected so.
Mr. BLANTON. The gentleman suspected that?
Mr. KEARNS. Yes.
Mr. BLANTON. Can the gentleman, who is a member of this committee, tell the Committee of the Whole in what manner this one officer who privately wrote this section was able to put it over this great Committee on Military Affairs?
Mr. KEARNS. I can not; and I do not want to leave that remark in my speech in that form either.
Mr. BLANTON. That was the idea I got from the gentleman.
Mr. KEARNS. I do not want the gentleman to inject that statement into my speech. I do not want to make a statement of that kind. I said I could not help thinking that the officer who assisted in the preparation of this section certainly did not have much love for the law department of the Army.
Mr. McKENZIE. Will the gentleman yield?
Mr. KEARNS. Yes.
Mr. McKENZIE. In view of the statement made by the gentleman from Texas I think it is pertinent to say that the majority members of the Committee on Military Affairs did not have anything put over on them.
Mr. KEARNS. Oh, no.
Mr. McKENZIE. But we took the position that it is better preparedness to have officers in the Artillery and Cavalry and Infantry than in the law department.
Mr. BLANTON. I was not asserting that. I was only carrying out the suggestion made by the gentleman from Ohio [Mr. KEARNS].
Mr. KEARNS. And I do not want that statement in my speech, either.
Mr. REED of West Virginia. Will the gentleman yield?
Mr. KEARNS. Yes.
Mr. REED of West Virginia. Do I understand my colleague's amendment to waive the age limit when it comes to this branch of the service?
Mr. KEARNS. It does.
Mr. REED of West Virginia. As it is now, a man might be President of the United States, yet he would have to live 13 years longer before he could be a colonel.
Mr. KEARNS. The Constitution of the United States provides that a man who has attained the age of 35 years has judgment and discretion enough that if he can get the votes he may become President of the United States. Yet he has not discretion enough to be a colonel in the law department of this Army until he has reached the age of 48.
Mr. REED of West Virginia. That is very interesting. I hope the gentleman will make that plain.
Mr. KEARNS. That is the proposition that is made. When a man reaches the age of 25 years he is eligible to a seat in this great body, yet he is not competent to be a major in the Army of the United States, because he does not have discretion enough and judgment enough at the age of 25.
Mr. REED of West Virginia. Then the gentleman thinks this waiver of age should extend further?
Mr. KEARNS. My opinion is that a Member of Congress occupies just as important a position in the world's affairs as a major in the Army.
Mr. REED of West Virginia. That is a very good opinion.
Mr. WELTY. Will the gentleman yield again?
Mr. KEARNS. Yes.
Mr. WELTY. A little while ago the question was asked how many officers there were in the Judge Advocate General's office.
Mr. KEARNS. I do not know the number.
Mr. WELTY. Do the hearings show how many there are there?
Mr. KEARNS. I do not think so.
Mr. WELTY. Did you have anyone from the Judge Advocate General's office state to the committee just how many are necessary for the purpose of cleaning up the work that they have there as a result of this war?
Mr. KEARNS. I have the word of responsible officers in the Judge Advocate General's office, who say that they can not possibly function in the future at any time with less than 223 officers in that department.
Mr. WELTY. Did you have a member of the Judge Advocate General's office before the committee for the purpose of giving that testimony?
Mr. KEARNS. Men from that office were before our committee.
Mr. BARKLEY. Did I understand the gentleman to say a while ago that a man could not be a colonel in the Judge Advocate's department until he got to be 48 years old?
Mr. KEARNS. Yes.
The CHAIRMAN. The time of the gentleman has again expired.
Mr. KEARNS. I ask for five minutes more.
Mr. ANTHONY. Mr. Chairman, with the idea of making progress on this section of the bill I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.
Mr. KEARNS. I do not want to take up the time, because there are other Members here who wish to be heard.
The CHAIRMAN. The gentleman from Kansas asks unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes. Is there objection?
Mr. JONES of Texas. Reserving the right to object, who is to control the time?
Mr. KAHN. The Chair, under the five-minute rule. I apprehend that if the gentleman wants time, if he will indicate to the Chair that he wants recognition, the Chair will recognize him.
The CHAIRMAN. Is there objection?
There was no objection.
Mr. JOHNSON of South Dakota. Will the gentleman yield?
Mr. KEARNS. I will.
Mr. JOHNSON of South Dakota. The gentleman stated that this age limit applied to all officers of the Judge Advocate General's department. Is it not true that it only applies to the so-called emergency officers and not to the Regular officers?
Mr. KEARNS. It applies to the emergency officers. Now, Mr. Chairman, under this amendment it would give this department 1 major general, 1 brigadier general, 20 colonels, and 40 lieutenant colonels. The reason this arrangement has been made is that the salary of a lieutenant colonel, and along up the line, would keep the real lawyers that are now in the Judge Advocate General's office. In the future the men who are detailed from civil life with the kind of a plan before them in this bill, you would not be able to get some of the best lawyers in civil life to enter the Army because there will be no future for them. Under the bill as drawn to-day there is no provision for getting lawyers from civil life, no provision for good lawyers anywhere in the Judge Advocate General's office.
Mr. CLARK of Missouri. Will the gentleman yield?
Mr. KEARNS. Certainly.
Mr. CLARK of Missouri. How much salary do these men get?
Mr. KEARNS. They get the salary of the grade.
Mr. CLARK of Missouri. How much is it?
Mr. KEARNS. I think a captain gets $2,400; a major, $3,000; a lieutenant colonel gets about $3,600; and a colonel, $4,000 or $4,200.
Mr. CLARK of Missouri. Does the gentleman think that you could get the best lawyers in the country to work for those sal[illegible]?
Mr. KEARNS. I know that during the recent emergency there were brought into the service some of the best lawyers in the United States, men who outside made $25,000 and $30,000 or $40,000 a year.
Mr. CLARK of Missouri. Does the gentleman think he could get those same officers to remain in the Army in a time of peace?
Mr. KEARNS. One of them last evening stated that he was willing to stay.
Mr. CLARK of Missouri. He is no good. [Laughter.]
Mr. KEARNS. He is one of the best lawyers in the United States. Perhaps he has made enough money now, so that he needs no more.
Now, Mr. Chairman, if this amendment is adopted it would allow one man who is really a lawyer, a law officer, to preside at

every important court-martial held in the United States. There are men inside and some outside of the Army who believe that when a boy enlists in the Army and is charged with crime that he ought to have the right of defense. This will provide one law officer for every important court-martial to be held in the future. I can not understand why a man should want to subject the enlisted man who comes from the rank and file of the citizenship of the country to all the indignities heaped upon them often when they get into the service. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, it is a matter of great satisfaction to me personally, and it must be to other Members of the House, to see a member of the Committee on Military Affairs insurge a little bit on some provisions of the bill. I am more than happy to say that I am in perfect accord with him, because I know that his amendment will do things that ought to be done to the Judge Advocate General's Department if we can secure any reform of the Articles of War or the court-martial statute.

This bill as it is drawn is intended to drive out from the Judge Advocate General's Department practically every emergency officer lawyer who came in as an emergency officer during the late war. If they have not driven them out in one way, they have driven them out in another; if not by age limitation, they proceed to do it by cutting down the personnel. We need good lawyers in the Judge Advocate General's Department. There are mighty good men graduated at West Point who help make it, and who are as good lawyers as you ever find in civil life. But it is a good thing to put in among the Regular Army officers a man who has learned his law in the hard school of civil life. If this amendment is adopted, it will give some of these men an opportunity to help improve the service by bringing into it the things that they have learned by hard experience. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. The gentleman can not yield the time, but I shall take the floor at this time.

The CHAIRMAN. Without objection, the gentleman from Illinois will be recognized for eight minutes.

There was no objection.

Mr. MANN of Illinois. Mr. Chairman, for the life of me I can not see why they need 100 officers in the Judge Advocate General's office in time of peace. What do they do? What is there to keep them busy? The gentleman from Ohio [Mr. KEARNS] said they were drawing important contracts. We know that nearly all of the contracts that the War Department enters into are entered into on forms, and it does not take a lawyer to fill out a contract form. A law clerk will do it better. Of course they look after and review courts-martial, but there are not very many of those in time of peace.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. KEARNS. The Judge Advocate General's office says that it requires 70 of them if they are going to have one law officer preside at important courts-martial.

Mr. MANN of Illinois. Oh, the Judge Advocate General's office does not know any more about it than does the gentleman or I. They do not have 70 or anything like it, and they can not use 70 in time of peace. They want more law officers to conduct the little law work relating to courts-martial in an Army of less than 300,000 men than there are Federal judges in the United States. Perhaps that is an exaggeration, but it is not very much of an exaggeration. They have not got the work to do. The gentleman's amendment proposes not 100, as suggested by the bill, but to increase it to 232, and it is manifest, I think, after hearing the gentleman, that the purpose of that is to keep in the service some of the men who entered the service during the war. Perhaps they ought to be kept—I do not know—but I do not think they ought to be kept merely for the purpose of giving them a job when there is nothing for them to do, nor do I share the view expressed by the gentleman and by his amendment that because a man is a lawyer instead of a fighter he should have a higher rank reviewing courts-martial than he has at the same age leading boys in the line. I know that this is a body of lawyers, and I sometimes think that we would legislate better if there were not so many lawyers in the House and there were more practical men in it; but I do not think that a body of lawyers can afford to say to the country, when reorganizing the Army, that it will give preference in pay and age to the men who do law clerk's work than to men who are called upon to fight if necessary. That is what this amendment proposes. I would guarantee to find law clerks, plenty of them, in the United States at salaries from $1,500 to $2,000 a year, who would be far superior to the average of the officers, as far as law work is concerned, in the Judge Advocate General's office; but we can not afford to say that we will keep on and commission in the Judge Advocate's office a man who went in for temporary service on better terms than we will keep in a man or men who went in to fight. That is what this amendment proposes. I do not believe, first, that that ought to be done, and I do not believe, second, that there ought to be any increase in the number of commissioned officers in the Judge Advocate General's office over that proposed by the bill. I think there will be too many with 100, and they will fall over each other if we make it 232.

Mr. CALDWELL. Mr. Chairman, a representative of the Judge Advocate General's office, Gen. Kreger, appeared before our committee. I have looked in the record for his testimony, but it appears it was not printed for some reason or other. If it has been, I can not find it.

Mr. KAHN. The gentleman will find it on page 1998 of the second volume of the hearings.

Mr. CALDWELL. Referring to a question asked by the distinguished gentleman from Missouri [Mr. CLARK], the ex-Speaker of this House, than whom there is no man greater loved, or ever has been greater loved by the House, I have to say that the Army appeals to some men as Congress appeals to some others. Some men are carried away with the idea, and perhaps justly so, that no higher honor can come to any man than the privilege of putting on the uniform of an officer of the United States Army. There are some men who have the same idea toward Congress, and I must confess that I have sometimes asked myself why I try to stay here. It seems rather strange that men of the attainments of the ex-Speaker—of the two ex-Speakers of the House, who sit on this floor at $7,500 a year—would stay here when their mental attainments are such that they would earn in any of the great cities of our country perhaps twenty times as much as they are paid here. Why do they stay? It is because of the personal association of the men whom they meet here, because of the honor of the position, and because of the fact that they realize that they are performing a duty to their country which they are well equipped and qualified to perform, and we are glad that they feel that way and that they do give their services to the country at the great sacrifice they are making.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Not just now. Since I have come to Congress I have had occasion to examine many court-martial cases. I have yet to find a court-martial case that a good lawyer could not set aside if tried in any inferior civil court in the country. I believe that in all those cases the cause of the error in the trial is the failure to have upon the courts men skilled in the rules of law, who understand the rules of evidence, in order that they might exclude those things from the trial that ought to be excluded. I believe that this amendment would in a large measure correct that, and I believe that it would do away with the great criticism that started with the criticism of the ex-acting Judge Advocate General, Mr. Ansell. I believe that it would make it impossible for an amendment such as the gentleman from South Dakota [Mr. JOHNSON] proposes to introduce here in a few minutes to prevail. I believe that if this amendment were enacted into law a proposition such as Mr. JOHNSON proposes to make to this House would not even be considered by the membership.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. JOHNSON of South Dakota. Upon what theory does the gentleman base that belief?

Mr. CALDWELL. Upon the theory that those things that are now criticized would be eliminated by reason of the fact that the criticism is directed to the mistakes that have been made because of ignorance.

Mr. JOHNSON of South Dakota. Does the gentleman mean to intimate that the present articles of war and the court-martial laws of the United States are perfect?

Mr. CALDWELL. No; they ought to be amended, to a certain extent; but they should never be amended in the manner that the gentleman proposes here. They should be amended after careful study and hearings before a committee.

Mr. JOHNSON of South Dakota. That is a matter of dispute; the gentleman does not say they are perfect?

Mr. CALDWELL. No; I never did. There are very few laws ever passed by any legislative body in any of the countries of the world that can be considered as perfect, because we are not perfect people. The gentleman from New York [Mr. DONOVAN] suggests there is only one law that is perfect, and that is the law of gravity. Now, I believe that this amendment of the gentleman from Ohio is a step in the right direction.

I am sorry the committee has not incorporated this provision in the bill, and, personally, I propose to vote for it, and I hope that the committee will see the wisdom of this provision and that the lawyers of this House will do for the lawyers in the Army what the doctors of this country and the preachers of this country and the nurses of this country are trying to do for the people of their service in the Army.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I think the committee has very liberally provided for the Judge Advocate General's Department. We have reached the stage in the bill now where we have to do with the special corps or bureaus in the Army. Every one of these corps and bureaus almost is at work in Congress conducting propaganda toward the further expansion of those bureaus, not for the purpose of necessity but largely for the promotions within those bureaus and the bringing of higher rank to the officers who are in them. That is at the bottom of these personal letters that Members of Congress are getting at this time, to seek further to enlarge and increase those bureaus over the increase which the committee has made after careful consideration and which we think are large enough for their efficient conduct.

Now, before the war there were 32 officers in the Judge Advocate General's Department, sufficient and ample to conduct the business for an Army of 120,000 men. We now propose 100 officers, and we realize that there is considerable unfinished business, perhaps, that needs looking after. We believe that number of officers can take care of it. They have done a great amount of work there. They have just finished going over thousands of courts-martial cases, where men were under confinement in United States penitentiaries serving penal sentences, where the cases were carefully examined with a view of recommendation for clemency. I am informed that most of those cases have been completed now and very little of that work remains. In connection with the number of officers necessary for this corps it is interesting to note the testimony of Gen. Kreger, who came before our committee a few months ago. Gen. Kreger at that time was asked what would be a sufficient number of officers in the Judge Advocate General's Department for the Army of 576,000 men which was being asked for by the department and the Secretary of War and as was provided in the bill we had under consideration then. Gen. Kreger said, in answer to the question of Mr. KEARNS, of Ohio:

> At an earlier stage of this hearing, in answer to a question, I said that for an Army of 576,000 officers and men, as contemplated by the bill under consideration, 72 officers would be required in the Judge Advocate General's office.

We are providing 100 here now for an Army of 299,000 when Gen. Kreger, the head of this corps, only a few months ago said 72 would be sufficient for an Army of 576,000 men.

Mr. MILLER. And if the gentleman will permit, Gen. Kreger also came from civil life into the Army, was a lawyer at the bar his entire life until he came into the Army.

Mr. ANTHONY. That is correct.

Mr. KEARNS. If the gentleman will yield, Gen. Kreger when he made that statement had not taken into consideration the law officers for the courts-martial.

Mr. ANTHONY. That is correct. Then he modified his statement and said that if they provided a law officer for every court-martial at every place where a court-martial was held in the Army they would want 202 officers, and the gentleman is asking for 228.

Mr. KEARNS. Does not the gentleman think there ought to be a law officer in each one of those cases——

Mr. ANTHONY. I do not. I do not think most of the courts-martial are of sufficient importance.

Mr. KEARNS. I am talking about the real important ones.

Mr. ANTHONY. At the important ones I think probably it would be wise.

Mr. MILLER. If the gentleman will permit another suggestion, is not Col. Winship, the second in the Judge Advocate General's office, likewise a lawyer who came from civil life?

Mr. ANTHONY. I think a large majority of our legal officers are likewise men who were either lawyers out in civil life before they went into the line of the Army and were detailed to The Adjutant General's office or were men who, as they say, have burned the midnight oil and have studied law and were admitted to the bar and were detailed to the Judge Advocate General's office.

Mr. DONOVAN. The gentleman heard the statement of the gentleman from Illinois when he said that any law clerk could do the work better than these lawyers. Does the gentleman subscribe to that suggestion?

Mr. ANTHONY. I do not. I think the Judge Advocate's corps has a number of highly competent lawyers in it. I think it is also true there are times when that corps has been open to the old joke that used to be told about it, that the Judge Advocate's corps, when asked for a legal opinion, used to render in response to the request made by a higher authority that they were a good deal like the old fiddle which, when scratched on the back, would play almost any kind of a tune.

Mr. DONOVAN. I do not believe it always did that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman and gentlemen, we can not afford to adopt the amendment offered by the gentleman from Ohio [Mr. KEARNS]. I want you to read some of the things they say about the corps. I can not indorse what the distinguished gentleman from Illinois [Mr. MANN] has said against lawyers. I have very high regard for lawyers, and the splendid work they have done in all the different enterprises in this country, and I desire to say to the gentleman from Illinois that it was a lawyer who laid the foundation stones of this country, sir. The Declaration of Independence breathed the spirit of legal trained authority. The Constitution of the United States, which this flag honors, came through the handiwork of lawyers. This Republic throughout all its different stages and epochs has had trained legal authorities to protect it, and the great enterprises of this country have trained legal men to protect their business. Yea, and more than that, Mr. Chairman, under our American system of jurisprudence, the lawyer has always been the poor man's friend and protector. The lawyer has always guarded the property rights and the liberties of the poor when the rich and powerful endeavored to oppress. The lawyer protects the poor and helpless in all State courts. And the gentleman, in casting aspersions upon the legal profession, seems to think that a clerk knows more than an able, trained lawyer. But, aside from that, we do not need in the Judge Advocate General's office another corps of lawyers. You do not need more courthouses full of lawyers in the War Department. Some say we need one for every court-martial trial. This very bill provides that these Army officers can go and be educated in the law at Government expense. The bill you have under consideration trains men to do the very thing you talk about, the filling up of this department here with lawyers. For God's sake, let us get a lot of these clerks out of these departments and some of the lawyers out of the Judge Advocate General's department and let them go back home, as the people need them there.

You need not be uneasy. These Army officers know what they are doing. Gentlemen educated at West Point, that splendid institution that this country provides in which to educate our officers, certainly can run the Judge Advocate's Department. Certainly they do need a few lawyers down there, but they can get along with very few. I ask the gentleman in good faith why he wants to add more than a hundred more there?

Mr. KEARNS. Because we need them in the administration of the law department there.

Mr. QUIN. Do you not know that the Judge Advocate will pay no attention to any opinion any lawyer may render? Gen. Ansell had an experience of that kind. Whatever the opinion of Gen. Ansell might have been toward this policy of courts-martial, where men were sent to the penitentiary for a lifetime for trivial offenses, do you think it had anything to do with the Army officers? When it got to the notice of the Judge Advocate General and of the Secretary of War, they said, "No; you can not." If you have a few lawyers down there who understand all the rules and practice, in my judgment the department will run smoothly and efficiently. You can not get rid of barbarous court-martial sentences by giving jobs to 138 lawyers more, as provided in Mr. KEARN's amendment. You have got to have the Articles of War changed, which articles stand to-day as a work of archaism and barbarism instead of a high degree of the Christian civilization we now have in this country, and you can not get the articles changed if the War Department has its way about it. You will have to do it through these lawyers in Congress, who breathe the spirit of patriotic freedom and justice from the people they represent. That is the only way you are going to get the articles changed and get the courts-martial trials down on a humane basis, as they ought to be. Who is going to do it? It must be Members of Congress; and I do not care what their profession is, whether it is that of a lawyer, a farmer, a conductor, an engineer, or what not; the men who represent the masses of the people certainly breathe the proper spirit to modernize and civilize and Christianize the Articles of War of the United States Army, whereby men who enlist in the Army, whether they are grabbed by the necks and put in there under the conscript act or whether they volunteer, can have a fair trial according to the rules of justice set out in the procedure of civil courts of this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEARNS. Mr. Chairman, how much time is left?

The CHAIRMAN. There are three additional minutes which the gentleman from South Dakota [Mr. JOHNSON] did not consume.

Mr. KEARNS. If no one else wants it, I ask to be recognized.

Mr. KAHN. I would like two minutes.

Mr. KEARNS. The gentleman asked for a vote, and I did not think he desired to take any more time.

Mr. KAHN. I thought the time was exhausted.

Mr. Chairman, there is no Member of the House who appreciates more thoroughly the work that is being done by the Judge Advocate General's department than I do. I would not attempt to hamper that work in any way. I know that the officers provided for in this section of the pending bill are required for the proper handling of the work of that department. Every court-martial case has to be reviewed by that department before it goes to the President for his approval. Of course, during the war there was an enormous amount of work in that line alone, and the number of officers in the Judge Advocate General's department was very largely increased. As we are returning to a peace-time basis, the number of officers has been materially decreased, but this bill provides for certain organizations in the Army. You have your departments; you have divisions; you have your brigades; you have your regimental organizations. There must be a judge advocate with all those organizations. I hope that the provision of the bill will stand.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. KEARNS].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. KEARNS) the committee divided; and there were—ayes 24, noes 53.

So the amendment was rejected.

Mr. JOHNSON of South Dakota. Mr. Chairman, I have an amendment which I send to the desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JOHNSON of South Dakota: Page 16, line 11, after the word "inclusive," insert:

"That this amendment shall be known as the military justice act, and the articles included in this section shall be known as the Army articles, and shall at all time and in all places govern the Army of the United States."

Mr. QUIN (interrupting the reading of the amendment). Mr. Chairman, a point of order.

Mr. KAHN. Mr. Chairman——

Mr. JOHNSON of South Dakota. I wish the gentleman would reserve the point of order.

Mr. KAHN. I would suggest to the gentleman from South Dakota that this is a very long amendment and will take some time to read. I think that most of the Members of the House are familiar with the subject matter of it. I believe that it is clearly subject to a point of order. I think we can save the time of the House by——

The CHAIRMAN. The Chair will state that he has read the amendment of the gentleman all the way through, and would perhaps be able to consider the point of order against it without having the amendment read, if that is agreeable to the committee.

Mr. JOHNSON of South Dakota. I think the gentleman from California [Mr. KAHN] is right in thinking that it is going to be settled on a point of order very quickly, and gentlemen of the House are familiar with the amendment, and it would simply take the time of the House to read it. Therefore I wish that he would reserve the point of order instead of making it.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that the gentleman from South Dakota be granted 15 minutes to speak out of order.

Mr. KAHN. Mr. Chairman, I reserve a point of order.

Mr. CLARK of Missouri. If the gentleman from California will permit, if he has not read this amendment, how does he know it is subject to a point of order?

Mr. KAHN. The gentleman from California has read it, and almost every Member of the House has had his attention called to it.

The CHAIRMAN. The gentleman asks unanimous consent that the reading of the amendment be dispensed with. Is that the gentleman's request?

Mr. KAHN. Exactly. I will reserve the point of order in order to allow the gentleman from South Dakota to explain the matter.

The CHAIRMAN. The gentleman asks meanwhile that, instead of reading the amendment, the gentleman from South Dakota have 15 minutes out of order to explain his amendment.

Mr. GARRETT. Mr. Chairman, I shall not object to the dispensing of the reading of the amendment at this time, but the gentleman from South Dakota [Mr. JOHNSON] in his letter addressed to the Members of the House gave notice of his purpose to appeal from the decision of the Chair. I take it that he is still of the same mind?

Mr. JOHNSON of South Dakota. The gentleman is correct.

Mr. GARRETT. Now, if that should occur, and the Chair should be overruled in the event the Chair sustains the point of order, then the amendment ought to be read if it is to be considered by the House. That is all I have to say on the subject at the present time.

Mr. KAHN. That would naturally follow.

Mr. BARKLEY. Reserving the right to object, Mr. Chairman, if the amendment is not read at this point, will it be printed in the RECORD as having been offered at the point where it occurs? The point is, if the amendment is not read, how can it go into the RECORD?

Mr. GARRETT. It could not go in except by unanimous consent.

The CHAIRMAN. It could be inserted by unanimous consent.

Mr. KAHN. Mr. Chairman, I think the gentleman can insert it in the RECORD as a part of his remarks under the agreement reached by the Committee of the Whole.

Mr. CALDWELL. Mr. Chairman, I think the matter can be straightened out by the unanimous-consent request that I now make, that the amendment be considered as read.

Mr. MANN of Illinois. Mr. Chairman, reserving the right to object, I would say that the reading of the amendment will not be dispensed with in any way if it is to be voted on in any way. I am not willing for the House to vote on the very important proposition without having it read.

The CHAIRMAN. The Chair will entertain a unanimous-consent request.

Mr. GARRETT. That is exactly the suggestion that I made. In view of the fact that the gentleman from South Dakota [Mr. JOHNSON] has notified the House that it is his purpose to appeal from the decision of the Chair, it is perfectly evident that at some time this amendment is going to be read. I am not objecting to the request that the reading of it be dispensed with now.

Mr. MANN of Illinois. We have a unanimous-consent request now pending, that the gentleman from South Dakota have 15 minutes out of order.

Mr. BANKHEAD. Mr. Chairman, I desire to submit a unanimous-consent request which I think will meet the situation, and that is that the reading of the amendment offered by the gentleman from South Dakota be dispensed with until the point of order is passed on.

Mr. MANN of Illinois. The other request is sufficient without that.

Mr. BANKHEAD. There might be objection to that.

Mr. CLARK of Missouri. Mr. Speaker, there has been a suggestion by the gentleman from Illinois [Mr. MANN] and by the gentleman from Tennessee [Mr. GARRETT] that the Committee of the Whole House on the state of the Union can not change the rules of the House.

The CHAIRMAN. The Chair understands that the request was that the gentleman should be permitted to speak on the subject matter of his amendment, which he claims to be germane to the bill.

Mr. CLARK of Missouri. I have no earthly objection to his getting 15 minutes to make a speech.

Mr. GOLDFOGLE. Mr. Chairman, reserving the right to object——

Mr. BANKHEAD. It seems to me the orderly way to dispose of this matter is to dispose of the matter now pending before the Chair for decision. The gentleman from South Dakota [Mr. JOHNSON] has offered an amendment. I submit a unanimous-consent request for the present, that the reading of the amendment be dispensed with, in order that that point of order might be raised and determined upon which notice has been given of an appeal from the decision of the Chair.

Mr. MANN of Illinois. However, during the reading of the amendment the gentleman asked unanimous consent that the gentleman from South Dakota might proceed out of order. That does not dispose of the question.

Mr. BANKHEAD. I object to that for the present, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent that the amendment be read.

The CHAIRMAN. The Clerk will read the amendment.

Mr. ANTHONY. Mr. Chairman, it is obvious that it is going to take a great deal of the time of the House in the reading

of that amendment. If there is going to be a point of order made on it, it might as well be made now.

Mr. BANKHEAD. Mr. Chairman, I was not insisting that the amendment should be read. My purpose was in fact to obviate the reading of the amendment. I was simply taking the position that that question of whether the point of order was to be passed upon should be considered first. If that ruling is going to involve the taking up of time to read the amendment I will withdraw my objection to the unanimous-consent request.

Mr. MANN of Illinois. It will have to be read some time.

Mr. GOLDFOGLE. I desire to submit a request for unanimous consent.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I ask unanimous consent that if the point of order be overruled, the vote upon this amendment be deferred until to-morrow, and that the amendment be printed in the RECORD, and the reading of it dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that if the point of order be overruled, the vote upon this amendment be deferred until to-morrow——

Mr. CANNON. Mr. Chairman, I believe this amendment covers 66 pages. Suppose I should move to amend by offering a copy of Josephus?

Mr. MANN of Illinois. Well, of course, as soon as this amendment is read part way, showing that it is out of order, some one can make the point of order on it, and have it ruled out of order without fully reading it.

The CHAIRMAN. The Chair suggests that the unanimous-consent request be put. Will the gentleman from New York [Mr. GOLDFOGLE] please restate it?

Mr. GOLDFOGLE. The unanimous-consent request is as follows: That if the point of order raised against the amendment be overruled, then the vote on this amendment be deferred until to-morrow; that the amendment now offered be printed in the RECORD, and the reading of it be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GREENE of Vermont. Reserving the right to object, Mr. Chairman, the gentleman from New York bases one condition upon another, and even the first condition has not happened yet. Nobody has made a point of order, and nobody has yet formally moved to overrule a point of order that has not been made, and yet he bases a unanimous-consent agreement upon it.

Mr. JOHNSON of South Dakota. The gentleman from California reserved a point of order.

The CHAIRMAN. Objection is heard. The Clerk will proceed with the reading of the amendment, unless some parliamentary objection is made.

The Clerk read as follows:

I. PRELIMINARY PROVISIONS.

ARTICLE 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely: (a) The word "officer" shall be construed to refer to a commissioned officer; (b) The word "soldier" shall be construed as including a noncommissioned officer, a private, or any other enlisted man—

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent that the reading of the amendment be postponed until the point of order is settled.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the reading of the amendment be postponed until the final decision is made of any point of order that is to be made against the amendment. Is there objection?

Mr. WOOD of Indiana. Reserving the right to object, Mr. Chairman, how do the Members of this House know whether this is in order or out of order? Some may have read it and have an opinion with reference to whether it is in order or out of order, while the great mass of Members here, I dare say, know nothing about it; and even if the Chair had an opinion with reference to its being out of order or in order, his opinion might vary from the opinion of the majority of the House. I think the House is entitled to hear it.

Mr. CLARK of Missouri rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. For the purpose of making an inquiry about the suggestion the gentleman from South Dakota made. The Chair intimated that he had read this amendment. He did not intimate that he had made up his opinion about it, but that he is familiar with it.

Suppose the Chair passes on it without it being read, how will the rest of us know how to vote on the question of overruling the decision of the Chair, unless it is read in some way? Members do not want to vote to overrule the decision of the Chair without thinking that it ought to be overruled.

Mr. JOHNSON of South Dakota. Mr. Chairman, it is not my purpose to take up the time of the House. I want to get a vote, not to talk or to spend time in reading my amendment. But I realize the cogency of the statement of the gentleman from Missouri, and I withdraw my request for unanimous consent.

The CHAIRMAN. The gentleman withdraws his request, and the Clerk will read.

The Clerk read as follows:

(c) The word "company" shall be understood as including a troop or battery; and

(d) The word "battalion" shall be understood as including a squadron.

ART. 2. Persons subject to military law: The following persons are subject to these articles, and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in this article, shall be construed to apply to any person under the United States naval jurisdiction, unless otherwise specifically provided by law:

(a) All members of the military forces of the United States, including all officers and soldiers belonging to the Regular Army, all cadets of the United States Military Academy, all members of the Army Nurse Corps, and all contract surgeons, all volunteers from the dates of their muster or acceptance into the military service of the United States, and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft, or order to obey the same; and all officers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases; and all other persons who now are or may hereafter be made members of the Military Establishment by law;

(b) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

(c) All persons under sentence adjudged by courts-martial.

II. COURTS-MARTIAL.

ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, hereinafter designated and hereafter to be known as—

General courts;
Special courts; and
Summary courts.

A. COMPOSITION.

ART. 4. Who may serve on court-martial: All officers and soldiers in the military service of the United States and officers and soldiers of the Marine Corps when detached for service with the Army by order of the President shall be competent to serve on general and special courts, and all such officers shall be competent to serve as summary courts, for the trial of any persons who may lawfully be brought before such courts for trial, except as may be hereinafter otherwise provided.

Mr. KAHN. Mr. Chairman, the Clerk has proceeded far enough in the reading of the amendment to show that the amendment proposed by the gentleman from South Dakota is out of order. Therefore, I make the point of order.

Mr. JOHNSON of South Dakota. I will ask the gentleman to reserve his point of order.

Mr. KAHN. I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, the gentleman from California has reserved the point of order, but, of course, there can be no discussion of anything except the point of order under the reservation.

The CHAIRMAN. Except by unanimous consent.

Mr. MANN of Illinois. Reserving the point of order does not bring a discussion on the point of order at all. But the gentleman can not reserve the point of order in the middle of the reading of the amendment and stop the reading of the amendment.

Mr. KAHN. I ask to reserve it in order that the gentleman from South Dakota may have an opportunity to be heard on his amendment. I ask that the gentleman from South Dakota may proceed for 15 minutes.

Mr. JOHNSON of South Dakota. Five minutes.

Mr. KAHN. I ask unanimous consent that the gentleman from South Dakota may proceed for five minutes out of order.

Mr. POU. Mr. Chairman, can the gentleman from California stop the reading of the amendment to make a point of order?

Mr. KAHN. I made the point of order, but I asked unanimous consent at the same time that the gentleman from South Dakota might proceed out of order for five minutes.

The CHAIRMAN. The gentleman from California makes the point of order against the amendment, and asks unanimous consent that the gentleman from South Dakota may proceed out of order for five minutes. Is there objection?

Mr. DENT. Reserving the right to object, will the amendment be read if unanimous consent is given?

Mr. MANN of Illinois. If the point of order is sustained, it will not be read.

The CHAIRMAN. If the point of order is sustained, then the amendment will not be read. Otherwise the Chair understands it will be read.

Mr. SANFORD. Read for amendment.

Mr. CALDWELL. Mr. Chairman, reserving the right to object, the parliamentary situation will be this: The gentleman from South Dakota [Mr. JOHNSON] will have an opportunity to talk for five minutes on his proposition. Then, if the Chair sustains the point of order, we will be called upon to vote whether the Chair shall be overruled or not, without any discussion in opposition to the gentleman from South Dakota.

Mr. MANN of Illinois. Oh, no.

The CHAIRMAN. The point of order would then be open for discussion.

Mr. CALDWELL. I know the point of order might be open for discussion, but I have a notion that the gentleman from South Dakota is not going to talk to the point of order, but is going to talk to the merits of his amendment; but if it is going to be before the Committee of the Whole on the motion to overrule the decision of the Chair, somebody ought at least to have an opportunity to defend the position of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GOLDFOGLE. Mr. Chairman, reserving the right to object, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I want it made clear, if possible, whether if unanimous consent be now given the reading of this amendment will be dispensed with.

The CHAIRMAN. The Chair can not state to the gentleman whether it will or will not be.

Mr. GOLDFOGLE. Then I object.

The CHAIRMAN. The gentleman from New York objects. The gentleman from California makes the point of order. The Chair will hear the gentleman on the point of order.

Mr. KAHN. The amendment is clearly not germane to the provisions of this bill. This is an Army reorganization bill. The amendment establishes a complete rule for the trial of soldiers who are charged with military offenses. The gentleman's amendment has been introduced as a bill, and the title of it is "A bill to establish military justice." I submit that it is not germane to any pending provision of this bill.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. I have no desire to take up any of the time of the House on this amendment, because I know that every man here is familiar with it and with its purposes. The only reason I have for making these few remarks is to call attention to the fact that this matter has been submitted to the chairman of this committee for more than a year. When we determined to see that some vote was had upon this amendment while this military reorganization bill was pending, I took this amendment to the Chairman of the Committee of the Whole. I know he has gone over it thoroughly. I know he has called in the House parliamentarian, and they have investigated the parliamentary situation. They have gone into the question as to whether or not the amendment is germane. Whether I agree with the distinguished Chairman of the Committee of the Whole or not makes little difference. I know he is going to hold that the amendment is not in order, and it would be a waste of the time of the committee and a waste of my time to discuss the point of order when I know that it will be sustained. When it is sustained I can only say that it will be the culmination of a fight that some of us have been trying to make for the last year and a half just to get a court-martial bill considered by some committee of this House. If we could have received even a moment's consideration of it from the Military Affairs Committee or from any other committee during the last year and a half we perhaps would have been satisfied, but that has been an impossibility.

Mr. KAHN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. In a moment I will yield. This bill has been introduced in several different forms in the House and Senate, by Senator CHAMBERLAIN and myself. Last May I went before the Military Committee of this House when it was in session and asked that hearings be held upon this bill providing for a revision of the Articles of War and the military justice laws. At that time the statement was made by the chairman of the committee that there would be hearings and that a subcommittee would be appointed. At least I so took it. The members of the committee are here, and if I am wrong they can correct me. While I thought we would secure some hearing we did not get it. I anticipate that gentlemen on the committee, and perhaps the chairman of the committee, will now say that we will secure hearings, but I submit we have been trying to get them for a year and a half, and I had much rather get a vote at this time than to get some hearings in the next two or three years, at some time when I may be out of Congress.

Mr. KAHN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. KAHN. The gentleman says he appeared before the committee last May. Certainly that is not a year and a half ago. And does not the gentleman recall the fact that during the months of May and June the committee were busy day and night on the Army appropriation bill which came to the committee as a holdover from the last Congress? Does not the gentleman know that ever since then the committee have been working steadily on the Army reorganization bill and that they have had hearings practically every day? There has been scarcely a day that the Committee on Military Affairs has not been in session. As soon as we get these matters out of the way I certainly shall take up important matters of the kind that the gentleman refers to; but the committee have been as hard at work as any committee in this House right along. That is why we have not had hearings on the gentleman's bill.

Mr. JOHNSON of South Dakota. I can only say, not being on the Military Committee, that it is impossible for me to tell what the committee has been doing. I do know this, that when the bill was originally introduced, the discussion started about December 18, and we have been unable in this House to secure a vote on it or any feature of it.

Mr. KAHN. The gentleman knows that in December, 1918, the present Committee on Military Affairs was not in existence.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. NEWTON of Minnesota. The bill that forms the basis for this amendment was introduced in May, 1919, was it not?

Mr. JOHNSON of South Dakota. It has been introduced in some form or other by Senator CHAMBERLAIN and myself—I could not be certain of the date—but I think this bill was introduced in May and its predecessor in January.

Mr. NEWTON of Minnesota. Let me ask the gentleman this: Has he attempted to exhaust the parliamentary remedies for getting this bill out of committee, when he feels that the committee has not taken time to consider it? The rules of the House provide a method.

Mr. JOHNSON of South Dakota. I am not certain, but I am going to try and exhaust them to-day.

Mr. LITTLE. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. LITTLE. The chairman of the committee suggested that the committee had been very busy. What I want to know is whether they had anything more important before them than to secure a fair trial for the soldiers in the American Army? [Applause.]

Mr. BARKLEY. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BARKLEY. I desire to ask the gentleman this question, bearing in mind what may happen hereafter. The gentleman intimated a while ago that the Chairman of the Committee of the Whole House on the state of the Union would hold that this amendment was not in order, and I understand if he does so rule the gentleman from South Dakota will appeal from the decision of the Chair.

Mr. JOHNSON of South Dakota. The gentleman is correct.

Mr. BARKLEY. I am in sympathy with a great deal that is in the gentleman's amendment, but I desire to vote on the question of overruling the Chair according to the rules of the House. Would the gentleman be willing to state, if the Chair does so rule, he thinks it is in accordance with the rules of the House?

Mr. JOHNSON of South Dakota. Will the gentleman repeat the question?

Mr. BARKLEY. If the Chair rules that the amendment is not in order, the gentleman thinks the ruling is correct under the rules of the House? I am asking the question in good faith; while I sympathize with the gentleman's purpose I do not want to vote to overrule the decision of the Chair if it is in accordance with the rules of the House.

Mr. JOHNSON of South Dakota. I must answer the gentleman's question fairly whether or not it is in good faith. I think the weight of authority in the ruling is on the side of the Chairman, but I think the House still has the right to reverse the decision of the Chair.

Mr. BARKLEY. But if we vote to overrule the decision of the Chair it would be a precedent for future chairmen.

Mr. JOHNSON of South Dakota. That is a true statement, and the gentleman will have to cast his vote under those conditions.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. MADDEN. Will the gentleman tell us whether any consideration whatever has been given to the amendment he now submits, in any committee of the Senate; and if so, what consideration, and also what action has been taken by the Senate committee?

Mr. JOHNSON of South Dakota. I do not think it is necessary to waste the time of the House answering the question, because the gentleman knows that the subcommittee of the Senate Committee on Military Affairs, of which I think the gentleman from Wyoming [Senator WARREN] is chairman, has been considering this particular bill along with others. What action they have taken I do not know. But the mere fact that the Senate has given some consideration to the matter ought not to preclude us. Sometimes I think the House ought to legislate a little bit instead of letting the Senate do it all.

Mr. MADDEN. I understand the bill was introduced in the Senate by Senator CHAMBERLAIN. He was chairman of the Military Committee and dissented from the policy of the administration of military affairs in so far as courts-martial were concerned. I understand that Senator CHAMBERLAIN, Senator WARREN, and Senator LENROOT have been acting as subcommittee for several months; that they have had hearings, and that the hearings closed either in November or December of last year, and since that time those three Senators have not been able to conclude a report to the Senate, yet the gentleman wants the House to act on his proposition without having had it read.

Mr. JOHNSON of South Dakota. If the gentleman will pardon me, I did not ask that the amendment should not be read. The omission to read it has been by no request of mine. I can not speak for the Senator from Oregon or the subcommittee. I might suggest that his association with the Military Affairs Committee might be like the association that many of us have had with this committee, and he might have had the steam roller run over him during the last year and a half. [Laughter.]

Mr. KAHN. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. KAHN. The gentleman knows, I presume, how the Articles of War as they now exist were passed by Congress.

Mr. JOHNSON of South Dakota. I might say that, as was so exactly stated to the gentleman from Illinois, such a revision was attached to an appropriation bill by the Senator from Oregon, but it was a great improvement over the old articles.

Mr. KAHN. It was not considered at all by the House or by any committee of the House. They are the articles that the Senator from Oregon offered to an appropriation bill and had no consideration by the House or any committee of the House.

Mr. JOHNSON of South Dakota. These articles which were attached to that appropriation bill were, as I say, a great improvement over the former articles.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. ANDREWS of Nebraska. Has there been any subcommittee appointed by the Committee on Military Affairs of the House to consider this proposition?

Mr. JOHNSON of South Dakota. Not as far as I know; and I doubt if there ever will be.

Mr. ANDREWS of Nebraska. Is it possible that the committee is so busy that it has not had time to appoint a subcommittee to even consider the proposition?

Mr. JOHNSON of South Dakota. Not being on the committee, I can only state the fact that none has been appointed.

Mr. POU. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. POU. If it is not germane to a bill reorganizing the Army to provide these rules of trial by courts-martial, then just what would be germane?

Mr. JOHNSON of South Dakota. I have already stated that I have not wanted to argue that, because I know that the ruling will be against me. If anything ought to be germane, it ought to be legislation of this kind. We can manufacture generals by the thousand, but we can not do the one thing that would give some justice to the enlisted man. [Applause.]

Mr. POU. I would like to suggest to my friend that if the subject matter of a court-martial bill is not germane to the bill now under consideration, I myself must be very obtuse, for I can not think just what should be more germane than something of that kind.

Mr. DUPRÉ. Mr. Chairman, I would like to ask the gentleman from South Dakota why he forecasts the result of the ruling of the Chair?

Mr. JOHNSON of South Dakota. By talking with the Chair before I took the floor.

Mr. DUPRÉ. Of course, I was not advised of this conversation between the gentleman and the Chair.

Mr. JOHNSON of South Dakota. I would state that the Chair informed me that in his opinion the amendment was not germane.

Mr. DUPRÉ. Why not submit it to the ruling of the Chair right now and bring the matter to an issue?

The CHAIRMAN. The Chair is ready to rule. The gentleman from South Dakota [Mr. JOHNSON] offers as an amendment a bill introduced by him "to establish military justice," embracing the Articles of War and a complete military code. The gentleman from California [Mr. KAHN] makes a point of order against the amendment that it is not germane to the bill under consideration. The gentleman from South Dakota was kind enough to submit this matter to the present occupant of the chair several days ago; in fact, before he had been designated to preside over this committee. At that time I had not considered the matter at all, and so told the gentleman from South Dakota. I further told him that if I should be called upon to preside over this committee that of course I should consider the matter purely and solely from a parliamentary standpoint in construing the rules of the House. When I was notified that I was to preside over this committee I conferred with the parliamentary clerk, and since that time both he and I have spent some time in going over the decisions and precedents of the House. When queried a short time ago by the gentleman from South Dakota in respect to what progress had been made, I frankly told him that thus far I had been unable to find any decisions in the precedents that in my judgment would justify holding his amendment to change the Articles of War and to establish military justice as germane to a bill to amend the national-defense act.

The Chair is in the same situation now. He has not heard anything during the discussion of the point of order to-day that would further enlighten the mind of the Chair in that regard. The present occupant of the chair did not tell the gentleman from South Dakota that he would rule one way or another but simply informed the gentleman as to the result of the light that had been thrown upon the subject up to that point and what his opinion was at that time.

Mr. DENT. Mr. Chairman, may I make a suggestion to the Chair?

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. DENT. Mr. Chairman, this bill as reported by the committee I do not think is entirely simply an amendment to the national-defense act. It contains provisions that were not in the national-defense act at all, and in the closing pages of the bill, beginning on page 62, there are a lot of miscellaneous provisions incorporated in the bill. That also appears all the way through the bill, so that it strikes me the bill is a bill providing for Army reorganization. If an appeal is to be taken from the decision of the Chair, I want to vote intelligently on the proposition without making a mistake, but it does seem to me it is germane under the general provisions contained in this bill. The bill is not confined solely to amendments to the national-defense act, but it has separate and independent provisions.

Mr. MANN of Illinois. What portion of the bill is not an amendment to the national-defense act?

Mr. DENT. I called attention a moment ago to the provision beginning on page 62, miscellaneous provisions.

Mr. MANN of Illinois. That is to insert a new section in the national-defense act. It so states:

> That said act be, and the same is hereby, amended by inserting after section 127 a new section, to be numbered 127a, and to read as follows:

The gentleman has not read his bill.

Mr. DENT. Oh, this is not my bill.

Mr. MANN of Illinois. It comes from the gentleman's committee, and I know that he has read a good deal of it very carefully.

Mr. DENT. I certainly have. Mr. Chairman, I suggest further that this is a reorganization bill, and it does contain a lot of new provisions so far as the national-defense act is concerned. Personally, I want to say that I do not think it is advisable to take up the subject of court-martial procedure in all of its details in a bill of this kind, when it has never been considered by a committee, but the question that is worrying me is whether or not it is germane to the sections of this bill.

Mr. JOHNSON of South Dakota. Mr. Chairman, has the Chair ruled?

The CHAIRMAN. The Chair has not ruled, but is ready to rule. However, as he stated in the beginning, he is ready to receive any light on the subject which may be submitted to him.

Mr. BAER. Mr. Chairman, for the benefit of some of us who are not expert parliamentarians I would like to hear the Chairman's opinion as to whether this is not germane to this kind of a reorganization bill. I have not got that clear in my mind, and many Members are in doubt.

The CHAIRMAN. This bill, as the Chair stated, is a bill to amend the national-defense act, and does amend it in many of its sections. At no point in the bill is there any provision for amending the Articles of War or for establishing military justice. In the printing of the military law in the statutes the Articles of War are carried in a separate and distinct chapter, entirely apart from the organization of the Army. In this bill there is no mention of any matter contained in that chapter or of the Articles of War except a single reference to the one hundred and nineteenth article of war, but without proposing a modification of that article in any respect.

Mr. LITTLE. Mr. Chairman, will the Chair permit me to make a suggestion?

The CHAIRMAN. Certainly.

Mr. LITTLE. The Revised Statutes have a provision in them that the chaptering and the arranging of these laws shall not be taken into consideration in interpreting the law.

The CHAIRMAN. That is correct, and it would not be binding at all, but would simply indicate that these matters were not considered to be so closely related as to be printed together in a single chapter in the making up of the statutes. This is all the bearing that such a fact would have.

After a somewhat careful examination of many of the decisions cited in the books of precedents the Chair has been unable to find a single one going so far as to warrant a ruling making this amendment in order. If an amendment, 66 pages in length, embracing the Articles of War and a complete code of military justice, offered to a bill to amend the national defense act is not introducing a different subject under cover of an amendment, and therefore in contravention of the rule, the Chair is not able to conceive of a case that would introduce a different subject.

This is the opinion of the Chair deliberately formed after a somewhat thorough examination of the precedents so far as he could find any bearing upon this subject. Having been kindly notified by the gentleman from South Dakota that in case of an adverse ruling he would take an appeal from the decision of the Chair, and having examined the precedents and considered the question with that fact in mind, nevertheless the Chair is of the opinion that in order to uphold the rules and precedents of the House it is his duty to hold that this amendment is out of order. The Chair therefore sustains the point of order made by the gentleman from California.

Mr. JOHNSON of South Dakota. Mr. Chairman, as much as I regret to appeal from the decision of the present occupant of the chair, because I know he has given this matter careful consideration, I must appeal from the decision of the Chair as affording this House the last and only opportunity that it perhaps will have to vote on this amendment and on this class of legislation.

The CHAIRMAN. The gentleman from South Dakota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

The CHAIRMAN. The Chair is unable to decide.

Mr. STEVENSON. I did not catch how the question was put.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANN of Illinois. Mr. Chairman, to relieve the Chair from embarrassment, I ask for tellers.

The question was taken, and tellers were ordered.

Mr. MILLER. Mr. Chairman, in order that there may be no confusion in the vote, will the Chair announce how the vote shall be taken?

The CHAIRMAN. Those in favor of sustaining the decision of the Chair will vote "aye," and those in favor of overruling the decision of the Chair will vote "no." The gentleman from California [Mr. KAHN] and the gentleman from South Dakota [Mr. JOHNSON] will take their places as tellers.

The committee divided; and the tellers reported that there were—ayes 74, noes 66.

So the decision of the Chair stood as the judgment of the House. [Applause.]

Mr. SANFORD. Mr. Chairman, I offer an amendment, to add a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 16, after line 13, insert a new paragraph, as follows:

"SEC. 8a. Construction service. The construction service shall consist of one chief of construction with the rank of brigadier general, 250 officers of the grades from colonel to captain, inclusive, and 8,000 enlisted men. The chief of construction, under the authority of the Secretary of War, shall be charged with construction, maintenance, and repair of buildings, structures—other than fortifications—and utilities, and the preparation of plans therefor, in accordance with the requirements of the several arms, corps, bureaus, and services of the Army of the United States, and with the operation of utilities in connection therewith and with acquirement of real estate and issuance of licenses in connection with the military reservations under the jurisdiction of the War Department."

Mr. SANFORD. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] in a general way under general debate opposed the suggestion that is contained in this amendment and stated to the committee that a separate construction corps would cause an additional expense. If the gentleman from Kansas hereafter attempts to show by any facts how this amendment will cause any extra expense, I will meet his suggestion, but at this time it is only necessary to say that the officers and enlisted men provided for in this amendment are to be taken out, if the amendment is adopted, from the following sections of the bill; that is, the proposal of the amendment is to take from the Quartermaster's Corps, as provided for in this bill, 8,000 men and 250 officers and put them under the construction corps. It is first necessary for me to say to you that the bill as it is written provides that the Quartermaster's Corps shall have charge of its own construction and of construction for the other bureaus of the Government so far as the personnel goes. Impliedly, however, it provides that we shall go back entirely to prewar conditions, and it impliedly provides for six separate construction corps.

Mr. MADDEN. Will the gentleman from New York yield?

Mr. SANFORD. I will gladly yield to the gentleman from Illinois.

Mr. MADDEN. I would like to ask the gentleman if he knows anything about the amount of money that is to be expended in construction in any given year?

Mr. SANFORD. I will speak of that in just a moment. I wish to refer to it. I want to make clear to you now that the bill as it is written provides in the War Department six new construction corps. That is, all these departments—chemical warfare, aircraft, and so forth—must each take care of its own construction except for its personnel. Coming now to the question of the gentleman from Illinois——

Mr. SNYDER. Will the gentleman yield?

Mr. SANFORD. I will yield.

Mr. SNYDER. Right at that point I would like to ask if each of the six construction divisions will have the right to make their own purchases and bid against each other in the market?

Mr. SANFORD. I do not see how you can avoid competition, just as we had at the opening of the war, if you preserve six separate organizations engaged in the same kind of work. I think it is necessary.

Mr. SNYDER. I asked that question to get just the information the gentleman has given me. I am absolutely opposed to any such proposition, and I think these purchasing departments should be brought under one section.

Mr. SANFORD. We know when the war came on all these separate departments were bidding one against the other.

We come to the question of the gentleman from Illinois [Mr. MADDEN]. I want to say to you that in the 10-year period before this war there was spent by the Quartermaster Corps for construction in one year an amount as high as $19,000,000, and the lowest amount spent in any one year was $8,000,000. Now, of course, without going very much into the question of the present real estate of the Government, we know we have vastly more real estate now than we had then. It is fair to say, and I think Mr. Crowell estimated it, that from now on for a few years, at least, it will be necessary to spend, whatever department has charge of construction, between $40,000,000 and $50,000,000 for construction and maintenance. Therefore you have before you the concrete suggestion, namely, do you want to provide for the expenditure of a sum of money as high as $40,000,000 or $50,000,000, and scatter that in four or five or six different bureaus? The construction corps during the war had charge of the construction of an amount that reached figures of a billion dollars. The work they did during the war was the biggest construction program that was ever put through by this or any other country. They built those cantonments, and they built them on time. They built the port terminals, and they built them I would have you know on the cost-plus fee basis. I want to relieve the construction corps from any criticism that may be in the mind of some of you, by telling you they did not operate on the cost-plus basis as it is generally understood. They operated on the cost-plus fee basis. That is, each contractor was told of the amount of money he could earn by doing the job, and he could not gain anything by increasing the price. His fee was limited.

Now, the work of the construction corps was necessarily done in the war by civilians. When the war came on there were no

Army engineers that could be spared. The quartermaster could not handle the job, in the very nature of things, and the call was sent out for civilians to come and enlist in the construction corps. Now, from that work in the war and from the cooperation of the civilians with the War Department, that corps built up an esprit de corps of its own. Men who did that work are very proud of it, and they are willing and anxious to organize in reserves all over the country, to come back, if the emergency should arise again, and render a similar service.

But what you have before you now is a peace program. The question is, What kind of establishment do you want to organize in time of peace to do the construction work of the Government? I contend that we ought to maintain an organization in time of peace that can be expanded in time of war to perform the duties that belong to it. [Applause.] It is absurd to spend millions and millions of dollars every year on a military peace program that must be discarded when war is declared, as our former military policy in some of these respects that I am pointing out had to be discarded when this war was declared.

Mr. McKEOWN. Under the gentleman's amendment you would keep this corps as a separate entity, so that it would function without being distributed——

Mr. SANFORD. Without having these same functions performed in several different departments.

Mr. McKEOWN. Will it increase the cost?

Mr. SANFORD. It will not increase the cost one dollar.

Mr. GALLAGHER. It ought to reduce it.

Mr. SANFORD. It ought to reduce it; and the way it will do it will be this: That instead of having Army officers trained at West Point letting the contracts and supervising construction, you will have men trained in civil life who will come into the Army to do that duty. Men who are acquainted with the business of construction—architects or builders themselves—can save, they tell me, from 5 to 10 per cent, at least, over the amount that we have customarily expended in that work, because they know their business. Now, what is the sense of running that great institution at West Point and teaching our soldiers up there about military matters and then bringing them down here and putting them in the War Department in order to make builders out of them?

The plan is to preserve in this country the business organization that it now has. I would not for a moment have you think it is not the plan to relate this work under these civilians, whom we hope to keep and will keep in this corps, with the work of the department. Of course, the scheme in this bill that has been referred to so favorably puts all the supply of the Army under the Assistant Secretary of War, who will be a civilian.

What sense is there in having a specialty like this developed by men who know their business if you do not let them function through the civilian head of the War Department without going through the red tape of an Army official who himself is busy with another specialty? In other words, how could this construction corps operate effectively under your new organization, which the whole committee stands for, if you are going to compel it to function through the Quartermaster General?

Now, it happens in this case that the Quartermaster General is a very competent and a very efficient man. We hope he will live a long time. But you do not want to tie this reorganization scheme to the coat tails of anybody. The reason why I feel that this scheme was put into the bill as it is written was that the members of the committee have great confidence in the present Quartermaster General. I have great confidence in him, too, but I have just as great confidence in the men who are operating in the construction corps now, and I think it is better policy to write this bill now in such a way that if war should come the men who come after us will find the Army ready to function. When this war came on the biggest problem that confronted the men who had the supervision of our war effort was the problem of organization. You heard all over the country that the Army could not function, and to a large extent it was true. It had to stop in order to reorganize. The purpose of this reorganization bill is to reorganize these departments now so that they not only may function economically in time of peace but so that they may function effectively in time of war.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I will be glad to.

Mr. MILLER. I am going to ask the gentleman if this is not one of the lessons that we learned in this war—the value of a separate organization for the construction corps?

Mr. SANFORD. I hope so; that is, I hope we have learned the lesson.

Mr. NEWTON of Minnesota. Is it not a fact that these men who came from civil life and did such fine work during the war now favor a separate corps?

Mr. SANFORD. Yes. All the men who came down here and tried to work with their hands tied with what they call "red tape" finally became so efficient that in 90 days the boys that went into the Army were housed in the cantonments necessary for their protection, and they all believed in the system which they left here, and they have reason to be proud of it.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Gladly.

Mr. REAVIS. Under the plan that existed prior to the war, and which would exist under this bill, many separate bureaus of the War Department were functioning with reference to construction, were they not?

Mr. SANFORD. That is absolutely true.

Mr. REAVIS. And each one had its overhead, and each one had its own individual designs and plans. Does not the gentleman believe that if we coordinate all these activities in one organization, such as is suggested by his amendment, so as to standardize the products that we purchase under one overhead, instead of increasing the cost it will vastly decrease the cost?

Mr. SANFORD. I feel perfectly confident of it, and every person acquainted with the subject that I know of entertains that same opinion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SANFORD. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SANFORD. I am glad that the gentleman from Nebraska [Mr. REAVIS] has put the thing so clearly in his simple question. It seems to me that any man of business has the answer ready in his mind. Therefore, because the gentleman has made that so clear, I shall not touch upon it further. I appeal to the business sense of the House on that.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. REED of West Virginia. This, then, takes one brigadier general instead of six?

Mr. SANFORD. No. I must be perfectly fair. This takes one brigadier general to be the head of this department. Now, these other departments are all created by the bill, and each must engage in its separate speciality, as, for example, the Chemical Warfare Service and the Aircraft, and they must have officers appropriate for that work; and the plan is to let these specialists follow their own specialties and to take away from the Quartermaster the supervision of business like this construction work that does not belong to him.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. HARRISON. I want to call the gentleman's attention to the fact that in the proposition in the bill a brigadier general would have charge of the construction work, although it does not say that. You should organize this department in such a way that these people can function in the things they can do best rather than put them under some one who has no enthusiasm to make their building scheme effective, but in his mind has another scheme to accomplish.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. MADDEN. Does the gentleman feel that there is any danger, if you make a separate corps of the construction branch of the Army, that the men who are in command of the corps will be devoting a good deal of their time to seeing how they can find ways and means to make new construction and thereby levy new charges on the Treasury?

Mr. SANFORD. I am glad the gentleman from Illinois mentioned that. I think there is always that danger with respect to Government employees and Government work, and Congress must hold the purse strings and authorize only the work that ought to be done and refuse to authorize it when it ought not to be done.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. ASWELL. Does not the gentleman believe that the record made by the construction division during the war amply justifies the amendment?

Mr. SANFORD. I do. It was found to be wonderfully efficient.

Mr. ASWELL. Furthermore, the amount of money expended by the construction department is one-tenth of all the appropriations for the Army or has been.

Mr. SANFORD. It is very large.

Mr. ASWELL. Would it not be good business to make one construction division to handle that enormous sum?

Mr. SANFORD. Yes. Now, before I leave this subject, I want to say that I was surprised to find that the construction work which is being done by this Government of ours is being done in 9 different Federal departments, in 35 different bureaus, and in 4 unattached commissions. Altogether, there are 39 separate organizations now doing construction work.

Mr. ASWELL. And all have overhead charges.

Mr. SANFORD. All have overhead charges. The purpose of this bill is to add six more. Now, I propose that this Army bill, as one feature of its reorganization scheme, shall start to maintain something resembling a public-works department. I do not believe in going too far at a jump, but I feel that this is a safe jump in the right direction.

Mr. BLACK. Will the gentleman yield?

Mr. SANFORD. Yes.

Mr. BLACK. How soon after the war began did they create the construction corps?

Mr. SANFORD. I have not the date, but it was as soon as the problem of the cantonments arose.

Mr. ASWELL. In April, 1917.

Mr. SANFORD. Very early in the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, this is one of the rocks on which the Committee on Military Affairs split, so far as construction is concerned. Others believed that it ought to go back to the Quartermaster Corps. Others believed that it ought to be put, where it properly belongs, under the Corps of Engineers. For one, I am not going to take the time now to discuss the construction corps or to reply to the gentleman from New York in the statements that I fear he has not investigated very far, or perhaps he would not have made some of them, as to the economy and the wonderful ability of the construction corps in saving this Government millions of money during the war. At a later date I hope to have something to say on that subject.

Mr. SANFORD. Will the gentleman yield to me there for a moment?

Mr. McKENZIE. Yes.

Mr. SANFORD. I did not attempt to say that the construction corps saved money. That was not the purpose of the construction corps during the war. The purpose of the construction corps during the war was to house the soldiers and win the war, and I say they did that. [Applause.]

Mr. McKENZIE. I think my colleague will not attempt, even in that feeble way, to make a defense of a system which, in my judgment, cost this Government hundreds of millions of dollars. [Applause.] I am not saying that as a criticism of the individual men in the construction corps. The men in the construction corps were engineers and builders, who came from civil life and took commissions in the construction corps, many of them able, honorable, and upright gentlemen. I do not criticize them individually; but they were working under a system that was prepared by three men on the emergency construction committee down here in Washington which led to the extravagance that followed in the construction of our cantonments and other war buildings and over which the construction quartermasters were just as helpless as the gentleman from New York or myself.

Mr. CALDWELL. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. CALDWELL. The gentleman admits, then, that any unexpected expenditures which occurred were not on account of the construction corps, but on account of some committee?

Mr. McKENZIE. I understand; but Mr. Chairman, I do not want to take the time of the Committee of the Whole in discussing that proposition.

Mr. ASWELL. Does not the gentleman believe the passage of this amendment would prevent in the future just the thing he describes?

Mr. McKENZIE. No. The writing into the law of our country of a provision that would forever prevent the recurrence of the character of contracts under which this work was done might be of some service. I am not criticizing these men in the construction corps and Gen. Marshall at the head of it. I do not blame them for lobbying about the Capitol of our country or coming to the House Office Building to try to have us continue this corps. But I do say that if the men of this House are insisting on economy and efficiency, they will never consent to the creation of a separate corps to take care of construction in time of peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. You are all well aware that through all our history we have what is known as the Corps of Engineers. The Corps of Engineers is good enough when war comes to go out in the field of battle, build the railroads, build the housing facilities to take care of the troops, and do all that work.

Mr. REAVIS. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. REAVIS. Did the Army Engineers build the railroads in France, or did Gen. Atterbury, from the Pennsylvania Railroad, a civilian, build them?

Mr. McKENZIE. I understand that Gen. Atterbury was acting under the Engineer Corps. I want to say that we have provisions in the law under which the best engineers of the world have come in; and when war comes they can be called into service.

Mr. MADDEN. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MADDEN. I simply want the opportunity to say that I have never in all the history of Congress seen such a lobby as there has been in an effort to make this a separate corps.

Mr. McKENZIE. I am simply pleading for efficiency and for economy. We have the engineers. We educate them at West Point, we call them in from civil life, and why should not these men have something to do?

Mr. CAMPBELL of Pennsylvania. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. CAMPBELL of Pennsylvania. Reference has been made to a lobby in behalf of this amendment. Have not we all heard from engineer societies and the business people back home recommending the creation of a separate construction corps in the Army?

Mr. MADDEN. What do they know about it?

Mr. CAMPBELL of Pennsylvania. They think they know, and they know they pay the bills. [Laughter and applause.]

Mr. McKENZIE. I presume that is true. A great many of them held commissions in the construction corps. I am not criticizing them, but I am criticizing the membership of this House if it is going to aid that sort of propaganda and put the additional burden on the taxpayers of the country.

Mr. CAMPBELL of Pennsylvania. The gentleman mentioned a while ago the extravagance that had occurred. If we had had the construction corps they could have taken up the work and there would have been no such extravagance in contracts as the gentleman referred to. The work would have been conducted in a proper manner by an efficient force.

Mr. McKENZIE. That has all gone by, we had the Corps of Engineers and Gen. Black, Chief of the Corps of Engineers, testified that they were ready and willing to take over the work.

Mr. CAMPBELL of Pennsylvania. But you are adding work to the Quartermaster Department.

Mr. McKENZIE. I am not in favor of putting the construction corps in the Quartermaster Department; I am in favor of putting it where it belongs—under the Corps of Engineers—and letting the men who have had experience and who have served us well in time of stress do the work. We are paying them, and why should we let other men do the work which they can do?

Mr. WELLING. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. WELLING. Why did not the gentleman bring in a bill to put this under the Corps of Engineers?

Mr. McKENZIE. I was defeated in committee. I can say that practically all the military men in this country are unanimous in their opinion that the construction corps should be under the Corps of Engineers.

Mr. WELLING. Is it not a fact that the Engineer Corps is composed of military men?

Mr. McKENZIE. The Corps of Engineers is made up of men who graduated at West Point and men who have come in from civil life and reserve engineers.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DONOVAN. Mr. Chairman, I have twice to-day heard reference to a lobby and a propaganda on this floor with reference to the construction corps section in this bill. The word "lobby" in its most sinister sense and meaning suggests the use of money or some other valuable consideration for the support of any matter under consideration. I think the gentlemen making the references did not use the term in that sense. If, however, they intend that a lobby or propaganda means that the people, the citizens of this country, have come or have communicated with their representatives and presented the facts as they understand them, giving information of value for the betterment of the service and the lessening of taxes, showing that both can be accomplished by the adoption of this amendment by the continuing and making permanent this corps, I

admit that I adhere to that sort of a lobby and a propaganda and shall always welcome it. [Applause.]

Much has been said about the Engineer Corps, and the gentleman from Illinois [Mr. MCKENZIE] has stated his intention of offering an amendment to have the work of the construction corps committed to it. I will oppose that amendment. Let us not forget that the Engineer Corps, so designated in the War Department, is charged with specific and definite duties, largely of a military character, and neither by training nor experience is it fitted for the functions of the construction division. These duties are in bridge building, surveying, and deepening of rivers and harbors, making entrenchments, fortifications, and work of purely a military character. Therefore be not deceived when you are told that the Engineer Corps is the proper place for this work. It is a deceptive and alluring term, Engineer Corps. If it was a corps of building engineers, it would be a happy suggestion or performance to assign this work to it. This amendment, as a matter of fact, will create just such a corps that alone can properly do the work, and I agree with the gentleman from Illinois that it should be under an Engineer Corps, but that corps should be a corps of construction engineers who are mainly commercial engineers who have practical experience in all the arts of building and construction and are the men who have had charge of that line of activity in the construction corps as now constituted.

It was the big construction men of the country who came into this corps during the war, who established its high-grade efficiency, and who rescued it from its prewar archaic condition. It is an admitted fact that under this same corps, as now constituted, these men within three months transformed virgin fields into thriving cities in which to house our troops and thereby solved the greatest problem with which America was confronted at the beginning of the war, and by so doing established a world record for war-time construction.

This problem was not one alone of construction of buildings, but it embraced likewise the utility feature, which was, in my opinion, of greater importance than the erection of buildings. The gas, electricity, water, and sewerage systems was also under its jurisdiction, and the highest approval of its work in these avenues is the glorious fact that no epidemic, or insanitation, affecting our troops was in the slightest degree discovered.

So, gentlemen, the proposition reduces itself to this situation. Here is a department in the War Department that has been developed, because the Quartermaster Department was absolutely inefficient and unable to handle these problems, not because that department was not in the main efficient, but because, when the test came, it was not its business to build and construct cantonments. That department was created to handle and distribute food supplies, clothing, and equipment.

The construction corps is a commercial proposition, and now has in its personnel trained experts and enlisted tradesmen occupying a related position to the rest of the Army as the Bureau of Yards and Docks so successfully does to the Navy.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. DONOVAN. Yes.

Mr. ASWELL. Does the gentleman believe that men trained for the Quartermaster Corps know anything about construction?

Mr. DONOVAN. I do not. I believe the average quartermaster officer is an expert in handling supplies and the distribution of them. I believe it to be a great mistake to abandon or to disintegrate the construction corps, now perfected to such a high degree; to direct its function into six different avenues of effort, and into six different channels, and thereby increasing the expenses of operation further by not coordinating energy and effort under one jurisdiction. We all know that Gen. Rogers, the Quartermaster General, is a very capable man; he can not, however, successfully take charge of the administration and expenditure of the $48,000,000 which will be invested during the year with as good results as can the construction corps. The function of administering and expending something over $150,000,000 by his department for supplies and equipment is in itself a gigantic undertaking for one man. It seems elementary to me and needs no great argument that this amendment should be adopted, for here we have a concrete, definite thing. The war has proved the inefficiency of the prewar condition of the Quartermaster Department to solve this problem. We have proved that we can carry out the very purposes for which this corps was created, and did so under the guidance of these men who alone in this country built over 100 miles of railroad, and who built these wonderful cantonments and gave our boys, as was stated by the gentleman from New York [Mr. SANFORD], proper housing facilities which enabled them to be physically trained to a point where they won the war. [Applause.] And for all these and many other reasons which I could enumerate, in my opinion, this amendment should be adopted.

[Cries of "Vote!"]

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The committee divided; and there were—ayes 62, noes 49.

Mr. REAVIS. Mr. Chairman, I ask for tellers on this.

Tellers were ordered.

The committee again divided; and the tellers (Mr. REAVIS and Mr. KAHN) reported that there were—ayes 82, noes 45.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12775, had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River, between the towns of Pasco and Kennewick, in the State of Washington;

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River in Tillamook County, Oreg.; and

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MORIN was granted leave of absence, indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, March 12, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Attorney General, submitting a supplemental estimate of appropriation required by the Department of Justice for expenses incident to the enforcement of the national prohibition act for the fiscal year 1921 (H. Doc. No. 683); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners, District of Columbia, submitting a supplemental estimate of appropriation required for the employment of expert service and for incidental expenses of the Zoning Commission, created by the act of March 2, 1920 (H. Doc. No. 684); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation required by the District of Columbia for additional teachers for the public schools of the District of Columbia for the fiscal year 1921 (H. Doc. No. 685); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (S. 2786) authorizing the sale of lands in Gregory County, S. Dak., reported the same without amendment, accompanied by a report (No. 734), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 12626) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands along the Snake River in the State of Idaho under an erroneous survey made in 1883, reported the same with an amendment, accompanied by a report (No. 735), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11706) granting a pension to Patrick Kinney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10835) to fix compensation of officers of the National Army who incurred disability while in the service; Committee on Ways and Means discharged, and referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WELLING: A bill (H. R. 13026) to enlarge and extend the post-office building at Logan, Utah; to the Committee on Public Buildings and Grounds.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to maintaining transportation through the Cape Cod Canal; to the Committee on Railways and Canals.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States, giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FIELDS: A bill (H. R. 13027) granting an increase of pension to David A. Whitaker; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 13028) authorizing the appointment of Paymaster T. De F. Harris as a pay inspector in the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 13029) granting a pension to Leon B. Leach; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 13030) for the relief of Lyn Lundquist; to the Committee on the Public Lands.

By Mr. HAYS: A bill (H. R. 13031) granting an increase of pension to John F. Darb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13032) granting an increase of pension to John Lynn; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 13033) granting a pension to Andrew T. Wilson; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 13034) granting a pension to J. C. Baldridge; to the Committee on Pensions.

Also, a bill (H. R. 13035) granting a pension to Winifred Greene; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 13036) for the relief of Seth Seaton Ward; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 13037) granting an increase of pension to Wilber C. Gahret; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 13038) granting a pension to Abbie E. Avery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13039) granting a pension to Marilla R. Simonds; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2236. By Mr. ASHBROOK: Petition of Ralph Courtright Post, No. 65, American Legion, Coshocton, Ohio, in favor of bonus legislation; to the Committee on Ways and Means.

2237. By Mr. DALLINGER: Petition of the Cleveland Americanization Council, Cleveland, Ohio, favoring House bill 3315; to the Committee on Education.

2238. By Mr. EMERSON: Petition of the Albert E. Baesel Post, No. 91, of the American Legion, Berea, Ohio, favoring the equalization of compensation for ex-service men and women; to the Committee on Ways and Means.

2239. By Mr. ESCH: Petition of the Italian Chamber of Commerce, of New York City, relative to Senate bill 3718; to the Committee on the Post Office and Post Roads.

2240. By Mr. FULLER of Illinois: Petition of a mass meeting held at the Fifth Avenue Presbyterian Church, New York City, relative to the Irish question; to the Committee on Foreign Affairs.

2241. By Mr. GOODWIN of Arkansas: Petition of the Arkansas Plant Board, protesting against the proposed cut in appropriation for use of the Federal Board of Horticulture in eradication and control of insect pests; to the Committee on Agriculture.

2242. By Mr. LANGLEY: Petition of Mr. G. B. Williams and sundry other citizens of Kentucky, protesting compulsory military training; to the Committee on Military Affairs.

2243. By Mr. McGLENNON: Petition of the James Connolly Branch Friends of Irish Freedom, relative to the deportation of Irish men and women; to the Committee on Foreign Affairs.

2244. Also, petition of the Italian Chamber of Commerce of New York City, relative to Senate bill No. 3718; to the Committee on the Post Office and Post Roads.

2245. By Mr. O'CONNELL: Petition of the board of directors of the Italian Chamber of Commerce, of New York City, relative to Senate bill No. 3718; to the Committee on the Post Office and Post Roads.

2246. By Mr. RAKER: Petition of American Legion, Department of California, favoring the passage of H. R. 10835, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

2247. Also, petition of John B. Elliott, collector of customs, Los Angeles, Calif., urging an increase in compensation for the members of the customs force; to the Committee on Interstate and Foreign Commerce.

2248. Also, petition of Chamber of Commerce of the State of New York, relative to the improvement in the customs service; to the Committee on Interstate and Foreign Commerce.

2249. Also, petition of Mount Lassen Post, No. 167, American Legion, regarding compensation for service men and women; to the Committee on Ways and Means.

2250. Also, petition of Chamber of Commerce of New York, condemning the decrease in the appropriation for foreign commerce; to the Committee on Interstate and Foreign Commerce.

2251. By Mr. TAGUE: Petition of the Dorchester (Mass.) Board of Trade, relative to the conditions of the countries of central Europe, etc.; to the Committee on Foreign Affairs.

2252. By Mr. VARE: Petition of Italian Chamber of Commerce of New York, protesting against the passage of legislation which would bar newspapers or publications printed in Italian or other foreign languages from the mails; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *March 12, 1920.*

(Legislative day of Thursday, March 11, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). The Senator from Montana.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Glass	Lodge	Sheppard
Borah	Gronna	McCormick	Simmons
Brandegee	Hale	McKellar	Smoot
Calder	Harris	McLean	Spencer
Capper	Harrison	McNary	Sterling
Chamberlain	Henderson	Moses	Sutherland
Colt	Hitchcock	Myers	Swanson
Culberson	Johnson, S. Dak.	Nelson	Thomas
Curtis	Jones, N. Mex.	New	Trammell
Dial	Jones, Wash.	Norris	Underwood
Dillingham	Kellogg	Nugent	Wadsworth
Fernald	Kendrick	Overman	Walsh, Mass.
Fletcher	Kenyon	Page	Warren
France	Keyes	Phelan	Watson
Frelinghuysen	Kirby	Phipps	Williams
Gay	Knox	Pomerene	
Gerry	Lenroot	Ransdell	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

Mr. GERRY. The Senator from Kentucky [Mr. BECKHAM], the Senator from Tennessee [Mr. SHIELDS], the Senator from Georgia [Mr. SMITH], and the Senator from South Carolina [Mr. SMITH] are absent on official business.

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. There is a quorum present. The Senator from Montana [Mr. MYERS] is recognized.

Mr. THOMAS. Mr. President——

Mr. MYERS. Does the Senator from Colorado wish to put something in the RECORD?

Mr. THOMAS. I should like to do so.

Mr. MYERS. I yield to the Senator from Colorado.

TREATY OF PEACE WITH GERMANY.

Mr. THOMAS. Mr. President, I received this morning a telegram from the Louisville (Ky.) Courier Journal, upon which I deem it my duty to make brief comment. The telegram refers to the treaty, and reads as follows:

LOUISVILLE, KY., *March 11, 1920.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

The Courier Journal has championed vigorously the league without reservation or modification, but it now believes national interests demand every Democratic Senator should vote for ratification on best terms possible. It urges you to do so because, first, no American commission can hereafter exact from Germany terms of settlement contained in this treaty. Second, rejected treaty means we are absolutely out of league, while ratified means we are partly in, and with passing years will get fully in. Some future Democratic Senate will relax reservations, but more than likely Republicans themselves, if they get into power will do so and furnish the best vindication of present Democratic position and proof of their insincerity. Third, the league can not be presented as a clean-cut campaign issue. It will be obscured by domestic issues, and the election result will not be a fair decision. Undoubtedly, Nation is for league, but is tired of question and will vote on home matters. Fourth, ratification will give to treaty for all time Wilson's name. Rejection means elimination his name from the ultimate settlement. Courier Journal and people generally would deplore Democratic alignment with Borah battalion of death. Politically, Democrats will make mistake to assume irreconcilable attitude helping BORAH deprive country of peace.

COURIER JOURNAL CO.

Mr. President, I construe this telegram to be an appeal to me to conform my vote upon the treaty to party purposes and for party ends, and because it bears that construction and that construction only I am constrained to occupy the time of the Senator for a few moments regarding it.

If a great international covenant which is to influence not only the present but all future generations, not only Americans but the entire human race, a document dealing with all the political, social, and economic conditions of the present and the future, a document creating and reconstructing nations, a document which admittedly marks an epoch in the vast procession of human affairs, is to be disposed of as a partisan measure, the fact should be announced without equivocation. Moreover, it should have terminated this discussion long ago.

If, when the framers of the Constitution imposed upon the Senate of the United States the supreme duty of passing final judgment upon treaties they intended or even imagined that the exercise of that power would be influenced and determined from the standpoint of party advantage or disadvantage, then we should revise our estimate of their wisdon and their patriotism and our estimate as well of the Constitution and the nature of our official oaths to support it.

I would be reluctant, Mr. President, to charge, much less to believe, that in his heart of hearts a single Member of this body will in his final vote be thus actuated. If the fact be otherwise, then I can only say that his conception of the nature and character of this great obligation differs fundamentally from mine.

Mr. President, I would as soon abandon the wife of my bosom, disown my children, and repudiate my friends as to permit myself in this or any similar crisis of our country's affairs to be influenced, much less concluded, upon the subject by any consideration of partisan advantage or partisan gain. I would rejoice if my conclusion coincided with party policy, but that happy consequence would be in no sense controlling of my official conduct. I can not but believe, Mr. President, that the authors of this telegram penned and forwarded it without due reflection on their attitude regarding this treaty, and certainly with a very low opinion of the nature of my own convictions upon the subject. I have said, and I repeat for the last time, I hope, that this treaty can not and should not become a partisan issue or the subject of a party policy. If it does assume that form, it will cleave present party divisions in twain. The line of division will be at right angles to their existing planes of disposition. That of itself is not a subject of regret; it is creditable to the American spirit and to the national independence of American citizenship.

Now, just a word as to the reasons which are outlined in this telegram for the request that it conveys to me:

It urges you to vote for ratification on the best terms possible, because, first, no American commission can hereafter exact from Germany terms of settlement contained in this treaty.

If that means anything, it means that I should change my convictions or suppress them and vote for this treaty because it can never be enforced; that I should make it a part of the supreme law of my country for the reason that its due observance is impossible, and to the extent of nonenforcement it will become a dead letter. Such a reason, Mr. President, does not appeal to my obtuse sensibilities. I am unable to perceive the relation of its cause and sequence upon any conviction, be it permanent, temporary, partisan, or nonpartisan. If it is at all important, it furnishes me with a reason against ratification rather than for it. But let me proceed.

Rejected treaty means that we are absolutely out of league.

I understand that, hence I have determined to vote against the treaty. But we are told—rather I am told, for I do not know that anyone else has received a copy of this telegram—I am told—

That if we ratify the treaty it means that we are partly in and with passing years will get fully in.

I recommend that assurance to the reservationists, to the mild reservationists, to the nullifiers, to the mild nullifiers, to the Democrats, and to the Republicans. Remember, this is a Democratic appeal, and I am urged to vote my country into this league partially, because it means that hereafter it will be in completely.

I have voted for some of the reservations, my purpose being to safeguard the country as far as I think it can be safeguarded by reservations, if we are to ratify the treaty at all, but not because I am in the slightest degree deceived as to the ultimate effect of these reservations upon the treaty itself. I sat in the Senate gallery 27 years ago and heard the roll call upon a bill to repeal the purchasing clause of the silver act, known as the Sherman Act. That bill contained as a final section a pledge of the United States to bimetallism, coupled with a pledge to advocate it on all occasions and to obtain it if possible.

That was a sop to Cerberus. It did not deceive me; I do not think it deceived a single Member voting for or against the measure. It proved so completely a dead letter that I do not believe 5 per cent of the Members of either House of Congress have any recollection of it whatever, if, indeed, they ever heard of it. So 20 years from now your reservations will have proven utterly inconsequential and the United States will be, as the Courier Journal assures us, "fully in." That may be desirable; a great many think it is; I do not think so. My judgment may be fallible; it probably is; but there is no difference between myself and the Courier Journal upon this proposition.

It is much easier to get into trouble than to get out; it is much easier to enter any scheme, whatever the conditions, than to emerge from it unscathed or to continue the conditions in all their integrity. But I must proceed—

More than likely the Republicans themselves if they get into power will do so—

That is, relax the reservations—

and furnish the best vindication of present Democratic position and proof of their insincerity.

I suppose this means proof of Republican insincerity, although the phraseology would justify the opposite construction.

But, Mr. President, must I surrender my convictions and yield to a party appeal because obstructing Republicans may hereafter be convicted of insincerity; because their work may be shown by the logic of time to have rested upon an insecure foundation; because their insistence, in other words, may prove to have been partisan and not patriotic? I am unable to reconcile abandonment of a sincere conviction with such a plea. Certainly it carries no sanction sufficiently attractive to justify me in yielding to it, whether partisan or not.

Another reason why I am urged to change front upon this issue and vote for ratification is that—

Ratification will give to the treaty for all time Wilson's name; rejection means elimination of his name from the ultimate settlement.

In other words, I should shape my conduct upon this proposition by the effect that it will have upon the fame of a single individual. Can this journal seriously urge such a plea for the acceptance of a world covenant?

Mr. President, ever since I met Mr. Wilson in 1911 I have been what is termed a "Wilson man."

I advocated his nomination, and in my poor way I contributed both to that and to his subsequent election; I have been an administration Senator, and I hope I shall always continue to be such while I am honored with a seat in this body and the occupant of the White House shall belong to my party. Wherever it has been possible for me to support administration measures I have done so; where I have found it impossible, I have declined to do so and made my position clear as soon as I took it. That is my conception, Mr. President, of an administration Senator. I follow no man blindly and without question.

I know that it is very easy in this world to let others do one's thinking, to harmonize one's convictions with those of the majority, and to accept wisdom coming from on high as abso-

lutely sound and absolutely conclusive. If I had been created with such a disposition my life would have been a most happy and agreeable one; but, unfortunately, I am so constituted mentally that it has been necessary to do my own thinking and to reach my own conclusions, however imperfect or pernicious they may be, by the exercise of my faculties of intelligence and investigation, by reflection upon causes, and, above all, by those processes of inductive reasoning which consider consequences, both ultimate and immediate. I must try, however imperfectly, to guide my feet by the lamp of experience, by the light of example, and by the recorded wisdom of the great men whose completed labors constitute the beacon lights of human kind.

This is Mr. Wilson's method also. It has been one of the attributes, if not the chief one, which attracted me to him as a follower and kept me so since I have had the honor of his acquaintance and, I trust, of his friendship. But servile imitation is not the equivalent of respect and confidence.

Mr. President, is it possible that in determining one's duty under his oath of office, and especially in the discharge of the most tremendous obligation imposed upon a Senator of the United States, he should be influenced by the effect of his action upon the renown of any individual, however mighty or deserving he may be; that the fate of this Nation and the future of the world should be weighed in the balance with personal ambition or personal interest? The statement is a monstrous one, to be rejected without equivocation and without reflection. It is one which I am satisfied the President of the United States never would entertain, much less advance or approve of its suggestion by others.

Mr. President, in my judgment, Mr. Wilson's name is immune from the corroding influences of time, whatever the fate of this treaty may be. He has been the Chief of the greatest Nation that ever existed in the tides of time during the gravest crisis it ever confronted. He carried it through all the perils of war to a glorious and permanent triumph. His name is written high upon the scrolls of immortality, there to remain forever, whether this treaty be ratified unconditionally, whether it be ratified with reservations, or whether it fails of ratification.

I need not detain the Senate longer upon that part of the message.

I come now to the last one:

People generaly would deplore Democratic alignment with BORAH battalion of death. Politically Democrats will make mistake to assume irreconcilable attitude, helping BORAH to deprive country of peace.

Of course, Mr. President, this counsel is based upon the assumption that the Senator from Idaho controls my action or in some manner influences it, and that by refusing to ratify I am supporting his position and writing my own political sentence of death. Such a left-handed compliment would have been more graceful and more appreciated had it proceeded from another source than that of a great Democratic journal, made illustrious for many years under the management of the Hon. Henry Watterson, one of the greatest Americans of his day and generation.

Mr. President, my convictions are my own. They are reached by my own processes, however defective. The fact that they harmonize with those of my distinguished colleague from Idaho is a coincidence, although I flatter myself that they are largely justified by the fact that a man of his intellectual eminence and powers of reasoning has reached the same conclusion, but the fact that the Senator has investigated this matter for himself has had no more effect upon me than has the fact that my friend, the Senator from Nebraska [Mr. HITCHCOCK], has reached a different conclusion through the same processes.

I think my associates will bear me out in the statement that since announcing my attitude upon this treaty I have sought to proselytize or influence no man. I have intruded my views upon none of my colleagues unless they requested it. I have avoided, purposely and deliberately, the caucuses and the conferences of my party associates, lest my presence might prove embarrassing. I have exchanged views occasionally with some Republican Members of the Senate upon the question arising out of this treaty, precisely as I have exchanged views with them upon other subjects; and consequently I am as indifferent to "Senator BORAH's battalion of death" as I am to the extreme reservationists, to the mild reservationists, to the Republicans, and to the Democrats as regards my own sense of obligation and my own convictions of duty in this great crisis. I presume that I am classified as a member of that battalion which has now been christened with the name of the Senator from Idaho, but it must be because I have been overcandid in informing my associates and the country of my position upon this treaty. I can not concern myself, much as I would like, with the effect of my vote upon the future of my party or of its accord with the battalion of death so long as my conscience tells me that what I do I do honestly and openly and from that conviction which comes from long and anxious investigation.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. As an enrolled member in good standing of the "battalion of death," I desire to inform the Senator that the slogan of that battalion is only "Death to international socialism."

Mr. THOMAS. Well, Mr. President, we have at least received some information as a result of this discussion. We know now what the slogan is, but the battalion has no monopoly of it. I hope that all good citizens are similarly inspired. It is my slogan, although I am not even an honorary member of the battalion.

Mr. BRANDEGEE. We will make the Senator a member emeritus.

Mr. THOMAS. No, Mr. President. Should I accept that offer, I suppose the announcement would be made in the morning by the Louisville Courier-Journal that I had absolved myself from all allegiance to the Democratic Party, and received on the other side of this aisle, chanting the ancient chorus:

While the lamp holds out to burn
The vilest sinner may return.

Mr. McCORMICK. Mr. President, upon which side of the other side of the aisle?

Mr. THOMAS. That is the other side to me, and this is the other side to the Senator.

Mr. McCORMICK. There are schismatics over here, too.

Mr. THOMAS. I am aware of that, Mr. President; and I trust their schism is no outgrowth of partisan feeling toward the treaty and influenced by partisan considerations.

Politically, Democrats will make mistake to assume irreconcilable attitude, helping BORAH deprive country of peace.

A tactical mistake, a fundamental mistake, or a political mistake? Fortunately, we are not left to conjecture, for the Journal assures me that, politically, this mistake will be made if I persist in my "irreconcilable" attitude.

Mr. President, I have heretofore wearied the Senate by protesting against the intermixture of partisanship with consideration of this treaty. I have refused not less than a score of invitations with which I have been honored from different parts of the United States to come and express my views upon the treaty, because I apprehended that if I did so I would be reproached for criticizing the administration, and of disregard for the party to which I have always belonged. I have at no time of which I am conscious so conducted myself in the consideration of the treaty as to justify the view that I was influenced or could be influenced by any political or partisan consideration. I have reached my conclusions regarding this treaty after a long and patient process of investigation; and, while I may subject myself to the charge of egotism, I venture the opinion that I know more about the treaty, I am more familiar with its text, and am more capable of judging its results than any man or association which thus far protested my conclusions or instructed me as to my vote, and I have been besieged with correspondence commending and condemning my views with rigorous and never-ending iteration.

I read this treaty six times before I formed any conclusion about it, and always with the earnest desire to ratify it. I can not do so, and I affirm with due regard for all men that if anybody thinks that I shall be false to my convictions, whatever the consequences, either to myself or to my country, he is unacquainted with my convictions of public duty. If every person in the country should request me to vote for this treaty, with or without the League of Nations, I could not do it. If I did so, the mirror would never reflect my own features without reminding me of my self-betrayal. If the people of my State request it in any great preponderance, they can have my resignation, but I must retain my honesty of conviction, my sense of self-respect, and the obligations of my official oath.

So let me say once for all that whatever the result, partisan, political, social, or economic, upon the question of the ratification of the treaty with Germany, I shall be compelled to cast my vote in the negative.

WAR-RISK INSURANCE CLAIMS (S. DOC. NO. 250).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 8, 1919, a duplicate of a report made on December 20, 1919, in regard to claims

for compensation before the War Risk Insurance Bureau, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ASHURST presented a petition of the Common Council of Globe, Ariz., praying for the enactment of legislation to exclude from the mails certain classes of advertising matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAGE presented a petition of sundry citizens of Derby Line, Vt., praying for the enactment of legislation to increase the salaries of and to provide a bonus for Government civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented a petition of sundry citizens of the United States, praying for the enactment of legislation providing for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of Local Union No. 1246, United Brotherhood of Carpenters and Joiners, of Menominee, Mich., and a petition of the Trades and Labor Council of Port Huron, Mich., remonstrating against the passage of the so-called Sterling sedition bill, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry inmates of the soldiers' home at Grand Rapids, Mich., praying for the enactment of legislation granting pensions to Spanish War veterans, which was referred to the Committee on Pensions.

RECLASSIFICATION COMMISSION.

Mr. JONES of New Mexico. Mr. President, the Joint Commission on the Reclassification of Salaries have completed their report and have transmitted it to the President of the Senate for presentation and reference. Copies will be furnished to Senators when printed, which I hope to be able to have done to-morrow.

REPORTS OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3995) providing for the relinquishment of certain described property by the United States to the city and county of San Francisco, State of California, reported it without amendment and submitted a report (No. 468) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11175) for the public sale of customhouse building and site at Kennebunkport, Me., reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 4063) granting an increase of pension to John Ferriter; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 4064) for the relief of the estate of C. C. Spiller, deceased; to the Committee on Claims.

A bill (S. 4065) granting an increase of pension to Ruth A. Day; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4066) granting an increase of pension to Sarah McIntire (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4067) granting increase of pension to survivors of the War with Mexico now on the pension roll, and granting increase of pension to widows of those who served in the War with Mexico now on the pension roll; to the Committee on Pensions.

Mr. FLETCHER. I ask unanimous consent to have printed in the RECORD a letter from the Commissioner of Pensions with reference to the bill granting Mexican War pensions.

Mr. SMOOT. Let the Senator refer the letter to the committee which will have the bill before it, and then if the bill is reported out of course the letter will become a part of the report.

Mr. FLETCHER. It is a very short letter, and I think will give very valuable information to the general public on the number of pensioners in connection with the Mexican War and the amount that the Government is paying them.

Mr. SMOOT. I hope the Senator will not make the request now.

Mr. FLETCHER. If the Senator objects, I will have to withhold it.

By Mr. FLETCHER:

A bill (S. 4068) granting increase of pension to widows of those who served in the war with Great Britain of 1812, now on the pension roll; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4069) for the relief of the owner of the steamship *Urubambra;* to the Committee on Claims.

By Mr. OWEN:

A bill (S. 4070) to establish and maintain the American school army and to organize and equip the American reserve army; to the Committee on Military Affairs.

POSSESSIONS OF GREECE.

Mr. SHERMAN submitted the following resolution (S. Res. 333), which was referred to the Committee on Foreign Relations.

Whereas northern Epirus, south of a line drawn from the Bay of Grammala, northeastward to the Ostrovitsa Mountain, and thence northward to Lakes Ochrida and Prespa, has always been Greek in every respect; and

Whereas the Dodecanese, or Twelve Islands of the Aegean, have always been Greek; and

Whereas the western coast of Asia Minor, from the Gulf of Adramyti to the Bay of Macri, which lies to the northwest of the island of Rhodes, including the entire Province of Aidin, with the exception of the district of Denizli, including also the district of Balikisseri, which is a part of the vilayet of Broussa, is preponderantly Greek; and

Whereas Turkish rule over Christian peoples has been desolating; and

Whereas the Young Turks are again in the ascendant; and

Whereas the program of the Nationalists, held at Sivas, adopted as its program:

First. Turkification of all races in the Turkish Empire;

Second. Boycott of all Christian merchants;

Third. Expulsion of all Europeans from the Empire;

Fourth. Resistance to all interference from outside in the internal affairs of Turkey;

And

Whereas this program of the Turks shows neither repentance nor intention to protect the Christians: Now, therefore, be it

Resolved, That it is the sense of the Senate that northern Epirus, south of a line running from the Bay of Grammala northeastward to the Lakes of Ochrida and Prespa; that the Twelve Islands of the Aegean; that the western coast of Asia Minor from the Gulf of Adramyti to the Bay of Macri, including the entire Province of Aidin, with the exception of the district of Denizli, including also the district of Balikisseri, which is a part of the vilayet of Broussa, should be awarded by the peace conference to Greece and become incorporated in the Kingdom of Greece; and that Turkish rule at Constantinople and over Christians everywhere be now abolished.

PUBLIC SERVICE COMMISSION OF PORTO RICO (S. DOC. NO. 251).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying papers, referred to the Committee on the Pacific Islands and Porto Rico and the Virgin Islands:

To the Senate and House of Representatives:

As required by section 38 of the act approved March 2, 1917 (39 Stat., 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 38 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE,
12 March, 1920.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, we have arrived at reservation No. 2, which applies to article 10 of the treaty. I am going to offer a modification or amendment to that reservation as it stands. It is done in consonance with what I have stated on the floor many times, that I did not feel that I should be justified in insisting upon the defeat of the treaty on the simple question of phraseology employed in any reservation.

If I thought what I offer affected in any way the principle or the substance of the reservation as it stands, I not only should not offer it but I should vote against the treaty which contained it. I now offer the modification which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the original reservation and the modification now proposed by the Senator from Massachusetts.

The ASSISTANT SECRETARY. Reservation No. 2, as reported by the Committee on Foreign Relations, reads as follows:

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

In lieu of the reported reservation No. 2 it is proposed to insert the following.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

Mr. FRELINGHUYSEN. Mr. President, I have refrained at this session from taking the time of the Senate by extended remarks upon the treaty of peace. I feel, however, that I should now make a brief but emphatic statement as to my position on article 10 of the League of Nations covenant, so that the country, my State, and the Senate may definitely know my position. The original Lodge reservation was reported by the Foreign Relations Committee—a standing committee of the Senate. It was approved by a majority vote of this Senate and by the majority party of this body. It was, in my judgment, approved by the great body politic of this country. There is no doubt about the meaning of that reservation. The country understands it. The Senate understands it. The world understands it.

It says, in effect, that "we do not" assume any obligation, moral or legal, to preserve the territorial integrity and political independence of States members of the League of Nations.

Mr. KELLOGG. Mr. President, the Senator states that he understands no one claims that there is any doubt about it. I understood the Senator from Idaho [Mr. BORAH] to insist that under that reservation the obligation remains; and he made a long and elaborate speech to prove it.

Mr. FRELINGHUYSEN. From my understanding of the Lodge reservation up to the present time, and eliminating the present modification, it is the strongest reservation that has been presented to the Senate to protect American rights.

Mr. KELLOGG. It is certainly a modification of the one presented originally by the Committee on Foreign Relations.

Mr. FRELINGHUYSEN. I am very glad to have the observation of the Senator from Minnesota. I simply wish to continue, Mr. President, without interruption, if I may, until I finish my statement, and then I shall be very glad to answer any questions in regard to my position that may be presented.

That is my position, and I intend to stand by the Foreign Relations Committee. If that reservation is not adopted, I shall vote against the treaty. Since the Senate voted for it attempts have been made by "unofficial committees" on foreign affairs, functioning all over this Chamber, "in vain attempts to paint the lily," so to speak.

I have been asked by certain Senators to support substitutes before having the text submitted to me, with the statement that "It only makes a verbal change," or "It protects the United States against assuming a moral or legal obligation"; "We want something that will save the faces of So-and-so, opposed to the Lodge reservation"; "We do not want to take this into the campaign," and so forth.

No amendment can be written that will prevent assuming the obligation and assume it at the same time. I do not criticize those who desire proper ratification after protecting America's rights or honest attempts to bring it about, or their right to make the effort. But so far the attempts made only evade the real issue. A fundamental principle is involved and no compromise can be written that does not surrender that principle, and the Senator from Massachusetts [Mr. LODGE] has said that "that principle shall not be surrendered."

I refer to the very able speech which he made on March 9. At the end, speaking of the President, he said:

It is well that he has said it; the issue can be veiled no longer; it justifies the position that we on this side, all alike, have taken, that there must be no obligation imposed on the United States to carry out the provisions of article 10.

Only the other day a substitute was drafted and was in possession of two or three Members of each side of the Chamber. I made a careful study of it and its clouded meaning. I understand the original reservation. I did not understand the compromise and submitted it to several able authorities, including a prominent international lawyer. This lawyer stated that it was artfully drawn and leaves the implication that the United States assumes a moral obligation. This is too grave and important a question for the Senate to allow everyone to be drafting amendments, hastily considered, withheld until time of presentation and a vote is imminent and then ask a Senator to assume the solemn obligation of casting his vote without understanding what he is voting for.

Senators, we are playing with fire. I hold my duty to my country too sacred to trifle with this question. If we remain out of the league I know we will be safe. If we go in, I am not sure of it. I was and still am willing to vote for the original Lodge reservation, though, even then, with that adopted, I believe, to make a frank confession, we are in a much safer position outside rather than inside the league. We have contrived to get along pretty well for 140 years without a League of Nations, and it is my belief that the United States will still be functioning in the same glorious manner at the end of another 140 years if we do not go in. I am not thinking of the effect this will have on the coming campaign. I am not thinking of the effect it will have on my political future. I will not place President Wilson before my country, I will not place my party before my duty. I consider the obligation resting on me at this time too sacred for political or personal considerations.

The issue before us is now plain. No longer can it be argued that by article 10 no obligation is imposed on us to safeguard the territorial integrity and political independence of other nations. The author of the article, the President, in his recent letter to the Senator from Nebraska [Mr. HITCHCOCK] writes that the obligation is "expressed in positive terms." He says that the treaty will be nothing more than a scrap of paper unless it guarantees "as a matter of incontestable right, the political independence and integrity of each of its members." He tells us that we should "welcome the opportunity to share the responsibilities of article 10, a responsibility which he characterizes as "an overwhelming one." He asks us to consider "humanity" rather than our "special national interests." He defines article 10 "as the essence of Americanism" and insists that it affords us "a great and glorious opportunity to contribute our overwhelming moral and material force to the establishment of an international régime."

By this letter he admits what time and again I have charged, viz, that he is an internationalist, that he has forgoten that he was elected President not of humanity but of the United States, and that he had no authority to propose in our behalf that we should police Europe, take part in its every quarrel and send abroad our boys to guard the frontiers of nations.

With all due respect to him and to my learned associates who are ready to substitute his judgment for their own, quite contrary to their oath, I do not believe that the President or the President and Senate combined, without any amendment to the Constitution, have any right to give the pledge which he advocates. We all know that our people would not fulfill any such pledge. An attempt to draft an Army to protect India as against Russia would most certainly result in riots and probably in revolution. We must be guided by reason rather than by visions. The President would obligate us to preserve frontiers which he and others have established. He argues as though he and the diplomats who made the treaty were infallible, forgetting that in his notes on the Adriatic question he repudiates the existence of infallibility outside of himself.

I have said that the issue is plain. It is. Should we or should we not undertake to preserve the territorial integrity and political independence of other nations? The President says we should. I say that we should not and, if I correctly understand the sentiment of this Senate, a majority says that we should not. The President has stated his position in unmistakable terms. Why should we quibble? Can not we use language equally as clear as that employed by him? Why do we not simply say that the United States assumes no obligation to preserve the territorial integrity and political independence of any other nation? If that is what we mean, why not say it? Why add language which serves only to becloud our meaning? Why act as though we believed that language was invented to conceal thought? What is the meaning of the reservation now before us? Does it or does it not mean that we assume no obligation? Has not the President clearly indicated in his letter to the Senator from Nebraska that if we simply entwine article 10 and the Constitution, that if we simply make article 10 subject to the exercise of powers which, under the Constitution can be exercised only by Congress, we will perform a mere act of supererogation? Has he not told us that it was proposed by some nations at the peace conference that

reservations should be added in their behalf making performance of their obligations subject to their constitutional methods of action, and that he and others who had met for business and not for talk listened to such proposals "of scrupulous supererogation with indifferent silence"?

By the reservation now before us there is no obligation on our part to employ our military or naval forces, our resources, or economic discrimination unless Congress so decides. Is it not plain to you that our Army can not be used, that our Navy can not be used, that economic discrimination can not be practiced, and that our resources are not available unless Congress acts? What position will we be in to deny any obligation under article 10 should this reservation be adopted if the President publicly construes same for the benefit of foreign nations as simply entwining our constitutional methods with the article and as being prompted solely by a superabundance of caution and as being merely an act of supererogation, which neither adds to nor detracts from the force and effect of the article?

Has he not warned us that he will view a declaration that before any obligation becomes legal and binding upon us Congress must act under and in accordance with the Constitution as being merely explanatory and as something which may be treated by himself and by others with indifferent silence and as acts of scrupulous supererogation?

I have no desire to be told that any reservation to which I may agree upon article 10 is a mere act of supererogation. I am not skilled in dialectics, casuistry, or sophistry. I have no desire to use language which one who is so skilled may construe to mean the opposite of what I intend. I am a business man who desires agreements to be so written that he who runs may read. If we would not open the door to misunderstanding let us say exactly what we mean and say it in language that can not be mistaken. If we do not intend to assume any obligation let us say so. What is clearer than a plain declaration that the United States does not assume any obligation to preserve the territorial integrity or political independence of any other nation? Why add anything to such a statement? Why qualify it with adjectives or phrases? Why confound it with words? Why afford those skilled in casuistry an opportunity to say that all that we meant was to entwine article 10 with our Constitution? My position is very plain. I am unalterably opposed to any obligation to protect other nations. As a business man I desire that our refusal to assume such an obligation should be stated in language so clear and straightforward that no one can misconstrue it, no matter how skillful he may be in dialectics, casuistry, or sophistry.

I therefore move that the reservation be amended so as to read as follows, and I believe there will be no doubt in the mind of anyone as to what this amendment means——

Mr. BRANDEGEE. May I ask the Senator a question? Does he mean that the reservation be amended or that the proposed modification be amended?

Mr. FRELINGHUYSEN. The proposed modification. I offer a substitute for the proposed modification or amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The proposed substitute will be read.

The Assistant Secretary read as follows:

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country.

The United States assumes no obligation to interfere in controversies between nations or to employ its military or its naval forces or its resources for any purpose under any article of the treaty.

Mr. McCORMICK. Mr. President, this is a very solemn hour in a long-protracted debate. The Senator from Colorado [Mr. THOMAS] and the Senator from New Jersey [Mr. FRELINGHUYSEN], who have spoken, breathed a profound and moving conviction. No man has followed the speech just concluded but still hears ringing in his ears references which the Senator from New Jersey has made to efforts to save the faces of persons parties to this long controversy at a time when we should be moved to save the honor of the United States to-day and the lives of her sons in the years to come.

There are none of us, I think, who would spontaneously attribute to the Senator from Massachusetts [Mr. LODGE] the authorship of the alternative reservation just offered. To be sure, he brought it forth to-day, but so many have been concerned in its gestation that its parentage happily will remain forever in doubt.

The great New York World, the organ of the administration, the ablest of the journalistic supporters of the covenant, to-day announces:

SIMMONS juggles new deal on the treaty.

Perhaps the Senator from North Carolina begot that which the Senator from Massachusetts has brought forth.

If the League of Nations gets through the Senate and by the President—

Writes the correspondent of the World—

the linked nations ought to erect a tall monument to FURNIFOLD M. SIMMONS, Senator from North Carolina. Twice he has seen the thing at the very point of realization, only to have it all knocked into a cocked hat by the backsliding of some one or some group.

* * * * * * *

So many different modifications of the reservation on article 10 have been suggested that both count and authorship have been lost. After a whole day of whispering, wheedling, and supposing, the net result was a feeling that whenever a variation of phraseology in the reservation gained a Democrat vote for the compromise it lost a Republican.

Says the correspondent:

The Senator from North Carolina is probably the only man in the Senate who believes that he can get a reservation to article 10 that will hold the votes of 32 Democrats and 32 Republicans and successfully run the White House gauntlet.

I pray that the hopes of the solitary and able Senator may be disappointed. If it be true that his hopes are to be fulfilled, we have now heard the terms of the Republican capitulation, the terms of the capitulation of the reservationists. It only remains to be discovered whether those terms will be accepted by the administration.

At this time, awaiting the discussion of their legal and contractual significance by those learned in the terms of contracts, permit me, sir, to repeat what I have said before, that ratification by the President with the consent of two-thirds of the Senate can be had only if the President and the Senator from Nebraska [Mr. HITCHCOCK] eat their words, or if the Senator from Massachusetts [Mr. LODGE] and the Senator from Wisconsin [Mr. LENROOT] eat their words.

Mr. LENROOT. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. McCORMICK. Certainly.

Mr. LENROOT. I hope before the Senator concludes he will point out what obligation does remain under this amendment.

Mr. McCORMICK. Oh, Mr. President, I will address myself to the terms of the amendment in due course. Let me repeat what I have said as to the parties to the controversy, that if ratification be had with the consent of two-thirds of the Senate and by action of the President, there must be surrender on one side or the other. Does the Senator from Wisconsin hold a different view on that point?

Mr. LENROOT. I do not; but when the Senator charges the Senator from Massachusetts and the Senator from Wisconsin with being parties to the surrender, it seems to me that he ought to furnish a bill of particulars and show wherein they have surrendered anything.

Mr. McCORMICK. The Senator from Illinois has charged neither the Senator from Wisconsin nor the Senator from Massachusetts with surrender, nor yet has he charged the President or the Senator from Nebraska with surrender.

Mr. LENROOT. Then I apologize to the Senator, for I evidently misunderstood him.

Mr. McCORMICK. The Senator from Illinois said that if ratification were had by the consent of the Senate and the act of the President, then there must be surrender upon one side or the other. The debate presently will develop whether or not the terms of this reservation imply surrender. I had been about to say at the moment when my friend, the Senator from Wisconsin, interrupted me, that the President explicitly in the letter he addressed to the Senator from Nebraska and the Senator from Massachusetts no less explicitly on this floor each have declared that the issue was joined.

It has been manifest for a long time that in all probability the first violation of the tenth article of the covenant would occur not in Europe, not as between the new republican States for whose security so much solicitude has been expressed by the supporters of the covenant, nor as between them and many of their older and greater neighbors, but in Asia. When the menace in Asia was first pointed out in the Senate it seemed incredible that before the Senate would have acted finally upon the treaty a violation of the tenth article actually should have occurred. The cables to-day announce in a dispatch dated March 8 that:

The Syrian Congress at Damascus to-day declared Syria to be an independent State. There were fireworks to-night and Beirut celebrated its independence.

It is reported that Prince Feisal, son of the King of the Hejaz, will be crowned King of Syria to-morrow. Palestine, Lebanon, and northern Mesopotamia are included in the districts where the Arabs are voting freely, apparently with the purpose of forcing the peace conference to recognize Syria, under a threat of cooperation with the Turkish Nationalists if independence is refused to them.

The Arabs claim to have 100,000 troops ready to cooperate with the Turks in Cilicia and Anatolia. Apparently they are willing to accept French advisers.

They are not willing, it seems, to accept French or British governors.

A dispatch dated four days later announces that—

Prince Feisal, son of the King of the Hejaz, has been proclaimed King of Syria, according to advices received in Cairo from Beirut, says a dispatch to the London Times from the Egyptian capital.

An assembly of 29 Mesopotamian notables now sitting in Damascus probably will proclaim Mesopotamia a State and form a joint government with Syria under the regency of Zeid, a brother of Prince Feisal of the Hedjaz, according to the Daily Mail's Cairo correspondence.

A third dispatch from London reports that—

Official advices received recently stated that the situation in Damascus was serious. Emir Feisal, son of the King of the Hejaz, it was explained, thought it advisable to summon the Syrian Congress, which had announced its intention to declare the complete independence of the country and proclaim him King. The Emir, it was stated, succeeded temporarily in forestalling such action, procuring the postponement of the meeting of the congress, which had been called for March 6, but the excitement was said to be so great that he probably would be compelled to accede to the demands.

In my opinion the reservation offered will precipitate a controversy on this floor which will cast a doubt upon its meaning before this week has run its course. It will be held, on the one hand, that it frees us from moral, legal, and contractual obligation to carry out the guaranties imposed by the tenth article of the covenant, and, on the other hand, it will be held that it does impose guaranties, considerable or small to the point of exiguity, according to the intellectual bent or the political bias of the speaker.

The American people, aye, not only the American people but every people whose government is party to this covenant, have a supreme right to demand of the Government of the United States and of the Senate as party to any action by this Government that the terms of the obligation to be assumed shall be explicit beyond doubt; yes, even beyond challenge in any quarter. That can not be said of the terms of the reservation offered here to-day. If the Senate consent to the treaty under this reservation and the treaty be ratified, forthwith disputants will arise in America and on both sides of the Atlantic as to the degree of our obligation and as to its kind. If the Government of the United States take and uphold the view which will be upheld by my friend from Wisconsin, and, of course, with consummate ability, then other countries will hold that we have defaulted upon the obligation—countries seeking our forces, demanding that our men pour forth their blood and that our workers give up their earnings to guarantee frontiers over the whole world.

Mr. KING. Mr. President, will my friend yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. McCORMICK. Certainly.

Mr. KING. I have noticed in the discussion of article 10 by the distinguished Senators who are opposing the ratification of the treaty, as well as by some who are in favor of it with reservations, that they always assume an obligation upon the part of the United States to preserve the territorial integrity and the political independence of other signatories of the league, but they seem to ignore the fact that, if there is any obligation, or whatever the character of the obligation, there is none upon the other signatories to the treaty. When they talk about pouring out the blood of our sons in the defense of the territorial boundaries of other nations, they never speak about the obligation, if there is one which requires us to pour out our blood, which requires other nations to pour out their blood in the defense of territorial boundaries, whether they be territories in which we are interested or otherwise. Why is it, if the Senator will permit me, that particularly the "battalion of death"—that expression seems to be famous—in discussing——

Mr. McCORMICK. That term originally was applied to a battalion which offered itself to its country without regard to the consequences to its members.

Mr. KING. I am inclined to think that the Senator from Illinois rather claims and arrogates to himself and to those with whom he is associated too much glory in claiming to belong to a similar battalion.

Mr. McCORMICK. It was not we who so named ourselves; nor have we so referred to ourselves on this floor.

Mr. KING. I say that because I do not think the Senator from Illinois—and I speak with all friendship for him—is offering his life for his country, nor are those who are associated with him offering their lives for their country in their persistent opposition.

Mr. McCORMICK. No; it is other Senators who would offer the lives of our fellow-countrymen. It is those Senators with whom we are engaged in controversy.

Mr. KING. But to return, why is it that the Senator and those who belong to the courageous and stout-hearted band who are standing here opposing the ratification of the treaty persistently refer to the obligations which it is assumed our Government undertakes, but never refer to the obligations which other Governments assume, and seem to convey the idea that the obligations are unilateral instead of joint; that the United States assumes all of the obligations, and that other nations assume none? Is it for the purpose of beclouding the issue or trying to convey an erroneous idea to the American public as to the real meaning of the treaty?

Of course, I would disclaim the suggestion that the Senator and others would purposely do that, but is not that the effect of the attitude which they take?

Mr. McCORMICK. Mr. President, we conceive that it is our primary obligation to defend the interests of the United States. That, I know, is coming to be considered an old-fashioned point of view by those who "have awakened to the vision of a new day."

Mr. President, we refer to the obligation upon the United States because, first, it is the welfare of the United States that chiefly concerns us; secondly, because the obligation under the first sentence of the tenth article is unequivocal, absolute, and binding upon each member of the league, without regard to the measure in which it may be fulfilled by any other member of the league. Patently, the United States, as the great reservoir of fighting men and of treasure, will be the one upon which the obligation must bear most heavily, even if none of the others default, and if any of the others do, then more heavily still. Finally, sir, I would say that as between the United States and the other powers, the obligation under the tenth article is unilateral. It is entirely to their advantage, and inures not at all to ours. There is no enemy whose assault upon our frontiers we need to fear.

However much the British or the Japanese, alone or in alliance, might damage our commerce upon the high seas, there is no force which they could marshal by which invasion of our frontiers is credible, even to the apprehensions of the Senator from Utah. We do not seek—we do not need—the problematical protection of any of the powers of Europe, nor ought we to be called upon to guarantee the empire won by the sword over 500,000,000 sullen subject peoples, subjects of the three great powers—Britain, Japan, and France. This obligation runs not with the frontiers of the democracies in Europe alone, but with every frontier in the world.

Sir, it has been argued that the issue of the treaty ought not to enter into the presidential campaign; that Americans ought not to be joined in the discussion of its terms, ought not to meet in controversy over the terrible tenth article of the covenant. Therefore it is purposed that agreement should be had upon a reservation of which the best that can be said is that it will leave in doubt our obligation to send young men forth into military campaigns upon the deserts of hither Asia. In order to preclude a decision upon the treaty by the American people, it is proposed to hazard a decision upon our obligations by the council of the League of Nations.

Mr. LENROOT. Mr. President, I am not going to argue this reservation at length at this time. I am merely going to say a few words in reply to my friend, the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. I yield to the Senator.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Simmons
Beckham	Glass	McNary	Smith, Ga.
Borah	Gore	Moses	Smoot
Brandegee	Harris	Nelson	Spencer
Capper	Harrison	New	Sterling
Chamberlain	Henderson	Norris	Sutherland
Colt	Hitchcock	Nugent	Swanson
Culberson	Johnson, S. Dak.	Overman	Thomas
Curtis	Jones, N. Mex.	Page	Townsend
Dial	Jones, Wash.	Phelan	Trammell
Dillingham	Kellogg	Phipps	Wadsworth
Elkins	Kenyon	Pittman	Walsh, Mass.
Fernald	King	Ransdell	Walsh, Mont.
Fletcher	Knox	Reed	Watson
Frelinghuysen	Lenroot	Sheppard	Williams
Gay	Lodge	Shields	

Mr. DIAL. I desire to announce that the Senator from South Carolina [Mr. SMITH] is absent on official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to the roll call, there is a quorum present.

Mr. LENROOT. Mr. President, I regret the position taken by my friend the Senator from New Jersey [Mr. FRELINGHUYSEN]. He is earnest; he is able; but I think he has taken his position hastily, without that due consideration that he is wont to give all public questions, and I feel satisfied that after giving it more thorough consideration he will see that he is not justified in the position that he has taken.

As I understood the Senator, he objects to this modification upon two grounds: First, that it changes the phraseology of the original reservation, and that he was opposed to any change in phraseology because, as he said, the country understand the original phraseology of the Lodge reservation, and they may not understand any modification of it.

Secondly, he is not certain whether this amendment does change only the form and not the substance, and he is opposed, as I understand him, to any change in the Lodge reservation upon this article, either in form or in substance. I followed him quite clearly upon that point, and what was my surprise, therefore, at the conclusion of the Senator's speech, to find him offering as a substitute for this reservation one that not only changes the form, but is so different from it that it could hardly be called a distant relation; and certainly everyone concedes that his substitute most vitally changes the substance of the original Lodge reservation.

What is the Senator's substitute? Let me read it:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country.

If he had stopped there, he would have preserved the substance of the original Lodge reservation, but changed in form quite as much as the pending substitute does change the form. But he goes on:

The United States assumes no obligation to interfere in controversies between nations or to employ its military or its naval forces or its resources for any purpose under any article of the treaty.

Here he not only changes the form, but vitally changes the substance of the Lodge reservation. Under the Senator's substitute he would cut out the economic boycott under article 16, which, it has been agreed from the very beginning of this controversy, should be left; which the Senator from New Jersey heretofore has never objected to. That is saved by the Lodge reservation. But this reservation would relieve the United States from any obligation to employ the economic boycott for a violation of covenants relating to arbitration and to inquiry. So I can not understand how the Senator can longer object to the substitute because of the change of phraseology, when he himself has now proposed a substitute very much more changed in phraseology than the pending one.

Mr. FRELINGHUYSEN. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Certainly.

Mr. FRELINGHUYSEN. Is the original Lodge reservation satisfactory to the Senator?

Mr. LENROOT. Yes.

Mr. FELINGHUYSEN. Then why change it now?

Mr. LENROOT. I am very glad to answer the question. I am not one of those, Mr. President, who desire to see the defeat of this treaty. So long as this treaty can be Americanized with proper reservations, I am not only willing but I am anxious to make any change in phraseology that may tend to secure a sufficient number of votes to secure ratification.

I did not vote here last November for the ratification of this treaty with the Lodge reservations with the idea that I was going to fool the country, that I was hoping the treaty would be defeated, but that I would go on record as favoring it with these reservations, and I am satisfied the Senator from New Jersey did not. I am satisfied that he was sincere in believing that so long as the United States was protected by the reservations he was in favor of its ratification. My position is the same to-day. Evidently the position of the Senator from New Jersey has changed in that respect. So long as there is no surrender of the substance of the reservations, and particularly the Lodge reservation, if it will secure more votes I am willing to change the form of the reservation, and I can not understand why any friend of the treaty should not likewise be willing to do so.

Mr. FRELINGHUYSEN. Does the Senator consider this modification as a compromise?

Mr. LENROOT. In language only.

Mr. FRELINGHUYSEN. Does the Senator believe that there is no assumption of either a moral or legal obligation under it?

Mr. LENROOT. Absolutely; and that, I think, can easily be demonstrated.

Mr. FRELINGHUYSEN. The Senator knows that there is no assumption of a moral or legal obligation under the Lodge reservation, does he not?

Mr. LENROOT. No more so than I know it under this.

Mr. FRELINGHUYSEN. But the Senator admits that there is no assumption of a moral or legal obligation under the Lodge reservation?

Mr. LENROOT. I think that is true of them both.

Mr. FRELINGHUYSEN. Then what is the object of the change?

Mr. LENROOT. I think I have stated it. Of course, Mr. President, we might as well be frank about it. I will state the position of these bitter enders, and I say it in no terms of disparagement to them. It is not, in my judgment, because they believe there is any surrender of substance, because I do not believe they can possibly think that themselves. It is because they believe that by changing the phraseology enough votes can be secured to ratify this treaty. That is why they are opposed to it. I do not blame them. They are trying to kill the treaty, and that has been their intent from the very beginning. But that ought not to be persuasive with those of us who have been in favor of the ratification of the treaty, provided the interests, the liberties, and the independence of the United States are protected by reservations.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. I yield.

Mr. REED. I understand the Senator's position to be that the substitute now offered does not in any way subtract from the Lodge reservation in principle?

Mr. LENROOT. That is true.

Mr. REED. That is to say, we all agree, at least the advocates of it agree, that under the Lodge reservation we do not assume any obligation under article 10.

Mr. LENROOT. At that point may I say that that is my position? However, the Senator will remember that the distinguished Senator from Idaho [Mr. BORAH] argued at great length when the reservation to article 10 was under discussion that the obligation did remain under the Lodge reservation.

Mr. REED. That may be the position of others; it may be the position I take with reference to the treaty, not with reference to article 10. I am not trying to get into a controversy with the Senator. I am trying to get the matter cleared up.

Mr. LENROOT. I understand.

Mr. REED. I understand it to be the position of the Senator that in substance and effect the proposed substitute means exactly the same thing as the Lodge reservation.

Mr. LENROOT. Yes.

Mr. REED. And that the only change is a mere change in verbiage.

Mr. LENROOT. Yes.

Mr. REED. Was the language of the Lodge reservation in any way obscure, so that it had to be clarified?

Mr. LENROOT. I did not think so. The Senator from Idaho [Mr. BORAH], however, did.

Mr. REED. He takes a different view from those who are seeking to make this change. If the language of the Lodge reservation was clear, did not need to be elucidated by any change, if the principle expressed in both the reservation and the substitute for it are exactly the same, then the Senator's position is that by changing words which do not need to be changed in order to clarify it, and which in no manner change the principle, there are likely to be some additional votes for the treaty. I think that is the Senator's position. Do I state his position correctly?

Mr. LENROOT. That is the Senator's hope.

Mr. REED. Then the Senator must entertain the notion that there are some Senators on this floor who either are incapable of understanding that the language is changed without changing the substance, and therefore are going to be fooled by a change which is not a change at all, or else that there are Senators here who are not acting in very good faith, but who want some kind of a pretext or excuse for changing their votes, and therefore this is put forward as that excuse. It seems to me that is an inevitable conclusion; but it does not seem to me that it will reflect very great credit upon the gentleman who changes his vote upon either of those considerations.

Mr. LENROOT. Mr. President, I am not one of those who believe that a proposition can not be stated in more than one way. While I, with others, participated in the drafting of the original Lodge reservation to article 10, I have never taken the position that we were inspired in our work in that respect, and that the same thing might not be accomplished in a different way; and if there be those who think that they would prefer or would be willing to support this reservation with it stated in different language, I would be a poor American, indeed, I would be a poor Senator of the United States, if, not

changing the substance, surrendering no principle, I would stand upon language, and subject myself to the same criticism to which President Wilson has been constantly and properly subjected, that he was unwilling to accept any change in the document, either by the change of the dotting of an "i" or the crossing of a "t."

So much for the position of the Senator from New Jersey. As I say, I hope he will reconsider, and when he has more thoroughly advised himself that this reservation in substance is exactly the same as the original reservation, that it will receive his support.

Mr. FRELINGHUYSEN. Mr. President, I do not want to take the time of the Senator, who has accused me of inconsistency because I offered a substitute to the former Lodge reservation as now modified. I presume that I got the habit, too, of writing substitutes, because that has been the occupation of all the Senators in this body ever since the Senator took a definite position himself last year upon this question. I have not changed my position. I am willing to vote for the treaty of peace with the Lodge reservation. I believe that it protects American rights. I am doubtful about these flypaper modifications that are spread over with molasses to catch flies. We understood the Lodge reservation, the country understood it, I understand it, and I am willing to vote for it.

I see nothing to be gained in changing verbiage when it is already satisfactory. The Senator himself stated that. I think the Senator, with whom I generally agree, will understand that I am making no criticism of him, only a friendly criticism, the same as he has made of me because I have offered this substitute, but the Senator said in the Senate November 19:

> Mr. President, before the vote is taken I wish to say just a word—
>
> Speaking on the Lodge reservation—
>
> Much has been said concerning compromise and negotiation. The Senator from Nebraska [Mr. HITCHCOCK] this evening said that as to many of the reservations it was a mere matter of form, but that the reservation upon article 10 was vital; that it cut the heart of the league.
>
> I want to say to the other side that that reservation, as most of the other reservations, was drawn not by the enemies of the treaty, but by its friends, and article 10 being the crucial point of difference between the two sides of the aisle, upon that article there can be no compromise, there can be no negotiation that will change the substance of that reservation. If the other side of the aisle and the President of the United States desire a ratification of the treaty, they must take the reservation upon article 10 in substantially its present form.
>
> That being true, there can be no advantage or good accomplished by further negotiation or talk about compromise. We might as well settle it now.

The Senator then refused any further negotiation on the Lodge reservation. He took a stand on it, and yet ever since that time he has been considering changes in this reservation and changes in the substance of it. If anyone in the Chamber is inconsistent, it is the Senator from Wisconsin and not I.

Mr. LENROOT. I am very much obliged to my friend from New Jersey for reading that quotation from the speech that I made last November. I sometimes may be inconsistent, I expect, as others are, but it so happens that in the quotation which the Senator just gave I am entirely consistent. The Senator read from what I said at that time that there could be no negotiation and no surrender upon the substance of the Lodge reservation. That is exactly my position to-day, and it has been my position from the beginning.

Mr. FRELINGHUYSEN. May I interrupt the Senator further?

Mr. LENROOT. Yes.

Mr. FRELINGHUYSEN. The Senator has lost sight of these words:

> That being true, there can be no advantage or good accomplished by further negotiation.

Mr. LENROOT. The Senator read preceding that. It has to be read with the context. I said there could be no surrender and no negotiation and no compromise upon the substance of the reservation. The Senator from Wisconsin has occupied that position from that time to this, and there is no surrender, there is no compromise upon the substance of the Lodge reservation in the pending amendment.

I am not going to argue it at length now, but I do want to say this: We are going undoubtedly to hear from the able Senator from Idaho [Mr. BORAH], the able Senator from Pennsylvania [Mr. KNOX], and others—and their great ability is well known—arguments that there is a surrender; but this language is so plain in this reservation that they never will be able to convince the American people that there is the slightest surrender. In fact, as between the two, for the ordinary person who is not a lawyer to construe the two reservations it will be easier for him to construe this substitute as taking the United States out of any obligation than the original Lodge reservation, sweeping and conclusive as it is, and why?

Under this reservation we say explicitly that we assume no obligation to use the military or naval forces under article 10 or any other article of the treaty unless Congress in the exercise of full liberty of action shall so provide. Is there anyone that would say that there is the slightest semblance of an obligation left with this reservation to use our military or naval forces for any purpose under the treaty?

Then we go on to the next specification, and we assume no obligation to use the economic resources of this country under the provisions of article 10 to preserve the territorial integrity or political independence of any other country unless Congress, again in the exercise of full liberty of action, shall so provide.

Mr. KNOX. May I inquire if the Senator thinks that a reservation of full liberty of action on the part of Congress would justify Congress in repudiating an obligation which had been previously made?

Mr. LENROOT. If the obligation had been previously made for a subsequent authority to exercise full liberty of action, it might be a repudiation, but where it is made in the same instrument, where it says the United States itself does not assume and Congress, one of the departments of the United States, shall exercise full liberty of action, there is no obligation.

Mr. KNOX. If the instrument does not assume any obligation, what is the use of reserving full liberty of action on the part of Congress?

Mr. LENROOT. Because it is contended, as the Senator well knows, and with force, that where, as the original reservation read proposed by the other side, we assume no obligation to employ the military forces of the United States unless Congress should so provide, that that is merely declaring the constitutional limitation upon the executive power or the treaty-negotiating power, and that the obligation would rest upon Congress to provide the military or naval forces, but when we say Congress shall exercise full liberty of action it negatives any obligation upon Congress.

Mr. KNOX. If the Senator will allow me just one further observation, how can we take full liberty of action away from Congress? Who has the authority and power to deprive Congress of full liberty of action?

Mr. LENROOT. Because the President of the United States and the Senate of the United States may negotiate a treaty that will impose a moral obligation upon the Congress depriving it of its liberty of action.

Mr. KNOX. That, in my judgment, is just exactly what this does.

Mr. LENROOT. It does not. That is exactly what this saves us from. If it were not for the language "in the exercise of full liberty of action," the Senator might make that argument, but that language relieves Congress from any moral obligation whatever imposed by the terms of the treaty.

The same observation can be made with reference to the specified means of any form of economic discrimination. If we stop there, it might be argued that there was a form of obligation, but a release upon the part of the United States from using any means that might make the obligation effective, but we do not stop there. After these means are specified we further assume no obligation in this reservation to interfere in controversies between nations unless Congress shall assume that obligation.

I wish, before this debate is over, that some of the Senators who are attempting to defeat the treaty would explain to the Senate, even assuming that the position of the Senator from Pennsylvania is correct upon the other proposition—which I do not for a moment concede—how any obligation could arise upon us that did not involve an interference in a controversy between two or more nations? Could there be a case of external aggression that was not preceded by a controversy between the parties affected by that aggression? If we assume no obligation to interfere with controversies between nations, therefore we assume no obligation to take any action whatever.

I expect that it will be argued that enumeration of these particular means nullifies this language; but that is not so. We use the language "no obligation to interfere in controversies between nations," and that is complete in itself; but even though we do interfere in a controversy by the exercise of our good offices or otherwise, we still by this reservation say that although we do interfere we are under no obligation to use the specified means named in this reservation. So that no obligation whatever is assumed to interfere in controversies; but if we do voluntarily interfere in a controversy the reservation says that we assume no obligation to employ our military or naval forces or economic resources, or any form of economic discrimination to preserve the territorial integrity or political independence of any other country.

Mr. KNOX. May I ask the Senator another question?

Mr. LENROOT. Certainly.

Mr. KNOX. If we assume no obligation, what is the use of saying anything about it at all? If a controversy should arise between two nations, like it did between Germany and several nations, could we go into it of our own free will and accord? If we assume no obligation under this treaty, what is the use of discussing it? What is the use of having any reservation upon the subject?

Mr. LENROOT. The Senator, of course, is against the treaty, and from his position he might as well ask why any treaty at all. There is one obligation that we do assume under article 10 under this reservation, and under the original Lodge reservation, and that is the obligation to respect the territorial integrity and political independence of every other member of the league. That obligation remains under this modification as it does under the original reservation, but full liberty of action remains with the United States concerning any matter or act of external aggression in the future under this reservation, as it does under the original Lodge reservation.

Mr. KNOX. Does the Senator think there is any practical sense in the United States entering into a treaty to respect the rights of other nations? We are not in the habit of violating the rights of other people.

Mr. LENROOT. No; but the Senator quite well knows that there was one period in the history of our country when that charge was made against the United States with some foundation.

Mr. KNOX. When was that?

Mr. LENROOT. The war with Mexico. Does the Senator agree?

Mr. KNOX. In a very limited way.

Mr. LENROOT. Of course, we have enough matter for debate here now without going into the old Mexican War, but it did occur to me that that was an illustration in response to the Senator's question.

Mr. WADSWORTH. Will the Senator permit me to interrupt him?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. I doubt my competency to discuss from a legal standpoint the meaning of this language. Perhaps my mind moves in a rather simple channel. What is there in this new suggested Lodge reservation which is more attractive to Senators than in the old one?

Mr. LENROOT. I do not know.

Mr. WADSWORTH. I had understood the Senator from Wisconsin to indicate very clearly and in fact it is a matter of common knowledge that the reservation now proposed and which the Senator from Wisconsin is defending is going to get some votes that the other could not get, and I want to know why. We have heard that the two are exactly alike in substance, but some Senators must regard them as different.

Mr. LENROOT. I am not called upon to attempt to explain the motives of any Senator upon this floor, but I do say if there be any Senators who have heretofore voted against these reservations that are willing to yield to us the substance of them, if we were in favor of ratification last November with the reservations, we ought to be willing so long as they yield the substance to yield the form.

Mr. BORAH. Does the Senator understand that that is what those Senators are yielding—the form?

Mr. LENROOT. That is all they are yielding—the form.

Mr. BORAH. The Senators who are voting for the reservation are taking the form and you are taking the substance?

Mr. LENROOT. Yes.

Mr. BORAH. Well, that is a good trade.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. LENROOT. I yield.

Mr. BRANDEGEE. If the modification which the Senator from Wisconsin is advocating, which he claims does not differ in principle from the original Lodge reservation, should prevail and the President should file the instrument of ratification of the treaty containing that reservation the Senator would consider, would he not, that the President understood that under the modification of the Lodge reservation this Nation had accepted the obligation under article 10?

Mr. LENROOT. I did not quite follow the Senator's question, and I beg his pardon.

Mr. BRANDEGEE. I noticed that the Senator's attention was diverted. If the modification proposed by the Senator from Massachusetts to the original Lodge reservation should prevail and the President should exchange ratifications of the treaty with the modified Lodge reservation substituted for the original Lodge reservation, the Senator from Wisconsin would consider, in view of the letter which the President wrote to the Senator from Nebraska [Mr. HITCHCOCK], would he not, that the President considered that we had accepted the obligation imposed by article 10 of the treaty?

Mr. LENROOT. Not at all.

Mr. BRANDEGEE. Does the Senator think that the President would exchange ratifications of the treaty, after the letter he wrote to the Senator from Nebraska, if it did not contain the obligation imposed in article 10?

Mr. LENROOT. I am not called upon to express an opinion upon that, but I do feel very clearly as to what my view of the situation would be if the President did exchange ratifications. It would be, first, that it would be only one more example of the frequent changes of mind of the President; and, secondly, it would be evidence that he desired to put the onus upon his party followers in the Senate for the defeat of the treaty and refuse to assume it himself.

Mr. BRANDEGEE. Of course, that theory would involve the assumption that the President was merely playing politics in this matter. I was interested really in ascertaining, inasmuch as the Senator from Wisconsin justifies his advocacy of the change of words in this reservation upon the ground that it is actuated by his desire to have the treaty ratified; if, therefore, he considers that the President would more easily file the instrument of ratification if the change were made; and then it occurred to me whether the President, if he should file it and was acting in good faith—as, of course, I assume he is—would have to take the position, in view of his letter to the Senator from Nebraska, that the Senate had preserved the obligation under article 10, without which the President says the whole covenant of the league falls to the ground and becomes a scrap of paper.

Mr. LENROOT. I am sure the Senator from Connecticut does not wish to imply that I am in the confidence of the President of the United States?

Mr. BRANDEGEE. Oh, no; I do not think anybody in the Senate is. [Laughter.]

Mr. LENROOT. And, in the second place, I am not greatly concerned about what the President may do, although I hope, if the treaty is ratified here with the reservations, that he will deposit the ratifications; but I do not believe that the views of the President of the United States, whatever they may be, should control the action of the Senate upon this question, nor do I think the Senator from Connecticut believes so. We have our duty to perform, and the President has his. We have our responsibility; let him assume his.

Mr. BRANDEGEE. I agree with that sentiment, Mr. President, and it is upon that theory that I am utterly disgusted with the spaniel movements of Senators who, like retrievers, run between this Chamber and the White House before they exercise their constitutional duty, the President having finished his, in the attempt to ascertain whether, if they do something, it will meet with his approval.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LENROOT. I yield.

Mr. STERLING. I should like to ask the Senator from Wisconsin if he knows of or can think of any other means by which the United States could fulfill its obligations to preserve the territorial integrity or political independence of any other nation except the means specified in the substitute, namely, by the use of its military and naval forces, its resources, or some form of economic discrimination?

Mr. LENROOT. I do not. I want to be perfectly frank with the Senator and the Senate with regard to my views. The only other possible action which I can conceive that the President might take would be severance of diplomatic relations, and the clause assuming no obligation to interfere in controversies relieves us of any obligation to sever diplomatic relations; but, even though that were not so, any action that the United States takes must be taken with a view that that action will tend to accomplish the purpose. When we relieve ourselves of any obligation to use any of these material means to accomplish the purpose no President of the United States would say that the mere severance of diplomatic relations would preserve the territorial integrity of any other country against external aggression.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield.

Mr. KELLOGG. It might be remarked in passing that Congress has no power to take from the President the right to sever diplomatic relations in any event.

Mr. LENROOT. Oh, no. Of course, Congress can relieve the President of an obligation to do so, but I challenge any Senator, in so far as carrying out an obligation is concerned, if there were one, to state what could be done by the United States that did not involve either military or naval force, resources, or some form of economic discrimination.

Mr. STERLING. Then, Mr. President, if those are the only means that can be used in the fulfillment of our obligations, is not the reservation in substance and in effect the same as the Lodge reservation?

Mr. LENROOT. Exactly; there can be, in my humble judgment, no question about that. I would be willing to let any court pass upon that, and I am satisfied what the verdict would be.

Of course, I understand, we all understand, Mr. President, that there is going to be hairsplitting in this debate by those who are trying to defeat the treaty. These gentlemen are not considering the matter judicially in the presentation of their arguments; they are appearing as advocates, but with the ultimate purpose of defeating the treaty, for, whatever the fact is, they believe that the treaty may be ratified with this change in form. Therefore it behooves them to make it appear, if they can, that there is some change in substance. I do not charge any Senator with an attempt to mislead the Senate.

Mr. KNOX. The Senator has just charged Senators with that.

Mr. LENROOT. No.

Mr. KNOX. I beg the Senator's pardon; I was going to take exception to his language.

Mr. LENROOT. If I did, I withdraw that statement; but I was about to add that in their view of it, as, perhaps, in my view upon the other side, the attitude is not that of a judicial mind or an unprejudiced one, but a view is taken—and honestly taken—that will serve their purpose.

Mr. KNOX. I should like to ask the Senator from Wisconsin if he believes that any Senator who conscientiously and honestly considers that this treaty is not for the good of his country, and that the treaty-making power under our Constitution can not lawfully obligate us to such a League of Nations as is formed by this treaty, can not sit down here and construe judicially a paper that has been offered here that bears upon this subject? I should dislike to have the Senator from Wisconsin entertain such a feeling as that about me.

Mr. LENROOT. Perhaps the Senator from Pennsylvania is different from myself and different from human nature generally. I think it is one of the weaknesses of human nature to advocate a construction, if, in the judgment of the one so advocating, it can possibly bear that construction that is along the line of his own view.

Mr. KNOX. The Senator, then, would admit that he is subject to the same frailty?

Mr. LENROOT. I have already said so. Of course, in my argument upon the construction of this reservation everyone knows that I believe that it does fully protect the United States, and that I am for the ratification of the treaty with that protection. I assume, accordingly, that Senators will, to such extent as they may choose, discount the value of my opinion upon that subject because of that position.

Mr. BRANDEGEE. Mr. President, the Senator in his statement asserted that there would be a great deal of hairsplitting by those who did not want the treaty ratified and who were not in a judicial frame of mind. I trust that he will admit that those who earnestly desire the ratification of the treaty are of no more judicial frame of mind than those who do not desire its ratification. We are engaged in a contest on that question.

Mr. LENROOT. Yes.

Mr. REED. They are splitting hairs themselves.

Mr. BRANDEGEE. And hairsplitting and lack of judicial poise, I think, perhaps may be equally charged, if it is true of either, to both contestants when their blood is up.

Mr. LENROOT. That may be, but I think when we finish the debate upon this proposition we will leave an impartial country to judge upon which side the hairsplitting has taken place.

Mr. BRANDEGEE. Oh, yes; and we will all shake hands, like lawyers do, when it is over. [Laughter.]

Mr. LENROOT. But I am minded to say what I have said, Mr. President, for I remember that when the original Lodge reservation came up there was the same contention—that it did not protect the interests of the United States—upon the part of some of these gentlemen. They then argued that the obligation was assumed, exactly, I apprehend, as they will argue now; but now to these very gentlemen the language of the original reservation, which they so severely criticized then, has suddenly become sacred and must not be changed even in form, although when that language was before us they said that it did not accomplish the purpose. Of course, that matter will be developed, I take it, as time goes on, and I frankly say that in any further discussion I am going to attempt to justify these provisions, for I believe that they fully protect the interests of the United States; that there is no change whatever in the substance of the original reservation, and when we hear from the other side, from those especially who are bent upon defeating the treaty irrespective of the reservations, we will then be in a better position perhaps to judge where the merit lies.

I just want, in conclusion, to say, as to these criticisms, that this reservation does not fully protect the United States; that if the Senators who are criticizing it will vote for the Lodge reservation as it is, and then vote to ratify the treaty with the Lodge reservations, I am willing to go back to the original Lodge reservation.

Mr. BRANDEGEE. Mr. President, when a Senator is arguing for a straightforward, veracious, and intelligible set of words by which to express the idea of the United States Senate in a great international document, the question is not whether, when that certain expression of words has been added to an instrument, the framer of the expression of words will then vote for the instrument. Those who intend to vote against this treaty when it is perfected have just as good a right to express their views about the reservations to be attached to it as the Senators who intend to vote to ratify the treaty. Although I intend to vote against the ratification of this treaty, if the proponents of ratification have their way and drag us into this European combination of powers against our will, I am just as much interested in having a proper set of safeguards on that treaty as I would be if I were going to vote for it. If we are to be drawn in, the country is just as much interested in having the proper reservations on the treaty as it is in its ratification.

Mr. President, in my view of the matter, when the Senate, after due consideration, by a majority has determined upon a reservation which adequately expresses the view of the majority of the Senate, it is a pitiable exhibition for Senators to stand here for days in an effort to contrive a set of "weasel words" so adjusted, punctuated, and related to each other as that they may be slipped through the Senate more easily and get a few more votes, for the purpose of meaning one thing to this section of Senators, and another thing to another section of Senators, and a third thing to the President, who has said upon what conditions he would ratify the treaty, and perhaps a fourth thing to our partners in the league. What sort of an exhibition is that for United States Senators to be engaged in?

If it is true that the Lodge reservation, as agreed to by the Senate last November, expresses exactly the views contained in the proposed artfully contrived set of readjusted sentences, why, in the name of Heaven, offer that here as a substitute? I do not believe that the ordinary, common-sense, straightforward American voter wants to be trifled with in that way.

What would anybody think of taking a square declaration, such as is contained in article 10, in which we are designed to be the saviors of civilization, and in which we solemnly agree to preserve the territorial integrity and political independence of all our associated partners in this great international concern, and hitching onto it a set of words leaving that declaration standing and then saying: "But in the preservation of your territorial integrity and your political independence we shall not use troops, we shall not use economic pressure, we shall not use trade discrimination, we shall not intervene in the controversies of any nation. After assuming the obligation, we intentionally deny any means by which it may possibly be executed."

Is that the talk of honest men? Is that fair and square between man and man when it is publicly avowed here by the advocates of this change that it is not a change at all, that it is simply a new form of words designed to catch four more votes, under an interpretation placed upon it by the four gulls who are to walk into the springe, like woodcock—that it is a change in principle? What sort of good faith is that to be evidenced by half of the treaty-making power to those who are to be deceived by it as our partners?

Here is a definite pledge to preserve the territorial integrity and political independence of the members of the league. That has to be redeemed, or else it had better be disavowed and not

taken. What would you think of the Senator from Pennsylvania [Mr. KNOX] if he should take my note for $100 down to the Riggs Bank and write on the back of it: "I guarantee payment of the within note, but in doing so I want it distinctly understood that I am not to pay in gold certificates, or silver certificates, or silver dollars, or any obligations of the United States, or in any legal-tender currency; and, reserving full liberty of action for myself under all the circumstances of each particular and specific case as it may arise in the future, I hereby and with this reservation cheerfully, heartily, cordially, and sincerely indorse this note"? [Laughter.] And yet we are the preachers of the dawning of the new day and the establishment of a new international morality!

What went ye out into the wilderness to see? A reed shaken with the wind?

A coyote quivering behind the bushes or an independent nation of 110,000,000 citizens, looking the world in the eye, and either guaranteeing something or declining to do it?

I am sick of this tiptoeing around, Mr. President. I do not see why we have not the courage either to ratify this treaty or to decline to ratify it. If we are going to ratify it with reservations, as a matter of self-respect to ourselves and to the country, with knowledge that history is going to be written in the future, let us consider how men, unprejudiced by party passions, and having only in their hearts the pride of looking back upon the unsullied career of their country and their flag, will look at this piece of legerdemain if the Senate now should decide to recede from its fair and square declaration, intelligible to all the world, and to adopt a device by which one part of the treaty-making power, composed of different factions, will all understand a set of words in their own way, and the other part of the treaty-making power in the White House will understand it in a different way? What is history going to say of that sort of a proceeding?

It does seem to me that good faith and square dealing, which used to be our motto a few years ago, and I hope we have not yet fallen from that ideal—this being the age of ideals—require that we should express our intent so that he who runs may read, as the Senator from New Jersey [Mr. FRELINGHUYSEN] said. Let us not leave this to dialecticians and to the sophistical and casuistical interpretations of men who speak different languages all over the world.

The official copy of this treaty is in French. I wonder how some French linguist will translate and interpret this set of assorted words if it should be written into the treaty. What will be his first step? Why, he will say: "This appears to me to be a contradiction in terms. To guarantee to preserve our territorial integrity, and then in the next sentence to say, 'We will not interfere in a controversy where any territorial integrity is assaulted,' seems to me to be a contradiction in terms, and an effort to write one kind of language on one side of a sheet of paper, and then write the contrary on the other side of the sheet, and then throw it into the scales so that the poise will not move on the beam, so that it will register zero."

How are they to determine it when they translate it into French and German and Spanish and the language of all the other members of this league? What will be the first thing they will do? They will say, "Why, let us go to the official debates of the Senate. Let us see what the man who offered the amendment said in its favor. Let us see what the other Senators thought it meant." That will be one method by which they will interpret it, and God help them when they commence to review this debate with the idea of finding out what this meant! [Laughter.] I think they would all say, "We are a great deal better off with a League of Nations in Europe to look after the questions with which we are familiar, and in which we are concerned, than to have this babel of tongues from 3,000 miles away, in a league consisting of all the nations of the world, with this announcement finally from the highest legislative body in their land to be an ever-present help in time of trouble."

Mr. President, that is all there is to this thing. It is a mere device. I will not say that it is not offered in good faith, because it is; but the good faith in which it is offered is simply the good faith of an effort to get three or four more votes on the ground that it has not changed the principle. That good faith consists, as the Senator from Missouri has so well stated, in the fact that the three or four more Senators who are utterly bewildered by this camouflage and inextricable maze of words are to be fooled into voting for something that here and now they say they understand differently from the man who proposes it in good faith. God forfend that this Nation should ever write such a miserable subterfuge into a great international guaranty of good faith!

Mr. McKELLAR. Mr. President, it is not often that I agree with anything political that is said by my distinguished friend from Connecticut [Mr. BRANDEGEE], though I am most friendly toward him personally. But I want to indorse his illustration about the note for $100. I think his illustration much in point.

Mr. BRANDEGEE. Does the Senator want to indorse the note?

Mr. McKELLAR. I will be delighted to do so. Then with the indorsement of the Senator from Pennsylvania [Mr. KNOX] it would make a gilt-edge security. It would have the effect for which it was intended. But, just as the Senator from Connecticut said, the indorsement must be a genuine indorsement, without any reservations or conditions or any surplus words of any sort in connection with it. In other words, it must be an unconditional obligation in writing to pay. That is the only kind of indorsement that makes it good, as we lawyers know.

Mr. President, that is just what article 10 is. If we indorse article 10 as it is written, it will be an unconditional guarantee of peace, and we will have a treaty of peace that means something. It is the only article of the league that has real force behind it, and it has the force and it has the punch; and, to use the illustration of the Senator from Connecticut, if it is indorsed unequivocally by this body it will preserve the peace of the world, and we all know it. Put conditions to it, and like a conditional indorsement of a note it is to all practical purposes valueless.

I want here to refer to the remarks of my distinguished friend the Senator from Colorado [Mr. THOMAS], who read into the RECORD a telegram received from the Louisville Courier-Journal advising us Democrats to surrender and accept the Lodge reservations.

Mr. THOMAS. I assume the Senator from Tennessee got one also?

Mr. McKELLAR. I got one also. I materially differ from the Senator from Colorado in reference to his views on that telegram, and right here and now I am going to read my reply. It is as follows:

MARCH 12, 1920.

COURIER-JOURNAL,
Louisville, Ky.:

Telegram received. Democrats on bipartisan committee engaged in an endeavor to compromise offered everything except surrender on article 10, and their offers were refused. Republicans insist that the obligation of article 10 be destroyed, and are willing to ratify only on its destruction. This is the only article which makes the league really effective in enforcing peace. Everybody knows this. I believe it would be better for us not to be in the league than to destroy the obligation of article 10. The whole world knows that President Wilson and his friends in the Senate are for the league, and the whole world knows that a large majority of the Republicans in the Senate are against the league and that their so-called reservations nullify it. The issue before the people, therefore, will be plain. Generally speaking, those who believe in the league will vote the Democratic ticket and those who are against the league will vote the Republican ticket. A cleaner-cut issue can not be had. The people are not going to be misled into a controversy over reservations. They will understand, as we all do, that the purpose of these reservations was to strangle the peace pact which President Wilson had made and to kill America's influence in the league, and that they were put forward by the enemies of the league and not by its friends. I was on the bipartisan committee and intensely desirous of compromise. I would compromise now, so anxious am I to see the treaty and league ratified, but I shall not surrender to those who would make the league a vain thing and America's participation in it a mockery. The Republicans are in absolute control of the Senate. They have been talking against the league for nearly 15 months. Everybody knows that if they had really wanted to ratify it, it would have been ratified long since, inasmuch as nearly all the Democrats have been for it all the time.

That telegram, Mr. President, in answer to the Courier-Journal, gives my views about this matter.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. WADSWORTH. I interrupt the Senator merely for an observation which does not apply to the telegram. Perhaps the Senator could help me find out what I tried to find out from the Senator from Wisconsin [Mr. LENROOT]. I asked the Senator from Wisconsin what was in this last reservation that was more desirable than the original Lodge reservation, and how it was, as we have been told, that it would get more votes than the Lodge reservation would receive. I did not know but that the Senator could give us some information about it.

Mr. McKELLAR. About whether it would get more votes or not?

Mr. WADSWORTH. Yes.

Mr. McKELLAR. No; I am unadvised as to how many votes it will get. I am rather inclined to agree again, for the second time in many months, with my distinguished friend from Connecticut [Mr. BRANDEGEE]. I think that vote getting was probably its only purpose, and I do not think it has changed the meaning of the reservation to any very great extent.

Mr. WADSWORTH. To any very great extent?

Mr. McKELLAR. Yes.

Mr. WADSWORTH. But to a little extent?

Mr. McKELLAR. Possibly so. I am rather inclined to think it does, in a very modified way.

Mr. WADSWORTH. I would be very glad if the Senator would explain that.

Mr. McKELLAR. I say that with reservations. I think the matter of the difference in this verbiage or language is so delicate that any gentleman, if he is careful of his reputation, in attempting to explain any difference in meaning it may have should be a little careful to make reservations as he goes along.

Mr. WADSWORTH. Mr. President, this is getting more and more mysterious. Will not the Senator specify what that little difference is?

Mr. McKELLAR. To be perfectly frank, I think it takes a man with a more discriminating mind than mine to tell what the difference is.

Mr. WADSWORTH. The Senator must suspect something, though.

Mr. McKELLAR. I do not suspect enough to make me vote for it, I am frank to say to the Senator, because I expect to vote against it. Like the Senator from Wisconsin, I think substantially it means the same thing as the original Lodge reservation, and for that reason I am going to vote against it. I believe that it destroys the obligation of article 10, and I do not believe the obligation of article 10 ought to be destroyed.

It is the simplest thing in the world. That master mind in your own party, a man to whom America has given many honors, a man the memory of whom America holds in the greatest respect, Theodore Roosevelt, put exactly the same provision as article 10 in the Panama treaty in 1903, as I remember, when he guaranteed the independence of Panama, and, of course, no one has sought to interfere with Panama since, and never will. Why? Because any nation that undertakes to interfere with the independence of Panama will have to fight the United States. So, when the great nations of the world put into this treaty the solemn obligation that if the territorial integrity of any other nation is interfered with the offending nation will have to deal with all the great nations of the world, it is going to have exactly the same effect as our putting it into the Panama treaty. It will deter any other nations from attempting to interfere with the territorial integrity of the nation assailed. Article 10 merely enlarges the scope of article 1 of the Panama treaty negotiated by President Roosevelt.

Mr. McCORMICK. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. McCORMICK. I trust that the Senator will permit me to remind him that it is those who opposed Theodore Roosevelt, those whose cold jealousy forbade the country his service during the war, who quote him in support of this treaty. None of those who supported him have done so. In so far as he spoke or wrote upon this subject before he died he defined a position which would forbid any support of the terms of this covenant.

Mr. McKELLAR. I am much obliged to the Senator for the interruption. Of course, the Senator must know that I voted to send Col. Roosevelt to France at the head of a division of troops during the war. I am an admirer of the distinguished ex-President.

I have noticed this, Mr. President, from my historical reading, that President Wilson is not the only President of the United States who has accomplished great things for his country who has been assailed in his lifetime by political and other kinds of opponents. Even Theodore Roosevelt was assailed, and he was one of the greatest of Americans. But to-day I am going to refer specifically only to two illustrious examples in our country's history. I am going to refer to the career of Mr. Washington and the career of Mr. Lincoln, one of whom served two terms and another served a term and a part of a term. Both of these Presidents, as much as we revere their memories to-day, were assailed during their terms of office, just as President Wilson is being assailed to-day; and I want to call the attention of the Senate and the country to some of the infamously false charges then made against the Father of his Country and our martyred President.

I am reading from an article recently published by Mr. Theodore Price, of New York City, and from time to time may make comments upon Mr. Price's article.

The vociferous vigor with which Woodrow Wilson is now being assailed as an "usurper" by some who disagree with him recalls the attacks that were made on Washington and Lincoln, both of whom were also reviled as "usurpers." Perhaps it may reassure those who are at times disturbed by the bitterness of the President's opponents to read again the story of the malignant attacks that his two great predecessors had to meet as they led the Nation through previous crises in its history.

Curiously enough Senator LODGE, who is one of the chief antagonists of the administration, wrote a "Life of Washington," in which he deals at length with what his detractors had to say of the Father of his Country. He says:

> In his lifetime Washington had his enemies and detractors in abundance. During the Revolution he was abused and intrigued against, thwarted and belittled, to a point which posterity in general scarcely realizes. Final and conclusive victory brought an end to this, and he passed to the Presidency amid a general acclaim. Then the attacks began again. Their character has been shown in a previous chapter, but they were of no real moment except as illustrations of the existence and meaning of party divisions. The ravings of Bache and Freneau, and the coarse insults of Giles, were all totally unimportant in themselves. They merely define the purposes and character of the party which opposed Washington, and but for him would be forgotten. Among his eminent contemporaries, Jefferson and Pickering, bitterly opposed in all things else, have left memoranda and letters reflecting upon the abilities of their former chief. Jefferson disliked him because he blocked his path, but with habitual caution he never proceeded beyond a covert sneer, implying that Washington's mental powers, at no time very great, were impaired by age during his Presidency, and that he was easily deceived by practiced intriguers. Pickering, with more boldness, set Washington down as commonplace, not original in his thought, and vastly inferior to Hamilton, apparently because he was not violent, and did not make up his mind before he knew the facts.

Then, telling of the Democratic opposition to the treaty with Great Britain negotiated by Washington in 1795, LODGE says:

> Their (the Democratic) orators did not hesitate to say that the conduct of the President in this affair had been improper and monarchical and that he ought to be impeached.

After the treaty had been signed a New York newspaper, the Aurora, declared that the President had violated the Constitution, and made a treaty with a nation abhorred by our people; that he answered the respectful remonstrances of Boston and New York as if he were the omnipotent director of a seraglio, and had thundered contempt upon the people with as much confidence as if he sat upon the throne of Industan.

How similar, Mr. President, are the maledictions that are being hurled at President Wilson by Senators in this body and by representatives of the press in this country.

Commenting on this, Senator LODGE says:

> It is not probable that the writer of the brilliant diatribe just quoted had any very distinct idea about either seraglios or "Industan," but he, and others of like mind, probably took pleasure in the words, as did the old woman who always loved to hear Mesopotamia mentioned. Other persons, however, were more definite in their statements. John Beckley, who had once been Clerk of the House, writing under the very opposite signature of "A Calm Observer," declared that Washington had been overdrawing his salary in defiance of law, and had actually stolen in this way $4,750—

How like a speech that we not long ago listened to right in this body on the other side of the aisle! The more recent speech against Wilson sounds almost like a plagiarism—

> Such being the case, the "Calm Observer" very naturally inquired: "What will posterity say of the man who has done this thing? Will it not say that the mask of political hypocrisy has been worn by Caesar, by Cromwell, and by Washington?"

Again, how like another description of President Wilson recently uttered in this body:

> Another patriot, also of the Democratic Party, declared that the President had been false to a republican Government. He said that Washington maintained the seclusion of a monk and the supercilious distance of a tyrant, and that the concealing carriage drawn by supernumerary horses expressed the will of the President and defined the loyal duty of the people.

Again, I say, how like the expressions that are used about Woodrow Wilson almost daily in this body. Some of them might have been copied from these statements made against George Washington.

In February, 1796, 13 months before Washington's retirement, the House of Representatives refused to adjourn on his birthday for half an hour, in order to go and pay him their respects, as had been the pleasant custom up to that time. The Democrats of that day were in no confusion of mind as to the party to which Washington belonged and they did not hesitate to put this deliberate slight upon him in order to make their dislike apparent. This was not the action of a partisan mob, but the well-considered procedure of the representatives of a parfy in Congress, and on March 6, 1797, two days after Washington's final retirement from the Presidency, the Aurora printed the following editorial:

This is written of Washington, not of Wilson.

> "Lord, now lettest Thou Thy servant depart in peace," was the pious ejaculation of a pious man who beheld a flood of happiness rushing in upon mankind. . . . If ever there was a time that would license the reiteration of the ejaculation, that time has now arrived, for the man who is the source of all the misfortune of our country is this day reduced to a level with his fellow citizens and is no longer possessed of power to multiply evils upon the United States. If ever there was a period for rejoicing, this is the moment. Every heart in unison with the freedom and happiness of the people ought to beat high with exultation that the name of Washington ceases from this day to give cur-

rency to political insults and to legalize corruption. A new era is now opening upon us, an era which promises much to the people, for public measures must now stand upon their own merits, and nefarious projects can no longer be supported by a name. When a retrospect has been taken of the Washingtonian administration for eight years it is a subject of the greatest astonishment that a single individual should have cankered the principles of republicanism in an enlightened people just emerged from the gulf of despotism, and should have carried his designs against the public liberty so far as to have put in jeopardy its very existence. Such, however, are the facts, and with these staring us in the face, the day ought to be a jubilee in the United States.

Commenting upon this editorial, Senator LODGE says:

This was not the outburst of a single malevolent spirit. The article was copied and imitated in New York and Boston and wherever the party that called Jefferson leader had a representative among the newspapers. It is not probable that stuff of this sort gave Washington himself a moment's anxiety—

I might stop here long enough to say not more anxiety than stuff of the same sort is now causing President Wilson in the White House—

for he knew too well what he had done, and he was too sure of his own hold upon the hearts of the people to be in the least disturbed by the attacks of hostile editors. But the extracts are of interest as showing that the opposition party of that time, the party organized and led by Jefferson, regarded Washington as their worst enemy, and assailed him and slandered him to the utmost. They even went so far as to borrow materials from the enemies of the country with whom we had lately been at war by publishing the forged letters attributed to Washington, and circulated by the British in 1777, in order to discredit the American general. One of Washington's last acts, on March 3, 1797, was to file in the State Department a solemn declaration that these letters, then republished by an American political party, were base forgeries of English origin in a time of war.

And in a paragraph which the Senator might perhaps reread with profit to-day he comments upon Washington's unshaken hold upon the masses in the following words:

Yet despite all these attacks there can be no doubt that Washington's hold upon the masses of the people was unshaken. They would have gladly seen him assume the Presidency for the third time, and if the test had been made thousands of men who gave their votes to the opposition would have still supported him for the greatest office in their gift. But this time Washington would not yield to the wishes of his friends or of the country. He felt that he had done his work and earned the rest and the privacy for which he longed above all earthly things. In September, 1796, he published his farewell address, and no man ever left a nobler political testament. Through much tribulation he had done his great part in establishing the Government of the Union, which might easily have come to naught without his commanding influence. He had imparted to it the dignity of his own great character. He had sustained the splendid financial policy of Hamilton. He had struck a fatal blow at the colonial spirit in our politics, and had lifted up our foreign policy to a plane worthy of an independent nation. He had stricken off the fetters which impeded the march of western settlement, and without loss of honor had gained time to enable our institutions to harden and become strong. He had made peace with our most dangerous enemies, and, except in the case of France, where there were perilous complications to be solved by his successor, he left the United States in far better and more honorable relations with the rest of the world than even the most sanguine would have dared to hope when the Constitution was formed.

I am going to stop here long enough to say that the same could be said of President Wilson, who is being so bitterly assailed to-day, for it was under his leadership that the United States has won the greatest war in all the history of time. It is under his leadership that the United States to-day is enjoying the greatest prosperity not only that this country has ever enjoyed but that any civilized country under the sun has ever enjoyed, and we all know it. It was under his leadership that there was enacted the greatest banking system that was ever established in all the world, sufficient not only to finance us in the most expensive war we have ever known but sufficient to finance the world. You Republicans had been trying for 50 years to establish such a system and had utterly failed.

You can take our merchants and they are making more profits in the last seven years than ever before in their lives. You can take our laboring men in the last seven years and they have made more wages than in any seven years in their entire lives. You can take our farmers and they have gotten more for their products than ever before in the same period. You can take our banks and other business institutions and they have been more prosperous than ever before. The whole country has never had such prosperity as it has had in the last seven years, and the only offense Mr. Wilson has committed is that he has been at the head of the Government while this has been going on. He ought to be crucified for giving to America her greatest prosperity!

In his life of Washington Sparks tells much the same story, and Washington Irving confirms it in his biography, but it is related in greatest detail in the chapter on "Slanderers of Washington" that is to be found in McMaster's History of the People of the United States in the volume covering Washington's administrations.

Those who are shocked by the virulence with which President Wilson is being attacked to-day should read this chapter. They will be comforted, for Washington was accused time and time again not only of violating the Constitution and trying to set up an autocracy and an aristocracy but of "debauching the country," "seeking a crown," and "trying to pass himself off as an honest man."

One libeler took great pains to prove that the President had committed murder. Benajmin Franklin Bache reprinted a series of letters which many years before had been forged and published under Washington's name. Bache says that when Fort Lee surrendered a mulatto servant of Gen. Washington fell into the hands of the British. With him came a portmanteau, and in the portmanteau were seven letters. Some were addressed to Mr. Lund Washington, some to John Parke Custis, and one to Mrs. Washington. In them Washington was represented as looking on the cause of the Colonies as hopeless and lost. Both the story and the letters were false. The servant had never for a moment been in British hands. Not one of the letters had come from the general's pen. Yet now, after 19 years of oblivion, the slander was again spread before the country. Washington was deeply hurt, and as the 4th of March approached drew up and placed in the hands of the Secretary of State a solemn declaration that not one of the letters was his.

Meantime Thomas Paine, famous as an infidel and the author of the "Rights of Man," had fled to France, where he joined in the French Revolution and entertained himself the while by writing pamphlets attacking Washington as chiefly inspired by "a sort of nondescribable, chameleon-colored thing called prudence," which was in many cases a substitute for principle and indistinguishable from hypocrisy. He alleged that "once in the presidential office the natural ingratitude of Washington's character appeared, and that he assumed the merit of everything to himself, swallowed the grossest adulation, traveled America from end to end to put himself in the way of receiving it, had in his chest as many addresses as James II, and had supported monopolies of every kind from the moment his administration began." The gist of this attack was given in one sentence:

And as for you, sir, treacherous in private friendship (for so you have been to me, and that in the day of danger), and a hypocrite in public life, the world will be puzzled to decide whether you are an apostate or an imposter; whether you have abandoned good principles or whether you ever had any.

Those words were spoken by Thomas Paine of the man whom the whole world reveres to-day.

But the attacks upon Washington were mild when compared with those of which Abraham Lincoln was the object. On the floor of Congress he was again and again assailed as a "tyrant," "a usurper," and "a despot as absolute as the Czars of Russia."

Again, we find the words that are being so commonly used to-day against President Wilson by those who would defame him. Senator after Senator charged that for much less arbitrary acts Kings of England and France had lost their heads. One of them termed Lincoln "the most weak and imbecile man" he had ever met. I am quoting from history about Lincoln. I am not quoting from speeches of Senators on this floor about Wilson. One of them termed Lincoln "the most weak and imbecile man" he had ever met. Benjamin R. Curtis, a former justice of the United States Supreme Court, described Lincoln's powers as "a military despotism" (Curtis pamphlet on Executive Power, Oct. 18, 1862), and Joel Parker, a former chief justice of the Supreme Court of New Hampshire, wrote, November 1, 1862, that—

The President is not only a monarch, but that he is an absolute, irresponsible, uncontrollable Government; a perfect military despotism.

I stop here long enough to wonder whether the distinguished Senator from New Hampshire [Mr. MOSES], who was assailing the President for alleged physical and mental disability the other day, did not copy in substance some of the language that was here used about Abraham Lincoln. It sounds very much like him. Is it possible that even illness will not soften the bitter malice of partisanship? A foreign observer, Schleiden, wrote to Charles Sumner:

One of the most interesting features of the present state of things is the illimited power exercised by the Government. Mr. Lincoln is, in that respect, the equal, if not the superior, of Louis Napoleon. The difference consists only in the fact that the President rests his authority on the unanimous consent of the people of the loyal States, the Emperor his on the army. (Rhodes's History of the United States, III, p. 442.)

And I am reminded of another speech in the Senate, which undertook to show that President Wilson was not honest. I call the attention of our friends to this letter of September 23, 1864.

On September 23, 1864, under the heading "Is Mr. Lincoln Honest?" the New York World printed the following editorial:

The greatest claim of Mr. Lincoln to the confidence and support of the people has been his reputation for honesty. Strip him of this and there is nothing left but vacillation, imbecility, and obscene jesting. Will this claim of honesty bear examination? The very prefix of "honest" to a man's name indicates that he will bear watching. Robespierre caused himself to be called "the incorruptible." Henry Clay said that "Honest John Davis" (of Massachusetts) meant "Canny John Davis." What does it mean with Mr. Lincoln? Let us look at Mr. Lincoln's honesty. He held on to Secretary Cameron until compelled by public indignation to remove him. Secretary Floyd was a pigmy to Mr. Cameron in speculation. And yet Mr. Lincoln, knowing

all about Cameron, sent him to Russia, compelling the Emperor (the only potentate in Europe who had been our friend) to consort with this disgraced Cabinet minister. Moreover, the President sent his own private carriage to take this ex-Secretary to the White House and offered to send him to Russia in a frigate when the *Nashville* was committing her depredations and we had not successfully blockaded a single southern port. Furthermore, Mr. Cameron is now managing the Pennsylvania election for Mr. Lincoln and disbursing the secret-service fund.

If Mr. Lincoln is "honest," why has he taken such pains to give to his personal friends letters to generals commanding departments ordering them by his signature to permit these friends to go whither they choose and to get out what cotton they can?

I digress long enough to say that I resent this base calumny upon the fame of Mr. Lincoln. I am a southern man; born with all the prejudices, perhaps, of a southern man, for I belong to the old régime; but say to you now, in all honesty and fairness, that such a statement about the President of the United States at that time—Mr. Lincoln—is one of the basest and most awful calumnies that were ever uttered out of the mouth of man. It is not baser, however, than some of the utterances which have been made against Mr. Wilson recently, which are just as entirely without foundation. Must true greatness ever be the victim of malicious abuse? I continue to read:

If Mr. Lincoln is "honest," why has he, for friends of worse than doubtful reputation, requested contracts and special trading privileges?

If Mr. Lincoln is "honest," why has Master "Bob" Lincoln had a share in the profits of Senator ———'s and Senator ———'s cotton expeditions, whereby he has been enabled to outshine shoddy itself at Saratoga this summer?

I am again reminded of a speech made in the Senate not long ago in reference to the President's shining in Paris; and the one statement is just as baseless and inaccurate as is the other.

If Mr. Lincoln is "honest," why does he pay himself his salary in gold certificates when other creditors have to content themselves with depreciated greenbacks?

If Mr. Lincoln is "honest," why was the McKinstry court-martial dissolved immediately after the evidence had traced $90,000 into the hands of a female relative of Mr. Lincoln's sister? Did our "honest" President fear lest the public might push the inquiries nearer home?

How can an American citizen thus write about a great man like Lincoln, false and untrue as every one of us knows such statements to be? And false and untrue as they were, so are the statements which are now being made about the present President of the United States in like manner false and untrue.

The President went himself, as was his right and duty to do, and negotiated the best peace terms he could get. His voice and his influence and his power were always on the side of the just and right. All the world acclaimed him as the unselfish and just arbitrator in every settlement at the peace table. The whole world, except a majority of 1 in the United States Senate, was willing to accept his decisions as to fair dealing between nations. And yet this majority in the Senate, as I believe being moved more by partisanship than by patriotism, has for nearly a year been fighting this just settlement and abusing this just man simply because he is a Democrat and not a Republican. In my judgment, if a Republican had negotiated this treaty every one of the 49 Republicans would have been for it, irreconcilables and all.

This was followed on the 1st of October of the same year with another editorial attack under the caption "The ambitious buffoon," in which the man so revered to-day is thus assailed:

Some time ago we took occasion to say that Mr. Lincoln was a buffoon, whereat mightily shocked were the sweet-mouthed Republican organs. We brought forward some evidence that Lincoln is a buffoon, and have ever since waited for a reply. Here it is again. Will somebody undertake its rebuttal?

If to prove publicly therefore now in this crisis of our politics and of the Nation's fortunes, that Mr. Lincoln is a buffoon—that is, "a person who makes sport by low jests"—will prevent any number of votes, no matter how few, from being cast for his reelection, then that proof is a public duty; and mere questions of decorum must stand aside as trivial and untimely.

How like the statements that are being constantly hurled at the sick President of the United States to-day! Men have no mercy in their souls for the man who has given to America the very leading place among all the nations of the earth. When we went into the war under the leadership of Mr. Wilson we were admittedly in the third place among the nations; to-day we are in the first place; and yet Americans who claim to be patriotic are devoting the most of their time and their talents to abusing and traducing the man who is more responsible for our success in the late war than is any other man in the country. While we were in the war Mr. Wilson was the greatest of leaders and patriots. No one applauded him more than our Republican friends. All he did while the war was going on was in their eyes exactly right. They got into power in 1918 by saying they had supported him more loyally than the Democrats. But as soon as the war was over, in the twinkling of an eye all this was changed, and Mr. Wilson became the worst man in the world. The truth is they do not believe this themselves in their hearts. But I proceed further.

And now for the proof that Mr. Lincoln is a buffoon, we appeal to every man of good sense and intelligence whom public or private duties have taken to the White House frequently during the last three years.

We appeal to all the gentlemen on the Republican side of the United States Senate.

We appeal to that Republican Senator whose self-respect would not permit him to stay in Mr. Lincoln's presence and hear from his lips the language which he was there compelled to hear.

We appeal to the 150 clergymen who went in a body to the East Room, in order to present to Mr. Lincoln the resolution of one of the largest and most respectable religious denominations.

We appeal to the eminent divine who was deputed to make their address, and who has publicly and repeatedly pronounced the President's deportment on the occasion the deportment of a "buffoon and a gawk," so sickening in its offensiveness, and so humiliating to his patriotic pride, as to have made him quite despair of the fortunes of a Republic whose helm is in such hands.

We appeal to the gentlemen on the Republican side of the House of Representatives. Let the Tribune ask them what is the fact.

We appeal to the blackguards there—for such there are on that floor, though few—whose staple of talk in their midnight orgies is the low and obscene stories daily retailed to them in the chamber of the Chief Magistrate.

We appeal to the gentlemen who fêted Mr. Lincoln here and escorted him to the clubs when he last visited New York.

We appeal to that eminent Republican who left the room where the future President was recounting some experiences of his earlier life rather than that his ears should be defiled with the echoes of such filthiness.

We appeal to the staff officers who galloped behind the President when he visited the battle field of Antietam, and who increased their distance from him rather than listen longer to the low nigger song of "Picayune Butler" which Mr. Lincoln called on Marshal Lamon to sing as he rode among the fresh graves and trenches where were buried the 10,000 dead soldiers of the Republic.

A series of editorials in the same paper, which was then supporting Gen. McClellan for the Presidency, were headed "Mr. Lincoln—has he or has he not an interest in the profits of public contracts?" The question was answered affirmatively—by implication, at least—and followed by a final fling at him as responsible for the high prices then ruling in the following:

If Mr. Lincoln's three years' misrule has run up the price of coal to $15; flour, $16; butter, 60 cents; coffee, 69 cents; clothing to five times its former price—and everything that the people eat, drink, and wear in a similar proportion—what will be their prices if Mr. Lincoln is reelected? Under McClellan and a Democratic administration the people will once more be able to live as in times past, on cheap coal, cheap flour, cheap coffee, cheap clothing, and cheap everything that they want. In other words, $1 of real money will buy as much as $4 of greenbacks.

At the Democratic national convention in Chicago McClellan was nominated for the Presidency. Many of the speakers were absolutely unrestrained in the violence with which they attacked Lincoln. S. S. Cox, later nicknamed "Sunset," delivered an address in which he said:

Abraham Lincoln has deluged the country with blood, created a debt of four thousand million dollars, and sacrificed 2,000,000 of human lives. At the November election we will damn him with eternal infamy. Even Jefferson Davis is no greater enemy of the Constitution.

A Michigan Congressman named John Fuller asked:

Are you willing to follow in the footsteps of Abraham Lincoln, the perjured wretch who has violated the oath he took before high heaven to support the Constitution and preserve the liberties of the people?

Congressman Stambaugh, of Ohio, declared:

You might search hell over and find none worse than Abraham Lincoln.

And the Hon. Henry Clay Deam, of Iowa, made an oration from which the following quotation is taken:

The American people are ruled by felons. With all his vast armies Lincoln has failed, failed, failed.

I pause here long enough to hear the cry that is being raised to-day by our Republican friends that we failed in the war—that England really won it, or that France really won it. What kind of Americans have our friends become? There have been, I think, 67 investigating committees appointed by this Republican Congress to see if they could not find 15 cents somewhere that had been misspent in the prosecution of the war, and I understand they have already expended more than $2,000,000 in the vain endeavor to find out some mistake of the administration at whose head is President Wilson. Do you really think that the American people are going to pay any attention to the little mistakes that were made in the prosecution of the war? If you do, you are going to be woefully mistaken. Of course we made mistakes. But we won the war! Is that not enough? And we won it under the leadership of President Wilson; and all your efforts to take from him the credit will prove in vain. But I continue:

And still the monster usurper wants more victims for his slaughter pens. I blush that such a felon should occupy the highest gift of the people. Perjury and larceny are written all over him. Ever since the usurper, traitor, and tyrant has occupied the presidential chair the Republican Party has shouted war to the knife, and the knife to the hilt. Blood has flowed in torrents, and yet the thirst of the old monster is not quenched. His cry is ever for more blood.

Horace Greeley's petulant faultfinding with Lincoln in the columns of the Tribune will be recalled by all students of the history of the Civil War and need not be reprinted. The editor

of the Tribune continued these attacks until the President finally silenced him with his famous letter of August 22, 1862.

Now, I wish to read what Mr. Lincoln himself said in answer to these infamous traducers of his. This letter is written, I believe, to Mr. Greeley, although it is not so stated:

EXECUTIVE MANSION,
Washington, August 22, 1862.

DEAR SIR: I have just read yours of the 19th addressed to myself to the New York Tribune. If there be in it any statements or assumptions of fact which I may know to be erroneous, I do not now and here controvert them.

He was silent under them. He knew what he had done for this country, he knew these attacks were false, and he says, "Though I may know that they are false, I do not controvert them."

If there be in it any inferences which I may believe to be falsely drawn, I do not now and here argue against them. If there be perceptible in it any impatient and dictatorial tone, I waive it in deference to an old friend whose heart I have always supposed to be right.

This is the man, Senators, who was abused as a "low, obscene buffoon" by men whose memories have long since faded into insignificance or have been buried by the dust of oblivion.

As to the policy I "seem to be pursuing," as you say, I have not meant to leave anyone in doubt.

I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery.

If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all of the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors, and I shall adopt new views as fast as they shall appear to be true views.

I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.

Yours,
A. LINCOLN.

It is, however, worth remarking that it was not until after Gettysburg, when the war had been really won, that the cabal against Lincoln took organized form and the opposition to the man who had saved the Union became most venomous and bitter.

And so it is that after the greatest World War that ever took place has been won, we find the greatest bitterness, the greatest reproach, the greatest abuse hurled at the man who was our leader during that war. For shame, Senators on both sides of the aisle! Can we afford to let partisanship lead us further to such lengths?

On August 5, 1864, Benjamin F. Wade, of Ohio, Republican leader of the Senate, and Henry Winter Davis, one of the Republican leaders of the House, issued the following manifesto to the people:

The supporters of the administration are responsible to the country for its conduct and it is their right and duty to check the encroachments of the Executive on the authority of Congress and to require it to confine itself to its proper sphere.

Oh, how often has that been repeated in the 15 months of debate we have had about this treaty, almost daily—that the President was usurping some function that he was not entitled to perform; that he was violating some provision of the Constitution. Where is the provision that he has violated? Who has ever presented the facts, and what provision of the Constitution has Woodrow Wilson ever violated? Who will point it out? We know he has violated none, but, like Lincoln, he has been standing for his country first, last, and at all times, and has faithfully and patriotically performed every duty.

A more studied outrage—

Listen to this! We have heard this, too, in this very Chamber for 15 months:

A more studied outrage on the legislative authority of the people has never been perpetrated.

The President has greatly presumed on the forbearance which the supporters of his administration have so long practiced, in view of the arduous conflict in which we are engaged.

And I want to speak to my colleagues on this side of the Chamber as well as to our friends on the other side. They say that they are forbearing toward the President. I fear some of them are not. I fear they are too critical. He is your leader. He is the head of your party. He is the head of an administration of which you are a part. Let us uphold him. His administration will be indorsed by our forthcoming convention. It ought to be indorsed. It has accomplished great things for our beloved country. We detract from those great things by not standing by our leader.

But he must understand that our support is of a cause and not of a man; that the authority of Congress is paramount and must be respected.

If he wishes our support, he must confine himself to his executive duties—to obey and execute—not to make the laws.

The specific act that provoked this outburst was Lincoln's refusal to sign a reconstruction bill which would have imposed very harsh and inhumane terms upon the South. He persisted in his refusal nevertheless, and he lived to rejoice in the generosity with which Gen. Grant treated the leaders of the Confederacy when they surrendered to him at Appomattox on the 9th of April, 1865. Five days later Lincoln was assassinated, and now he is canonized.

The record is one which the critics of the President will do well to ponder; for, though Washington and Lincoln are immortal, much research has been necessary to identify their detractors.

Mr. President, I have read this article for the purpose of showing that the vilification and abuse that is now being leveled at the President of the United States is no new thing in American politics. They did it to Washington in his day and they did it to Lincoln in his day; and I say, in the words of the writer of this article, that the names of Washington and Lincoln are immortal, whereas no man except the student knows to-day who their detractors were. In the audience that is here I doubt if there is a single one who can remember offhand the name of a single detractor of either one of those great Presidents of the United States. And so, in my judgment, when the final account is taken, it will be found that Woodrow Wilson, just as Washington did in his day and as Lincoln did in his day, rose to the full height and majesty of an American citizen, and has done only those things and has stood only for those measures that meant the glory and the prosperity and the happiness of our beloved Republic.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gore	McCormick	Shields
Borah	Hale	McKellar	Simmons
Brandegee	Harris	McNary	Smith, Ga.
Calder	Harrison	Moses	Smoot
Capper	Hitchcock	Nelson	Spencer
Chamberlain	Johnson, S. Dak.	New	Sterling
Colt	Jones, N. Mex.	Norris	Sutherland
Curtis	Jones, Wash.	Nugent	Swanson
Dial	Kellogg	Overman	Thomas
Fernald	Kendrick	Owen	Townsend
Fletcher	Keyes	Page	Trammell
France	King	Phipps	Underwood
Frelinghuysen	Kirby	Pittman	Wadsworth
Gay	Knox	Pomerene	Walsh, Mass.
Gerry	Lenroot	Ransdell	Watson
Glass	Lodge	Sheppard	

The PRESIDING OFFICER. Sixty-three Senators have answered to the roll call. A quorum is present.

Mr. SMITH of Georgia. Mr. President, it is hardly necessary for me to express again my earnest desire that the Senate ratify the treaty with reservations protecting American interests and preserving, untrammeled, the discretion of Congress upon subjects intrusted to it by the Constitution.

It is most important for our country to be no longer technically at war. We can make no treaty with Germany except subject to the treaty already made by Germany with the other countries that have been at war with Germany.

It is important that our country take part in the adjustments incident to those treaties.

While I believe we should have as little as possible to do with settling European boundaries, there are many questions growing out of the war from which we can not escape responsibility, and ratification of the treaty is essential to properly guard American interests.

The provision of the league covenant for adjustment of differences by arbitration and through conference may do much to prevent wars. With our domestic problems safely removed from foreign interference, it will be wise and helpful to the peace of the world for the United States to be a party to the league, so far as it undertakes, by arbitration and by conference, to bring about the settlement of disputes which might lead to war.

I am convinced that the interests of the country require that the treaty be ratified now. To carry it into the campaign this fall will take the attention of the country away from domestic problems and leave the treaty with no more prospects for ratification in the future than it has at the present time.

More than one-third of the Senators who will remain in the Senate two years after the 1st of March are opposed to the treaty without substantial reservations; and, regardless of the

election this fall, the treaty can not be ratified for two years longer without substantially the reservations which a majority of the Senators will now agree upon.

Anyone who will take the list of Senators to be elected this fall who are opposed to ratification without substantial reservations must concede that quite a number of them will certainly be reelected. My own judgment is the vote of the Senate will be stronger the 4th of next March against ratifying the treaty without reservations than it has been during the past 12 months.

I do not believe that a majority of Senators will at any time be found—no matter how distant that time—who will be willing to place the obligation upon this country to send our soldiers and our sailors into the wars of the world, as required by article 10. Those duties which the Constitution places upon the Congress, and which article 10 would require them to approach with a prior obligation constraining their action, must be removed or the league covenant can not and should not ever be ratified.

The questions before us to-day are: Shall we leave our country technically in a state of war? Shall we refrain from caring for the interests of our country in connection with the adjustments that must be made under the treaties, because the covenant of the League of Nations is not to be made as strong as some would have it?

To those who wish it stronger than the Senate is willing to leave it, I appeal for favorable action on ratification. Even if they do not agree with me that the modifications should be made, they must know they will never obtain a league covenant going beyond the terms to which the majority of the Senate will now consent. They therefore, by refusing a vote for ratification, keep this question before the country and before the Senate, interfering with other important problems that should receive consideration, without the possibility of doing more in the direction of the covenant than they can help do to-day.

Of course, it is useless to make an appeal to Senators who frankly admit their desire to kill the league covenant altogether. But I appeal to those who really wish ratification but wish in the league covenant more than the majority of us think wise or right.

Do not keep your country distressed over this question when you know that the first sentiment of the country was for the league without modification, and that the changes of sentiment have all been against you. Not only do the interests of our country require ratification now, with substantial reservations, but the judgment of the American people to-day will sustain no other course.

Within the last few days the Courier-Journal, the great Louisville, Ky., paper, editorially urged ratification now.

This paper has been continuously, from the time the treaty was brought to the United States, demanding ratification without reservations. But now, recognizing the fact that there will never be a League of Nations with less reservations, it appeals to the Senate to ratify the treaty. It appeals to the Senate; it appeals to those who, with it, have been for the treaty as it was first written, to lay aside their preferences, to end the battle, and to vote now for the treaty as the majority of the Senate present it.

In my own State there are three papers published in Atlanta, with large circulations all over the Southeastern States. One has been against the treaty all the time unless substantial reservations were made. The other two have supported the treaty and last fall condemned all reservations and condemned Democratic Senators who voted to ratify with reservations. Now, both those papers have changed their attitude.

The Atlanta Constitution on the 27th of last month editorially urged the Senate to delay no longer, but to accept such reservations as the majority adopted, and to end the matter. I will read a couple of extracts from that editorial:

> The public knows that a large part of the unrest that exists the world over is attributable to the Senate's failure to dispose of the treaty. * * *
>
> The people want the treaty ratified with or without reservations.
>
> Even if it is ratified with reservations the principle, at least, of a universal league to enforce peace and prevent war will have been recognized.

I read this from a paper representing the thought of those Senators who have voted for ratification without reservations, who have stood out against reservations. I present it to them as speaking the voice of those who have been with them, not of those who have been with me. I have all along believed in reservations. But I urge Senators to consider the fact that those who have been with them against ratification without reservations are with them no longer, but believe the treaty should be ratified now even if reservations are made.

I turn now to an editorial in the Atlanta Journal, which was published day before yesterday. This paper for seven years has followed the President, approving every act, I think, of his administration. It has been extreme in its attitude with regard to ratification without reservations. I call attention to this editorial, and I appeal to the Members on this side to heed the thought of their own people, and the members of their own party. I will read from this paper. On day before yesterday for the first time it called upon the Senate to accept the action of the majority, and ratify the treaty now, recognizing the fact that never would they obtain more in a league covenant than they can obtain now.

Understand, in presenting this line of thought, it is not because I want the league as it was. I could not vote for it as it came to us. I would not now vote to ratify without reservations. But to those who are willing to ratify it without reservations I present the appeal that they will now get more than they will ever get hereafter, and that the friends of the treaty without reservations to-day favor ratification with reservations rather than a failure to ratify at all. I read from the Atlanta Journal editorial:

> The covenant which President Wilson brought back from Paris represents what was then the most workable plan on which he and the others at the peace table could agree. But it did not represent the only conceivable plan by which the purposes concerned could be accomplished. It was not a Decalogue, whose every syllable was sacred; it was not a Revelation, to change one letter of which would be impious. It was a human document, regarding which there was bound to be a variety of views among men who were sufficiently in earnest over it to think for themselves.
>
> * * * * * * *
>
> The hour has struck for independent action by the Democrats of the Senate, action which at least will give their party a clear record, and which may spare their country grievous confusion.
>
> * * * * * * *
>
> Plainly, then, it is the duty of the Senate Democrats—their party duty, their patriotic duty, their humanitarian duty—to strike boldly and unitedly forth for ratification. If this involves a breaking away from presidential leadership, the interests at stake abundantly warrant it, for when loyalty to a person means recreance to a principle, thinking men need not hesitate.

So I wish to state to my associates that the thought of this country to-day follows the interests of this country, and it requires that we ratify the league, ratify the treaty, and do it now.

As I said before, the friends of the covenant will never secure more than they can secure to-day. If they cast it away now the probabilities are they will lose it all for all time. If they do not obtain all they wish, they certainly obtain much that they wish, and they serve their country and follow the wishes of the people of this country by ending the matter and ratifying the treaty.

I shall support the substitute agreed upon by a conference of Democrats and Republicans and offered by the Senator from Massachusetts this morning. I shall finally support for ratification the treaty under such reservations as the majority of the Senate may place upon it.

[Mr. REED addressed the Senate, and before concluding yielded the floor for the day.]

RECESS.

Mr. LODGE. Mr. President, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Saturday, March 13, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 12, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of good, purity, holiness, guide us by the star of love to the larger life, as Thou didst guide the Magi by the star of Bethlehem to the manger where the young child lay—destined to be the King of men; that His spirit may be our spirit; His thoughts, our thoughts; His words, our words; His acts, our acts; that the world may be a little better that we have lived and wrought; and glory, and honor, and praise be Thine. In the spirit of the world's Great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. McARTHUR. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. McARTHUR. To make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman makes the point of order there is no quorum present. The Chair will count. [After counting.] Twenty-six Members are present, not a quorum.

Mr. KAHN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Anderson	Eagle	Kennedy, R. I.	Reed, W. Va.
Bacharach	Edmonds	Kiess	Riordan
Baer	Ellsworth	Kraus	Rowan
Begg	Esch	Kreider	Rucker
Bell	Ferris	Lampert	Sabath
Benson	Fields	Layton	Sanders, Ind.
Bland, Mo.	Flood	Lea, Calif.	Sanders, La.
Booher	Frear	Lee, Ga.	Schall
Bowers	Gallivan	Longworth	Scully
Brinson	Garrett	McAndrews	Sells
Britten	Glynn	McDuffie	Siegel
Browne	Good	McFadden	Sims
Browning	Goodall	McPherson	Smith, Ill.
Brumbaugh	Gould	MacGregor	Smith, Mich.
Burdick	Graham, Pa.	Maher	Smith, N. Y.
Burke	Graham, Ill.	Mann, S. C.	Snell
Burroughs	Green, Iowa	Mason	Snyder
Butler	Greene, Mass.	Merritt	Steagall
Campbell, Kans.	Hamill	Montague	Steele
Cantrill	Hamilton	Moore, Ohio	Steenerson
Carew	Hastings	Morgan	Stiness
Carter	Haugen	Morin	Sullivan
Chindblom	Hawley	Neely	Sumners, Tex.
Christopherson	Hayden	Newton, Minn.	Taylor, Colo.
Clark, Fla.	Heflin	Nicholls, S. C.	Taylor, Tenn.
Classon	Hernandez	Nichols, Mich.	Thomas
Connally	Hill	Nolan	Timberlake
Cooper	Holland	O'Cornell	Tinkham
Copley	Howard	O'Connor	Towner
Costello	Huddleston	Osborne	Vare
Cramton	Hudspeth	Padgett	Vinson
Crowther	Hulings	Parker	Walters
Curry, Calif.	Husted	Platt	Ward
Davey	Ireland	Porter	Watkins
Denison	Jefferis	Pou	Weaver
Dewalt	Johnson, S. Dak.	Rainey, Ala.	Williams
Dooling	Kelley, Mich.	Rainey, H. T.	Winslow
Drane	Kelly, Pa.	Rainey, J. W.	Yates
Dunbar	Kendall	Ramsey	
Dunn	Kennedy, Iowa	Reber	

The SPEAKER pro tempore. A quorum is present.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

EXTENSION OF REMARKS ON HOUSE RESOLUTION 476.

Mr. KING. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KING. To ask unanimous consent to extend my remarks in the RECORD on a resolution introduced by myself, House resolution No. 476, for the investigation of the administration of the Federal Reserve Board, and including a statute just passed by the Legislature of the State of Mississippi on the subject.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on a resolution which he has introduced, having reference to an investigation of the Federal Reserve Board, including a statute passed by the State of Mississippi upon the subject. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, is the resolution a resolution for investigation?

Mr. KING. The extension of remarks is largely taken up with the statute just passed by the State of Mississippi and approved by the governor on March 6, 1920.

Mr. WINGO. What I wish to ask the gentleman is, Is the resolution he speaks of one introduced by himself?

Mr. KING. Yes, sir.

Mr. WINGO. Calling for an investiagtion of what?

Mr. KING. Of the administration of the Federal Reserve Board.

Mr. WINGO. Is that resolution now pending before the Rules Committee?

Mr. KING. It is now pending before the Rules Committee and is known as House resolution 476, of which I present the gentleman a copy.

Mr. WINGO. Has the gentleman had a hearing before the committee?

Mr. KING. No, sir. I have not requested a hearing, but expect to do so within a few days. There are some bankers here, from the South especially, who want to be heard.

Mr. WINGO. I am not antagonistic to the resolution. Now, the gentleman wants to extend his remarks, and, in addition to that, embody some resolutions, did he say?

Mr. KING. Embody a law just passed by the Legislature of the State of Mississippi and approved by the governor of that State on March 6, 1920, with reference to that subject.

Mr. WINGO. Has the gentleman any assurance that the Rules Committee is going to give him an investigation?

Mr. KING. The Rules Committee is always fair, and I am satisfied when the matter is presented to them it will give it careful consideration, and I hope to receive a favorable report.

Mr. WINGO. It is not a question of fairness, but a question of judgment.

Mr. KING. When you speak of the Rules Committee, it is a question of fairness as well as judgment.

Mr. DYER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

REFERENCE OF H. R. 10835—COMPENSATION OF OFFICERS.

Mr. RAYBURN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RAYBURN. I rise to ask unanimous consent for five minutes in which to make a statement about the action of the House on yesterday with reference to House bill 10835. A transfer from the Ways and Means Committee to the Committee on Interstate and Foreign Commerce was made of this bill in the absence of any member of the Committee on Interstate and Foreign Commerce, and I think the action had at least the seeming tendency of doing an injustice to the Speaker of the House, who after consultation with a subcommittee of the Committee on Interstate and Foreign Commerce referred this bill to the Committee on Ways and Means after we by resolution the other day put all soldier legislation in the Ways and Means Committee.

The SPEAKER pro tempore. Will the gentleman from Texas state his request?

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for five minutes in order to make a statement relative to the reference of the bill referred to. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I shall not object, but at the proper time I shall ask for five minutes in which to address the House on this subject.

Mr. STEVENSON. Mr. Speaker, further reserving the right to object, as I was the author of that bill and had about as little consideration in the reference of it to the Committee on Ways and Means as the gentleman from Texas [Mr. RAYBURN] thinks that he had in the rereference of it, I will ask for five minutes if the gentleman is to have five minutes. I want to state my position about it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARD. With the action yesterday of transferring, by unanimous consent, this matter to the Committee on Interstate and Foreign Commerce, is not now the incident closed and the bill referred to the proper committee?

Mr. RAYBURN. No. This bill has been referred to three committees already, and rightly as to only one of them.

The SPEAKER pro tempore. The Chair thinks that the House, with respect to the reference of a bill to a committee, can reconsider any action taken upon a measure of that kind.

Mr. KAHN. Mr. Speaker, in view of the fact that we have a very important bill before us, and in view of the fact that this is likely to consume considerable time, I am compelled to object.

The SPEAKER pro tempore. Objection is heard.

ARMY REORGANIZATION.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army reorganization bill.

The SPEAKER pro tempore. The gentleman from California moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, the Army reorganization bill. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. RAYBURN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Texas asks for a division.

The House divided; and there were—ayes 127, noes 31.

Mr. RAYBURN. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Two hundred and thirty-two Members are present, a quorum.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, the Army reorganization bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may be allowed to speak 10 minutes on this amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes on the pending amendment. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Chairman, would it be disagreeable to the gentleman for me to ask that the amendment be read? The amendment is brief and a number of gentlemen were not here when it was read before.

Mr. MADDEN. No.

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 16, after line 13, insert a new paragraph, as follows:

"SEC. 8a. Construction service: The construction service shall consist of one chief of construction with the rank of brigadier general, 250 officers of the grades from colonel to captain, inclusive, and 8,000 enlisted men. The chief of construction, under the authority of the Secretary of War, shall be charged with construction, maintenance, and repair of buildings, structures (other than fortifications) and utilities, and the preparation of plans therefor, in accordance with the requirements of the several arms, corps, bureaus, and services of the Army of the United States, and with the operation of utilities in connection therewith and with acquirement of real estate and issuance of licenses in connection with the military reservations under the jurisdiction of the War Department."

Mr. MADDEN. Mr. Chairman and gentlemen, at one time I almost persuaded myself that it would be a good thing to adopt the amendment suggested by the gentleman from New York [Mr. SANFORD], but the psychology of the situation has turned out to be such that if it were not so serious it would be amusing. Judged from the number of contractors and material men who had contracts under this organization during the war, it is the most popular organization in the United States.

Now, it does not speak very well for an organization to be so popular in the minds of those who are performing contracts under their jurisdiction. Everybody in the United States, except the people who pay the taxes, who have had an interest in contracts during the war executed under the direction of this organization is for the establishment of a separate corps.

The officers of the Army itself, usually acquiescent as to how the corps shall be organized, have been more active in their effort to dictate to the House just how these corps are to be formed than I have ever seen them before. There is not an Army officer who knows me, and who is a member of the construction corps, who has not been to see me to urge that this organization be made separate from the rest.

Now, I have no complaint to make about the ability of these men, nor have I any statement to make against their integrity. I assume that they are both able and honest; but somebody somewhere in the Government of the United States ought to speak for the men who are not organized and who have no lobby. [Applause.]

Now, I know that you do not organize a lobby unless you have an interest; and if there is an interest, what is it? What interest would you assume to say the contractors who made millions under the cost-plus contracts, directed by these men, have in their effort to make a separate organization in the Army known as the construction corps. They say that Gen. Marshall is a wonderfully able man. I have not any doubt about it. But what will happen if Gen. Marshall dies? Will there be any other man who will come forward, in whose behalf these contractors and material men can urge a separate organization of the construction corps? Ah, we spent billions of money during the war, and spilt vast quantities of American blood; and are we to-day to organize this construction corps for the profiteers or are we to organize it for the men who pay the taxes and have no lobby?

I am opposed to such an organization. We can well perform the functions of the Army either under the Engineer Corps or under the Quartermaster Corps. But these men and this organization want no superior. They want unlimited jurisdiction. They say their experience is invaluable to the United States; and the Secretary of War says in a letter dated day before yesterday, that the only reason why this corps has not already been transferred to the Engineer Corps is that many of these men said that they would quit if they were disturbed. Is that the kind of patriotism they possess? If so, I invite them to quit now. [Applause.] This Government is too big, too powerful, too just, to permit any element less than the majority of the people to dictate its policy, and that is what this crowd of men in the construction corps are now attempting to do. Contractors and material men have told me in days gone by, during the war—and I challenge anyone to deny it—that they were so ashamed of themselves because of the things they were compelled to do—and did—in order to maintain favoritism or a favorable opinion with those who were over them that they did not dare to look a dog in the face.

They were compelled to hire men whom they did not need, to pay them wages that were outrageous, to buy material at fabulous prices, to buy more material than was required and of kinds which they did not need. And yet we talk about the necessity and the importance of continuing a corps under a separate organization in the Army, under whose jurisdiction this kind of iniquity was perpetrated on the American people.

They say we have $40,000,000 or $50,000,000 a year to spend, that we can spend it more judiciously if it is expended under a single command. My judgment is that we have no such sum to spend during time of peace for construction in the Army. But my further judgment is that if you organize a separate construction corps you will organize a corps for the purpose of devoting its time to finding ways and means to force the expenditure of money out of the Public Treasury. The policy of the Government now should be economy and a systematic effort to rehabilitate the country, and to give some evidence of our desire to bring back confidence to the minds and hearts of the American people, to encourage them with the hope that some day, somewhere, even in the House of Representatives, they will have a sufficient number of friends to protect them against the lobby whose only purpose is to add to the already heavy burdens of taxation on the backs of the American people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent to insert as a part of my remarks a letter from the Secretary of War on this subject.

Tht CHAIRMAN. The gentleman asks unanimous consent to insert as a part of his remarks a letter from the Secretary of War. Is there objection?

There was no objection.

The letter is as follows:

FEBRUARY 28, 1920.

The honorable the SECRETARY OF WAR,
Washington, D. C.

DEAR MR. SECRETARY: This is in acknowledgment of yours of the 28th, signed by Gen. March as Acting Secretary, in response to mine of the 22d instant. Thank you for same.

It contains the memorandum or order deferred, but does not give us the full information we wish. You say:

"This memorandum was never signed.

"Action in signing the order transferring the construction activities to the Corps of Engineers was deferred because of the fact that there existed a large number of unfinished contracts, which would be settled in approximately eight months, and a postponement of the transfer for that period would avoid embarrassment to both the Government and the contractors."

What this committee desires to know is:

First. Was the memorandum and proposed order based thereon approved by you?

Second. Who caused its publication to be deferred? What we desire to know specifically is whether, the order having been approved by you, its deferment was caused during your absence by the then Acting Secretary, Mr. Crowell.

Third. Wherein would the transfer of authority from one division to another embarrass either the Government or the contractors in settlements? This committee is at loss to see any reason for such embarrassment.

Very respectfully,

JOHN C. MCKENZIE,
Chairman Subcommittee No. 2 of the Select Committee on Expenditures in the War Department.

WAR DEPARTMENT,
Washington, March 10, 1920.

Hon. JOHN C. MCKENZIE,
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to acknowledge receipt of your communication of February 28, 1920, in which you acknowledge receipt of letter from the War Department of same date, upon the subject of the assignment of construction activities to the Corps of Engineers.

In response to the questions which you have submitted, you are advised as follows:

First. The general plan for the transfer of the construction activities to the Corps of Engineers was approved by me, but the actual time of the transfer was not fixed.

Second. During the absence of the Chief of Staff and myself from Washington the draft of the completed order, a copy of which was furnished you, was taken to Mr. Crowell, who declined to approve it, and on my return to Washington the matter was brought to my attention. I had a conference with Mr. Crowell, and on his statement, that if the merger were made many officers of the construction division would resign, I suspended authorizing the issue of the order pending legislation by Congress which should determine where the construction activities would go.

Third. As there was on hand in the construction division a large number of unfinished contracts, with the details of which the personnel of that division were thoroughly familiar from their inception, and as the transfer of the construction activities to the Corps of Engineers contemplated less personnel than would be required for a separate construction service, thus providing fewer vacancies for such officers as might desire to remain in the service permanently, and since I had been informed that many officers of the construction division would resign if a transfer to the Corps of Engineers was accomplished, it was believed, in view of the short time remaining until the pending contracts were completed, that to effect a change on March 31, which would not merely involve the placing of the Chief of Engineers over the chief of the construction division but might involve placing officers in charge of important work with which they were unfamiliar in order to relieve officers desiring to resign, would cause embarrassment and delay to both the Government and contractors which might easily be avoided by permitting the construction division to finish the work in hand.

You are doubtless aware of the fact that the War Department bill proposes placing construction under the Corps of Engineers, and it is my belief that this is the proper solution.

Trusting that the above information is satisfactory to you, I am,
Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. SANFORD. In connection with the insertion of that letter I call the attention of the gentleman to the latest letter from the Secretary of War, in which he pleads for a separate construction corps. That letter is inserted in the RECORD on page 4034. [Applause.]

Mr. REAVIS. Mr. Chairman and gentlemen of the committee, I do not hope to add anything to the luminous and very convincing statement of the gentleman from New York [Mr. SANFORD] in presenting this amendment last evening, and I rise largely for the purpose of correcting what seems to me to be something of a misapprehension as to the functions and the activities of a construction corps.

I listened with a good deal of interest to the gentleman from Illinois [Mr. MADDEN], as I always do, but the gentleman from Illinois devoted most of his time to criticisms of lobbying and lobbyists, but without approaching the merits of the amendment that is now before this committee.

The thought seems to be prevalent in the committee that the duties and activities of a construction corps are the building of cantonments. The gentleman from Illinois [Mr. MCKENZIE], not intentionally I know, left the impression that if we organized a separate construction corps its activities in large measure would be devoted to the construction of camps and cantonments, which, of course, could not be true in times of peace, and argued because the record in the construction of cantonments in this country had not been good, although he absolved the construction corps of any responsibility for that, that it was unwise to organize this corps as a separate bureau within the Army.

Now, gentlemen, a construction corps, under orders of October 5, 1917, and April 10, 1918, will have within the purview of its activities about the following: The construction of hospitals, munition-storage depots, ammunition-loading plants, post terminals, Army proving grounds, arsenals, chemical plants, together with all the utilities pertaining thereto, such as water supply, sewerage, heating, lighting, fire prevention, highways, roads, docks, and so forth.

When the war came on the very urgent necessity for service of this kind produced the construction corps. It was born of the necessities of the war. I do not desire anything I say to reflect on the Engineering Corps. There is no higher type of men in the Army than those in that service. They are the very cream of the graduates of West Point ordinarily. But the Army engineers in our Army, as in most armies, had not been instructed along the lines of modern warfare. The great monuments of the Army engineers of the past withered before the march of the Germans in the first Battle of the Marne. The fortifications and forts of Belgium and France were of no service, and we awakened to the proposition that the modern engineer had to be a man equipped along the line of mobile armies, of good roads, of bridges, of transportation; that he had to be able to add something toward sending an army from one place to a distant place with the least possible loss of time.

Now, what happened? Among the very great Army Engineers that we had in the Army when that sort of situation came up was Gen. Hartz, a very great engineer. He was made provost marshal in Paris. Gen. Seibert, to whom the world will always be indebted for his services in the Panama Canal construction [applause], was put in charge of chemical warfare in Washington. Gen. Biddle was put in charge of our troops in England, and in their places we put on the work at the front and behind the front civilian engineers, who knew road building, who knew railroads, who knew the building of bridges, who knew water supply, and sanitation; we put them in a construction corps, and their work in France is among the marvelous things that America did in that country during this war. This thing was born of a war necessity. It is one of the greatest products of this war, and the lessons that we have learned from it, I hope, will prompt the passage of this amendment.

The gentleman from Illinois [Mr. MADDEN] talks about a lobby. I have not seen it. It has not reached me. But, knowing the gentleman from Illinois as well as I do, I am sure that there is such a lobby or he would not have made the statement. There may be bad men interested in this amendment, but I have never been afraid to cooperate with a bad man to accomplish a good purpose. [Applause.] The question is not whether lobbyists are connected with this matter. The question is not whether bad men are interested in its enactment. The question is, Is it a meritorious proposition, and the gentleman from Illinois [Mr. MADDEN] did not reach that proposition during his debate on this amendment.

Mr. SANFORD. Will the gentleman yield just there?

Mr. REAVIS. Yes.

Mr. SANFORD. I do not know that the question of the lobby is material, but I should like to state that the telegrams I have seen from contractors ask to have the construction kept under the Quartermaster Corps.

Mr. REAVIS. I am quite sure that that is so, but I have received nothing of either kind. Let me tell you where the lobby is coming from that will not only be for this amendment, but will be for legislation of a similar character. It is coming from the people back home. [Applause.] For years we have raised the revenues of this Government by a system of indirect taxation, a protective tariff, an excise tax on intoxicating liquors.

The people were not conscious of who bore the running expenses of this Government. But conditions have changed. By reason of the increased expenses of this Government and a system of direct taxation the people have become conscious of who is paying the bills.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. I ask for five minutes more.

Mr. ANTHONY. With the understanding that the members of the committee can get a little time.

Mr. REAVIS. I will state to the gentleman from Kansas that I did not ask for recognition until I thought that all the committee had spoken who cared to.

Mr. ANTHONY. No member of the committee has spoken in opposition to the amendment.

Mr. REAVIS. I have no desire on my part to prevent them.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes more.

Mr. REAVIS. Every year under the system of taxation that now obtains in this country the man back home is ascertaining who is paying the expenses of the Government. He has commenced to inquire what we are doing with the money. Let me tell you what you would do with the money under the provisions of this bill. Every bureau in the War Department that has construction has its own independent construction organization. It has its own independent overhead, it has its own designs, and has its own specifications. It makes no difference whether that organization is active or not, the anticipation of work in the future keeps the organization within the bureau.

We propose to change this so that instead of having an organization working for a bureau, we will have an organization working for the Government, with its own specifications that apply to all the bureaus, so that any bureau within the War Department that wants construction work will turn to the centralized corps that does construction work. In that way you do away with the repeating of the overhead, with repeating designs, with repeating standards, and the endless multiplicity and duplication of work. It is my candid judgment, after a study of more than six months, not particularly of the construction corps but of some plan to make the busi-

ness of the Government more efficient, that the business of the Government of the United States is not only the world's biggest business, but it is the world's worst managed business. There are more millions wasted by duplication of effort and duplication of organization than in any other one item of governmental expense. Here you have a proposition that does away with duplication, with its multiplicity of organizations. Here you have a single bureau doing all the work for all the departments, and the argument to defeat it is the story that some one is lobbying for it. The proposition is not whether anyone is lobbying for it; the question is, is it meritorious? I feel earnestly that it is, and I ask for the adoption of this amendment. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. REAVIS. Certainly.

Mr. MOORE of Virginia. Is not this amendment directly in line with the suggestion the gentleman has made in a bill that is pending here which designs to consolidate into one agency all the construction activities of the Government?

Mr. REAVIS. It is in line with that bill in more particulars than one. The bill I have introduced, and which I hope the House will give me an opportunity to speak on before long, will take the same construction corps by detail out to the States of this country and assist in building these roads that are being built with Federal aid, and we will make these officers serviceable not only in peace times but will by so doing equip them for service during war.

Mr. McKENZIE. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. McKENZIE. Is it not a well-known fact to all men who have taken any interest in this matter that this movement to make a separate construction corps in the Army is the entering wedge for the proposition set out in the bill introduced by the gentleman from Nebraska?

Mr. REAVIS. I sincerely hope that that is true [laughter], because it will save more money to the Government than anything else that I know of. [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. REAVIS. Certainly.

Mr. BLACK. Does the gentleman mean to advocate the construction of State roads under the military arm of the Government?

Mr. REAVIS. I do not. I advocate this, and if the gentleman has paid any attention to it he knows this, that they are short of road-building engineers in this country. There is not a State engaged in the construction of highways that is not troubled by a shortage of engineers. I believe if we have a board of public works and a lot of civilian engineers in the War Department, well equipped by education and experience to assist the States, they had better be sent out there than to be kept in swivel chairs over here, for by so doing they are contributing in times of peace something to those who pay the bills and by their activity are equipping themselves for service in times of war. [Applause.]

Mr. MILLER. Mr. Chairman and gentlemen of the committee, if you will be kind enough to cast your eyes on the following section of the bill, section 9, making provision for the Quartermaster Corps, you will find that the head of the Quartermaster Corps is the Quartermaster General, with the rank of a major general, and with 3 assistants, with the rank of brigadier general, 1,050 officers, and 20,000 enlisted men.

Now, all this amendment will do is to take from that corps 1 brigadier general, 250 officers, 8,000 men, and set them apart in a construction corps, leaving 1 major general, 2 brigadier generals, 800 officers, and 12,000 men in the Quartermaster Corps. The cost to the Government is practically the same whether it be separated or not.

One of the experiences of the war has been the functioning of these separate corps. If there is one lesson we have learned, it is to keep the most important of these corps permanently separate, so that in an emergency they can expand.

There is no disposition on the part of the members of this committee or of anybody else to injure the service, and, as shown on the floor of this House, there are three thoughts with the committee. One of those is that this corps of construction can best function as a separate and independent corps. Another thought is that it should be a part of the Quartermaster Corps, where the bill puts it. A third proposition is that it shall be a part of the Engineer Corps. There is no insurging here. Some members of the committee from the first have advocated a separate and individual corps, to be known as the construction corps. There is no fight here against the Quartermaster General, neither is there any fight in favor of any one particular man in the construction corps; but out of human experience born out of the war it is the opinion of several of us—and, I think, of the majority of the personnel of the House—that the best way to get results is to place this corps on its own footing, the same as other corps of the Army. There is no inherent kinship in the world between construction and the quartermaster's duties. The principal duty of the quartermaster is the purchase, the reception, and distribution of the supplies for the Army. There is a little distant kinship, I will admit, between construction and engineering, but there is no thought in the membership of this House to put the construction corps under the Engineering Corps. The best thing to do, in my judgment, is to continue the construction department as a separate and independent corps, where it can function to the best interests of the Army and the best interests of the people generally. [Applause.]

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, I make my motion to strike out the last word to offer on the floor of this House a protest against the demagogic speech made by the gentleman from Illinois——

Mr. MADDEN. Mr. Chairman, I ask that the words of the gentleman from Ohio be taken down.

Mr. MURPHY. It seems to me that the time has come when those leaders, those men in high places——

The CHAIRMAN. The gentleman from Ohio will suspend. The gentleman from Illinois demands that the words of the gentleman from Ohio be taken down.

Mr. MURPHY. Mr. Chairman, I withdraw the word "demagogic."

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw the word "demagogic." Is there objection?

Mr. GARD. Mr. Chairman, reserving the right to object, what is the word the gentleman desires to withdraw?

Mr. MURPHY. Demagogic.

Mr. GARD. Then the gentleman no longer accuses the leader of the steering committee of being demagogic?

Mr. MURPHY. Not in that expression, though I may a little later. [Laughter.]

The CHAIRMAN. The gentleman from Ohio will take his seat until he has been given leave to proceed in order.

Mr. KAHN. Mr. Chairman, did anyone object to the words being withdrawn?

Mr. MADDEN. I have no objection to the words being withdrawn.

The CHAIRMAN. Does the gentleman from Illinois withdraw his demand?

Mr. MADDEN. I do.

The CHAIRMAN. The gentleman from Illinois withdraws his demand, and the gentleman from Ohio will proceed in order.

Mr. MURPHY. Mr. Chairman and gentlemen, I thank you for this courtesy in giving me a chance on the floor of this House to protest against such speeches as were uttered on this floor by the gentleman from Illinois.

He used the new ugly word which has been coined, which carries the ugly features of all the ugly words of the language, and it is being applied to-day by one of the great leaders of the Republican Party, if you please, being applied to men who by reason of their sagacity, skill, and industry have become great in the affairs of this country, and because they dare to come to their Congressmen. Because of that they are called lobbyists. Great goodness, what will it come to if they can not come to the men they send down to Congress to represent them? [Applause.] I will say to you, my friends, that the gentlemen who represent the districts down here do represent men who employ thousands and thousands of men in industry in the various districts, and they have a right to come to their Congressmen and ask them to use their best judgment to protect this Nation in the forming of this magnificent bill that is now in process of construction in this House. The time has come when a different attitude must be taken toward the business interests of this country. What would have happened to our country if we had not had these business men in the Army during the war? After me there will appear a speaker on this floor who will tell you that money has been wasted. Of course it was. We wasted lives, we wasted treasure, we wasted everything, but that was not it. We wanted to win this war, so that that flag might still float [applause], and I say to you the only purpose for which I have taken this floor is to protest against such speeches as the one uttered by our splendid friend from Illinois [Mr. MADDEN], for whom I have the very highest personal respect. It pains me much to hear a man who has made his own great fortune in the marts of industry condemn others because they, forsooth, come to their Congressmen and ask them to use their best judgment for the good of this Nation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KAHN. Mr. Chairman, I would like to come to some agreement about closing debate on this amendment. I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate upon this amendment and all amendments thereto close in 40 minutes.

Mr. ANTHONY. Mr. Chairman, reserving the right to object, about 1 hour and 40 minutes already have been consumed in debate upon this amendment, of which about 1 hour and 25 minutes have been consumed by those in favor of the amendment. The members of the committee and other members of the House who have facts and figures that the House ought to know before it votes on this amendment should have sufficient time in which to present them to the House, so that the House may not vote blindly.

Mr. CALDWELL. Mr. Chairman, further reserving the right to object, I find that on this side quite a number of men would like to be heard upon this question, and I notice that quite a number were standing seeking recognition when the Chair recognized the gentleman from California [Mr. KAHN] to submit this request. I fear that 40 minutes will not be enough. That would be only 20 minutes on a side.

Mr. KAHN. Let us see if we can determine who wants to speak on this amendment.

Mr. DENT. Mr. Chairman, reserving the right to object——

Mr. KAHN. Mr. Chairman, for the present I withdraw my request.

Mr. FISHER. Mr. Chairman——

Mr. ANTHONY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. ANTHONY. To make a unanimous-consent request.

The CHAIRMAN. Does the gentleman from Tennessee yield for that purpose?

Mr. FISHER. I do.

The CHAIRMAN. The gentleman will state it.

Mr. ANTHONY. I ask unanimous consent that the chairman equalize the time in this debate between the proponents and the opponents of this amendment. I do not think it is fair that all the time for debate should be monopolized by one side.

The CHAIRMAN. The Chair does not know on which side gentlemen wish to speak.

Mr. ANTHONY. There have been 10 speeches for the amendment and two against it, and I think it is up to the Chair to determine——

The CHAIRMAN. But the Chair does not know unless a gentleman announces on which side he desires to speak.

Mr. SANFORD. Mr. Chairman, reserving the right to object——

Mr. McARTHUR. Mr. Chairman, regular order.

Mr. ANTHONY. Mr. Chairman, I ask that the Chair ascertain from the gentlemen who rise for recognition on which side of the question they are on and that the Chair divide the time.

The CHAIRMAN. The gentleman means from now on?

Mr. ANTHONY. Yes; and equalize that with the past debate.

Mr. DOWELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded, and the gentleman from Tennessee is recognized for five minutes.

Mr. FISHER. Mr. Chairman and gentlemen of the committee, if one thing has been said more than anything else in this debate it is that we should profit from the experience of the war. Now, I approach what little I have to say relating to the statements which have been made by the gentleman from Illinois [Mr. MADDEN] in order, because I have the greatest respect for his judgment and his ability as a Member of this House and a very great affection for him as a man; but I want to say that I fear that the statements made by him on this floor might be the cause of improper inferences being drawn by Members of this House who are not familiar with the facts. He indicated that a lobby was working for the amendment offered by the gentleman from New York, and that lobby was probably composed of contractors who had gotten contracts during the war and who had been made rich thereby. But if my memory serves me correctly, during the war the construction division, after it was organized and was a separate unit, did not let the contracts. There was in the War Industries Board, if you remember, a separate committee, of which Col. Starrett was chairman, and that committee decided who should have the contracts. You will remember that favorite expression of "allocation" of contracts as well as of materials. The War Industries Board was trying to marshal the forces of our Nation along the lines which would most help win the war. The contractors were picked out by that committee and not by the construction corps. The construction corps looked after the work that was done by the contractors. I do not think it fair for anybody to draw that sort of an inference against the construction corps, for the contracts had been handled by another body.

This amendment has the recommendation of the Secretary of War, and I hope this committee will follow his recommendation. I have the very greatest respect for his judgment and like to follow it on matters which relate to the War Department.

It, however, might be said that the Secretary of War is a lawyer; then I want to call your attention to the statements which have been made by his very distinguished assistant, Mr. Crowell. He is a successful business man and not a lawyer. His views on this question I know will be helpful in reaching a sound conclusion on this question. He stated before the Committee on Military Affairs the reasons why there ought to be a separate construction division. He said:

> Mr. CROWELL. The work of the construction division is so large in merely letting contracts and supervising the work that I believe it warrants its maintenance as a separate department in time of war. I think the record during the past war proves that. That being so, I feel it should be maintained in time of peace so that when the next war comes we will not have all this reorganization work on our hands. Let us do it now. I see economy in maintaining it a separate unit, because I am going to show you that the records of the past indicate that there is going to be a considerable amount of construction work to be done in the future.

Mr. DONOVAN. Will the gentleman yield?

Mr. FISHER. I do.

Mr. DONOVAN. Under the term "lobby," then, the Assistant Secretary of War would be regarded as the chief lobbyist under that construction, if this statement was put in the RECORD?

Mr. FISHER. From the hearings which were had by the Committee on Military Affairs I do not know of a stronger advocate for a separate unit for the construction division than the Assistant Secretary of War. Now, much has been said, and will be said, about consolidation making for economy. It is claimed that for economy this corps should be a part of the Quartermaster Corps. I want to call your attention to the statement of this same splendid business man relative to that proposition. He said:

> Mr. CROWELL. In a general way let me say this regarding consolidations. It is easy to say that by this consolidation we can save a lot of money. I have heard that many times.
>
> You may have a few men out here digging a ditch and over in another place you may have a few men sawing wood. But by the consolidation of the men digging the ditch and the men sawing the wood you would not make any saving. Many of the consolidations proposed in the War Department are on a parallel with that. Before we will allow them we must, of course, have a fair estimate made as to the results.

The construction corps as now organized is composed of efficient officers; most of them came as emergency officers from civilian life. They know, as former builders and civilian engineers, from a practical viewpoint, the kind of work that must be done in the construction work of the Army, and I say that it does not mean efficiency to destroy that organization, and the amendment should be adopted and the corps retained. [Applause.]

The CHAIRMAN. The gentleman's time has expired. The gentleman from Ohio [Mr. MCCULLOCH] is recognized.

Mr. MCCULLOCH. Mr. Chairman, I trust the amendment offered by the gentleman from New York [Mr. SANFORD] will not be adopted. If it is adopted it will mean that the House is settling a very important question, a question about which the Military Affairs Committee was unable to come to a conclusion; and I believe that each Member who has heard the debate here will agree, if we settle it to-day, we will be acting after very scant consideration.

As a member of Subcommittee No. 2 of the Select Committee on Expenditures in the War Department, which committee has for months been investigating expenditures in connection with camps and cantonments and how the construction division functioned during the war, I believe that our committee is in a better position to know—or, at least, they should be in a better position to know—what happened and how this department functioned than any other Members of this House. That committee is now preparing a report, which will be in due course submitted to the House, that will set forth facts which I believe the House should have when it comes to settle this very important question of how and under what authority construction work is to be carried on in the future. And I believe I would be derelict in my duty if I sat mute here to-day and permitted the House to go ahead and take action without my saying that in a very few days our committee will present to the House facts which, I believe, will discredit absolutely the construction division as it functioned during the war. I do not want to anticipate what may be contained in our report, but I do want to say to the committee to-day that I believe it would be foolhardy in the extreme to settle with such scant consideration a question that the Military Affairs Committee can not agree upon, a question that is so far-reaching in its import, a question that involved the expenditures of hundreds

of millions of dollars during the war, and which will involve the expenditure of hundreds of millions of dollars if we get into another emergency.

Mr. SANFORD. Will the gentleman yield for just a word?

Mr. McCULLOCH. In a moment. In view of the importance of the question, I think the gentleman from New York [Mr. SANFORD] is imposing upon the House to ask the House to settle that queston now with but a few moments' consideration, and I trust the amendment of the gentleman will be voted down for that reason if for no other.

Mr. SANFORD. Following the very good logic of the gentleman's statement—and I think it is very logical—would it not be better, then, awaiting that report, to leave the matter where it is; that is, with a separate construction corps?

Mr. McCULLOCH. I feel that the House, if it takes this action, will be committing itself to a course which, if the Members knew the facts, they would not be willing to take.

I believe the Members of the House are entitled to have the facts before them which have been developed during months of investigation before being called upon to settle this important question. They should know what happened during the emergency and then, after careful consideration, act in the light of our past experience, in order that the errors and mistakes made in the past may not recur. Any action you take to-day must necessarily be without due consideration under pressure from the sources which it is charged on this floor to-day have their personal interests to serve.

There is no immediate hurry about this, and I would suggest that the whole matter be left in status quo until such time as the House can be advised fully as to the necessities and requirements and the best thing to do in the light of all the facts. I believe that when the House is informed of all the facts it will not create this new construction division, but will utilize the Corps of Engineers for construction purposes.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, the question before the House on this amendment is whether the House will follow the careful investigation and determination of the Military Committee in the carefully worked out plans for an economy of $50,000,000 annually in the administration of the Army, or whether it will yield to the importunities of Army officers and of contractors who are interested or have been interested in perpetuating these war-time organizations as separate corps, and continuing all of the enormous overhead cost that has characterized the conduct of the war. The issue squarely is whether you will maintain all of these separate organizations created by the necessity of the war during times of peace, at a cost which we can show you will be $50,000,000 more per annum than the same organizations when consolidated, or whether you will yield to facts and figures which we hope will be able to influence you, as they did us, along the lines of consolidation and of economy.

First, I want to call the attention of the committee to figures submitted by officers of the War Department, figures which are the result of the investigation of the Bureau of Efficiency of the United States Government, as to the sums that can be saved by the consolidated operation of these bureaus, instead of permitting them to function as separate bodies, as now proposed in this amendment. Here are the figures drawn up by experts, covering the cost of the operation of the Motor Transport Corps, of the Construction Corps, of Purchase and Storage, and of Finance, as compared with the cost when consolidated as we are proposing in this bill, all except Finance, and I believe Finance, too, should be consolidated. The result of that investigation, which has been verified, I understand, by investigations by the Committee on Appropriations under the leadership of the gentleman from Indiana [Mr. WOOD], whose figures absolutely verify those which have been furnished to me and to the Committee on Military Affairs, shows that on the cost based on the conduct of these bureaus in the city of Washington alone, with their horde of civilian clerks, with their immense number of commissioned officers, there will be a saving in annual expense of $6,585,082 by this consolidation.

Does this committee want to put the stamp of its approval on the continuation of the hiring of thousands of useless clerks that are standing in each other's way down here in all these bureaus of the War Department? You men know it is a disgrace to our Government to permit these conditions to continue in time of peace. Yet a number of Members of this House, whom I consider ordinarily sane and sensible on business propositions, are standing upon this floor and advocating a continuance of that war-time expense in time of peace. I want to ask those men right now, whom do you represent? Do you represent the people at home, who sent you here, the taxpayers, or do you represent the selfish interests that are trying to keep this immense establishment for which there is no necessity in time of peace?

Mr. SANFORD. If the gentleman means that directly, I will say that I represent the people at large, and I think very intelligently, on this question.

Mr. ANTHONY. I want the committee to know that the Committee on Military Affairs, in determining this line of procedure, consolidating the construction corps, has followed the recommendations of Gen. Pershing in this matter. Allusion has been made to the effect that the Secretary of War has recommended a separate construction corps. I call your attention to the fact that the Secretary of War has made two recommendations on this subject. He has recommended, first, that it go to the Corps of Engineers, and then that it be separate. We prefer to follow that experienced soldier, Gen. Pershing, who says in his hearing:

> There has been some discussion as to the construction corps as organized after war began. I believe that it has been recently operating here at home as a separate corps. It seems to me that it might very well be placed for the future, in view of the fact that we shall not have very much construction, comparatively speaking, under the Quartermaster Corps; I believe that is where it belongs.
>
> Senator FLETCHER. General, have you had occasion to confer with Gen. Marshall about the amount of construction work?
>
> Gen. PERSHING. Yes. I discussed this whole subject with Gen. Marshall, and read a very interesting report that he had made on the work that he has done, and I consider that it has been done very efficiently.
>
> But it seems to me that it might be done under the same management, practically as efficiently, even though it be placed under the Quartermaster Corps.
>
> Gen. Marshall, if you will remember, was in charge of the construction department, or, at least, had a prominent position in the construction department under the Quartermaster General; and, for administrative reasons, or for whatever reasons came up—I suppose on account of the enormity of the work that the department had under its control—it was given an independence during the war, which seemed to be necessary.
>
> But in order to avoid the permanent establishment of so many different bureaus, it seems to me that from now on it should be under the Quartermaster Corps.

That is the advice that we have followed, Mr. Chairman.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Texas?

Mr. ANTHONY. In a moment.

Let me say that before the war all this construction was done under the Quartermaster Corps. Most of these officers belong to the Quartermaster Corps. We do not propose to destroy the entity of the construction corps. We simply take them and reduce their number, reduce the number of civilian clerks from a thousand to two or three hundred, and place them under the Quartermaster General's Corps and get rid of all this extra expense and all this overhead administrative cost.

Now I yield to the gentleman from Texas.

Mr. JONES of Texas. I wish to ask a question for information. I notice that the amendment authorizes the chief to acquire real estate. Does that authorize him to go out and contract for new real estate?

Mr. ANTHONY. No. He would have to have an act of Congress before he could acquire a foot of new real estate.

Mr. JONES of Texas. This amendment so provides.

Mr. ANTHONY. No. The Quartermaster General looked after real estate before the war. There is no reason why he should not do it now. We had voluminous arguments before the committee as to why the real estate department of the Army should be perpetuated as a separate corps. There may be gentlemen on the floor here who may propose that, but I hope they will not.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HUMPHREYS. Under this amendment would the work of the Engineer Corps on the rivers and harbors be transferred to the new construction corps?

Mr. ANTHONY. It would not.

Mr. HUMPHREYS. Under the amendment?

Mr. ANTHONY. I think not. Under the language of the amendment it is open to a little dubious construction, but we propose to offer an amendment so that there will be absolutely a straight line of cleavage between the river and harbor work and the construction work of the Army.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I regret I can not.

Mr. SMALL. I want to correct the gentleman, if I may.

Mr. ANTHONY. I would rather not, if the gentleman will permit.

Now, let me present the figures presented by the Bureau of Efficiency on the cost of separate maintenance of the construction corps in Washington alone. There are now about 300 officers in the construction corps. There are 1,054 civilian employees. These civilian employees cost $1,926,000. It is proposed under this bill, on the recommendation of this bureau and of the officers who have investigated it, to reduce the construction corps to 39 officers, including one brigadier. It takes care of Gen. Marshall; it takes care of his principal officer; it takes care of all the brains that there may be in the construction corps, and there is a good deal of ability there; and we transplant them under the jurisdiction of the other corps. We cut down the civilian clerks and employees to 240, and make a saving of $1,700,000 a year in the Washington office alone.

Now, the only argument for the perpetuation of a separate construction corps that can possibly be made is that we are about to embark on another era of construction of great magnitude. Gen. Marshall stated to the committee that it was planned by the War Department to spend $300,000,000 in rehabilitating and refitting the cantonments, to make them fit for training purposes during the next year, and therefore it was necessary to maintain this great organization as a separate corps. I want to say to the House that it is my opinion, and I believe it is your opinion, that there will be no such sum expended and no such necessity for the creation of this organization to spend any such amount as that.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Nebraska?

Mr. ANTHONY. I have some very important matters that I want to bring out, and I will have only a few minutes, and I would rather not.

The CHAIRMAN. The gentleman declines to yield.

Mr. ANTHONY. What is the situation that presents itself, gentlemen, if you permit all these separate corps to maintain a separate organization? It will mean that you will perpetuate the conditions that prevail now at every Army post in the country. Before the war one quartermaster officer at each post was able to look after all the business activities of the utilities that were there conducted. He was able to do it, and did it well. He superintended the construction, which was let by contract to the lowest bidder, and he bossed the job. He performed all the business activities of the place. What do you find now under the creation of these separate corps, that were perhaps necessary during the war, with an Army of 5,000,000 men? You will find seven or eight commissioned officers provided, with their clerks and with large details of enlisted men beyond what we had before. You find a finance officer, a utilities officer, a quartermaster officer, a construction officer, and so on in every single station all over the country, in each other's way, stepping on each other's toes, and bringing about a situation of absolute confusion in the administration of the Army.

Now, let me read to you reports from the Inspector General, received from the direct inspection of these camps and posts, which will show you the exact condition at the present time. Let me read to you the report of an inspector general who made an investigation of conditions at Camp Jackson, S. C., on December 17 last. It is an extract from the report of the inspection at Camp Jackson made by Col. R. C. Humber, assisted by Lieut. Col. John B. Clapham, and then follows the details. He says, under the head of "Consolidation of operating activities":

The civilian pay roll for the month of November amounted to $81,571.03.

This heavy expense is largely due to the size of this plant, the temporary nature of its construction, and its separate activities. It is believed that more efficiency, greater economy, and less friction would result if the camp supply, including salvage and laundry, utilities, transportation, finance, motor transportation, and camp ordnance were consolidated under one head.

Conclusions of this official report:

All operating activities within the camp should be consolidated and placed under one head.

That is what we are trying to do in this bill, if the House will permit us to do it, and we are trying to save you from $30,000,000 to $50,000,000 a year.

Now, let me read you what the commanding officer at Camp Sherman, Ohio, says:

Synopsis of a report submitted by camp supply officer, Camp Sherman, Ohio, regarding the consolidation of the several services coincident with the supply and care of troops:

1. The following are the several separate organizations now in operation at Camp Sherman:
Camp supply organization.
Motor Transport Corps.
Finance service.
Transportation service.
Camp utilities division.

And that is typical of practically every other camp in the country.

2. Wages of civilians alone under above organizations, $46,963.34 per month.

3. The proper businesslike organization producing increased efficiency and saving money to the Government should be:
A camp quartermaster, with assistants, as follows:
One officer in charge of utilities, salvage, and laundry.
One property officer in charge of procurement, distribution, and storage.
One transportation officer in charge of motor, wheel, and rail transportation.
One finance officer.

4. The suggested consolidation will eliminate certain civilian clerks now engaged in administrative duties in the several independent organizations, and will reduce the pay roll to $34,243.34 per month.

Mr. SANFORD. Will the gentleman give the date of that letter, please?

Mr. ANTHONY. I have not the date of it. It is a recent report, a couple of months old.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. I ask unanimous consent for five minutes more.

Mr. CANNON. Mr. Chairman, I ask that the gentleman may have such time as he may desire, to even up the aggregate time that the other side have had.

Mr. ANTHONY. I think probably five minutes will do.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ANTHONY. This letter further says:

A saving of $12,270 per month in the hire of civilian employees alone at this one camp.
This means $147,240 per annum.
In addition the consolidation would eliminate the following officers:
Two majors.
One captain.
One first lieutenant.
One second lieutenant.
The total monthly basic salary for the officers is $1,408,34, a total monthly saving of $14,128.34 in pay of officers and civilians.
Multiply this by 12, for one year, and we have a saving at Camp Sherman on salaries alone of $169,540.

5. Multiply the above by the total number of camps and other places that would be affected by this consolidation and we can readily see what an immense yearly saving would be effected—approximately $15,000,000.

6. This added to savings in zone supply offices and the main offices at Washington that would obtain if a similar consolidation was made would swell the annual savings to more than $30,000,000.

7. Further savings in the number of civilian employees can be made after the consolidation has been in operation for a time by a close observation, intelligent and systematic assignments, and the elimination of employees who may be duplicating each other's work.

8. Summing up, what do we find due to the present system of supply?
First. An annual expenditure of $169,540 more than is necessary or warranted at one camp alone.
Second. A wastage of $30,000,000 per annum when all depots, posts, and camps are considered.

Mr. JUUL. Will the gentleman state whose summary that is that he has read?

Mr. ANTHONY. I dislike to give names.

Mr. JUUL. It is a military official?

Mr. ANTHONY. This is an official military document, and it is largely confirmed by the former major general commanding the camp.

Here is a report from Camp Bennings, Ga., which we hope to make one of the great basic training schools in the Army, one of our largest military establishments. The Inspector General's office reports on an inspection of that camp—

CONCLUSIONS.

5. That the present method of supply is slow, complicated, confusing, expensive, and does not satisfactorily meet the requirements of this camp.

6. That the present system of property accountability requires an excessive amount of paper work, is complicated, and requires an overhead of clerks. It does not properly protect the Government.

7. That the use of memorandum receipts expedites the issue of property to the students, reduces paper work, and protects the Government. (P. 22.)

RECOMMENDATIONS.

3. That in the interest of efficiency and economy the Camp Supply, Utilities, Motor Transport Corps, Transportation, and Finance be consolidated under the camp supply officer. Unity of control is an essential to success in administration as in combat.

4. That the most efficient supply system for operations in war be ascertained and adopted, and that this system be used in time of peace without any alteration in basic principles, but only modified to the extent of the addition of necessary accountability for proper protection of the Government.

5. That a simple and effective system of property accountability be adopted.

That is our argument for this bill. We are trying to consolidate, to give a unit of control in the Quartermaster General of all these various separate bureaus. They are going back practically to where they were before the war, but they are going back with their present heads, with their present organization, with practically all of their most efficient men, so when an

emergency comes they can readily be expanded into separate bureaus, if need be, and the Government saves this enormous unnecessary overhead of approximately $50,000,000 a year. I hope the committee will decide to stand by these facts and figures and the business logic of the situation and not be led astray by the importunity of officers who seek to be favored and by what the gentleman from Illinois [Mr. MADDEN] truly says is an organized lobby of contractors who have profited by contracts at the expense of the Government and whose activities now I consider a scandal and disgrace.

Mr. EVANS of Nebraska. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SANFORD. To speak on my amendment.

The CHAIRMAN. The gentleman has already spoken once on the amendment.

Mr. SANFORD. I offered my amendment and explained it at that time, and gentlemen have spoken in opposition to it, and I should like to reply to them.

The CHAIRMAN. The Chair does not think he can recognize the gentleman again at this time. The Chair will recognize the gentleman from Pennsylvania [Mr. GARLAND].

Mr. HARRISON. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The Chair has already recognized the gentleman from Pennsylvania.

Mr. HARRISON. I am a member of the committee, and I was on the floor seeking recognition.

The CHAIRMAN. The Chair has attempted to be entirely fair with the committee in recognizing members of the committee, and he thinks that in all fairness he ought to recognize some other Member. The gentleman from Pennsylvania [Mr. GARLAND] is recognized.

Mr. GARLAND. Mr. Chairman, I do not intend to take up the time of the committee. I ask to have read a telegram which was sent to me with the request that it be read and published in the RECORD.

The CHAIRMAN. Is there objection to the reading of the telegram?

Mr. GARLAND. It is in favor of the amendment.

The CHAIRMAN. The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

PITTSBURGH, PA., *March 8, 1920.*

Hon. M. M. GARLAND,
House of Representatives, Washington, D. C.:

House bill for Army reorganization, No. 12775, which will come up early next week, does not provide that commercial construction be done by one bureau which the war demonstrated to be true economy. Instead, its effect is to provide that six bureaus have construction divisions with all attendant evils of interdepartmental competition, lack of standards, duplication of official supervision, maintenance, and cost, which is basically uneconomical. Please voice protest on floor of House and vote for amendment placing all construction work in one separate bureau.

PITTSBURGH BUILDING TRADES COUNCIL,
J. H. DUTY, *President.*
WILLIAM H. LYONS, *Secretary.*

Mr. GARLAND. Mr. Chairman, I find nothing in this bill that provides against cost-plus plans, and I want to say that whether this amendment is adopted or whether the bill goes through in the form in which it was reported, I am opposed to that un-American system of cost plus being used in the Army or anywhere else. [Applause.] It fosters favoritism; it places incompetents at the head of departments; it puts a premium on extravagance; and has done more to load the shoulders of the people of this country with tax burdens than anything else that has occurred within the last 50 years in this country. That is all I want to say on the subject, but I hope there will be some provision enacted that will do away forever with the cost-plus plan and bring us back again to the American system of competitive bidding. [Applause.]

Mr. HARRISON. Mr. Chairman, the gentleman from New York [Mr. SANFORD] desires to call my attention to some matters, and I desire that he may do so in my time.

Mr. LINTHICUM. I object to that. If the gentleman wants to speak, of course he can be recognized.

The CHAIRMAN. The Chair thinks that what the gentleman from Virginia asks can not be done in the face of objections.

Mr. KNUTSON. Mr. Chairman, I desire recognition.

Mr. HARRISON. I understand the gentleman from New York desires to ask me a question, and to make a statement.

Mr. LINTHICUM. Regular order, Mr. Chairman.

Mr. HARRISON. Is not that in order?

The CHAIRMAN. Only by unanimous consent.

Mr. HARRISON. I yield my time to the gentleman from New York.

Mr. LINTHICUM. I object.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. HARRISON], a member of the committee. If he does not desire to use his time, the Chair will recognize the gentleman from Massachusetts [Mr. FULLER], a member of the committee.

Mr. HARRISON. I will use my time, Mr. Chairman.

Mr. SEARS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Virginia has the floor.

Mr. SANFORD. Will the gentleman from Virginia yield a moment?

Mr. SEARS. I make the point of order that debate on this subject has been exhausted.

Mr. HARRISON. I move to strike out the last word.

Mr. SANFORD. Will the gentleman from Virginia yield for a question?

Mr. HARRISON. I will.

Mr. SANFORD. I do not wish to resort to any subterfuge to get this before the committee, but it seems to me that the committee ought to have its attention called to a certain paragraph in the testimony——

Mr. SEARS. Mr. Chairman, a point of order. The gentleman from New York [Mr. SANFORD] is not entitled to the last word on this subject.

Mr. HARRISON. Mr. Chairman, debate has been going on along this line.

The CHAIRMAN. The gentleman from Virginia will proceed.

Mr. HARRISON. I yield to the gentleman from New York for a question.

Mr. SANFORD. My question will be very brief. The gentleman from Kansas [Mr. ANTHONY] made the point that this consolidation would be very cheap, and that it would be in the interest of economy to put these under the Quartermaster General. In that connection I think the House ought to know what was said by Assistant Secretary of War Crowell, who, in my judgment, is the best business man in the War Department. He said:

My attention has been directed to a statement made by Gen. Rogers before your committee to the effect that if the Construction Division, the Transportation Service, the Motor Transport Corps, the Finance Service, and the Purchase and Storage Service were concentrated into one organization a reduction in personnel, figured as of August 1, 1919, could have been effected under which 1,155 officers and 12,929 civilian employees of those five services could have been dispensed with at an estimated annual saving of $18,104,864.48.

In other words, they want twice as many officers and men as are called for by the bill, and that is the department the gentleman refers to that would accomplish this saving. I wish the gentleman from Virginia would call attention of the committee to the other part of Gen. Crowell's testimony.

Mr. McKENZIE. From what was the gentleman reading?

Mr. SANFORD. From the testimony of Gen. Crowell in the hearings.

Mr. HARRISON. Let me say that Gen. Crowell goes on to say:

By August 1 the Army, which in December had numbered 3,623,000, had been reduced by demobilization to 451,000 men; but, in the process of demobilization, reduction of commissioned personnel and civilian employees in the staff bureaus progressed slowly, and it was necessary for the Secretary of War to constantly direct the heads of the various services to make reductions in their personnel. On August 1 there was in the service of the Director of Purchase and Storage a commissioned personnel in the United States aggregating 4,419. Between August 1 and October 8, the date upon which Gen. Rogers testified before your committee, he had been required to discharge 663 officers and 18,748 civilian employees, resulting in an annual saving of over $24,000,000.

Again I call attention to the letter of the Secretary of War that is found in the CONGRESSIONAL RECORD on page 4034 in criticism of the bill that is now before the House. He says:

This contemplates a return to the prewar conditions when each service and bureau of the War Department carried out its own construction, maintenance, and repair work. Each bureau, therefore, will be called upon to create within itself a distinct construction department, thereby giving encouragement to interdepartmental duplication and loss of economy.

It is therefore my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill.

The prewar conditions were those wherein each bureau had its construction. The Ordnance Bureau had its construction, the Quartermaster's Department had its construction, the Air Service had its construction, and all these departments would go out into the market and bid against each other for material and for labor for such amount of work as was necessary.

The object of the amendment of the gentleman from New York is to consolidate all the construction work under one head, which necessarily means economy. There has been just as much lobbying on one side of this proposition as on the other. There have been officers as much interested in getting control of the construction corps in their department as there are officers who desire to have it in a separate corps. We have had just as much of so-called lobbying on the one side as there has been on the

other. If you take the advice of men who have studied this situation you will find that the proposition to create a separate construction corps is entirely in the interest of economy.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WOOD of Indiana. Mr. Chairman, I desire to call the attention of the committee to a situation that I think has not been considered. Before the Committee on Appropriations, during the consideration of the legislative bill, it was discovered that during the war there were created in the War Department six or seven independent bureaus thought to be necessary for war emergency, and that when the war was over they would lapse back into the old plan. Without a single exception every one of those independent bureaus was before the committee trying to impress us with the necessity of continuing them during peace times. There was the transportation corps, the chemical warfare corps, the finance corps——

Mr. CROWTHER. Mr. Chairman, as this is a very important matter, and as the gentleman from Texas is not here, I make the point of no quorum.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten Members present, a quorum, and the gentleman from Indiana will proceed.

Mr. WOOD of Indiana. I think it is important that we understand the relation of these corps and find out what they are doing and what they intend to do to us. I was about to say there were seven or eight different bureaus created within the War Department to function merely as emergency bureaus and that would cease to function when the war was over. We were led to believe that and gave our sanction to it. One was the transportation corps, another the chemical warfare corps, another the finance corps, the air service corps, the motor transport corps, the construction division which they are now trying to insert in this bill, the real estate corps, and the purchase, storage, and traffic service. Without exception, each independent bureau is trying to convince the Congress that it is essential to keep them as a separate bureau for peace-time operation. Even the real estate bureau was before the committee asking that they be continued as a separate and independent branch of the Government.

Now, by creating this separate corps you are creating a necessity for additional officers and you are going to compel additional appropriations for its maintenance. Every one of the bureaus will grow and grow and create an additional expense through an increase of clerical force. It is just as the gentleman from Kansas [Mr. ANTHONY] said, that if you create these additional bureaus that are insisting that they shall be created, and for which there is just as much use as there is for this, it would mean an additional expenditure of over $50,000,000 to maintain them.

By reason of close paring your Appropriations Committee on the legislative bill was able to reduce the estimates $18,000,000. Put back this item and you will find that you have added by reason of the necessities that will accrue, and for which appropriation must be made, a clerical expense account amounting to millions of dollars a year.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. LINTHICUM. Why should this cost any more as a separate unit than it would under the Quartermaster Corps?

Mr. WOOD of Indiana. Because every independent bureau has an overhead peculiarly its own, and because of its expansion and its wants, and its new establishment, which all go to increase the cost everywhere. I want to give you a concrete example. For the purpose of lowering the expense of this Government, when the present Quartermaster General came back from Europe, he observed that there was not only inefficiency, but duplication and overlapping. He tried to consolidate the purchase, storage, and traffic divisions into one division, by means of which he could immediately dispense with the services of 72 officers and 525 civilian clerks, which would have saved the Government $4,000,000 a year. He entered upon that plan. It was permitted to stand for 10 days, and then the General Staff countermanded it, and put these pets of theirs back where they were and continued all of the civil service roll of 525 clerks, whose services could have been dispensed with to the advantage of the Government. This is another one of the beautiful examples of the never satisfied maw of the General Staff, which is trying to reach out and get more and more and more under its domination and control. This is a General Staff proposition pure and simple. I want to say to you that the most of the scandal to the Government during the war came by reason of abuse, by reason of extravagance, and by reason of graft through this construction division.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOOD of Indiana. It has been because of the fact that this construction division created if you please this cost-plus system of contracts, and in addition to that gave bonuses. It is no wonder that every contractor in the country is down here or sending telegrams trying to bring about a continuation of this division. It is the greatest plum that ever fell in their basket, and as a pure business propositon they can well afford to urge its continuance. I want to say to gentlemen of this House, irrespective of that dividing line, that we would better begin to pay a little bit of attention to the taxpayer who has to bear these burdens. [Applause.]

It is most discouraging when you find one committee of this Congress trying its best to reduce expenditures, to reduce inefficiency, and then come in here and find the champions of some particular bureau endeavoring to have it continued, and finding behind it some particular forces and influences, selfish, if you please, some desirous of promotions of officers and some desirous of continuing favorite contractors. Who is paying the cost? Who but the people pays $1 for 50 cents' worth of value in the construction of these cantonments? Who but the public pays the surplus when they let these cost-plus contracts and give these extravagant and unwarranted bonuses? It is that kind of business under your construction bureau that is an open scandal and a reflection upon the reputation of this country and upon those who made it possible for such things to be.

Mr. UPSHAW. Does not the gentleman recognize that these conditions complained of were necessary in war time and that they are not contemplated in the future in this consolidation?

Mr. WOOD of Indiana. Absolutely not. It was due entirely to want of foresight, to want of good business judgment, to lack of common sense. If you had put business men at the head of this construction department, it would have been a different story. If I were going to organize a construction department, I would not have a military man in it, so far as management is concerned. I would have business men who know something about the business, and I hope the time will come when this Congress will awaken to the business interests of this country, and to the transaction of our business in a business way, when these departments that are business will be organized by business men. If you are going to organize a construction division, you ought to get the best business men in the country and never put a uniform on one of them, so that they could be entirely independent and so that they could not be dictated to by the General Staff.

Mr. LINTHICUM. I want to ask the gentleman this question: He complains of the high prices paid for teams. Was not that largely caused by the fact that part of this work was under the Quartermaster and part under the Ordnance Division? These prices were established before this construction division took hold of it.

Mr. WOOD of Indiana. But they continued afterward, and that has been the shame of the whole thing, together with the Government going out and competing in the open market with private individuals, demoralizing labor; we are suffering from the result of it to-day because of the fact that there was not concentration of action, because there were no business principles applied in doing the work at hand.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Mr. SMALL moves to amend the amendment offered by the gentleman from New York, Mr. SANFORD, in line 6, as printed in the CONGRESSIONAL RECORD, page 4203, after the words "other than fortifications" and adding the following words: "and buildings in connection with river and harbor improvements, and miscellaneous activities imposed by law upon the Corps of Engineers."

Mr. SANFORD. Mr. Chairman, I would say that I have an opinion that the correction is not necessary; but I see it is very wise, and I am very glad to favor it.

Mr. SMALL. Mr. Chairman, that will enable me to curtail my remarks. This amendment is intended to except from this construction service all of the building activities of the Corps of Engineers. The gentleman from New York [Mr. SANFORD] states that he has an opinion that these activities would not be

included, but I am very clear that the amendment will be construed to include all of the activities of the Corps of Engineers, except fortifications.

Mr. Chairman, under the Corps of Engineers at present there are not only river and harbor improvements, but the Alaska Road Commission, public buildings and grounds in the District of Columbia, the Washington Aqueduct, the Potomac River bridges, the Mississippi Commission, the California Débris Commission, and other activities. The gentleman from Nebraska [Mr. REAVIS] stated that it was proposed under this amendment to confer upon this division of construction the construction of highways, railroads, docks, and so forth. As a matter of fact, judging from expressions of the distinguished chief of the committee on construction, his purpose is so to enlarge that division to take over all the construction activities or public works of the Government.

The CHAIRMAN. The committee will be in order.

Mr. SMALL. Evidently the friends of this amendment offered by the gentleman from New York are not in accord as to the comprehensiveness of this proposed amendment. Under the language I think any good lawyer would interpret it and so construe it as to embrace all the activities of every corps or bureau of the War Department and every activity of the Corps of Engineers, except the particular one of fortifications excepted by the amendment of the gentleman from New York. The gentleman from New York concedes this amendment will only make clear what in his opinion is the proper interpretation of the amendment as it stands. I shall not take up the time of the committee in giving reasons why his amendment should be amended in the manner presented by the amendment which I have offered. It seems to me, Mr. Chairman, speaking generally, that those who have opposed this amendment creating a construction service have the better of the argument. It seems to me that it is uneconomical and unnecessary.

I was particularly impressed by the remarks of the gentleman from Illinois [Mr. MCKENZIE], a member of the committee, who has evidently given this matter much study, and I agree with him that if this construction activity is not to remain in the Quartermaster Corps, where it was prior to the war, that it ought to go to the Corps of Engineers of the Army, who, by their organization, with engineers scattered all over the country, are prepared by means of their organization and with a minimum of additional overhead expense to perform all the construction work of the War Department, and I hope that the amendment offered by the gentleman from New York for these reasons will not prevail, and that subsequently the gentleman from Illinois [Mr. MCKENZIE] will offer an amendment to transfer these construction activities to the Corps of Engineers.

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota [Mr. KNUTSON]. [Applause.]

Mr. KNUTSON. Mr. Chairman, when the proposition advanced by the gentleman from New York [Mr. SANFORD] was first called to my attention, I thought it a very good one, and did until I had heard it read and had an opportunity to study it. It is a significant fact that whenever a proposition is advanced on the floor of this House to make a raid on the Public Treasury through the creation of new bureaus and new offices the proposal creates vociferous applause on the minority side. I waited in vain the other day to hear one of you cheer during the reading of the Farewell Address of the immortal Washington. [Cries of "Oh" on the Democratic side.]

Mr. HARDY of Texas. Will the gentleman yield?

Mr. KNUTSON. I presume their proclivities for new offices and bureaus accounts for the fact that you are now in the minority, because you can not fool the people all the time. No; I have only five minutes, and I can not yield to the gentleman, I am sorry to say.

Mr. HARDY of Texas. Did a Democrat offer this amendment?

Mr. KNUTSON. Construction work is essentially the function of the Engineer Corps, and while I am not in favor of leaving it where the committee has proposed I think the committee should vote this amendment down, and then when the gentleman from Illinois [Mr. MCKENZIE] presents his amendment to allow all the construction work to be placed in the hands of the Engineers, which will be offered in section 11, page 20, that it should receive the favorable consideration of this House.

Mr. UPSHAW. Will the gentleman yield?

Mr. KNUTSON. I would like to yield, but I have only a few minutes. Now, the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Ohio [Mr. MCCULLOCH], and a number of other speakers, have presented what in my opinion is unanswerable evidence in favor of turning this amendment down. The matter of construction does not belong in the Quartermaster Corps, but why create a new department? Let us get down to economy. I know it is hard, especially when we have got a healthy minority who does everything that it can to leave the door of the Treasury wide open and joins in every attempt to make a raid upon the money chest. But let us be Americans first. Gentlemen, this Government is going to run behind this year something like $3,500,000,000.

Mr. MCKEOWN. Will the gentleman yield?

Mr. KNUTSON. I can not yield. That is $3.50 for every minute since the dawn of the Christian era. I believe that when Mr. MCCULLOCH presents the figures that his committee has gathered in connection with the construction of camps and cantonments in this country the cost-plus plan adopted by the War Department in letting contracts will stand as one of the blackest spots in American history, and I do not marvel at the fact that messenger boys come running into my office every 5 or 10 minutes with telegrams from profiteering contractors out in my section of the country asking me to support this proposition. Gentlemen, I appeal to all of you, not as Democrats or Republicans, but as Americans; let us work together in harmony and put this country back on a business basis where it will be possible to serve the people's interests and not have to add further burdens on the taxpayers by continually increasing the load they now carry. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, I make the point of order that debate is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment to the amendment.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CALDWELL. To move to strike out the last two words.

The CHAIRMAN. That motion is not in order. That would be an amendment in the third degree. No other amendment is now in order.

Mr. LINTHICUM. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will ascertain. [After counting.] One hundred and ten gentlemen are present, a quorum. The question is on the amendment to the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CALDWELL. Division, Mr. Chairman.

The committee divided; and there were—ayes 65, noes 20.

So the amendment to the amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last two words.

I favor the amendment of the gentleman from New York [Mr. SANFORD]. I believe it will result in substantial economy. I am quite sure that it will result in efficiency, and I think it will avoid a reflection upon those great men who have performed a wonderfully efficient and economical service for the country in the time of war.

In regard to the proposition of the gentleman from Illinois [Mr. MCKENZIE] that the construction division be placed under the Engineers, I have only to refer to the figures—although I do not have them in mind or at hand, but they are available—of the cost of construction in the various branches of the Army during the war. Construction was performed by the Air Service, by the Engineers, by the Quartermaster, and, subsequently, construction was performed by the construction corps that was created during the war. And a comparison of figures shows beyond doubt that the economy that was effected by the construction corps more than justified the idea of having a construction corps of our own. The construction was cheaper under the construction corps than it was under any of the other branches of the Army.

Mr. SANFORD. Will the gentleman yield?

Mr. CALDWELL. I yield.

Mr. SANFORD. It has been stated here that the construction by this corps was done on the cost-plus basis, and that has misled a great many Members. Will not the gentleman make it clear that all the construction done by this construction corps was on the cost-plus fee basis, and not on the cost-plus plan, and that the average fee for the building of cantonments was 2.96 per cent, a remarkably small fee?

Mr. MADDEN. And 600 or 700 per cent more than it ought to have cost.

Mr. CALDWELL. The gentleman from New York [Mr. SANFORD] is exactly right upon the subject.

Now then, something has been said concerning the methods that have been adopted by these people in the Army and by those from the general public who have favored this proposition, but little has been said of the methods of the men in the Army who have not favored this proposition. Now, there

would not be such a great call for a construction corps if it had not been that during the war the Quartermaster Corps found itself unable to perform all the functions that the law had placed upon it. It had too many things to do; and it may be now, that you have a quartermaster with a sufficient breadth of mind, that in the time of peace he might be able to handle this gigantic enterprise along with the other things he is called upon to do, but I doubt very seriously if there is a man living who has a mind big enough and who has energy great enough to enable him to perform this function along with the increased duties that will come upon the quartermaster in the time of war. Therefore there is no reason at this time to build up a system which must be cast aside when we we get into a situation where we are going to need effective work, not in two months afterwards, but immediately after the declaration of war.

Now, I have been importuned on this thing. I have been visited by men in the Army and out of the Army on this proposition, and I have been struck with the fact that the present Quartermaster General, a man in whom I have the greatest confidence, and for whom I have the highest respect, has an encompassing personality, enabling him to dominate the average man.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CALDWELL. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, unless we can get an agreement as to the length of debate, I shall object to any request for extension.

Mr. CALDWELL. I am just discussing this famous officer, and I do not want my remarks to be cut half in two.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves the right to object.

Mr. MANN of Illinois. Let us see if we can not reach an agreement. We have been discussing this matter now for three or four hours.

The CHAIRMAN. The Chair will submit any request that is made.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate close in 15 minutes. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object.

Mr. KAHN. I modify my request by asking that all debate on this amendment and all amendments thereto close in 30 minutes.

Mr. MADDEN. Mr. Chairman, I ask that the time be equally divided between those for and those against.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate be closed on this amendment and amendments thereto in 30 minutes.

Mr. MADDEN. To be divided equally between those for and those against.

Mr. KAHN. The Chair has the apportionment of the time.

Mr. TAGUE. I object, Mr. Chairman.

Mr. KAHN. I move, Mr. Chairman, that all debate on this amendment and any amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from California moves that all debate on this amendment and all amendments thereto close in 30 minutes.

Mr. LINTHICUM. A parliamentary inquiry, Mr. Chairman. Can we not agree upon it? The gentleman is willing to give 30 minutes, but I do not believe 30 minutes is asked for here.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from California [Mr. KAHN].

The question was taken, and the motion was agreed to.

The CHAIRMAN. Is there objection to the gentleman from New York [Mr. CALDWELL] having two additional minutes? [After a pause.] The Chair hears none.

Mr. LAZARO. Will the gentleman yield?

Mr. CALDWELL. I would like first to finish the sentence which I started.

Now, when I make these remarks concerning the present Quartermaster General I do not desire to reflect upon his character, but, on the other hand, to compliment him, because it shows that he is a man of energy and of ambition, and we desire to see that things are done. But I do not believe that the Members of this House should permit that kind of overenthusiasm to induce us to destroy the great construction corps of the Army.

Now I yield to the gentleman from Louisiana.

Mr. LAZARO. The gentleman said a while ago that he did not believe in building up a service under the department that would have to be separated from the department in case of war. I fully agree with the gentleman on that. Does not the gentleman think that that same logic ought to apply to the Air Service as to the Chemical Warfare Service?

Mr. CALDWELL. Yes, sir; and I understand that the bill so provides.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FULLER of Massachusetts rose.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts, a member of the committee.

Mr. FULLER of Massachusetts. Mr. Chairman and members of the committee, I assume that we all want to do that which will make for economy and efficiency and be guided in our future policy by practical experience rather than theory. Therefore it has seemed to me that it would interest you to hear the testimony of Gen. Marshall, an acknowledged authority on construction work, before the committee of which I am a member:

Gen. MARSHALL. The economy is that men who have technical knowledge and who know how these things should be operated should determine those policies, put them into effect, and carry them out without the intervention of an authority between them and the final authority in the War Department, the idea being not to put those policies under a bureau head and subject to the policies of a bureau chief who has a great many other unrelated things to determine.

* * * * * * *

The independent set-up for construction was made because it was manifest that work of such magnitude and importance to the Nation could not be done unless the officer in charge of the same had direct access to the final authority in the War Department. It seems to me that this lesson that the war has taught us is fast being lost sight of; that is, the experience of the past war has left us with the lesson that a distinct field of operation in the War Department must be under the control of distinct organizations. The war developed distinct classifications of activities not theretofore provided for in the Army organization. Before being called upon to exercise its distinct function in the past war, instances might be cited in which certain activities or branches of the service were included under the jurisdiction and authority of a corps or bureau merely because there was some apparent relation to that corps or bureau.

* * * * * * *

When it became necessary to house the new Army the construction division was separated from the Quartermaster Corps and given a separate entity because of the distinct nature of its work. Another instance of this character was the separation of the Chemical Warfare Service from the Ordnance. There had been other similar instances, but the main thought associated with these divisions of the work is that when put to a supreme test of emergency, former theories of organization were not effective. Practice and experience have developed the various units or organizations that we now find in the War Department.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MERRITT having taken the chair as Speaker pro tempore, a message in writing from the President, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on March 12, 1920, approved and signed bill of the following title:

H. R. 12160. An act authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.

ARMY REORGANIZATION BILL.

The committee resumed its session.

Mr. MCKINLEY. Mr. Chairman, I ask to be recognized for three minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. MCKINLEY. Mr. Chairman, I favor the amendment offered by the gentleman from New York [Mr. SANFORD], and I favor it because I have had 30 years' experience in building and in construction in a general way; and it seems to me that the only sensible plan to carry out in Army construction is the same plan that we would carry out in general business, and that is to put certain kinds of work under certain heads and hold those heads responsible.

The Army was very much criticized during the war. Probably they could not help it. Probably it was the fault of the plan. When I was over in France I went to see a young man whom I knew—a Regular Army officer—who had had a splendid education and had served as instructor in languages, and went from there into the Army, and had an experience there in training men in the Infantry; and yet over in France he had 600 men in his charge building roads.

I think we have had too much of that in the past. I think we should profit by that experience and now get construction under one head, and hold that head responsible. [Applause.]

Mr. MCKENZIE rose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MCKENZIE] for one minute.

Mr. McKENZIE. Mr. Chairman, I take this one minute simply to say that I agree with my colleague [Mr. McKINLEY] on business principles. I believe that we ought to have the utmost economy exercised in the War Department, but I can not conceive of the business end of it, when we have now in the Military Establishment a Corps of Engineers needed for this work, to put upon the Government the expense of carrying along another parallel organization to do exactly the same character of work.

Mr. BLACK. Mr. Chairman, in the discussion of this amendment it seems to me that some extraordinary arguments are used, and one of them has just recently been used by the distinguished economist from Georgia [Mr. UPSHAW]. His argument was that in order to avoid unnecessary public expenditures we ought not to scatter the activities of the various departments, and in that argument I thoroughly agree with him, but to my amazement, after making it, he began arguing for an amendment that begins right away a scattering process.

Mr. UPSHAW. Will the gentleman yield?

Mr. BLACK. Just wait a minute until I finish. Now, what is the situation in the Quartermaster's Department? We have a major general at the head of it, Maj. Gen. Rogers, and we have provided in this reorganization plan for three separate divisions of the Quartermaster General's Department. One of them is for the purchase of supplies for our Army. Over that we will have one brigadier general. Another is the transportation department of the Army, and over that we will have one brigadier general. The third is the construction corps, with a brigadier general in charge. Now, those are the three contemplated divisions of the Quartermaster's Department, namely, the transportation of supplies, the construction needs of the Army, and the transportation.

Now, what is the argument used by the gentleman from Georgia [Mr. UPSHAW] and other gentlemen who argue for the pending amendment? It is that in order to bring about economy we should split up this Quartermaster's Department into three separate divisions—one of them the purchase department; second, the transportation department, and the third, the construction corps.

Mr. UPSHAW. Will the gentleman yield?

Mr. BLACK. I have only five minutes, but I yield to the gentleman.

Mr. UPSHAW. The gentleman is talking about me, remember.

Mr. BLACK. I yield to the gentleman. I talked about the gentleman because of his well-known record for economy.

Mr. UPSHAW. I thank the gentleman. Then does not the gentleman in his protest against scatteration recognize that the bill proposes to take the construction department, dismember it, and scatter it into six different departments?

Mr. BLACK. No; it does not contemplate anything of the sort. This reorganization bill contemplates that we shall centralize in the Quartermaster's Department these three great facilities, namely, transportation, construction, and purchase.

I am confident that most of the Members of the House read the very able letter that Secretary Lane wrote to the President just before his retirement from the Cabinet. He made a correct diagnosis of what is the matter with the Government to-day. He said that the thing that is the matter is this, that there are plenty of brains in Washington, but that they are too badly scattered; they are not coordinated. He says that a few great men with organizing and directing ability could do vastly better than is done by our method of scattering these activities over so many departments; and those of us who have not read that letter of Secretary Lane would do well to read it and ponder the truth which it emphasizes.

Now, what is the situation? In my limited experience here in Congress I have seen many new bureaus urged. And what is the invariable argument? The argument is "It will not increase the expenses of the Government. We will transfer a certain number of clerks that are already in one department and put them in the new bureau. They will be paid the same salaries. Their expenses will be the same, and there will be no additional expenditure." Well, that does happen the first year, and probably the expenditures of the bureau the first year will be only $25,000. But the bureau immediately begins to grow. It begins to exaggerate the importance of its activities, and we have seen these $25,000 bureaus grow into bureaus that expend from $500,000 to $1,000,000 a year. Might as well argue to me that you can keep more molasses in a barrel by boring more bungholes as that you can promote economy in the Government service by establishing new departments and new bureaus. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The Chair will recognize the gentleman from Maryland [Mr. LINTHICUM] for five minutes.

Mr. LINTHICUM. Mr. Chairman, I should hesitate to speak upon this amendment proposed for the establishment of a bureau to be known as the construction corps, which has been thrashed out so extensively, were it not for the fact that I feel that my location in Baltimore, the very center of war activities, enables me to say a few things which may be of interest to the membership.

Baltimore had north of it the proving ground at Aberdeen, now the greatest test ground in the country. It had to its southeast the munitions stores warehouse being built at Curtis Bay. To the south was that great cantonment known as Camp Meade. I believe that there never has been a greater conglomeration of business affairs than there was in the competition between these separate Government constructions. Aberdeen competed with Curtis Bay and Camp Meade for labor, transportation, and material. Camp Meade and Curtis Bay, which grew to be so great and so necessary, competed for material, transportation, and labor. These great activities under the construction divisions of different bureaus competed with one another. The consequence was that prices began to rise, and the gentleman from Indiana who told us that we paid $6 a day for water carriers and $16 a day for teams is not far from correct. Why was that? Because these separate Government construction enterprises were under separate organizations and they competed with one another until the prices rose to these high figures. Then all work was consolidated under this construction corps, but the wages and prices had already been established by governmental competition and it was impossible to lower them. The consequence was that this country was mulcted for many millions of dollars by virtue of the fact that we had not consolidated those enterprises in the very beginning. Not alone was the Government affected but every farmer, businessman, and merchant was injured by this ruinous system. It was a crying shame.

It, of course, made those prices soar, but at the same time raised the price of food, clothing, and other necessaries of life. It made it difficult to live even upon the increased salaries, retarded the production of food on the farms by drawing all men and boys therefrom, not only cost the taxpayers millions more but did the wage earner no especial good. I charge that old ruinous system with many of our ills.

The pending amendment is sound in principle and it enables us to take advantage of the experience of the past three years. Three years ago, as I have said, the construction work of the Army was scattered throughout the respective services and represented a minor function. The experience of this country in the Spanish War in the matter of housing its troops taught a bitter lesson. Vastly more men were swept away by disease in our own camps in the United States than fell in battle facing the enemy.

The Russo-Japanese War proved that sanitation and hygiene were just as important as modern rifles and ordnance.

To meet this situation a new division was created, called the cantonment division, which has since grown into the construction division of the Army. That division from a cold start in 90 days provided housing for more than 1,000,000 men. Not only was housing provided, but the highest possible type of sanitation and every comfort and facility was ready for the men as soon as the men were ready to go to the camps. Almost as if by magic cities of from forty to sixty thousand capacity were brought into being. The result was that the death rate from disease in our Army camps and cantonments was lower than the civilian death rate for the same period throughout the United States. So vast a work can only be done by a centralized organization. Since the plan worked well in war it certainly should be carried in a reduced form in times of peace. It should at all times be capable of expansion and it should not again be necessary to create a division of this kind after an emergency arises.

The pending amendment is more than a step in the line of preparedness; it is a step in the line of good business administration and of economy.

The amendment does not add a single commissioned officer, but it does require certain of them under the construction division to do more work, and this will certainly result in reduced expenditures for personnel.

This amendment does not take from any other division any function which it is now performing. At present all of the construction work is being done by the construction division.

I believe it thoroughly unwise to scatter this work and still more unwise to divide the responsibility for doing the work. Under the present bill several of the services, notably the Air Service and the Ordnance Department, will be required to maintain draftsmen, engineers, architects, supervisors of construction, and other commissioned and civilian personnel, which will be entirely unnecessary if this amedment is adopted.

The work performed by the construction division of the Army is generally recognized as one of the brilliant achievements of the war. Not long since, in fact on February 28 of this year, the Secretary of War stated of this division:

When future historians come to read of the things that have been done during the war they will marvel. I have no desire to compare what any group or set of men did during the war. All did their bit. But the building of cantonments in the United States in the space of time in which they were built and the completeness with which they were constructed I think was the greatest achievement of the war next to ferrying 2,000,000 men across the sea through the submarine zone.

The work this construction corps did during the war was the biggest construction program that was ever put through by this or any other country. They built those cantonments, and they built them on time. They built the port terminals, I would have you know, on the cost-plus fee basis. I want to relieve the construction corps from any criticism that may be in the mind of some of you, by telling you they did not operate on the cost-plus basis, as it is generally understood. They operated on the cost-plus fee basis. That is, each contractor was told of the amount of money he could earn by doing the job, and he could not gain anything by increasing the price. His fee was limited. Now, the work of the construction corps was necessarily done in the war by civilians. When the war came on there were no Army engineers that could be spared. The quartermaster could not handle the job, and the call was sent out for civilians to come and enlist in the construction corps. Now, from that work in the war and from the cooperation of the civilians with the War Department, that corps built up an esprit de corps of its own. Men who did that work are very proud of it, and they are willing and anxious to organize in reserves all over the country to come back, if the emergency should arise again, and render a similar service.

Much has been said about a lobby here. I have not heard anyone say how many telegrams he received from anybody, nor how many officers called to see him, but I want to say that I have not received even one telegram from any construction company or any big business firm that ever did business with the Government, in relation to this amendment.

Mr. UPSHAW. Neither have I.

Mr. LINTHICUM. I have had but one man employed in this service call to see me, and he was a personal friend and a worker with me in much of interest to the public before he went into the Army. One other man who was formerly connected with the Army, who built one of the great cantonments, called to see me. He is no longer connected with the Army, but is building one of the greatest construction works in Baltimore City. He is not now interested in the Army except as a patriotic citizen, but he is interested in economy, and he came to me and laid this whole matter before me, and he said, "It will be a crime against the country, it will be a crime against the taxpayers to separate this construction work and place it back as it was prior to the formation of this construction corps." I tell you, gentlemen, it is a sound business principle to establish one central body for this work. No business man in this House would establish one organization to do a certain construction work and another to do something else in the same line. He would concentrate it all in one office and he would hold the man at the head of it responsible for the result. We can not say that these men have not performed great work.

The corps has done wonderful work and proved its efficiency. I think under all business principles we ought to support this amendment and I am in favor of it. [Applause.]

Mr. DENT. Mr. Chairman and gentlemen of the committee, there seems to be a considerable amount of personal feeling over this amendment that I can not account for. I opposed this proposition in committee, and after listening to the arguments in behalf of the amendment I see no reason to change the views which I advocated in the committee.

I shall not go into a detailed discussion of this proposition. Already I think this bill is overloaded with extra officers. I have been trying to convince my friends on the other side that they have too many extra officers in this bill. I hope that sooner or later they will realize it, but I see no reason in the world why this construction corps in time of peace should be perpetuated as a separate and distinct organization.

Now, let us see. Prior to the war the appropriation for construction carried by the bill, as I recollect it, was something like $1,250,000 up to $1,500,000 annually, and in that sum the new construction work that was done by the War Department was limited to $250,000. I can not understand why you should have a separate corps and an independent corps to carry on the new construction work involving only something like a quarter of a million dollars annually.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DENT. Yes.

Mr. LINTHICUM. Will not the new construction work cost a great deal more than that from now on?

Mr. DENT. I see no reason why it should unless Congress should adopt universal, compulsory military training and have to provide camps for the boys to go to for that purpose, and I do not think there is any chance of that being done this session.

Mr. LINTHICUM. It has been stated that the new construction work would be about $50,000,000.

Mr. DENT. I can not imagine where the new construction is coming in.

Mr. McKINLEY. Will the gentleman yield?

Mr. DENT. Yes.

Mr. McKINLEY. Is it true that the estimate for the camps for universal training, compulsory military training for 600,000 boys and 100,000 officers, will cost about $300,000,000?

Mr. DENT. Yes; that is my recollection of the estimate made by some officers, but I am going on the theory that that will not be incorporated in the bill.

Mr. SANFORD. If the gentleman will pardon me, I made the statement that the construction work would run to $40,000,000. I had reference to the statement of Secretary Crowell, where he speaks about taking care of the public utilities and 16 cantonments and 16 special camps, there would have to be 200 or 300 men at each camp and cantonment to take care of them, and the estimate I gave included the care of the real estate as well as any construction that might be necessary. The figures that Secretary Crowell gave were $40,000,000 to $70,000,000, and I took the smallest figures, and I think they are too small.

Mr. DENT. I do not remember the statement of Assistant Secretary Crowell as to new construction work.

Mr. SANFORD. The figures include new construction work as well as the care of the cantonments and real estate. Before the war it ran as high as $20,000,000 and prices are twice as high now.

The CHAIRMAN. The time of the gentleman from Alabama has expired. All time has expired, and the question is on the amendment offered by the gentleman from New York [Mr. SANFORD].

The question was taken; and the Chair being in doubt, on a division there were 81 ayes and 47 noes.

Mr. KAHN. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SANFORD and Mr. KAHN.

The committee again divided; and the tellers reported that there were 133 ayes and 74 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That section 9 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 9. Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general, 3 assistants with the rank of brigadier general, 1,050 officers in grades from colonel to second lieutenant, inclusive, and 20,000 enlisted men. The Quartermaster General, under the authority of the Secretary of War, shall be charged with the purchase for the Army of all supplies of standard manufacture and of all supplies common to two or more branches, but not with the purchase of special or technical articles to be used or issued exclusively by other supply departments; with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities connected with housing the officers and enlisted men of the Army and with the storage and issue to the Army of Quartermaster supplies; with the operation of all such utilities; with the acquisition of all real estate and the issue of licenses in connection with Government reservations; with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means; with the furnishing of means of transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: *Provided*, That special and technical articles used or issued exclusively by other branches of the service may be purchased with the approval of the Assistant Secretary of War by the branches using or issuing such articles, and the chief of each branch shall be charged with the storage and issue of property pertaining thereto.

"SEC. 9a. Finance Department: The Finance Department shall consist of 1 chief of finance with the rank of brigadier general, 90 officers in grades from colonel to captain, inclusive, and 600 enlisted men.

"The chief of finance, under the authority of the Secretary of War, shall be charged with the disbursement of all funds of the War Department, including the pay of the Army and the mileage for officers and the accounting therefor; and with such other fiscal and accounting duties as may be required by law, or assigned to him by the Secretary of War: *Provided*, That under such regulations as may be prescribed by the Secretary of War, officers of the Finance Department, accountable for public moneys, may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officer to whom the moneys are intrusted, as well as the officer who intrusts the moneys to him, shall be held pecuniarily responsible therefor to the United States."

Mr. KAHN. Mr. Chairman, I desire to offer the following committee amendment.

The Clerk read as follows:

Page 16, line 24, after the word "the," where it is used the first time, strike out the word "purchase" and insert the word "procurement."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 17, line 1, after the word "the," strike out the word "purchase" and insert in lieu thereof the word "procurement."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 17, line 18, at the beginning of the line strike out the word "purchase" and insert in lieu thereof the word "procured."

The amendment was agreed to.

Mr. SANFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 16, line 20, strike out the words "one thousand and fifty" and insert in lieu thereof the following: "eight hundred"; same page, line 22, strike out the word "twenty" and insert in lieu thereof the word "twelve"; same page, line 19, strike out the word "three" and insert the word "two" in lieu thereof; also, on page 17, strike out the following, beginning with the word "with," on line 3, to and including the word "reservations," line 10.

Mr. ANTHONY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANTHONY. Would it not be proper to divide the amendments so that they could be considered individually?

The CHAIRMAN. It can be divided upon the request of any Member.

Mr. ANTHONY. I request that.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD] is recognized for five minutes.

Mr. SANFORD. Mr. Chairman, the only purpose of this amendment is to carry out the plan which the House has just adopted in the passage of the amendment. All that this amendment does is to take the officers and enlisted men who are mentioned in the amendment just adopted and subtract that number from the number carried for the Quartermaster Corps in this paragraph.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. McKENZIE. Is it not a fact that practically all of the officers holding commissions in the construction corps to-day are temporary officers, and if we strike out the officers who were in the Quartermaster Corps, we will strike out officers who have been commissioned in the Quartermaster Corps on account of their efficiency. Does the gentleman want to strike them out?

Mr. SANFORD. I would be very glad to have my colleague from Illinois defend the provisions of this paragraph, so far as he may see fit, and keep this number of officers in it if his judgment so directs. It is my opinion from the testimony that I have read that this number of officers is entirely too many if you take away from this corps the duty of construction, which has just been given to the construction corps. I think you can come to no other conclusion if you read the estimates and the testimony given by the Quartermaster General and by the other officers; but I am sure that if the Quartermaster General's Department needs defense I would rather the gentleman would do it than myself. I am only offering this amendment to carry out the purpose of the committee and to act in good faith after the adoption of the other amendment.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Certainly.

Mr. MANN of Illinois. Is it the intention to have the construction corps charged with the storage and issue to the Army of quartermaster supplies?

Mr. SANFORD. It is not.

Mr. MANN of Illinois. The gentleman proposes to strike that language out of the bill?

Mr. SANFORD. No. My amendment proposes to strike out the language beginning with the word "with," in line 3, down to "reservations," in line 10.

Mr. MANN of Illinois. That includes line 7, does it not?

Mr. SANFORD. Yes; but let us look at the wording of the bill:

With the direction of all work pertaining to the construction and repair of buildings, structures, and utilities connected with housing officers and enlisted men of the Army and with the storage and issue to the Army of quartermaster supplies.

Mr. MANN of Illinois. That may be; I am asking for information.

Mr. SANFORD. That is the meaning of the language as I see it in the bill.

Mr. MANN of Illinois. It may be otherwise provided in other sections, though I do not recall.

Mr. SANFORD. I think it is otherwise covered in the paragraph—

With the purchase for the Army of all supplies of standard manufacture and of all supplies common to two or more branches—

as elsewhere.

Mr. MANN of Illinois. I may be mistaken, but I do not think it is provided elsewhere.

Mr. SANFORD. I think it is, but at any rate, I think the obvious meaning of the language that is proposed to be stricken out—at least the committee so considered it—is to give to the Quartermaster Corps the construction of the different utilities mentioned, and among them is the utility connected with the housing of officers and enlisted men of the Army and the storage and issue of quartermaster supplies.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. MILLER. I somewhat take the view of the gentleman from Illinois [Mr. MANN], that it would be well to eliminate from the gentleman's amendment, commencing with the word "and," the language on line 6, page 17, terminating with line 7 on the same page, in order that there may be no confusion.

Mr. SANFORD. Then you want to begin again?

Mr. MILLER. Yes.

Mr. SANFORD. And omit from all of line 8 down to the word "reservations"?

Mr. MILLER. All of line 8, line 9, and terminating with the word "reservations" in line 10.

Mr. SANFORD. I think it would probably be better to adopt the amendment and then to insert the language that is thought to be necessary.

Mr. ANTHONY. Mr. Chairman, will the Clerk please read the amendment that has been adopted showing the number of officers it is proposed to assign to the construction service?

Mr. SANFORD. I will state that it is 250.

Mr. ANTHONY. I want the number which the gentleman proposes to reduce the entire number of officers in the Quartermaster Corps. That would show the number that he proposes to assign to the construction division.

The CHAIRMAN. What is the request of the gentleman?

Mr. ANTHONY. I want to find out the number of officers that the gentleman proposes to assign to this separate construction corps.

Mr. SANFORD. I do not propose to assign them.

Mr. ANTHONY. The gentleman proposes to reduce the Quartermaster Corps by how many?

Mr. SANFORD. Two hundred and fifty.

Mr. ANTHONY. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. ANTHONY. Mr. Chairman, the substance of the amendment and its effect is to reduce the total number of 1,050 officers assigned to the Quartermaster Corps for these combined purposes by 250, who are to be used for construction activities. I suppose it will be useless to continue further argument along the line of economy to this House, but I call the attention of the House to the fact that we have assigned under the consolidation in the bill a much smaller number of officers to perform these duties, and the Quartermaster General says that the construction activities can be performed by a smaller organization. If the House desires to set aside 250 officers for that purpose, if it wants to commit that extravagance, let it go ahead.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. KEARNS. Mr. Chairman, I offer an amendment.

Mr. KAHN. Mr. Chairman, is not there another amendment offered by the gentleman from New York? Was not the amendment separated?

The CHAIRMAN. No request was made to separate it. The Chair informed the gentleman from Kansas [Mr. ANTHONY] that it could be separated upon request.

Mr. ANTHONY. Mr. Chairman, I asked that the amendment be separated.

The CHAIRMAN. Does the gentleman from Kansas ask unanimous consent that the action be vacated?

Mr. ANTHONY. Mr. Chairman, I think the committee should intelligently pass upon these amendments, and we can not do that unless we know what they are and to what they apply in the bill, and they should be passed on separately.

The CHAIRMAN. The Chair will state that anyone would have the right to demand a separation of the amendment.

Mr. ANTHONY. I demanded a separation of the amendment.

The CHAIRMAN. Then the Chair did not hear the gentleman.

Mr. KAHN. I understand the gentleman from Kansas demanded a separation.

The CHAIRMAN. Is there objection?

Mr. REAVIS. Mr. Chairman, a parliamentary inquiry. What is the request?

The CHAIRMAN. The request is that the amendment be separated. The Chair had already announced the result of the vote.

Mr. REAVIS. Then I object to it, after the Chair has announced it.

Mr. MANN of Illinois. Mr. Chairman, the gentleman certainly will not object. As a matter of fact, the gentleman from Kansas did ask for a separation, but if the Chair did not hear him, I have not any doubt of that, but he did ask for a separation, and under those circumstances certainly no gentleman of the committee, because the Chair did not hear him, would say that the separation should not be allowed.

The CHAIRMAN. The gentleman is clearly entitled to a separation.

Mr. REAVIS. There is no doubt about it if anybody did make a request for a separation, but the Chair submitted a unanimous-consent request and I objected to it; did the gentleman from Kansas make a request for a separation?

Mr. ANTHONY. I made a request, but what objection can there be to an amendment being separated so that we can intelligently vote upon it?

Mr. REAVIS. I have no objection if it was made in time, if the gentleman states that he made such a request.

Mr. ANTHONY. I stated it.

Mr. SANFORD. Mr. Chairman, I request unanimous consent that the action taken may be vacated and we may vote separately on the amendment, because the gentleman from Kansas did ask that it be separated.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the preceding vote be vacated. Is there objection? [After a pause.] The Chair hears none.

Mr. KEARNS. But, Mr. Chairman, reserving the right to object, we certainly voted on something. If we did not vote on all the amendment we certainly voted on the first part of the amendment.

The CHAIRMAN. No; the Chair inadvertently put the amendment altogether without knowing a division had been demanded.

Mr. REAVIS. Mr. Chairman, I had no knowledge that the gentleman from Kansas had demanded a separation before the vote was had. I have no objection, of course, to a separation.

The CHAIRMAN. The Clerk will read the first division of the amendment.

The Clerk read as follows:

Page 16, line 20, strike out the words "one thousand and fifty" and insert "eight hundred."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next part of the amendment.

The Clerk read as follows:

Page 16, line 22, strike out the word "twenty" and insert the word "twelve" in lieu thereof.

Mr. ANTHONY. Mr. Chairman, I want to call the attention of the committee to the fact that it has authorized 20,000 enlisted men for all of these activities of the Quartermaster Corps. The motion of the gentleman will deduct 8,000 from those 20,000 to be set aside for the use of a construction corps, a preposterously high number of men for that corps. It is absolutely ridiculous to use that number of men for the activities of that corps, and I desire to call the attention of the committee to the fact that it would be necessary further to enlarge the total number authorized for the rest of the activities of the Quartermaster General, if we take that large number of enlisted men for that purpose.

Mr. MONDELL. Mr. Chairman, the amendment which has just been offered illustrates remarkably the lack of basis for the claims which were made in behalf of the amendment offered by the gentleman from New York. I made no statement during the discussion because it did not occur to me that it was possible that a majority of the committee would vote for the amendment. Of course, I understand how gentlemen on the Democratic side may very well be hilarious over the fact that they have helped overturn a decision of the majority of the committee and added largely to the cost of the Army.

Mr. CONNALLY. Will the gentleman yield?

Mr. MONDELL. In just a moment. No one knows just how much this may add to the cost, but it might by increasing demand for construction add as much as thirty to forty million dollars to the cost of the annual upkeep of the military organization. I can understand how gentlemen of the minority without a sense of responsibility might vote that way, but I do not quite understand the attitude of gentlemen on this side. Now, that decision having been arrived at, gentlemen offer what they are pleased to call "perfecting" amendments, such as the amendment offered, which shows, it seems to me, clearly and definitely how extravagant is the plan just voted on.

Mr. BLANTON. Will the gentleman yield right there?

Mr. MONDELL. I can not yield right at this point.

The CHAIRMAN. The gentleman declines to yield for the present.

Mr. MONDELL. We had an Army of over 4,000,000 men, and we are proposing an Army now of 300,000; and yet there are gentlemen who would maintain in an army of 300,000 men all the separate organizations that may be entirely proper, legitimate, and useful in an army of 4,000,000 of men.

Why, just see the effect of the amendment just adopted. We have, scattered all over the country, military posts, camps, and cantonments, in which there are at times but a handful of men—skeleton organizations. We have scores of posts and camps with at times only a few hundred men. Under the plan of organization that has just been provided for it will be necessary to maintain at each and every one of those camps and cantonments or posts an officer qualified to issue an order every time a pane of glass has to be renewed or reputtied in one of the buildings. Every time it is necessary to put a new shingle on one of the roofs of any camp or cantonment an officer must be available whose duty it is to pass upon that request. Otherwise the roof must remain unrepaired, the wind must continue to blow through the broken pane of glass, and the camp remain in disrepair. And gentlemen have argued the plan as a proposition of economy and concentration. I suppose we will hear the same kind of an argument in favor of a separate transportation corps, in favor of separating the Army further into an infinite number and variety of corps, at the head of each one of which shall be a major general and a full complement of officers pertaining thereto.

Mr. Chairman, we are trying to get on a peace basis. It has been necessary to increase the Regular Establishment, so that, do the best we can, our annual appropriation under it will run from $400,000,000 upwards annually at present costs. The military organization of nearly 600,000 Regulars proposed by the administration would have cost over a billion a year, and the one we are proposing will cost from $400,000,000 upwards. If we further divide this organization into corps and subcorps, at the head of which is an officer of high rank, necessitating officers stationed at every one of the separate camps and cantonments to carry out the work of each particular separate branch, we will have a Military Establishment that will cost half as much as the entire expenditure of the Federal Government at the time of the outbreak of the war. It does not sound very well for our program of economy, this plan of dividing the Army up into many separate corps, increasing the number of officers, necessitating an increased number of details here, there, and everywhere, and adding largely to our bill for military purposes. I trust it will go no further.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANFORD and Mr. BLANTON rose.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD], a member of the committee, is recognized.

Mr. SANFORD. Mr. Chairman, it is somewhat embarrassing to me to hear the gentleman from Wyoming make the remarks he has just made, and I can not but feel that if he had had the advantage of reading the testimony and if he appreciated the meaning even of the pending amendment he would not have made the statement he has made.

The position that I have taken here is supported by a good, fair proportion of the Military Committee, who are just as much interested in economy as the gentleman from Wyoming. After the committee has passed my amendment by such an overwhelming vote, I think it is somewhat a reflection upon the intelligence of the committee if the gentleman from Wyoming thinks that the statement he has just made can be effective. Xenophon, in his Anabasis, says:

Cyrus was a great general, because, better than any of his soldiers, he knew how to obey.

The gentleman from Wyoming must learn how to obey the will of the majority if he hopes to be a leader.

I think it is up to the gentleman from Wyoming [Mr. MONDELL] to bow to the judgment of the men who day after day are following his leadership with confidence. Mr. Baker, the Secretary of War, who at least has some judgment and discretion, held the same view the gentleman expresses until he studied the question. Then he reversed his judgment. I held the view

that he held when I did not know anything about it, and came to my present view only after long study and consideration of the question. One can not examine this question without giving approval to the amendment the committee has just adopted.

The only argument I have heard made against it was that of the gentleman from Kansas [Mr. ANTHONY], who said that the Quartermaster General and others showed that a great deal of money could be saved, and this statement is not borne out by facts.

On the 1st of August the Quartermaster General stated that if all these bureaus were consolidated in his department he could save for the Government $18,000,000. After that date he was compelled to reduce his own force so as to save $24,000,000. In other words, an improvement in the system has compelled him to save $6,000,000 more than he estimated he could save. His original estimates of his ability to economize are largely the basis of the claims of the gentleman from Kansas.

Mr. KITCHIN. Will the gentleman permit an interruption for information?

Mr. SANFORD. This system, let me say, does not add anything that is extravagant or that can not be justified by sound business sense and economy.

I will be glad to yield to the gentleman from North Carolina.

Mr. KITCHIN. Was the gentleman from Wyoming correct when he said that the passage of your amendment would add $40,000,000 more to the appropriation?

Mr. SANFORD. My amendment is taking something out of the bill and adding nothing to it. The gentleman from Wyoming did not know that. My present amendment is to take these officers out of the bill. The committee has already transferred these officers to the construction service and the pending amendment takes an equal number from the Quartermaster Corps.

Mr. MONDELL. Will the gentleman yield?

Mr. SANFORD. I yield.

Mr. MONDELL. I assume the gentleman will not claim that taking officers out of one department and putting them in another results in any saving?

Mr. SANFORD. Of course, I do not contend that. If the gentleman had been listening longer, he would know that I do not contend that. I say that taking them out does not add millions, as the gentleman seemed to contend a few moments ago.

Mr. KITCHIN. The gentleman from Wyoming further said that a large majority of the Democrats voted for the gentleman's amendment, while a large majority of the Republicans voted against it. The gentleman was one of the tellers that did the counting. Did he notice that a large majority of the Democrats voted with him, while a large majority of the Republicans voted against him?

Mr. SANFORD. I think there were a good many Democrats that were "sound" on this occasion, and I think a majority of the Republicans were also "sound." [Laughter and applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, I am sure that we all admire the unprecedented courage of the gentleman from New York [Mr. SANFORD] in answering the curtain lecture to his Republican colleagues, publicly delivered by the gentleman from Wyoming [Mr. MONDELL], by giving him a counter curtain lecture, likewise publicly made.

The gentleman from Wyoming is certainly doing the Democrats a great honor in asserting that by the vote just had of 133 to 74 any kind of action was put over on the Republican committee by Democrats. If the gentleman from Wyoming is absolutely without power on a vote of 133 to 74 to change the result just had in the committee, then the good Lord deliver his colleagues from his kind of leadership. [Laughter.]

I am sure he can change it if he wants to. I am sure that if the gentleman from Wyoming means what he says, that the action of the committee recently taken was an action against economy that may cost us $40,000,000. I am sure if, to effect economy, it requires a change about from the action just taken by the committee, the gentleman from Wyoming has the power to change it, and that he will change it. He can call his men in here from over in the House Office Building and elsewhere. He can surely get enough votes to override a vote of only 133 to 74. That is all the vote they had by which that amendment was passed, and that was a tellers' vote. The vote which was had before the tellers' vote was only 86 for the amendment.

Why did not the great majority leader of this great Republican Party, who says he is for economy, have more men in here on the floor when this vote was taken? All he would have had to do was to have taken my friend from Minnesota [Mr. KNUTSON] over here and given him orders, and the gentleman from Minnesota would have done the work; he would have had the "boys" here.

It does not do the gentleman from Wyoming or his party any credit to get up here and say, "Oh, the country is ruined," because 133 Members happened to be here and passed an amendment; that because 133 Members so voted, business is going to stop, and that it is going to cost the Government, as he says, $40,000,000, and that it is going to provide our special friends who now sit up in the gallery with special jobs, where they can be put, and that it is going to cost the Government $40,000,000. [Laughter.]

Mr. SIMS. I want to say to the gentleman that the gentleman who represents the brains and leadership of that side of the House stated just what would happen, and the House did not follow him. The gentleman from Texas must not have been in here when the speech was delivered.

Mr. BLANTON. Oh, I am talking about action now and not words. When the action was being taken, when the vote was on, and the Members were passing through the tellers, we did not have the distinguished gentleman from Wyoming here to tell the boys what he wanted them to do and to whip them into line. He comes in here after it is all over, after the country is "ruined," after the distinguished gentlemen who are sitting in the gallery have gotten what they want, and then lambasts his colleagues for voting to ruin the country. After they have gotten in the positions for the high officers at every one of these camps and cantonments, after they are in a position where they can have a major general put in charge of each one of these special corps that he speaks of, after the horse has been stolen and after the stable door has been left unlocked, then he comes in here and bemeans his colleagues for letting 133 Democrats put something over them. [Laughter.] It was not 133 Democrats, I am glad to say. If the gentleman from Wyoming had been here when the membership of the House passed through those tellers, he would have seen more Republicans pass through than he would have seen Democrats. The "boys" voted wrong when the gentleman from Wyoming was absent and was not here to keep them straight. But if he really wants to, the gentleman from Wyoming can rectify the error by forcing a roll-call vote on this amendment when we get back into the House, and if he wants to save the country from "ruin," he will know how to get sufficient votes to overturn this 133 to 74 decree in the committee.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CALDWELL. Mr. Chairman, of course the amendment of the gentleman from New York [Mr. SANFORD] ought to carry if we are going to be consistent and make this bill balance.

I rise, however, to correct a slightly erroneous impression that has been given to the House, that the gentlemen wearing the uniform of the United States Army who are sitting in the gallery are wasting their time. It has so happened in the last few weeks, on account of the enormous amount of sickness that has come into the department, through the "flu" and otherwise, that an order has been issued directing the officers on duty in the War Department to be absent one afternoon each week, and two hours of that time shall be spent in recreation and the other two hours shall be spent as they please. These men are not the same men that were sitting in the galleries up there yesterday or the day before. Many of them are replacements. [Laughter.]

Mr. ANTHONY. Mr. Chairman, the pending amendment of the gentleman from New York [Mr. SANFORD] subtracts 8,000 men from the total of 20,000 authorized for the combined Quartermaster Corps, presumably for the activities of the construction corps. The House ought to know that there are now assigned to duty in the construction corps 270 officers and only 4,000 enlisted men; just half the number of enlisted men are on duty there now that the gentleman from New York would place there. The allocation of the enlisted men, of the 20,000 authorized for the combined corps, as made by the General Staff officers who have studied this bill, was 8,320 for the combined purposes of construction, storage, and purchase. It is obviously out of all reason to assign 8,000 alone for this construction corps. The proper figures, if you want to make it as it is now, are 4,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. ANTHONY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 61, noes 40.

Mr. ANTHONY. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. SANFORD and Mr. ANTHONY.

The committee again divided; and the tellers reported—ayes 77, noes 47.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next paragraph of the amendment.

The Clerk read as follows:

Page 16, line 19, strike out the word "three" and insert the word "two" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next paragraph of the amendment.

The Clerk read as follows:

Page 17, strike out, beginning with the word "with," in line 3, down to and including the word "reservations," in line 10.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ANTHONY. I ask to have the words read which it is proposed to strike out.

The CHAIRMAN. The Clerk will report the lines proposed to be stricken out.

The Clerk read as follows:

Strike out the following language:

"With the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities connected with housing the officers and enlisted men of the Army and with the storage and issue to the Army of quartermaster supplies; with the operation of all such utilities; with the acquisition of all real estate and the issue of licenses in connection with Government reservations."

Mr. ANTHONY. Mr. Chairman, I am quite sure that even the gentleman from New York does not want to do what he proposes to do by this amendment. He would strike out the authority of the Quartermaster General to store and issue supplies, which is his primary function.

Mr. SANFORD. I have no such purpose.

Mr. ANTHONY. Why does the gentleman use that language?

Mr. SANFORD. I think I do not. This says—

Utilities connected with housing the officers and enlisted men of the Army and with the storage and issue to the Army of quartermaster supplies.

I mean to take away from him the control of buliding operations in utilities connected with housing and storage. I think that is the clear sense of my amendment.

Mr. ANTHONY. Does the gentleman find in there other language which authorizes the Quartermaster General to store and issue supplies?

Mr. SANFORD. Perhaps the paragraph has omitted that language.

Mr. ANTHONY. I think the gentleman has made his amendment too broad.

Mr. SANFORD. I ask to omit from my amendment the words—

with the storage and issue to the Army of quartermaster supplies.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment as stated. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

Mr. KAHN. Mr. Chairman, I suggest to the gentleman from New York that he modify it still further by taking out the word "and."

Mr. SANFORD. I am leaving out the words—

with the storage and issue to the Army of quartermaster supplies.

Mr. KAHN. I know, but the word "and" will be left in.

Mr. SANFORD. If it should not be there I promise the gentleman that when it gets to conference I will take care of that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KEARNS: On page 16, line 19, after the word "General," strike out "three" and insert "two"; on page 16, line 20, after the word "General," strike out the words "one thousand and fifty" and insert in lieu thereof "six hundred and twelve"; in line 22 strike out "twenty thousand" and insert "twelve thousand five hundred"; on page 17, in line 10, after the word "reservations," strike out the rest of the line; and also strike out all of lines 11, 12, 13, and line 14 up to and including the word "Army" and the semicolon; and at the end of section 9 insert a new section to be known as section 9–b, as follows:

"SEC. 9–b. The transportation service: There is hereby established a transportation service which, under regulations to be established by the President and in accordance with the provisions of this act, shall have the duty of transporting the personnel, material, and supplies of the Army of the United States by rail, water, motor, and animal transport, and with the procurement and operation of such means of transportation as the President may direct.

"The permanent personnel of the transportation service shall consist of one chief of transportation, with the rank of brigadier general, and 437 officers, in grades from second lieutenant to colonel, inclusive, a total of 438 officers and 7,500 enlisted men, in their appropriate grades, all of whom shall be detailed or assigned from the permanent personnel under the provisions of this act. The reserve personnel of the transportation service shall consist of all reserve officers and reservists assigned thereto as provided for in this act."

Mr. GREENE of Vermont. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREENE of Vermont. I understood the first part of this amendment was hung on something in order to make it germane, but the things on which it seems to have been hung have been stricken from the bill, and it seems to me the amendment is up in the air.

Mr. KEARNS. They have not been stricken from the bill.

Mr. GREENE of Vermont. The gentleman's amendment strikes out words that are not in the bill at all.

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. I have a perfecting amendment in line 22 of the bill, and I want to know whether my amendment would be in order before the gentleman's motion to strike out?

The CHAIRMAN. If the portion of the bill which the gentleman seeks to amend is stricken out by the amendment of the gentleman from Ohio?

Mr. BLACK. Mr. Chairman, I make the point of order that the amendment seeks to have adopted a new section of the bill before we have concluded consideration of the section that we are now on.

The CHAIRMAN. The Chair will examine the amendment.

Mr. CALDWELL. Will the Chair hear argument on the point of order?

The CHAIRMAN. The Chair will receive information on it first as to what the facts are.

Mr. CALDWELL. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman if necessary.

Mr. KEARNS. Mr. Chairman, just a moment. I ask to withdraw that part of the amendment down to the part beginning with section 9–b.

The CHAIRMAN. The gentleman can ask to withdraw his amendment, and can then offer such amendment as he desires to offer.

Mr. KEARNS. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. KEARNS. Now, I offer the latter part of it.

The CHAIRMAN. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KEARNS: At the end of section 9 insert a new section to be known as section 9–b, as follows——

Mr. CALDWELL. A point of order, Mr. Chairman. I think the gentleman from Ohio wants his amendment to come in after line 16, on page 18, after the word "States."

Mr. KEARNS. That is where it comes in.

Mr. GREENE of Vermont. If that is the intention I make the point of order that the reading of the section has not been completed.

The CHAIRMAN. The Chair will state to the gentleman that the section has been read.

Mr. GREENE of Vermont. Have we got to that part of the bill where in the regular order the Clerk would begin to read at page 18, line 17?

The CHAIRMAN. Yes. The Clerk will report the amendment of the gentleman from Ohio, as modified.

Mr. ANTHONY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANTHONY. It occurs to me that yesterday an amendment was offered, providing for separate transportation service. If this amendment provides for the same thing the committee has already passed upon that.

Mr. CALDWELL. No; it has not.

Mr. ANTHONY. I make the point of order that it is substantially the same amendment that the House rejected yesterday.

The CHAIRMAN. The Chair will overrule that; it would have to be identically the same amendment, and this is not the identical amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

After line 16, page 18, insert a new section to be known as section 9–b, as follows:

"SEC. 9–b. The transportation service: There is hereby established a transportation service which, under regulations to be established by the President and in accordance with the provisions of this act, shall have the duty of transporting the personnel, material, and supplies of the Army of the United States by rail, water, motor, and animal transport, and with the procurement and operation of such means of transportation as the President may direct.

"The permanent personnel of the transportation service shall consist of 1 chief of transportation, with the rank of brigadier general, and 437 officers, in grades from second lieutenant to colonel, inclusive, a total of 438 officers, and 7,500 enlisted men, in their appropriate grades, all of whom shall be detailed or assigned from the permanent personnel under the provisions of this act. The reserve personnel of the Transportation Service shall consist of all reserve officers and reservists assigned thereto as provided for in this act."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane.

The CHAIRMAN. The Chair is clearly of the opinion that it is germane and overrules the point of order.

Mr. BLANTON. I would like to ask the Chair if it is germane to the preceding paragraph. It must be not only germane to the paragraph but germane to the paragraph which it follows.

The CHAIRMAN. The paragraph contains the provisions for the Quartermaster Corps.

Mr. BLANTON. But it does not contain a separate transportation corps.

The CHAIRMAN. It does not; but it provides for other departments in the Quartermaster Corps.

Mr. GREENE of Vermont. Mr. Chairman, on page 17 of the bill in a part of this section it provides for a Quartermaster Corps. In lines 12, 13, 14 this language is found:

with the furnishing of means of transportation of all classes and kinds required by the Army; and with such other duties not—

The CHAIRMAN. The Chair is clearly of the opinion that it is germane and overrules the point of order.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the mere provision that the Quartermaster's Department may provide transportation does not bring into the bill the subject of a separate transportation corps of the Army. The amendment of the gentleman seeks to establish a separate transportation corps in addition to the ordinary service provided in the Quartermaster's Department.

The CHAIRMAN. It is not for the Chairman to determine what form the legislation will take. The Chair is perfectly clear that it is germane to the bill at this point, and the gentleman from Ohio will proceed.

Mr. KEARNS. Mr. Chairman, it is well known to the membership of the House that at the beginning of this war the Transportation Corps was a part of the Quartermaster's Department; that for many months at least after the United States had entered into the European conflict the War Department absolutely failed to function. I do not believe there is anyone on either side of the aisle who will not agree with me in this statement. I do not believe any man or set of men ought to be held to strict accountability for that condition of affairs. Transportation had more to do with the failure of the War Department to function than any other one branch of the service. My home is located near Camp Sherman. In the fall of the year 1917 there were thousands of boys brought into that cantonment. They were there without blankets when cold weather began, without proper clothing, either outer or under clothing. Many of them contracted colds which developed into pneumonia, and thousands died because our transportation system failed. Within 200 miles of Camp Sherman, crowded on sidetracks of the railroads, were carload after carload of equipment for the various cantonments that did not reach in time to save the lives of those boys, for the reason that there was no one in charge of the transportation system of this country that knew anything about it connected with the War Department.

Mr. BLANTON. Will the gentleman yield?

Mr. KEARNS. For a short question.

Mr. BLANTON. Does not the gentleman think that we ought to establish a separate corps, a special laundry corps?

Mr. KEARNS. I thought the gentleman had a serious question to propound.

Mr. BLANTON. That is a serious question. The washing has to be done; they have to have clean clothes.

Mr. KEARNS. This amendment, if carried, will create no extra office, no extra officers. It will not create one additional enlisted man, and it will not cost one dollar more of expense to the Government of the United States, because every one of these men and officers under this amendment are to be taken from the Quartermaster Corps and transferred to the Transportation Corps. I can not help but recall the statement of the gentleman from Wyoming [Mr. MONDELL] at this moment in which he assaulted the membership of this House because they had voted for a separate corps in this bill.

In his remarks he also included this amendment, which seeks to create a separate transportation corps. He said that it will cost millions of dollars more money and that the extravagance of this House in voting in the other amendment and in the proposed proposition of voting in the second amendment will create a cost to the people of the United States of millions of dollars and that the taxpayers will never stand for it. I want to say to him that when he made that statement he assaulted two Republicans who are now seeking the Republican nomination for the Presidency of the United States. Gen. Wood is on record as saying that a separate transportation system is absolutely necessary to make the War Department function. Gen. Pershing, who is at least a receptive candidate for the Presidency of the United States—and I believe he would accept the nomination from the Republican Party—is on record for what the gentleman from Wyoming calls this wild bit of extravagance; and I want to read you what Gen. Pershing has said on this very important question, to find out if his opinion is going to be as controlling in your minds as is the opinion of the membership on either side of this aisle. Gen. Pershing testified before the Committee on Military Affairs. The Committee on Military Affairs consumed several months in taking the testimony of various officers of the War Department——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

Mr. PARKER. Mr. Chairman, I object.

Mr. CALDWELL. Mr. Chairman, I have on several occasions since this bill came before the House undertaken to express my opinion concerning the transportation service of the Army. It is useless to repeat all that I have said in the past, but I want to repeat one thing that I did say, and that is that this House only a few days ago passed the railroad bill and turned over to the War Department the matter of the control and operation of the boats that we have on the inland waters of the country, which the Government acquired during the war, and that these boats were turned over to the War Department by us deliberately, knowing that the War Department had the transportation service organized, prepared to handle that service, and if you destroy that service you will have no means in the War Department for handling that inland transportation.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. I have not the time. The gentleman from Ohio [Mr. KEARNS] was about to read the expression of opinion by Gen. Pershing on this service, but did not have time, and that I propose now to read. He said:

In reference to the Transportation Corps and the Motor Transport Corps, from our experience in France it is believed to be in the interest of efficiency, and it would also avoid duplication of overhead expenses, to have a transportation corps which will include all classes of transportation, rail, water, motor transport, and animal-drawn transport. There is objection to having it function under any one of the ordinary departments, because it must view the problem in the interest of all departments alike.

The argument that I have been trying to make here for the past two days has been that the Quartermaster Corps has interests of its own, and that it has not the time nor the facility nor the inclination to give to the transportation of the Army, its men, its supplies, and its matériel that ought to be given to it, and that can be obtained only by putting this in a separate corps. I therefore urge that this amendment of the gentleman from Ohio will be agreed to. In support of my contention I call attention to the following memorandum:

THE TRANSPORTATION SERVICE.

WHAT IT IS.

1. The transportation service, United States Army, is organized into four divisions, under the Chief of Transportation, as follows:

Administrative division
Rail transportation division.
Water transportation division.
Animal-drawn transportation division.

It combines the embarkation service, established in August, 1917, and the inland traffic service, established a little later, when it was found that, in order to enforce the priorities of the embarkation service,

it was necessary not only to have jurisdiction over shipments but over carriers as well.

The further logical development was the coalescence of the two services into one, the transportation service, which thus became the fourth of the four fundamental services which have developed as the centralized supply system of the Army, reporting to and under the supervision of the director of purchase, storage and traffic. Its duties consist of:

All that pertains to the routing, inland and coastwise, of troops and property of the War Department, by rail, ship, or animal-drawn transportation, and the conduct of all negotiations with inland carriers with respect to questions affecting such transportation; the movement of all property of the War Department, to prevent congestion, and to obtain preferential movements thereof; coordination of rail movements required in the handling of supplies destined for shipment overseas with shipments by the Allies.

The transportation of troops and supplies overseas, embarkation and overseas service relating to the Army program, including the employment of all Army transports, harbor floating equipment, and new construction in connection therewith, except the construction and control of floating equipment operated by the Corps of Engineers for river, harbor, and fortification work, and the control of the Army mine-planter service; such commercial shipping as may be used to supplement that service, including all arrangements with the Navy Department for convoy service; all primary ports of embarkation, expeditionary ports, and concentration camps connected therewith; courier service between the War Department and general headquarters American Expeditionary Forces.

To this it is the desire and the unprejudiced judgment of officers of long experience, headed by Gen. John J. Pershing, to combine the Motor Transport Service, which was the outgrowth of war conditions, and which experience shows should be part of a single consolidated transportation corps.

WHAT IT HAS ACCOMPLISHED.

By organizing and placing in operation a system of traffic control the embarkation service and inland traffic service were able to clear up the congestion at the seaboard which threatened to block all Atlantic ports and paralyze the overseas movements of troops and supplies.

With the establishment of the release system for the control of cargo shipments the embarkation service was able to control shipments to seaboard and thence overseas in such a manner as fully to establish priorities in the movement, permitting supplies urgently needed to be given first priority. This, in connection with a follow-up system, resulted in efficient movement of cargo overseas.

From May 1, 1917, to June 30, 1919, the Transportation Service routed 13,890,691 men to camp and ports over the several railroad lines in the United States.

Within a period of 18 months a transport fleet of 616 vessels was built up from the small beginning of seven permanent transports in the service at the commencement of our overseas operations. The fleet, on November 11, 1918, when it reached its height, had a total dead-weight of 3,557,000 tons. Practically this entire fleet has been returned to the Shipping Board or to the commercial companies at this time.

Within 18 months after the declaration of war 2,086,000 men were transported to France. The greatest number of men transported in any one month to France was 306,000, including all classes of personnel, 313,000, during the month of July, 1918.

Of the total American forces in France on November 11, 1918, 2,086,000, there were embarked from France for the United States between November 11, 1918, and June 30, 1919, 1,606,074 men. Of this number 1,338,620 men, or 84 per cent of the total, were returned in American-flag ships; 134,445, or 8 per cent of the total, in British or British-controlled tonnage; 40,418, or 2 per cent, in French-flag ships; 45,466, or 3 per cent, in Italian-flag ships; and 46,125 in ships of other countries, including Dutch and Spanish.

German tonnage taken over at the outbreak of the war transported to France an army of over half a million men, and up to June, 1919, had returned 409,516 of that number to the United States. In all, they transported both ways 931,619 American troops, and of this number the transport *Leviathan* alone carried 175,571.

Unquestionably, the successful movement of men and war materials throughout the United States and overseas was made possible only by reason of a centrally controlled transportation system. Centralized transportation control also enabled the War Department to maintain a secrecy in regard to movement of personnel and supplies so essential in war times. This secrecy would have been difficult if the several bureaus had been handling transportation matters.

By the readjustment of transportation rates with the British Government there was saved to the United States $67,753,698.79.

Approximately $66,000,000 was saved by returning to the United States 300,000 men in two months, and an additional 300,000 men one month sooner than the original schedule contemplated.

The calculations are based on the cost of maintaining a man in the service, which approximately is $73 per man per month. In addition to that amount, the indirect saving was considerable, in that we were able to reduce our cargo and troop fleet rapidly after the quick return of the men, thereby saving charter hire.

Rail transportation for 8,500,000 men was provided from July 1, 1918, to June 30, 1919; approximately 40,000,000 tons of freight were moved, and 11,225,000 tons of this freight was handled by transportation orders issued in the United States.

During the year 1918–19, 1,512 consolidation locomotives of the 107-ton type were shipped from New York to France; of these 497 were shipped set up on their own wheels, so they could be unloaded on the track in France, thus greatly relieving the French assembling plants. It took 24 hours to bring a locomotive from the shop where it was built to the New Jersey terminals; it took six hours to transfer the locomotive from the rail to the car float; six hours later the locomotive had reached the ship's side; in one hour it had been swung to the ship's hold; nine days later and the locomotive had been carried from New York to France. When the armistice was signed the Army was prepared to ship set-up locomotives at the rate of 200 a month.

Between July 1, 1918, and June 30, 1919, 5,185,000 tons of Army cargo were shipped to the American Expeditionary Forces, including shipments to the French. The cargo returned to the United States from the American Expeditionary Forces during the fiscal year 1919 totaled 533,797 short tons.

When the armistice was signed the total troop capacity of American flag transports, under the control of the United States, was 111,783 men. It was quite evident that the War Department could not expect from the allied governments the same assistance in the return of American forces that we had received in transporting them overseas, so it was necessary to devise other means of promptly bringing the American Army home. With all the shipping that the Allies could muster during the emergency in the spring and summer of 1918, it was possible to transport only a little over 306,000 American troops in any one month. In spite of the fact that at the signing of the armistice on November 11, 1918, the American flag transports of all kinds had a capacity of barely 110,000 troops per month, operated at maximum efficiency, yet it will be noted that during the month of April, 1919, there were transported on American-flag ships alone 246,209, and by June of the same year United States tonnage returned 327,645 American troops.

Up to June 30, 1919, the War Department had redelivered to the United States Shipping Board, since the signing of the armistice, 372 vessels, with a total dead-weight of 2,569,692 tons. These vessels have been returned to their owners after careful survey by a joint board consisting of a representative of the owners, the Shipping Board, and the Navy and War Departments. In very few cases has the matter of redelivery been disputed by the owners, the policy of the War Department being to deal fairly with the owners in returning their vessels in as near as possible the same condition as when received, fair wear and tear excepted.

Out of a total of over 616 vessels in Army service between the declaration of war and the present only 33 vessels have been lost. Many vessels have experienced accident, but the injuries, in the overwhelming majority, have been reparable.

An Army transport reserve has been established and there has been recommended to the Secretary of War for his approval a policy which will insure to the United States a nucleus of a transport fleet and at the same time result in building up and training a transport reserve force, stimulate the extension of our commerce by assigning to such service every available vessel under the American flag not needed strictly for military naval needs, and in no way hamper or interfere with commercial operation of these vessels, an only requirement being that the vessels are properly maintained.

HOW IT CAME INTO EXISTENCE.

1. Prior to the outbreak of the war and during the first three months of hostilities the movement of troops and supplies was handled through the land and water branches of the Transportation Division of the Quartermaster Corps and through transportation officers of the various corps. The Quartermaster Corps was highly decentralized and transacted local business at any point through the nearest depot quartermaster. There was also at each important port a general superintendent of Army Transport Service charged with handling the operations of transports and responsible to the local depot quartermaster.

2. It was soon foreseen that peace-time machinery and methods would be inadequate to handle the problems of transportation which would develop. The first necessity appeared to be for the establishment of administrative organization at the ports along the seaboard through which the greater part of the stores of supply must pass on their way to Europe.

3. The port of embarkation at New York was ordered organized June 6, 1917, and Newport News by a port commander designated on July 7, 1917.

4. By virtue of paragraph g, Field Service Regulations 257, the superintendent of Army Transport Service at the port was placed under the jurisdiction of the commanding general of the port. Prior to the establishment of the embarkation service on August 4, 1917, only 25,000 troops had been shipped to France.

5. By virtue of the order of August 4, 1917, the chief of embarkation had direct supervision of all movements of supplies from points of origin to ports of embarkation and was charged with the duty of arranging that all supplies for our forces in Europe should be forwarded in the most expeditious and convenient manner.

6. The functions which the embarkation service performed at the beginning, either directly or through the commanding general of the ports, were:

(a) To allocate the troops and freight to the various transport vessels.

(b) To supervise the loading of the troops and freight.

(c) To prevent the shipment of freight to the port before the port was ready to handle it.

(d) To trace the movement of freight which was urgently needed for shipment.

7. The water transportation branch of the Quartermaster Corps was merged with the embarkation service and became an integral part of it. All troops and supplies destined for the war zone were moved under the jurisdiction of the embarkation service. All other movements of troops and supplies were made independently by the Quartermaster Corps or the supply bureaus, the others of which were the Ordnance, Engineer, Signal, and Medical Departments.

8. The result of this was that at the end of the fall, 1917, due to the bureau system of procurement, a system of uncoordinated purchase, of many premature and unnecessary shipments, of competition for transportation facilities in which shipments of supplies were not in any way synchronized or coordinated with the developing Army program, there was inefficient utilization of cargo, the clogging of port and storage facilities, and the jamming of traffic far inland from the seaboard.

9. The proper principle of control was struck in the establishment of the release system. The procuring bureaus were put under obligation to initiate shipments by rail for embarkation only upon release by the embarkation service, the release signifying that the supplies concerned could or would be adequately handled at the port. Unfortunately, the obligations imposed were not always observed by the procuring bureaus and the embarkation service was at first without power to make its control mandatory.

10. This control became possible later, however, when the division of inland transportation was established, which was not only an agency of the War Department but of the Railroad Administration and was able, through its transportation orders, to make the principle of control of shipments at points of origin mandatory upon the carriers. With the organization of the storage and traffic service, the chief of embarkation was ordered to report to its director, and the appointment of the director of storage and traffic brought under one jurisdiction the whole problem of the movement and handling of Army supplies from the time they left the factories to their landing in France or delivery to camps in the United States.

11. The director of storage and traffic was charged with—

(a) All movements of troops, as well as of munitions and of supplies of every kind, including raw materials and finished products, both during manufacture and after assembly, to points of embarkation, interior points and overseas points, and in and out of all storage.

(b) All inland traffic, embarkation service, and overseas services relating to the Army program, including the employment of all Army transports engaged in the trans-Atlantic service, and such commercial shipping as might be used to supplement that service, including all arrangements with the Navy Department for convoy service.

(c) Direct correspondence between the chief of embarkation and the commanding officers of ports of embarkation was authorized * * *. In general, this officer was charged with the duty of arranging that all supplies for our forces in this country and in Europe should be forwarded in the most expeditious and convenient manner, and to that end he was authorized to exercise control of Army shipments, both within the territory of the United States and as the same related to the overseas haul.

12. The embarkation service was already a going concern and the creation of the storage and traffic service made no immediate change in its organization, functions, or relationship. To carry out more completely, however, the broad powers of the director of storage and traffic, the division of inland transportation was created as coordinate with the embarkation service.

13. The embarkation service maintained a singular continuity of organization and existence in a period when constant adjustment and readjustment was the rule. When the storage and traffic service developed into the Purchase, Storage, and Traffic Division in April, 1918, the embarkation service became one of the four main subdivisions of that organization. When the latter organization was reorganized during the latter part of August, the embarkation service continued as one of the main operating departments. Its internal administration also met with little change. The organization as given by the chief of the embarkation service in a report to the Director of Purchase, Storage, and Traffic included four subdivisions or sections. No provision was made in any of these sections for financing, chartering, or constructing and altering vessels. These functions were originally carried on by the water transportation branch during the greater part of the war period as a separate entity. In November, 1918, however, the water transportation branch was assimilated into the structure of the embarkation service, whose organization was altered somewhat in the process.

14. The embarkation service, as has already been pointed out, had developed a fairly permanent organization as early as December, 1917. From this time on it built up the tremendous working agencies at the two primary ports and the expeditionary depots at the other ports, which made possible that never-faltering procession of men and munitions, so heartening to the Allies and so disconcerting to the enemy across the Atlantic. It followed the movement of these troops and supplies from point of origin in this county to port in France.

15. Troop priorities, as laid down by the operations division, were handled by the embarkation service. Overseas orders of casual officers obtained the approval and release of the director of embarkation. Every ship that possibly could be spared was negotiated for by the director of embarkation. His efforts brought forth ships from all nations and ports of the world. All were pressed into our service in the least possible time.

16. The system of releasing freight by the embarkation service assisted tremendously in cleaning up the freight congestion which occurred in the winter of 1917–18. The outstanding achievement of the embarkation service was the bringing of order out of chaos in the situation which existed at the ports. In so doing it eliminated all congestion, made proper provision for the equipment of troops as they were sent overseas, brought into the service of the Army a very large increase in tonnage, whereby the monthly number of troops transported was brought up to approximately 300,000, directed the transportation of all of the subsistence and supplies required for the overseas army, and in so doing apportioned the available cargo space to the various goods to be transported, so that, in so far as supplies were available, shipments were substantially in accordance with cable requirements. Such accomplishments would have been outside the range of possibility had arrangements for shipping been left to be worked out along independent bureau lines.

TRANSPORT FLEETS.

17. At the outbreak of the war our transport service consisted of few vessels; as a matter of fact, there were seven actually under the control of the War Department. Most of these were then operating in the Pacific. A start was made by chartering a few of the American merchant steamers immediately at hand, and by the end of June, 1917, there was in the service troopships with a dead-weight of 46,000 tons and six cargo ships with a dead-weight of 48,000 tons. From this small beginning there was developed the trans-Atlantic fleet, which on November 1 aggregated 512 vessels, with a total dead-weight of 3,251,000 tons. In addition to this, a cross-channel fleet was built up numbering 104 vessels, with an aggregate tonnage of 311,000, making a total fleet of 616 vessels.

18. In building up this fleet, the first great increment in the matter of troop transports came by the seizure and taking over of German interned vessels, which entered the service during the fall of 1917, aggregating 460,000 dead-weight tons. In the spring of 1918 the taking over of the Dutch vessels gave the Army an additional 300,000 dead-weight tons.

19. Troop movement: On June 30, 1918, 100 British and allied vessels were finally engaged in the transportation of the great American Army overseas. The embarkation service sent overseas more than 2,000,000 men and approximately 9,000,000 tons of cargo over a line of communication 3,500 miles long, subject to constant attack by enemy submarines. Such a performance has not been excelled in any war.

20. Return troop movements: When the armistice was signed the total troop capacity of American-flag transport under the control of the United States was 111,783 men. It was quite evident that the War Department could not expect from the allied Governments the same assistance in the return of American forces that had been received in transporting them overseas, so it was necessary to devise other means of promptly bringing the American Army home.

21. Immediately following the signing of the armistice steps were taken by the director of embarkation to increase the American transport fleet as rapidly as possible. The work of converting some 58 cargo transports was promptly undertaken; the Navy assigned battleships and cruisers for transport service; 10 German passenger ships were obtained and equipped for carrying American troops; and the War Department negotiated successfully with the Italian, French, Spanish, and Dutch for the utilization of suitable passenger vessels for the return of the American forces. These steps increased the troop fleet operating in the return of the American forces to a maximum of 173 vessels in service on June 23, 1919. This was made up as follows:

	Number.	Capacity.
American	141	364,069
British	4	5,621
Italian	13	27,572
French	8	10,954
Spanish	4	4,185
Dutch	3	6,850
Total	173	419,251

22. The return movement reached its maximum during the month of June, when all records heretofore established were broken by the embarkation in French ports of 364,166 and the landing in American ports of 343,786.

23. With all the shipping that the Allies could muster during the emergency in the spring and summer of 1918, it was possible to transport only a little over 306,000 American troops in any one month. In spite of the fact that at the signing of the armistice on November 11, 1918, the American-flag transports of all kinds had a capacity barely 110,000 troops per month, operated at maximum efficiency, yet it will be noted that during the month of April, 1919, there were transported on American-flag ships alone 246,209, and in June of the same year United States tonnage returned 327,654 American troops.

WHAT THE GERMANS FIGURED THE UNITED STATES COULD DO.

1. In a statement issued by German great headquarters the Germans were assured that the United States could not transport and furnish with equipment 500,000 men in one year.

WHAT OUR GENERAL STAFF FIGURED THE UNITED STATES COULD DO.

1. No studies made by the General Staff in this country prior to the war or during the early period of the war had contemplated the practicability of transporting more than 100,000 men a month across the Atlantic. A War Department estimate of December, 1917, contemplated 1,030,000 men in France by October 1, 1918. An estimate of March 1, 1918, gave us 1,088,000 by the same time. General Headquarters, France, estimated 771,000 for the same period.

2. On July 1, 1918, the transportation service had embarked 1,000,000 men, and it embarked another 1,000,000 in the next four months. On November 11, 1918, the strength of the American forces in France exceeded that of the English, and would have exceeded that of the French in two more months.

[Extract from a study by the American General Staff, Dec. 9, 1916, estimating what the Germans could have done after 44 years of planning.]

PREPAREDNESS OF GERMANY FOR OVERSEAS EXPEDITION.

Strength of army, 5,000,000; tonnage available of ships with capactiy over 3,000 tons, 3,569,962; over 2,000 tons, 4,018,185.

First expedition, using 50 per cent of tonnage given over 3,000 tons, 387,000 men, 81,250 animals. Time needed to load and cross ocean with first expedition, 15.8 days.

Second expedition, using 75 per cent of tonnage given, 440,000 men, 94,600 horses. Time needed to return, load, and recross with the second expedition, 30.8 days.

This is allowing Germany a mobilized army, the undisputed master of the seas, taking no account of submarine losses, sinking by raiders, etc. Allowing 3 tons per man and 8 tons per animal for all ships over 3,000 tons, the General Staff figured that in about 31 days she could have transported and landed under such conditions: First expedition, 15.8 days, 387,000 men, 81,250 animals. Second expedition, 30.8 days, 440,000 men, 94,600 animals. (If the second expedition could do this, then logically the third, fourth, etc., could do the same, and we would have for the third, fourth, fifth, and sixth:) Third expedition, 30.8 days, 440,000 men, 94,600 animals. Fourth expedition, 30.8 days, 440,000 men, 94,600 animals. Fifth expedition, 30.8 days, 440,000 men, 94,600 animals. Sixth expedition, 30.8 days, 440,000 men, 94,600 animals. Totals, 169.8 days, 2,587,000 men, 554,250 animals.

This would give the total proportion of 1 animal to 4.6 men.

Our peace total strength allows to a division of 16,989 men 4,799 animals, or 1 animal to 3.5 men.

It will be observed that this table was prepared in 1916, and the developments of the war introduced factors hitherto undeterminable but which have assumed a definite form, to wit, the time necessary to turn around, i. e., to refit, recoal, etc., the various types of vessels, troop, cargo, and animal.

The calculations assumed that those 5,000,000 men were assembled, equipped, and ready to embark; that animal ships were prepared; that ports of embarkation were in excellent running order; and that everything would move without a hitch, the vessels being recoaled simultaneously by some miraculous means requiring a minimum of time; that arms and munitions were assembled already to load without loss of time; and that there was absolute control of the seas (submarines were not then regarded as a factor). In other words, the assumption was made that "the number of thoroughly trained and organized troops an enemy can bring in the first and succeeding expeditions is a function of—

"(b) The size of the enemy's army.

"(c) The number, size, and speed of the vessels of the enemy's merchant marine that can be used as transports," and neglected many of the above-quoted considerations.

As a matter of fact, Gen. March, Chief of Staff United States Army, states that by the addition of improved methods of loading and embarkation the American Transportation Service reduced both the time of turn around and the amount of cargo carried.

The quickest cycle, i. e., crossing, landing, unloading, reloading, and return of Army ship in the United States service is the *Great Northern*, which required 12 days, 43 minutes. This is the best record ever made by any transport.

Taking the operation of the fleet and selecting the last 10 ships sailing in any weekly period, the average turn around of troop ships for November, December, 1918, January, February, and March, 1919, was 37 days, or an average of 3.7 days per ship.

For the same number of cargo ships it was 8.5 days per ship.

The United States purchased abroad a tremendous tonnage. In addition, the amount of tonnage necessary to be transported abroad for our service ranged from 80 pounds per man per day, at the beginning, to 30 pounds per man per day at its lowest ebb (when troops were moving faster) to the final required average of 50 pounds per man per day. Therefore in the calculation of the number of men (Palmer's figures) to be transported, due allowance must be made for cargo.

So it will easily be seen that the calculations of our General Staff were considerably out; in fact, the estimate made by the Germans that the United States could only transport 500,000 men in a year was based upon German experience in transporting troops through the Baltic, and, according to their calculations, they themselves (considering that at the time their calculations were made, in the middle of 1916, our total tonnage available was scarcely 2,000,000 tons, as compared to their 3,569,962, or about 4/7) could only see their way clear to transporting 7/4 of 500,000 men, or 875,000 men in a year.

In four months—July, August, September, and October, 1918—the Transportation Service sent over more than 1,000,000 men, and was operating a continuous stream of cargo ships in addition.

So much for the facts, now let us see what competent authorities think of these facts.

Secretary of War Baker, testimony before the Senate Committee on Military Affairs:

"We had the whole transportation end at this side, and it was our job. The work Gen. Hines has done as chief of the transportation section is a work of conspicuous brilliancy, probably as brilliant as any officer in the Army.

"The CHAIRMAN. Ordinarily the railroad transportation is much the larger job of the Chief of Transportation?

"Secretary BAKER. Yes; in times of peace it certainly is.

"The CHAIRMAN. And some of us have been wondering whether the railroad transportation could not be combined with motor transport.

"Secretary BAKER. I do not see why they could not be, although they are entirely different; but in a peace-time establishment undoubtedly one person could do both."

Gen. John J. Pershing, commander in chief of the American Expeditionary Forces, before the Senate committee: "The Army should have one transportation corps to supervise all transportation."

Gen. Peyton C. March, Chief of Staff, annual report for 1919: "At the time the armistice with Germany was signed on November 11, 1918, the United States had sent across 3,000 miles of ocean more than 2,000,000 men and a vast quantity of supplies for their support and use. This American activity had been a positive factor in the concluding military actions of the war, culminating in the splendid drive through the Argonne Forest to Sedan.

"Considering the distance over which the United States had to operate and the relatively short period of its participation in the war, the achievement is without parallel in the many great performances of the war. Moreover, the organization which made this achievement possible had been developed to such a point that the flow of men and supplies overseas in the ensuing six months would have been a still more impressive accomplishment.

"Upon the signing of the armistice there was both the time and the opportunity for a clearer definition of the functions and organization of the existing agencies than had been practicable during the active continuation of the war. This work was promptly undertaken, and by June 30, 1919, the end of the period covered by this report, substantial progress has been made in this direction by a reorganization of the Purchase, Storage and Traffic Division, which, in effect, established as four separate and distinct administrative and operating services the Purchase and Storage Service (a development of the Quartermaster Department), the Transportation Service, the Financial Service, and the Real Estate Service, which, like all other operating bureaus and services of the War Department, are under the control and supervision of the Director of Purchase, Storage and Traffic, as assistant to the Chief of Staff, in all matters which pertain to the supply, transportation, and financial operations of the Army. Such control is essential to the accomplishment of any military program. That should all be included in one transportation department, and I think that would be better than to have it separated in several departments. I would not have transportation a part of any supply department, because if there are several supply departments, and one of them has control of transportation, human nature is so made that a man who might be in charge of one of those departments having transportation could send his own supplies first."

"Mr. CALDWELL. In other words, you would take it out of the Quartermaster Corps?

"Gen. HAAN. Yes."

Maj. Gen. William M. Black, Chief of Engineers, before the House Military Affairs Committee: "Where Government owned and operated agencies are used these should be consolidated and placed under the jurisdiction of transportation corps in so far as the requirements of the service will permit. There seems to be no reason why wagon transportation and water transportation should not be operated as distinct branches of the Transportation Corps; similarly where water transportation is Government owned and operated this should be another branch, or where railways are so used in the service of supply in rear of areas of operations."

Maj. Gen. Henry Jervey, Chief of Operation, General Staff, before Military Committee of the House: "It does seem logical to me to put all transportation together as one operating service."

Maj. Gen. George A. Goethals, before House Military Committee: "I am not in accord with a separate independent Motor Transport Corps. I think that ought to be under the Transportation Corps. Let us take a condition which exists in New York: Ships were being loaded at Hoboken; our supplies came in from the Bush terminals in south Brooklyn and from Newark base. We could ship things to the steamer by water and rail and wagons, all under our own control, but if we wanted to ship things by motor trucks we had to get the permission of somebody else to do it, which was bad."

Maj. Gen. George W. Burr, Assistant Chief of Staff, before House Military Committee: "In the fall of 1917 and the winter of 1917–18 there was tremendous congestion of all our ports where supplies had to be shipped from forces across the sea. The railroad situation had become impossible. * * * Senator CHAMBERLAIN said substantially that the War Department had ceased to function. I will not go that far, but I will say that the wires were badly crossed about that time, and the task that was upon the supply bureaus of the War Department was beyond their reach at that time. * * * In the course of the year, through necessity, Gen. Goethals set up certain services. * * * A department of inland traffic was created. He set up an independent service called the embarkation service. Under my jurisdiction, inland traffic and embarkation were combined into what was called the transportation service. * * *"

Maj. Gen. W. L. Sibert, Chief of Chemical Warfare Service, before the House Military Committee: "The supply problem of the Army naturally divides itself into three phases:

"1. The determination of the kind and quantity of equipment. * * *

"2. Manufacture and storage of this material.

"3. The movement of the equipment from storage to the troops, and that, again, is a military proposition."

Maj. Gen. Henry A. Sharpe, formerly Quartermaster General, before the House Military Committee: "I also contemplated forming in the same way that Secretary Root, when he made his proposition in 1902 for a consolidation, provided for a 'transportation department' with a general officer at the head of it, all in this combined corps (a supply corps).

"The law of 1885 required the Quartermaster Department to act as the shipping agent for all the executive departments of the Government, and they had so functioned. I think it was an oversight at the time of the passage of these laws, for it did create embarrassment and did create congestion in various places because they had various people functioning on the matter of transportation."

Maj. Gen. Coe, Chief of Coast Artillery, before the House Military Committee: "I do not feel qualified to express a very direct opinion on question of transportation; but from all that I have seen and from conversations that I have had with various people it is my impression that all transportation should be consolidated."

Brig. Gen. Frank T. Hines, chief of transportation, before the House Military Committee: "In 1917, when we started our overseas operations and the embarkation service attempted to exercise that control which was given it in the movement of supplies, we soon found that that control was not sufficient to prevent the congestion of our ports. In other words, the embarkation service at that time had only the control of shipments, and regulation of these shipments pertained to supplies and troops going overseas; that control did not cover the movement of supplies inland, such as the movement of supplies to the port of New York by the depot quartermaster, nor did it in any way have control over the movement of supplies for the Allies or commercial interests. The lack of that control resulted in exactly what could have been expected, practically the blocking of all our ports in the late fall of 1917.

"One of the first duties that Gen. Goethals had to perform when he came in as Acting Quartermaster General and started the organization of the purchase, storage and traffic division of the General Staff was to take immediate measures to establish some agency to control entirely all movement of troops and supplies from the initial point oversea. That resulted in bringing into the War Department what was then known as another section of the purchase, storage and traffic division, or the inland traffic service; Gen. Goethals appointed as the head of that service Mr. Adams.

"Approximately 30,000 carloads of Government freight, including that of the War Department and that of the Allies, were on hand at the ports of Boston, New York, Philadelphia, Baltimore, Newport News, and Norfolk. There were approximately 2,000 cars under load with War Department property, more than 300 carloads on piers, and approximately 1,100 on the ground. These figures are exclusive of coal and grain in bulk.

"On March 30, 1918, there was a total of 22,118 cars of Government property, including that of the Allies, at the same ports, but the War Department property had been reduced to a total of 1,938 carloads, including that on wheels, on piers, and on the ground. This reflects, during the period of great difficulty in railway operation, something of the result accomplished. In other words, within a short period the congestion started to clear up.

"The bureaus—Quartermaster, Ordnance, Engineers, Signal Corps, Medical Department—quite naturally at the outset of the war had the greatest desire that their supplies would reach the front on time and ahead of some other bureaus. It was quite natural. It resulted in competition, which was as great in the transportation problem as in the purchase problem, and unless it was controlled it was quite to be expected that we would have what did result—the congestion of the fall of 1917. I have been a strong advocate of combining in the War Department all the activities for transportation in one corps. I believe and our experience during this emergency justifies me in stating that transportation headed up to one agency to handle all forms of transportation can render efficient service either for the War Department or for any other business concern. Logically, a transportation service should be organized into four main divisions—rail, water, motorized, and animal-drawn transportation.

"A skeleton organization which is provided for in the Transportation Corps in this bill in time of peace will permit in the event of an emergency of expanding these divisions to cover, I believe, any transportation problem. It offers the advantage to the Secretary of War, or the Chief of Staff, or the commanding general of our forces in the field of having one hand to deal with on transportation matters.

"As a matter of economy, the combining of all transportation, so far as this bill is concerned, would result in a material reduction in overhead. I believe that reduction can be safely made without in any way endangering the efficiency of the transportation service for the War Department. It is quite true that prior to the establishment of the embarkation service all transportation, so far as the law was concerned, was supposed to be handled in the Quartermaster Corps, and that was a division in that office. I know that that is correct, because I had an opportunity in 1912 of serving for a short time as head of that division.

"While the Quartermaster Corps was charged under the law and had appropriations to cover water, rail, wagon, and motor transportation, it was quite evident from the activities of the several bureaus immediately after we entered the war that that office was not controlling all transportation, and that the bureaus were setting up in their own organizations transportation divisions to handle transportation for their supplies. That was particularly true of the Ordnance Department, and they went so far as to provide an organization in the field which was charged with that duty. That matter led up, Mr. Chairman, necessarily to the point as to whether a division in the Quartermaster General's office could handle all the transportation.

"It was quite evident at the outset that the designation of that division of the Quartermaster General's office to handle water transportation alone would result in an organization almost as large as the Quartermaster Corps in time of peace. It is my opinion that the transporta-

tion organization for an emergency is an activity and a service which is large enough to justify it being independent.

"I think it should be closely coordinated with all other activities of supply in whatever means that coordination may be brought about, either by heading it up into a permanent supply corps or by having the coordination exercised by the General Staff. When we have a water-transportation problem which we had, a problem of rail transportation, and of motor transportation, and wagon transportation, you have an organization which, in my opinion, in time of an emergency such as the one we have just passed through which would justify having a major general at its head and a brigadier general at the head of each of the main divisions of that organization, and that in itself would be practicaly as large as the Quartermaster Corps.

"The water transportation division alone, at its height, had an organization with 5 major generals and 54,000 men engaged in its work, not counting Navy crews operating for us.

"I would not attach any function of transportation to any of the bureaus. I believe, no matter what bureau had transportation, all the bureaus would try to be fair in the handling of that transportation, but I feel if we assigned it to one bureau, some of the other bureaus at some time during the operations would question whether the supplies of that bureau would not be getting priority over the supplies of some other bureau.

"The matter of priority, Mr. Chairman, was a very important one, not only in transportation but in every thing; in the obtaining of material and everything that went with it. The priorities on transportation, so far as movements by rail in the United States were concerned, was established and operated through the Railroad Administration under Judge Lovett, who handled priorities in movements and the release system, which was established in the inland transportation service of the War Department Transportation Service.

"If we had one supply corps, as a business house, for instance, in the War Department, it might be possible, then, for transportation to be a division of that supply corps. As long as we have, as we have now, many agencies of supply, I believe that greater service for all agencies of the War Department will be obtained by having a man who is handling transportation have a separate organization of transportation, whose whole interest is to serve those agencies and follow whatever priority is set up, and that provides responsibility for the final operations.

"Mr. GREENE. For the benefit of the record and to refresh our own recollection, what five sources of supply would be concerned in that transportation?

"Gen. HINES. They would handle the supplies for the Quartermaster Corps, or from what is now known as the Quartermaster General's office, purchase and storage, the Ordnance Corps, the Engineer Corps, and the Signal Corps.

"Now, we have other new services which, during the war at least, had supplies, like the gas service and the air service, which would make more than five.

"I believe that even though supplies are going overseas, the responsibility should never be divided from the time they start until they land, and that can be accomplished by having the transportation service put supplies temporarily in storage, just as much as having ordnance supplies in storage. When it comes to taking supplies from the storehouse to the ship, there is no necessity for having two accounts.

"When I was appointed Chief of the Transportation Service in the early days the demurrage account of the War Department amounted to approximately $100,000 a month. Demurrage, in my opinion, is nothing more than neglect. It means that you make a shipment when you are not sure that the shipment can be taken care of and the cars can not promptly be unloaded. I gave instructions that we would follow up energetically every demurrage account and try to fix the responsibility, and for the month of July the demurrage account was $3,000. I contend the Quartermaster Corps is only interested in its supplies, and the Chief of Ordnance is only interested in his, and there was no one agency that was particularly interested in the whole transportation problem. Some of these matters will certainly be overlooked, and it will cost the Government a great deal of money if we return to the old system."

WHAT ARE THE ARGUMENTS AGAINST THE TRANSPORTATION CORPS?

Now, let us examine any arguments which have been or may be advanced against the permanent organization of a transportation service.

Brig. Gen. Charles Drake, Chief of Motor Transport Service, thinks that motor transportation should be separate.

Maj. Gen. Harry L. Rogers, Quartermaster General, contends that all the separate organizations that were made at the beginning of the war are simply branches or divisions of the old Quartermaster Corps organization, that they are run by the same officers who ran them as divisions of the Quartermaster Corps, and by the same organizations that they had. Each organization operates as a separate organization instead of operating as a division of the Quartermaster Corps office.

He contends that the various offshoots of the Quartermaster Department have resulted in vastly increased personnel and overhead expenses; a lack of coordination resulting in inefficiency.

The criticisms of Maj. Gen. C. C. Williams, Chief of Ordnance, are not particularly leveled at the Transportation Service, but rather at the purchase and inspection divisions of the General Staff. As far as his objections to the General Staff "operating" are concerned, there seems to be no opposition to his position. Gen. Hines, Chief of Transportation, is on record as being radically opposed to the General Staff doing any operating and it is not the intention of those who are in favor of a separate transportation service to have anything but an operating department functioning in accordance with a coordinated plan of operations for the whole Army.

Gen. Drake's proposition to have a separate transportation corps has received no support from any other source, and would result in increased personnel and overhead expenses.

Gen. Rogers's statements and opinions are directly opposed by those of Gen. Burr.

This is natural. Gen. Burr looks at the matter from the viewpoint of what was actually accomplished by the present organization and Gen. Rogers from the viewpoint of what might have been accomplished in the past or could be accomplished in the future.

It is interesting to note, however, that both these general officers are in favor of a transportation service embodying all classes of transportation—water, rail, motor, and animal-drawn transportation. Gen. Rogers would have it embodied as a service under the Quartermaster General. Gen. Burr would have it separate from the Quartermaster Department and a part of the Purchase, Storage and Traffic.

So that the vital point at issue with them is not that they disagree as to the necessity of one transportation service, but simply whether it should be an independent agency or a dependent branch of a bureau.

Unquestionably it should be an operating service by itself, and from the opinions of all the eminent men quoted let us get back to Senator CHAMBERLAIN'S remark that in the winter of 1917–18 "the War Department had ceased to function."

Shipping was tied up; docks crowded, railways congested, competition for transportation rife, unsuitable cargoes loaded, valuable space wasted, supplies urgently needed in France tied up to accommodate some shrewd bureau.

Look at the situation after the embarkation service and inland traffic service began to function and the wheels to go around.

Mr. GREENE of Vermont. Mr. Chairman, I have felt rather constrained to be somewhat passive while recent details have been before the House, because I was more particularly and earnestly concerned in the ground plan. I have felt that perhaps the greater concern of the Committee on Military Affairs should be to get its bill through with the proposed changes that are of vital importance to a reorganized and reconstituted Army, and that if we got our foundation laid and the walls up and the roof over it, I would not waste much time of this House to try to influence it to move a partition this way or that way or put a window here or a window there. I think most of this interior bureau matter amounts to very little for our present purposes in the last analysis, because we are now trying to lay some new permanent foundation.

I think it is very unwise for anybody to try to reckon a normal peace-time basis exclusively upon what we did in the emergency and the tremendous crush and press of war. In war it is necessary most minutely to specialize at times, because any one department under which you sought to centralize many functions would grow so expansive, so overwhelmingly large, that no one mind could finally administer it. That is obvious. But in peace time it would seem to me to be the wiser way to establish bureaus that were sufficiently coordinated in their details, and establish those details on such a good foundation inside of that bureau that if an emergency arose, that nucleus for a special service, there already made, might be detached and set up on an independent foundation and made to operate in the larger way that the war or necessities demanded.

There is danger in carrying this decentralization too far. I remember very well when we were in the midst of the war that some of the people who are strong on blue-print diagrams about system and method and efficiency were showing me what they proposed to do with the Ordnance Department. They had a beautiful genealogical table that led to no particular descent, all laid out before me, and in splendidly artistic diagrams I found there was a place where I could get a pommel, a place where I could get a cantle, a place where I could get a seat, a place where I could get a cinch, a place where I could get the stirrups, but there was no one place where I could get a whole saddle when I wanted it. And that is a situation we must always expect in this matter of too much decentralization.

What does the Quartermaster Corps do? It is a supply corps. It is like a man who gets the thing you want and gives it to you. But if you ask for something from the Quartermaster Corps and there is an intervening link of transportation before he gets it and that intervening link is under another authority, the Quartermaster Corps has to give it to another fellow to give to you. That is what it comes to. So if he puts it on a means of transportation to bring to you and he does not control that transportation he does not supply. He is getting it for you, to be sure, but he trusts to Divine Providence to inspire the other man, who is to give it to you, finally to deliver it to you.

That is, to my mind, the plain force of the whole argument when you get all through with it. To supply means to put it into the other man's possession, and it does not mean simply to get it for somebody and trust to somebody else to supply that somebody with it. [Applause.]

Mr. WOOD of Indiana. Mr. Chairman, the gentleman from Ohio [Mr. KEARNS], in proposing this amendment, tells us that it will not cost the Government of the United States a single cent additional if this independent corps is created. Now, that is just the trouble in considering these measures and not knowing their correlation to the other committees and the work of the other committees. I have reason to know, through the investigation before the Committee on Appropriations in providing for the clerical force of this independent department, that they are estimating for this independent corps $337,000 out of the military bill, and have an estimate, if you please, in the legislative appropriation bill of $38,780, a total of $375,000 for clerical force in the District of Columbia alone. That will give you a little idea of what it means every time you attempt to create a separate bureau.

Mr. KEARNS. Will the gentleman yield?

Mr. WOOD of Indiana. I do not yield now. My experience has been, and I think it is the observation of every man who has followed these appropriations, that these new bureaus are endeavoring constantly to expand. There is no one who cares to be at the head of a little bureau. The man who has 50 or 75 men on his staff in the clerical force in the city of Washington thinks he is but a small potato and he dare not even attempt to associate with the higher class until he has 500 or 1,000 under him, and he is constantly working to that end. Now, there are seven of these different departments, I dare say, that some time along in the consideration of this Army bill will ask to have a separate bureau created for them that was created for a war emergency, and there is apparently no end to their demands. I want to say if we are honest in our promises to the people that we are going to retrench in expenditures, if we are honest in promising the people that we are not going to enlarge this Army expenditure, we had better be keeping faith with them now when we have the opportunity. [Applause.] So, when gentlemen say this is just simply a shift of the service and will not cost the United States Government any more by reason of the creation of any one of these independent departments, why, he is absolutely mistaken, and I think if he would be informed he would not insist upon the reiteration of such a statement. But I wish again to call attention to the fact that when this independent transportation corps is created that the overhead expense in additional clerk hire in the District of Columbia alone amounts to an expenditure of probably $400,000, and what it will be the next year or the year from that I do not know. If we make permanent every one of these bureaus that have been created in connection with the War Department and give them all they are asking for, it will double the appropriations for the next ensuing Congress.

I think we should stop and think for a moment that instead of retrenching we are building higher and making it necessary for taxes to mount still higher in this country, thereby increasing the burden that is now resting heavily upon the taxpayers of the land. There is absolutely no use for this thing in time of peace. I do not think that there is an intelligent man who will contend there is a necessity for it.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. JOHNSON of South Dakota. Should there not be a deduction from the clerical force in the Quartermaster's Department?

Mr. WOOD of Indiana. Now, there is another thing we have to contend with each time with reference to the creation of a new bureau, and that is if you do not create the new bureau it is going to take some additional expense to run it where it now is; but you might as well say that you can take and divide a storehouse in the city of Washington into 10 different parts and contend that the 10 different parts can be conducted more cheaply than when consolidated under one overhead management. There is the trouble with reference to the business of the Government of the United States. There is not a single business house in this country that could live for one year conducted in that way.

Mr. JOHNSON of South Dakota. And is it not true that in all European armies they have this separate transportation bureau?

Mr. WOOD of Indiana. I do not know anything about their methods.

Mr. JOHNSON of South Dakota. And that is the only way they got efficiency in time of war.

Mr. WOOD of Indiana. It is absolutely unbusinesslike, and if we want to safeguard and control responsibility instead of dividing these expenses we had better be getting them under one head. That is our trouble and it always has been under this system of divided responsibility.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. What new activities does this bill as originally drawn seek to confer on the Quartermaster's Department?

Mr. WOOD of Indiana. As I understand by the bill as originally drawn it seeks to consolidate——

Mr. OLIVER. But what new activities other than those the Quartermaster's Department was engaged in prior to the war does this bill we are considering seek to confer on that department?

Mr. WOOD of Indiana. I do not know of any.

Mr. OLIVER. Can the gentleman state to the committee the increase in personnel in the bill as drawn to what it was before the war?

Mr. WOOD of Indiana. Under this bill?

Mr. OLIVER. Yes.

Mr. WOOD of Indiana. No; I can not.

Mr. OLIVER. Is it not a fact that we have largely increased both the officer and enlisted personnel of the Quartermaster's Department, but have given it no new activities?

Mr. WOOD of Indiana. That may be true, and there may be a necessity for that for this reason, that there has never been in all the history of the Government of the United States a time when immediately following a war there has not been a material increase in the peace-time strength of all these departments.

Mr. OLIVER. What number of enlisted men does the bill as originally drawn give the Quartermaster's Department?

Mr. WOOD of Indiana. I do not know about those things. This is not my bill.

Mr. OLIVER. How can the gentleman then argue to this House that it would not be economical to separate these corps, if he is unable to give that information?

Mr. WOOD of Indiana. Upon the general proposition that ought to appeal to any business man, that a house divided against itself is absolutely and of necessity more expensive than a house combined within itself.

Mr. KAHN. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KAHN. The bill as drawn gives to the Quartermaster's Department 20,000 enlisted men.

Mr. OLIVER. And you had only 5,000 before the war? In other words, you have quadrupled the number without giving the department any new activities?

Mr. GREENE of Vermont. The bill as originally drawn had 20,000, and they drew 8,000 out of that number, leaving 12,000.

Mr. OLIVER. I was speaking of the bill as you drew it.

Mr. ANTHONY. If they agree to all of these amendments for all these activities, it will be 50,000, to take the place of 15,000 or 20,000.

Mr. WOOD of Indiana. I wish to say to the gentleman that there were created eight independent bureaus that did not exist prior to the war. In addition to these there were some 16 side shoots from these bureaus, spreading out their tentacles in every direction, and I can not for the life of me see how anyone from an economical standpoint can contend it would be more economical to conduct these as independent factors than if they were all consolidated under one management and under one control.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. BEE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BEE. I wanted to ask unanimous consent, in view of the fact that I was compelled to be absent yesterday, that I might address the House for five minutes with reference to the court-martial proposition of the gentleman from South Dakota [Mr. JOHNSON]. I happened to be absent on yesterday.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes on a different proposition in the bill from that under consideration. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, can not the gentleman print it?

Mr. BEE. I did not understand the gentleman.

Mr. MANN of Illinois. Can not the gentleman print it?

Mr. BEE. I will say to the gentleman from Illinois that since I have been in the House I have neither printed nor do I undertake to print.

Mr. MANN of Illinois. The gentleman wants to commence a good reformation, because Members should print more and talk less.

Mr. BEE. If the gentleman from Illinois objects, I shall not take the time.

Mr. MANN of Illinois. I shall not object. But I do not think it is a reasonable request to make in the midst of the consideration of another amendment.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last two words. I make this pro forma motion for the purpose of directing an interrogatory to the gentleman from Vermont [Mr. GREENE], if he will give me his attention.

The gentleman made some reference to the security of the foundation of this bill, and it called to my mind that I ought to ask him if he is quite sure that his foundation is secure, in view of the statements made yesterday by Senator WADSWORTH that enlisted men and officers are deserting? I believe that is the word he used, although it may be presumed that he meant dropping out of the service. He said that they were going out by droves, in accordance with an article published in this morning's Washington Post.

Mr. GREENE of Vermont. It depends altogether on conditions how I should answer that. This bill is not yet law. So it can not correct any evils as to why they are deserting.

Mr. O'CONNOR. What do you think suggested the statement by him?

Mr. GREENE of Vermont. I happen to remember, by reading the RECORD, that he was addressing his remarks to the Senate on the subject of Army pay.

Mr. O'CONNOR. It occurred to me in connection with that statement of Senator WADSWORTH, and the further statement made by the distinguished gentleman from Vermont, that if our Army is to be composed from the enlisted standpoint of men who are brokenhearted, who have lost hope in human existence, who are derelict, we are going to have a mighty poor Army. If men are dropping out by droves, to use the expression of the distinguished gentleman from New York in the other Chamber, because they can not make both ends meet——

Mr. BLANTON. They are not dropping out in droves, because the galleries are full right now.

Mr. O'CONNOR. That is a facetious remark by the gentleman from Texas that I do not believe affects the value of the statement made by the distinguished gentleman from New York. I am assuming that the Senator from New York is in a position to make statements that are correct and that ought to have some value in the Congress of the United States. I do not think that he would lightly make a statement with reference to our Army and have that statement go out to the people of this country if it had not a true foundation. [Applause.] And if he be correct, then I say that the foundation is not secure, and that it requires better pay in order that men who join the Army, who enter the service, may do so with the knowledge that they may look into the future decently and be soldiers of a country that we might well be proud of. This Congress ought to take into consideration the suggestion thrown out, and increase the pay. I do not think we want an Army in this country to fall into the position suggested by the immortal "Tommy Atkins" of Kipling. We need an Army composed of decent, fearless men, who can live in accordance with American standards and who will seek the Army with high hopes of being able to make both ends meet while working for promotion. An Army composed of men who remain in it when they can not make ends meet, an Army composed of such enlisted men is spiritless and without the brave hearts that should make up an American Army.

We must stop the desertions or "droppings out," or the remainder will not inspire great confidence. Better to have no Army at all than an Army of underpaid men who remain in the service because they have neither the courage nor capacity to do better for themselves. [Applause.]

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, the pending amendment has the indorsement of Gen. Pershing, Gen. Wood, the Secretary of War, and the Assistant Secretary of War, Mr. Crowell. This should in itself be sufficient to authorize the House to vote for the amendment.

The fact that the railroad bill placed new and important duties in the hands of the Secretary of War, which he has assigned to the Transportation Corps, emphasizes the importance of retaining it as a separate corps.

After the passage of the railroad bill, which conferred on the Secretary of War the duty of operating Government barges and towboats on the Black Warrior and Mississippi Rivers, and on the Erie Canal, a committee, interested in inland waterway development, called on the Secretary to request that this important work be placed in the hands of Army Engineers. The committee was informed that careful study had been given to the matter, and that the Secretary had already designated the Transportation Corps for this purpose. We found the Secretary greatly interested in the success of inland waterway transportation, and he paid a high, and, I feel sure, a deserving compliment to Gen. Hines, now in charge of the Transportation Corps. Among other things, the Secretary stated that he was one of the great finds of the war [applause], and the Senate, after studying his remarkable record, very promptly confirmed him in the advanced rank to which he was appointed by the President. The Senate evidently had in mind the efficiency of the Transportation Corps in the preparation of the Army bill and, my information is, has provided for this as a separate corps of the Army. No good reasons have been assigned why it should not remain as a separate corps. Testimony before the committee shows that the Quartermaster Department was wholly unable to carry on this important work, and the organization of a separate Transportation Corps became imperative. Since its organization no complaint has been heard, but all agree that under the administration of Gen. Hines it was one of the real contributing causes to the victory of our Army overseas.

Gen. Hines is keenly alive to the importance of inland waterway transportation, now in the hands of this corps, and has made a comprehensive study of this subject and is well prepared to continue, enlarge, and carry on this work with efficiency and success. In my opinion, it would be a serious mistake to place this important matter under the Quartermaster of the Army. The Quartermaster has many duties to perform, and I am anxious that the corps charged with the operation of the boats and barges on our inland waterways be specially qualified and designated for this work.

No economy can result from the attempt made in the bill, as originally prepared, to place so many activities in the Quartermaster Department, and the business and military reasons which prompted the Secretary of War, Gen. Pershing, Gen. Wood, and others to recommend that the Army Transport Service be kept as a separate corps should be approved by the House. Certainly it is much more important to continue this as a separate corps than it would be to create a separate Construction Corps. The work of the Transportation Corps will largely increase, whereas that of the Construction Corps will in future be materially lessened. Nothing is more important to the Army than to have a thoroughly well organized, well equipped, and efficient transportation system, and those who have given it serious thought and study feel that this can only be accomplished by maintaining a separate corps for this purpose.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may have five minutes more to finish.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Alabama [Mr. OLIVER] may proceed for five minutes more. Is there objection?

Mr. ANTHONY. Reserving the right to object, Mr. Chairman, I do not see the gentleman from California [Mr. KAHN] here, but I think we ought to limit the time for the debate on this paragraph.

Mr. CALDWELL. I do not think it will last more than for three or four more speeches.

The CHAIRMAN. Has the gentleman from Kansas a request to propound?

Mr. ANTHONY. I suggest that there should be a time limit on the debate. What does the gentleman from California [Mr. KAHN] suggest?

Mr. CALDWELL. I think there will be only two or three more speeches on this side.

Mr. KAHN. I suggest that we close the debate on this amendment and all amendments thereto at 4 o'clock, or in 25 minutes.

The CHAIRMAN. Does the gentleman from California move or ask unanimous consent?

Mr. KAHN. I ask unanimous consent.

The CHAIRMAN. The gentleman from California asks unanimous consent that all debate on this amendment and all amendments thereto close in 25 minutes. Is there objection?

Mr. ANTHONY. With the understanding that the Chair will recognize the members of the committee for at least 10 minutes of that time in defense of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. KING. I object.

The CHAIRMAN. Objection is heard.

Mr. KAHN. I move, Mr. Chairman, that all debate on this amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from California moves that all debate on this amendment and all amendments thereto close in 25 minutes. The question is on agreeing to that motion.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. Does that exclude the five minutes that the gentleman from Alabama [Mr. OLIVER] has already asked for?

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is that time to be computed by this clock or the other one? They are about five minutes apart.

The CHAIRMAN. By the one above the Speaker's desk.

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. Does that exclude amendments that will be offered to the preceding paragraphs?

The CHAIRMAN. It does not include any amendments except this amendment.

Mr. MANN of Illinois. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN of Illinois. Is the amendment that is now pending an amendment to section 8 of the bill or not?

The CHAIRMAN. The Chair so understands.

Mr. MANN of Illinois. It was not so offered.

Mr. CALDWELL. Yes; it was.

Mr. MANN of Illinois. I beg the gentleman's pardon. It is not so offered. I think we might as well straighten it up now.

Mr. CALDWELL. If the gentleman will yield, I may say that we had quite some discussion about the matter.

Mr. MANN of Illinois. Yes; I heard it from the gallery, and I noticed you were pretty well mixed up. [Laughter.]

Mr. CALDWELL. It will be straightened up by the stenographer.

Mr. MANN of Illinois. It will not be straightened up by the stenographer. The reading clerk straightens it up.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from California [Mr. KAHN] that all debate on this amendment and all amendments thereto be closed in 25 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] is recognized for five minutes.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. BLACK. It is the question that I wanted to ask a while ago. If this amendment is not adopted, and this service remains under the Quartermaster General's Department, will not Gen. Hines still continue to be the director of transportation? I do not know, and I just wanted to ascertain.

Mr. OLIVER. No one knows.

Mr. BLACK. I was under the impression that he would be.

Mr. OLIVER. Unquestionably the party having this matter in charge would be the Quartermaster, and I feel you would be making a serious mistake to now add largely to the duties of the Quartermaster. The officer in the Navy who corresponds to the Quartermaster in the Army has no multiplied duties of this character. The Secretary of War is deeply anxious to see that this new work now delegated to this Transportation Corps is efficiently done, and you can not have it efficiently done unless some one corps is responsible for it. [Applause.]

Mr. DONOVAN. Mr. Chairman and gentlemen, I know somewhat in a general way about the proposition as to these several corps, and if I had known that I was to have anything to say and had tried to prepare myself, the words just pronounced by the gentleman from Alabama [Mr. OLIVER] would encompass my thoughts, and I subscribe to them heartily and particularly in reference to Gen. Hines. I believe he is a most efficient man, perhaps the best trained specialist in this country to-day on water and rail transportation in the Army.

I want at this time also to take occasion to record myself as not subscribing to the views of the gentleman from Texas in reference to the men of the Army now in the gallery. When the other proposed amendment for the creation of a construction corps was up for discussion we who favored it were met with the charge that there was a lobby, sinister or otherwise. Now we are referred to the fact that we now have Army officers in the galleries. I suppose, before the debate concludes, there may be those here who will have the temerity to say that the officers whom they admitted saw them in their offices in relation to the former referred to amendment have now transferred their activities to the galleries. I believe these men of the Army have every right to be here, as other citizens have, to listen to the discussion, and I think it ill becomes any of us here to make references of that kind, and I do not subscribe to them. [Applause.]

Mr. BEE. Will the gentleman yield for a question?

Mr. DONOVAN. I yield to the gentleman.

Mr. BEE. In view of the fact that this is an Army reorganization bill affecting the life of the Army, I want to ask if it is not entirely natural and proper that officers of the Army in their leisure time should come to hear the debate?

Mr. DONOVAN. Absolutely.

Mr. SMALL. Mr. Chairman, so far as I know, there can be no doubt as to the distinguished qualifications either of the general who presides over the division of transportation or of the general who presides over the division of construction, and if this amendment is to be determined by the qualifications of the officers in command of the division of transportation, presumably it will have the sanction of the committee.

I do not believe, Mr. Chairman, that the perpetuation of this division, which was created as an exigency of war, is necessary or in the interest of Army reorganization in peace times or in preparation for other wars. I desire, however, particularly to say something with reference to the remarks of the gentleman from Alabama [Mr. OLIVER] as to the action of the Secretary of War in placing under the division of transportation the activities continued by the railroad-control bill of the operation of Government-owned boats. There was, in my opinion, no good reason why the Secretary of War should have placed that activity under the division of transportation.

The division of transportation had to do not with the operation of our boats during the war, but simply with designating the movements of troops and supplies—from what ports ships should start and their ports of destination. The operation of the boats was entirely under officers of the Navy. In addition to that the movement of transports under the division of transportation during the war and up to this time has been entirely upon the ocean. The operation of these Government-owned boats is upon our interior waterways, so that of necessity in the division of transportation there can be no officers or men who have knowledge or experience or training in the operation of boats upon our interior waterways.

When the railroad-control bill was pending in the House and the question of whether Government-owned boats should be transferred to the Department of Commerce or the Department of War was under discussion, whenever the Department of War was mentioned it was always intended, and so expressed, that the operation of the boats should be under the Corps of Engineers, and the distinguished chairman of the Committee on Interstate Commerce of the House and the distinguished chairman of the Senate Committee on Interstate Commerce both agreed that it was the intention of the conferees that the operation of these Government-owned boats should be with the Corps of Engineers. I do not say that it was the purpose to give the operation of these Government-owned boats upon our interior waterways to the division of transportation in order to give them something to do, but if that was the purpose it has been accomplished. The volume of transportation in time of peace is light. The movement of troops and the distribution of supplies are so small in time of peace that it could well be administered with more efficiency and economy in the office of the Quartermaster Corps, which procures the supplies, than it could be under an independent division of transportation.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, according to my view the committee committed a very grave blunder earlier in the day when it separated the construction division from the Quartermaster Corps, and I believe it will commit another blunder if it adopts this amendment and establishes a separate transportation corps. Now, the object of transportation, whether by motor transport, by rail, or by water, is to deliver supplies at points where they are needed and to transport troops. The Quartermaster General's office handles practically all character of supplies, with the exception of ordnance supplies. If you divide the activities of the Quartermaster General's office into two branches, you will not be able to fix the responsibility for placing supplies. If a requisition is made on the Quartermaster General for a certain number of articles, clothing or food, to be delivered at a certain camp at a certain time, and he has jurisdiction over the transportation his responsibility is then fixed, and if the supplies are not delivered at the proper time or place it is through his failure and his dereliction. If you have two corps established, one for transportation and one for supplies, they will be continually passing the buck from one to the other. The Quartermaster General will give as the reason why he could not deliver the supplies the claim that the transportation corps did not properly function, did not respond to his request to furnish transportation. On the other hand, the transportation corps will say that the Quartermaster General did not inform it in time, did not tell it early enough, and it had no opportunity to provide for the transportation in advance.

Gentlemen of the House, there is no reason on earth why in this bill you should adopt this policy of extravagance by having two corps, two branches, when the same officers if they care to do so can perform the functions of transportation under the Quartermaster General with the same rank, the same duties, except to be responsible to the Quartermaster General instead of being responsible to the Assistant Secretary of War.

Mr. KEARNS. If there is no necessity for this, why should it be favored by the Secretary of War and the Assistant Secretary of War and Gen. Pershing?

Mr. CONNALLY. That is the only thing about which I ever heard the gentleman agree with the Secretary of War. I have heard him criticize the Secretary of War on this floor repeatedly, but now because the Secretary of War recommends the establishment of the transportation corps, because his view happens to coincide with the opinion of the gentleman from Ohio in that particular, the Secretary of War is a very wise and sagacious official.

I want to say in reference to what has been said as to the man at the head of this corps, Gen. Hines, being a very efficient man, that I am sure that he is, but Gen. Hines can perform his duty as efficiently under the Quartermaster General as he can at the head of an independent department. [Applause.]

Mr. QUIN. Mr. Chairman, if we create this separate and distinct organization of a transportation corps you will add 415 officers to the list.

Is it possible that they want to go out and create a separate and distinct organization which, with all these other organizations, will take all the officers of the Army and leave nobody to do any fighting? Is it possible that you are going to reach down into the pockets of the people any more than the bill itself does? Why, when you put on this separate construction corps you reached down into the pockets of the people and took out money by the scoopful. [Laughter.] These gentlemen know nothing about economy or efficiency of the Military Establishment. They propose every kind of a wild scheme that anybody suggests and that can be conjured up by the imagination. By the time we have raised an Army under the schemes that these gentlemen propose you will not have any fighting officers left. When you create a separate bureau you provide for a lot of typewriters, a big drove of messengers, and every kind of expense that you can imagine. If you are going to have an efficient Military Establishment you must have it compact without having it spread all over creation with a thousand bases. A man in private business would not stand 30 minutes for what the amendment proposes to do. Whenever war comes you need not be uneasy, for we will get there. The American people do not want to be loaded down with taxes in peace times for great preparation for imaginary wars. I know this bill is going to be enacted into law over my opposition and protest, but let us make it as decent as possible. Let us kill the proposed amendment. [Applause.]

Mr. ANTHONY. Mr. Chairman, the only argument I can see for this amendment is the personal aggrandizement of the officers directly affected.

Mr. CALDWELL. Mr. Chairman, I understood from the Chair that this time was going to be divided equally between the pros and the antis, and in this case there has been only one speech for the proposition and four against it.

The CHAIRMAN. The Chair has endeavored to divide the time equitably.

Mr. CALDWELL. The gentleman from Texas [Mr. CONNALLY], the gentleman from Mississippi [Mr. QUIN], and the gentleman from Kansas have spoken against it, and also the gentleman from North Carolina [Mr. SMALL].

The CHAIRMAN. The gentleman from Alabama had nine minutes and the gentleman from South Dakota had two minutes, and other members of the committee have spoken.

Mr. ANTHONY. Mr. Chairman, ever since the Army was organized over 100 years ago the transportation has been under the Quartermaster General. It is absolutely necessary for efficiency that the organization for the purchase of stores and supplies and the issuance of them should have charge of their transportation to insure accurate and efficient work. The bill simply places the transportation where it was before the war and where it has always been ever since we had an Army in this country.

There is an economy which we are trying to work out in this branch of the service, as in all other staff forces. I want the committee to know that as present organized in Washington the transportation service has 92 officers and to-day they have over 1,000 clerks. The Bureau of Efficiency, which has investigated the matter, has given us the statement along the line of the statement of the Quartermaster General, that he can operate the transportation with 22 officers instead of 92, with 320 civilian clerks instead of 1,100, and that there will be a saving of $1,079,000 without impairing the efficiency and operation of the corps in the slightest.

I hope the committee will see fit to adopt the recommendations which the Committee on Military Affairs, which has considered this bill, have made, which restores the transportation to the place where it has always been in the Army and where it will always operate best from the standpoint of efficiency and service.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. DEMPSEY. Is it not a fact that if you take 438 men in addition to the 250 taken by the construction corps from the Quartermaster Department you will have left only 362 officers in that corps, with 4,500 men, and will you not so weaken it that you will either have to increase the number of men or have the Quartermaster Corps inefficient?

Mr. ANTHONY. It is very obvious that if the House finally passes the bill as they are amending it it will be almost necessary to wholly change it in conference to make it workable. The House has amended it to a point now where it has absolutely destroyed the balance of the bill. If there is one other additional corps established with a great allowance of officers like that you will not leave any officers for the Quartermaster's office at all. I hope the House will not go any further in wrecking this bill, as it has been written after months of careful work.

The CHAIRMAN. The time of the gentleman from Kansas has expired. All time has expired.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that five minutes be given to the gentleman from Missouri [Mr. BLAND] to talk on this question. There were more speakers on the other side than on this, and the gentleman from Missouri is anxious to be heard.

Mr. MADDEN. Mr. Chairman, I object to any further time.

The CHAIRMAN. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. MANN of Illinois. Mr. Chairman, I move to amend the amendment by striking out that part which provides that it shall be inserted as a new section, to be known as section 9–1, so that it will provide "that the following be inserted as an amendment after line 16, page 18, commencing with '9–b,'" to make it conform to the bill.

The CHAIRMAN The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 18, line 16, insert a new section to be known as section 9b.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio [Mr. KEARNS].

The question was taken; and on a division (demanded by Mr. CALDWELL) there were—ayes 30, noes 64.

So the amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Line 22, page 16, after the word "men," strike out the period and add the following: "and the Quartermaster General shall detail such officers of the corps as he deems necessary from time to time to study the subjects of transportation and the commercial methods of manufacture and distribution of supplies common to the use of the Army."

Mr. McKEOWN. Mr. Chairman, if there is any one thing that this war has taught us, it is this: That under the conditions existing in the War Department prior to the war the business men of this country and the Army officers could not readily get together on a business transaction. It was pitiful to see the American business men at the outbreak of the war attempting to get in touch with somebody with authority in the War Department to supply the wants and the needs of the Army that was being called into existence. They chased around from office to office in Washington, and they could find no one that would assume authority to enter into a contract. Yet after the war is over, when the gentleman from North Carolina [Mr. KITCHIN] asked them to send up the contracts that had been entered into, in order to prepare the levy on the excess profits and the war-tax profits, you could not haul them up here with a wheelbarrow, there were so many that had been made by lieutenants and captains and every grade of officer. The purpose of this amendment is to not permit the Army to dry-rot during peace times. The purpose of the amendment is to allow the quartermaster to detail men into the different manufacturing industries of the country, and train our own officers so that when war comes and the emergency is upon us we will not have to depend upon dollar-a-year men to come down to Washington to tell us how to run our transportation system or what kind of goods to buy for the Army. If we have expert officers trained during peace times, then we do not need to go out and bring in employees of manufacturers and subject them to the temptation to make contracts with their employers. If you

give the quartermaster power to make the detail, express it in legislative language. You will not then have the detailing of officers questioned nor insinuations made that a man, because he wears a uniform, is not an honorable gentleman. As to the officers of the Army appearing in the gallery of this House during the deliberations of this body, in so far as I am concerned, when the men who wear the uniform of our Army and fight the battles of this Republic can not sit in the galleries of this House of Representatives, I am ready to quit the House. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. KAHN) there were—ayes 38, noes 53.

So the amendment was rejected.

The Clerk read as follows:

SEC. 9. That section 10 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 10. Medical Department.—The Medical Department shall consist of 1 Surgeon General with the rank of major general, 2 assistants with the rank of brigadier general, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men not exceeding 5 per cent of the total enlisted strength of the Regular Army, the Army Nurse Corps as now constituted by law, and such contract surgeons as are now authorized by law: *Provided*, That hereafter the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director, and assistant directors, the relative rank of captain; chief nurses, the relative rank of first lieutenant; and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have and shall be regarded as having authority in and about military hospitals next after the medical officers of the Army. Whenever a vacancy shall occur in the office of the Surgeon General or assistant to the Surgeon General, it shall be filled by appointment by the President, by and with the advice and consent of the Senate, for a four-year period of an officer of the Medical Corps not below the grade of colonel, and such appointment shall not create a vacancy. The number of officers of the Medical Corps shall be 6½ for every thousand, of the Dental Corps, 1 for every thousand, and of the Medical Administrative Corps, 1 for every 2,000, of the enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time and within the peace strength authorized by this act: *Provided*, That the Medical Administrative Corps shall consist of officers in grades from captain to second lieutenant, inclusive. The Veterinary Corps shall consist of 140 officers, in grade from colonel to second lieutenant, inclusive."

Mr. DYER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 19, line 20, after the word "for," strike out the word "thousand" and insert the words "five hundred."

Mr. DYER. Mr. Chairman, I desire to direct the attention of the committee to this section with special reference to the Dental Corps. Under the existing law there is one Dental Corps officer authorized to every thousand of the total strength of the Army. That is the act of Congress of October 6, 1917. This bill would change that law and provide for one dental officer for every thousand enlisted men of the Army. In other words, it reduces the number of dental officers now provided by law, whereas it has been demonstrated that one dental officer is not sufficient now even for 1,000 of the total strength of the Army. During the war, under authority granted by Congress to the President of the United States to appoint such additional officers as he saw fit and proper, he appointed one dental officer to every 500 men of the whole Army. In other words, the General Staff ascertained that the work of the Dental Corps had become so necessary and so important that they needed one dental officer to every 500 of the strength of the Army. That was during the war. That existed all of that time——

Mr. McKEOWN. Will the gentleman yield?

Mr. DYER. I do.

Mr. McKEOWN. Was not that due to the fact that recruits were sent into the Army who required more attention?

Mr. DYER. And that is the same now, I will say to the gentleman, that recruits are coming in now every day. I have a big recruiting depot near my city, Jefferson Barracks, and men are coming in there; and I will say to the gentleman, candidly and without any doubt, that it is impossible now for a dental officer of the Army, with the number now permitted by law, to do much more for the enlisted men of the Army than to extract teeth. They have not the time to do all the work that is ordinarily known as dental work. The dental profession has advanced to such a stage that dental surgeons are doing many kinds of work that is new, but highly beneficial——

Mr. BEE. Is it not true that a great many of them have been neglected because of the fact that they have not the dental officers?

Mr. DYER. Not only that, I will say to the distinguished gentleman from Texas, but the advertisements that are going out to get men to enlist in the Army say that dental work will be furnished completely to the men.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. DYER. I will yield to the gentleman.

Mr. GREENE of Vermont. I understood the gentleman to say that these dental surgeons have no time now except to extract teeth?

Mr. DYER. Well, practically so.

Mr. GREENE of Vermont. How long would it take them to pull all the teeth in the Army so as to get around to bridge work? [Laughter.]

Mr. DYER. Let me say to the gentleman from Vermont that under existing regulations a dental officer is required to give treatment not only to every thousand of the strength of the Army but he is required to give attention to the families of the men and of the officers, the Nurse Corps, and the employees who are at these posts, and for that reason it is now nearer 1,500 than 1,000 that each dental officer has to look after.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. DYER. I will.

Mr. MANN of Illinois. Does the gentleman think the ordinary dentist can take care of from 15 to 20 patients a day?

Mr. DYER. I do not.

Mr. MANN of Illinois. The gentleman has been fortunate; he has not had to go to a dentist often.

Mr. DYER. Well, the dentists of the country now who are engaged in general practice do not on the average give attention to more than 500 patients a year.

Present laws provide one dental officer for each 1,000 officers and enlisted men of the Army. It was evidently the intention of the Committee on Military Affairs to not reduce the number of dental officers now authorized by law, although the proposed bill provides for one dental officer for each 1,000 enlisted men only. The bill gives the impression that there shall be one dental officer to furnish dental treatment to each 1,000 enlisted men, but this is not a fact, for the reason that dental officers are required to furnish treatment to the families of officers and enlisted men, contract surgeons, members of the Nurse Corps, prisoners of war and other persons in military custody and confinement, applicants for enlistment while under observation, officers and enlisted men on the retired list, and at stations or in the field where other medical attendance can not be procured, civilian employees. It is estimated that not less than 1,500 persons are placed under the care of one dental officer.

The regulations provide that officers and enlisted men shall be entitled to priority in receiving dental treatment, but a great deal of time is required with families and others coming under the provisions of Army regulations, and, in effect, denies officers and enlisted men the attention which rightly belongs to them and limits the grade of dentistry performed to typical emergency treatment; that is, the relief of pain and such other operations as may be absolutely required. It has never been possible with one dental officer per thousand to provide other than emergency treatment at all stations of the Army; and in view of the increased demands for dental service, due to the influence which conditions of the mouth have on the health in general, Congress must provide an additional number of dental officers to satisfy this demand.

The provision of one dental officer per thousand does not provide a sufficient number to assign an adequate number to hospitals, where the necessity for dental treatment in the treatment of cases with heart lesion, stomach and kidney disorders, and many other conditions which are but the result of a primary focus of infection in the mouth. To illustrate the importance of dental treatment in the treatment of systemic diseases it may be of interest to know that at all large modern civilian hospitals a dental man is a member of the staff. At the Mayo clinic, Rochester, Minn., one of the first members of the staff to examine and treat patients admitted to the hospital is the dentist. Certainly if a dentist must be called upon to assist in the treatment of cases admitted to hospitals, it would be a measure of economy to provide constructive and preventive dentistry to the personnel of the Army and thus reduce the number admitted to the hospitals. It being the primary object of the entire Medical Department to keep the command fit for active duty, then additional dental officers are required to assist in this work.

The past war resulted in a great number of our Army suffering face and jaw injuries. The treatment of these cases requires a highly specialized branch of surgery, and to enable the plastic surgeon to accomplish the result which has gained the

admiration of the world the mechanical appliances used in connection therewith were devised and constructed by dental officers. There is no desire to detract from the ability or skill of our plastic surgeons, but it is only fair to admit that the dental officers provided scaffold work upon which they built their plastic restorations.

The small number of dental officers available under the quota of one per thousand will leave many military stations without dental officers. This is especially true of the smaller commands, such as many of our coast-defense posts, and surely those men are as justly entitled to dental treatment as the members of any other command. These stations are visited periodically by dental officers who are serving in so-called itineraries, but during the absence of the dental officer, dental service must be obtained from civilian sources at greatly increased cost to the Government, whereas the Government now possesses sufficient material to equip these posts but is lacking in dental personnel to utilize the equipment. The time consumed by dental officers in traveling from post to post will result in the loss of a great amount of the dental officer's operating time, and therefore increase the net cost of dental treatment actually rendered, as well as increase the normal cost for transportation charges.

The small number of dental officers available will practically eliminate constructive dentistry and limit the type of service furnished enlisted men to emergency service; so that in case of active campaign enlisted men will be called upon to enter on extended field service unfit for duty, and the loss of combat service of those men from dental disabilities and the expenses incumbent thereto will be a distinct loss to the Government, both from a financial standpoint and military effectiveness.

The Government offers an inducement for enlistment in the Army expert medical attention and excellent dental work, and if that promise is to be kept, additional dental officers must be provided.

The number of years required to complete a course in the study of dentistry has been increased from three years to four years, and the amount of expense of a dental education, which in addition to the ordinary expenses of a college education is further increased by the purchase of personal equipment, makes the attainment of the degree of doctor of dental surgery more and more difficult. The number of graduates has been approximately 2,200 annually, and with the increase in demand for dental service throughout the country the number of civilian dentists will be below the requirements. It will be difficult to induce dentists with high professional skill and professional pride to enter the Army when they will be restricted to merely the emergency type of dentistry and be compelled to accept an original appointment in the grade of second lieutenant.

There should be not less than two dentists to each 1,000 officers and enlisted men in the Army. It is believed this number will be sufficient to render enough constructive dentistry to permit the dentist in the Army to keep pace with his profession and to conserve the teeth of officers and enlisted men in a manner to keep them fit for performance of military duties and to prevent prosthetic replacements (plates) for teeth lost by ineffectual treatment.

The War Department recognized the importance of dental treatment during the past emergency when the quota of dental officers was increased from one per thousand to two per thousand total strength during the latter part of the World War. This may appear to be merely an emergency authorization, but it will be remembered that the War Department presented a bill to Congress during the month of January, 1919, which proposed a peace Army of approximately 500,000, and the number of dental officers provided for in that bill was 1,101, or two dental officers for each 1,000 total strength. It thus appears that the War Department believed two dental officers per thousand are necessary to provide suitable dental treatment to the Army in times of peace.

The provisions of this bill would seem pertinent as an amendment to the national defense act; however, it is evident that the committee has failed to recognize the existing law enacted October 6, 1917, providing for the reorganization of the Dental Corps. This act was not an amendment to the national defense act, but independent and permanent legislation placing the Dental and Medical Corps on an exact status of equality.

Let me repeat:

(a) It modifies the present law by reducing the number of dental officers in changing the ratio from 1 to 1,000 of the total authorized strength of the Army, act of October 6, 1917, to 1 to 1,000 of the enlisted strength. (Page 19, lines 20–22.)

(b) Equality with the Medical Corps is departed from in not granting the same constructive service credits for promotion. (Page 31, lines 12 and 13; page 33, lines 10–14.)

(c) Failure to credit for retirement (page 34, line 22), in addition to "commissioned service," "service as contract dental surgeon or acting dental surgeon," as hereinbefore credited for promotion. (Page 30, lines 15 and 16.)

(d) Original appointment in the grade of second lieutenant (page 37, lines 14 and 15), instead of first lieutenant. This is a radical departure from all previous legislation. (See acts of Feb. 2, 1901; Mar. 3, 1911; June 3, 1916; Oct. 6, 1917.)

Under present increased dental educational requirements this will preclude the possibility of obtaining desirable officers.

(e) The age requirement should harmonize with that of the Medical Corps—23 to 32, instead of 21 to 30. (Page 37, lines 15 and 16.)

(f) Failure to include dental students with medical students, who may be admitted to Reserve Officers' Training Corps. (Page 48, lines 4 and 6.)

Further, it is impossible for officers of the Dental Corps, on a basis of 1 to 1,000, to render the necessary service in order to properly conserve the health and promote the efficiency of the Army. In support of this, the average civil practitioner does not render constructive dental service to 400 persons per year. Also, your table of estimates in House Report No. 680, page 17, clearly recognizes the necessity for increasing the quota of dental officers. (Estimate 420, authorized bill 280.)

During the World War it was clearly demonstrated that 1 to 1,000 was inadequate to meet the urgent requirements and by an Executive order the ratio was increased to 2 per 1,000. This was found necessary in addition to approximately 1,000,000 dental operations rendered the drafted men, without expense to the draftee or the Government, through the organized efforts of the dental surgeons in civil life.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DYER. Mr. Chairman, I offer an amendment to comply with existing law. On page 19 the bill provides there shall be one dental officer for every thousand of the enlisted men of the Regular Army. The existing law provides that there shall be one dental officer for every thousand of the total strength of the Army. I ask to insert, at page 19, line 20, the words——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 19, line 20, after the word "thousand," insert the words "of the total strength of the Regular Army authorized from time to time by law."

Mr. DYER. That is in the existing law, I will say to the committee. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BEE. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee or some member of the committee what is the function of a contract surgeon as usually understood, and what is the necessity for the continued existence in law of the contract surgeon? I understand in years gone by they performed a very useful function, but I have not heard recently that there was much occasion for a contract surgeon.

Mr. KAHN. Mr. Chairman, a law passed several years ago took most of the contract surgeons who had been attending to officers and enlisted men in the Army into the regular service. But in a few of the smaller posts it is not advisable to have an officer from the Medical Department in constant attendance, and so a contract is made with civilian doctors in the neighborhood to attend to the officers and the men who happen to be stationed there.

Mr. BEE. Is that now construed as a contract surgeon? In other words, what is in my mind is this: As I recall the law in reference to contract surgeons they had no military status.

Mr. KAHN. Quite right.

Mr. BEE. Yet they were a part of the Army. They went with the troops, but, as I said, they had no military status. Now, is it possible that a physician living near a small garrison—and I will say to the gentleman from California there seems to be very few Army garrisons in the United States where that condition exists——

Mr. KAHN. I want to say to the gentleman that I believe there are 10 or 12 contract surgeons left.

Mr. BEE. Of the old ones?

Mr. KAHN. Yes.

Mr. BEE. When they get out of the way, I suppose it will not be necessary to continue them?

Mr. KAHN. That is quite right.

The CHAIRMAN. The gentleman from Indiana [Mr. MOORES] offers an amendment, which the Clerk will report.

Mr. MOORES of Indiana. That has already been adopted in Mr. Dyer's amendment, and I withdraw it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That section 11 of said act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

"SEC. 11. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers with the rank of major general, 1 assistant with the rank of brigadier general, 600 officers in grades from colonel to second lieutenant, inclusive, and 12,000 enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe."

Mr. CALDWELL and Mr. SMALL rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word for the purpose of calling to the attention of the House that rank was given to the nurses without objection in the House by the Committee of the Whole. [Applause.]

Mr. SMALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SMALL: Page 20, line 10, strike out "one assistant" and insert "two assistants."

Mr. SMALL. Mr. Chairman, this amendment increases the assistants to the Chief Engineer from one to two, of the same rank as carried in the bill. The bill provides a chief engineer with the rank of major general and one assistant with the rank of brigadier general. This amendment provides for two assistants with the same rank, that of brigadier general.

Mr. Chairman, if I may have the attention of the committee, I may say that gentlemen who are familiar with the activities of the Corps of Engineers will readily agree to the wisdom of the amendment. For those who have not had occasion to look into the manifold activities of the corps, I might add just a few words of explanation.

In addition to the large duties of the corps there is a diversity of duties, civilian on the one side and combatant on the other, each separate and distinct. Among the military duties of the Corps of Engineers there is one branch known as the supply staff, and under that comes the engineer supplies, the supplies for fortifications, and a number of incidental departments of supply. The other may be called the operating staff service, which is divided into 9 territorial departments, 6 territorial districts, and 22 territorial divisions. Under that are the construction of fortifications, military roads, and railroads and bridges, and miscellaneous military construction. Now, that is a distinct division of the activities of the Corps of Engineers.

The civilian activities of the corps are very large, of which I may enumerate a few. First, there are the river and harbor works, and under that the country is divided into 10 territorial divisions and 53 territorial districts. I might give some details of the work of the engineers in river and harbor improvements. There are examinations and surveys, estimates, execution of work authorized, maintenance of work, the California Débris Commission, the Mississippi River Commission, the flood control, operating the snag boats, and so forth, and also among the other civil works is a long list of miscellaneous civil works. Among them are leasing of water power, Government dams, establishment and regulation of harbor lines, recommendation for and supervision of the erection of bridges over navigable waters, and 12 or 14 other civil activities which by law or designation of the Secretary of War are paced with the Corps of Engineers.

If anyone shall suggest that the Chief of Engineers would not be adequately occupied if we provide him with two assistants, that thought may be removed by the statement that the chief has supervisory and executive jurisdiction of all the activities of the department. Among them are the combatant engineers, consisting of 900 officers and 12,000 enlisted men, as provided in this bill; the construction and formulation of policies of the Corps of Engineers. So, among the varied activities and the diverse activities of the Corps of Engineers, these two assistants are absolutely indispensable.

We have already provided in this bill, Mr. Chairman, in the Medical Corps for a chief and two assistants, with the rank of brigadier general. In the Quartermaster Corps, which we have just passed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent for five more minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. In the Quartermaster Corps, which we have just passed, there were originally one chief, with the rank of major general, and three assistants, with the rank of brigadier general. And, having adopted the amendment creating the division of construction, we still leave two assistants.

Now, there is no bureau or division in all the War Department which has more—and that is expressing it very conservatively—activities than that of the Corps of Engineers, and, to repeat, the Corps of Engineers differs from the other bureaus in that it has two diverse and different activities. I do not believe that this amendment will have the opposition of any member of the committee.

Mr. DENT. May I ask the gentleman a question?

Mr. SMALL. With pleasure.

Mr. DENT. As I understand the gentleman's proposition, it is simply to add one additional brigadier general to the Corps of Engineers in view of the fact that the Corps of Engineers not only does construction and handles river and harbor work, and things of that kind, but it also has a combatant force?

Mr. SMALL. Yes; distinctly combatant and military.

Mr. DENT. Which no other bureau has.

Mr. SMALL. That is correct.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. CALDWELL. And this addition of one brigadier general would be in charge of river and harbor construction?

Mr. SMALL. Yes; and I might say that, while I am not in the confidence of the Chief of Engineers, it is understood that one assistant would have jurisdiction of civil works and the other of military activities.

Mr. CALDWELL. And that additional assistant naturally would be the colonel who is now in charge of rivers and harbors?

Mr. SMALL. I have no information as to that, but that is the natural conclusion. I have no information as to the intention of the Chief of Engineers or the Secretary of War. My remarks are impersonal entirely.

Mr. CALDWELL. I brought this out because I think that the chief in charge of river and harbor development performs duties of such a character that the committee would be glad to give him that rank.

Mr. SMALL. I think so, and I thank the gentleman. These two assistants, Mr. Chairman, have such diverse duties that they must of necessity concentrate, each on his special work, the one on civil works and the other on military activities in the Corps of Engineers. It is impossible for one to give his attention to the other.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BEE. I was just going to ask the gentleman if it were not true that the expanding work of the Engineer Department on the engineer side did not make it necessary to make the expansion somewhat at the expense of the combatant corps, and we should give them rank in accordance with their responsibility?

Mr. SMALL. Yes. The duties of the Corps of Engineers are increasing all the time. In the railroad-control bill, under section 501, an activity was created, which was imposed on the Secretary of War, to act as a Federal agency in the promotion of water transportation, requiring the collection of data, advice as to water terminals, furnishing plans as to water terminals, and promoting the interchange of traffic between rail carriers and water carriers; and I have had it from the Secretary of War since that act was approved that he intends to place that activity under the Chief of Engineers, and it will be an addition of an exceedingly important duty. I believe that the amendment is distinctly in the public interest.

Mr. KAHN. Mr. Chairman, there is no gainsaying the fact that the Corps of Engineers is a very important feature of the Army. The request that was made of the Committee on Military Affairs was for a total of 1,055 officers for this corps. The committee, after mature deliberation, after having hearings covering many days, decided that a total of 600 officers for this branch of the Army would be entirely sufficient. The committee also, after mature deliberation, decided that one brigadier general would be sufficient for the work of the corps. Of course, if the Committee of the Whole House had decided to turn construction over to the Engineers, I would have had no objection to the additional brigadier general in that corps. But I believe that the bill as it stands gives the Engineers all the officers that they require, and I hope the amendment of the gentleman from North Carolina will not prevail.

Mr. BEE. Mr. Chairman, will the gentleman from California yield for just one question?

Mr. SMALL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from North Carolina?

Mr. KAHN. Yes.

Mr. SMALL. The gentleman, of course, with his large knowledge of the War Department activities, does understand that in the Corps of Engineers are two diverse duties, one embracing civil works, of which there are a very large number, and the other combatant or military activities, which are also quite numerous, and that the Chief of Engineers must have assistants, and that one assistant will find it impossible to take jurisdiction under the supervision of the Chief of Engineers of both of these activities. I think the gentleman will agree to that proposition.

Mr. KAHN. The Chief of Engineers can detail a colonel just as well as he can a brigadier general to that particular work. There are a great many civilian engineers employed in the Corps of Engineers, especially on the river and harbor work.

Mr. SMALL. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. SMALL. The gentleman, I think, will admit that one assistant, a brigadier general, in charge of one class of work, military, I will say, and another, an assistant of the grade of colonel, in charge of another class of work equally important, will not afford that balance such as the gentleman has been attempting to provide in this bill, and which I think he has provided in the main. I think the gentleman will agree that to have one assistant with the rank of brigadier general and another assistant who is not provided for in the bill and who will be independent of the bill, with the rank of colonel, will be a somewhat inconsistent arrangement. I hope the gentleman will agree to the amendment.

Mr. KAHN. I can not see the necessity for two brigadier generals in the Corps of Engineers. I say that in all frankness to my friend from North Carolina.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. SMALL].

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 27, noes 55.

Accordingly the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, all of the old guard are here and the insurgents are not. Therefore I make the point of no quorum present.

The CHAIRMAN. The gentleman makes the point of no quorum present. The Chair will count.

Pending the count,

Mr. CALDWELL. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FESS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 170. Joint resolution to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public.

ARMY REORGANIZATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 12a. Chemical Warfare Service: The Chemical Warfare Service shall consist of 1 chief of the Chemical Warfare Service with the rank of brigadier general, 90 officers in grades from colonel to second lieutenant, inclusive, and 1,500 enlisted men.

Mr. DENT. Mr. Chairman, I move to strike out the last word. I make that motion simply to call attention to the fact that this bill does not prescribe the duties of the Chemical Warfare Service. It simply fixes the number of officers, without prescribing their functions.

The Chemical Warfare Service was a creature of regulation under the Overman Act, and now you undertake to create a Chemical Warfare Service without prescribing its duties. I want to call the attention of the committee to the fact that the Chief of Staff is opposed to a separate Chemical Warfare Service. He insists that it ought to be attached to the Corps of Engineers, which, of course, would destroy it. If you desire to continue the Chemical Warfare Service under this bill, you certainly ought to prescribe its duties by law. You will not have any Chemical Warfare Service under the language of this bill.

Mr. GREENE of Vermont. Mr. Chairman, I am afraid the gentleman is squinting along the right path, so far as direct and positive command of law is concerned, but is this altogether new in military legislation? Can the gentleman find anywhere in the statutes of the United States where the duties of the Infantry arm are prescribed and where the duties of the Cavalry arm are prescribed?

Mr. DENT. I can not, but the gentleman from Vermont must realize that when you create a new staff corps which is charged with experimental work, such as the Chemical Warfare, you ought to prescribe its duties. I want to ask my friend from Vermont if this provision is adopted in its present form and the present Chief of Staff continues in his opposition to the Chemical Warfare Service can he not absolutely destroy it by not assigning any duties to it?

Mr. GREENE of Vermont. That all depends, of course, upon whether the Secretary of War is to be influenced, as usual, by the Chief of Staff or not, because after all the Secretary of War is the real lawful head of the department. The gentleman, being in the confidence of the Secretary of War and the Chief of Staff, probably will be able to answer that question better than I can.

Mr. DENT. That is a presumption that the gentleman has no right to indulge in.

Mr. GREENE of Vermont. It is true that the duties of the Infantry are fixed altogether by regulation. The duties of all arms of the service are prescribed by regulation, and, consequently, the gentleman proposes to change the regulation scheme.

Mr. DENT. I know; but the gentleman does not answer this proposition, and I am sure the gentleman will appreciate it when I state that when you create a new branch of the service and do not prescribe its duties, powers, and functions, you might as well not create it at all.

Mr. GREENE of Vermont. I will not subscribe to that proposition. I concede that there is a weakness in the phrasing of that paragraph, because it is the institution of a new feature in the Army under a statutory provision, but I still maintain that once it is established, once its personnel is in being, it is then subject to regulation, and its duties will be prescribed by regulations which under the statutes of the United States will have the force and effect of law.

Mr. CRAGO. Will the gentleman yield?

Mr. DENT. Yes.

Mr. CRAGO. The gentleman knows, I am sure, that the present Chemical Warfare Service has its duties outlined and defined by a general circular of regulations issued by the War Department.

Mr. DENT. Which may be changed every 24 hours.

Mr. CRAGO. Yes; but does not the gentleman think that when we establish this service by law, those same regulations will prevail as to this new service?

Mr. DENT. The gentleman has a great deal of confidence in the General Staff if he thinks they will do it when the Chief of Staff has testified before the committee that he is against chemical warfare as a separate service.

Mr. CRAGO. I have faith enough in the Chief of Staff to believe that once this is established by law he will see that regulations are issued by which it can properly function.

Mr. DENT. In order to bring this to an issue, I ask unanimous consent that this section be passed over until to-morrow morning, when I can offer an amendment that will prescribe the duties of the Chemical Warfare Service.

The CHAIRMAN. The gentleman asks unanimous consent that this section be passed over with the privilege of returning to it to-morrow. Is there objection?

There was no objection.

Mr. KAHN. Mr. Chairman, I move to strike out the last word for the purpose of having a letter read. The gentleman from Virginia [Mr. MONTAGUE] asked the chairman of the Committee on Military Affairs day before yesterday how many West

Point officers had resigned from the service. I took the matter up with The Adjutant General of the Army, who informs me that 125 graduates of West Point have resigned out of a total number of something like 2,337 resignations.

Mr. BEE. During what period of time?

Mr. KAHN. Since the armistice.

The CHAIRMAN. The Clerk will, without objection, read the letter.

The Clerk read as follows:

MARCH 11, 1920.

Hon. JULIUS KAHN,
House of Representatives.

MY DEAR MR. KAHN: In reply to your request by telephone this morning for the number of graduates of the United States Military Academy and of nongraduates who have resigned since the signing of the armistice, I beg leave to inform you that up to March 3 a total of 2,337 officers have resigned from the Regular Army, 125 of whom are graduates of the United States Military Academy.

The percentage of the total strength of each arm of the service that have resigned is shown below:

	Per cent.
Field Artillery	29
Coast Artillery	26
Chaplains	26
Infantry	22
Cavalry	21
Engineers	20
Medical Department	17
Veterinary Corps	16
Dental Corps	15
Philippine Scouts	7
Judge Advocate General's Department	6
Quartermaster's Department	4

Very respectfully,

WM. KELLY,
Adjutant General, for
The Adjutant General.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 12. That section 13 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 13. Signal Corps: The Signal Corps shall consist of one Chief Signal Officer with the rank of brigadier general, 290 officers in grades from colonel to second lieutenant, inclusive, and 5,000 enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe: *Provided*, That during the tenure of office of the present Chief Signal Officer he shall have the rank of major general.

"SEC. 13a. Air Service: The Air Service shall consist of one Chief of the Air Service with the rank of major general, 1,514 officers in grades from colonel to second lieutenant, inclusive, and 16,000 enlisted men, including flying cadets, such part of whom as the President may direct being formed into tactical units, organized as he may prescribe. Officers and enlisted men of the Army shall receive an increase of 50 per cent of their pay while on duty requiring them to participate regularly and frequently in aerial flights; and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section: *Provided*, That nothing in this act shall be construed as amending existing provisions of law relating to flying cadets."

Mr. KAHN. Mr. Chairman, I desire to offer the following committee amendments.

The Clerk read as follows:

Page 21, line 19, after the word "general," insert "one brigadier general."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 21, line 23, after the word "prescribe," change the period to a colon and insert "*Provided*, That not to exceed 10 per cent of the total number of officers in the Air Service shall be nonflyers."

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 21, line 23, after the word "prescribe," insert "flying units shall in all cases be officered by actual flyers."

Mr. MANN of Illinois. Mr. Chairman, the amendment just adopted comes in after the word "prescribe" and this amendment is offered in the same place. You can not offer two amendments to come in in the same place.

Mr. HULL of Iowa. Mr. Chairman, I will ask unanimous consent to have it come in after the committee amendment just adopted.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 21, after the word "nonflyers" in the committee amendment insert "flying units shall in all cases be officered by actual flyers."

Mr. HULL of Iowa. Mr. Chairman, I do not think it is necessary to take up the time of the committee at this hour of the day arguing for this amendment. This applies to flying units that are in the air. I think you all realize that a man who risks his life in the air ought to be commanded by a man who has had experience in the air. I think the desirability of the amendment is so apparent that there should be no question about it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 14. That section 15 of said act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

"SEC. 15. Chaplains: There shall be one chaplain for every 1,200 officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in accordance with law and within the peace strength authorized by this act. Chaplains shall hereafter have pay and allowances, but not rank, according to length of service, as follows: Less than 5 years, first lieutenant; 5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel. Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of 54 years who served as chaplain at some time between April 6, 1917, and November 11, 1918. All vacancies remaining or thereafter occurring shall be filled by the appointment of persons duly accredited by some religious denomination or organization and of good standing therein between the ages of 23 and 45 years. Chaplains shall have the same rights of retirement as other officers of the Army."

Mr. KAHN. Mr. Chairman, I ask unanimous consent that that paragraph be passed over until later.

Mr. DENT. That is the paragraph in regard to chaplains?

Mr. KAHN. Yes.

The CHAIRMAN. The gentleman from California asks that the paragraph be passed until later. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 15. That section 16 of said act be, and the same is hereby, amended by striking out the same, and inserting the following in lieu thereof:

"SEC. 16. Band leaders: There shall be 157 band leaders, who, until the completion of six years' service as a commissioned band leader, shall have the pay and allowances, but not the rank, of second lieutenants, and thereafter those of first lieutenants, with the same rights to retirement as officers of the Regular Army: *Provided*, That the persons affected by this section shall be citizens of the United States. Of the vacancies created by this act, such number as the President may direct shall be filled by the appointment, to date from July 1, 1920, of persons under the age of 54 years who served as Army band leaders at some time between April 6, 1917, and November 11, 1918. All vacancies remaining or thereafter occurring shall be filled by the appointment of qualified persons between the ages of 23 and 40 years."

Mr. CALDWELL. Mr. Chairman, I move to amend by inserting in line 20, page 23, after the word "the," the word "rank," and strike out after the word "allowances" the words "but not the," and in line 21 the word "rank," so that it will read "shall have the rank, pay, and allowances of second lieutenants."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 20, after the word "the," where it occurs the first time, insert the word "rank," and after the word "allowances," in the same line, strike out the words "but not the rank."

Mr. CALDWELL. Mr. Chairman, in support of this amendment, I call the attention of the committee to the fact that when we got into this war we found that all the allied Governments had as their band leaders commissioned officers, and that it was very embarrassing to our forces, and because of that embarrassment we passed special legislation during the war giving to these men rank not equal to that of the allied forces but rank sufficient to relieve the Expeditionary Forces of that embarrassment. It was not fair to give that rank to the man overseas and not give it to the one on this side until he got over there, because that would not have been a complete and perfect arrangement. The matter was taken up and was discussed with great detail, and the War College made a study of it. After careful examination they found that there was no country in the world that was as negligent of its musicians as was America in respect to the American Army. This amendment seeks to continue the law as it is. The section in the bill seeks to go back to what it was before the war. I do not think it is fair to the men in the service who have had this rank given to them by legislation during the war, not temporary, but permanent, to have it taken away from them at this time. I therefore ask that this amendment be agreed to.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. CANNON. The war being over, in order to establish social relations with the people across the water, we do not need that rank over here, do we?

Mr. CALDWELL. No; we do not need it over here to establish social relations; but the embarrassment was not on account of social relations, but it was because our people were not giving the consideration to musicians, to professional men, that all other countries in the world had. We can give a lieu-

tenant's commission to any young man who passes the necessary examination, but Sousa as a band leader must be classed as a private.

Mr. CANNON. We are not going to send them outside of the country, are we?

Mr. CALDWELL. I do not think it will be very long before we have another war.

Mr. CANNON. The gentleman is young and he will be in Congress then. I am old and I will be dead.

Mr. CALDWELL. The gentleman has seen a great deal of war in his lifetime and has shouldered a great many of its burdens.

Mr. GREENE of Vermont. Mr. Chairman, I hope it will not be necessary to make any extended suggestion to the House as to why this paragraph reads as it does. Some of us have clung desperately to the hope that there might be at least one or two privates left in this Army. [Laughter.] And if we could get them into the band that might lead at least to a practical harmony that the rest of the officers could march to.

Mr. KAHN. And might I suggest to my colleague that if he could get them on the band wagon we might be able to get this bill through?

Mr. GREENE of Vermont. But in that event there might be a row as to who would have the privilege of beating the base drum. The point about the whole thing is simply this, and I think it is a fair conclusion to be drawn by anyone who has given much attention to the history of the development of military organizations: I believe a great number of well-informed military men would to-day, if they could start back with the initial organization of some of the arms of the service, take away all military rank from the officers of those arms. They would be graded by seniority as they ought to be, for their accumulated experience and their extended service. They would be graded in pay, and they might be given a certain estate that would associate them on the same plane with military officers of corresponding seniority of service. But I think you will agree with me that one of the reasons for the popular confusion about having such a tremendous overhead of commissioned officers in the Army is that we have given the old-fashioned militant ranks of lieutenant, captain, major, lieutenant colonel, colonel, and general to men who were not themselves required to have any particular experience or distinction in military science, military administration, and all that goes to make up the militant side of any army.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. CALDWELL. The gentleman recognizes the fact that only a section or two back we gave rank to women?

Mr. GREENE of Vermont. I did not myself participate——

Mr. CALDWELL. But the gentleman did not object.

Mr. GREENE of Vermont. No; I find it is rather unseemly to object sometimes when you know you are going to get run over anyway, so I do not stand in the way and defy the railroad train. But I think because we have made a mistake, as I think many men are inclined to believe we have, in giving this rank which ought to indicate only the command of combatant troops by combatant officers to people who are auxiliaries of the Army, we ought not to make another mistake and give it to others who ought not to have it. It has caused a great deal of mischief, and we ought not to extend it further.

The CHAIRMAN. The question is on agreement to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BLANTON. I want permission to ask the chairman of the committee a question as to how long he expects to work this afternoon?

Mr. KAHN. I do not think there will be any objection to reading a few more sections.

Mr. BLANTON. The presiding Chairman is not feeling very well this afternoon and we ought to have some compassion on him.

Mr. KAHN. I hope to move to rise in about 10 or 15 minutes.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CALDWELL. I would like to have printed in the RECORD an amendment which I propose to offer, on page 65, when it is reached, for the information of the committee. It is on the question of universal military training and I would like to have unanimous consent to have that printed.

Mr. BLANTON. Mr. Chairman, I object to encumbering the RECORD with any such proposition.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

SEC. 20. That section 21 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 21. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch herein provided for, and its officers shall, on July 1, 1920, be recommissioned in the Infantry with their present grades and dates of rank, unless promoted on that date in accordance with the provisions of section 23 hereof."

Mr. DENT. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman—as I understand it, under the present law the Porto Rico regiment is not part of the Army. This law makes the Porto Rico regiment part of the Army of the United States?

Mr. KAHN. It does.

Mr. DENT. Mr. Chairman, I do not know——

Mr. KAHN. If my colleague will yield——

Mr. DENT. I am inclined to be opposed to it.

Mr. KAHN. Of course, my colleague will remember Porto Rico has been made a Territory, and these men who are in this regiment are citizens of the United States.

Mr. DENT. I understand that; but I am inclined to move to strike this out.

Mr. KAHN. Mr. Chairman, this is an important matter and I move that the committee do now rise.

Mr. CALDWELL. Will the gentleman withhold his motion for a moment?

Mr. KAHN. I will.

Mr. CALDWELL. I want to call the attention of the committee to the fact that while we have been talking about the reduction of expenses here that when the committee authorized one brigadier general for the Air Service it authorizes the payment of the highest salary in the Army of the United States and the highest salary that it has ever paid anybody. Gen. Mitchell, who will hold that, is a flying officer, and because of his length of service he draws more money than Gen. Pershing.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12775, had come to no resolution thereon.

CONFERENCE REPORT ON TRADE-MARK BILL.

Mr. NOLAN. Mr. Speaker, I offer a conference report from the Committee on Patents for printing under the rule.

The SPEAKER pro tempore. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

The SPEAKER pro tempore. Ordered printed under the rule.

PORTO RICO (S. DOC. NO. 251).

The SPEAKER pro tempore laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 38 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War, transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE,
12 March, 1920.

The SPEAKER pro tempore. Referred to the Committee on Insular Affairs with the accompanying documents and ordered printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAPES, indefinitely, on account of serious illness in his family.

To Mr. GALLIVAN, indefinitely, due to protracted illness.

REFERENCE OF H. R. 10835—COMPENSATION OF OFFICERS.

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAYBURN. Is a motion to reconsider an action of the House debatable?

The SPEAKER pro tempore. Ordinarily a motion to reconsider is debatable.

Mr. RAYBURN. Mr. Speaker, I move to reconsider the action of the House yesterday in reference to the bill H. R. 10835, which, by unanimous consent——

Mr. MONDELL. Mr. Speaker, I make the point of order that the motion is not in order at this time.

The SPEAKER pro tempore. The Chair sustains the point of order. A motion to reconsider a reference of a bill, by action of the House, the Chair will state, is not in order under the rules. The gentleman can make a motion at the proper time for the rereference. This is not the proper time.

Mr. RAYBURN. When is the proper time?

The SPEAKER pro tempore. The rule sets forth that the time for taking up the matter of correcting the reference of bills is immediately after the reading of the Journal.

Mr. RAYBURN. I tried to do that this morning, Mr. Speaker. I ask unanimous consent, then, that the action of the House in giving unanimous consent to the rereference of this bill be vacated.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the action of the House yesterday in rereferring the bill which he has referred to be vacated. Is there objection?

Mr. STEVENSON. Mr. Speaker, I object.

Mr. KAHN. Mr. Speaker, the gentleman from Texas tried to bring this matter up this morning immediately after the reading of the Journal, when it would have been in order, and in order to take up the military bill I objected to its consideration at that time, with the understanding that the gentleman from Texas was going to try to get an opportunity to speak for five minutes on the situation. And I imagine that if the gentleman were to ask unanimous consent for a chance to address the House for five minutes there would be no objection.

Mr. RAYBURN. Of course, if there is no way for me to get this bill up it would be idiotic for me to make a statement. I thought the Speaker of the House had been done a serious injustice in the RECORD yesterday by some statements that were made, and, of course, it would have been courteous to him to have awaited his return. While I am on my feet, I will say this: The gentleman from Wyoming, of course, made this statement——

Mr. MONDELL. Mr. Speaker, the gentleman is proceeding entirely by unanimous consent. He has made no request of the House of any sort.

Mr. SWEET. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. RAYBURN] be allowed to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the gentleman from Texas may proceed for five minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I shall not object, but I shall ask at the conclusion of the gentleman's remarks the privilege of addressing the House for five minutes on the same subject.

Mr. RAYBURN. If that is made the condition, I wish to say I shall never take the time on any objection.

Mr. MONDELL. That is not a condition. I shall not object. I simply made the statement.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The gentleman from Texas [Mr. RAYBURN] is recognized for five minutes.

Mr. RAYBURN. Mr. Speaker, I think it is futile now, as it has been held it is too late to make a motion to reconsider and as there will be objection made to unanimous consent. On yesterday morning I would have objected or the gentleman from Iowa [Mr. SWEET] would have objected, if we had been here, to this rereference. This bill has nothing whatever to do with anything the Committee on Interstate and Foreign Commerce has ever handled.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. RAYBURN. Yes; I will yield.

Mr. STEVENSON. The gentleman states that he or the gentleman from Iowa [Mr. SWEET] would have objected if they had been here this morning. Did the gentleman and Mr. SWEET give me any notice when they asked the Speaker to rerefer this when it was not brought up in the House?

Mr. RAYBURN. No; we did not.

Mr. STEVENSON. You do not charge me with any discourtesy in not sending for you then?

Mr. RAYBURN. I have told the gentleman that I did not.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. RAYBURN. Yes.

Mr. GREENE of Vermont. The present war-risk insurance act carries disability compensation for the same men that are proposed to be compensated in this bill. This raises the rate of that compensation?

Mr. RAYBURN. This puts them in a special class, and it really is a retirement bill and has nothing to do with the compensation act or war-risk insurance act.

Mr. GREENE of Vermont. Does not this bill amount to specifying the increase in the present act, now carried in your bill, which these men shall have?

Mr. RAYBURN. Yes; it may be true along that line, but the House has passed upon that long ago and has said that the officers and privates shall be paid the same, and this is to pay these officers that are disabled the same amount a retired officer in the Regular Army is paid.

Now, that is what I wanted to get at. This matter was taken up with the Speaker after the House had passed the resolution here to refer all these matters to the Committee on Ways and Means. This bill was first referred to the Committee on Military Affairs, where it ought to have remained, unless this hopper had been created to unload all this legislation on the Committee on Ways and Means. Of course, the gentleman from South Carolina [Mr. STEVENSON] had a letter from the secretary of this Committee on Ways and Means denying the jurisdiction of this bill after the Speaker of the House had referred it to that committee, after consultation with the gentleman from Wisconsin [Mr. ESCH], with the gentleman from Iowa [Mr. SWEET], and myself, and it did appear to me that after the Speaker had made that reference, under the resolution passed here, it would have been better if consent had not been asked or that this action had been vacated until the Speaker of the House returned.

Yesterday, as I started to say a moment ago, the gentleman from Wyoming [Mr. MONDELL] made the statement that if this bill was referred to the Committee on Ways and Means it was done through inadvertence. That could not have been, because the Speaker referred it after consultation with the gentleman from Wisconsin [Mr. ESCH], the gentleman from Iowa [Mr. SWEET], and myself. This Committee on Interstate and Foreign Commerce seeks to dodge no responsibility and no jurisdiction whatever; but we do contend that this bill has no place in that committee, and that it is not an amendment to the war-risk insurance act, and is against everything that the war-risk insurance act stands for, as it places a certain class of officers in another category altogether and gives them the pay of retired Army officers—a question that this House has passed upon and to my certain knowledge supported, the proposition that all men in the Army who came under the war-risk insurance act, both generals and captains and lieutenants and privates, should be paid the same for the same injuries.

This is not a question of any "sour grapes." The Committee on Interstate and Foreign Commerce, after this resolution was passed here, retained all the jurisdiction it ever had over the war-risk insurance act, but we do not want to have bills thrust upon us simply because somebody else did not happen to want them.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, on December 3 the gentleman from South Carolina [Mr. STEVENSON] introduced a bill—H. R. 10835—to fix compensation of officers of the National Army who had incurred disability in the service. It was referred to the Committee on Military Affairs. Almost immediately the question of jurisdiction was raised. It was discussed from time to time. A few days ago the chairman of the Committee on Military Affairs, under the rules of the House, asked unanimous consent for a rereference of that bill to the Committee on Interstate and Foreign Commerce. The chairman of the Committee on Interstate and Foreign Commerce was present at that time, and unanimous consent was given for the rereference. During the discussion of the matter the Speaker said that, in his opinion, the bill unquestionably belonged with the Committee on

Interstate and Foreign Commerce, which it did beyond question. On the 26th of February a resolution was considered by the House providing that for the remainder of the second session of the Sixty-sixth Congress all proposed legislation relating to those who served in the World War, "excepting, however, legislation based on and relating to disability incurred in the service," should be referred to the Committee on Ways and Means.

The only gentleman in the House who actively and forcefully opposed that resolution was the gentleman from Texas [Mr. RAYBURN], and he did it on the ground that he feared that under the resolution his committee would lose jurisdiction of certain legislation. He referred to the proposition of sending these bills to the Committee on Ways and Means as a plan to send them to a graveyard. He said we were proposing to send them to the Ways and Means Committee as a graveyard, and he was very much exercised lest the jurisdiction of the Committee on Interstate and Foreign Commerce be invaded.

Subsequent to the adoption of that resolution it seems—and I knew nothing about that until the gentleman referred to it to-day—it seems that some members of the Committee on Interstate and Foreign Commerce suggested to the Speaker that he rerefer the bill introduced by the gentleman from South Carolina [Mr. STEVENSON] to the Committee on Ways and Means under the resolution to which I have referred. I presume that the gentleman from Texas was one of those that made that request. In other words, if he did so, he requested that this particular bill, introduced by the gentleman from South Carolina, should go to what he had designated as a "graveyard," and he favored, as I understand it, the transfer of this bill to what he had been pleased to refer to as a "graveyard."

Let us see what the bill is. The bill proposes that any officer who served with the military forces in the war with Germany and who does not belong to the Regular Army, but who "incurred disabilities while in the service," shall be entitled to the same compensation as officers of the Regular Establishment.

The resolution which I have just read, sending certain bills to the Committee on Ways and Means, specifically, definitely, clearly, unquestionably provides that no bill shall be referred to the Ways and Means Committee under that resolution that relates to or is based upon disability incurred in the service, and this bill that the gentleman from Texas asked to have sent to the Ways and Means Committee under that resolution provides for compensation for disabilities incurred in the service and nothing else. Clearly it could not be referred to the Ways and Means Committee under that resolution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have one minute more.

The SPEAKER pro tempore. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. MONDELL. I do not know what was said to the Speaker. At the time the gentleman from South Carolina asked unanimous consent to have his bill sent back to the Committee on Interstate and Foreign Commerce I did not know just what had transpired, and as in my opinion the bill clearly belongs with the Committee on Interstate and Foreign Commerce I very naturally said I thought it must have gone to the Ways and Means Committee through inadvertance. It is the duty of the Interstate Commerce Committee to pass on it. I hope they will pass on it adversely, but it is their duty to pass on it. The bill proposes to divide the men of the National Army into two classes for payment of compensation for injuries received in the service, officers and enlisted men, and to grant the officers compensation very much in excess of that granted enlisted men for the same class of injuries. I trust that that will not be done. It is not in harmony with the spirit of the compensation act. It is not in harmony with our national policy. It would not be fair to the men.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to make a five-minute statement.

The SPEAKER pro tempore. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I do not desire to discuss anything except the situation that has arisen, and I wish to disclaim any intention of discourtesy either to the great Committee on Interstate and Foreign Commerce or to the Speaker of this House. After I had all the facts, the first opportunity I had to bring this matter up was yesterday morning.

There are 1,380 of these officers in hospitals liable to be discharged very soon, many of them having families dependent on them with a maximum of $100 a month going to them, and for 90 days and more they have been endeavoring to get some committee to hear them. Now, I conceived that the Committee on Interstate and Foreign Commerce had the right and were charged with the duty to consider this bill, and when I found it had gone to the Committee on Ways and Means, and when the clerk of the Committee on Ways and Means notified the officers who were interested in the bill that the committee doubted their jurisdiction, then I took it to be my duty at the earliest possible moment to get the question of reference satisfactorily and finally determined. I hope I will not therefore be considered as having been discourteous to any of these gentlemen, although they did not notify me when they had it switched from the Committee on Interstate and Foreign Commerce to the Committee on Ways and Means.

Now, what does this propose? The gentleman from Texas says this House has gone on record as saying that the officers and men of the emergency force shall all have the same treatment when wounded. That is true, but this House is perfectly competent to change that law; and when it passes an act changing that law it may make another class. The House has not said that all men who were injured shall have the same amount of money. It has said that the man who has lost one leg shall receive more than the man who has been kicked in the knee. It has said that the man who has lost both eyes shall get more than anybody else, unless there is somebody who has also lost two legs. A classification has been made. Now, the proposition in this bill is purely and simply to create a new class, as was so clearly stated by the gentleman from Vermont [Mr. GREENE] a day or two ago, and it provides that that be according to certain rules and regulations, and it creates a new class in the war-risk insurance act, according to my idea.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. GREENE of Vermont. I want to ask the gentleman this question: The men whom it is intended to benefit by this proposed legislation are already carried in a law which now gives them a certain rate of compensation?

Mr. STEVENSON. Yes.

Mr. GREENE of Vermont. If this bill provides a higher rate of compensation for men already carried in a substantive law, is it not in the nature of an amendment to that law?

Mr. STEVENSON. Not only that but the bill contains a repealing clause, repealing all laws or parts of laws inconsistent with what is herein proposed.

Mr. GREENE of Vermont. And the same committee that now refuses jurisdiction of the amendment took jurisdiction of the original law which is sought to be amended?

Mr. STEVENSON. Yes; but that grew up from something which was a long way from this. The committee got jurisdiction of war-risk insurance when it was a commercial insurance on the marine transactions of the Government in the war.

Then the insurance of the soldier became an amendment merely to that, and that brought the soldiers' insurance into the Interstate Commerce Committee, and then to that they hung the allotment and allowance feature, and in that way they got the whole thing into that committee. I object to every committee sidestepping the bill. It is not an orphan; it provides for a respectable and very gallant bunch of officers who have suffered grievously at the hands of the enemy and who are not asking for anything unreasonable. I submit that these committees ought not to run away from it.

Mr. GARNER. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. GARNER. I want to say that it is rather a peculiar situation where the mother of a child is trying to seek a nurse and the nurse does not want it. If you had let it stay with us, in the Ways and Means Committee, we would have treated it kindly.

Mr. STEVENSON. And keep it 60 days and then return it for want of jurisdiction, as the Committee on Military Affairs did.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SWEET] have five minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from Iowa [Mr. SWEET] may have five minutes. Is there objection?

There was no objection.

Mr. SWEET. In my time I want to ask the gentleman from South Carolina a question. How long did the Military Affairs Committee have the bill?

Mr. STEVENSON. From the 3d of December until the 28th of February.

Mr. SWEET. When was it first referred to the Interstate Commerce Committee?

Mr. STEVENSON. On the 28th of February.

Mr. SWEET. Was it not referred the 2d of March?

Mr. STEVENSON. No; on the 28th day of February. The gentleman will find that on page 3629 of the RECORD.

Mr. SWEET. When was it referred to the Ways and Means Committee?

Mr. STEVENSON. I do not know; I was not here. But when I found that it got there I asked that it go back——

Mr. SWEET. The gentleman says that the Ways and Means Committee disclaimed jurisdiction?

Mr. STEVENSON. Yes; I do.

Mr. SWEET. In what way did they evidence that?

Mr. STEVENSON. I will read to the gentleman the letter. It is as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 8, 1920.

Lieut. A. B. DONLIN,
Walter Reed General Hospital, Takoma Park, D. C.

DEAR SIR: By direction of the chairman, I acknowledge receipt of your letter of March 6 relative to the Stevenson bill, H. R. 10835. The committee at this time is holding hearings with respect to soldiers' adjusted compensation, and the belief has been expressed that the bill to which you refer concerns a military policy which properly belongs to the Military Affairs Committee and should not have been re-referred to this committee in connection with the bonus matter.

However, the committee is holding this bill under advisement, and should it be decided to hold hearings you will be advised in ample time to appear and present your views.

Very truly, yours, E. W. CAMP, *Clerk.*

Mr. SWEET. They claim that it should have gone to the Committee on Military Affairs?

Mr. STEVENSON. Yes; and I came back to the jurisdiction that had the right to settle where it should go.

Mr. SWEET. Mr. Speaker, I think we have had some evidence of the course this bill has taken and I want to say to the House that when the leader on this side said that it was an inadvertence on the part of the Speaker, I believe he is incorrect, for the attention of the Speaker was called to the resolution passed in this House, known as the Mondell resolution, and also to the bill, and after an examination of the resolution and an examination of the bill it was referred to the Ways and Means Committee. They say that this is a matter of compensation which refers to disabled soldiers. That perhaps in a sense is true, but you must remember that all matters pertaining to war-risk insurance and all matters of compensation in connection therewith are based upon impairment or reduction of earning capacity resulting from such injuries in civil occupations. While the Stevenson bill relates to disabled ex-service Army officers, under it they will receive, according to the bill, compensation or pay based upon rank in service. Is not that true?

Mr. STEVENSON. That is absolutely true—based on the pay which an officer of equal rank in the Regular Army gets when he is retired.

Mr. SWEET. That is, a disabled retired Army officer?

Mr. STEVENSON. Yes.

Mr. SWEET. The measure of compensation under the war-risk insurance act is based upon impairment and reduction of earning capacity in civil occupations. Under the proposed measure it is according to the rank of the officer; and undoubtedly when the Speaker examined this matter he said, that being the case, it should go to the Committee on Ways and Means.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. SWEET. Yes.

Mr. MONDELL. If there is any compensation in any particular case, would it not be entirely within the jurisdiction of the gentleman's committee to say that the compensation for the loss of an arm should be, for instance, the same pay as that received by a lieutenant in the Regular Establishment?

Mr. SWEET. But that is not the measure of the compensation under the war-risk insurance. Neither does it relate to the war-risk insurance act, because it is based on provisions in the military law.

Mr. GREENE of Vermont. Is not that language carried in this bill simply another way of expressing what otherwise might be expressed in figures.

Mr. SWEET. It is another way of expressing pay rather than compensation.

Mr. GREENE of Vermont. Is it not another way of expressing figures when putting them into words?

Mr. SWEET. That may be the manner in which it was presented and in which the Military Affairs Committee got rid of it; but, as I view it, under the resolution now passed it should go to the Committee on Ways and Means. Not only that, but I do not believe that we are treating the Speaker of this House fairly by taking it up in this way and in his absence.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. SWEET. Mr. Speaker, I ask unanimous consent that the bill H. R. 10835 be withdrawn from the committee to which it was referred and be resubmitted to the Speaker for rereference on his return, in view of the fact that the Speaker is not here and that the leader of the House has said that it was done inadvertently.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill H. R. 10835 be withdrawn from the committee to which it was referred and be resubmitted to the Speaker for rereference on his return. Is their objection?

Mr. CALDWELL. Mr. Speaker, I object.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 170. Joint resolution to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public; to the Committee on the Merchant Marine and Fisheries.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker pro tempore signed the same:

H. J. Res. 194. Joint resolution amending joint resolution extending the time for payment of purchase money on homestead entries in the former Colville Indian Reservation, Wash.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 38 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Saturday, March 13, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting draft of requested legislation to authorize the Secretary of the Navy to sanction the use of certain titles on tablets or other materials; to the Committee on Naval Affairs.

2. A letter from the Secretary of War, transmitting information in response to House resolution 428, concerning the awarding of the distinguished service medal to certain officers and enlisted men of the United States Army and to civilians on account of distinguished service during the World War; to the Committee on Military Affairs.

3. A letter from the Chairman of the Joint Commission on Reclassification of Salaries, transmitting report of the Congressional Joint Commission on Reclassification of Salaries (H. Doc. No. 686); to the Committee on Reform in the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NOLAN, from the Committee on Patents, to which was referred the bill (H. R. 10104) to renew patent No. 25900, reported the same without amendment, accompanied by a report (No. 737), which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12869) for the construction of a bridge across the Pentwater River or Pentwater Lake, Mich., reported the same without amendment, accompanied by a report (No. 738), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (S. 358) carrying into effect the findings of the Court of Claims in the matter of the claim of T. L. Love, surviving partner of Robert Love & Son, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBSTER: A bill (H. R. 13040) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 13041) to provide for the abandonment of Piney Branch Road between Allison Street and Seventeenth Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VOLSTEAD: A bill (H. R. 13042) to prohibit the use of naval aircraft insignia by other than naval aircraft; to the Committee on the Judiciary.

Also, a bill (H. R. 13043) to amend sections 5549 and 5550 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: A bill (H. R. 13044) to amend section 229 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts relative to maintaining transportation through the Cape Cod Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

By Mr. McKINIRY: Memorial of the Senate of the State of New York regarding injurious deposits within the harbor and adjacent waters of New York City; to the Committee on Rivers and Harbors.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts favoring an early increase of the Federal grant for the soldiers' home in Massachusetts and in other States; to the Committee on Military Affairs.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress the power to regulate hours of labor; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Commonwealth of Massachusetts relative to maintaining transportation through the Cape Cod Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, favoring an early increase of the Federal grant for the soldiers' home in Massachusetts and in other States; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 13045) granting an increase of pension to Sarah E. Palmer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 13046) granting an increase of pension to Richard J. Gudgell; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 13047) granting a pension to Ida H. Byrd; to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 13048) granting an increase of pension to John B. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13049) granting a pension to Charles C. Sterling; to the Committee on Pensions.

Also, a bill (H. R. 13050) granting an increase of pension to David B. Wacaser; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2253. By Mr. ASHBROOK: Petition of the Iron Molders' Union, of Newark, Ohio, against the Sterling-Graham sedition bill; to the Committee on the Judiciary.

2254. By Mr. FULLER of Illinois: Petition of the Illinois Commercial Men's Association, favoring House bill 11729, to amend the revenue law; to the Committee on Ways and Means.

2255. Also, petition of 137 citizens of Kendall County, Ill., favoring House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

2256. By Mr. GALLIVAN: Petition of Archbishop of New York and Catholic chaplain bishop, New York, protesting against section 15 of House bill 12773 as it stands; to the Committee on Military Affairs.

2257. Also, petition of Federated Polish American Society of Greater Boston, favoring the sale by the United States Grain Corporation of $50,000,000 worth of grain for the relief of Poland; to the Committee on Ways and Means.

2258. By Mr. JOHNSTON of New York: Petition of Chamber of Commerce of the State of New York, regarding the decrease of appropriation for foreign commerce; to the Committee on Interstate and Foreign Commerce.

2259. Also, petition of Chamber of Commerce of the State of New York, favoring improvement in Customs Service; to the Committee on Interstate and Foreign Commerce.

2260. Also, petition of Chamber of Commerce of the State of New York, favoring an improvement of the Patent Office; to the Committee on Patents.

2261. Also, petition of West Flatbush League, Brooklyn, N. Y., favoring a referendum on the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

2262. By Mr. KETTNER: Peition of Imperial County Farm Bureau, El Centro, Calif., urging an appropriation for the protection of bean industry; to the Committee on Agriculture.

2263. By Mr. McKINIRY: Petition of Frank L. Henahan, secretary of Everett Herter Post, No. 760, American Legion, favoring universal military training; to the Committee on Military Affairs.

2264. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of Hamilton County, Nebr., opposing universal military training; to the Committee on Military Affairs.

2265. Also, petition of sundry citizens of Fillmore County, Nebr., opposing universal military training; to the Committee on Military Affairs.

2266. By Mr. O'CONNELL: Petition of H. O. Pond, of New York, favoring the passage of the Nolan bill, House bill 11984; to the Committee on Patents.

2267. By Mr. JOHN W. RAINEY: Petition of Traders' Livestock Exchange, Chicago, Ill., protesting against the Kenyon-Kendrick, Anderson-Gronna bills; to the Committee on Agriculture.

2268. By Mr. ROWAN: Petition of the American Association of State Highway Officials, relative to cooperation of the Federal and State Governments in the construction of roads, etc.; to the Committee on Roads.

2269. Also, petition of Ira H. Hoagland, of New York City, urging the passage of the Nolan bill, House bill 11984, etc.; to the Committee on Patents.

2270. Also, petition of the Italian Chamber of Commerce of New York, relative to Senate bill No. 3718; to the Committee on the Post Office and Post Roads.

2271. Also, petition of Miss Frances Peters, of New York City, urging the protection of Armenia, etc.; to the Committee on Foreign Affairs.

2272. Also, petition of E. N. Fortson, of New York City, urging the passage of Senate bill 3792; to the Committee on Military Affairs.

2273. Also, petition of citizens of the nineteenth congressional district of New York, urging the passage of the bill giving six months' pay to soldiers and sailors of the World War; to the Committee on Ways and Means.

2274. Also, petition of the National Industrial Conference Board, of Boston, Mass., urging the creation of a Federal commission; to the Committee on Ways and Means.

2275. Also, petition of the New York State Automobile Association, relative to House bill 12480; to the Committee on the Judiciary.

2276. Also, petition of the Association of Southern Agricultural Workers, urging adequate appropriations for the agen-

cies for the production in agriculture, etc.; to the Committee on Agriculture.

2277. By Mr. STEENERSON: Petition of Post No. 31, American Legion, Mahnomen, Minn., favoring a bonus of $50 for the ex-service men and women; to the Committee on Ways and Means.

2278. By Mr. TEMPLE: Petition of the Woman's Club, of Beaver, Pa., urging immediate action to be taken by the granting of governmental or commercial credits or by supplying and distributing direct essential foods badly needed by the peoples of the Near East, and especially the people of Armenia; to the Committee on Ways and Means.

2279. Also, petition of Local Union No. 854, United Mine Workers of America, Elco, Pa., protesting against the enactment of the antisedition bills now pending in Congress; to the Committee on the Judiciary.

2280. By Mr. TINKHAM: Petition of supervisors of census of the New England States, favoring an increase of compensation for census supervisors from $1,500 to $2,500; to the Committee on Interstate and Foreign Commerce.

2281. By Mr. WOODYARD: Petition of the Coe-Thorn Post, No. 67, of the American Legion, Sistersville, W. Va., relative to the granting of bonuses to soldiers of the recent war; to the Committee on Ways and Means.

2282. By Mr. YOUNG of North Dakota: Petition of Women's Auxiliary of Newburg, N. Dak., declaring in favor of free speech and free assembly; to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 13, 1920.*

(Legislative day of Thursday, March 11, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

The PRESIDENT pro tempore (Mr. CUMMINS) resumed the chair.

AGRICULTURAL APPROPRIATIONS.

Mr. GRONNA. Mr. President, I ask unanimous consent, as in legislative session, to submit a report from the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, the report will be received as in legislative session.

Mr. GRONNA. I am directed by the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and for other purposes, to report it favorably with amendments, and I submit a report (No. 469) thereon.

I give notice that I shall move to take up the bill next Monday, and I hope to be able to keep it before the Senate until it shall be disposed of.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gore	McKellar	Smith, Md.
Beckham	Gronna	McNary	Smith, S. C.
Borah	Hale	Moses	Smoot
Brandegee	Harris	Nelson	Spencer
Calder	Harrison	New	Stanley
Capper	Henderson	Norris	Sterling
Chamberlain	Hitchcock	Nugent	Sutherland
Colt	Johnson, S. Dak.	Overman	Swanson
Culberson	Jones, N. Mex.	Owen	Thomas
Cummins	Jones, Wash.	Page	Townsend
Curtis	Kellogg	Phelan	Trammell
Dial	Kenyon	Phipps	Wadsworth
Dillingham	Keyes	Pittman	Walsh, Mass.
Edge	King	Pomerene	Walsh, Mont.
Elkins	Kirby	Ransdell	Warren
Fletcher	Knox	Reed	Watson
Frelinghuysen	Lenroot	Sheppard	Williams
Gay	Lodge	Simmons	
Glass	McCormick	Smith, Ga.	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness.

Mr. McKELLAR. The Senator from Rhode Island [Mr. GERRY], the Senator from Wyoming [Mr. KENDRICK], the Senator from Delaware [Mr. WOLCOTT], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Alabama [Mr. UNDERWOOD] are absent on official business.

The PRESIDENT pro tempore. Seventy-four Senators have answered to their names. A quorum is present.

RECLASSIFICATION OF SALARIES (H. DOC. NO. 686).

The PRESIDENT pro tempore, as in legislative session, laid before the Senate the report of the Congressional Joint Commission on Reclassification of Salaries submitted, pursuant to law, by the chairman of the joint commission, which was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury transmitting schedules and lists of useless papers devoid of historic interest on the files of the Treasury Department and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

ALASKAN RAILROAD (S. DOC. NO. 252).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in response to a resolution of the 8th instant, certain information relative to the development and settlement of the country traversed by and tributary to the Government railroad being constructed in Alaska, which was referred to the Committee on Territories and ordered to be printed.

AMERICAN DEAD IN FRANCE (S. DOC. NO. 253).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, certain information relative to the disposal and protection of the remains of American soldiers who have died in France, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMOOT subsequently said: This morning the Chair handed down a communication from the Secretary of War in response to a Senate resolution of March 10, 1920, concerning the disposal and protection of the remains of American soldiers who have died in France, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, March 12, 1920.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to transmit to you, in response to resolution of the Senate of the United States dated March 10, 1920, the information requested concerning the disposal and protection of the remains of American soldiers who have died in France and what amount or amounts of money have been estimated to be necessary in the accomplishment of that result.

There are three distinct projects of removal which have had to be considered, owing to the fact that the consent of foreign Governments has been and is being progressively secured and no authorization has yet been received for the disposition of the entire list of American dead overseas.

The first project involves removals from all countries outside of France; and orders were given by this office to immediately undertake the same. Under this order removals have been made from Siberia; 111 bodies have been removed from the Archangel district in North Russia, the work having been suspended before its completion because of disturbance in that country, which made further work at this time impossible. One hundred and eleven bodies still remain in North Russia, and it is probable that nothing can be done toward their removal for a period of one year, or such time as conditions in Russia shall become more normal.

The evacuation of Germany is to be undertaken at once, the officer in charge of the zone of mid-Europe having completed plans therefor.

In Great Britain there are 92 places in which our dead are interred. Evacuations are now taking place in the southern part of that zone. Eighteen bodies have been returned from several cemeteries in South England and advices are immediately expected as to the shipment of a much larger consignment from other cemeteries in that area.

In Italy all bodies have been concentrated in one place, and the matter of their transfer to the States will be easily effected.

The second project of removal, for which authority was subsequently obtained, involves the French zone of the interior, including all the base and intermediate sections back of the battle area. It was first intended to begin work at Paris, the cemetery at Suresnes, a suburb of that city, having been recommended as a permanent cemetery, so that as other cemeteries are closed it might be possible to remove bodies that are to remain in France to Suresnes for permanent interment; but the congestion of French railways has been such that it has thus far been impossible to obtain transportation inland, and the necessary caskets and personnel have been transferred to Brest, where the latter is now operating, with the expectation that we shall very early receive advices of the shipment of bodies from that region. Should the railway congestion continue thereafter, it will be the policy to shift operations to other ports and operate in such cemeteries as may be contiguous thereto, where motor transportation may be utilized for the shorter distance involved in getting bodies to the port of shipment, to which ocean transportation can be diverted as required.

The third project of removal will become operative so soon as the Government of France shall have agreed to recommendations relative

to evacuation from the zone of the armies, which are to be submitted by an international council appointed for the comprehensive study of the question affecting allied dead interred within that zone. So far as the American Government is concerned nothing can be done relative to this phase of the question until conclusions have been reached by the French Government itself.

The general work of removals to the United States involves in brief the following preparatory action:

The small force of the graves registration service left in France after the work of demobilization was slightly increased so as to provide sufficient official and civilian personnel to attend to the work of perfecting and maintaining our cemeteries, which had been previously reduced by concentration in number from 2,400 to about 600. The force already there has since been augmented by the dispatch of about 15 additional officers and upward of 260 graduated personnel of directive capacity, and the officer in charge has been given full authority to employ all necessary labor for the prosecution of his work. Further personnel of graduated character will be sent so soon as requisitions are made by the officer in charge in Europe. Preparations have already been made for the execution of this plan.

Seventeen thousands caskets have already been purchased, but the shortage of materials for manufacture has caused vexatious delay in their delivery. In addition to those already shipped to Europe 3,000 will be forwarded during the month of March and 5,000 during April and each month thereafter until the contract is completed. Anticipating the possibility of French consent to the evacuation of the battle areas designated as the zone of the armies, the Quartermaster General has been making an exhaustive study of the sources of procurement, with a view to placing an order, at the earliest possible date, for the necessary number of caskets to complete the entire work of removing all bodies in Europe from the places where they are now interred, and transferring the same either to their homes or to such place as may ultimately be selected, in addition to Suresnes for a permanent cemetery in France.

Motor transportation has been secured from a variety of sources to meet the entire requisitions for the same by the officer in charge in Europe, and ample requisitions have been prepared for further procurement from existing supplies to be filled so soon as advices are received from him as to additional needs and points of desired delivery.

The graduated personnel referred to above includes qualified embalmers, who are to supervise sanitary arrangements and insure the most approved professional preparation of bodies for return to their homes.

The personal requests from relatives indicate that practically 70 per cent of the dead are to be returned to their homes (about 50,000 in all), and with about 20,000 or 25,000 to remain permanently interred abroad.

An estimate of the probable cost of this project can be only tentative at this time, but it is likely to involve a minimum expense of $500 in each case where a body is to be returned to the home of the next of kin and probably $200 or $250 in connection with the permanent interment in a field of honor abroad. It is believed that a minimum appropriation of $30,000,000 will be required for the completion of the work. The sundry civil bill for the current year contains an appropriation of $8,451,000, at least $6,000,000 having been already required for existing projects, contracts, and the above-mentioned provision for additional caskets for the zone of the armies. It is requested that the amount appropriated in the sundry civil bill for the current year may be made a continuing appropriation and that there be added thereto a further appropriation to cover the balance of the $30,000,000 herein suggested.

Division of territory: Three zones have been created in Europe: First, the zone of Great Britain, with headquarters at London, comprising three sections with boundary lines running from east to west. Second, the zone of mid-Europe, comprising all the continental countries outside of France and having headquarters at Cochem. Third, the zone of France. This zone practically covers two large areas, one of which involves the extensive work of cemeterial maintenance at the north and the other covers the area of evacuations, which are immediately to be made from the rear section. The central office of the zone of France is in Paris, and Col. Rethers, the officer in charge in that country, is employing there a sufficient clerical force for the dispatch of business.

The chief of the graves registration service is at the head of a new division in the Quartermaster General's office, and is directing a large clerical force, which is engaged in the work of reconciling conflicting reports, completing identifications which have hitherto been in doubt, and working out from the great mass of diverse and even conflicting requests from relatives the necessary data upon which the return of bodies may be effected.

Respectfully, yours, NEWTON D. BAKER,
Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the enrolled joint resolution (H. J. Res. 194) amending joint resolution extending the time for payment of purchase money on homestead entries in the former Colville Indian Reservation, Wash., and it was thereupon signed by the President pro tempore.

BONUS FOR DISCHARGED SOLDIERS.

Mr. STERLING. Mr. President, on the morning of the 10th instant during the morning hour I asked to have read into the RECORD a letter which I had received from a returned soldier protesting against the proposed bonus of $50 per month, or a $50 bond per month for each month of service. In the discussion which followed I expressed myself as being in accord with the views set forth in that letter, and I am of the same opinion still. I am now in receipt of a telegram from the State commander of the American Legion of South Dakota, and he asks that the same publicity be given to this telegram that was given to the letter. As a matter of privilege, I ask to be allowed to read it.

Mr. SMOOT. The Senator will read it?

Mr. STERLING. Yes; I expect to read it. The telegram is from Mitchell, S. Dak., dated March 12, and is as follows:

MITCHELL, S. DAK., *March 12, 1920.*

Senator THOMAS STERLING,
Washington, D. C.:

Following telegram just received: "Pierre Post favors bonus. Sioux City Journal not authorized. Signed Carl Walker, post commander." Please give this same publicity given the one-man opinion you previously received.

M. L. SHADE, *State Commander.*

SUGAR DIVISION—BUREAU OF STANDARDS.

Mr. GAY. Mr. President, I desire to read a telegram which I have just received addressed to me from the secretary of the Louisiana Sugar Planters' Association.

NEW ORLEANS, LA., *March 12, 1920.*

Hon. EDWARD J. GAY,
United States Senate, Washington, D. C.:

Resolved, That the Louisiana Sugar Planters' Association, representing in its membership the sugar, sirup, and molasses manufacturing interests of Louisiana, strongly urges upon the Congress of the United States that ample and sufficient funds be appropriated for the operation of the sugar division of the Bureau of Standards. This association regards the Bureau of Standards as important for the welfare of the people of the United States and gives its emphatic indorsement to the sugar division thereof, the needs of which should be fully met.

LOUISIANA SUGAR PLANTERS' ASSOCIATION,
REGINALD DYKERS, *Secretary.*

PETITIONS AND MEMORIALS.

Mr. TOWNSEND. As in legislative session, I ask unanimous consent to present numerously signed petitions from citizens of Detroit indorsing resolution adopted by the Board of Commerce of Detroit, Mich., and which were transmitted to the Vice President. The Vice President submitted them to me because he states that he has adopted the practice of not laying such matters directly before the Senate but that they should be presented by a Senator from the State. I present the petitions in behalf of a large number of citizens of Detroit and Mount Clemens, Mich., relative to the purchase of Selfridge Field, Mount Clemens, for use as an aviation field. I move that the petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CAPPER presented a petition of the Ministerial Alliance, of Wichita, Kans., praying for the enactment of legislation for the organization of a corps of chaplains, which was referred to the Committee on Military Affairs.

He also presented memorials of Nikkletown Grange, No. 1722, Patrons of Husbandry, of Gridley, Kans., and of sundry citizens of Mayfield, Portis, Quinter, Rose Hill, Lewis, Scott City, Council Grove, and Dorrance, all in the State of Kansas, remonstrating against compulsory military training, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. KIRBY, from the Committee on Miltary Affairs, to which was referred the bill (S. 2278) for the relief of John Healy, reported it with an amendment and submitted a report (No. 470) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2600) for the relief of John Lyons, reported it with an amendment and submitted a report (No. 471) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 4071) to amend section 304 of the revenue act of 1918, approved February 24, 1919; to the Committee on Finance.

By Mr. SMITH of Maryland:

A bill (S. 4072) for the relief of George W. Willcox; to the Committee on Naval Affairs.

By Mr. CURTIS:

A bill (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City; to the Committee on Commerce.

By Mr. PHELAN:

A bill (S. 4074) to incorporate the American Women's Legion (with accompanying papers); to the Committee on the Judiciary.

By Mr. CALDER:

A bill (S. 4075) making appropriation to pay the R. S. Howard Co., of New York City, N. Y., its loss and damage incurred and suffered by it in complying with United States Navy Commandeer Order No. N-3255, dated June 18, 1918; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TRAMMELL submitted an amendment proposing to increase the appropriation for investigating the diseases of hog cholera, etc., from $410,000 to $658,945, intended to be proposed by him to the Agricultural appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the appropriation for investigations of insects affecting truck crops, etc., from $110,000 to $131,760, intended to be proposed by him to the Agricultural appropriation bill, which was ordered to lie on the table and be printed.

Mr. OWEN submitted an amendment proposing to appropriate $6,000 for the printing and distribution of the film entitled "Come clean," and $9,000 for cooperation with the States in educational work in oral hygiene, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McKELLAR submitted an amendment relative to the retirement of officers now on the active list of the Regular Army who will be over 45 years of age on July 1, 1920, and who shall have served in the Army, Navy, or Marine Corps for at least 90 days during the Spanish-American War, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

IMPORTATION OF COAL-TAR PRODUCTS.

Mr. MOSES submitted an amendment intended to be proposed by him to the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," which was ordered to lie on the table and be printed.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," which was ordered to lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KIRBY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

Mr. WADSWORTH. Mr. President, since the treaty first came to the attention of the Senate the point in it which has commanded my most intense interest and attention has been article 10. It is not my purpose this morning to discuss that article. It has been discussed so often that I could add nothing. Suffice it to say that from the very beginning, since I first saw it in print, the proposal laid down in article 10 has seemed to me to be monstrous; that it constitutes a challenge of all history and human nature and human experience; and that were the people of the United States to undertake the obligation sought to be imposed upon them under the language of that article they would, in effect, lose our independence. So, as the weary months have gone by, characterized as they have been by a discussion of this article, and with more twistings and squirmings and turnings in the way of interpretation or attempts at interpretation than I have ever witnessed in any public discussion, and more attempts to read into the article things that are not there and to read out of it things that are there—I say, Mr. President, as this discussion has gone on for weary months, my principal concern has been that whatever we shall do in connection with article 10 we shall do with our eyes wide open; that whatever decision we shall make in connection with it shall be made in such a way that there shall be no doubt whatsoever as to our meaning.

From the very beginning, Mr. President, I have entertained a profound conviction that the decision we ought to reach in connection with this article should relieve the people of the United States of this obligation. A majority of the Senate, on November 19 last, after a most exhaustive discussion, finally agreed to a reservation which was conceded, I think, at the time to be effective. All the Senators upon this side of the aisle voted for that reservation and a number upon the other side—not so great, of course—voted for it. It has been printed far and wide for months all over the country, and I think it fair to say that the people of the United States understand that reservation and understand it thoroughly.

Mr. LENROOT. Will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WADSWORTH. I yield.

Mr. LENROOT. I should like to ask the Senator whether he has read the article in the current number of the North American Review by an eminent citizen of his State, David Jayne Hill, wherein he utterly misconstrues the present Lodge reservation and construes the present reservation as follows:

> The United States, under the second reservation, assumes no obligations under article 10, unless in any particular case the Congress shall provide for the employment of the military and naval forces of the United States.

The Senator, I think, will agree that that is not the proper construction of the present reservation.

Mr. WADSWORTH. I am not familiar with the article, I may say to the Senator. I should have to read the whole text to see what Dr. Hill means.

Mr. LENROOT. He gives his construction that there is no obligation unless Congress shall provide for the employment of the military and naval forces, and the Senator will agree that that is not the proper construction.

Mr. WADSWORTH. Of the original Lodge reservation?

Mr. LENROOT. Yes.

Mr. WADSWORTH. My conception of the original Lodge reservation is that it freed us entirely from the obligation.

Mr. LENROOT. Exactly; and yet here is an eminent citizen of the Senator's own State who utterly misconstrues the original reservation which the Senator has just said "everybody understands."

Mr. WADSWORTH. Well, I may have used the term "everybody," but I suppose it can not be said that any proposal is accepted unanimously.

Mr. LENROOT. I am sure the Senator from New York has given the correct construction.

Mr. WADSWORTH. I am glad it is conceded that that construction is correct.

My concern about this matter, Mr. President, is so deep, I regard the whole matter as so vital, that I think I am justified in examining into any other reservation applicable to this article with the utmost care and to inquire from time to time during this debate as to the exact meaning of the substitute reservation which has been offered.

In a short colloquy upon yesterday I admitted that I was not competent to discuss the meaning from a legal standpoint, in all its technicality, of every word and phrase, in the new reservation; but now that it has been offered and we read in the press that a number of Senators who voted against the former reservation are willing to vote for this one, I think it is pertinent to inquire what difference they see betweer this one and the former one.

I do not believe that any appreciable number of Senators; in fact, I do not believe that any Senator in this body is going to change his attitude from one of opposition to the former reservation to one of approval of this new reservation simply because there is a mere change of phraseology. I can not believe that Senators are going thus to change their attitude; I can not help believing that Senators who are thus going to change their attitude see some substantial difference between the old reservation and the new one. I can not bring myself to believe that this is merely a case of some one trying to "save his face." We are informed with some degree of re-

liability through the public press that something like 20 or 25 Senators who voted against the first Lodge reservation are contemplating voting for this one.

Already there has appeared a grave difference of opinion among Senators upon the floor as to the meaning of the new one as contrasted with the meaning of the old one.

Mr. KELLOGG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. WADSWORTH. I yield.

Mr. KELLOGG. I should like to ask the Senator if there is any more difference of opinion as to the meaning of the new reservation than there was as to the meaning of the original Lodge reservation which we adopted, and if Senators on this floor did not claim that under the original reservation the entire obligation remained?

Mr. WADSWORTH. Very few did, as I recollect; I can not recall how many Senators made that contention, but at least the former reservation finally secured the support of a majority of the Senate. Now, it is proposed to change it in some way, and it is announced, unofficially of course, that by changing it something like 20 or 25 Senators, who were bitterly opposed to the first reservation, and who voted against it, will now vote for it. I think the Senate and the country are entitled to know how that happens.

The contention has been made, Mr. President, that there is no difference between the two reservations. If there is no difference in substance, why the change in votes? How can it be explained? I am confident that the Senate is not trifling with this question; that Senators know why they are doing things, or why they propose to vote in such and such a way. I think it fair to say that I knew why I voted for the first Lodge reservation and why I shall not vote for a substitute reservation which in any way changes the substance. It is perfectly clear; there is no mystery about it.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. WADSWORTH. Yes.

Mr. OWEN. I should like to ask the Senator from New York how he construes the language "in the exercise of full liberty of action by Congress" in passing on the question of whether it shall or shall not furnish any of the means for preserving the territorial integrity, and so forth, of other countries?

Mr. WADSWORTH. Will the Senator permit me to come to that a little later?

Mr. OWEN. Certainly.

Mr. BORAH. May I say before the Senator from New York departs from that subject that full liberty of action is pure rhetoric. If Congress has jurisdiction of a question, a treaty can not take it away; if it does not have jurisdiction of it, a treaty can not confer jurisdiction upon it; and to say that the Congress has "full liberty of action" over anything that the Constitution confers upon Congress the power to deal with is sheer rhetoric.

Mr. WADSWORTH. Mr. President, my construction of the original reservation I have already described. It absolves us completely from the obligation involved in article 10. Its first phrase was particularly clear upon that point. It read as follows:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—

And so forth.

That was complete and comprehensive, and the meaning which I ascribe to that language has been accepted by an overwhelming majority of persons who have discussed article 10 pro and con. There is no substantial doubt as to the meaning of that language. If it is preserved in any reservation that we may adopt to this treaty, the American people will believe, and will have a right to believe, that they are absolved from the obligation to protect every other member of the league in the event of attack.

Now, it is confidently asserted by the Senator from Wisconsin [Mr. LENROOT] and by others that the new reservation confers the same protection, but we find already that there is grave doubt about that. I find just this morning an editorial in the New York Times discussing the new reservation. We all know the attitude of the New York Times in respect to the treaty. It has supported the treaty; it is a friend of the treaty; it has decried the opposition expressed here upon the floor of the Senate against the obligation under article 10, and so far as I can recollect, it has acquiesced, editorially and otherwise, to the assumption of such an obligation by the people of the United States; but here is what it says this morning about the new reservation:

> This compromise—

Referring to the compromise reservation—

> This compromise reservation does not affect the principle or substance of article 10 of the treaty. It is declaratory of our perfectly well understood constitutional practice. If a reservation is necessary to preclude in any quarter, either at home or abroad, the foolish belief that the league covenant would require us to employ our military or naval force without the sanction of Congress, this proposal of Mr. LODGE'S will answer the purpose. And as interference in a dispute might lead to military action it is not unreasonable to invoke the antecedent sanction of Congress. That process will cause delay; it may be fatal to the effort to prevent a resort to arms. But the point is not at the moment important enough to delay or defeat ratification.

Here is a great metropolitan journal which says in so many words that the obligation involved in article 10 will still rest upon the people of the United States under the language of the so-called compromise reservation.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WADSWORTH. I do.

Mr. LENROOT. I should like to ask the Senator whether the New York Times has not in the past given exactly the same construction to the original Lodge reservation?

Mr. WADSWORTH. Not to my recollection, though I would not deny it; but it is immaterial what they have done in the past. We are now discussing this compromise reservation, and that is what the New York Times is discussing.

Mr. McCORMICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. WADSWORTH. I yield.

Mr. McCORMICK. Let me submit to the Senator a copy of a newspaper which has opposed the treaty as the Times has supported it, which announces that the Senator from Massachusetts weakens the reservation:

> By weakening his reservation to article 10 through offering a substitute, Senator LODGE yesterday yielded to the wishes of the mild reservationists and made a last desperate bid for ratification of the peace treaty.

That is from the Washington Post. Two papers which have held opposite views on the treaty are agreed that the reservation is weakened.

Mr. WADSWORTH. Mr. President, in my observations upon this exceedingly important thing, I of course do not for a moment question the intentions or the motives of any Senator; but, as I said before, I am so deeply concerned about our action in connection with this monstrous article 10 that I feel that the Senate must be absolutely certain of what it is doing. There should not be left any doubt at all. We either assume this obligation or we do not assume it, and there can be no compromise between those alternatives. On many other reservations and many other portions of the treaty and of the covenant there is room for compromise and adjustment, but upon this one I see no room for it.

Now, Mr. President, the question is, Does this new reservation leave the obligation of article 10 imposed upon the people of the United States?

The reservation reads:

> The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

I think it was intimated in the discussion yesterday that while this compromise reservation does not remove the obligation imposed by article 10, it nevertheless withdraws all the means by which the obligation could be performed if it were assumed; in other words, that as this reservation provides that the United States does not promise or refuses to promise to use its Army or its Navy or its resources or a blockade in the performance of its obligations, that in effect wipes out the obligation.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Connecticut?

Mr. WADSWORTH. I yield.

Mr. BRANDEGEE. Although the Senator says that he is not a lawyer, I have no doubt he is familiar with the legal principle which prevents a defendant from setting up as a defense in a

suit for breach of contract that he was prevented from performing his contract by his own voluntary acts.

Mr. WADSWORTH. Yes.

Mr. BRANDEGEE. On that theory, of course, unless these parties agree to this, we are stating that we agree to do a certain thing and depriving ourselves of the means to do it. Of course, if we ask them to agree to that we ask them to agree to an absurdity, a zero.

Mr. WADSWORTH. I thank the Senator for his interruption.

Mr. President, I think it was also intimated in the discussion yesterday that there would be no other way of performing the obligation left to the people of the United States, now that under the language of this compromise reservation the use of the Army, the Navy, the material resources, and the blockade have been withdrawn or withheld. That may be true. I do not know that I can think of any other effective weapon which the Government and people of the United States could use in performing the obligation; but my question is, Does not the obligation still exist?

Some say it does not. Some believe it does. The New York Times believes it does. Now, if it still exists, what position are we left in? We will say that aggression is threatened or, indeed, perpetrated upon some member of the league. We are a member of the league. Assuming that the obligation remains undisturbed, instantly our Government will be asked, "What are you going to do by way of contributing your share in putting down this aggression which is about to break out or has already broken out? Will you help?" We say, "Well, you remember we said when we signed this treaty that we would not promise to use our Army or our Navy." "Will you establish a blockade and help us in that way?" "Well, you must remember that when we signed this treaty we said we would not promise to use a blockade." "Will you use your material resources?" We may say, "Well, remember that when we signed this treaty we said we would not promise to use our material resources." "Well, what will you do?" will be the inevitable inquiry.

Now, no man will contend that we can not use these forces under these circumstances, even under the terms of this compromise reservation. The pressure will then be brought to bear upon us that, although we have said we would not promise to use them, still we are at liberty to use them; and the obligation still remaining undisturbed, it will then become a matter of good faith in greater or less degree. That is my fear. It may be unjustified. I am trying to look far ahead, to estimate, if I can, the possibilities of these situations; for this, Senators, is a very vital matter, and we must try to estimate the feelings of peoples and of governments and the swayings of human sentiments in the years to come and the crises which may arise from time to time, and which may be and undoubtedly will be affected by the terms of article 10 of the treaty.

Would our position under a compromise reservation such as this be a comfortable one? Would it be secure? How would our conscience feel? Would we feel that we were conducting ourselves in international affairs with absolute candor and honesty?

If I were to make any special criticism of the compromise reservation, I would say that it was lacking in candor; that it was not quite an honest way of going about making a reservation. It says one thing, or one set of things, and implies something else. It does not hit straight from the shoulder and deal with the obligation in the first instance and deal with it conclusively. It leaves that element of doubt in people's minds, an element of doubt that will live through the years, and which may come back to plague us some day; and, Mr. President, I do not want that element of doubt left in it. I do not want to have any question about what the people of the United Sates have pledged themselves to do or have refused to pledge themselves to do.

The Senator from Oklahoma [Mr. OWEN] asked a moment ago what I thought of the meaning of the phrase "in the exercise of full liberty of action." Well, Mr. President, I do not know what to think of it. When I read it in conjunction with the rest of the reservation I do not know what degree of freedom of action we will have.

We may claim complete and full freedom of action, but it is very difficult to exercise full freedom of action in connection with an obligation that has not been distinctly removed. If the obligation is still there in any form whatsoever, implied or otherwise, your freedom of action is somewhat cramped.

So while I would not assume to give a conclusive interpretation of the meaning of that one phrase in this connection, I do mean to suggest to the Senators that there is some doubt as to just what degree of freedom of action the United States would have under the terms of this compromise.

Mr. President, this is the crux of the whole treaty. This is the article in the treaty which has attracted most attention all over the world, certainly in the United States. It constitutes an attempt, in my humble judgment, to put a strait-jacket upon mankind, which shall not be changed or removed without the consent of a supergovernment. It constitutes an attempt to pledge the Government and the people of the United States to throw all their resources and all their men into any and every war that breaks out in the future that may be accompanied by aggression by one party as against another.

I hope and pray, Mr. President, that we will never undertake any such obligations; that we will never make any such pledge; and that the Senate, when it acts, will act in such a way that no doubt whatsoever will live in the mind of any reasonable man that that pledge is denied and that the assumption of that obligation is refused.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. LENROOT. May I ask the Senator why, in his analysis of the different phrases of this reservation, he has wholly omitted any reference to the phrase "controversies between nations," whereby we assume no obligation to interfere in any way in controversies between nations? Can the Senator imagine any case of external aggression that we would get into that did not involve a controversy between nations?

Mr. WADSWORTH. I have been wondering why that phrase was placed in exactly that position. First we say we will not promise to use our Army or Navy, in effect, or our resources, or a blockade. Then we say we will not promise to interfere in controversies.

I take it that interference in controversies, as used in that connection, must refer to something other than the use of the Army and Navy or resources or blockade. It must cover something else not contemplated in the phrase immediately preceding it.

Mr. LENROOT. If there is no obligation to interfere in controversies, what obligation can be assumed?

Mr. WADSWORTH. The obligation to preserve still remains.

Mr. LENROOT. Is not that interfering in a controversy?

Mr. WADSWORTH. It may be deemed so, but what becomes of the obligation? Can we assume an obligation in one line and deny it in the next, and do it with candor and honesty?

Mr. LENROOT. We do not assume it. The whole reservation is excluding obligations.

Mr. WADSWORTH. Mr. President, that is the point of it I am in doubt about, and it is ambiguous. It seems to me that the original obligation of article 10 is not materially disturbed by this compromise reservation.

Mr. MOSES. May I call to the attenton of the Senator from Wisconsin the historic fact, which has been mentioned here in this debate and mentioned elsewhere more frequently, that any controversy which may have arisen between the German Empire and Belgium in August, 1914, was of such a momentary character that the aggression had taken place before even the controversy was formulated?

Mr. LENROOT. No; but there was a controversy the moment the German armies stepped upon Belgian soil.

Mr. MOSES. That was an aggression, Mr. President.

Mr. BORAH. The Senator refers to that as a controversy. Then would the Senator be willing to put in the reservation an explanatory phrase to the effect that the word "controversy" includes conflicts with reference to territorial boundaries or political independence?

Mr. LENROOT. I will say in response that the Senator from Idaho is one of those who say, "What is the use of changing language when the language is clear?" This is just as clear as language could make it, and applying the Senator's own reasoning, why add language to that which is already clear?

Mr. BORAH. I will show the Senator in a minute that he is mistaken.

There are controversies, as the Senator will admit, which do not involve territorial integrity or political independence.

Mr. LENROOT. But——

Mr. BORAH. Just a moment until I get through. There are controversies which do not involve those under article 10. Therefore, under a familiar rule of construction, this word having been used in contradistinction to "territorial integrity and political independence," the presumption would be that you were covering those controversies which were not covered by the classes formerly mentioned. So, will the Senator be willing to insert in this substitute, in connection with the words "polit-

ical controversy," the words, "meaning, as well, controversies over territorial integrity and political independence"?

Mr. LENROOT. Will the Senator yield now?

Mr. BORAH. I yield.

Mr. LENROOT. The Senator is correct in saying that there may be controversies other than those arising under article 10. That is true; but the controversies which are here referred to are only controversies arising under article 10. It says so in express language, and article 10 refers only to external aggression and political independence. Therefore, that is the only kind of a controversy that could be included in the reservation.

Mr. BORAH. But there may be controversies under article 10 which do not involve political independence or territorial integrity.

Mr. LENROOT. How could there be, since the whole obligation is over external aggression?

Mr. BORAH. Exactly; but you have gone outside of the language of article 10 and used a term that is not in article 10 at all—the word "controversies."

Mr. LENROOT. That is in the original Lodge reservation.

Mr. BORAH. I know it is in the original Lodge reservation, but it is not in article 10, and you are using language which is not in article 10 at all. Now, will you be willing to put into this reservation language which shows that it refers to the same kind of controversies which article 10 covers?

Mr. LENROOT. I see no objection to it. There can be no question about it.

Mr. BORAH. All right. When the time comes we will put it in.

Mr. REED resumed the speech begun by him yesterday. After having spoken for some time,

Mr. LODGE. Mr. President, if the Senator from Missouri will permit me, I desire to modify the substitute I offered in accordance with the suggestion made a few moments ago by the Senator from Idaho [Mr. BORAH], to which we all assented, because we all believe it means precisely the same thing. I want to modify my substitute by inserting, at the end of line 5, after the word "nations," the words "including all controversies relating to territorial integrity or political independence"; and I ask that it may be printed in that form.

Friday, March 12, 1920.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, leave is granted.

Mr. REED. Mr. President, the Senator from Georgia [Mr. SMITH] has this moment concluded a speech remarkable alike for candor and clearness. Holding him in profound respect and affectionate regard, I regret that we are unable to agree upon the League of Nations. He stands for the league with certain reservations; I am against this league in toto.

In my judgment the speech he has just made amounts to a confession that the league covenant ought to be rejected. When the Senator from Georgia, in substance, states that every day the people of the United States are turning against this treaty, that it must be ratified now, if at all, he tacitly admits that the instrument will not stand the test of investigation, and that as soon as the people examine it they will condemn and reject it.

Mr. SMITH of Georgia. Mr. President, the Senator has not correctly stated my position. What I said was that the friends of ratification without reservations must know that the changes have been against them. I believe that the overwhelming majority of the people of this country favor ratification with reservations.

Mr. REED. But the Senator also said that every day the people were turning—those are not his exact words, but that is the meaning—and that you could get the treaty to-day with less reservations than you ever again could get it. That means that every day the people inspect this treaty, the more they want to be rid of it, the more evil they see in it.

It is a singular argument we have listened to. It is the argument of a very great Senator, my personal friend, and almost always we have fought on the same side of leading questions. But what is his statement boiled down? "Pass this thing now in whatsoever form you can, because if you wait until the people have spoken the people will repudiate it." He said just that when he declared that, looking over the list of Senators who are to be reelected, it was plain that those who were against the treaty altogether would be here in greater numbers and greater proportion after the election than they are now.

Mr. SMITH of Georgia. Mr. President, I did not say that. The Senator misunderstood me.

Mr. REED. Mighty near it.

Mr. SMITH of Georgia. No; I did not get mighty near it.

Mr. REED. Then, let the RECORD stand between us.

Mr. SMITH of Georgia. Very well.

Mr. REED. But I want the Senator to make any correction he desires.

Mr. SMITH of Georgia. That was not my position. My position was that ratification without reservations would be weaker next year than it would be now. That was my position. My position was that it was most important, even during the next 12 months, that we should have the benefits that would come to this country from the treaty with proper reservations safeguarding American interests.

Mr. REED. Did not the Senator say that rejection now was rejection for all time?

Mr. SMITH of Georgia. Yes; I think I did.

Mr. REED. Very well, then, that is equivalent to the statement that as soon as the American people get at this thing they will not only cut out its heart but all the rest of its viscera; that they will have none of it. When I find myself standing in the American Senate asking that something be done hurriedly because the American people will repudiate it as soon as they have a chance to hold an election, I shall feel that I am cheating the people. Yet that is where the Senator's logic really brings us. I am, however, sure the Senator does not really want to deprive the people of their just rights. He is incapable of such an act. If the Senator had argued for the reservations, that they were proper and right and therefore ought to be accepted, he would, of course, have been upon different ground.

I am interested in following the Senator's line of thought, though, that we must accept this instrument now or we will never get it at all. It is presented to the American people and to the world as the herald and guarantor of a new era. We are told that it will inaugurate the millennium; that wars will be no more; that virtue will reign; and that justice will hold universal sway. At the same moment it is asserted that if we do not adopt it before there is an election we will never have the treaty, at least in its present form—that is to say, the American people will repudiate this heaven-born blessing that, like a celestial dove, comes with "healing on its wings."

Mr. President, that is exactly what they will do; that is exactly what they are doing, they are turning each day more and more against the league. The argument of the Senator at once confesses and demonstrates the fact. Let us follow it further.

The Senator tells us that until recently all the newspapers were for the league without reservations, but that substantially all of them are to-day for the league with reservations. What does that mean? That they all admit to-day that the league as originally submitted has in it 18 vital defects.

Mr. SMITH of Georgia. Again the Senator misunderstands me.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. SMITH of Georgia. I would misrepresent those papers if I said they were for it or preferred to have it with the reservations. What I said was that while they still prefer it without the reservations, they conceded that they could not get it and urged Senators who preferred it without reservations to support it now with the reservations which the majority of the Senate might put upon it. My entire line of thought was that the country was accepting the view that the reservations are proper. I did not go into a discussion of the reservations at this time. I have done that frequently before. I do maintain that most of them are wise and desirable.

Mr. REED. Very well. Then the Senator states that, exculpating the newspapers and saying that the newspapers have not changed at all——

Mr. SMITH of Georgia. No; I did not say that. I said they had changed.

Mr. REED. They still want the treaty without reservations, but will take it with reservations if they can not get it without reservations. The Senator still says that the public now believes in the reservations; that is to say, that public opinion has moved from a unanimous acceptance of this document without a single change to a position where the public now demands 14 more vital changes.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Eighteen reservations in order to make it respectable; and the spokesman for the Republican Party, in addition to that, demands that the first hour of the first day of a Republican administration they shall call a conference for

rewriting the whole instrument, in order to make it safe to live under.

Mr. REED. Let me follow my thought a moment. I have referred to 18 changes, because when the President delivered the original constitution of the league he declared, "There was a reason for every word of the document." That is to say, that the document should be accepted without change. Nevertheless certain Senators had the temerity to call attention to its grave defects and dangers. We showed:

1. That the Monroe doctrine had been surrendered.

2. That once the United States entered the league it could not withdraw.

3. That a majority of the council could determine questions of world-wide importance; that therefore five men sitting as members of the council might grievously affect the interests of the United States.

4. That jurisdiction could be assumed over matters really domestic in character.

We also pointed out many other defects and dangers. For this we were denounced as reactionaries, as "pygmy minded," as men afflicted "with curious aberrations of thinking," as men "whose heads were only fit to serve as knots to prevent their bodies from unraveling," as "dishonest opponents of the treaty, who will be gibbetted, and who will regret that the gibbet is so high." The President even went to the extent of saying that he would like to see Senators who opposed the treaty "hung on a gibbet as high as heaven, but pointed in the opposite direction."

Nevertheless, when the President brought back the revised treaty, they had written into it a new article relating to the Monroe doctrine which reads as follows:

> Nothing in this covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing and maintaining peace.

The provision was ineffective and deficient, nevertheless its insertion amounted to an admission that the critics had been correct.

The treaty also came back with a new clause relating to the right of withdrawal. It read:

> Any member of the league may, after two year's notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of withdrawal.

This was, of course, an admission that the critics were right when they asserted that there was no way to withdraw from the league. But it was deficient in that it still left the council of the league with authority to decide whether or not we had performed our international obligations and our obligations under the covenant, and as this would require a unanimous vote, we would be barred from withdrawal by the vote of a single member of the council.

When the treaty came back it also contained this entirely new language:

> Except where otherwise expressly provided in this covenant or by the terms of this treaty decisions at any meeting of the assembly or council shall require the agreement of all the members of the league represented at the meeting.

The insertion of this language was a plain admission that the critics had been right when they had asserted that the league decisions could be arrived at by a mere majority vote.

There were important changes in the provisions of the treaty regarding the control over domestic affairs, which demonstrated that the critics had been right who had called attention to the fact that our domestic affairs were jeopardized.

There were many other important changes. Yet, notwithstanding all these admissions, not a single one of the great men who have seen fit to criticize Senators have ever, so far as I know, withdrawn any of the insulting charges they have hurled at our devoted heads. If the critics of the league had done nothing but point out these wrongs and secure their remedy, they were entitled to the gratitude of the President and of the country. They will some day, I am sure, have the gratitude of the country.

And now, after all these changes have been made, the great Senator from Georgia asserts that the press and the people of the country demand that the treaty shall be changed in 14 additional important respects. This conviction has been a matter of slow growth. It required weeks of insistence on the part of the critics of the league as finally submitted to force the admission that the British Empire does have six votes in the assembly of the league. It was at last further admitted with great reluctance that the colonies of the British Empire are qualified to sit as members of the council and that they have all the rights possessed by the five great powers, except that they are not permanent members of the council.

Coming now to the 14 reservations. What are they? The President says every one of them changes the character and construction of the league. The President declares every one of them to be fatal to the league. He asserts that we have not only cut the heart of the league when we propose a reservation to article 10, but he asserts in addition to that that we have cut off the arms and its legs and the functions and powers of the whole body of the league by the other reservations. Yet with the President so asserting, there are Senators here who say that the newspapers that supported the league without a single change are now logical when they propose to support it with 14 changes which the President says are in each instance fatal to the instrument.

I shall again refer to this topic in a moment. Permit me the privilege to digress a moment that I may pay my respects to the Louisville Courier Journal, which assumes to tell the Democrats of the Senate how they ought to vote on these reservations.

Henry Watterson is all there ever was to the Louisville Courier Journal. It was the child of his heart, the offspring of his soul. It was his genius that gave it life; his character and energy has sustained it through the long years. And yet, sir, in the very eventide of his existence when, surveying the western horizon, he contemplated the sun of his life sinking majestically into the shadow land, the proprietors of the Louisville Courier Journal incontinently discharged him because as an American citizen he had dared expose the infamies of this league of treason. That journal, which under its new management has heaped every character of contumely upon those who have dared criticize the league, now assumes to give advice which may be epitomized as follows: "If you can not save the whole treasonable thing, give us at least some treason, some surrender of American sovereignty. If you can not yield all, at least yield a part of the control of the American Republic into the hands of European rulers."

What the Louisville Courier Journal says every crooked, selfish international banker echoes, and as they speak you can hear the clinking of the golden profits they have all gathered and you can understand their anxiety to make further profits out of future exploitation of Europe—the while their securities are guaranteed in the blood of America's sons.

The Senator states that there are papers in Georgia which formerly demanded the league without change which are now advocating reservations. I give those papers credit for having changed their views, because the forces of inexorable logic and fact have been felt in the sanctums of the wise. They have begun to see some of the enormities and iniquities of this instrument which they had at first indorsed without sufficient study.

I have no quarrel with the editors of the country, but with all due respect to them I raise the question whether there are 50 editors in the United States who, if required to pass a real examination on the terms of the League of Nations and the effect upon the world and upon the United States of the league, could secure a rating of 15 per cent.

Witness a telegram sent out this morning by the New York World. It proposes that we substitute for all the reservations now under consideration a single reservation and that that reservation should contain nothing but the Constitution of the United States. It urged that such a reservation ought to satisfy everybody, and that it would preserve both the Constitution and the league.

I am amazed that any man should possess an intellect so marvelous as to produce so sublime an idea. Manifestly, the editor thinks that the Constitution of the United States will not even exist after the League of Nations is adopted, unless it is written as a reservation to the League of Nations. Hence, he would have us, as a supplement to that document, write "and the Senate further reserves to the people of the United States the Constitution." He seems entirely to forget that the Constitution will exist notwithstanding any action of the Senate; that it was in fact created by the people; and that they alone, thank God, can strike it down.

Certain great papers in my State, four of them I believe in the city of St. Louis, have changed their attitude.

Some months ago, in a speech in the city of St. Louis, I ventured to call attention, among other things, to the dangers of this treaty. I pointed out that it surrendered the Monroe doctrine; that it took us into a foreign league and left us no way of escape. One of the editors of a great paper at a mass meeting the next day denounced me as an anarchist. That editor has since been in Washington urging that reservations must be adopted. This he does not ask as a matter of expediency in order to get the treaty accepted, but because he is convinced

that without reservations the treaty is a menace to the American Republic. I give to that editor the credit that, having been convinced of a mistake, he has manfully sought to right the wrong.

It is true that there is to-day in the United States scarcely a single great newspaper that is not demanding the ratification of the treaty with reservations or opposing it altogether. Those who demand the ratification of the treaty with reservations act from different motives. I believe most of them are honest, and most of them believe that reservations must be put upon the treaty; but if we can just have this question go to the American people it will not be long after the fight of the campaign is on until you will find a great number of them declaring that they were always against the treaty—head, horns, and tail—and that it all ought to be rejected.

However, the Senator from Georgia [Mr. SMITH]—and I am very glad he said it—tells us the treaty must be adopted now or it will never be adopted.

Why will it never be adopted? Because, to adopt the language of Robert Lansing, the people are finding out what the treaty lets them in for. There is not a Senator but knows that if the question were submitted to the people, "Shall the treaty be accepted without amendments or reservations?" or, "Shall it be rejected?" that it would be incontinently rejected by a majority of the people of the American States.

And yet, sir, when these debates began there was scarcely a State or a township of a State in the Union the people of which would not at that time have voted to accept the treaty exactly as it was delivered to us.

But now we have arrived at the point where the country is convinced that there are 14 great evils yet remaining in this instrument, and the only hope for its ratification is to admit those evils and cut them out. A little further debate—and to this I shall give attention in a day or two—will demonstrate that the Lodge reservations do not take the evils out of the instrument. I undertake to prove on the floor of the Senate that after the Lodge reservations have been made the world government set up under the league can involve this country in all the wars of the world without the consent of Congress.

I shall undertake to prove that notwithstanding the Lodge reservations we by this treaty sacrifice the sovereignty of the United States.

I shall also undertake to show that in so far as the President and the Senate can prostrate the glory, honor, and independence of the United States at the feet of European powers this document, even with the Lodge reservations, accomplishes that infamous result.

Coming to a discussion of the reservations, I candidly admit that their tendency is in the right direction, but they do not go far enough to accomplish a substantial result.

Of what avail is it to declare that the United States assumes no obligation under a particular article if the same obligation is imposed by other articles against which there is no reservation?

What does it profit us to place slight limitations upon specific acts of a world government and at the same time grant general powers which include and go beyond the specific powers we have sought to preserve?

The Lodge reservations are open to these objections.

It is as though a farmer were to seek to protect his crops by a fence and yet leave in the fence a number of gaps through which marauding cattle could enter and devour the produce of his field.

It is as though one were to seek to protect by a dike the ravages of a flood and yet leave breaks in the dike through which the waters could pour with resistless force.

After all the Lodge reservations have been accepted they leave to the league a jurisdiction so broad that it may assume to pass upon questions which involve the life of the Republic. A single example proves my statement.

There was offered by the Foreign Relations Committee a reservation which I suggested. Briefly, it provided that the United States declines to submit to the League of Nations any question involving its national honor or its vital interests. The reservation was defeated. Every Senator who voted against that reservation declared by his vote that under the covenant of the league we were compelled to submit our national honor and vital interests to the league. He declared by his vote that under the league covenant we were obliged to submit questions involving the very life of the Republic, and he further declared he desired that such questions should be so submitted. That authority is still vested in the league. Notwithstanding the other Lodge reservations, questions of vital interest and national honor must still be submitted.

The reservation was rejected by a majority vote of the Senate. It is not now numbered among the Lodge reservations. The Senators who voted against the reservation and who thereby voted to submit to a tribunal composed of seven foreigners, five of whom are the representatives of emperors or kings, the honor and life of the United States were:

Ashurst	Henderson	Myers	Smith, Md.
Bankhead	Hitchcock	Nelson	Smith, S. C.
Beckham	Johnson, S. Dak.	Nugent	Smoot
Chamberlain	Jones, N. Mex.	Overman	Sterling
Colt	Kellogg	Owen	Swanson
Cummins	Kendrick	Phelan	Thomas
Dial	Kenyon	Pittman	Townsend
Edge	Keyes	Pomerene	Trammell
Fletcher	King	Ransdell	Underwood
Gay	Kirby	Robinson	Walsh, Mass.
Gerry	Lenroot	Sheppard	Walsh, Mont.
Hale	McCumber	Simmons	Warren
Harris	McKellar	Smith, Ariz.	Williams
Harrison	McNary	Smith, Ga.	Wolcott

Those for the reservation were:

Ball	France	Lodge	Phipps
Borah	Frelinghuysen	McCormick	Poindexter
Brandegee	Gore	McLean	Reed
Calder	Gronna	Moses	Sherman
Capper	Harding	New	Shields
Curtis	Johnson, Calif.	Newberry	Spencer
Dillingham	Jones, Wash.	Norris	Sutherland
Elkins	Knox	Page	Wadsworth
Fernald	La Follette	Penrose	Watson

Not voting:

Culberson	Fall	Stanley

I repeat that the Senators who voted against this reservation declared that they were willing to submit the vital interests of the United States to a body of seven foreigners.

Mark you, we do not sit and our antagonist does not sit; no American sits; we are to submit the vital interests of the United States to a tribunal upon which sit the representative of the King of England, of the Mikado of Japan, of the King of Italy, of the King of Greece, of the King of Spain, of the King of Belgium, and the representatives of the Republics of France and Brazil. Of those named our antagonist will not sit, but the others will be there. So, I repeat, it is proposed that the vital interests of the United States shall be submitted to a tribunal of foreigners instead of being kept, as our vital interests are now kept, in the hearts of the American people, protected by their strong arms and heroic souls.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. Does the Senator believe that the people of any country which may become a member of the league could be induced to submit to a decision of this tribunal against their vital interests if they could resist successfully?

Mr. REED. Unquestionably they could not; unquestionably the United States would fight, but it would fight under the disadvantage of this treacherous contract. Do it if you will, but when you do it do not go out to the American people and say you have Americanized this contract; do not go out to the American people and tell them that you have agreed to submit the life of the United States to a tribunal of foreigners and that that is an Americanized document. It is a treasonable thing. If Eugene Debs had returned from Europe and proposed action without force that would have resulted in submitting the vital interests of the United States to a tribunal of seven aliens he would have been hanged before this if the crowd had gotten hold of him, and if the law had seized hold of him he would have been sent to the penitentiary.

This league covenant with the Lodge reservations is constantly referred to as an Americanized document. "An Americanized document," indeed! Let me paint you a picture: The United States has a controversy over the Panama Canal. It undertakes to say that it is going to run that canal as it sees fit, because it is its property, and it is actually going to charge tolls to a British ship for going through the canal and it is going to let its own coastwise vessels go through without paying any toll. Thereupon the process of "Americanization" begins. We are summoned, at the suit of Great Britain, to—where is our new capital to be?

Mr. BORAH. In London.

Mr. REED. I think that is where it is actually going to be, but let us say Geneva. That is the first step in the process of "Americanization." The summons is issued to us by the secretary of the League of Nations, an Englishman. It it delivered by a British sheriff or a British diplomat. That is the second step in the process of Americanization. The United States is told it must answer by a given day; and so I see old Uncle Sam

packing his carpetbag and getting together all his old treaties and all the lawyers he can to go with him, and he is now going across, over to London or Geneva, to be "Americanized."

When he gets there, there is a long table. Seated at this table are the representatives of five kings and two republics. One of the republics is tied to Great Britain with chains of steel and the other republic is tied to Great Britain by commercial interests; and now they proceed to "Americanize" Uncle Sam. He is told to take his seat at the table, and I can hear a fanfare of trumpets as the representative of the great British Empire comes in and is announced by the crier, and he takes his seat; and so they proceed before this foreign tribunal to try old Uncle Sam, and when they get through they render a decision that under a treaty we are bound to let British ships go through the canal as cheaply as American ships, and the decree is signed and sealed and delivered by a unanimous vote. Thereupon Uncle Sam, now thoroughly Americanized, is told that he can either obey that decree, issued by the representatives of foreign governments, or he can incur the pains and penalties that the league may visit upon him; and so the old man comes back genuinely Americanized.

Americanize this treaty? You can no more Americanize it than you can make a domestic animal out of a rattlesnake. It is a league of power, and the league of power is there, and the poison of internationalism is in its fangs, and the death of nationalism is within its deadly and scaly folds. An Americanized treaty!

Let us take another illustration.

Mexico proceeds to demean herself so that some day Uncle Sam says, "We will not stand this any longer." The American people say, "Long enough you have ravished and ravaged our border towns and our border people. Long enough you have disregarded the rights of the United States. We propose to go down there and stop you." Thereupon, Mexico wires the British secretariat of the League of Nations, and again Uncle Sam is summoned, and again he makes a painful trip across the water, and again he is subjected to the humiliation of having his sovereign rights interfered with by the satellites of kings, and again a decree is rendered, and the United States is told that in the opinion of these foreigners, who live 3,000 miles away, Mexico is right and we are wrong, and that we must let these outrages go on indefinitely.

And so old Uncle Sam comes back again thoroughly Americanized!

What do you mean by Americanizing a treaty, anyway? What did you coin that catchword for? What is there American about this treaty? Do we need it for our protection? No. Does the League of Nations possess any power? Yes. I will not dispute for the moment about how much power or how little it possesses. I will say that it is a supergovernment of the world. It is a supergovernment of the world with the Lodge reservations on it, and it is a supergovernment of the world without them. But I will not stop to dispute that. It has power. Everybody admits that. Where does it get that power?

It had no power until it was called into existence, of course, for it did not exist. If, then, you set up a new body of power, where does it get its power? The power that it gets must be subtracted from the power of other countries. Whatever power it possesses that is conferred by the United States is taken from the powers of the United States. To that extent we have had our right to control our own affairs taken away. To that extent we have sacrified the sovereignty of this Republic. I want to know by what warrant of authority, under what clause of the Constitution of the United States, 96 Senators sitting here, and one President, have the right to take away any of the sovereign powers of the sovereign people of the United States, numbering 110,000,000?

We were sent here, sir, not to surrender power, but to preserve power; not to grant away the rights and liberties of this Republic, but to preserve them; and we swore before Almighty God that we would defend the Constitution and the Government of the United States.

Americanize the treaty? Let me give you another example of Americanization.

President Wilson is on record—and I cite him, although he seems to be rapidly getting into total eclipse on this side of the Chamber. All the mild repudiationists on both sides who have each morning gone down and drunk from the fount of his wisdom, and have each night uttered up a prayer that in the morning he would be there to guide them, are the men who are now turning their backs upon the President; and all of these papers, that for a year of time have denounced every man who dared have an opinion of his own, because he differed from the President, are now themselves assailing the President. But, coming to another example of Americanization, it was the American policy, as the President said, even after we entered this war, that we should preserve ourselves free from foreign entanglements and the quarrels of other peoples, save where America's interest was directly concerned. Just a few days before we entered the war, he said: "Gentlemen, are you ready for the test? Are you ready to enter where America's interests are involved, and to withdraw the moment America's interests are no longer common with those of all the rest of the world?"

The substance of his language was that we would enter this war for the purpose of vindicating America's rights, and then we would immediately withdraw from the conflict.

This was the American doctrine. Let us see how it will work under this new kind of Americanism—this diluted, internationalized Americanism—this treacherous and treasonable Americanism.

There is a quarrel between Italy and Jugo-Slavia over Fiume, a little Italian town with 50,000 population. Italy and Jugo-Slavia can not settle it. Thereupon the council of the League of Nations undertakes it, and they render a decision, and thereupon it is ordered that the United States shall apply economic pressure; that she shall cease to ship her goods to Italy or to Jugo-Slavia; and then the war drums begin to roll. Then the draft becomes automatically effective, for those are the terms of the new military bill—that as soon as we are at war the draft becomes automatically effective. The President, by proclamation, can call to arms every man between 18 and 45.

So the draft is invoked, and we see the boys leaving the farms, the workshops, the banks, the counting houses, coming to camps of concentration; women weeping until the eyes are red and the fountain of their tears are dried up; and we see them brought down to the ports and loaded on vessels and sent across over into Italy or Jugo-Slavia, and there they are dying in a fight they have no interest in. Their blood is splashed upon the white snows of the Alps. Their bones lie whiter yet than snow in the valleys of the mountains. What are we doing with these boys? Americanizing them; Americanizing them under this Americanized treaty!

Again, a conflict arises between Poland and Russia. The council of the League of Nations meets and declares that Russia is wrong or that Poland is wrong. Once more I see the boys called out; once more I hear the roll of the war drums; once more I behold them fighting in a cause in which they have no interest, dying over there on the plains of Russia, perishing in her swamps, killing men who have never done them any harm on earth. But it is all right. They are being Americanized.

Again, a conflict arises between Japan and China. Chinamen in Shantung endeavor to throw off the chains of Japan, and China sends her troops, and her brothers and her sons, who for 6,000 years have lived under the Chinese banner, and our boys are sent there this time to help the Japs kill the Chinamen, where they have come to the rescue of their brethren. This is an Americanized treaty! The thing that needs to be Americanized is the United States Senate.

Oh, for the ancient spirit that proclaimed the independence and sovereignty of this country! Oh, that the soul of Washington might, like a pillar of flame, appear! Oh, that the heroes of the Revolution might march by, a shadowy host, and from their fleshless lips they could speak! What think you they would say of Americans who surrender back to Great Britain the right to say what the policy of the United States shall be? Let Nathan Hale look down from his scaffold. Let the dead arise and speak, and see if those who fought and died that this country might be born regard this as an Americanized doctrine.

Mr. President, this much I have to say, that there is no middle ground. Reservations represent the compromise between conscience and cowardice of the man who fears to face his constituency when there is a great propaganda on that well nigh swept the American people off their feet. But the Senator from Georgia [Mr. SMITH] says they are getting back on their feet, and if you want to get this thing over, do it quickly; do it before the American people get a chance at it, because he says if you do not do it now you never can do it. Mr. President, why not let the American people speak?

Before I leave the subject, let me say that there is a great deal of logic in the position of the President. He says: "Take this treaty or leave it." I quote his words. Those of you who have been conjuring in his name thus far, and whose title to the good will of your people rests upon your faithful following and your ability not to think for yourselves, will not be able longer to shield yourselves behind presidential coat tails, because the President says: "Take it or leave it." I say he is logical.

If you undertake a great task which requires immense power, which involves great danger, then you must furnish the power or the danger will be certain to result in your destruction.

Let me give you a homely illustration. You send a sheriff out here to arrest a body of bandits, but before he goes you take away his gun. The inevitable result is that you have increased the danger to the sheriff. If you give him his gun and if you give him a powerful posse comitatus, the probabilities are that the bandits will surrender, but if you send him there upon that mission and disarm him in advance, it is almost certain that he will meet with destruction.

As soon as certain nations of the earth set up a supergovernment over all the world, to judge the cause not only of their own members but the cause of every nation of the world, even of those who have refused to come under the sway of the power set up, you interfere at once with the affairs of these other powers, and when you undertake to interfere with a great power you had better be ready to back up your intereference. If you are not ready to back up your intereference, then you have incurred the enmity and ill will and aroused the fears of that power, with the result that war will be almost inevitable. The only way to make this kind of a League of Nations a success is to make it so powerful it can crush all opposition. If you do that, it will exist for a while and hold within its mighty hands the liberties of the world. But I warn you that even with all the power you can give it the day will come when the protesting spirit of men will no longer submit to an international slavery established by an international body run by five countries, and war will result.

But to put that evil off as long as possible, you had better be ready before you undertake this herculean task to arm yourself with the strength of Hercules. Otherwise you will only stir up disturbance and you will bring to yourself calamity.

You have had a very recent example. There lay Russia prostrate for the time being. We had the option of letting Russia alone, letting her attend to her own business and work out her own salvation, and in the end hoping for her friendship. Or we had the other option, to go in and conquer her and set up a stable government. We did neither. We went in far enough to irritate Russia and obtain her ill will for perhaps a century. We went there half armed, half equipped, half prepared. Contempt, perhaps, would be a better expression to employ. Having goaded Russia and incurred the ill will of her people and lost the lives of a lot of gallant men, we withdrew. That was a war with reservations; and a war with reservations, like a treaty with reservations, is always bound to be a failure.

Sir, therefore I say the President is logical when he says take this treaty or leave it; take it and give it power to function or else be men enough to reject it. He has not only said that once, but he has said it a score of times.

Mr. KENYON. Mr. President, I was going to ask the Senator before he left the other subject if he thinks that under the reservations as proposed the sending of the boys across the water to fight the battles of other nations can be done?

Mr. REED. Absolutely.

Mr. KENYON. I am not willing to vote for anything which will permit that to be done, but I have been under the impression that the proposed reservations would prevent that very thing. I would like to have the Senator's view as to why the reservations will not prevent it.

Mr. REED. That is a theme that I intend to discuss later. Will the Senator pardon me if I defer my answer?

Mr. KENYON. I am perfectly willing to withdraw my question and let the Senator take that up when he reaches it.

Mr. REED. No; I want very briefly to answer it at this time. It is provided in article 3:

> The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

In article 4 it is provided that—

> The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

Thus is given by these two propositions a complete jurisdiction over every question, external and internal, that, in the opinion of the masters of these two bodies, affects the peace of the world. There is nothing in human language that can be broader than the phraseology I have referred to.

Article 11 recites that—

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

What does that mean? The league may take any action effectually to safeguard the peace of nations. What does that mean except that the league, with the armies and navies it may control or be permitted to call upon, can make war upon that nation and crush it?

Mr. KENYON. Mr. President——

Mr. REED. Just a moment, and I will yield to the Senator. Let us take a concrete example. Let us assume that Russia and Poland get into a war or they are threatening war. The league can take any action it sees fit to prevent that war. Let us assume that it summons these nations to its bar and they defy its will; then the only action that can be taken—and we must assume that they intend an effective action—is to conquer Russia or Poland, or both of them, by the force of arms. The President has said, and I quote his exact words:

> Article 11 is my favorite article. At present we must attend to our own business, but under article 11 we can attend to other people's business.

So we now have article 11 assuming the jurisdiction and right to suppress any uprising or to conquer any nation that dares to fight. I am coming to the matter of the reservation in a moment.

Let us take the next step:

> It is also declared to be the friendly right—

What does that word "friendly" mean?

> It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

The right is here given for the League of Nations to dip its fingers into every conceivable kind of question that in its opinion—for there is no Supreme Court to regulate its conduct and no Constitution to limit its authority—will result in disturbing the good understanding between nations.

Now we come to article 15:

> If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, who will make all necessary arrangements for a full investigation and consideration thereof.
>
> * * * * * * *
>
> The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.
>
> If the dispute is not thus settled the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.
>
> * * * * * * *
>
> If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

So if the decision was against us, no matter how infamous it might be and how vital the question might be to our life, we are bound not to go to our own defense and to assert our rights.

Then there is a provision that the dispute may be sent to the assembly by mere notice:

> The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request shall be made within 14 days after the submission of the dispute to the council.

And then article 16—

> Should any member of the league—

I want the Senator to get this—

> resort to war in disregard of its covenants under articles 12, 13, or 15—

That is, if the decision has been against us and if we dare to go to war—

> it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

I will stop there for just a moment. We will assume, now, that there is a dispute between Russia and Roumania; that there is a unanimous decision; that one of those countries does not obey that decision. What is the situation we are in? We have solemnly agreed that we will employ all these forces, but whether we agree to it or not, whether we except ourselves from it or not, what happens? We undertake to trade with Russia, it being the offending party, but when we do undertake to trade with it all the rest of the world have agreed to seize our ships; to prohibit all intercourse between our nationals and the nationals of

Russia; to cut off our commerce on the seas, and have done to us every act which goes with the making of war, except, up to this point, we have not been required to send our troops there.

Let us take the next step.

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

We have entered this thing, we have agreed to this proposition, we have set up a tribunal to make the recommendations, and if the nations of the world do not obey that recommendation, then the league melts to pieces and is nothing; but if they do obey it, if it is intended that they shall obey it, there is an absolute power vested in the council to tell us how many soldiers to send, and it is our duty to send them.

I want somebody to point me to a reservation that does away with that obligation.

Mr. KENYON. Does not the proposed reservation that it shall not be necessary or permissible "to employ the military or naval forces of the United States, under any article of the treaty for any purpose," cover that point?

Mr. REED. From what is the Senator reading?

Mr. KENYON. I am reading from the reservation proposed to-day, but I think those words were in the original Lodge reservation.

Mr. REED. No; it does not exculpate us, and it is because it does not exculpate us that it is offered. The second of the Lodge reservations I do not think ever covered this question. It covered it in part; but the reservation that is now submitted is a fraud and does not relieve us from the obligation, and it was brought in here as a fraud. The Lodge reservation was that—

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Let us put our mind on that for just a moment.

The United States under the original Lodge reservation expressly stated that it refused to assume any obligation under article 10 and that it exculpates us from the obligation to furnish armies under article 10, but when we come to the other provisions of the treaty it is now stated we assume no obligation under the other provisions of the treaty. It is said that we do not assume an obligation to employ our Army or Navy until Congress has authorized its employment. It is said that Congress still has the power to say that it will not furnish an Army or Navy, and, of course, that power always exists. Why was not this written as it should have been written—that the United States refuses to assume any obligation under article 10 or any other part of this covenant, either moral or otherwise, to defend or send its Army or Navy? We do under the treaty assume the obligation under article 11, we do assume it under article 16, and all that the original Lodge reservation said was that we hereby notify the powers that Congress must act in each one of these two cases. But the obligation, nevertheless, was there.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. Yes.

Mr. LODGE. If the Senator will allow me, the language in reference to the other articles of the treaty—in fact, all the articles—is the same in both drafts of the reservation:

The United States assumes no obligation * * * to employ the military or naval forces of the United States, under any article of the treaty for any purpose.

That is the language of both drafts.

Mr. REED. Yes, Mr. President; but taking the whole instrument and giving to every part of it a meaning, where that is possible, there is not a court, in my opinion, in the country but will say, with the rules of construction before it, that by entering this treaty we assume the obligation. When we sign the treaty we assume all of the obligations except where we expressly say we do not. We have expressly said that in the original Lodge reservation as to article 10; but as to all the other obligations of the treaty we have not said we do not assume them; we have simply said that we do not agree to send our Army or Navy there until Congress has so directed. However, the obligation exists; and I ask the Senator from Massachusetts, if he did not intend a difference, why did he employ different language?

Mr. LODGE. I am speaking on only one point, and that is the employment of the Army or the Navy. I say the English language can not express the idea more plainly than it is expressed here; and it is in precisely the same language as in the original reservation:

The United States assumes no obligation * * * to employ the military or naval forces of the United States under any article of the treaty for any purpose.

I confine that statement, of course, simply to the Army and the Navy.

Mr. REED. Now, let us see where that leads us. The point may seem a little finely drawn, but when this document is laid down on an international table it will be found that it is a very substantial point. The council of the League of Nations meets and resolves in favor of the use of an army and navy. The United States has agreed to this treaty; it has agreed to the setting up of that tribunal; it has agreed to that tribunal's jurisdiction; and that tribunal has acted. Our representative has sat there and acted with it. Then comes the question of enforcement, and the league recommends a certain number of soldiers from each of the countries. When it comes to our quota, we point to the clause that says we do not assume an obligation to furnish an army.

"Ah," say the gentlemen on the other side of the table, "you assumed the obligation in the treaty to preserve the peace of the world, and when you said that you did not bind yourselves to send any army until Congress ordered it you did nothing more than to certify to us that the action of Congress was necessary. Are you going to perform your duty or not? And if you are not, why did you sign this instrument, and what are you doing in here? Why are you sitting at this table attempting to control the world where it requires power, and then sitting back and saying you will furnish no part of the power?"

You can not take that position internationally. I agree with the President; we have either got to be in this thing or out of this thing; we can not sit there and vote for the control of the world and at the same time say, "We have said we will not furnish any men unless Congress said so, and we are under no obligation to furnish them because we said that." It will not so work out; it has not so worked out. We went into the war to whip Germany; we had no other motive at the time. Germany had insulted us. We had not been in the war 10 days, however, until it was a common enterprise and until we had to stand with our associates. Now, when it comes to the great question of the settlement of the war we are told in each instance that we are morally bound, and that a great proud nation can not withdraw until every one of these controversies is settled. So it will be when we sit around the council table. If we take our seat there and if we sign an obligation, as we do sign an obligation under article 11 and article 16, to enter upon the enterprise of controlling other countries, the fact that we have said that we will not send our Army unless Congress says so will not by any means exculpate us from the obligation and duty to respond and back up the decree we helped to enter.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. I yield gladly.

Mr. LENROOT. But even assuming that there is an obligation such as the Senator suggests—which I do not think is true—the Senator's criticism is directed not against this amendment but against the original Lodge reservation.

Mr. REED. I am discussing the original reservation. Now I am going to discuss the Senator's proposition.

Mr. LENROOT. I wish to call the attention of the Senator to the fact that whatever the merit, if there be any, of his criticism of the original reservation, it can not apply to the amendment because of the phrase "in the exercise of full liberty of action" upon the part of Congress.

Mr. REED. Oh, Mr. President, "in the exercise of full liberty of action" applies to the right of Congress to act for itself. Let us take the position of the distinguished Senator from Wisconsin. He is a fine lawyer; almost as fine a lawyer as he is a gentleman. What was the proposition he put before the Senate of the United States and the country to-day? We have drawn a thing here that means exactly what the thing which existed before meant; it has not a particle of difference in meaning; it goes into the same hole and comes out of the same hole; it functions in exactly the same way. They are as like as Siamese twins. The only difference is a change of the color of the necktie on one of the twins, but it is the same old twin. Why does the Senator offer it? The amount of his remarks, boiled down into brutal English is, "We expect to get three or four votes by it; we are going to get three or four

votes by changing some words that do not change the meaning." Why will that get the votes? Are these three or four Senators so foolish that they do not know it is the same hand and that you have merely changed the glove? Are they so thick-headed as that, or are they hypocrites who want to change but are afraid to change unless you give them an excuse, and so offer them an excuse, which is no excuse at all, by giving them the same thing? You merely change a few words.

The only thing I can compare it to is the incident of the boy sitting on a bridge fishing for suckers with worms. Somebody said to him, "You had better change your bait," whereupon he slipped the worm off and put it on the other end to. He was told, "That does not change the bait really"; but he replied, "These are nothing but fish, and they have not got much sense." [Laughter.] What kind of fish are these that are going to take this painted minnow? What kind of fish are they that are going to accept a thing that does not change anything? Or is it possible that the bait has been changed, and that the fish know it, or, to adopt a more dignified phraseology, that Senators know it? I affirm that there has been a change, a substantial change, and that is why this instrument is presented here, because it embodies some substantial change. That is the reason it was written. If it was not written for that reason, it is an absolutely preposterous and idiotic thing to bring it in here, if you assume that Senators who read it have not intelligence enough to know that you have made no change.

Mr. LENROOT. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. Yes.

Mr. LENROOT. I should like to suggest to the Senator that I am sure nearly every Senator on this side is satisfied there is no change, and, if the Senator will be able to satisfy enough Democrats that there is a change, we may be able to ratify the treaty.

Mr. REED. If the Senator is satisfied there is no change, why did he offer it? Why does he offer a thing that does nothing? Why does he go through all the circumlocution that is necessary in order to do something that does not do anything? What is the sense in that unless you expect to fool somebody who has not brains enough to know that you have presented him something that does not change the reservation, and who is going to accept it without knowing he is being fooled?

Mr. BRANDEGEE. When he is told he is going to be fooled, what does the Senator think of it? [Laughter.]

Mr. LENROOT. Mr. President, will the Senator yield further?

Mr. REED. Yes.

Mr. LENROOT. There is no one being fooled that I know of; but, of course, if I occupied the position of the Senator from Missouri I would take exactly the ground that he does. Will the Senator from Missouri, however, give any reason why any friend of the treaty with this reservation should object to any change in phraseology if some Senators desire it and are willing to vote for the reservation if the change is made?

Mr. REED. If I thought that the change in phraseology made no change whatever in the sense, I would say there was not any use in making it, and if a Senator told me that he wanted it because it did change the meaning, it would at least raise a doubt in my mind as to whether that Senator might not be right and I might be wrong and he was getting a change and I was being fooled. I assume, however, that the Senator from Wisconsin, as a good lawyer, when he is drawing a contract for a client and in the discussion about the council table it develops that two constructions may be put upon its language, will immediately say, "That will not do; let us write some language in here that expresses exactly what we both mean." He never drew a contract in his life and when he found that a dispute arose as to its meaning handed it over for signature. Under those circumstances he clarified the instrument; he wrote it in unquestioned language; he made it plain so that it expressed the meaning of the parties. He did not leave it to the courts and leave it to disputes afterwards, if his attention was called to it at the time. Here is a contract that concerns the world; and the Senator says that there are some words in it that he thinks do not change the meaning, but that other Senators think do change the meaning, and therefore he is willing to concede them. Thus we enter into this world contract for perhaps a hundred years of time with an ambiguity in the contract, and the Senator is offering an amendment to put the ambiguity in, for there was no ambiguity under the original reservation on that proposition.

Mr. LENROOT. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Wisconsin?

Mr. REED. I do.

Mr. LENROOT. If I were drawing a contract between two parties I do not think that I would follow the advice of a third party who was trying to prevent the two parties from making any contract at all.

Mr. REED. Oh, Mr. President, that is the old argument; that is to say, you have got to be for the treaty before you can have anything to say about it; you must not call attention to the fact there is camouflaging and false pretense being indulged in. There are a lot of men trying to put themselves before the country as champions of the treaty and at the same time to emasculate the treaty. That is what this amounts to. A great league of power is conceived for the purpose of controlling the world by force; we sign up to do that and then we say we will not furnish our share of the power. That is contemptible.

Saturday, March 13, 1920.

Mr. REED. Mr. President, I have wearied the Senate many a time with a discussion of this treaty; and yet I feel like asking Senators to listen a little longer while I discuss what I believe goes to the very heart of the proposed substitute, and which I think may serve in some manner to clarify a somewhat confused situation.

I am very sure there is a misunderstanding here that ought to be cleared up. I was never more certain of it than when I heard the Senator from Wisconsin [Mr. LENROOT] say a few minutes ago that reservation No. 2 applies only to article 10.

Mr. LENROOT. Mr. President, I am sure the Senator does not wish to misquote me. The reference to controversies between nations applies only to article 10.

Mr. REED. What are we dealing with here except controversies between nations? We are not dealing with controversies between individuals.

Let me say now, just as a groundwork for all that I am going to say, that we must start with the proposition that when the United States attaches its signature to this document we consent to the formation of the league and make ourselves a party to it. It is no longer a foreign body to us. We are part and parcel of it. We are a joint partner in the enterprise. We are liable for everything it does. We can not treat it as something external to ourselves.

We agree that this organization of which we are a constituent part shall possess certain powers and have a certain jurisdiction, and we are just as much responsible when we join for the creation of those powers and the creation of that jurisdiction as any other nation. It is our league, and let me emphasize the word "our." It is a thing which we help to set up and to maintain.

We provide for two governing bodies and we agree to become a member and a constituent part of those governing bodies. They are our governing bodies. Moreover, for the most part in international controversy they can not function except by our consent and by our positive action. There are exceptions, but I am speaking of the question in its broad light. Of course, one of those important exceptions is that we do not act where we are a party.

We have set up a council, of which we are a part, and that council can not take a single step in an international controversy, with the exceptions I have named, unless we, the United States, vote that that step shall be taken. So that we ourselves are responsible for breathing the breath of life into the action of the council when it relates to any of these controversies.

The proposition that we have before us to-day is that the United States shall set up a council, that the United States shall say that the council shall have jurisdiction over all controversies affecting the peace of the world, and over other controversies to which I shall call attention, and that that council shall be empowered to do certain things, and when it comes to the doing of those certain things we ourselves must vote for it.

With that situation staring us in the face the proposition is that we shall do all these things, breathe the breath of life into the action of the council, join with the council in recommending armies and navies for the purpose of carrying out the decrees of the council, join with the council in recommending war to be made upon countries; and yet in the same breath say, "But we will assume no obligation to carry out the very things being set in motion by our own vote."

There never was a more monstrous proposition offered in this world in any body of sensible men.

I affirm, without going into technicalities and refinements, that we can not set up these bodies and vote that they shall take a certain course of action and then escape the responsibility of helping to carry out the very action which we ourselves have said shall be taken; for I represent to the Senator from Massachusetts [Mr. LODGE], who is here, that the council can not take any action leading to war unless the United States by its duly authorized representative has voted for that war, and that it is an infinite and unparalleled absurdity to say that we can vote that a war shall be made, recommend to the council how many troops each country shall furnish, and at the same time say that we are not under any obligation to comply with the very decree that we wrote with our own hand.

The trouble is we have not approached this thing with enough courage. Let us see, with these preliminary words, just what is the jurisdiction of this body which we are creating, and which can only function for the most part by our acts. Indulge me for a moment while I illustrate that. Let us say that there is a partnership of business men which can not under its rules act except all of the partners agree. All the partners meet and agree that a certain thing shall be done. Yet it is proposed that one of the partners, having agreed that that thing shall be done, will repudiate the very obligation to which his agreement gave life and force.

Permit me now to call attention to the things that we have agreed shall be done as soon as we sign the treaty. Article 10 embraces four distinct undertakings:

First, that we will respect the territorial integrity of all members. The Lodge reservation leaves this obligation in full force. It bars us—and Senators, I think, have overlooked this—from attacking any nation, however great the provocation or acute the emergency. We sign away our rights to attack a country, even though its armies may be massing on our borders or its navy threatening our coast cities. A British fleet might be just outside New York Harbor and British soldiers en route to Canada, yet we would be barred under this clause from making an attack, although the attack might be the best means of our defense. But I pass that with the mere mention. Nevertheless, it ties our hands, and it may tie them at a fatal moment. That obligation is left untouched.

Second, the article binds us to preserve against attack the territory of all members. That obligation under article 10 is completely repudiated by the Lodge reservation. I am speaking now of the original reservation.

Third, it binds us to preserve the existing political independence of all members of the league. That obligation is repudiated by the Lodge reservation.

Fourth, article 10 binds us that we agree, in case of attack or threat thereof, that the council shall advise upon the means by which the obligation is to be fulfilled. The Lodge reservation having refused to accept the obligation to preserve against attack, we are clearly not obliged to obey the advice of the council in regard to carrying out—I mean by the literal terms, now, of the instrument—but the council nevertheless has the power and the 31 other nations are bound by the terms of the article and the advice of the council. They therefore would be obliged to attack the United States if we were to engage in a war with Mexico, if that country is admitted to the league, and this they would be called upon to do regardless of the justice of our cause. The moment we were to attack Mexico they would be obliged to attack us.

But there is a still weightier consideration. When we sign the agreement with article 10 in it, even with the Lodge reservation as originally offered, we have agreed to a combination between the other nations of the world under which they will assert a supergovernment over the world and crush any Government going to war contrary to their will. We, having assented to this, are powerless to intervene in any way against any action the league takes. To illustrate, if China were to undertake to recover her stolen property and move her troops into Shantung, it would be an external attack, and the league would be bound to employ all its forces to destroy China, and the United States would be in the position of consenting to this when it has bound itself by the terms of the league through the obligations of the league to preserve against external attack the territory of Japan as fixed at Versailles.

It is no answer to say that we are not obliged to actually furnish soldiers until Congress shall act. The whole weight of our moral influence and our national honor is thrown in the balance against China, but having assumed the obligation of the league, how can we refuse to carry out that obligation? This obligation of the league that I am speaking of under article 10 is one which I hold does not require the unanimous action of the league, because it is an express obligation in itself and the nations are bound without any action of the league whatever.

Now, what about the obligations of the other articles? I am passing for the moment from the obligation assumed in article 10, and I am seeking to show, if I can, that even if article 10 were stricken from this covenant we are nevertheless obligated to plunge into all the wars of the world the moment we sign the covenant. If I can make Senators understand that some of them will not vote for this instrument who now contemplate doing so. What about the obligations of other articles?

By articles 3 and 4 we agree that the assembly and council may deal with any matters affecting the peace of the world. By article 11 we agree, first, that in case of war or threat of war the league may take any action it may deem wise; that is, it may take any action that it sees fit to take; second, that any member may cause the council to be immediately summoned; third, that any member may invoke the action of the council on any matter affecting international relations which threaten to disturb the peace or good understanding of the world.

Let us change that language a little and paraphrase it and put it in plain, blunt English. By article 11 we agree that the league may do whatsoever it pleases, (a) in case of war anywhere, (b) in case of any threat of war anywhere, (c) in case it decides that the circumstances threaten to disturb the good understanding between nations.

Let us see how far that goes. The present dispute between the United States and Mexico threatens to be, and in fact is, a disturbance of good understanding.

Plainly Mexico as soon as admitted, and if she is not admitted any other nation in her behalf, can invoke the jurisdiction of the council, and that body can, by our express consent, given the moment we enter the league and irrevocable by us, proceed to determine the question, and thereupon take any action it may see fit.

The Monroe doctrine, I think, is involved in this, but I shall not pause to discuss it.

We have a pending dispute with Japan. When we sign this agreement we agree that the league may take jurisdiction of that dispute and may take any action it sees fit. Its jurisdiction over that dispute is indisputable, because it is expressly provided that the league shall have jurisdiction over all disputes growing out of treaties, and Japan claims her right to plant her people in California under a treaty between Japan and the United States. What do the words "take any action it may see fit" mean? Clearly that means the right to employ arms; clearly we consent to this power being employed by the league even against us, for this league is formed as much to control us as it is to control other nations. We have been talking about the league, with us as a part of it, controlling other nations, but let us not forget that when we set this league up to control other nations, they set it up to control us. Having granted this power of the league to make war, clearly we are bound to contribute unless expressly excepted.

Let us turn now to article 11. Under article 11 we agree (1) that any war or threat of war is a matter of concern to the whole league; a matter of concern to our league which we helped to set up and of which we are a part; (2) that the league of which we are a part may take any action effectively to safeguard the peace of nations. Any action effectively to compel obedience to an order or decree of the league means the employment of military force; it means the right to make war or order war to be made.

Under that article when a controversy of any kind has arisen between nations, whether it immediately affects the members of the league or not, we declare that the controversy concerns the whole league, of which we are a part, and we expressly authorize the league to take any action that "may be deemed wise and effectual." We know, and every candid man must admit, that the action to be taken may involve, and very likely will involve, the employment of military force. We therefore sit upon this council as a member of the league; we take jurisdiction of a dispute between two countries; we vote for a certain decision; and when that decision has been rendered, if it is not obeyed, we vote what the various Governments shall do, and the vote is that they shall each furnish a certain number of troops. Having taken that action, are we in any way bound to carry out our part of the contract? Are we in any way bound to comply with the very decree we wrote with our own hand? Clearly every consideration of honor and every obligation of a contract binds us to take that action, and we are bound even though we expressly say we reserve the right of Congress not to furnish the men. Our honor is bound; we have set in motion the great international movement of armies; we have sent others into the field, and I do not care how many

reservations we write, we can not escape from such a situation. As I shall show, there is no reservation that affects article 11 at all; it is more sweeping in its terms than article 10, and it is more injurious to the sovereignty of this Republic.

Let us proceed a little further to other obligations—to article 13. What are our obligations under article 13? We agree to arbitrate questions and every other nation agrees to arbitrate questions or to submit them to the council. These questions are (1) the interpretation of treaties; (2) facts constituting breaches of international obligations or treaties; (3) the extent and nature of reparation; that is, all damages or penalties to be imposed. Let us not misunderstand the term "reparation"; it means that when we are haled to that tribunal it has an unlimited power of punishment. (4) We agree that we will obey the decrees, and every other nation so agrees; (5) we agree not to resort to war against a nation which complies, and every other nation so agrees; (6) we agree that the council shall propose the steps—that is, any steps it sees fit—that shall be taken to give effect to the decree.

Now, we will assume that a controversy has arisen between two nations, one of them complaining against another, that it goes to the council, that we sit on the council, that we join in a unanimous decision against a nation, and that we command it not to do a certain thing, and that nation proceeds to do it. Thereupon the council, we sitting, votes that certain pains and penalties shall be visited upon that nation, and among other things we vote to send armed forces against it, and under the other provisions of the treaty we recommend the number of troops that our Nation shall send, and our representative votes for all these propositions. He votes that Great Britain shall send 200,000 men, and that the United States shall send 200,000 men, and that the other nations shall furnish their quotas; and thereupon the nations do furnish their quotas, and the war begins. Do you say that any reservation on earth can take us out of that obligation? Do you say that that situation does not compel us to act, and that the only thing we could do, if we had an express reservation, would be to say that we take the position that our representative can by his vote impose upon other nations the duty and obligation of going to war, and name the amount of their troops, and that we are at perfect liberty in honor to repudiate his act?

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. I do not take that position, but I do take the position that under article 7 our representative can do nothing except what he is permitted to do by statute.

Mr. REED. Oh, yes.

Mr. LODGE. And if Congress permits him to involve us in war it will be done anyway.

Mr. REED. That is to say, a statute is to be passed after we have made this treaty defining the powers of our representative.

Mr. LODGE. Why, yes. None can exist until it is passed.

Mr. REED. And when we pass that statute, we are either going to give this gentleman a seat at the table, and a vote or not; and if we are not going to give it to him, let us repudiate this treaty.

Mr. LODGE. The provision of the statute, of course, will define his duties and his powers.

Mr. REED. Exactly. Now, you have set up a body here. You have said how it shall function. It shall function through the votes of different nations. It shall have these tremendous and all-embracing powers. It shall proceed in accordance with the votes of nine men. You give a man a seat at the table as one of those nine men or you do not. If he takes his seat at the table with the other eight men and does not vote, then the council is paralyzed; it can not act. If he does vote, then the United States, through its representative, has set in motion a world war, if that is the question that is involved, or a national war, and has called upon the other nations to act; and yet by statute our man, having set all those things in motion, is held not to bind us.

Why, Mr. President, there never was a more absurd proposition in the world than that. You can ransack the literature of absurdities and you can not find its parallel.

Mr. KING. Mr. President——

Mr. LODGE. Mr. President, if the Senator will permit me, I desire to modify the substitute I offered in accordance with the suggestion made a few moments ago by the Senator from Idaho [Mr. BORAH], to which we all assented, because we all believe it means precisely the same thing. I want to modify my substitute by inserting at the end of line 5, after the word "nations," the words "including all controversies relating to territorial integrity or political independence"; and I ask that it may be printed in that form.

The PRESIDING OFFICER. Without objection, leave is granted.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. KING. If I understand the position of my friend the Senator from Missouri, I do not know that I can quite assent to the proposition which he has laid down. His proposition, as I understand it, is that it would be the height of absurdity to be represented in the League of Nations and to impose upon our representative there restrictions and limitations which would determine his conduct, or that if we attempted to impose restrictions and limitations it would practically reduce him to a condition of impotency, so that he could not function as the representative of this Government.

Mr. REED. Mr. President, the Senator states my position in part, but not quite. The position I take is that here is a body upon which certain powers and duties are devolved, and that we help create that body to carry out those purposes. It functions through the council, of which we are a constituent part, and it can not carry out those obligations and duties except by the vote of our representative. Now, if we say that our representative shall go into that council with powers so limited that he can not bind us, we have destroyed the effect of his vote, for there is no consent by America to the action, and the council is paralyzed. If he does vote and bind the council, then we are in this position: We have set in motion the machinery; we have imposed upon others obligations to do certain things as to which we say we will not do our part. If we take that position, we take a position of dishonor. We can not go in there and by our vote bind Great Britain to send 200,000 men to the field of battle, bind France to send 100,000, and so on through the list, and say at the same time and in the same breath, "We will not send a single soldier, and we are bound neither morally nor in any other way to carry out the project which we ourselves helped initiate."

I am not talking about that as a legal proposition. I am talking about it as a proposition of common sense and decency, and I am trying to present it and show the attitude we would be in before the world.

Mr. KING. Mr. President, will the Senator permit me to make an observation?

Mr. REED. Certainly.

Mr. KING. It is rather more than a question.

I agree with the last statement of my distinguished friend, if I properly interpret it. I agree that it would be an act of dishonor, of perfidy, if our representative on the council should vote for any proposition which resulted in war, made recommendations which called for Great Britain to furnish 200,000 men or any other number of men, and other signatories to the league to furnish various quotas for warlike purposes, and our Government did nothing, so that we devolved upon our coadjutors in this great scheme the entire responsibility. But that is not quite the question that I had in mind, and to which I desired in a respectful way to challenge the attention of my distinguished friend.

My understanding of this treaty and the reservation which has been submitted is that our representative upon the council must act or will act in conformity with laws which shall be enacted, and that we may limit and circumscribe his action by any legislation which we deem to be appropriate. We may prescribe that he shall not vote or make any recommendation without submitting it to the Executive of the United States, and that the Executive shall transmit it to Congress, and that Congress shall determine then what shall be done in a given circumstance.

Mr. REED. Will the Senator let me interrupt him? Does the Senator think that would be a practicable thing? Does he not know that he has stated an impossible case?

Mr. KING. I agree that that construction—and that is the proper one, I insist—makes the league a cumbersome instrumentality in respect to decisive and prompt action. It means, of course, that before any action shall be taken by the league and recommendations made consultation must be had by our representative with the Government at home, and the Government at home could paralyze his action, and where unanimity is required his paralysis would paralyze the action of the league. That is one of the weaknesses and one of the infirmities of the covenant of the league.

Mr. REED. Now, will the Senator let me ask him another question?

Mr. KING. Yes.

Mr. REED. Does the Senator believe that Congress would ever pass an act of that kind? Let us see where it would lead us.

Let us assume that an acute situation arises, like the one which brought this war on the earth. The council of the League of Nations is hastily assembled to prevent that war. The members of the council conclude that certain action ought to be recommended in order to prevent it; that Germany shall be told, in the case in point, "If you do this, all the powers of England and France and the United States and the other countries of the league will be hurled upon you to crush you." But up rises the gentleman from America and says, "I vote for this, but you must understand that before I can do anything here at all I have got to send a message to the President of the United States and ask his authority, and the President has got to transmit it to the Congress, and Congress will debate for 30, 60, or 90 days the proposition of whether the United States wants to go into this war and then probably vote that they will not go in at all."

How much of an influence will a thing of that kind be to stop a war in a great world crisis? Have you not paralyzed your infant? Is it not stillborn, if not paralyzed?

Mr. KING. Mr. President, the illustration which the Senator gave is one which, I repeat, shows the weakness and the infirmity which this covenant of the league possesses. I have no doubt in the world that Congress will pass an act which will circumscribe the powers of our representative upon the council. I have no doubt that this Government, if we enter the league, will not commit to our representative upon the council the power to take action there that would involve this country in war without consultation with such agencies or instrumentalities as Congress by law shall determine; and in making that statement I concede that it impairs the usefulness of the league, or the council of the league, as a prompt and expeditious agency in taking decisive action at a time when prompt action is required. Yet, believing in the league as I do, and voting for the ratification of the league as I have in the past, and as I shall again, I think, I would not vote to confer upon the representative of this Government upon the council full and unrestricted power to act as he saw fit in the emergency or crisis which should arise. Yet, in taking that position I admit that it cripples him, that it impairs to a large degree the efficiency of the league to act promptly and expeditiously in times of great crises.

But let me put to the Senator, while not a parallel case, one which furnishes us an analogy. The Senator recalls that when the treaty of Paris was being negotiated, at the conclusion of the Spanish-American War, we sent over as our representatives Hon. George Gray, Hon. Cushman K. Davis, and Mr. Justice Day, of the Supreme Court of the United States, men learned in the law, men of great ability as statesmen and as jurists; and yet, commissioned as they were to represent this Government, they kept in constant touch by cablegram with President McKinley, and at the conclusion of each day's conversations and deliberations the results were forwarded to the President of the United States, who communicated to them what terms of the treaty would be acceptable to him as a part of the treaty-making power.

I concede that that is not quite a parallel case, and yet it furnishes an analogy. We have a member upon the council, and an important question arises which presages war; the council meets for the purpose of deliberating upon what steps shall be taken to avert the horrors of war; he communicates daily, perhaps hourly, with the President of the United States, or with Congress, depending entirely upon the character of law which we shall pass limiting his instructions, asking for the advice and instructions which he shall observe with respect to the matters coming before him. It hampers him, of course; it delays prompt action. Yet I can see, Mr. President, that that course does not nullify the league or its actions or its powers. It hampers, in some instances it may seriously cripple, its activities, but, nevertheless, it will possess great power for the prevention of war and will exercise a great influence for universal peace.

Mr. REED. No, Mr. President; it will exercise great powers to create international trouble, because you have made an arrangement for something which undertakes to interfere in international affairs and have deprived it of the power of action so effectively that all it can do is to interfere and make trouble. Let me take the illustration the Senator just gave us. We were negotiating a treaty of peace at Paris, and word was telegraphed back to the President daily, giving him an account of the progress. What were we doing? We were making peace at the end of a war. We had all of the time in the world to make that peace, just as we have had a year consumed in making peace with Germany. But you could not take that time in those tragic hours that intervened between the killing of the Austrian Crown Prince and the movement of the legions of Germany across the frontier of Belgium.

The Senator states that Congress may take the action he has indicated. If we ever enter this league, and Congress takes the action he has indicated, and the other nations take similar action, you could not get this league to function in 10 years' time. I will tell you what you are doing. You are proposing to have a foot race and to capitalize your man, and you are entering him with a bad case of locomotor ataxia. If you are going to enter this compact to boss the world, get into a position to boss it.

If I may drop into a very common illustration, if you are going to have a quarrel with another man, if you are going to irritate him, if you are going to thrust yourself into his disputes, go full armed, so that you can protect yourself. Do not go there and get the difficulty started, and then not be able to finish it. A league such as the Senator has proposed here would not rise to the dignity of the much discussed debating society.

I am willing to form an international debating society, but I want it to be a debating society, not a thing authorized to levy armies and to set navies in motion. But if I am going to set up a power to control this world, then I want enough power so that no nation in the world dare rise against it. Then I recognize, when I have set it up, that I have set up a power greater than my own country, a power that may destroy my own country, a world despotism in which the liberties of the American Nation are sunk. I hope that Almighty God will paralyze my arm if I ever give my consent to so infamous a thing.

Mr. President, I was discussing the powers of this league as they exist, and I am not going into the realm of the future to suppose that, we having entered this league and assumed its obligations, Congress will hereafter put us in a position where we can not help enforce those obligations. That is the proposition which is made here, not only by the Senator from Utah [Mr. KING], but it is the general attitude in this Chamber of many men.

Let me digress long enough to tell the country, at least, what I think about the attitude of the men who are proposing to go into this league. I have not seen one of them willing to face the issue as it is. All of them take the attitude that we are not going to plunge into the waters of this ocean and accept the responsibility and the danger, but that we are going in just far enough to get our feet wet. It is so monstrous, so wicked, so unthinkable, so un-American, that the only way they can salve their consciences is with the thought that we are not really going in.

The only man I know of who takes a bold and logical stand is the President. He says:

> Article 11 is my favorite article. At present we must attend to our own business, but under article 11 we can attend to other people's business.

Those are his exact words.

He also said that the League of Nations was greater than the Government of the United States. That is his viewpoint. His words were:

> It is greater than the Senate; it is greater than the Government of the United States.

He looks the situation in the face. He proposes an international government. He proposes a world government. He proposes to enter in with all the power and force of this Nation. He proposes to interfere in the affairs of all nations, kindreds, and tongues; but he seems to overlook the fact that when we acquire the right to interfere in the affairs of other nations we give them the right to interfere in our affairs, and that this league is no more to function against other governments and people than against us; and that if it is a power superior to the rights of other nations, it is a power superior to ours, and that if it possesses a force great enough to impose its will upon other nations, it possesses a force great enough to impose its will upon us. Thus it is proposed to create a power great enough to impose its will upon this country and to crush us if we do not obey that will.

Mr. President, there is but one power to which I am willing to trust my country, and that is the people who created this Government, and who, under the providence of God and with His generous aid, have built this mighty Nation. I can not escape the conclusion that if I were to vote to set up a power greater than the Government of the United States, capable of imposing its will upon the United States, I would be guilty of treason to

the United States, and yet that is the proposition. We propose to enter a scheme of that kind and then reserve certain things. We must either be a part and a potential part or we must keep out of the accursed thing.

But, Mr. President, this is a long digression, splitting up the things that I wanted to lay before the Senate into somewhat concrete form. I have referred to the powers conferred under article 4, the obligations of article 10, powers conferred by article 11, and I come now to the powers that are conferred by certain other articles. I say that if we do not expressly except ourselves from the terms of these other articles, then we are bound by them.

Article 13 recites, as I have said, that all questions of international law, facts constituting breaches of international law, the extent and nature of reparations—that is, damages to be assessed or penalties imposed—are within the jurisdiction of the council. We agree that we will not resort to war against any nation which complies with the decree of the council, and this is true although it may have assumed jurisdiction which we have disputed, and although its decree may involve the life of this Republic. Then we agree that the council shall propose what steps shall be taken to give effect to the decree, and, sitting upon that council as a member of it, we vote what steps shall be taken. If we do not vote, if we send a man over there with both hands tied by a law so that he can not vote, then the league can not function, because they must have his vote to function under the constitution of the league itself. If we send him over with the power to vote, then he has the power to vote that is laid down in the instrument that governs this international body.

Now I come to article 15. It is there agreed that all questions that are not arbitrated shall go to the council, and that any party can force the question into the council by a mere demand. It is agreed that with its decisions, if unanimous, the parties to the controversy not voting, the losing party must comply, no matter how unjust; and again I say, even though the life of the country is at stake.

Then it is agreed that if a decision is not unanimous any party can make war in a cause, no matter how unjust. Let us see where this leads us. I will take the illustration of the last war. I will assume that the league had as its members the principal nations of Europe, and including also the United States. A dispute has arisen now to which Serbia and Austria are parties.

The council of the league is hastily assembled and an attempt is made to pass a resolution or decree that there shall not be war. If there is a unanimous vote, then the powers of the league will be invoked against those bringing on the war. But if there is not a unanimous vote, then the parties are at perfect liberty under the terms of this covenant to make war.

The question comes to a vote. Austria and Serbia, being parties, stand aside, but Germany votes no. There is no unanimous decision, and the war goes on with the complete sanction of this new Holy Alliance—that is, they have failed to command that war shall not be made. You never will get a unanimous decision in this world in any great controversy involving the interests of four or five of the great nations. It is absolutely out of the question, and the illustration I have given shows how impotent this league would have been in the case of the last war.

But suppose in addition to all that our representative, when he comes to vote, gets up in the council and says: "Well, I am a member of this council, that is true, but Senator KING, of Utah, introduced a bill in Congress providing that we could not do anything on a question like this until I had wired the President of the United States, and until he had submitted it to the Congress, and until a bill had been introduced and referred to a committee and reported to the Senate and debated for three or four or five weeks, perhaps. After all that has been done, if I get authority, I will vote. If I do not get authority, I will not vote, and there can not be any action by the council," and while he is still talking he can hear through the windows the rumble of the carriages that are hauling the 16-inch guns to the siege of Liege, and before he gets his first cablegram sent the 16-inch shells are bursting over the forts that guard the frontier of Belgium and the soil of that devoted country is trembling beneath the tread of the innumerable legions of William the Third.

Why are we indulging in boy's play? Let us do something or do nothing. Let us rely upon the strength of the American people and our national pride and institutions to defend ourselves and to set an example to the world, or else let us set up a government strong enough to protect, even though unhappily it be strong enough to destroy, for always remember that when you set up a power to do good it also has the power to do evil. When you set up a power greater than yourself, hoping and expecting that it will do that which is beneficial, bear in mind that it may do that which is deadly.

We lodge powers in American tribunals, it is true, but they are our tribunals, acting under our laws, confined by our Constitution, subject to our courts if they shall be guilty of acts of usurpation. Here is a tribunal that is a law unto itself, that is composed exclusively of foreigners, we not sitting when we have a controversy, those foreigners the representatives of Kings or Mikados with two exceptions, and those exceptions unhappily are nations that in most controversies would naturally be against us both because of interest and of environment. That is the power you set up. Who will control it? It is like the Triumvirate which was supreme over the world, and its will was the law of the world. From its will there was no appeal except to revolution.

Coming again to these powers under article 15, there is a pretense to the exception of domestic questions, but what is the exception? Who decides what is the domestic question? Is it the United States? No; it is the council of the league, and an affirmative decision is necessary in order to have a question declared to be domestic, and that decision must be unanimous, so that if we have a controversy which we claim is domestic, the league nevertheless takes jurisdiction to determine whether it is a domestic question or is not a domestic question. We being interested do not vote, and unless every other member of the council votes that it is a domestic question we have lost our case, because there must be a unanimous vote in order for the council to decide that kind of a question. No matter how we may protest our domestic affairs, a single vote to the contrary and our domestic affairs will be taken charge of by this body of foreigners.

That was the intention, undoubtedly, of the President. I would not misrepresent him; but I am warranted in making the statement that that was his intention, because, first, he gave assent to this document; second, he said it should be changed in no respect; and, third, he said the league is greater than the Government of the United States—the most astounding and most appalling words that have ever fallen from the lips of an American statesman, that the league is greater than the Government of the United States!

Moreover, when the question arises whether a dispute is domestic in its character, the league by a unanimous vote must not only decide that it is domestic but that it is solely a domestic question. If in any aspect it is international, the league takes jurisdiction; if there be one vote in the council of the league to the effect that the question is in any aspect international, then the league assumes jurisdiction. We may protest until doomsday, but it will do us no good unless it be the protest of America's Army massed to defend this country against the united attacks of the league and of the world, if the league holds together. When that day comes, I suppose somebody will remember with great consolation the fact that the mothers of America were told there would never be any more war and that they were not raising boys for gun fodder. Oh, no; that will not be remembered; that will be forgotten. The cry will go out then, "Americans, save your country"; and then, as in the past, they will come, stalwart and brave, indomitable and fearless; but because of this iniquitous compact you may compel them to fight against the armies and navies of the world instead of fighting against a single enemy.

There is a decision rendered against us or against any other nation; then article 16 provides that any member resorting to war in disregard of the mandate or the decree of this superworld government shall be placed in this condition, namely, if it shall go to war with a single nation it thereby ipso facto commits an act of war against all the other members of the league. So, Mr. President, when we sign this covenant we agree that we shall be put in a state of war not by the act of the Congress of the United States but by the act of a foreign nation over which we have no control. The act of that nation in firing a single gun in defiance of the mandate of the league ipso facto puts us into that war. That is the express language of this instrument; no man need close his eyes to it.

Then what follows? I will read it:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, and 15—

Those are the articles that give the league jurisdiction and the right to decide. Any member that does not obey the mandate of the league and goes to war with a single nation ipso facto has "committed an act of war against all the other members of the league, which hereby undertake to subject it" (1) to the severance of all trade relations, (2) to the severance of all financial

relations, (3) to the severance of all intercourse between its nationals and the nationals of the State that has offended against the league, and (4) each nation, which would include us, of course, undertakes the prevention of all financial, commercial, and personal intercourse between its citizens and the citizens or nationals—which is a broader term—of the State that has gone to war. Every one of these acts is an act of war. We agree that we will do all of these acts of war. They are calculated to starve a nation into subjection, to compel it to surrender and yield because its babies are sucking the dry breasts of starving mothers and because from the faces of the women has faded the rose of health and in its stead has come the pallor of death by starvation. We agree that we will do all that, and it is our duty not when Congress acts but when another State has violated the majesty of this thing we are setting up.

I wish the Senator from Utah [Mr. KING] were here. The Senator from Utah argued that we could submit these matters to Congress. What a farce that is when we come to consider this article. I do not mean to say that anything the Senator said was farcical; I am speaking of the idea.

Under article 16 a state of war exists; we have agreed, as I have stated, to cut off all intercourse, and each nation agrees to that; in other words, the agreement is to blockade the ports of the proscribed country, to seize all commerce going to those ports, to completely isolate it from the world. How could we keep out of that sort of controversy if we wanted to? Our ships, if we sent them, would be seized by the other members of the league; our commerce would be destroyed if we permitted it to leave our ports, and destroyed by our partners under an authority which we expressly gave them when we signed this covenant. The very thing would happen to our commerce by virtue of this instrument which we went to war with Germany for doing. Germany undertook to stop our commerce moving into the ports of countries with which we were not at war, moving into the ports of European countries; and, because Germany did sink our ships, we went into this terrible war—and we rightly went into it, however costly it has been—but I put it to Senators who have a little independence of thought when we agree that if any nation in Europe or any other continent goes to war with another nation contrary to the command of the league, thereupon all intercourse with that nation shall be immediately stopped, all commerce shall be seized, its ports blockaded, and that ipso facto we are in the war; how can we under any reservation save ourselves from the fate?

We may say we will not levy armies until Congress acts, but when we go into this league we agree that other nations may seize our commerce; we agree that we will be guilty of an act which is almost equivalent to war by refusing any intercourse with the nation that has gone to war, not with us but with another nation; and we agree that all the other nations on earth shall destroy or seize all the commerce going to the ports of that nation.

I ask Senators to tell me what reservation there is that relieves us from that situation which is created ipso facto by the refusal of a nation to obey the mandate of the league, and not created by an act of Congress? Point me to the reservation that saves us from that. I challenge any man to do it. There is no such reservation, and there can not be such a reservation, because if you get rid of that condition you have got to do something more than reserve or interpret. You have got to strike out of the league the article which gives to the other nations the right to destroy commerce. You have got to strike out of the league the obligation upon us to be at war the moment another nation shall begin war without the consent of the league or contrary to its mandates.

Mr. President, right here is where we are going to get into these wars whether we want to or not. Regardless of any act of Congress, we are going to get into them. Let us apply this. I will go back again to the last war. I am going to assume that the league met, and that it actually got a unanimous vote—a thing that would have been impossible, as I have shown—but assume that it did; and I take the facts of that case, because they are quite familiar.

Germany proceeds to the attack. What happens? Immediately, ipso facto, we are at war with her. Ipso facto, without any action on our part, our commerce can not be sent to the ports of Germany, and every other nation in the world is authorized to seize our commerce if it is aimed at Germany. Ipso facto, we have joined all the other nations of the world in starving Germany, or else we are suffering our commerce to be destroyed without protest; but ipso facto another thing happens—that the obligation is imposed upon us to be a party to this, to forbid our nationals to have any business with Germany, to become parties to the proposal of starving her into submission. In a word, as was said by Lloyd-George, if the league had been in existence America would have been in the war with Germany the first day of that war, instead of two years later.

What reservation is there that removes this difficulty? And yet it is the very difficulty that is certain to drag us into every war.

Russia engages in a conflict with Poland. We are likely to have it. The League of Nations meets and forbids Russia to make that attack. Russia proceeds to make the attack. Ipso facto we are at war with Russia. We have agreed not to have anything more to do with Russia, and ipso facto all our commerce with Russia is destroyed by the other governments of the world, and we consent in advance that they shall seize it and destroy it. Where is the Lodge reservation that saves us from such a case? And yet, if such a case were to arise, we would be in that war in dead earnest, in all probability, and very quickly. Why? Because if we had not agreed by act of Congress to this, and the league was proceeding to seize our commerce, it is very likely that there would be a vigorous protest, that our people would not stand it, and so we would become embroiled in a controversy with all the nations that had united in that struggle.

Bear in mind the war goes on whether we are a party or not, whether Congress has said our Army shall move or not. We agree now that ipso facto a state of war exists between the United States and Russia if Russia does not obey the mandate of the league, and we have agreed—and I am repeating because the Senator from Utah [Mr. KING] has come in—that all the commerce of Russia shall be seized and destroyed, and that every ship going to her ports shall be seized. That cuts off our commerce. Moreover, we have agreed to do things that are the equivalent to acts of war when we agree that we will have no more business with her, and that we will ostracize her nationals, and that we will join in an attempt to starve her to death, for that is what "economic pressure" means. You could not have a condition of that kind for 24 hours without being on the verge of war. You could not have it for 48 hours without war actually existing not on paper but in fact. Where is the reservation that takes us out of that?

Suppose we apply the doctrine that has been so well presented by the Senator from Utah—and I am speaking to him because I believe that in his mind he thinks of this league just as I do. Of course, I can not read the hearts of men, but I can read their brains sometimes, and I know the Senator has a head full of them.

Suppose the Senator's plan were adopted, and that Congress were hereafter to say: "Our representative shall not have any authority to bind the United States." But, my dear sir, we have set up an institution that functions, and we have said that that institution can decide the case, and we have said that if the decision is not obeyed, ipso facto the war is here. Ipso facto the war is upon us. Ipso facto we proceed to the delectable business of starving a nation to death. To say that that is not war which is declared to be war by the instrument itself, and that that is not war which under all the rules that have governed the world since Adam was a boy has constituted war, is to say the absurd; and to say that any action of Congress can protect us against that except an action of Congress that keeps us out of it is to argue the impossible.

But let us see. We take another obligation under article 16. The nations agree to support one another in financial and economic measures, and we reserve that—let us say we do it—and they agree to support one another in any special measures aimed at one of their members. To put it in plain language, they agree that if this state of war ipso facto arises, not by the act of the Congress of the United States but by the action of a nation 3,000 miles away, if a member of the league marches its armies down here against that nation undertaking special measures, we will support that nation.

How are you going to reserve against that? If you reserve against that you destroy the whole force of the obligation itself and you say to the world, "Although we set you and the various nations to the task, although we have signed a covenant that agrees that you shall do the very thing you are doing, although we cast the necessary vote to impose upon you the obligation to do that thing, still we will stand aside and accept none of the responsibilities." Now, regardless of all technicalities and treating this as a practical question, I ask what Senator there is, under those circumstances, who would dare rise in his place and say that the United States was not in duty and honor bound to do her share? And no reservation can ever undertake this sort of thing without accepting the responsibility.

Article 16 further provides that we will afford passage through our territory for the armies of any of our associates, members of the league, moving to attack this offending nation with which we are ipso facto at war, not by the act of Congress but by the act of a foreign government; not by the action of the league even but by the single act of that government.

In our isolated position that might and that might not amount to a great deal. Let us assume, however, that the great British Empire shall be the nation first to defy this league; and she is most likely to be that nation, because she is the most powerful nation in the world save the United States, and therefore has the greater ability to defy the league.

Let Germany, then, propose, as a member of the league, that she wants to land in New York a million German soldiers and move them across this country to attack Great Britain in Canada. We have agreed to give them free passage across our country. The league has rendered a decision in a controversy between Great Britain and some European country. Germany revivified and once more strong, under the command of another war lord, her heart beating with the same invincible courage that has characterized the Germans in every age of history, proposes to send over here an army to crush Canada, and we are to open our ports and give them free passage that they may proceed to Canada and devastate her cities and kill that people which, nearer than any other people in the world, are bone of our bone and flesh of our flesh.

Where is the reservation on that? What reservation saves us from that horrible obligation?

How do you know that an army of that kind might not seize our Capital, our coast cities, and overwhelm us? It has happened in all history. Every page of the annals of man shows that it has occurred time and time again.

Before I would ever vote to open the ports of this country to a foreign army, sent here for the purpose of destroying Canada, I would die in my seat. There is no reservation on this, and you can not point it out. I am talking to a few Senators who sit here, who represent as fine a quality of brains as there is in the Senate or elsewhere, and I ask one of them to rise and show me the reservation that saves us from that obligation.

Again, somebody says that is fanciful, that it will never occur. If it will never occur, why is the provision written here? Why provide for a thing that will never occur? Why do we not add another reservation and say that the United States will never permit the foot of a foreign soldier to touch this soil, and that if he comes, to borrow the phrase of another, "we will welcome him with bloody hands to a hospitable grave"?

Possibly I got a bad illustration when I suggested Germany crossing this country to conquer Canada. Perhaps it is the Mikado, with an army of a million or a million and a half Japs, who are now pouring through the ports of New York and Boston and the ports of the South. Here they come, in long trains that seem to never end, pouring over the border of Canada to slit the throats of our Canadian neighbors, and we open our hospitable ports and welcome them in their quest of slaughter.

Where is your reservation that frees us from that? It is not fanciful, sir. Danger lurks here as much as in any other part of the treaty.

I would not attack Great Britain. I only speak of Great Britain because of her position in the world. There she is, her dominions spread all over the earth. Her flag is planted amidst the snows of the Arctics and the ice of the Antarctics. Her gallant soldiers are quartered in the towns and cities of one-fourth of the habitable world. She holds beneath her subjection men of every color, of every race, of every religion. Her borders touch almost every nation in the whole world, or if her borders do not actually touch, her islands guard their ports and hold mastery over their waters.

Such a nation is inevitably bound to have controversies. I think I am safe in saying that there have not been 10 years of British history when the British battle flags have not at some time been unfurled and British soldiers have not rallied beneath them on the fields of war. She is engaged in a race to-day in the Orient for the complete domination of all oriental countries, and the race happens to be between her and Japan. To-day they are partners; to-morrow they may be enemies. A nation so situated, powerful, puissant, proud, will not brook an interference by the League of Nations with what she regards as her manifest destiny.

So it might well be England that would disregard the mandate of the league and move to war; and if she did, where would a great enemy seek to strike her more quickly than Canada—Canada, the granary of Great Britain, the source of her supplies of meats and all kinds of foodstuffs; better than that, the source of supply of gallant soldiers? So it might easily come that the demand for free passage across America would be made. We have agreed to grant it, and we have agreed to do worse than that. If a controversy arises of the shape I have spoken of, we have agreed to help starve England into subjection. If you except that by a reservation, you have not excepted the fact that we have agreed that all the other nations of the world shall starve her, and we have agreed that our commerce shall be withheld, for we have set up the power and authority to withhold it.

The further you get into this thing the more it is like the reading of Dante's Inferno. Each page takes you into a deeper hell. Each exploration brings new horrors. Each hour of contemplation presents new dangers.

Again, it is provided that the council shall recommend the armed forces to be furnished by each member to protect the covenants of the league. What does that mean, sir? I say that it means an international army in presenti. I say that is what the President understands it to mean, that is what the War Department understands it to mean, and that is what the War Department is now preparing to carry out and what it is, in fact, carrying out.

Let me make a preliminary statement. The Secretary of War demanded a standing Army of 576,000 men, and he testified, and Gen. March, Chief of Staff, testified, that we must have that many men to redeem our obligations under the league; and they have never taken it back.

The Secretary of the Navy demanded 250,000 personnel for the Navy, ten times as many men as we had in the whole Army of the United States until a few years ago. The Secretary of War demands and the Chief of Staff demands that every boy, when he arrives at the age of 19, shall under a modified Prussian military system be compelled to leave his home and enter the camps of war or preparation for war. Altogether that means that we will have constantly under arms, counting the Regulars and the Navy and the marines, more than 1,000,000 men, and all of this to redeem our obligations under this treaty of peace, to redeem our obligations at a time when the lion and the lamb shall lie down together and there is none to make us afraid.

This will be the millennium, echoing with the clash of resounding arms, that is ushered in by the roar of cannon, that functions through mighty armament. Ah! what a contrast between that and the millennium of the Master that comes to the sound of hammers beating swords into plowshares and spears into pruning hooks, that brings us the vision of the sweetest face that ever looked upon this earth, a Christ of peace! This is the result of men undertaking to do what God alone can do. Every man who has ever undertaken it has made a botch of it.

So, Mr. President, we have made all these agreements about war, we have concentered in this body which we create these mighty powers, we have agreed that the acts of a foreign nation can ipso facto plunge us into war, we have agreed that the council shall tell us how many men we shall furnish, and we have agreed that foreign troops shall cross our foreign soil to attack a neighbor.

Now, I want to inquire how the Lodge reservation takes us out of all those obligations? The Lodge reservation as originally offered is broader than the substitute which has been offered, and therefore I am discussing the original reservation.

Let us see whether it is not limited in its operation simply to the obligations of article 10. Let us see whether the obligations of article 11, which touch every question that can possibly be considered under article 10, and the obligations of articles 13, 16, and 17, do not stand here unimpaired with the original Lodge reservation before it was diluted, emasculated, hamstrung, assassinated, murdered by its own author, murdered not with a good murderous motive, which at least might strengthen the arm of the assassin, but murdered for no purpose, because they tell us it does not change a single thing, and if, in their opinion, it does not change a single thing, why are they doing a single thing to it? I can tell you the reason. It is either because they think they have fooled somebody or else they are changing it in fact in order to get some votes, the votes of men whose consciences will not permit them to really save the rights of America. That kind of a conscience finds its mainspring in the political hustings of the States of the gentlemen who would rather hold a seat in the Senate and draw a salary than to protect their country, and who, instead of sitting here inquiring "What is my duty to my country under my God?" are, rather, asking, "How can I get back here and draw my salary?"

Let me tell the political artful dodgers that I am no prophet, but I never saw a man yet who pursued the policy of the old line—

> Writhed in and writhed out
> And left the public still in doubt
> Whether the snake that made the track
> Was going out or coming back—

I have never seen a man pursue that policy very long who has not contributed to his own political death. Sooner or later the people are going to make up their minds on this question. If the money of the New York bankers can keep up a propaganda that will befool them and befuddle them, it may be they will decide in favor of surrendering American sovereignty temporarily; but I know the American people well enough to know that there will be no grave so deep that it will protect the dead body of the man who votes away the liberties of this Nation from the indignation of the people when they once learn of his perfidy.

The people of this country have the right to be represented here by men who are not looking after their political fortunes, but looking after the people's interests. They have the right to expect from us the truth as we see it. They have the right to expect a leadership, if you please, not in the sense of anyone here undertaking to command the will of the people, but in the sense that we will bravely analyze each question, tell the people what we believe it involves, and having stated the question to them in that way, let them ultimately decide.

And yet here we are trying to get three or four votes by a change in phraseology which they tell us does not change the meaning. To what end, pray? That a little more dust may be thrown in the air? That an already obscure question may be made more difficult to understand? Thus we shall coin new phrases that we ourselves can not interpret and lead the people into new mazes; but I say that when we get through the people will take a big, broad view of this question, and they are not going to pay any attention to the dotters of "i's" or the strokers of "t's and the makers of phrases and the verbal hairsplitters. They are going to decide that they want the sovereignty of this Nation preserved as the fathers gave it to us, or else they will decide that they are willing to try the experiment of internationalism and the surrender of the American flag into the hands of foreign diplomats sitting around a council table, with doors locked, and dealing with the fate of the world.

I think I know what the people will ultimately say. They are beginning to find out. The Senator from Georgia [Mr. SMITH] told us that all the newspapers had moved up to reservations who were denouncing everybody a little while ago for proposing to lay a single unholy finger upon this divinely inspired instrument, and that the drift was away, and that you had to get this now and nail it down quick or the people would take it away from you altogether; and so the Senator from Georgia called for a hammer and the tacks at once and the warm friends of the treaty to get what they could—if they could not get the whole carcass, at least save the hide and tallow. Well, he is not the originator of that service.

The great syndicated patriot of America, Brother Taft, told us first that we must take this without a change; that everybody was narrow-headed who wanted a change; but long ago he said, "You had better take what you can get." I do not like to employ slang on the floor of the Senate, but what he meant was to "take what you can get while the getting is good." Mr. Bryan, who I think originally said that the document was full of errors, nevertheless said, "Take it with reservations; do not get it into the political campaign; it is not a thing for the people to decide at all." When did the great Commoner lose faith in the decision of the people? Ever since I first knew him as a handsome and splendid young man, a wonderful orator, with curly black hair and flashing eyes and the "front of Jove." I recall that he could not make a speech without crying in that clarion voice—that now is a little frayed at the edges, but then sounded like the music of the spheres—"Vox populi, vox Dei." Now he says, "Do not get this into the campaign."

Why? He said it might obscure other issues and that this issue might be obscured by other issues. I will tell you the reason. They fear the heartbeat of America. They know that no matter how we may differ on politics, on prohibition, on woman suffrage, and on all the other questions, if you scratch the white skin of an American man or an American woman the same red blood of patriotism answers to the touch. They know that the American people will never haul down the American flag; they know that the American people will never surrender the sovereignty which Washington won with his sword; they know that the American people will insist upon controlling their own destiny; they know that the eyes of America turn in love to the star of our national destiny, and that they will follow no vanishing will-o'-the-wisp into the mirage of international socialism nor into the grave of national death. So they say, "Let us do it now, before the American people have a chance." The President, however, does not say that. The President said, "Let it go to the people." I want to read his words after a while.

Now, let us see what there is in the Lodge reservation that saves all of the obligations of article 16, article 15, article 13, and article 17, which I have taken so much time of the Senate to portray. The Lodge reservation is limited to article 10 and does not touch a single one of the other obligations. Let me read it:

> 2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—

If we had stopped there it might be claimed that we were relieved from the other obligations, but what is the concluding phrase?—

> under the provisions of article 10.

It is exactly as I said in the beginning of my remarks; it is exactly as though the article read, "The United States assumes no obligation under article 10 to preserve the territorial integrity or political independence of any other country; the United States assumes no obligation under article 10 to interfere in controversies between nations." The words "under the provisions of article 10" qualify all that precede, so that the only thing we escape under this reservation to article 10, of all the obligations that we have assumed under all of these separate articles, is the obligation of article 10 itself; but we do not escape all of them, because we do still accept the obligation to respect the territorial integrity of other countries.

When we come to the second part of the reservation we deal with another question. We say we will not employ our military or naval forces under any article of the treaty for any purpose unless Congress shall so authorize, but we assume every obligation of all of the other articles; it becomes a binding thing upon us. We have simply said to the world, "Under the Constitution of the United States we can not make war except by act of Congress, and therefore, while we accept the obligation, we must always notify you that we must go to Congress for the power to enforce the obligation." You may quibble about those words from now until the sun sinks behind the hills of time forever, but that is the true construction of those words; that is all you can make out of them. We assume all the obligations of article 13, all the obligations of article 16, all the obligations of article 15. We agree that the council of the league shall decide cases; we agree that its decision shall be binding and shall be backed by armed forces; we agree that if a nation violates its mandate, the violation shall constitute an act of war against us; we agree that our commerce shall be cut off; we agree ipso facto that we are at war with it; we agree when we sit on the council and vote for these things that war is necessary, and that the other nations shall bring forward their armies in accordance with a certain program; we agree to the act of our own member that the United States shall furnish a certain part; and then we say, "But Congress must first act." Are we not bound? There can not be imagined a concrete case where we would not stand before the world dishonered, disgraced, and damned if the Congress failed to respond under those circumstances. Honorable nations do not construe such contracts like a crooked lawyer hunting for a crooked path through which he can get his client a means of escape; they do not split hairs if they are honorable, but live up to the spirit of the instrument. What is the spirit of this instrument? We say that we shall help set up this tribunal; we shall give it this jurisdiction; we shall join with it in deciding cases; we shall help write the decrees; we shall then join in the decision that the decree shall be enforced by arms; we shall then join in the demand that all other nations shall furnish certain troops and that we shall furnish certain troops; and then, after we have done all that, tell me that this country can escape by refusing to furnish its part and yet maintain its honor! I say the President is right in his position that we should take this thing as a whole or not take it at all.

Now, Mr. President, just a word in illustration of what I have said, and in illustration of the fact that honorable nations can not take these positions and do not take them unless they mean to fulfill them. Always there is a reservation of the fact that a nation does not move its armies until some other body acts. The diplomat who signs this instrument for Great Britain

has not the power to command Great Britain to send her armed forces; there must be action upon the part of some of the departments of the British Government; there must, in fact, be action by Parliament, for without the money which the House of Commons appropriates England, of course, can not make a war. So there is written in fact into this instrument, back of the obligation that Great Britain has assumed, the circumstance that in carrying it out she must get the authority of the House of Commons. It is there, although it is not written there. So, likewise, when the prime minister or other representative of France signs this instrument and agrees that France shall go to war, he understands, we understand, everybody but a fool knows, that before the French armies can be moved the parliamentary bodies, the governing powers of France, must direct the move. Therefore, when we provide that Congress must first act we have only provided a thing that is true of every nation before it actually proceeds to war.

Now, in illustration of what I have just said, and in illustration of the fact that honorable nations are bound not by the technical wording of documents but are bound by the common understanding of a case, I read a statement here by Mr. Asquith recently made:

As has been repeatedly stated, this country is not under any obligation not public and known to Parliament which compels it to take part in any war. In other words, if war arises between European powers there are no unpublished agreements which will restrict or hamper the freedom of the Government or of Parliament to decide whether or not Great Britain should participate in a war. The use that would be made of the naval or military forces if the Government and Parliament decided to take part in a war is, for obvious reasons, not a matter about which public statements can be made beforehand.

In other words, they have not in any of these treaties obligated themselves expressly to go to war, but they have made the treaty, and if, as a result of those treaties and in carrying them out, war becomes necessary then the Parliament of Great Britain is expected to respond with the men and the guns, and does so not because she wrote into the covenant, "We will go to war," but because she entered into an engagement with another nation to do a certain thing; and, war becoming necessary in order to do it, the English conscience and the English honor respond through the regular parliamentary body.

So it is here. When we accept the obligations of this league, when we agree to the provisions of articles 13, 14, 15, 16, and 17, when we set up these bodies, when we give them the power and jurisdiction to determine questions, when we provide that a failure to abide by their decisions shall result in war, when we provide that the council shall recommend the size of the Army, when our representative sits there and takes part in all of those proceedings and gives his vote for them—because without them there is no unanimous decision and the council can not function—when we have done all that, we have no option except to make good. Any array of words that may be presented is as a sounding brass and a tinkling cymbal, for the Nation's honor is involved, and the Nation must respond to the call of honor.

Oh, you can spin your cobweb theories of how, by these words, we have let ourselves out. You might as well talk about marrying a woman and assuming the duties of a husband and a father, and then claim that some antenuptial settlement had relieved you, as a man of honor, from the duty of taking care of that woman and the children she bears to you.

Mr. President, I have one theme which I want just for a minute to develop.

I have stated that this Government was now enlisting troops for service abroad under the League of Nations. I am sorry that I have not been able to get from the War Department its literature; but recently I was in a central western State and had occasion to change trains at two or three small stations where they had out recruiting officers. The inside of those stations was literally plastered, literally papered with bills advertising the presence of the recruiting officers. The literature was of an expensive character. They had pictures of American soldiers standing within the shadows of the great castles of Europe, gazing in mixed awe and wonderment at those majestic monuments of the past. There were pictures of soldiers within the shadows of the Pyramids. Again, they were represented engaged in the pastime of shooting crocodiles in the Tropics. Perhaps the most enticing to the young chap was a picture of a couple of Yankee soldiers walking down the streets of Paris with a half dozen French girls trying to flirt with them. This literature was of such a character that if it had been put forth with equally fraudulent purpose and false representation by a promoter of oil stocks it would have landed him in the penitentiary as soon as the Federal courts could have taken jurisdiction.

Mr. SHERMAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. SHERMAN. Before the Senator leaves the description of these posters I trust he will not omit that touching scene of a United States soldier in the shadow of the pyramids feeding a banana to a camel. [Laughter.]

Mr. REED. Mr. President, I overlooked the camel. They did not have him in the menagerie to which I was admitted.

We smile, but this is not a smiling matter. These placards went on to state: "Enlist and see the world at the Government's expense. Rich people spend their money to travel abroad. You can travel at the expense of the Government. Enlist! Complete your education by travel," and so on ad infinitum.

I intend to get that literature, and if I can not get it from the War Department I am going to get it out of these depots. This is the preparation we are making to redeem the obligations of the League of Nations! We already have troops abroad. Some of them are in Germany. If we accept this treaty, we probably are under a contract to keep them there for 15 years. Some of them are yet in Russia; some of them are in other places. The American people were told in great headlines in the papers that all the troops were brought back; that the last trooper had been brought back from Russia, or ordered out of Russia, and the people thought all our troops had come back; but at the same time they were enlisting troops to take their places, and sending them there without authority of law, in violation of the statutes and Constitution of this country, to make war upon a nation with which we were at profound peace, without any authority of Congress, and at the command of an international body that will constitute the League of Nations as soon as that concern is really functioning. You will have an international army, and it will be over there in Europe, and we will have our men there, if you have the League of Nations.

I put this to Senators who think they can keep us out by reservations: That international army is there. Let us assume that. It has to have a commander, and who will command? Just as in the last Great War a Frenchman commanded all the troops, so some foreigner will command these troops; just as in Russia, when our troops went there, they went in accordance with the command or agreement of the supreme council—a term that has been coined in this war—and when they got there they served under British and Japanese officers and not under their own. I know a soldier of high intelligence who was there. He told me that if at any given post there was not a British officer that outranked the American officer the next day the mail brought the British officer a promotion which gave him the command, and so it was with the Japanese troops.

Now, assume that you have a body of troops there, great or small, and assume that a disturbance arises, and that this international army is ordered into the conflict. Our boys will be spilling their blood; our flag will have been fired upon; we will be in the struggle. Then the cry will go up over this country, "Stand by the flag! Stand by your boys who have died!" And we are in, and we are in notwithstanding all the reservations that have been thought out at night, worked out by day, conned over with microscopes, and changed so that the changes do not mean anything, as the gentlemen state.

Just a little in regard to this enlisting business. You can not get a letter out of the mail nowadays, at least I do not, unless the Post Office Department has stamped on the outside of it a message to the boys of America to enlist in the Army. I do not know how many days this practice has been in vogue. The first one I saw was the other day. It was sent to me. I got one in the mail this morning. Here it is:

Learn while you earn. Join the United States Army.

This is accompanied by literature telling these boys that if they enter they can learn a trade and get paid all the time they are learning the trade, and be well fed and clothed by Uncle Sam. So they are trying to coax the boys into the Army. I offer that letter as Exhibit 1. Here is another:

Join the Navy. Train and travel.

I offer that as Exhibit 2.

Here is a beautifully illustrated and embellished work of art, gotten up by some advertising agency much in the style of the railroad circulars advertising the wonders of the Rockies, or the steamship line circulars inviting you to visit European countries and telling you their wonders. There is a foreword:

Infantry wins wars. The story of the American Infantry is closely interwoven with the history of the Army and the Nation. From the days of Bunker Hill and Yorktown to when the beaten Hun was driven from the heights of Sedan, theirs has been the glory of doing. Out in front of every advance, they have blazed the trail of civilization.

The flags they flung to the breezes still proudly float, proclaiming the majesty of law and freedom. Their deeds of valor and devotion are reverently discussed wherever brave men gather.

So page after page. I concur in that statement. I believe in brave men and brave people, and I have not any use for any nation on earth that will not fight for what it thinks is its rights. No more have I any use for a man who will not defend his home. I do not advocate war; I would like to see war minimized and mitigated. But if there is a creature on earth that I hold in profound and absolute contempt it is a pacifist.

But while we read these words of the glory of the Infantry, and while we inculcate in these boys a spirit of military valor, behold the women of America are told that their sons will never have to fight, that war is at an end, that the League of Nations is the voice of God proclaiming universal peace.

Let the fraud and chicanery cease. This has been a contemptible and fraudulent attempt to deceive the American people.

In this pamphlet there is a picture of beautiful barracks, and there stand the boys, ranged in martial array, a delight to the eye and an inspiration to the lover of manly courage. Then there are pictures of the charge through the forest, where the men, their heads bent low and guns at their sides, are rushing forward with high courage and with dauntless spirit.

Then, again, the post school is pictured, where, seated in almost palatial quarters, the young gentlemen are learning stenography and typewriting. There is the classroom, and it is about the handsomest school you ever saw.

Then, again, there is another picture of a young man talking the sign language of the flags. Then there is a field of war, where two men, solitary, except for their own company, are crossing a field, their guns in hand, charging alone the breastworks of the enemy.

So we find them, until at last we come to the bayonet drill, where the soldier in battle poise is preparing to thrust his bayonet through the quivering heart of an antagonist; and all this, that might be entirely appropriate in the habitations of Mars, but behold, it is offered now on this terrestrial sphere, just when war has come to its final end, tribulation is to be no more, disputes are to vanish, and the muffled drum will beat the funeral march of the god of battles.

Here is one of the inducements they offer:

TRAVEL.

The Infantry roll call daily circles the globe. The sun never sets on its colors. Should you desire to see America first, you will find Infantry stationed from New England to California, from the Gulf of Mexico to the Pacific Northwest; Hawaii, famous in song and story, extends its hospitality. The Far East—China, Siberia, and the Philippine Islands—holds several regiments. The call of the North is answered by Alaska. The tonnage of the world files before its ranks in the Canal Zone. In France and on the Rhine, it keeps the American flag flying.

The Infantry's opportunity for travel is unsurpassed. Here, again, the advantage of size is emphasized. Infantry occupies a station in considerable numbers. Your chance for obtaining a particular station increases in the Infantry.

Travel is educational. It broadens the mind, trains the powers of observation, and quickens the perception. Travel opens the road to greater opportunity. The hum of the little village is no longer the roar of the world. The veil of the unknown is brushed aside. New scenes and new experiences compel attention. In the Infantry you are a citizen of the world.

But the clock of time has rung the knell of war. The dove of peace now covers the world with its white wings. The sound of war no longer alarms the air. The League of Nations is here, and there is to be only good will.

What a nauseating thing to have these two propositions put forward at the same time! If there was a single man connected with this Government in important place who believed what you have claimed about the League of Nations, they would be disbanding their armies, they would be junking their battleships, they would be teaching the boys not to leave the village, but to stay there and cultivate the arts of peace. They would not be endeavoring to seduce them from the protection of virtuous homes and good mothers into the armed camp, beneath foreign skies. They would not be trying to withdraw from them the love of the old village, and to make them "citizens of the world," and to give them a preference for the roar of the great metropolis over the hum of the little village where they were born and reared.

I hold in my hand the Army News for January 16. It says:

Army launches recruiting plan; War Department to give school prizes; contest for Nation's students.

Advertising campaign to swell new Army's ranks.

Nine hundred newspapers, through paid columns, to carry to Nation's young men message of peace-time democratic Army.

I do not say it in criticism, because an army has to be an army, but most of the boys who served found out how democratic a thing an army is. An army is the most autocratic machine on earth; it is the most despotic machine on earth. A democratic army! I can see the privates holding a caucus every night to elect their officers and say where they will go! Of course, I do not criticize the Army for that. We can not have an army and have it democratic. An army is a fighting machine, and somebody bosses it; and he is a real boss, too—he has to be. When you are going to tell men to walk up to their death, the man who gives the order has to have some authority.

Let me read on from the display. I am reading an article by Col. J. T. Conrad, chief of the recruiting publicity, United States Army:

An intensive recruiting campaign, backed by $125,000 worth of paid-space advertising in the more than 900 newspapers in the substation cities, and engineered by the Advertising Agencies Corporation of New York, will begin during the week of January 19 and will continue for three months. It is believed that as a result of this plan many new recruits, who might not otherwise have heard of the opportunities offered by the new democratic peace-time Army will be brought into the fold.

Listen to this:

The "selling point" in this campaign is the fact that recruiters are offering something brand-new. Everyone knows something about the old army and the war army, while but few know anything about the new democratic peace-time army. That's it! The new democratic peace-time army, with its educational training schools offering the chance to the average man to better his station in life.

And so it proceeds.

Mr. President, I can not refrain at this point from putting into the RECORD the statement of one who speaks by authority and not as the scribes, the great advocate of a peace navy that is to sail the unruffled seas and not even get as much moisture as a wave on board, the gentleman who was the author of the remarkable proposition that we ought to spend $913,000,000 building ships for the United States Navy and at the same time sink $900,000,000 worth of German ships to the bottom of the ocean after the war was all over, and who recommended this, as I understand, in the interest of economy. Of course, to the plain, ordinary man whose soul has not been lifted to those sublime heights where dwells the spirit of the master of the American Navy, to just an ordinary glowworm of this earth, it might have seemed the sensible thing to do to take the German ships and add them to our Navy and save the $913,000,000. But, of course, an ordinary man is not expected to pursue the heights that are traveled by the really intellectual.

He is a great advocate of the League of Nations. He would have been just as much an advocate of a league of war outright and so-called if the President had said so. He would have been just as much an advocate of an offensive and defensive alliance between this country and Great Britain and France if the President had said so.

He would with the same alacrity and the same suavity have advocated the complete disarmament of this country and the sinking of every battleship if the President had so indicated. His mind "travels along" beautifully. He still holds his job. But, of course, he is in a little of an uncomfortable position. He advocates a big Navy because he is told to do that, and he advocates the doctrine that we are not going to have any more use for a Navy because he is told to do that. Ah, these be days when giants walk the earth!

Says the Secretary of the Navy:

No man is a stronger advocate of the league than I, but in the present perturbed condition of the world the league must have a police force on the sea, and I want the United States to have a force in that police force as large as any other nation.

What? Is it possible that when these diplomats sit down about a table beneath the magic influence of the league of peace they will still have the hearts of men and selfish instincts, sometimes controlled? Is it true, then, that men are just as they were before they sat down, that you can not change your European or Asiatic diplomat into an angel by having him sign his name to a peace document or the covenant of a league? If the world is in a perturbed condition, how long is it going to stay? Since the new millennium has come, how long will it take this millennium to get it back? You can not build a battleship and equip it in less than about five years. If the league is of any use, if it really is going to produce peace, surely it ought to do it in five years' time, and evidently we are building these vessels for some time——

Mr. GORE. For souvenirs.

Mr. REED. Yes. We are going to have a Navy as big as the biggest.

What has become of our disarmament theory? Where is the child disarmament? On whose doorstep has that waif been dropped? We are to build a Navy as big as the biggest, and what does that mean? I have not the figures with me, but I think that the British Navy is five times as great as ours to-day. Perhaps the distinguished chairman of the Foreign Relations

Committee can tell me, or perhaps the chairman of the Naval Committee can tell me, or perhaps that is a question which we have not thought well to look into much. But what we do know is that on the waves of the ocean England's floating fortresses are omnipotent. What we know is that, although Germany strained every effort for many years to create a great war fleet, the moment the British dreadnoughts began to nose out of the channel every German ship had to go to the cover of the guns of German fortresses or go to the bottom, and only once did they essay battle, and that was when they could make a running fight with a part of the British Navy and get away. We know, moreover, that Great Britain has asserted that she will not reduce her navy by a single vessel; that she puts her confidence to-day not in leagues of nations, not in wooden but in steel fortresses of the waves. We know that her statesmen have declared that Great Britain has the freedom of the seas and proposes to keep the freedom of the seas. We know that her admiralty have already advised that about one-half of the British ships be put out of commission, but in place of them ship for ship there is to be built a mighty dreadnought many times more powerful than its predecessor.

We know that Canada in the last 10 days has been asked by the British Government to undertake the establishment of a war fleet and to maintain it, with its base within sight of the American doors, and that Great Britain proposes to donate the cannon and the vessels for the nucleus of that fleet, and that Canada is to maintain it and man it, and that British military experts have been sent to Canada to train the Canadians for this work—all of this to carry out the gospel of peace and the principles of the Sermon on the Mount. These are the hands that open the doors to this new Arcadia where there is to be no war, but the hand is the mailed hand of military power.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. Certainly.

Mr. SHIELDS. I understand that the Secretary of War, Mr. Baker, in relation to this matter has stated that it was the duty of the United States to maintain its moral and spiritual dominance of the world. Could this Army be used in that business?

Mr. REED. Ask Billy Sunday! Billy is a militant Christian. I do not know whether he would have use for one in a spiritual sense or not. However, I appreciate the irony of the Senator from Tennessee.

Now, the Secretary of the Navy proposes what? That we shall build ships until we overtake Great Britain; but we have to do something else. His proposition is that we shall build those ships, so that we will have a Navy as great as the greatest, which means that we must build a navy as great as Great Britain will hereafter possess. Everyone knows the British rule is that Great Britain will lay down the keels of two vessels where another nation lays the keel of one.

So that as I see the picture, as I behold this coming of the millennium, we are to enter its waters upon an American dreadnought followed by the mightiest fleet ever assembled beneath the canopy of the skies, every turret groaning with the weight of mighty guns, from its masthead floating the flag of the Secretary of the Navy, standing upon the prow the classic form of Josephus Daniels holding in his hands the proclamation that war is at an end, but that just the same we are going to have a Navy big enough to lick anybody else. God rules, but through the cannon of His servant, the Secretary of the Navy. The gorge rises at such a spectacle of fraud and false pretense.

Mr. SHERMAN. Mr. President, will the Senator yield to me a moment for an inquiry?

Mr. REED. I yield to the Senator from Illinois.

Mr. SHERMAN. Under the espionage law does the Senator from Missouri realize that there are only two places in the United States, and those are the halls of this Chamber and of the House of Representatives, where the enticing and deceitful lure set out would be permitted to be criticized, as the Senator has properly and forcefully done this afternoon? If that were done outside, in our capacity of private citizens, does the Senator realize that we would be prosecuted and sent to Fort Leavenworth?

Mr. REED. Well, possibly that is true.

Mr. SHERMAN. And does the Senator not think it is a public duty in this Chamber to give just such forceful analyses of the conditions as he is doing?

Mr. REED. Well, I think it is a public duty for somebody to do so, in the best way he can; but I am just blundering along at it.

Mr. SHERMAN. I myself think the Senator from Missouri is performing a great public duty and one which is needed.

Mr. REED. I read the following telegram from Tokyo, dated January 20:

JAPAN PREPARES FOR HUGE NAVY—AN EXTENSIVE BUILDING PROGRAM ALREADY UNDER WAY.

TOKYO, *January 20.*

Gigantic arrangements are being made at the naval port of Kure and adjacent territory to facilitate the manufacture of warships, seaplanes, and other weapons of naval warfare, according to a Kure dispatch received here.

Admiral Ide, director of naval affairs in the navy department, recently inspected the progress being made on the new buildings but refused to make any statement regarding the naval work. It was learned, however, that the Government has designed new works to enable the naval dock yard to turn out big warships and seaplanes in view of the lessons learned in the World War.

Docks on which the superdreadnought *Nagato* was built, it is said, will be extended by about 200 feet, and the construction of the *Akagi*, of 40,000 tons, will begin next spring.

Of course, Japan is in favor of disarmament; of course, Japan trusts the League of Nations; of course, Japan is merely building these ships for fun, for something to play with; of course, as we see them upon their docks and as we behold them sailing the waters of the ocean we know that the League of Nations is functioning.

Great Britain asks $625,000,000 for her army, and this although Great Brtiain and other countries have asked us to extend the time for the payment of the interest due us. That is all right; I am willing to extend the time for the payment of the interest; I am willing that Great Britain shall have an army; I am willing that she shall have a navy; she is going to have them anyway; but Great Britain regards the building of a navy and the maintenance of an army as so important, although the league is already in existence, that she prefers to spend her money in that way rather than pay her debts, at this time. Of course, Great Britain will pay; she always pays, and I am not criticizing this incident; I am speaking of it because it shows the British view with regard to this miserable makeshift thing that is being put off on the world and on this country.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. SMOOT. I merely wish to call the Senator's attention to the fact that the $625,000,000 which is asked for by England for her army this year is four times greater than the amount required by England for her army in the year 1914.

Mr. REED. Oh, yes; and a great British statesman said in palliation that they could not reduce these expenses at all until the League of Nations undertook the burden, in part, that Great Britain now sustains. I offer that as additional evidence of the argument I made awhile ago, that there is to be an international army.

Mr. PHELAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. Yes; I yield.

Mr. PHELAN. Do I understand the Senator from Missouri to argue that on account of the construction of great navies by Great Britain and Japan there is no prospect of disarmament?

Mr. REED. It is conclusive proof that there is no prospect of disarmament.

Mr. PHELAN. The league, of course, in its covenant provides that the nations shall confer with a view ultimately of general disarmament or partial disarmament. They are not prepared as yet to confer, probably, because the United States is reluctant about going in.

Mr. REED. But they had all of these plans made and under headway when they confidently expected the United States was coming in. The plans for every dreadnought that is now being built were in existence before the Senate of the United States proved that it was yet an American body in part.

Mr. PHELAN. If the original proposal represented by article 10 of the covenant were approved unhesitatingly, of course, these great nations, with their powerful armaments, could not have made aggressive warfare against any of their neighbors.

Mr. REED. Why?

Mr. PHELAN. Because they are forbidden to do so by its terms, and the other members of the league would be under obligation to prevent aggression.

Mr. REED. In other words, if one of them did that, we would have to get into the war at once?

Mr. PHELAN. The mere fact that the others were prepared to prevent aggression would deter any prudent nation from en-

gaging alone the others that were united and were, consequently, more powerful.

Mr. REED. It would deter any prudent nation! How does the Senator know it would? It never has done so.

Mr. PHELAN. We never before had a league.

Mr. REED. Nations are never prudent when they go into war. If Germany had been prudent she would not have started this war, and if she had any kind of prudence she would not have fired on the American flag; but nations do these things; that is the trouble. If men were prudent they would never commit crime, but they do, and it is necessary to have a constabulary. Nobody but a fool ever believed that you could make men good by dismissing the police force.

Mr. PHELAN. That is the very point—we want a police force; we have none now.

Mr. REED. Very well. Now, who is going to command it? Come, let us have an answer; I have been looking for somebody of this kind for a long time—who is going to command this police force? [Laughter.]

Mr. PHELAN. I am not in a position, of course, authoritatively to answer the Senator, but the enlightened nations of France, Italy, the United States, and Great Britain——

Mr. REED. And Japan.

Mr. PHELAN. Have assumed control of the league, and the others are largely spectators.

Mr. REED. You think Japan is a spectator, do you? Why did you not mention Japan? You did not forget Japan, Senator, did you?

Mr. PHELAN. The Senator is right; I should have mentioned Japan, but I am glad that Japan is only one of the "big four." While I have already interrupted the Senator too long, I would furthermore like to state that one reason why I feel that the league is imperative is to bottle up Japan, because she is a danger, and probably her activities have led to the maintenance of greater armaments by the other nations.

Mr. REED. You want to bottle up Japan by putting her on a tribunal that will vote upon the fate of the United States? That is the way you would bottle her up? You make her a member of a tribunal that will control the remainder of the world and whose vote may be fatal to the United States. That is the California idea of bottling up Japan, is it?

Mr. PHELAN. It would be exceedingly dangerous to allow Japan and the European powers to compose the league, as they do to-day, with the United States having no representative to veto their action.

Mr. REED. I am glad the Senator has the floor, and I want him to keep it a little while, for I wish to ask him some questions. It will be dangerous to have the league formed without us in it, says the Senator. Why?

Mr. PHELAN. Because under the terms of the covenant, if we enter the league, we shall have a veto power on all the actions of the league, whereas now we have no voice at all.

Mr. REED. But in all vital questions in which we are interested we have no vote, no veto power in the league. You said it would be dangerous to have the league formed and we not be in it. Why will it be dangerous to us?

Mr. PHELAN. I have informed the Senator—because we would have no voice there, whereas, if we have a voice, under the terms of the covenant it would be an effective voice, amounting substantially to a veto.

Mr. REED. Suppose we do not have a voice and the league is organized, what is the league that is formed for peace going to do to us? Is this league that is formed for peace and for the prevention of war going to attack us? If so, it is not a league of peace; it is a league of hell.

Mr. PHELAN. The Senator is asking me the question——

Mr. REED. And answering it; I want it answered right and answered quickly. [Laughter.]

Mr. PHELAN. If the Senator will pardon me, I think I have another version, which is that, as it stands to-day, there is a league, but it is a league of European nations and they will necessarily combine against the richest hemisphere, the Western Hemisphere, which has all the resources of raw materials and foodstuffs. That has been demonstrated very recently by the action of the economic council, on which we have no representative, which has resolved to purchase in common, and, hence prevent competitive prices for the producers of this hemisphere if trading were allowed to be done in the normal and usual way.

Mr. REED. Now, I have got you just where I want you, and I am going to insist that the Senator keep the floor, and we will have this out.

The Senator states that this league, which can only act by unanimous vote, is so constituted that its members unanimously, without provocation on our part, will look across the ocean, because we are the richest country in the world, and will come over here to prey upon us. That is what the Senator said. When he said that he said they were a body of pirates; and yet he wants the United States to enter into a copartnership with them and to agree to submit to their decision questions involving the life and death of this Republic when the United States does not sit in a case where it is involved!

He tells us that these nations with which he asks us to go into partnership would be guilty of acts of piracy and of wrong that would do discredit to the worst murderer of the ocean who ever sailed beneath the black flag of death and made his victims walk the plank into a watery grave.

These are the men, you tell us, who are to control the destinies of the league. This is the spirit that is there prevalent. Yet you say that we should enter into a compact with them and become partners with them and submit to them our destiny!

The Senator spoke of an international army. Would that international army be of any use unless it was big enough to conquer any nation that refused to obey? I am asking the Senator.

Mr. PHELAN. The Senator spoke of no international army.

Mr. REED. The Senator spoke of having the league and protecting the world through an international police force, and the RECORD will show it. Now, is that police force to be strong enough to control the world and keep down war, or not?

Mr. PHELAN. The international police force is something that is not contemplated by the present organization of the league.

Mr. REED. But the Senator just spoke of it as the thing that would take the place of the armies and navies of the nations; that in place of that, in order to save that, we would have an international force, and the RECORD will show it. Now, is that force to be great enough to be potential, or does the Senator now say we are to have no international force, and that we are to go back to the question of national armaments?

Mr. PHELAN. The Senator asks the question and also answers it.

Mr. REED. I am asking it.

Mr. PHELAN. The league contemplates the enforcement of its decrees either by force, in the judgment of the members of the league, to be determined in any given case, or by the exercise of an economic boycott. I am one of those who believe that if the united nations desire to discipline a recalcitrant nation, the exercise of economic pressure will be quite sufficient, if wisely and properly directed; so I do not contemplate even the organization of a force, and certainly one is not contemplated at all, but that each nation shall be asked to do its part in a given case, and when that arises it will be time enough to decide. The Senator is assuming that the nations of Europe which existed long before ours are pirates and bandits.

Mr. REED. Oh, no.

Mr. PHELAN. I would remind him that the United States is made up of the descendants of the people of these very European nations; and while it is true that they have been bent upon predatory designs for a long time, that period is now at an end. In the Napoleonic era——

Mr. REED. Will the Senator let me interrupt there? He said that period is now at an end, and yet not 10 minutes ago he said that if we did not enter the League of Nations they would come over here on marauding expeditions and take all we had.

Mr. PHELAN. We expose ourselves to the danger of an attack at any time, because I do not suppose that those nations united will submit to any aggression on the part of the United States or any step by which they will be denied the natural resources of the world, or, as in the case of the Japanese, a foothold upon the Western Continent. They may have designs of that kind, and from their point of view seek to justify them. I do not say that they will not take offense at many things that we may do; and I was very much surprised a few years ago when I went to Spain, where Americans are inhospitably received, and those good Spaniards said, "How can we possibly love the United States of America, which you consider blameless, when you have despoiled us—this ancient and historic nation, this civilizer of the world—when you, the young nation, have despoiled us of our possessions in every sea?" Hence, they regard us, although we do not regard ourselves, as a danger in the world if left alone.

I do not know that these nations are any better or worse than the human nature which is common to us all. Japan, in one of her papers, a leading militarist organ, which I read the other day, made a perfect case against America for the domestic consumption of her own people when she said:

"Beware of America! We must build up our navy, and keep our army organized and equipped, because across the water there

is that Nation which has by rebellion wrested her own continent from Great Britain; which has in the Spanish-American War taken the Philippine Islands at our very door; which, against our protest, took the Hawaiian Islands and the Island of Guam, and went down into the Samoan group and took possessions there; and then went into the Caribbean and invaded Colombia, and constructed the Panama Canal, took Cuba, Porto Rico, and is now purchasing with ill-gotten wealth the islands of the sea. We, as Japanese, must arm ourselves against this predatory Nation."

Will not the Senator take the point of view of other nations in the contemplation of this question? He assumes all virtue for ourselves, and denies it to all our neighbors. He should travel abroad. He should broaden his vision. He should get out of his environment and see that we are living in a world which is getting smaller and smaller every day. Then he would be a better statesman, because he would be better able to understand American needs and international problems.

Mr. REED. Now has the Senator answered my question? The trouble is, the Senator has traveled abroad too much. [Laughter.]

The Senator can not dodge this question and envelop it in a mass of words. I did not say that these nations were pirate nations. The Senator said it. The Senator, in so many words, asserted that if we did not join the League of Nations all of these nations were likely to come here and despoil us, because we were rich; and he proceeded to try to prove that that was still their spirit by citing the economic conference over there and telling how unjust it had already been to us.

I come back to my question: Does the Senator say we are to have an international force, or not? He did say, a while ago, that we were going to, and I want to know if he recedes from it.

Mr. PHELAN. The Senator from California did not state that we were going to have an international force, but that these nations jointly would take up the question of treatment of any recalcitrant nation refusing to abide by its obligations under the pact, and then it will be time enough to consider how it should be disciplined, either by force or by economic pressure. Now, that does not admit of an international force. It may admit of an international understanding which will be reached at some future time to meet a certain contingency.

Mr. REED. That is a different proposition. It is not what the Senator stated. I asked him the question because I wanted to get an answer.

Mr. PHELAN. I will stand by the RECORD.

Mr. REED. I wanted to know whether this international force is to be great enough to control any nation. Then, I wanted to know who was going to command the international force that was great enough to crush the United States; but the Senator is avoiding the question by taking an entirely different ground, and so I decline to pursue it any further. We have enough, however, to show that no advocate of this league can stand on the same ground with any more stability than the proverbial hen on a hot griddle. They have to keep moving to save their lives. I am talking about these men who take the position that the millennium is here, and yet that great armaments are necessary. I am talking about them just now.

Mr. President, here is another statement. I said that I would have something to say about President Wilson's position. Gen. March came before the House Military Affairs Committee, and asserted:

> The military authorities and the War Department have favored universal military training for years, but this is the first time an administration has come forward in approval of the plan. Secretary of War Baker has indorsed it, and, because of the Secretary's position, it is a fair assumption that the President approves it, although I can not quote the President.

That is sufficient. We know the President did approve it, and does approve, or it would not be put forward by the Chief of Staff or the Secretary of War. Since that he wrote a letter to the Secretary of War expressly approving this plan, as I understand.

So you are to have a standing Army, which is asked for, as I have said, of over half a million men, and a personnel of the Navy of a quarter of a million men, and universal military training, which will keep in the camps of America from 200,000 to 250,000 young men all the time. A million men under arms, and the personnel of the Navy greater than that of Great Britain.

In addition to that, I cite the fact, and I will not stop to read it into the RECORD, that only the other day, in discussing the Fiume controversy, the President said that the old spirit of Europe was evidently rife and abroad in the land, and that they were governed by the old instincts and the old appetites. I shall put his exact words in. I am abbreviating that. He said that this spirit was so manifest that unless they yielded on Fiume we probably could not enter the league, as though yielding upon Fiume would change their spirit, as though if they were that kind of men, who believed in marauding, believed in the old spirit, that the yielding under pressure on Fiume would change their spirit and transmogrify them into angels of light and evangels of the new day.

A day or two later he certified that in France the militarists have gained the ascendancy, so that France was doubly committed to the old order. Yet these are to be the chief counselors in this league that is to usher in the new day. The President said:

> Militaristic ambitions and imperialistic policies are by no means dead even in the counsels of the nations whom we must trust and with whom we most desire to be associated in the tasks of peace.

That was in his last letter. He also said:

> Throughout the sessions of the conference in Paris it was evident that a militaristic party, under the most influential leadership, was seeking to gain ascendency in the counsels of France. They were defeated then, but are in control now.

Mr. President, before I close, in talking about the military preparations of Great Britain, I call attention to the fact that Lloyd-George on January 19 made a statement which led to the understanding in Europe, as is covered by a dispatch, that Great Britain proposed to raise an army at that time of a half million men for service outside her own borders.

When will we ever get out of this witches' cauldron? We went to Europe for a specific purpose, to punish Germany for offending against our flag and insulting us on the high seas. We did not go for any 14 points. They were dreamed of, or thought of, long afterwards. The Congress of the United States did not even declare war on Germany. It declared that Germany had made war on us, and that a state of war existed.

We did not go over there to democratize the world. No nation can democratize the world. People can only democratize themselves. We have no more right to force democracy on the world than the world has to force autocracy on us. Every nation must settle those questions for itself. It has the right to settle them. The government that suits us might not suit other countries.

I believe, if I remember rightly, that over 60 per cent, perhaps 70 per cent, of the Serbians are absolutely illiterate. Are they capable of the same kind of government we set up? In Russia there is even a worse condition. The creation of government is a matter of development, but the talk about democratizing the world was utter and sheer nonsense.

We should have fought this war, stayed by it to the end, joined in a peace which would have protected America's rights and vindicated America's honor; then we should have recalled our troops and let the nations of the Old World conduct their own affairs. Every day we stay there is a day of menace. Every hour we continue to interfere in the affairs of Europe spells trouble for the United States.

How many wars will they have? I do not know. How long will they fight? I do not know. I only know this: That human nature is the same to-day as it has always been, and I know there has not been a time in recorded history when there has not been a war every few years between some of the peoples of the world. These wars are the result of many causes, but deep down in the human heart is a sentiment that perhaps is the mainspring, after all, of war. It is the desire of an individual not only to have all that he wants, but to control others.

However that may be as to the individual, we do know that it has been the clashing of the ambitions of people. Whoever looks for the sources of this war can not find them alone in German militarism. Back of that was the imperial policy of England, England's determination to control the seas.

Accordingly Germany attempted to make herself dominant upon the land. She entered upon a militaristic policy and an imperialistic policy. I do not doubt that Germany began on account of England. The two races were run side by side.

Italy desired to extend her borders, and for many years she has been fighting in not only her own wars, but the wars of other nations and taking her pay in territory.

France has sent her soldiers into northern Africa and carried on war. There German and French ambitions came in conflict, with the result that they were almost at the verge of a war some few years ago.

Japan is extending her dominions, trenchin upon the territory of her weaker neighbors.

So the race has been run. This nation wants supremacy in trade; that one wants supremacy in some other respect; and out of these ambitions of the peoples of the world grow conflicts.

But they are not our conflicts. We are not a party to them. As Washington said, Europe has a set of primary interests in

which we have little, if any, concern. We should get out of those countries. We should not thrust ourselves into them or stay in them. There will be wars there, in my opinion, as long as men are men. The only thing that will change that order of affairs is that the finger of the Divine Master may be laid upon the hearts of men, melt the ice of human selfishness into the gentle dew of kindliness, and make us all friends and brothers, indeed. That is a divine work. It can not be accomplished by calling around a table a lot of men representing selfish interests, whom the President himself denounces in language so severe that the Senator from Massachusetts [Mr. LODGE] felt obliged to mitigate it by a statement upon the floor of this body.

The evening papers carry the headlines that the monarchists are in revolt in Germany, that they are overthrowing Ebert's government in Berlin, that the troops are moving, that the Socialists have called a general strike, and that the President of Germany and his wife have quit the capital.

So those people may have their internal wars, and if they desire to fight to settle their differences it is not our business to spend our blood in their fights. We did not make the conditions in Germany. The German people made them. We have no more right to interfere in their affairs than a European nation had to interfere between the North and the South in 1860 to 1864.

Suppose some European nation had come here then, with its mighty army, and joined either one side or the other. This Nation would have emerged probably a half subject nation, and the wounds of that war and the hatreds of that war would exist for the next century of time. We settled our own difference. It was a bloody price we paid, and yet it was worth the price, for out of it in the end emerged the mightiest Nation of all time, her sons indeed brothers; the boy of the South has married the daughter of the North and the son of the North has united his fortunes with the families of the South, so that we have here a great homogeneous people. But we worked out our own salvation. We are pursuing the high path of the most magnificent destiny a nation has ever followed. The star of our empire shines brightly on the horizon. It is a national star—represents the national soul and the national conscience and the national spirit which we call the American spirit.

I say to you, sirs, there is but one cloud which obscures the future, and that is the proposition to surrender the nationality of America, and to enter an international government which will be controlled by intrigue, by selfishness, and by the civil passions which have held this world in thrall for so many years.

Mr. President, I hope I have said my last word on this treaty in the Senate. I think that it is morally wrong. I hope that it will fail. Then the world can look across the seas and say yonder stands the Nation pursuing her own course, whose people are sovereign, whose flag represents equity and justice, a Nation that has never endeavored to place the hand of power upon the weak; a nation of people where the equality of man and the sovereignty of the citizen are the cardinal doctrines of its faith and practice.

Mr. LODGE. Mr. President, I ask unanimous consent that the Senate vote on Monday, not later than 3 o'clock, upon the pending reservation, No. 2, with all amendments that may be pending and all that may be hereafter offered. I send to the desk a draft of the proposed agreement.

The PRESIDENT pro tempore. The Secretary will read the proposed unanimous-consent agreement.

The ASSISTANT SECRETARY. The Senator from Massachusetts [Mr. LODGE] asks unanimous consent that at not later than 3 o'clock p. m. on the calendar day of Monday, March 15, 1920, the Senate will proceed to vote without further debate upon any amendment that may be pending or that may be offered to reported reservation No. 2, and immediately thereafter upon said reported reservation No. 2 as amended or unamended; that upon the said calendar day no Senator shall speak more than once or longer than 15 minutes upon the reservation as reported or upon any amendment proposed thereto.

Mr. OVERMAN. Does not that require a quorum under the rule?

Mr. LODGE. No; only on an agreement upon the passage of a bill.

The PRESIDENT pro tempore. The rule to which the Senator from North Carolina refers relates, in the opinion of the Chair, only to bills and joint resolutions.

Mr. LODGE. That is all—to their passage.

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator from Massachusetts if I correctly understand the intent of the unanimous-consent agreement proposed, that any Senator can speak 15 minutes upon any amendment to the proposed reservation and on the reservation itself? It does not limit a Senator to 15 minutes on all? That is what I want to have made clear.

Mr. LODGE. I think it does.

Mr. BRANDEGEE. I thought it read "or" instead of "and."

Mr. OVERMAN. I suggest the absence of a quorum because some Senators are not here who ought to know about the agreement proposed.

Mr. LODGE. I talked with the Senator from Nebraska [Mr. HITCHCOCK] about it, and he agreed to it.

Mr. OVERMAN. If the Senator from Nebraska has no objection to it, I withdraw my suggestion.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his suggestion of the absence of a quorum.

Mr. KING. Mr. President, let the entire proposed agreement be read.

The PRESIDENT pro tempore. The Secretary will again state the proposed agreement.

The Assistant Secretary read as follows:

That not later than 3 o'clock p. m., on the calendar day of Monday, March 15, 1920, the Senate will proceed to vote without further debate upon any amendment that may be pending or that may be offered to reported reservation No. 2, and immediately thereafter upon the said reported reservation No. 2, as amended or unamended; that upon the said calendar day no Senator shall speak more than once or longer than 15 minutes upon the reservation as reported or upon any amendment proposed thereto.

Mr. BRANDEGEE. That, as I understand the reading of it, would give a Senator 15 minutes upon any modification proposed thereto and 15 minutes upon the reservation itself, but he can not speak more than once; that is, if he speaks 15 minutes on a proposed amendment to the reservation and some one offers an entirely different one, then he can not say a word upon the latter amendment. I would hardly like to agree to that, Mr. President.

Mr. REED. While we are discussing the matter, in order that the Senator from Massachusetts may have it in mind, I would not like to see an agreement made which would prevent a reasonable discussion of other amendments.

Mr. LODGE. This covers only the one reservation.

Mr. REED. I thought the latter part of it, as I heard it, could be construed to cover others.

Mr. LODGE. It covers only reservation No. 2 and amendments pending thereto and other amendments that may be offered hereafter.

Mr. KING. As I understood the proposed agreement, it would include substitutes which might be offered for the reservation.

Mr. LODGE. Certainly; a substitute is an amendment.

Mr. KING. So that if a half dozen or more substitutes were offered it would preclude a discussion of them; or, at any rate, all discussion would have to be comprised within the time before 3 o'clock.

Mr. LODGE. Certainly, the discussion will have to take place before the final vote.

Mr. BRANDEGEE. Mr. President, I do not want to be at all disagreeable about the matter. I know how anxious Senators are to vote on the reservation, and I am one of them. I have been put in the position here before on just such unanimous-consent agreements, where the 15 minutes allowed would be sufficient upon the pending proposition, but when that is settled and voted down some one else offers a substitute that raises an entirely different question, and then, if the Senator from Massachusetts has placed the proper construction upon the agreement, a Senator is driven to vote yea or nay without being able to explain his position upon the new proposition. I do not want to agree to that. I am perfectly willing that it should be modified.

Mr. LODGE. I shall be glad to modify it in any way the Senator may suggest.

Mr. BRANDEGEE. If it can be modified so that no Senator shall speak more than 15 minutes upon the pending modification or more than 15 minutes upon each substitute or further amendment, I shall have no objection to it.

Mr. LODGE. Then we had better make the day for the final vote, say, about Wednesday.

Mr. BRANDEGEE. I would not object to that.

Mr. LODGE. I do not like to delay a vote. There is a general desire to reach a vote as soon as possible.

Mr. BRANDEGEE. I do not like to delay it either, but simply because I do not like to delay it I do not care to be driven into what I do not think is a proper course.

Mr. WATSON. Do I understand the Senator from Massachusetts to suggest that he will ask unanimous consent that the final vote shall be taken on Wednesday?

Mr. LODGE. No; I said it would extend the debate very much, but I am perfectly willing to fix the agreement to suit Senators. I am asking for unanimous consent that the vote on reservation No. 2 may be taken upon Monday.

Mr. BRANDEGEE. I am perfectly willing to make the debate for each Senator only five minutes upon each amendment or substitute thereto. I can state any points I have to make on any of the propositions in five minutes, but I do not want to have my mouth closed entirely on a new proposition.

Mr. LODGE. Oh, no.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. LODGE. Wait a moment, Mr. President. I think we can arrange it.

Mr. LENROOT. Mr. President, I suggest that the agreement be modified so as to read "not longer than 15 minutes upon the reservation as reported or more than 5 minutes upon any amendment proposed thereto."

Mr. BRANDEGEE. That would suit me.

Mr. LODGE. That is perfectly agreeable.

Mr. KING. Do I understand that that would fix the time when the final vote shall be taken?

Mr. LENROOT. At 3 o'clock on Monday.

Mr. SWANSON. Under that provision, when 3 o'clock comes we would be compelled to take the vote?

Mr. LODGE. That is the object, to bring the Senate to a vote.

Mr. SWANSON. I wish to suggest this difficulty. Promptly at 3 o'clock the Senator from Massachusetts could offer a substitute, and we would be bound to vote at 3 o'clock and there could be no discussion whatever.

Mr. LODGE. The object is to try to get an agreement to vote at some time. Of course, the Senator's objection is to any form of an agreement at any time.

Mr. SWANSON. In most agreements we have fixed a time at which substitutes or amendments could be offered, so that they could be discussed, but under this proposed agreement the Senator could offer promptly at 3 o'clock a substitute to his present reservation and there could be no discussion of it, because the vote would have to be taken at 3 o'clock and that would preclude any discussion. In such agreements we have generally provided that amendments must be filed before a certain time.

Mr. BRANDEGEE. May I make this suggestion to the Senator from Massachusetts? The Senator from Virginia has stated an objection. Would it not accomplish the purpose if we limit Senators to five minutes apiece without fixing a definite time to vote on that calendar day? If every one of the 95 Senators took his five minutes it would only mean a session of seven or eight hours, but I do not suppose all Senators will want to talk.

Mr. OWEN. Why not?

Mr. LODGE. That is a hasty assumption.

Mr. BRANDEGEE. It may be unwarranted.

Mr. LODGE. I am perfectly willing to make the agreement read that we shall vote before the end of the calendar day.

Mr. BRANDEGEE. That is perfectly satisfactory. We can sit until midnight if we desire.

The PRESIDENT pro tempore. The Chair inquires again if there is objection to the proposed unanimous consent agreement?

Mr. LODGE. We are trying to modify it, Mr. President, and get some agreement if we can.

Mr. SIMMONS. Mr. President, I was not in the Chamber when the Senator from Massachusetts offered this unanimous-consent agreement. I should like to inquire of him whether there is anything in it that would limit the time in which amendments may be offered in the Senate?

Mr. LODGE. No; not now. As it stands, under the suggestion of the Senator from Virginia [Mr. SWANSON], there is no limit on the time in which to offer amendments.

Mr. KING. Will the Senator from Massachusetts accept this modification, that all amendments or substitutes shall be offered on or before 2 o'clock, and that——

Mr. LODGE. That only makes it worse. The object, as I understand it, of the Senator from Virginia is to leave it free and open to offer amendments at any time.

Mr. SIMMONS. At the last minute?

Mr. LODGE. Yes; to offer amendments at any time and vote on that calendar day. If the Senator expects the session to go beyond midnight, of course we shall have to put it over until Tuesday.

Mr. KING. I will offer the suggestion that we modify the proposed agreement so that we may vote during the calendar day, but not fix an hour at which the voting shall take place.

Mr. LODGE. That is precisely what it now is, in accordance with the suggestion of the Senator from Virginia.

Mr. KING. I have no objection to that.

Mr. SIMMONS. I ask that the Secretary read the proposed agreement.

The PRESIDENT pro tempore. The Secretary will report the proposed agreement as modified.

The ASSISTANT SECRETARY. As now modified, the Senator from Massachusetts asks unanimous consent that on the calendar day of Monday, March 15, 1920, the Senate will proceed to vote without further debate upon any amendment that may be pending or that may be offered to the reported reservation No. 2, and immediately thereafter upon the said reported reservation No. 2, as amended or unamended; that upon the said calendar day no Senator shall speak more than once or longer than 15 minutes upon the reservation as reported or more than once or longer than 5 minutes upon any amendment proposed thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. BRANDEGEE. May I ask the Senator what his intention is as to the time of meeting on Monday?

Mr. LODGE. I will agree to meet at any time the Senator suggests. We have a meeting of the Committee on Foreign Relations Monday morning.

Mr. BRANDEGEE. Of course, I do not want to assume that responsibility.

The PRESIDENT pro tempore. Is there objection to the proposed agreement as modified? The Chair hears none, and the agreement is entered into.

The unanimous-consent agreement is as follows:

It is agreed by unanimous consent that on the calendar day of Monday, March 15, 1920, the Senate will proceed to vote, without further debate, upon any amendment that may be pending or that may be offered to reported reservation No. 2, and immediately thereafter upon the said reported reservation No. 2, as amended or unamended; that upon the said calendar day no Senator shall speak more than once or longer than 15 minutes upon the reservation as reported, or more than once or longer than 5 minutes upon any amendment proposed thereto.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess, as in open executive session, until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, in open executive session, took a recess until Monday, March 15, 1920, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 13 (legislative day of March 11), 1920.

SECRETARY OF EMBASSY OR LEGATION.

CLASS 4.

Wallace S. Murray, of Columbus, Ohio, to be a secretary of embassy or legation of class 4 of the United States of America.

COMMISSIONERS OF IMMIGRATION.

Edward White, of California, to be commissioner of immigration at the port of San Francisco, Calif.

Bertram N. Stump, of Maryland, to be commissioner of immigration at the port of Baltimore, Md.

Henry J. Skeffington, of Massachusetts, to be commissioner of immigration at the port of Boston, Mass.

Henry M. White, of Washington, to be commissioner of immigration at the port of Seattle, Wash.

RECEIVER OF PUBLIC MONEYS.

William Henry Treichler, of Sacramento, Calif., to be receiver of public moneys at Sacramento, Calif., vice Samuel Butler, deceased.

UNITED STATES COAST AND GEODETIC SURVEY.

William Humphreys Overshiner, of California, vice Francis L. Gallen, promoted, to be reinstated as junior hydrographic and geodetic engineer, United States Coast and Geodetic Survey, in the Department of Commerce.

Benjamin Haines Rigg, of New Jersey, vice Cornelius D. Meany, promoted, to be aid (by promotion from deck officer), United States Coast and Geodetic Survey, in the Department of Commerce.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13 (legislative day of March 11), 1920.

MEMBER OF THE UNITED STATES SHIPPING BOARD.

Admiral William S. Benson to be a member of the United States Shipping Board.

PURCHASING AGENT FOR THE POST OFFICE DEPARTMENT.

Robert L. Maddox to be purchasing agent for the Post Office Department.

UNITED STATES MARSHAL.

John D. Lynn to be United States marshal, western district of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 13, 1920.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, upon whom we are dependent for life, health, and strength, impart unto us wisdom, strength, and courage to meet the obligations of another day, that our acts may be well pleasing in Thy sight and promote the good of mankind. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROTECTION OF TRADE-MARKS, ETC.—CONFERENCE REPORT.

Mr. NOLAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. NOLAN. To call up the conference report on the bill H. R. 9023 and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from California calls up the conference report on the bill which the Clerk will report by title.

Mr. GARD. What is the report?

The Clerk read as follows:

A bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

Mr. GARD. Mr. Speaker, there seems to be a very inadequate number of Members present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Ohio makes the point of order that there is no quorum present, and evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Eagan	Johnson, S. Dak.	Rainey, H. T.
Bacharach	Eagle	Johnson, Wash.	Ramsey
Baer	Edmonds	Johnston, N. Y.	Reed, N. Y.
Begg	Ellsworth	Kelley, Mich.	Riordan
Benson	Ferris	Kennedy, Iowa	Rowan
Booher	Fields	Kennedy, R. I.	Rucker
Brinson	Flood	Kettner	Sabath
Britten	Fordney	Knutson	Sanders, La.
Browne	Frear	Kraus	Schall
Browning	French	Kreider	Scott
Buchanan	Gallivan	Lampert	Scully
Burdick	Garland	Layton	Sells
Burke	Goldfogle	Lea, Calif.	Siegel
Burroughs	Good	Lee, Ga.	Slemp
Butler	Goodall	Longworth	Smith, Mich.
Campbell, Kans.	Gould	McAndrews	Smith, N. Y.
Carew	Graham, Pa.	McCulloch	Snell
Carter	Green, Iowa	McDuffie	Steagall
Chindblom	Greene, Mass.	McPherson	Steele
Christopherson	Hamill	MacGregor	Stephens, Ohio
Clark, Fla.	Hamilton	Mann, S. C.	Sullivan
Classon	Hastings	Mapes	Sumners, Tex.
Cooper	Hawley	Mason	Taylor, Colo.
Copley	Hayden	Montague	Taylor, Tenn.
Costello	Hays	Morin	Towner
Cramton	Hersman	Neely	Vare
Crowther	Hill	Nichols, Mich.	Vinson
Curry, Calif.	Holland	O'Connell	Walters
Davey	Howard	O'Connor	Weaver
Davis, Minn.	Huddleston	Osborne	Webster
Denison	Hudspeth	Overstreet	Williams
Dewalt	Hulings	Phelan	Wilson, Pa.
Dickinson, Mo.	Husted	Platt	Winslow
Dooling	Hutchinson	Porter	
Dunbar	Ireland	Rainey, Ala.	

The SPEAKER pro tempore. On this roll call 281 Members have answered to their names. A quorum is present.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors, and the gentleman from California calls up the conference report, which the Clerk will again report by title.

The Clerk read as follows:

A bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9023) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendent as follows: In lieu of the matter proposed by the Senate amendment insert the following: "(b) All other marks not registerable under the act of February 20, 1905, as amended, except those specified in paragraphs (a) and (b) of section 5 of that act, but which have been in bona fide use for not less than one year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid to the Commissioner of Patents and such formalities as required by the said commissioner have been complied with: *Provided*, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "28 (as to class (b) marks only)"; and on page 4, line 6 of the engrossed bill, after "act," insert "of a mark falling within class (a) of section 1"; also, on page 4, line 19, of the engrossed bill, after "date," insert "and the provisions of section 2 of the act entitled 'An act to amend the laws of the United States relating to the registration of trade-marks,' approved May 4, 1906"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 9. That section 5 of the trade-mark act of February 20, 1905, being Thirty-third Statutes at Large, page 725, as amended by Thirty-fourth Statutes at Large, page 1251, Thirty-sixth Statutes at Large, page 918, Thirty-seventh Statutes at Large, page 649, is hereby amended by adding the following words thereto: 'And if any person or corporation shall have so registered a mark upon the ground of said use for 10 years preceding February 20, 1905, as to certain articles or classes of articles to which said mark shall have been applied for said period, and shall have thereafter and subsequently extended his business so as to include other articles not manufactured by said applicant for 10 years next preceding February 20, 1905, nothing herein shall prevent the registration of said trade-mark in the additional classes to which said new additional articles manufactured by said person or corporation shall apply, after said trade-mark has been used on said article in interstate or foreign commerce or with the Indian tribes for at least one year, provided another person

or corporation has not adopted and used previously to its adoption and use by the proposed registrant, and for more than one year such trade-mark or one so similar as to be likely to deceive in such additional class or classes.'"

And the Senate agree to the same.

JOHN I. NOLAN,
FLORIAN LAMPERT,
GUY E. CAMPBELL,
Managers on the part of the House.

W. F. KIRBY,
FRANK B. BRANDEGEE,
G. W. NORRIS,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing votes of the two Houses on H. R. 9023, a bill to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes, having met, submit herewith a statement of the action of your conferees:

On amendments Nos. 1 and 3 are clerical changes which subdivide into paragraphs section 1 of this bill, and the House recedes.

On amendment No. 2 the House recedes from its disagreement to same and agrees to same with an amendment which provides that the $10 fee shall be paid to the Commissioner of Patents, and adds a proviso to this section to protect trade-marks that have already been in use and not entitled to registration.

The House conferees recede from their disagreement to amendment 4 and agree to same, with the proviso to protect trade-marks already in use and not subject to registration under the old law.

JOHN I. NOLAN,
FLORIAN LAMPERT,
GUY E. CAMPBELL,
Managers on the part of the House.

Mr. NOLAN. Mr. Speaker, the bill H. R. 9023 is the trade-mark bill passed a short time ago to give effect to the International Trade-Mark Convention treaty. The Senate put an amendment onto section 1 of that act, subdividing section 1, so as to provide for section (a) and section (b), and provided for a second list of nonregistrable trade-marks to be kept in the Patent Office, and providing a $10 fee to be paid to the Commissioner of Patents for that purpose. The House conferees, at the suggestion of the Commissioner of Patents, added a proviso at the end of section 1, to protect existing trade-marks both at home and abroad. The other important amendment, and the only material amendment, is section 9, which puts on this bill the bill H. R. 7157, which was reported unanimously by the Committee on Patents, and is now pending on the calendar. The gentleman from Connecticut [Mr. MERRITT] is the author of that bill and will explain the matter, and I yield to him such time as he desires.

Mr. MERRITT. Mr. Speaker, I will remind the House that this legislation is simply intended to protect the rights of American trade in foreign countries, in those countries especially that permit the registration of any trade-mark, irrespective of whether the man who registers it has any right, according to our ideas, in the trade-mark or not. This bill was recommended unanimously by the Committee on Patents, both of the House and of the Senate. It has been approved by the Commissioner of Patents, and all these amendments have been gone over carefully by the Commissioner of Patents, and the amendment of which the chairman speaks, which adds a bill now before the House, simply extends the right of registration, so that American trade abroad may be protected in other countries as well as in South America. It does not affect anybody's domestic rights at all, and has to do simply with the protection of American merchants in foreign trade. I think there is no opposition to it from any source whatever, and I hope that the report will be accepted.

Mr. NOLAN. Mr. Speaker, if there is no further explanation necessary, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

ARMY REORGANIZATION BILL.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army reorganization bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12775, the Army reorganization bill, with Mr. TILSON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12775) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916.

Mr. KAHN. Mr. Chairman, when the committee rose last evening the gentleman from Alabama [Mr. DENT] had moved a pro forma amendment, to strike out the last word of section 20. I rise in opposition to that amendment and desire to have read to the committee a letter which I received from the Secretary of War very late yesterday afternoon, just before we adjourned, in which the Secretary of War informs me that he inadvertently sent to me the letter of March 5 recommending a separate construction corps and that now he wants to be understood as favoring the transfer of the construction corps from the Quartermaster Corps to the Corps of Engineers. [Applause.]

I ask that the letter be read for the information of the committee.

The CHAIRMAN. The gentleman from California makes the pro forma amendment and asks that the letter referred to be read. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, March 12, 1920.

Hon. JULIUS KAHN,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: I desire to call attention to my communication addressed to you on March 5, 1920, referring to H. R. 12775, in which appears the following paragraph:

"It is therefore my respectful recommendation that in due consideration of this subject provision be made for a separate transportation service and a separate construction service in the proposed bill."

Through inadvertence the full purport of the paragraph above quoted escaped my notice, and I desire to at once correct any erroneous impression it may have conveyed as to my attitude on these two important subjects.

It is now, and has been, my recommendation that the Transportation Service should be separated from the Quartermaster Corps and should constitute a separate and distinct service, independent of said corps, and be known as the Transportation Service; and it is now, and has been, my recommendation that the construction service should be separated from the Quartermaster Corps, be assigned to the Corps of Engineers, and be known as the construction service of the Corps of Engineers.

It is hoped that the above corrections will receive careful consideration in the bill now before the House.

Respectfully, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. KAHN. Mr. Chairman, does the gentleman from Alabama desire to be heard on his motion to strike out the last word?

Mr. DENT. Mr. Chairman, I ask for five minutes. I did not make that motion.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. DENT. I did not make a motion yesterday to strike out the section providing for the Porto Rican regiment. I simply called attention to that section and made the statement that I was disposed to oppose it. I will not make the motion.

Mr. KAHN. As I understood the gentleman, he simply moved to strike out the last word, not the section, in order to call attention to the provisions of the section.

Mr. DENT. But I did not move to strike out the section.

Mr. KAHN. I understood the gentleman to move to strike out the last word.

Mr. DENT. Mr. Chairman, I called attention to this section of the bill, because it does make a change, according to my understanding, in the present law, but I will not make a motion to strike the section out. My idea in calling attention to the change in the law was to submit to the House the proposition that the Porto Rican regiment, as originally organized, was organized exclusively for service in Porto Rico. By subsequent legislation the War Department was authorized to send the Porto Rican regiment to service outside of Porto Rico, and during the late war, my understand is, the War Department sent this regiment down to Panama. I call attention to the change of the law, because of the fact that when you get to the section providing for

the promotion list, what is known as the single list, if you leave this section in the bill as it is, and then adopt the single list as provided for in the bill, the native officers who were appointed, as I recall it, for a period of four years, will become permanent members of this single list and will go on it just like every other officer of the Army.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. KAHN. I want to call to the attention of my colleague that when this regiment was first organized it was known as the Provisional Regiment of Infantry of Porto Rico, and, I may say, the officers, or some of them, at least, at that time were provisional officers. But later on, under the national defense act, we made this regiment a part of the Regular Army, and the officers were commissioned for service with the Porto Rican regiment, but they were a part of the Regular Army.

Mr. DENT. And were entitled to promotion only within that regiment and not within the Army?

Mr. KAHN. That is my understanding.

Mr. DENT. This changes it so that they have promotion in the Army just like every other officer?

Mr. KAHN. Yes, sir.

Mr. DENT. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 21. That said act be, and the same is hereby, amended by adding after section 22 a new section, to be numbered 22a, and to read as follows:

"SEC. 22a. Philippine Scouts: The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed in section 1, hereof, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 3 hereof. On July 1, 1920, all officers of the Philippine Scouts on the active list who are citizens of the United States and are found qualified under such regulations as the President may prescribe shall be recommissioned in some one of the branches provided for by this act, and those not so recommissioned shall continue to serve under their commissions as officers of the Philippine Scouts. No further appointments shall be made as officers of Philippine Scouts except of citizens of the Philippine Islands, who may be appointed in the grade of second lieutenant, under such regulations as the President may prescribe. Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army, but shall be entitled to only such privileges of retirement and retired pay as may be expressly granted to them by law. Nothing in this act shall be construed to alter in any respect the present status of enlisted men of the Philippine Scouts."

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word.

This particular section of the bill is one that caused considerable discussion in the committee. For one, I think the legislation making the Philippine Scouts a part of the Military Establishment of the United States was a mistake, and I hope that at some future day we will take this matter up and do away with this provision. It involves so many questions that I felt that it was not best to undertake to discuss it at this time, while considering this general reorganization bill. But for one, Mr. Chairman, I do feel that it is an anomalous situation to take the natives of a subject territory and create them into military units under our officers; then if we get into war we can not use them, we can not call them into the service, and we ought not to call them into the service. They are not citizens of our country; they are not entitled to citizenship, and I hope that they never will be entitled to citizenship, because I believe the day will come when they will be entitled to have their independence, and when we will be justified in granting it to them. But as I said, Mr. Chairman, I simply wanted to call attention to this provision in order that the membership of the House may have it in mind and think it over, and at some future time we can take this subject up and legislate on it in a proper way.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. BLANTON and Mr. SANFORD rose.

The CHAIRMAN. The gentleman from New York [Mr. SANFORD], a member of the committee, is recognized.

Mr. SANFORD. Mr. Chairman, I merely wanted to call the attention of the committee to the letter of the distinguished Secretary of War, and for fear that the committee might feel itself compelled to a conclusion by the opinion expressed in the letter, I want to remind the committee that it is only the third position that the Secretary has taken, and it may be possible that he will approach the subject again. I am referring to his letter on the construction corps, read a moment ago. I think perhaps no action is necessary on the letter. Perhaps at the proper time I should like to move to have it referred to the committee on useless documents. [Laughter.]

The mind of the Secretary of War is a marvelous mind. It is a versatile mind. It turns gracefully from one side of a subject to the other, and then back again, always equally unembarrassed. It is, moreover, a perfectly free mind, unrestrained by its own decisions, unrestrained by logic, by reason, or events. It is as free and versatile when it votes "aye" as when it votes "no," and the comforting assurance that is left with the committee after the perusal of the three letters is that at least 50 per cent of the time the Secretary of War is absolutely correct. [Laughter and applause.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, "A wise man changes his mind, but a fool never." The document coming from the Secretary of War which the gentleman from New York [Mr. SANFORD] has designated remarkable merely illustrates the fact that when one of his departments attempts to put something over the Secretary of War, and the Secretary of War finds it out, he does not permit it. He stops it, and he brings it to the attention of the Committee on Military Affairs. The Secretary of War has sent us a wise suggestion, and I take it that so far as the gentleman from New York [Mr. SANFORD] is concerned we are going to pass it by idly without action. As soon as the letter was read, I expected the distinguished chairman of this committee to ask unanimous consent to return to the section which has been passed embodying this matter and carry out the wise suggestion of the Secretary of War.

The Secretary clearly shows that it was a matter prepared by one of his departments and that in the transaction of the numerous affairs which come through his hands it temporarily escaped his notice. What are we going to do about it? Are we going to carry out the suggestion of the Secretary of War on this important matter?

Mr. MANN of Illinois. Which one?

Mr. BLANTON. Oh, the distinguished gentleman from Illinois knows which one. It is the one which comes as the mature judgment of the Secretary of War and not as the hasty judgment of some of these heads of departments whose pets now sit up in the gallery and want special positions made for them, and whose wishes have been carried out by the committee through the vote yesterday of 133 to 74.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman from Illinois.

Mr. MANN of Illinois. I understood the gentleman to state that one of these letters, maybe more, was signed by the Secretary of War because it was presented to him by one of the divisions of the Army without his knowledge of what it contained. What I wanted to know was which one of these letters represented his mature judgment?

Mr. BLANTON. Oh, there is not a single Member on this floor who has not at some time had his name signed to documents the contents of which he may have been forced to peruse hastily. On frequent occasions the Secretary of War's name is signed to numerous documents the contents of which sometimes escape his personal attention.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I will as soon as I have answered the statement of the gentleman from Illinois. The Secretary of War shows that now this particular matter has been brought to his personal attention, that he recommends a rescission of yesterday's action when the committee was carried away by this proposition of creating this separate corps to make a lot of extra positions. The Secretary of War says he does not agree with the action taken, and he sends us notice in time so that the error may be corrected.

Mr. KEARNS. That is the third time that the Secretary of War has advised this House to pass favorably that amendment to this bill creating a separate transportation corps, and the gentleman from Texas opposed it yesterday. Now that he has come out the third time, is the gentleman willing to accept his matured judgment?

Mr. BLANTON. Not on that particular item, because on that particular item I think his matured judgment is wrong. [Laughter.] I am with the Secretary of War when he is right, and I am against him when he is wrong. But the question is, Are you going to act on his suggestion and rescind yesterday's action?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. That section 24 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 24. Filling of vacancies: Not less than one-half of the total number of vacancies caused by this act shall be filled by the appointment, to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army below the age of 54 years who served as officers of the United States Army at any time between April 6, 1917, and November 11, 1918. A suitable number of such officers who served between April 6, 1917, and November 11, 1918, shall be appointed in each of the grades below that of brigadier general, according to their qualifications for such grade as may be determined by the board of general officers provided for in this section. No such person below the age of 48 years shall be appointed in the grade of colonel, or below the age of 45 years in the grade of lieutenant colonel, or below the age of 36 years in the grade of major; no such person shall be appointed to a grade higher than that held by him on November 11, 1918, nor to a grade above that of captain unless he is specifically recommended for such grade by the majority report of the board of general officers provided for in this section. Any person over the age of 45 years appointed under the provisions of this section shall, when retired, receive retired pay at the rate of 4 per cent of active pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per cent. Vacancies remaining in grades above the lowest which are not filled by such appointments shall be filled by promotion to date from July 1, 1920, in accordance with the provisions of section 24c hereof. The selection of officers to be appointed under the provisions of this section, under such rules and regulations as may be approved by the Secretary of War, shall be made by a board consisting of the General of the Army and three bureau chiefs and three general officers of the line, to be appointed by the Secretary of War: *Provided*, That no officer shall be appointed in any branch of the service under the provisions of this section except upon the recommendation of a board of review, convened by the chief of the branch and whose action is approved by him.

"SEC. 24a. Promotion list: For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army and Philippine Scouts below the grade of colonel, except chaplains, professors, band leaders, and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on. In computations for the purpose of determining the position of officers on the promotion list there shall be credited all active commissioned service in the Army performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission. Commissioned service in the Regular Army or the Philippine Scouts, if continuous to the present time, shall be counted as having begun on the date of original commission. To officers of the Dental Corps shall be credited their service as contract or acting dental surgeons, and to officers of the Veterinary Corps shall be credited their Army governmental veterinary service rendered prior to June 3, 1916. The original promotion list shall be formed by a board of officers appointed by the Secretary of War, consisting of one colonel of each of the branches of the service in which officers are permanently commissioned under the terms of this act and one officer of the personnel branch of the General Staff who has made a special study of merging the present promotion lists into a single list. The steps in the formation of the original promotion list shall be as follows:

"First. Officers below the grade of colonel in the Medical Corps, Dental Corps, Veterinary Corps, Corps of Engineers, Signal Corps, Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Porto Rico regiment, and Philippine Scouts, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers on the lineal lists of their own branches, but otherwise as nearly as practicable according to length of commissioned service, except that officers of the Medical Corps shall be placed immediately below other officers of two years' longer service. The following shall be omitted:

"(a) Officers who, as a result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches;

"(b) Officers of other branches appointed in the Field Artillery or the Coast Artillery Corps to fill vacancies created by the act approved January 25, 1907;

"(c) Officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts;

"(d) Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs.

"Officers of classes (a), (b), and (c) shall be placed on the list in the positions they would have occupied if they had remained in their original branches of the service. Officers of class (d) shall be placed on the list in the position that would normally be occupied by an officer of continuous service equal to the total active commissioned service of such officers in the Army.

"Second. Officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department, and the military storekeeper shall be placed on the list according to length of commissioned service, except those second lieutenants of the Quartermaster Corps who are found not qualified for promotion as provided in section 24b hereof.

"Third. Captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, with the exception of those of the Medical Corps and chaplains, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

"Fourth. Persons to be appointed as captains or lieutenants under the provisions of section 23 hereof, except in the Medical Corps, shall be placed according to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause; and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this act, and the latter shall be arranged according to age.

"Fifth. All officers of the Medical Corps originally appointed since April 6, 1917, or to be appointed under the provisions of section 23 hereof, shall be placed immediately below officers whose commissioned service rendered prior to November 11, 1918, is two years greater than theirs.

"Sixth. Persons appointed as lieutenant colonels or majors under the provisions of section 23 hereof shall be placed immediately below all officers of the Regular Army who, on July 1, 1920, are promoted to those grades, respectively, under the provisions of section 23 hereof.

"Any former officer of the Regular Army and any retired officer who may hereafter be reappointed to the active list in the manner provided by law shall be placed on the promotion list in accordance with his total active commissioned service. Other officers on original appointment shall be placed at the foot of the list, except that officers of the Medical Corps shall be placed immediately below officers of two years' service. The place of any officer on the promotion list once established shall not thereafter be changed, except as the result of the sentence of a court-martial.

"SEC. 24b. Classification of officers: Immediately upon the passage of this act, and thereafter in September of each year, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and class B, of officers who should not be retained in the service. Until the rendition of the report of the original board all officers shall be regarded as belonging to class A. The findings of the board shall not be subject to review by any authority. Whenever an officer is placed in class B a board of not less than three officers shall be convened to determine whether his service has been honest and faithful. If the finding is negative, he shall be discharged from the Army; if affirmative, he shall be placed on the retired list with pay at the rate of 2½ per cent of his active pay, multiplied by the number of complete years of commissioned service, the total not to exceed 75 per cent, unless his total commissioned service shall be less than 10 years, in which case he shall be honorably discharged with one year's pay. If an officer is thus retired before the completion of 30 years' commissioned service he may be employed on such active duty as the Secretary of War considers him capable of performing until he has completed 30 years' commissioned service. The board convened upon the passage of this act shall also report the names of those second lieutenants of the Quartermaster Corps who were commissioned under the provisions of section 9 of the act of June 3, 1916, who are not qualified for further promotion. The officers so reported shall continue in the grade of second lieutenant for the remainder of their service and the others shall be placed upon the promotion list according to their commissioned service, as hereinbefore provided.

"SEC. 24c. Promotion of officers: On and after July 1, 1920, vacancies in grades below that of brigadier general shall be filled by the promotion of officers in the order in which they stand on the promotion list, without regard to the branches in which they are commissioned. Officers of the Medical Department shall be promoted at the same time as those officers whose names stand next above theirs on the promotion list, but officers of the medical administrative corps shall not be promoted above the grade of captain. Prior to promotion, the qualifications of every officer shall be inquired into by a board of not less than three nor more than five officers, all of whom shall be senior to the officer whose qualifications are under examination, at least two of whom shall belong to the same branch as that officer and at least two of whom shall be officers of the Medical Corps. If the board find the officer incapacitated for service by reason of physical disability contracted in line of duty he shall be retired with the rank to which his seniority entitled him to be promoted. Otherwise, the board shall recommend his retention in class A or his reclassification in class B, and in the latter case shall proceed to inquire into the character of his service as provided in section 24b hereof. The recommendation of the board, if approved by the President, shall immediately be carried into effect. Existing laws providing for the examination of officers for promotion are hereby repealed, but examination under the provisions of this section shall not be required in the case of any officer heretofore examined under provisions of law and found qualified for promotion to the next higher grade, or incapacitated for service on account of physical disability contracted in line of duty.

"SEC. 24d. Transfer of officers: Upon his own application any officer may be transferred to another branch without loss of rank or change of place on the promotion list.

"SEC. 24e. Appointment of officers: Except as otherwise herein provided, appointments to the grade of second lieutenant shall be made, first, from graduates of the United States Military Academy; second, from enlisted men of the Regular Army; third, from reserve officers and from persons who served in the United States Army between April 6, 1917, and November 11, 1918; fourth, from officers and from enlisted men of the National Guard; and, fifth, from graduates of schools and colleges having technical courses approved by the Secretary of War. Appointees of the second, third, fourth, and fifth classes shall be between the ages of 21 and 30 years. Appointments in the Medical Corps shall be made in the grade of first lieutenant from reserve medical officers between the ages of 23 and 32 years, and in the Dental and Veterinary Corps in the grade of second lieutenant from reserve dental and veterinary officers, respectfully, between the ages of 21 and 30 years, and in the Medical Administrative Corps from enlisted men of the Medical Department between the ages of 21 and 32 years who have had at least two years' service. Former officers of the Regular Army and retired officers may be reappointed to the active list, if found competent for active duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 24a hereof."

Mr. KAHN. Mr. Chairman, this is a very long section, and I suggest that in its consideration we begin at the very beginning of the section, and then offer any amendments to the various paragraphs according to the subdivisions of the entire section. I think we can gain time by following that course, and I hope that gentlemen who have amendments to offer will assist the committee in perfecting the bill by following that course. I ask unanimous consent that in the consideration of the section we proceed in the manner I have just indicated.

Mr. MADDEN. Mr. Chairman, reserving the right to object, I understand the request of the gentleman from California to be that each separate subsection of this section of the bill will be considered as an independent section.

Mr. CALDWELL. And reread?

Mr. KAHN. No; not reread, but for amendment.

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, I want to do everything, so far as I am concerned, that is reasonable to facilitate the logical consideration of the bill, but there is one phase of this matter that I propose to offer an amendment to, where, unfortunately in my view of the matter, it will be practically impossible to discuss it in its relation to the entire section if the request of the gentleman from California is agreed to, and I think the gentleman can readily apprehend the position it places me in in that connection.

Mr. MANN of Illinois. Let me make a suggestion to the gentleman from Alabama. I do not think this request will have very much effect on the question under discussion, but it will not be convenient for any Member of the House to consider first an amendment on page 28, and next an amendment on page 37, and next an amendment on page 29, and next an amendment on page 35. Members with copies of the bill can not keep very good track of amendments proposed in that way. Now, the gentleman from California suggested that amendments be offered according to these "subsections," as they are called, although that is not what they are, in the bill in that order. The gentleman can discuss the proposition. It is all involved.

Mr. BANKHEAD. If the arrangement is made, does it contemplate the inhibition of amendments until the subsection is reached?

Mr. MADDEN. Yes; that is the idea.

Mr. MANN of Illinois. We could not offer an amendment until that subsection was reached.

Mr. BANKHEAD. I have no disposition to oppose the request.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I offer this amendment, to strike out, on page 28, line 10, the words "November 11, 1918," and to substitute therefor the words "June 30, 1920."

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Page 28, line 10, strike out "November 11, 1918," and insert in lieu thereof "June 30, 1920."

Mr. ANTHONY. Mr. Chairman, the reason for offering this amendment is that in providing for the appointment of officers other than those of the Regular Army to the vacancies provided in this bill, if we do not extend the time beyond November 11, 1918, and bring it down to the date of the passage of this bill, it will exclude those men who have been commissioned since November 11, 1918, largely as second lieutenants, many of whom were enlisted men of the Army during the war. It would preclude their consideration for appointment. My attention was called to this by the gentleman from New York [Mr. HICKS].

Mr. KITCHIN. What is the date proposed in the gentleman's amendment?

Mr. ANTHONY. It brings down the eligible list from November 11, 1918, to June 30, 1920.

Mr. GREENE of Vermont. Do I understand my colleague to say that the bill as drawn will preclude from consideration men who have been appointed as second lieutenants of the Regular Army?

Mr. ANTHONY. No; there have been appointments of men in the National Army as second lieutenants.

Mr. GREENE of Vermont. Since the armistice?

Mr. ANTHONY. Since the armistice there have been appointments of second lieutenants of Field Artillery and other branches.

Mr. GREENE of Vermont. In the temporary portion?

Mr. ANTHONY. I so understand.

Mr. GREENE of Vermont. Is the gentleman quite convinced that that is the fact?

Mr. ANTHONY. It has been so stated to me.

Mr. GREENE of Vermont. What class from West Point, and what examinations?

Mr. ANTHONY. The men who spoke to me were enlisted men in the National Army at the time of their appointment as second lieutenants in different branches of the service.

Mr. GREENE of Vermont. Of course, the gentleman would not come to the floor of the House with this proposition without being well fortified, but this is a matter that has escaped the attention of many others who thought they had kept up with it. If there are appointments of men in the temporary forces, of course they ought to be provided for.

Mr. MADDEN. I suppose in cases of this sort men who were in the National Army during the activities of the war were permitted to take examinations, and passed them, but their papers had not been acted upon until after the armistice was signed.

Mr. ANTHONY. There are cases of officers who would be precluded from consideration under the limitation of date in the bill.

Mr. GREENE of Vermont. Conceding that that may be so—and, of course, the gentleman probably has his information well grounded—by the terms of the gentleman's amendment he will also open up possibly an opportunity for undue preference of some of these men, as we go further on in the bill, will he not?

Mr. ANTHONY. I do not see how we could.

Mr. CALDWELL. Will the gentleman yield at that point?

Mr. ANTHONY. I yield to the gentleman.

Mr. CALDWELL. I call attention to the fact that the date the gentleman proposes has not yet arrived.

Mr. ANTHONY. I understand that.

Mr. CALDWELL. And that between the date of the passage of the bill and the arrival of that date there might be an opportunity for loading this list.

Mr. ANTHONY. What I have in mind is that there may be more of these officers appointed from the same source in the meantime, and if so, they ought not to be excluded from consideration. I do not know that there will be any, but if there are, such men should be taken care of.

Mr. MANN of Illinois. I do not think they could make any such appointments now.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Pennsylvania.

Mr. CRAGO. Has the gentleman taken into consideration the fact that shortly after November 11, 1918, they began the demobilization of the Army, and that many of the National Guard organizations were mustered out of the service before the men in them received even the promotions for which they had been recommended by the commanding officers of the American Expeditionary Forces?

Mr. ANTHONY. That is in regard to promotions. The purpose of my amendment is to take care of the new appointments.

Mr. CRAGO. But you will force this officer, who was mustered out of the service, say, in December, 1918, or January, 1919, as a major or a lieutenant colonel to accept a commission as a major or lieutenant colonel, whereas if this man stayed in the service, even though he was performing mere staff duty or routine duty in some department, he receives his promotion; but these men who were mustered out of the service had no chance to receive their promotions, and if they go in now, as it is provided they may go in, they must go in below the men who served right with them, below them in grade and in some instances below them in rank.

Mr. ANTHONY. I think what the gentleman says is a correct explanation of that situation, but would not that be taken care of properly in another paragraph which provides for the assignment into different grades?

Mr. CRAGO. Is the gentleman's amendment on line 10 or line 20?

Mr. ANTHONY. Line 10, page 28.

Mr. CRAGO. I was speaking more particularly of the date, "November 11, 1918," in line 20, which we will take up later.

Mr. GREENE of Vermont. I had in mind the very thing that the gentleman from Pennsylvania suggested, but that it appears now is down in lines 19 and 20 of this same section.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ANTHONY] has expired.

Mr. HARRISON was recognized.

Mr. BANKHEAD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Is it understood that we are formally considering section 24?

The CHAIRMAN. The Chair understands that all amendments to this subsection 24 should first be made before we pass to the promotion list provision.

Mr. BANKHEAD. It will not be necessary to again read section 24?

The CHAIRMAN. No.

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, I simply want to recur for a few minutes to the letter of the Secretary of War that has been read this morning. I had not had a chance to consider it until I heard it read a few moments ago. It is utterly impossible to accept the suggestion that the Secretary of War has made. We have passed the section which provides for the Engineer Corps and therefore it is

impossible to make an amendment to that section in order to carry out the suggestion of the Secretary.

Mr. CONNALLY. Would it not be possible to put it on by a motion to recommit?

Mr. HARRISON. It would be possible, but somebody has got to make the motion. I am talking about what must come before this body. When the vote comes up in the House, the question that will come before the House will be whether we will accept the provisions of the bill which provides for a construction in all the different bureaus or whether we shall have consolidated all construction in the construction corps as provided in the amendment made by the gentleman from New York and adopted by the House. It will be utterly impossible, therefore, to consider the suggestion of the Secretary of War to place this construction corps under the Engineer Corps. The sole and only question that can come before the House now is whether or not the construction corps shall be a separate construction corps or whether some of it shall belong to the Quartermaster Corps and some to the Ordnance Corps and some to other corps, a condition which the Secretary has condemned in his letter of March 5, and as to which he does not modify his position in his last letter.

The letter, therefore, of the Secretary of War which he wrote on March 5 will have full force and effect in that it expressly states that he is in favor of a separate construction corps so far as it has any bearing on the provisions of the bill. I hope when the matter comes up before the House my colleagues will bear in mind that they still have the recommendation of the Secretary of War in favor of a separate construction corps as against provisions made in the bill, and that the suggestion of the Secretary of War can not be carried out by placing it in the Engineer Corps.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. MOORE of Virginia. I have no sympathy with the criticism of the Secretary of War based upon some supposition that he has announced a change of view. I think that no pride of opinion ought to restrain anybody, whether in or out of office, in declaring he has changed his mind if he has ground for so doing. [Applause.] This is the question I want to ask, Has not the Assistant Secretary of War, who has had practical information of all these matters, persistently advocated a separate construction service?

Mr. KAHN. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. KAHN. I do not understand from the reading of the letter that the Secretary of War has changed his mind. The letter, as I recall it, simply states that his former letter was written inadvertently and did not express his true opinion.

Mr. MOORE of Virginia. I was referring to the observations of another member of the committee who asserted that the Secretary had changed his mind. As I say, if that is true, I do not critizise him. The question I intended to put was with reference to the attitude of the Assistant Secretary of War.

Mr. HARRISON. The Assistant Secretary of War has been very consistent on this proposition. I think a careful reading of the letter of the Secretary of War carries out my contention that as between the proposition in the bill and the proposition in the amendment he still stands by the letter of March 5.

Mr. CALDWELL. Mr. Chairman, I have no desire to prevent the appointment in the regular organization of the old men or to give them the positions they ought to have had during the war. I am perfectly willing that something be put in the bill to take care of that situation.

Mr. KAHN. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. KAHN. The gentleman from New York is referring to the old retired enlisted men who came back into the service during the war and were commissioned and served in the Army. At the end of the period that their services were required they went back to the retired list. I understand the gentleman from Ohio [Mr. KEARNS] has an amendment which he offered during the discussion of the section relating to warrant officers, but which he proposes to offer to the miscellaneous section, and that will take care of these men.

Mr. CALDWELL. And, therefore, if that amendment is adopted, this amendment of the gentleman from Kansas will be unnecessary.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. MANN of Illinois. Are there not a good many cases where enlisted men or noncommissioned officers in the Army have been recommended for promotion as commissioned officers, and which recommendations had not been carried out at the date of the armistice?

Mr. CALDWELL. Yes; and I think they ought to be taken care of. The trouble with the amendment of the gentleman from Kansas is that it goes too far and opens the door wider than it should be.

Mr. MANN of Illinois. The gentleman means as to date. The date in the bill would cut these men out entirely.

Mr. CALDWELL. Yes; the date here would cut those men out, but there is an amendment that is to be introduced that will let these men in.

Mr. MANN of Illinois. The amendment of the gentleman from Ohio [Mr. KEARNS], as proposed the other day—the one I have in mind may not be the one—would put some retired men at higher pay, but it would not cover this case at all.

Mr. KAHN. These are enlisted men and noncommissioned officers who served as commissioned officers during the war, and are proposed to be taken care of in the bill under the section relating to warrant officers. They are to be made warrant officers.

Mr. MANN of Illinois. That is another proposition entirely.

Mr. CALDWELL. If the amendment had said of "persons other than officers of the Regular Army below the age of 54 years who served as officers in the United States Army at any time between April 6, 1917, and the present date," it would take them all in. But if you put the date June 30, 1920, you throw the doors open for all kinds of favoritism, which we have always protested against.

Mr. MANN of Illinois. It may be that the date is too late. The date of June 30, 1919, would give a chance for all promotions that have been made, and would not be too late. I think these men—I do not know any of them—an enlisted man who was cited for bravery and recommended for promotion, very likely in battle before the armistice, ought to have a chance for a second lieutenant.

Mr. CALDWELL. Of course, the gentleman and I agree that those men ought not to be left out; but the doors ought not to be left open from now on.

Mr. MANN of Illinois. I agree with the gentleman in that.

Mr. CALDWELL. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Kansas. In lieu of the date June 30, 1920, I move to substitute "the date of the passage of this act."

The Clerk read as follows:

Amendment by Mr. CALDWELL to the amendment offered by Mr. ANTHONY. Strike out "June 30, 1920," and insert "the date of the passage of this act."

Mr. BEE. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] has offered this amendment to make it 1920, June 30. The gentleman from New York [Mr. CADWELL] has offered to amend by making it after the passage of this act. I understand the purpose is to take care of those noncommissioned officers and enlisted men who have been recommended for promotion and for commissions.

Mr. ANTHONY. No; it would take care of those officers who have actually received new commissions since November 11, 1918.

Mr. BEE. Who have actually received commissions. Is it contemplated that in filling the vacancies the men must be now in the service?

Mr. ANTHONY. That is the idea.

Mr. BEE. In other words, if a man has been mustered out of the service and wants to go back into the service, he would not be eligible for appointment under this section?

Mr. MADDEN. Oh, yes, he would.

Mr. BEE. Then he does not have to be in the service now?

Mr. ANTHONY. No.

Mr. BEE. When you state that 50 per cent shall be taken from those not officers of the Regular Army, who served between the periods mentioned, where do those vacancies come from, and what becomes of the Regular officers, or are there so many vacancies that you can go outside to fill them?

Mr. ANTHONY. There are about 7,000 vacancies created by this bill, and we provide that not less than one-half of them shall be filled from those who have served in the National Army during the time specified.

Mr. BEE. Then it would take care of the officers of the Regular Army, and at the same time take care of these men who rendered distinguished service in the National Army?

Mr. ANTHONY. The idea is to make it possible so that officers of both services shall receive recognition, and that there shall be fair distribution of the appointments to the vacancies.

Mr. BEE. To illustrate what is in my mind, the distinguished gentleman from South Dakota [Mr. JOHNSON] served in the National Army during the war and was cited for bravery.

Mr. ANTHONY. He would be eligible for consideration for appointment under this bill, whether in the service now or out of it.

Mr. BEE. That is what I wanted to know.

Mr. BRIGGS. Mr. Chairman, as I understand it, if this bill passes at least 7,000 new officers will be appointed in the Army.

Mr. ANTHONY. That is correct.

Mr. BRIGGS. And it is provided that one-half of those should be taken outside of the Regular Army?

Mr. ANTHONY. Not less than one-half.

Mr. CALDWELL. Mr. Chairman, will not the gentleman from Kansas accept the amendment that I propose?

Mr. ANTHONY. Mr. Chairman, I see no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from New York.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I move to amend, on page 28, lines 19 and 20, by striking out the words after "appointed," beginning with the word "to" down to and including the word "nor"; in other words, to strike out the words "to a grade higher than that held by him on November 11, 1918, nor."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 28, line 19, after the word "appointed" strike out "to a grade higher than that held by him on November 11, 1918, nor."

Mr. CALDWELL. Mr. Chairman, I think that is plain, and I do not see any objection to that amendment.

Mr. BEE. What does it contemplate?

Mr. CALDWELL. It contemplates that appointments from the provisional officers during the war will not be made above the grade of captain unless they are specially recommended for it on account of their previous service.

Mr. BEE. What is the object of doing that? Why do you want to deprive a man from going into the grade that he held at that time?

Mr. CALDWELL. It does not. It says "to a grade higher than that held November 11, 1918"; and if in the meantime he has been promoted to some higher grade because of efficiency, he can not get it. We want to have it so that a man who has grown up in the Army since November 11, 1918, or since the beginning of the war, should have the benefit of all that he has grown to. It is perfectly plain that if you do not do this, then if a man was a major during the war and has grown to a lieutenant colonel or a colonel since the war, when he is reappointed he can not be anything but a major; he has got to go back again and start over, and that is not fair.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MANN of Illinois. Then, under the language of the bill, if a man had been cited for promotion before the armistice to the position of major and had not received it on the date of the armistice, he could not get it now?

Mr. CALDWELL. No; but under my amendment he could, as I understand it, and that is the object of the amendment.

Mr. CRAGO. What time does the gentleman fix?

Mr. CALDWELL. I do not fix any. I permit him to get the grade to which he has been recommended and for which he can stand the examination. That is what he ought to have.

Mr. GREENE of Vermont. Mr. Chairman, I rise in opposition to the amendment. I think this is about as good a time as any, if the House will permit the suggestion, to consider very carefully whether we shall make any changes in the text of this section. When we come to look over the situation with some care, we will find that everything that is to be done in the reorganization of the Army under this section is of such a delicate nature with regard to the relations of one man to another and the comparison of one record with another, each impinging upon another's chances for promotion, that we should be very sure we do not disturb the foundation principle upon which the text of the bill is based.

If I suggest to you that this text, that all of this section, has been prepared only after careful study of the lineal list and commissioned personnel of the Army for the last 25 or 30 years, a careful inspection of the records, a careful determination of the mathematics involved in those records leading to the probabilities of promotion and the ages at which promotion may be gained and the probable length of service in a grade before being promoted to another; and if I suggest further that this inspection and study has been reduced to something like the terms of a life insurance actuary's table and upon that deduction has been founded this text, I am sure it will assure to you as practical men that if we once begin to disturb some of the points of this combination we will throw the whole scheme out of joint.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. GREENE of Vermont. I will.

Mr. MOORE of Virginia. I am not a member of the committee, and I have no desire to thrust myself into this debate, but in view of what the gentleman has said, does he not think it would be better to have presented full information of this portion of the bill before we vote upon any amendment?

Mr. GREENE of Vermont. I should think very likely that would commend itself to the judgment of the committee.

Mr. MOORE of Virginia. As I understand it this is the most intricate part of the bill.

Mr. GREENE of Vermont. It is.

Mr. MOORE of Virginia. If we could have the benefit of a general explanation by the members of the committee it would assist us in reaching a conclusion with respect to details.

Mr. GREENE of Vermont. If the gentleman will permit me, very likely the committee would not care to listen patiently to any improvised information in general, but as point after point arises, if it can be satisfactorily explained, it will accomplish the object.

Mr. LITTLE. Will the gentleman yield?

Mr. GREENE of Vermont. I will.

Mr. LITTLE. I was just going to ask who it was that made this painstaking investigation and report?

Mr. GREENE of Vermont. I can not cite the gentleman to the names of all the persons involved in it, but they are men who have had custody of the records there and have been connected professionally with the responsibility of studying them.

Mr. LITTLE. Somebody in the department laid the information before the committee?

Mr. GREENE of Vermont. Because nobody except men in the War Department knows what the records are.

Now, this occurs to me in connection with this amendment proposed by the gentleman from New York. We all approve of the idea that we shall give promotion to the brave young men who served in the temporary forces in commissioned grades and see that they are deprived of none of the prestige which they properly won under those circumstances. But there are various things to be taken in consideration in connection with the significance of these dates.

The armistice took effect November 11, 1918. Now, in the period of a few weeks or months after that all that could be brought home of the combatant arms of the Army were brought home and demobilized and the brave young officers who officered those units were sent back into civil life. They did not go back into civil life because the Army did not appreciate the value of their services or that the Army underestimated what the value of those services might be if they were continued in it, but because there was no longer any use for them. So they went back into civil life. Now, it is obvious that they lose much of seniority or promotion that they might have gained had they stayed in the service from November 11 until the present time, whereas at the very same time they were mustered out other men, temporary officers in the Army like themselves, who happened to be engaged in duties for which the necessity to continue still existed, were continued in the service. Some of those men were engaged in quartermaster duties or various other staff functions, some were connected with the great mass of business in settling up affairs after the armistice. Some of those men might have been in charge of salvage dumps and some of those men were engaged in auctioning off automobiles, maybe——

Mr. JONES of Texas. Will the gentleman yield?

Mr. GREENE of Vermont. Just a moment. Because they were held to be fit men to conduct that business. They were being trained in that service and they gained the seniority of age in the service and the opportunity for additional promotion in the service, which was denied these young men of the line who were sent back into civil life as soon as line troops and line officers were no longer needed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. May I have five additional minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. It would be obviously unfair to say that this group of temporary officers shall have the advantage of continued seniority in promotion that they got because they were retained in the service when another part of the same outfit, equally deserving, equally efficient, shall lose all that prestige because they were not retained in the service, their service for the present being no longer necessary.

Mr. JONES of Texas. Will the gentleman yield?

Mr. GREENE of Vermont. I will.

Mr. JONES of Texas. Does the gentleman subscribe to the doctrine that all promotions should be strictly on the basis of seniority?

Mr. GREENE of Vermont. Not in the temporary forces; no. I think in the Regular Establishment that is the safest and wisest thing, eliminating the unfit so that seniority will mean the progress of the fit.

Mr. DEMPSEY. Will the gentleman yield for one question?

Mr. GREENE of Vermont. Yes.

Mr. DEMPSEY. I see the language of the bill is that no person shall be appointed to the grade higher than that which he held on this specified date?

Mr. GREENE of Vermont. Yes.

Mr. DEMPSEY. Suppose he had been recommended for a higher grade on the day of the armistice, what would the gentleman say as to that?

Mr. GREENE of Vermont. I am going to come to that in this way: Here is the point where admittedly our language must make it possible to arrive at some attempt at equity. The question, however, is one of doing it in a practical way.

We know that every war ends with the probabilities of advancement of a good many men still left in suspense. It is our purpose in this bill to try to get to the place where you can draw the line with approximate fairness, and so here is the particular place where we shall make a start.

Now, then, let us keep in mind the third thing about these dates and about the comparison of records of these temporary officers. You will find, if you go on through this section, that when we take these young men into the Regular Army we are going to match up their service and records more or less with young men and older men of the Regular Establishment in assigning them to their grades, and then the question comes in as to how much advantage you are prepared to give, and give consistently, to a temporary officer of two or three years over a Regular officer of five, six, eight, nine, or ten years, or even more. That at first might not seem to you to be a logical proposition, but the logic of it lies in this, that most of these temporary officers who are now applying for admission either started as first lieutenants or very soon became first lieutenants and captains, because in the temporary Army it was often easy to get an advanced grade to start with. Not only that, but the period of service between the grades for temporary officers was frequently only a matter of weeks, and they often went from lieutenant to captain, and captain to major in a very short time. However, right along with them were their fellow officers of the Regular Establishment, who could only go up from one grade to another under the provision which limited them by seniority, and many of whom as soon as the war was over went back to their old original place in the line, and all of them will by June 30 of this year. There were Regulars who might have matched these temporary officers as colonels, who are now in their old grade as captain.

Mr. CALDWELL. The gentleman recognizes the fact that the men who are on the regular list by reason of these vacancies here will get in, and the man on the temporary list will only get in where he can get in.

Mr. GREENE of Vermont. I do not want to base the Regulars' hazards of promotion on the mathematics of what somebody else may or may not get. I want him to get what he has earned.

Mr. CALDWELL. The gentleman knows that November 11, 1918, was fixed because that was the date of the armistice, and we figured the war was over then. Now, there was another date in reference to promotions and preferences because of the war, and that was July 1, 1919, when the War Department issued an order to the effect that no further promotions should be made. Would the gentleman be willing to compromise and agree to an amendment fixing the date of July 1, 1919, in place of striking out the whole thing?

Mr. GREENE of Vermont. No; because I think this thing is very plain as it stands. I do not want to compromise anybody's record. I say when you get down to the last conclusion in this matter, by admitting temporaries to the grades they got in the temporary service, they have an advantage over the Regular who can not match that grade with them, although he may have had a temporary grade with him once. Although he may have had a temporary grade higher than he has, when he is considered for promotion he reverts to his old grade of captain, say, which he was 20 years in earning. It is unfortunate to match a young man who has been in only a short time, and who now holds a higher rank, with a man who has served 20 years and has gotten to be only a captain.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. MANN of Illinois. Mr. Chairman, I move to amend by striking out, in line 20, page 28, the words "November 11, 1918," and insert in lieu thereof the words "June 30, 1919."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 28, line 20, strike out "November 11, 1918," and insert in lieu thereof "June 30, 1919."

Mr. MANN of Illinois. I am frank to admit, Mr. Chairman, that I do not know whether the date is correct or not.

Mr. CALDWELL. If the gentleman will yield just long enough for me to say it, I have no objection to his amendment. It accomplishes practically the same purpose as mine.

Mr. MANN of Illinois. I think the provision in the bill as it stands, if enacted into law, would be most demoralizing.

The provision in the bill is that no person shall be appointed to the vacancies from outside of the Regular Army to a higher grade than he held November 11, 1919. There are many cases, both at the war front and in the departments at Washington, or some, where for meritorious service rendered either in the field or in the office men were recommended for promotion before November 11, 1918, and have since been promoted. There are other cases where in the ordinary conduct of the War Department men have been promoted since November 11, 1918, and after promotion were held up for a while. But the provision in the bill would forbid any of these men staying in the Army who have received their promotions and commissions since November 11, 1918, unless they are demoted and put down below the rank—the lineal list of young captains in the Regular Army. That is a gross injustice. It would be demoralizing in its effect. I mention the date of June 30, 1919. I do not know whether the date is correct or not, but after the armistice all promotions were held up. No matter how meritorious the recommendation may have been, no promotion of these temporary officers was made for quite a while. But that time expired, as I understand, before June 30, following the armistice, and promotions were made in accordance with these recommendations. I think these men who stayed with the Army and received their promotions ought not to be slapped in the face by the legislative body of the country and told that if they are to stay in the Army after receiving promotion for merit they must go down below the grade which they held and that a man 36, 37, or 40 years of age must be put in the lineal list below an officer of 21 or 22 years of age. It is so unjust that I know it did not receive the attention of the Committee on Military Affairs thoroughly when the matter was before that committee. [Applause.]

Mr. CRAGO and Mr. WOOD of Indiana rose.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. CRAGO], a member of the committee.

Mr. CRAGO. Mr. Chairman, I want to take a few minutes to answer the criticism of the gentleman.

This matter was carefully considered more than one time in the committee, and here are the facts as they apply or as this language applies.

If we stop with November 11, 1918, we will have the grade of these officers fixed, of course, as of that date. Now, within 30 days after that date they began mustering out of the service the men who had been in the front line. In other words, within three months after that date and long before June 30, 1919, the men who had been in the front line with the National Guard organizations and the National Army organizations, and especially the National Guard organizations, were all mustered out of the service. Now, many of those men had been recommended for promotion. Their promotions were not received before the date of their muster out, and in such cases you will have men who served as majors or lieutenant colonels mustered out as such go back into this service in a lower rank than a captain or a first lieutenant who remained in the service on some special duty and received his promotion after his regiment was mustered out of the service.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. McKEOWN. Is it not a fact that the promotions in France were very much slower than promotions on this side, because the men were so busy fighting that they did not have the time to make promotions?

Mr. CRAGO. Exactly so.

Mr. McKEOWN. Will not this preclude those who were engaged actively in the war from receiving the promotions they ought to have?

Mr. CRAGO. That is true, and many of these men were mustered out before they received the promotion for which they were recommended.

Here is the recommendation that I want to make: I think we should either strike out this entire matter, beginning with the semicolon in line 19 and ending with the period after the word "section," in line 23, and leave this matter to be entirely determined by that board, or leave it in such a way that the conferees between the House and the Senate can agree to some date which is fair to the greatest number of the officers who will be affected thereby. I believe that can be worked out.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. BANKHEAD. Suppose we added, if the gentleman from Pennsylvania please, after the date specified, language to the effect that it should apply not simply to those who had held the rank of that date, but to those who had been recommended for higher rank, and the recommendation approved by the superiors, including the commander in chief. Would not that answer the purpose the gentleman had in mind?

Mr. CRAGO. That would remedy it to some extent, but it would not take care of all the cases.

Mr. BANKHEAD. I propose to offer that at the proper time.

Mr. CRAGO. It would be beneficial to add that.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FRENCH. Why not strike out the earlier part of that same sentence, beginning with the word "no," in line 15, so as to remove the age limitation? Let me say this, that there are men to-day in the Judge Advocate General's office who served abroad and hold the rank of major or lieutenant colonel and who would now be railroaded out of office if the language were left as it is.

Mr. CRAGO. Oh, that is raising another issue.

Mr. FRENCH. That is true; but it seems very vital, and it looks as though men have been discriminated against who, if they had entered the service at this end of the line and had worked their way up here, would not be disturbed; but inasmuch as they were overseas and were commissioned at a lower grade and happened to be of a younger age than that provided in the bill would be relieved from their commissions.

Mr. CRAGO. I would not want to disturb any of these officers who have records of that kind if there is any way to prevent it.

Here is the point I am trying to make: Either leave this date as it is—and the Senate will probably fix some other date, and the proper date can be substituted—or strike out all the language referring to rank and leave it in such a way that the conferees between the two Houses can adjust this matter in an equitable way.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The debate is exhausted on this amendment.

Mr. WOOD of Indiana. Mr. Chairman——

Mr. CONNALLY. Mr. Chairman, I have offered a substitute for the amendment of the gentleman from New York.

Mr. DEMPSEY. Mr. Chairman, I have offered a substitute and sent it to the desk.

The CHAIRMAN. The amendment pending is the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Chairman, I would like to modify my amendment. Instead of "June 30, 1919," insert "or before June 30, 1919," so that it would read "on or before June 30, 1919."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. WOOD of Indiana rose.

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. I rise in opposition to the amendment.

The CHAIRMAN. The debate is exhausted.

Mr. WOOD of Indiana. I move to strike out the last two words.

The CHAIRMAN. The gentleman will be recognized.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I think that the amendment proposed by the gentleman from New York should be adopted, and, certainly, if that is not adopted, the amendment to the amendment, offered by the gentleman from Illinois [Mr. MANN], should be adopted.

It would be cruel, it would be inhuman, to permit this language to stay in this bill. Every man in this House has had repeated applications from young men who served in France and who were so busy fighting the foe that they had not time to prosecute their rights for promotion, although recommended time and time again; but the 11th of November, 1918, came, and all promotions ceased. That is what happened to the men engaged on the other side. The same is true as to what happened on this side.

I want to call your attention to the fact that it was just as essential that we should have good men here at home as that we should have them over there. Some of the best men in this country were induced to give up good positions, business men, sharp, active young men, who came here at the request of the Quartermaster General, or came here at the request of the Judge Advocate General, and served faithfully and well; and were promised, if you please, that they would be promoted, and it was recommended that they should be promoted, but the 11th of November came and their promotions were denied.

Some of those men still remain in the department because of their patriotic belief that they should stay here and help out their chiefs who besought them to stay. Some of them were promoted, and some of them were promised promotion, and those promises are still in existence. Some of them may be promoted if opportunity is given, but if you permit this language to remain not one of them will get his promotion. It is another demonstration of the fact of the absolute selfishness of this Regular Establishment. They do not want anybody outside of that Regular Establishment to have any recognition that they can possibly keep them from having. And I want to say to the gentlemen of this committee and the gentleman from Vermont [Mr. GREENE] that he can afford to be generous, even if he is interested.

Mr. GREENE of Vermont. Mr. Chairman, I am not accustomed to dealing quietly under innuendo. What is the gentleman's contention?

Mr. WOOD of Indiana. My contention is that these learned gentlemen who are so partisan in favor of keeping the Regular Establishment can be generous enough to give these other men whose service is as essential as that of those in the Regular Establishment a chance for promotion so that they may receive their just dues.

Mr. GREENE of Vermont. But the gentleman said, "Even if he is interested." I should like to have that language explained.

Mr. WOOD of Indiana. I say that the gentleman is interested in preserving the bill in its present form. I say that throughout this discussion he has demonstrated the fact that he does not want one item of the bill changed.

Mr. GREENE of Vermont. The gentleman is not explaining, but he is putting in more.

Mr. WOOD of Indiana. I will explain. The last pronouncement that the gentleman made upon the floor was that we should be very careful before we changed the bill, that this thing had been figured out to a mathematical or actuarial nicety. By whom? By the General Staff. The General Staff officers wrote that bill, and there is not a man here who will deny it.

Mr. GREENE of Vermont. Is there any gentleman on the floor here who could have written it in their place?

Mr. WOOD of Indiana. I desire to say that there are gentlemen upon the floor who could have had at least precaution enough to have seen that they did not fill it so full of jokers that nobody outside of the General Staff and those particularly interested in it could have any advantage by reason of its provisions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WOOD of Indiana. So I say that if we are going to try to encourage and popularize the Army of the United States among the people of this country, we must take into consideration that it is not alone those who are within the Regular Establishment who should be provided for, and not alone those who are within the Regular Establishment who should be invited to

take an interest in this Army; by doing this thing you are shutting the door in the face of hundreds of young men just as much entitled to be recognized, just as much entitled to be promoted as those young captains in the Regular Establishment are. How long will they have to wait? Not six months. It would not delay them any considerable length of time, and I say it is the most selfish proposition I ever heard advanced, that this door shall be shut in the face of those men who belonged to the temporary establishment; not only those who were promised promotion who did not get it, but those who got promotion and who are staying here to-day at a sacrifice to themselves, discharging the duties of their office to the acceptance of their chiefs, with the promise that they should have at least an equal chance when it came to the reorganization of the Army.

Mr. McKENZIE. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Illinois.

Mr. McKENZIE. I know the gentleman wants to be fair.

Mr. WOOD of Indiana. I do.

Mr. McKENZIE. I want to ask the gentleman this question: Take an officer, for instance, who was a captain in the Construction Corps. The gentleman discussed that yesterday.

Mr. WOOD of Indiana. Yes.

Mr. McKENZIE. On November 11, 1918, or on May 1, 1918, he was made a major. Take another boy in the Infantry from the State of Indiana, who was in the first Indiana over across, and he was demobilized. He was a captain and demobilized on January 1, but held the rank or grade of captain on November 11, 1918. Now, I want to ask the gentleman from Indiana, does he want to give that major in the construction corps an advantage over the Indiana boy who was in the line?

Mr. GREENE of Vermont. That is the point.

Mr. WOOD of Indiana. I do not want to give one an advantage over the other, but I do want the door left open so that all of those who desire to stay in the Army and who ought to be given encouragement, can stay in the Army. The gentlemen who are instrumental in putting this into this bill are not so much concerned about the young man who has been discharged and demobilized and has gone back to civil life, where he will stay, as they are interested in shutting the door in the face of the men to whom I have referred and who are yet in the Army, but do not belong to the Regular Establishment.

Mr. BYRNS of Tennessee. And is not the provision so drawn as to do an injustice to officers who served in the Army who are just as much entitled to recognition as the captain to whom the gentleman referred?

Mr. WOOD of Indiana. Absolutely; so I say there should be equal opportunity to all, and there is no one who will for a moment contend that there is equal opportunity for all in this provision.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. A man serving in the Regular Establishment for 20 years is now a captain. Another man comes in as a temporary officer during the war and he becomes a lieutenant colonel in 18 months. Which of those men should have the advantage when you come to make up this single list? Or would you give the temporary officer all that advantage?

Mr. WOOD of Indiana. No; I would not.

Mr. GREENE of Vermont. All right.

Mr. WOOD of Indiana. I would not give him that advantage, and this proposed amendment would not give it.

Mr. GREENE of Vermont. Read the bill and see.

Mr. WOOD of Indiana. If you strike out this language it will give the man at least a chance who, by reason of his merit, can be promoted, but by this provision unamended you propose to say that he shall have no chance at all. I say it is infamous, that it would be a disgrace to this body to say to these hundreds of young men who are entitled to this recognition, "You shall have no recognition," and I can not help believing that the gentleman from Illinois was right when he said that the facts in this case were not brought to the attention of this committee; for I can not believe that a committee of this Congress would be so cruelly selfish as to say to the men whom we urged and prayed with to come from the civil walks of life and give their all to this country, that now when we are going to reorganize the Army the door shall be shut in their faces for the benefit of an aristocratic few. [Applause.]

Mr. DEMPSEY. Mr. Chairman and gentlemen, I am sure the gentleman from Indiana [Mr. WOOD] who has just spoken does full justice to the ability, to the courage, to the diligence, of this great Committee on Military Affairs. I do not believe that any of us think for one moment that this bill was written in any spirit except that of a genuine desire to do the best that could be done by the subject. I believe, moreover, that when we leave it open to be inferred that any other spirit animated these men we make a mistake, and a mistake which ought not to be made.

Now, let us come to the consideration of this question under discussion. I approach the question of any amendment here with a great deal of diffidence. I recognize that these men have given months of study to what we must consider hastily and without digesting our thoughts. We can make some suggestions, we can make some changes. It is believed that when we suggest this date in the bill it may do injustice to some of those who are to be subject to the provisions of the bill, and the gentleman from Illinois suggested a later date. I believe that that will help obviate any chance to do injustice, and I suggest as a further amendment to that which the gentleman from Illinois has proposed that we have not simply a provision that men shall not have a higher rank than that which they have held before a given date, but that we add "or for which he has been recommended and such recommendation approved by those superior in command to the officer recommended, including the Commander in Chief."

We have this situation: The campaign over there was in its final stage a short one. The time of close and hard fighting was a short period of time. It was too short a time in which to have recommendations based on bravery, based on service in the field, finally carried out. And yet these men won by risking their lives, by periling all they had, the promotion for which they were recommended. Why, then, should we not take into account the recommendation as much as the actual rank? Perhaps the man who was recommended holds not the recommendation alone; perhaps he may have served and occupied a rank for which he was recommended. At any rate, he displayed the initiative, he displayed the heroism, he displayed the ability to do and dare, which, under this amendment, shows that not only those who witnessed that which he did, not only those who were inspired by the heroism he displayed, but those who sat in the calm of their offices, where they could carefully and thoughtfully consider this act not done in their presence unmoved by the enthusiasm of the moment, not stirred by the fact that this daring deed was done in their presence, with time and abundance of opportunity in which to reflect, men under these circumstances, charged with the high responsibility of considering that which they did, with the recommendation of the Commander in Chief, approve of such recommendations.

Mr. McKEOWN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McKEOWN. The recommendation would have the approval by the chief on the other side and reached his office, but what about the man where they recommended and it had not reached his office?

Mr. DEMPSEY. I have talked with a gentleman on the Military Affairs Committee, and I find that even the cases comprehended in my amendment grow up into the thousands, and that it would involve a change of records, a great deal of additional consideration, and it will take in a multitude—the larger number of cases. You can not provide for each individual case; all you can do is to make it general.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY to the amendment of Mr. MANN of Illinois: Page 28, after the figures 1919, insert "or for which he had been recommended and such recommendation approved by those superior in command, including the Commander in Chief."

Mr. DEMPSEY. Add after the figures 1919 "in the amendment of the gentleman from Illinois."

Mr. MANN of Illinois. I think the gentleman's amendment should come in after the word "him" in line 20. The gentleman had better examine it.

Mr. DEMPSEY. Mr. Chairman, I think I will offer it after the word "him" in line 20.

The CHAIRMAN. Then the amendment is not in order as an amendment to the amendment of the gentleman from Illinois.

Mr. DEMPSEY. I think the two can be read together and make a complete whole. I offer it after the word "him" in line 20.

The CHAIRMAN. Then it does not change the language of the gentleman from Illinois.

Mr. DEMPSEY. No; but it modifies it.

The CHAIRMAN. It is not in order as an amendment to the amendment offered by the gentleman from Illinois.

Mr. DEMPSEY. Can it not be so considered if no objection is made? I understand the gentleman from Illinois is willing to accept it.

The CHAIRMAN. It is not an amendment to the amendment offered by the gentleman from Illinois.

Mr. CALDWELL. Let the amendment of the gentleman from Illinois be voted on, and then the gentleman from New York can offer his amendment.

Mr. DEMPSEY. It would be better to consider it as one question, because it makes one complete amendment.

The CHAIRMAN. It could not be considered in that way in the face of opposition. Of course, by unanimous consent it can be considered as one amendment.

Mr. DEMPSEY. Then I ask unanimous consent that it be considered as one amendment.

Mr. CONNALLY. Mr. Chairman, reserving the right to object, and I dislike to object, I have a substitute for the amendment of the gentleman from Illinois, and also for the amendment of the gentleman from New York. I would like to have it considered, and for that reason I object, and I offer the substitute for these two amendments.

Mr. DEMPSEY. Mr. Chairman, I do not see how it will interfere with the gentleman's substitute to have the two amendments considered as one amendment.

Mr. CONNALLY. I have no objection to that.

The CHAIRMAN. If there is no objection, the two amendments will be considered together as one. Is there objection?

There was no objection.

Mr. CONNALLY. Then I offer my substitute now.

Mr. KAHN. Mr. Chairman, I desire to be heard in opposition to the amendment of the gentleman from New York. A statement was made by the gentleman from Indiana [Mr. WOOD] that this bill was written by the General Staff. I think it due to the Committee on Military Affairs that a statement should be made at this time as to how this bill was framed. The committee from time to time, after long hearings and considerable discussion, agreed upon certain policies to be formulated in the law. The committee recognized that it would require an Army officer of considerable skill to draft legislation to put the policy of the committee into proper language. The committee had the assistance of an officer of the War Department in doing that very thing.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a moment?

Mr. KAHN. Yes.

Mr. CALDWELL. I just want to say that the officer who helped us draft this bill consulted me this morning on this change of phraseology, and the words of the gentleman from Illinois [Mr. MANN] meet his approval.

Mr. KAHN. Time after time when the officer returned with a provision embodying the policy expressed in language that he thought would meet the views of the committee the committee changed the language very materially, and very frequently had the entire thing rewritten so as to meet the exact views of the committee. The Committee on Military Affairs is responsible for the policy which the bill tries to carry into effect.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. Does the gentleman think it is safe practice to have anybody write a bill who is opposed to the policy that they want embodied in the bill?

Mr. KAHN. I do not know that any officer consulted by the committee was opposed to the policy that the committee felt ought to be embodied in the bill. The committee repeatedly, after the language was handed to the committee, changed the text, so as to make the meaning of the committee more clear.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WOOD of Indiana. Does the gentleman not know that the General Staff is opposed to the policy of this bill?

Mr. KAHN. I do not know, because I have not been in consultation with the Chief of Staff for months, nor with any officer in high command in the General Staff for months. I know that I am trying, as one member of the committee, to give the country a military law which will be better than any military law we have heretofore had.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ANTHONY. I think the gentleman from Indiana ought to have the information, and the House ought to have the information, that the Committee on Military Affairs rejected in its entirety the bill prepared by the General Staff.

Mr. WOOD of Indiana. But, after that, the committee asked the gentleman, who is a member of the General Staff, to write the ideas of the committee into the bill.

Mr. ANTHONY. After that, let me say to the gentleman, the subcommittee of the Committee on Military Affairs considered for weeks what its policy would be, and then called in this representative of the General Staff and dictated to him the policies which should be embodied in this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CONNALLY. Mr. Chairman, I now offer the amendment which I have sent to the desk.

The CHAIRMAN. The Chair will state that he has examined the amendment of the gentleman from Texas, and in his opinion it is not a substitute. It will not be in order until after the votes are had on the other amendments, and then it would be in order.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last word.

Mr. MANN of Illinois. Mr. Chairman, a parliamentary inquiry.

Mr. CONNALLY. I would like to have my amendment read in my time.

The CHAIRMAN. Without objection, the Clerk will read it in the gentleman's time.

Mr. MANN of Illinois. Mr. Chairman, I understood the gentleman from New York offered an amendment to my amendment, and that is to be considered by the House as an amendment to my amendment.

The CHAIRMAN. The Chair so understands.

Mr. MANN of Illinois. Then no other amendment to strike out the last word is in order.

The CHAIRMAN. The motion of the gentleman from Illinois is to perfect the text, and is therefore a preferential amendment, to which has been added by unanimous consent an additional amendment offered by the gentleman from New York [Mr. DEMPSEY].

Mr. MANN of Illinois. And another amendment now is not in order?

The CHAIRMAN. It is not.

Mr. CONNALLY. Mr. Chairman, I will state to the gentleman from Illinois that if my amendment is adopted there will be no occasion, I think, to have the gentleman's amendment passed, and I think he will agree with me if he will listen to me. My amendment is to strike out all of this language to which the gentleman from Illinois is objecting.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN of Illinois. I am perfectly willing to hear the amendment read, but I want to bring the thing to a vote.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Texas.

There was no objection, and the Clerk read as follows:

Page 28, line 19, after the word "major," strike out all the balance of the lines down to and including the word "section" in line 23.

Mr. MANN of Illinois. That is another thing entirely. I ask for a vote on the other amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MANN] as modified by the amendment offered by the gentleman from New York [Mr. DEMPSEY].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs upon the motion of the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to withdraw that motion.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas now offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 28, line 19, after the word "major," strike out all the balance of the lines down to and including the word "section" in line 23.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the amendment just adopted offered by the gentleman from Illinois will not cure cases of officers who were immediately discharged after the armistice or were not promoted subsequent to that time. It will help the officers who remained in the service and were promoted after November 11, and according to my understanding an officer who was discharged promptly after the armistice and was not promoted after November 11 will not be affected.

Mr. DEMPSEY. Will the gentleman yield for just one suggestion?

Mr. CONNALLY. Yes.

Mr. DEMPSEY. It does cover the cases of all men who were recommended for promotion previous to the date named?

Mr. CONNALLY. Whether afterwards promoted or not?

Mr. DEMPSEY. Yes.

Mr. CONNALLY. Well, I will say to the gentleman from New York and others that in the language of this particular section of the bill you do not do away with the restrictions which the War Department may impose in promoting these officers. Before they can be commissioned they must still pass the examinations and the regulations laid down by the board officers provided for in this case.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. MANN of Illinois. Under the language of the bill no officer can be promoted above the grade of captain unless he is recommended by the board of general officers. Under the gentleman's amendment, it might be, I will not say would be, a purely political matter in the hands of the Secretary of War.

Mr. CONNALLY. No; I call the gentleman's attention to page 29 where selections shall be made by a board consisting of the General of the Army and three bureau chiefs and three general officers of the line, to be appointed by the Secretary of War.

Mr. MANN of Illinois. That is promotion, but this is original appointment. The gentleman strikes out the only safety to the officer in reference to their being a political appointment.

Mr. CONNALLY. No; it says selection. If the gentleman from Illinois will read the language in his usual careful and analytic way, he will discover——

Mr. MANN of Illinois. I have not examined it very carefully, but I did not suppose it was in twice.

Mr. CONNALLY. On page 29 it says:

The selection of officers to be appointed under provisions of this section, under such rules and regulations as may be approved by the Secretary of War, shall be made by a board consisting of—

and so forth.

My objection to the language which I have moved to strike out is that these officers, in order to be appointed, must still pass the scrutiny of the board of general officers, and you need not worry that that board of general officers, composed of officers already in the Army, are apt to promote a man to any higher rank than his merits entitle him. But in the language we are now discussing Congress is saying to the board that, no matter how worthy a man may be, no matter how distinguished he may be, no matter what recommendations he may have, you are saying to that board, "You shall not appoint him, regardless of his qualifications." Unless what? Unless he served in a higher grade than captain prior to a certain date. Not only that, but neither can you appoint him to the grade of captain unless he was specifically recommended. What does that mean? It means that half the vacancies provided by this bill are to be filled by men to be brought in from the outside. What else does it do?

This provision means that while half the appointments under this bill shall be made from the outside it provides that the half that is already on the inside shall get all the ranks of lieutenant colonel and of major and of colonel, except those very few, those very few men who may be specifically selected under the terms of this particular provision.

Mr. CRAGO. Will the gentleman yield?

Mr. CONNALLY. You can not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. Mr. Chairman, I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAGO. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. CRAGO. I call the gentleman's attention to the fact the language of the bill is really a limitation on this board giving these officers from the outside any higher rank.

Mr. CONNALLY. Correct. The gentleman from Pennsylvania is exactly right about it. The language of the bill which I am discussing is a limitation. It says to this board, "You can not consider these men, no matter how meritorious they may be." It simply means these officers who are now on the lineal line of the Regular Army shall receive the benefit and be promoted to the rank of colonel, lieutenant colonel, and major. The new men you appoint from the outside, these new men, must go to the foot of the list, and this board is absolutely prevented from appointing those men at all. That is another evidence of the flexibility of this bill.

Mr. McKENZIE. Will the gentleman yield?

Mr. CONNALLY. In just a moment. I want to say in reference to the Committee on Military Affairs that I do not attach any blame to that committee with reference to the charge that is generally talked about of the General Staff writing this bill. It is customary for departments to prepare a draft of a bill and then submit it to a committee. I believe the committee has worked faithfully on this bill, and in some particulars has done well; but I think the committee, in view of the larger aspects of the measure to which its attention has been directed, has been led into committing errors which it has overlooked or permitted to creep in unnoticed.

Mr. McKENZIE. I just want to ask my distinguished friend from Texas if he does not think that it would be very unwise to give any board or any person power to appoint an officer to the grade of major or lieutenant colonel or colonel who had not spent a number of years in the service-laying the foundation that would enable him to carry out the duties and responsibilities that devolve upon an officer of that grade?

Mr. CONNALLY. I will say in reply to the gentleman from Illinois that if he believes that why did he write into this bill, on page 28, the following language:

A suitable number of such officers who served between April 6, 1917, and November 11, 1918, shall be appointed in each of the grades below that of brigadier general.

He says no board should have the power to make an appointment unless a man has been in service for a great number of years, and yet the very bill the gentleman is talking about says they shall appoint majors, lieutenant colonels, and colonels from the outside. They will appoint the few that have been selected and are now on the list of the War Department awaiting appointment.

Mr. McKENZIE. The gentleman knows those officers will be appointed in the staff corps.

Mr. CONNALLY. If a man can learn these intricate staff duties in a short time, why could not a man who has been overseas and who has been in the National Guard for 15 years, as the gentleman from Pennsylvania [Mr. CRAGO] will testify, possess qualifications relative to line duties?

Mr. ANTHONY. The only limitation on the appointment of these officers, as I see in the bill, is in regard to their age.

Mr. CONNALLY. Line 19 says that—

No such person shall be appointed to a grade higher than that held by him on November 11, 1918.

Mr. ANTHONY. I had special reference to the age restriction. The purpose of that is to prevent these appointments from overriding officers of longer service.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended three minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Texas be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. And we require the specific recommendation of this board of officers for appointments higher than that of the grade of captain. That is to safeguard these appointments.

Mr. CONNALLY. Absolutely.

Mr. ANTHONY. If the gentleman will note, the board is to consist of three officers of the staff and three general officers of the line, and we thought that that was a board there that would be absolutely unimpeachable.

Mr. CONNALLY. He regards the board as absolutely unimpeachable. Is not the gentleman willing, then, to allow this board to make selections without surrounding it with these restrictions in making the selections?

Mr. ANTHONY. We thought it safe.

Mr. CONNALLY. The gentleman in one breath says he is willing to trust this unimpeachable board to select officers from civil life, and in the next breath proposes to hedge it about, so that the men on the outside have to pass Scylla on one side in respect to their commissions on the 11th of November, and if they get past Scylla they will have to pass Charybdis over on the other side. They provide that they can not be promoted to higher rank than captain unless they had been specifically recommended by some fellow already in the department. I want to tell you that they have already got the list of these higher-ups selected.

Mr. ANTHONY. Our idea in making that provision was, so that this board that we think unimpeachable could reach down and take a man that was selected and appoint him higher.

Mr. CONNALLY. To what?

Mr. ANTHONY. To a higher grade.

Mr. CONNALLY. Why did you restrict it so that he could not be promoted over the rank that he held on November 11, 1918?

Mr. ANTHONY. He can be appointed to a higher grade than captain if he held it?

Mr. CONNALLY. If he held it. He may have been discharged a short time after November 11 and gone back to his occupation in civil life, and under the terms of this bill as written by the gentleman from Kansas, you could not promote him above the grade he held on the 11th of November, but some little fellow down here in the Ordnance Corps or the Quartermaster Corps, that did not get out of a storehouse during the war, until after November 11, and was promoted thereafter, they could reach in and get him and put him where they want to put him, but could not appoint the former higher than captain unless he was specifically recommended by some specific fellow in some specific bureau in the War Department. If this board is so unimpeachable, if it is of a high character and possesses great knowledge, I am willing to let that board make these original appointments regardless of the fact of whether the officers held a certain rank back there on June 30, 1919, or not. What is the effect of this bill? It is to take care of those men already in the service.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ANTHONY. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 26.

So the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FRENCH: Page 28, line 15, after the word "section," strike out the balance of the line and everything down to and including the semicolon in line 19.

Mr. FRENCH. Mr. Chairman, I have absolute respect for the committee in the shaping of this bill, but here is a provision which seems to me is very unhappily placed. The only way, I suppose, or the best way, that we can consider phrases of this kind is to see how they are going to work out when they shall be applied. Under the language of the bill no person below the age of 48 may be appointed to the grade of colonel, below the age of 45 to the grade of lieutenant colonel, or below the age of 36 to the grade of major. In the first part of this section the War Department is given, apparently, generous authority in the matter of making appointments from outside of the War Department. But we then have inserted in the section certain provisions which go far to nullify the very generous provisions of the earlier part of the section, and here is one of those provisions. Let me cite you to the case, for instance, of a lieutenant colonel who may now be serving in the Judge Advocate General's office. This man was a member, say, of the National Guard of his State. He went overseas. He is under the age limit prescribed in this section, in the language I moved to strike out. He served with his command at the front. He was overseas for the entire period of the war. He retired and was appointed to a commission, say, that of a lieutenant colonel, but by reason of the fact that he is below the age specified in the language I move to strike out he will be legislated out of his commission with the passage of this bill.

Let me call your attention to another case. Here is a major who, let us say, served overseas during the entire war who attained a captaincy who, when the armistice was signed, returned home and was commissioned in the rank of major in the Judge Advocate General's office. Because this officer is not yet 36 years of age, although he is now in the Judge Advocate General's office and has been there for a year and a half and is a brilliant lawyer and has had wide experience in private practice, as an officer at the front and in the department where he is now serving, yet because he has not attained the age of 36 he shall not be eligible to be chosen for further service under the rank he has earned.

Mr. CRAGO. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. CRAGO. I said before I would not want to discriminate against any of the officers whom the gentleman mentioned awhile ago and whom he is mentioning now; but does not the gentleman realize that this has been worked out on the basis of the length of time it takes an officer in the Regular Army to reach these grades? And does not the gentleman realize that it is evidently unfair to take a man from the outside at the age of 40 and put him in a higher grade than that which the man in the Regular Establishment could possibly have attained at the age of 40? In other words, in the Judge Advocate General's office there may be Regular officers who are, by reason of their length of service, only captains, and yet the provision would mean that men from the outside could come in of the same age and outrank them. This thing has been worked out on that basis.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FRENCH. In reply to the statement of the gentleman from Pennsylvania [Mr. CRAGO], I would say that I recognize that in the shaping of a bill like this you must take just such things as he has suggested into consideration. But that is not the only element to be considered. There are other elements that must be taken into consideration. Here is a bill under which you would have it in your power to take a man who has passed the age of 36, who has never seen one day of service in the Judge Advocate General's office, who has never been a successful practitioner at the bar, but because he can qualify as of the age of 36 he may be placed in the very position held by this man who for a year and a half has been a successful officer in the Judge Advocate General's Department.

Which, then, is more consistent to adhere to, the eye-for-an-eye and the tooth-for-a-tooth policy of grading everybody on the basis of age or to qualify that policy by adopting what seems to me to be a more practical policy and say that a man shall be measured by his worth instead of by his age and that he shall serve on or be demoted upon the basis of fitness and ability?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GREENE of Vermont. The gentleman has stated a hypothesis. He infers because the age limit is given there, that that will be the reason why this other man will be appointed.

Mr. FRENCH. No; I do not give it as the reason. But notwithstanding the fact that he may not have had a day's experience in the judge advocate's office or a year's experience as an attorney, he would still be qualified.

Mr. GREENE of Vermont. He could not qualify unless he passed a board that found that his professional fitness was equal to his age. The age is only a mark on the thermometer to register one part of it.

Mr. FRENCH. In part it is; yet the man who has had the experience that I have described would be a far abler man to discharge the duties that the gentleman suggests.

Mr. GREENE of Vermont. I know; but this is the situation: We are trying to get away for the first time from all these irregularities that have hitherto made the law a great chapter of exceptions, but which was still called a law. Now, we are going to start out anew and grade these people so that hereafter we shall have a continuous and a consistent and a sequential list instead of its being all daubed up with exceptions. The gentleman is adding an exception here at the very time when we are trying to get rid of exceptions.

Mr. FRENCH. It seems to me, on the contrary, I am trying to eliminate an exception. You have put in here an age limit that would disbar men in the service who, when the war broke out, went overseas and then, having returned home, attained responsibility in the Judge Advocate General's office of major or lieutenant colonel or colonel, but by virtue of the fact that they may not be of the particular age to qualify as major or lieutenant colonel or colonel must be demoted.

Let me make another parallel. The age question has been suggested as one parallel. Let me make another. Suppose one of these hypothetical officers that the gentleman from Vermont suggests could have entered the Judge Advocate General's office early in the war and had not gone overseas at all. Then his age would not be a bar.

Mr. GREENE of Vermont. No. The question of going overseas has no relation to this. The question is whether or not, if he is in the temporary force when for his advantage in life he thinks he wants to go into the permanent force, you would place him on an equality with the men who went into the Army when young and not as a matter of second thought?

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. ANTHONY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. ANTHONY. Mr. Chairman, the amendment offered by the gentleman from Idaho [Mr. FRENCH] is a very dangerous one, and it would be very harmful to the Army if adopted. The age limit prescribed in the act is founded on the average number of years that it takes an officer to reach that rank. It would be obviously unfair to take men from outside of the Army and transfer them into the Army at ranks vastly higher than those of men of much longer service in the Regular Establishment.

The gentleman from Idaho must know that after the Civil War, when the Army was reduced from 1,000,000 men to 25,000, there were officers who had held the grades of general and colonel, who took commissions as low as first lieutenants in the Regular Establishment.

After the Spanish War, when we again reduced the size of our Army, officers who held commissions as captains and majors accepted commissions as lieutenants. And now when we are reducing the Army from 5,000,000 to 300,000, it would be obviously impossible to take care of all of the temporary officers and take them into the regular service at the rank they held in the Army of 5,000,000 men. There must be some effort made to harmonize the rank of those men with the rank of men of long years of service in the Regular Establishment.

I trust that the amendment will not be adopted.

Mr. FRENCH. Will the gentleman yield for a question?

Mr. ANTHONY. I yield to the gentleman from Idaho.

Mr. FRENCH. Would not the general board harmonize this age question as to all new officers going in?

Mr. ANTHONY. The very purpose of the act is to harmonize age with rank in the provision for this single list.

Mr. FRENCH. You could leave that to the discretion of the board.

Mr. ANTHONY. If we did that, we would have to arbitrarily reduce the rank of your man after we appointed him.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I understand the purpose of the language in the bill is to fix a limitation on the age, in order that men appointed from civil life shall not be appointed to ranks higher than those of men who have served for many years in the Army. I think that propositon is fair, except for this: During an emergency that might arise we should find ourselves in a situation where perhaps the best man in the Army could not be appointed to a high rank. If this statute had been the law during the Revolutionary War, the father of our country, Gen. Washington, could never have been appointed general of the Army, because he was appointed at the age of 43. Under a law like this Wellington could not have been appointed a colonel at 27; and while the purpose of this language is meritorious, in that it intends to prevent the friction that has heretofore arisen and injured the morale of the Army, I think it ought to be amended to apply to peace times.

If an emergency should arise, the War Department would be confronted with legislation which Congress has put upon the statute books, which legislation the War Department could not change, and under its restrictions we could not call even the very best man to the command of our troops.

Mr. CRAGO. I should like to call the attention of the gentleman to the fact that this restriction applies only to filling the vacancies created by this particular act, and in the case of any emergency, of course, it would be entirely proper to go outside, and this would not apply.

Mr. McKEOWN. I am glad to have the gentleman explain that situation, because if this legislation were of general application, then some of the men who made the most illustrious commanders in years gone by would have been barred from holding high positions, and we all know that some of the greatest and brightest geniuses in military affairs have been young men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the pro forma amendment. I want to ask a question of the committee. Under the qualifications that have been placed here, a colonel must be 48 years of age, a lieutenant colonel 45, and a major 36. Now, during the late war there were a large number of National Guard regiments that reached the front and fought overseas. Among their officers were men who performed notable service in that conflict, who were cited for their distinguished conduct in action, and who showed marked proficiency in the handling of troops. I know of a particular instance. I do not know that the gentleman whom I have in mind has any desire to enter the regular service. I assume that he has not, but he commanded a Minnesota regiment in the Rainbow Division. This colonel had the respect and confidence of every general officer under whom he served. Yet with his experience overseas, his actual handling of troops under fire, in command of an artillery regiment, with his years of experience and service in the National Guard, something like 20 years, during which time he rose from private to colonel in the National Guard, he would still be ineligible to hold a colonelcy unless he had attained the age of 48 years.

I have in mind other guard and reserve officers who served as majors with distinction who would likewise be ineligible for appointment to the grades they filled.

I can not favor the age restrictions.

Mr. ANTHONY. He could not hold a colonelcy in the Regular Army. But the gentleman understands that all the officers of the Regular Army who held advanced rank in the National Army—and nearly all of them did—have been or will be arbitrarily reduced to their proper grade in the Regular Army, and the gentleman would not think it fair for the officer whom the gentleman has in mind to be given an advantage over these officers of the Regular Establishment who are arbitrarily reduced in the manner I have indicated. He ought to be subjected to the same limitations which they are.

Mr. CRAGO. He ought to be able to do that.

Mr. ANTHONY. I think they all recognize that fact and will be glad to accept it.

Mr. NEWTON of Minnesota. But there are men in the regular service who have at least the rank of colonel who have not attained the age of 48 years.

Mr. ANTHONY. Very few.

Mr. CRAGO. Temporary rank.

Mr. NEWTON of Minnesota. I only know of one particular instance, but I have heard that there are others.

Mr. ANTHONY. I think the gentleman will find that these ages are about the average ages corresponding to the attainment of these various ranks.

Mr. NEWTON of Minnesota. But it does not seem to me that there should be restrictions which would prevent this general board, in whom we ought to have a great deal of confidence, from promoting younger men, and it would be my idea that this could be bettered by reducing the ages four or five years.

Mr. ANTHONY. I will say to the gentleman that if we should do that it would go very far to destroy the morale of the officers of the Army, who would feel that their years of service had availed them nothing, if men were superimposed over them arbitrarily by law in this manner.

Mr. NEWTON of Minnesota. Well, but they would not be superimposed. They would merely become eligible, and then it would be up to the board as to whether or not they would be appointed to those positions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 28, line 10, after the figures "1918," add the following: "except that a person who was in active service as an officer of the Army of the United States for a period of not less than two years between April 6, 1917, and the date of the passage of this act shall be eligible for appointment under this section, notwithstanding he is above the age of 54 years."

Mr. KITCHIN. Mr. Chairman, I hope there will be no objection to this amendment. I have consulted several members—on both sides—of the Committee on Military Affairs, and there seems to be no opposition. This only provides that where a person actually served in the Army of the United States for two years between the dates mentioned he shall be eligible for appointment although above 54 years of age. It does seem to me that if a man has served two years when he made this sacrifice for his country he ought not to be debarred from eligibility because now he is over 54.

Take Dr. Mayo, the famous surgeon, who in volunteering his services sacrificed thousands of dollars a year during the war. He served over two years. He would be ineligible under the language of the bill. There are many men who served like him during the war. Evidently men of that kind ought to be eligible for appointment. Under my amendment the board would consider the qualifications of applicants, and if he was not qualified would turn him down. I hope no gentleman will object to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 29, line 16, after the word "him," insert the following: "*Provided further*, That the President may, in his discretion, with the approval of such board, select civilians and commission them to fill any vacancies in the Quartermaster Corps, regardless of whether such civilians have had military experience."

Mr. JONES of Texas. Mr. Chairman, I realize the necessity in the ordinary branches of the Army to have men of military experience for officers, but in the Quartermaster Corps the situation is entirely different. It is primarily a business man's department. We proved by our experience in the war just finished that men could be found in the business world who were better equipped for conducting the business affairs, even of the Army, than those who have been in the Army from the beginning and have not had a business experience. According to the testimony of Army officers themselves these business men were invaluable in this, the business department of the Army.

The principal effect of the Army from a business view is not to produce but to consume. The average Army officer who is in the Quartermaster Corps has unlimited access to the till of the Treasury, which he can tap at any time. He has not had business experience. I do not say it in criticism of the Army officers who, by virtue of the fact that they have not been educated in the competition of the business world, but perhaps entered the service early in life, do not know as much about business dealings as men who are civilians.

I simply provide in my amendment that the vacancies may be filled in this manner by the approval of the board. Such a system would leave enough of the trained Army officers in the Quartermaster Corps to have the necessary functions performed by those who must be familiar with the work of the Army, and yet link with them some good business men selected from the business world, who could perform the business functions of the Army.

Mr. CRAGO. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. CRAGO. Does not the gentleman know that is already a provision of existing law?

Mr. JONES of Texas. Under the terms of this bill a man can go in in the low rank as a second lieutenant, but in order to get a civilian into the Army he must be one who served between April 6, 1917, and November 11, 1918. Why should the selection be so limited? Why should not the Government be left free to choose the best available men?

Mr. CRAGO. There is a provision in the national-defense act which provides for the appointment of civilians, and that is not repealed by this act.

Mr. JONES of Texas. That is true, but we are now enacting a new law, and most assuredly we should embody provisions that will reflect experience which we have gained while operating under the national-defense act.

Mr. CRAGO. That is not necessary.

Mr. JONES of Texas. Could you appoint a colonel, a major, or a general in the Quartermaster Corps who did not serve between April 6, 1917, and November 11, 1918?

Mr. CRAGO. We did it repeatedly during the war.

Mr. JONES of Texas. Yes; during the war, but under the terms of this bill, and by virtue of its provisions, every man is placed on the list. It would be impossible to appoint a man to a high place. In fact, you could not appoint a man to higher rank than second lieutenant, and he would not be entitled to promotion for years. Under such circumstances you could not secure a business man of any consequence. Military training is not necessary to the conduct of business. When you go to buy groceries you do not march up and salute the grocer. You do not order "squads east" or "squads west" when you march into the supply houses of this country. This is a business man's department, and it ought to be headed by a business man.

Mr. McKENZIE. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. McKENZIE. The gentleman's amendment is safeguarded by the provision that the appointee must be recommended by the board.

Mr. JONES of Texas. Yes; he must have the approval of the board. I think it is safeguarded in every possible way, but it would take out of politics the situation, because the board must approve the man, and you could get a man appointed in that way.

I think this amendment is all important. The Army is an expensive piece of machinery—necessarily so. But we should eliminate all the waste possible in order to economize in the affairs of government. This amendment makes it possible for the President to draw into the Quartermaster Corps at any rank men of commercial experience; men who know how to make the debit and credit sides of the ledger tally; men who are accustomed to figuring the cost of an article before arranging for its purchase; men who know the game of business and how to make a success of it—men, therefore, who will safeguard the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 28, line 16, after the word "of," strike out "forty-eight" and insert "forty-two"; and after the word "of," in line 17, strike out "forty-five" and insert "thirty-eight"; and after the word "of," in line 18, strike out "thirty-six" and insert "thirty."

Mr. NEWTON of Minnesota. Mr. Chairman, under the terms of this bill the appointment of any of these 7,000 officers—one-half of which shall come from outside of the Regular Establishment—is vested in the board that is mentioned in the section. The bill, as has been stated here, places certain restrictions upon the appointing power of this board. By reason of these restrictions certain National Guard officers who showed the most efficient service in the field, who had the respect of their general officers in every way, could not be appointed to any of the positions that they held overseas unless they happened to be over the ages mentioned. I recognize that there is need for some sort of uniformity of age, but it would seem to me that if we are going to recognize at all those who went into the National Guard as young men years ago and rose up to positions of authority and made good overseas we ought not to place the age limit so high that regardless of ability they could not be appointed to those positions if the board thought that in other ways they were in all respects qualified.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. GREENE of Vermont. Will the gentleman also agree, carrying out the philosophy of his suggestion, that the young men and the older men in the Regular Army to-day who find themselves within the ages that he prescribes for the temporaries to come in shall be advanced in their grades right over the heads of everybody else, so that they will have a rank on equality with those new men he wants to bring in?

Mr. NEWTON of Minnesota. I do not believe that is at all analogous.

Mr. GREENE of Vermont. Oh, yes. These men have been putting in anywhere from 8 to 10 to 15 to 20 to 30 or 40 years of experience, and they have not got the grades indicated there for a less number of years, and the gentleman wants to bring in the new men with 2 years or 18 months' experience and put them over these men. If you are going to do that, why not put these men up to the grade of the temporaries?

Mr. NEWTON of Minnesota. But I do not want to take the men of one or two years' experience and place them over the heads of these other men of 15 or 20 years' experience.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. What I want to do is to make possible the use of the exceptional material that has been developed in the guard by 15 to 25 years of experience. If this amendment is adopted, then this board will be able to recognize this service; otherwise, not.

Mr. GREENE of Vermont. Agreed. I respect that service highly. I think those men are deserving of coming into the Regular Army, but if you give them the advantage of that service in these years, then give the Regular who has had the same years of service equal advantage with them; but that you do not do.

Mr. NEWTON of Minnesota. He has not had that rank.

Mr. GREENE of Vermont. Why? Because it takes longer on the lineal list of the Regular Army to get a grade and rank, because it takes years and years and years by seniority; but you would put your hand on the temporary officer and promote him arbitrarily.

Mr. NEWTON of Minnesota. There are men in the regular service with the permanent rank of colonel who have not reached the ages mentioned in the bill.

Mr. GREENE of Vermont. How many?

Mr. NEWTON of Minnesota. I do not know, but there are some; and if there are some in the regular service you ought not to object to this board, in which you have confidence, taking exceptionally qualified men from out of the National Guard and placing them in the regular service.

Mr. GREENE of Vermont. The gentleman ought to specify more particularly his evidence. I would like to know the instances.

Mr. NEWTON of Minnesota. Of those holding the rank?

Mr. GREENE of Vermont. Yes.

Mr. NEWTON of Minnesota. There are some, but not many.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. BLACK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 28, line 7, after the word "person," insert "below the age of 54 years"; and on line 8 strike out down to and including the word "years."

Mr. BLACK. Mr. Chairman, I presume the chairman of the committee will agree to this amendment. I think the language will come better after the word "persons" than after the words "Regular Army," because the way the language reads it is somewhat difficult to say whether the language "below the age of 54 years" refers to officers in the Regular Army or to persons. If the amendment is agreed to, it would read—

all persons below the age of 54 years, other than officers of the Regular Army.

Mr. CALDWELL. I think that is correct.

Mr. KAHN. The gentleman wishes to transpose the language?

Mr. BLACK. Yes.

Mr. KAHN. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. PELL. Mr. Chairman, I now offer the amendment which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 29, line 16, after the word "experience," in the amendment offered by Mr. JONES of Texas, strike out the period, insert a comma, and add "and in the same manner he may appoint officers to the Construction and Engineer Corps."

Mr. McKENZIE and Mr. CALDWELL. May we have the amendment again reported?

The amendment was again reported.

Mr. PELL. Mr. Chairman, I will not waste the time of the committee in discussing this to any extent. It merely adds the construction corps and the Engineer Corps to the Jones amendment. I offer this amendment because the training of the ordinary Army officer is not particularly directed toward the activities of those two corps, and it seems to me that a very good class of men can be gotten from the outside. All the argument which Mr. JONES gave for his amendment will apply in this case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, lines 9, 10, and 11, strike out the words "without changing the present order of officers on the lineal list of their own branches, but otherwise as nearly as practicable."

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee——

Mr. SEARS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SEARS. Mr. Chairman, this is perhaps the most important amendment we will have, and there is a good deal of difference of opinion in reference to it. There are only about 43 Members present. I think that we ought to have more Members, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-five gentlemen are present, not a quorum.

Mr. KAHN. Mr. Chairman, I ask for tellers.

Mr. CALDWELL. Mr. Chairman, I make the point of order that that is not in order.

The CHAIRMAN. The gentleman is not entitled to ask for tellers. Does the gentleman move that the committee do now rise?

Mr. KAHN. I move that the committee do now rise.

The question was taken; and the Chair announced the noes appeared to have it.

Mr. KAHN. Mr. Chairman, on that I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. KAHN and Mr. SEARS) reported that there were—ayes 5, noes 100.

So the committee refused to rise.

The CHAIRMAN. A quorum is present.

Mr. BANKHEAD. Mr. Chairman, this is a matter of considerable interest, and it will be impossible intelligently to present my views on the matter in five minutes, and I ask the courtesy of the committee that I may be given permission to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to speak for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. Mr. Chairman, possibly some Members of the committee were absent from the Chamber when the amendment which I offered was read, and in order that the membership of the committee may have an intelligent idea of the amendment which has been proposed, if you will kindly refer to page 31 of the pending bill, in lines 9, 10, and 11, my amendment proposes to strike out the language, "Without changing the present order of officers on the lineal list of their own branches, but otherwise as nearly as practicable." So that if my amendment is adopted the language will read as follows, that in making up this list it "shall be arranged according to length of commissioned service," and so forth.

Now, gentlemen, this question of rank, as I undertook to point out in my few remarks in general debate on this bill, ever since the Civil War, and possibly before that time, has been one of acute controversy in the Army of the United States. For a number of years promotions were made by regiments. Afterwards, seeking to correct the injustices which were brought about by that system which discriminated against officers of equal capacity upon the lineal list, the policy was adopted of making promotions according to the branch of the service, Cavalry, Infantry, and so forth, and that system has given a great deal of dissatisfaction, and it resulted in great inequality, as is now very candidly admitted by the Committee on Military Affairs after a very exhaustive and, I have no doubt, full consideration of this vexed question of promotion. While they are attempting to frame a permanent law for the reorganization of the Army, including a permanent system of promotion, the committee has deliberately come to the conclusion that the only just, equitable, and sound method of arranging this matter is to base promotions upon the principle of the length of active commissioned service. Now, the language of the bill provides, if you will refer to section 24 (a), where it says:

For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army.

Now the committee announces that as a principle and a basic principle upon which promotions hereafter in the Army shall be based; and I agree absolutely with the conclusion and with that principle and policy, because with any other system you are bound to incur favoritism, prejudice, and the personal equation in reference to making promotions, and all sorts of undesirable things. But my objection, gentlemen, to the language of the bill is that although it announces in favor of that principle as a just principle, in a subsequent provision of the section they undertake to set up a series of departures from that principle which absolutely nullifies and emasculates the principle itself, as I will endeavor to show you. Now, if they had been content to follow that principle as announced there could not have been any objection, but when we get over to the proposition of the details of arranging the list they say that officers filling the grade of colonel in the Dental Corps and all the other corps shall be appointed, not according to the total of their active commissioned service in the Army, but that they shall be arranged "without changing the present order of officers on the lineal list of their own branches, but otherwise as nearly as practicable." Now what is the result of that language, gentlemen?

It simply perpetuates this system of injustice and inequality of giving men promotion according to their present standing on the lineal list of their own branches, and disregards this basic element they refer to here as a correct principle, based on equity and merit of the Army as a whole. They disregard that principle, and leave the inequalities of the old system just as they are. Now, the purpose of my amendment in its practical application, if adopted, will only refer to one large class

of Army officers as a whole, and that is the volunteer officers of the Spanish-American War service. That seems like a good long time ago viewed from the standpoint of this great World War through which we have gone; it was simply a minor engagement. It did not test the military or economic strength of our Republic, but it did test in a large measure the patriotism of the young manhood of America at that time, and when volunteers were called for a number of our gallant young men from all over the United States volunteered as officers and engaged in that service. They endured the hardships of the Tropics, of the Philippines, of Cuba, the danger of yellow fever and other contagion and typhoid fever, in the hard service of the Volunteer Army. What I am seeking to correct here is that these Spanish-American volunteer officers, in making up this permanent promotion list, shall be given credit and nothing but credit for their active commissioned services with the volunteers of the United States Army. That is the basic proposition involved in my amendment.

Now, gentlemen, to show you how the committee have further departed from that principle, in addition to leaving all those officers on the lineal lists of their own branches as now arranged, to the detriment of the volunteer officers' class I have just referred to, they set out a number of other specific exceptions to the principle they are seeking to establish. I call your attention to the following classes of officers that they say shall be excepted from the operation of the principle upon which they themselves rely as a just and equitable principle.

Mr. NEWTON of Minnesota. If the gentleman will permit right there, does the gentleman know what the policy of the War Department was when this particular lineal list was made into law that we are now seeking to revise? Did they sort of redistribute the commissions?

Mr. BANKHEAD. They were supposed to be arranged according to the length of service and according to the branch of service under the then existing system. In 1901 an effort was made to correct this situation, but, unfortunately for the carrying out of the purposes of that law, there was a joker in it, under the construction of which by the War Department it deprived these Spanish-American War volunteer officers from receiving the actual benefit of their service, and that construction was based on this proposition: That act provided, seeking to correct this injustice at that time, that they should be placed upon these lineal lists upon the basis of their length of prior commissioned service, and the act went on to state further that no person appointed under the provisions of that section should be placed above another in the same grade with another commissioned service, and that nothing therein contained should change the comparative rank of officers heretofore commissioned in the Regular Army. And that provision of that bill, under the construction of the War Department, placed a number of men in as "blocks," to use that term, that prevented these men from receiving the benefits to which they were entitled; and that provision exists to this good hour.

Mr. KAHN. Will the gentleman please state from what law he was reading?

Mr. BANKHEAD. I was quoting from the law of February 2, 1901.

They set out that the following officers shall not be subject to this rule; in other words, they place them over in a favorite section. They say that the following list of men shall not be regulated by their present standing on the lineal list, but that they shall be omitted from it:

Officers who as a result of voluntary transfer occupy positions on the lineal list other than those they would have held if their original commissions had been in the Regular branch.

Men, who because of their own convenience or their own caprice, sought voluntary transfers, they say, shall constitute a favorite class.

Officers of other branches appointed in the Field Artillery or the Coast Artillery to fill vacancies created by the act approved January 25, 1907; officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts shall be exempted from the provisions of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. Here is another favored class which they create as an exception:

Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs.

And what is the answer, gentlemen of the committee, of the advocates and proponents of the bill as it is written with these exceptions? Their answer is absolutely not one of argument or of logic, but one of expediency, pure and simple, an ad hominem argument, if you please, to create as little dissatisfaction in the Army as possible. Their argument is that these men in this advanced rank, with numbers on the lineal list to which they are not entitled, would be dissatisfied if this order were changed. Of course, that would be perfectly natural.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. CLARK of Missouri. Does this bill prevent the President from taking a captain and making a brigadier general out of him?

Mr. BANKHEAD. Yes, sir.

Mr. CLARK of Missouri. Do you think it will hold water?

Mr. BANKHEAD. I hope so. I am seeking by this amendment to place every officer of the Army of the United States, when this list is to be made, upon the same basis, without favoritism or partiality and without the influence of any clique or class anywhere along the line. As I said, the answer is not to the logic of my position, not to the justice of it, but they say it has been so long recognized that we ought now, although 19 or 20 years have passed and although we have an opportunity here fairly and fully presented, to place these volunteer officers in their rank on their lineal standing on the list; we ought not to do it because it would dissatisfy these gentlemen who have for 20 years enjoyed the preference to which they are not entitled.

Gentlemen, I am appealing for the men who have been discriminated against; the men who, in the day of the Nation's peril, volunteered and went into this hard service; and I ask you to correct now, by this amendment, this injustice which has been done, so that they can be entitled, on this permanent promotion lineal list, to the position they ought to occupy, based upon the principle which the committee itself announces as the correct principle. It is as little, I think, as we can do in justice to them, and it will not demote a single officer in any grade on the personnel list of the Army; not one. According to the testimony of Col. Spaulding before the committee, that is very frankly admitted. The only effect of it will be, possibly, in some cases to reverse the lineal rank or number of an officer in that particular grade. Col. Spaulding made the argument that it only made a difference of a few months in the promotion. I do not agree with him in that. In some cases it will make a difference of several years in the promotion from one rank to another.

What I want to do in my amendment is to work absolute and impartial justice to all the officers of the Army of the United States. Col. Spaulding, in making a defense of these exceptions, which he admits vitiates the principle, says "these men who lost by it would naturally be displeased. Somebody would suffer. I frankly admit it." But here these officers of the Spanish-American War have been suffering for 20 years in the matter of pay, promotion, honor, rank, responsibilities, and everything that goes to make up the ambition of an officer of the Army of the United States, and here is a fair and reasonable opportunity to do justice to them, and I trust that this committee will adopt my amendment. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Vermont is recognized in opposition to the amendment.

Mr. GREENE of Vermont. Mr. Chairman, I dislike very much to oppose the amendment of my distinguished friend from Alabama [Mr. BANKHEAD], for reasons that appeal to all of us in our pleasant fraternal association here, but I am trying to stand for a principle, and I hope I may be persuaded not to yield to his enticing arguments while I do it.

The fact is that we have got to start somewhere with a basis, perhaps not absolutely perfect, but a basis that will work the greatest good to the greatest number. If anybody were to attempt to go back on the lineal list of the Army to cover the records of all living men and accurately and mathematically and microscopically adjust every bit of the differences of service between them or the question of merit and other things that would arrange them in an absolutely precise line of rank, the job never could be finished. We all know that. Now, we are trying to start in this thing on such a safe, general conclusion that, while it may seem occasionally not to do exact justice to every individual, yet we may be quite certain that it approximates the greatest good to the greatest number, and, once in operation, will, in obedience to that principle, only line men up at the end of this list so that hereafter the very things that the gentleman complains of are not likely, we hope, to happen again.

Therefore we must start with a compromise. Let us see on what we found the compromise, so far as the case the gentleman makes out is concerned. And let me say, by way of parentheses, that I have felt, too, an instinctive sympathy with him and for the officers to whom he alludes, because 22 years ago I, too, was a volunteer officer in the War with Spain. My own sense of comradeship and fraternity naturally goes out to those men. At the same time, now that the uniform is off, and when the pleasant recollections of 22 years ago are fading into the retrospect, I find myself in a new situation. No longer a soldier obeying orders, I am now a lawmaker, charged with the responsibility of doing my part in the care of the soldiers of to-day and the prospective soldiers of to-morrow, and I must yield to something besides sentiment when I decide my responsibility on that basis.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. BANKHEAD. If the gentleman still had on the uniform of one of those officers, how would the gentleman feel about the abstract justice of his proposition?

Mr. GREENE of Vermont. I am going to get to that now.

If these men have been consciously wronged I could see why, even at this late date, there might perhaps be a reason which even expediency could not waive why we should undertake to right the wrong. But in addition to what the gentleman from Alabama has told you, these also are the facts: When it was decided to take candidates from the volunteer officers of the Spanish-American War into the United States Regular Establishment they were notified upon what conditions they could enter the service. At that time the service was comparatively limited in number. At that time none of the subsequent arrangements and careful adjustments between the volunteer troops and the National Guard troops and the troops of the Regular Establishment had been written into the law. It was a more or less nebulous atmosphere, so far as the military organization was concerned. But at that time it was finally agreed that the class of entries into the Regular Establishment should be divided between the grades of second and first lieutenant, not on length of service but on age, and every man who went into the Army at that time knew exactly the conditions upon which he forsook his civil status and began to be a soldier in the Army. He knew it. He was informed of it, and it was upon his own motion and responsibility that he accepted that condition and entered upon a prospective career of perhaps 40 years.

Now, I think it would be held, in all respect to our good friend, that the United States Government does not insure men against mistakes of judgment they may have made 20 years ago. I do not believe we can afford to think that, however much our sentiment or our natural sympathies may operate, we can go back and correct errors of judgment made by men, however lofty their intention, or however noble their motive that inspired them to go into the service at all.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GREENE of Vermont. Mr. Chairman, I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREENE of Vermont. Now, then, it is true—and here is a peculiar thing about it—it is true, as the gentleman from Alabama [Mr. BANKHEAD] has suggested, that if this amendment of his has the effect of law eventually it will reverse men in their files in the Army.

I ask you to conceive of this as a practical proposition in an institution that has to be so completely organized and disciplined as an army. On June 30 of this year there lie down to sleep in one tent two men who for 20 years have held the relation to one another of commander and subordinate. When the morning sun awakens them on July 1 they change places. I wonder just what effect that would have.

If I may be permitted to make the suggestion, many of the men who are in this same class of volunteer officers of the War with Spain, who came into the Army under the conditions I have suggested and who are now subordinate to these men, but by the amendment of the gentleman from Albama would be made their superiors, have made it known in various ways, proper under the circumstances, that they are perfectly willing to let the record stand as it is, because they think it would do more to demoralize their relations in the Army than it would do good to make the change. These are men who would profit by the change. Of course, you should accept that testimony for what it is worth, because I tell you beforehand that it is the opinion of these men, but it is an admission against interest, and you lawyer minds will understand the value of that.

Mr. BEE. Will the gentleman yield?

Mr. GREENE of Vermont. I yield to the gentleman from Texas.

Mr. BEE. Does the gentleman know about how many officers would be affected?

Mr. GREENE of Vermont. I think the gentleman from Alabama [Mr. BANKHEAD] can tell the gentleman about that.

Mr. BANKHEAD. Three or four hundred, or probably more, would be affected in the promotions.

Mr. BEE. In the file number, not in the rank.

Mr. O'CONNOR. There would be three or four hundred reversed.

Mr. GREENE of Vermont. Yes. The gentleman has suggested that the omissions enumerated on pages 31 and 32, which are here lettered as (a), (b), (c), and (d) are exceptions to the principle we laid down of having seniority of service determine the relation in the lineal list hereafter. That is in a sense true, but it has this significance: These exceptions, so called, are not exceptions made by the choice of the men in their original entrance into the Army, but they are exceptions brought about by the operation of law, and if each one of these cases is tested, I think gentlemen will satisfy themselves that these exceptions enumerated here are events which took place to a large degree, in most instances events which took place after the man had come into the Army, and that changed his original status. That can not be put alongside the conditions upon which the man accepted his right to come into the Army in the first place, as an exception, and I think that ought to have a great deal of bearing upon this question. For instance, when these officers as the result of voluntary transfer got a lower grade, that was under the operation of law, because there was then no single list upon which record could be compared with record and exchanges made as is provided in this bill. It is inevitable that, it being physically impossible for two bodies to occupy the same place at the same time, any exchange made, even in the interest of the service and for the benefit of the service, would mean that one of the men would have to be subordinate to the other. This simply tries to give these men the equalized rank where they were when they entered the Army. If you will test these other so-called exceptions down all through, you will find that they respond more or less to the same principle. Take the matter of the Coast Artillery and the Field Artillery Corps. You will remember that after those officers entered the corps these services were separated. You will find, again, that the operation of law comes in to make necessary these exceptions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, the gentleman from Vermont [Mr. GREENE] challenged attention to certain admissions against interest made by some of these gentlemen, but he has done the same thing himself. He says he wants to be fair. Well, if he does, he is committed to the Bankhead amendment. This amendment simply provides that the law which you undertake to enact shall reach everybody. You are undertaking to make a law which says that the men shall hold rank in file according to their position in the Army, their lineal rank, and this exception is made. But if the rule is a good rule, it should be adhered to. If it is not a good rule, it should not be adopted. It is just as fair for one as it is for another. Now, it appears that a lot of gentlemen who served in the Spanish War and did some fighting for their country managed to get commissions after that war. It appears that as a result of the methods adopted by the department a lot of people who would not ordinarily precede them now precede them and have a higher place in the file, a higher rating than other men who have been commissioned longer than they. You are proposing to enact a law that hereafter everybody shall hold according to the time he was commissioned. Now, here are a bunch of fellows who say, "Here, begin with us. We want to be put in that position along with everybody else." The gentleman suggests that what he wants is some place to begin.

Mr. BEE. Will the gentleman from Kansas answer a question?

Mr. LITTLE. Wait until I finish my statement. When you are making your law which is hereafter to establish the rule, why not clean up this bunch of fighting men who got the worst of it? That is as good a place to begin as any. I notice that when they come to the Spanish War men the Staff can always interpret it to mean that it does not include them. You know the old story of the white man and the Indian, the turkey and the buzzard, who should get the turkey and who should get the buzzard. The white man said, "Why, you take the buzzard and I will take the turkey, or I will take the turkey and you take the buzzard." You say to these men, "Now, we are going to have

this thing in regular order as men are commissioned, but not in your case." It seems to me this is a good time to correct that mistake and that injustice, and let us apply the rule generally.

Mr. BEE. Let me ask the gentleman this question. I believe if I am capable in that respect I do not want to do injustice between the officers of the volunteer forces in the Spanish-American War and those who were in the Regular Army; but let me hear from the gentleman on this question: Ought it not to have been done at that time?

Mr. LITTLE. Yes.

Mr. BEE. And is there not this trouble, 20 years afterwards or more, that instead of doing justice in all things the result will be to do injustice to those who were in the service and who will be affected by it?

Mr. LITTLE. Oh, no; if you do not correct it now you never will, but the question is where to begin. Three hundred years ago on the border between England and Scotland they fought all the time for 300 years. They fought and they drove off cattle. The King of Scotland sent down word, "We are going to hold court in Dumfries and everybody must come before that court." John Little said, "That is fine; that is just the way to do it, but I have an affair I must first adjust with the Johnston clan; they killed my cousin and drove off my cows, and we will even up and then go to law in the future." And before they held court he got his cows, killed a Johnston, burned a house, and "harried a hirsel." "Now," he said, "let law and order reign; I am willing to go to court after this."

Of course, he was wrong, and possibly ought to have been hung, although they never did get to hang him. [Laughter.]

That is the instinct of human nature everywhere. It is right and proper before you begin a new deal that you should square up the old one. Here is a bunch of fighting men who got the worst of it, and now this is their last chance to have a place in here in which the law will place everybody else.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. McKENZIE. Mr. Chairman, I ask that the gentleman from Kansas have two minutes more; I want to ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Kansas be extended two minutes. Is there objection?

There was no objection.

Mr. McKENZIE. Now, will the gentleman yield?

Mr. LITTLE. I will.

Mr. McKENZIE. I think the gentleman from Kansas is laboring under a misapprehension of the facts.

Mr. LITTLE. I hope so, and I would be glad to be shown that I am wrong.

Mr. McKENZIE. This is not a case where the Regular Army officers are trying to outrank the men who came in after the Spanish-American War. It is a difference between the men who got the grade of first lieutenants and those who got the grade of second lieutenants, and some men who got in after the Spanish-American War. It is not any fight on the part of the Regular Army officers against a certain class of men.

Mr. LITTLE. What is the difference; the justice would be the same? All I have to say about this is that these fellows who in the Spanish-American War came and said these things, and I think they ought to know whether their fingers have been pinched better than the gentleman does.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GREENE of Vermont. If we establish a new principle in this bill, the promotion to general officer will be made from the grade of colonel alone. That is a new principle, and in order to be consistent we must have an exception written in the bill, according to the gentleman's argument, to take care of all the men who have heretofore got up to the grade of colonel, but did not get the grade of general officer. In other words, we must go back and correct all the mistakes.

Mr. LITTLE. The gentleman thinks because they are adopting a new principle that thereby they can safely do an injustice.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. BEE. Mr. Chairman, I rise in opposition to the amendment, but I want to ask the gentleman from Alabama for some information. It is very difficult for the average man in the House to determine where he ought to leave off on any of these men—these men affected by your amendment, I understand, came into the service during the Spanish-American War.

Mr. BANKHEAD. They were volunteer officers for that service and afterwards came into the United States Army.

Mr. BEE. As Regular officers.

Mr. BANKHEAD. Yes.

Mr. BEE. With what rank did they come into the Army as Regular officers?

Mr. BANKHEAD. Some as first lieutenants and some as second lieutenants.

Mr. BEE. Those who came in as first lieutenants came in from West Point in 1900 and 1901?

Mr. BANKHEAD. Exceptions were made to West Point graduates; they came in ahead.

Mr. BEE. Will the effect of this be to demote in the line the West Point graduates who came ahead?

Mr. BANKHEAD. Absolutely not; there will not be the demotion of any officer.

Mr. BEE. I do not mean in office, but I mean in relative length of service and rank. I mean with reference to those West Point graduates who by operation of law were placed ahead.

Mr. BANKHEAD. These men from West Point who came in after the passage of the act of February 2, 1901, will not be affected by the provision of this amendment.

Mr. BEE. Who will be affected?

Mr. BANKHEAD. Only the officers who came in from civil life since the Spanish-American War.

Mr. BEE. Let me ask the gentleman this question: Here is a man who went in as a volunteer in the Spanish-American War. Here is a man who after the war came in from civil life. Is it possible that preference was given to the man that came in from civil life over the volunteer in the Spanish-American War?

Mr. BANKHEAD. That is absolutely true, and that is what is intended to be corrected by my amendment.

Mr. BEE. The gentleman says that under his amendment the West Point graduate is not affected and the Regular Army officer is not affected.

But it becomes a question between the volunteer officer in the Spanish-American War and the officer who came into the Army after the war from civil life. It occurs to me that if that is the case, the man who volunteered in the Spanish-American War ought to have the preference over the officer, I care not who he is, for I know none of them, who came in from civil life afterwards, but I do not think that ought to be the rule under the law against the West Point graduate or the Regular Army officer.

Mr. GREENE of Vermont. But upon what evidence does the gentleman base his suggestion that the only people who will be dispossessed by this will be men from civil life?

Mr. BANKHEAD. I do not say they are the only ones. I said in a large number of cases people appointed from civil life do rank those who had former service.

Mr. LITTLE. Mr. Chairman, will the gentleman from Texas yield?

Mr. BEE. That ought to be stopped if that is the case.

Mr. GREENE of Vermont. It will be with this bill.

Mr. BANKHEAD. But it does not affect these particular individuals.

Mr. GREENE of Vermont. But in order to do that you would have to go over the records of 10,000 officers, to see whether any man at any time who was taken in as a civilian ever marched in a Memorial Day parade.

Mr. BANKHEAD. But you have to go back over that same list to make up the list provided for by this bill.

Mr. BEE. Is it admitted that it will not affect the graduate of West Point?

Mr. GREENE of Vermont. The gentleman says so. I do not know how you would make the comparison of one man with another on the list until the list is made up, and that is why we are trying to cling here to a principle and not individual instances.

Mr. BEE. Because, as I understand it, the West Point graduate bases his service in the Army from the time he entered the academy.

Mr. GREENE of Vermont. No; he does not. He does not get continuous service.

Mr. BEE. I mean for a retirement basis.

Mr. GREENE of Vermont. That has been cut off.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LITTLE. Mr. Chairman, I ask unanimous consent that his time be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. BEE. Yes.

Mr. LITTLE. Do I understand that the gentleman thinks it is all right to permit a West Pointer, who was never in a fight in his life, to outrank a man who holds an older commission in the Army, who has done some fighting?

Mr. BEE. Not at all; but I will say to the gentleman that the reason I made that statement is that I understand that it is existing law, and has been the law, and I see the danger to those men who have gone for 20 years under that belief in having that law expire.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 19, noes 64.

So the amendment was rejected.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 33, line 19, after the word "hereafter," add: *"Provided,* That the board may place upon such promotion list a limited number of such officers holding temporary commissions who have demonstrated their special fitness and qualifications for such commissions next below the Regular Army officers senior in age to such temporary officers.

Mr. McKENZIE. Mr. Chairman, I shall not take the time of the House to discuss this amendment. I simply wish to say that this provides that the board of Regular Army officers provided in this bill shall be permitted to recommend for a position on the lineal list for promotion a limited number of expert civilians in the various staff corps according to age rather than service. If they have an excellent man, for instance, in the Ordnance or in the Quartermaster Department, or in the Signal Corps, they can not give him grade, but they can place him next below the Regular Army officer senior to him in age. I believe it will not injure the Military Establishment, but will do it good, and will not affect to any great extent the men in the Regular Establishment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 31, line 16, strike out the word "other" and insert the word "lower."

Mr. CONNALLY. Mr. Chairman, in my opinion the committee has adopted a wise plan in establishing one single list of promotions. I believe the only practical way of putting that doctrine into effect is to start exactly where we are to-day; in other words, not to disturb any officer's position on the list of officers as it now stands, but henceforth make promotions from the single list. But I want to call the committee's attention to the fact that in making up the single list the committee has made a number of exceptions. On page 31 it will be noted in line 3 that the committee lays down the rule that in the branches named there the officers shall occupy the relative positions they now occupy with these exceptions.

Section (a), if I may have the attention of the committee, says:

Officers who, as the result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches.

My amendment is to strike out the word "other" and insert in lieu thereof the word "lower." Now, I want to state to the committee what I have in mind. I want to do that for the reason I am perfectly willing if a man has been transferred, say, from the Infantry to the Coast Artillery, who thereby went down in the scale and list in relative rank, to give him the benefit of being placed now on the list where he would have been had he remained in the Infantry. That is what I want to do, and that is fair; but if you use the word "other" you say to a man transferred to some branch, and who by extra work received promotion in that branch, if you use the word "other," you demote him because you put him back where he would have been if he had stayed in the original branch of which he was a member. You remember we had no Air Service a few years ago. There was practically no Air Service. Numbers of officers transferred from the Infantry and Artillery and went into the Air Service. In order to do that, gentlemen, they had to take on increased risks, and they had to run the danger of losing their lives, they had to study, they had to work while the fellow who was still in the Infantry was spending his time around the Army and Navy Club. This man was working and trying to improve himself.

Now, when the Air Service was enlarged, a man received a higher rank than he would have had if he had still remained in the Infantry, and according to the present provisions of this bill you are jerking him out of his place in the Air Service and putting him back where he would have been had he not worked, if he had not risked his life, and if he had not secured the promotion which he secured by reason of the risks and labor incurred. Another instance I call to the attention of the committee. I will take a man who is in the Infantry. He is ambitious. He is smart. He sees that by studying law, for instance, and by securing a transfer to the Judge Advocate General's office he may perhaps secure more rapid promotion than by staying in the Infantry, where he was originally commissioned. He studies at night while the other fellows are playing pinochle. He studies law while the other fellow is out playing cricket. He studies and prepares himself by taking a law course while the other fellows are attending balls and receptions, and he gets into the Judge Advocate General's Corps. He was originally commissioned in the Infantry, but by his study and work he improved himself and secures promotion. I believe that that man ought to occupy his present rank that he has obtained and not, by the provisions of this bill, be jerked out of that rank and put back where he would have been had he remained in the Infantry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY. I ask for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY. I want to call the attention of the committee to one very distinguished example with reference to the Judge Advocate General's Corps. He is not in the service now, so this does not affect him. Maj. Johnson was Gen. Crowder's first assistant in the Provost Marshal General's office, and he drew up all of these draft laws—was originally an officer in the Cavalry, I believe. I do not know whether it was Cavalry, Infantry, or Artillery; but, anyway, he was an officer, and he was ambitious; and he studied law and prepared himself, because he believed he would get a better chance for promotion.

He did so. He served under Gen. Crowder, and by virtue of the efficient service which he rendered he was finally promoted to successive grades until he became a brigadier general in the Eighth Division and was ordered overseas and was on his way overseas and on the sea when the armistice was signed. There are other instances of officers of that kind who, by their special fitness have received promotion, and unless you adopt my amendment striking out the word "other" and insert "lower" you will deprive them of the rank which they have earned.

Mr. McKENZIE. Will the gentleman yield?

Mr. CONNALLY. I will yield.

Mr. McKENZIE. I agree with the gentleman there is a good deal of force in what he says with reference to officers applying themselves and getting a transfer for promotion. Then the gentleman referred to a pinochle player. Of course, I do not know what that is, but suppose during the war that some officer had become engaged in playing pinochle with an officer of a lower grade in a different branch of the service and because he enjoyed the game he would have him transferred to another service, to a higher grade. How about that?

Mr. CONNALLY. I do not think that occurred during the war. They did not play pinochle during the war. I want to give due credit to the Army. It is a wonderful organization. During war time it fights and during peace times it concerns itself principally with promotions, and that is what I am talking about now. During peace times it is studying promotions and during war time it fights, and I believe the word ought to be changed to "lower." I believe a man ought to have the rank he would have been entitled to had he remained in his old branch when higher than his present rank, and the man who has won promotion ought to be entitled to hold it, even though higher than he would have had but for his transfer to another branch.

The CHAIRMAN. The time of the gentleman has again expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. PLATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PLATT: Page 28, line 3, strike out the words "not less than," and on line 5, strike out the word "shall" and insert the word "may."

Mr. PLATT. Mr. Chairman, there have been a good many applications for appointment as officers in the Regular Army from men who served during the war as temporary officers, but this whole subject is likely to become rather academic than practical unless the pay of the officers is raised. A large

number of these applications have already been withdrawn, so I am informed, and it seems to me if you leave the words "not less than one-half of the total number of vacancies" in here, it might not be possible to fill one-half from outside appointments.

Mr. McKENZIE. I will inform the gentleman that there are over 20,000 live applications now on file.

Mr. PLATT. I understand that many of them have been withdrawn, and that many which remain are not really live but are not formally withdrawn. At any rate, there have been 2,358 resignations of officers in the Regular Army, and unless something is done with regard to raising pay so that an officer in the Army can live, there will not be a tremendous effort to break in from anywhere.

Mr. HARRISON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Virginia?

Mr. PLATT. Certainly.

Mr. HARRISON. There was a bill reported increasing the pay of officers. Does the gentleman understand what has become of it?

Mr. PLATT. I understand that there was a bill reported by the Committee on Naval Affairs, which passed the House, and went to the Senate, and the Senate attached a provision to it which increased the pay of the Army, as well as the Navy and the Coast Guard Service.

Mr. HARRISON. I understand that the bill recommended by the Committee on Military Affairs has been hung up, and that the Rules Committee and the steering committee of the Republican Party refuse a rule for it.

Mr. PLATT. That might be true. I have no certain information on that point.

Mr. CRAGO. I am very glad to inform the gentleman, in connection with the inquiry of the gentleman from Virginia, that it looks now as if we might have favorable action in a few days on some particular bill increasing the pay of the men of the Army, Navy, and Marine Corps. [Applause.]

Mr. HARRISON. I am glad to hear it.

Mr. PLATT. I want to say just a word or two more. It is an actual fact that there are here in Washington some stenographers getting more than some of the officers, and it is common talk in the Army that many of the top sergeants say that they can not afford to take commissions as second lieutenants because they will not get as much pay out of it as they do as sergeants, with clothing and living expenses provided. There have been resignations from the Army of officers as high as colonels who can easily get more in civil employment than they can in the Army, and it is growing to be a rather serious question. Resignations are coming in every day.

Mr. LANGLEY. And I wish to say that the morale of the service is being seriously affected as the result of the conditions referred to by the gentleman from New York. I know of many cases where officers could easily get twice as much in private employment as they are getting now, and I think it is time that we were adopting some measure of relief, instead of carrying on this penny-wise and pound-foolish economy. We owe it to them to give liberal wages where they are deserved.

Mr. PLATT. I am glad to hear the gentleman say that, and I agree with him fully. It seems to me something has got to be done or we will not have any officers at all.

Mr. LANGLEY. That is absolutely correct.

Mr. MANN of Illinois. And both gentlemen know that a great many men can make more than Members of Congress, and that many make less.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PLATT].

The question was taken, and the amendment was rejected.

Mr. MOORES of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MOORES of Indiana offers the following amendment: Page 31, line 11, after the word "service," insert the words "including contract service for the Medical Corps and Dental Corps."

Mr. MOORES of Indiana. Mr. Chairman, I offer that amendment simply in the interest of clearness. I understand that such was the purport and intent of this bill as to construing this section, together with one on page 30 and another and later section. I believe that is what the bill means, and it ought to be clear and definite. For that reason I hope the committee will accept my amendment. I understand they will.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORES of Indiana. Mr. Chairman, I offer another amendment.

Mr. CONNALLY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Second amendment offered by Mr. MOORES of Indiana: Page 31, line 12, after the word "Corps," insert the words "and Dental Corps."

Mr. MOORES of Indiana. I offer that so as to put the Medical and Dental Corps on an equality. If the committee desires that, I offer the amendment for that purpose.

Mr. MANN of Illinois. Let it be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. BEE. Will the gentleman from Indiana permit a question?

Mr. MOORES of Indiana. I will.

Mr. BEE. This amendment we adopted just before, in the part inserted after the word "service," does that apply to contract surgeons?

Mr. MOORES of Indiana. The contract surgeons who accept commissions are credited with the time of their contract service, instead of their commissions.

Mr. BEE. And cease to become contract surgeons?

Mr. MOORES of Indiana. Yes.

Mr. BEE. Now, you want to put the Dental Corps after the Medical Corps?

Mr. MOORES of Indiana. Yes.

Mr. GREENE of Vermont. On what ground does the gentleman associate the Dental Corps with the Medical Corps people in this preferential advantage at the start?

Mr. MOORES of Indiana. That amendment was suggested to me because of the amazing difficulty at this time in getting candidates for the Dental Corps. I was told that the supply of dentists was inadequate, and that they were underpaid, and that they could not get men to accept commissions.

Mr. GREENE of Vermont. Of course, that brings up the same old proposition of the Military Establishment having to compete against the attractions of higher salaries, professional or occupational, in civil life.

Mr. MOORES of Indiana. That is true.

Mr. GREENE of Vermont. And we have to concede at the start that we can not do it. Does it not seem to the gentleman that we have to set such a high standard for the men on the line, the men who have to take the risk of combat primarily and directly, so that they are now almost all university men, or the equivalent of that in point of education before they come in, that, considering that the line officers must start at second lieutenants, it is quite an unjust advantage to give to dentists over those men an allowance of five or six or seven years start?

Mr. MOORES of Indiana. They are not in the same service. They simply get the benefit of two years' more time.

Mr. GREENE of Vermont. I understand what it means. It means that they will be promoted at the head of these men at a higher pay to begin with.

Mr. MOORES of Indiana. But they do not shut any man out.

Mr. GREENE of Vermont. They start in with higher pay. They have preferential quarters, and they always have that much advantage over the young man who has a serious ambition to enter the military service without that advantage at all. It carries light and quarters and allowances with it.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORES of Indiana. Yes.

Mr. FESS. Was not the grade or the rank before the war that of first lieutenant?

Mr. GREENE of Vermont. In the Dental Corps?

Mr. FESS. Yes.

Mr. GREENE of Vermont. I am reminded that it was.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SMITH of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois rises in opposition to the amendment.

Mr. SMITH of Illinois. Mr. Chairman and gentlemen of the committee, I ask unanimous consent to proceed for five minutes out of order, but upon a section of the bill that is to follow. I ask this privilege for the reason that it is apparent that I can not be here when this bill is passed.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SMITH of Illinois. Mr. Chairman, in rising to speak on a section of the bill in which I have a deep interest I want to say that I represent no one but the constituency that sent me here and express only my own personal viewpoint. I have no desire to criticize the leadership of either side of this House in what I am about to say, but I do want to give to you and to my people back home my own convictions upon certain matters.

It has been intimated to me that I might with propriety wait for the national convention that convenes in Chicago to write the platform upon which my party shall appeal to the people of the United States. I find no fault with the chairman of the national committee for the appointment of the array of talent that he gave to the country some time ago to write a platform, but I do insist that a better platform can be written by the legislation that is enacted in the Congress of the United States, and I for one am willing to agree to and abide by the majority rule, not only of my party but of my country.

There are two propositions that are of great interest to the people of the United States, and as a layman in the Republican Party I say that the thing for the Republican Party to do, being in the majority in this House, is not to evade issues but to meet them squarely and abide by the result. [Applause on the Republican side.]

I do not intend to plead anybody's cause for political purposes, but there are two issues that interest the American people—one particularly interesting a certain part of the personnel of our country, 2,000,000 strong, and their immediate relatives, and the other to the whole populace of the United States: The soldiers' bonus and universal military training, and I think it is time for this Congress to meet them. [Applause.] For myself, I am not at this time, and I do not know whether I shall at any time advocate universal military training. There are what seem to me to be four good reasons why America should not adopt a policy of universal and compulsory military training at this time. Two of those are quite frankly based upon expediency and two are based upon the fundamentals of our Government. Those of expediency are:

1. In so far as I have been able to read the public mind, an overwhelming majority of the people are against such a policy. This is particularly true of the people of the Mississippi Valley and of my own district. Included in this majority are virtually all the mothers who have sons, farmers, men who work for wages, and small business men; in other words, most women and the general run of male citizens. I am aware, of course, that popular opinion may not be at all times and upon all questions a sure guide to the country's needs. But legislative as well as executive officers are very frequently reminded that they are public servants, and their obedience to the public will is the genius of our Government.

2. The cost of such a policy is at this time prohibitive. In general, of course, cost is to be considered in relation to the benefits which will accrue. There come times, however, when no matter how beneficial a thing may seem to be if it is not fundamentally essential the cost will be too high to undertake it. Not many will argue that universal military training is indispensable. And taxes are now so high, the cost of Government is so great, that I, at least, believe that until the public burden is very substantially reduced nothing costing money should be undertaken if it is not indispensable. Estimates of the cost of universal training range from $600,000,000 to $1,000,000,000 a year. Accept the lowest figure as sufficient, and it is still too much to be added to the public budget.

Coming to the fundamental objections to universal military training they are——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SMITH of Illinois. Such a policy will foster a military caste. I am opposed, and I believe our Government itself is opposed, to the establishment of castes of any sort—a labor caste, a business caste, a professional caste, or any other. To train all the youth of America year by year will require a permanent body of military officers so much larger than we have ever reckoned with that none can guess what its influence will be. Of this we may be sure, however: It will be a body numerous enough and influential enough to make its desires an issue in every national election. This is something, it seems to me, wholly undesirable and inexcusable in our kind of government.

A nation trained for war invites war. It is futile to say our people would be trained for defense only. We ought to know ourselves better than that. The individual trained and powerful for defense—who thinks he can lick anyone—is the one who takes offense when none is meant and gets into needless fights. Nations are not so different. In 1913 I sat on the veranda of a hotel in Potsdam watching a splendid parade of the Imperial Guard. I asked a German citizen next to me: "What is to be the outcome of all this?" "That we will lick somebody or get licked," he said. We all know the answer now. I do not believe America will ever become the military, trouble-hunting, offensive nation Germany was; but I do believe it would be a serious mistake and a contradiction of the very purpose of our Government for us even to get started in that direction.

Back of all, as a principle of the civilization our Nation is trying to exemplify, is this: None but an inevitable war can ever be right. Possibly—probably, even—we will have inevitable wars from time to time. When we do, the price of victory will be high. But in the long run, year by year and generation by generation, I do not believe the cost will be as high—in lives, in suffering, in money, or in destruction—through adherence to the policy we have pursued since the birth of the Nation as it would be if we were trained and ready to engage in any war, right or wrong, which might seem to our advantage at the time. Faithful to our old policy, we will at the least insure ourselves against the folly and wickedness of an unrighteous war.

Mr. Chairman and gentlemen of the committee, I want to reiterate again what I said at the outset, and that is that the American people are watching the Congress of the United States and asking us not to sidestep vital issues. Whether what I have said is right or wrong, there is a burden of responsibility upon Congress, and it rests largely upon the Republicans, because we are in the majority in this House.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a short question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. SMITH of Illinois. I yield.

Mr. MILLER. Is it your judgment that this bill should embody a provision for compulsory universal military training?

Mr. SMITH of Illinois. That this bill should?

Mr. MILLER. That this bill should, this bill that we are now considering.

Mr. SMITH of Illinois. I have been speaking about eight minutes in opposition to universal military training.

Mr. MILLER. I am asking a question of the gentleman from Illinois, and I would like him to state to the House whether he is in favor of this bill that we are now considering embodying a provision for universal military training?

Mr. SMITH of Illinois. I am not.

Mr. MILLER. That is what I thought.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. SMITH of Illinois. Yes.

Mr. CALDWELL. I ask the gentleman if his opinion in reference to universal military training would be changed if he was informed that the military power in Germany had created a revolution there, and to-day we are advised that they are in the saddle and that conditions in the world had changed considerably from what they were on the day before yesterday?

Mr. SMITH of Illinois. I will say to the gentleman that five trips to Europe convinced me that universal military training was largely the cause of the attempt upon the part of Germany to override the civilization of the world. [Applause.]

Mr. LANGLEY. Mr. Chairman, I have not thus far sought to participate in the debate on this military reorganization bill, having contented myself with listening rather than talking. I am heartily in favor of the amendment offered by the gentleman from Indiana [Mr. MOORES] which proposes to preserve the status quo of the Dental Corps and keep them on an equality with the other branch of the medical profession in the service. This is merely a matter of justice, as I view it. They are, in fact, a part of the medical profession, and did their full share in the recent war in relieving the sufferings and contributing to the welfare of our soldiers, and the very least that we can do justly is to give them what the gentleman's amendment proposes, as I construe it.

I want to say that I heartily concur in the sentiments expressed by my distinguished friend from Illinois, Mr. SMITH, who has just preceded me. I think I am correct in saying that

a large majority of the people of my district and State are opposed to compulsory universal military training. I think the proposition is un-American, unrepublican, and undemocratic. I also think that it is unnecessary, and that our experience in the World War conclusively demonstrated that fact, because some of the most effective fighting was done by our American boys who had had less than 60 days' training. If any foreign country should attack us, we are ready to defend our homes and our institutions, and we do not need compulsory military training to get us ready, to say nothing of the enormous expense that would be involved.

Our soldier boys have been overseas once, and unless I am very much mistaken they do not want to repeat the experiment. I think they would prefer to remain here and defend our own land and our own homes, which they are ready at all times to do, and that is one reason why I am opposed to the League of Nations, unless it is Americanized; and, to be perfectly frank about it, I do not care very much whether it is adopted or rejected after it is Americanized.

Something has been said in this debate about economy and in favor of higher pay for our officers and enlisted men, and my primary purpose in asking the privilege of addressing the committee was to make one or two observations in that connection. I do not think there is any man in this House who appreciates more fully than I do the great burden of taxation under which our people are laboring, nor who sympathizes more deeply than I do with that larger class of our citizenship—the poor—upon whose backs the burden of taxation always falls with crushing weight. I do not wish it to be understood from what I said a few moments ago in interrupting the gentleman from New York that I was endeavoring to criticize the leadership of my party with regard to the expenditure of the people's money. I am in favor of reasonable economy, but not of niggardly or short-sighted economy.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LANGLEY. The gentleman realizes that I only have five minutes in which to express my views.

Mr. MADDEN. I will only take a moment.

Mr. LANGLEY. Oh, well; all right.

Mr. MADDEN. I want to know if it has not always been the policy of the gentleman never to vote against an appropriation or for taxation?

Mr. LANGLEY. No; the gentleman states that a bit too strongly; but I will confess that I have some leaning in that direction [laughter], except that, as the gentleman knows, I confine my votes for appropriations for our own people. I want to see taxation equally and fairly distributed, and I also want the same thing with regard to the distribution of appropriations, and I do not think that has always been done heretofore. I wish it understood that I am not seeking to criticize anybody for the radical cuts that were made in the estimates of the Secretary of War and the Secretary of the Navy, and in other estimates submitted by different executive branches of the service, which I think were exorbitant and inexcusable. But what I am trying to do is to make a distinction between real economy and artificial economy. The extravagant expenditure of public money is one thing and its judicious expenditure for needful public purposes is quite another thing. I want to see economy practiced where it is necessary and wise, but I do not want my party to seek, by neglecting necessary expenditures, to create an artificial balance on the credit side of the ledger for whatever purpose it may be intended. I do not believe that this is the sort of economy that will appeal to public opinion when we go before the people again for their suffrage.

There has been a time, and within my recollection, too, when places in the various branches of the public service were desirable. This is not the case now in the great majority of places of moderate salaries, because those capable of filling them can secure private employment at a much more remunerative wage. In other words, I think we err in seeking to practice too much economy when it will result in crippling the public service.

Speaking now to my Republican brethren, I beg to say that I do not think we are serving the best interests of our party when we consent to loaning or giving money to foreign countries while we have hundreds of thousands of people here at home who need help. I do not believe that it is to our credit as a party to permit functions of the public service to be conducted in shacks and sheds, and sometimes even in the open air, while giving money bounteously in other and less needful directions. There are hundreds of places in the United States to-day where the business of the people of this great Nation is being conducted under conditions that are a disgrace, and we ought to have the courage to remedy them. Of course we all understand that we are not to have a public buildings bill at this session, but if we do not have it at the next session I for one will endeavor to know the reason why. [Applause.] So far as I am personally concerned I do not propose to be one of the dramatis personae of the ostrich act which is now being played in certain quarters. [Applause.]

Before I take my seat I wish to make one further observation, and that is that we owe it to our soldier boys of the late World War to treat them at least as liberally as we have treated our soldiers of other wars. I have introduced several bills designed to give them relief in one direction or another, and I hope that my efforts have not been without some beneficial results to them. So long as I remain a Member of this body I intend to continue to work for the promotion of their interests. I want to say this one thing, Mr. Chairman, in conclusion, and that is that the boys do not want swamp lands. I have talked with hundreds of them, and that sentiment is universal. They made a greater sacrifice than we can ever compensate them for, and they do not expect that. They are intelligent and patriotic young Americans. They understand the condition of our Treasury and of the country in general, and all they ask is that we give them a little help financially, so that they may by their own endeavors get on their feet again and get back to the position they occupied before they left their homes and their avocations and went to war for our country. That is the least that we ought to do for them, and I for one am in favor of doing it now. I think we have waited too long already, and we ought to stop this quibbling and debate and committee hearings and proceed to enact some affirmative measure of relief. If the Government is not in position financially to do it by the payment of a direct bonus, then let us do it by a bond issue or devise some method which will give them the relief that they ask for. That is all that I care to say now, Mr. Chairman, on these matters. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. CALDWELL. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORES of Indiana: Page 31, line 12, after the word "corps," insert the words "and Dental Corps."

The amendment was agreed to.

Mr. CONNALLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY: Page 31, line 6, after the words "Artillery Corps," insert "the Judge Advocate General's Department."

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I must ask the indulgence of the committee for speaking so often on this bill, not being a member of the committee which framed it; but I wish to say, in justification, that I have studied this matter with great interest and am deeply concerned about it.

I call the attention of the committee to the fact that on page 31 the bill provides that all the officers in the Medical Corps, Dental Corps, Veterinary Corps, and so on, naming all of the corps in the Army except three, shall be so placed on the lineal list as not to disturb their present rank, not to disturb their present position on those lists. From that list are omitted the Judge Advocate General's Department, the Quartermaster Corps, and the Ordnance Department, and the military storekeeper.

Mr. CALDWELL. And the construction corps.

Mr. CONNALLY. Yes; since that amendment was adopted.

Now, gentlemen, I call your attention to the effect that this will have. The effect of omitting the Judge Advocate General's Department from that portion of the bill will be to make it possible for a major in any of the corps mentioned—the Infantry, Cavalry, Medical Corps, Dental Corps, or Veterinary Corps—to be placed higher on the list than a lieutenant colonel in the Judge Advocate General's Department provided the major in the Infantry or other corps has had a total commissioned service longer than the lieutenant colonel in the Judge Advocate General's Department.

The gentleman from the General Staff who appeared before the committee explained why it was necessary to give a doctor in the Army credit for two years more than any other officer. In other words, under the terms of this bill if a man is in the Medical Department he is automatically given two additional years over the length of time which he has served.

That is done on the theory that it requires special knowledge and additional education to be a surgeon or physician. But when it comes to the lawyers they are not only not given two additional years, but the bill is so drawn that a major or lieutenant colonel in any other branch of the Army can be pro-

moted over a lieutenant colonel in the Judge Advocate General's Department, provided that major or lieutenant colonel has had a total commissioned service longer than that of the lieutenant colonel in the Judge Advocate General's Department. Gentlemen, I do not believe that is fair.

A moment ago in discussing another amendment I stated that I believed in the one single list, but when you adopt that list I believe you ought to adopt it as it stands to-day, and if you except the Judge Advocate General's Department from the terms of this bill, on page 31, you absolutely discriminate against the Judge Advocate General's Department of the Army.

Now, I have no direct interest in this matter, but I am interested in preserving the morale of the Army; and the only way you can preserve it is to establish the one list as it stands to-day; and whenever you undertake by legislation to juggle with that list and make it possible for some man who now ranks below another to jump him by legislation, you are going to do that which is destructive of the spirit of the Army. Now, there is a great deal of jealousy in the Army. There is a great deal of jealousy not only among individuals, but against branches of the service. Col. Spaulding in his testimony along this line sets out his views of the single list. Now, I understand, of course, how officers in the Army have their jealousies among the departments. Col. Spaulding is not a member of the Judge Advocate General's Department, and of course it did not occur to him perhaps exactly what the effect of this omission would be. But I will say, gentlemen, that if a surgeon is to be placed in the list and promoted according to his present rank, why should a judge advocate, who has to have additional training, be discriminated against and the surgeons be given two years additional credit on the list and the judge advocate penalized?

Mr. CRAGO. Mr. Chairman and gentlemen of the committee, this is purely an administrative matter, which can be remedied by the Chief of Staff of the Army and those in authority. On page 32 of the bill the matter of placing the men in the Judge Advocate General's Department, the Quartermaster Corps, the Ordnance Department, and so forth, is provided for. Now, the change that the gentleman cites has had consideration from the committee, and I will confess that if the situation in the Judge Advocate General's office was to be taken just as it is it might be wrong, but that is not necessary. In the Judge Advocate General's office we have four officers who have a temporary rank and who have served during the war and who are inferior in rank to two or three other officers who have been assigned to duty in the Judge Advocate General's Department, and who have more years of service in the Army than the men who have really had charge of this work during the war.

Mr. CONNALLY. That is a temporary rank.

Mr. CRAGO. Yes.

Mr. CONNALLY. This does not affect those holding a temporary rank.

Mr. CRAGO. You are attempting, because a man holds a temporary rank, to perpetuate that rank, in order that he may outrank others of longer service in the Army, but not so long in this department.

Mr. CONNALLY. I beg the gentleman's pardon; he does not understand my amendment. My object is not to disturb the relative rank in the Judge Advocate General's office at all. I am trying to prevent a colonel in the Judge Advocate General's office being outranked by a lieutenant colonel of Infantry because he has served longer than the colonel in the Judge Advocate General's office.

Mr. BEE. Under that suggestion of the gentleman from Texas, you would do away with the single list.

Mr. CRAGO. You would not do away with the single list, but you are doing this because a man had gone into the Judge Advocate General's office with a high rank who has not had the service; he is outranking a man who has had longer Army service but not in this department. A man may have served with troops for a number of years and then have been assigned to the Judge Advocate General's office. I believe that has occurred, where a man 18 or 20 years in the service has been a subordinate to a man who had 12 or 14 years' service in the Army. I contend that that is not right. Our position is that a man in these departments should have rank from the date of his commission in the service. As to the temporary situation in the Judge Advocate General's Department that can be remedied.

Mr. CONNALLY. I am not referring to that at all. Why does the gentleman make a difference on page 32, where it says that the officers of the Judge Advocate General, the Quartermaster, and the Ordnance Corps shall not be arranged according to the present position, according to the length of the service, and shall be placed at the foot of the list. If the gentleman will read on page 31 he will see that it names nearly every branch of the service except the Quartermaster and the Judge Advocate General, and provides specifically that they shall retain the present rank, colonels among colonels and lieutenant colonels among lieutenant colonels. I want to make it possible so that a lieutenant colonel who had had a longer service can not outrank a colonel in the Adjutant General's office.

Mr. CRAGO. If he has attained that position on the list you want to return him to where he would be if he had not had the extra promotion.

Mr. CONNALLY. Oh, no.

Mr. CRAGO. I thought the gentleman had in mind the office of the Judge Advocate General as organized to-day. There is a situation existing there which appeals to some of us. The gentleman's amendment would have that effect.

Mr. CONNALLY. I am in favor of putting the colonels among the colonels and the lieutenant colonels among the lieutenant colonels. I want it like it is to-day, disregarding the temporary rank altogether.

Mr. CRAGO. If that is the gentleman's amendment I do not know that I would have any objection to it.

Mr. GRIFFIN. Mr. Chairman, may I call attention to the fact that this paragraph does not include colonels.

Mr. BEE. Mr. Chairman, I move to strike out the last word. I do not know that I would have said anything if it had not been for the suggestion of the gentleman from Texas, my very good friend, Mr. CONNALLY, that there was jealousy in the Army and between its branches, and that the Army officers who were our fighting force in time of war devoted their attention in time of peace to promotions.

Mr. Chairman, I venture the prediction that there is no more jealousy between the officers of the Army or between the different branches of the Army than exists in any other class of men. Lawyers are never jealous of each other, it appears. I presume that is because everybody is against them to such an extent that they must stand together. That may be the reason, but you never find jealousy among lawyers. Probably they sympathize with each other in their misfortune. I contend that the average Army officer of the United States from the day of George Washington to this good hour, with such rare exceptions as prove the rule, has been a splendid type of American wherever he is placed. We speak occasionally of the golden days of the Army which are past and gone. The golden days of the Army are past and gone merely because we have receded from that time. In the ranks of the officers of the United States Army, with those who came from West Point, with those who came from the National Guard, with those who came from the ranks, with those who came from civilian life, with those who remained in the service because of their services in the Great War, has always been found the standard of a gentleman and a soldier, and in my judgment it will be preserved through all time.

I am not opposed to the amendment of the gentleman from Texas [Mr. CONNALLY] if it accomplishes the purpose he intends, because an officer in the Judge Advocate's corps is just as much entitled to promotion in rank as an officer in another corps, but I could not let this opportunity pass, in view of the statements made here, without saying that in my judgment in the past, in the present, and in the years to come, if occasion arises, officers of the United States Army will not only be efficient in time of war, but will be what they are to-day—splendid examples of the American soldier, faithful to their flag, loyal to the traditions of their country, and efficient in the administration of their duty, as they have been in all of the years of the past.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on agreeing to the amendment of the gentleman from Texas [Mr. CONNALLY].

The question was taken; and on a division (demanded by Mr. CONNALLY) there were—ayes 18, noes 33.

So the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 34, line 6, after line 5, strike out all of section 24b, down to and including line 13.

Mr. SWOPE. Mr. Chairman, I desire to be heard on a preferential amendment to the amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWOPE: Page 34, line 15, strike out the words "not be subject to review by any authority" and insert in lieu thereof the following "be subject to review by the Secretary of War."

Mr. CALDWELL. Will the gentleman yield for a minute?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from New York?

Mr. SWOPE. I decline to yield, Mr. Chairman.

I take issue with the gentleman from Kansas, because I believe that this section should be retained. I am in favor of it in the main. I think there should be some way of getting rid of the so-called "deadwood." At the same time I think that these officers should be protected in their rights, and under this section I do not believe that they are so protected.

Now, this section 24 (b) creates a board of not less than five general officers, to be convened each year by the President. These officers are to classify all of the officers into two classes, namely, class A, those who are to be retained in the service; and class B, those who are not to be retained in the service. In other words, this is to be, in the parlance of the Army, a "benzine" board. The objection which I find is in line 14 and 15, on page 34, which read as follows:

The findings of the board shall not be subject to review by any authority.

Now, that is a very dangerous provision. And why? Because, in the first place, this board will be unable to know all the qualifications of all the officers they pass upon and will be compelled to rely almost entirely upon the efficiency cards of the officers. That is where the trouble begins, because these efficiency or qualification cards mean practically nothing, and I can demonstrate that to you very clearly. In the first place, these cards originate in the company, where the captain grades the lieutenants, and then in the battalion, where the major grades the captains, and in the regiment, where the colonel grades the majors and regrades all the officers in the regiment. A different scale may be used for grading in each regiment.

I know of one officer who was graded by a colonel who used a high grade, and this officer received a grade of 89 or 90. Two weeks thereafter he was transferred to another regiment, where the colonel used a very low scale in the grading of his officers, and this officer received a grade of only 56. And although that was one of the high grades given by that particular colonel, nevertheless it was only a little better than placing that man on probation. So you see that the information that will be received as to the qualifications of these officers by this board of general officers contemplated under this section is at best bound to be most unreliable and inaccurate.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SWOPE. No; I must decline to yield.

And therefore it is most unwise to cloak this board with such despotic authority by saying its findings shall not be subject to review by any authority.

I want to know what is the idea of placing such complete confidence in the judgment of these Regular Army generals? They are human and as liable to make mistakes as anyone else. And to say that this board shall have the authority to "benzine" an officer into class B for discharge or retirement and that the findings of the board shall not be subject to review is out of the question. It is violative of every principle of justice to say that this board shall arbitrarily "benzine" an officer into class B for discharge retirement upon a grade he has never seen, without a hearing and without even the right of appeal.

I think that our experience in the last three years has taught us a great deal better than that. Suppose the findings of a court-martial, which sentenced to death two soldiers because while acting as sentries they went to sleep from exhaustion while on duty, had not been subject to review? These findings were approved by Gen. Pershing, and he is a great man and is the highest general in our Army, but if it had not been for the right of review and if it had not been for the fact of Executive clemency those boys would have been in their graves to-day, which would have been a great injustice.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SWOPE. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SWOPE. I know, Mr. Chairman, that it will be argued by the committee, and it is so stated in the hearings, that by having the findings not subject to review it will do away with politics. As long as you have the human element, Mr. Chairman, you are bound to have politics. [Applause.]

Politics will play just as large a part in this board as it would with the reviewing authority. Every Member of this House knows that there is more politics in the Army than there is right here on the floor of the House. [Applause.]

Mr. Chairman, you know the lobbying that has been going on ever since this bill has been before the House. It has been difficult to tell whether the Army headquarters is down in the Army and Navy Building or here in the corridors of the House of Representatives.

I submit Mr. Chairman, that it is——

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. SWOPE. I must decline to yield. I submit it is the part of wisdom to make these hearings subject to review by the Secretary of War, and that we should not exempt the findings of the board or any other similar board from review by the proper authorities. [Applause.]

Mr. CALDWELL. Mr. Chairman, I offer a substitute as a perfecting amendment to the section.

The CHAIRMAN. The gentleman from New York offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 34, line 14, after the words "Class A," strike out the remainder of the line and all of line 15 and line 16 down to and including the word "is," and insert in lieu thereof the following: "Upon the approved finding of the board that the officer be," and in line 18, after the word "the," insert the word "approved."

Mr. MANN of Illinois. That is not a substitute.

Mr. MADDEN. The amendment offered by the gentleman from Kentucky [Mr. SWOPE] was a perfecting amendment, and it is entitled to the first consideration.

Mr. CALDWELL. Then I offer the amendment without the last proposition of inserting the word "approved."

Mr. MANN of Illinois. It is not a substitute then.

Mr. CALDWELL. It covers the same ground.

Mr. MANN of Illinois. The gentleman from Kentucky moved to strike out certain language and insert other language. The gentleman from New York moves to strike out a lot more than that. It may be on the same subject; I do not know.

The CHAIRMAN. The Chair is of the opinion that it is not a substitute for the amendment of the gentleman from Kentucky, but it can be made if the amendment of the gentleman from Kentucky goes up or down. The gentleman from New York will still have the same right.

Mr. CALDWELL. The object is exactly the same, except that this is the language that has been used continuously in the law.

Mr. MADDEN. I do not think the gentleman from New York ought to interject himself into this amendment for the purpose of crowding out the amendment of the gentleman from Kentucky [Mr. SWOPE].

Mr. CALDWELL. I am a member of the committee, and I was on my feet offering the amendment when the gentleman from Kentucky offered his. I have no pride in offering the amendment. I am willing that anybody should have his name on it.

The CHAIRMAN. The amendment will be considered for the present as not in order as a substitute for the amendment of the gentleman from Kentucky.

Mr. CONNALLY. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Texas offers a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY as a substitute to the amendment offered by Mr. SWOPE: Page 34, line 14, after the words "Class A," strike out the balance of the line and all of line 15 and insert in lieu thereof the following: "In any case in which an officer is placed in class B by said board the decision of such board shall not be final until the officer affected is informed of the respect in which he has been found deficient and is afforded an opportunity to be heard and offer such records and testimony as may be pertinent to the inquiry by the board. After such hearings and findings by such board the officer affected shall have the right to appeal to the Secretary of War under such regulations as may be provided by the Secretary."

Mr. MANN of Illinois. Mr. Chairman, I submit that that is not a substitute for the amendment offered by the gentleman from Kentucky. It may cover the same subject matter.

The CHAIRMAN. The Chair will hear the suggestions of the gentleman from Illinois.

Mr. MANN of Illinois. I understood that the amendment of the gentleman from Kentucky was to strike out certain language and insert other language. The substitute proposed by the gentleman from Texas strikes out other language besides that proposed to be stricken out by the gentleman from Kentucky.

The CHAIRMAN. No; the amendment of the gentleman from New York did that. The amendment offered by the gentleman from Texas strikes out the same language that the gentleman from Kentucky moved to strike out and adds something.

Mr. MANN of Illinois. I thought it struck out a good deal more.

Mr. MADDEN. I think the Chair is mistaken about that.

The CHAIRMAN. The Chair is informed that the Chair is in error. The gentleman is correct. The Chair will hold that the amendment is not in order.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York in opposition to the amendment.

Mr. KAHN. Whose amendment?

Mr. GRIFFIN. Mr. Chairman, I am heartily in sympathy with the fundamental purpose of the gentleman from Kentucky [Mr. SWOPE]. He wants to protect the rights and the good name of 17,000 commissioned officers in the United States Army. He wants to give them a right to appeal. He wants to have the findings of this star-chamber board reviewed. But by whom shall those findings be reviewed? Now, there is the fix. Where shall they go? To the Secretary of War, says the gentleman from Kentucky. Well, let us see how that works.

You gentlemen remember very well what has happened in the case of Maj. Harry Graham, an admirable, amiable, competent, brave soldier, who, by the offhand decision of a military martinet, was improperly and unjustly put out of the line of promotion. This House passed a bill to restore him to his lineal position in the line. The action was absolutely nonpartisan. The Members on both sides of this aisle, by a unanimous vote, voted to restore to that fine officer the rank in line to which he was entitled. And what happened? You might expect that he might make at least as strong an appeal to the Secretary of War as he made to us. And no doubt he did, but the Secretary yielded to the Army clique and, through his influence, our action was vetoed. And that would seem to be the inevitable result where the court of appeal is too closely allied in interest with the accusers.

Mr. SWOPE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. GRIFFIN. And therefore I suggest to the gentleman from Kentucky that the Secretary of War or any other official, bound up in Army alliances, will make a very poor tribunal to which to appeal against injustice.

Mr. SWOPE. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Pardon me. I will yield in just a moment. I want to finish this thought. You are trying to temper and make bearable a section of this bill which is utterly hopeless and vicious. It embodies unalloyed Prussianism utterly inimical to every principle of justice. It is absolutely beyond salvation by amendment and it ought to be entirely eliminated from this bill. I hope the gentleman from Kentucky will not be camouflaged by the promise that by this bouncing board, or benzine board, as he calls it, you are going to get rid of dead timber. You are more likely to get rid of good timber by trying to doctor and preserve this section in the bill. What it needs is amputation, not amendment. It is essentially vicious, unjust, and un-American. If the gentleman will reconsider it for a moment, I hope he will withdraw his amendment, and permit several amendments which are now at the desk to be voted on to eliminate the entire section.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BEE. Is it possible that the gentleman from Kentucky is proposing to amend a great bill for the benefit of one man?

Mr. GRIFFIN. Mr. Chairman, I do not know. For my part I do not make an appeal on behalf either of persons or parties. This question is larger than partisanship. It affects the inalienable right of 17,000 commissioned officers to the benefit of those fundamental rights which we have been taught so long to revere, namely, the right to know the charge against us, the right to be confronted with the witnesses against us, the right to cross-examine, and the right to produce evidence in our defense. All of these privileges are granted to the lowest and meanest in our land; and yet, under this anomalous section, the fundamental right of fair trial is denied to the very men in our land who preeminently ought to be protected by all the safeguards of our law when they are attacked in regard to that which all honorable men most highly esteem—their fair name as gentlemen and soldiers. I appeal to you, my colleagues, as Americans to resent the inherent viciousness of this section, which permits a star chamber board or commission of five men to examine into an officer's military record, and, without giving him a hearing, make a finding against him which will result in his discharge from the Army in practical disgrace. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Debate on this amendment is exhausted.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word.

SEVERAL MEMBERS. Let us vote.

Mr. GREENE of Vermont. I simply wanted to explain the purpose of the amendment, but I think gentlemen understand it sufficiently, and in view of the evident desire to vote I will yield the floor.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The amendment of the gentleman from Kentucky [Mr. SWOPE] has been adopted. The amendment of the gentleman from Kansas is still pending.

Mr. CONNALLY. Mr. Chairman, I have a preferential amendment.

The CHAIRMAN. The gentleman from Texas offers a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY: Page 34, line 14, after the words "class A," strike out the balance of the line and all of line 15 and insert in lieu thereof the following: "In any case in which an officer is placed in class B by said board, the decision of such board shall not be final until the officer affected is informed of the respects in which he has been found deficient and is afforded an opportunity to be heard and to offer such records and testimony as may be pertinent to the inquiry by the board. After such hearing and findings by such board the officer affected shall have the right of appeal to the Secretary of War under such regulations as may be provided by the Secretary."

Mr. MILLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. Part of line 15, which this amendment proposes to strike out, has already been stricken out by the amendment of the gentleman from Kentucky.

Mr. CONNALLY. But there was other matter inserted in lieu thereof.

Mr. MILLER. The gentleman's motion is to strike it out as amended?

Mr. CONNALLY. Yes.

Mr. MILLER. Should not the motion be made accordingly?

Mr. CONNALLY. My amendment proposes to take the place of the words inserted by the amendment of the gentleman from Kentucky.

The CHAIRMAN. Without objection, the Clerk will modify the gentleman's amendment so as to have it come in at the proper place.

There was no objection.

Mr. CONNALLY. Mr. Chairman, I agree with the gentleman from Kentucky [Mr. SWOPE] in his amendment, but I do not believe it goes far enough. You will notice in this bill the following language:

The findings of the board shall not be subject to review by any authority.

Of course, I do not believe anybody in this House on reflection will vote for that language in any kind of a bill, but the amendment of the gentleman from Kentucky only provides that this action of the board shall be reviewed by the Secretary of War. What does that mean? The effect of the amendment of the gentleman from Kentucky is simply that the findings of this board will have to be approved by the Secretary of War. That board meets behind closed doors. It passes on a man's case without his knowledge. The officer may be out in an Army post in Arizona or Texas, and the first notice that he has of the fact that the board has passed on his qualifications is a notice that he is out of the service. My amendment goes further than that of the gentleman from Kentucky. It provides that no officer shall be discharged until he has been served with a "citation," if you please [applause], until he has had an opportunity to know in what respect his record has been found deficient. Gentlemen of the committee, what good will it do to allow this matter to be reviewed by the Secretary of War when the officer affected does not know anything about the fact that he is being tried. Do you not know that the Secretary of War, as a matter of course, will approve the findings of an Army board that passes on a man's technical qualifications as an officer unless the officer who is affected has some opportunity to come up and say, "You have made a mistake about this matter"? Now, on what do they base these recommendations? As the gentleman from Kentucky said, they base them on a system of cards, efficiency records. During the war the Army established a very elaborate system of markings on efficiency cards; but to-day it has dis-

carded that system, and repudiated it and done away with it, showing conclusively that that system was not reliable or efficient. My amendment provides that a man shall have a hearing and that he shall be confronted with the witnesses who testify against him.

Mr. GRIFFIN. Will the gentleman yield?

Mr. CONNALLY. I yield to the gentleman from New York.

Mr. GRIFFIN. Is the gentleman willing to go so far as to admit that any board of five men shall pass upon the qualifications of 17,000 commissioned officers in the United States Army?

Mr. CONNALLY. Oh, well, if a man has an appeal, and he has a trial, the publicity of the facts will prevent injustice in many cases. I think you have got to have a canning board.

Mr. GRIFFIN. Is there anything in the amendment to provide for the formulation of the charges?

Mr. CONNALLY. If the gentleman from New York had listened to the reading of my amendment, he would not ask that question.

Mr. GRIFFIN. The amendment only goes to his appeal after he has had his trial.

Mr. CONNALLY. No; it says before the action of the board shall be final he shall be served with notice and in what respect he has been found deficient.

Mr. GRIFFIN. After he is tried.

Mr. CONNALLY. No; I wish the gentleman would not interrupt, if the gentleman had listened to the reading of the amendment——

Mr. GRIFFIN. I am using the gentleman's language and his construction of the language.

Mr. CONNALLY. I do not want to be discourteous to the gentleman, but it is provided in the amendment that he must have a trial. Now, Mr. Chairman and gentlemen, I do not know who wrote this specific provision of the bill, whether the General Staff or the committee, but whoever wrote it knew very little about law and knew very little about the institutions of the Anglo-Saxon race when he put it within the power of five officers behind closed doors to kick a man out of the Army and then put into the law these words: "The action of this board shall not be reviewed by any authority."

Why, the President of the United States is Commander in Chief of the Army and Navy. By his order he may send a fleet across the sea or the Army to battle on foreign lands, but he can not disturb the findings of these five sacred officers on the board who say that an officer of the Army must leave the service without a hearing and without a trial. The Secretary of War is vested with almost plenary powers in controlling the War Department and all its activities, but when it comes to this sacred question of the board, by the terms of this act the Secretary of War can do anything else, but he must not review the canning factory that meets behind closed doors without the knowledge of the officer upon whose fate and fortune it is passing. The Secretary of War must not review the action of such board.

The gentleman from Kentucky was exactly right, except his amendment does not go far enough. What good does it do for a man to have his case reviewed if he has no opportunity to present the facts? What good does it do to have his case reviewed if he does not know that it is even being tried? What consolation would it be after he had been kicked out by five officers to have it approved by the Secretary of War, also in secret and without his knowledge?

Mr. BLANTON. Does the gentleman know who wrote this section of the bill? It was the General Staff.

Mr. CONNALLY. I am not opposed to the General Staff; I think it is a useful functionary of the Government; but what I want to do is for the Congress to fix the duties of the General Staff by law. If this language is adopted, Congress will be responsible and not the General Staff.

I believe in giving a man a fair trial. If you go out and pick up a fellow for speeding, he has a right to a jury trial before a court, he has a right to have witnesses subpœnaed. If I seek to take the property of the gentleman from Kentucky, he has a right to be served with notice, have a hearing and witnesses subpœnaed.

But by the terms of this bill you place in the power of five shoulder-strapped officers behind closed doors the right to pass on the honor, happiness, and welfare of an officer of the Army without his knowledge, without his having any opportunity to appear and defend the record that he has made. Do you not know that a man's record in civil or military life is more valuable oftentimes than the money or wealth he may accumulate? There are many officers in the Army to-day that would rather be beggars all their lives than to be sent from the Army with the stamp of disgrace or ignominy on their records which you make possible by the paragraph in this bill.

I am not hostile to the amendment of the gentleman from Kentucky, except that his amendment does not go far enough, and I appeal to Members to adopt my amendment and give every officer in the Army, however humble he may be, the right to go before his accusers and have a specification of the charges which may be brought against him. Do not throw him out of the Army and send him into disgrace without a trial. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I think the House is in a temper to agree heartily with those who want exact justice and impartiality to all officers who may be under accusation and which has been so eloquently advocated by Members who have proposed their amendments to the bill. I want to call attention to the fact that if we adopt this substitute which has been proposed we wipe out the very satisfactory compromise which would accomplish the same thing that the gentleman wants to do. The parliamentary status is such that with the Swope amendment adopted, if this substitute is adopted, it means that we wipe out all that we have adopted by way of amendment. That is the understanding that most of us have.

Mr. CONNALLY. All that the substitute does is to say that this shall be reviewed by the Secretary of War, and my amendment says that it shall be reviewed by the Secretary of War, and it does not change the principle, but goes a little further and requires that he have a trial.

Mr. GREENE of Vermont. Very well.

I want to take this occasion to dispel, if I may, from the minds of the committee any thought that the Committee on Military Affairs in adopting this section of the bill had any idea of setting up any star-chamber proceedings whatsoever. I want to say that under the law as it exists there is no way to eliminate from the Regular Army's commissioned personnel an unfit officer unless it can be found in one of two ways either that he has violated the Articles of War and the Regulations so that he has subjected himself to punishment by court-martial for an actual offiense or crime or because he fails to pass a professional examination for promotion. We all know as practical men——

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. NEWTON of Minnesota. But under the existing law passed in 1890 and in force since that time is not the President authorized to prescribe the system of the examination?

Mr. GREENE of Vermont. Yes.

Mr. NEWTON of Minnesota. So that if the present law is enforced by those having it in charge and it functions properly can not we get rid of the dead timber, if there is any dead timber?

Mr. GREENE of Vermont. It may seem so, until you come to work under what has been prescribed, and it has been found not to work. That is the reason why we propose this new thing.

What we are trying to get at here is not to test the academic and professional fitness, and it is not a test that is to take the place of the ordinary court-martial proceedings. When a man is guilty of doing a wrong thing, it is so obvious that you can get at that at once. What we want to reach here is that type of old-time or young-time officer who is manifestly by temperament and disposition and various other more or less nebulous things that go to make up his personality unfit to be in command of troops and unfit to articulate himself with the military organization. He may be possessed of all of the normal virtues of character. He may be a man of superior education. He may be able to qualify on all of the present tests of the Army for a commission, and yet lack the necessary temperamental suitability and fitness for a military career, so that he would probably be of more usefulness outside of the Army than in it.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. In just a moment. In this class also is the type of officer whose kind has sometimes been suggested to you in these recent months as the "hard-boiled." He does not commit any military offense. Often he is a man of such superior intellectual attainments that he is easily able to qualify for the academic and professional examinations to advance through the grades. But the man is notoriously unfit to have in his power and keeping and under his military responsibility the lives and fortunes of soldiers.

Mr. CONNALLY. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. CONNALLY. My amendment does not destroy the board. They could still get rid of that kind of man, could they not?

Mr. GREENE of Vermont. Yes. I am quite in sympathy with the general intent of the gentleman to safeguard this thing so that no injustice may be done. I am trying only to answer

the suggestion that I think has been rather imprudently made on the floor, that this is a deliberate attempt on the part of the committee to set up star-chamber proceedings to railroad men out of the Army who ought not to be so dismissed.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. NEWTON of Minnesota. Take the hard-boiled officer such as the gentleman has mentioned. The incidents upon which is based the statement that he is hard-boiled would show somewhere in his efficiency reports, would they not?

Mr. GREENE of Vermont. Frequently they would not.

Mr. NEWTON of Minnesota. Then are we going to demote officers or put them out of the service or promote them upon something that is intangible?

Mr. GREENE of Vermont. No; that is exactly what we want to get at by this qualification.

Mr. NEWTON of Minnesota. Under present existing law, what is there to interfere as a part of the examination, with its being prescribed that a certain number of credits shall be given to a man's record as shown by the efficiency report?

Mr. GREENE of Vermont. My esteemed friend, the gentleman from Kentucky, handled that situation very, very skillfully when he said that these paper records alone are not to be trusted as an estimate of a man's capacity for military service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I will ask for three additional minutes.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Vermont. That very fact that the gentleman from Kentucky brought out was among the reasons why this committee unanimously, so far as I now remember, voted against the idea of basing promotion in the Army on what is known as the selective system; that is, for the very reason that these cards would not be a fair index of the various merits of the various men, and there might possibly be favoritism in it.

Mr. NEWTON of Minnesota. Will the gentleman yield again?

Mr. GREENE of Vermont. I will.

Mr. NEWTON of Minnesota. If you do not have any confidence in the efficiency of the reports——

Mr. GREENE of Vermont. Do not read that into my mouth, because I did not say——

Mr. NEWTON of Minnesota. I will not say confidence; but the gentleman admits the inadequacy of the report as a basis, and he admits the inadequacy of examinations as a basis, and there is nothing left upon which to base promotion except those intangible influences where a man's personal equation is the prominent factor.

Mr. LITTLE. Will the gentleman yield.

Mr. GREENE of Vermont. I will yield to the gentleman.

Mr. LITTLE. Why does the gentleman say there is no other way to get men out of the Army when they have had a perfect string of men taken out of the Army?

Mr. GREENE of Vermont. That was under the operation of the extreme war powers of the President during the war. We are attempting to get back to statutes in time of peace.

Mr. BEE. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. BEE. I will ask the gentleman if there is not danger in this matter. Here is an officer who served, say, 15 years. He becomes useless for any other avocation in the world. He is brought before one of these boards from which he can not appeal if he is reduced or discharged.

Mr. GREENE of Vermont. I meant to be understood that I myself and the committee are sympathetic with the idea of giving these men all the chance they can have, and if there can be framed proper words to clarify this section, if it needs any clarification, that is what we desire. If the committee has used language which does not seem to go to the extent that the temper of this House has wisely indicated it should go, for my part I desire that the language should be made clear. That is the committee's purpose.

But we want to get rid now, in this new democratic army, of the man who, being assured by law that all he had to do was to wait until somebody above him resigned or died before he got promotion, sat down and did as little as he could to get by. We want to see if we can not stimulate the best in these men in the service from now on so that by their own ambition and effort they shall receive a reward for their devotion to the service and not have them simply clock watchers waiting for some man to die.

Mr. CALDWELL. Mr. Chairman, I suggest that it is 15 minutes to 5 o'clock, and it is Saturday afternoon, and the committee could meet on Monday and formulate the necessary language.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLE. I will ask that the gentleman have one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. I would like to ask the gentleman this: Everybody concedes that this should not be permitted. Of course, many of these little mild-mannered changes of this kind really do not amount to anything, just simply mitigate, and the gentleman from New York has made very apt suggestion in that the committee meet between now and Monday and formulate something that will give a man full hearing, such as he might have in a court, and that he will have an appeal to some disinterested party. I think that ought to be done.

Mr. GREENE of Vermont. Mr. Chairman, I have no objection, for my part, for all we are trying to do is intelligently to get at the purpose of the House, and the only thing is to straighten it out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The commfttee divided; and there were—ayes 39, noes 35.

Mr. KAHN and Mr. SWOPE. Mr. Chairman, I ask for tellers.

Mr. GARD. Mr. Chairman, I make the point of order there is no quorum present.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12775, the Army reorganization bill, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN of Illinois. The rule that was adopted relating to the consideration of the Army reorganization bill stated that the House should meet at 11 o'clock during the consideration of that bill, the rule making a motion to go into Committee of the Whole on the state of the Union on that bill in order. Monday being suspension day, and the consideration of the Army reorganization bill not having yet been concluded, will the House meet on Monday at 11 or 12 o'clock?

The SPEAKER pro tempore. The Chair thinks, from the language employed in the rule, which is as follows:

That during the consideration of the bill the House shall meet at the hour of 11 o'clock ante meridian—

would make it necessary for the House to meet at that hour on each day on which the motion to consider it would be in order, until the bill had finally been disposed of.

Mr. MONDELL. Mr. Speaker, I do not suppose the House cares to decide at this time as to whether a motion to go into Committee of the Whole to consider this bill would be in order on Monday or not, and in view of that fact——

Mr. MANN of Illinois. It is plainly in order on Monday.

Mr. MONDELL. And in view of that fact, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock on Monday.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Monday next. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Missouri. If the request of the gentleman from Wyoming is granted, does not that knock the rule endwise about the 11 o'clock meeting?

The SPEAKER pro tempore. It would dispense with the 11 o'clock meeting for Monday.

Mr. CLARK of Missouri. Why would it not nullify the whole thing about 11 o'clock?

Mr. MANN of Illinois. You could change it by unanimous consent.

The SPEAKER pro tempore. It was unanimous consent for a single instance during the consideration of the bill. The Chair thinks they can change the hour of meeting for a single day by unanimous consent.

Mr. CLARK of Missouri. The 11 o'clock business is a nuisance in any way you fix it.

Mr. GARD. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to take up the Calendar for Unanimous Consent and suspensions after that?

Mr. MONDELL. Yes.

Mr. GARD. And conclude the Calendar for Unanimous Consent?

Mr. MONDELL. To go through the calendar if there is sufficient time.

Mr. ANTHONY. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Wyoming if it would be in order at the conclusion of the calendar on Monday to go into Committee of the Whole on this bill?

Mr. MONDELL. I am rather inclined to the opinion that the consideration of the calendar on Monday, with some matters that the Speaker may desire to give consideration to under the suspension of the rules, will take the entire day.

Mr. ANTHONY. If it should not take the entire day, there would be no reason why we should not go on with this bill?

Mr. MONDELL. None in the world.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

Mr. GARD. Further reserving the right to object, there seems to be a desire on the part of persons over here to understand whether the Army bill is to be taken up at any time on Monday or not. That is, meaning that they will want to make some arrangements.

Mr. MONDELL. It could not be taken up until we disposed of the Unanimous Consent Calendar and matters that might be taken up under suspension of the rules.

Mr. MANN of Illinois. There is no chance.

Mr. MONDELL. I do not think there is any probability of reaching the Army bill on Monday.

Mr. GARD. The gentleman says there is no probability of it?

Mr. MONDELL. I think not.

Mr. GARD. Is the gentleman willing to have it understood that the Army bill will not come up on Monday?

Mr. MONDELL. If it is a matter of very great importance to any of the gentlemen, I have no objection to having that understanding.

Mr. GARD. It is not a matter of extreme importance, but it is a matter of convenience.

The SPEAKER pro tempore. Is there objection?

Mr. KITCHIN. Monday is not unanimous-consent day.

Mr. GARD. Yes; it is.

Mr. KITCHIN. Unanimous-consent day is on the first and third Mondays. Is next Monday the third Monday?

Mr. KAHN. The first was on Monday.

Mr. MANN of Illinois. It came in on Monday.

Mr. WINGO. So that there is no question but that Monday is unanimous-consent day?

Mr. KAHN. No.

Mr. KITCHIN. I thought otherwise.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LUFKIN, for 10 days, on account of important business.

To Mr. CULLEN, on Monday, March 15, on account of business in connection with the New York State Hospital Commission.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House resolution 476.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks on House resolution 476. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, what is the resolution?

Mr. KING. The resolution is to investigate the administration of the Federal reserve act.

Mr. WINGO. Does the gentleman intend to extend his own remarks, or what are they?

Mr. KING. A portion are my own remarks and a portion is a communication from a banker, who is a friend of mine, in Chicago, giving information of a nonpartisan nature of interest to the House.

Mr. WINGO. The gentleman did that yesterday. Is it going to be a daily performance?

Mr. KING. No; that was yesterday afternoon.

Mr. WINGO. The gentleman started in the afternoon?

Mr. KING. Yes.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I did not object yesterday, but I have received similar statements concerning the same subject, and I presume every other Member of the House has received similar statements, and I object.

The SPEAKER pro tempore. Objection is made.

Mr. DYER. Regular order!

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an editorial from the Gloversville Leader, in my district.

Mr. DYER. What about?

Mr. CROWTHER. It is not a political editorial.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks by printing an editorial from a newspaper in his district. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker——

Mr. WINGO. What is it about?

Mr. GARD. Mr. Speaker, I do not think we should encumber the RECORD with a lot of editorials. I therefore object.

The SPEAKER pro tempore. Objection is made.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to revise and extend his remarks on the pending bill. Is there objection?

Mr. BLANTON. He has that permission, Mr. Speaker. Every Member who speaks on it has it.

Mr. LITTLE. I thank the gentleman. I did not know.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until Monday, March 15, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation urgently needed for printing and binding for the Treasury Department for the fiscal year 1921 (H. Doc. No. 687); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a tentative draft of a bill for the sale of the old Subtreasury property at San Francisco, Calif.; to the Committee on Public Buildings and Grounds.

3. A letter from the Secretary of the Treasury, transmitting lists of papers, documents, etc., in the files of this department which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FORDNEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 12954) providing for the relief of populations in Europe and in countries contiguous thereto suffering for want of food, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12525) granting a pension to Kate Young, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 13051) to add certain lands to the Lemhi National Forest, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 13052) to pension certain survivors of certain Indian wars, disturbances, and campaigns from January 1, 1859, to January 1, 1891; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 13053) for the relief of certain tribes and nations of Indians in the State of Montana; to the Committee on Indian Affairs.

By Mr. FORDNEY: A bill (H. R. 13054) preventing the collection of a double Federal estate tax upon any portion of an estate upon which a Federal estate tax has been imposed and collected within a period of five years prior to any decedent's death; to the Committee on Ways and Means.

By Mr. STEPHENS of Ohio: A bill (H. R. 13055) to authorize the Secretary of the Navy to sanction the use of certain titles on tablets or other memorials; to the Committee on Naval Affairs.

By Mr. IGOE: A bill (H. R. 13056) to create a Federal postal commission, to define its powers and duties, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: A bill (H. R. 13057) authorizing the issuance of patent to Johnson County, Wyo., of lands for poor-farm purposes; to the Committee on the Public Lands.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts favoring an early increase of the Federal grant for the soldiers' home in Massachusetts and in other States; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to maintaining transportation through the Cape Cod Canal; to the Committee on Railways and Canals.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, favoring an early increase of the Federal grant for the soldiers' home in Massachusetts and in other States; to the Committee on Military Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, favoring an amendment to the Constitution of the United States giving Congress power to regulate the hours of labor; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 13058) granting an increase of pension to Charles W. Bradford; to the Committee on Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 13059) granting a pension to Pearl Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) granting an increase of pension to Earl Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13061) granting an increase of pension to Nellie G. Burrus; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 13062) granting an increase of pension to Andrew Graff; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 13063) granting an increase of pension to James A. Stewart; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13064) granting a pension to Annie E. Walker; to the Committee on Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 13065) granting an increase of pension to Alexander Hidlebaugh; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 13066) granting a pension to Mary Jane Miller; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 13067) granting an increase of pension to Sarah E. Holton; to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 13068) for the relief of the Gadsen Contracting Co.; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 13069) granting a pension to Jessie M. Leadbeater; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 13070) granting a pension to Harriet L. Garber; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 13071) granting a pension to Joseph Neill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2283. By the SPEAKER (by request): Petition of the Georgia State Association of Graduate Nurses, in regard to bill to secure rank for members of the Army Nurse Corps (Jones-Raker bill); to the Committee on Military Affairs.

2284. Also (by request), petition of R. J. Elliott, secretary of Maryland State Interchurch World Movement, regarding the Armenian situation; to the Committee on Foreign Affairs.

2285. By Mr. COSTELLO: Petition of Post No. 315, American Legion, of Philadelphia, urging the passage of House bill 10650, defining sedition, the promoting thereof, providing punishment therefor, and for other purposes, and urging that legislation for the relief of ex-soldiers be passed by Congress; to the Committee on the Judiciary.

2286. By Mr. CULLEN. Petition of Philip P. Grey Post, No. 309, Veterans of Foreign Wars of the United States, Brooklyn, N. Y., favoring the Wadsworth bill for universal military training; to the Committee on Military Affairs.

2287. By Mr. EDMONDS: Petition of Post No. 315, American Legion, Philadelphia, urging the passage of House bill 10650, antisedition legislation; to the Committee on the Judiciary.

2288. Also, petition of Post No. 315, American Legion, Philadelphia, urging the enactment of legislation for ex-soldiers; to the Committee on Ways and Means.

2289. By Mr. ESCH: Petition of the International Association of Machinists, United Lodge, No. 66, of Milwaukee, Wis., against all sedition bills, including the war-time measures; to the Committee on the Judiciary.

2290. By Mr. JOHNSTON of New York: Petition of Philip P. Grey Post, No. 309, Veterans of Foreign Wars, Brooklyn, N. Y., favoring the passage of the Wadsworth military bill; to the Committee on Military Affairs.

2291. By Mr. KENNEDY of Iowa: Petition of sundry citizens of St. Boniface League, favoring the immediate passage of the Sterling-Lehlbach bill; to the Committee on Reform in Civil Service.

2292. By Mr. KING: Petition of sundry citizens of Galesburg, Ill., urging the passage of the Lehlbach-Sterling retirement bill for civil-service employees; to the Committee on Reform in the Civil Service.

2293. By Mr. LINTHICUM: Petition of Coast Artillery Post, No. 58, the American Legion, of Baltimore, Md., favoring a $50 bond per month of service for ex-service men and women; to the Committee on Ways and Means.

2294. Also, petition of Dr. A. H. Chappelle, graduate and licensed optometrist of Baltimore, Md., favoring the removal of excise taxes on spectacles and eyeglasses; to the Committee on Ways and Means.

2295. Also, petition of Swindell Bros., of Baltimore, Md., favoring the repeal of the Lever law regarding the control of fuel; to the Committee on Agriculture.

2296. Also, petition of B. Nicoll & Co., of Baltimore, Md., regarding the coal situation; to the Committee on Interstate and Foreign Commerce.

2297. Also, petition of James Carry, jr., of Baltimore, Md., favoring the passage of House bill 12193; to the Committee on Ways and Means.

2298. By Mr. O'CONNELL: Petition of E. M. Sexton, of New York, urging the Nolan bill, House bill 11984; to the Committee on Patents.

2299. Also, petition of the Philip P. Grey Post, No. 309, of Brooklyn, N. Y., urging the passage of the Wadsworth Army bill; to the Committee on Military Affairs.

2300. By Mr. ROUSE: Petition of Boone Post, No. 4, American Legion of Kentucky, indorsing resolution passed by the national executive committee of the American Legion providing for adjusted compensation in form of $50 bond per month of service; to the Committee on Ways and Means.

2301. By Mr. ROWAN: Petition of the Philip P. Grey Post, No. 309, of Brooklyn, urging the passage of the Wadsworth Army bill; to the Committee on Military Affairs.

2302. Also, petition of H. O. Pond and E. M. Sexton, of New York City, urging the passage of House bill 11984; to the Committee on Patents.

2303. Also, petition of the National Committee to Secure Military Rank for Army Nurses, relative to certain provisions in the Army reorganization bill; to the Committee on Military Affairs.

2304. By Mr. STEPHENS of Ohio: Telegrams from the Foy Paint Co., John L. Richey, the Matthew Addy Co., the Cincinnati Association of Credit Men, and the Lunkenheimer Co., protesting against the abolishing of par collections, etc., House bills 12379 and 12646; to the Committee on Banking and Currency.

2305. By Mr. VARE: Petition of the Bonsack Post, American Legion, Philadelphia, urging the passage of the bonus legislation, etc.; to the Committee on Ways and Means.

2306. By Mr. YOUNG of North Dakota: Petition of the Home Economics Club, of Valley City, N. Dak., urging the passage of House bill 10925; to the Committee on Interstate and Foreign Commerce.